

FROM THE CAPITAL TO THE CLASSROOM

Year

of the No Child Left Behind Act

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Summary and Recommendations

Broad Conclusions

The impact of the No Child Left Behind Act continued to broaden and deepen during 2005, the law's fourth year of implementation. NCLB affects a range of state and local decisions, both small and large—when and how students take tests, which textbook series districts adopt, which children receive extra attention and how they are grouped, how states and districts spend their own money, how teachers are trained, and where principals and teachers are assigned to work, to cite just some examples.

Since 2002, the Center on Education Policy, an independent nonprofit organization, has been studying federal, state, and local implementation of the No Child Left Behind Act. This is CEP's fourth annual report of the most comprehensive, long-term national study of the Act. This year our findings are based on a survey of all 50 states, a nationally representative survey of 299 school districts, case studies of 38 geographically diverse districts and 42 schools, six special analyses of critical NCLB issues, and three national forums.

Four broad conclusions about the impact of NCLB have emerged from our research this year.

IMPACT ON TEACHING AND LEARNING

First, teaching and learning are changing as a result of NCLB. Administrators and teachers have made a concerted effort to align curriculum and instruction with state academic standards and assessments. Principals and teachers are also making better use of test data to adjust their teaching to address students' individual and group needs. Many districts have become more prescriptive about what and how teachers are supposed to teach. Some districts encourage teachers to follow pacing guides that outline the material to be covered by different points in the school year, while others have hired instructional coaches to observe teachers teaching, demonstrate model lessons, and give teachers feedback on ways to improve.

Moreover, 71% of school districts reported that they have reduced elementary school instructional time in at least one other subject to make more time for reading and mathematics—the subjects tested for NCLB purposes. In some case study districts, struggling students receive double periods of reading or math or both—sometimes missing certain subjects altogether. Some districts view this extra time for reading and math as necessary to help low-achieving students catch up. Others pointed to negative effects, such as short-changing students from learning important subjects, squelching creativity in teaching and learning, or diminishing activities that might keep children interested in school.

NCLB has also changed teaching by influencing what teachers must do to be considered well-qualified. Soon, almost all teachers of academic subjects will be highly qualified according to the Act's definition, which essentially means they have demonstrated knowledge in the subjects they teach by holding a degree in their subject, completing more coursework,

or other means. But most district officials we surveyed expressed skepticism that these teacher requirements are improving the quality of teaching.

IMPACT ON STUDENT ACHIEVEMENT

Second, scores on state tests are rising in a large majority of states and schools districts, according to the state and local officials we surveyed. Many states and districts cited the NCLB requirements for adequate yearly progress as an important factor in rising achievement, but far more credited school district policies and programs as important contributors to these gains.

Under NCLB, states and school districts report achievement primarily in terms of the percentage of students scoring at the proficient level or above on state tests. These percentages will rise if students are learning more, and evidence from our study suggests that increased learning accounts for some of the improvement in state test results. But many states have also taken advantage of additional flexibility from the U.S. Department of Education to make policy changes that may result in more students being counted as proficient. These changes include testing some students with disabilities against modified or alternate standards and counting passing scores from students who retake a test they previously failed. It's not clear to what extent state policy changes have contributed to rising percentages of students reaching proficiency.

To understand more clearly what's happened with student achievement since the implementation of NCLB, CEP will undertake a study over the next year of student achievement trends in several states. This study will look at evidence from a variety of sources and will be the centerpiece of our year 5 work on NCLB.

EFFECTS HOLDING STEADY

Third, the number of schools identified for improvement under the NCLB accountability provisions has remained fairly steady since last year, despite earlier predictions that these numbers would soar over time. These are not always the same schools; a modest proportion of schools tests out of improvement each year, while other new schools enter improvement. But overall, the percentage and number of schools in improvement have varied little. This is partly due to changes in federal and state rules for testing students and determining adequate yearly progress—changes that essentially have made it easier for districts and school to make AYP. Examples include using a statistical technique called confidence intervals that allows some schools to make AYP even if students fall well short of proficiency targets; using index systems to give credit for gains by lower-achieving students; and increasing the minimum number of students that must be in a subgroup in order for the subgroup's test scores to count for AYP.

The number of students affected by key NCLB accountability provisions has also stabilized. The percentage of all eligible students taking advantage of the NCLB school choice option to change schools remains at less than 2%, while the percentage participating in tutoring programs has hovered around 20% for the past two years.

GREATER IMPACT ON URBAN DISTRICTS

Fourth, although all school districts are affected by the Act, urban districts are increasingly experiencing the greatest effects. The majority (54%) of Title I schools identified for improvement nationwide are located in urban districts; this is disproportionate because only 27% of Title I schools are located in urban districts. Greater proportions of urban districts

than suburban or rural districts have been identified for district improvement. About 90% of the schools in restructuring, the last stage of NCLB's sanctions, are in urban districts.

The diversity found in urban districts is a major reason why NCLB is having a greater impact. Some urban districts in our case studies must make AYP for 6 to 10 subgroups of students, based on race/ethnicity, income, language background, or disability status, while some rural districts have to show progress for just two subgroups—white and low-income students. Increases in states' minimum subgroup sizes help smaller districts more than larger ones. Urban districts are also more affected by NCLB sanctions because of their size. They must demonstrate AYP for dozens of schools, while a small district may have just one school for each grade span. Furthermore, poverty affects achievement, and urban districts often have very high percentages of low-income students.

Our study did reveal some good news for urban districts. The proportion of districts that said they are on track to have all of their academic teachers highly qualified by the end of this school year was similarly high across urban, suburban, and rural districts. And for the first time this year, our data showed no significant difference in the percentage of high-minority-enrollment districts and lower-minority-enrollment districts reporting that all their teachers are highly qualified. Still, some urban districts participating in our case studies said they have trouble hiring and keeping highly qualified teachers.

In another bit of encouraging news, 85% of urban districts reported overall increases in student achievement—a proportion very similar to the percentage of suburban and rural districts reporting achievement gains. The reason why urban achievement can be rising while many urban schools are not making AYP is that urban schools typically had fewer students scoring at proficient levels when NCLB went into effect. So an urban school might post gains in its percentage proficient but still fall short of AYP targets.

Major Findings about Specific Aspects of NCLB

In addition to reaching four broad conclusions, our study also arrived at several major findings about specific aspects of NCLB. This section briefly summarizes major findings that have not been discussed above in the broad conclusions. It also provides key data to support the broad conclusions. The findings that follow are presented in the order of the report's eight chapters. Readers are also encouraged to review the additional key findings that appear in bulleted form at the beginning of each chapter.

CHAPTER 1—BROAD EFFECTS

A consensus is emerging among educators about the positive and negative effects of the No Child Left Behind Act, as evidenced by the responses to our surveys and case studies. Universally acclaimed features of NCLB are its high learning expectations for all students and its focus on the performance of subgroups that have traditionally lagged behind. Other positive effects of NCLB include improved alignment between curriculum standards and instruction and better use of data to adjust teaching.

On the negative side, NCLB is placing greater burdens on states, districts, and schools without adequate federal reimbursement. States and districts lack both the funding and the staff capacity to carry out all of the demands of NCLB, according to our surveys. Some 80% of school districts said they had costs for NCLB that were not covered by federal funds. Thirty-three states reported that federal funds have been inadequate to assist all schools identified

for improvement, and less than half of the school districts said they have enough money to assist identified schools at least somewhat. In addition, 36 states told us they do not have enough staff to implement NCLB—a major concern because state agencies are the source that school districts most often turn to for help in implementing NCLB.

In several case study districts, interviewees told us that the constant pressure to raise test scores sometimes caused great stress for teachers and that the labeling that comes with missing AYP targets was having a negative effect on morale in some schools.

Despite the additional flexibility granted by Secretary of Education Margaret Spellings, states and districts continue to see the law's accountability requirements as their greatest challenge by far in implementing NCLB. In particular, survey respondents raised concerns about how progress is judged for students with disabilities and English language learners, and several questioned their ability to bring 100% of students to proficiency by 2014.

CHAPTER 2—ACHIEVEMENT

A large majority (78%) of districts reported that student achievement improved from 2003-04 to 2004-05 on the state tests used for NCLB. States also reported gains: 35 states said achievement had improved in reading during this time, and 36 states said it had improved in math. Some national studies have found similar evidence of rising test scores, but the National Assessment of Educational Progress data show no gains in reading and small gains in math from 2002 to 2005. Our case studies revealed a more mixed and complex view of achievement than our surveys, with trends fluctuating by year or varying by grade to the point that it's difficult to say whether achievement is rising or falling.

Most of the states and districts we surveyed reported that state test score gaps between student subgroups had narrowed or stayed the same rather than widened. More than two-thirds of states said that achievement gaps between subgroups were narrowing or staying the same in math, and about four-fifths of states reported that gaps were narrowing or staying the same in reading. Similarly, more school districts said that gaps were narrowing or staying the same than said that gaps were widening. In our case studies, trends in student achievement gaps were less definitive. Several districts experienced variations by grade level and year that made it impossible to reach an overall conclusion about achievement gaps. Moreover, in some districts, African American or Latino students made great gains but the gaps did not narrow because white or Asian students made similar gains.

CHAPTER 3—ACCOUNTABILITY

According to CEP's school district survey, about 16% of all schools and 24% of all school districts did not make adequate yearly progress based on 2004-05 testing. For the 2005-06 school year, about 14% of Title I *schools*, or 6,748 schools, are in various stages of improvement, including corrective action and restructuring. Approximately 13% of school *districts* are in improvement.

Only a modest number of schools—about 3% nationwide—have moved into corrective action and restructuring, the later stages of NCLB reform that entail such actions as replacing staff, overhauling curriculum, or making governance changes. Just under 600 schools nationwide are in the advanced stage of restructuring, which involves changes that may range from replacing most of the staff to turning over the school to a private management firm.

CHAPTER 4—STRATEGIES TO RAISE ACHIEVEMENT AND IMPROVE SCHOOLS

Among the states reporting in our survey that student achievement has increased, about three-fourths rated district policies as “important” or “very important” causes of these increases, and most also rated state policies as important or very important. Mirroring the state views, 79% of the districts we surveyed rated their own policies as important or very important causes of increased student achievement, far more than those reporting that federal policies were important or very important. As for the influence of the No Child Left Behind Act, about half of district officials reported that the law’s AYP requirements were an important or very important contributor to higher student achievement—a view that was echoed by about two-thirds of the states with rising achievement. But NCLB choice and supplemental educational services have not been major influences on student achievement, according to our state and district surveys.

Of the districts surveyed, 60% had policies requiring teachers to devote a specific amount of time to reading and 50% had policies requiring a specific amount of time for math. Nearly all of the highest-poverty districts (97%) had policies specifying the amount of time to be spent on reading, compared with 55% of the lowest-poverty districts. To make more time for reading and math in elementary schools, districts cut time for social studies (reduced to a great extent or somewhat by 33% of districts), science (29% of districts), and art and music (22%), among other subjects or activities.

The strategies most often used by the largest number of states to improve student achievement in schools identified for improvement were making “special grants to districts to support school improvement efforts” (45 states) and “aligning curriculum and instruction with standards and assessment” (44 states). These were the same strategies that states reported to be moderately or very successful in raising student achievement. Among school districts, the most popular strategies to improve achievement in identified schools were using research to inform decisions about improvement strategies (used by 96% of districts), aligning curriculum and instruction with standards and assessments (96%), and increasing the use of student achievement data to inform instruction and other decisions (95%). These same strategies were reported to be moderately or very successful in raising student achievement by at least three-quarters of school districts.

CHAPTER 5—PUBLIC SCHOOL CHOICE

In 2005-06, 14% of school districts were required to offer public school choice under the No Child Left Behind Act, and 17% of the students in these districts were eligible to change schools. These proportions from the district survey have changed little since last year. A higher percentage of urban districts and larger districts had schools required to offer choice than rural or smaller districts did.

Very few students who are eligible for NCLB choice actually take advantage of it, however—just 1.6% of those eligible in 2005-06. This share has not changed significantly since 2002-03 when choice was first offered. Similarly, few students in our case study districts have taken advantage of NCLB choice; in some districts, no student has changed schools.

Although NCLB requires districts with schools in improvement to offer choice to students in identified schools, some districts cannot offer or are not offering choice. In 2005-06, 30% of these districts had schools—an average of two schools per district—that were supposed to offer choice but were unable to do so. At the same time, two schools per district, on average, were offering supplemental educational services in lieu of choice. Districts may be unable to offer choice if they have few or no other schools serving the right grades, if receiving schools are already crowded, or if other schools in the district are also in improvement. But on average, most districts offered students three choices of receiving schools.

District and school officials participating in our study also speculated that parents and students are not interested in changing schools. These officials cited long commutes, satisfaction with current schools, and a desire to participate in neighborhood schools as reasons why few eligible students transfer.

CHAPTER 6—SUPPLEMENTAL EDUCATIONAL SERVICES

In 2005-06, 12% of districts were required to offer supplemental educational (tutoring) services, and 15% of students in those districts were eligible for supplemental services. These percentages have changed little over the last four years according to our surveys. A larger proportion of urban districts (40%) had schools required to offer supplemental educational services than suburban districts (12%) or rural districts (9%). The percentage of all eligible students actually receiving supplemental services has been relatively small, just 20% in 2005-06, about the same as in the previous year. Still, more eligible students are using supplemental educational services than are using the NCLB choice option.

According to our district survey, the average number of supplemental service providers has grown dramatically, from an average of 4 providers in 2002-03 to 20 in 2004-05. States reported that as of August 2005 more than half of providers (54%) were for-profit entities, while 21% were nonprofit entities, and 9% were school districts. The percentage of urban districts that are approved providers has declined significantly, however, from 43% in 2003-04 to 13% in 2005-06. A similar drop has occurred among suburban districts. This decline may be the result of some urban and suburban districts being identified for improvement and thus no longer being allowed to directly provide supplemental services except in special cases.

The greatest challenges to implementing supplemental services relate to monitoring the quality and effectiveness of supplemental service providers; 41 states and about half (51%) of school districts called this a moderate or serious challenge.

CHAPTER 7—TEACHER AND PARAPROFESSIONAL QUALITY

School districts are on their way to meeting the highly qualified teacher requirements of the No Child Left Behind Act, especially since the Secretary of Education has extended the deadline for another year for those making a good faith effort to comply. Of the districts we surveyed, 88% expected to meet the law's original deadline for all teachers of core academic subjects to be highly qualified by the end of this school year. Despite overall progress, states and districts report having difficulty in meeting the highly qualified requirements for some teachers, such as special education teachers, high school math and science teachers, or teachers in rural areas who teach multiple subjects.

Only 9% of state respondents and 8% of school districts said that they believed the NCLB teacher quality requirements have improved the quality of teaching to a great extent. Roughly a third of both states and districts said they believed the requirements have had some impact, but a sizeable share of districts (59%) reported that the requirements have had little or no impact.

Over 80% of school districts report that their Title I paraprofessionals will meet the NCLB qualifications requirement by the end of this school year. According to our case studies, most paraprofessionals who were not highly qualified have met the criteria by passing a competency test rather than getting a degree.

CHAPTER 8—ENGLISH LANGUAGE LEARNERS

States have made progress in implementing key provisions of Title III of the No Child Left Behind Act, the program to help English language learners attain proficiency in English. Forty-nine states have an English language assessment, and 38 said they have annual measurable achievement objectives for English language learners. State AMAOs for Title III vary considerably. Many states have not established all three types of AMAOs required by the Act, and many AMAOs are vague about how progress or proficiency will be measured. Furthermore, states have been slow in reporting data to districts showing their progress in meeting AMAOs.

Many of the states and districts we surveyed identified the state requirement to develop or adopt an English language assessment as both a positive effect of NCLB and one of its greatest implementation challenges. On the positive side, the assessment provides new, useful information about students' language development. On the negative side, implementing the assessment consumes instructional time and resources.

Forty-six states have developed programs, processes, or technical assistance systems to help districts and schools address the language proficiency needs of English language learners. Professional development for teachers and technology-based assistance were among the most common types of support. Most large school districts have also developed interventions or technical assistance programs intended specifically to improve instruction for ELLs, but these programs are far less common in small school districts.

Recommendations

The No Child Left Behind Act is clearly having an effect on American schools, as evidence from our study illustrates, but there is a need to improve its administration and funding. Based on input from the hundreds of state officials and local educators who participated in our study and on the knowledge we've gained through our multiyear analysis of the Act, CEP has developed eight recommendations to help NCLB work better.

Last year, in our report on year 3 of NCLB, we also made eight recommendations for improvement. The U.S. Department of Education took action, at least partially, on four of these suggestions—modifying the rules for assessing students with disabilities, allowing some school districts identified for improvement to be direct providers of tutoring services, bringing some additional clarity to federal administration, and allowing a limited number of states to experiment with different types of growth models to measure adequate yearly progress. We are pleased ED has taken these actions and urge the Department's leaders to follow through on all these changes.

We also recommend that the federal government take the following actions immediately to improve the administration and funding of NCLB. Although legislative changes are also needed, we have not recommended changes to the law this year since Congress has not begun the process of reauthorizing the Act.

1. **Transparency in state accountability.** The Department should provide more information to the public about the process for considering state changes to accountability plans. As discussed in chapter 3, the negotiations between the federal government and the states about these changes are not an open process, and the criteria for determining which requests are granted are not transparent. Greater transparency will help ensure

that changes are made for valid testing or educational reasons and not just to help more schools make AYP. We also recommend that ED make public the criteria it is using to review state assessment systems.

2. **Monitoring effects of flexibility on AYP.** The Department should monitor and report on how confidence intervals, the safe harbor provision, and similar flexibility provisions are affecting the number of schools and districts making AYP. As explained in chapter 3, some schools or subgroups could make AYP with only very small improvements from the previous year, especially if safe harbor is used in conjunction with a confidence interval. Information about the impact of these provisions will help policymakers and educators determine whether the proper balance of flexibility and accountability has been achieved and whether schools are truly on track to meet the goal of 100% proficiency by 2014.
3. **Guidance and support for modified standards and assessments.** The Department of Education ought to move swiftly to fully implement the rule for assessing certain students with disabilities, the so-called “gap children,” using modified standards. This policy change was announced last year, and ED has allowed districts some flexibility this year in counting test scores from these students, but the final rules have not been published. Moreover, many states cannot implement this policy because they don’t have the necessary assessments. So it is equally important for ED to provide states with technical assistance and funding to help them develop modified standards and assessments for students with disabilities. States need similar support to help them develop tests of content knowledge in native languages for English language learners.
4. **Adequate funding for NCLB.** The President and the Congress must provide adequate funding for the Act. Both of these branches of government moved in exactly in the wrong direction last year by approving a cut in federal education spending. This year, the President has aggravated the problem by requesting further budget cuts in education just as the demands of NCLB are increasing. In the long run, this is a counterproductive policy that will aggravate criticisms of the Act.
5. **Support for school improvement.** The Department and the Congress should earmark more funding and provide other types of support to help strengthen states’ and districts’ capacity to assist schools identified for improvement. Many states and districts lack sufficient funds, staff, or expertise to help improve all identified schools. The President’s fiscal year 2007 budget recommends a separate appropriation for school improvement assistance, in addition to what states must reserve for this purpose from Title I, Part A. But as explained in chapter 1, the Title I-A reservation has not worked as intended, and funds have fallen short of the required reservation in many states. Because of these problems, the Title I-A school improvement reservation is likely to yield far less funding for this purpose next year than the President’s budget estimates, so this funding must be boosted and the problem with the reservation fixed.
6. **Authority to oversee supplemental service providers.** The Department and the Congress should give states and school districts sufficient resources and authority to successfully oversee supplemental educational service providers and evaluate their effectiveness in raising student achievement. CEP made a similar recommendation last year, and the need is as great today as it was then. Current federal regulations unduly restrict the ability of school districts to establish rules for supplemental service providers. Yet school districts are ultimately responsible for allocating funds to providers and raising the achievement of the students who receive tutoring services.

7. **Expanded supplemental service pilot program.** The Secretary of Education should use her waiver authority to expand the pilot program that allows some districts to offer supplemental educational services instead of school choice in the first year of improvement and to wait until the second year of improvement to offer choice. Since supplemental services are reaching a higher percentage of all eligible students than choice, reversing these steps would provide more students with expanded educational options in year 1 of improvement. ED could use evidence from this year's pilots to guide implementation of additional pilots.
8. **Attention to other subjects.** The Secretary of Education should use her bully pulpit to signal that social studies, science, the arts, and other subjects beside reading and math are still a vital part of a balanced curriculum. The Department should publicize effective practices being used by school districts to enhance instruction in tested subjects without cutting time for other important subjects.

Information Sources and Abbreviations

Information Sources for This Report

The Center's study of year 4 implementation of the No Child Left Behind Act is based on the following major data sources. More information about each of these sources and research methods can be found in the appendix.

- **State survey.** Every year we survey state departments of education about the effects of NCLB. In fall and winter of 2005, all 50 states responded to a detailed survey. To ensure the accuracy of the information, we maintain anonymity of individual state responses.
- **School district survey.** Every year we survey a nationally representative sample of school districts. The survey is constructed to provide a national picture of NCLB implementation at the district level and allow the results to be analyzed by size of district and by urban, suburban, or rural status. In fall 2005, we surveyed our sample of 417 districts. A total of 299 districts responded to the survey for a response rate of 72%.
- **School district case studies.** In fall and winter of 2005, we conducted case studies of 38 school districts, selected to be diverse in geography and size and to include a proportion of urban, suburban, and rural districts that roughly parallels the national distribution. All of the case studies entailed in-depth interviews with district staff, and 14 case studies included site visits to the districts. In 18 of the districts, our researchers also conducted case studies of individual schools to better understand the effects of NCLB at the school and classroom levels. Altogether, we collected information from 42 schools. The appendix lists all of the case study districts. Examples from the case studies are included in all chapters of this report, and further details can be found in the individual case study reports for each district, accessible through the CD-ROM accompanying the report and through the Center's web site, www.cep-dc.org.
- **National forums.** During 2005, the Center sponsored three national forums to discuss major issues in implementing NCLB and solicit ideas from expert practitioners and researchers that address implementation problems. The issues addressed at these forums included 1) supplemental educational service providers; 2) state and local costs involved in implementing NCLB, and lawsuits related to NCLB; and 3) teacher recruitment and retention at high-need schools, and NCLB professional development provisions.
- **Special analyses.** During 2005, the Center's staff and consultants conducted six special analyses of the following issues related to NCLB: 1) Title I allocations to school districts for 2005-06; 2) funding for school improvement activities under Title I; 3) Reading First grants; 4) amendments to state accountability plans; 5) the NCLB restructuring process in Michigan; and 6) the NCLB restructuring process in California. These analyses were published as separate reports available at www.cep-dc.org.

- **Other sources.** The Center’s staff and consultants reviewed regulations, guidance, and policy letters from the U.S. Department of Education and information on state Web sites related to NCLB implementation. We also reviewed studies and reports about NCLB produced by other organizations and monitored daily media coverage of NCLB.

Definitions for District Survey

Many of the data tables and narrative discussions in the report include percentages or numbers of school districts. Unless otherwise stated in tables or text, the universe of school districts for the district survey was a nationally representative sample of 417 school districts that receive funding under the federal Title I program; 299 districts responded to the survey. These survey districts represent the approximately 12,000 districts that receive Title I funds. All data cited in the tables and text of the report are estimates.

In many cases, district survey data were analyzed by district size and urbanicity. The survey used the following size categories, which apply to the data tables and discussion in this report:

- Very large districts—enrollments from 37,741 to 1,049,831 students
- Large districts—enrollments from 10,449 to 37,740 students
- Medium districts—enrollments from 3,504 to 10,448 students
- Small districts—enrollments from 200 to 3,503 students

Districts were categorized as urban, suburban, or rural based on the Metropolitan Statistical Code variable (MSC01) used in the U.S. Department of Education Common Core of Data. More explanation of how the sample of survey districts was selected can be found in the appendix.

Abbreviations Used in the Report

The report uses the following key abbreviations. Any abbreviations not on this list are defined in the chapter in which they appear.

- AMAO—Annual measurable achievement objective
- AYP—Adequate yearly progress
- CEP—Center on Education Policy, the organization conducting this study
- ED—U. S. Department of Education
- ELD—English language development
- ELL—English language learner
- ESEA—Elementary and Secondary Education Act (amended by NCLB)
- FRPL—Free and reduced-price lunch (the number of students eligible for free or reduced-price school lunch is often used as an indicator of a school’s level of poverty)

- HOUSSE—High objective uniform state standard of evaluation (developed by states to allow veteran teachers to demonstrate they are highly qualified according to the NCLB definition)
- IASA—Improving America’s Schools Act (predecessor law to NCLB)
- IDEA—Individuals with Disabilities Education Act
- NAEP—National Assessment of Educational Progress
- NCLB—No Child Left Behind Act
- SES—Supplemental educational services

Broad Effects

Key Findings

- Some aspects of the No Child Left Behind Act are having a positive effect on education. State and district officials cited the Act's focus on the academic performance of student subgroups as having a positive effect. Several states and districts mentioned that the Act has fostered better alignment between instruction and state curriculum standards, and has prompted schools and districts to more effectively use test data to adjust teaching.
- NCLB is also producing some negative effects. Officials we surveyed or interviewed in several districts said that NCLB has escalated pressure on teachers to a stressful level and has negatively affected staff morale in some schools. Several districts expressed frustration with the law's administrative and paperwork burden. Other districts noted negative effects on curriculum and instruction, such as a narrower emphasis on tested content and skills, less time for some subjects, and diminished creativity in the classroom.
- States and districts cited the law's accountability requirements as their greatest challenge by far in implementing NCLB. States and districts voiced concerns about how students with disabilities and English language learners are tested and how their progress is judged. And several states and districts questioned their ability to bring 100% of students to the proficient level of achievement by 2014.
- States and districts reported that federal funds are inadequate to carry out all of the duties required under NCLB. Thirty-three states reported that funds have been inadequate to assist all schools identified for improvement, while 80% of school districts said they had costs for NCLB that were not covered by federal funds, such as costs for administering assessments, managing data, and providing professional development to help teachers meet the law's requirements.
- Thirty-six states told us they do not have enough staff to implement NCLB, and 26 said they do not have sufficient staff expertise. This is cause for concern because state education agencies are the source that school districts most often turn to for help in implementing NCLB.
- The majority of school districts reported having the time, staff, and expertise to assist schools identified for improvement at least somewhat. But less than half of school districts (48%) said they have the money to assist identified schools somewhat or to a great extent.
- U.S. Secretary of Education Margaret Spellings has given states and districts some new flexibility in administering the Act. Still, states overwhelmingly agree that ED is strictly or very strictly enforcing most key provisions of the Act.

Introduction

After four years of implementation, the No Child Left Behind Act has permeated daily school activities in countless ways. Teachers and principals are poring over test results with unprecedented intensity. Struggling students are receiving extra lessons in reading and math, sometimes at the expense of class time in other subjects. Persistently low-performing schools have replaced principals and teachers or brought in “coaches” to help revamp instruction. Whether these trends are seen as good or bad often depends on whom one asks.

NCLB has also crept into the public consciousness to a greater degree than before. State legislatures have hotly debated whether NCLB is overly intrusive and underfunded. News stories listing schools that have missed the law’s achievement targets have set parents wondering about what to do when their neighborhood school shows up on the list. Over the past year, NCLB has even been the subject of a documentary film, a folk song CD, and a sing-along cartoon on the Web (Passat, 2005; Gewertz, 2005; American Federation of Teachers, n.d.).

This chapter looks at the broad effects of NCLB during year 4 of implementation. In particular, the chapter examines the following issues:

- The expanding impact of NCLB over the past year
- General attitudes of policymakers, educators, and citizens about NCLB
- Major positive and negative effects of NCLB, according to our surveys and case studies
- Greatest challenges of implementing NCLB, according to our surveys and case studies
- Specific challenges of providing adequate funding for NCLB, ensuring sufficient staff capacity to carry out the Act, and achieving the right balance of flexibility and helpfulness in federal administration
- Suggestions for revising federal policies from our surveys and case studies

Expanded Impact of NCLB in Year 4

The impact of the No Child Left Behind Act continued to broaden and deepen in year 4, as key deadlines arrived, schools entered later phases of NCLB sanctions, and state and district staff became savvier about the details of implementing the law.

INFUSION INTO SCHOOL ACTIVITIES

Our case studies suggest that over time, NCLB has become more infused with the everyday activities of schools and districts. NCLB affects when and how students take tests, which textbook series districts adopt, how school staff analyzes test results, which teaching methods teachers use, which children receive extra attention, how districts spend state and local money, and where teachers and paraprofessionals are assigned to work—to cite just a few areas of influence noted in case studies. NCLB has shaped the way teachers and principals talk about students. “Building by building, I see teachers sitting down and discussing low-performing students,” said an administrator in Alaska’s isolated Kodiak Island Borough School District. “I have seen school groups actually get excited about data analysis.”

Some districts are not happy about the degree of federal influence. Officials with the Wake County Public School System in North Carolina, for example, contend that NCLB has taken time, energy, and resources away from the district's own reforms, which they view as more ambitious and sophisticated than the federal accountability system. Leaders in the Chicago Public Schools continue to make decisions about school reform based largely on the district's own accountability system because, as one administrator put it, "We want to look at the whole picture, and [NCLB] gives us a blurry, low-pixel picture of what's going on."

Still, NCLB seems to have become an accepted, or at least tolerated, part of how schools function, even in districts with complaints about some of its specific requirements. An administrator from Fremont County School District #1 in Wyoming said that despite the burdensome paperwork involved, NCLB has become an accepted part of district operations and has brought "a much greater reality and understanding of the importance of accountability at the instructional level."

Over time, NCLB also seems to have become more integrated with district policies. In the Kansas City, Kansas Public Schools, a case study district that had made a commitment to education reform well before NCLB, federal AYP standings have influenced which schools are targeted for instructional audits, a process through which district administrators review the rigor and alignment of the school's curriculum and assess how well teachers engage students.

NEW REQUIREMENTS TAKING EFFECT

The impact of NCLB has also expanded with the addition of more grades to the testing cycle. By school year 2005-06, states must have tests in place for all the grades 3 through 8 and at least one high school grade. Although many states met this deadline early, 23 states have expanded their testing programs this year to comply with the law (Olson, 2005). In some states, the number of students tested for NCLB purposes will more than double. In Wisconsin, for example, the state Department of Education expects the number of students taking state tests to rise from about 190,000 in 2004-05 to almost half a million this year (Borsuk, 2005). Nationally, the number of tests mandated by NCLB could increase by 11.4 million by the end of this school year, according to Education Sector, a Washington-based nonprofit group (Toch, 2006).

With these added assessments have come extra costs for test development, administration, and scoring. Officials in the Sheboygan Area Schools (Wisconsin), a case study district, estimated that in fall 2005, some schools had to use portions of up to 13 days to complete all the state testing required by NCLB.

Over the past year, school districts also stepped up their efforts to meet the NCLB deadlines for ensuring that all teachers are highly qualified under the law's criteria by the end of school year 2005-06 and that all Title I instructional paraprofessionals were highly qualified by January 8, 2006. Although U.S. Secretary of Education Margaret Spellings extended both deadlines, as described in chapter 7, the original deadlines have had a strong impact, according to our case studies. Several districts took active steps to help their staffs meet the deadlines, such as paying for coursework or setting up paraprofessional training programs.

SCHOOLS ENTERING LATER PHASES OF SANCTIONS

The passage of time has also extended NCLB sanctions to schools unaffected in past years. This school year, some districts and schools failed to make AYP or were identified for improvement for the first time, while others progressed to the corrective action and restruc-

turing phases of NCLB. The small Avon Public School District in Massachusetts, for example, did not make AYP for the first time based on 2004-05 testing. The Escondido Union School District in California entered year 1 of improvement in 2005-06, as did three more of its schools. In California, which began identifying schools for improvement earlier than most states, the number of schools in restructuring increased by 49% over the previous year and now totals 404 (CEP, 2006b).

Although the influence of NCLB has grown, it is by no means uniform. As discussed in chapter 3, NCLB is having the greatest impact in large, diverse urban districts—which often have tens of thousands of students who must reach proficiency, dozens of schools that must make adequate yearly progress, thousands of teachers and paraprofessionals who must be highly qualified, and up to 10 subgroups that must meet AYP targets. A majority of our case study districts, which were selected to roughly approximate the national distribution of urban, suburban, and rural districts, enroll fewer than 5,000 students and have no schools in improvement—a condition that immediately reduces some of the impact of NCLB.

Nevertheless, the federal law is having a tangible impact even in smaller districts. Some are still struggling to meet NCLB teacher requirements, several fear that testing more grades may hurt their AYP status, and many have made curricular and instructional changes to help them reach NCLB achievement goals. As described below, some smaller districts also feel pressured by NCLB's paperwork, data management, and test administration demands, which must be carried out by a small administrative staff.

Attitudes about NCLB

As the impact of the No Child Left Behind Act has broadened, so has discontent about its requirements. During 2005, state and local criticism of NCLB rose to a boil. The U.S. Department of Education tried to turn down the heat by changing some policies and negotiating with individual states about additional types of flexibility, but dissent continues to bubble up, and lawsuits have been filed over NCLB. Educators, policymakers, parents, and advocacy groups from across the political spectrum continue to voice criticisms of NCLB. Among the public, opinion polls issued in 2005 reveal mixed attitudes about NCLB.

STATE AND LOCAL BACKLASH AGAINST NCLB

Some of the fiercest rebellion against NCLB in year 4 came from state policymakers—both Republicans and Democrats. As of June 2005, bills or resolutions related to NCLB had been introduced in 20 states (National Conference of State Legislatures, 2005a). Some of these measures called on the state to withdraw from participating in NCLB (and risk losing federal funds) or to allow school districts to opt out. Some asserted the primacy of state accountability requirements over federal ones, while others demanded that the federal government pay for all costs associated with implementing the Act. Still others endorsed specific changes to federal requirements. In several states, NCLB-related bills or resolutions made it through at least one chamber of the state legislature.

The state rebellion was quelled to a degree when Margaret Spellings, who became Education Secretary in January 2005, gave states some additional flexibility in meeting NCLB requirements, as discussed later in this chapter. Ultimately, only three states enacted NCLB-related legislation in 2005, and only Utah's was a direct challenge to federal authority. The bill enacted in Utah in May 2005 allows state accountability requirements to supersede federal NCLB

mandates and directs state officials to ignore NCLB provisions not paid for with federal funds (Keller & Sack, 2005). The Virginia legislature shelved a hard-line proposal to opt out of NCLB and instead approved a compromise bill in March 2005 that directed the state board of education to seek waivers of the law's most prescriptive requirements and conduct a study of state and local costs of NCLB compliance. Colorado adopted legislation in May 2005 that allowed districts to decline to participate in NCLB without incurring state penalties.

Though neutralized somewhat, the backlash against NCLB has by no means ended. A bipartisan task force of the National Conference of State Legislatures made 43 recommendations for revising NCLB that range from fully funding the Act to removing the one-size-fits-all method of measuring student performance (NCSL, 2005b). The group also called on ED to adopt a more transparent, uniform, and even-handed approach for granting waivers of requirements.

At the federal level, dozens of bills to amend NCLB have been introduced in the Congress by both Republican and Democrat lawmakers. Many of these proposals seek to revise the law's testing and accountability requirements or expand state and local flexibility in such areas as teacher qualifications, choice, and supplemental services. Some call on the federal government to guarantee full funding for the Act. Others address narrow issues. But Congressional leaders have shown no inclination to amend NCLB until its scheduled reauthorization in 2007.

At the local level, several school districts in Illinois, Connecticut, and Vermont have rejected Title I funds as a strategy to opt out of NCLB's requirements and costs. A few other districts that do not receive Title I funds have resisted implementing NCLB's mandates. One such district is Marlboro Elementary School in Vermont, a case study district. Marlboro does not receive Title I funds and has resisted implementation of NCLB from the beginning. District leaders see the law as "inherently flawed." In 2005, after the state threatened to pull the school principal's license, the district softened its stance, and administered NCLB-mandated state assessments, as described in chapter 4. Still, district officials fear the law will lead to top-down management of schools and stifle the creative instruction that has contributed to high student achievement.

PUBLIC OPINION

Public opinion polls released in 2005 suggest that Americans have become more aware of No Child Left Behind, although many Americans—a majority in one poll—still know little or nothing about NCLB. Attitudes about the law vary. A sizeable share of the public views NCLB favorably, and a sizeable share views it unfavorably. Unfavorable impressions rise when people are asked specific questions about the law's requirements. And the general public perceives NCLB more positively than teachers do.

A survey conducted for the Educational Testing Service found that the public's awareness of NCLB has grown (Hart & Winston, 2005). About 61% of Americans polled in 2005 said they had heard a "great deal" or a "fair amount" about NCLB, up from 54% in 2004. About 45% of the adults polled, and 46% of the K-12 parents, said they had a favorable impression of NCLB, but 75% of the teachers polled reported having an unfavorable impression.

The annual Phi Delta Kappa/Gallup poll of attitudes about public schools asserted that the more people learn about NCLB, the less they agree with its strategies (Rose & Gallup, 2005). This poll asked respondents how much they knew about NCLB (unlike the ETS poll, which asked people how much they had heard about NCLB). The share of

PDK/Gallup respondents who said they knew a great deal or fair amount about the Act increased from 24% in 2003 to 40% in 2005. Still, 59% of those polled in 2005 said they knew little or nothing about NCLB. Among those polled, 28% said they viewed NCLB favorably or somewhat favorably, while 27% said they viewed it somewhat or very unfavorably. However, the unfavorable views were notably higher (57%) among those who professed “a great deal” of knowledge about the Act.

About 90% of those polled by PDK/Gallup expressed support for the NCLB goal of narrowing the achievement gap between white and minority students. But a majority of respondents disagreed with several other aspects of NCLB, as the following results show:

- More than two-thirds (68%) said they did not think a single test provides a fair picture of whether a school needs improvement. And 80% believed that testing students in reading and math only does not provide a fair picture.
- A strong majority (79%) said they would prefer for their child to have additional help in his or her own school rather than transferring to another school that was making AYP.
- More than two-thirds (68%) said students in special education should not be held to the same standards as other students, and 62% said test scores of special education students should not be included in determining whether a school needs improvement.
- A hefty majority (85%) felt it would be better to base AYP on improvement shown during the year than on the percentage of students meeting fixed goals.

In 2005, the nonprofit Public Education Network also reported on the public’s views of NCLB. Its findings were based on nine public hearings held in eight states in 2004 and on a Web-based survey that drew 12,000 responses (the respondents were not a nationally representative sample as in a true public opinion poll). The organization concluded that Americans strongly endorsed the goals of holding schools accountable and disaggregating performance by race, ethnicity, and income. But many Americans felt that labeling schools as in need of improvement was a stigma that demoralized students, parents, and communities. Some parents attending the hearings or completing the survey gave examples of ambitious learning experiences sacrificed in the quest for higher test scores. Finally, many parents said their involvement in or clout with schools had not improved under NCLB despite its parental engagement provisions. Many also asserted that NCLB had not made a difference in the amount or quality of information they received about their schools.

LEGAL CHALLENGES

During year 4 of implementation, the No Child Left Behind Act also became the subject of legal challenges in federal and state court. The main issues being raised in NCLB litigation were explored at a forum held by CEP in Washington, D.C., on July 14, 2005.

In August 2005, Connecticut became the first state to sue the federal government over NCLB, after ED had rejected the state’s request to waive the federal requirement to expand its testing program into more grades. The suit, which was filed in U.S. district court by the state attorney general, contends that the federal government has not provided sufficient funding for Connecticut to meet NCLB testing and accountability requirements, and that this violates a section of the law which prohibits federal officials from requiring states “to spend any funds or incur any costs not paid for under this act.” In December 2005, ED filed

a motion asking the court to dismiss the lawsuit; as of March 1, 2006, the judge had not ruled on the motion.

Another high-profile lawsuit against ED was filed in a Michigan federal court in April 2005 but was dismissed by a federal judge in November. The plaintiffs included the National Education Association, 10 NEA affiliates, and 9 school districts in Michigan, Texas, and Vermont. The suit alleged that NCLB imposed costs on states and school districts that exceeded their federal appropriations and that this underfunding of the Act violated the same provision of law mentioned in the Connecticut challenge. In dismissing the suit, the judge rejected this interpretation and accepted ED's argument that the language of the statute does not restrict Congress from imposing unfunded costs. NEA officials have said they intend to appeal the decision (Peterson, 2005).

During the past year, other significant legal challenges to NCLB were filed or settled. These cases address such issues as whether the federal law requires states to test English language learners in their primary language and whether NCLB conflicts with the provisions of the Individuals with Disabilities Education Act. **Box 1-A** summarizes these lawsuits.

Effects of NCLB and Implementation Challenges

CEP's state and local surveys asked states and districts to share with us three positive effects that they believed resulted from the implementation of NCLB, as well as the three greatest challenges they faced in implementing NCLB during 2004-05. Our case study interviews asked district and school officials to cite both the positive and negative effects of the Act, as well as its major challenges. Our research suggests a mixed and complex set of attitudes about NCLB. Many state and local administrators credit NCLB with producing positive effects, but they also readily identify areas where they believe the law is unfair or has a negative impact. Moreover, participants in our study agree that NCLB has brought some daunting challenges.

POSITIVE EFFECTS

As they did last year, the vast majority of state respondents and many district officials cited the Act's focus on the academic performance of student subgroups as having a positive effect. Several states and districts mentioned that the Act has focused schools on state standards, fostered better curriculum alignment, and prompted schools and districts to use data more effectively to inform student learning. Here are some examples of what state and district survey respondents told us:

AYP brings the issue of subgroup achievement to the forefront, which forces individuals to reflect on their beliefs and assumptions about the ability of low-income and minority students to achieve.

We are being held accountable for all students, so we are looking at everyone! We can't just give them busywork in the back of the room anymore.

It has brought an awareness and focus on accountability for everyone. We've seen significant growth; we've seen positive effects . . . It's the law, and without it we wouldn't have had the need to move forward and improve.

Box 1-A. Legal Challenges to NCLB in 2005-06

Connecticut v. Spellings. The state of Connecticut filed suit against the U. S. Department of Education in August 2005, contending that the federal government’s failure to adequately fund NCLB violates a provision of the law which says states cannot be required to spend funds or incur costs not paid for under the Act.

School District of the City of Pontiac et al. v. Spellings. The National Education Association, several state NEA affiliates, and nine school districts filed suit against the U.S. Department of Education in April 2005. The suit alleges that NCLB imposed unfunded costs on states in violation of the law. A Michigan judge dismissed the suit in November 2005. The NEA is appealing the decision.

Board of Education of Ottawa Township High School District 140 et al. v. U.S. Department of Education. Two Illinois school districts and four special education students filed a lawsuit against the U.S. Department of Education in Chicago federal district court in February 2005. The suit charges that NCLB testing and AYP requirements conflict with the provisions of the Individuals with Disabilities Education Act.

Reading School District v. Pennsylvania Department of Education. The Pennsylvania Supreme Court refused in June 2005 to hear an appeal by the Reading School District of an adverse decision in a case initiated in 2003. The original suit filed by Reading charged that the Pennsylvania Department of Education had failed to adequately fund NCLB and had also failed to comply with its requirements to provide technical assistance to schools in improvement, offer tests in native languages to English language learners, and use statistical analysis to determine its minimum subgroup size.

Coachella Valley Unified School District et al. v. State of California. Ten California school districts, along with three civil rights organizations and two students, sued the state of California in June 2005 to stop English-only testing of English language learners. The suit contends that the state has not developed tests in students’ primary language, violating a provision of NCLB that calls on states, to the extent practicable, to assess ELLs in a language and form most likely to yield accurate data about what they know.

Californians for Justice Education Fund v. California Commission on Teaching Credentialing. In November 2005, a California state superior court judge ruled that the state had wrongly classified teacher interns as “highly qualified” under NCLB because these teachers had not received training in teaching methods or child development. The judge ordered the state to revoke the credentials of about 4,000 teachers who were classified as highly qualified through the state internship program.

Fresh Start Academy v. Toledo Board of Education. A federal district court judge in Ohio ruled in April 2005 that private providers of supplemental educational services do not have a private right to sue local school districts over the NCLB requirement that schools identified for improvement must offer students supplemental services.

Sources: Center on Education Policy, 2005b; Archer, 2005; Samuels, 2005; Moran, 2005; Egelko, 2005; and National School Boards Association, 2005.

[The state has seen] an increase in the number of school districts aligning local curriculum with grade-level expectations, as evidenced by the increased number of technical assistance requests received from school districts.

The majority of case study districts concurred that high expectations for all students and greater attention to subgroup achievement were among NCLB's most positive aspects. Staff in rural Tahoe-Truckee Joint Unified School District in northern California acknowledged that the changes undertaken to meet NCLB's achievement goals have been painful at times but ultimately effective. "It's been the best bad thing," said one teacher of NCLB. Officials in Escondido, California, a district with a Latino majority, said that data collected to meet NCLB requirements have highlighted the underperformance of some subgroups of students and have spurred staff to rethink teaching strategies and redirect resources.

Like our survey districts, several case study districts specifically mentioned better alignment between instruction and state standards as a positive outcome of NCLB. In the Cuero, Texas, Independent School District, teachers are "mapping" curriculum to state standards to make sure their instruction covers all the key knowledge and skills students are expected to learn at each grade and that curriculum progresses coherently from one grade to the next. Other case study districts noted that these types of alignment activities have helped ensure that teachers focus on the most important academic content.

Case study districts cited other positive effects of NCLB on instruction. Officials in a few districts, including the Napoleon School District in North Dakota, said that NCLB had led to more individualized instruction for struggling students. Multiple districts, including the Bayonne City School District in New Jersey, concurred that NCLB has fostered greater collaboration among teachers and administrators, and between regular and special education teachers. According to one Bayonne administrator, staff members have come to realize that "we're all in this together."

Some districts in our survey praised NCLB for bringing needed attention to teacher credentials and positively affecting teacher quality. Other district officials said the Act's professional development requirements had prompted them to link professional development to student assessment results or to ensure that the training offered is research-based.

Some states reported that Reading First is having a positive effect on student achievement. "Reading First results have convinced non-eligible schools to adopt the Reading First model," said one respondent.

District officials also mentioned that NCLB has encouraged and invigorated public interest in education, as the following comment shows:

Our public reporting is more useful because you can't just tell the public you're doing fine when it's not true. We can now have conversations around our progress.

Finally, a few case study districts reported that NCLB has encouraged them to expand parent involvement. For example, the Sheboygan, Wisconsin, district has begun to designate parent volunteers in each neighborhood as school contacts who provide information about school activities to other parents and invite them to become more involved with the school.

NEGATIVE EFFECTS

In discussing the challenges involved in implementing NCLB, many district survey respondents and case study interviewees also described what they viewed as negative effects of the Act.

Several districts mentioned that NCLB has escalated the pressure and expectations placed on teachers, to the point that teachers feel “overwhelmed,” as one administrator with the Waynesboro Public Schools in Virginia put it. A principal in Kansas City, Kansas, expressed distaste for NCLB’s attempts to “make good workers out of teachers due to fear, threats, and scare tactics.” A district survey respondent described the situation this way:

[NCLB has] put a lot of pressure on teachers and principals and that hasn't been all that healthy.

Several district administrators also noted that media coverage of AYP status was having a demoralizing effect on staff morale. Survey and case study contacts observed that teachers and principals become disheartened when schools that have improved their student achievement are still portrayed as failing because they missed AYP targets. One comment from our survey summed up the experience as follows:

The publicizing of test score data of small subgroups misinforms the public about the status of achievement. This constant negative publicity creates problems for the district where there is not an academic problem.

Fremont County, Wyoming, and several other districts expressed frustration with the administrative burden associated with NCLB. Some districts noted that NCLB requirements are extremely complex to manage and change often, making it hard to keep up. The following comment from our survey captures the strain some administrators feel:

The procedures and rules are always changing and it's not a benefit to the kids. People are exhausted for the wrong reasons . . . Things have gone overboard. It's a production line.

Several survey and case study participants cited negative effects of NCLB—particularly the testing provisions—on curriculum. Some of the minuses mentioned include a loss of time for subjects like music and social studies and creative classroom activities; excessive time required for testing; diminished attention to the highest-achieving students; and a narrowing of curriculum content and skills. The following survey responses illustrate the main concerns:

[NCLB] has torn apart our social studies curriculum. We are raising tomorrow's leaders and [it's] forcing us to fill their heads with math facts that do not make them better leaders or help students make choices.

We no longer push the upper end; we've brought the top down with all this testing and focus on getting everyone across the line.

The narrowing of curriculum [is] a result of testing. I have tried to guard against it but there are perceptions that there is only one way to teach and one curriculum.

IMPLEMENTATION CHALLENGES

Our state survey asked states to report on the challenges they faced in implementing the No Child Left Behind Act during school year 2004-05. As **table 1-A** shows, many of the top challenges relate to state agencies’ capacity to assist schools identified for improvement and generally carry out the Act. Nearly all the states (47) cited providing assistance to all schools identified for improvement as a serious or moderate challenge in 2004-05, while 42 states

indicated that the size of the state education agency staff presented a serious or moderate challenge to NCLB implementation. But ensuring adequate expertise of state education agency staff seemed to pose less of an implementation challenge: 30 states called it a minimal challenge or no challenge, while 20 deemed it a serious or moderate challenge. States also mentioned funding as a challenge: 37 states said that the adequacy of *state* funds to carry out NCLB duties was a serious or moderate challenge, while 34 said that the adequacy of *federal* funds presented a serious or moderate challenge.

Forty-two states listed the timeliness of guidance and regulations from the U.S. Department of Education as a serious or moderate challenge, and 37 said that the adequacy of information from ED about how NCLB should be implemented presented a serious or moderate challenge.

Determining AYP results before the beginning of the school year represented a serious or moderate challenge to 35 states, while developing assessments required under NCLB presented a serious or moderate challenge to 38 states. Thirty-eight states felt it was a serious or moderate challenge to determine which teachers meet the NCLB definition of highly qualified.

Other aspects of NCLB seemed to present less of a challenge to states. A little more than half the states (27) said that obtaining ED approval of state accountability plan amendments was a serious or moderate challenge, while 20 states called it a minimal challenge or no challenge. Finally, 31 states reported that developing state content and student performance standards as required by NCLB presented minimal or no challenge, while 16 said that standards development was a serious or moderate challenge.

State responses about implementation challenges in 2004-05 were similar to those for 2003-04, but there were some notable shifts. The number of states that listed developing content and student performance standards as a serious or moderate challenge dropped from 33 in our 2004 survey to 16 in our 2005 survey. Also, the adequacy of state education agency staff expertise posed less of a challenge to states in 2004-05; 30 states cited it as a minimal challenge or no challenge for 2004-05—the same number that said it was a serious or moderate challenge in 2003-04.

An open-ended question on both our state and district surveys asked respondents to list up to three NCLB requirements that presented the most serious implementation challenges for them. Their answers often highlighted the same challenges that states had ranked as serious challenges on the survey checklist presented in table 1-A. By an overwhelming margin, states and districts pointed to the law's accountability requirements as the most serious challenge. States and districts voiced concerns about how students with disabilities and English language learners are tested and how their progress is judged under the AYP provisions. Several states and districts questioned their ability to bring 100% of their students to the proficient level of achievement by 2014. Case study interviewees, including an administrator in Orleans Central Supervisory Union in Vermont, felt the 100% goal was unrealistic, especially for students with disabilities.

In response to our open-ended survey question, states also cited such aspects of accountability as the timelines in the law for reporting test and AYP data before the beginning of the school year, and the frequency and costs of testing under NCLB. Here is a sample of what our state and district survey respondents told us about accountability challenges:

Identifying a school as needing improvement based on not achieving in one category out of 41 and identifying districts as needing improvement, based on the federal criteria, provides a false label to the school and district.

Table 1-A. Number of States Reporting the Extent to Which Certain Issues Presented a Challenge to NCLB Implementation During School Years 2003-04 and 2004-05

	Serious or Moderate Challenge		Minimal or Not a Challenge	
	2003-04	2004-05	2003-04	2004-05
Providing assistance to all schools that have been identified for improvement	42	47	5	2
Adequacy of state education agency staff size	45	42	3	7
Timeliness of guidance and regulations from the U.S. Department of Education	44	42	4	8
Developing assessments as required under NCLB	33	38	13	11
Determining which teachers meet the NCLB definition of “highly qualified”	34	38	12	9
Adequacy of state funds to carry out duties under NCLB	40	37	6	11
Adequacy of information from the U.S. Department of Education regarding how NCLB should be implemented	34	37	14	14
Determining which schools made adequate yearly progress prior to the beginning of the school year	43	35	5	15
Adequacy of federal funds allocated to the state to implement state-level requirements of NCLB	38	34	8	16
Obtaining approval of amendments to the state’s NCLB accountability plan	24	27	13	20
Adequacy of state education agency staff expertise	30	20	18	30
Developing state content and student performance standards as required under NCLB	33	16	13	31

Table reads: Forty-seven states reported that providing assistance to all schools that have been identified for improvement presented a serious or moderate challenge to the state’s implementation of NCLB in 2004-05.

Note: Responses are ranked according to the number of states reporting that the issue presented a serious or moderate challenge to the state’s implementation of NCLB in 2004-05.

Source: Center on Education Policy, December 2004, State Survey, item 43; December 2005, State Survey, item 48.

The requirements for ELL and for individuals with disabilities are just not serving kids well. The law doesn't reflect research on individualized practices, which is a real shame. We should hold these kids to high standards, but not the way NCLB articulates that.

It is not realistic for all students to be proficient by 2014 . . . What we want is for all students to show growth.

Many school districts and states found the highly qualified teacher requirements challenging to implement. Several case study districts, including the Berkeley County School District in South Carolina, cited the recruitment and retention of highly qualified teachers as a serious challenge. A district official responding to our survey highlighted the dilemma principals face in filling staff vacancies:

Principals stress [that] when they have unfilled openings, they want to hire the best person, even if that person is not meeting the "highly qualified" requirements; those designated "highly qualified" are not always the best person.

A number of states reported capacity and funding challenges, such as the capacity of state education agency staff to provide technical assistance to identified schools. In both our surveys and case studies, states and districts listed a lack of adequate funding to carry out the Act's requirements as an implementation challenge. An interviewee from the Flint (Michigan) Community Schools, a case study district, observed that the law's requirements are not accompanied by the funding needed to do the job. Survey respondents had this to say about capacity and funding challenges:

Providing technical assistance—small states do not have the capacity nor the resources to adequately staff the positions and provide the in-depth assistance needed.

Title I resources are actually shrinking at the school level, since NCLB requires the district to set so much aside (up to 36%) for district level activities, such as choice, SES, professional development, and parental involvement.

Despite what Congress says, NCLB is seriously underfunded. The cost of implementing SES and choice is measurable and the federal funding does not cover our administrative costs.

Finally, states and districts listed choice and supplemental services as among the most challenging provisions to implement, as the following survey comment illustrates:

Choice is causing severe overcrowding and students are choosing schools based on friends and athletics.

Funding and Cost Issues

As our survey comments show, securing adequate funding for NCLB is considered a serious challenge by states and school districts. To better understand this challenge, we looked at how much the federal government has appropriated for Title I and other NCLB programs, what has happened with Title I allocations to school districts, and whether federal funds are sufficient to cover the additional costs of complying with NCLB.

FEDERAL APPROPRIATIONS

In fiscal year (FY) 2006, federal funding for Title I and other key NCLB programs was cut for the first time since NCLB was enacted. And if President Bush's fiscal year 2007 budget is approved, federal education spending will shrink more as NCLB demands grow.

After several years of solid growth, federal appropriations for Title I were reduced in FY 2006. Title I received \$12.74 billion, a cut of more than \$26 million from the FY 2005 level. (Title I accounts for more than half the federal funding for NCLB.) Fiscal year 2006 appropriations for the entire U.S. Department of Education were reduced by about 1% from the previous year. Many programs authorized by NCLB took cuts of roughly 1%, but some were slashed more deeply, including programs for comprehensive school reform, educational innovation, Even Start family literacy, gifted and talented education, safe and drug-free schools, and education technology. A handful of NCLB programs, including Reading First, the Striving Readers program, math and science partnerships, and foreign language assistance, received increases.

President Bush's budget for FY 2007 proposes to further shrink federal education funding by about 3%. Under his budget plan, funding for Title I, Reading First, the Title II teacher quality program, the Title III English language acquisition program, and several other programs critical to NCLB would be frozen. Dozens of smaller federal education programs would be eliminated, among them programs for comprehensive school reform, dropout prevention, Even Start, school counseling, and smaller learning communities. On the plus side, the budget for the first time recommends badly needed funding for NCLB school improvement grants (discussed in more detail later in this section). The budget also recommends an increase for the Striving Readers program and would fund several new Administration proposals, such as a math and science improvement program, a high school reform initiative, and vouchers to allow students in chronically low-performing public schools to attend private school or receive extra tutoring.

TITLE I ALLOCATIONS

One reason why many educators feel NCLB is underfunded is that although federal appropriations have increased in recent years, the majority of school districts in the country are actually receiving less Title I money for school year 2005-06 than they did a year or two ago. These losses are occurring at a time when state and local responsibilities under NCLB have increased.

The decreases in Title I allocations for many school districts are due primarily to the interaction of three factors: 1) changes made by NCLB to the Title I allocation formulas, which direct new money to a smaller subset of districts with the highest concentrations of low-income children; 2) annual updates in the census counts of poor children; and 3) the process used to fund schools identified for improvement under NCLB.

In the summer of 2005, CEP analyzed Title I allocations to school districts for fiscal year 2005 (funds to be used mostly in school year 2005-06). As explained in our report, *Title I Funds—Who's Gaining and Who's Losing, School Year 2005-06 Update* (2005a), we found that about two-thirds of the Title I school districts in the nation received fewer Title I funds for 2005-06 than they had for the previous year. The number of districts losing Title I funds has grown significantly since 2004-05, when about half the districts in the U.S. received fewer Title I dollars. In addition, nine states received fewer total funds in 2005-06 for districts within the state than they had the year before.

While most districts were losing Title I funds, the poorest districts in the nation should have been gaining. The Title I formula changes made by NCLB sought to target new funding to districts with higher poverty. But in many states, these districts have not gotten the increases they anticipated because of a problem with how funds are reserved for school improvement.

CEP analyzed this issue in a recent report, *A Shell Game: Federal Funds to Improve Schools* (2006a). The problem arose in part because the Administration and Congress chose not to appropriate funds for the separate school improvement authorization in the law. Instead, extra assistance to schools identified for improvement has come only through an NCLB provision that requires states to reserve 4% of their Title I, Part A funds for school improvement. The law also includes a “hold harmless” provision that prevents school districts from losing Title I funds due to the 4% state reservation. To meet the improvement reservation without violating the hold harmless, states had to take money away from high-poverty districts that were supposed to receive increases, and then give these funds to other districts that may or may not have as much poverty. By our estimates, at least 10 states could not meet the full 4% reservation in 2005-06, which meant that all of the increases slated for higher-poverty districts in these states went toward school improvement. In another five states, the improvement reservation used up most of the funding increases that school districts were slated to receive. The improvement reservation would have been less of a problem if more money had been appropriated for Title I.

The President’s 2007 budget would begin to address this problem by providing \$200 million for school improvement through the separate authorization in NCLB. The Administration maintains that an additional \$500 million for school improvement would come from the reservation in Title I-A. But by our calculations, this sum is inaccurate. The Administration’s \$500 million figure is based on the assumption that all states will meet the full 4% reservation for school improvement—an outcome that will be even less likely next year than it was this year, given the cuts made in Title I for school year 2006-07. Although an appropriation of \$200 million for the separate authorization would be welcome, this new money would be supplemented by less than \$100 million for school improvement from the Title I-A reservation according to our calculations, rather than \$500 million.

Together the Title I funding cut, the Title I formula allocations, and the improvement reservation are significantly affecting the funding available for NCLB. At least 13 of our 38 case study districts reported losing Title I funds over the past year or two, while 9 have gained funds. Many of the rest have experienced stable funding or yearly ups and downs in their Title I allocations. The case study districts affected by budget cuts range from those with higher poverty concentrations, such as the Boston Public Schools and Oakland Unified School District, to those with relatively low poverty, such as Joint School District #2 in Meridian, Idaho. In some cases, the funding loss has been significant and has affected the district’s ability to serve low-achieving students. Cloquet Independent School District #94 in Minnesota lost about 30% of its Title I allocation over three years. The district discontinued all Title I services in grades 4-8, restricting services to the primary grades. In addition, the district cut 12 Title I paraprofessional positions. The Berkeley County, South Carolina, district, which had to absorb a 10% cut over two years, can no longer provide Title I services in all schools with poverty rates below the district average. The district is funding only those schools with poverty rates high enough to qualify for Title I schoolwide projects.

Even some districts that received Title I increases are still feeling a funding pinch. The extra Title I funds in the Bloomfield School District in New Mexico were used to provide a state-mandated salary increase to Title I teachers and paraprofessionals. In Chicago, extra funding for Title I did not make up for inadequate state funding, while in Flint, Michigan, the rapidly rising costs of employee health care have consumed much of the district’s new money.

ADEQUACY OF FEDERAL FUNDS FOR NCLB

Whether federal funds are sufficient to carry out the demands of NCLB continues to be a pressing question. Some states have sought to answer this question in a systematic way by conducting studies of the costs of NCLB implementation. CEP held a forum on July 14, 2005, to examine some of these state studies and other cost issues associated with NCLB. Our surveys and case studies also delved into the issue of funding adequacy.

New State Cost Studies

During the past year, more states commissioned studies of the costs of implementing NCLB. In some cases, these studies were conducted in the wake of intense state policy debates about the pros and cons of participating in NCLB.

Of particular note are cost studies that emerged in 2005 from Connecticut, New Mexico, and Virginia. The Connecticut study concluded that the costs of implementing requirements directly attributable to NCLB are likely to exceed the federal funds by a significant amount. The Virginia analysis found that although federal revenues were projected to be adequate to cover costs at the state level, school districts would be hit with unreimbursed costs. The New Mexico study did not address the issue of whether federal funds would be sufficient to cover NCLB costs, but it did estimate the state and local costs of complying with NCLB to be substantial. The studies reached the following specific conclusions:

- Connecticut conducted a two-part study of NCLB costs. The first part, which looked at state-level costs, projected that through fiscal year 2008, the state will have to commit \$41.6 million in reprogrammed staff time and additional dollar outlays to meet NCLB requirements for standards and tests. This is at least \$8 million more than Connecticut expects to receive from the federal government for this purpose. During this period, the state expects to incur even greater unfunded costs to provide technical assistance and support systems for schools and districts in NCLB improvement—a shortfall of more than \$18 million compared with federal revenues (Connecticut State Department of Education, 2005a).
- The second part of the Connecticut cost study analyzed the local-level costs of implementing NCLB through fiscal year 2008 in three school districts: New Haven, an urban district; Hamden, a suburban district; and Killingly, a rural district. The study compared these cost estimates with the amount of federal funds the districts expected to receive for NCLB. The additional, unreimbursed costs to the districts of meeting all NCLB requirements were estimated to be \$10.1 million in New Haven, \$8.7 million in Hamden, and \$3.8 million in Killingly (Connecticut State Department of Education, 2005b).
- The New Mexico study estimated the total annual costs of implementing NCLB at the state level to range from \$10.1 million in 2002-03 to \$17.7 million in 2007-08. The most significant state costs were attributable to requirements for standards and assessments, data management, and program administration. At the school district level, the costs of implementing NCLB were estimated to range from \$71 million in 2002-03 to \$108 million in 2004-05. This study did not analyze costs in terms of the amount of federal NCLB money New Mexico receives or the proportion of costs that would come from state and local funds (Palaich, Augenblick, Silverstein & Brown, 2005a).

- Virginia studied the costs of implementing NCLB at both the state and school district levels. The new costs to the state department of education related to NCLB were estimated to range from \$20.9 million in 2004-05 to \$20.6 million in 2007-08. If federal revenues to the state department for NCLB continue to increase by about 3% per year, they will be sufficient to cover the new, true costs of NCLB (Virginia Department of Education, 2005).
- The costs to Virginia school districts of implementing NCLB were estimated to range from \$238 million in 2003-04 to \$267 million in 2007-08. Compared with the revenues Virginia districts are projected to receive through NCLB, the estimated costs of NCLB represent a shortfall to school districts ranging from \$62.1 million in 2004-05 to \$64.7 million in 2007-08, or a deficiency of roughly \$53 per pupil per year (Palaich, Augenblick, Silverstein & Brown, 2005b).

State Survey Responses About Funding Adequacy

In 2004 and 2005, we asked states to indicate whether federal funds provided under the No Child Left Behind Act have been sufficient to carry out certain activities required under the Act. Their responses are outlined in **table 1-B**. Although there have been some small shifts in state responses from one year to the next, the vast majority of states in both years reported that NCLB funds have been sufficient to develop and maintain a list of supplemental educational service providers and develop state academic content standards. In 2005, we also asked states about sufficient federal funds to implement Reading First activities and conduct Reading First evaluations; 46 and 43 states, respectively, reported that federal funds are sufficient for these activities.

States provided more mixed responses about whether federal funds are sufficient to develop state assessments, ensure that teachers of core academic subjects are highly qualified, implement a system to monitor the quality and effectiveness of SES providers, and carry out other duties under NCLB.

In both 2004 and 2005, nearly two-thirds of the states reported that funds have not been sufficient to provide technical assistance to schools in need of improvement.

States were given the opportunity to provide comments about areas where they felt NCLB funds were insufficient. As the following comments illustrate, states seemed most concerned about inadequate funding for providing technical assistance to identified schools, developing and administering assessments, conducting data collection and analysis, and implementing a system to monitor the effectiveness of supplemental service providers.

[Our state] is one of 9 states in 2006 that received fewer Title I dollars; approximately \$8 million over the two year time period. Rather than reserving 4% of Title I funds for school improvement efforts, approximately \$20,000 was available to the state once the hold harmless provisions were implemented.

[F]ederal funding for the planning, design, construction, and equipping of an accurate and timely student information system has not kept pace with the increasingly high-stakes nature of decisions coming out of the Department's assessment and accountability system.

Title I administrative funds are not adequate to conduct on-site monitoring of the large number of SES providers.

The development and implementation of assessments in grades 3-8 and science far exceeds the funds provided by the state and U.S. Department of Education. In addition, the development of alternative assessments will be another burden to the already stretched assessment budget.

The state level administrative funds keep decreasing as program funds are cut but the responsibilities for all NCLB requirements continue to increase!

Table 1-B. Number of States Reporting That NCLB Funds Provided to the State Have Been Sufficient to Carry Out Various NCLB Requirements, 2004 and 2005

	Number of States Saying Funds Have Been Sufficient		Number of States Saying Funds Have Not Been Sufficient	
	2004	2005	2004	2005
Implementing Reading First activities	NA	46	NA	2
Developing and maintaining a list of supplemental service providers	38	44	6	7
Conducting Reading First evaluations	NA	43	NA	1
Developing state academic content standards	35	34	5	10
Developing state assessments	25	27	18	19
Ensuring teachers who teach core academic subjects meet requirements for being highly qualified	16	26	18	14
Providing high-quality professional development for teachers	11	20	23	21
Implementing a system to monitor the quality and effectiveness of SES providers	13	19	21	25
Providing technical assistance to schools in need of improvement	11	15	32	33
Other state duties required under NCLB	9	14	22	21

Table reads: In 2004, 38 states reported that NCLB funds were sufficient to develop and maintain a list of supplemental educational service providers. In 2005, 44 states reported that funds were sufficient for this activity.

Note: Responses are ranked according to the number of states reporting that funds have been sufficient to carry out a certain provision in 2005.

Source: Center on Education Policy, December 2004, State Survey, item 1; December 2005, State Survey, item 1.

District Views About NCLB Costs Not Covered by Federal Funds

Our district survey asked if there were costs associated with implementing NCLB that were not supported by federal funds. Eighty percent of the districts in our survey responded that there were such costs, about the same proportion reporting unreimbursed costs in 2003-04. In 2004-05, greater proportions of small districts than very large districts reported that there were costs associated with NCLB not covered by federal funds. Districts listed a variety of unsupported costs. Many mentioned the costs of professional development and training for teachers and paraprofessionals to meet the NCLB qualifications requirements. Several others reported that they had to hire staff to support instruction and assessment. Many districts said that some NCLB administrative costs were not covered by federal funds or that federal dollars were not sufficient to cover the costs of NCLB-required interventions, such as implementing public school choice or providing remediation services for students performing below grade level. A comment from one district characterized the situation many are facing:

It's taking more administrative funds to do all the reporting, gathering, and analyzing of data. It's costing us money . . . For teachers, we have to have more staff development, so we have to hire eight more substitutes. Also, [there are] not enough funds to cover teachers who aren't highly qualified. We have to pull from one pocket to fill another.

Several case study districts also contended that funding for NCLB is inadequate to cover their implementation costs. Several small districts, including Orleans, Vermont, and Romulus Central Schools in upstate New York, noted that federal funds have not fully offset such costs as administering and scoring tests in additional grades, training and tracking the qualifications of teachers, and establishing data systems. This school year, tiny Hermitage R-IV School District in Missouri must divert funds from other activities to cover the extra costs of scoring 16 state-mandated tests in grades assessed for NCLB versus the 6 tests administered in past years.

Officials in many case study districts also felt that the mandatory set-asides in NCLB for choice, supplemental services, and professional development hampered their ability to effectively implement the law. To comply with these set-asides, both Grant Joint Union High School District in California and Berkeley County in South Carolina had to reduce Title I allocations to individual schools, leaving schools with fewer resources to implement needed instructional changes.

Impact of State and Local Fiscal Problems on NCLB Implementation

Many states are experiencing or have experienced fiscal problems in recent years, which has affected their administration of federal programs and, in some instances, led to funding cuts for schools. We asked states if they had experienced fiscal problems, such as a budget deficit, agency cuts, or program cuts, during school year 2004-05. Twenty-four states responded that they had experienced these types of fiscal problems, while 26 states said they had not. States seem to be in a better financial position in 2004-05 than they were in 2003-04, when 36 states reported fiscal problems.

We asked the states that did experience fiscal problems in 2004-05 to explain how those problems affected their implementation of NCLB. While some states replied that the cuts did not adversely affect NCLB implementation, others reported that the cuts generally reduced their administrative capacity and ability to assist schools identified for improvement. Here is some of what they had to say:

[The state] faced a serious budget deficit that resulted in cutbacks to or elimination of specific programs and a reduction in agency funds. These cutbacks made it difficult to focus on implementing new regulations/policies from the federal level that required additional staff or resources.

[The state] faced budget pressures in '04, thus the state was required to make difficult choices among spending reductions, tax increases, or other revenue measures. However, the state implemented requirements of NCLB.

The department experienced an 8% budget reduction in [the] general fund. As a result, assessment, public reporting of data and depth of capacity to provide follow-up technical assistance were limited.

We also asked states with fiscal problems how those problems affected school districts' and schools' implementation of NCLB. As evidenced by the comments below, several states relayed that state budget problems did not directly impact NCLB implementation at the school or district level. Other states contended that the state's inability to provide technical assistance to all schools and districts that needed it negatively affected local NCLB implementation. A few states said that reduced funding made it generally more difficult to carry out the Act's requirements in schools and districts.

School districts were trying to balance the loss of teachers, transportation funds, technology funds and other monies against trying to improve student achievement.

We tried to minimize the effect on districts and schools and worked with our state Budget office whenever possible to get state support for the important school and district improvement initiatives.

State and Local Capacity to Implement NCLB

One of the greatest challenges of NCLB is ensuring that state departments of education have sufficient capacity and expertise to carry out the law's requirements, such as assisting schools and districts identified for improvement, monitoring the effectiveness of supplemental educational service providers, and administering federal programs. Similarly, districts must have staff capacity and expertise to assist schools identified for improvement, administer tests, analyze test data, and fulfill other key requirements of NCLB.

STATE CAPACITY AND EXPERTISE

As illustrated in **table 1-C**, our state survey for the past three years has included a question about whether states have sufficient staff to carry out NCLB. In 2003, 5 states reported that they did, while 38 said they did not. In 2004, only 1 state reported that it had a sufficient number of staff, while 36 responded that they did not, and 8 states said that they currently had enough staff but are concerned about the future as NCLB becomes fully implemented. In 2005, 3 states reported they have sufficient staff, while 36 said they do not, and 11 said they have enough now but are concerned about the future.

Table 1-C. Number of States Reporting They Have Sufficient Staff to Carry Out the Legislative Requirements of NCLB, 2003, 2004, 2005

	2003	2004	2005
Yes, have sufficient number of staff	5	1	3
Yes, sufficient number now, but concerned about the future as NCLB becomes fully implemented	NA	8	11
No, do not have sufficient staff	38	36	36

Table reads: In 2003, 5 states reported that they had a sufficient number of staff to carry out the legislative requirements of NCLB; in 2004, one state reported it had sufficient staff; and in 2005, 3 states reported a sufficient number of staff.

Source: Center on Education Policy, December 2003, State Survey, item 48; December 2004, State Survey, item 3; December 2005, State Survey, item 41.

We asked states that reported having insufficient staff to elaborate on their answers. Some typical comments from these states were as follows:

We have a small [state education agency] staff. It takes as much staff time in a small state to administer the requirements of NCLB as it does in a large state . . . without the funding and staff available to larger SEAs.

There are insufficient funds for state assessment development, intensive and sustained technical assistance to schools and districts identified for improvement, data collection and reporting requirements, and monitoring provisions for supplemental educational service providers.

In 2004 and 2005, we also asked states if they had sufficient in-house expertise to provide technical assistance to schools and districts identified for improvement. In 2005, 7 states reported they have sufficient in-house expertise, 16 said they currently have sufficient expertise but are concerned about the future as NCLB becomes fully implemented, and 26 states indicated that they do not have sufficient in-house expertise. These answers represent an improvement in expertise over 2004, when just 2 states said they had sufficient expertise, and 31 said they did not.

This year's survey gave states a chance to expand on their answers, and here are some examples of what they told us:

Our state department staff is lean; the best and brightest are overworked.

There are too many schools and districts to help. We have to contract out to get the needed expertise, and those people do not have enough time to meet all the school and district needs.

The state education agency does not have the resources to be able to ensure it has the in-house expertise necessary to meet the needs of all schools and districts identified for improvement, which is anticipated to increase over the next several years.

LOCAL CAPACITY

Our local survey asked districts about their resources (time, money, staff, and expertise) to improve schools identified for improvement. Compared with last year, greater proportions of districts reported that they have the time and expertise to assist Title I schools identified for improvement somewhat or to a great extent. As shown in **table 1-D**, the percentage of districts reporting they had the time to improve identified schools somewhat or to a great extent increased from 59% in 2003-04 to 82% in 2004-05. Larger proportions of districts also report having the *expertise* to assist identified schools somewhat or to a great extent—88% in 2004-05 compared with 69% in 2003-04. The proportion of districts reporting that they had sufficient money and staff to assist identified schools somewhat or to a great extent changed little between 2003-04 and 2004-05.

Table 1–D. Extent to Which Districts Have Various Resources Available to Improve Title I Schools Identified for Improvement in 2003-04 and 2004-05

	Percentage of Districts That Report Having Various Resources Available to Improve Identified Title I Schools to the Following Extent:			
	2003-04		2004-05	
	Somewhat/ Great Extent	Minimally/ Not at All	Somewhat/ Great Extent	Minimally/ Not at All
Time to improve identified schools	59%	34%	82%	19%
Money to improve identified schools	45%	51%	48%	52%
Staff to improve identified schools	60%	37%	64%	36%
Expertise to improve identified schools	69%	27%	88%	10%

Table reads: In the summer of 2003, 51% of districts with at least one Title I school identified for improvement reported that they have minimal or no money to improve schools identified for improvement. In the summer/early fall of 2005, 52% of districts with at least one Title I or non-Title I school identified for improvement reported that they have minimal or no money to improve schools identified for improvement.

Source: Center on Education Policy, June 2004, *Summer District Survey*, item 7 (table 6); December 2005, *District Survey Part I*, item 9 (table 6).

Districts participating in our surveys and case studies varied in their capacity to implement NCLB. Some said they had sufficient capacity, while others reported that they lacked capacity and that staff was stretched quite thin. In the Cleveland Municipal School District (Ohio), years of state and local budget problems have reduced central office and teaching staff to a fraction of what it had been, according to interviewees. With NCLB, the remaining staff members are working longer days and feeling strained to give all students the attention they need. The Wake County school district in North Carolina has tried to keep its staff “lean and mean,” according to one district contact, but is paying the price for its restraint because it lacks the capacity to provide technical assistance to all schools that have not made AYP. Some survey respondents also mentioned that NCLB has strained their administrative capacity. The following comment captures the frustration:

There are too many hoops to keep tracking, especially as they frequently change. Administrators in small districts like ours wear multiple hats and we just can't keep up with all the requirements.

A few smaller case study districts specifically mentioned testing and data collection as areas where their staff capacity is stretched. In Waynesboro, Virginia, NCLB has greatly increased the time required to administer tests, oversee and score alternative assessments, give tests with accommodations, manage and check the accuracy of test results, analyze data, assemble reports, and implement the state's new student identification number system (intended to improve tracking of test results and graduation rates). The two administrators responsible for these duties—a testing coordinator and a technology director—are overextended with NCLB-related demands, leaving little time for other responsibilities. Furthermore, the need to maintain accurate data in the proper format when the data are constantly changing is a “nightmare” for both district and school-level staff, said one administrator.

QUALITY OF TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS

For the past three years, our school district survey has asked districts receiving Title I funds which entities they received assistance from in implementing the No Child Left Behind Act. We also asked them to rate the quality of the assistance they received from various agencies. The distribution of most-used and least-used assistance providers has not changed much over three years. Districts identified state education agencies, education service agencies, and the U.S. Department of Education as the most-used providers of assistance with NCLB implementation (see **table 1-E**). Also, district ratings of the helpfulness of these entities have remained relatively steady across the years, with very few exceptions: in 2004-05, more districts rated the assistance provided by regional educational laboratories and the National Clearinghouse on Scientifically Based Research as somewhat or very helpful than did in 2003-04.

Helpfulness and Flexibility of Federal Administration

A dominant issue during year 4 of NCLB implementation is how much flexibility the U.S. Department of Education should give states and school districts in interpreting and complying with federal requirements. A related issue is how helpful states and districts find federal regulations and guidance. Our review of federal actions and our surveys and case studies reveal mixed opinions about the extent to which ED has been helpful or flexible.

U.S. DEPARTMENT OF EDUCATION POLICY ACTIONS

Over the past year, the U.S. Department of Education has issued regulations, guidance, and other policy documents intended to help states and school districts implement key aspects of NCLB. **Box 1-B** lists the major policy documents released by ED during 2005.

HELPLESSNESS OF ED REGULATIONS AND GUIDANCE

For the past two years, we have asked states to rate the helpfulness of efforts undertaken by ED to assist them in implementing NCLB. In this year's survey, most states reported that in general these efforts were moderately or very helpful (**table 1-F**). In particular, 44 states said that ED staff responses to state inquiries about NCLB implementation were moderately or very helpful, up from 35 states last year. This year, 43 states perceived the nonregulatory guidance issued by ED as moderately or very helpful, compared with 39 states last year. The

Table 1-E. Sources and Quality Ratings of Assistance Received by Title I School Districts in 2003-04, 2004-05, and 2005-06

Organizations & Agencies	2003-04		2004-05		2005-06	
	Percentage of Districts Receiving Assistance	Assistance Somewhat Helpful or Very Helpful	Percentage of Districts Receiving Assistance	Assistance Somewhat Helpful or Very Helpful	Percentage of Districts Receiving Assistance	Assistance Somewhat Helpful or Very Helpful
State education agency	94%	69%	97%	80%	98%	75%
Education service agencies or other local consortia	70%	72%	78%	77%	77%	71%
U.S. Department of Education	79%	38%	76%	47%	72%	37%
Institutions of higher education	47%	27%	51%	30%	56%	30%
Regional educational laboratories	49%	39%*	52%	65%*	53%	56%
Comprehensive regional technical assistance centers	38%	43%	39%	58%	45%	57%
National Clearinghouse on Scientifically Based Research	46%	28%*	51%	50%*	45%	39%
Private organization(s)	27%	24%	29%	38%	28%	27%
Other	15%	51%	20%	89%	26%	72%

Table reads: In 2003-04, of the 94% of Title I districts that sought assistance from their state education agency, an estimated 69% found this assistance somewhat or very helpful. In 2004-05, of the 97% of Title I districts that sought assistance from their state education agency, an estimated 80% found the assistance somewhat or very helpful. In 2005-06, among the 98% of Title I districts that sought assistance from their state education agency, an estimated 75% found the assistance somewhat or very helpful.

*Statistically significant difference between 2003-04 and 2004-05.

Note: Responses are ranked from the most common source of assistance to the least common in 2005-06.

Source: *Center on Education Policy, December 2003, District Survey, item 17; June 2004, Summer District Survey, item 8 (table 7); December 2005, District Survey Part I, item 10 (table 7).*

number of states that characterized ED regulations as moderately or very helpful stayed about the same (38 this year and 36 last year), as did the number of states that gave positive ratings to ED's nonregulatory guidance (24 this year and 26 last year).

Because Secretary Spellings announced that she would use her authority to grant waivers of NCLB requirements to promote greater flexibility in implementation, we specifically asked states how helpful waivers had been in 2004-05. Only 5 states reported that waivers were moderately or very helpful, while 20 reported they were minimally or not helpful. Another 23 states said they did not know how helpful the waivers were.

FEDERAL FLEXIBILITY

Several recent federal policy changes are intended to further the “common sense” approach to enforcing NCLB announced by Secretary Spellings in May 2005 (U.S. Department of Education, 2005a). Recognizing the growing backlash against NCLB and its potential to undermine support for the Act among Republicans as well as Democrats, Spellings promised to ease some rules for states and districts that demonstrated they were raising achievement and following the law’s basic tenets.

Box 1-C discusses the Secretary’s efforts to find a workable balance between flexibility and compliance. The Secretary has given states and districts greater flexibility in such areas as assessments for students with disabilities, deadlines for highly qualified teachers, state accountability plan changes, supplemental services, and pilot models to measure AYP based on individual student growth rather than proficiency against a fixed target.

Secretary Spellings has also promised regulatory relief to districts in states affected by Hurricanes Katrina and Rita. As described in **box 1-D**, two of our case study districts—Pascagoula School District in Mississippi and St. John the Baptist Parish Public Schools in Louisiana—were located in areas affected by Katrina. Their situations illustrate the severe challenges of providing education and meeting the demands of NCLB when schools are destroyed or damaged, housing demolished, families displaced, and instruction interrupted.

USE OF WAIVERS

Waivers by the Secretary of Education of any NCLB provisions are the ultimate tool for providing greater flexibility in NCLB administration. We asked states if they had received a waiver from ED to implement NCLB. Five states responded that they had, while 45 states indicated that they had not received a waiver. We also asked states if districts had received waivers from ED to implement NCLB, and 4 states reported that districts in their state had received a waiver, while 41 reported that districts had not.

STRICTNESS OF ED ENFORCEMENT

We asked states how strictly the U.S. Department of Education is enforcing certain provisions of the No Child Left Behind Act. As **table 1-G** illustrates, nearly all (48) states believed that ED is very strictly or strictly enforcing the adequate yearly progress provisions. The vast majority of states also believed that the Department is very strictly or strictly enforcing the Reading First program, and provisions for supplemental educational services, public school choice, highly qualified teachers, and paraprofessional qualifications. However, states were more mixed on their beliefs about scientifically based research, with 20 states saying that provisions are being enforced somewhat or not at all strictly, and 21 states reporting they are being enforced very strictly or strictly. Across the board, more states reported in 2005 that ED is very strictly or strictly enforcing the listed NCLB provisions than did in 2004. It is worth noting that several of the provisions that states and districts feel are being strictly enforced relate to what Secretary Spellings called “bright line” principles (see box 1-C) that she feels must be maintained.

Box 1-B. Key Documents Issued by the U. S. Department of Education in 2005

Note: This list does not include policy letters to individual states. Readers seeking information about individual states can find a list of policy letters issued by ED to states at <http://www.ed.gov/print/policy/elsec/guid/stateletters/index.html>. Topics covered include accountability, AYP, alternative methods for distributing Title I funds, choice, flexibility, and highly qualified teachers. The Web page is updated periodically.

January 19—Letter to the states explaining the possible results of peer review of state assessment systems and actions the Department may take if those systems are not approved.
<http://www.ed.gov/admins/lead/account/seapr2.doc>

January 25—Notice of final priority on evaluation of Departmental programs that may be applied to programs supported by the Department. The priority is for random assignment and quasi-experimental designs. Actual application of the priority would be included in notices issued by individual programs.
<http://www.ed.gov/legislation/FedRegister/finrule/2005--1/012505a.html>

May 10—Announcement of “common sense” NCLB policy and guidelines on actions states and school districts may take to adjust AYP in light of flexibility to use alternative assessments based on modified achievement standards for certain students with disabilities.
<http://www.ed.gov/print/news/pressreleases/2005/05/05/05102005.html>

June 13—Nonregulatory guidance to states and local school districts on the establishment and operation of the supplemental educational services program.
<http://www.ed.gov/policy/elsec/guid/suppsvcsguid.doc>

August 3—Revised guidance regarding highly qualified teachers and improving teacher quality state grants. Among the changes are the incorporation of items related to qualifications for middle school and rural school teachers, provision of additional guidance to states on awards to districts and charter schools, and definition of equitable participation of private school students.
<http://www.ed.gov/programs/teacherqual/guidance.doc>

August—Guidance on alternate achievement standards for students with the most significant cognitive disabilities. Topics include the inclusion of students with disabilities in state assessment and accountability programs, the use of alternative assessments and alternate achievement standards, the role of individualized education program (IEP) teams, and other items related to those students with the most significant disabilities. *Note: This is not related to the Common Sense policy issued on May 10, which provides flexibility applying to other students with disabilities.*
<http://www.ed.gov/policy/elsec/guid/altguidance.doc>

August—Guidance on the provision of equitable services to eligible private school students, teachers, and other educational personnel. Applies to Title I and other federal elementary and secondary education programs that are required to provide equitable services to children attending private schools and includes information on consultation, eligibility, expenditures, delivery of services, and complaints.
<http://www.ed.gov/policy/elsec/guid/equitableservguidance.coc>

September 7—Letter to states concerning waivers and modification of NCLB requirements for states and districts affected by Hurricane Katrina.
<http://www.ed.gov/policy/elsec/guid/secletter/050907.html>

September 29—Letter to states about waivers of assessment and AYP provisions for areas affected by Hurricanes Katrina and Rita.
<http://www.ed.gov/policy/elsec/guid/secletter/050929.html>

October 21—Letter to states from the Secretary describing the four elements the Department will use to determine if a state is making a good faith effort to reach the goal of having all teachers meeting the highly qualified teacher requirements in NCLB.
<http://www.ed.gov/policy/elsec/guid/secletter/051021.html>

November 10—*No Child Left Behind: A Road Map for State Implementation*. Describes Department actions to provide greater flexibility in implementing standards and assessments, accountability and AYP, assessments for children with disabilities, assessments for English language learners, supplemental educational services pilot program, and highly qualified teacher requirements.
<http://www.ed.gov/admins/lead/account/roadmap/roadmap.pdf>

November 16—Information for states and school districts about transferability of funds among programs authorized by NCLB. Provides contacts and links to the appropriate places to secure assistance.
<http://www.ed.gov/programs/transferability/contacts.html>

November 21—Letter to the states from the Secretary inviting them to propose growth models for measuring student achievement gains as part of a new pilot program for NCLB accountability.
<http://www.ed.gov/policy/elsec/secletter/051121.html>

December 14—Letter to the states from the Secretary providing advance information on a proposed rule allowing states to develop modified achievement standards and assessments aligned with those standards for students with disabilities. Policy applies to students who are making progress toward student academic achievement standards but who are not able to reach them at the same pace as other students. This is a follow-up to the May 10, 2005, guidelines listed above.
<http://www.ed.gov/policy/speded/guid/secletter/051214.html>

Source: U.S. Department of Education, NCLB guidance and policy letters, www.ed.gov.

Table 1-F. Number of States Reporting on the Helpfulness of Certain U.S. Department of Education Activities During School Years 2003-04 and 2004-05

	Number of States Reporting ED Activity Was Moderately or Very Helpful		Number of States Reporting ED Activity Was Minimally or Not Helpful	
	2003-04	2004-05	2003-04	2004-05
U.S. Department of Education staff responses to inquiries the state has made regarding implementation of NCLB	35	44	12	7
Nonregulatory guidance issued by the U.S. Department of Education	39	43	8	5
Regulations issued by U.S. Department of Education	36	38	12	11
State accountability reviews	26	24	16	17
Waivers to assist states in the implementation of NCLB	NA	5	NA	20

Table reads: Forty-four states reported that ED staff responses to state inquiries about NCLB implementation were moderately or very helpful in 2004-05, while seven states reported that these responses were minimally or not helpful.

Note: Responses are ranked according to the number of states reporting the activity was moderately or very helpful in 2004-05.

Source: Center on Education Policy, December 2004, *State Survey, item 4*; December 2005, *State Survey, item 47*.

Box 1-C. Secretary Spellings: A More Flexible Approach

Since NCLB's inception there has been a continuous struggle between the states and ED about how much flexibility states should have in administering the law. Education Secretary Margaret Spellings has allowed states more flexibility in implementing NCLB than her predecessor Rod Paige, going so far as to suspend key elements of the law itself. Upon assuming her new position, she promised "common sense" approaches to administering the law, and in recent policy guidance she has signaled her willingness to consider new types of flexibility, as long as they do not conflict with the following "bright line" principles of the law:

- Annual testing of all students in grades 3-8 and once in high school
- Data on student achievement reported by subgroup
- Full proficiency in mathematics and English/language arts by 2013-14
- Highly qualified teachers
- School choice

Rod Paige was somewhat of a "hard-liner" on NCLB flexibility, perhaps because he had a certain vision of how it should be implemented and did not want to dilute it from the outset. The policy changes he made were in areas where federal rules were viewed as unrealistic and were causing the most problems—testing and accountability for students with disabilities and English language learners, and requirements for highly qualified teachers. He also allowed states some leeway in the exact methods they used to calculate AYP and identify districts for improvement, as long as they did not conflict with the law.

Secretary Spellings' clearest difference with her predecessor so far has been her willingness to suspend key elements of the law itself, invoking clauses in NCLB that allow her to do so. For example, she has allowed Virginia to exempt four districts from the law's requirement to provide school choice before tutoring and let them provide tutoring first. Her letter to Virginia officials indicates that this is a pilot program intended to raise the numbers of students receiving supplemental educational services. And as described in box 1-D, she has offered flexibility in complying with several NCLB requirements to districts and states affected by Hurricane Katrina.

Secretary Spellings has also permitted flexibility through changes in regulations, ED guidance, and negotiations with states. Key examples include the following:

- Allowing several large urban school districts (including Chicago, New York City, and Boston) to be direct providers of supplemental educational services even though they have been identified for improvement
- Allowing a specific number of students with disabilities (up to 2% of all students) to be tested against "modified" achievement standards, as discussed in chapter 3
- Extending deadlines for states and districts to ensure that all academic teachers and Title I instructional paraprofessionals are highly qualified, as described in chapter 7
- Pilot testing "growth models" as a means of measuring student achievement and determining AYP as explained in chapter 3

The expanded flexibility extended to states cannot be attributed solely to the arrival of Secretary Spellings. While she has played an important role, there was already impetus toward greater flexibility for the states for multiple reasons.

NCLB is a demanding law. The achievement goals are ambitious, and the burden on states and districts of identifying schools for improvement and imposing sanctions is high. To try to meet these demands, states have a strong incentive to keep the numbers of schools and districts not making AYP as low as possible. Unable to change the fundamental requirements in the law, states are using administrative methods to lessen the numbers of schools and districts not making AYP—confidence intervals, indexing, larger subgroup sizes, and the rest of the techniques described in chapter 3. The increasing use of these administrative methods was already being allowed by Secretary Paige.

Political considerations also appear to contribute to ED's decisions about flexibility. Most states are trying to settle their NCLB implementation issues with ED through negotiation about specific policy areas. But as described earlier in this chapter, disagreements have sometimes boiled over into the political arena. ED has an incentive to keep open political battles to a minimum, as do many state leaders, so more flexibility is one result.

Over the past few years CEP has tracked policy changes in state accountability plans. We have also examined rounds of ED-initiated rule changes on matters ranging from teacher quality to school choice. It is evident that, under both Secretaries Paige and Spellings, the general trend has been toward greater leeway in administration of the law, although not to the extent that many states would want. Ideally, a balance is necessary. States do need a certain degree of flexibility, but too much of it might render the law ineffective, particularly in its aim of directing resources toward improving achievement of student subgroups and closing achievement gaps.

To see whether the balance between flexibility and accountability is tilting too far, some areas bear watching. These include the effects of trends toward larger minimum subgroup sizes and use of confidence intervals in AYP calculations. Also worth watching is the development of complex state formulas for determining AYP that vary greatly from state to state. Many of these formulas have become so complicated that the average citizen cannot understand what it means when a school does not make AYP.

The constant rule changes have already raised questions about whether the law is being watered down so much that it shortchanges the very groups of disadvantaged children that it aims to help. Changes such as resetting the state definition of "proficient" performance, lowering cut scores on tests, or other modifications that enable more schools to make AYP could be viewed as "gaming the system" and could lead to a point where positive aspects of NCLB are undermined.

Sources: U. S. Department of Education, 2005b; Gewertz, 2005; Spellings, 2005a; and Spellings, 2005d.

Table 1-G. Number of States Rating How Strictly the U.S. Department of Education Is Enforcing Certain NCLB Provisions, 2004 and 2005

	Very Strictly or Strictly		Somewhat or Not at All	
	2004	2005	2004	2005
Adequate yearly progress	40	48	8	2
Reading First instructional program	39	44	2	1
Reading First assessment requirements for individual students	NA	43	NA	1
Reading First overall evaluation requirements	NA	41	NA	2
Supplemental educational services	29	41	13	6
Public school choice	27	40	15	7
Highly qualified teachers	27	39	18	9
Paraprofessionals qualifications	20	36	22	12
Scientifically based research	15	21	25	21

Table reads: In 2005, 48 states reported that the U.S. Department of Education is enforcing the adequate yearly progress provisions very strictly or strictly.

Note: Responses are ranked according to the number of states reporting that the U.S. Department of Education is strictly or very strictly enforcing the provision in 2005.

Source: Center on Education Policy, December 2004, State Survey, item 41; December 2005, item 46.

Box 1-D. NCLB in Districts Affected by Hurricane Katrina

When Hurricane Katrina devastated communities along the Gulf Coast, schools were one of the local institutions most affected. Two of our case study districts—Pascagoula School District in Mississippi and St. John the Baptist Parish Public Schools in Louisiana—were among many districts in the Gulf region directly affected by Hurricane Katrina. Their situations reveal two different sides of Katrina’s impact. Pascagoula was struck head on by the storm, experiencing massive flooding and destruction. St. John, on higher ground, sustained relatively minor damage but was significantly affected when its enrollment grew by 30% after the arrival of 1,800 students displaced from New Orleans and elsewhere. Both districts are grappling with unusual problems as they try to educate children and implement the No Child Left Behind Act in the aftermath of a disaster.

On August 29, 2005, Hurricane Katrina devastated Pascagoula, Mississippi. The city flooded, buildings were destroyed, and many residents evacuated. On the Friday before the hurricane, the superintendent of the Pascagoula School District announced that schools would be closed Monday, but no one knew they would not reopen until six weeks later on October 6. Katrina took a serious toll on the school district. Two elementary schools were damaged so badly they were unusable. Weeks after the storm, school buildings remained flooded with three to four feet of water. The libraries and all their books had been destroyed, most of what was in the classrooms was gone, and computers did not work because they had been underwater. Teachers, administrators, other school staff, and volunteers worked together to get the school buildings ready to reopen.

By the end of September, most students, teachers, and staff had come back to Pascagoula, but many could not return to their homes. Some moved in with relatives and friends, and others lived in trailer parks hastily set up all over town. About a thousand families settled into a cruise ship brought to Pascagoula as temporary housing by the Federal Emergency Management Agency (FEMA). Many returning families were from neighboring towns and cities, and although efforts were made to enroll children in their original schools, many chose to attend Pascagoula schools instead. Students, including those who had attended the two destroyed schools, were enrolled wherever there was space. Keeping track of the displaced students has been a challenge because the student database was destroyed.

Before Katrina, 97% of Pascagoula teachers met the highly qualified requirements of NCLB. But when classes resumed in October, about 40 highly qualified teachers did not return because their houses had been destroyed or their spouses’ jobs were gone. The district had to set aside NCLB requirements and fill the positions with temporary teachers, including substitutes, student teachers, and others who were not highly qualified. The Praxis test for teacher certification was originally scheduled for September 1 but had to be postponed until November. As of February 2006, the percentage of highly qualified teachers in Pascagoula had dropped to 90%. The district plans to take advantage of the flexibility offered by the U. S. Department of Education and take another year for all teachers to become highly qualified.

The district made up for the 27 missed days by canceling Thanksgiving break and part of Mardi Gras break and by adding an extra hour to each school day from October through January.

Pascagoula residents have shown incredible courage and tenacity, said Susan McLaurin, the district’s director of state and federal programs, as they try to establish a new way of life. “That means waiting in line forever . . . filling propane tanks every week so that you can cook, have hot water, and heat in your FEMA camper; making do with fewer computers, library books, and classroom resources; using tables instead of desks; becoming experts on the language in insurance policies and FEMA worksheets; and most of all, feeling so very grateful for the things that really matter.” Professional development for Pascagoula staff has included counseling for emotional, family, and financial problems resulting from the hurricane and storm.

Recognizing the special problems created by Hurricanes Katrina and Rita, Secretary of Education Margaret Spellings announced her intention to waive certain provisions of NCLB for affected states and districts. To determine AYP, the Secretary has presented two options: 1) postponing for one year the consequences that follow when a school is identified for improvement, such as choice, tutoring, and corrective action; and 2) treating displaced students as a separate subgroup and counting them only in this subgroup. The Secretary has also offered flexibility to hurricane-affected districts on other areas, such as highly qualified teachers.

On December 30, 2005, the President signed the Hurricane Education Recovery Act, which authorizes three new grant programs to help districts and schools affected by Katrina and Rita: the Emergency Impact Aid program to help cover the costs of educating displaced students, Assistance for Homeless Youth, and Immediate Aid to Restart School Operations. As of the end of February 2006, the only funds the Pascagoula School District had received were \$1.5 million in restoration clean up funds from FEMA. The district expects to receive \$7.8 million from the Restart program, which it plans to use for tutoring, summer school, and technology, and perhaps some Emergency Impact Aid. Nothing has been received yet from the district's flood insurance.

The Pascagoula district estimates it will cost around \$35 million to recover from Katrina's damage. Costs include about \$4 million for computers, furniture, books, equipment, and other supplies; about \$1.2 million to replace doors and windows; about \$3.6 million for restoration from flood damage, and roughly \$14 million to rebuild two schools. Other specific costs have not been tallied. The district does not yet know how much of the costs will be covered by federal programs.

Across the Mississippi River in Louisiana, the St. John the Baptist Parish Public Schools, a suburban district between New Orleans and Baton Rouge, was spared serious damage, but hundreds of families who were flooded out of other communities came to St. John to live with relatives or friends or in hotels or temporary lodgings. By the second week of September, the district's enrollment had grown by about 1,800 students, a 30% increase. Most of the displaced students were African American and Latino students from New Orleans. Many students stayed for weeks or months, and some have remained; by the end of February, about 700 displaced students were still enrolled in the St. John district.

Educating the displaced students has been a challenge for St. John. The district had to hire 40 additional teachers—including replacements for teachers who had left St. John because their spouses had commuted to New Orleans but their jobs had disappeared. The district hired many highly qualified teachers displaced from New Orleans but could not guarantee them a long-term position, knowing that many students would be leaving. (About 82% of the district's teachers were highly qualified as of February 2006.) Teachers who had no place to stay lived temporarily with school board members, community people, and other teachers.

The St. John district also had to find classroom space and instructional materials for the extra students. The district spent about \$5 million in fall 2005 for materials, transportation, and other resources for displaced students. FEMA funds were used to hire additional counselors for the students, but the funds were only available for two months. Other funds were used to hire additional administrators. District administrators expect the additional students to draw more revenues, but no extra funding has come through yet.

Before Katrina, the schools in St. John had undertaken several changes to improve achievement, such as reconfiguring grade levels. Some changes have been put on hold due to hurricane recovery, but the district has moved ahead with implementing a new math curriculum. Raising student achievement continues to be a goal, but it has been difficult because so many students are still dealing with emotional strain and enormous disruption in their lives. Many displaced students are still in temporary housing, their parents are unemployed, and they do not know how long they will stay. And because of this economic dislocation, the district's poverty level has increased from about 70% to 80%.

Although Louisiana has allowed its districts flexibility in testing in 2006 due to the hurricane disruption, St. John Parish has chosen to continue testing in 2006 as it has in the past. District officials were not entirely sure how the state will factor the scores of displaced students into AYP determinations, but the district does not intend to count these students as a separate subgroup. The district has been told that students who have attended St. John schools from October 1, 2005, to March 24, 2006, will be considered district students and be counted in the subgroups for which they meet the criteria. Students who were enrolled on October 1, 2005, but not enrolled on March 24, 2006, will not be counted toward AYP in St. John schools.

Despite all of the difficulties, educators in both districts have tried to make sure that instruction continues. In the St. John district, the schools opened their doors and marshaled the resources necessary to make sure displaced students receive an education. In the Pascagoula district, teachers and the entire staff have tried to make school a safe place for children amid the debris-ridden streets, according to Susan McLaurin. "[The teachers and staff] amaze me every day with their caring concern for the welfare and educational future of our children," she said, adding that the community is grateful for the support it has received from people all over the country.

State and District Recommendations for Changing the NCLB Law

Our state and district surveys asked which three requirements of the No Child Left Behind Act should be changed or eliminated. States and districts agreed on wanting changes that would give them more flexibility in calculating or demonstrating adequate yearly progress. Suggested changes addressed such issues as methods for assessing students with disabilities and English language learners and the adoption of growth models to measure student progress as an element of AYP. States and districts also would like to see the supplemental educational services requirement come before the public school choice requirement or see the choice provision eliminated altogether. States and districts would like to change the highly qualified teacher requirements. Some states called for more funding for the Act, while some districts suggested that the funding set-aside requirements be changed. Here are some of their recommendations and comments:

Allow more flexibility for states to implement whatever assessment and accountability system is effective for state use as long as it meets NCLB goals rather than being so prescriptive about the elements of the system.

AYP should give credit for students showing progress. Students mature and learn at different rates. Asking all children to learn at the same rate is the same as mandating that all children take their first step on the same day or they say their first words on the same day, or get their first tooth, or roll over, etc.

Change the process for determining AYP for ELL and special education groups in the accountability system. Students in these groups are included in at least two other groups, and they are no longer counted once they exit the program status. Accountability for these groups should be through IDEA and Title III.

The highly quality standards don't improve teaching. They just limit who we hire.

Swap SES and choice: give kids extra instruction first, and then allow them to switch schools.

Increase state administrative share—[state education agency is] completely overburdened by unfunded mandates.

Change the budgeting chaos that was created by set-asides.

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Achievement

Key Findings

- On the Center on Education Policy's district survey, a large majority of districts (78%) reported that student achievement improved from 2003-04 to 2004-05 based on state tests used for NCLB. On our state survey, 35 states reported achievement improved in reading and 36 states reported achievement improved in math based on state tests used for NCLB from 2003-04 to 2004-05
- Our case studies showed a more mixed and complex view of changes in student achievement than our surveys. In several case study districts, trends in achievement fluctuated by year and by grade level, with students making more gains in elementary grades than in other grade levels. Due to these variations, it is difficult to say whether achievement in some case study districts is increasing or declining.
- In math, more than two-thirds of states reported that state test score gaps between student subgroups based on race/ethnicity, income, disability status, or language background were narrowing or staying the same rather than widening. In reading, about four-fifths of states reported that gaps were narrowing or staying the same. Similarly, more districts said that gaps were narrowing or staying the same than said gaps were widening. While gaps do not appear to be widening, there was no real difference in the proportion of districts that said the gaps were narrowing or that said the gaps were staying the same, with one exception. In reading, a significantly larger proportion of districts reported that gaps between white and African American students were narrowing than reported these gaps were staying the same or widening.
- Our case studies showed a less definitive trend in student achievement gaps than our surveys did. Several districts showed variations by grade level and year that made it impossible to reach an overall conclusion about changes in student achievement gaps. Moreover, in some districts, African American or Latino students made great gains but did not show progress toward closing achievement gaps because white (and sometimes Asian) students made similar gains.
- Some national studies support our findings that achievement is rising and gaps are narrowing or staying the same. Others do not. Studies by *Education Week* and the Education Trust, which both examined actual proficiency scores on state tests, found that in most states the percentage of students scoring at least proficient on state tests was increasing over time. The Education Trust found that gaps at the elementary level were narrowing but that this progress was not reflected at the middle school and high school level. The National Assessment of Educational Progress, however, did not find consistent increases in reading and math between 2002 and 2005 or narrowing gaps in all grades tested. Furthermore, the Northwest Evaluation Association found that while average student scores on its national

test were increasing and gaps were narrowing, individual growth scores were not increasing and the growth scores of all student subgroups slowed over time.

- In district case studies and in responses to open-ended survey questions, state and district officials applauded NCLB's goal of closing student achievement gaps because it brought attention to traditionally underserved groups. Many state and district officials, however, called the goal of closing the gap entirely unrealistic for students with disabilities and for English language learners.

Introduction

Two of the primary goals of the No Child Left Behind Act are to raise student achievement and to decrease achievement gaps between students of different ethnicities, first languages, and abilities. The Act also calls on districts and schools to raise the performance of all students, so that 100% score at or above the proficient level on state tests by school year 2013-14. This chapter discusses student achievement and achievement gaps based on the findings of the Center on Education Policy's state survey, district survey, and district case studies, as well as other CEP reports. The chapter also places these findings in the context of other national research on student achievement and achievement gaps.

Overall Student Achievement in English/Language Arts and Math

In our state survey, we asked state officials two questions about overall achievement: "According to the 2004-05 state assessment used for NCLB, is student achievement in reading/language arts in the state improving, declining, or staying the same compared with achievement in school year 2003-04?" and "According to the 2004-05 state assessment used for NCLB, is student achievement in mathematics in the state improving, declining, or staying the same compared with achievement in school year 2003-04?" We asked district officials one question: "According to the district's test scores on the state assessment used for NCLB, is student achievement in the district improving, declining or staying the same?" These survey responses do not represent an independent analysis of state test data. Instead, they represent the views of the state and district officials responding to the survey.

MOST STATES AND DISTRICTS REPORT STUDENT ACHIEVEMENT ON STATE TESTS INCREASING

In our 2005-06 survey, officials from 35 states said that based on state tests scores from 2003-04 to 2004-05 student achievement was improving in English/language arts. Only two states said achievement was declining, while six states said it was staying the same, and seven states marked "other" on the survey. Of those saying "other," three explained that they had new tests so they couldn't compare across years, two added that achievement varied from grade to grade, one did not have test data available for the current year, and one did not elaborate.

State officials gave similar reports of changes in student achievement in math. Our survey showed that 36 states said student achievement was improving in math, 2 states said it was declining, 5 states said it was staying the same, 6 states marked "other," and 1 state did not respond. Of those saying "other," two explained that they had new tests so they couldn't compare across years, one added that achievement varied from grade to grade, one did not have test data available for the current year, and two did not elaborate.

Table 2-A. Number of States Reporting Changes in Student Achievement in English/Language Arts and Mathematics Based on State Assessments Used for NCLB from 2003-04 to 2004-05

	English/Language Arts	Math
Improving	35	36
Declining	2	2
Staying the same	6	5
Other	7	6
Did not respond		1

Table reads: In English/language arts, 35 states reported that student achievement was improving on tests used for NCLB. In math, 36 states reported that student achievement was improving on tests used for NCLB.

Source: Center on Education Policy, December 2005, State Survey, items 6 and 7.

State reports of changes in achievement in math and English/language arts are summarized in **table 2-A**. These views are similar to last year's results, when 36 states said student achievement in general was improving, 8 states said it was staying the same, 4 states were unable to determine trends, and 1 did not respond.

Districts also reported improvement in student achievement, as illustrated in **figure 2-A**. Based on state assessments used for NCLB from 2003-04 to 2004-05, 78% of districts

Figure 2-A. Percentage of Districts Reporting Changes in Student Achievement in General Based on State Assessments Used for NCLB from 2003-04 to 2004-05

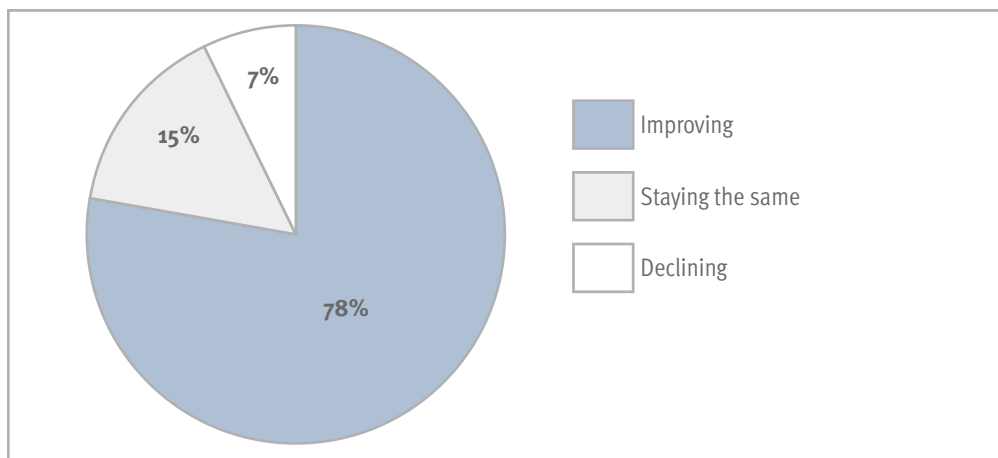


Figure reads: Approximately 78% of districts reported that student achievement was improving on tests used for NCLB.

Source: Center on Education Policy, December 2005, District Survey Part I, item 40 (table 9).

reported that their students' test scores were improving, 7% reported test scores were declining, and 15% reported test scores were staying the same. These responses were very similar to last year's results, when 72% of districts said achievement was improving in general, 6% said it was declining, and 22% said it was staying the same.

Even with these improvements on state tests, many states are far from meeting the NCLB target of having 100% of students proficient by 2013-14. According to data in *Education Week's 2006 Quality Counts* report, in about half of the states in 2005, no more than 75% of students scored proficient or above in 4th grade reading, no more than 70% were proficient in 8th grade reading, no more than 75% were proficient in 4th grade math, and no more than 60% were proficient in 8th grade math. A handful of states had fewer than 40% of students scoring at or above proficient levels on one or more tests. Some researchers have asserted that, based on current data trends, very few states are likely to bring 100% of students to the proficient level by 2013-14 (Linn, 2004; Packer, 2004; Popham, 2004).

SOME PORTION OF INCREASES MAY BE DUE TO STUDENTS LEARNING MORE

While determining the causes of increased student achievement on state tests is beyond the scope of this study, some portion is probably due to students learning more. On our district survey as well as in our case studies, district officials report schools have made major changes in what students are taught and how they are taught. For example, 90% of districts surveyed reported that "aligning curriculum and instruction with standards and/or assessments" was successful in raising student achievement somewhat or to a great extent. Similarly, 88% reported that "increasing the use of student achievement data to inform instruction and other decisions" was successful in raising student achievement somewhat or to a great extent. We have devoted chapter 4 to a detailed discussion of strategies states and districts have used to raise student achievement.

SOME PORTION OF ACHIEVEMENT CHANGES MAY BE DUE TO TEACHING TO THE TEST

Testing skills and knowledge that are actually taught in classrooms is, of course, essential to good assessment practice. Close alignment between curriculum and instruction on one hand and standards and assessments on the other is a critical element of standards-based reform. As CEP has pointed out in a 2002 publication and as others have observed, "teaching to the test" can be a positive thing when it means aligning curricula to well-designed standards and tests and ensuring that classroom teaching covers the most important knowledge and skills (including higher-order skills) contained in those standards (CEP, 2002; Mathews, 2006). Narrowing the curriculum, however, so that it includes only the knowledge and skills that are likely to appear on the state test crowds out other subjects, as discussed in chapter 4, and leads to test score inflation.

Our 2002 publication defined inappropriate forms of teaching to the test as practices that raised test scores without also improving students' mastery of the broader subject being tested. A 2005 publication of the National Center for Research on Evaluation, Standards, and Student Testing (CRESST) concluded that inappropriate forms of teaching to the test give a false impression that student achievement is rising nationally when students are actually learning the same amount or less (Koretz, 2005). After reviewing results from a variety of research studies, author Daniel Koretz found that gains on high-stakes tests have typically been three to five times higher than gains on other tests (such as the National Assessment of Educational Progress). The author explains this phenomenon by noting that when teachers know the general content and format of a high-stakes test, they tend to teach more narrowly to that test,

which inflates scores; but when students take other tests of similar content that teachers have not prepared them for in the same way, students do not show such marked gains.

As discussed in chapter 4, the majority of our case study districts reported strongly aligning curriculum and instruction to assessments. In addition, 96% of districts we surveyed reported aligning curriculum and instruction to assessments somewhat or to a great extent. Most case study districts said this alignment was effective in raising student achievement on state tests. Some case study districts also reported that this practice had become so extreme that it crowded out other subjects. The extent to which aligning curriculum and instruction to assessments is inflating state test scores is unknown, but the potential for inflation is present.

Cheating can also inflate test scores. While it is impossible to determine the extent of cheating on state tests, recent news articles have raised the specter of cheating in several states. In Georgia, about 160 educators have been sanctioned since 1999 for bending the rules or cheating on standardized tests. *The Atlanta Journal-Constitution* reported that some have resigned, and some were reprimanded or had their teaching licenses briefly suspended (Donsky, 2005). Similarly, the *Houston Chronicle* reported that evidence of cheating was found at four different Houston schools, and several teachers and principals were fired or demoted as a result (Spencer, 2005).

SOME PORTION OF INCREASES MAY BE DUE TO TESTING CHANGES

Reports by district and state officials of improvements in student achievement on state tests used for NCLB may be partly due to increases in student learning but may also be partly due to other changes in state policies. CEP's 2005 report, *States Test Limits of Federal AYP Flexibility*, found that over the past few years, changes in how states calculate AYP have made it easier for schools and districts to make AYP. Some of these changes—in particular, counting scores from retests and applying new regulations for students with disabilities—have also made it easier for more students to be counted as proficient or above on state tests. The effects of these changes are discussed below and described in more detail in chapter 3.

ED's initial position on retesting was that only the first administration of the tests used for NCLB would count for measuring adequate yearly progress. In many states, however, high school exit exams (tests that students must pass to receive a diploma) are also used to determine AYP. Many states allow students to retake these high-stakes tests multiple times in order to pass and receive a diploma. In a retest, students take a different version of the same test with new questions, so they do not know the questions ahead of time. As explained in chapter 3, the number of states approved to count retests for AYP has risen from 4 in 2003 to 11 as of February 2006. At least one of these states, Oregon, allows tests at all grade levels to be retaken, not just high school exams. The year the retesting option is added to the state's accountability system, the percentage of students score at or above proficient is likely to increase.

More flexible federal rules for assessing students with disabilities have also increased the percentage of students counted as proficient. In April 2005, the U.S. Department of Education announced that 2% of the proficient or advanced scores of all students in the testing pool could come from students with disabilities who are assessed using "modified standards." This 2% is in addition to the 1% already assessed using "alternative standards" in previous years. To enable states to take advantage of this expanded opportunity for 2004-05 testing, ED allowed states to request permission to convert "nonproficient" scores on state assessments to "proficient" for a percentage of students with disabilities equivalent to 2% of the total number of students in the state. As explained in more detail in chapter 3, 26 states have taken advantage of this option, which increases the number of proficient scores.

CASE STUDIES SHOW COMPLEX AND MIXED VIEWS OF STUDENT ACHIEVEMENT

Usually our case study districts reported that student achievement was improving, but many districts experienced dips and fluctuations by testing year and by grade level, with elementary schools students doing better in general than middle and high school students. Our case studies sought to confirm and elaborate on what interviewees told us about achievement by also examining the district's state testing data. Officials in several case study districts told us that they had difficulty using state tests to gauge changes in student achievement because of state policy issues, such as the introduction of new tests with different levels of difficulty and changes in testing dates. Because of these difficulties, many districts were using additional assessments to measure change and guide instruction.

In a few of our case study districts, student achievement on state tests was clearly rising. For example, in the Kansas City, Kansas Public Schools, student achievement has been increasing since 2002 for all subgroups and grades of students. The percentage of students in the district scoring at or above proficiency on the state reading assessment has increased from 32% in 2002, to 52% in 2004, to 56.1% in 2005. The percentage of students scoring at or above proficiency in math has increased from 23% in 2002, to 38% in 2004, to 40.7% in 2005. Also, in the Cuero Independent School District in Texas, the percentage of students scoring at the proficient level or above on state reading/language arts tests in grades 3-11 increased from 84% in 2004 to 87% in 2005. In math the percentage increased from 70% to 74%. But Willow Run Community Schools in Michigan is more typical, in that there are some indications of rising student achievement, as well as some indications of achievement holding steady or declining slightly. Student achievement in Willow Run is discussed in more depth in **box 2-A**.

Many case study districts also reported that student achievement varied by grade level, with elementary students doing better than older students. In Harrison Community Schools in Michigan, for example, the state Web site showed that 76% of students scored at or above proficient on the 4th-grade state English/language arts test, and 90% scored at or above proficient on the math test. This is a sharp increase from 2002, when only 58% of students scored at or above proficient in English/language arts and 36% in math. Achievement also improved in the middle school, state records showed. About 63% of 7th graders scored at or above proficient on the state English/language arts test and about 59% of 8th graders scored at or above proficient on the math test—an increase from 2002, when only 54% reached the proficient level in English/language arts and 51% in math. But achievement in the district's traditional high school fell slightly. For these 11th graders, 65% were at or above proficient on state English/language arts tests and 53% scored at or above proficient on state math tests, down from the 74% of students who reached this level in English/language arts in 2002 and 71% of students who scored at or above proficient in math in 2002. District officials said they hope that as the higher-achieving middle and elementary school students enter the high school, achievement will rise.

Elementary students did better on tests than secondary students in several other case study districts, including Cuero in Texas, Cloquet Independent School District #4 in Minnesota, Napoleon School District in North Dakota, Orleans Central Supervisory Union in Vermont, and Willow Run in Michigan. Similarly, a 2005 Education Trust study of state test results showed that in most states the percentage of students scoring at or above the proficient level was increasing in elementary grades but not in middle and high school grades. It is important to note, however, that many states tests are not designed to be compared across grades; so although more students may score at or above proficiency in elementary schools than in high schools, this does not mean that the absolute achievement of elementary school students is higher. The tests themselves may be designed to have different levels of difficulty or the cut scores may have been set at different levels of difficulty.

Box 2-A. Student Achievement on State Tests Fluctuated in Willow Run Community Schools in Michigan

Willow Run officials said that they believe student achievement is up in the district, but that these increases have not always shown up on state tests, especially at the middle school and high school levels, where students have traditionally had more trouble meeting AYP targets. As in many of our case studies, clear trends in achievement are difficult to discern because a number of different grade levels and subjects have to be considered. Elementary school students have met targets, although proficiency rates on the Michigan Educational Assessment Program (MEAP) tests from 2003 to 2005 have risen and then declined in both reading and math. Based on the MEAP tests taken in the middle school, performance increased steadily in math. In reading, students made gains in 2004 but performance dropped in 2005. In MEAP tests taken in the high school in both math and reading, the percentage of students scoring at or above proficient has declined, as shown in **table 2-B**.

Table 2-B: Student Achievement on the Michigan Educational Assessment Program (MEAP) from 2003 to 2005

Elementary School	Percentage who met or exceeded target	
	4th Grade Reading	4th Grade Math
2005	68%	60%
2004	77%	68%
2003	73%	59%
Middle School	7th Grade Reading	8th Grade Math
2005	51%	48%
2004	55%	40%
2003	40%	23%
High School	11th Grade Reading	11th Grade Math
2005	46%	19%
2004	56%	23%
2003	64%	59%

Table reads: In 2005, 68% of 4th grade students met or exceeded the state target for reading on the Michigan Educational Assessment Program test.

Sources: Willow Run Community Schools and the Michigan Department of Education.

Throughout the district, students with disabilities, as a subgroup, have had the most difficulty passing state tests. At the middle school, for example, only special education students in math failed to meet AYP targets. District officials estimated that if only two more special education students had scored at or above proficient, the school would have made AYP. Ironically, Regina Williams, director of secondary education, said that Willow Run has a reputation of having a good inclusion program and attracts students with disabilities from outside the district. Indeed, about 20% of district students are students with disabilities.

In still other case studies, achievement appears to have reached a plateau. For example, in the Clark County School District, the largest district in Nevada, changes in the percentages of students passing state tests have been relatively small, based on information from the state Web site. In the Wake County Public School System in North Carolina, 91% of students were proficient, but district officials said achievement may have reached a plateau. District officials report it will be a challenge to maintain growth when high percentages of students are already proficient. Testing expert Robert Linn (2000) has warned that states often show gains during the first few years of a new high-stakes testing and accountability program, but that the gains usually hit a plateau and student test scores level off. He used the example of Florida, where rapid gains in scores were made after the introduction of a high-stakes testing program in the late 1970s but then scores stagnated.

Officials in some case study districts believed that student achievement was rising in the district, but they had difficulty gauging achievement trends based on state tests because these tests had changed, either in their difficulty or the timing of their administration. For example, in Bloomfield School District in New Mexico, new state tests first administered in 2004-05 and tests at more grade levels have made it difficult for the district to track changes in student achievement from 2003-04 to 2004-05. These changes have rendered invalid any comparisons between 2003-04 and 2004-05, a district administrator noted, adding that 2004-05 has become a new baseline year for comparing progress in future years. In reports to parents and the press, the state superintendent has also cautioned that these new tests are more difficult than previous tests and should not be compared directly with tests from prior years.

In another example, district officials in Willow Run, Michigan, questioned the validity of making comparisons between 2005-06 and previous school years because the state has shifted the testing dates from winter (January-February) to fall (October). “We’ll be comparing apples to oranges,” said one local administrator. Due to this perceived lack of consistency in NCLB testing, the district is looking at other assessments to track student progress, such as the assessments associated with the Accelerated Reader and Accelerated Math programs. Romulus Central School District in New York also reported that the state was shifting its testing dates from spring to fall.

Perhaps some of the most telling evidence that state tests do not completely capture changes in student achievement is that many case study districts have turned to other measures for more information. *Education Week* has reported that this is a national trend (Olson, 2005). In the Cleveland Municipal School District in Ohio, for example, test score information from the state is not detailed enough to help teachers understand what students have learned, district officials said. “The state sends a class data analysis, not a student analysis, and the questions are secure,” said Joyce Hicks, the district’s director of data quality. In other words, teachers can see what their class did as a whole by the general topic of the question. But they cannot see how individual students answered specific questions. In Cleveland, where students have a wide range of skill levels, this leaves teachers with little to go on. As a result, Cleveland has developed its own benchmark tests. These benchmark tests, which mirror the state tests, have been reviewed by district staff for reliability and validity. Using the benchmark tests twice a year, teachers can tell more precisely what each student needs to learn and can group students for instruction accordingly. Other case study districts that have implemented additional assessments include Bloomfield, New Mexico; Colorado Springs District 11, Colorado; Fayetteville Public Schools, Arkansas; Kansas City, Kansas Public Schools; Tigard-Tualatin School District, Oregon; Wake County, North Carolina; Waynesboro Public Schools, Virginia; and Willow Run, Michigan.

One case study provided a counter example. All Idaho students in grades 2 through 10 take the Idaho Standards Achievement Test in reading and math. What is somewhat unique is that all tests are administered by computer, so school officials can receive results within 24 hours after the tests are completed. In our case study district, Joint School District #2 in Meridian, Idaho, classroom teachers have the results as soon as the students finish the tests. “It is incredible that we can have such rich stuff so fast,” said Superintendent Linda Clark. “All we have to do after testing is decide on our next steps, and we base those on what the kids show us they can do as well as what they can’t do.”

SOME NATIONAL STUDIES SHOW ACHIEVEMENT GAINS, WHILE OTHERS DO NOT

In keeping with our state and district survey results, some other national studies have found evidence of rising test scores. As shown in **table 2-C**, *Education Week* examined actual changes in the percentage of students scoring at or above proficient on state tests from 2002-03 to 2004-05, while the Education Trust examined similar data for 2001-02 through 2003-04. Although the absolute percentages of states showing achievement gains vary, as would be expected for these three different time periods, all three studies show that more states had experienced gains than declines in their percentages of students scoring proficient. CEP percentages are based only on the 43 states that reported tests scores were improving, declining, or staying the same, not on the 7 states that marked “other” or did not respond.

Table 2-C. Percentage of States That Reported Student Achievement Was Improving, Staying the Same, or Declining on State Tests

	CEP 2003-04 to 2004-05	Education Week 2002-03 to 2004-05, 4th grade	Education Week 2002-03 to 2004-05, 8th grade	Education Trust 2001-02 to 2003-04, 4th grade	Education Trust 2001-02 to 2003-04, 8th grade
Reading					
Improving	81%	79%	64%	71%	59%
Same	14%	3%	14%	11%	11%
Declining	5%	18%	22%	18%	30%
Math					
Improving	84%	84%	86%	97%	86%
Same	12%	5%	3%	0%	14%
Declining	5%	11%	11%	3%	0%
Total states	43	38	36 reading, 35 math	28 reading, 29 math	27 reading, 28 math

Table reads: Eighty-one percent of states surveyed by the Center on Education Policy in 2005 reported that reading achievement had improved between 2003-04 and 2004-05. Education Week’s examination of achievement trends between 2002-03 and 2004-05 showed that reading had improved in 79% of the states studied in 4th grade and in 64% of the states in 8th grade. Finally, the Education Trust’s examination of achievement trends between 2001-02 and 2003-04 showed that reading had improved in 71% of the states studied in 4th grade and in 59% of the states in 8th grade.

Note: Table includes only those states that had testing data for the specified years.

Source: Center on Education Policy, December 2005, *State Survey*, items 6 and 7; Education Week, 2006; Education Trust, 2005.

Data from the National Assessment of Educational Progress for a similar time period, however, show no gains in student achievement in English/language arts and small gains in math. NAEP definitions of “proficient” are different from state definitions. In addition, each state sets its own definition of proficient and uses its own test, and the resulting definitions vary widely, so comparisons must be made tentatively. All definitions, however, are aimed at setting a bar for what students at a particular grade level should know and be able to do. The report on the NAEP 2005 reading assessment showed that from 2002 to 2005 the percentage of students performing at or above the proficient level in 4th grade stayed steady at 31%, but decreased 2 percentage points in 8th grade from 33% to 31% (National Center for Education Statistics, 2006a). The NAEP report on its 2005 math assessment, by contrast, showed statistically significant gains in both 4th and 8th grades (National Center for Education Statistics, 2006b). From 2003 to 2005, the percentage of students performing at or above proficient in 4th grade increased 4 percentage points from 32% to 36% and 1 percentage point in 8th grade from 29% to 30%. Differences in student achievement trends between NAEP and state tests used for NCLB have been noted in several national newspapers and have led some testing experts to question whether the state test gains represent increases in learning (deVise, 2005; Feller, 2006; Winerip, 2005).

A 2005 analysis from the Northwest Evaluation Association (NWEA) also casts doubt on the idea that student achievement is clearly rising across the country (Cronin et al., 2005). Using assessment instruments in reading and math for grades 3 through 8 NWEA collected data from more than 216 districts, 844 schools, and more than 15,000 students nationally from 2001-02 to 2003-04. The assessment allows growth scores to be calculated for individual students. A growth score measures how much an individual student’s score on tested material has improved from one test administration to the next. A more complete discussion of measuring growth is included in chapter 3. NWEA found that average math scores had improved significantly and average reading scores had improved slightly. An examination of individual growth, however, told a different story. For most students, growth declined over time.

While reports from *Education Week* and Education Trust support our state and district survey findings that student achievement on state tests is improving, NAEP and NWEA data suggest that this improvement is not always reflected on other measures of achievement. As discussed previously, one reason other measures of achievement may not show as much improvement as state tests is that other measures are not necessarily aligned with state standards and teachers do not create lessons specifically designed to help students pass these tests. Our case studies, which allowed for more complex responses to questions about student achievement, also indicated that changes in student achievement may be difficult to summarize based purely on state test results. Based on information from our surveys and case studies, it appears that most state and district officials report that student achievement as represented by state test scores is improving, but many case study contacts were less than certain that these tests show clear trends and accurately represent changes in achievement.

Student Achievement Gaps

CEP surveys asked states and districts two questions: “Based on state assessments used for NCLB in 2004-05, is the achievement gap in reading/language arts between each of the following groups of students in your state or district narrowing, widening, or staying the same compared to school year 2003-04?” and “Based on state assessments used for NCLB in 2004-05, is the achievement gap in mathematics between each of the following groups of students in your state or district narrowing, widening, or staying the same compared to school year 2003-04?” Respondents could also indicate that there was no gap in performance, that the subgroup was too small to track, or that the state did not have data to answer the question. These survey responses do not represent an independent analysis of state test data. Instead, they represent the reports of the states and districts responding to the survey.

MOST STATES AND DISTRICTS REPORT GAPS NARROWED OR STAYED THE SAME

Among states where an achievement gap was present and measurable, more states reported that all gaps were narrowing rather than staying the same or widening in both math and English/language arts. This finding is somewhat different from our 2004 survey, when more states reported gaps between white and Asian students and between white and Native American students were staying the same. The percentages of states reporting that gaps are narrowing versus staying the same were often relatively close among those states which reported that gaps were present and measurable. For example, 43% of states reported that the gap between English language learners and non-English language learners was narrowing, while 36% reported that it was staying the same in reading. Few states indicated that there was no gap in performance, that the subgroup was too small to track, or that the state did not have data to answer the question, as described in **box 2-B**.

On our district survey among districts where gaps were present and measurable, there was no significant difference in math between the percentage of districts saying gaps had narrowed and the percentage saying gaps had stayed the same. Similarly, in reading among these districts, there were no significant differences between the percentage of districts saying gaps had narrowed and the percentage saying gaps had stayed the same, except for the African American subgroup. A significantly larger percentage of districts reported that achievement

Box 2-B. Few States Report Achievement Gaps Are Non-Existent or Unmeasurable

The subgroups reported under NCLB were large enough to measure in most states in 2004-05 with a few exceptions. The African American subgroup was too small to measure in one state, the Asian subgroup was too small in three states, the Latino subgroup was too small to measure in three states, and the Native American subgroup was too small to measure in six states. Achievement gaps among the subgroups tracked for NCLB were apparent in most states in 2004-05, except between Asian and white students. Seven states reported there were no gaps between these two subgroups in either reading or math.

Answering our survey questions, most state officials indicated they had adequate data to measure most of these achievement gaps. Across the board, fewer states reported not having data to measure achievement gaps in 2005 than in our 2004 survey. In math, the number of states marking “don’t know” on our survey ranged from 7 to 12 in 2004 but decreased in 2005 to 2 to 6 states in math and 3 to 7 states in reading.

gaps were narrowing in reading between African American and white students than reported that gaps were staying the same or widening.

Many districts, however, do not have Asian, Latino, African American, Native American, or English language learners subgroups large enough to count for AYP purposes and therefore need not be as concerned about subgroup performance in order to meet AYP targets for subgroups, but scores for these students do count within the overall district percentage of students meeting AYP targets. **Box 2-C** shows the percentages of districts that were not able to measure gaps in performance.

Box 2-C. In Many Districts Subgroups Are Too Small to Track

Under NCLB, subgroups must be of a minimum size in order for their scores to count for adequate yearly progress determinations of that subgroup, although scores do count for overall AYP. States set subgroup size, with guidance from ED. The minimum subgroup size has to be large enough to give statistically reliable information and protect the privacy of the test-takers, but should not be so large that it absolves districts from being held accountable for subgroup performance. The percentage of districts indicating that subgroups were too small to track on our 2005 survey appears in **table 2-D** below.

Table 2-D. Percentage of Districts Reporting Achievement Gaps Do Not Exist or Subgroups Are Too Small to Track, 2003-04 to 2004-05

Student Group	Reading			Math		
	No Gap in Performance	Subgroup Too Small to Track	Don't Know	No Gap in Performance	Subgroup Too Small to Track	Don't Know
White vs. African American students	1%	65%	0%	1%	65%	2%
White vs. Asian students	3%	81%	2%	4%	79%	2%
White vs. Latino students	2%	57%	2%	6%	56%	2%
White vs. Native American students	2%	81%	3%	2%	81%	4%
ELL vs. non-ELL students	1%	57%	5%	2%	57%	4%
Students with disabilities vs. students without	1%	17%	6%	1%	17%	7%
Low-income students vs. students who are not low-income	4%	16%	6%	3%	17%	5%

Table reads: In math, 65% of districts reported that their number of African American students fell below the state minimum size and was too small to track for AYP, while 1% said there was no gap in performance and 2% reported they did not know if there was a gap.

Source: Center on Education Policy, December 2005, District Survey Part II, item 43 (tables 10 and 10b).

On the whole, then, among districts with achievement gaps, more report having narrowed the achievement gap between African American and white students in reading than between students in any other subgroup. That is, 62% of these districts said the gap between African American and white students was narrowing. Among both districts and states that reported gaps were present and measurable, **figures 2-B and 2-C** illustrate the percentages of districts and states reporting that achievement gaps are narrowing, widening, or staying the same in reading and math.

While most state and district officials reported that gaps were narrowing or staying the same, the responses of state officials to an open-ended question about whether gaps varied by grade level showed a more complex view of achievement gaps. Most state officials noted that gaps in reading and math did vary by grade level, and only a handful reported that gaps were stable throughout elementary, middle, and high school. However, only about a fourth of state officials responding to the question were able to identify a clear pattern in this variation by grade level in reading, and a little more than a third were able to identify a clear pattern for this variation in math. The rest did not have the data to do this. For example, in many states proficiency percentages are not comparable across tests for different grade levels, and in many states grade levels included in elementary schools, middle schools, and high schools varied widely by district.

For the few states that could discern a pattern to the variation, gaps at the elementary school level appeared to be stable or narrowing, while those at the middle and/or high school levels appeared to be stable or widening. As reported by Education Trust (2005), high school tends to be the level with the greatest student achievement problems.

CASE STUDIES SHOW LESS DEFINITIVE TRENDS IN ACHIEVEMENT GAPS

Many of our case study districts supported our survey findings of narrowing gaps for one or more student groups. Others, however, showed fluctuations from year to year or by grade level. One common pattern was for the district to have rising achievement among students of color, students with disabilities, or English language learners, and for white, non-disabled, and non-ELL students to be progressing well, so that the gaps did not narrow.

The Kansas City, Kansas Public Schools provide an example of a district where achievement gaps have narrowed. Students with disabilities, in particular, have made impressive gains, increasing their percentage proficient by more than 40 points in reading and 20 points in math. Similarly, while the percentage of students in the district scoring at or above proficiency on the state reading assessment increased by 20 points, the achievement gap between white and Latino students virtually evaporated. Another district with narrowing gaps is Harrison, Michigan. Achievement gaps between low-income students and their higher-income peers and between students with disabilities and their nondisabled peers have been narrowing, district officials reported. These two subgroups have traditionally had difficulty meeting AYP targets. The district is still concerned with the achievement of students with disabilities, because although the gap has narrowed it remains relatively wide.

Other districts in our case studies showed less clear patterns of changes in achievement gaps. For example, improvement efforts in the Cloquet district in Minnesota are aimed at addressing the achievement gap between white and American Indian students. The gap narrowed in 2003, became wider in 2004, then narrowed considerably in 2005. In Cleveland, Ohio, achievement gaps between most subgroups and the general population have not been as large as in the rest of the state, district officials said. But the majority of students in Cleveland are African American and low-income, so the narrower gap may be attributed to the fact that

Figure 2-B. Reading: Percentages of States and Districts Reporting Achievement Gaps Between Student Groups Have Changed from 2003-04 to 2004-05

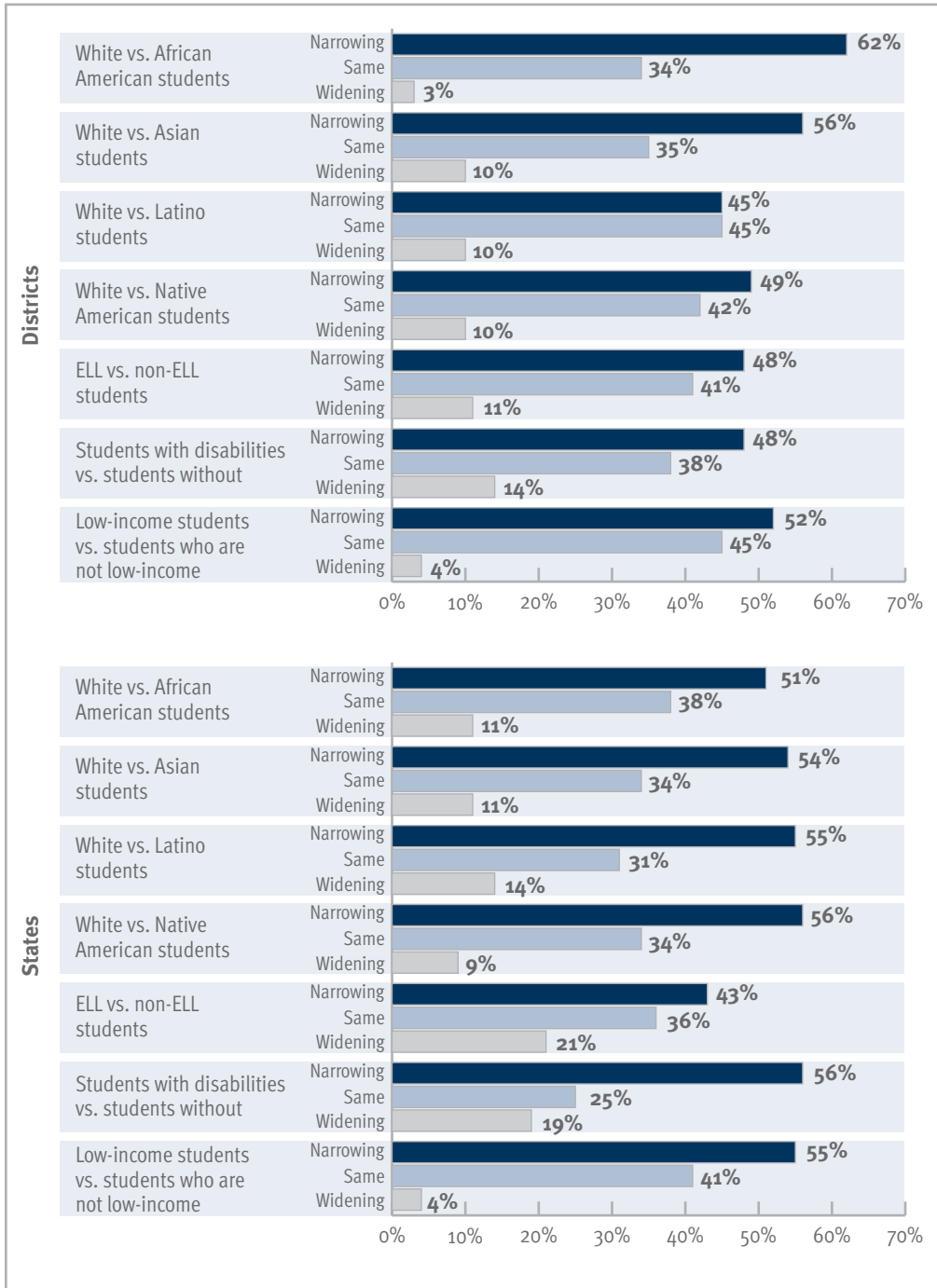


Figure reads: In reading among districts and states where gaps were present and measurable, 62% of districts and 51% of states reported that achievement gaps between white and African American students had narrowed from 2003-04 to 2004-05.

Source: Center on Education Policy, December 2005, District Survey Part II, item 41 (table 10a); December 2005, State Survey, item 8.

Figure 2-C. Math: Percentages of States and Districts Reporting Achievement Gaps Between Student Groups Have Changed from 2003-04 to 2004-05

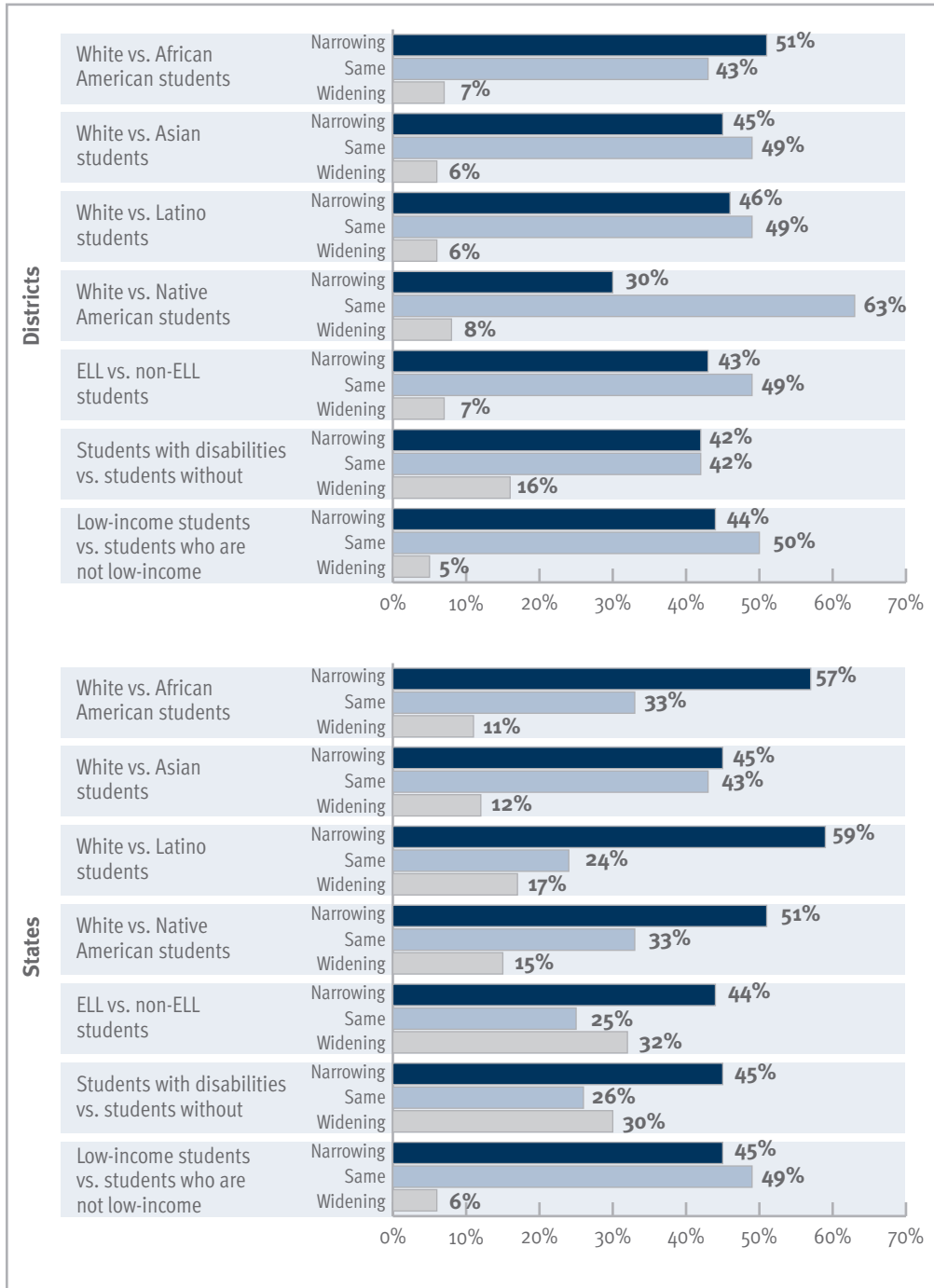


Figure reads: In math among districts and states where gaps were present and measurable, 51% of districts and 57% of states reported that achievement gaps between white and African American students had narrowed from 2003-04 to 2004-05.

Source: Center on Education Policy, December 2005, District Survey Part II item 43 (table 10c); December 2005, State Survey, item 9.

there is very little difference between the general student population and the African American and low-income subgroups. From 2002-03 to 2004-05, Cleveland's Latino students, however, have narrowed the gap. On reading and math proficiency tests, these students increased achievement by 2 to 9 percentage points in the grade levels tested. For other groups, however, no clear pattern of narrowing or widening achievement gaps is discernable. For example, according to state report cards from 2002-03 and 2004-05, the reading achievement of ELL students on proficiency tests increased in 4th grade but decreased in 6th grade.

Still other case studies showed patterns of increases in student achievement for traditionally lower-achieving subgroups but commensurate increases for all students, so that achievement gaps are unaffected. For example, in Palmdale Elementary School District in California, the subgroups that traditionally have had the most difficulty meeting AYP targets in the district—African American, Latino, low-income, and ELL students—all increased their percentages proficient in both reading and math by at least 8 percentage points over the past two years. Districtwide, however, the percentage of students at or above proficiency increased by about 7 percentage points in reading and about 10 percentage points in math. So most subgroup gains have not been large enough for the district to narrow achievement gaps. Achievement in Berkeley County School District in South Carolina shows a similar pattern, as discussed in **box 2-D**.

CLOSING GAPS VALUABLE, BUT UNREALISTIC FOR ELLS AND STUDENTS WITH DISABILITIES

As discussed in chapter 1, the majority of states listed the focus on subgroup performance and achievement gaps as one of the three most positive effects of NCLB. For example, one state official wrote:

The requirement to report the results of all subpopulations, including special education and limited English proficient students, has focused attention on those subgroups in a way that has helped raise student achievement.

However, many state officials also listed the goal of eliminating gaps for students with disabilities and English language learners as one of the three most serious implementation challenges and one of the three NCLB requirements they would change or eliminate.

Our case studies supported this view. In Wake County, North Carolina, for example, district officials supported the district's Goal 2008—95% of all students proficient by 2008, with “high growth” for all student subgroups. The assistant superintendent, senior director of school accountability, and all four principals interviewed for the study, however, argued that NCLB's absolute achievement standard for students with disabilities and English language learners, in particular, often frustrates and lowers the morale of educators rather than motivating them to work harder and more effectively, as intended. In another example, a district administrator in the Bayonne City School District, New Jersey, suggested that NCLB is “penalizing” the very improvement that it inspired by identifying for improvement schools that are making progress. Big schools, which are more likely to meet New Jersey's relatively small minimum subgroup size, are especially affected. So are schools serving sufficiently large populations of ELLs and students with disabilities—subgroups that are improving, according to administrators, but often not enough to meet NCLB requirements.

In the Tigard-Tualatin district in Oregon, some district officials also expressed concern about testing goals for students with disabilities. Although Tigard-Tualatin identifies a smaller proportion of students for special education than the state average, and although students with disabilities in the district have improved a great deal on state tests since NCLB, officials ques-

tioned whether 100% passing rates by 2014 are realistic. Gail Wilkinson, literacy specialist at Metzger Elementary School, admitted to having difficulty with the testing goals for this subgroup. “It doesn’t seem feasible to have 100% of kids reaching goals,” she said. “I don’t think it’s realistic, and I worry about what’s going to happen nationally in the next few years.”

SOME NATIONAL STUDIES SHOW NARROWING ACHIEVEMENT GAPS, OTHER DON’T

Some national studies support our district and state survey findings that gaps are narrowing or staying the same. For example, National Assessment of Educational Progress reports on reading and math results from 2005 showed that some of the traditional gaps between student groups have been narrowing (National Center for Education Statistics, 2005a; 2005b). Between 2003 and 2005, the African American/white gap narrowed significantly by 1 point on a 500 point scale in both 4th- and 8th-grade math, and by 2 points in 4th-grade reading. However, as our case studies showed, not all data fit into neat trends. NAEP also found that the gap between African American and white students did not change in 8th grade reading during this time. In addition, between the 2003 and 2005 NAEP reading and math assessments, the Latino/white gap narrowed by 2 points in both 4th and 8th grade reading and in 8th grade math. There was no significant change, however, in the gap for 4th grade math during the same period.

A 2006 CEP analysis of achievement gaps on NAEP takes a longer view and paints a slightly different picture of greater gains for African American students (Center on Education Policy, 2006). From 1992 to 2005, white students showed a 19-point gain in NAEP scale scores, Asian students a 20-point gain, and Hispanic students a 24-point gain. African American students made the greatest improvement, with a 27-point increase between 1992 and 2005. A similar pattern was found for NAEP scores in 8th grade math and 4th and 8th grade reading between 1992 and 2005.

Education Trust’s 2005 examination of gaps on state tests given between 2002 and 2004 also found narrowing gaps, but primarily at the elementary school level. In the middle grades, Education Trust found narrowing gaps, but in some cases gaps narrowed because the achievement of white students declined—not the goal of NCLB. In addition in middle school, gaps between Latino and white students grew wider or stayed the same in more states than they narrowed in. Education Trust found high school gaps to be more stubborn than those at elementary or middle school. In both reading and math at the high school level, Latino/white gaps and gaps between low-income and non-low-income students widened or stayed the same in more states than they narrowed in.

As described in the section above on overall student achievement, NWEA uses an assessment nationally that calculates individual student growth in grades 3 through 8 (Cronin et al., 2005). NWEA found that from 2001-02 to 2003-04, African-Americans narrowed the achievement gap at every grade but grade 8, and Latinos narrowed the achievement gap at every grade but grade 6. Growth rates decreased for all subgroups, however. African American and Latino students may have narrowed the gap over time on NWEA’s assessment, but researchers found their growth on the test was slowing.

While there seems to be some evidence supporting our state and district survey findings that achievement gaps on state tests are narrowing or staying the same rather than widening, other measures of achievement do not always reflect this improvement and show some gaps varying by grade level. Our case studies, which allowed for more complex responses to questions about achievement gaps, also indicated that trends in student achievement may be difficult to summarize based purely on changes in state test results.

Box 2-D. Gaps Persist Despite Rising Scores Among African American Students

In the Berkeley County School District in South Carolina, the district’s test scores show that an achievement gap persists between African American and white students. Although the percentage of black students scoring at the proficient level or above has increased since 2003, the gap has stayed about the same, as **table 2-E** shows. This is mostly because the percentage of white students scoring at the proficient level has also gone up.

Table 2-E. Percentage of Berkeley County School District Students Scoring at the Proficient Level or Above, 2003, 2004, 2005

	White Students	African American Students	Gap (percentage points)
English/ language arts			
2003	33%	17%	16 points
2004	39%	23%	16 points
2005	38%	23%	15 points
Math			
2003	35%	14%	21 points
2004	38%	17%	21 points
2005	40%	19%	21 points

Table reads: In 2003, 17% of African American students in the Berkeley County School District scored at the proficient level or above on the state English/language arts test, while 33% of white students scored at the proficient level or above. The gap between African American students and white students scoring at or above the proficient level was 16 percentage points in 2003.

Source: South Carolina Department of Education, 2005 *No Child Left Behind Adequate Yearly Progress*, <http://www.myschools.com/tracks/testscores/ayp/2005>

Berkeley County staff said that the achievement gap between minority and non-minority students is decreasing for some grade levels, subjects, and schools, but there is no consistent pattern. At Macedonia Middle School, for example, a gap persists in test performance between African American and white students at most grade levels and in most subjects. On the English/language arts grade 5 state test, 49% of white students scored at the proficient or advanced levels in 2005, compared with 35% of African American students—a typical difference between the two groups. But in grade 7 English/language arts, both groups scored low, with percentages proficient of 23% for African American students and 25% for white students. There are some encouraging exceptions, however. In grade 7 math, for example, a higher percentage of African American students reached the proficient level or above—41% compared with 39% of white students.

Source: Center on Education Policy, January 2005, case study of Berkeley County, South Carolina.

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Accountability

Key Findings

- According to the Center on Education Policy's survey of U.S. school districts, about 16% of all schools and 20% of all school districts did not make adequate yearly progress based on 2004-05 testing.
- For the 2005-06 school year, about 14% of Title I schools, or 6,748 schools, are in various stages of improvement, including corrective action and restructuring. This means that these schools should be taking actions such as offering school choice and supplemental educational services and taking other steps required by the No Child Left Behind Act. Approximately 13% of school districts are in improvement.
- Corrective action and restructuring have reached only a modest number of schools so far. This school year, about 3% of schools nationwide were subject to the more stringent actions required by NCLB, such as staff and curriculum changes. Just under 600 schools nationwide are in the advanced stage of restructuring, which entails changes that may range from making significant staff changes to turning the school over to a private management firm.
- The effects of NCLB are concentrated in urban districts, according to our 2005-06 district survey. Lower portions of urban schools and districts made AYP than their suburban or rural counterparts did. More urban schools and districts were identified for improvement and more had progressed to the advanced stages of improvement than in suburban or rural areas.
- The number of schools and districts in improvement nationwide has remained steady over the past few years. This is due to a number of reasons, including federal and state rule changes that have made it easier for schools and districts to make AYP.
- The use of confidence intervals, a statistical technique, allows many schools to make AYP even if students fall well short of state proficiency targets. The introduction of confidence intervals was the most requested change to state accountability plans over the past two years. Almost all states now use them.

Introduction

Schools identified for improvement under the No Child Left Behind Act—those that have failed to make adequate yearly progress for two years in a row—are required to take a specific series of actions, beginning with improvement plans and public school choice, and ending with the more serious sanctions of restructuring. Similar rules apply to school districts.

The number of schools and districts identified for improvement nationwide has been holding steady for the past few years, despite the fact that state targets for the percentage of stu-

dents that must be proficient rose in many states in 2004-05. That the numbers are holding steady is attributable to a number of reasons, including rising test scores, the law's safe harbor provisions for making AYP, and changes in schools and classroom practices. Although it is difficult to separate out the reasons why the number of schools in improvement is not changing much, it is safe to say that among the major reasons are changes in federal and state policies for determining adequate yearly progress.

U.S. Education Secretary Margaret Spellings has shown more willingness than her predecessor Rod Paige to loosen some accountability restrictions, while holding firm on key "bright line" principles of NCLB, such as annual testing in all the grades specified in the law, disaggregation of test results by subgroup, and 100% proficiency by 2013-14. Mirroring greater federal flexibility, states have moved toward methods of determining AYP that have the effect of increasing the number of schools meeting targets; these include the use of confidence intervals (which have a large impact), larger subgroup sizes, retesting, indexing, and others. The methods for determining AYP in many states have become quite complex.

This chapter examines developments in the implementation of NCLB's testing, AYP, and improvement requirements in 2005. The first section covers the number and type of schools and districts nationwide that did not make AYP and are in improvement status. The second section describes policy changes at the federal level and changes to accountability plans at the state level. The two final sections discuss the growth model pilot program, and the process for reviewing state assessment programs used by the U.S. Department of Education. The main sources of information for this chapter were CEP's surveys of state and district officials, CEP's case studies, decision letters from ED to individual states, ED policy statements, and to a lesser extent press reports and academic studies.

Adequate Yearly Progress and Improvement

Adequate yearly progress and improvement are central to NCLB's accountability provisions. Schools and districts show AYP by meeting state targets for the percentage of students who are proficient in mathematics and English/language arts. The state targets increase incrementally, with the goal of 100% of students reaching the proficient level by 2013-14. The targets must be met by the school or district as a whole and by specified subgroups. When a school or district does not make AYP for two consecutive years, it is identified for improvement, and must implement a series of actions aimed at improving student achievement.

SCHOOLS AND DISTRICTS NOT MAKING AYP

According to CEP's survey of U.S. school districts, about 16% of schools and 20% of school districts did not make adequate yearly progress based on 2004-05 test results. Our survey also shows the following developments:

- Approximately 14,121 schools did not make AYP based on 2004-05 testing. This amounts to just under 16% of all public schools nationwide.
- About 8,421 of the schools that did not make AYP were Title I schools, and about 5,700 were non-Title I schools.
- Just under one-third of school districts (31%) reported having at least one school that did not make AYP. About half of these districts (14% of the total) reported having at least one school that did not make AYP because just one subgroup missed state targets.

- Approximately 2,347 districts did not make AYP based on 2004-05 testing. This accounts for about 20% of school districts nationwide.

SCHOOLS AND DISTRICTS IN IMPROVEMENT

Over the past four years, the number and percentage of schools identified for improvement have remained fairly steady. The number of schools in later stages of improvement is still quite small.

Nationwide 8,646 schools, or about 10% of all schools, are in all stages of improvement (improvement, corrective action, restructuring) for the 2005-06 school year. Of this group, 6,748 are Title I schools, accounting for 14% of all Title I schools. The number of Title I schools in improvement has not varied over the past four years, ranging from 13% to 14% of all Title I schools. **Table 3-A** gives a breakdown of the number of schools in various stages of improvement.

Table 3-A. Number of Schools in Stages of Improvement, 2005-06

Stage of Improvement	Action To Be Taken	Title I	Non-Title I	Total	Percentage of All Schools
Improvement (1st and 2nd year)	Offer school choice, supplemental educational services, develop and implement improvement plan	4,176	1,821	5,997	6.8%
Corrective action (3rd year)	Continue choice and SES; implement corrective action plan, which may include replacing school staff, instituting new curriculum, extending the school year or day, bringing in outside experts	1,259	66	1,325	1.5%
Planning for restructuring (4th year)	Continue choice and SES; district must develop a 2-year restructuring plan	715	10	725	0.8%
Restructuring (5th year)	Continue choice and SES; implement restructuring plan which may include reopening the school as a charter school, making significant staff changes, turning school over to state education agency or private firm, or other major governance changes	598	1	599	0.7%
Total in all stages		6,748	1,898	8,646	10%

Table reads: In 2005-06, 1,259 Title I schools and 66 non-Title I schools were in corrective action, the third year of improvement. Altogether, 1.5% of the nation's schools are in corrective action.

Source: Center on Education Policy, December 2005, District Survey Part II, items 33, 34, 35, and 36 (tables 3c, 3d, 3e, and 3f).

Table 3-A provides a picture of how many schools nationwide are affected by NCLB's accountability sanctions, meaning the concrete steps the law requires schools and districts to take after they have not made AYP for two years in a row and must enter improvement status. Theoretically, about 10% of the nation's schools should be offering public school choice in 2005-06. We say theoretically because of the difficulties in providing school choice (see chapter 5) and because some states do not require that non-Title I schools in improvement offer choice. A slightly smaller percentage should be offering supplemental educational services (tutoring) to their students, because supplemental services begin in the second year of improvement.

Corrective action and restructuring have reached only a modest number of schools so far. This school year, about 3% of schools nationwide were subject to the more stringent actions required by NCLB, such as staff and governance changes, curriculum changes, conversions to charter schools, and other actions that must be undertaken after the second year of improvement. Just under 600 schools are in the final stage of restructuring. We suggest three main reasons for the small number of schools in later stages of improvement:

- NCLB has been in effect for just four school years, so in many places not enough time has passed for schools to move beyond the corrective action stage (keeping in mind that the improvement clock does not start ticking until a school has failed to make AYP for two consecutive years). The small number of schools currently in the fourth and fifth years of improvement are there because some states were already making AYP and improvement determinations for schools under the Improving America's Schools Act, NCLB's predecessor. Therefore, it is fair to expect the number of schools in later stages of improvement to grow over the next few years.
- Many states do not apply NCLB sanctions to non-Title I schools. According to CEP's survey of state education officials, only three states apply all of the law's sanctions to non-Title I schools. Twenty-five states apply some of the sanctions, and 20 apply none. Six states require non-Title I schools in improvement to offer school choice, and only three require identified non-Title I schools to provide supplemental educational services. In Clark County School District, Nevada, for example, 116 schools are in improvement, but only 33 of those are Title I schools that will have to implement the changes required by NCLB.
- Many schools leave improvement status, either by making AYP two years in a row (881 schools in 2005-06) or by starting with a "clean slate" due to restructuring (129 schools). **Box 3-A** describes how schools in selected case study districts exited improvement.

As far as the effect on districts, 14% of school districts had at least one Title I school identified for improvement, a figure not significantly different from last year. These school districts must now oversee the improvement process, which specifies steps to be taken in certain years, as outlined in table 3-A. **Table 3-B** shows which actions districts are actually taking with Title I schools in improvement, from our survey of school districts.

Planning for school improvement, training, notification of parents, new curricula, and school choice were the actions taken by a majority of districts with Title I schools in improvement. NCLB requires parental notification and school choice for all Title I schools in improvement, beginning with the first year; on the school choice requirement there is a gap between the law's requirements and actual practice. The least-pursued strategies so far involve replacing staff; this is probably because very few schools nationwide are in advanced stages of improvement, as noted above. Our survey also indicated that almost no districts have asked private firms or state agencies to administer schools in improvement.

Table 3-B. Actions That School Districts Reported Taking in 2004-05 with Title I Schools Identified for NCLB Improvement, Corrective Action, Restructuring Planning, or Restructuring

Action	Percentage
Joint school improvement planning (between the school and the district)	95%
Providing training for staff in effective use of curriculum and instructional strategies	95%
Notifying parents of improvement status	90%
Providing students with public school choice (with transportation provided)	69%
Requiring implementation of a new research-based curriculum/instructional program	55%
Providing students with supplemental educational services (e.g., tutoring) from a state-approved provider	43%
Appointing an outside expert to advise the school	42%
Extending the school day or year	24%
Restructuring the internal organization of the school	14%
Decreasing management authority at the school level	10%
Replacing school staff who are relevant to the failure to make AYP	9%
Reassigning or demoting a principal	5%
Replacing <i>all</i> or <i>most</i> of the school staff	5%
Other	36%

Table reads: Sixty-nine percent of school districts with Title I schools identified for improvement are providing public school choice.

Source: Center on Education Policy, December 2005, District Survey Part I, item 2 (table 1).

As noted above, not all states place sanctions on non-Title I schools that are in improvement. According to our district survey, about 43% of school districts are taking one or more of the actions listed in table 3-B and applying them to non-Title I schools.

At the district level, about 13% of districts are themselves in improvement in 2005-06, which again is not significantly different from last year. When districts enter improvement, the state education agency oversees the process and implements corrective action, which may include deferring program funds, instituting a new curriculum, replacing district personnel, allowing students to attend school in another district, appointing new administrators, or abolishing or restructuring the district.

Box 3-A. Leaving Improvement Behind

At the beginning of the 2005-06 school year, 1,011 schools exited improvement status. The vast majority of these exiting schools did so by making AYP two years in a row. A small number exited improvement because they went through restructuring; as part of this process, staff are replaced, curriculum is changed, grade levels served are sometimes reconfigured, and a “new” school is created. Schools in several of our case study districts exited improvement, so we interviewed education leaders to see what was done to make AYP.

In the Bayonne City School District in northern New Jersey, two elementary schools exited improvement status, the Mary J. Donahoe School and the Philip Vroom School. The Donahoe school serves 452 students in preK-8, half of whom are low income. Asked to explain how Donahoe made AYP, the school’s principal, Nancy Ruane, answered, “I live this . . . educating these children is a passion of mine.” She added that improving the school took a lot of hard work on the part of students, teachers, and administrators and that “there is no silver bullet.” Ruane said that when she started at the school four years ago, she “changed everything” including the following features:

- Scheduling double periods of reading and math
- Improving professional development for teachers
- Purchasing materials requested by teachers to help students perform better on the state assessment
- Aligning curriculum with standards and assessments
- Shaping instructional practices based on analyses of test results
- Mainstreaming Title I students and students with disabilities
- Increasing tutoring for students in the tested grades

In addition, the principal worked hard to ensure that all teachers work together to improve student achievement across the school and take responsibility for student achievement at every grade level. Finally, Principal Ruane credited Bayonne’s central office with providing the school with a great deal of support. This support has included the traditional—such as additional resources for school maintenance, student tutoring, and professional development—and the less traditional, including help in removing some teachers from the school who were deemed ineffective.

Philip Vroom School’s path to success under AYP is also an interesting story. In the late 1970s, the school became a magnet school as a result of the district’s response to being out of compliance with a 1976 desegregation plan. In the mid-1990s, the school once again became a neighborhood school. After returning to its previous status, the school, which serves a very poor and transient student population, saw its achievement levels “plummet,” according to the principal, Maryann Connelly. In July 2000, Connelly became the school’s fifth principal in five years. For the next three years the school improved but not enough to make AYP.

In 2003, the district made some changes to the population of students attending Vroom, in order to desegregate the school and keep class sizes small. It restricted regular enrollment to the school only to those students from the neighborhood. At the same time, it opened enrollment to its all-day preK program to students from other neighborhoods whose parents signed a commitment to keep their children in the school through grade 3. In addition, a number of school improvement strategies were implemented, including the following:

(Box continued on p. 61)

- Transforming the culture of the school (by replacing some teachers, creating school committees, building school spirit, improving student discipline, renovating the building)
- Shifting the most effective teachers from non-tested to tested grades
- Creating teacher specialists (having one 4th grade teacher specialize in teaching reading and another in math)
- Incorporating technology in the classroom
- Aligning curricula to assessments
- Providing teachers with professional development
- Increasing the amount of writing that students do in class
- Tutoring students
- Charting the academic weaknesses of every student and tailoring instruction to address his or her needs
- Targeting students close to proficiency

In 2005, both the Vroom and Donahoe schools were recognized by the state as a “Governor’s School of Excellence,” and each received \$25,000.

Cash rewards like New Jersey’s might have been helpful in the Cleveland, Ohio Municipal School District. The city’s J.D. Rockefeller School and Wade Park School increased student achievement and exited improvement based on 2003-04 testing. School officials attributed this success to extra coaching, additional school improvement funds from the district, and supplemental educational services. But when the schools exited improvement, they lost the extra funds and services that come with being in improvement, and again failed to make AYP based on 2004-05 testing. “When you have resources and they’re taken away, you fall back to where you were,” observed one school principal, who believes that schools that exit improvement should continue to receive extra funds and services so they can continue to make AYP. One source of help—employees from Dominion East Ohio, a local gas company, and volunteers from the Retired and Senior Volunteer Program (RSVP), who are tutoring students several times a week during 2005-06. Staff said the one-on-one work has been beneficial for students and has boosted morale.

Source: Center on Education Policy, December 2005, case studies of Bayonne City School District, New Jersey, and Cleveland Municipal School District, Ohio.

CONCENTRATION IN URBAN DISTRICTS

The effects of NCLB are concentrated in urban districts, according to our 2005-06 district survey. Fewer urban schools and districts made AYP than their suburban or rural counterparts did. More urban schools and districts were identified for improvement and more had progressed to the advanced stages of improvement than in suburban or rural areas. To date, restructuring is largely an urban phenomenon.

AYP and Improvement

As **table 3-C** shows, half of all urban districts did not make AYP based on 2004-05 testing, and more than a third are in improvement status this year. NCLB is affecting significantly larger proportions of urban districts than suburban and rural districts.

Table 3-C. Percentage of Districts Identified for Improvement by District Type

District type	Percentage of districts not making AYP based on 2004-05 testing	Percentage of districts with at least one school not making AYP based on 2004-05 testing	Percentage of districts identified for improvement for school year 2005-06
Urban	50%	72%	36%
Suburban*	26%	33%	16%
Rural*	11%	23%	7%
Total	20%	31%	13%

Table reads: Based on 2004-05 test results, 50% of urban school districts did not make AYP at the district level, and 72% had at least one school that did not make AYP. Thirty-six percent of urban districts are themselves in district improvement for school year 2005-06.

*The apparent differences between suburban and rural in all columns are not statistically significant.

Source: Center on Education Policy, December 2005, *District Survey Part II*, items 29, 32, 38, and 39 (tables 1, 7, and 8).

Overall, a much higher proportion of urban districts fell short of AYP than their suburban and rural counterparts did. Urban districts must also contend with larger numbers of schools not making AYP. Urban districts have an average of seven schools not making AYP, compared with one school for suburban districts, and none for rural districts. Greater proportions of urban districts (39%) also have at least one school not making AYP because of just one subgroup, than suburban districts (15%) and rural districts (10%) do.

At the school level, the majority of Title I schools identified for improvement nationwide—54%—are located in urban districts. This is disproportionate, because only 27% of all Title I schools are located in urban districts. In addition, among urban Title I schools, 29% are in improvement, compared with 11% of suburban Title I schools, and 6% of rural Title I schools.

Later Stages of Improvement

School restructuring (dramatic changes such as replacing staff, switching to a new curriculum, overhauling governance, or shifting management to a private firm) is largely an urban phenomenon. Of the estimated 598 Title I schools nationwide that are in restructuring in 2005-06, 536 are in urban districts. As **table 3-D** shows, much larger percentages of urban districts than of suburban or rural districts report having schools in various stages of improvement.

Some reasons why NCLB is having a greater impact in urban districts become evident by comparing our case studies of the urban Kansas City, Kansas, Public Schools and the rural Romulus Central Schools in New York. Both districts have similar percentages of highly qualified teachers by NCLB's definition—100% of teachers in Romulus, and 96% in Kansas City, but the similarity ends there. Kansas City has a number of schools in improve-

Table 3-D. Percentage of Districts with at Least One Title I School in Various Stages of Improvement in 2005-06, by Type of District

Improvement Stage	Urban	Suburban*	Rural*	Total
Improvement (1st and 2nd year)	43%	14%	11%	14%
Corrective action (3rd year)	23%	1%	4%	4%
Planning or Implementing restructuring (4th and 5th years)	16%	2%	2%	3%

Table reads: Forty-three percent of urban districts, compared with 14% of suburban districts and 11% of rural districts, reported having at least one school in year 1 or 2 of improvement in 2005-06.

*The apparent differences between suburban and rural are not statistically significant.

Source: Center on Education Policy, December 2005, *District Survey Part II, items 32, 34, 35, and 36 (tables 3, 3dd, and 3gg)*.

ment, and the district itself is in its second year of improvement, despite the fact that test scores have been rising and the achievement gap is narrowing. Romulus has been making AYP very easily. Some points of comparison help explain why NCLB is having a greater impact on urban districts:

- **Urban districts are larger.** Kansas City has 48 schools, Romulus has 2. The more schools in a district, the more likely it is that one or more of those schools will not make AYP or will enter improvement. That partly explains the results seen in tables 3-C and 3-D.
- **Urban districts have more subgroups.** Urban districts tend to have more subgroups large enough to count for AYP purposes. Kansas City educators have to ensure that at least six subgroups (African American, Hispanic, white, and low-income students, plus English language learners and students with disabilities) in 48 schools meet state targets. Romulus educators have to ensure that three subgroups (white, low-income, and disabled students) meet state targets in two schools.
- **Urban districts generally have more low-income students.** Poverty has an effect on achievement. In Romulus, 32% of students come from low-income families, compared with 75% in Kansas City. In some Kansas City schools, over 90% of students come from low-income families.

The above explanations represent only those we were able to draw from our data and case studies. There are likely to be other reasons for the concentration of identified schools in urban districts which are not quantifiable or are outside the scope of this report. In any case, it is clear that meeting the requirements of NCLB is often a greater challenge for administrators and teachers in urban schools than their suburban or rural counterparts.

NUMBERS HOLDING STEADY

Overall, an estimated 10% of schools nationwide are identified for improvement in 2005-06. Judgments about whether this is too many or too few schools depend on the extent to which policymakers or the public believes this figure is acceptable.

The percentage of Title I schools in improvement and facing sanctions has been hovering around 14% for the past few years, despite predictions that it would increase. The reasons for this are discussed in **box 3-B**. A major reason relates to federal and state rule changes that are making it easier to demonstrate AYP, as discussed in the next section.

Federal and State Policy Changes

States are continuing to find new ways to calculate AYP in order to raise the number of schools and districts that meet NCLB requirements. Over the past few years, ED has allowed states to make many changes in the way they determine AYP, as described in this section.

Education Secretary Margaret Spellings has shown more willingness than her predecessor Rod Paige to experiment with flexibility in the law's accountability requirements, as well as in other areas summarized in chapter 1. For example, she has issued more lenient rules for testing students with disabilities and announced a pilot program to allow selected states to try the use of growth models for determining AYP, described later in this chapter.

By late 2005, the large number of changes to state accountability plans was becoming somewhat unwieldy. Because changes to accountability plans were the product of one-to-one communications between ED and the states, some states were not aware of what types of changes were being allowed or denied for others. A report CEP released in November 2005 criticized the lack of transparency in the process of approving changes to state accountability plans, especially in light of the increasing complexity of methods used by states to determine AYP (CEP, 2005). To make clear the direction in which federal administration of the law was headed, Secretary Spellings released a "road map" policy document in November (U.S. Department of Education, 2005b). It highlighted the areas in which ED was allowing states a degree of flexibility: confidence intervals, subgroup sizes, safe harbor, indexing, and other areas described in this section. At the same time, Secretary Spellings identified "bright line" principles of the law considered "essential and indispensable," meaning ED would consider various types of flexibility that did not conflict with the following principles:

- Assessments in grades 3-8 and once in high school; every student in every required grade level should be tested every year
- Data on student achievement reported by subgroup and made public
- Full proficiency in mathematics and English/language arts by 2013-14
- Highly qualified teachers
- School choice that gives students in low-performing schools the opportunity to switch schools and have access to supplemental educational services

Box 3-B. Why Aren't the Numbers of Schools in Improvement Higher?

Earlier predictions that the number of schools in improvement would continually rise have not materialized. In our study of the first year of NCLB implementation published in 2003, we contended that a fundamental problem with the law and regulations at that time was that too many schools would be identified for improvement. We based our conclusion on the concerns of surveyed state officials that large numbers of schools would be affected, including many that were performing well. A 2002 study by the Council of Chief State School Officers predicted that the percentage of schools in improvement in eight states would range from 49% to 88%. The Congressional Research Service projected that 64% of schools would be in improvement in some states. But these high numbers have not materialized due to a combination of factors:

- **Federal rule changes and changes to state accountability plans.** This is probably the main reason for the leveling off of the number of schools in improvement. The rules for determining AYP have changed in virtually all states, and these changes have made it easier for schools and districts to make AYP and less likely that a school or district will go into improvement, as discussed in the next section.
- **Safe harbor.** A school or district can make AYP by reducing the number of students not proficient by 10%. As explained below, the law's safe harbor provision, combined with a confidence interval, sometimes means a school can make AYP with only minimal gains in proficiency over the previous year.
- **Changes in school and classroom practices.** Almost all of our case studies indicate that NCLB is having an impact on classroom instruction, particularly in the alignment of instruction with state standards and tests and a focus on subgroups. Some of the more ambitious measures taken by schools to make AYP are described in box 3-A and more fully in chapter 4.
- **Rising test scores.** If test scores increase, more schools make AYP. As discussed in chapter 2, our surveys and case studies indicate that achievement is rising in many states and districts. At the same time, rising annual achievement targets may negate some of this effect.
- **Schools exiting improvement.** Schools exit improvement status when they make AYP for two years in a row, or after restructuring. Just over one thousand schools did so this year. Therefore, the pool of schools in improvement is constantly shifting, but not necessarily getting larger.

So far, only about 600 schools nationwide are in NCLB's restructuring phase. The number is still rather small because the law has not been in effect long enough; therefore, the number of schools in later phases of improvement may increase over time.

At the same time, other factors may offset this flattening trend by making it more difficult for schools and districts to demonstrate AYP in the future. According to our case study research, school and district administrators are planning for other challenges, including these particular ones:

- **Rising targets.** Each state has developed a schedule of rising proficiency targets leading up to 2014, when the goal is 100% proficiency. Some states may plan large increases every two or three years, or smaller increases annually, but obviously as targets increase it becomes more difficult for schools to make AYP. State targets in Nevada increased by 10% in 2004-05 from the previous year; Oregon's will increase by 10% this year. Other states like Florida and Missouri have adjusted their original targets to call for smaller annual increases.
- **More grades tested.** Some states have just started this school year to test students in all the grades 3 through 8 and once in high school. For example, Wyoming tested students in grades 4, 8, and 11 in 2004-05, but in spring of 2006 all students from grades 3 through 8 plus 11 will be tested, in accordance with NCLB. At the Fremont County School District #1 in Wyoming, schools have made AYP in past years, but administrators are concerned about additional grade levels tested. In this district and many others, more tested grades will mean that student subgroups will be large enough to count for AYP at individual schools, and some subgroups may not meet state targets.

This section reports information from our surveys and case studies, ED guidance documents, and our analysis of decision letters posted on the ED Web site during 2005 in response to requests from states to change their accountability plans.¹ ED is continually considering and making public further changes, so the information that follows should be regarded as a snapshot in time.

NEW RULES FOR TESTING STUDENTS WITH DISABILITIES

NCLB requires all students with disabilities to take the same state English/language arts and math tests as other students in their grade, with some exceptions. However, experience has shown that it is very difficult for the subgroup of students with disabilities to make AYP on regular state tests. States and the federal government have responded to this situation in two ways. Many states have raised the minimum subgroup size, so that more schools can exclude the subgroup of students with disabilities from school-level AYP calculations. The federal level has responded by allowing states to test students with disabilities against “alternate,” and then “modified,” standards.

In December 2003, ED issued regulations that allowed states to give students with significant cognitive disabilities an alternate assessment geared to their learning level (alternate standards) rather than their grade level (grade-level standards), but their scores could not account for more than 1% of a state or district’s proficient scores when determining AYP. The district or state is still free to test as many students with disabilities under alternate standards as it wants, but any proficient scores above the 1% cap cannot be counted for AYP purposes. Following the 2003 rule change, 46 states incorporated these changes into their state plans, and in 2005 one more did, so almost all states have now adopted this policy.

A second major policy change, announced in April 2005, further expanded the opportunities for students with disabilities to take alternate assessments. This was Secretary Spellings’ first major policy change, and it went beyond what Secretary Paige had allowed. Now, an additional 2% of the proficient scores of all students in the testing pool can come from students with disabilities assessed against “modified standards,” on top of the 1% assessed against “alternate standards” allowed by the 2003 policy change. Students targeted by the modified standards policy are different from those targeted by the alternate standards. Although the students who may be assessed with modified standards are achieving at higher levels than those with significant cognitive disabilities, their academic progress is not strong enough to meet grade-level standards; therefore some states refer to them as “gap kids.” They include students who could make significant progress toward grade-level standards when provided with the right kinds of instructional interventions but may not meet those standards in the same time frame as other students.

The broad policy was issued in April 2005, and ED invited comment on proposed regulations in December. Until final rules are determined, states can take advantage of two options to make adjustments to their 2004-05 AYP calculations, as long as they meet certain other criteria, such as a 95% test participation rate and a minimum subgroup size for students with disabilities that is the same as for other subgroups.

- Option I allows states to convert “nonproficient” scores on state assessments to “proficient” for a percentage of students with disabilities equivalent to 2% of the total number of students in the state. Basically, this option increases the number of proficient scores for the students with disabilities subgroup, so that schools and districts may more easily meet AYP targets. This option is available only to schools and dis-

¹ See <http://www.ed.gov/admins/lead/account/letters/index.html>

tricts that failed to make AYP solely due to the performance of students with disabilities. Twenty-six states have decided to use Option I.

- Option II is available only to states that already have developed modified achievement standards and have administered alternate assessments based on those standards for at least two years prior to school year 2004-05. In making their AYP calculations, these states may count scores on the alternate assessments based on modified standards up to the 2% cap. As of February 2006, only Michigan was on record as using Option II; that state has developed alternate assessments aligned to modified standards. Other states that have similar alternate assessments and may be able to take advantage of this option soon include Kansas, Massachusetts, North Carolina, and Oregon.

Despite ED's new flexibility for students with disabilities, states apparently want more leeway in this area. In 2005, ED and education officials in Texas clashed over the fact that Texas had been testing 9% of its students using alternate assessments and counting those scores toward AYP, far above the percentages allowed by recent policy changes. Both Secretary Spellings and Secretary Paige threatened fines against the state for exceeding the limits. The matter was resolved when the state agreed to pay a fine related to the late reporting of test scores, and ED and Texas settled on a 5% cap, a level not extended to other states (Grant, 2005).

A majority of state officials in our survey described the students with disabilities policy change as not helpful or only minimally helpful, as indicated in **table 3-E**.

Table 3-E. Number of States Finding 2005 Policy Change on Students with Disabilities To Be Helpful

Extent to Which Policy Is Helpful	Number of States
Not helpful	19
Minimally helpful	15
Somewhat helpful	7
Very helpful	7

Table reads: Nineteen states found the policy options to adjust AYP determinations for students with disabilities to be not helpful.

Source: Center on Education Policy, December 2005, State Survey, item 2.

Policies for testing students with disabilities continue to be a source of concern and dissatisfaction among states and districts. As noted below in our discussion of policy changes rejected by ED, a number of states asked to be able to count higher percentages of proficient test scores based on alternate or modified standards. The question of what percentage of students to test against modified or alternate standards plagues many districts, particularly those with large percentages of special education students. For example, in the Willow Run Community Schools in suburban Michigan, 20% of the district's students are classified as having a disability. Its middle school is in restructuring because the subgroup of students with disabilities has not been making AYP. Last year, district officials estimated that if only two more special education students had passed state tests, the school would have made AYP. Teachers complain that Michigan's state achievement test is intimidating and discouraging for special education

students because it is so far beyond the level of their school work. Consequently, students do not take the test seriously. As one teacher said, “Some didn’t want to take the test. At least three of the kids I had just refused to try. The test has no value to them.”

GREATER USE OF LARGER CONFIDENCE INTERVALS

A confidence interval is a statistical technique, somewhat like a margin of error in an opinion poll, which takes into account natural fluctuations in test scores due to sampling error and other factors unrelated to student learning. Sampling error is an issue because determining AYP is a judgment about the effectiveness of a school based on the test performance of one year’s cohort of students, so it is important to recognize that the students tested in any particular year might not be representative of the population of students that attends that school across years (Coladarci, 2003). Confidence intervals make it easier for schools and districts to demonstrate AYP, and small subgroups within a school or district are treated with more leniency than large subgroups or all students. The main argument in favor of using confidence intervals is to guard against falsely identifying schools as not making AYP due to fluctuating test scores.

The use of confidence intervals is the type of AYP flexibility most often requested by states. In 2005, 12 states either added the use of confidence intervals to their accountability plans or made adjustments in their use, in addition to the 15 states that had done so in 2004. Thirty-one states had already included the use of confidence intervals² in their original accountability plans, so most states now use them in some form. **Table 3-F** lists the number of states that have received permission from ED to use confidence intervals, as well as the other forms of flexibility discussed in this section.

Applying a confidence interval creates a window of plus or minus a few points around the percentage of students in a school or subgroup who score at the proficient level on state tests. With a 95% confidence interval, test administrators are saying that they are 95% certain that the “true” percentage of students scoring at proficient levels for the school or subgroup lies within the window.³ If the state AYP target for a given year also falls within that window, the school or subgroup is counted as making AYP. The confidence interval can also be created around the state’s target for percentage proficient with similar results.

With the use of confidence intervals, the size of the window is determined by two factors: the number of students tested, and the level of confidence desired. The smaller the number of students tested, the larger the window. In practice, this means that the window around the scores of smaller subgroups or schools is larger than the window around the scores of all students, large schools, or school districts. A larger window is necessary because the test scores of small groups of students fluctuate more than those of large groups of students. For example, an influx of a small number of refugees might have a dramatic impact on the percentage proficient in a subgroup of English language learners, but might have minimal impact on a large high school as a whole. Also, the higher the level of confidence desired, the larger the window, because test administrators are saying that they are 99% certain, as opposed to 95% certain, that the “true” achievement level falls within a certain range.

In addition to the rapid adoption of confidence intervals, the other trend is toward larger confidence intervals which, because of the larger window, make it quite a bit easier for a subgroup or school to make AYP. Most states use a 95% interval, but some are moving toward a 99%

² This number includes states that use a related method called the standard error of measurement.

³ To be more precise, the “true” percentage proficient for a school or subgroup will be contained within 95% (19 out of 20) of the .95 confidence intervals in the long run (Glass & Hopkins, 1984, pp. 182-183).

Table 3-F. States That Use Confidence Intervals, Indexing, and Retesting for Calculating AYP, 2003-2005

State	Confidence Intervals	Indexing	Retesting	State	Confidence Intervals	Indexing	Retesting
Alabama	04	05	03	Montana	03, 05		
Alaska	03, 04			Nebraska	04		
Arizona	03			Nevada	03		03
Arkansas	04			New Hampshire	03		
California	03, 05			New Jersey	03		05
Colorado	03			New Mexico	05	05	
Connecticut	03	05**		New York	04	03	03
Delaware	05			North Carolina	04		
District of Columbia				North Dakota	03		
Florida	03*			Ohio			
Georgia	03			Oklahoma	05	03, 04	
Hawaii	05*			Oregon	03		04
Idaho				Pennsylvania	04	05	
Illinois	03*			Rhode Island	03	03	
Indiana	03, 05			South Carolina	04*	05	
Iowa				South Dakota	03, 05		
Kansas	03, 04			Tennessee	04		04
Kentucky	03			Texas			04
Louisiana	03, 04, 05	03		Utah	03, 05		
Maine	03, 04			Vermont	03	03	
Maryland	03*			Virginia	03		05
Massachusetts	03*	03		Washington	03, 04		05
Michigan	05*		03	West Virginia	03		
Minnesota	03	03		Wisconsin	03,* 05		
Mississippi	03, 05	03, 05		Wyoming	04		05
Missouri	04			Total	46	13	11

Table reads: Alabama added the use of a confidence interval in 2004; it added indexing in 2005; and retesting was allowed in its original accountability plan filed in 2003.

Note: The year “03” indicates that the method was approved in the state’s original accountability plan, filed in 2003. The years “04” and “05” indicate that the state made a change to its accountability plan, and ED approved it, in 2004 or 2005.

* These states are using a similar method, a standard error of measurement around each student’s score, instead of a confidence interval.

** Connecticut informed ED that it will investigate the feasibility of using an index in 2006.

Source: Center on Education Policy, based on ED decision letters about state accountability plans; Pierce (2003); and Erpenbach, Forte-Fast & Potts (2003).

interval. Mississippi and Montana, for example, increased their confidence intervals from 95% to 99% in 2005; California did the same for small schools. According to our analysis of federal decision letters on changes to state accountability plans, ED allowed five states to use a 99% confidence interval to determine AYP in 2005, and permitted at least six others to do so in 2004. Delaware chose to use a 98% confidence interval in 2005. These states are in addition to the 10 states that were already using 99% confidence intervals in 2003 (Pierce, 2003). Michigan received permission to use an approach that is similar in effect to confidence intervals. That state will now put a window around each student's score as a way of allowing for measurement error; the student is counted as proficient if the AYP target falls within the window. Several other states are using a similar approach. **Box 3-C** examines the question of whether flexibility in applying confidence intervals has created too large of a loophole in NCLB accountability.

CONFIDENCE INTERVALS FOR SAFE HARBOR

Another trend is toward the use of confidence intervals for “safe harbor” purposes. Safe harbor is an alternative way of determining whether a school has made AYP. Under safe harbor, a school or subgroup can make AYP even if it does not meet state targets, as long as the number of students who are not proficient is reduced by 10% from the previous year. The introduction of a confidence interval in these cases can relax the 10% reduction rule substantially. This can be seen as somewhat of a loophole in NCLB's accountability requirements, because it is possible for schools or subgroups to make AYP without meeting state targets and without making much improvement over the previous year.

As an example, Delaware now uses a 75% confidence interval for safe harbor.⁴ It has a minimum subgroup size of 40 students. The state's 2005 target for proficiency in mathematics was 41%. If a district, school, or subgroup does not hit the target, it can still make AYP by reducing the number of students not proficient by 10% from the previous year. Let's say one subgroup of 40 students in a hypothetical school reached 30% proficient in 2004, so 70% were not proficient. Without the use of a confidence interval, the subgroup must hit a target of 37% proficient in 2005 in order for the school to make AYP under safe harbor.⁵ However, with the use of a 75% confidence interval, the lower limit of the window around the 37% proficient goal is 29%. In other words, the subgroup can make AYP in 2005 if 29% of its students score at or above the proficient level—*showing no improvement over the previous year*.

BOX 3-C. Confidence Intervals: Gaming the System?

The effect of confidence intervals is quite large. Their use allows many schools and districts to make AYP even when students fall well short of proficiency goals for a given year. **Table 3-G** shows how confidence intervals have the effect of essentially lowering the percentage of students who must score at proficient levels, depending on group size and level of confidence.⁶ Using a 99% interval, a small subgroup of 25 could have as few as 27% of its students score at the proficient level or above and still be considered to have met a target of 50% proficient. The effects of confidence intervals are reduced as the number of students tested gets larger.

(Box continued on p. 71)

⁴ Delaware officials did not confirm whether they use a one- or two-tailed confidence interval; our calculation uses the two-tailed formula.

⁵ The computation is that 10% of 70% is 7%; $70\% - 7\% = 63\%$ not proficient, which is the safe harbor goal; and $100\% - 63\%$ not proficient = 37% proficient.

⁶ The numbers in table 3-F were generated using the formulas for a two-tailed confidence interval as presented in Coladarci (2003); some states compute one-tailed confidence intervals, which would produce slightly varying results.

Table 3-G. Effect of Confidence Interval with 50% Proficient Target for a Group of 25 vs. 250 vs. 750 Students

Level of confidence	Percentage of students that must actually score proficient for group of 25 students to meet state target of 50% proficient	Percentage of students that must actually score proficient for group of 250 students to meet state target of 50% proficient	Percentage of students that must actually score proficient for group of 750 students to meet state target of 50% proficient
75%	39%	46%	48%
95%	32%	44%	46%
99%	27%	42%	45%

Table reads: With a 95% confidence interval, a group of 25 students would meet the state target of 50% proficient if 32% or more scored at the proficient level or above.

Source: Center on Education Policy, 2005.

A trio of prominent education researchers (Porter, Linn & Trimble, 2005) recently studied the effects of using confidence intervals in Kentucky. They analyzed data used to determine AYP from 2003 and 2004 to see how many schools statewide would have made state targets with and without the use of confidence intervals. They found that Kentucky's use of a 99% confidence interval boosted the numbers of schools making AYP by about 20 to 30 percentage points (see **table 3-H**).

Table 3-H. Effect of 99% Confidence Interval in Kentucky

	With 99% Confidence Interval	Without 99% Confidence Interval
Number and percentage of schools making AYP, 2003	1,042 (90%)	708 (61%)
Number and percentage of schools making AYP, 2004	1,081 (94%)	826 (72%)

Table reads: In 2003, 1,042 schools, or 90% of all Kentucky schools, made AYP with the use of a 99% confidence interval. In contrast, only 708 schools, or 61% of Kentucky schools, would have made AYP if the confidence interval had not been used.

Source: Porter, Linn & Trimble, 2005.

Another example can be found in our case study of the Hermitage R-IV School District in Missouri. If one looks at the unadjusted percentages proficient shown in **table 3-I**, Hermitage middle school students did not meet the state target in math, and high school students fell far short of the target for reading and writing, with 12.5% scoring proficient as opposed to the target of 26.6%. However, both the Hermitage high school and the middle school made AYP. This occurred for two reasons: Missouri uses a 99% confidence interval, and the pool of tested students is small. The Hermitage school district has only 346 students, and the average number of students in each grade level is 27. With such a small number of students, even small yearly variations in the characteristics of test-takers (such as a slight increase in the number of students with learning disabilities in one year's class) could affect the percentage proficient. The large confidence interval and the small number of students tested make for a very large window around the state target.

(Box continued on p. 72)

Table 3-I. Percentage of Students Scoring Proficient or Above in Hermitage R-IV School District (MO) by School Level, 2005

School Level	English/Language Arts	Mathematics
State target, all grades	26.6%	17.5%
Hermitage elementary	54.5%	81.8%
Hermitage middle	50.0%	13.3%*
Hermitage high	12.5%*	34.5%

Table reads: On the state English/language arts test administered in 2005, 12.5% of Hermitage high school students scored at the proficient level or above.

* Met AYP target using confidence interval.

Source: Missouri Department of Elementary and Secondary Education, Hermitage R-IV, Final Adequate Yearly Progress, <http://dese.mo.gov/planning/profile/apr/aypo43004.html>

Do these examples mean that states are “gaming the system” by using confidence intervals? Their use keeps schools, particularly small ones, from falsely being identified as not making AYP when there are natural fluctuations in test scores due to year-to-year changes in the student body. However, this comes at the price of sometimes allowing schools to make AYP despite low scores. For example, **table 3-J** shows the percentage of Hermitage students at the district and middle school levels scoring proficient in math over the past few years. At the district level, the percentage proficient has fluctuated from year to year by more than 15 percentage points. At the middle school level there are fluctuations of almost 20 percentage points.

Table 3-J. Fluctuation in the Percentage of Students Scoring Proficient in Mathematics in Hermitage R-IV School District (MO), 2002-2005

	2002	2003	2004	2005
State math target	8.3%	9.3%	10.3%	17.5%
District total	29.0%	36.6%	22.7%	38.2%
Low-income subgroup	29.4%	33.3%	15.9%	31.0%
Middle school	8.3%	25.0%	4.8%	13.3%
Middle school low-income subgroup	6.3%	19.0%	0%	12.5%

Table reads: In 2003, 25% of Hermitage middle school students met the state proficiency target in mathematics. In 2004, the number fell to 4.8%.

Source: Missouri Department of Elementary and Secondary Education, Hermitage R-IV, Final Adequate Yearly Progress, <http://dese.mo.gov/planning/profile/apr/aypo43004.html>

This problem of fluctuation in test scores, especially in smaller schools and districts where fluctuation is more likely, is what confidence intervals are meant to address. In large schools and districts, the effects of confidence intervals are smaller. The case of Hermitage illustrates the rationale for using confidence intervals. It would be unfair to make judgments about Hermitage schools as institutions and possibly subject them to sanctions such as replacing staff when the performance of small groups of students varies so much from year to year.

Source: Center on Education Policy, December 2005, case study of Hermitage R-IV School District, Missouri.

Eight states added the use of a 75% confidence interval for safe harbor in 2005; nine states had done so in 2004. ED allowed Louisiana to use a very large 99% confidence interval for safe harbor on a provisional basis in 2004. A state watchdog group complained that the state was attempting to “subvert the federal school identification process” (Franks, 2004). Louisiana’s confidence interval was reduced to 75% in 2005, which brought it back in line with other states.

PERFORMANCE INDEXES THAT CREDIT GAINS BY LOWER-ACHIEVING STUDENTS

One criticism of NCLB has been that it looks at student achievement solely in terms of “proficient” and “not proficient.” But in fact, ED has allowed some states to use indexing systems that give credit for gains made by schools and districts at achievement levels below proficient, such as having more students score at the “basic” instead of the “below basic” level compared with the previous year. In 2005, four states received permission to use various types of indexing systems to determine AYP rather than simply using the measure of percentage proficient. These states join the eight states that were allowed to use indexes in their original accountability plans. ED has approved such plans as long as the scores of advanced students are not used to compensate for the performance of students who score below the proficient level.

Pennsylvania, for example, received permission from ED in 2005 to use its Pennsylvania Performance Index (PPI) as an additional safe harbor. If a school or subgroup does not make AYP because it did not meet state targets (using a 95% confidence interval), or through safe harbor (using a 75% confidence interval), then the school can still make AYP if it reaches its performance targets under the state’s PPI.

Here is how the PPI works. The state’s target for percentage proficient in mathematics in 2005 was 45%. In the PPI system, each score at the level of “low below basic” is multiplied by 0.2; “high below basic” is multiplied by 0.4; “low basic” by 0.6; and “basic” by 0.8. Scores at the proficient and advanced levels are both multiplied by 1; this way, advanced performance does not serve to counter performance at the below proficient level. Students who score at the upper reach of the “high below basic” bracket in mathematics receive a score of 1169 (1300 is proficient); 1169 is multiplied by 0.4, for an indexed score of 467. Therefore, roughly three students scoring at the “high below basic” level would equal one student scoring at the proficient level. Once scores are indexed, they are compiled to determine if the school reached the level of 45% proficient.

It should be noted that the other states with index systems use them in their initial calculations of AYP, not just in safe harbor situations like Pennsylvania. Some combine an index with a confidence interval. New York’s annual measurable objectives—the targets that must be reached to make AYP—are given as an index figure rather than as a percentage proficient; the state then uses a 90% confidence interval around the indexed annual measurable objective. This illustrates the extent to which some states’ methods for determining AYP differ from the simple “percentage proficient” measure. However, the use of various types of indexes does not exempt states from the requirement that 100% of students be proficient in both mathematics and English/language arts in 2013-14.

MORE STATES COUNTING RETESTS

In many states, high school exit exams (tests that students must pass to receive a diploma) are also used to determine AYP at the high school level. Because of the high-stakes nature of these tests, states allow students multiple attempts to pass different versions of the same test before the end of their senior year. An issue has arisen about which administration of the test should count for AYP purposes. ED’s initial position was the “first administration” rule—

the score that counted for NCLB was the one that a student earned the first time the test was taken—but the Department’s subsequent approval of accountability plans allowed a little more leeway. The number of states in which scores from retests have been allowed to count for AYP has increased from 4 in 2003 to 11 as of February 2006.

In New York, a student can fail the high school exit exam initially but pass it the next year, and only the second administration would count toward AYP. New Jersey, which also has a high school exit exam, changed the administration of the test used for AYP purposes from spring of 11th grade to spring of 12th. Now, New Jersey students have four opportunities to pass the exam, and any early passing scores are “banked” until 12th grade. Washington was allowed a similar change.

Virginia, also an exit exam state, received permission from ED to use the results of “expedited” retests for AYP purposes. The state allows high school students who received scores just below passing or missed the first administration of the test to take an immediate retest and have the results of the second administration count toward AYP. Interestingly, similar changes have been allowed for states that do not have exit exams. For example, Oregon has an online testing system that allows students multiple opportunities to retake exams. As explained in **box 3-D**, ED allowed that state to “bank” scores in 2004.

Box 3-D. Computerized Retesting in Oregon

Oregon is one of an increasing number of states that allow scores from “retests” to count toward AYP. It is somewhat different from other states, however, in that it does not have a high school exit exam (states that have exit exams give students multiple opportunities to take the test), and its retesting system is computerized. Tigard-Tualatin School District, one of our case study districts, is in a suburb of Portland.

All schools in Tigard-Tualatin started using Oregon’s computerized testing in 2004-05. The computerized testing is part of Oregon’s accountability plan and has been approved by the U.S. Department of Education. Using the computerized version of the state test allows schools to test students up to three times during the year as opposed to just once for the written version of the test. The student’s highest score counts for NCLB. Each test uses a new set of questions so that students do not know the questions ahead of time.

The computerized version of the test cuts down on test-taking time, because the test molds itself to the test-taker’s level of knowledge. If a student gives a correct answer, the next question will be more difficult. If a student answers incorrectly, the next question will be easier. Ultimately many students using the computer end up having to answer fewer questions than those using paper tests, which must include questions across a full range of difficulty.

This system has advantages for Tigard-Tualatin because the district can use the first test in the fall as a pre-test, the second test in the spring as a post-test, and still have a third test if a student doesn’t do as well as anticipated. Many schools have interventions for students who don’t do well on the first or second test. Interestingly, many students who pass the pre-test still took a retest because they wanted to improve their scores. “It became sort of an issue of pride,” one administrator explained.

The system of retesting also has a disadvantage, which the district discovered last year. According to state testing guidelines, if a student takes a pre-test at one school in the fall, attends that school more than half the year, then moves without taking the post-test, the pre-test counts in the original school. Therefore, school administrators and counselors worry not only about teaching all students but about making sure students don’t leave their districts without taking an additional test, in hopes that the score will improve and Tigard-Tualatin is credited.

Source: Center on Education Policy, 2005, case study of Tigard-Tualatin School District, Oregon.

OTHER CHANGES

Other state changes that have been approved are briefly summarized below. With the exception of policy changes for states affected by this summer's hurricanes, these are simply changes that were allowed for some states in past years, which more states are now adopting.

Minimum Subgroup Size

To make AYP, schools and districts must meet achievement targets for each significant subgroup of students enrolled, such as African American students, low-income students, or students with disabilities. Higher minimum subgroup sizes mean that in many schools, subgroups do not get counted for AYP purposes. Thirteen states increased their minimum subgroup sizes in 2004; ten more did so in 2005. The trend is away from a single minimum size and toward larger subgroup sizes, different subgroup sizes for different subgroups and/or purposes, and the use of formulas for determining subgroup sizes. Georgia is one state that uses a formula approach. Its subgroup size varies according to the size of the school; the minimum size is either 40 students or 10% of a school's student population, whichever is greater, with a cap of 75 students.

Participation Averaging

NCLB requires 95% of the students in every school and every subgroup within a school to take each subject test required by the Act. If this test participation requirement is not met, the school cannot make AYP even if its test scores meet state targets. In March 2004, the Department relaxed this requirement a bit, allowing states to average their participation rates over two or three years, so that a 94% participation rate one year could be balanced by a 96% participation rate the following or previous year. In 2005, six states changed their accountability plans to incorporate this new policy, in addition to the 32 that had done so last year.

English Language Learners

Initially the Department required all English language learners to be tested with the same grade-level tests as other students. In response to state and local criticism, the Department revised its policy in February 2004 to allow states to exempt immigrant students who are in their first year of enrollment in a U.S. school from taking the regular state English/language arts tests. These students still have to take an English language proficiency test and a math test, but the results need not count toward AYP. When calculating AYP for the subgroup of English language learners, states can also count the progress of former English language learners for two years after they reach English proficiency. Six more states adopted these changes in 2005, in addition to the 36 states that had done so in 2004.

Extra Time for Students with Disabilities and English Language Learners to Graduate

In 2005, eight states received approval from ED to count students with disabilities and/or English language learners as graduating on time even if they need extra years of high school. Seven states had already received permission to do this in 2004. For students with disabilities, their individualized education plans would need to call for extra years of high school beyond age 18. English language learners can be counted as graduating on time if it takes five years, or as determined on a case-by-case basis.

Identifying Districts for Improvement

In 2005, ED approved amendments requested by 13 states to identify a district as being in need of improvement only when it does not make AYP in the same subject and across all three grade spans (elementary, middle, and high school) for two consecutive years. In 2004, 18 states made this change.

Annual AYP Targets

Eleven states changed their annual test score targets in 2005; four states had already done so in 2004. Alabama, Alaska, New Mexico, and North Carolina changed their annual targets because they were introducing new assessments. Florida and Virginia were allowed to change their schedule of annual test score targets to increase in smaller increments annually, rather than in larger increments every few years (Olson, 2005a).

In Virginia, Waynesboro Public Schools, one of our case study districts was helped by this policy change. Virginia's original NCLB accountability plan called for AYP targets to rise steeply in 2004-05, from 61% proficient to 70% in reading/language arts and from 59% to 70% in math. With the policy change, the new targets fell to 65% proficient in reading and 63% in math. This made a "huge" difference, according to one official. Although the district's overall performance was well above both the old and new targets, more subgroups would have missed the mark without the change. "We thought the benchmark for this year would be a problem, but it wasn't, because of the change," the official said. "Will it be a problem in the future? Sure." In 2005-06, the targets rise again to 69% in reading and 67% in math.

Hurricanes Katrina and Rita

In response to pleas from education officials in states stricken by Hurricanes Katrina and Rita and the states hosting displaced students, Secretary Spellings waived some accountability provisions of NCLB, under language allowing the Secretary of Education to do so in the case of natural disasters. The changes, described in chapter 1, allow affected areas to either postpone for a year the consequences of being identified for improvement, or to treat displaced students as a separate subgroup in calculating AYP.

CHANGES DENIED TO STATES

In response to our state survey, 19 states reported that they made requests for changes to their state accountability plans in 2005 that were rejected by ED. Most of the rejected requests related to students with disabilities and ELLs. ED is also holding firm against the idea of having a school or district not make AYP only when the same subgroup does not meet state proficiency targets two years in a row.

Students with Disabilities and English Language Learners

ED denied requests from at least 11 states that requested changes pertaining to how students with disabilities are tested and counted in determining AYP. The requests were in three areas—increasing the caps allowed by previous ED guidance on students with disabilities, differentiating students with disabilities from other subgroups, and allowing students formerly classified as disabled to continue to be counted in the subgroup even after they exit that status.

As described above, guidance issued by ED in 2004 and 2005 allowed states to test 1% of the entire student population against "alternate" standards and another 2% against "modified" standards. Some states are still chafing at these limits, however; six states requested that

these caps be raised in various ways—for instance, by raising the 1% alternate standard cap to 2% or 3%. It should be noted that some of these requests for higher caps were not terribly out of line with what Secretary Spellings recently granted the state of Texas.

Another approach pursued by some states is to create various exceptions for the students with disabilities subgroup, aside from raising the minimum subgroup size, which ED allows. Officials from one state wanted to allow schools and districts to be able to make AYP if every subgroup *except* students with disabilities met state targets. Officials from another state wanted a similar exception for students with disabilities and ELLs, but only for schools and districts moving into improvement status when sanctions take effect. They also wanted to use 7% as the reduction rate needed to make safe harbor for the special education and ELL subgroups, instead of the 10% reduction currently required.

In 2004, ED issued a policy change that allowed states to count former ELLs—students who have become proficient in English—in the subgroup for two additional years after exiting ELL status, in order to allow for improvement. Officials from four states wished to apply this principle to students with disabilities as well. They wanted to count students with disabilities who exit that status as part the subgroup for an additional one or two years, in order to show improvement by that subgroup. Another state wanted to keep ELLs in that subgroup for three years after attaining English proficiency instead of the two currently allowed. Finally, ED also turned down one state’s request to count a special education diploma as a regular diploma when calculating graduation rates.

Subgroups

One change requested by six states in 2005 was to identify a school or district for improvement only when students in the same *subgroup* did not make AYP in the same subject for two years in a row. This approach was rejected by ED when West Virginia asked to use it three years ago. ED officials informed West Virginia in 2003 that such a change contradicted the law and “would lay blame on a particular group of students” instead of focusing on shortcomings in instruction (Tomalis, 2003). This was one of the few times ED explained its rationale for denying a request in a public decision letter. This year ED also rejected a similar request from three states to apply sanctions (such as school choice and supplemental educational services) only to students in subgroups that did not make AYP, rather than all students.

In past reports CEP has highlighted the trend of ever-increasing subgroup sizes. Apparently, ED sees limits in how large the minimum subgroup size can be, since the larger the subgroup, the more students “fall between the cracks” when determining school-level AYP. Three states were denied large increases but settled for smaller ones.

Confidence Intervals

Officials from one state wanted the option of either applying a confidence interval or a standard error of measurement, depending on the school. ED rejected that request, noting one or the other should be used statewide. ED also rejected other requests to put a confidence interval around participation rates and to use both a confidence interval and a standard error of measurement simultaneously.

Other Rejections

ED also rejected several other miscellaneous ideas for changing accountability plans, including requests to do the following:

- Use the best of one, two, or three years of averaged test data for subgroups, schools, and districts in making AYP determinations
- Create a category called “provisional AYP,” whereby schools that were in NCLB improvement but had received a high mark in the state’s accountability system would have to offer school choice or supplemental educational services only to students who were not proficient, rather than all students
- Test students in grades 4, 6, 8, and 10 only
- Allow lighter consequences for schools that do not make AYP due to participation only
- Extend the accountability cycle to allow a one-year lag between the time test results were reported and a school or district entered improvement, or wait until October to release AYP results, instead of releasing them over the summer
- Add writing tests as an alternative to reading tests when determining proficiency in language arts in grades 4, 7, and 10; ED denied using writing instead of reading, but accepted averaging the results from both tests
- Round up participation rates, graduation rates, and reduction rates for safe harbor to the next whole number; ED allowed only normal rounding rules, to the nearest whole number, be it up or down
- Count children whose parents opt out of tests under state law as having taken the test

In replying to our survey question about state requests denied by ED, several state officials noted that ED postponed a decision, or rejected a request with a caveat, because it is studying some issues. In some cases, decisions on requests regarding students with disabilities were put on hold until ED develops a policy on “modified” standards for these students, as noted above. ED denied requests for using growth models for initial AYP determinations and safe harbor, but notified states that made such requests that a working group had been formed to study the issue. It also notified states that some ELL policies were under review. Some states are participating in these studies and task forces.

New Flexibility on Growth Models

In November 2005, in response to state requests, Secretary Spellings announced a pilot program whereby interested and qualified states could submit proposals for developing “growth models,” meaning accountability systems that track individual student achievement over time, as an alternate means of determining AYP. This was a significant gesture of flexibility on the part of ED because until recently growth models did not seem consistent with ED’s interpretation of the law.

After a series of meetings with researchers and state officials to discuss what types of growth models would be possible, given the statutory parameters of NCLB, ED agreed to pilot up to 10 high-quality growth models in 2005-06 (U.S. Department of Education, 2005c).

HOW GROWTH MODELS WORK

Determining AYP under NCLB is largely based on a *status model*, which takes a snapshot of student proficiency at one point in time and compares that with a fixed target. Progress is defined by the percentage of students achieving at the proficient level for that particular year, and the school is evaluated based on whether the student group met or did not meet that goal. Under a pure status model, there is no direct consideration of changes in achievement from a previous period. Strictly speaking, however, NCLB's safe harbor provision does consider improvement, so it would be more precise to say that NCLB is based on a status model combined with a *group improvement model* (Riddle, 2005). Schools and districts make AYP if the percentage of students at or above the proficient level meets the state target (status model) or, in safe harbor situations, if they have reduced the number of students who are not proficient by 10% over the previous year (group improvement).⁷

In contrast, *growth models* measure progress by tracking test scores of the same students from one year to the next, with the intent of determining whether, on average, the students made progress. For instance, growth in student achievement can be measured by comparing the performance of students who were in 3rd grade last year with the performance of the same group of students in 4th grade this year. At the school level, growth in achievement over time is the average of growth for individual students. By comparing data for the same students over time, progress can be defined as the degree to which students' improvement compares to a state target for an adequate rate of growth (Goldschmidt et al., 2005). These models could enable states to credit schools for the academic growth of individual students even if the percentage at the proficient level falls short of state goals. There are two key requirements of a growth model system: 1) the existence of a data system to track the scores of individual students over time; and 2) tests that are specially designed to produce results comparable from grade to grade and year to year.

Some growth models incorporate student and school-level characteristics to provide a more accurate measure of the degree to which student growth can be attributed to teaching and learning in the school. These are referred to as *value-added models*. At the student level, a value-added model can isolate student growth by taking into account factors such as prior student achievement, family income status, current class size, or teacher experience. At the school level, a value-added model can compare actual growth to expected growth, taking into account these types of factors. However, ED has indicated that proposed growth models for NCLB purposes must ensure that student growth expectations are not set or moderated based on students' demographics or school characteristics. In other words, states' growth models must have the same growth expectations for all types of schools and subgroups of students (U.S. Department of Education, 2006a).

Some civil rights advocates have expressed concern that growth models might mean that students in schools where achievement levels are low will be held to lower expectations; in other words, that students starting at a low point would also end at a low point (Olson & Hoff, 2005). ED addressed this in its January 2006 guidance by requiring that individual students who are not yet proficient, regardless of what subgroups they belong to, would be expected to grow more than one grade level per year (U.S. Department of Education, 2006a). Growth models that expect just "one year of progress for one year of instruction" would not be rigorous enough to ensure 100% proficiency and closing of achievement gaps in 2013-14. As described in **box 3-E**, analysts have raised other concerns about growth models, while advocates of this approach have touted its benefits.

⁷ Some consider a group improvement model, like safe harbor, to be one simple type of growth model. However, ED has defined growth models as those which "monitor students' progress as they move from grade level to grade level," noting that "implicit in any system of growth measurement is the necessity of being able to track individual students over time" (U.S. Department of Education, 2006a, p. 16).

Box 3-E. Pros and Cons of Growth Models

There are many different types of growth models. In their simplest form, they compute growth by subtracting each student’s previous year’s test score from the student’s current score. The result is the student’s growth score. The growth scores of all students in a school can be averaged to produce a growth score for the entire school, which in turn can be compared to state growth targets. A 2005 report from the Council of Chief State School Officers, *PolicyMaker’s Guide to Growth Models for School Accountability*, provides a useful explanation of growth models and some of the challenges associated with their use.

While the logic behind growth models seems fairly straightforward, there are many costs and technical challenges associated with their implementation:

- **Expense of developing new tests.** To use growth models, students must be assessed with tests that are specially designed to produce comparable results from grade to grade and year to year. These are referred to as vertically-equated tests; most states do not currently have such tests in place.
- **Complexity.** Growth indicators can be complex to compute and require data systems more sophisticated than what many states now have. To measure growth, systems must be able to track individual student scores from one year to the next, which usually requires a statewide student identification system. States that are implementing new tests may have to wait a few years before they have enough data to assess growth from one year to the next. Many challenging technical issues must be resolved in creating a growth model that meets a state’s policy needs, and states will need scientists trained in testing technology and measurement issues to provide the necessary expertise.
- **Setting growth standards.** Policymakers must decide what rate of growth should be expected, and new standards for year-to-year growth will have to be established.
- **Training.** A state must have the capacity to train educators about the additional complexities of using a growth model accountability system.
- **Public education.** A well-functioning accountability system must be easy to understand, so that parents can make judgments about school quality. A growth model may be difficult to explain to the public.

In addition, it is not a foregone conclusion that growth models by themselves are a better way to measure student achievement. Just as NCLB’s status model discounts the performance of schools where student achievement is low but may be growing rapidly, a growth model alone might discount the performance of schools where proficiency rates are very high but growth is lower. Ideally, an accountability system might combine the two methods to encourage both high proficiency and high growth, and states will probably need to set standards for both status and growth. ED’s January 2006 guidance on growth models was issued with the apparent expectation that states will submit plans that combine status, growth, and safe harbor models.



Sources: Goldschmidt et al., 2005; Riddle, 2005.

PILOT PROGRAM

In November 2005, Secretary Spellings announced that up to 10 states will be able to use growth models for 2006 AYP calculations. States were invited to submit proposals by February 17, 2006 for peer review during April 2006. ED will make decisions about which states to include in the pilot in time for states to apply their growth models in making AYP determinations based on 2005-06 testing. Any proposals for growth models must meet seven “core principles” summarized in a letter from the Secretary dated November, 21, 2005,

and detailed in guidance released by ED in January 2006 (U.S. Department of Education, 2006a). The accountability models must include the following features:

1. Ensure that all students are proficient by 2013-14 and set annual goals to ensure that the achievement gap is closing for all groups of students
2. Establish high expectations for low-achieving students, while not setting expectations for annual achievement based upon student demographic characteristics or school characteristics
3. Produce separate accountability decisions about student achievement in reading/language arts and mathematics
4. Ensure that all students in the tested grades and in all subgroups and districts statewide are included in the assessment and accountability system
5. Include annual assessments, approved by the NCLB peer review process and operational for more than one year, in each of the grades 3 through 8 and high school in both reading/language arts and math; the assessment system must also produce comparable results from grade to grade and year to year
6. Have a state data system that tracks student progress
7. Include student participation rates in the state's assessment system and student achievement on an additional academic indicator, such as the graduation rate for high schools

Twenty states submitted growth model proposals by the February 17 deadline (U.S. Department of Education, 2006b). Fourteen states hope to test the use of growth models this school year, and the rest in 2006-07. The applications will now be peer reviewed against the core principles. But it remains to be seen how many states will be able to take advantage of the new flexibility, given the requirements for participation. For instance, 23 states do not have tests in all of the required grades and subjects that have been operational for more than one year (Olson & Hoff, 2005). Only a few states have had their standards and assessments provisionally approved through the peer review process so far, as explained below. The Secretary noted that states that do not currently meet all the criteria for using a growth model could still use an index model that gives schools credit for improving student achievement at levels below proficient.

ED Review of State Testing Programs

NCLB requires ED to conduct a peer review of each state's standards and assessments to determine whether they meet the requirements of the law. Under NCLB's predecessor, the Improving America's Schools Act of 1994, states were already required to assess progress of students in Title I schools with assessments aligned to state content standards. That law required students to be assessed three times during grades K-12, but NCLB increased testing requirements to cover more grades. Furthermore, enforcement of IASA was weak—only 17 states were in compliance with the requirement for final assessment systems by 2001; all the rest were put on timeline waivers or compliance agreements.

NCLB forbids further waivers and does not allow the IASA waivers to be extended. The Secretary of Education has authority to withhold 25% of Title I administrative funds from states that are still behind in meeting the terms of their agreements and waivers (U.S.

Department of Education, 2003). The message from Washington to the states was to get assessment systems into place, and quickly. The review process began in April 2004 with the release of *Standards and Assessments Peer Review Guidance*, which lays out the criteria by which state systems would be judged (U.S. Department of Education, 2004). These criteria are summarized in **box 3-F**. The reviews began in February 2005 and were scheduled to be completed by May 2006; that is, all states were to have received full approval of their assessment systems by that time. But it does not appear that this deadline will be met.

Box 3-F. NCLB Requirements for State Standards and Assessments

The main requirements governing peer reviews of states' standards and assessments are laid out in *Standards and Assessment Peer Review Guidance*. The peer review guidance also includes examples of types of evidence that would and would not meet the requirements. Following are the key features of this guidance:

Content standards must:

- Specify what all students are expected to know and be able to do in reading and mathematics (and science by 2006)
- Contain rigorous content and encourage the teaching of advanced skills
- Be grade-specific or may cover more than one grade, as long as grade-level content expectations are provided for each of the grades 3 through 8 and high school

Achievement standards must:

- Be aligned with the content standards, and include at least two levels of achievement (proficient and advanced) that reflect mastery of the content standards and a third level of achievement (basic) that provides information about the students who are working toward mastering the standards
- Include descriptions of the competencies associated with each achievement level and the test scores ("cut scores") that differentiate among the achievement levels

Assessment systems must:

- Be aligned with the state's content and achievement standards
- Be designed to be valid, reliable, and fair for the widest possible range of students, including students with disabilities and ELLs
- Allow appropriate adaptations and accommodations for students with disabilities and ELLs
- Measure "higher order thinking skills" and "challenging content"
- Produce test results that are disaggregated by subgroups, and individual test results that help educators and parents address specific student needs
- Be consistent with professional testing standards and supported by evidence from test publishers or other sources that the assessment system is of adequate technical quality for each purpose required under NCLB

Source: U.S. Department of Education, 2004.

PEER REVIEW PROCESS

ED provided the states with a “workbook” type of template, not unlike the one states had to complete in creating their accountability plans. Using the template, state officials had to lay out evidence that the state’s assessment system met the criteria listed in box 3-F, as well as others.

The federal review teams do not directly examine states’ academic standards, assessments, or specific test items; instead, they look at evidence compiled and submitted by states that is intended to demonstrate that the assessment systems as implemented meet NCLB requirements. For example, critical element 3.6 in the peer review guidance says that tests must measure higher-order thinking skills and understanding of challenging content (U.S. Department of Education, 2004). Examples of acceptable evidence include test blueprints or item specifications that describe the structure of each assessment and items on each form; descriptions of the process used to determine and judge the inclusion of challenging content; and statistical evidence that documents coverage of higher-order thinking skills consistent with the state standards.

After a state submits its workbook and evidence, a three-person federal review team visits the state to discuss the extent to which the state assessment system meets NCLB’s requirements. The review teams include testing and accountability experts, among them former and current state accountability directors (who are not allowed to review their own state). The aim of the peer review process is to ensure that each state’s system has the following elements:

- Content standards and achievement standards, broken out by grade, in reading and mathematics for grades 3-8 and high school
- Assessments aligned to these standards for the same grades
- Alternate assessments, aligned to grade level achievement standards, for students with disabilities
- Alternate achievement standards, and assessments aligned to those standards, for students with the most significant cognitive disabilities
- Content standards and achievement standards, but not assessments, for science, broken out by grade span (i.e., grades 3-5, 6-9, and 10-12), in preparation for eventual science assessments

Once the teams complete their review of state documents, they report the results to the office of the Secretary, which issues one of the “grades” shown in **table 3-K** (U.S. Department of Education, 2005a).

PRELIMINARY RESULTS

According to *Education Week*, as of November 30, 2005, 26 states had undergone a peer review of their standards and assessments (Olson, 2005b). However, as of February 2006, ED had posted letters to only 11 states on its Web site explaining their approval status.⁸ Table 3-K shows the five possible ratings a state could get, along with results for the 11 states reviewed thus far. Four of the 11 states received “deferred approval status,” meaning that they did not meet some of the requirements but should be able to take action and fully implement their standards and assessments this school year. Six other states received the lower rating of “final review pending,” indicating that they did not meet most of the requirements and must resubmit their workbooks. Only South Carolina received full approval, but with a recommendation to make improvements to its assessment for students with disabilities.

⁸ See <http://www.ed.gov/admins/lead/account/nclbfinalassess/index.html>

Table 3-K. Results of Initial Peer Reviews

Grade/Status	Explanation	States Receiving Rating (as of December 2005)
Full approval	A state's standards and assessment system meets all statutory and regulatory requirements. No further action is needed.	None
Full approval with recommendations	The state assessment system meets all requirements, but "some of the pieces of the system could be improved." State receives approval along with recommendations for actions that it may take, but is not required to.	SC
Deferred approval	The assessment system meets most, but not all, of the requirements. State must take specific steps to come into full compliance and submit further evidence.	AK, MD, NC, WV
Final review pending	The state seeks an early review, but its assessment system does not meet most of the statutory and regulatory requirements. State must resubmit its workbook and go through another peer review.	AL, ID, NE, OR, SD, TX
Not approved	The state assessment system does not meet most of the requirements and is missing essential components. In such a case, the Secretary can withhold Title I funds, enter into a compliance agreement, or put the state into "mandatory oversight status," whereby it may be given a one-year extension with certain restrictions placed on its ability to spend Title I funds.	None

Table reads: Four states (AK, MD, NC, WV) received deferred approval of their state assessment systems from the U.S. Department of Education.

Source: U.S. Department of Education decision letters on states' final assessment systems, <http://www.ed.gov/admins/lead/account/nclbfinalassess/index.html>

If states have not received full approval or full approval with recommendations by July 2006, the Secretary can place restrictions on their ability to spend Title I funds the following year, or until they reach full approval status (U.S. Department of Education, 2005a). Furthermore, states cannot participate in the growth model pilot program unless their assessment systems have been fully approved.

MOST TROUBLESOME ELEMENTS FOR STATES

Of the 11 states that have undergone a first review, most are meeting the requirements for having academic content standards and a statewide assessment system that covers all the required grades and subjects. A requirement that has been particularly problematic for states is to provide "performance descriptors" that explain, in some detail, the competencies a student must master in mathematics or reading to reach a particular performance level, such as "proficient." This falls under critical element 2 (see **table 3-L**). States are also struggling to

demonstrate the quality of their alternate assessment for students with disabilities and show how well those tests are aligned to grade level standards. They also must provide evidence that their alternate assessments are valid and reliable, and that the scoring is reliable. Alternate assessments are judged under several of the critical elements in table 3-L.

Table 3–L. Results of Initial Peer Reviews by Critical Element

Critical Elements	States That Have Met This Element	Additional Evidence Needed
1.0 Academic content standards	AK, AL, ID, MD, NC, OR, TX, WV	NE, SD
2.0 Academic achievement standards		AK, AL, ID, MD, NC, NE, OR, SD, TX, WV
3.0 Full statewide assessment system	AK, ID, MD, NC, SD, WV	AL, NE, OR, TX
4.0 Technical quality		AK, AL, ID, MD, NC, NE, OR, SD, TX, WV
5.0 Alignment		AK, AL, ID, MD, NC, NE, OR, SD, TX, WV
6.0 Inclusion	AK, ID, NC, OR	AL, MD, NE, SD, TX
7.0 Reporting	AK, SD, WV	AL, ID, MD, NE, NC, OR, TX

Table reads: Ten states (AK, AL, ID, MD, NC, NE, OR, SD TX, WV) must provide further evidence of the alignment of their assessment systems to state standards to the U.S. Department of Education.

Note: South Carolina does not appear in the table because its assessment system was approved.

Source: U.S. Department of Education decision letters on states' final assessment systems, <http://www.ed.gov/admins/lead/account/nclbfinalassess/index.html>

ED appears to be pushing states hard on the rigor of their testing programs, but with a greater emphasis on the technical quality of the assessment programs and the extent to which they measure performance against state standards, rather than the difficulty or actual content of standards and assessments. This is because ED's ability to influence states on the level of difficulty of standards and assessments is limited by law. Provisions in the Elementary and Secondary Education Act forbid ED from taking any action to determine or change state academic content standards, or make any judgments about state standards under Title I. Nonetheless, ED's guidance encourages states to adopt standards that are "rigorous and encourage the teaching of advanced skills" and go beyond "minimum competency." Test content should be "challenging" and measure "higher order thinking" (U.S. Department of Education, 2004).

Most of the criteria ED is using to review state testing programs simply reflect good testing practices and are things states that are introducing new testing systems should be doing anyway to ensure that test results are valid, reliable, and fair (American Educational Research Association, American Psychological Association, & National Council on Measurement in

Education, 1999). However, some of the criteria are more prescriptive, such as requiring testing at almost all grades, having at least three achievement levels, and disaggregating results by subgroup.

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Strategies to Raise Achievement and Improve Schools

Key Findings

- States and school districts attribute student achievement gains more to their own efforts than to federal policies. Among the states reporting in our survey that student achievement has increased, about three-fourths rated district policies as “important” or “very important” causes of these increases, and most also rated state policies as important or very important. In our district survey, a similarly large percentage of district officials (79%) rated district policies as important or very important causes of increased student achievement, far more than those reporting that federal policies were important or very important. As for the influence of the No Child Left Behind Act, about half of district officials reported that NCLB’s adequate yearly progress requirements were an important or very important cause of increases in student achievement and a little more than two-thirds of states with improving achievement concurred. In addition, more than a third of state officials reported that Reading First’s instructional programs and assessment systems were important or very important causes of increases in student achievement.
- Choice and supplemental educational services have not been major influences on student achievement, according to our state and district surveys. The NCLB supplemental educational services provision was rated as “not important” or “somewhat important” to raising student achievement by 90% of districts and just under half of the states with rising achievement. The NCLB public school choice requirement was rated as not important or somewhat important to raising student achievement by 95% of districts and about three-quarters of the states with rising achievement. No state rated choice as an important or very important cause of higher achievement in either math or reading.
- More districts appear to be cutting time for other subjects to make extra time for reading and math. According to our surveys, 71% of districts reported that they had reduced time in at least one subject in elementary schools to expand time for reading and math in 2005-06. A much greater percentage of high-poverty districts than lower-poverty districts had policies specifying the amount of time to be spent on reading: 97% of high-poverty districts (where more than 75% of students are eligible for free or reduced price lunch), compared with 55% to 59% of lower-poverty districts (those with free or reduced price lunch counts of 50% or less). In our case studies, district officials expressed mixed views of the effectiveness of increasing time for reading and math at the expense of other subjects. Some reported that this helped low-achieving students catch up in reading and math, but others reported that students were shortchanged in important subjects like social studies and science.
- The strategies used most frequently by the largest number of states to improve student achievement in schools identified for improvement were making “special grants to districts to support school improvement efforts” (45 states) and “aligning curriculum and instruction with standards and assessment” (44 states). These were the same strategies that states reported to be moderately or very successful in raising student achievement.

In our survey, 36 states also reported that making federally funded grants to assist schools in improvement was a moderately or very successful strategy, and 37 states reported that aligning curriculum and instruction was moderately or very successful.

- The most popular strategies used by school districts to improve identified schools were using research to inform decisions about improvement strategies (used by 96% of districts), aligning curriculum and instruction with standards and assessments (96%), and increasing the use of student achievement data to inform instruction and other decisions (95%). These same strategies were reported to be moderately or very successful in raising student achievement by at least three-quarters of school districts.
- Both our case studies and our in-depth analyses of restructuring in California and Michigan showed that as more schools entered restructuring, the last phase of NCLB, the strategies for improvement became more intense. These strategies included replacing staff and reorganizing the governance of the school, but most districts stopped short of closing schools. While our study of Michigan found that no single strategy for improvement was more likely to be associated with a school making AYP, schools that used four or more reforms over a two-year period were significantly more likely to meet AYP targets.

Introduction

One of NCLB's primary purposes is to improve student achievement nationally. Most of the day-to-day decisions about how to raise student achievement, however, are left to leaders in states, districts, and schools. This chapter discusses trends in the types of strategies state, district, and school officials are using to increase student achievement, as well as state and district reports of the effectiveness of these efforts and of NCLB policies in raising achievement.

Impact of Federal, State, and Local Policies

U.S. Secretary of Education Margaret Spellings called recent increases in student achievement on the National Assessment of Educational Progress "evidence that No Child Left Behind is working" (U.S. Department of Education, 2005). Some but not all NAEP results do indicate progress, as discussed in chapter 2. A direct correlation between NCLB policies and NAEP results remains to be proven, however. Other state and district policies may also influence student achievement. In our 2005 surveys, we asked state and district officials to rate the importance of NCLB, state, and district policies in raising student achievement. State responses are reported only for those states that also reported increases in student achievement based on state testing from 2003-04 to 2004-05. These ratings do not represent cause-and-effect relationships between policies and student outcomes. Instead, they provide the views of district and state officials who are involved in NCLB implementation.

NCLB POLICIES GET MIXED REVIEWS WHILE DISTRICT POLICIES GARNER PRAISE

Among the 35 states that reported student achievement was improving in reading and the 36 that reported student achievement was improving in math, state policies and programs were seen as an important or very important cause of increased student achievement by 28 states in reading and 25 states in math. School district policies and programs were listed as an important or very important cause by 26 states in reading and 27 states in math. NCLB's adequate yearly progress requirements were viewed as important or very important causes by 25 states in reading and 24 states in math.

Among states with improving achievement, 19 states cited the Reading First instructional program as an important or very important cause of improvement in reading, and 17 states cited the Reading First assessment systems. Many state officials, however, did not have a strong opinion about the effects of this new initiative. By the fall of 2003, all states had received Reading First grants, but the number of districts participating in these grants was low in most states (CEP, 2005a). Officials in 11 states reported that they “don’t know” how important the Reading First instructional program has been in raising achievement, and officials in 13 states did not know about the importance of the Reading First assessment systems.

Officials in states reporting improved achievement were relatively divided on the other policies listed on the survey, as shown in **table 4-A**. No state, however, rated public school choice as important or very important in either reading or math, while 26 states reported that choice was either not important or only somewhat important to increasing student achievement in reading, and 27 gave the same low rating about choice and math achievement.

As with states, a large majority (79%) of districts with improved achievement rated school district policies as an important or very important cause of increased student achievement—significantly more, from a statistical standpoint, than the 21% that rated district policies as not at all or somewhat important. Unlike state officials, district officials were divided fairly evenly on their views of the importance of state policies and the NCLB AYP requirements as causes of increased student achievement.

The rest of the NCLB policies mentioned in our surveys were seen as not important or only somewhat important causes of higher student achievement by the majority of districts, as shown in **table 4-B**. These policies included the NCLB requirements to use scientifically based research, hire highly qualified teachers and paraprofessionals, and offer supplemental services and choice. Like states, a large percentage of districts (95%) rated public school choice as not important or only somewhat important, while only 5% rated district policies as important or very important. In summary, of all the policies that may have been important causes of increased student achievement, only school district policies and programs were rated as important or very important by a significant majority of districts. No federal or state programs were as highly rated.

Unlike states, a limited share of districts (25%) reported that Reading First assessment systems were important or very important causes of higher achievement. Similarly, very few districts (24%) reported that the Reading First instructional programs were important or very important causes of increases in student achievement. It is important to note that only 12% of districts in our survey actually had Reading First grants, so this probably accounts for the low response.

OPEN-ENDED QUESTIONS AND CASE STUDIES FURTHER EXPLAIN STATE AND DISTRICT POLICY EFFECTS

Among states with rising student achievement, state and school district policies were cited more often than NCLB policies as being important or very important causes of achievement gains. Two open-ended questions on our state survey gave state officials the opportunity to comment on these state and district policies. Describing the effect of these policies, one state official wrote:

School district policies and programs have the greatest impact on increasing student achievement because they are geared specifically to the conditions that are present locally. State policies and programs also have an important impact because the state is able to direct technical assistance and resources to specific conditions that exist locally.

Table 4-A. Number of States Reporting That Specific Factors Were Important Causes of State's Increased Student Achievement in Reading and Math, 2005

Policies	Reading			Math		
	Important/ Very Important	Not Important/ Somewhat Important	Don't Know	Important/ Very Important	Not Important/ Somewhat Important	Don't Know
State policies and programs	28	3	4	25	7	4
School district policies and programs	26	2	6	27	3	6
NCLB adequate yearly progress requirements	25	6	4	24	8	4
NCLB Reading First instructional program	19	5	11	NA	NA	NA
NCLB Reading First assessment systems	17	6	13	NA	NA	NA
NCLB highly qualified teacher requirements	13	10	12	11	13	9
NCLB requirement that programs be based in scientific research	13	13	9	14	12	10
NCLB paraprofessional qualifications requirements	11	12	12	8	15	9
Student demographic changes	6	15	13	4	17	15
NCLB supplemental educational services requirements	5	16	14	4	17	14
NCLB public school choice requirements	0	26	9	0	27	9
Other	4	0	3	3	1	4

Table reads: In 2005 in reading, among the 35 states which reported that student achievement was increasing, 28 states reported that state policies and programs were important or very important causes of improvement in student achievement, 3 reported these policies and programs were somewhat important or not important causes, and 4 did not know the effect of state policies and programs.

Note: The table includes responses only from the 35 states that reported student achievement had improved in reading and the 36 states that reported achievement had improved in math.

Note: Responses are ranked by the number of states reporting that the particular factor was an important or very important cause of improved student achievement in reading.

Source: Center on Education Policy, December 2005, State Survey, items 6a and 7a.

Table 4-B. Percentage of Districts Reporting That Factors Were Important Causes of Increased Student Achievement, 2005

Policies	Important/ Very Important	Not at All/ Somewhat Important
School district policies and programs	79%	21%
NCLB adequate yearly progress requirements	57%	43%
State policies and programs	51%	49%
NCLB requirements for programs to be based in scientifically-based research	37%	63%
Student demographic changes	35%	65%
NCLB highly qualified teacher requirements	30%	70%
NCLB paraprofessional qualifications requirements	26%	74%
NCLB Reading First assessment systems	25%	75%
NCLB Reading First instructional program	24%	76%
NCLB supplemental educational services requirements	10%	90%
NCLB public school choice requirements	5%	95%
Other	27%	73%

Table reads: In 2005, 79% of districts with improving student performance reported that district policies and programs were important or very important causes of improvement in student achievement, and 21% reported these policies and programs were somewhat important or not important causes of improved achievement.

Note: The table includes responses only from the districts that reported student achievement had improved.

Note: Responses are ranked by the percentage of districts reporting that the particular factor was an important or very important cause of improved student achievement.

Source: Center on Education Policy, December 2005, *District Survey Part II, item 45 (new table, version 2)*.

District officials in case study districts echoed this view of the importance of what happens at the school level. For example, administrators in the Calhoun County School District in Alabama recognized the importance of educators accepting continuous change in curriculum and instruction in order to improve student achievement. “When it comes to NCLB,” said Judy Stiefel, Calhoun’s deputy superintendent, “curriculum and instruction is everything. In order to improve learning, we have to change how we teach.”

The open-ended survey question also asked respondents to describe which specific types of state and district policies helped to improve achievement in math and reading. Many state officials noted that NCLB leaves the important task of developing standards, curriculum, and tests to states—a process they believe will lead to greater student achievement. Indeed, the alignment of curriculum and instruction with assessment was a popular improvement strategy for both states and districts, as discussed later in this chapter.

In the open-ended questions, several state officials noted that their state and district improvement policies had been put in place before NCLB and as a result were more likely to have influenced student achievement than NCLB. In our case studies, many district officials also attributed improvement to district and state policies implemented before NCLB was enacted. For example, the Chicago Public Schools, the Cleveland Municipal School District in Ohio, and the Wake County Public School System in North Carolina all have internal improvement initiatives that predate NCLB. These initiatives overlap with NCLB somewhat but not completely. Officials in all three districts said the district focused a good deal of attention on internal initiatives while also meeting the requirements of NCLB, and that increases in student achievement were more likely to be due to the more established district initiatives than to NCLB.

Many state officials responding to our open-ended questions also cited professional development as a factor in improving instruction and student achievement. Case studies also reflected the importance of professional development, as discussed in detail in chapter 7.

While many state and district officials were willing to speculate about how policies raised student achievement, others were not. Two state officials pointed out that their states have no statistically accurate way of determining the causes of student achievement improvement. So, while the responses of state and district officials are important indicators of how policies play out in schools and districts, they are not statistical proof of the effects of these policies.

SOME STUDIES LINK ACCOUNTABILITY SYSTEMS AND ACHIEVEMENT GAINS, OTHERS DON'T

Several recent studies have attempted to find a correlation between testing and accountability systems and changes in student achievement as represented by test scores. These studies stopped short of examining causal relationships, which would require an experimental research design. Instead, the studies attempt to establish a relationship between the strength of accountability systems and student outcomes.

For example, *Education Week's* most recent Quality Counts analysis (2006) found that the more a state embraced the standards movement from 1997 to 2005—in other words, adopted policies related to standards, assessments, and accountability (though not teacher quality)—the more improvement the state made on some parts of NAEP. These improvements were statistically significant on the NAEP math assessment in grades 4 and 8. The study also found related improvement in reading, but these improvements were not statistically significant.

The Northwest Evaluation Association, which administers its own assessments nationally, found similar results in its 2005 study (Cronin et al., 2005). This study examined both average scores in reading and math and individual students' growth scores in reading and math. Researchers found that students enrolled in grades included in state testing improved their average scores in reading and math more than those in grades that were not tested, although improvement was greater in math than in reading. In addition, students in tested grades experienced more individual growth than those in non-tested grades. Again, the effects for math were larger than for reading.

Researchers at the Education Policy Studies Laboratory (EPSL) at Arizona State University (Nichols, Glass & Berliner, 2005) reached different conclusions about the relationships between accountability systems and student achievement. The EPSL team found that increases in testing pressure from high-stakes tests bore no relationship to gains in NAEP reading scores in either 4th or 8th grades. They found only a weak relationship between increased testing pressure and higher 4th grade math scores on NAEP, but no relationship

between increased testing pressure and higher 8th grade math scores. Furthermore, the researchers found the increased pressure from high-stakes testing was correlated with a greater likelihood that 8th and 10th graders would not move on to 12th grade, suggesting that high-stakes testing may be associated with higher dropout rates.

The *Education Week* study and NWEA study point to positive connections between policy and achievement, while the EPSL study does not. None of these studies, however, distinguishes between federal, state, and local policies. According to our own surveys, district and state policies are viewed as more important influences on achievement than federal policies. Among federal policies, adequate yearly progress was seen as an important contributor to achievement, but most other aspects of NCLB were not. More research is needed to determine how these different levels of policy affect student achievement and to distinguish between the effects of NCLB and the effects of policies in place prior to NCLB.

Curricular Changes and Additional Strategies for Increasing Student Achievement

Our surveys and case studies asked state and district officials to report which strategies they were using to improve student achievement and which curriculum and instructional changes they had made as a result of NCLB. We also asked officials to report how effective they viewed these strategies to be. As with our examination of policies, our study does not attempt to draw cause-and-effect relationships between particular changes or strategies and changes in student achievement. Instead, our study presents the views of state and district officials involved in implementing NCLB.

MATH AND READING INSTRUCTION INCREASES AT EXPENSE OF OTHER SUBJECTS

In 2005-06, as shown in **table 4-C**, our survey found that 71% of districts reported reducing instructional time in elementary schools for one or more subjects in order to make more time for reading and/or math. On average, districts in our survey spent about an hour and a half on reading and a little over an hour on math. Urban districts, however, spent significantly more time on reading than suburban and rural districts: 113 minutes or almost two hours.

Of the districts surveyed, 60% had policies requiring teachers to devote a specific amount of time to reading and 50% had policies requiring teachers to devote a specific amount of time to math. A larger percentage of urban districts (77%) had these policies in reading than rural districts (52%). In math, more urban districts (74%) and more suburban districts (61%) had these policies than rural districts (38%).

The percentage of districts requiring schools to devote a particular amount of time to English/language arts varied by district poverty levels. Nearly all (97%) high-poverty districts (those in which 76% or more of the students were eligible for free or reduced-price lunch) required schools to devote a particular amount of time to English/language arts, compared with 55% to 59% of districts with lower poverty rates (those with free or reduced-price lunch counts of 50% or less). These statistically significant differences are shown in **figure 4-A**. The percentage of districts requiring schools to devote a particular amount of time to math did not vary significantly by district poverty levels. These findings suggest that poorer students may disproportionately attend schools with specific instructional time requirements for English/language arts, and may therefore be more affected by this curricular change.

Table 4-C. Percentage of Districts Reporting That Elementary Schools Reduced Instructional Time in at Least One Other Subject to Make More Time for Reading/Language Arts and Math, 2005-06

	2005-06
TOTAL (all districts)	71%
District Type	
Urban	76%
Suburban	72%
Rural	70%
District Size	
Very large	90%
Large	79%
Medium	73%
Small	70%

Table reads: In 2005-06, 71% of districts reported that they had reduced instructional time in elementary schools in at least one subject to make more time for reading/language arts and math.

Source: Center on Education Policy, December 2005, District Survey Part II, item 48 (table 13a).

Table 4-D. Percentage of Districts Reporting That Elementary Schools Have Reduced Instructional Time in Some Subjects to Make More Time for English/Language Arts and/or Math, 2005-06

Policies	2005-06		
	Somewhat/ to a Great Extent	Not at All/ Minimally	Don't Know
Social studies (history, geography, civics)	33%	64%	3%
Science	29%	68%	3%
Art and music	22%	76%	2%
Physical education	14%	83%	2%
Other subjects	17%	71%	12%

Table reads: In 2005-06, 33% of districts reported that instructional time in social studies had been reduced somewhat or to a great extent to make more time for reading/language arts and math.

Source: Center on Education Policy, December 2005, District Survey Part II, item 48 (table 13b).

Figure 4-A. Percentage of Districts Reporting in 2005-06 That They Required Elementary Schools to Devote a Specified Amount of Time to Reading/Language Arts Instruction, by District Poverty

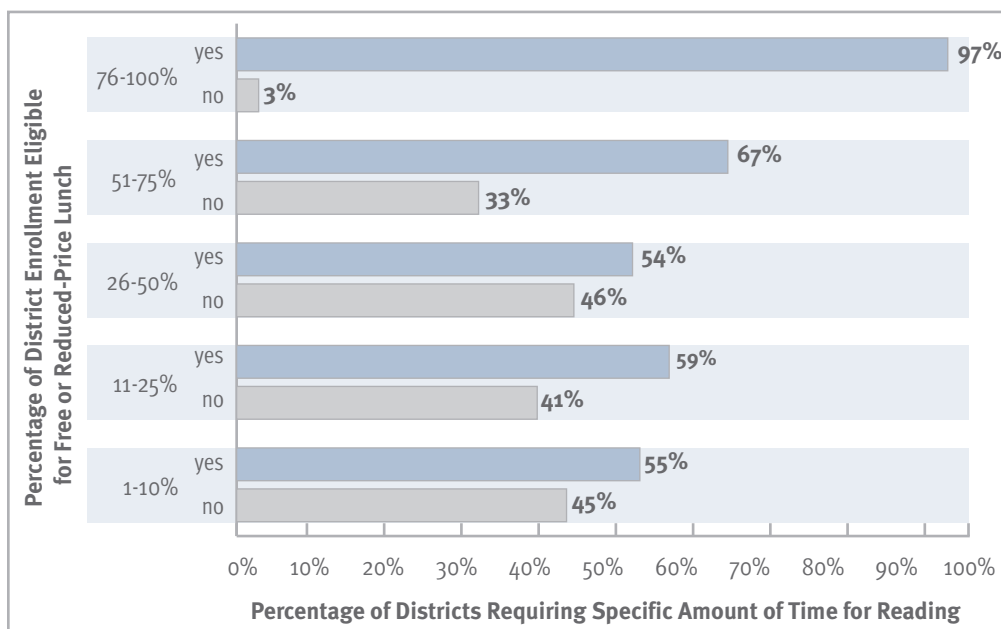


Figure reads: In 2005-06, among districts that receive Title I funds and have 76% or more students eligible for free or reduced-price school lunch, 97% reported that they require elementary schools to devote a specified amount of time to reading/language arts instruction.

Source: Center on Education Policy, December 2005, District Survey Part II, item 46 (table 11b).

Table 4-D contains a full list of subjects that districts might decrease to make more room for extra math and reading in elementary schools. For 26% of districts, these reductions were due to a new district policy requiring a specific amount of time for reading and/or math, and for 29% of districts, the reductions were due an increase in time required by existing policies.

CASE STUDIES ALSO REVEAL SCHEDULE CHANGES

In our case studies, many districts confirmed the fact that longer blocks of time are being devoted to math and reading. Several also noted that within these blocks of time the curriculum is becoming more prescriptive. District officials reported both positive and negative effects of these changes.

Increased Time for Reading and Math Reduced Time in Other Subjects

In Fort Lupton Weld R-8 School District, Colorado, the middle school has moved to a block schedule, in which core classes are taught for longer periods of time. Similarly, middle and high schools in the Cuero Independent School District, Texas, provide double blocks of reading and math just for students who are behind. Orleans Central Supervisory Union in Vermont has increased time for reading, and many districts, including Calhoun County (Alabama) School District, have increased the time spent on reading due to Reading First grants.

Consistent with our district survey, some case study districts reported that increases in reading and math have reduced time for other subjects—sometimes to the point of totally eliminating some subjects. For example, in Orleans, Vermont, district officials said NCLB has pushed the district to focus on reading to such a degree that virtually every other subject, including math, is getting squeezed. At North Tahoe Middle School in the Tahoe-Truckee Joint Unified School District in California, middle school students who are behind academically can take up to three periods of reading and two periods of math. As a result, some do not take courses like science or social studies at all. Similarly, in Grant Joint Union High School District in California, students who score significantly below grade level in reading and/or math are required to take two or three classes in either or both subjects instead of one class for each. These “block” reading classes enroll more students than the block math classes. This shift to block scheduling, now in its second year in Grant, meant the elimination of science and history/social studies for many remedial students, but in 2005-06, these students can take a one-semester class that includes both subjects. English language learners are also enrolled in block classes until they gain enough English proficiency to be mainstreamed.

Some district officials saw this increased focus on subjects tested for NCLB as positive while others did not. For example, at North Tahoe Middle School, where struggling students take more reading and math at the expense of other subjects, district officials realize that for these students to miss a semester or two of science, social studies, or other electives is controversial. But they said it was worth the price to bring students closer to grade level in reading and math, which will help them learn other subjects more easily. Every nine weeks, students’ schedules are reevaluated, so that students who improve in reading and math can add courses to their schedules.

In Bayonne City School District in New Jersey, however, these changes in the allocation of time were seen as a negative narrowing of the curriculum. NCLB is resulting in less instructional time for history and the arts, according to the district’s senior administrators, as schools are increasing—in many cases doubling—the time spent on reading and math. In addition, the teaching of the arts has been moved to after-school programs, except for instrumental music, which some relatively high-performing students receive on a pullout basis. This narrowing of the curriculum is almost solely resulting from the schools’ intense focus on raising test scores in math and reading, according to district and school administrators. In response to the narrowing curriculum and intense focus on testing, schools have begun, also with central office encouragement, to devote two periods on Fridays to special projects—on topics such as Shakespeare and rocketry—that extend students’ learning and “make school fun.”

NCLB has spurred the Heartland Community Schools in Nebraska to increase instructional time for reading and math, which leaves less time for non-tested subjects like music and for classroom activities that are “just for fun,” according to the district’s curriculum coordinator. The district has tried to maintain its strong music program because music motivates many students, especially high school students, to attend school and perform well. But the Heartland superintendent fears that NCLB’s focus on core academic subjects could lead to the music program being cut from the curriculum altogether.

Administering the tests required by NCLB is also taking time and resources away from instruction in other subjects, according to some case study districts. In the Avon Public School System in Massachusetts, for example, tests used to be given in reading at grade 3; English/language arts at grades 4, 7, and 10; math at grades 4, 6, and 10; and science and technology at grades 5 and 8. Consistent with NCLB, the testing changed in 2005-06 to include all grades 3-8 plus 10 for math and English/language arts. Concerns exist among Avon teachers and administrators about the additional time needed for testing in the new

grade levels. “Teaching time is sacred,” said one district administrator, “and we have to be sure that we provide students with high-quality instruction all day long. Most teachers will be testing their students now in both content areas, and that will take time away from instruction.” District officials in Marlboro Elementary School in rural Vermont, which is both a school and an independent school district, also expressed concern about testing taking valuable time away from instruction. The district resistance to state testing is discussed in **box 4-A**.

Box 4-A. Marlboro Elementary School Resists State Tests

The Marlboro Elementary School district consists of just one school in rural southeastern Vermont that serves 77 students in kindergarten through grade 8. The district is part of a supervisory union that includes eight other small, single-school districts, each with its own school board.

Marlboro Elementary School, which does not receive Title I funds, is deeply opposed to NCLB and has resisted implementation since the law took effect. In October 2005, Vermont—along with New Hampshire and Rhode Island—began administering a new assessment for grades 3 through 8. This assessment, the New England Common Assessment Program (NECAP), was developed by the three states to meet the requirements of NCLB. For Vermont, NECAP replaced the New Standards Reference Exam, which was administered in grades 4, 8, and 10.

Initially, Marlboro indicated that it would refuse to administer the new state assessment, insisting that it was instructionally irrelevant and time consuming to administer. According to Lauren Poster, a school board member, the state Commissioner of Education notified the school and the supervisory union in September 2004 that he would “pull the license” of the school principal and superintendent of the supervisory union if the school refused to participate. Gail Taylor, director for standards and assessment at the Vermont Department of Education, said that the commissioner had “good conversations” with the school and has assured local officials that the test, which was developed with the help of teachers from across three states, is “instructionally relevant.”

Nonetheless, according to Poster, Marlboro insisted on assurances that the test data would be kept secure and anonymous and not linked with other pieces of data, such as students’ health or disability status. The Vermont Department of Education agreed to this condition, according to Poster, who added that the commissioner also assured her that no school would be labeled as “failing.” Rather, said Poster, the commissioner will have “individual conversations with principals of schools not showing improvement to find out what was going on.”

Ultimately, Marlboro did administer the NECAP, but allowed parents to excuse their children from taking the test. Four families (5 students out of about 50 in grades 3-8) took advantage of this option. According to Taylor, it is up to individual schools to determine how to handle students who do not participate in the assessment, but all schools will be held accountable for ensuring that at least 95% of their students do so. As mandated by NCLB, schools that do not administer the state assessment to at least 95% of their students will not make AYP. Taylor added that if Marlboro Elementary does not demonstrate AYP for two straight years, it will be identified for improvement even though it does not receive Title I funds.

After administering the test in October 2005, Francie Marbury, the school’s principal, remains convinced that the state assessment has “no value for our students and is very disruptive to daily instruction and learning.” As the children took the tests, she added, concerns arose over its format, wording, and vocabulary, which prevented students who knew the content from answering correctly.

Instruction Becoming Increasingly Prescriptive

Some districts have become more prescriptive about how and what teachers teach. For example, in the Oakland Unified School District, California, the school district has a pacing plan that ensures that teachers throughout the district at a particular grade level will be teaching the same reading lesson on the same day. Similarly, in Wake County, North Carolina, lessons in some schools have become more prescriptive. Schools at risk of being identified for improvement are encouraged by the district, or can volunteer, to become “Project Achieve” schools. These schools give up some of their autonomy in return for additional district support. According to the principal of one such school, Project Achieve’s greatest selling points to teachers are the “focused lessons” that the district developed, which include highly prescribed plans for 15-minute lessons in reading and math. The principal said these lessons are especially helpful for new teachers who need detailed guidance for teaching specific curricular objectives and for veteran teachers looking for new ideas.

Also, at Escondido Union Elementary School District in California, teachers are now mandated to cover all of the tested standards, and the district has pacing guides for math and reading that aid teachers by outlining what material they should be covering as the year progresses. This is good because it standardizes the curriculum and ensures that students are taught the material before they are tested, according to Pat Peterson, the district’s Gifted and Talented Education and Title I coordinator, even though this leaves less classroom time for non-tested activities such as music, art, and social studies.

Some of this standardization of the curriculum cuts out topics that were unnecessarily repeated within a subject area. In Waynesboro Public Schools, for example, one district official noted, “It used to be that kids in Virginia would have known more about Native Americans than any other subject, because they studied them every single year.” But now, officials reported, social studies curriculum is better coordinated across grades. Although this coordination has reduced variations in what teachers teach within a subject area, district officials reported that it has not led to too much drill-and-practice instruction. To the contrary, the district is encouraging teachers to emphasize higher-level skills—such as interpreting, analyzing, and inferring—because state test questions that require higher-level thinking are often the ones students miss.

MOST COMMON AND EFFECTIVE STRATEGIES FOR IMPROVEMENT

In both our 2004 and 2005 surveys, the strategies for improving schools that were mentioned most often by states included making “special grants to districts to support school improvement efforts,” which 45 states reported using moderately or to a great extent in the 2005 survey, and “aligning curriculum and instruction with standards and/or assessments,” which 44 states reported using moderately or to a great extent in 2005. In 2005, many states also reported using two additional strategies moderately or to a great extent to improve student achievement: “offering professional development through Reading First” and “providing curriculum and assessment materials through Reading First.” The questions about Reading First did not appear in our survey last year, because fewer states had actually started implementing Reading First. Moreover, not all districts receive Reading First grants. The full range of strategies we asked about appears in **table 4-E**.

State officials’ views of the effectiveness of these strategies roughly paralleled the extent to which the states used the strategies. Aligning curriculum and instruction with standards and assessments and making special grants to districts to support school improvement efforts were viewed as moderately effective or very effective by the most states: 37 and 36 states respectively. Similarly, offering professional development through Reading First and provid-

Table 4-E. Number of States Using Various Strategies to Raise Student Achievement in Identified Schools, 2005

Improvement Strategy	Moderately/ To a Great Extent	Not at all/ Minimally	Don't Know
Special grants to districts to support school improvement efforts	45	4	1
Aligning curriculum and instruction with standards and/or assessments	44	3	3
Offering professional development through Reading First	42	5	3
Providing curriculum and assessment materials through Reading First	39	6	5
Providing before- or after-school, weekend, or summer programs	33	10	6
School support teams	28	19	3
Educational or management consultants	27	17	5
Mentor or coach for the principal (e.g., distinguished principals)	21	24	5
Distinguished teachers	14	32	3
Additional full-time school-based staff to support teacher development	13	27	9
Other	9	0	0

Table reads: Forty-five states reported that they are using special grants to districts to raise student achievement in schools identified for NCLB improvement.

Note: Responses are ranked according to the number of states reporting that a strategy was being used moderately or to a great extent.

Source: Center on Education Policy, December 2005, State Survey, item 10.

ing curriculum and assessment materials through Reading First were viewed as moderately effective or very effective by 31 and 29 states respectively. Still, about one-fourth of the states responding did not know whether these strategies were effective (**table 4-F**).

Districts' favorite interventions and strategies to improve schools identified for improvement remained similar over the past three years. The strategies used somewhat or to a great extent by the largest percentages of districts in 2004-05 included "using research to inform decisions about improvement strategies" (96% of districts); "matching curriculum and instruction with standards and/or assessments" (96%); and "increasing the use of student achievement data to inform instruction and other decisions" (95%). These same three improvement strategies were used by the largest percentages of districts in 2002-03, as illustrated in **table 4-G**. Increasing the quality of professional development for teachers was another strategy used somewhat or to a great extent by 95% of districts in 2004-05.

As with state strategies, districts reported that the more frequently used strategies were mostly successful. Ninety percent of districts said that aligning curriculum and instruction with standards and/or assessments was successful in raising student achievement somewhat

Table 4-F. Number of States Viewing Various Strategies as Effective in Raising Student Achievement in Identified Schools, 2005

Improvement Strategy	Moderately/ To a Great Extent	Not at all/ Minimally	Don't Know
Aligning curriculum and instruction with standards and/or assessments	37	1	12
Special grants to districts to support school improvement efforts	36	6	8
Offering professional development through Reading First	31	3	16
Providing Reading First curriculum and assessment materials through Reading First	29	4	16
Providing before- or after-school, weekend, or summer programs	29	3	12
School support teams	27	8	11
Educational or management consultants	22	5	14
Mentor or coach for the principal (e.g., distinguished principals)	22	4	13
Additional full-time school-based staff to support teacher development	15	4	16
Distinguished teachers	11	9	14
Other	5	1	0

Table reads: Thirty-six states reported that using special grants to districts to raise student achievement in schools identified for improvement was moderately or very effective.

Note: Responses are ranked according to the number of states reporting that a strategy was moderately or very effective.

Source: Center on Education Policy, December 2005, State Survey, item 11.

or to a great extent, while 88% said that increasing the use of student achievement data to inform instruction and other decisions was successful somewhat or to a great extent. The first eight strategies in **table 4-H** were viewed by a significantly larger percentage of districts as being somewhat or greatly successfully in raising student achievement than the percentages that viewed these strategies as minimally or not at all successful. District officials were about equally divided on their views of the success of the other 10 strategies.

CASE STUDIES CONFIRM FINDINGS ON STRATEGIES, BUT OFFER CAVEATS

Case studies confirm our survey finding that many districts are working to align curriculum and instruction with standards and assessments and that district officials find this effort effective. For example, teachers in Cuero, Texas, and several other case study districts are using curriculum mapping, an exercise designed to align their classroom instruction with state standards for the content to be taught in their grade. The teachers determine how well curriculum is coordinated horizontally across classrooms and schools in the same grade and vertically from one grade to the next. “We’ve unpacked the standards, but now we need to

know if there are any missing pieces. With mapping we will find that out,” said Kelly Stanford, assistant superintendent for curriculum and instruction. “The days of teaching in isolation are over. Teachers need to work together, and that’s how we can fit everything in.” In another example, Cloquet Independent School District #94 in Minnesota made changes to its elementary math curriculum three years ago, including adopting a new math series that is better aligned to state standards. District officials found that the changes resulted in higher math achievement. Students are coming into middle school and high school better prepared as a result of the attention paid to learning in the elementary grades, according to the administrators of the two secondary schools. “Curriculum and instruction are the keys to improving the achievement of all students,” said Superintendent Ken Scarbrough, “but we need to expand our vertical articulation—how standards, curriculum, and student learning flow from one grade level to another. That is what we are working on.”

Many district officials in case study districts emphasized, however, that aligning curriculum and instruction with standards and assessments should not be confused with inappropriate forms of teaching to the test. As discussed in chapter 2, teaching to the test can artificially inflate test scores. Examples of inappropriate practices include drilling students in practice questions, teaching students how to fill in answer sheets, or focusing instruction on a limited subset of skills likely to be tested (Center on Education Policy, 2002). In the Tigard-Tualatin School District in Oregon, as in many districts, testing data is used to help make instructional decisions, but principals underscored that NCLB and state tests do not drive instruction in their schools. As Fowler Middle School Principal Ted Feller put it, “Yes, NCLB is one of the markers of whether or not we’re an effective school, but it isn’t our focus. Our goal is to create the best education possible. If we do that, NCLB will take care of itself.” The percentage of Fowler students passing state math tests increased from 51% in 2003-04 to 78% in 2004-05, even though Fowler has the district’s highest percentage of low-income middle school students, a subgroup that traditionally has difficulty passing state tests. Feller attributed the growth to a combination of changing classroom instruction and providing extra intervention for students who were behind. The school did not, he emphasized, teach directly to the state test.

Still, the danger of confusing aligning curriculum and instruction with assessments and teaching to the test looms large for many. In Harrison Community Schools in Michigan, district officials attribute large gains in elementary student achievement in part to curriculum and instruction that is more closely aligned with state standards and tests. Hillside Elementary Principal Michele Sandro, however, emphasized that gains in Harrison have come from focusing broadly on student learning and higher-order thinking skills, rather than focusing narrowly on the state test and test-taking skills. In the district and nationally, she said, “There is still some belief that if we just teach to the test we’ll be okay. We need to change that thinking.”

Our case studies also confirm our survey finding that a large percentage of districts has successfully raised achievement by making greater use of student test data to inform instruction and other decisions. Virtually all case study districts reported closely analyzing assessment data and using this information to make instructional decisions. As reported in several recent articles on using data to inform instruction (Murnane, Sharkey & Boudett, 2005; Streifer & Schumann, 2005, Wayman, 2005), teachers in case study districts needed training and support to use data well. In Clark County School District, Nevada, the Title I office has hired two data coordinators who meet with schools in need of improvement to help them analyze their testing data. These coordinators work directly with teachers, who then use this information to plan instruction. In a similar effort to increase teacher use of data in classroom decision making, district staff in the Chicago Public Schools said that ongoing assessments to help

Table 4-G. Percentage of Districts Using Various Strategies to Improve Identified Schools in 2002-03, 2003-04, and 2004-05

Improvement Strategy	2002-03		2003-04		2004-05	
	Somewhat/ Great Extent	Minimally/ Not at All	Somewhat/ Great Extent	Minimally/ Not at All	Somewhat/ Great Extent	Minimally/ Not at All
Using research to inform decisions about improvement strategies	90%	6%	97%	3%	96%	2%
Aligning curriculum and instruction with standards and/or assessments	94%	3%	99%	1%	96%	4%
Increasing the use of student achievement data to inform instruction and other decisions	94%	4%	100%	0%	95%	5%
Increasing the quality and quantity of teacher and principal professional development	87%	7%	96%	4%	95%	5%
Improving the school planning process	83%	14%	96%	4%	92%	8%
Providing extra or more intensive instruction to low-achieving students	NA	NA	99%	1%	90%	10%
Providing before- or after-school, weekend, or summer programs	83%	11%	84%	16%	85%	15%
Reallocating resources to support school improvement	NA	NA	81%	19%	72%	28%
Providing a mentor or coach for principals	NA	NA	NA	NA	72%	27%
[Selecting and/or] implementing a new curriculum or instructional program	73%	24%	51%	46%	67%	30%
Providing an educational or management consultant	NA	NA	NA	NA	64%	35%
Providing assistance through distinguished teachers from other districts or from within the district	NA	NA	NA	NA	60%	36%
Increasing district monitoring and oversight	64%	33%	69%	23%	58%	42%

Restructuring the school day to teach core content areas in greater depth	51%	42%	61%	36%	55%	45%
Providing assistance through school support teams	NA	NA	NA	NA	51%	49%
Providing additional staff to support teacher development	NA	NA	NA	NA	47%	52%
[Selecting and/or] implementing a school reform model	43%	55%	52%	45%	35%	62%
Hiring additional teachers to reduce class size	34%	59%	48%	52%	30%	67%

Table reads: In 2002-03, 90% of districts with schools identified for improvement reported that to improve these schools, they used the strategy of using research to inform decisions about improvement strategies somewhat or to a great extent. In 2003-04, 97% of these districts reported using this strategy and in 2004-05, 96% used this strategy.

Note: Responses are ranked from the most commonly used strategy to the least commonly used strategy in 2004-05.

Note: Items marked “NA” did not appear on the survey for that particular year.

Source: Center on Education Policy, December 2003, District Survey, item 15; June 2004, District Summer Survey, Item 4 (table 3); December 2005, District Survey Part I, item 6 (table 3).

plan instruction are being used more often. For example, the district plans to phase in uniform diagnostic reading assessments. In 2005-06, the first year of this initiative, all 1st grade teachers were trained to use Dynamic Indicators of Basic Early Literacy Skills (DIBELS), a set of standardized early reading assessments developed by the Oregon Department of Education and other agencies and organizations. Teachers assessed their students using this tool and planned instruction based on the assessment. The assessment has been helpful and easy to use, district officials reported. In 2006-07, DIBELS will be introduced in 2nd grade; in 2007-08 3rd grade will be added.

Using data to inform decision making may also limit which students receive extra attention, according to at least one case study. In Bayonne, New Jersey, teachers, principals, and district administrators emphasized that NCLB has pushed them as never before to ensure the success of all students and to pay particular attention to subgroups of students, especially ELLs and students with disabilities. At the same time, NCLB also appears to be pushing schools to focus intensively on the achievement of a relatively small percentage of students performing just below grade level. Many schools, with central office encouragement, are targeting tutoring and support services on students who are just below proficiency, believing that such an emphasis is most likely to have the biggest impact on AYP results. For example, 9th graders who scored “partially proficient” on the statewide assessment as 8th graders are enrolled in special math and reading blocks to accelerate the learning of skills they need to be successful in high school.

Table 4-H. Percentage of Districts Reporting Improvement Strategies Were Successful, 2004-05

Improvement Strategy	Somewhat/ Great Extent	Minimally/ Not at All
Aligning curriculum and instruction with standards and/or assessments	90%	3%
Increasing the use of student achievement data to inform instruction and other decisions	88%	5%
Increasing the quality and quantity of teacher and principal professional development	83%	10%
Using research to inform decisions about improvement strategies	75%	17%
Providing extra or more intensive instruction to low-achieving students	73%	21%
Improving the school planning process	72%	18%
Providing before- or after-school, weekend, or summer programs	71%	19%
[Selecting and/or] implementing a new curriculum or instructional program	59%	27%
Increasing district monitoring and oversight	51%	39%
Reallocating resources to support school improvement	50%	36%
Providing additional staff to support teacher development	46%	42%
Providing assistance through school support teams	44%	48%
Restructuring the school day to teach core content areas in greater depth	43%	44%
Hiring additional teachers to reduce class size	43%	47%
Providing an educational or management consultant	40%	49%
[Selecting and/or] implementing a school reform model	39%	52%
Providing a mentor or coach for principals	32%	57%
Providing assistance through distinguished teachers from other districts or from within the district	26%	60%

Table reads: In 2004-05, 72% of districts with schools identified for improvement reported that improving the school planning process was successful in raising student achievement somewhat or to a great extent.

Note: Responses are ranked in order of the strategies most often reported as being successful in raising student achievement somewhat or to a great extent.

Source: Center on Education Policy, District Survey Part I, item 8 (new table).

ADDITIONAL STRATEGIES USED BY A NUMBER OF CASE STUDY DISTRICTS

Case study districts reported other effective strategies that were not listed on our survey. These include enhanced teamwork among teachers, changes in how students are grouped for instruction, increases in the use of full-day kindergarten, greater inclusion for students with disabilities, and closer attention to how these students are identified. Additional strategies for English language learners are discussed in chapter 8.

Teacher Teamwork

Several case study districts noted that since NCLB was first implemented, more teachers are working in teams and that this collaboration was effective in raising student achievement. At Fowler Middle School in Oregon's Tigard-Tualatin district, the staff rearranged teachers' schedules. Whereas previously teachers worked together on interdisciplinary units with larger numbers of students, now teachers work in grade-level teams. Each team teaches one or more specific subjects, and students rotate between subjects. As a result, everyone on a team has the same students and can share information and strategies about how to help students. This has led to a better school climate, according to the school principal; behavior referrals have been reduced by 40%, which has helped increase academic achievement.

Partly in response to the pressures of NCLB, the Clark County district in Nevada has similarly encouraged schools to designate grade-level meeting times. The goal is to have grade-level teams meet weekly. In many schools identified for improvement, these meetings are driving changes in curriculum and instruction. "Teachers are asking each other, 'What does our data show? What direction do we need to go?'" explained Susan Wright, the Title I director. While Clark County, like most districts, does have a curriculum aligned with state standards and has district-adopted reading texts, crucial decisions about day-to-day instruction are in the hands of teachers. The district is working to make sure teachers have the data they need to make these decisions and the skills they need to analyze the data.

Student Grouping

Often as a result of teacher collaboration, many case study districts are changing the way students are grouped for instruction. Usually this means grouping students by skill level and changing groups periodically as students' skills change or as new skills are introduced. In Fort Lupton, Colorado, for example, the district has encouraged differentiated instruction at all grade levels and in every classroom to make sure that each student's diverse needs are continually addressed. Similarly, at North Tahoe Middle School in the Tahoe-Truckee district in California, students were purposely not grouped by skill level prior to 2002-03. Instead, students of varying skills were placed together, on the assumption that students with weaker skills would benefit from working with students with stronger skills. Social skills were supposed to improve for both groups, but teachers had difficulty meeting the academic needs of all students, the school principal said. Now students are grouped by skill level, and these groups change as needed.

All-Day Kindergarten

When case study districts could find funding for it, several added all-day kindergarten as a strategy to improve student achievement. All the districts that did this said it meant better student achievement in later elementary school years. One district that expanded to all-day, every-day kindergarten is Harrison Community Schools in Michigan. Prior to 2004-05, the district offered kindergarten only every other day with alternating Fridays. Unspent Title I

funds set aside in 2003-04 for choice and supplemental educational services helped finance the expansion, according to school officials. All-day, every-day kindergarten will continue in 2005-06. Kindergarten teachers said they noticed a difference in how much students learned when they attended every day. Other schools and districts have stretched their funding to ensure full-day kindergarten, including Yucca Elementary in Palmdale Elementary School District in California, Carson Elementary in the Chicago Public Schools, and Berkeley County School District in South Carolina.

Changes in Special Education

In an attempt to raise student achievement, many case study districts are paying more attention to how students are identified for special education. Orleans Central Supervisory Union, for example, hired the University of Vermont to study how its schools were serving students with disabilities. The evaluators found that the district was over-identifying middle school students for special education services and failing to identify enough elementary students for services. Based on these findings, schools worked to differentiate instruction to ensure that all students received instruction and support services appropriate to their learning level. Schools also created teams of teachers and administrators to identify students at risk and ensure that they received appropriate services before they were referred to special education and that, once referred, they received a high-quality education. District officials in Wake County, North Carolina, also reported that they now pay more attention to how students with disabilities are identified. Schools and teachers must demonstrate that students received research-based reading instruction before assigning them to special education. In addition, the district has created a literacy program intended to lower the rates of special education referrals by combining elements from the reading programs in general education, Title I, and special education.

Students with disabilities constitute a large subgroup in the Heartland, Nebraska, school district—23% of enrollment, due to the presence of a group home for neglected adolescents. Despite the academic and social disadvantages facing many of these students, the disabilities subgroup in Heartland has made AYP consistently. Heartland officials attribute this progress to the district staff's efforts to identify students with special needs at an early age, the tutoring and guidance services provided at the group home, and the district's implementation of the Reading is FAME program sponsored by Girls and Boys Town.

More careful identification of students with disabilities has been coupled with greater inclusion for these students, case studies showed. For example, after summer training in 2004, Harrison Community Schools in Michigan implemented a more inclusive model of special education. As much as possible, special education teachers team teach with regular education teachers. Inclusion appeared to pay off in rising test scores last year for students with disabilities, one principal noted. When regular classroom teachers spent more time with special education students and teachers, it increased opportunities for communication and helped the regular education teachers see what's possible. In another example, the Willow Run Community Schools district in Michigan has been working to improve its inclusion program for special needs students. Each school now has an Instructional Consultation Team. The district trained teachers to facilitate team meetings at each school. At the meetings, special and general education teachers discussed strategies for working with students who were having difficulties within the general education classroom. These students may or may not have been identified for special education. As an added bonus of this approach, special education referrals have decreased, according to district officials.

At times this greater inclusion has proved challenging for districts. For example, the Boston Public Schools have been reducing the number of students with disabilities in separate classrooms for several years. At the same time, the district has been losing student enrollment, mostly among the general education population, so the percentage of students with disabilities has been increasing. The resulting increase in the proportion of students with disabilities in general education classrooms has been difficult for teachers and administrators, said a district administrator. But NCLB has helped a great deal by encouraging schools to include special education teachers in their professional development activities and to provide them with access to general education materials, according to a senior administrator.

Reading First

Our case studies showed that Reading First was having a broad influence within districts receiving grants and was even affecting schools that did not directly participate in the program. For example, in the Kansas City, Kansas Public Schools and in Oakland, California, district officials said they were using Reading First to help improve implementation of the district's literacy model and were including teachers from throughout the district, not just those in Reading First schools, in training efforts. Officials in both districts saw Reading First as an important tool for increasing achievement. Also, in the Clark County School District in Nevada, the district's Reading First grant has had impact beyond the schools officially participating. The grant allowed Reading First schools to hire an additional Reading First literacy specialist, who works in conjunction with the school's district literacy specialist. The district also hired Reading First coaches for each of the district's five regions. These regional coaches provide professional development to both the Reading First and non-Reading First literacy specialists.

While these three districts believed Reading First was helpful because it blended well with the district's own reading initiatives, at least two case study districts decided not to apply for Reading First grants because Reading First did not blend well with current district efforts to improve reading achievement. For example, in Flint Community Schools in Michigan, staff was concerned about the requirements attached to a Reading First grant, which one local administrator noted were very prescriptive and might cost the district more than the grant was worth. Flint officials were not certain this strict program would work in the district, where teachers typically favor a more flexible reading program that can address a variety of students' needs.

In another example, teachers in Harrison, Michigan, decided not to apply for Reading First. One school already had too many other reading initiatives in place, according to the principal, and would have had to change its reading curriculum and materials. "We wanted to see the fruits of our current work," a Harrison teacher explained.

OTHER NOTEWORTHY EFFORTS

Several case study districts also adopted unique and innovative strategies for increasing student achievement. These strategies appeared to be working in these individual cases and are worth noting as possible strategies for other district to adopt. The strategies and districts are listed below.

- **Calhoun County School District, Alabama.** After studying achievement patterns by gender, the district found that boys scored consistently lower than girls and were identified for special education at higher rates. In January 2006, the district decided to assign students in grades 5-7 to gender-specific classes to provide a better academic focus for boys.

- **Fort Lupton Weld-R-8 School District, Colorado.** The district has implemented a three-week interim period in January between semesters to give students time to make up failing grades. Students who are doing well academically use the time for enrichment. This strategy was successful in mediating over two-thirds of failing grades last year and kept students on track to graduate.
- **Kansas City, Kansas Public Schools.** The district conducts “instructional audits” of all district schools in improvement. Through this audit, district administrators assess teachers, review curriculum alignment and rigor, and analyze culture and conditions in schools. Administrators then make recommendations for changes in the school and monitor the school’s progress toward implementing the recommendations.

STRATEGIES FOR CORRECTIVE ACTION AND RESTRUCTURING MORE INTENSE, BUT STOP SHORT OF CLOSING SCHOOLS

If a school fails to meet AYP targets for four consecutive years, the state places the school in corrective action. The school must continue to provide public school choice and supplemental educational services and must choose at least one of the corrective action options under NCLB:

- Replace the school staff relevant to the failure to make AYP
- Institute and fully implement a new curriculum
- Significantly decrease management authority in the school
- Appoint an outside expert to advise the school
- Extend the school year or school day
- Restructure the internal organization of the school

Our district survey found that about 4% of districts had schools in corrective action in 2005 and were required to use these strategies.

Schools that do not meet AYP targets for five or more consecutive years are placed in restructuring. In addition to continuing to provide public school choice and supplemental educational services, these schools must choose at least one of the restructuring options under NCLB. The school has one year to plan its restructuring effort. The following year, if it does not meet AYP targets, school officials must implement the plan. Restructuring options include the following:

- Reopen the school as a public charter school
- Replace all or most of the school staff, including the principal
- Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness to operate the school
- Ask the state to take over the school
- Implement any other major restructuring of the school's governance

Our district survey showed that 3% of districts had schools that were planning for restructuring and less than 1% had schools that were implementing their restructuring plans.

Case studies show a broad range of strategies for corrective action and restructuring. For example, the Berkeley County district in South Carolina made extensive changes in one elementary school, J. K. Gourdin, that underwent corrective action in 2004-05. Leadership of the school changed, and the staff introduced several interventions to improve achievement. The school initiated an early literacy program (grades preK-3), reduced class sizes, and adopted a reading assistance program. The school exited corrective action as a result of 2005 testing. Other case study districts reported that some of the options for corrective action and restructuring were not viable due to the constraint of teacher and staff contracts and other practical concerns. **Box 4-B** describes the limits the Boston Public Schools faced in implementing corrective action and restructuring, as well as the district's responses to these limits.

Box 4-B. Collective Bargaining Agreements Limit Corrective Action and Restructuring Choices in Boston, But Other Options Are Effective

In the Boston Public Schools, Massachusetts, schools in need of improvement, corrective action, and restructuring all receive significant amounts of attention from the district, according to Deputy Superintendent Chris Coxon. He said the central office would like to intervene more aggressively in schools that have not demonstrated AYP for at least four years, but its collective bargaining agreement with the local teachers' union limits its ability to reconstitute schools, reassign teachers, mandate districtwide professional development, and provide after-school programs.

"School support specialists" play a central role in assisting schools in need of improvement at various stages. The specialists are funded by a state program; the district has enough funding for six such specialists but cannot find enough people who want the job and are qualified, said Coxon, and must rely on three. The specialists focus their attention on schools in corrective action and restructuring. They work with the schools' Instructional Leadership Teams, comprising teachers and administrators, to develop and implement the whole-school improvement plan, which is based on the state's 10-step Performance Improvement Mapping process. The district and state (less intensively and frequently) monitor implementation of the process, ensuring that conditions necessary for success—culture, leadership, and district support—are in place.

In addition to school support specialists, the district's deputy superintendents and assistant superintendents help to support schools. Each of the three deputy superintendents supervises about one-third of the schools in the district but focuses his or her attention on those struggling the most to demonstrate AYP. The deputies split approximately \$600,000 last year and \$700,000 this year from the district to support schools' efforts to increase student achievement and narrow achievement gaps. Schools use the extra funding to implement tutoring, run programs on Saturdays, and hire and train additional staff. Schools in corrective action and restructuring receive an additional \$25,000 to \$50,000 to implement their whole-school improvement plan.

Although the Boston district has been able to replace some principals of schools in corrective action, the district has been constrained in hiring, firing, and transferring staff by its collective bargaining agreements. In 2004-05, the superintendent negotiated the right to name up to five "superintendent schools." Teachers in these schools must participate in 20 additional hours of paid professional development. In addition, superintendent schools are not held to seniority rules in hiring teachers, meaning that they can hire the staff they believe to be most effective rather than those with the greatest number of years working in the system. The district identified five superintendent schools in 2004-05 and added three more in 2005-06. The intent is for a school to remain a superintendent school for two years. In 2004-05 and 2005-06 the superintendent identified schools in corrective action or restructuring, but he has the flexibility to identify any school that is struggling.

In addition to our case studies, CEP has reported on restructuring in California and Michigan. CEP chose to study these states because they both had a relatively large number of schools in restructuring compared to other states. The reason the number of schools in restructuring varies widely by state is that some states began calculating AYP based on data collected prior to NCLB to meet the goals of the Improving America's Schools Act of 1994. Some states also had more mature testing and accountability systems than others and were better prepared to comply with the NCLB testing requirements. As a result, some states with well-established accountability systems, such as Michigan and California, had schools in restructuring as early as 2003-04, while other states with relatively new testing and accountability systems, such as Idaho, have no schools in restructuring at this point.

States are required by federal law to set aside 4% of their Title I funds for fiscal years 2004 and beyond to use for schools in improvement, which includes schools in restructuring. But how states use these funds and monitor restructuring is a state decision. The variety of approaches used by states ranges from state departments of education explicitly signing off on restructuring plans to states leaving all decisions and monitoring to districts.

For the 2004-05 school year, the California Department of Education “bumped up” its monitoring system, according to one state official, and required districts to report their restructuring choices for schools for the first time. In addition, the state education department has offered regional conferences for the first time, focusing specifically on NCLB restructuring. The state will not, however, attach any specific funding to restructuring plans and will make only minor changes to and elaborations on the federal options for restructuring. The findings from our study of restructuring in California are listed in **box 4-C**; the full reports from California and Michigan are available at www.cep-dc.org.

In contrast to California, the Michigan Department of Education has taken a more hands-on approach to restructuring. The state must earmark \$16 million from its 2005-06 Title I school improvement funds for grants to schools in need of improvement, corrective action, and restructuring. For 2005-06, an additional \$11 million was added from Title I school improvement funds left over from 2004-05. Schools in years 3, 4, 5, or 6 of school improvement in 2005-06 were eligible to apply for a \$45,000 grant to support their improvement efforts. These grants, which required detailed explanations of plans for improvement, were reviewed by state officials and used to leverage meaningful change in schools. Many applications had to be revised before the state released the funding.

For schools in year 6, state officials overseeing restructuring said they found no specific guidance after searching the law and seeking advice from the U.S. Department of Education. Therefore, the state department of education developed a protocol for auditing schools in phase 6. Schools that have advanced to this level will have less local flexibility for implementing restructuring options than schools in year 5. They will be monitored by the Michigan Office of School Improvement while still being supported by the state's restructuring grants.

The same amount of funding, \$45,000, was available for schools that were in years 3, 4, or 5 in the 2004-05 school year but are now in phase 0 because they met AYP targets for two consecutive years. This funding is necessary to sustain improvement efforts and help ensure that schools don't land back on the state list in two years time, one state administrator explained. Key findings from CEP's Michigan report are listed in **box 4-D**; the full report is available on at www.cep-dc.org.

Box 4-C. Highlights of CEP’s Report on Restructuring in California:
Wrestling with the Devil in the Details

- **More schools in restructuring.** In 2005-06 in California, 404 schools were placed in restructuring because they failed to meet adequate yearly progress targets for five or more consecutive years. This was up from 271 the previous year. This 49% increase occurred primarily because the state raised its AYP targets. The majority of schools in restructuring in California are in urban districts, rather than rural or suburban.
- **Detailed decision-making processes.** In California, the state and regional supports for restructuring do not tell districts and schools what should be done. Instead, they offer processes to help districts and schools wrestle with details of their restructuring plans. The decision by the California Department of Education (CDE) to concentrate on the process was made in part because the state is so large and has so many schools in restructuring that the department could not become directly involved in restructuring decisions at each school or district. In addition, state officials believe good decisions about restructuring can be made only after careful consideration by the people who will implement restructuring.
- **Data examined.** All these processes for making decisions about restructuring are based on examining data on student achievement and school climate—from state test data to classroom observations. State-created survey tools help district and schools collect and organize this information.
- **Districts primary decision makers, with school input.** The California Department of Education has chosen to give support to districts with schools in restructuring but sees districts as primarily responsible for restructuring. While the buck stops with the district, CDE encourages districts to involve schools in decisions about restructuring.
- **“Other” most popular.** The most frequently used option for restructuring was “undertaking any other major restructuring of the school’s governance that produces fundamental reform,” which was chosen by 76% of schools in restructuring in California. In California this option has taken a variety of forms, from hiring coaches who will help teachers work together in new ways, as the Tahoe-Truckee district did, to appointing a leadership team to oversee school operations, as the Palmdale Elementary School District did.
- **Charter schools least popular, but still viable.** Only 2% of schools in restructuring in California have chosen to become charter schools, making this the least popular restructuring option. The charter option is viable in California because unlike 10 other states, California has laws allowing charters. But this 2% in California is still noteworthy, because even in some states that allow charters, such as Michigan and Maryland, no schools in restructuring have gone that route. By contrast, in Oakland, California, the charter management organization Education for Change was specifically created to serve schools in restructuring, and 2 of Oakland’s 13 schools in restructuring have become charters.

Box 4-D. Highlights of CEP’s Report on Restructuring in Michigan:
Hope But No Miracle Cures

- **Most restructured schools made adequate yearly progress.** Based on 2004-05 testing, 85% of the Michigan schools in restructuring—or 113 schools out of 133—improved student test scores enough to make AYP. Of these 133 restructured schools, 20%, or 26 schools, made AYP for two consecutive years and moved out of restructuring altogether in 2005-06. The majority—87 schools, including Brownell Elementary in Flint—met AYP targets for the first time based on 2004-05 testing but remain in restructuring until they make AYP for two consecutive years. Although this progress is encouraging, some increases in the percentage of students passing state tests may be due to factors other than restructuring efforts, such as federal and state policy changes that have made it easier for schools to demonstrate AYP.
- **There are no miracle cures, but multiple strategies are better.** Getting out of restructuring takes more than simple fixes, such as replacing the principal or appointing a governance board. Although either of these steps alone would meet the NCLB definition of restructuring, our analysis shows that districts that implemented four or more reforms over the past two years were significantly more likely to meet AYP targets in 2004-05 than those implementing fewer reforms. The majority of the schools that moved out of restructuring implemented multiple changes, as illustrated by the experience of Hillside Elementary in Harrison. Still, some schools with multiple reforms had difficulty raising achievement enough to meet NCLB targets. In fact, many schools, including Willow Run Middle School in Ypsilanti, raised achievement in at least one subject but did not meet all subgroup targets.
- **No single strategy was most effective.** Of the options offered to Michigan schools in restructuring in 2004-05, the more popular choices with schools were “implementing any other major effort that significantly changes the governance of the school,” chosen by 94% of schools; “appointing a new principal,” chosen by 59% of schools; and “employing a coach from the Coaches’ Institute,” chosen by 17% of schools. No single strategy was significantly more predictive than another of whether a school made AYP based on 2004-05 test scores. However, the restructuring strategies listed by districts on their grant applications may not have been the only reform strategies in play at these schools. Also, our analysis is limited due to small sample size and does not account for other factors, such as how close each school’s test scores were to AYP targets.
- **Grants help leverage change, but funds in some schools are insufficient.** The Michigan Department of Education is using federally funded school improvement grants to help leverage change in restructuring schools. To receive these grants (\$45,000 per school for 2005-06), schools had to submit an application to the state that described their restructuring plans in detail. According to state officials, many schools were told to revise their plans before the state would release the grant funds. District officials said they appreciated these grants, but felt that even with the additional \$45,000, Title I funds were not enough to implement all aspects of their restructuring plans. For example, Brownell Elementary could not afford the increased academic coaching hours the principal thought would be more effective.
- **Little guidance is available for year 6 schools.** For the six Michigan schools in year 6 of the school improvement process, the NCLB law is silent on what to do next, and the U.S. Department of Education has offered little guidance, according to state officials. In Michigan, these schools will still be eligible for school improvement grants, but the director of the Michigan Office of School Improvement plans to review these applicants very carefully. The department has developed a protocol for auditing schools in what the state calls phase 6. The audit includes interviewing the principal and school staff, providing a report of the audit findings and recommended areas of focus for the school year, convening a group of stakeholders to support the plan’s implementation, and bringing in a turnaround specialist to help the school with its efforts.

- **The state is taking a more active approach to sharing lessons learned.** In spring 2005, the state department of education rolled out a new School Improvement Framework. Based on a review of research and best practices in Michigan, this framework provides schools in improvement, corrective action, or restructuring with an in-depth tool for planning school improvement efforts. The framework goes beyond simply asking schools to choose one of the restructuring strategies listed in NCLB and instead requires discussion of a broad range of areas that research has shown to be important to school improvement—from the developmental appropriateness of teaching techniques to the reliability of classroom assessment tools.

Source: Center on Education Policy, 2005b.

STRATEGIES WORKING, BUT TOO LITTLE IS KNOWN

Many state and district officials that we surveyed reported that efforts to improve schools have led to increased student achievement. District policies were frequently viewed as effective by both states and districts. In addition, some frequently used strategies appear to be particularly promising when used well, such as aligning curriculum and instruction with standards and assessment and using student achievement data to inform instruction and other decisions. These two strategies were not, however, endorsed without caveats. District officials in our case studies warned against the dangers of teaching narrowly to the test and focusing attention only on students that the data showed were likely to pass the state test after extra intervention. These practices, they reported, would not lead to lasting increases in student achievement. Some policies also appeared to lack promise in the view of state and district officials, such as public school choice.

In general, more attention needs to be given to which efforts to raise student achievement are effective. Several state officials pointed out that while they had observed the effectiveness of various efforts, they have insufficient numerical data to back up their observations statistically. Furthermore, as discussed in chapter 2, using the changes in the percentage of students at or above proficient on state tests to measure changes in student achievement is problematic. New growth measures, described in chapter 3, as well as multiple measures of achievements, may give more information about what is really happening with student achievement and which individual strategies, policies, and curricular changes correlate with higher achievement.

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Public School Choice

Key Findings

- In 2005-06, 14% of school districts were required to offer public school choice under the No Child Left Behind Act, and 17% of the students in those districts were eligible to change schools. These percentages from our district survey have changed little since last year. As with last year, urban districts and larger districts had a larger percentage of schools required to offer choice than rural or smaller districts.
- The percentage of eligible students actually taking advantage of NCLB choice has remained very low, just 1.6% of those eligible in 2005-06. This percentage has not changed significantly since 2002-03 when choice was first offered. Similarly, few students in our case study districts have taken advantage of NCLB choice; in some districts, no students have changed schools.
- Although NCLB requires districts to offer choice to students in schools identified for improvement, this is not occurring everywhere it should. In 2005-06, 30% of these districts had schools—an average of two schools per district—that were supposed to offer choice but were unable to do so. Some districts may have had few or no choice options to offer students because other schools in the district were also in improvement or because the district had few or no other schools serving the needed grade levels. Nevertheless, schools unable to offer choice appear to be offering supplemental educational services instead. Districts unable to offer choice reported that, on average, two schools had no choices and that, on average, two schools offered supplemental educational services instead of choice.
- The number of available receiving schools limits students' choices. On average most districts in our survey offered students three choices of receiving schools, but urban districts and very large districts offered more—six choices on average in urban districts, and eleven in very large districts. While limited choices may reduce transfers, officials responding to our state survey or participating in our case studies also speculated that parents and students are not interested in changing schools. These officials cited long commutes, satisfaction with current schools, and a desire to participate in neighborhood schools as reasons why few eligible students transfer.
- Fewer than half the districts we surveyed reported facing any moderate or serious challenges in implementing NCLB choice. The biggest challenges to choice seem to be identifying schools for improvement early enough to notify parents of their options (rated as a serious or moderate challenge by 42% of districts); having enough receiving schools at the right grade spans (39% of districts); finding physical space in receiving schools (38%); and having receiving schools that were not also identified for improvement (38%). State survey respondents and case study contacts generally agreed about these challenges.

Introduction

Under the No Child Left Behind Act, Title I schools that have failed to make adequate yearly progress for at least two consecutive years must offer students the choice of attending another eligible public school. In addition, the district must set aside a minimum of 10% of its Title I funds to transport students who opt to attend other schools. These receiving schools may be district schools that have not been identified for improvement or schools outside the district that have agreed to accept transfers. Although the law requires districts to offer choice, the number of choices available to students and the number of students actually transferring have been limited.

Using data from our surveys and case studies, this chapter examines trends in the percentage of students eligible for choice, the percentage actually changing schools, and the number of school choices available to these students. The chapter also reports on what state and district officials perceive to be challenges to implementing choice—challenges that may partly explain why so few students are using school choice under NCLB.

Numbers Eligible for and Participating in NCLB Choice

Trends in school choice have changed little since last year, according to CEP's surveys and case studies.

ELIGIBILITY FOR SCHOOL CHOICE REMAINS STEADY

In 2005-06, about 14% of districts were required to offer choice, and an estimated 17% of students in those districts were eligible to change schools. This is very similar to last year when about 15% of districts were required to offer choice, and an estimated 18% of students in those schools were eligible to change schools.

A larger percentage of urban districts have schools required to offer choice than suburban or rural districts do. As has been the case for the last three years, an estimated 43% of urban districts had schools required to offer choice in 2005-06, compared with about 12% of suburban and rural districts. The reason a higher proportion of urban districts must offer choice is because a higher proportion of them have schools identified for improvement, and all identified schools must offer choice.

Similarly, a greater proportion of larger districts than smaller districts have schools required to offer choice. In 2005-06, almost all very large districts (95%) had schools required to offer choice—at least three times the share of districts of any other size. By comparison, 31% of large districts and 29% of medium-sized districts have schools required to offer choice, a significantly greater proportion than the 8% of small districts with these schools. **Table 5-A** shows the percentages. As with urban districts, a greater proportion of larger districts have schools identified for improvement, which means more schools are required to offer choice.

VERY FEW STUDENTS TRANSFER

The number of eligible students actually transferring schools under NCLB has remained very low, on average, and has changed little over three years; 0.8% of students transferred in 2002-03, 1.8% in 2003-04, 0.6% in 2004-05, and 1.6% in 2005-06. In 2004, a Government Accountability Office (GAO) report recommended the U.S. Department of Education provide additional technical assistance to districts implementing school choice under NCLB, so

Table 5-A. Percentage of Districts with At Least One School Required by NCLB to Offer Public School Choice, by District Type and District Size

	2002-03	2003-04	2004-05	2005-06
Total (all districts)	10%	11%	15%	14%
District Type				
Urban	40%	44%	48%	43%
Suburban	13%	11%	16%	12%
Rural	5%	6%	10%	12%
District Size				
Very large	53%	87%	89%	95%
Large	46%	48%	50%	31%
Medium	20%	12%	32%	29%
Small	4%	5%	8%	8%

Table reads: In 2002-03, 5% of rural districts had schools identified for improvement under NCLB and required to offer school choice. The percentages of rural districts required to offer choice in the following years were 6% in 2003-04, 10% in 2004-05, and 12% in 2005-06.

Source: Center on Education Policy, December 2003, *District Survey*, items 22 and 28; December 2004, *District Survey*, item 15; December 2005, *District Survey Part II*, item 49 (table 14).

that more students could take advantage of choice (GAO, 2004). The U.S. Department of Education has taken some actions to increase students' use of choice, such as fining Texas for not informing districts of AYP status in time for them to notify parents of choice options, and ordering the Birmingham, Alabama, City Schools to inform parents about choice. Despite these admonishments, overall participation in public school choice has remained stagnant. Low transfer rates have also been reported in other national studies, such as studies by the Citizen's Commission on Civil Rights (Brown, 2004) and the Civil Rights Project at Harvard University (Kim & Sunderman, 2004), as well as the aforementioned GAO report (2004). A review of federal data by *Education Week* also showed that only about 1% of students eligible for NCLB choice were actually switching schools (Olson, 2005a).

Participation in choice has also been low in our case study districts, even in districts that have made efforts to encourage students to participate. For example, in the Calhoun County School District in Alabama, 371 students were eligible for choice, but only 14 families attended a meeting to inform parents about the choice options. Ultimately, only one student changed schools. **Box 5-A** summarizes the response to NCLB choice in a selection of case study districts.

Our case studies did show one exception to our general finding that few students took advantage of NCLB transfers. In Kansas City, Kansas Public Schools, five of six schools offering choice had no takers. But the sixth school is perceived to be in a dangerous neighborhood, according to districts officials, and 140 students transferred out of this school. In this particular case, transfers were sought and did decrease the enrollment in the school identified for improvement.

Box 5-A. Student Participation in NCLB Choice in Case Study Districts

Bayonne City School District New Jersey	In 2005-06, one school was required to offer choice. At that school 16 out of 1,100 students changed schools.
Berkeley County School District South Carolina	Fourteen Berkeley County schools offered public school choice in 2004-05, and 18 are offering choice in 2005-06. About 20 students changed to another school, although hundreds were eligible to select another school.
Bloomfield School District New Mexico	Although three schools offered choice in 2005-06, no students changed schools.
Clark County School District Nevada	The district offered NCLB choice in 30 schools in 2004-05. In these schools about 21,000 students were eligible to change schools, and 780 students or 4% requested transfers.
Cleveland Municipal School District, Ohio	More than 32,000 students were eligible for choice in 2004-05, 85 requested transfers (all of which were granted), and 47 actually decided to change schools.
Escondido Union School District, California	Between the 2004-05 and 2005-06 school years, 43 students transferred out of two elementary schools. Fifty-one students transferred out of the middle school in 2004-05, and 53 more students transferred out in 2005-06.
Fort Lupton Weld Re-8 School District, Colorado	One school in the district offered choice in 2005-06, and 5 students transferred of the 697 eligible.
Grant Joint Union High School District, California	Over the past four years, between 6,600 and 9,700 students have been eligible each year, but fewer than 50 students have actually changed schools, putting annual transfer rates at less than 0.5%.
Kansas City, Kansas Public Schools	In 2005-06, five schools offered choice, and 140 students changed schools.
Palmdale Elementary School District, California	All 17 schools required to offer choice in 2005-06 have done so, but only 11 students have specifically used NCLB to change schools.
Tahoe-Truckee Joint Unified School District, California	In 2005-06, only 17 of the 400 elementary students eligible for choice are changing schools, and none of the 300 eligible middle school students is transferring under NCLB.
Willow Run Community Schools Michigan	The middle school and high school must offer choice in 2005-06. The district offers students the choice of attending school in a neighboring district because Willow Run only has one high school and one middle school, but no students have elected to transfer.

Source: Center on Education Policy, December 2005, case studies of district NCLB implementation.

Factors Affecting NCLB Choice

Our survey found that not all districts with schools identified for improvement actually offered choice, despite the law's requirements. This immediately reduces the number of students able to participate in NCLB choice. Our case studies and surveys tried to get behind the data and determine why some districts are not offering or cannot offer choice, despite the law. We identified some factors that affect districts' implementation of choice. We have also identified a few factors that may contribute to low participation in NCLB choice even in districts that are fully implementing the requirements.

NOT ALL DISTRICTS REQUIRED TO OFFER CHOICE HAVE DONE SO

Of the districts in our survey that were required to offer choice, 30% had schools—an average of two schools per district—that were unable to offer choice in 2005-06. While ED found that some districts like Birmingham simply refused to offer choice until ordered to do so by ED, our case study districts failed to offer choice only when they were unable to do so. As explained below, some of these districts may have had few or no schools that were not identified for improvement to receive choice transfers.

Similarly, within districts required to offer choice, not all schools that are supposed to offer choice are actually doing so. Only about three-fourths (76%) of schools required to offer choice are actually offering it. This is similar to the percentage of identified schools that were actually offering choice last year, but higher than the percentages from earlier years when the choice requirement was new and perhaps less well understood. It is important to note, however, that in our survey in 2005, the average number of schools in a district that could not offer choice was two—the same number as the average number of schools that are offering supplemental educational services in lieu of choice. We can assume then that many schools that are unable to offer students choice are at least offering supplemental educational services instead.

DISTRICTS UNABLE TO HONOR SOME REQUESTS

Our case studies provide examples of districts that had no receiving schools within the district or had too few schools to accommodate all transfer requests.

In rural Harrison Community Schools in Michigan, both elementary schools were in improvement in 2004-05, so there was no other elementary school within the district for students to transfer into. The district arranged to give students the option of attending a school in a neighboring district, but no parents were interested in transferring their students out of the district. The two schools have since come off the state's list of identified schools. In suburban Willow Run Community Schools, Michigan, the district has just one middle school serving grades 6 through 8 and one high school, so parents have no options within the district for transfers. Again, the district arranged to offer students the option of transferring to a school in another district, but no parents took advantage of this option. The challenge of too few receiving schools is discussed in more detail later in this chapter.

Other districts may have honored some but not all requests for transfers. The Chicago Public Schools have limited public school choice because the district typically has more requests for transfers than space in receiving schools. In addition, some Chicago schools have admissions requirements, and all have enrollment limits by state law. **Box 5-B** explains Chicago's dilemma in more detail.

Box 5-B. Limited Space Stymies Choice in Chicago

Since NCLB's inception, Chicago has had difficulty finding enough space in schools for all the students eligible for school choice transfers. Many buildings are simply too crowded to accept transfers, and others are magnet schools that have entrance requirements, said Xavier Botana, director of the district's NCLB accountability office. While U.S. Department of Education policy states that overcrowding is not an excuse for not offering choice, under Illinois state law the district is barred from overcrowding schools to meet the NCLB choice requirements, district staff said.

For 2005-06, only 550 transfer slots were available—more than the 440 available in 2004-05 but down from the 1,100 slots available in 2003-04. To fill these slots, Chicago identified the 18 lowest-performing schools based on the district's own accountability system. Three of the eighteen schools were closed by the district because of chronic underperformance. Because the students at these schools were forced to move to other schools, the district made these schools the first order of priority for NCLB transfers. About 1,100 students were eligible for choice, but only about 250 students applied for transfers, so the district was able to offer choice at the other 15 low-performing schools.

In the 2003-04 school year, about 19,000 students, or 7% of those eligible, applied for transfers. The next year 5,933 students, or 3% of those eligible, applied. Although only about 250 students applied for transfers in 2005-06, this represents a large increase to about 23% of students eligible for choice. Still, district officials expressed surprise that so few students applied. “Even in these clearly low-performing schools, when parents had an option for a much higher performing school, they were not trampling each other to get these slots,” Botana observed. “We need to work on improving underperforming schools, not on transporting kids.”

Walsh Elementary in Chicago has experience with NCLB choice. It was a receiving school in 2003-04, but in 2004-05 it became a sending school because it did not make AYP as a result of low test participation rates. In addition, when the state recalculated participation rates for the previous year, it found Walsh had also missed the target, which placed the school in improvement. No students transferred out of Walsh, but new students did arrive in 2003-04, and most stayed. Of the students who transferred to Walsh, Principal Steve Flisk said, “For the most part, they are now accepted in the school. I usually say that for those 13 students, it was the best thing that happened to them.” For a solution to low academic achievement in general, however, Flisk said he did not think school choice was viable. Walsh could have been a receiving school again in 2005-06 based on test scores, but the classrooms were full.

Many parents at Walsh were initially concerned about the transfers because they feared overcrowding and behavior problems, said Susan Zapiain, who has three children at Walsh. The 13 transferring students were coming from predominately African American schools with reputations for lower academic achievement and more behavior problems. Walsh is a predominately Latino school with very few behavior issues. But the school accommodated the new students well, Zapiain said. “Those parents are just looking to get the best for their kids,” she added. I can't blame them.” If Walsh becomes a receiving school again in 2006-07, Principal Flisk said the school would be better prepared, having gone through the process. For schools that receive NCLB transfers, he recommended identifying resources to help the students adjust to the new school, meeting with parents to explain the situation and dispel fears, and assigning teacher advocates to the transfer students so that if problems occur they can be dealt with swiftly.

Source: Center on Education Policy, December 2005, case study of Chicago Public Schools, Illinois.

The admission requirements for magnet schools have sometimes conflicted with the NCLB choice requirements. The district of Flint Community Schools, Michigan, has several schools that must offer choice but has few middle schools that are neither identified for improvement nor magnet schools with entrance requirements. In 2004-05, the district allowed transfers to any district school that served the appropriate grade level and was not on the state list of schools in need of improvement. While several district K-8 elementary schools could accept middle school students, only one traditional middle school serving grades 6-8 escaped the state list. This was a magnet middle school with academic requirements for admission. The situation could have caused problems if students had not met the entrance requirements but wanted to transfer under NCLB, according to a district administrator, but no parents have complained. The U.S. Department of Education's nonregulatory guidance for choice indicates that districts can use their normal entrance requirements for receiving schools with special programs (U.S. Department of Education, 2004). To date, Flint has not had to face a situation where a parent's transfer request conflicted with the magnet school entrance policy.

NUMBER OF RECEIVING SCHOOLS UNEVEN

Another way to examine limits on school choice is to consider the number of receiving schools from which students wanting to transfer can choose. Among districts in our survey required to offer choice, parents had an average of three schools from which to choose in 2005-06—the same as in 2002-03. While some case study districts, such as Chicago, limited choices to prevent overcrowding, others, such as Cleveland, limited choices to several nearby schools to encourage parent involvement in schools. Clark County limited choices to ensure that bus rides would not exceed 45 minutes. But the majority of our case study districts allowed students to choose any district school that served the appropriate grade levels and was not in improvement.

As has been the case for the last two years, students in urban and very large districts had more choices of schools on average than those in rural or smaller districts, probably because these districts have more schools to begin with. In 2005-06, urban districts with schools required to offer choice gave parents a choice of six receiving schools, on average, while suburban districts offered three schools and rural districts one. Larger districts also had significantly more receiving schools than smaller districts. In 2005-06, very large districts offered eleven receiving schools, on average—significantly more than the average of three schools in medium-sized districts and one school in small districts. Large districts offered four receiving schools, significantly more than small districts. **Table 5-B** shows the numbers of receiving schools in districts of various types and sizes.

EXISTING LOCAL CHOICE POLICIES

Not all reasons for low participation in choice relate to constraints on choice. In some districts, existing state or local policies, such as open enrollment and magnet schools, may affect the number of students transferring under NCLB by meeting the demand for choice in other ways. Although these policies are not widespread enough to substantially reduce the national percentage of students using NCLB choice, they do provide other options that in a sense compete with NCLB choice.

For example, in the Boston Public Schools, elementary and middle schools have some choice of schools within a broad geographic zone and depending on availability of seats. High schools students can choose to attend any high school in the district as long as space exists. The district's own choice plan sets aside 50% of a school's seats for students living in the neighborhood, and

Table 5-B. Average Number of Receiving Schools Available to Students Seeking NCLB Choice Transfers, by District Type and District Size

	2003-04	2004-05	2005-06
Total (all districts)	3	2	3
District Type			
Urban	6	5	6
Suburban	3	2	3
Rural	1	1	1
District Size			
Very large	8	11	11
Large	4	2	4
Medium	4	4	3
Small	1	0	1

Table reads: In 2003-04, urban districts with Title I schools required to offer NCLB school choice had an average of six schools available to receive students seeking choice transfers. The comparable averages for urban districts were five schools in 2004-05 and six schools in 2005-06.

Source: Center on Education Policy, December 2003, District Survey, item 25; December 2004, District Survey, item 22; December 2005, District Survey Part II, item 56 (table 18).

the rest are open to all applicants, with priority given to those who live outside the school neighborhood. Therefore, NCLB's choice requirements have had little impact in Boston other than requiring schools in year 1 of improvement to send a letter to students and their parents that informs them of their right to choose another school—a right they have anyway under district policy. Oakland Unified School District in California has a similar open enrollment program that gives students options for changing schools which are unrelated to NCLB.

LIMITED POPULARITY WITH STUDENTS

Use of the NCLB choice option depends on parents' decisions as well as schools' actions. In our case studies, many district and school officials speculated that parents and students may not want to transfer for a variety of reasons, including satisfaction with current schools. In New Mexico's Bloomfield School District, two schools offered choice in 2005-06, but the offer went unused. "No parents have moved children, perhaps because they know the schools are good," said Lena Benally-Smith, the district's director of federal programs. In Clark County, Nevada, district officials also speculated that parents preferred for their children to stay in their neighborhood schools, perhaps because children already know the teachers and other students.

Other case study districts reported that transferring may have been unpopular due to the long commutes involved in attending another school. For example, few students have been interested in choice in the Tahoe-Truckee Joint Unified School District, which covers a large sec-

tion of rural northeastern California. Even when elementary schools appear to be close together as the crow flies, lakes and highways often lengthen the commute. Also, the district has only two middle schools, and students transferring from one to the other would have travel times of 45 minutes to an hour. One district administrator surmised that some parents do not want their children on a bus for that long. In the Berkeley County School District, South Carolina, two main issues appear to account for the small number of students using NCLB choice, according to district officials: the longer bus rides and greater travel time involved, and concerns for student safety among parents who want their children to be closer to home.

Longer commutes may be particular deterrents in places where the district is not required to offer transportation to the new school by school bus. The Bayonne, New Jersey, school district serves an urban area and does not provide transportation in general, so it is not required to offer transportation for choice. This lack of transportation may discourage participation in choice, district officials said. Some urban districts, like Oakland Unified in California, offer transportation vouchers rather than school bus rides, which may also discourage students from transferring when the commute is particularly long.

Even if a student could tolerate a longer commute, some case study districts noted that lack of transportation to attend late afternoon activities or evening events at the school may have kept parents from transferring their students. In the Palmdale Elementary School District in California, district officials said it may be impractical for some parents to send their children to a school farther from home. At Yucca Elementary, for example, the principal noted that more than half of the parents don't have a car, so they would have trouble participating in after-school activities and parent meetings if their children were bussed to another school using NCLB's choice option.

On our state survey, an open-ended question about challenges to implementing choice supported some of the findings from the case studies about why participation is low. Officials in more than a third of the states responding reported that parents in their state showed little interest in public school choice. The public also seems to be more interested in improving current schools than in transferring children to other schools. In the 2005 Phi Delta Kappa/Gallup Poll, 79% of citizens said that if they had a child in a school identified as in need of improvement they would rather see efforts made to improve the child's present school than to transfer their child to another school not identified for improvement (Rose & Gallup, 2005). Only 16% of those polled said they would prefer the transfer under NCLB choice, and 5% didn't know what they would want. Still, the 16% of the public who said they would want their children to transfer is larger than the 1.6% of students actually transferring according to our survey. One could conclude that some parents who desire a transfer for their children are deterred from making the switch, perhaps by the logistics of actually transferring, by insufficient information or assistance from the district, or by other obstacles.

Challenges to NCLB Choice

Our district survey asked districts to indicate the extent to which a list of issues presented challenges to implementing school choice under NCLB. Fewer than half of districts viewed any of the factors listed as moderate or serious challenges, and their responses did not differ significantly from the previous year. In both years, the challenge of "identifying schools for improvement prior to the start of the school year" was rated as a moderate or serious challenge by the largest percentage of districts (42%). This is a concern because parents, understandably, want to make decisions about where their children will attend school before the school year begins, but districts cannot

notify parents about their choice options until the state has compiled test results and determined which schools are in improvement. The next three moderate to serious challenges pertained to capacity of receiving schools. The entire list of possible challenges appears in **table 5-C**.

Table 5-C. Challenges to Districts' Efforts to Implement the NCLB Choice Provisions in 2004-05

Issue	2004-05	
	Moderate/ Serious Challenge	Small/ Not a Challenge
Identifying schools for improvement prior to the start of the school year	42%	58%
Having a sufficient number of receiving schools at the grade span of the school identified for improvement	39%	61%
Finding physical space in receiving schools	38%	62%
Having any potential receiving schools in the district that were not themselves identified for improvement	38%	62%
Keeping to class size limits in schools that could potentially receive choice students	35%	65%
Meeting the needs of special education students in receiving schools	34%	66%
Adequate federal funding to provide transportation to all students who requested choice transfers	28%	72%
Meeting the needs of English language learners in receiving schools	21%	78%
Providing information to parents about the school choice option	16%	84%

Table reads: In 2004-05, 42% of districts with schools required to offer school choice reported that identifying schools for improvement prior to the start of the school year presented a moderate to serious challenge to their efforts to implement the NCLB choice provisions.

Source: Center on Education Policy, December 2005, District Survey Part II, item 12 (table 9).

States do not directly administer public school choice, but in an open-ended question on our state survey, we asked state officials to list what challenges, if any, districts in the state experienced implementing NCLB public school choice. All but one of the survey states responded to this question. Although few state officials mentioned the timeliness of state test results as a challenge, many mentioned the capacity of receiving schools.

LATE AYP RESULTS AND LATE NOTIFICATION

As noted above, 42% of districts cited the need to identify schools for improvement before the start of the school year as a challenge to implementing choice. In the Bloomfield School District in New Mexico, parents at four schools were not informed about choice until after school year 2004-05 started due to an error in state AYP data. No parents took advantage of

the choice option, district officials reported. They explained that in addition to the late notification, the longer bus ride and contentment with the current schools may have influenced parents to keep their children in their home schools. Unspent funds were rolled over into supplemental educational services for 2005-06. For 2005-06, three schools still have to offer choice. Unlike 2004-05, parents were informed over the summer. Despite the earlier notification, by mid-October no child had switched schools. So, while test scores were late in 2004-05, this may not have affected the number of students transferring.

Only a handful of states mentioned the timing of state AYP determinations as a challenge to choice. But when a state has difficulty in returning test results and making timely AYP determinations, many districts in that state are affected. In our open-ended question on the subject, one state official made the following observation:

Offering choice in a timely fashion to parents of students in schools that are in improvement has been a challenge because our assessment results are not presented until August.

States with districts that start school earlier—in late summer rather than fall—are more affected than others. One state official explained the situation in this way:

Our state assessment results and AYP determinations are not always available prior to the start of the school year, since many of our districts now start school in August. Therefore, districts are not able to offer parents the choice option prior to the start of the school year. However, districts are aware that they must make choice available as quickly as possible. They might offer choice immediately after results are finalized, or for the second semester.

The U.S. Department of Education appears to be cracking down on districts and states that do not notify parents about choice options before the start of the school year. As mentioned earlier in this chapter, ED announced on April 22, 2005 that it would fine Texas \$444,000, or 4% of the state's allocation for administering the law, because the state failed to meet the deadline for informing parents about choice (Hoff, 2005). In addition, an audit by ED of six districts in Indiana found that five had not complied with the law to inform parents. While Indiana did not face any sanctions, the state will create a new reporting system to monitor districts (Gehring, 2005). In response to Citizens for Better Schools, a Birmingham advocacy group, ED also ordered the Birmingham City Schools in Alabama to offer choice. The district had attempted to substitute supplemental educational services for choice (Robelen, 2005).

FEW RECEIVING SCHOOLS

Although most districts (90%) reported in our survey that they notified parents of their school's improvement status, notification did not always mean choices were available for transferring under NCLB. On our 2005 list of challenges to choice implementation, the second largest percentage of districts (39%) rated having enough receiving schools as a moderate or serious challenge. As discussed earlier, Willow Run, Michigan is an example of a district with only one middle school and one high school, and when this middle school and high school were identified for improvement, students had no other choices within the district.

Two related challenges were deemed moderate or serious challenges by 38% of districts: finding physical space in receiving schools and having receiving schools that were not identified for improvement. In the Harrison district in Michigan, all the elementary schools were at one time identified for improvement, so parents had no choice within the district. Chicago is an example of a case study district where receiving schools exist but are overcrowded, as discussed in box 5-A.

Similarly, about two-thirds of states surveyed reported that districts had difficulty offering choice because few receiving schools were available to accept students. Often these states explained that many districts had few options due to large distances between schools, lack of schools in a particular grade level, few schools that had not already been identified as in need of improvement, or overcrowding in potential receiving schools.

State officials frequently cited rural location as an obstacle to choice. As one state official wrote:

For many districts, school choice is not even an option because there is no other school available at the student's grade level that is within 50 miles and/or on the road system from the student's school of origin. As more schools are identified for improvement, the school choice options become even more limited.

Predominately rural states emphasized the low number of students requesting transfers. One rural state reported fewer than 60 students opting for choice. Another reported that 20 students across the entire state exercised public school choice in 2004-05. One state even reported that no students used the choice option under NCLB in 2004-05.

PARENT COMMUNICATION

In our district survey, 84% of districts rated providing information to parents as a small or insignificant challenge—the factor rated the least challenging among all of those we listed. Similarly, only a couple of state officials mentioned challenges with parent communication. At the same time, other events nationally suggest that parents may not be getting the information they need from districts to take advantage of school choice. As discussed in the section above on the timeliness of test results, the U.S. Department of Education has stepped in to help ensure that parents get information about their rights to choice in several states and districts. In addition, two states responding to the open-ended question on our survey about challenges to implementing choice reported that some districts resisted choice. As one state official wrote, “Some districts are not making the process ‘parent friendly.’”

POSSIBLE SOLUTIONS TO SCHOOL CHOICE CHALLENGES

Many possible solutions to the challenge of implementing choice were offered in ED's 2004 nonregulatory guidance, including suggestions such as adding portable classrooms to receiving schools and creating new charter schools to accommodate transfers. CEP's research explored two of the options mentioned by ED: providing interdistrict choice and offering supplemental educational services instead of choice. We explored these two options because they were mentioned as solutions last year in our case studies, responses to open-ended questions on our state survey, or the research literature. Offering supplemental educational services instead of choice, in particular, was advocated by a number of our case study districts last year and recommended by several state officials on our state survey.

Interdistrict Choice Available but Limited

Just 8% of districts in our survey reported that other districts in the area had agreed to accept student transfers. This is the first year we have asked this question, so it is not possible to determine if this solution is growing or declining in popularity. However, significantly more urban districts (16%) than rural districts (less than 1%) reported offering interdistrict choice. About 2% of suburban districts said that interdistrict choice was an option for their students. The distances between rural districts may simply be too far for students to travel for school choice.

One case study district reported that a state interdistrict choice policy may benefit receiving districts. While not an NCLB program, this option illustrates how interdistrict choice might play out under NCLB. In the Avon Public School District in Massachusetts, the student population has been declining for several years, but because Massachusetts allows public school choice between districts, Avon has kept its enrollment fairly stable. The choice option has benefited Avon by adding students from neighboring suburban districts to its rolls. Students provide their own transportation, but the Avon schools are on a major bus route, making it easy for families to transfer their children to the district. On the down side, Avon also reported that the students who attend Avon schools throughout the grades perform better than those who enter due to choice or family moves. One issue Avon staff will be addressing is how to work more closely with the entering transfer students, particularly at the secondary level.

In the future, it will be important to know how many students take advantage of interdistrict choice as well as how many districts offer it. Numbers are likely to remain small given the relatively small percentage of districts offering interdistrict choice. Rural and suburban areas in particular are not likely to benefit substantially as reflected by the low percentages reported in our survey.

Supplemental Educational Services Instead of Choice

One widely discussed option is to permit districts to offer supplemental educational services instead of choice. Making this switch might serve more students, since a larger proportion of eligible students are participating in supplemental services than in choice, as discussed in chapter 5. Still, the percentage of students using supplemental services is also relatively small, just 20% of all those eligible, according to our survey.

In our survey, districts reported that among schools required to but unable to offer choice, an average of two schools offered supplemental services in lieu of public school choice. Districts, however, are currently not allowed to completely eliminate choice in favor of SES without permission from ED unless there are no other district schools able to receive transferring students. Birmingham, Alabama tried to eliminate choice by simply neglecting to inform parents about their right to choice and offering supplemental educational services instead, but the district was ordered by ED to offer choice when a parent group complained. Other districts in our case studies, like Harrison, have responded to a lack of participation in choice by focusing on getting more students to participate in supplemental educational services and putting some unused funds for choice into supplemental services.

State officials responding to our survey supported the possibility of changing NCLB so that supplemental education services are offered instead of, or in addition to, choice. In our open-ended questions, we asked states officials which three requirements of NCLB they would change or eliminate. In response, 17 states mentioned public school choice. Of these, 11 suggested offering SES before choice, 3 suggested eliminating choice altogether, 1 suggested offering both SES and choice in the first year of school improvement, 1 suggested making sure SES and choice actually raise student achievement before investing any more money in them, and 1 simply reported that choice was not effective in the state.

Offering supplemental educational services before choice may become a reality in the near future. ED has granted Virginia a waiver which allows four districts to offer supplemental services to students in Title I schools that have not made AYP for two or more consecutive years and to add an offer of choice to students after the Title I schools have not made AYP for three or more consecutive years. This essentially switches the order of the sanctions originally laid down by NCLB. In return for this flexibility, Virginia will give ED information on the aca-

demographic achievement of students using supplemental educational services, ensure parents have access to services, and increase the number of students using choice and SES (Olson, 2005b).

Based on our survey findings about the number of schools in school improvement, making this switch would allow more schools to offer supplemental services because the number of schools in year 1 of school improvement would be added to the total number of schools currently required to offer supplemental educational services. If participation rates in supplemental services are the same for the newly added schools, this will increase the percentage of students served. Still, choice and supplemental services are likely to continue to reach only a fraction of eligible students. While switching the order of choice and supplemental educational services offers promise for expanding educational options to additional students, other school-based initiatives using Title I funds during the school day would clearly reach more students.

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Supplemental Educational Services

Key Findings

- In 2005-06, 12% of districts were required to offer supplemental educational services, and 15% of students in those districts were eligible for these services. Neither percentage has changed substantially over the last four years, according to our surveys. In 2005-06 a larger proportion of urban districts than suburban or rural districts had schools required to offer supplemental educational services—40% of urban districts, compared with 12% of suburban districts and 9% of rural ones.
- In the districts surveyed, the percentage of all eligible students who actually received supplemental educational services has been relatively small, just 20% in 2005-06, and has remained stable. Still, the percentage of eligible students using supplemental services is higher than the 1.6% of eligible students taking advantage of NCLB public school choice in 2005-06.
- The average number of supplemental service providers has grown dramatically during the past two years. Our survey districts reported having an average of 20 providers per district in 2004-05, significantly more than the average of 4 providers per district reported in 2002-03. As of August 2005, states reported that more than half of the SES providers were for-profit entities, while 21% were non religious nonprofit entities, and 9% were school districts.
- For the 2005-06 school year, 11% of districts were approved providers of supplemental services, not significantly different from the percentages reported during the previous two years. The percentage of urban and suburban districts that are approved providers, however, has declined significantly—perhaps because additional districts have been identified for improvement and therefore can't be providers except in special circumstances. The percentage of urban districts that were approved providers went from 43% in 2003-04 to 13% in 2005-06, while the comparable percentage of suburban districts dropped from 25% in 2003-04 to 1% in 2005-06.
- On our state survey, 41 states reported that monitoring the quality and effectiveness of supplemental educational services was a moderate or serious challenge. In fact, more states viewed this as a moderate or serious challenge than any other challenge related to SES. Similarly, about half (51%) of the districts we surveyed considered monitoring provider effectiveness to be a moderate or serious challenge. Districts were divided on their ratings of the other challenges to implementing SES listed on our survey.

Introduction

Under the No Child Left Behind Act, Title I schools that have failed to meet adequate yearly progress targets for three or more consecutive years are required to offer supplemental edu-

cational services to low-income students. These services typically take the form of before- or after-school small group instruction. Parents choose which providers will serve their children from a state-approved list of qualified providers. These providers then elect whether or not to provide services in a particular district.

The types of entities that provide these services vary considerably. They may include private individuals and for-profit or nonprofit entities, such as businesses, national tutoring companies, religious or sectarian institutions, or community organizations. School districts are also frequently allowed to provide these tutoring services, as long as they are not on their state's list of districts in need of improvement. To fund these services, NCLB requires districts with schools identified for improvement to set aside an amount equal to at least 20% of the district's Title I allocation. These set-aside funds are used for choice-related transportation and supplemental educational services.

This chapter reviews data and information on supplemental educational services from our surveys and case studies, as well as from other national studies. It examines trends in the percentage of students eligible for services, the percentage actually receiving services, the number of providers students have to choose from, and the capacity of these providers. The chapter also reports on state and district challenges to implementing supplemental educational services, based on our survey responses and information from other studies.

Eligibility for and Participation in Supplemental Services

The proportion of schools required to offer supplemental educational services has gone up during the past two years, although the number of districts required to offer the services has remained stable. The percentage of students eligible to receive supplemental services has changed little, and the percentage of eligible students actually participating in these services has stayed about the same, as well.

ELIGIBLE DISTRICTS, SCHOOLS, AND STUDENTS

In 2005-06, 12% of school districts were required to offer supplemental educational services. Within these districts, 15% of students were eligible for these services. This is very similar to last year, when 10% of districts were required to offer supplemental educational services, 41% of schools in those districts were required to offer these services, and 12% of students in those districts were eligible for services. In 2005-06 just 1.4% of the students in Title I schools across the nation were eligible for supplemental educational services—close to the 1.1% eligible in the previous year.

Over the past four years, however, the percentage of schools required to offer supplemental educational services has more than doubled. Within districts required to offer supplemental services, just 27% of the schools had to offer these services in 2002-03, and just 33% of schools had to offer them in 2003-04. By 2005-06, the percentage of schools required to offer supplemental services within these districts had grown to 65%, as noted above.

Since 2002-03, the percentage of students eligible to receive supplemental services has not changed significantly, even though a larger percentage of schools must offer these services. This stability may be due to the fact that more districts report being in compliance with the law's requirement that only low-income students be served. The percentage of districts in compliance with this restriction has increased significantly, from 73% of districts in 2003-04 to 98% of districts in 2005-06.

MORE URBAN AND LARGER DISTRICTS MUST OFFER SERVICES

In 2005-06, a larger proportion of urban districts than suburban or rural districts had schools required to offer supplemental educational services: 40% of urban districts, compared with 12% of suburban and 9% of rural districts. These proportions are similar to our findings last year. In general, this difference between urban and other districts is expected because more urban schools have been identified for improvement, as discussed in chapter 3.

Larger districts also had a higher percentage of schools required to offer supplemental educational services than smaller districts did. In 2005-06, a significantly higher percentage (95%) of very large districts had schools required to offer supplemental educational services than large districts (31%), medium-sized districts (21%), or small districts (8%) did. The differences noted between large and small districts with schools required to offer supplemental educational services was also significant. Again, these differences are expected because larger districts typically have more schools identified for improvement.

From 2002-03 to 2005-06, the percentage of very large districts with schools required to offer supplemental educational service also increased significantly. In 2002-03, the first year for which we have information, only 21% of very large districts had schools required to offer supplemental services but by 2005-06, that share had grown to 95%. **Table 6-A** shows the percentages for districts of various types and sizes.

Table 6-A. Percentage of Districts with Schools Required to Offer Supplemental Educational Services, by District Type and District Size

	2002-03	2003-04	2004-05	2005-06
Total (all districts)	13%	10%	10%	12%
District Type				
Urban	23%	30%	40%	40%
Suburban	14%	13%	11%	12%
Rural	12%	5%	7%	9%
District Size				
Very large	21%	48%	76%	95%
Large	31%	43%	39%	31%
Medium	6%	4%	20%	21%
Small	13%	7%	5%	8%

Table reads: In 2002-03, an estimated 23% of Title I districts in urban areas had schools required to offer supplemental educational services. In 2003-04, an estimated 30% of these urban districts had schools required to offer supplemental services.

Source: Center on Education Policy, December 2003, *District Survey*, items 35 and 41; December 2004, *District Survey*, item 24; December 2005, *District Survey Part II*, item 57 (table 19).

PARTICIPATION IN SUPPLEMENTAL SERVICES

The percentage of all eligible students actually taking advantage of supplemental educational services under NCLB has remained stable, with 18% of all eligible students participating in these services in 2004-05 and 20% in 2005-06. Similar percentages of students using supplemental educational services have also been reported in other national studies, such as those by the Civil Rights Project at Harvard University (Sunderman & Kim, 2004) and the Association of Community Organizations for Reform Now (2004).

It should be noted that the pool of eligible students reflected in these data are all low-income students attending schools that have not made adequate yearly progress for three or more consecutive years. However, NCLB only requires school districts to provide services to the extent that funds are available under the 20% set-aside for choice and SES. Therefore, when compared to the district's financial capacity to provide SES services, the proportion of students served is likely much higher than 20%.

Our case studies generally reported participation rates in supplemental services of about 10-20%, but individual districts varied a great deal. For example, in Berkeley County School District in South Carolina, 12 schools offered supplemental educational services, but only a small number of parents, less than 1% of those eligible, indicated a desire to participate in the services for their children—much less than our survey findings. In contrast, in Willow Run Community Schools, Michigan, 30 to 40 middle school students—about 50% of those eligible—attended after-school supplemental educational services regularly, according to district staff—much more than our survey findings. Most Willow Run students attended a nearby Sylvan tutoring program, while a handful attended other programs. Using the leftover supplemental services funds, the district offered summer tutoring through Sylvan to rising 9th graders. About 35 students participated.

Other case study districts typically fell between these extremes. **Box 6-A** summarizes student participation in supplemental educational services in a selection of our case studies.

The 20% of all eligible students participating is larger than the approximately 1.6% who participate in NCLB public school choice. So it seems reasonable to conclude that supplemental educational services have been more successful in reaching students in schools identified for improvement than offering public school choice.

Providers of Supplemental Services

Our survey shows that districts have more providers available to them in 2004-05 than they did in 2002-03. Most providers approved by states are for-profit entities. Despite the overall growth in the number of providers approved, providers are unevenly distributed among different types of districts. In addition, the percentage of urban and suburban districts that are approved providers has declined significantly.

MORE PROVIDERS OFFER SERVICES

The average number of service providers has grown dramatically since 2002-03, when districts reported only four providers per district on average. In 2004-05, districts reported that the average number of providers had increased to 20.

The number of available providers is uneven, however. Larger districts report having more providers than smaller districts. In 2004-05, very large districts reported having 52

Box 6-A. Student Participation in Supplemental Educational Services in Case Study Districts

Boston Public Schools Massachusetts	Approximately 19,000 students are eligible for SES in 2005-06, and the district has estimated that it can serve about 4,560 (24%) with existing resources (an increase over last year, when the district provided SES to about 2,000 students).
Clark County School District Nevada	In 2004-05, the district offered supplemental educational services in 28 schools. In these schools, 10% of eligible students participated in services.
Cleveland Municipal School District, Ohio	Cleveland had 9,161 students eligible for supplemental educational services in 2004-05. Of those eligible, 1,545 applied for services and 946 (10%) actually participated.
Escondido Union School District California	Of about 1,800 eligible students, 212 students (12%) used supplemental educational services in 2004-05.
Flint Community Schools Michigan	Fourteen schools offered supplemental educational services in 2004-05. Based on free lunch counts in those schools, 3,783 students were eligible for services. Of these, 1,551 or 41% participated in tutoring for at least part of the year.
Grant Joint Union High School District, California	Over the past four years, between 4,400 and 6,600 students have been eligible, but each year fewer than 150 students actually participated in supplemental educational services—a participation rate of less than 2.5% in this high school district.
Harrison Community Schools Michigan	Of the 610 students eligible for supplemental educational services in 2004-05, 48 participated in tutoring offered by the district's Regional Education Service District in the first and second semesters, 1 participated in Sylvan Learning during the year, and 1 used Kumon Math, for a total of 8% participation.
Kansas City, Kansas Public Schools	Three district schools offered supplemental educational services in 2004-05, and 600 students participated.
Palmdale Elementary School District, California	All 14 schools that are required to offer supplemental educational services in the district have done so in 2005-06. Approximately 110 students are participating.
Tahoe-Truckee Joint Unified School District, California	In 2005-06, in the one school required to offer supplemental educational services, 65 students were eligible and about 12 (18%) participated.

Source: Center on Education Policy, December 2005, case studies of district NCLB implementation.

Table 6-B. Average Number of Supplemental Service Providers Available to Students, by District Type and District Size

	Average Number of Providers Available to Students		
	2002-03	2003-04	2004-05
Total (all districts)	4	11	20
District Type			
Urban	6	12	18
Suburban	5	13	25
Rural	2	1	14
District Size			
Very large	7	31	52
Large	4	14	13
Medium	4	3	6
Small	4	4	21

Table reads: In 2002-03, four supplemental service providers, on average, were available to students in districts with schools required to offer supplemental services. In 2003-04, the average number of available providers in these districts was 11, and in 2004-05, the average was 20 providers.

Source: Center on Education Policy, December 2003, District Survey, item 44; June 2004, Summer District Survey, item 26; December 2005, District Survey Part II, item 16 (table 12).

providers, while large districts had 13 and medium-sized districts had just 6. Very large and large districts also showed significant increases in their average numbers of providers between 2002-03 and 2004-05. **Table 6-B** shows the average numbers.

MORE THAN HALF OF APPROVED PROVIDERS ARE FOR-PROFIT GROUPS

We asked states to tell us the total number of approved providers in their state, as well as the number of providers that were for-profit companies, nonprofit entities that were not religiously affiliated, nonprofit entities that were religiously affiliated, school districts, other public entities, or other types of providers. States reported approving more for-profit providers than any other type. More than half of all approved supplemental educational service providers were for-profit entities. Private, nonprofit entities that are not religiously affiliated were the second most frequently approved type of provider, accounting for 21% of all providers. School districts were third, accounting for 9% of all providers. All types of providers are shown in **figure 6-A**.

According to state survey responses, the “other” category consisted of such entities as regional educational service providers, community-based organizations, private schools, individual public schools, universities, faith-based for-profit groups, medical facilities, and 21st Century Community Learning Centers (before- and after-school learning programs funded through NCLB).

Figure 6-A. Range of Supplemental Service Providers Approved by States, 2005

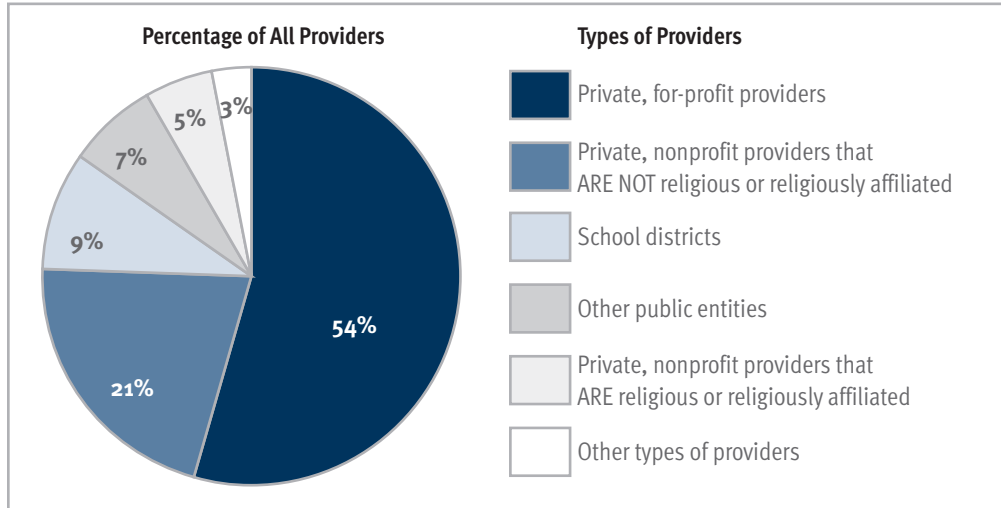


Table reads: In 2005, states reported that 54% of supplemental educational service providers were private, for-profit entities.

Source: Center on Education Policy, December 2005, State Survey, item 13.

Our findings are somewhat similar to those reported by the U.S. Department of Education in its 2004 case studies of supplemental educational services, although ED used somewhat different categories of providers that did not distinguish between nonprofit and for-profit private providers (Anderson & Laguarda, 2005). ED found that in 2004, 70% of providers were private entities (including faith-based private, online private, and other private); and 25% were intermediate educational agencies, public school districts, or public schools. Our own data for 2005 indicate that 80% of SES providers were private entities (the combined percentages for nonprofit, for-profit, and religious entities), while 16% were public providers (school districts and other public entities), and 3% could be public or private (the “other” category).

LESS THAN HALF OF AVAILABLE PROVIDERS ARE USED BY FAMILIES

For the past two years, our surveys have shown that less than half of the providers available to districts are used by families. In 2003-04, districts reported that 45% of available providers actually served students. For 2004-05, districts reported that 34% of providers served students. Our survey did not ask why some providers were not used, but our case studies shed light on this issue. In some cases, approved providers that initially expressed interest in serving a particular district ultimately decided not to provide services. In other cases, providers backed out of offering supplemental services when too few students enrolled or were not able to serve schools in remote locations. And sometimes a provider was not chosen by any parents.

Our case studies suggest that not all providers on state lists actually wanted to serve all districts. In California’s Grant Union High School District, for example, only 26 supplemental service providers, out of the hundreds of approved providers on the California list, indicated an interest in working with the district. The district’s director of state and federal programs contacted all of the interested providers and invited them to a provider fair, where parents could learn about the services being offered. Only 11 providers attended, less than 50%, as did 30 parents of eligible students. Ten providers were chosen by parents to serve their children.

Similarly, the state of North Carolina gave the Wake County Public School System a list of 16 eligible service providers. Only six of these providers actively engaged with the district, and only four—Sylvan Learning, Huntington Learning, Master Mind, and University Tutors—attended a mandatory SES fair. The district was in the process of negotiating contracts with these four providers in November 2005.

Some providers available to our case study districts were not chosen by parents, as the Grant example above suggests. In California's Escondido Union School District, about 17 providers applied to offer supplemental services for the district, and 13 of these were selected by parents of eligible students. One reason why some providers were not chosen is that not all providers offered services that met the needs of families. For example, in the Bloomfield School District in New Mexico, officials said parents did not choose online providers because few families had Internet access. Students must have a telephone line to access the Internet, but in this remote part of New Mexico, some Native American families live in areas with no existing landlines. Instead, they use cell phones, through a partnership between the Navajo Nation and a cell phone company. In addition, some Bloomfield parents had returned the tutoring forms saying they wanted the school to provide the tutoring rather than an outside provider, according to a district administrator. But the district cannot provide these services because it has been identified for improvement.

Providers in our case study districts sometimes backed out of offering services when too few students signed up. For example, although about 30 providers on the state list offered to serve the Palmdale Elementary School District in California, most required a minimum of 20 to 30 students, according to the district's assistant superintendent. Several providers did not meet their minimum and did not follow through with tutoring. This may also partly explain why the percentage of approved providers actually used is lower than half. Furthermore, some states reported that some approved providers would not serve districts if student participation wasn't high enough. A state official explained the situation in this way:

We continued to be challenged with ensuring that providers will serve a particular area. Many providers wait to know how many parents sign up for their program and then determine they will serve an area. If they don't get a particular number of students they will pull out.

ED's case studies of supplemental educational services also found that providers generally required a minimum number of students at a site to make their program viable (Anderson & Laguarda, 2005).

A rural state reported on our state survey that some providers could not serve isolated districts, even though they were on the state's list of approved providers. An official in this state wrote:

None of the approved providers would serve our small rural schools that were identified as being in need of improvement. To date, not one student in [our state] has benefited from NCLB's SES requirement.

Our case studies suggested that the market has a glut of providers in some districts and a scarcity in others. Several large urban case study districts, such as the Chicago Public Schools and Clark County School District in Nevada, reported being inundated with providers wanting to offer services. Other rural districts, such as Harrison Community Schools in Michigan and the Tahoe-Truckee Joint Unified School District in California, reported having few providers.

FEWER SUBURBAN AND URBAN DISTRICTS BECOME PROVIDERS

For the 2005-06 school year, 11% of the districts we surveyed were approved as direct providers of supplemental educational services. This overall percentage has not changed significantly from the previous two years. But the proportion of urban and suburban districts that were approved providers has decreased significantly. Between 2003-04 and 2005-06, the percentage of urban districts that were approved providers dropped from 43% to just 13%, while the percentage of suburban districts that were approved providers decreased from 25% to only 1%. This means that significantly fewer urban and suburban districts are currently able to provide services than in previous years. In short, the 40% of urban districts and 12% of suburban districts that must offer supplemental educational services far outstrips the percentages of these districts that may directly provide these services in 2005-06.

One explanation for the decrease in approved providers among certain districts may be that some of these districts have been identified for NCLB improvement. If a district is identified for improvement it is barred from offering supplemental educational services. As discussed in chapter 3, 36% of urban districts have been identified for improvement, as have 16% of suburban districts. However, there has not been a significant increase in the percentages of these districts identified for improvement from 2004-05 to 2005-06.

Alternatively, fewer districts may be interested in providing services. Officials in the Flint Community Schools, Michigan, a case study district, decided not to offer services because of a perceived conflict of interest. “If we became a provider, how could we be fair to the other providers?” asked David Solis, director of state, federal, and local programs. Ultimately, he believed that opting for the higher administrative costs of monitoring outside providers was better for Flint than dealing with the potential conflict of interest of becoming a provider. In a recent study by the American Institutes for Research and the Education Industry Association (2005), 41% of the providers surveyed expressed concern that district providers of supplemental educational services have unfair advantages over non-district providers.

More often, however, case study districts that wanted to provide supplemental services were barred from doing so because they had been identified for improvement. In no instance did a case study district that once provided services stop providing them voluntarily. Rather, case study districts that would like to be direct providers of supplemental services have been identified for improvement; these districts include Berkeley County School District, South Carolina; Boston Public Schools; Clark County, Nevada; Chicago Public Schools; Kansas City, Kansas Public Schools; and Palmdale, California.

For the fall of 2005, the U.S. Department of Education allowed several large urban districts to pilot a program which allows them to continue providing supplemental educational services directly even though they have been identified for improvement. These districts must undergo extra monitoring, however (Council of the Great City Schools, 2005; Gewertz, 2005a; Gewertz, 2005b). According to the Council of the Great City Schools, several other urban districts have been given permission to participate in the pilot program, but since permission came after the beginning of the school year not all have begun offering services. **Box 6-B** gives a more detailed description of how our case study district, the Chicago Public Schools, made its case to ED and was allowed to continue providing services.

Some districts did, however, get around the ban on offering supplemental educational services by providing tutoring with funds other than Title I SES funds. These locally-funded tutoring options sometimes competed with supplemental educational services offered by private providers under NCLB. For example, the Berkeley County district in South Carolina can no longer offer supplemental educational services because it has been identified for

Box 6-B. Chicago Allowed to Continue Providing Supplemental Educational Services

In 2004-05, the U.S. Department of Education ordered Chicago and other Illinois districts to stop providing tutoring or risk losing NCLB funds. Chicago and the state of Illinois fought the order well into the spring semester.

In a show of flexibility in September 2005, ED gave Chicago permission to continue offering tutoring services. “We made the case [to ED] by focusing on the outcomes of SES,” explained Xavier Botana, director of the district’s NCLB accountability office. “We did a study that showed that there was no significant difference between our program and the tutoring that kids get from private providers.” The public and private programs had similar effects on academic achievement, this district study showed.

The only difference between district tutoring and private tutoring was the price tag, Botana said. The cost of private services is more than three times that of public services. If 100% of students who requested tutoring chose Chicago as a provider, 80,000 students could be served, he estimated, but if 100% chose private providers, only about 23,000 could get services. In 2004-05, about 70,000 students requested tutoring. District officials expected this number to increase for 2005-06. “We know we’ll have more takers for SES than money,” Botana said of this popular service. Funds not spent on school choice in 2005-06 will go toward supplemental educational services.

One of the extra costs of SES is monitoring. Chicago has assigned a person at each school offering services to monitor attendance and program activities of outside providers, Botana said. In addition, the district does a yearly customer satisfaction service survey and shares this information with providers so they can improve their tutoring.

Source: Center on Education Policy, December 2005, case study of the Chicago Public Schools, Illinois.

improvement. But the district offers its own comprehensive extended learning program at Title I schools, to which many parents send their children. These programs, designed by school staff, are focused on meeting the needs of students who can benefit from such extra help as tutoring, remediation, and homework assistance. Similarly the Palmdale, California district, in order to provide on-site tutoring, has resorted to starting its own after-school program. Because the entire district is in improvement, it cannot use SES funds to support the program, but plans to use general funds. The after-school program will consist of Voyager Passport, a supplementary reading program approved by the state of California, and Reading First. Palmdale teachers will use this research-based program after school with groups of 6 to 12 struggling readers, according to the district teacher who will train teachers and coordinate the program at one school.

The Escondido school district in California also provides its own tutoring services through an NCLB Title IV 21st Century Community Learning Centers grant, a program in which the district has participated for several years. Through the grant, the district offers several tutoring programs as part of its after-school program. Additionally, Escondido uses state funds to hire district teachers to provide after-school tutoring as part of the district’s Any Time Learning program. Both the 21st Century program and Any Time Learning allow many students to be tutored by their own teachers. Consequently, parents often do not feel a need to enroll their children in other tutoring programs, said Pat Peterson, the district’s Gifted and Talented Education and Title I coordinator.

Capacity of Districts and Providers to Serve Students

Our surveys and case studies explored several questions related to districts' and providers' capacity to provide supplemental educational services. In particular, we examined whether districts had funding to serve these students and whether districts stepped in to serve students when outside providers did not have the capacity to serve them.

FINANCIAL CAPACITY OF DISTRICTS

While most districts, except perhaps isolated rural districts, appear to have enough approved providers, district financial capacity to serve all eligible students is more limited, according to our survey. Districts must set aside at least 20% of their Title I funds for choice-related transportation and supplemental educational services, and are only required to provide supplemental services to the extent that funding is available under the set-aside. They can set aside more, but if they do some students will lose out on regular Title I educational services. Districts reported that with their current budgets, they can serve about 20% of all eligible students. Percentages varied by district type; urban districts said they were able to pay for just 18% of all eligible students, a significantly smaller share than rural districts, which could afford to serve 45% of all eligible students. Suburban districts reported being able to afford services for 22% of all eligible students. Although these percentages are small, they are similar to the 20% of all eligible students who were participating in supplemental services in 2005-06.

District-provided supplemental educational services may be less expensive than services offered by outside providers. A study of the cost effectiveness of supplemental services by the Chicago Public Schools found that the cost of SES ranged from a low of \$6.00 per hour for tutoring by the Chicago Public Schools to \$27.05 for tutoring from the Brainfuse Online program, and that services from outside providers were generally more costly than district-provided services (Chicago Public Schools, 2005). In addition, the analysis found that higher costs were not related to larger gains on state tests.

Based in part on this analysis, the U.S. Department of Education has allowed the Chicago Public Schools to continue directly providing supplemental educational services, as explained in box 6-B, even though the district has been identified for improvement. But the district will have to submit to several ED conditions, including extending the window for enrollment in SES and participating in a third party evaluation of the tutoring program city-wide (Gewertz, 2005a).

PROVIDER CAPACITY BY STUDENT NEEDS

Understandably, not all providers focus on serving all grade levels and all student needs. For example on our survey, 42% of districts reported that none of their providers could serve students with disabilities, and 51% of districts reported none of their providers could serve English language learners. To fill the gap, districts sometimes step in to serve these students. A little more than half of districts reported providing supplemental educational services to students whose needs outside providers were unable to meet. Some variations were apparent by size of district, as reflected in **table 6-C**. A greater share of small districts (77%) reported stepping in to fill unmet needs than large districts (13%). Similarly, a higher proportion of medium-sized districts (86%) provided services for underserved students than of large districts (13%) or very large districts (19%). These differences may be due to the fact that more very large and large districts are identified for improvement and that districts of this size have more providers in the first place.

Table 6-C. Percentage of Districts That Provided Supplemental Services to Students Whose Needs State-Approved Providers Were Unable to Meet, 2004-05, by District Type and District Size

		2004-05	
Total (all districts)		59%	
District Type	2004-05	District Size	2004-05
Urban	43%	Very large	19%
Suburban	62%	Large	13%
Rural	67%	Medium	86%
		Small	77%

Table reads: In 2004-05, 43% of urban districts with schools required to offer supplemental educational services reported that they provided these services to students whose needs state-approved providers were unable to meet.

Source: Center on Education Policy, *District Survey Part I*, item 19 (table 15).

Challenges

Both our state and district surveys asked respondents to report the extent to which various issues related to supplemental educational services posed an implementation challenge. States and districts were given somewhat different lists of potential challenges, because they are responsible for implementing different aspects of the law. We asked states about challenges to developing and maintaining a list of supplemental educational service providers, while we asked districts about challenges to successful implementation of supplemental educational services. Our case studies and open-ended questions on the state survey provided further insight into these challenges.

MONITORING PROVIDERS PROVES DIFFICULT

Monitoring the quality and effectiveness of providers is a moderate or serious challenge, 41 states reported. More than two-thirds of states also said it was moderately or seriously challenging to determine whether providers' services are effective in raising student achievement (40 states), whether providers' instruction is research-based (34 states), and whether providers' instructional strategies are of high quality (34 states). All these questions pertain to the state's ability to determine whether a provider is doing a good job. The responses could indicate that states have little information about whether the Title I dollars invested in supplemental educational services have any effect. States were more evenly divided in their views of the other challenges, as shown in **table 6-D**.

Describing the difficulty of monitoring providers, one state official wrote this:

States need more authority to guide SES providers in the framework of their tutoring to include emphasis on 1) the five components of reading, 2) best practices identified by the National Council of Teachers of Mathematics (NCTM), and 3) highly qualified teachers/facilitators.

Table 6-D. Number of States Reporting the Extent to Which Various Issues Were Challenges to Implementing Supplemental Educational Services, 2005

	Moderate/ Serious Challenge	Not a Challenge/ Minimal Challenge	Don't Know
Implementing a system for monitoring the quality and effectiveness of supplemental education service providers	41	6	3
Determining whether provider providers' services are effective in raising student achievement	40	6	4
Determining whether providers' instructional methods are research based	34	16	0
Determining whether provider applicants' instructional strategies are of high quality	34	14	1
Determining whether providers' services are consistent with the instructional program of the school district and with state academic content standards	29	16	6
Ensuring that the locations and capacity of service providers are adequate to fill local needs	26	19	5
Determining whether the provider is financially sound	20	28	2
Providing guidance for prospective providers about pricing or location of services	20	27	3
Encouraging providers to apply for approval	16	33	1
Developing provider selection criteria	16	33	0

Table reads: In 2005, 41 states reported that “implementing a system for monitoring the quality and effectiveness of supplemental education service providers” was a moderate or serious challenge.

Note: Responses are ranked according to the number of states reporting a particular challenge is a moderate or serious one.

Source: Center on Education Policy, December 2005, State Survey, item 14.

While states are responsible by law for monitoring providers, our district survey also asked districts about the challenge of monitoring providers. About half (51%) of districts viewed this as a moderate or serious challenge. Our case studies reflect the difficulty monitoring providers. Even though monitoring is a state task, districts have the frontline responsibility of making sure providers are paid correctly. Officials in many case study districts also wanted to be able to tell parents how successful providers were in raising student achievement.

The Flint school district in Michigan has taken steps to address monitoring. Tracking the enrollment of students participating in supplemental services had become a major problem, district officials reported. “We were getting invoices from private providers for student participation that we could not document,” explained Karen Lee, the district’s assistant director for state and local programs. Often, principals’ lists of student participation contained far fewer

hours and fewer students than the provider's invoices, leaving the district to wonder whether invoices were fraudulent. To address this problem, Flint contracted with CAYEN, a private company, in December 2004 to track attendance and invoicing. "It was a lifesaver," said Lee. The company required students to sign in for every tutoring session on site, tracked the signatures, matched them to provider invoices, and flagged any discrepancies. For 2005-06, all providers serving Flint must sign a contract agreeing to use the system. This year, Lee said, "Without a student signature, we don't pay."

In addition asking providers to track attendance and use this record as the basis for invoicing, Flint's 2005-06 contracts require providers to develop an individual achievement plan and administer pre- and post-tests to each student, all of which are shared with the district. Despite these additional requirements, no providers have dropped out, according to district officials. The district and CAYEN trained providers in the use of the new attendance and invoicing system and provided the pre- and post-tests. Although the district pays CAYEN about \$6,300 per year to maintain the system, and although no Title I funding is specifically set aside for the administration of supplemental educational services, CAYEN does seem to save the district money overall. For a six-month period in 2004-05, invoices totaled about \$2 million less than they had the previous six months, Lee said.

DISTRICTS EVENLY DIVIDED ON OTHER CHALLENGES

For 2004-05, districts were fairly evenly divided about whether they considered items in our survey a "moderate" or "serious" challenge or a "small" challenge or "not a challenge." Ensuring that providers' facilities are conveniently located was cited as a moderate or serious challenge by a significantly larger share of district (65%) than the challenges of ensuring providers' services are offered at convenient times for families (23% of districts) or of addressing parents' concerns about the length of the school day extended by before- or after-school services (21%). Still, as shown in **table 6-E**, districts were divided about how much of a challenge the other items on our list posed. Any apparent differences between the percentages of districts rating these other challenges as moderate or serious and the percentages rating them as small or insignificant are not significant, from a statistical standpoint.

COMMUNICATING WITH PARENTS DOESN'T GET EASIER

Districts' rating of challenges in 2004-05 were similar to our survey ratings for 2003-04, with one exception. The percentage of districts that rated informing parents about SES as a small or non-existent challenge decreased significantly, from 88% in 2003-04 to 63% in 2004-05. Apparently more districts are finding communicating with parents about supplemental educational services a challenging task.

Our case study interviewees elaborated on the challenge of communicating with parents. In the Oakland Unified School District in California, 300 parents who specified in their first-round applications for SES that they wanted services failed to fill in the name of their chosen service provider. In the second-round applications, 200 parents did not name their preferred provider. Because the district wanted more students to participate in tutoring, the district's SES community coordinator attempted to call all 500 parents and ask them to choose one of 25 providers serving the district. In addition, the district received many duplicate applications from parents. For example, some parents signed up with one provider at the district's fair and then signed with another provider who visited the student's home, according to district staff. It is the district's responsibility to determine which provider is really delivering services and make sure students are not getting services from more than one provider. Because each of the 25 providers can work at multiple sites throughout the large district, this task can be daunting.

Table 6-E. Challenges to Districts' Successful Implementation of the Supplemental Educational Services Provisions of NCLB, 2004-05

Challenge to District	2004-05	
	Small or Not a Challenge	Moderate or Serious Challenge
Convenient location of providers' facilities	28%	65%
Providing transportation to eligible students to and from provider facilities or providing transportation to students' homes from after-school tutoring	35%	51%
Monitoring provider effectiveness	24%	51%
Providers having an established reputation with parents	35%	50%
Provider services meeting the instructional needs of students	40%	42%
Adequate number of providers in the area	52%	41%
Identifying schools for improvement prior to the start of the school year	53%	40%
Competition from existing after-school programs	47%	35%
Adequate time for parents to learn about supplemental services	52%	35%
Informing parents of the availability of supplemental educational services	63%	30%
Providing information to parents about the types of supplemental services offered	63%	29%
Adequate funding to fulfill all requests for supplemental services for eligible students	65%	28%
Provider services offered at convenient times for families	50%	23%
Parent concerns about the length of the school day for children who receive provider services before or after school	59%	21%

Table reads: In 2004-05, 65% of districts with schools required to provide supplemental educational services reported that "convenient location of provider's facilities" was a moderate or serious challenge, while 28% reported it was a small challenge or not a challenge.

Note: Responses are ranked according to the percentage of states citing that challenge as a moderate or serious one.

Note: The percentages of districts that responded "don't know" are not shown.

Source: Center on Education Policy, December 2005, District Survey Part I, item 20 (table 17).

TUTOR QUALIFICATIONS, FEES, AND ATTENDANCE

Our case studies revealed additional challenges not mentioned in our surveys. Several districts expressed concerns about the qualifications of tutors employed to provide supplemental educational services when the tutors are not highly qualified teachers. In the Kansas City, Kansas Public Schools, district officials questioned the use of high school students as tutors by one provider. While the law remains silent on the qualifications of tutors, the American Institutes for Research and Education Industry Association (2005) reported that 7% of providers in their survey employed tutors with a high school degree as their highest level of education.

Contacts in several case study districts also voiced concern about the wide range of fees charged by providers. The aforementioned study by the Chicago Public Schools (2005) found that fees for supplemental educational services ranged from \$6.00 per hour to \$27.05. The Title I director in Wake County, North Carolina, said that the biggest challenge has been managing the providers. Each provider charges a different fee, and district officials would like more guidance from the state about how much each program should cost per child.

Several larger districts reported difficulty tracking attendance at SES accurately. Flint Community Schools hired the aforementioned private company to help track attendance. The Cleveland Municipal School District in Ohio also experienced problems monitoring SES attendance and invoicing, according to the director of federal programs. This led the district to contract with a private business solutions company that helped to automate and standardize the process. All providers use the same online sign-in sheets, and parents sign off on a monthly tally of attendance for their child. The system is expected to yield very accurate accounting, according to the federal programs director.

Grant Joint Union High School District in California has also had difficulty tracking attendance, but the district decided to devote existing staff to the problem. The district has a system for monitoring the services throughout the year and keeping track of the funds available for each student served, explained Rick Carder, director of state and federal programs. “Even though we know how to do this now,” he said, “it takes an incredible amount of time to do everything that has to be done. Sometimes I just don’t know how we get it all done.” Another district that has kept attendance tracking and invoice monitoring in-house is Clark County, Nevada, but the district has not worked alone. Instead, it has joined forces with the state to make policy changes aimed at combating some common challenges. Their efforts are described in **box 6-C**.

FEW STATES GIVE PROVIDERS THE BOOT

Despite challenges and difficulties between districts and providers, only 20 states reported that they had removed a provider from their approved list against the provider’s will. And only four states removed a provider because the provider’s services were not acceptable. The rest of the states that removed providers did so because the provider was unable or unwilling to serve an area of need or did not comply with state financial, reporting, or other guidelines.

Why don’t more state officials remove providers? Most state officials reported it is a moderate or serious challenge to determine which providers are actually effective. In addition, some state officials reported that there is not enough guidance from ED about when it is appropriate to remove providers. One state official voiced this concern in response to an open-ended survey question:

There seems to be some lack of clarity about what authority the state really has in removing providers from the list.

Box 6-C. Clark County Schools and the State of Nevada Address SES Challenges

During the 2004-05 school year, Clark County School District in Nevada had numerous problems with providers, record keeping, and invoicing, due to some vendors' overzealous attempts to sign up as many students as possible. The district held three fairs to introduce the providers to the parents, but some providers were not satisfied with the turnout. These providers started going door-to-door, signing up students for tutoring whether or not the students were actually eligible or had already signed up for services, said Susan Wright, the district's Title I director. At one point, the district had to ask police to escort uninvited providers from a school where they were soliciting parents, she said. In many cases, providers signed the same students two or three times and, in some cases, parents signed with two or three providers. This created additional work for district staff members, who had to match letters of intent to contracts. Only about 10% of eligible students actually participated in tutoring, and many services didn't start until after January.

For 2005-06, both the state and the district made changes to try to avoid the snafus of last year. Clark County printed an official label for each student eligible for supplemental educational services. All contracts for tutoring must have an official label and a parent signature in order to be valid. Parents received packets describing each vendor and the sign-up process, and had their first opportunity to pick up their official label and sign up with a vendor at one of eight vendor fairs held in the district early in the fall. Labels that were not picked up at one of the fairs were sent to the student's school and made available to parents. This effort was intended to eliminate duplications of contracts and stop door-to-door solicitation. Although creating the label system was an additional cost to the district, it has proved to be less expensive than the cost of sorting out the contracts and fees last year, according to Wright.

The state has also placed more restrictions on vendors. In 2004-05, vendors had to provide more information so that parents could make better decisions about whom they wanted to provide tutoring. Vendors had to provide information about the pupil-teacher ratio in their program, the number of hours of instruction, and their tutors' qualifications. The state also stipulated that vendors cannot increase the amount of money they charge for tutoring during the year. This was a problem statewide last year that made it difficult for districts to distribute Title I funds accurately. Vendors also have to provide the district with pre- and post-test information so the state and districts can monitor the effectiveness of tutoring. Finally, in an effort to ensure that tutoring starts in a timely fashion, the state required vendors to begin tutoring no later than four weeks after enrolling participants.

Clark County appreciated these state efforts, Wright said, but added that the language "may not have sounded as strong as I would have liked it." In one attempt to firm up the regulations, Clark County requires vendors to start tutoring by mid-October and stop signing students up after that point.

Impact and Benefits of SES

Our state survey included an open-ended question asking state officials to describe the benefits of supplemental educational services. Their responses suggest that supplemental services have potential to help students, but their current impact on student achievement is uncertain.

About half of the states responding said that supplemental services offer parents and students new educational options. For example, one state official wrote:

Thousands of students received tutoring assistance, many of which otherwise may have not been able to afford such services.

Still, only a handful of state officials said that academic achievement had improved due to supplemental educational services. Many more state officials were skeptical about the effectiveness of these services. About a third reported that supplemental educational services had no benefit to the state or that the state had no data to determine whether the services were beneficial.

We received more mixed views about the effectiveness of SES from state responses to a multiple-choice survey question about the impact of various NCLB policies on student achievement. (The full range of state responses is discussed in chapter 4). Only a handful of states reported that supplemental educational services were an important or very important cause of increases in student achievement, while just under half said that supplemental educational services were not at all important or somewhat important, and the rest did not know the effect of the services.

In response to a similar question on our district survey, 90% of districts reported that in their view supplemental educational services were “not at all” or “somewhat” important to improving student achievement, while 10% reported these services were “important” or “very important” to improving student achievement.

Case studies also revealed mixed reactions to supplemental educational services. Several case studies showed the benefit of these services. For example, Chicago used testing data to show that in general, tutoring increased academic achievement and that some providers were more successful in raising achievement than others. A rural school in Harrison, Michigan, partnered with a local nonprofit organization to design a program tailored to student needs; district officials said the program increased student achievement.

Many case study districts were not able to determine whether students were benefiting from services. For example, the effects of supplemental educational services in the Cleveland school district remain unclear, according to the district’s chief academic officer. Although Cleveland tracks the achievement of participating students, the district doesn’t have the resources to monitor which subjects are actually addressed during tutoring or how they are taught. Therefore, it is impossible to say whether changes in student achievement can be attributed solely to supplemental services or to other services offered during the school day, according to district staff.

Possible Improvements

Participants in our surveys and case studies suggested several possible improvements that could be made to the delivery of supplemental educational services. Several of these were recommended in last year’s study and continue to be mentioned. In addition, CEP asked representatives of the many stakeholders participating in our May 16 forum on supplemental educational services to recommend changes. The main recommendations are discussed below.

ALLOW EFFECTIVE DISTRICT PROVIDERS TO CONTINUE

In our 2005 annual report on NCLB, we recommended allowing school districts identified for improvement to continue as supplemental educational service providers if they are operating effective tutoring programs. For the 2005-06 school year, ED has allowed some large city districts to do just that, as long as they closely monitor the effectiveness of their own programs and those of outside providers. The decline in the number of suburban and urban districts that are approved supplemental service providers may be depriving students of tutoring options—possibly the most cost effective option, if Chicago’s findings about comparative costs of these services are verified in other places.

SUPPORT AND INCREASE MONITORING OF SUPPLEMENTAL EDUCATIONAL SERVICES

Our 2005 report recommended providing states and schools with the resources and staff to oversee supplemental educational service providers to ensure these services are of high quality and relevant to students needs. This year’s surveys and case studies show that the majority of states and districts still do not have the information they need to determine whether individual providers are effective. Some districts even have difficulty determining whether services have been delivered as promised.

The three district representatives at our May 16 forum on supplemental educational services all recommended that districts play more of a role in the selection of providers by contracting only with supplemental educational service providers that meet their students needs (Sandro, 2005; Swanson, 2005; Wright, 2005). Elizabeth Swanson of the Chicago Public Schools suggested that districts be allowed to bid contracts for service providers “to attain the highest quality product or service and the highest possible return on the investment,” as districts do with all other contracted services (Swanson, 2005).

Swanson and Susan Wright of the Clark County Schools in Nevada also called for a district role in monitoring providers, especially in large districts. Wright, in particular, called for a district or statewide assessment tool that would give parents, districts, and providers information about the effectiveness of each provider’s services.

The two individuals representing providers at our May forum reported that providers welcomed accountability. Jeffrey Cohen of Catapult Learning, a sister company to Sylvan Learning, envisioned an accountability system that included standardized test results, survey data, and compliance with provider applications (Cohen, 2005). However, he did not recommend that districts or states take on this evaluation role but instead suggested that a third-party evaluator do it.

Steven Pines, executive director of the Education Industry Association, which has approximately 700 business and individual members, pointed out that providers have already taken some steps to monitor themselves (Pines, 2005). His organization has developed a Code of Business Ethics for providers. Abiding by the code is part of the provider application process in states like New Jersey and Connecticut. Pines encouraged more states to incorporate the code. He cautioned, however, against using standardized tests to evaluate tutoring unless these tests were designed for that purpose and can isolate the potential impacts of supplemental services.

While the individuals attending our forum had different views about how monitoring should take place, all agreed that monitoring was necessary and should increase. As our case study districts showed, additional funding and staff time may be needed to make this increased monitoring a reality.

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Teacher and Paraprofessional Quality

Key Findings

- School districts are on their way to meeting the highly qualified teacher requirements of the No Child Left Behind Act. Of the districts we surveyed, 88% expected to meet the law's requirement for all teachers of core academic subjects to be highly qualified by the end of this school year. The U.S. Secretary of Education has extended the deadline for another year for states and districts that are making good faith efforts to comply.
- Despite overall progress, states and districts report having difficulty in meeting the highly qualified requirements for some teachers, such as special education teachers, high school math and science teachers, or teachers in rural areas who teach multiple subjects.
- The gap appears to be closing between high-minority and low-minority districts in the proportion of teachers who are highly qualified.
- One-quarter of school districts continues to have problems hiring highly qualified Title I teachers. But a smaller proportion of districts than last year report undertaking specific efforts to ensure an equitable distribution of highly qualified teachers in high-need schools.
- The majority of school districts surveyed voiced skepticism about whether the NCLB highly qualified teacher requirements have improved the quality of teaching, while states tended to take a more positive view. Very large and medium-sized school districts reported in greater proportions than small districts that the requirements are having a positive effect.
- Most states believe NCLB professional development provisions are improving teaching and learning, but most districts believe the provisions are having a minimal effect.
- Over 80% of school districts reported that their Title I paraprofessionals will meet the NCLB qualification requirements by the end of this school year. Our case studies suggest that most paraprofessionals who previously were not highly qualified have met the criteria by passing a competency test rather than getting a degree.

Introduction

School year 2005-06 is a momentous year in the No Child Left Behind Act. The law requires all teachers of core academic subjects to be “highly qualified” according to the Act’s definition by June 2006 and all Title I paraprofessionals with instructional duties to be highly qualified by January 2006. During 2005, however, the U.S. Department of Education granted extensions for both paraprofessionals and teachers (with conditions) and gave states additional flexibility in meeting the teacher qualification requirements. ED also

monitored states' implementation of the teacher qualification requirements and provided assistance to help states and teachers meet the requirements. These federal activities took place even though states and districts, while continuing to experience challenges in meeting these requirements for some groups of teachers, have made significant progress in ensuring that all teachers and paraprofessionals covered by the requirements are highly qualified.

This chapter summarizes the findings of the Center on Education Policy about the implementation of the NCLB teacher and paraprofessional requirements. Our findings are based on information from our state and district surveys, our case studies of districts and schools, a forum held by the Center on teacher quality issues, and emerging research and reporting from a variety of external sources.

The first part of this chapter focuses on teacher issues. We begin by reviewing our findings about the proportion and distribution of highly qualified teachers, then we summarize key actions taken by the U.S. Department of Education to grant states and districts more flexibility in meeting the teacher qualification requirements. We describe district and state perceptions of whether NCLB is having an impact on teacher quality. We also examine state and local progress in putting in place data systems that track teacher qualifications, and strategies used by states and districts to ensure that every academic class is taught by a highly qualified teacher.

The second part of the chapter focuses on paraprofessional issues. We present our findings about the proportion of highly qualified Title I paraprofessionals and discuss district strategies for ensuring that all Title I instructional paraprofessionals are highly qualified.

Proportion and Distribution of Highly Qualified Teachers

Our surveys and case studies suggest that most teachers already meet NCLB's highly qualified requirements and that few differences exist in the proportion of highly qualified teachers among urban, suburban, and rural districts or districts of different size. But states and districts continue to struggle with staffing certain types of schools and classrooms with highly qualified teachers.

MOST DISTRICTS ON TRACK WITH TEACHER QUALIFICATIONS

This year, nearly all of the districts we surveyed told us they are on track to meet NCLB's teacher quality requirements. A vast majority of districts—88%—reported that they expect all core academic classes to be taught by a highly qualified teacher by the end of school year 2005-06, as required by NCLB. The proportion of districts reporting that they are on track was similar across urban, suburban, and rural districts; districts with low-income enrollments of less than 50% and those with 50% or more; and districts with minority student enrollments of less than 50% and those with 50% or more.

Similarly, most case study districts reported that a high percentage of their academic teachers are highly qualified in 2005-06. As shown in **table 7-A**, about two-thirds of these districts (25 out of 38) told us that 90% or more of their teachers are highly qualified

Even some case study districts that had originally feared they would have trouble meeting the NCLB teacher requirements have made significant progress. For example, rural Kodiak Island Borough School District in Alaska went from having 25% of its teachers highly qualified two years ago to having 88% highly qualified in 2005-06. Administrators in Calhoun

Table 7-A. Percentage of Highly Qualified Teachers in CEP Case Study Districts, 2005-06

District	Percentage of Highly Qualified Teachers	District	Percentage of Highly Qualified Teachers
Avon Public School District (MA)	100%	Orleans Central Supervisory Union (VT)	95%
Cloquet Independent School District #94 (MN)	100%	Colorado Springs School District 11 (CO)	94%
Heartland Community Schools (NE)	100%	Flint Community Schools (MI)	91%
Hermitage R-IV School District (MO)	100%	Tigard-Tualatin School District (OR)	91%
Romulus Central Schools (NY)	100%	Wake County Public School System (NC)	91%
Sheboygan Area Schools (WI)	100%	Pascagoula School District (MS)	90%*
Willow Run Community Schools (MI)	100%	Chicago Public Schools (IL)	89%
Bayonne City School District (NJ)	99%	Grant Joint Union High School District (CA)	89%
Fayetteville Public Schools (AR)	99%	Kodiak Island Borough School District (AK)	88%
Joint School District #2—Meridian (ID)	99%	Escondido Union School District (CA)	86%
Waynesboro Public Schools (VA)	99%	Fort Lupton Weld R-8 School District (CO)	85%
Bloomfield School District (NM)	98%	Tahoe-Truckee Joint Unified School District (CA)	85%
Cuero Independent School District (TX)	98%	Palmdale Elementary School District (CA)	77%
Calhoun County School District (AL)	97%	Cleveland Municipal School District (OH)	73%
Fremont County School District #1 (WY)	97%	Clark County School District (NV)	71%
Napoleon School District (ND)	97%	St. John Parish Public Schools (LA)	71%
Kansas City, Kansas Public Schools (KS)	96%	Boston Public Schools (MA)	NA (gathering)
Berkeley County School District (SC)	95%	Marlboro Elementary School (VT)	NA (unknown)
Harrison Community Schools (MI)	95%	Oakland Unified School District (CA)	NA (gathering)

Table reads: In 2005-06, Avon Public School District reported that 100% of its teachers were highly qualified.

*The percentage was 97% before Hurricane Katrina struck the district.

Source: Center on Education Policy, December 2005, case studies of district NCLB implementation.

County School District (Alabama) told us that meeting the highly qualified requirements was less difficult than they had anticipated because many teachers demonstrated their qualifications by passing the Praxis exam or using the state's high objective uniform state standard of evaluation (HOUSSE) framework. (The HOUSSE frameworks provide veteran teachers with options for meeting NCLB qualifications by earning credit for coursework, professional development, and other professional experiences.) In the Tigard-Tualatin School District (Oregon), district administrators helped teachers pull together lists of coursework for state review that resulted in a 4.6% increase in the percentage of highly qualified teachers between 2004-05 and 2005-06. As of December 2005, 91% of teachers in Tigard-Tualatin were highly qualified. Moreover, at least two case study districts—Cuero Independent School District (Texas) and Boston Public Schools—reported that they are starting to see teachers who are unlikely to become highly qualified leave the district, an intended consequence of NCLB.

Despite districts' assurances that they are on track, some districts still have a way to go to meet the qualifications requirement for specific groups of teachers by the end of 2005-06. As shown in **figure 7-A**, while 74% of districts reported in our survey that all their elementary school teachers are highly qualified, only 52% could say the same for their middle/junior high teachers, and only 42% reported that all of their high school teachers are highly qualified. Thirteen percent reported that all their teachers in other types of schools, such as alternative schools or K-8 schools, are highly qualified, but that is because a majority of districts don't know if teachers in these schools are highly qualified.

Figure 7-A. Percentage of Districts Reporting That All Their Teachers Are Highly Qualified by School Level, 2005-06

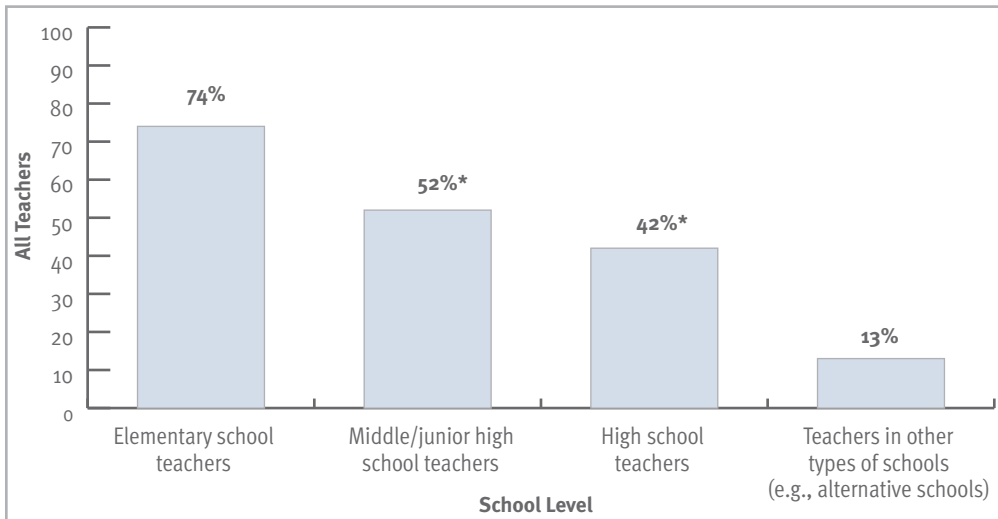


Figure reads: In 2005-06, an estimated 74% of districts with a system in place to classify teachers as highly qualified reported that all their elementary school teachers were highly qualified.

Note: Responses for “no teachers,” “some or few teachers,” and “most teachers” are not included.

* The difference between the percentages for middle/junior high teachers and for high school teachers is not statistically significant.

Source: Center on Education Policy, December 2005, District Survey Part II, item 64 (table 26a).

The experiences of some case study districts illustrate the problems districts face in ensuring that all their teachers are highly qualified. Cloquet Independent School District #94 (Minnesota)—where 100% of teachers are highly qualified—struggles to ensure that all teachers in its alternative high school are highly qualified. The district reported that teachers in this school must serve as social workers, counselors, mentors, and parent liaisons, in addition to academic instructors, and that finding highly qualified individuals willing and able to fulfill all these roles has proved very difficult. Clark County Schools, the district serving Las Vegas and its suburbs, anticipate problems meeting the 2006 deadline for highly qualified teachers, especially for secondary math and science, special education, and bilingual education. As of December 2005, only 71% of teachers were highly qualified, and the fast-growing district faces constant pressure to recruit new teachers.

Similarly, although nearly three-fourths (72%) of states responding to our survey reported that most of their teachers are highly qualified, only 11% said that all of their teachers are highly qualified, only months before the NCLB deadline. As shown in **table 7-B**, the percentages are even lower for middle/junior high school teachers (only 2% of states said that all were highly qualified), high school teachers (4% of states), and teachers in other types of schools (no state). In general, more states said that they did not know what proportion of teachers was highly qualified than said that all their teachers are highly qualified.

Table 7-B. Percentage of States Reporting That Various Proportions of Their Teachers Are Highly Qualified in 2005-06, by School Level

	All Teachers	Most Teachers	Some Teachers	Don't Know
Elementary school teachers	11%	72%	6%	11%
Middle/junior high school teachers	2%	77%	11%	11%
High school teachers	4%	81%	4%	11%
Teachers in other types of schools (e.g., alternative schools)	0%	76%	9%	15%

Table reads: In 2005-06, 11% of states responding to a question about the proportions of highly qualified teachers at different school levels reported that all their elementary school teachers are highly qualified.

Note: Responses for “few teachers” and “no teachers” are not included because no state gave these responses.

Source: Center on Education Policy, December 2005, State Survey, item 20.

STRATEGIES USED TO INCREASE TEACHER QUALIFICATIONS

Reasons given by states for the increase in the proportion of highly qualified teachers vary. Many states pointed to the importance of HOUSSSE. Other states indicated that teacher tests and professional development have played a critical role. Still other states pointed to their increased understanding of the teacher quality criteria and their hard work in recruiting and collecting data about teachers. One state, for example, wrote that “teachers and districts understand the NCLB requirements better each year and are taking steps to comply with them by the end of the 2005-06 school year.” Like states, districts also reported a variety of

reasons for the increase in the proportion of highly qualified teachers. One district suggested that just having the requirements serves as motivation to teachers. “The deadline is coming up, so the teachers know that they have to get up to speed. We haven’t had to put any pressure on them; they are doing it themselves.”

To increase their numbers of highly qualified teachers, some case study districts encouraged teachers to take advantage of their state’s HOUSSE framework. After early concern that the district would never meet the teacher qualification requirements, the Kansas City, Kansas Public Schools reported that the highly qualified teacher requirements turned out to be “not a big deal” because most veteran teachers were able to become qualified through HOUSSE. Teachers in the Calhoun County School District (Alabama) also used the state’s HOUSSE to become highly qualified between the fall of 2005 and January 2006.

In addition to using HOUSSE, some case study districts paid for courses or provided other kinds of support to ensure that most or all their teachers were highly qualified. In the Berkeley County School District, which extends from the suburbs of Charleston, South Carolina into very rural communities, 95% of the teachers are highly qualified. To help its teachers meet the NCLB qualifications, the district not only encouraged teachers to use HOUSSE but also paid for them to take the necessary courses or tests. Teachers in Title I schools have received special attention; the district provides support to teachers in low-income schools to help them obtain advanced degrees. In suburban Escondido Union School District in California, the assistant superintendent for human resources worked with principals, who in turn worked with teachers to identify any coursework or exams teachers who were not yet highly qualified had taken or other experience they had gained for which they might receive credit toward meeting the highly qualified criteria. For teachers who needed to pass the California Subject Examination for Teachers (CSET), the assistant superintendent offered two test-preparation trainings through California State University San Marcos, funded with NCLB Title II funds. Using a survey to gather information about where teachers stand in meeting the highly qualified criteria, the assistant superintendent continues to refine the district’s list of teachers that have not yet met the criteria.

CHALLENGES FOR CERTAIN TYPES OF TEACHERS

Despite their success in increasing the percentage of highly qualified teachers, states and districts continue to report challenges recruiting and retaining certain types of teachers. When we asked states what difficulties, if any, they have experienced in implementing the NCLB teacher requirements, 24 states cited the difficulty of ensuring that certain types of teachers meet the NCLB requirements. As in past years, states mentioned the challenges of finding highly qualified teachers for middle and high school math and science, special education, and rural schools.

Finding highly qualified math and science teachers was mentioned as a particular challenge by some case study districts, both urban and rural. Officials in the Chicago Public Schools said that recruiting qualified math and science teachers was especially difficult. In rural Kodiak Island, Alaska, teachers at remote village schools must teach all grade levels and all subjects, so to meet NCLB requirements, they would have to become highly qualified in all subjects they teach. To address this problem, the district has arranged for secondary students to receive their main instruction in some upper-level subjects from Internet-based teachers who are highly qualified. As a result, Kodiak has increased the percentage of highly qualified teachers from 25% two years ago to 88% in 2005-06.

Ensuring that special education teachers are highly qualified under NCLB criteria appears to be the biggest problem for many states and districts, according to our state survey and case studies. Several states pointed to the difficulty of staffing special education classrooms in general and classrooms in alternative educational settings in particular. For example, one state wrote that “small juvenile justice facilities with a single teacher which include multiple grade levels and subject areas are extremely problematic.”

For most positions, Joint School District #2 in Meridian, Idaho, has an ample pool of qualified teacher candidates from nearby Boise State University, but highly qualified special education teachers have proved to be the hardest to find and retain. Similarly, while Cleveland Municipal School District has had success increasing the percentage of core academic classes taught by highly qualified teachers, the district may still have trouble meeting NCLB’s deadline for having highly qualified teachers. The state clarified the requirements for highly qualified teachers in special education in October 2004. While in the past the district understood that special education teachers with special education certificates or licenses from the state were highly qualified, now it is clear that special education teachers in grades 7 through 12 who are the teacher of record for a core content class must be highly qualified in both special education and the core content area. Some teachers may need more time to meet this requirement, according to one administrator.

The December 2004 reauthorization of IDEA gave states additional flexibility by allowing them to use HOUSSE procedures to help new special education teachers, as well as veteran teachers, meet NCLB criteria and to use a single evaluation for veteran teachers in secondary school to demonstrate competency in two or more core academic subjects. Although many states responding to our survey questions on this issue said the greater flexibility for special education teachers was helpful, a significant number reported that these provisions were not helpful or minimally helpful. As shown to **table 7-C**, states found the provision allowing the use of HOUSSE for new special education teachers more helpful in ensuring that all teachers are highly qualified than the provision permitting a single competency evaluation to cover two or more subjects. Only 19 states rated this latter provision as moderately or very helpful.

Table 7-C. Number of States Reporting That They Found New Flexibility for Special Education Teacher Qualifications to Be Helpful, 2005-06

	Moderately or Very Helpful	Not Helpful or Minimally Helpful
The use of alternative evaluations of subject matter competency (HOUSSE) to new rather than just veteran special education teachers	28	12
The use of a single evaluation for veteran teachers in secondary school to demonstrate competency in two or more core subjects	19	20

Table reads: In 2005-06, 28 states responding to this survey question reported that policy changes allowing states to use alternative evaluations of subject matter competency (HOUSSE) to new rather than just veteran special education teachers was moderately helpful or very helpful.

Note: The table combines states’ responses for “not helpful” and “minimally helpful.” It also combines responses for “moderately helpful” and “very helpful.” “Don’t know” responses were not included.

Source: Center on Education Policy, December 2005, State Survey, item 25.

A CEP forum on teacher quality and our case studies also emphasized the challenges of finding highly qualified teachers for rural schools and other hard-to-staff schools, as described in **box 7-A**.

Box 7-A. Finding Highly Qualified Teachers for Hard-to-Staff Schools

According to participants at a CEP forum on recruiting and retaining highly qualified teachers held on September 13, 2005, the reasons for the difficulty of staffing “hard-to-staff” schools—typically those serving large percentages of minority or poor students—vary by district, school, and teacher. School conditions are often worse, pay is often lower, safety is a bigger concern, student achievement is frequently lower, and commutes are typically longer for teachers in hard-to-staff schools than for teachers in schools serving more advantaged students. As a result, teachers with the most experience or leverage (due, for example, to teaching a grade level or subject that is in high demand) frequently choose to work in schools serving relatively wealthy, high-achieving, and white students, inadvertently exacerbating persistent inequities and achievement gaps.

The challenges of staffing high-poverty or high-minority schools are magnified in rural areas, according to forum participant Lorna Jimerson of the Rural School and Community Trust. Jimerson cited several factors that contribute to the problem. First, unlike many areas of the country, low-income rural areas have had teacher shortages—especially in math, science, special education, English as a second language, and foreign language—for at least two decades. Second, rural districts offer lower salaries than suburban and urban districts. Nationally, the average salary in nonrural districts is 11.3% higher than in rural districts, according to Jimerson.

Third, rural middle and high schools frequently assign teachers to teach multiple subjects, a practice prohibited by NCLB unless teachers can prove that they are highly qualified in all subjects being taught. Jimerson has found that 25% of all rural teachers teach multiple subjects, meaning that these teachers will either have to demonstrate proficiency in multiple subject areas or schools will have to hire additional teachers with the required expertise. Finally, the isolation of many rural communities is a major obstacle to recruiting and retaining highly qualified teachers, according to Jimerson, who adds that it also creates problems for teachers accessing professional development and pursuing additional college-level coursework.

According to Jimerson, the NCLB highly qualified teacher provisions have inadvertently aggravated the challenge of recruiting teachers in rural districts in other ways. By increasing the demand for highly qualified teachers in all schools, the NCLB requirements have disadvantaged rural districts that cannot match the salaries offered by urban and suburban districts. Furthermore, the most difficult to staff schools will look to alternatively prepared teachers as a salvation—without carefully evaluating their level of preparedness. Jimerson also argued that the provisions for rural flexibility announced by the U.S. Department of Education in March 2004 actually benefit few districts because of the Department’s overly restrictive definition of what constitutes a rural district.

A few of CEP’s rural case study districts illustrate Jimerson’s points. Fremont County School District #1—a rural district that covers a vast section of Wyoming—reported having significant difficulty attracting and keeping highly qualified teachers, especially math and special education. One Fremont school had to replace 60% of its teachers in two years. The district indicated that more state funds to support higher teacher salaries would make recruiting and retaining teachers easier. Fort Lupton Weld R-8 School District (Colorado)—where 85% of teachers are currently highly qualified—is a majority Latino rural district with low levels of student achievement. One-third of its teachers have left Fort Lupton schools in each of the past two years. District administrators report that the high turnover rate frustrates their efforts to meet the highly qualified teacher requirements and increase student achievement because new teachers must be constantly trained.

(Box continued on p. 159)

Forum participant Eric Hirsch of the Center for Teaching Quality argued that most states have not addressed the root causes of barriers to recruiting and retaining highly qualified teachers in hard-to-staff schools. He added that problems peculiar to individual districts undermine recruiting and retaining efforts, such as late hiring dates, transfer policies that encourage teacher to leave hard-to-staff schools, and inefficient and untargeted teacher hiring and assignment processes.

Hirsch insisted, based on research conducted by the Center for Teaching Quality, that better working conditions—including effective school leadership and teacher involvement in decision making—and better preparation and support must be part of efforts to attract and retain a sufficient supply of qualified teachers who are ready and willing to work in hard-to-staff schools.

Source: Center on Education Policy, forum on teacher recruitment and retention and professional development, September 13, 2005.

HIGHLY QUALIFIED TEACHER GAP CLOSING BETWEEN LOW- AND HIGH-MINORITY DISTRICTS AND BETWEEN HIGH- AND LOW-POVERTY DISTRICTS

CEP has found that 2005-06 is the first year in which there is no significant difference in the percentage of high-minority districts (enrolling 50% or more minority students) and relatively low-minority districts (enrolling less than 50% minority students) reporting that all their elementary, middle, and high school teachers are highly qualified. As shown in **table 7-D**, this is especially true at the high school level, where the percentage of high-minority districts reporting that all their teachers are highly qualified has increased from 2% in 2004-05 to 36% in 2005-06. In 2005-06, 43% of relatively low-minority districts reported that all their high school teachers are highly qualified, a percentage that is not statistically different from the 36% of high-minority districts reporting that all their high school teachers are highly qualified. For

Table 7–D. Percentage of Districts Reporting That All Their Teachers Are Highly Qualified, by Minority Enrollment and School Level, 2004-05 and 2005-06

School Level	Percentage of Districts with Minority Students			
	Less than 50% Minority		50% or More Minority	
	2004-05	2005-06	2004-05	2005-06
Elementary school	75%*	79%	20%*	56%
Middle school	50%*	56%	7%*	31%
High school	40%*	43%	2%*†	36%†

Table reads: In 2004-05, 75% of districts that have a system in place to classify teachers as highly qualified and that enroll less than 50% minority students reported that all their elementary teachers were highly qualified.

* The difference between low-minority districts and high-minority districts within the same school year is statistically significant.

† The difference between 2004-05 and 2005-06 within the same type of district is statistically significant.

Note: Responses for “none,” “few or some teachers,” “most teachers,” and “don’t know” are not shown. Responses for teachers in other types of schools are not shown.

Source: Center on Education Policy, December 2005, District Survey, item 34; December 2005, District Survey Part II, item 64 (table 26d).

teachers in elementary schools and middle schools, there are no statistically significant differences in 2005-06 between low-minority and high-minority districts. There are also no differences between high-poverty and low-poverty districts in elementary, middle, or high school.

Still, problems with recruiting teachers for high-poverty, high-minority schools persist in some of the big city districts that we studied. In the Chicago Public Schools, where 89% of classes are taught by highly qualified teachers, district administrators told CEP that the poorer west and south sides of the city have more difficulty finding and keeping highly qualified teachers. For example, at Pope Elementary, where 95% of students are low income and test scores are among the lowest in the district, teachers said the school had difficulty filling vacant positions. “Some people just don’t like to come to this area of the city,” explained one veteran teacher at Pope.

Clark County, Nevada, has difficulty hiring highly qualified teachers. Serving 280,840 students, 44% of whom are low income, Clark County needed to hire 2,250 new teachers for 2005-06. Filling these positions with teachers who are highly qualified has been very difficult, one administrator told CEP. Shortages are especially acute in middle and high school math and science and in special education and bilingual education. As a result, Clark County often recruits teachers from out of state. For example, after Hurricane Katrina, the district set up teacher interviews in the affected states to recruit displaced teachers for special education, secondary math and science, and other high-need areas. While out-of-state recruitment efforts often provide good teachers, one administrator said they may not result in highly qualified teachers. Even if these teachers are certified and experienced in their home state, they may have difficulty meeting Nevada’s definition of highly qualified, the administrator reported.

In the Oakland (California) Unified School District—a high-minority, high-poverty district placed in state receivership in June 2003 due to financial problems—principals reported having difficulty hiring highly qualified teachers, especially in schools undergoing NCLB restructuring. At the same time, the 2005-06 school year started with approximately 70 Oakland teachers who were on the payroll but unassigned because they had been transferred out of schools as part of restructuring.

PROBLEMS WITH NEW HIRES

One quarter—25%—of all the districts we surveyed reported having difficulty hiring highly qualified Title I teachers for 2005-06, a figure that has remained constant since CEP first started collecting data during the 2003-04 school year. This problem endures even though NCLB has required all newly hired Title I teachers to be highly qualified by the end of school year 2005-06. There are no statistical differences in the percentages of urban, suburban, or rural districts reporting difficulty, but there are differences by district size. In 2005-06, almost three-fourths (72%) of very large districts reported having difficulty hiring highly qualified Title I teachers, compared with about one-fourth (25%) of small districts.

ED Grants Some Flexibility and Provides Technical Assistance

In 2005, the U.S. Department of Education made policy changes that could help states to comply with NCLB’s highly qualified teacher requirements. Most notably, Secretary of Education Margaret Spellings agreed to give states an additional year to meet the deadline for ensuring that all their academic teachers are highly qualified. **Box 7-B** explains the terms of the extension.

Box 7-B. More Time to Meet Highly Qualified Teacher Requirements

Recognizing that many states are unlikely to meet the June 2006 deadline for ensuring that all teachers are highly qualified, Secretary of Education Margaret Spellings indicated in a letter dated October 21, 2005 to chief state school officers that states will have an additional year to ensure that 100% of their academic teachers are highly qualified if the state is making a good faith effort to comply. The extension was granted because ED took several years to develop final guidance for teacher quality and because ED risked a “political firestorm” if it did not relax the implementation schedule, since more than half the states were not expected to meet it (Title I Monitor, December 2005).

If a state falls short of the 100% goal but shows it is making progress toward four criteria outlined by the department, ED will ask the state to submit a revised plan for the 2006-07 school year by May 31, 2006. The four criteria are as follows:

- A definition of “highly qualified” that is consistent with NCLB and is used to determine the status of all teachers
- Full reports to parents and the public on the number and percentage of core classes taught by highly qualified teachers
- Complete and accurate reporting, via the Consolidated State Performance Reports (submitted in January 2006), on teacher quality data to ED and
- An assurance that inexperienced, unqualified, or out-of-field teachers do not teach poor or minority children at higher rates than other children

Source: Spellings, 2005.

In early 2005, the Department also loosened its interpretation of the teacher requirements when it approved North Dakota’s and Utah’s definitions of highly qualified teachers. Teacher licensing administrators in both states had previously ruled that a state teaching credential, positive evaluations from the employing principals, and three years experience were sufficient for veteran elementary school teachers to meet the federal highly qualified teacher requirements, even though informal guidance from ED administrators suggested that these criteria were inadequate (Jacobson, 2005; National Center for Teaching Quality (NCTQ), 2005a; NCTQ, 2005b). ED’s decision to ultimately approve the states’ definitions was significant because thousands of teachers in the two states would have been required to pass a licensing exam or not be considered highly qualified. Despite the significant latitude granted to North Dakota and Utah, only 4 of 37 states responding to CEP’s survey reported pursuing similar state plan modifications with ED.

In addition to giving states more leeway in 2005, ED also stepped up its efforts to monitor state implementation of the teacher quality requirements and provide technical assistance, according to a report by the U.S. Government Accountability Office (2005). GAO found that, as of July 15, 2005, ED had conducted monitoring visits to 29 states and the District of Columbia and had released reports documenting findings to 20 of these states. The concerns most often raised in these ED reports related to states’ failure to ensure that teachers hired to teach in Title I schools or with Title II funds met the teacher requirements and states’ reporting of data that did not accurately reflect the status of teachers in meeting the requirements.

ED has also required more detail from states on the certification status of teachers who have not yet been deemed highly qualified. Some states, for example, are claiming that teachers who hold emergency certificates are being enrolled in alternate route programs, which gives them three more years to meet the highly qualified teacher provisions (NCTQ, 2005c). According to NCTQ, this requirement “may indicate that the Department will be cracking down on states’ loose interpretation of what it means to be enrolled in an alternate route program.”

ED has also provided state officials and teachers with technical assistance. This assistance included guidance intended to help teachers meet and understand NCLB requirements and give them a chance to provide feedback about the kinds of additional support they need. According to GAO (2005), approximately 4,500 teachers participated between June 2004 and July 2005.

Through site visits by the Teacher Assistance Corps (TAC), ED has made technical assistance available to officials from all 50 states. TAC visits, which took place before ED monitored the teacher qualification requirements, were intended to help states implement these requirements. Officials from two of the six states GAO visited said that TAC suggestions helped them implement their HOUSSE procedures, while officials from three other states said that TAC teams’ suggestions were not useful. Through TAC visits, ED officials identified what they considered to be innovative state and local initiatives to improve teacher qualifications (GAO, 2005).

NCLB’s Impact on the Quality of Teaching

The ultimate goal of NCLB’s teacher requirements is to improve the quality of teaching in classrooms. But according to our surveys, the majority of states and districts are not convinced that NCLB has had much of an impact on instructional quality. As shown in **figure 7-B**, only 9% of the states responding to a question on CEP’s survey and 8% of school districts indicated that they believe the teacher quality requirements have improved the quality of teaching to a great extent. Roughly a third of both states and districts reported that they believe the requirements have had some impact, but districts (30%) reported in greater proportions than states (9%) that the requirements have had no impact.

On the surveys, states and districts were given an opportunity to explain their answers. States and districts reporting that they felt the NCLB teacher requirements have improved the quality of teaching indicated that the requirements helped to raise awareness among the public about the importance of effective teachers, highlight the need for teachers to master the content they are teaching, or increase teacher motivation. One state wrote, “Teachers, parents, and the general public are more aware of the importance of the educational impact of an effective, qualified, and caring teacher.” A district pointed to the focus on academic preparation of teachers when it wrote that the “teachers we’re putting in place have the knowledge base for that subject area [and] they’re able to focus more on the instruction.”

States and districts reporting that the teacher qualification requirements have had little impact on instructional quality indicated that the requirements emphasize content knowledge to the exclusion of instructional strategies or fail to change teacher selection or preparation. One district complained that the requirements address “compliance instead of performance.” One state wrote:

Figure 7-B. Percentage of States and Districts Reporting the Extent to Which NCLB's Highly Qualified Teacher Requirements Have Improved the Quality of Teaching

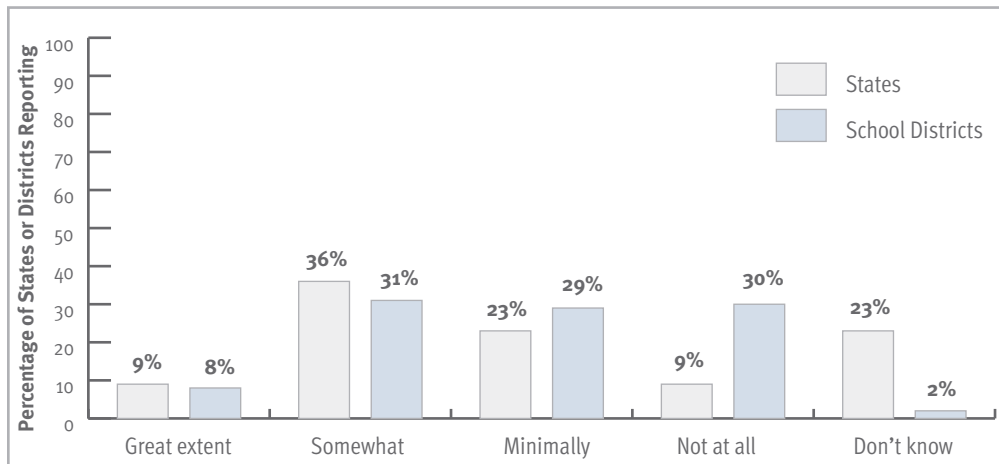


Figure reads: In 2005-06, 9% of the 47 states responding to this survey question and 8% of districts reported that NCLB's teacher qualification requirements have improved the quality of teaching to a great extent.

Source: Center on Education Policy, December 2005, State Survey, item 28; December 2005, District Survey Part II, item 72 (table 37X(2)).

Because of the state's certification system, most teachers met NCLB requirements upon the Act's passage. Teachers who did not meet these requirements due to the demonstration of content knowledge actually had the knowledge, so the testing or HOUSSSE processes were an added burden that actually had the potential of diminishing classroom teaching.

Some states and districts noted that they lacked sufficient data to determine the impact of the requirements on teaching.

Some of CEP's case-study districts made the point that teachers who are highly qualified according to NCLB may still not be well equipped for some teaching situations. Of the 209 teachers in rural Bloomfield School District (New Mexico), 98% are highly qualified. The district says, however, that some of its special education teachers who are considered highly qualified may not have the experience necessary to implement successfully its model of educating most students with disabilities in regular classrooms. In Palmdale Elementary School District (California), where 77% of teachers are highly qualified, one administrator observed that not all highly qualified teachers are well-prepared to teach in high-poverty schools. "Highly qualified according to NCLB is having the appropriate credentials. In my opinion that doesn't necessarily mean they're highly effective teachers," she explained.

Progress in Data Systems for Tracking Teacher Qualifications

Although NCLB does not require states and districts to have data systems for tracking the qualifications and experience of teachers, this type of system is critical. Without it states and districts cannot determine or report on the percentage of teachers who are highly qualified, or identify those who are not yet highly qualified and require extra support.

Most states and districts have made strides in putting in place data systems to track teacher qualifications, although a few view the development of such a system as their greatest challenge in implementing the NCLB teacher quality provisions. Eighty percent of states and 94% of school districts have in place a data tracking system for teachers. As **table 7-E** shows, districts have made notable progress from two years ago, when just 78% of districts had such a system. Significant improvements were evident among districts of all types and sizes, except for large districts. Very large districts, in particular, made tremendous strides; in 2003-04, only 54% of very large districts had teacher tracking systems, but by 2005-06, about 95% did.

Despite this progress in implementing data systems, challenges remain. For example, 13 states reported that they were unable to provide districts with information on the number of highly qualified teachers before the beginning of school year 2005-06. Also, seven states cited tracking and reporting data about teacher qualifications as one of their greatest barriers in implementing the NCLB teacher quality requirements. One state had this to say:

Table 7-E. Percentage of Districts Reporting That They Have a System in Place to Classify Teachers as Qualified, by District Type and District Size, 2003-04 and 2005-06

	2003-04	2005-06
TOTAL (all districts)	78%	94%
District Type		
Urban	76%	95%
Suburban	76%	93%
Rural	80%	95%
District Size		
Very Large	54%	95%
Large	73%	89%*
Medium	88%	100%
Small	77%	93%

Table reads: In 2003-04, an estimated 78% of all districts that receive Title I funds reported that they had a system in place to classify teachers as highly qualified.

*The apparent difference between the two years is not statistically significant.

Source: Center on Education Policy, December 2003, *District Survey*, item 47; December 2005, *District Survey Part II*, item 63 (table 25).

A challenge has been to establish a reporting system and to obtain the information from [school districts] that have varying computer systems to maintain their data. For special education in particular, reporting requirements for highly qualified teachers are complicated and challenging and further clarification on this issue would be helpful.

The Government Accountability Office (2005) reached a similar conclusion, noting that states have improved their ability to track and report the percentage of core academic classes taught by NCLB-qualified teachers. But GAO also uncovered implementation problems in some states, such as the omission of classes taught by special education teachers in the data school districts submitted to the state and the variable quality and consistency of the district data on which the state systems are based.

State and District Strategies for Ensuring Highly Qualified Teachers

States and districts have implemented a range of strategies to ensure that every academic classroom is staffed with a highly qualified teacher and that teachers are well prepared to help students meet the law's goal of improved achievement.

CHANGES IN TEACHER PREPARATION, CERTIFICATION, AND LICENSURE

States are making a variety of changes to their teacher preparation or certification/licensure requirements to ensure that all academic teachers are highly qualified by the end of 2005-06. As shown in **table 7-F**, the most common strategy, used by 17 states, is creating or adopting a new state test of teacher knowledge and competency. This is not always an easy matter. One state, for example, reported having to “get legal relief from a long-standing court order that prohibited teacher testing in any form or fashion,” while another state found that adoption of “subject tests for licensing has required a time-consuming series of steps to ensure that each test adopted is reasonably related to both [the state’s] teacher preparation program standards and curriculum standards.”

Table 7-F. Number of States That Report Making the Following Changes to Teacher Preparation or Certification/Licensure Requirements, 2005-06

Creating or adopting a new state test of teacher knowledge and competency	17
Creating or adopting a method other than a test for evaluating teacher knowledge and competency	15
Revising state certification requirements	14
Revising requirements for teacher preparation programs	13
Revising state licensure requirements	11
Other	9

Table reads: In 2005-06, 17 states reported creating or adopting a new state test of teacher knowledge and competency to help ensure that all academic teachers are highly qualified by the end of school year 2005-06.

Note: Responses have been ordered from most common to least common. States could select more than one response.

Source: Center on Education Policy, December 2005, State Survey, item 17.

Another popular strategy, pursued by 15 states, is to create or adopt non-testing methods for evaluating teacher knowledge and competency, such as having administrators observe teacher performance with the assistance of a rubric. This approach also brings challenges. As one state explained: “Finding a reasonable alternative to major/major equivalent for multiple subject teachers in low-enrollment settings has been a major challenge.”

Other strategies reported by states include revising state certification requirements (14 states), revising requirements for teacher preparation programs (13 states), and revising state licensure requirements (11 states).

STRATEGIES TO ENSURE EQUITABLE DISTRIBUTION OF TEACHERS

Under NCLB, school districts must ensure that high-poverty schools have the same percentage of classrooms taught by a highly qualified teacher as low-poverty schools. According to our survey, fewer districts reported in 2005-06 that they used certain strategies to ensure an equitable distribution of highly qualified teachers than reported doing so in 2004-05. As illustrated in **table 7-G**, between 2004-05 and 2005-06, fewer districts reported providing extra professional development funds to high-need schools (down from 53% in 2004-05 to 26% in 2005-06) and intensifying recruitment efforts for highly qualified teachers to serve in high-need schools (down from 46% to 19%). Although CEP cannot confirm the reason, this may be due to districts’ past efforts to ensure an equitable distribution of highly qualified teachers across all schools.

Table 7-G. Percentage of Districts Reporting That They Took Specific Steps to Ensure an Equitable Distribution of Highly Qualified Teachers Among Schools, 2004-05 and 2005-06

	2004-05	2005-06
Provided extra professional development funds to high-need schools	53%	26%
Reassigned staff	22%*	20%*
Intensified recruitment efforts for highly qualified teachers to serve in high-need schools	46%	19%
Offered financial incentives to teachers to move to high-need schools	8%*	5%*

Table reads: In 2004-05, 8% of districts that have systems in place to classify teachers as highly qualified reported that they offered financial incentives to encourage for highly qualified teachers to move to high-need schools.

Note: Responses are ordered from the highest percentage of districts responding in 2005-06 to the lowest.

* The apparent difference between 2004-05 and 2005-06 is not statistically significant.

Source: Center on Education Policy, December 2004, item 37; December 2005, District Survey Part II, item 68 (table 28).

Strategies varied by districts' urbanicity, size, poverty level, and minority enrollment:

- Compared with 2004-05, fewer urban and suburban districts in 2005-06 reported that they had intensified recruitment efforts for highly qualified teachers to serve in high-need schools. In addition, fewer rural districts reported that they had either intensified recruitment efforts (from 39% in 2004-05 to 14% in 2005-06) or provided extra professional development funds to high-need schools (from 48% in 2004-05 to 16% in 2005-06) to ensure equitable distribution of highly qualified teachers among schools.
- About three times the proportion of very large districts (66%) as small districts (22%) reported in 2005-06 that they provide extra professional development funds to high-need schools. The percentage of small districts that reported using this strategy was down from 49% in 2004-05. A much higher proportion of very large districts (54%) than medium (4%) or small (4%) districts said they offer financial incentives to teachers to move to high-need schools.
- Among relatively high-income districts (those with low-income enrollments of less than 50%) 25% reported providing extra professional development funds to high-need schools in 2005-06 compared with 52% that reported doing so in 2004-05. The percentage of high-income districts reporting that they intensified recruitment efforts for highly qualified teachers to serve in high-need schools was 17% in 2005-06, compared with 46% in 2004-05.
- About 41% of high-minority districts (those with minority student enrollments of 50% or more) reported that they intensified recruitment efforts in 2005-06 for highly qualified teachers to serve in high-need schools, while only 16% of low-minority districts (those with fewer than 50% minority students) said they used this strategy. In 2005-06, fewer low-minority districts reported providing extra professional development funds to high-need schools than was the case in 2004-05 (25% versus 55%, respectively).

PROFESSIONAL DEVELOPMENT

Professional development is a key strategy used by states and districts to help teachers become highly qualified—not only so they can meet the NCLB qualifications but also so they can become better teachers and improve student learning. Most states—39 of the 48 responding to our survey question—said they are providing professional development or other assistance to help current teachers who do not meet the NCLB qualification requirements. Some states provide the support directly. As one state explained:

The state continues to provide a full array of professional development opportunities for teachers to assist them in meeting the NCLB highly qualified requirements (including schoolwide professional development models, online professional development, content-focused professional development opportunities, National Board Certification).

More often, however, states provide funding but delegate program administration to districts and schools. One state described its approach in this way:

General revenue funds appropriated by the legislature are allocated to [school districts] based on un-weighted FTE [full-time equivalent] student enrollment. The state provides review and oversight of district programs to ensure high quality professional development under

state standards which align with NCLB standards. Districts hold the responsibility for delivering the professional development to their teachers within the standards based upon students' and teachers' needs, NCLB requirements, and state priorities.

For their part, districts use various types of support to help teachers meet the NCLB highly qualified requirements. As in previous years, the strategy used to a great extent by close to half (46%) of all districts is to fund the professional development hours required for teachers to maintain their state certification. (See **table 7-H.**) Fewer districts, about 11%, reported offering preparation courses to help teachers pass tests of knowledge or providing funds to help them acquire advanced degrees.

Table 7-H. Percentage of Districts Reporting That They Plan to Provide Various Kinds of Support to Help Teachers Meet NCLB Highly Qualified Requirements, 2005-06

Type of Assistance	Percentage of Districts Reporting That They Plan to Provide Various Kinds of Support to Teachers to the Following Extent		
	To a Great Extent	Somewhat or Minimally	Not at All
Funds to support the professional development hours required for teachers to maintain their state certification	46%	39%	14%
Funds to support the acquisition of advanced degrees	15%	38%	46%
Preparation courses to help teachers pass tests of knowledge	11%	23%	62%

Table reads: In 2005-06, an estimated 46% of districts with systems to classify teachers as highly qualified indicated that they provided funds to a great extent to support the professional development hours required for teachers to maintain their state certification.

Note: Types of assistance are ordered based on percentages of districts using that strategy to a great extent.

Source: Center on Education Policy, December 2005, District Survey Part II, item 70 (table 31).

CEP's case studies identified several themes related to districts' provision of professional development. First, some districts—including rural Bloomfield School District in New Mexico—are offering more professional development because of NCLB. For 2005-06, Bloomfield teachers attended five days of professional development before school started. Another two days are scheduled during the year, and a great deal more professional development occurs at schools during teachers' grade-level meetings and department meetings. The district is focusing particularly on professional development for sheltered English instruction* for ELL students at the elementary level.

* Sheltered English is an instructional approach used to make academic instruction in English understandable to ELL students. Students in these classes are "sheltered" in that they do not compete academically with native English speakers since the class includes only ELL students. Teachers use physical activities, visual aides, and the environment to teach important new words for concept development in academic subjects (National Clearinghouse on Bilingual Education, 1987).

Second, several districts are revising school calendars to expand time for professional development. Cloquet Independent School District #94 in Minnesota schedules five non-teaching days for professional development. One day is before the start of the school year, and the rest are during the year. In addition, there are two late starts to the school day for students, and teachers also receive training during this time. Half of the training time is used for technology; during the rest of the time, teachers learn how to develop diagnostic assessments for the classroom and how to use them effectively.

Third, professional development appears to be becoming more coherent and focused on academics in some of our case study districts. Administrators in Palmdale Elementary School District in California attribute the district's recent professional development focus on academics to NCLB. Particular emphases include training teachers to use state-approved curricular materials and helping them to become highly qualified. This year, the Bayonne City School District (New Jersey) and its schools are focusing their professional development activities on helping teachers implement the district's new reading and writing program with help from the textbook publishers. The district and schools are also working with consultants from its new math program to help teachers with implementation.

Fourth, almost all of our case study districts are focusing at least some of their professional development on helping teachers learn how to analyze test data and apply the analysis to instruction. Waynesboro Public Schools in Virginia have hired consultants on a regular basis who work consistently with groups of teachers. The consultants help teachers analyze subgroup performance data, use regular diagnostic testing to see how students are progressing, and apply different strategies to help struggling students.

Fifth, case study districts are moving toward more professional development at individual school sites rather than districtwide. In urban Grant Joint Union High School District, district administrators work with school principals to identify the training needed in all aspects of the curriculum and for all courses of study. Major topics of professional development at most schools in 2005-06 include planning effective lessons, working with students with disabilities, using explicit, direct instruction, and effectively using the constant flow of assessment data. In addition to monthly workshops for administrators, counselors, and department chairs, the district provides extensive training for teachers. Schools schedule "late start" or "early dismissal" days when students come to school later or get out earlier, and periods are shortened accordingly. The additional time in the school day is used for regular teacher training. Teachers across the district are paid to attend training sessions held after school, on Saturday, or during the summer. When training is held on a regular school day, substitutes are provided so the teachers can attend. With these multiple ways to provide training, the district assures that everyone participates.

Schools in Palmdale with Reading First grants have reading coaches who regularly model lessons in classrooms. The district also expects principals and assistant principals to visit each classroom every week and advise teachers on ways to improve instruction. Grade-level meetings and staff meetings are held regularly. These meetings afford administrators an opportunity to provide additional professional development.

Finally, principals are also receiving professional development in some districts. Wake County's plan for school improvement relies to a great extent on very successful principals who can translate test data for teachers and use it to lead the instructional improvement process. To grow its own supply of well-qualified principals, the district created a Leadership Academy to train and support principals and assistant principals. The Academy partners with North Carolina State University, which agreed to change its administrator training program to address the district's needs more effectively. Administrators graduating from the program—18, as of October 2005—agree to

spend at least two years in the Wake County system, beginning as assistant principals, if they are able to land a job. Currently, 15 of the 18 are serving as assistant principals in Wake County.

Professional development plays a role in NCLB beyond helping teachers meet the highly qualified definition. NCLB requires states to submit a plan that demonstrates how districts and schools will ensure that all teachers receive “high-quality” professional development and that schools failing to make adequate yearly progress for three or more years allocate at least 10% of their Title I funds for professional development and incorporate professional development into their improvement plans. Although ED in 2005 softened the requirement somewhat by dropping a mandate for states to report on the number of teachers receiving high-quality professional development, the NCLB professional development requirements are likely to draw increasing attention in coming years. **Box 7-C** describes some of the challenges involved in providing high-quality professional development, as identified at a CEP forum on teacher quality issues.

For the first time this year, we asked the states and districts we surveyed whether NCLB has spurred improvement in the quality of professional development provided to teachers. Overall, a majority of states but a minority of districts reported that NCLB’s teacher quality requirements have helped to improve the quality of professional development.

Specifically, 59% of states responding to our survey question believe that the teacher quality requirements have improved the quality of professional development either somewhat or to a great extent. Some states added that NCLB has helped to focus their efforts and spending and has identified critical elements of effective professional development. As one state explained:

NCLB has provided greater emphasis on the fact that high-quality professional development is subject-specific, on-going, and sustained. NCLB has [shone] the light’ on professional development as it relates to teacher effectiveness.

Many states indicated that NCLB reinforced what they were already doing:

[The state] was already pursuing the adoption of a protocol for high-quality professional development based upon national standards and a commissioned research study. [The state’s] protocol standards incorporated NCLB standards for high-quality professional development very easily and NCLB standards provided further support for [the state’s] protocol.

Other states reported that it is still too early in the implementation process to determine the impact of NCLB.

Although it’s likely that professional development is improving to meet the requirements of NCLB, there is not sufficient data at this time to make that a finite conclusion.

By contrast, a majority of districts (59%) reported that NCLB’s teacher quality requirements are having no more than a minimal effect on the quality of professional development with many districts adding that local and state requirements “were already higher than the NCLB requirements.” A much greater share of very large districts (82%) than small districts (33%) reported that the requirements have improved professional development to a great extent or somewhat. One large district reported that “Professional development is much more focused. [The district] spends a lot of money and time on Literacy Collaborative reading. We have three professional days in the teacher’s contract and a monthly two-hour early release for professional development. In addition, teachers in grades preK-6 have at least one literacy coach in each building who provides three full days of professional development during the school year plus the daily coaching in the classroom.”

Box 7-C. Challenges of Providing High-Quality Professional Development

To help improve the quality of professional development received by educators, NCLB states that professional development should be “classroom-focused,” have a “positive and lasting impact on classroom instruction,” and provide educators with the “knowledge and skills to provide students with the opportunity to meet challenging” state standards. The law also requires professional development to be “developed with extensive participation of teachers, principals, parents, and administrators.”

During a forum held by CEP on September 13, 2005, René Islas—chief of staff to the assistant secretary for elementary and secondary education at the U.S. Department of Education—said that the federal government and NCLB are spurring positive changes in the way states and districts provide teachers with professional development. He cited a report released by the U.S. Secretary of Education (U.S. Department of Education, 2005), which concluded that the federal government and NCLB have helped to improve the quality of professional development by promoting stronger standards and accountability in teacher preparation, supporting innovative models for multiple pathways into teaching, conducting research on effective models of teacher preparation, and providing funds and criteria for the delivery of high-quality support for teachers and administrators.

During the forum, Kathleen Skinner of the Massachusetts Teachers Association pointed out that research has highlighted a variety of reasons why most teachers do not have access to high-quality professional development. She noted that such professional development would require a massive investment in time and resources and that schools, districts, and states have failed to plan effectively. Professional development, Skinner added, tends to be disconnected from school and district goals and tends to suffer from a lack of support from school and district leadership.

Hayes Mizell of the National Staff Development Council concurred, adding that 49% of teachers surveyed by the council said that during the 2004-05 school year, they had “personally experienced . . . approximately the same proportion” of short-term workshops or conferences—explicitly defined as activities that should not be funded by NCLB—as they did during 2002-03 (Mizell, 2005). Another 13% said they had experienced more of this type of professional development than they had two years ago. To overcome this inertia, wrote Mizell in a paper prepared for CEP, educators must demand high-quality professional development “because it is teachers and principals who will bear the brunt of the NCLB’s requirements for accountability.”

Fortunately, models of effective professional development are being implemented by schools and partnerships of schools, teacher unions, and colleges or universities. For example, the United Federation of Teachers’ Teacher Center provides school-based professional development that is customized to meet New York State and New York City standards, school priorities, and the individual needs of the 30,000 participating educators, reported Theresa Mehrer of the Teacher Center. CEP has also identified some case study districts—described in this report—that are implementing comprehensive professional development programs that show promise in raising student achievement.

Source: Center on Education Policy, forum on teacher recruitment and retention and professional development, September 13, 2005.

NCLB Paraprofessional Requirements

The No Child Left Behind Act gave Title I paraprofessionals with instructional duties until January 8, 2006 to complete two years of college or pass a test demonstrating competency. A June 2005 letter from Raymond Simon, deputy secretary of education, however, granted paraprofessionals until the end of the 2005-06 school year to meet this goal. The reason for the extension had more to do with conforming the deadlines for paraprofessionals and teachers than with giving states and districts more time to meet the deadline.

Indeed, our surveys and case studies indicate that although state and districts are experiencing challenges, most appear to be making significant progress toward meeting the NCLB goals for Title I paraprofessionals with instructional duties. Many districts are providing paraprofessionals with support to meet the requirements. Other districts are reducing the number of Title I paraprofessionals with instructional duties or eliminating them altogether.

PROPORTION OF TITLE I PARAPROFESSIONALS

The vast majority (81%) of the districts we surveyed expect that all Title I paraprofessionals providing instructional services will have met the NCLB requirements by the end of school year 2005-06. As shown in **table 7-I**, in 18 of the case study districts, 90% or more of their Title I paraprofessionals with instructional duties are highly qualified in 2005-06.

Table 7-I. Percentage of Title I Paraprofessionals Who Are Highly Qualified in CEP Case Study Districts, 2003-04 and 2005-06

District	2003-04	2005-06
Avon Public School District (MA)	29%	100%
Bloomfield School District (NM)	16%	100%
Calhoun County School District (AL)	4%	100%
Cuero Independent School District (TX)	8%	100%
Fayetteville Public Schools (AR)	72%	100%
Hermitage R-IV School District (MO)	100%	100%
Palmdale Elementary School District (CA)	*	100%
Pascagoula School District (MS)	82%	100%
Romulus Central Schools (NY)	100%	100%
Sheboygan Area Schools (WI)	0%	100%
Tigard-Tualatin School District (OR)	69%	100%
Waynesboro Public Schools (VA)	38%	100%
Willow Run Community Schools (MI)	*	100%
Orleans Central Supervisory Union (VT)	*	99%

District	2003-04	2005-06
Clark County School District (NV)	50%	98%
Grant Joint Union High School District (CA)	0%	98%
Wake County Public School System (NC)	*	95%
Kansas City, Kansas Public Schools (KS)	12%	94%
Fremont County School District #1 (WY)	*	89%
Berkeley County School District (SC)	60%	87%
Escondido Union School District (CA)	30%	86%
Fort Lupton Weld R-8 School District (CO)	20%	83%
St. John the Baptist Parish Public Schools (LA)	15%	82%
Colorado Springs School District 11 (CO)	*	75%
Flint Community Schools (MI)	*	70%
Cleveland Municipal School District (OH)	26%	55%
Joint School District #2—Meridian (ID)	50%	50% (1 out of 2)
Tahoe-Truckee Joint Unified School District (CA)	*	50%
Kodiak Island Borough School District (AK)	29%	20% (1 out of 5)
Bayonne City School District (NJ)	*	NA (no Title I paraprofessionals with instructional duties)
Boston Public Schools (MA)	*	NA (gathering)
Chicago Public Schools (IL)	*	NA (gathering)
Cloquet Independent School District #94 (MN)	17%	NA (no Title I paraprofessionals with instructional duties)
Harrison Community Schools (MI)	*	NA (no Title I paraprofessionals with instructional duties)
Heartland Community Schools (NE)	100%	NA (no Title I paraprofessionals with instructional duties)
Marlboro Elementary School (VT)	*	NA (no Title I paraprofessionals with instructional duties)
Oakland Unified School District (CA)	25	NA (gathering)
Napoleon School District (ND)	*	NA (no Title I paraprofessionals with instructional duties)

Table reads: In 2005-06, Avon Public School District reported that 100% of its Title I paraprofessionals with instructional duties were highly qualified. In 2003-04, the district had reported that 29% of these paraprofessionals were highly qualified.

* District was not included in CEP case studies in 2003-04 or did not report data.

Source: Center on Education Policy, December 2005, case studies of district NCLB implementation.

Many of these case study districts have made significant gains over the last few years. Cuero, Texas has increased the percentage of highly qualified paraprofessionals from just 8% to 100%, and Sheboygan Area Schools (Wisconsin) have gone from having no highly qualified paraprofessionals to 100%. Two districts studied in both 2003-04 and 2005-06—Cloquet Independent School District #94 and Heartland Community Schools—no longer employ Title I paraprofessionals for instructional duties.

Nonetheless, some case-study districts are still reporting very low percentages of Title I paraprofessionals who are highly qualified. Urban Cleveland Municipal School District reported that only about half (55%) of its paraprofessionals are highly qualified. In Colorado Springs School District 11, 75% of the Title I paraprofessionals are highly qualified, and the district hopes that the rest will soon pass a state paraprofessionals test.

STRATEGIES FOR IMPROVING PARAPROFESSIONALS' QUALIFICATIONS

CEP's survey asked districts about two key strategies for meeting NCLB's highly qualified requirements for Title I paraprofessionals. First, we asked whether districts had in place a data system to track the qualifications of paraprofessionals, a critical step to knowing which ones are highly qualified and targeting those who are not with support. Second, we asked districts about the support they provide Title I instructional paraprofessionals who are not highly qualified.

Overall, most districts—84%—report having a data system in place to classify paraprofessionals as qualified according to the NCLB definition.

There has also been no statistically significant change in the percentage of districts reporting that they offer courses to help paraprofessionals pass tests of knowledge or provide funds to support the acquisition of an associate's degree. A larger proportion of districts reported offering courses (52%) than providing funds (21%).

According to our case studies, most paraprofessionals who were not highly qualified seem to have met the criteria by passing a competency test rather than getting a degree. In 2002, less than 40% of Waynesboro's instructional paraprofessionals met NCLB requirements for being highly qualified. District officials saw this as a major challenge to complying with the law. In 2005-06, 100% of the district's instructional paraprofessionals are highly qualified, and no paraprofessionals have left the district because they didn't meet the requirements. This improvement occurred largely because the district hired a retired 5th grade teacher to develop and conduct after-school training, two days a week for three weeks, to help paraprofessionals pass the ParaPro test. The district paid for the instructional materials and provided a classroom. In the fourth week, the paraprofessionals took the ParaPro test online at the school board offices. The district paid the testing fees for first-time test-takers and gave a \$200 supplement to each paraprofessional who passed the test. Those who didn't pass the first time could take the test again at their own expense and receive reimbursement if they passed. Ultimately, the group had a 99.8% pass rate on the test.

Some case study districts have offered special programs to help paraprofessionals become highly qualified:

- In 2005-06, virtually all paraprofessionals in the Kansas City, Kansas Public Schools are highly qualified as defined by NCLB. Of those who are not highly qualified, most serve students with disabilities. To ensure that all paraprofessionals were highly qualified, the district provided classes, practice test sessions, and tuition for college classes, and paid for the first administration of the Praxis exam. Paraprofessionals who do not meet the highly qualified criteria by May 2006 will be let go.
- In the Cuero, Texas district, only two paraprofessionals met the NCLB highly qualified requirements two years ago, but by 2005-06, all paraprofessionals had either passed a competency assessment or finished two years of college. The district provided training through a Para Academy, which offered mandatory special classes in reading, writing, and math for Title I paraprofessionals. Paraprofessionals who did not work at Title I schools were also included in the training, for a total of more than 60 employees. Most paraprofessionals used the training to improve their ability to assist teachers with instruction and pass the competency assessment. Others received college credit from a nearby university and completed associate's degrees.
- Virtually all 85 Title I paraprofessionals in Orleans Central Supervisory Union (Vermont) are highly qualified—a significant improvement over the 55% of paraprofessionals who were highly qualified in 2004-05. The supervisory union worked with paraprofessionals who were not deemed highly qualified to develop a portfolio that demonstrated their qualifications. The state does not have a standardized test for demonstrating paraprofessionals' competency.

Some case study districts released their paraprofessionals or changed how they used them due to the NCLB highly qualified requirements. For example, Harrison (Michigan) no longer uses Title I funds to employ paraprofessionals. Before NCLB, the district was “para-pro heavy,” according to one administrator. “NCLB was an opportunity to put our money into professional staff,” she said, a change that resulted in better use of funds. The paraprofessionals currently employed in the district take care of special needs students or have non-instructional duties, freeing teachers to spend more time on instruction and cooperative planning. Some districts, including Flint, intend to release paraprofessionals who are not highly qualified by the end of the 2005-06 school year.

In Wake County, North Carolina, the NCLB paraprofessional requirements may be inadvertently encouraging schools to implement Title I targeted assistance programs, which restrict Title I services to students with the lowest achievement, rather than implementing schoolwide programs, which seek to improve achievement for all the students in high-poverty schools. Paraprofessionals need not be highly qualified in targeted assistance programs if they do not work with Title I students. Currently, only 3 of 48 Title I schools operate schoolwide programs. The district's Title I director said she would like to see more schools operate schoolwide programs because she believes them to be more effective, but schools have been resisting them out of fear of losing their paraprofessionals. The district is providing free training to help paraprofessionals pass the Work Keys Assessment, which will enable them to demonstrate they are highly qualified. Nonetheless, the Title I director said there are still enough paraprofessionals who are not highly qualified that schools have decided that the transition to a schoolwide program is not worthwhile.

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English Language Learners

Key Findings

- States have made progress during the past year in implementing key provisions of Title III of the No Child Left Behind Act, the program to help English language learners attain proficiency in English. Forty-nine states have an English language assessment for ELL students. Thirty-eight states reported having annual measurable achievement objectives (AMAOs) for ELL students, and several other states are currently developing them.
- In our surveys, many states and districts identified the NCLB requirement to develop or adopt an English language assessment as both a positive effect of NCLB and one of its greatest implementation challenges. On the positive side, they noted that the assessment provides new, useful information about students' language development. On the negative side, they reported that implementing the assessment consumes instructional time and resources.
- State AMAOs for Title III vary considerably across states. Many states have not set all three types of objectives required by NCLB, and many state AMAOs are vague about how progress or proficiency will be measured. This will make it very difficult, if not impossible, to make state-to-state comparisons of annual outcomes. States have also been slow in reporting data to districts showing their progress in meeting AMAOs; only 38% of districts with ELLs have received AMAO data from the state.
- Forty-six states have developed programs, processes, or technical assistance systems to help districts and schools address the language proficiency needs of ELLs. Professional development for teachers and technology-based assistance are among the most common types of support. Most large school districts that responded to the survey in 2005-06 have also developed interventions or technical assistance programs intended to improve instruction for ELLs, but these programs are far less common in small school districts.

Introduction

Improving education for English language learners—students who speak a language other than English and therefore have difficulty speaking, writing, reading, or understanding English—is a major goal of the No Child Left Behind Act. As discussed in chapters 2 and 3, Title I of NCLB hold states, districts, and schools accountable for improving the English proficiency and academic achievement of the subgroup of English language learners. In addition, ELLs are the sole focus of Title III of NCLB, which provides funds to states and districts to ensure that ELLs “attain English proficiency, develop high levels of academic competence in English, and meet the same challenging state academic content and student academic achievement standards that all children are expected to meet” (U.S. Department of Education, 2003).

This chapter focuses on the progress of states and school districts in implementing Title III. The remainder of the introduction reviews demographic data illustrating the rapid growth and educational needs of the ELL population, and summarizes the main requirements of Title III. The next section describes the positive effects and major challenges of serving ELLs through Title III. A major section of the chapter looks at state progress in carrying out key requirements of Title III, including adopting English language development assessments and developing and implementing annual objectives for measuring students' progress. The final section examines the kinds of support and resources that states and districts are providing to help schools improve the language proficiency of English language learners.

THE ELL POPULATION AND NCLB

In 2000, English language learners totaled 3.4 million students, or about 6% of the nation's school-age children. According to the Urban Institute, 77% of ELL students in grades prekindergarten through 5 and 56% of these students in grades 6-12 were born in the U.S. (Capps et al., 2005). They represent many racial/ethnic groups, but most are Spanish-speaking, followed by speakers of Asian languages. Seventy-six percent of ELL students in grades preK-5 and 72% in grades 6-12 speak Spanish. No other language accounts for more than 3% of all ELL students. About half of all ELL students have parents who do not have a high school degree, and two-thirds come from low-income families.

The No Child Left Behind Act defines English language learners as students who a) are 3-21 years of age; b) are enrolled or preparing to enroll in elementary or secondary school; c) were either not born in the United States or speak a language other than English; and d) owing to difficulty in speaking, reading, writing, or understanding English, do not meet the state's proficient level of performance to successfully achieve in English-only classrooms. However, states and districts may narrow or broaden this definition, so there is no uniform definition across the country. Consequently, states—and districts within the same state—may use different criteria to classify students as ELLs. These inconsistencies in classification affect the accuracy of reporting adequate yearly progress for the ELL subgroup (Abedi, 2004).

Additionally, the ELL subgroup often overlaps with the racial/ethnic subgroups that must be tracked under NCLB, and with the low-income subgroup. Under NCLB, each student must be included in every subgroup for which he or she qualifies. So a low-performing ELL student who comes from a low-income family will affect AYP for up to three subgroups (the ELL subgroup, one racial/ethnic subgroup, and the low-income subgroup). This leads to greater pressure on schools, districts and states to rapidly increase the English proficiency and academic performance of English language learners in order to improve the performance of three subgroups. An administrator with the Fort Lupton Weld R-8 School District in Colorado, a case study district, explained the situation this way: "Four subgroups at all schools are having difficulty making AYP: English language learners, Latino students, low-income students, and students with disabilities. A large number of students are in three of these subgroups, so if one such student performs poorly, it affects the outcomes for three subgroups."

Furthermore, the majority of ELL students are concentrated in a small number of urban and suburban schools. According to the Urban Institute, nearly 70% of elementary ELL students are enrolled in 10% of the nation's public elementary schools. ELL students are concentrated in schools that have high rates of poverty, are overcrowded, and are racially and linguistically segregated (Cosentino de Cohen et al., 2005).

Additionally, the population of ELL students is increasing rapidly in states that have previously had small numbers of ELL students. **Box 8-A** describes the ELL population changes in 10 states. As illustrated in **table 8-A** within the box, the five states with the greatest percentage growth between 1990 and 2000 in their elementary school ELL population were Nevada, Nebraska, South Dakota, Georgia, and Arkansas. The five states with the highest numbers of ELL students in 2000—California, Texas, New York, Florida, and Illinois—had much smaller percentage growth in their ELL population.

MAIN REQUIREMENTS OF TITLE III

States¹ that receive Title III funds are required to 1) establish English language proficiency standards; 2) administer English language proficiency assessments (either commercial or state-developed assessments) that are aligned with state standards; and 3) define annual measurable achievement objectives for students' development and attainment of English language proficiency. Students must be assessed each year in speaking, reading, writing, listening, and comprehending English. In addition to annually reporting the outcomes of these assessments, districts must continue to monitor the academic progress of ELL students for two years after they stop receiving services under Title III.

The U.S. Department of Education defines these AMAOs as “state-defined achievement targets that states will use to evaluate the effectiveness of language instructional programs.” By law, these objectives must reflect the amount of time students are enrolled in a language instruction program and the time in which students are expected to achieve language proficiency. The objectives must also set increasing annual targets for the number or percentage of ELL students making progress in learning English and the number or percentage of ELL students achieving English language proficiency by the end of each school year. In addition, states must set performance targets for the ELL subgroup in the academic tests used to determine AYP.

Box 8-B briefly outlines the original timelines set forth by the law and the U.S. Department of Education for states to comply with major requirements of Title III. The process of meeting the requirements has been slow, however. So far no state has been penalized by ED for not complying by a certain date.

Title III requirements are closely linked to many requirements under Title I, Part A of NCLB.² Since CEP released its 2005 report on No Child Left Behind, no significant changes have been made in ED guidance or interpretation of requirements for ELLs.

Positive Effects and Major Challenges of NCLB Regarding ELLs

Our state and district surveys included general questions about the positive impacts and implementation challenges of NCLB. In their responses, several states and districts raised issues related to English language learners. Mostly they referred to Title I requirements affecting ELLs, but some Title III-related themes also emerged. This year's district survey also included one specific question about the greatest challenges districts face in working with ELL students. Additionally, our case studies supported and elaborated on themes that emerged from the surveys.

¹ All 50 states received Title III funds.

² For more detailed descriptions of Title I and Title III requirements, please refer to the CEP report, *From the Capital to the Classroom: Year 3 of the No Child Left Behind Act*, published in 2005 and available at www.cep-dc.org.

Box 8-A. Shifts in English Language Learner Population Growth

The population of English language learners is growing rapidly in states that have not previously had a significant ELL population. Consequently, families whose native language is not English are increasingly enrolling their children in schools where educators may be less familiar with, knowledgeable about, or ready to meet the needs of ELL students than those in states with many more ELL students.

As displayed in **table 8-A**, the five states with the greatest percentage growth in the pre-K to grade 5 ELL population were Nevada, Nebraska, South Dakota, Georgia, and Arkansas. Between 1990 and 2000, growth in these states ranged from a 243% increase in ELLs in Arkansas to a 354% increase in Nevada. At the same time, states with much greater numbers of ELL students—California, Texas, New York, Florida, and Illinois—showed smaller ELL population percentage growth. For example, the ELL population in Nebraska grew by 350% between 1990 and 2000 to reach a total of 5,000 ELL students in 2000. California’s ELL population grew by 44% between 1990 and 2000, but reached a much larger total of 620,000 students. These demographic shifts suggest that states which previously had small numbers of ELL students and may have less experience with these students must soon begin to meet the needs of a more diverse student population.

Table 8-A. States with Fastest Growth in Elementary School ELL Population and States with Greatest Numbers of Elementary School ELLs

	Percentage Change of English Language Learner Population Between 1990-2000	Number of English Language Learners in 2000
States with Fastest Growth		
Nevada	354%	18,000
Nebraska	350%	5,000
South Dakota	264%	2,000
Georgia	255%	26,000
Arkansas	243%	4,000
States with Largest Population		
California	44%	620,000
Texas	30%	288,000
New York	18%	146,000
Florida	51%	87,000
Illinois	72%	82,000

Table reads: Between 1990 and 2000, Nevada’s population of English language learners in grades preK-5 grew by 354%, making it the state with the fastest growth in ELLs. Nevada had about 18,000 ELL students in 2000. Between 1990 and 2000, California’s ELL population grew by 44%. In 2000, California had about 620,000 English language learners, making it the state with the largest ELL population.

Note: These data refer to grades preK-5; however, the ELL population shifts for grades 6-12 look very similar.

Source: Capps et al., 2005.

Box 8-B. Timelines for Title III of NCLB

2002-03 School Year

Districts must begin conducting annual assessments of English language proficiency of all ELL students. No exceptions would be allowed.

May 2003

States must establish annual measurable achievement objectives in the 2002-03 school year and submit them to the U.S. Department of Education in May of 2003.

September 1, 2003

States must describe the status of their English language proficiency standards and provide evidence of their progress toward establishing these standards. These standards must define levels of student competence in using English in the four required domains of listening, speaking, reading, and writing. Standards must be linked to state academic content and achievement in reading/language arts and mathematics.

April 30, 2004

States that receive Title III funds must submit a consolidated annual performance report.

September 30, 2004

States receiving Title III funds must submit a biannual evaluation report that includes information about the effectiveness of programs and activities used by the state to improve the education provided to English language learners.

2005-06 school year

States must link English language proficiency standards to state academic content achievement standards in science.

Source: U.S. Department of Education, 2003.

POSITIVE EFFECTS

Several states and districts viewed the requirement to develop or adopt an English language development (ELD) assessment as a positive effect of NCLB—primarily because these assessments provide information about students' language development that was not previously available and can be used to determine learning needs. As one state survey respondent observed:

Annually assessing the English language proficiency of every ELL student allows for systematic reporting of student progress and ability.

Educators in the Fayetteville (Arkansas) Public Schools, a case study district, use the state's English proficiency assessment as a tool to place new students whose primary language is not English.

IMPLEMENTATION CHALLENGES

At the same time, some states and districts considered the requirement for an English language development assessment as one of the law's greatest challenges because implementing these assessments consumes instructional time and resources. One state survey respondent made the following comment about the need to assess ELLs' language development:

This requirement places too much burden on states with large limited English proficient student populations and takes away from instructional time for this already heavily tested population.

In 2004-05, the state of Kansas required school districts to administer the Kansas English Language Proficiency Assessment for the first time to assess the English proficiency of ELL students. According to the ESL/migrant coordinator in the Kansas City, Kansas Public Schools, a case study district, the test was difficult and costly to administer because it requires one teacher or administrator to work with a single student.

Finding and hiring an appropriate number of highly qualified staff to teach ever-changing numbers of ELL students was by far the most common challenge reported by districts in working with English language learners. NCLB requires additional training for teachers who work with ELL students, which makes it more difficult for these teachers to become highly qualified under the Act's standards. The following comments from our district survey describe this problem:

Families move from school to school and district to district and there's never enough funding to hire all the teachers we need.

The biggest challenge is having teachers with the background and training to meet the kids' needs. To be an ESL teacher, you have to have additional college-level training.

As the first comment above suggests, staffing is closely related to funding, which was the third most commonly reported challenge of working with ELL students. Although states receive additional funds for ELL students under Title III, many districts said this funding is insufficient to hire all the teachers they need, finance additional professional development for teachers of ELLs, fulfill the law's testing requirements, and purchase instructional materials. Officials in the Flint (Michigan) Community Schools, a case study district, said that Title III funding is inadequate to provide ELL students with an appropriate education and help them meet AYP targets. Additional funds are needed to hire more ELL teachers and paraprofessionals, pay for professional development, buy materials, and reimburse itinerant teaching staff for mileage.

Challenges of staffing and funding are also intertwined with high student mobility and rapid growth in the ELL population. ELL students tend to be immigrants or children of immigrants, and their families tend to be more mobile than average as parents seek jobs and attempt to settle into new environments. Districts survey respondents characterized the challenges in this way:

Children move from one school district to another. In a small district like ours, this has a significant impact in planning for and implementing services.

The rapid increase in the ELL population—there's been a 175% increase—[is a challenge]. Now, about one-third of the district is ELLs, and the number grows each year. The rate of growth is outpacing our funding, our available teachers, and the ELL resources we have to serve these kids.

As discussed in chapter 1, many states and districts said that complying with the NCLB testing and adequate yearly progress requirements for ELLs was their greatest overall challenge in implementing the law.

Progress in Implementing Title III Requirements

Our surveys show that states have made progress in implementing key requirements of Title III, including putting in place language assessments and establishing annual measurable achievement objectives. States have been slower, however, in sharing with districts the results of these assessments and information on progress toward these objectives. Furthermore, most states have not yet begun to apply sanctions to districts that fall short of these AMAOs.

STATUS OF STATE ENGLISH LANGUAGE ASSESSMENTS

Forty-nine states have put in place the English language proficiency assessments required by Title III. This is an increase over 2004, when 40 states reported having these assessments. States are generally using one of four approaches to meet the language assessment requirement:

1. Some states are working together in consortia to develop an English language assessment and define English language development standards. Three such consortia together serve 22 states. The World-class Instructional Design and Assessment (WIDA) is the largest of the consortia and consists of 10 states. The Mountain West Consortium consists of seven states, and the Comprehensive English Language Learning Assessment (CELLA) consists of five states.
2. Several states are using commercial assessments such as the Stanford English Language Proficiency, the Language Assessment Scale (LAS), the IDEA Proficiency Test (IPT), the English Language Development Assessment (ELDA), and the Maculaitis Assessment of Competencies II. From our survey responses it appears that Stanford, LAS and IPT are the most commonly used commercial assessments.
3. Nine states have developed their own assessments. Examples include the California English Language Development Test, the Massachusetts English Language Assessment-Oral, the New York State English as a Second Language Achievement Test, and the Texas English Language proficiency assessment system.
4. Five states reported that they have not developed or adopted a language development assessment for ELLs. Two of these states belong to the Mountain West Consortium and will probably implement the consortium's test in the near future. Two of the remaining states have approved four tests from which districts can choose.

Not all states that are members of consortia have begun to formally administer their consortium's tests. States that belong to consortia but have not begun to implement their consortium's assessment are using one or a combination of the commercial assessments listed above, perhaps until the consortia assessments are aligned to the state's standards.

STUDENT PARTICIPATION IN ENGLISH LANGUAGE ASSESSMENTS

Urban and large districts have significantly higher percentages of students participating in English language proficiency assessments than suburban, rural, and small districts, according to our district survey. As displayed in **table 8-B**, urban districts on average reported a significantly higher percentage of students participating in language proficiency assessments in 2004-05 than suburban or rural districts did. Large districts also reported a significantly higher percentage of students participating in these assessments than small districts did. These significant differences have been apparent over the past three years.

Table 8-B. Average Percentage of Students Participating in District Assessments of English Language Proficiency in 2004-05, by District Type and Size

	2004-05
TOTAL (all districts)	4%
District Type	
Urban	14%
Suburban	5%
Rural	3%
District Size	
Large	12%
Small	3%

Table reads: In 2004-05, among districts that receive Title I funds, an average of 14% of students in urban districts, 5% of students in suburban districts and 3% of students in rural districts participated in the districts' assessment of English language proficiency.

Source: Center on Education 2005, District Survey Part I, item 21 (table 19).

ANNUAL MEASURABLE ACHIEVEMENT OBJECTIVES

Thirty-eight of 50 states (76%) reported that they have in place annual measurable achievement objectives for English language proficiency. States vary widely in their year-to-year objectives and their ways of determining whether objectives have been met. **Table 8-C** summarizes state responses to a survey question asking what their AMAOs were for English language learners served under Title III.

As required by law and explained earlier in this chapter, state-reported AMAOs generally consist of three interrelated goals:

1. All English language learners will make annual progress toward English language proficiency.
2. A specific percentage of ELL students will achieve English language proficiency at the end of each school year (which implies a four-year trajectory toward proficiency from the beginning level).
3. All English language learners tested with state reading and math assessments will make AYP each year as a subgroup. (This subgroup includes ELL students who have achieved proficiency for a minimum of two years.)

As displayed in the table 8-C, a total of 38 states reported that they have AMAOs. These state AMAOs differ primarily in the number of AMAOs reported, the percentage targets for making progress and achieving proficiency, and the identification of AYP targets for the ELL subgroup. Five states total reported having all three AMAOs (progress, proficiency, and ELL AYP). Sixteen states reported having AMAOs only for progress and proficiency. Four states reported just one AMAO for progress.

Table 8-C. Comparison of State-Reported Annual Measurable Achievement Objectives for English Language Learners, 2005

Number of States Giving This Response	AMAO 1 (Progress)	AMAO 2 (Proficiency)	AMAO 3 (AYP for ELLs)
4	Ranges from 53-80% of students by increasing one level on state ELD test	Ranges from 10-32% of students reaching proficiency level on state ELD test	Uses state AYP targets for ELL subgroup
1	100% reach English proficiency in 2014	100% reach English proficiency in 2014	Uses state AYP targets for ELL subgroup
9	Ranges from 25-90% of students making progress (not always defined)	Ranges from 10-90% of students reaching proficiency (not always defined)	No mention
7	Numerical targets differ by grade level, by starting proficiency level, and/or length of time in program		No mention
4	Ranges from 60-82% making of students progress (not always defined)	No mention	No mention
13	Have AMAOs but gave no numerical percentages or targets		
5	Don't have state AMAOs in place yet		
2	AMAOs are exactly the same for all students*		
1	State refers to students in bilingual programs, not English language learners. Considers transition out of bilingual education as the same as English language proficiency.		

Table reads: In 2005, four states reported having three specific AMAOs for English language learners. For the progress objective, these states reported that each year they require a specific percentage of ELLs, ranging from 53-80%, to demonstrate progress toward English language proficiency by increasing one level on the state English language development test. For the proficiency objective, these states also reported requiring a specific percentage of ELLs, ranging from 10-32%, to reach English language proficiency on the state English language development test. These four states also reported requiring the ELL subgroup to make adequate yearly progress in state reading and math tests.

* Denotes a misunderstanding of Title III. These AMAOs are only intended for English language learners.

Note: Four states did not provide any information about AMAOs.

Source: Center on Education Policy, December 2005, State Survey, item 33.

In many cases, state AMAOs were not very specific. Although 25 states said that they required a percentage of ELL students to demonstrate progress in English language acquisition, only 4 of these states specified that progress will be determined by the percentage of students improving by one level on the state English language development assessment. And although 21 states reported having a second AMAO that requires a specific percentage of ELLs to achieve English language proficiency, only 4 of these states made clear that this refers to the percentage of students who reach the proficient level on the state ELD assessment. And only five states reported that their third AMAO is for the ELL subgroup to meet state AYP targets.

NCLB requires state English language proficiency standards to reflect differences for students entering school at various grade levels and to define progressive levels of competence in English. Seven states reported setting percentage targets for progress and proficiency that differ by grade level, proficiency level at time of enrollment, and/or length of time in an English language development program. To do this, states classify students according to their grade level or their level of competence in English when they enroll in school. States vary as to which grade spans they group together. They also differ in how they classify students by level of competence; some states have four levels and others have five. A few states combine grade level and competence level, grouping students within specific grade spans by competence. But most states made no reference to grades or competence levels in determining percentage targets. Instead they reported a single percentage target for progress and a single target for proficiency, treating all ELL students as one group. **Box 8-C** illustrates some of the variation among states by comparing AMAOs from two states, including one state that set targets by grade level and competency level.

DISTRICTS RECEIVING AMAO DATA

Although three-quarters of states have AMAOs in place for English language learners, the state processes for reporting testing results to districts appears to be complicated and slow. As displayed in **table 8-D**, only 38% of districts enrolling ELL students said they had received 2004-05 AMAO data from their states. This slow process makes it difficult for districts to use the AMAO results to determine the effectiveness of language programs and instruction for ELLs and improve these programs. The availability of AMAO data did not differ significantly by district type or size.

Of the districts that reported receiving AMAO data, many said they had met the objectives for the 2004-05 school year. The most common response to our district survey question about whether districts had met the objectives was, “Yes, we met our targets.” The next most common response was, “Yes, we met 1 and 2, but not 3”—meaning that the district had met the language progress and proficiency objectives but did not make AYP for its ELL subgroup. A few districts said they did not meet objectives for this school year. Several expressed discontent with the results, suggesting mistrust of the system as conveyed by the following survey comments:

No—district did not meet targets . . . An artifact of the quirks in the statistical requirement. The system is not workable for the real needs of the ELL population . . .

We did not meet our goal by .001%.

We didn't meet those targets and they kind of angered me . . . They pulled a percentage out of a hat.

Box 8-C. Two Examples of State-Reported AMAOs for English Language Proficiency

Example 1: A state with three AMAOs—progress, proficiency, and AYP

AMAO 1.

Making Progress in the English Language

Fifty percent of ELL students in grades 3-12 in a Title III-funded district will make progress. The state defines progress as an increase in performance of two or more steps on the state English proficiency assessment.

AMAO 2.

Attaining English Proficiency

A specific percentage of English language learners will achieve proficiency on the state's English language assessment, as shown in **table 8-D**.

Table 8-D. English Language Proficiency Targets for One State

Years Student Has Been in Language Development Program	Percentage of Students Achieving Proficiency
First year	10%
Second year	25%
Third year	40%

Table reads: One state responding to CEP's survey requires 10% of English language learners enrolled in an English language development program to achieve language proficiency in their first year in the program.

AMAO 3.

Ensuring ELL Students Meet AYP Targets

The English language learner subgroup will achieve the state AYP targets for all students in English/language arts (reading) and mathematics.

Example 2: A state with two AMAOs where targets vary by grade level

AMAO 1.

Making Progress in the English Language

The first objective for school year 2005-06 is to have 20% of English language learners in grades K-6 and 15% of ELLs in grades 7-12 make progress on the state English language assessment.

AMAO 2.

Attaining English Proficiency

The second objective for school year 2005-06 is to have 15% of English language learners in grades K-6 and 10% of ELLs in grades 7-12 attain English language proficiency on the state's language assessment.

AMAO 3.

Ensuring ELL Students Meet AYP Targets

Not mentioned in the state report.

Of the districts that had not yet received AMAO data for 2004-05, many reported that they did not have enough English language learners—or any ELLs—to be counted. But the most common response was that districts did not know when to expect these data. Several districts reported uncertainty, stating, “No idea” or “Not sure.” Some elaborated on their uncertainties as in these responses:

Not sure—there were huge discrepancies in the data collected.

No idea—the state has not provided any hints as to when we can expect this info.

The second most common response was that data are expected “sometime this year,” meaning that districts would receive AMAO data from school year 2004-05 sometime in 2005-06. However, within these responses there was also plenty of uncertainty, as captured by the following examples:

Hopefully in 2005-2006

They were supposed to be posted at the end of September on the state web site, but we haven't seen them as yet.

SANCTIONS FOR NOT MEETING AMAOS

Although Title III requires states to hold districts accountable for meeting AMAOs for English language learners, this requirement is so new that most states have not begun to implement sanctions for districts that do not meet the objectives. Some states are still developing or revising AMAOs as new English language assessments are adopted or designed. Only 13 states reported in our survey that sanctions are imposed on districts that do not make Title III AMAOs. Thirty-six states reported that sanctions are not imposed or not imposed at this time. Among these 36 states the most common explanation for not imposing sanctions is that districts have not failed to meet AMAOs. Here are two examples of what states reported:

The state has not had a district not meet the AMAOs and sanctions have not been necessary at this time.

After the new English Language Proficient assessment is fully implemented, the state will establish new AMAO targets. Once the new targets are in place, the state will make AMAO determinations . . . Sanctions will be imposed in a manner consistent with the requirements of NCLB.

The U.S. Department of Education has outlined specific consequences that states must enforce when districts do not meet Title III AMAOs. As **box 8-D** illustrates, there are no consequences for missing AMAOs for one school year. Consequences begin when a district does not meet AMAOs for two consecutive years.

Support and Resources

As a result of the No Child Left Behind Act, states and districts are developing programs, processes, and technical assistance systems to help districts and schools meet the language proficiency needs of English language learners.

Box 8-D. Sanctions Required under Title III, NCLB

Years of Not Meeting AMAOs	Consequences
2 years	<ul style="list-style-type: none"> • District must develop an improvement plan • Improvement plan must specifically address the factors that prevented the district from meeting objectives • State must provide technical assistance during development of and throughout implementation of the plan
4 years	<ul style="list-style-type: none"> • District must modify its curriculum, program, and method of instruction or • State must decide if the district will continue to receive funds and • District must replace all personnel related to the district's inability to meet objectives.

STATE-LEVEL PROGRAMS

Almost all states (46) reported that they have developed state-level programs, processes, and/or technical assistance delivery systems to help districts and schools meet the language proficiency needs of English language learners. **Box 8-E** lists some of the most common types of assistance reported by states and the content covered by these assistance programs. The types of programs and content covered are very similar to what states reported in 2004.

Professional development opportunities were by far the most common type of assistance offered by states to help districts meet the needs of English language learners. Professional development can be provided in many ways and facilitates the delivery of an array of content material. Several states reported holding workshops during annual conferences, inservice training sessions, after-school workshops, and summer programs as opportunities for professional development for teachers and school leaders. One state described its professional development efforts in this way:

The state assists districts through . . . conference sessions devoted to related legislation, English Language Proficiency standards, strategies, and assessments. The state conducts semi-annual conferences in the fall and spring, one of which . . . is devoted solely to Structured English Immersion strategies, lesson planning, assessment and other aspects of ELL teaching methodology.

For example, in 2005-06, the California Department of Education provided a series of two-day technical assistance institutes, in conjunction with the Comprehensive Center at WestEd, in three different California regions for the 176 districts that had not made AMAO targets for two years. About 73 districts took advantage of the voluntary opportunity by sending district teams. Major areas covered by the institutes included:

Box 8-E. Types and Content of State Assistance to Help Meet Language Proficiency Needs of ELL Students

Types of Assistance	Content of Assistance
<ul style="list-style-type: none"> • Model classrooms/schools • Professional development opportunities • Sessions at sponsored conferences • Teacher academies/opportunities for higher education • Training trainers • Informational Web sites, e-mails, listservs 	<ul style="list-style-type: none"> • Written guidance or guidelines on federal and state requirements • Cultural diversity • Descriptions of English instruction; scaffolding language and content techniques • Language instructional delivery models • Measuring student progress, data • Modeling teaching strategies • Suggestions for using English language development standards • Understanding of assessment issues, assessment preparation, accommodations

Source: Center on Education Policy, December 2005, State Survey, item 32.

- Internal and external accountability
- Data inquiry and goal-setting
- Current research on boosting the academic achievement of ELLs
- Increasing academic language in literacy and mathematics
- District team planning time

Another commonly reported type of assistance involves the use of technology. Several states reported developing informational Web sites, using e-mail listservs, convening Web conferences, and developing student performance databases. Here are two examples of these types of activities from our survey responses:

[A state Web site link] provides updates relating to Title III of NCLB, information about legal requirements, program guidelines, assessment and instruction information, professional development opportunities and additional information necessary for school districts to meet the needs of their students as well as meet the federal program requirements.

Through the state's [Web-based] Accountability Information System, the [state] department of education is able to track all students' performance on English language proficiency tests as well as academic tests. ELL students are monitored for progress in meeting and/or exceeding the state academic and English language proficiency standards. This monitoring of progress allows the state to target districts for additional assistance when achievement goals are not met.

Table 8-E. Percentage of Districts with ELL Students That Have Developed Intervention or Technical Assistance Programs to Improve the Language Proficiency of ELL Students

	2004-05
TOTAL (all districts)	84%
District Size	
Very large	100%
Large	88%
Medium	87%
Small	81%

Table reads: In 2004-05, 100% of very large districts that received Title I funds have developed interventions or technical assistance programs to help schools improve the language proficiency of English language learners.

Source: Center on Education Policy, December 2005, *District Survey Part I*, item 25 (table 22a).

Other types of assistance include the availability of guidance manuals, the development of model programs, state training of trainers, and opportunities for higher education. The development of model programs involves training teachers whose classrooms or schools will be open to visitors and observed by other teachers. Teachers or administrators who complete this program are also responsible for training others. Opportunities for higher education come through the promotion of graduate-level courses or specialized licenses or certifications. States reported that these various assistance programs address such topics as implementing new standards, administering new language assessments, using student performance data, and informing teachers and school leaders about emerging issues in language acquisition and research-based strategies for teaching ELL students.

DISTRICT-LEVEL PROGRAMS

Among the districts with ELL students, 84% reported that they have developed intervention or technical assistance programs to help schools improve the language proficiency of English language learners. More large districts than small districts had these programs. As shown in **table 8-E**, 100% of the very large school districts in our survey that had ELL students reported that they have developed these types of intervention and technical assistance programs—a significantly higher percentage than all other district sizes. Since ELL students tend to be concentrated in large and urban districts, it is not surprising that the largest districts are more likely to have programs to assist with language development. In a study based on data collected prior to NCLB, the Urban Institute found that large schools, where ELL students tend to be concentrated, often receive more professional development than schools with lower concentrations of ELL students (Cosentino de Cohen et al., 2005). This finding raises concern for the rapidly growing ELL population in states, districts, and schools that may not have the background knowledge and experience to serve ELL students. It also highlights the need for equity in assistance programs for all districts, regardless of type and size.

Of the districts that reported having intervention or technical assistance programs to assist schools with ELLs, the most commonly reported forms of assistance included specific forms of instruction, professional development opportunities for teachers, and the use of specialized staff. Districts mentioned a number of instructional programs designed specifically for English language development, and the case studies provide more detailed explanations of how these programs operate. Our case studies indicate that districts are using a variety of instructional programs for ELLs, as the following examples show:

- **English language mainstream.** At the Palmdale Elementary School District in California, English language mainstream consists of English-only instruction for ELLs with at least reasonable fluency. The primary language would be used only for incidental assistance.
- **Structured English immersion.** Both the Tigard-Tualatin School District in Oregon and the Boston Public Schools in Massachusetts are using the structured English immersion approach. The approach provides instruction primarily in English but includes specific teaching techniques to make subject matter understandable to students who are still learning English.
- **English as a second language (ESL).** In the Fayetteville, Arkansas, district the ESL program consists of inclusion classes that use a combination of content-based and sheltered instruction. Students are enrolled in mainstream courses from which they are sometimes pulled out by an ESL teacher, whose instruction focuses on the terminology and vocabulary used in the classroom. In another approach, ELL students may be kept in the classroom with an ESL teacher and a classroom teacher who work closely together to teach both course content and the English language.
- **Transitional bilingual education.** Teachers at Carson Elementary in the Chicago Public Schools provide bilingual education using students' primary language in the early grades in reading and mathematics. Teachers then help Spanish speakers make the transition to academic instruction in English and to classrooms in which English is the primary language.
- **Dual language bilingual education.** Also at Carson Elementary, teachers in the dual language program alternate instruction in English and Spanish to help students develop conversational skills and a high level of proficiency, or academic vocabulary, in both languages.

Implementation of these programs differs by states and districts. Some districts and schools reported using more than one approach to second language instruction. The use of programs is at times dictated by state law. In California, for example, Proposition 227 established structured English immersion as the default instructional program for the state. Recently Massachusetts passed a similar law that requires all ELL students to be instructed using structured English immersion.

The second most common form of ELL assistance reported by our survey districts was professional development and training for regular classroom teachers, as well as for paraprofessionals who work with ELL students. Some of the professional development opportunities reported by the districts closely reflect those reported by the states—such as training school leaders how to properly implement certain teaching strategies in their schools, and training teachers and school leaders on using data to modify instruction. Two district survey responses shed light on the types of professional development being offered:

We are providing two in-service workshops for ESL teachers this year and we did that last year as well. Then our ESL teachers provide assistance as needed in their building.

Assistance/training [is provided] for principals and teachers to understand and interpret cohort data to improve instructional practices, to help them understand what they can do with the data.

Many of these professional development opportunities came about to help specialized staff keep current with the latest teaching strategies and to help nonspecialized staff become specialized. In our district survey, the use of specialized staff was the third most commonly reported form of assistance provided by districts to assist schools with ELL students. The following survey comment gives a sense of what these specialized staff do:

[The district] hired a new administrator in charge of the ELL program. He is looking at making a standard curriculum for the district aligned with the state assessment.

Additionally, district case studies provided detailed information on how districts have helped current staff become specialized in working with ELL students. These methods are similar to those reported by states, such as modeling effective teaching strategies and providing opportunities for higher education. Officials from the Tahoe-Truckee Joint Unified School District in California said they would like to have more bilingual teachers, but that these teachers are in high demand and difficult to attract. To help fill the demand, seven teachers already employed by the district attended extra training in teaching ELLs during 2004-05; these teachers will work toward certification in teaching ELL students. North Tahoe Middle School has also employed a full-time coach who will model lessons and provide professional development for all teachers on instruction for ELLs.

The Kansas City, Kansas Public Schools are working with the University of Colorado on observing classrooms and writing recommendations about ways to improve instruction of ELL students in self-contained or general education classrooms. The district is using federal funds to train 250 teachers and instructional coaches in ELL courses and help teachers earn ELL endorsements. The district is using its Title III funds to employ bilingual paraprofessionals and a part-time data technician.

INSTRUCTIONAL TIME FOR ELL STUDENTS

More than half the districts that have ELL students (54%) reported that they or their state requires English language learners to spend a specific amount of school time each day on English language development. As **table 8-F** shows, a significant difference exists in the percentage of urban and rural districts with these time specifications for ELLs. A significantly smaller proportion of rural districts than of urban or suburban districts reported specifying an amount of English language instruction for ELLs.

Table 8-F. Percentage of Districts with ELL Students That Require a Specific Amount of Instructional Time for English Language Development, 2004-05

	2004-05
TOTAL (all districts)	54%
District Type	
Urban	65%
Suburban	70%
Rural	28%

Table reads: Sixty-five percent of urban districts with ELL students reported that the district or the state requires ELL students to spend a specific amount of school time on English language development.

Note: The percentage differences between rural districts and other types of districts is statistically significant, but the apparent differences in percentages between suburban and urban districts are not statistically significant.

Source: Center on Education Policy, December 2005, *District Survey Part 1, item 24 (table 23a)*.

References

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Data Sources and Methods

Overview of Data Sources

To collect information for this study of the No Child Left Behind Act, the Center used a variety of research methods. In particular, we took the following actions:

FEDERAL RESEARCH

- Monitored the Department's release of guidance, regulations, and key policy letters concerning the Act
- Analyzed the preliminary allotments to school districts of Title I, Part A funds for school year 2005-06 and tracked general trends in appropriations and funding for NCLB
- Analyzed the approval letters sent by the Department to the states regarding accountability plan amendments
- Analyzed the President's fiscal year 2007 budget request for the U.S. Department of Education

STATE RESEARCH

- Conducted a comprehensive survey of NCLB implementation in all states; received responses from 50 states
- Monitored state department of education Web sites for updated information about state implementation of NCLB
- Conducted site visits in Michigan and California to examine the school restructuring process as required under NCLB

LOCAL RESEARCH

- Conducted a nationally representative survey of NCLB implementation in 299 school districts, stratified by urban, suburban, and rural location. The survey was administered to 417 school districts, and elicited 299 responses for a 72% response rate.
- Conducted case studies of 38 local school districts, selected to be diverse in geography and size and to include a proportion of urban, suburban, and rural districts that roughly parallels the national distribution

GENERAL RESEARCH

- Convened three forums to discuss key issues under the No Child Left Behind Act
- Reviewed studies and reports issued by other organizations about NCLB implementation and effects
- Monitored media accounts of the impact of NCLB at the state and local levels

TIME OF DATA COLLECTION

Data from the state survey were collected from September through December, 2005. Data from the school district survey were collected from August 2005 through January 2006. Information from the case studies was collected from June 2005 through February 2006.

ADDITIONAL INFORMATION AVAILABLE ON THE WEB

Several additional publications and background information described in this appendix are available on the Center's Web site (www.cep-dc.org), including special analysis reports, individual case study reports for the 38 case study districts, the state and district survey instruments, and papers and other materials from the CEP forums on NCLB.

What follows is a more detailed description of the specific methods we used to conduct these major research efforts.

State Survey

In June 2005, the Center on Education Policy staff contacted the chief state school officers in each of the 50 states and the District of Columbia requesting their participation in a survey on NCLB to be administered in the fall of 2005. We asked each chief to designate an individual within the state education agency to be the primary contact for the survey. In most states, the deputy commissioners of education were named as contacts. In September 2005, a survey containing 51 questions was sent electronically to the state contacts.

States returned the surveys to CEP from October 2005 through January 2006. All 50 states responded to the survey. However, not every state answered every question, so the total responses to a given question do not always add up to 50. All the questions were coded as confidential, so that we could receive the most honest responses possible from state officials. CEP staff tallied and analyzed the responses and compiled states' comments to open-ended questions.

School District Survey

Policy Studies Associates (PSA) conducted the 2005 survey of district implementation of the No Child Left Behind Act under contract with the Center on Education Policy. This survey was administered to Title I and other federal programs administrators in a nationally representative sample of 417 school districts that receive Title I funds. The 2005 survey marked the third year in which the Center commissioned a major data collection from school districts. The survey was intended to follow up on information that was collected in the summer and fall of 2004 and reported in March 2005 in the Center's report on year 3 of the No Child Left Behind Act. Administration of the 2005 survey took place during the fall of 2005.

SAMPLE DESIGN

The universe for the district survey sample was based on the most recent district-level data available through the U.S. Department of Education's Common Core of Data (CCD). A random sample of approximately 400 school districts was drawn in the first year of the district survey—in spring 2003—and was stratified by urban, suburban, and rural location.

The universe, drawn from the 2001-02 CCD, includes “operating” local education agencies (“districts”). Operating districts include those districts listed in the CCD as a local school district that is not part of a supervisory union (type 1), and those listed as a component of a supervisory union sharing a superintendent and administrative services with another district (type 2). The other types of districts in the CCD, all of which were excluded from the sample, are supervisory union administrative centers, or county superintendents serving the same purpose; regional educational services agencies, or county superintendents serving the same purpose; state-operated institutions charged, at least in part, with providing elementary and/or secondary instruction or services to a special needs population; federally-operated institutions charged, at least in part, with providing elementary and/or secondary instruction or services to a special needs population; and other education agencies that do not fit into the first six categories.

The exception to this is Vermont, where the supervisory unions (CCD type 3) serve the role of districts for the Title I program. In Vermont, only supervisory unions (type 3) were included in the universe. (Throughout this discussion and other reporting, these Vermont supervisory unions are referred to as “districts” to keep terminology simple.)

The following districts were *excluded* from the sample universe:

- Districts from Puerto Rico, Guam, and other territories, and districts administered by the Department of Defense Education Agency, to reduce the complexity of data collection.
- Districts with fewer than 200 students. These districts represent approximately 0.4% of the students that attend schools in the universe defined above. Excluding these extremely small districts increases the efficiency of the remaining sample. That is, although these very small districts make up an appreciable percentage of all districts (approximately 14%), they serve very small numbers of students. Eliminating these districts from the sampling frame allows us to sample a few more districts with enrollments over 200, thus increasing the efficiency of the sample.

The districts were categorized as urban, suburban, or rural, based on the CCD Metropolitan Statistical Code variable (MSC01). In the CCD, districts that primarily serve the central city of a Metropolitan Statistical Area (MSA) are classified as urban, those that primarily serve areas other than the central city of an MSA are classified as suburban, and those that do not primarily serve an MSA are classified as rural. In 2005, we separated out the 27 largest districts in order to sample them separately.

This classification yielded a universe of 11,938 districts, representing 46,707,853 students. The districts break down as follows:

	Number of Districts	Percentage of Districts	Number of Students	Percentage of Students
Huge urban	13	0.11%	3,647,451	7.8%
Other urban	676	5.66%	9,720,093	20.8%
Huge suburban	14	0.12%	2,221,872	4.8%
Other suburban	5,429	45.48%	22,155,343	47.4%
Rural	5,806	48.63%	8,963,094	19.2%
Total	11,938	100.00%	46,707,853	100.0%

SAMPLE SELECTION

The Center on Education Policy requested a sampling plan that would yield responses from 300 districts, including 100 urban districts, 100 suburban, and 100 rural. In addition, CEP wanted to ensure that as many as possible of the “huge urban” and “huge suburban” districts were represented in the sample in order to ensure its face plausibility. Therefore, the sample was divided into five strata for sampling purposes: 1) the 13 largest urban districts, 2) other urban districts, 3) the 14 largest suburban districts, 4) other suburban districts, and 5) rural districts.

For the 2003 district survey, an initial sample of 419 districts was drawn, evenly divided among other urban, suburban, and rural districts. Approximately 2% of districts sampled were expected to report that they did not receive Title I funds. These districts would then be excluded from the study.

For the 2004 survey and then again for the 2005 survey, the sample was freshened in order to replace districts that had refused to participate the previous year. The replacement districts were randomly selected from the particular strata represented by a district that had refused to participate (e.g., urban, suburban, rural). The replacement pool of districts came from a backup sample of districts drawn in the first year of the district survey.

For the 2005 survey, the 2004 sample of 415 districts was freshened to include the 27 largest districts and 24 replacement districts, bringing the total sample up to 417.

SURVEY INSTRUMENT AND DATA COLLECTION PROCEDURES

The district survey focused on the following research questions:

1. How are districts implementing the specific legislative provisions of the No Child Left Behind Act, including those governing Title I assessment and accountability, public school choice and supplemental educational services, teacher and paraprofessional quality, and English language learners?
2. Which provisions of NCLB have positively affected districts? Which provisions of NCLB have presented the most serious implementation challenges to districts?

3. To what extent do districts believe that NCLB requirements are compatible and/or consistent with state and district efforts to raise student achievement?

Beginning in August 2005, the survey was administered by telephone to all prospective respondents. Respondents were contacted by a member of PSA staff and invited to participate in the study. Typically, a time was scheduled to complete the survey on the phone. In addition, respondents were told that they could have an electronic copy of the survey e-mailed to them for their review before completing the survey with a telephone interviewer. Before the survey was administered, CEP sent district administrators a copy of the 2005 report and a letter that reviewed the study purposes, estimated the time it would take to complete the survey by telephone, and stressed the importance of completing the survey and the confidentiality of the responses. In addition, the letter offered respondents a \$50 gift card to a national bookstore chain for completing the survey.

Follow-up procedures entailed contacting (by telephone or e-mail) all survey respondents who had not scheduled a time to complete the telephone survey. Non-respondents were contacted by telephone and e-mail in an effort to schedule a time to complete the survey over the phone. Non-respondents were also offered the option of completing a hard copy of the survey and faxing or mailing it to PSA. Follow-up phone calls or e-mails were conducted a minimum of three times to all non-respondents.

Of the 417 districts sampled, 1 district responded that it does not receive Title I funds. Of the 416 remaining districts, 299 completed the survey, for a response rate of 72%. Thirty-nine districts refused to participate in the study. The following table shows the distribution of participating districts by location and size. Because response rates do not vary significantly across types or sizes of districts, we have little reason to be concerned about non-response bias.

2005 Survey		
	Number of Responses	Response Rate
Urban	104	72%
Suburban	91	66%
Rural	104	76%
Very large	28	68%
Large	43	70%
Medium	58	73%
Small	170	72%
Total	299	72%

DATA ANALYSIS

Districts were sampled at different rates from each of the four sampling categories. For the largest urban districts, all 13 districts were sampled, and for the largest suburban districts, all 14 were sampled. For other urban districts, PSA sampled at an approximate rate of 1 of every 5 districts; for other suburban, 1 of every 44 districts; and for rural, 1 of every 43 districts. (The precise numbers are 5.121212 for other urban, 43.138211 for other suburban, and 43.007407 for rural.)

If all districts had responded to the survey, each huge urban and each huge suburban district would represent one district—itsself—in the sample. Each of the other urban districts in the sample would represent about 5 districts, whereas each of the other suburban districts would represent about 44 districts and each rural district about 43 districts. Urban districts are significantly overrepresented in the sample, and as a result had a much higher probability of being selected for the sample than medium or small districts. This overrepresentation provided enough urban districts to allow separate analysis by metropolitan category. To avoid overrepresenting urban districts in overall national calculations, however, the data had to be weighted during analysis.

The weights were created by calculating, separately for each stratum, how many national districts each responding district in the sample represented. This was done by dividing the number of responding districts by the number of districts in the population, separately for each stratum. The resulting weights are shown in the following table.

	2005 Survey		
	Number of Districts	Number of Responses	Weight
Huge urban	13	9	1.444444
Other urban	676	95	7.115789
Huge suburban	14	9	1.555556
Suburban	5,429	82	66.207317
Rural	5,806	104	55.826923
Total	11,938	299	39.926421

All tabulations of survey results apply the appropriate weight to each response and, when these weighted responses are aggregated, properly reflect national estimates. For reporting purposes, huge urban districts were combined with other urban districts to create the category “urban.”

There is considerable variability in district size—measured by the number of students enrolled—within and between the metropolitan classifications. Therefore, in addition to the urban, suburban, and rural classification, a district size variable was created. This allows for analyses based on how districts vary in their responses by size, in parallel with analyses of variation by metropolitan status.

The size variable was constructed so that approximately one-fourth of the students in the universe are served by districts in each of the four size categories. To achieve this, the small category includes districts that serve between 200 and 3,503 students; medium districts range from 3,504 to 10,448 students; large districts range from 10,449 to 37,740 students; and very large districts range from 37,741 to 1,049,831 students.

Using these weights and variables, PSA compiled and analyzed the responses from the districts that returned their surveys. PSA also developed data tables and reported these data, as well as district responses to open-ended questions, to CEP. The CEP staff and consultants further analyzed the data for publication in this report.

District Case Studies

Four CEP consultants and CEP's research associate conducted case studies of local implementation of NCLB in 38 school districts throughout the country. The case study districts were selected to be geographically diverse and to reflect the approximate distribution of urban, suburban, and rural districts in the nation. The case studies were conducted between June 2005 and February 2006.

The consultants and CEP staff collected information for 24 of these case studies through telephone interviews with key contact people in the school districts and through other research. For 14 of the case studies, consultants collected information by making site visits to the districts and conducting personal interviews, in addition to doing other research. In many districts, the primary contact was the district's federal and state programs administrator or Title I director, but contact people also included superintendents, assistant superintendents, assessment personnel, pupil services personnel, principals, teachers, directors of curriculum and instruction, and others. In 18 of the districts, individual schools were included in our research. The complete text of the 38 case study reports can be accessed and downloaded through the Web site of the Center on Education Policy (www.cep-dc.org) or from the CD-ROM included with this report.

The 38 case study districts include the following:

- Alabama: Calhoun County School District*Δ
- Alaska: Kodiak Island Borough School District
- Arkansas: Fayetteville Public Schools
- California: Escondido Union School District
- California: Grant Joint Union High School District*Δ
- California: Oakland Unified School District*Δ
- California: Palmdale Elementary School District*Δ
- California: Tahoe-Truckee Joint Unified School DistrictΔ
- Colorado: Colorado Springs School District 11
- Colorado: Fort Lupton Weld Re-8 School District
- Idaho: Joint School District #2–Meridian

- Illinois: Chicago Public Schools*Δ
- Kansas: Kansas City, Kansas Public SchoolsΔ
- Louisiana: St. John the Baptist Parish Public Schools
- Massachusetts: Avon Public School District
- Massachusetts: Boston Public Schools
- Michigan: Flint Community SchoolsΔ
- Michigan: Harrison Community Schools*Δ
- Michigan: Willow Run Community SchoolsΔ
- Minnesota: Cloquet Independent School District #94*Δ
- Mississippi: Pascagoula School District
- Missouri: Hermitage R-IV School District
- Nebraska: Heartland Community Schools
- Nevada: Clark County School District
- New Jersey: Bayonne City School District*Δ
- New Mexico: Bloomfield School District
- New York: Romulus Central Schools
- North Carolina: Wake County Public School System*Δ
- North Dakota: Napoleon School District
- Ohio: Cleveland Municipal School District*Δ
- Oregon: Tigard-Tualatin School District*Δ
- South Carolina: Berkeley County School District*Δ
- Texas: Cuero Independent School District
- Vermont: Marlboro Elementary School Δ
- Vermont: Orleans Central Supervisory Union
- Virginia: Waynesboro Public Schools*
- Wisconsin: Sheboygan Area Schools*Δ
- Wyoming: Fremont County School District #1

*Site visit school districts
Includes school case studies

Special Analyses Conducted by CEP

During 2005 and early 2006, the Center conducted six analyses of special topics related to No Child Left Behind. These analyses were published as separate short reports, but their findings provided the basis for sections of this report.

ANALYSIS OF TITLE I ALLOCATIONS TO SCHOOL DISTRICTS

In spring 2005, a CEP consultant reviewed and analyzed the preliminary allocations of Title I, Part A funds to schools districts. The Center found that for the 2005-06 school year, about two-thirds of the school districts that participate in the federal Title I program, or some 8,800 districts, will receive fewer funds than they did last year to serve disadvantaged children. About 4,400 districts will gain in Title I funding. Nine states will see their federal Title I funds reduced, while 41 states, the District of Columbia, and Puerto Rico will see gains. The findings of this analysis are summarized in chapter 1 of this report and in *Title I Funds: Who's Gaining, Who's Losing, & Why, School Year 2005-06 Update*, issued by CEP in July 2006.

ANALYSIS OF TITLE I SCHOOL IMPROVEMENT FUNDS

Under the No Child Left Behind Act, states are required to reserve 4% of the Title I allocation to school districts within the state for school improvement activities. In December 2005 and January 2006, a CEP consultant reviewed and analyzed data on school district Title I allocations from the U.S. Department of Education. The analysis found that funds are insufficient in many states to reserve the full 4% because of inadequate NCLB appropriations and a “hold harmless” provision in the law that prevents school districts from losing Title I funds as a result of this reservation. In addition, school districts that were slated to receive increased Title I allocations are receiving less of an increase or no increase because of this reservation. The findings of this analysis are summarized in chapter 1 of this report and in *A Shell Game: Federal Funds to Improve Schools*, issued by CEP in February 2006.

ANALYSIS OF THE READING FIRST PROGRAM

In the spring of 2005, CEP consultants conducted an overview of all state Reading First grant applications, carried out an in-depth review of 15 randomly selected state Reading First grant applications, and reviewed revisions to state Reading First grant applications from 10 representative states selected from the southern, eastern, and western portions of the country. The consultants also drew from state and district surveys conducted by CEP for our broader 2005 study, *From the Capital to the Classroom: Year 3 of the No Child Left Behind Act*, and case studies conducted in 2004 by CEP of district and school-level implementation of NCLB. Findings from this analysis were reported in *Ensuring Academic Rigor or Inducing Rigor Mortis? Issues to Watch in Reading First*, issued in June 2005. The report highlights areas of Reading First that policymakers and educators should pay special attention to over the next few years. Findings from this report are referenced in chapter 4.

ANALYSIS OF USED APPROVAL LETTERS OF AMENDMENTS TO STATE ACCOUNTABILITY PLANS

In the fall of 2005, CEP consultants reviewed and analyzed official decision letters from the U.S. Department of Education to states that had requested amendments to their original accountability plans, which were first submitted in early 2003. CEP found that by granting states additional flexibility in their methods for determining adequate yearly progress under NCLB, ED has made it easier for schools and districts to meet annual test score targets. However, the new flexibility has also made it more difficult to tell whether student achieve-

ment is improving based on the number of schools making AYP from year to year, because AYP determinations depend on increasingly complex formulas and statistical methods that vary across all 50 states. The report also calls for more transparency in the process used to make changes to state accountability plans. The findings of this study are included in chapter 3 of this report and in *States Test Limits of Federal AYP Flexibility*, issued by CEP in November 2005.

STUDY OF THE NCLB SCHOOL RESTRUCTURING PROCESS IN MICHIGAN

In the summer and fall of 2005, a CEP consultant reviewed Michigan's state and school district documents on NCLB school restructuring and interviewed officials in the state department of education and in three Michigan school districts: Flint Community Schools, Harrison Community Schools, and Willow Run Community Schools. This work was a follow-up to CEP's 2004 report on restructuring in Michigan and these three districts, *Makeovers, Facelifts, or Reconstructive Surgery: An Early Look at NCLB Restructuring in Michigan*. Our 2005 research found that most of the restructured schools in Michigan made adequate yearly progress, and that getting out of restructuring takes more than simple fixes, such as replacing the principal or appointing a governance board. We also found that Title I school improvement grants help leverage change, but that funds in some schools are insufficient. The findings from this study are included in chapter 4 of this report and in *Hope but No Miracle Cures: Michigan's Early Restructuring Lessons*, issued by CEP in November 2005.

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STUDY OF THE NCLB SCHOOL RESTRUCTURING PROCESS IN CALIFORNIA

In the summer and fall of 2005, a CEP consultant reviewed California's state and school district documents on NCLB school restructuring and interviewed officials in the state department of education and in three California school districts: Oakland Unified School District, Palmdale Elementary School District, and Tahoe-Truckee Joint Unified School District. The state of California, rather than prescribing specific steps for restructuring schools to take, instead offers processes to help districts and schools figure out the details of the restructuring plans. Our analysis found that most California districts with schools in restructuring chose to revamp the schools' governance in other, less radical ways than some of the options listed in the law. However, 2% of the schools in restructuring in California chose the law's option to become charter schools (in contrast with Michigan, where no schools opted to become charter schools as a result of NCLB restructuring). The findings from this study are included in chapter 4 of this report and in *Wrestling the Devil in the Details: An Early Look at Restructuring in California*, issued by CEP in February 2006.

CEP Forums on the No Child Left Behind Act

In May, July, and September of 2005, the Center on Education Policy convened three forums to discuss major issues under the No Child Left Behind. All three forums were held in Washington, D.C. at George Washington University's Cafritz Conference Center. Each presenter developed a paper for the forum or provided other information outlining the issues and proposing solutions to particular problems related to NCLB implementation.

FORUM ON SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDERS

The May 16, 2005 forum addressed ideas to improve the NCLB provisions regarding supplemental educational service providers. The following people gave presentations at the meeting:

- Jeffrey Cohen, President, Catapult Learning
- Jane Fleming, Coordinator of Supplemental Education Services, Maryland State Department of Education
- Stephanie Gerber, Assistant Director for Federal Programs, Ohio Department of Education
- Steven Pines, Executive Director, Education Industry Association
- Nina S. Rees, Assistant Deputy Secretary, Office of Innovation and Improvement, U.S. Department of Education
- Michele Sandro, Director, State and Federal Programs, Harrison Community Schools, Michigan
- Elizabeth Swanson, Director of After School and Community School Programs, Chicago Public Schools, Illinois
- Susan Wright, Director of Title I, Clark County Public Schools, Nevada

FORUM ON NCLB COSTS AND LAWSUITS

The July 14, 2005 forum addressed studies of the costs to states and school districts of implementing NCLB and lawsuits that have been filed challenging the Act's implementation.

The following presenters discussed NCLB costs:

- Robert Palaich, Vice President, Augenblick, Palaich & Associates, Inc.
- John Patterson, Office of the Legislative Auditor, State of Minnesota
- Frances Rabinowitz, Associate Commissioner, Connecticut State Department of Education
- Theodor Rebarber, Chief Executive Officer, Education Leaders Council and Accountability Works

The following presenters discussed lawsuits related to NCLB:

- Christine Benson, Superintendent, Ottawa Elementary School District
- Melissa Jamula, Former Superintendent, Reading School District
- Bob Chanin, General Counsel, National Education Association

FORUM ON TEACHER RECRUITMENT AND RETENTION AND PROFESSIONAL DEVELOPMENT

The September 13, 2005 forum addressed ideas to improve teacher recruitment and retention at high-need schools and recommendations to strengthen the NCLB professional development provisions. The presenters addressing teacher recruitment and retention included:

- Eric Hirsch, Vice President for Policy and Partnerships, Southeast Center for Teaching Quality
- Lorna Jimerson, Program Coordinator, Rural and Community Trust
- Kitty Dixon, Program Director of School District Support and Innovation, New Teacher Center, University of California, Santa Cruz

The presenters who addressed ways to improve NCLB's professional development provisions were as follows:

- René Islas, Chief of Staff to the Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education
- Theresa Mehrer, Coordinator, Regional School Support Center, United Federation of Teachers
- Hayes Mizell, Distinguished Senior Fellow, National Staff Development Council
- Kathleen Skinner, Director of Professional Development, Massachusetts Teacher Association

Credits and Acknowledgments

Study Team

This study of the No Child Left Behind Act by the Center on Education Policy was overseen by Diane Stark Rentner, CEP Director of National Programs. The report was researched and written by the following team of people:

- Diane Stark Rentner, study director
- Caitlin Scott, CEP consultant
- Nancy Kober, CEP consultant and editor of the report
- Naomi Chudowsky and Victor Chudowsky, CEP consultants
- Scott Jofthus, CEP consultant
- Dalia Zabala, CEP research associate

Several other people played critical roles in conducting the study or writing the report. Leslie Anderson of Policy Studies Associates served as project leader of the group that conducted the school district survey. Others at Policy Studies Associates who worked on the project include Imeh Williams, Darxavia Stephens, and Jennifer Johnson. Elizabeth Pinkerton, CEP consultant, conducted 16 of the 38 case studies used as a main source of information for this report. Other case studies were conducted by Caitlin Scott (11 districts), Scott Jofthus (7 districts), Dalia Zabala (3 districts), and Nancy Kober (1 district). Rebecca Barns, a freelance editor, edited the case study reports. Jack Jennings, the Center's President and CEO, wrote the summary and provided advice on the report's content and organization. Tom Fagan, CEP consultant, conducted an analysis of Title I formula changes and other funding issues that informed the discussion of Title I funding in chapter 1; he also developed the box in chapter 1 listing U.S. Department of Education activities during 2005. Linda Carstens, a CEP consultant, provided advice on chapter 8.

State Education Agency and School District Officials

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New Jersey: Lucille Davy, Diane Schonyers

New Mexico: Dr. Veronica C. Garcia, Dr. Catherine Cross Maple

New York: Richard P. Mills, Dr. Raymond Kesper

North Carolina: Dr. June Atkinson, Dr. Belinda Black

North Dakota: Dr. Wayne G. Sanstead, Greg Gallagher

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Virginia: Dr. Patricia I. Wright, Michelle Vucci

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West Virginia: Dr. Steve Paine, Dr. Jorea Marple

Wisconsin: Elizabeth Burmaster, Dr. Michael Thompson

Wyoming: Dr. Jim McBride, Dr. Annette Bohling

CASE STUDIES

Alabama, Calhoun County School District: H. Jacky Sparks, Bobby Burns, Judy Stiefel, Hector Baeza, Wendy England, Karen Winn, Gail Carpenter, Diane Henderson, Kenneth New

Alaska, Kodiak Island Borough School District: Betty Walters, Stewart McDonald

Arkansas, Fayetteville Public Schools: Dr. Bobby C. New, Kristen Scanlon, Chris Edwards

California, Escondido Union School District: Dr. Mike Caston, Pat Peterson,

California, Grant Joint Union High School District: Dr. Larry Buchanan, Rick Carder, Samuel Harris, Sydney Smith, Adam Berman

California, Oakland Unified School District: Dr. Randolph Ward, Brad Stam, Noah Bookman, Niambi Clay, Marco Franco, Delia Ruiz, Michael Scott, Katrina Scott-George, Ben Visnick, Dr. Jean Wing, Charles Wilson, Kevin Wooldridge, Fernando Yanez

California, Palmdale Elementary School District: Dr. Jack Gyves, Betty Stiers, Anastacia Arnold

California, Tahoe-Truckee Joint Unified School District: Dennis K. Williams, Jessamy Lasher, Dave Curry

Colorado, Colorado Springs School District 11: Dr. Sharon A. Thomas, Holly Brilliant

Colorado, Fort Lupton Weld Re-8 School District: Mark Payler, Dr. Carrie Duits, Scott Graham, Mike Campbell

Idaho, Joint School District #2–Meridian: Dr. Linda Clark

Illinois, Chicago Public Schools: Arne Duncan, Xavier Bontana, Jacqueline Baker, Dr. Audrey Cooper-Stanton, Stephen Flisk, Dr. Kathleen Mayer, Crystal Sykes, Ann Tysiak

Kansas, Kansas City, Kansas Public Schools: Dr. Jill Shackelford, Jim Clevenger, Jim Antos, Stacia Brown, Marguarite Martinez, Wendy Donnell, Cindy Lane

Louisiana, St. John the Baptist Parish Public Schools: Michael Coburn, Annette Jennings, Ann LaBorde, Wilbert Omond

Massachusetts, Avon Public School District: Dr. Margaret Frieswyk, Paul Zinni

Massachusetts, Boston Public Schools: Dr. Thomas Payzant, Maryellen Donahue, Dr. Chris Coxon, Barbara McGann, Ann Deveny, Monica Roberts, Rachel Curtis

Michigan, Flint Community Schools: Walter Milton, David Solis, David Comsa, Derryl Evans, John Conway, Ana Maria Hufton, Karen Lee, Mary Alice Ross, Dana Simmons, Marcia Sauvie, Lucy Smith, Reba Walling, Elizabeth Williams

Michigan, Harrison Community Schools: Christopher Rundle, Michele Sandro, Julie Rosekrans

Michigan, Willow Run Community Schools: Ron Ciranna, Regina Williams, Lana Tatom

Minnesota, Cloquet Independent School District # 94: Ken Scarbrough, Randy Thudin, Karen McKenna, Warren Peterson, Connie Hyde, Tom Brenner, Vern Zacher, Steve Syrett

- Mississippi, Pascagoula School District: Wayne Rodolfich, Dr. Susan McLaurin
- Missouri, Hermitage R-IV School District: Shelly Aubuchon
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- Nevada, Clark County School District: Dr. Walt Rulffes, Dr. Agustin Orci, Dr. Susan Wright
- New Jersey, Bayonne City School District: Dr. Patricia L. McGeehan, Dr. Ellen O'Connor, Pat Bull, Carol Trojan, Varda Wendroff, Ann Marie Palmieri-Monahan, Evelyn Taraszkiewicz, Rosalie Moran, Nancy Ruane, Christina Marcun, Susan Kukucka, Maryann Connelly
- New Mexico, Bloomfield School District: Dr. Harry Hayes, Lena Benally-Smith, LaVerne Brown, Linelle Sharrad
- New York, Romulus Central Schools: Mike Midey
- North Carolina, Wake County Public School System: Dr. William McNeal, Dr. David Holdzkom, Dr. Chuck Dulaney, Willi Web, Dr. Joe Peel, Sylvia Faulk, Courtney Radford, Becky Byrd, Cheryl Wilson, Myrna Pagan, Frank Creech, Ray Newland, Lori Rutherford, Jamie Lynch
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Reviewers

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