

FROM THE CAPITAL TO THE CLASSROOM

Year

of the No Child Left Behind Act

Summary and Recommendations

About the Study

Since 2002, the Center on Education Policy (CEP), an independent nonprofit organization, has been studying federal, state, and local implementation of the No Child Left Behind Act (NCLB). In March 2006, CEP released *From the Capital to the Classroom: Year 4 of the No Child Left Behind Act*. This is the fourth annual report of what has become the most comprehensive, long-term national study of the Act.

This year's findings are based primarily on the following research methods:

- 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 issues in implementing the Act
- Three national forums

Four Broad Conclusions

The impact of the No Child Left Behind Act continued to widen 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.

Four broad conclusions about the impact of NCLB have emerged from this year's study.

CONCLUSION 1: IMPACT ON CURRICULUM AND INSTRUCTION

Teaching and learning have changed as a result of NCLB.

- **Curriculum alignment.** Administrators and teachers have made a concerted effort to align curriculum and instruction with state academic standards and assessments.
- **Data-based instruction.** Principals and teachers are making better use of test data to adjust teaching to address students' individual and group needs.

- **Narrower curriculum.** Seventy-one percent of the school districts we surveyed 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. In some case study districts, struggling students receive double periods of reading or math or both—sometimes missing certain subjects altogether. Some officials in case study districts view this extra time for reading and math as necessary to help low-achieving students catch up. Others feel that this practice has shortchanged students from learning important subjects, squelched creativity in teaching and learning, or diminished activities that might keep children interested in school.
- **Greater direction about teaching.** Many case study 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.
- **Teacher qualifications.** NCLB has influenced 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 states and district officials surveyed expressed skepticism that these teacher requirements are improving the quality of teaching.

CONCLUSION 2: IMPACT ON STUDENT ACHIEVEMENT

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

- **Increased learning.** 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.
- **Regulatory changes may also affect percentages proficient.** Many states have also taken advantage of additional flexibility from the U.S. Department of Education (ED) 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 is not clear to what extent state policy changes have contributed to rising percentages of students reaching proficiency.

CONCLUSION 3: EFFECTS HOLDING STEADY

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. Participation rates in school choice and tutoring remain low.

- **Different schools but stable percentage.** The schools identified for improvement are not always the same schools each year. 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.

- **Impact of regulatory changes.** The stable numbers of schools in improvement are partly due to changes in federal and state rules that have made it easier for districts and schools to demonstrate adequate yearly progress. 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.
- **Little change in choice and tutoring participation.** 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 supplemental educational services (tutoring) has hovered around 20% for the past two years.

CONCLUSION 4: GREATER IMPACT ON URBAN DISTRICTS

Although all school districts are affected by NCLB, urban districts are increasingly experiencing the greatest effects.

- **Impact of sanctions.** The majority (54%) of Title I schools identified for improvement nationwide are located in urban districts—a disproportionate share 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.
- **Urban diversity.** 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.
- **Urban size and poverty.** 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. Increases in states' minimum subgroup sizes help smaller districts more than larger ones. Furthermore, poverty affects achievement, and urban districts often have very high percentages of low-income students.
- **Good news about urban teacher qualifications.** 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.
- **Urban achievement gains.** In our district survey, 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 large gains in its percentage proficient but still fall short of AYP targets.

Specific Findings by Topic

In addition to reaching four broad conclusions, the CEP study also arrived at several major findings about specific aspects of NCLB. This section briefly summarizes major findings not covered in the preceding discussion of broad conclusions. It also provides key data from our surveys to support the broad conclusions. Readers are encouraged to review the additional key findings that appear at the beginning of each chapter of the full report.

POSITIVE AND NEGATIVE EFFECTS OF NCLB

Chapter 1

- **High expectations and subgroup focus.** Universally acclaimed features of NCLB, according to our survey responses and case studies, are its high learning expectations for all students and its focus on the performance of subgroups that have traditionally lagged behind.
- **Improved alignment and use of test data.** Other positive effects of NCLB include improved alignment between curriculum standards and instruction and better use of data to adjust teaching.
- **Greater burden, inadequate funding.** 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 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.
- **Teacher stress and staff morale.** In several case study districts, interviewees noted 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.
- **Accountability challenges.** 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 (ELLs), and several questioned their ability to bring 100% of students to proficiency by 2014.

STUDENT ACHIEVEMENT

Chapter 2

- **Survey results and other evidence.** A large majority (78%) of the districts we surveyed 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.

- **Achievement in case study districts.** 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 is difficult to say whether achievement is rising or falling.
- **Survey results on achievement gaps.** Most of the states and districts we surveyed reported that state test score gaps between student subgroups, such as gaps by race or ethnicity, 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.
- **Gaps in case study districts.** 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.

ACCOUNTABILITY

Chapter 3

- **Percentage of schools and districts not making AYP.** According to our 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.
- **Percentage identified for improvement.** 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.
- **Percentage in corrective action or restructuring.** 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.

STRATEGIES TO RAISE ACHIEVEMENT AND IMPROVE SCHOOLS

Chapter 4

- **Contributors to achievement gains.** 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 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 NCLB, about half of district officials surveyed reported that the law’s AYP requirements were an important or very important contributor to higher student achievement—a view 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.

- **Time for reading, math, and other subjects.** Of the districts surveyed, 60% had policies requiring teachers to devote a specific amount of time to reading in elementary schools and 50% had policies requiring a specific amount of time for math. Nearly all (97%) of the highest-poverty districts had policies specifying the amount of time to be spent on reading, compared with 55% of the lowest-poverty districts.
- **Improvement strategies.** 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.

PUBLIC SCHOOL CHOICE

Chapter 5

- **Percentages of districts and students eligible for choice.** In 2005-06, 14% of school districts surveyed were required to offer public school choice under NCLB, and 17% of the students in those districts were eligible to change schools. These proportions have changed little since last year. Urban districts and larger districts had a higher percentage of schools required to offer choice than rural or smaller districts.
- **Low participation in choice.** Just 1.6% of the students who were eligible for NCLB choice in 2005-06 actually took advantage of it. This share has not changed significantly since 2002-03 when choice was first offered. Similarly, few students in case study districts have taken advantage of NCLB choice; in some districts, no student has changed schools.
- **Average number of receiving schools.** On average, most districts offered students three choices of receiving schools.
- **Districts not offering choice.** Although NCLB requires districts with schools identified for improvement to offer choice to students in these 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.
- **Possible reasons for low participation.** District and school officials involved in our case studies cited long commutes, satisfaction with current schools, and a desire to participate in neighborhood schools as reasons why few eligible students transfer.

SUPPLEMENTAL EDUCATIONAL SERVICES

Chapter 6

- **Percentage eligible for tutoring.** 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. 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 services than suburban districts (12%) or rural districts (9%).
- **Participation in tutoring.** 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.
- **Number and types of providers.** According to our district survey, the average number of supplemental service providers per district has grown dramatically, from 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 the 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.
- **Challenges to supplemental services.** The greatest challenges to implementing supplemental services relate to monitoring the quality and effectiveness of supplemental service providers. According to our surveys, 41 states and about half (51%) of school districts called this a moderate or serious challenge.

TEACHER AND PARAPROFESSIONAL QUALITY

Chapter 7

- **Meeting NCLB teacher requirements.** School districts are on their way to meeting the highly qualified teacher requirements of NCLB, 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.
- **Challenges for certain types of teachers.** 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.
- **Skepticism about effects.** 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.
- **NCLB paraprofessional requirements.** 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.

ENGLISH LANGUAGE LEARNERS

Chapter 8

- **Progress with Title III.** 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 reported having an English language assessment, and 38 said they have annual measurable achievement objectives (AMAOs) for ELLs.
- **State variations in AMAOs.** 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.
- **Impact of English language assessments.** In our surveys, many states and districts 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.
- **Support for ELLs.** 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

Evidence from the CEP study suggests that the No Child Left Behind Act is clearly having an effect on American schools, but that 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 knowledge gained from our multiyear analysis of the Act, CEP has developed eight recommendations to help NCLB work better. Although legislative changes are needed, Congress has not begun the process of reauthorizing the Act, so we have not recommended changes to the law. We have restricted this year's recommendations to administrative and funding changes that can be made immediately.

RECOMMENDATION 1: TRANSPARENCY IN STATE ACCOUNTABILITY PLANS

The Department should provide more information to the public about the process for considering state changes to accountability plans and make public the criteria it uses to review state assessment systems.

- Negotiations between the federal government and the states about changes to accountability plans 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.

RECOMMENDATION 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.

- Some schools or subgroups could make AYP with only very small improvements from the previous year, especially if the law's safe harbor provision is used in conjunction with a confidence interval. Information about the impact of these provisions will help policy-makers 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.

RECOMMENDATION 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 using modified standards. The Department should also provide states with technical assistance and funding to help them develop modified standards and assessments for students with disabilities and tests of content knowledge in native languages for English language learners.

- Following up on a policy change announced last year, ED has allowed districts some flexibility this year in testing and accountability for certain students with disabilities (the so-called "gap children"), but the final rules for assessing these students with modified standards had not been published as of March 2006. Moreover, many states cannot implement this policy because they lack the necessary assessments. States also need assistance with developing content-knowledge tests in native languages for English language learners.

RECOMMENDATION 4: NCLB FUNDING

The President and the Congress must provide adequate funding for the Act.

- Both the President and the Congress 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 fuel criticisms of the Act.

RECOMMENDATION 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 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.

RECOMMENDATION 6: OVERSIGHT OF 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.

- 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 students who receive tutoring services.

RECOMMENDATION 7: SUPPLEMENTAL SERVICES 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 is, 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.

RECOMMENDATION 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.

Acknowledgments

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 and school district case studies were 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 Jofus, CEP consultant; Elizabeth Pinkerton, CEP consultant; and Dalia Zabala, CEP research associate. 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, also contributed to the report.

Based in Washington, D.C., and founded in January 1995 by Jack Jennings, the Center on Education Policy is a national independent advocate for public education and for more effective public schools. The Center works to help Americans better understand the role of public education in a democracy and the need to improve the academic quality of public schools. We do not represent any special interests. Instead, we help citizens make sense of the conflicting opinions and perceptions about public education and create the conditions that will lead to better public schools.

The Center on Education Policy receives nearly all of its funding from charitable foundations. We are grateful to The Joyce Foundation, The Ewing Marion Kauffman Foundation, The Carnegie Corporation, and The Spencer Foundation for their support of our work on the No Child Left Behind Act. The George Gund Foundation and the Phi Delta Kappa International Foundation provide the Center with general support funding that assists us in this endeavor. The statements made and the views expressed are solely the responsibility of the Center.

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FOR MORE INFORMATION

The full report, *From the Capital to the Classroom: Year 4 of the No Child Left Behind Act*, as well as case study reports from 38 school districts, and other CEP publications on NCLB, can be accessed and downloaded from the Center's web site at www.cep-dc.org.





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