

87

NCLB

Intent and Requirements

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More than 50 years after the Supreme Court finding in *Brown v. Board of Education* (1954), differences in educational opportunity still exist in the nation's schools. Indicators of educational disparity include differences in test scores, graduation rates, physical facilities, preschool access, access to qualified teachers, student-teacher ratios, curriculum and instruction, and funding.

Advocates for educational equity have appealed to the courts, achieving limited success, according to some (National Conference of State Legislatures [NCSL], 2003). Advocates have also turned to the legislature. The No Child Left Behind (NCLB) Act of 2001, signed into law by President George W. Bush on January 8, 2002, reauthorized the Elementary and Secondary Education Act (ESEA) passed by Congress in 1965, the largest federal program supporting elementary and secondary education in the nation. ESEA required states to set content and performance standards for K-12 schools, and "make adequate yearly progress." NCLB builds on ESEA, and expands the accountability provisions in the previous reauthorization of ESEA approved by Congress, the Improving America's Schools Act (IASA) of 1994.

NCLB was built on four principles: accountability for results, more choices for parents, greater local control and flexibility, and an emphasis on doing "what works" based on scientific research (U.S. Department of Education, 2007a). This law reflected a major expansion of the federal role in education.

Overview of the NCLB Legislation

NCLB, the most recent reauthorization of the ESEA of 1965, is stricter and more specific than the IASA, the 1994 reauthorization of the same law. The 1994 reauthorization first established a comprehensive academic standards-based approach to school improvement and school accountability in federal statute. NCLB builds on the IASA, expanding the accountability provisions.

Title I is the key program of NCLB. Title I outlines the standards, assessment, and accountability requirements that guide the instruction of all students in the core academic subjects of reading, mathematics, and science. The purpose of Title I is to ensure that all children have a "fair, equal and significant opportunity" to obtain a high-quality education and reach (at least) minimum proficiency on challenging state academic achievement standards and state academic assessments.

Part A of Title I provides allocated formula grants through state educational agencies to local educational agencies (LEAs) and public schools with high numbers or percentages of poor children. LEAs then "target" the Title I funds they receive to public schools with the highest percentages of children from low-income families. These schools must focus Title I services on children who are failing, or at risk of failing to meet state academic standards. However, if at least 40% of the school's students are from poor families, the school may use its Title I funds for a "schoolwide" program that serves all students in the

schools, not just those targeted as failing or at risk of failure (Stullich, Eisner, & McCrary, 2007). All public schools and districts in states receiving Title I funds must calculate and report on adequate yearly progress (AYP), a yearly measure of student achievement.

The changes to Title I mandated under NCLB were intended to increase the quality and effectiveness of the

nation's elementary and secondary education system in raising the achievement of all students, particularly those with the lowest achievement levels.

Table 87.1 summarizes the key Title I accountability and programmatic provisions of NCLB.

Table 87.1 Key Provisions of the No Child Left Behind (NCLB) Act of 2001

<i>Provision</i>	<i>NCLB Description</i>	<i>IASA Description</i>
State assessments	States must implement annual state assessments in reading and mathematics in Grades 3–8 and at least once in Grades 10–12, and in science at least once in each of three grade spans: 3–5, 6–9, and 10–12. Assessments must be aligned with challenging state content and academic achievement standards. States must provide for participation of all students, including students with disabilities and limited English proficient (LEP) students. States must provide for the assessment of English language proficiency of all LEP students.	States were required to implement annual assessments in reading and mathematics at least once in each of three grade spans: 3–5, 6–9, and 10–12. Assessments must be aligned with challenging state content and achievement standards. States must provide for the participation of all students, including students with disabilities and limited English proficient students (LEP). LEP students could be exempted from testing for up to 2 years.
Adequate yearly progress (AYP)	States must set annual targets that will lead to the goal of all students' reaching proficiency in reading and mathematics by 2013–14. For each measure of school performance, states must include absolute targets that must be met by key subgroups of students (major racial/ethnic groups, low-income students, students with disabilities, and LEP students). Schools and districts must meet annual targets for each student subgroup in the school, and must test 95% of students in each subgroup, in order to make "AYP." States also must define an "other academic indicator" that schools must meet in addition to proficiency targets on state assessments.	States defined AYP, though at least 50% of the factors used in determining AYP must be based on cognitive factors such as test scores.
Schools identified for improvement	Schools and districts that do not make AYP for 2 consecutive years are identified for improvement and are to receive technical assistance to help them improve. Those that miss AYP for additional years are identified for successive stages of interventions, including corrective action and restructuring (see below). To leave "identified for improvement" status, a school or district must make AYP for 2 consecutive years.	Same
Public school choice	Districts must offer all students in identified schools the option to transfer to a nonidentified school, with transportation provided by the district.	Was not a requirement
Supplemental educational services	In schools that miss AYP for a third year, districts also must offer low-income students the option of supplemental educational services from a state-approved provider.	Was not a requirement
Corrective actions	In schools that miss AYP for a fourth year, districts also must implement at least one of the following corrective actions: replace school staff members who are relevant to the failure to make AYP; implement a new curriculum; decrease management authority at the school level; appoint an outside expert to advise the school; extend the school day or year; or restructure the internal organization of the school.	The requirement for corrective action existed, but specific options that must be taken were not specified.

<i>Provision</i>	<i>NCLB Description</i>	<i>IASA Description</i>
Restructuring	In schools that miss AYP for a fifth year, districts also must begin planning to implement at least one of the following restructuring interventions: reopen the school as a charter school; replace all or most of the school staff; contract with a private entity to manage the school; turn over operation of the school to the state; or adopt some other major restructuring of the school’s governance. Districts must spend a year planning for restructuring and implement the school restructuring plan the following year.	The requirement for restructuring existed, but specific options that must be taken were not specified.
Highly qualified teachers	All teachers of core academic subjects must be “highly qualified” as defined by NCLB and the state. To be highly qualified, teachers must have a bachelor’s degree, full state certification, and demonstrated competence in each core academic subject that they teach. Subject matter competency may be demonstrated by passing a rigorous state test, completing a college major or coursework equivalent, or (for veteran teachers) meeting standards established by the state under a “high, objective uniform state standard of evaluation” (HOUSSE).	Was not a requirement

Consequences of School Failure to Meet AYP

Under NCLB, the time line for underperforming schools consists of three stages: the School Improvement stage, the Corrective Action stage, and the Restructuring stage.

School Improvement Stage

When schools are initially identified after not making AYP for 2 consecutive years in either reading and/or language arts or mathematics, the school is identified as a “School in Need of Improvement” (Year 1). The interventions include developing a School Improvement Plan to address the areas that caused the school to miss AYP and offering parents the choice to transfer their children to another public school.

If the school does not make AYP for a third year in the same subject that was previously failed, the school moves to the School Improvement 2 category. Schools in this category must provide, in addition to technical assistance and public school choice, supplemental educational services (such as afterschool tutoring) to eligible students who choose to remain enrolled at the school. Certain other consequences attach, as well. If the school fails to make AYP for a fourth year, it moves to the Corrective Action stage.

Corrective Action Stage

This stage requires that the school must continue to offer public school choice, supplemental educational services, and other supports available under school improvement, and must also modify the school’s program by steps such as replacing school staff or implementing a new curriculum. If the school continues not to make AYP for a fifth year, it moves into Restructuring.

Restructuring Stage

This stage is the last step in the time line that an underperforming school faces. It has two phases:

1. Planning for alternate governance (during in the first year of restructuring), and
2. Implementing that plan the next year if the school still fails to make AYP.

When a school enters Restructuring, it must continue to provide all options and supports available under School Improvement and must take steps to fundamentally reform the governance of the school, such as conversion to a public charter school or contracting with a private management company. Once a school has been restructured, it gets a new start in terms of AYP (Title I admin.com, 2007).

Educational Choice Options for Parents Under NCLB

Under NCLB, there are two educational choice options for parents whose children attend Title I schools that may be either identified for improvement, in corrective action, or under restructuring because they do not make AYP for 2 or more years. The first option for parents is the opportunity to transfer their children to another school that has not been identified as needing improvement. The second option for parents is the opportunity for their children to receive supplemental educational services (e.g., afterschool tutoring) offered by a state-approved provider, in addition to their regular daily instruction. This option is available to low-income families with children in a Title I school that is in Year 2 of School Improvement (or a later year).

Assessment Requirements Under NCLB

Before 2005–06, according to the Department of Education, states had some flexibility as to which grades in the 3–8 continuum were tested in reading and/or language arts and mathematics. Currently under NCLB, students are tested annually in reading and/or language arts and math in Grades 3–5 and are tested at one elementary grade in science, are tested in Grades 6–8 in reading and/or language arts and math and once in the 6–8 grade span in science and then in reading and/or language arts, math, and science at least once in Grades 10–12 (Wenning, Herdman, Smith, McMahon, & Washington, 2003).

NCLB has expanded federally mandated testing requirements to cover all K–12 public school students, including those attending public charter schools (Wenning et al., 2003) and the specific student subgroups: economically disadvantaged students; students with disabilities; students with LEP; major racial/ethnic groups; and gender. The participation and subgroup criteria are a “centerpiece of NCLB and are included to help ensure that schools are held accountable for meeting the needs of all students.”

In addition to monitoring AYP for Title I accountability, states must report the progress of their LEP students in learning English, as defined by the state’s English language proficiency (ELP) standards, measured by the state adopted ELP assessment.

Additional Accountability Requirements Under NCLB

NCLB delineated specific requirements for states, school districts, and schools to follow in four key areas to assist them in reaching 100% student proficiency: (1) developing a standards-based system of measures and targets; (2) identifying schools and districts that need improvement; (3) providing school performance information to parents and other stakeholders; (4) providing assistance to schools and requiring interventions to stimulate improvement. Specific NCLB strategies in the key areas included:

- Every state had to develop grade-level content standards or specific grade-level expectations for what students should know and be able to do in tested subjects (reading/language arts and mathematics).
- Every state was required to provide annual testing of all students in Grades 3–8 and one-time testing of all students during high school, in reading and/or language arts and math by 2005–06 and must implement assessments in science in one grade in each grade span (3–5, 6–9, 10–12) by 2007–08.
- Every state had to develop (1) annual AYP targets for schools and districts for all students and for key subgroups based on state test results, student test participation rates, and one other academic indicator (e.g., graduation rates); (2) AYP targets—starting points, annual measurable objectives, and intermediate goals for

percent proficient in reading and/or language arts and math.

- States had to implement annual English proficiency standards and assessments for LEP students by 2002–03, and by 2005–06 had to have set annual achievement objectives specifying expected progress in achieving English proficiency.
- States must disseminate information on school performance to parents, teachers, schools and other stakeholders so that parents can take advantage of school choice options or supplemental services.
- States must provide specific assistance to schools and implement consequences for schools and districts that repeatedly do not make AYP.

Title I Funding

Funding for Title I, Part A, increased by 35% over the past 7 years, after adjusting for inflation, from \$9.5 billion in fiscal year (FY) 2000 to \$12.8 billion in FY 2007. Most of these funds were targeted to high-poverty districts and schools. In 2004–05, 76% of Title I funds went to high-poverty schools with 50% or more students eligible for free or reduced-price lunch. Low-poverty schools (with less than 35% of students eligible for free or reduced-price lunch) accounted for 14% of Title I schools and received 6% of Title I funds.

Most Title I funds were used for instruction, supporting salaries for teachers and instructional aides, providing instructional materials and computers, and supporting other instructional services and resources. In 2004–05, 73% of district and school Title I funds were spent on instruction, 16% were used for instructional support, and 11% were used for program administration and support costs. Almost half (49%) of local Title I funds were spent on teacher salaries and benefits, while an additional 11% was spent for teacher aides.

High-poverty schools in districts with lower numbers of poor students continued to receive smaller Title I allocations per low-income student than did low-poverty schools in districts with higher numbers of poor students. For example, for 2004–05, the average Title I allocation in the highest-poverty Title I schools was \$558 per low-income student, while the low-poverty schools received Title I allocations of \$753 per low-income student.

For the 2007–08 school year, the Department of Education distributed \$12.8 billion in Title I aid to school districts in all the states using four separate formulas (Hoff, 2007):

1. Basic grants: These funds go to any district with at least 10 students eligible for Title I, with each district getting a share based on its total number of Title I students.
2. Concentration grants: These funds are distributed to districts with either more than 6,500 students or more than 15% of their total enrollment eligible for Title I, with each district getting a share based on its total number of Title I students.

3. Targeted grants: These grants go to all districts in which at least 5% of the enrollment is eligible for Title I. Money is allocated on a weighted scale that gradually increases a district's per-pupil grant based on its overall poverty rate.
4. State education finance-incentive grants: These funds are distributed to states based on how their K–12 spending compares with their overall wealth and the degree to which K–12 money is equitably distributed across the state.

Student Achievement

According to the Center on Education Policy (CEP) at George Mason University, the question that matters most when discussing the impact of the NCLB legislation is, “Has student achievement increased since No Child Left Behind?” (Hollingsworth et al., 2007).

The Final Report for the National Assessment of Title I—Summary of Key Findings indicate that for both state assessment and National Assessment of Educational Progress (NAEP) results, recent achievement trends through 2003 or 2005 are positive overall and for key subgroups, particularly in mathematics, and at the elementary level. In states that had 3-year trend data (2002–03 to 2004–05), the percentage of students achieving at or above the state's proficient level rose for most student subgroups in a majority of the states.

Trends on the main NAEP assessments (2000–05) show statistically significant gains in fourth-grade reading, mathematics, and science, overall and for Black and Hispanic students and students in high-poverty schools. Gains were larger for mathematics than for reading and/or language arts. Trends for middle and high school students were positive for eighth-grade mathematics and negative for eighth- and twelfth-grade reading. On the Long-Term Trend NAEP, the most recent gains for Black and Hispanic 9-year-olds from 1999 to 2004 extended the gains these groups had made since the 1970s in both reading and mathematics.

Student achievement on state assessments, as measured by the percentage of students performing at the proficient level, rose from 2002–03 to 2004–05 for most student groups in a majority of states that had consistent assessment data available for both years. However, the report concluded that most of the 36 included in the study would not meet the goal of 100% proficiency by 2013–14 unless there was an increase in the rate of students achieving at the proficient level (Final Report, 2007).

With regard to student achievement, NCLB's assessment focus is based on the inclusion of *all* students in statewide testing. For students with disabilities or LEP, for example, this inclusion is an essential foundation for ensuring these groups' equal opportunity to achieve at the state's high standards. If large groups of students go untested, the law's authors contend, the school and the larger system lack needed information to monitor progress, detect low performance, and adjust educational strategies. In 2004–05, all states, the District of Columbia and Puerto

Rico, either administered or were planning some form of alternate assessments and assessment accommodations for specific student subgroups in reading and math.

Defining Proficiency in Student Achievement

Academic achievement performance levels are key under NCLB's accountability provisions. States are required to set at least three achievement levels—basic, proficient, and advanced. A school's AYP determination is based on each subgroup of students reaching the “proficiency” level. All students in each state must reach proficiency in reading and mathematics by 2013–14. However, each state has the responsibility to define its own level of student performance that is to be labeled “proficient” on its state assessments.

Because state proficiency levels vary from state to state, one way for evaluators to measure the amount of variation in proficiency levels was to compare each state's test against a common external benchmark such as the NAEP. A recent analysis using a process called “equipercentile mapping” by the National Center for Education Statistics (NCES) examined how state proficiency levels in reading and mathematics for Grades 4 and 8 varied against the common external benchmark (NCES, 2007; see also McLaughlin et al., 2007).

By matching percentages of students meeting state standards in schools participating in NAEP with the distribution of performance of students in those schools on NAEP, state standards for proficiency were mapped to scores on the NAEP scale. Using NAEP as the common external metric, state standards for proficiency in eighth-grade mathematics under NCLB ranged from an NAEP equivalent score of approximately 247 to 314. Similar patterns occurred in fourth-grade mathematics and in reading at both grade levels. Thus, students who reach proficiency in one state might not be considered proficient in another state.

Impact of Supplemental Educational Services and School Choice on Achievement

The NLS-NCLB (National Longitudinal Study of the No Child Left Behind Act) study has estimated that about 1% of eligible students nationally made use of the school choice option as of 2004–05, and about 19% of eligible students enrolled in supplemental services as of 2003–04 (Stullich, Eisner, & McCrary, 2007).

The impact of participating in school choice and supplemental educational services on student achievement was examined by comparing the achievement trajectories of individual students before and after participation in nine large, urban school districts nationwide, with those of non-participating students.

Achievement effects were also examined for specific subgroup populations. For both options, African American students had the highest rate of participation, compared

with other racial or ethnic groups in Title I supplemental educational services, and an above-average participation rate in school choice.

African American and Hispanic students, the two largest demographic groups of students who moved to another school across nine districts studied, tended to move to schools with lower concentrations of their own ethnic group. White students (a smaller demographic group), generally moved to schools with higher concentrations of White students. On average, White students moved from schools that were 28% White to schools that were 45% White. African American students and Hispanic students moved from schools that were 10% White to schools that were 29% White.

Participation in both Title I school choice and supplemental educational services was highest in elementary grades. For supplemental services, 24%–28% of eligible students in Grades 2–5 participated, while fewer than 5% of eligible high school students participated. For school choice, average participation rates in Grades 2–5 were between 0.6% and 1.0%, while high school participation rates were between 0.2% and 0.4%.

On average, across seven districts, participation in Title I supplemental educational services had a statistically significant, positive effect on students' achievement in reading and math. Students participating for multiple years experienced larger gains; that is, students who participated in supplemental educational services scored better in both reading and math in the first year, and even better in the second and subsequent years. In four of seven districts, participation in supplemental services was associated with an increase in achievement gains for African American and Hispanic students in one or both subjects. In four of six districts with substantial numbers of participating students with disabilities, students saw significant increases in achievement in one or both subjects as well.

In contrast, across six districts, no statistically significant effect on achievement, positive or negative, was found for students participating in Title I school choice, overall or after multiple years, in the chosen school. However, sample sizes for school choice were much smaller than those for supplemental services, thus statistical power to detect effects was low.

Possible Factors Affecting Use of Choice Options

One possible reason for the low participation in the school choice option is the fact that only 29% of affected districts notified parents about the Title I school Choice option before the beginning of the 2004–05 school year (Stullich, Eisner, McCrary, & Roney, 2006). One reason for the late notice to parents, according to study, may be that 20 states did not notify districts about which schools in the district were identified for improvement before the start of the 2004–05 school year. In addition, there may have been too few nonidentified schools in a district that

were available for students to transfer into, or too few spaces available in nonidentified schools to accommodate transfer students.

Preexisting school choice programs (i.e., charter schools, magnet programs, voucher programs) may also have affected whether a family chose to participate in the NCLB school choice options. In Washington, D.C., for example, more than 25% of all students of all students attend a charter school, and nearly 2,000 students participate in a local school voucher plan. In other districts, such as Los Angeles, Chicago, and Philadelphia, for example, tens of thousands of students attend charter schools. In other areas of the country, intradistrict choice programs allow students a choice among district-operated public schools, including vibrant magnet programs.

The Achievement Gap

State assessment results (22 out of 35 states) showed a slight reduction in the achievement gap between low-income students and all students in elementary and middle school reading and mathematics from 2002–03 to 2004–05. On average, the achievement gap for low-income students in elementary reading in these states declined from 12.5 percentage points in 2003–03 to 11.7 in 2004–05.

On the Trend NAEP, achievement gains for Black and Hispanic students since the 1970s outpaced gains made by White students, resulting in significant declines in the Black–White and the Hispanic–White achievement gaps. However, recent changes in achievement gaps (1999–04) in most cases were not statistically significant.

Accountability and Support for School Improvement

States identified 11,646 or 12% of all schools for improvement for 2005–06; 9,808 (84%) were Title I schools. One third of identified Title I schools had not made adequate AYP for 4 or more years and were identified for corrective actions (14%) or restructuring (19%). Two thirds (68%) of identified Title I schools were in their first year or second year of improvement. The number of Title I schools in corrective action rose from 1,047 in 2004–05 to 1,138 in 2005–06, while the number in restructuring status rose from 1,065 to 1,633.

Seventy-five percent of 2,400 districts with identified schools had only one or more identified schools in 2005–06; however, 4% of districts with identified schools (88 districts) contained 13 or more identified schools. Schools in restructuring status were likely to be concentrated in a small set of districts (15 districts), and accounted for 45% of all Title I schools in restructuring status.

Schools most commonly missed AYP for achievement of the all student subgroup in reading, mathematics, or both (43% of schools). Smaller percentages of schools missed AYP for only one student subgroup or test

participation rates. Based on data from 43 states, 18% of schools did not make AYP in 2004–05 because of their other academic indicator. High schools were more likely to miss for their other academic indicator—graduation rate.

Schools in states that had set more challenging proficiency standards in fourth- and eighth-grade reading than other states relative to NAEP benchmarks were less likely to make AYP. Sixty-one percent of schools with higher proficiency standards made AYP in 2003–04, compared with 84% of schools in states that had lower proficiency standards (NCES, 2007)

Characteristics of Schools Identified

Schools in large and urban districts, with high concentrations of poor and minority students, and more student demographic subgroups were much more likely to be identified than other schools. For example, 45% of Title I schools with six or more subgroups were identified compared with 5% of those with only one subgroup.

Middle schools were more likely to be identified than either elementary schools or high schools. Eighteen percent of middle schools were identified schools in 2005–06, compared with 12% of high schools and 9% of elementary schools. However, because elementary schools accounted for the majority of all schools, they had the largest number of identified schools (4,564) compared with middle (2,847) and high schools (2,120).

Nearly one third of elementary schools identified for improvement reported increasing the amount of instructional time in reading by more than 30 minutes per day in 2004–05, and 17% reported a similar increase in instructional time for mathematics. Identified schools most frequently reported needing assistance to improve the quality of teacher professional development (80%), addressing the instructional needs of students with disabilities (71%), identifying effective curricula and instructional strategies (70%), and improving student test-taking skills (70%).

Characteristics of Students Attending Identified Schools

Nationwide, 7.3 million students attended identified schools in 2005–06. Minority students and students from low-income families were more likely to attend schools identified for improvement than other students. For example, 28% of Hispanic students, 25% of African American students, and 23% of Native American students attended schools identified for improvement in 2005–06, compared with 9% of White students. Twenty-three percent of students from low-income families attended schools identified for improvement compared with 15% of all students. Controlling for other variables, school poverty had the strongest relationship to likelihood of school identification.

Communication of School Performance Results

NCLB requires that parents and other members of the community be informed about school improvement status through school report cards before the beginning of the school year so they can participate in and potentially influence school improvement efforts. For 2004–05 only 15 states notified schools of the final determinations on school identification status (based on 2003–04 testing) before September 2004. About 15%–33% of principals and teachers in identified schools were not aware their school had been identified for improvement. Parents (22%) in a sample of eight urban school districts frequently did not know whether their child’s school had been identified as low performing, 17% said their school was not on the list of low-performing schools, and 62% said they were not sure of their school’s status.

Teacher Quality and Professional Development

Ensuring that every child is taught by a highly qualified teacher with strong content knowledge in core academic subjects is central to NCLB. The law requires all teachers to be “highly qualified” according to set state and federal standards. NCLB specifies the core academic subjects to be English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. The content knowledge requirements also apply to teachers who provide instruction in these subjects to students with LEP, and students with disabilities.

To help school districts improve the qualifications of teachers, NCLB requires that 5% of a school district’s Title I allocation be spent on professional development to improve teacher skills and effectiveness. Schools that have been identified for improvement must spend at least 10% of their Title I allocations on professional development or other strategies that directly support teachers. Paraprofessionals employed with Title I funds must meet federal standards as well by having 2 years of post-secondary education, an associate degree or higher, or a passing score on a formal state or local academic assessment of ability to assist in teaching reading, writing, and mathematics.

NCLB Standards for Highly Qualified Teachers

A highly qualified teacher is defined by the NCLB legislation as having (1) a bachelor’s degree, (2) full state certification, and (3) demonstrated competency, as defined by the state, in each core academic subject that they teach. To demonstrate subject matter competency, the law requires new elementary teachers to pass a rigorous state test. New secondary teachers must either pass a subject matter test, or have a college major (or equivalent coursework), advanced degree, or advanced certification in the subject(s) they plan to teach. For veteran teachers, the law allows

each state to create its own HOUSSE to measure subject matter competency.

Summary of Teacher Quality Findings

The vast majority of teachers nationwide were designated by their states as “highly qualified” under NCLB. According to state-reported data for 50 states, 91% of classes were taught by highly qualified teachers in 2004–05. However, state policies concerning highly qualified teachers varied greatly, both in the passing scores that new teachers must meet to demonstrate content knowledge on assessments, and in the extent to which state HOUSSE policies give existing teachers credit for years of prior teaching experience as compared to emphasizing more direct measures of content knowledge and teaching performance.

Teachers considered highly qualified under NCLB were more likely to be fully certified, to have completed more courses in their subject areas, to have a degree in the subject they were teaching, and be more experienced than teachers who were not highly qualified. Additionally, teachers who reported they were *not* highly qualified were three times more likely to be new to teaching than were teachers who reported they were highly qualified.

Disadvantaged schools had higher percentages of teachers who were new to teaching, and who were not considered highly qualified than did other schools. Teachers who were not highly qualified were more likely to be teaching in high-minority and high-poverty schools, and in schools that were identified for improvement. For example, only 1% of elementary teachers in nonidentified schools said they were considered highly qualified, compared with 5% in schools that were in the first or second year of being identified for improvement, 8% in schools in corrective action, and 6% in schools in restructuring status.

Among teachers who said they were highly qualified, those in high-poverty schools had less experience and were more likely to be teaching out of field, compared with teachers in low-poverty schools. High-poverty and high-minority districts were more likely than other districts to say that competition with other districts was a barrier to attracting highly qualified teachers, and were also more likely to report using financial incentives and alternative certification routes in an effort to overcome these barriers.

The percentage of teachers who are *not* highly qualified under NCLB is higher for special education teachers, teachers of LEP students, and middle school teachers, as well as for teachers in high-poverty and high-minority schools. Approximately two thirds of instructional aides and paraprofessionals were considered qualified under NCLB, but nearly a third (28%) did not know their status, or did not provide information on their status, according to principals. However, 87% of Title I instructional aides indicated that they had at least 2 years of college (or an associate’s degree), or had passed a paraprofessional assessment.

Nearly all elementary and secondary teachers of reading and mathematics participated in some professional development that focused on strategies for teaching reading or math, but less than 25% participated in such training for more than 24 hours over the 2003–04 school year and summer. Teachers in high-poverty schools were more likely to participate in professional development focused on reading and mathematics than were teachers in low-poverty schools while special education teachers were less likely than general education teachers to participate in professional development focused on reading and mathematics.

In general, the Study of State Implementation of Accountability and Teacher Quality under NCLB (SSI-NCLB) and the National Longitudinal Study of NCLB (NLS-NCLB) indicate that states and districts are working to implement and comply with NCLB requirements. However, organizations such as the National Council on Teacher Quality have argued that variations in state policies concerning highly qualified teachers raise questions about whether some states have set sufficiently high HOUSSE standards for teachers to be considered highly qualified. Questions have also arisen as to whether states can meet NCLB’s equity requirement, which says states must ensure that low-income and minority students are not disproportionately taught by out-of-field, unqualified, or inexperienced teachers (TitleIadmin.com, 2007).

Title I Impact Studies and Other Scientifically Based Research

One of the central principles of NCLB is that states, districts, schools, and teachers adopt instructional practices backed by evidence of effectiveness from “scientifically based research” and “evidence-based practices” in education. Based on this principle, the U.S. Department of Education has set a major goal to identify and disseminate conclusive information about “what works” in education.

Impact Studies on Closing the Reading Gap

Several large-scale evaluations were undertaken in the area of student achievement, with specific reference to the effects of closing the reading gap (via remedial reading programs) for third and fifth graders, the effectiveness of reading comprehension interventions for fifth graders, and the effectiveness of interventions on early elementary math curricula.

Closing the Reading Gap examined four widely used programs for elementary school students with reading problems during the 2003–04 school year (Torgensen et al., 2007). The study’s authors relied on recent reports from small-scale research and clinical studies that provided some evidence that the reading skills of students with severe reading difficulties in late elementary school can be substantially improved by providing the kind of instruction that

these programs offer over a sustained period of time (Torgesen, 2005). The four interventions evaluated in this study improved some reading skills for the third-grade cohort, in the areas of phonemic decoding, word reading accuracy and fluency, and reading comprehension, although impacts were not detected for all measures of accuracy and fluency or comprehension. However, no impacts were detected for the fifth-grade cohort in phonemic decoding, word reading accuracy and fluency, and reading comprehension. For the fifth-grade cohort, the four interventions combined improved phonemic decoding on one measure, but led to a small reduction in oral reading fluency.

The interventions did not improve state test scores. For the third-grade cohort, there was no significant impact of the four interventions combined on reading and mathematics test scores from the state tests. For the fifth-grade cohort, the four interventions combined lowered the reading and mathematics scores. The interventions did not consistently benefit any one subgroup within each grade level more than another subgroup. The four interventions combined generally narrowed the reading gap for students in the intervention groups compared with students in the control group for the third-grade cohort, as well as for students in the fifth-grade cohort, but the impact was not statistically significant.

Other Scientifically Based Research

Calls for scientifically based research on the broader issues of accountability under NCLB by the American Educational Research Association (AERA) have yielded studies that address some of the same problems covered by the impact studies, as well as different aspects of NCLB requirements. Two studies focus on unintended consequences of the legislation.

In the first study (Cohen-Vogel & Smith, 2007), the authors cite proponents of alternative teacher certification programs who make the case that the NCLB regulations on teacher quality act as *disincentives* to otherwise high-quality candidates from outside the profession that prevent those candidates from pursuing jobs in education. Proponents make the case, examined by the study's authors, that relaxing the NCLB's highly qualified teacher standards for alternatively certified teachers (1) will attract people from outside of education to teach, (2) that hiring alternatively certified teachers will improve the quality of teacher candidates, (3) that they will fill positions in hard-to-staff schools, and (4) they will help alleviate out-of-field teaching. Although the study failed to support each of the core assumptions, it did raise further issues about alternatively certified teacher programs.

In the second study (Finnigan & Gross, 2007), the authors used expectancy theory and incentive theory to examine the influence of accountability policies on teacher motivation (which in turn, affects teacher quality). Teacher motivation is a key factor in student achievement, especially in low-performing schools. The authors make the case

that while federal performance-based accountability policies under NCLB are based on a theoretical assumption that sanctions will motivate school staff to perform at high levels and focus attention on student outcomes, the reality is that teachers in school under sanctions could ultimately become overwhelmed by the pressure and demoralized, feeling blamed for the larger inequities in society.

In the third study on the changing roles of teachers under the strict accountability requirements of NCLB (Valli & Buese, 2007), the authors found that when role expectations of teachers increased and expanded in four areas (i.e., instructional, institutional, collaborative, and learning), the changes had unanticipated and often negative consequences for teachers' relationships with their students, their teaching, and their sense of professional well-being.

Three of the scientifically based studies addressed student outcomes and achievement: In the first study (Borman et al., 2007), the authors reported final literacy outcomes for a 3-year longitudinal sample of children who participated in a treatment or control condition from kindergarten through second grade in 35 schools. Analysis of the data of all three outcomes revealed statistically significant school-level effects of treatment assignment a large as one third of a standard deviation. The authors state that the results correspond with the Success for All program theory, which emphasizes both comprehensive school-level reform and targeted student-level achievement effects through a multi-year sequencing of literacy instruction.

In the second study (Cawthon, 2007), the author explored the impact of NCLB on students who are deaf or hard of hearing, and reviewed two key components of NCLB: assessment and accountability. The author makes the case that students who are deaf or hard of hearing face unintended consequences under NCLB, sometimes with long-term effects. The NCLB reporting mechanisms, according to the author, are limited in how much information they can provide about the effectiveness of accountability reform on students who are deaf or hard of hearing. While the deaf and hard-of-hearing students benefit from the general aim of NCLB to focus attention on student groups that were previously underserved, an unintended consequence of NCLB is the fact that these students may be disproportionately underrepresented in state accountability frameworks, and may face greater challenges in meeting AYP because of the number of students participating using restricted accommodations.

In the third study (Graue, Hatch, Rao, & Oen, 2007), the authors explore the wisdom of class-size reduction to enhance student outcomes. Based on legislation reform in Wisconsin aimed at reducing the impact of poverty on student achievement, the law advises reducing class pupil-to-teacher ratio to 15:1, among other reforms. Most of the consequences of the legislation have been positive, but the authors make the case that the move to smaller classrooms has had unintended consequences for school systems. The increase in staff and the need for additional classroom

space stressed fragile school systems, disproportionately affected the schools serving the most low-income English-language learners, and forced schools to install portable buildings at a cost higher than what was reimbursed by the state. Teaching staff increased by 38%, which precipitated a drop in the number of fully credentialed teachers.

Reauthorization

In 2001, President Bush signed the NCLB legislation reauthorizing the ESEA for another 7 years. The key tenet of the reauthorization in 2001 was the implementation of a status accountability model to ensure the proficiency of all children in math and reading by the year 2014. Yet, as the nation embarks on the reauthorization of the ESEA which will occur sometime in the window of 2007–09, many educators and scholars are concerned that NCLB inadequately addresses the areas of teacher and principal qualifications, the assessment of special education and English as a second language learners for school accountability, and question the viability of the existing NCLB school accountability model (Education Trust, 2001; Fulton, 2007).

Highly Qualified Teachers

NCLB requires every teacher of core subjects to be highly qualified. Current state practices permit some teachers to be highly qualified without meeting all of the states' teacher certification requirements. In urban and rural school settings, some argue that too many teachers are given the opportunity to obtain their standard certification (which makes them highly qualified) up to 3 years after they have been hired. Hlebowitsh (2007) argues that other health professionals such as doctors and dentists are not given the opportunity to be highly qualified before graduating from school, so why should teachers?

Others argue that teachers' highly qualified status should be dependent on their success in raising the achievement of the students they teach. Fulton (2007) suggested that the reauthorization of ESEA include language to reward teachers who perform well in the classroom, providing bonuses and extra pay as a means for retaining highly skilled teachers. The downside is that because districts vary in terms of their fiscal resources, those districts that are capable of paying more money for highly qualified teachers will continue to attract the most highly qualified teachers leaving school districts with limited fiscal resources at a disadvantage and thus maintaining the inequities that already exist among many school districts.

Highly Qualified School Leadership

The qualifications of principals or other school leaders was not included in previous reauthorizations of ESEA but has received some support for inclusion in the next reauthorization. Instructional leadership is an important variable

in improving student achievement. Packer (2007) argues that in order to set high expectations for students and other school staff, schools need highly qualified school leaders who are capable of facilitating instruction, understanding data analysis and student achievement, are knowledgeable about research, and recognize the impact of school climate on staff motivation and student achievement.

Assessment of English Language Learners and Special Education Students

The expectation of NCLB that all students should be held to the same challenging academic content and achievement standards has been a topic of hot debate since its inception. Why would anyone expect students with significant cognitive disabilities or who are not literate in English or their native language to take the same tests as English speaking or nondisabled students? Although NCLB has been regulated to provide more flexibility in the options that states can use for testing students with disabilities and English language learners, there is still a strong push that the reauthorization include language that allows states more flexibility in the measures and timeframes used to assess ESL and special education students (Fulton, 2007).

Developmental Growth Versus the Status NCLB Accountability Model

Students learn over different periods of time using different modalities. School systems that enroll large populations of immigrants, economically disadvantaged and minorities often have the difficult tasks of raising student achievement for students with the greatest educational needs and who, in many instances, are the farthest behind because of lack of resources in the home and the absence of effective early educational experiences. Students with those characteristics are able to learn, but may take longer to achieve the proficiency of nondisadvantaged classmates. Several advocacy groups have suggested that the reauthorization permit the use of growth accountability models that take into consideration how much a child has learned from one year to the next using an academic growth accountability model versus the existing NCLB accountability model. This change would permit schools and districts to give credit for students who have shown progress toward proficiency by a certain date or their last date of assessment even though they have not achieved the grade level achievement target. Growth models could also be applied to proficient and advanced students as well to ensure they are progressing (Education Trust, 2007).

Conclusion: The ESEA Today— The No Child Left Behind Act of 2001

Today, the ESEA is known as the NCLB Act of 2001. President George W. Bush signed and renamed the act on

January 8, 2002. This act reauthorized and amended federal education programs established under the ESEA of 1965. The major premise of the law is still in existence today; however, President Bush and Congress have made significant changes. NCLB is based on four basic principles, which include stronger accountability for students and teachers, increased flexibility and local control, expanded options for parents, and an emphasis on effective teaching methods. Basically, the law mandates state administered standardized testing, flexibility with school budget (allocation of funds to various NCLB programs), parental options in regards to sending their child to a “better” public school than their home school, and innovative professional development (e.g., training on reading and/or language arts programs that have a record of success as documented by scientifically based research). The major focus of the NCLB Act of 2001 is to provide all children with a fair, equal, and significant opportunity to obtain a high-quality education.

Along with providing additional resources, the NCLB legislation adds important accountability provisions to Title I of ESEA and establishes a framework for progress in raising overall student achievement and in increasing parent involvement. The accountability provisions require states to set clear timelines for improving student achievement, with particular emphasis on closing achievement gaps between low-income and minority students and their peers. The new reporting provisions ensure that parents and the public will have a better sense of how schools are doing.

References and Further Readings

- Borman, G. D., Slavin, R., Cheung, A., Chamberlain, A., Madden, N., & Chambers, B. (2007). Final reading outcomes of the national randomized field trial of Success for All. *American Educational Research Journal*, 44(3), 701–731.
- Cawthon, Z. A. (2007). Hidden benefits and unintended consequences of No Child Left Behind policies for students who are deaf or hard of hearing. *American Educational Research Journal*, 44(3), 460–492.
- Cohen-Vogel, L., & Smith, T. (2007). Qualifications and assignments of alternatively certified teachers: Testing core assumptions. *American Educational Research Journal*, 44(3), 732–753.
- Education Trust. (2007). *Recommendations for the NCLB reauthorization*. Retrieved December 1, 2007, from <http://www.edtrust.org>
- Finnigan, K., & Gross, B. (2007). Do accountability policy sanctions influence teacher motivation? Lessons from Chicago’s low-performing schools. *American Educational Research Journal*, 44(3), 594–629.
- Fulton, M. (2007). *Who’s saying what about the NCLB Reauthorization: ECS NCLB Database Report. ECS Briefing Report*. Retrieved January 2, 2008, from http://www.ecs.org/ecsmain.asp?page=/html/educationIssues/NCLBreauthorization/NCLB_parapro_DB_intro.asp
- Graue, E., Hatch, K., Rao, K., & Oen, D. (2007). The wisdom of class size reduction. *American Educational Research Journal*, 44(3), 670–701.
- Hlebowitsh, P. (2007, November 7). First, do no harm. Thoughts for Congress. *Education Week*, 22.
- Hoff, D. (2007, December 5). Usually contentious Title I formula is no NCLB barrier. *Education Week*, 18–19. *Final Report on the National Assessment of Title I: Summary of Key Findings* (2007). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education.
- Hollingsworth, S., Gallego, M., Clandinin, D. J., Portes, P., Rueda, R., & Welch, O. (2007). Editorial team’s introduction: Special issue on No Child Left Behind. *American Educational Research Journal*, 44(3), 454–459.
- McLaughlin, D., Bandeira de Mello, V., Blankenship, C., Chaney, K., Hikawa, H., Rojas, D., et al. (2007). Comparison between NAEP and State Mathematics Assessment results: 2003 (NCES 2007-471). Washington, DC: National Center for Education Statistics.
- National Academy of Sciences. (2004). *On evaluating curricular effectiveness: Judging the quality of K–12 mathematics evaluations*. Washington, DC: National Academies Press.
- National Center for Education Statistics. (2007). *Mapping 2005 State Proficiency Standards onto the NAEP scales* (NCES 2007-482). Washington, DC: U.S. Department of Education.
- National Conference of State Legislatures. (2003). Legal questions regarding the No Child Left Behind Act. Retrieved December 14, 2007, from <http://www.ncsl.org/statefed/nclblegal.htm>.
- Packer, A. (2007, November 7). Know what the real goals are. *Education Week*, 27(7), 36.
- Packer, J. (2007). The NEA supports substantial over haul, not repeal of NCLB. *Phi Delta Kappan*, 89, 4.
- Ramirez, E. (2007, November 2). Room to improve—The No Child Left Behind law is scheduled for reauthorization by the end of this year, but Congress has been slow to make that happen. *U.S. News and World Report*. Retrieved June 5, 2008, from <http://www.usnews.com/articles/education/2007/11/02/room-to-improve.html>
- Stullich, S., Eisner, E., & McCrary, J. (2007). *National assessment of Title I, final report: Volume I: Implementation* (NCEE 2008-4012). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education.
- Stullich, E., Eisner, E., McCrary, J., & Roney, C. (2006). *National assessment of Title I interim report to Congress: Volume I: Implementation of Title I*. Washington, DC: U.S. Department of Education, Institute of Education Sciences.
- Titleladmin.com. (2007). *NCLB discussion draft on teacher quality spotlights equity*. Retrieved December 16, 2007, from [http://www.titleladmin.com/TI/index.jsp?contentId=11238964&query=\({TEACHER+QUALITY}\)\)&chunknum=1&topic=TITLE_I&listnum=1&offset=0](http://www.titleladmin.com/TI/index.jsp?contentId=11238964&query=({TEACHER+QUALITY}))&chunknum=1&topic=TITLE_I&listnum=1&offset=0)
- Torgensen, J., Schirm, A., Castner, L., Vartivarian, S., Mansfield, W., Myers, D., et al. (2007). *National assessment of Title I, final report: Volume II: Closing the reading gap, findings from a randomized trial of four reading interventions for striving readers* (NCEE 2008-4013). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education.
- Torgensen, J. K. (2005). Recent discoveries from research on remedial interventions for children with dyslexia. In

- M. Snowling & C. Hulme (Eds.), *The science of reading*. Oxford: Blackwell.
- U.S. Department of Education. (2007). *No Child Left Behind: A Desktop Reference*. Retrieved November 14, 2007, from <http://www.ed.gov/nclb/overview/intro/4pillars.html>
- U.S. Department of Education, National Center for Education Statistics. (2007). *Common core of data*. Washington, DC: Author.
- U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service. (2007a). *State and local implementation of the No Child Left Behind Act, Volume I—Title I School choice, supplemental educational services, and student achievement*. Washington, DC: Author.
- U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service. (2007b). *State and local implementation of the No Child Left Behind Act, Volume II—Teacher quality under NCLB: Interim Report*. Washington, DC: Author.
- U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service. (2007c). *State and local implementation of the No Child Left Behind Act, Volume III—Accountability under NCLB: Interim Report*. Washington, DC: Author.
- Valli, L., & Buese, D. (2007). The changing roles of teachers in an era of high-stakes accountability. *American Educational Research Journal*, 44(3), 519–558.
- Wenning, R., Herdman, P. A., Smith, N., McMahon, N., & Washington, K. (2003). *No Child Left Behind: Testing, reporting, and accountability*. (ERIC Digest ED480994). New York: ERIC Clearinghouse on Urban Education, Institute for Urban and Minority Education, Teachers College, Columbia University.
- Wilde, J. (2004). *Definitions for the No Child Left Behind Act of 2001: Scientifically-based research*. Retrieved December 15, 2007, from http://www.ncela.gwu.edu/resabout/Research_definitions.pdf