

Reauthorizing the Elementary and Secondary Education Act of 1965: Recommendations from the Center on Education Policy

Center on Education Policy
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Since the No Child Left Behind Act (NCLB) was signed into law in 2002, the Center on Education Policy (CEP) has been monitoring the effects of this important national policy. For five years, we have surveyed the primary agents charged with carrying out the law in the states—chief state school officers or other officials of state education agencies. To examine the effects of NCLB at the local level, we have surveyed administrators in a national sample of school districts and conducted case studies of dozens of districts and schools over the last four years. We have also conducted additional research on particular aspects of NCLB, and most notably have analyzed test data from all 50 states to determine if scores on state tests have gone up since 2002.

This paper presents CEP's recommendations for changes to the Elementary and Secondary Education Act of 1965 (ESEA) as amended by NCLB. These recommendations grow out of the main findings of our research on the effects of NCLB.

Achievement

Since 2002, in most states with three or more years of comparable test data, student achievement in reading and math has gone up, and there is more evidence of achievement gaps between groups of students narrowing than of gaps widening. In addition, in 9 of 13 states with sufficient data to determine pre- and post-NCLB trends, average yearly gains in test scores were greater after NCLB took effect than before. However, it is very difficult, if not impossible, to determine the extent to which these trends in test results have occurred as a result of NCLB; this is because states, districts, and schools have simultaneously implemented many different but interconnected policies to raise achievement in the time period since NCLB was enacted.

- ***Reauthorize the Elementary and Secondary Education Act.*** Raising the academic achievement of all students and eliminating the achievement gap for various groups of students must remain as national priorities. The ESEA should be reauthorized in a renewed effort to address these national goals.
- ***Support efforts to identify effective strategies for narrowing the achievement gap.*** Although there is positive news about increases in the test scores of underachieving students, the magnitude of the gap is still substantial. The reauthorized ESEA should include a research and evaluation component to determine the most effective ways of narrowing the achievement gap. Successful efforts should be replicated in schools and districts with persistently low-performing students.
- ***Require states to provide easy public access to a deep array of assessment data.*** Currently, the public does not always have access to adequate data on state tests. In order to foster a more transparent accountability system, states should be required to post test data in an easy-to-find place on state Web sites; provide clear information and cautions about breaks in the comparability of test data caused by new tests or changes in testing systems; and report other important information to aid researchers in analyzing achievement trends, such as standard deviations and mean scale scores.

Testing and its Impact on Curriculum and Instruction

The NCLB requirement for states to test the reading and math skills of all students in grades 3 through 8 and once in high school is having a major influence on how education is being provided in schools across the country. Our district survey found that 62% of all school districts have increased instructional time in reading and math in elementary schools. In 44% of districts, this increase has meant that time for other subjects, such as social studies, science, art, and music, is reduced. Because the tests required for NCLB are the drivers of standards-based education reform, they must be of the highest quality and properly used in the education process.

- ***Require states to arrange for an independent review, at least once every three years, of their standards and assessments to ensure that they are of high quality and rigor.*** Our research suggests that school districts are changing their curriculum to put more emphasis on the content and skills covered on the tests used for accountability. Therefore, states should be sure these tests are “good” tests by commissioning reviews of their standards and assessments by independent organizations and agencies. These reviews should also determine the extent to which the assessments are aligned with the state standards.
- ***Stagger testing requirements to include tests in other academic subjects.*** Because what is tested is what is taught, students should be tested in math and English language arts in grades 3, 5, and 7 and once in high school, and in social studies and science in grades 4, 6, and 8 and once in high school. These tests should be used for accountability purposes.
- ***Encourage states to give adequate emphasis to art and music.*** States should review their curriculum guidelines to ensure that they encourage adequate attention to and time for art and music, in addition to the subjects recommended for testing listed above. States should consider including measures of knowledge and skills in art and music among the multiple measures used for NCLB accountability.
- ***Provide federal funds for research to determine the best ways to incorporate the teaching of reading and math skills into social studies and science.*** By integrating reading and math instruction into other core academic subjects, students will be more ensured of a rich, well-rounded curriculum. Funds provided under Title I and Title II of ESEA should be used to train teachers in using these techniques.

Accountability

The No Child Left Behind Act is identified in educators’ minds as a means of enforcing accountability in public education. States, school districts, parents, and others would be more likely to accept this accountability if serious defects in the law were addressed in the ESEA reauthorization.

- ***Allow states the option of using growth models to determine students’ academic progress.*** The current method of measuring aggregate progress toward an annual state proficiency target is too crude a measure. A shift to a growth model system, which recognizes annual improvement in test scores of individual students, would be fairer to students and teachers. The degree of growth expected of all districts and schools each year could be linked to the average rate of gain in the districts or schools within a state that rank at the 75th percentile over two or three years, instead of a goal of 100% proficiency for all students by 2014.
- ***Allow states to use multiple measures of student achievement in determining adequate yearly progress.*** These measures should be weighted and should be limited to objective measures of academic achievement, including student performance on state tests in subjects other than math and English language arts. The National Academy of Sciences and National Academy of Education should be charged with developing options for the criteria to be used in federal regulations to determine these objective measures.

- ***Allow the individual education program (IEP) of a student with a disability to determine how he or she should be tested, and convene a national task force to develop criteria to help guide IEP teams in making these decisions.*** The reauthorized ESEA should continue the requirement that students with disabilities be assessed using the same tests as those taken by non-disabled students, but the Act should be amended to allow the IEP for each student to modify this presumption by presenting clear evidence that a student should be afforded accommodations, an alternate assessment based on modified achievement standards, or an alternate assessment based on alternate achievement standards. The reauthorized ESEA should establish a national task force to develop criteria to assist IEP teams in making appropriate and consistent decisions about assessments for students with disabilities. There should be no percentage limitations on how many students can be assessed in these different ways. The results from the IEP-recommended assessment would be used to determine student progress for purposes of determining AYP.
- ***Weigh the English language proficiency and academic content assessment results for students learning English.*** NCLB requires states to test the language proficiency skills and academic content knowledge of students who are learning English. For accountability purposes, these two assessments should be twinned. More weight would be given to the language proficiency assessment when an English language learner enters the state's school system and is less proficient in English. As the student progresses through the education system and becomes more proficient in English, more weight would be given to the academic content assessment.
- ***Designate schools "in need of improvement" only when the same subgroup of students does not meet the state AYP target in the same subject for two or more consecutive years.*** Currently, a school can be identified for improvement if one subgroup of students fails to make AYP in reading one year, and then a different subgroup of students fails to make AYP in math the following year. This change would identify only those schools where there is a consistent problem and would allow states and school districts to better target scarce resources and assistance on schools that really need help.
- ***Allow public school choice as a school district option for improving student achievement in schools that have been identified for improvement.*** Our research indicates that the public school choice requirement has been used by only a small percentage of those who are eligible. In addition, we know of no major research study that has provided evidence that school choice raises student achievement. Districts should not be required to offer choice to students attending schools that have been identified for improvement, but can opt to do so.
- ***Establish accountability requirements for the providers of supplemental educational services.*** In our surveys, school district officials expressed concern that the tutoring services provided through NCLB are not always effective in raising student achievement. To address this concern, providers of supplemental educational services should be held to the same type of accountability as public schools. If students served by a provider do not show improvement in state test scores after two years of services, then that provider should be allowed to provide services only for one more year. If there is still no increase in scores, then that provider should be barred from providing services through Title I.

Schools in Need of Improvement

Although nationally approximately 18% of all districts report having at least one school identified for improvement, greater proportions of urban districts (47%) report having such schools. This is due in large part to urban districts' concentrations of students of color and low-income children. A basic problem with NCLB is that it classifies schools equally as "in need of improvement" regardless of whether one grade or one subgroup of students is not making adequate yearly progress or many grades and many subgroups of students are missing AYP targets.

- ***Evaluate school improvement strategies that show the greatest success in urban schools, and then provide assistance to urban schools to implement these strategies.*** States and the federal government should engage in a comprehensive evaluation of school improvement efforts to determine what works in urban settings and then foster the replication of these successful efforts.
- ***Encourage a graduated approach of assistance to schools in improvement with an emphasis on schools with the greatest needs.*** Scarce federal and state resources should be targeted on schools that need assistance the most.
- ***Allow schools that graduate from school improvement to continue to receive financial support and assistance for three years.*** Our research has pointed to the need for continued support for schools that improve achievement enough to leave NCLB's school improvement status. Often, these schools face challenges in maintaining achievement gains and other improvements when they lose the extra technical assistance and funding that came with being identified for improvement.
- ***Encourage schools in NCLB's restructuring phase to engage in a variety of reform efforts.*** Our studies of NCLB school restructuring indicate that multiple strategies tailored to a school's needs are more effective in improving schools in restructuring than single strategies. The current federal list of options for schools in restructuring, therefore, should not be restricted. More specifically the option that allows "any other major restructuring of the school's governance that produces fundamental reform" should not be eliminated. Instead, states should assist districts in making good decisions about using multiple strategies to improve schools in restructuring.

State Departments of Education

The state agencies primarily charged with carrying out federal education policy are stymied by the lack of sufficient staffing and funding to carry out their duties, especially responsibilities related to assisting schools identified for improvement.

- ***Establish a grant program for states to rethink the mission and organization of state education agencies to make them more effective leaders of school improvement.*** Each state's leadership—the governor, chief state school officer, and state board of education—should be eligible to receive an unrestricted grant allowing them to assess and rethink the role of state education agencies in improving elementary and secondary education.
- ***Provide additional federal funding to state education agencies to enable them to effectively carry out NCLB.*** Increased federal funds could be used to support such activities as improving low-performing schools, developing better assessments for students with disabilities and English language learners, and improving data systems.
- ***Require the U.S. Department of Education (ED) to review and enhance its efforts to assist states in implementing federal programs.*** ED should review and refashion its application and reporting procedures, guidance, and regulations, and create a more assistive federal/state partnership.
- ***Amend ESEA to help states assist schools more effectively by allowing differentiated levels of technical assistance based on the needs of an individual school.*** Resources and personnel could be better used if states can address the unique needs of a school instead of having to carry out a blanket set of actions for all schools in improvement.
- ***Provide assistance to states to develop high-quality assessments for students with disabilities and English language learners.*** Although some states have made progress in developing alternative or native-language assessments to better measure the achievement of some students with disabilities and English language learners, states need funding and technical support to continue to refine assessments for these two subgroups.

Funding

For school years 2003-04 and 2004-05, we found that approximately 80% of districts have assumed costs to carry out NCLB for which they are not being reimbursed by the federal government. In 2006, over two-thirds of the states reported receiving inadequate federal funds to carry out their NCLB duties. In a federal system, whenever costs to carry out a national policy are imposed on another level of government, dissatisfaction arises.

- ***Substantially increase funding for the Elementary and Secondary Education Act, especially Title I, Part A.*** Federal funding should grow to match the expansion of duties required of states and school districts since the enactment of the No Child Left Behind Act in 2002.
- ***Provide money for school improvement activities from a separately authorized source of funding.*** Currently, funds for school improvement are primarily funded through a set-aside of funds from each state's total Title I, Part A allocation. Due to a "hold harmless" provision in the law, however, states are sometimes unable to set aside the full 4%. Funding school improvement through a separate authority would help to ensure that all states, even those with little or no increase in Title I, Part A funds, have funds for school improvement activities.
- ***The U.S. Department of Education and the U.S. Census Bureau should thoroughly review the accuracy of the poverty estimates used to distribute Title I and other federal funds. Consideration should be given to other options, such as using the average of the two most recent Census estimates, to calculate LEA grants.*** The amounts of Title I-A general funding that some states and school districts receive have fluctuated from year to year due to annual updating of Census estimates of the number of children in poverty. Formulas used to distribute Title I-A funds are based on each state's relative share of low-income children. This year, because states' relative shares of the total number of low-income children have shifted, some states will receive double-digit increases in Title I funding for school year 2007-08, while other states will lose substantial funds. These shifts in turn affect the amounts that school districts within a state receive.
- ***Increase funding for the Reading First program.*** Despite the Inspector General's findings of misconduct among Reading First officials in the U.S. Department of Education and among those contracted by the Department to assist states in implementing the program, Reading First has value. For the past two years on our state and district surveys, most officials reported that Reading First was an important cause of increases in student achievement in reading.

Teacher Quality

Most school districts report that they are in compliance with the requirement for all of their teachers to be "highly qualified," although some districts are having problems meeting the requirement for certain types of teachers. Despite this general compliance, educators express skepticism that the highly qualified teacher requirements will make much difference in raising student achievement.

- ***Encourage states to develop methods to measure teacher effectiveness.*** Grants and incentives should be provided to states to develop their own systems to measure and report on the demonstrated effectiveness of teachers. These measures could be incorporated into states' teacher certification and licensure systems for veteran teachers.
- ***Refine the current federal definition of a highly qualified teacher to address the special circumstances of certain kinds of teachers.*** Our surveys show that districts are having difficulty ensuring that 100% of certain types of teachers, such as special education teachers, secondary school teachers of science and mathematics, and teachers in rural areas who teach multiple subjects are highly qualified. More flexibility should be built into ESEA regarding qualifications of these teachers.

- ***Adopt a comprehensive approach to recruiting and retaining teachers in high-need schools.*** NCLB requires states to ensure that experienced, well-qualified teachers are distributed equitably among high-need and lower-need schools. This requirement should be supported through ESEA by a comprehensive approach, rather than a piecemeal assortment of small, narrowly focused programs. This approach could include financial incentives to recruit and retain highly qualified, experienced teachers who will make a long-term commitment to teach in high need schools; high-quality “residency” programs, similar to those used in medical training, developed specifically for new teachers and their mentors in high-need schools and for school leadership staff; and improved working conditions for teachers, such as lighter course loads for new teachers, increased planning and collaboration time, shared decision making, and up-to-date textbooks, technology, and facilities.
- ***Provide federal assistance to states to develop and implement comprehensive data systems.*** To fully comply with the highly qualified teacher requirements, states need to strengthen their data systems. With more comprehensive data about teacher qualifications, student-teacher ratios, teacher time spent on preparation versus teaching, and mobility rates of teachers and administrators, states and school districts could better understand which conditions contribute to teacher and student success and what supports are needed to help teachers succeed.

More detailed information on our research findings and recommendations can be found in the individual reports we have issued on the implementation of NCLB and our study of student achievement since NCLB was enacted. All of these reports are posted on our Web site (www.cep-dc.org) and can be downloaded free of charge.

Based in Washington, D.C. and founded by Jack Jennings in January 1995, 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. The Center does not represent any special interests. Instead the Center helps citizens make sense of the conflicting opinions and perceptions about public education and create conditions that will lead to better public schools.



Center on Education Policy
 1001 Connecticut Avenue NW, Suite 522
 Washington, D.C. 20036

tel: 202-822-8065
 w: www.cep-dc.org

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