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Background Brief on ...

The No Child Left Behind Act

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Background

On January 8, 2002, President George W. Bush signed into law the revised Elementary and Secondary Education Act (**ESEA**), also called the No Child Left Behind Act (**NCLB**) of 2001. It has been described as the most significant change in federal education policy in a generation. The goals of the Act are to educate every student to high quality standard regardless of his or her income, ability or background, and to guarantee that all students, regardless of socioeconomic factors, achieve a “proficient” level of education by the 2013-2014 school year. The law is scheduled for reauthorization by Congress in 2007.

NCLB builds upon the foundation laid down by the 1994 Improving America’s School Act. That legislation requires states to develop “...challenging curriculum content and performance standards, assessments aligned with content standards, and accountability systems to assess schools’ and districts’ progress in raising student achievement.” The 2002 revision significantly expanded the scope of the federal law by requiring accountability information on student performance to be published for every school in the state, not just for schools receiving federal funds.

If a state fails to comply with NCLB requirements, it may lose all or some of its federal Title I funding—about 8 percent of a state’s education budget. Federal Title I funds are targeted to high-poverty schools and districts and are used to provide educational services to students who are educationally disadvantaged or at risk of failing to meet state standards.

Highlights of the Law

The No Child Left Behind Act contains a number of far-reaching requirements:

- State testing in reading, math, and science (by 2005-06)
- Adequate yearly progress of all students
- A progression of sanctions for failing schools
- Data collection of student performance
- Regular reporting of test results to parents and the public
- Qualified teachers and paraprofessionals in every classroom

Annual Tests

States must develop academic content standards, along with assessments aligned with those standards, in all grades between three and eight and in high school for the subjects of reading, math, and science. Science tests must be developed and implemented once at each of the three grade spans (3-5, 6-9, 10-12) by the 2007-08 school year. Oregon has implemented science assessment at grades 4, 7 and 10.

Each of these standards must have discernable levels of achievement: “partially proficient,” “proficient,” and “advanced.” Testing and standards systems are subject to the approval of the secretary of education. States are also required to participate in national education tests known as the National Assessment of Educational Progress (NAEP).

Adequate Yearly Progress

Adequate yearly progress (AYP) is an accountability measure that holds schools responsible for bringing 100 percent of all students to the “proficient” level on state assessments by 2013-14. A school is considered to be making adequate progress if it has reached the annual target for the number of students meeting state standards that will allow it to reach the 100 percent proficiency level by 2014. A school must hit the performance target overall and for each identified subgroup. This year, 50 percent of students must meet reading benchmarks, and 49 percent must meet math benchmarks. These targets gradually increase toward 100 percent proficient by 2014.

In 2004, 30 percent of all public schools failed to meet the law’s standards, and education experts say the number could increase this fall.

Oregon applied to participate in a pilot project through the U.S. Education Department to utilize measurement of student growth in achievement over multiple years and an additional way of meeting AYP. A final decision on this proposal is expected by November, 2006.

Sanctions for Low-Performing Schools

If a school fails to meet AYP requirements, it will face a progression of sanctions.

Two Years of Failure: if a school fails for two consecutive years, the school is identified as needing improvement. The school will receive technical assistance from the state, and, in the next school year the district must allow the students to transfer to a public school that did make AYP.

Three Years of Failure: If a school fails to meet AYP for three consecutive years, in addition to the provision of public school choice, that school must provide its pupil with supplementary instructional opportunities from service providers of the parents’ choice. States must identify and inform parents about approved providers. The school district is responsible for transporting students to the site of these supplemental services.

Four Years of Failure: If a school fails to meet AYP for four consecutive years, it will face a series of corrective actions, which may include replacing school staff, implementing new curricula, decreasing administrative authority at the school level, providing an outside expert to advise the school, extending the school day or school year, or changing the organizational structure of the school.

Five Years of Failure: If a school fails to make AYP for five consecutive years, it will be restructured. This could take a form of reopening the school as a charter school, replacing staff, having the state take over the school, or other major actions.

Data Collection

NCLB requires all states to gather extensive data regarding student performance, and that this data be disaggregated into the following categories:

- Economically disadvantaged groups
- Major racial or ethnic groups
- Students with disabilities
- English language learners
- Gender
- Migrant status

The state must also track and report on the quality of teachers and their equitable distribution in all schools attendance, dropout information and expulsions due to weapons.

ODE has developed a student-level data collection system to meet the new requirements for school data.

Report Cards

NCLB requires that student performances scores be reported at the school, district, and state levels. States, in turn, must report their performance measures to the secretary of education and to congress. Report Cards must include information about the quality of a school's teachers and the achievement levels of students by subgroup.

Highly Qualified Teachers

Another component of the NCLB is the requirement that there be a highly qualified teacher in the classroom, with the goal of increasing student achievement by improving the overall quality of instruction. School districts must ensure that all teachers in core subjects meet the state standard of highly qualified by the 2005-06 school year. Core subject areas are English, math, science, the arts, second languages, and social science.

A "highly qualified" teacher has a state certification, has passed a state licensing exam in their content area, and holds a bachelors degree. These requirements apply to all teachers, whether newly hired or those currently teaching, but do not apply to teachers with only an emergency license. Beginning in 2002-03, districts were prohibited from using federal funds to hire new teachers who do not meet the "highly qualified" requirement.

All paraprofessionals must have an associate's degree or higher, complete 72 quarter hours of post-secondary coursework, or pass a rigorous state or local assessment.

States are allowed the flexibility to develop their own tests and standards. Schools that receive

Title I funds must notify parents if their child is in a class without a highly qualified teacher. Charter school teachers, vocational education teachers, and Junior Reserve Officer Training Corps teachers are not exempt from NCLB requirements if they teach core academic subjects.

Comments on NCLB

Polls and public hearings conducted by the Public Education Network in 2004 and 2006, showed that participants supported accountability but felt that the current NCLB accountability system was too narrow, and rejected the idea that a single test can create an accurate portrayal of how well a school is performing. The recommendations from the public included more community and parental involvement, use of improving student achievement over time for accountability, more support for low performing students, and more investment in teacher preparation and ongoing support for teachers.

Quality Teachers: Because teachers need to be certified in the areas they teach, many middle school teachers that teach multiple, integrated subjects and rural teachers are not considered qualified. Rural area teachers who work where it is difficult to attract teachers may be called upon to teach several subjects or subjects for which they were not initially licensed. Many paraprofessionals are hired for their bilingual abilities and are without educational backgrounds. Additional flexibility has been provided for rural and special education teachers.

Adequate Yearly Progress: Some respondents asserted that the hurdle of AYP is too high and punitive. The federal law does not recognize progress below the set goals. The consequences of failure, such as allowing students to transfer and have access to tutoring, are seen by some as a further drain a school's ability to catch up. Use of federal funds for school improvement strategies is limited to Title I schools. Currently, non-Title I schools that have failed AYP do not have additional funds available at either the federal or state level.

Fourteen states asked the Bush administration in

March 2004 for permission to use alternative methods for showing academic gains under the No Child Left Behind law. The 14 states, most of which had their own systems for raising academic performance in place before the federal No Child Left Behind law took effect two years ago, charged that as currently written, the law would brand too many schools “in need of improvement,” and thus squander limited resources.

Cost: Some view the requirements under NCLB as unfunded or under-funded mandates. Only a few cost studies have been attempted for NCLB. The requirements have hit some states harder than others—particularly those that did not already have some of the components in place. Some states have considered forfeiting their federal funds and not implementing NCLB. It is difficult to assess the cost of NCLB, as costs such as tutoring, additional transportation, and additional teacher education are unknown at this time.

NCLB Rule Changes

While the actual law has not been amended, interpretations of the law by the U.S. Departments of Education have changed.

Rural Teachers: Teachers who teach more than one core subject in rural districts now have three years to become licensed in each subject they teach.

Participation: The law requires a minimum of 95 percent participation in tests or else the school fails to meet AYP. Rules have been relaxed to allow 95 percent average participation rate over two to three years. A student may be excluded from a school’s calculation in the case of a serious medical emergency. Oregon’s online assessment system provided expanded opportunity to meet this requirement.

English-language learners: Schools are no longer required to administer children with limited proficiency in English their state’s regular reading test if such students have been enrolled in a U.S. school for less than a year. The department will permit states to count students who have

become proficient in English within the past two years in their calculations of adequate yearly progress for English-language learners.

Special Education Students: Those students with significant cognitive disabilities will be allowed to take an alternate assessment; the number is capped at one percent of students at all grade levels tested.

NCLB in Oregon

According to the National Conference of State Legislatures, Oregon was one of the only 17 states in compliance with the 1994 ESEA requirements at the time of the Act’s passage. Because of this, Oregon was better positioned to meet the new standards than many states. Oregon already had developed standards, assessments aligned with the standards, report cards, and a sophisticated data collection system.

Standards and assessments: Oregon had developed tests for students in grades 3, 5, 8, and 10 for its education freeform act, and has expanded these tests to meet federal requirements to include grades 4, 6, and 7. Oregon has a history of participation in NAEP testing. As part of a regular cycle of monitoring standards and assessments by the U.S. Education Department, Oregon’s standards and assessments will be completely reviewed in 2006-07.

Adequate Yearly Progress: In 2005-06, 374 schools (30 percent) failed to make adequate yearly progress. The data in the same period indicates that 765 of 935 (82 percent) of elementary and middle and 90 of 294 (31 percent) of high schools met AYP.

During the same period, 34 Title I schools did not meet AYP in the same content area for two or more years and are subject to program improvement. Another 13 Title I schools are in program improvement for not meeting AYP for two years in a row, but met AYP this year. If these schools meet AYP for a second consecutive year, they will be removed from program improvement status. A total of six Title I schools in 2005-05 identified for improvement the prior year met AYP for the second consecutive year

and are no longer identified for improvement.

Report Cards: Oregon made a number of changes to its report card program to comply with federal law. Added to the annual report cards are teacher credentials, class sizes, and a breakdown of school test scores by ethnicity, gender and family income. Oregon continues to rate schools using its own criteria, so the federal rating may differ from the states, and both are on the card.

Highly Qualified Teachers: As of 2005, ODE found 91 percent of all classes taught in public schools in Oregon have a “highly qualified teacher.” The national average is less than 55 percent, according to the Education Commission of the States. In classrooms where students have the same teacher all day, 97 percent have highly qualified teachers. However, in middle schools and high schools a difference of 3-5 percent exists between high poverty and low poverty schools and the number of classes taught by highly qualified teachers. High poverty schools have fewer classes taught by teachers meeting the federal definition.

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