



Better Federal Policies  
*Leading to Better Schools*

CENTER ON  
EDUCATION  
POLICY **CEP**

February 2010



# Better Federal Policies

## *Leading to Better Schools*

### Summary

This January marked the eighth anniversary of the No Child Left Behind Act (NCLB). These eight years have been fraught with controversy as the federal government has assumed a broader and more forceful role in elementary and secondary education. Some of the ensuing changes have led to positive outcomes, while others have been ineffective. It's a good time to rethink the federal role in elementary and secondary education. But where should the nation go from here?

Two years ago, the Center on Education Policy (CEP), an independent nonprofit organization known for its comprehensive studies of NCLB and related issues, began a research-based review of the federal role. As part of this process, we examined an extensive body of research from a wide range of sources. We also commissioned scholarly papers, held forums to discuss ideas, solicited advice from experts of various backgrounds, and reflected on our own long-term experience with federal policies. At the end of this process, we developed five guiding principles for reshaping the federal role and ten recommendations for reauthorizing the Elementary and Secondary Education Act (ESEA), particularly Title I. Box A shows these principles and recommendations.

Our approach would keep aspects of the current federal role that have contributed to progress, change aspects that could be better designed or implemented, and eliminate requirements and programs that have not been effective. Simply put, our approach is tighter on the front end, with rigorous common standards and aligned assessments, but less prescriptive on the back end, with greater opportunities for experimentation accompanied by evaluations in states that adopt common standards and tests. Finally, we recommend adding new areas of emphasis to the federal role. Box B shows which major aspects of current law we propose to keep, eliminate, change, and add.

## Box A. Principles and Recommendations

### Principles for the Federal Role

1. **Limited number of goals.** Focus more clearly on the vital goals of improving academic achievement and promoting equity.
2. **Ends more than means.** Streamline the federal role.
3. **Experimentation with evaluation.** Where research is not clear about what works, promote experimentation, research, evaluation, and dissemination of results.
4. **Capacity building.** Build state and local capacity and consider state and local context.
5. **Out-of-school influences.** Consider broader social factors that affect students' achievement and readiness for school.

### Recommendations for Reauthorizing ESEA

1. **Standards-based reform.** Keep the basic elements of standards-based reform but change or eliminate aspects that are not working.
2. **Standards.** Encourage and support the state movement already underway to adopt rigorous common standards in core subjects.
3. **Assessments.** Encourage collaborative state efforts to develop high-quality tests aligned to the common core standards and individual state efforts to assess achievement in areas beyond reading and math.
4. **Systems for continuous improvement.** Allow states that adopt the common core standards and assessments to move away from the federal requirements for adequate yearly progress (AYP) and experiment with different systems for determining improvement and identifying low-performing schools.
5. **Support to low-performing schools.** Let states, districts, and schools experiment with promising approaches to providing support and determining interventions for low-performing schools.
6. **Resource equity.** Ensure that all students have an opportunity to learn by encouraging an equitable distribution of state and local resources for education.
7. **High school reform.** Place higher priority on improving low-performing high schools by expanding funding for high school reform in current programs and tailoring requirements to address the unique needs of high schools.
8. **Students with disabilities and English language learners (ELLs).** Encourage appropriate accountability and better instruction for students with disabilities and English language learners.
9. **Teacher quality.** Support research and state experimentation on what makes a teacher effective and how to measure this, and require states to work with school districts to address disparities in the distribution of experienced teachers.
10. **Complementary learning.** Establish a coherent partnership among K-12 education, early childhood education, and out-of-school learning.

## Box B. Comparison of CEP Recommendations with Current Law

### Keep

- The general concept of standards-based reform, including academic content standards and assessments aligned to these standards
- Annual testing in reading and math
- Public reporting of test results by school, disaggregated by specific student groups
- The current federal accountability system in states that do not adopt common core standards and assessments, with the flexibility presently allowed by the U.S. Department of Education (ED)

### Eliminate

- The unrealistic goal of 100% of students scoring at the proficient level by 2014
- The AYP-based system of federal accountability in states that adopt common standards and assessments
- Federally prescribed sanctions for schools that do not meet AYP targets
- Federal requirements for school choice and supplemental tutoring (which instead would become local options)
- The current federal criteria for determining which teachers are “highly qualified”
- Other programs that evaluations show have not been effective

### Change

- State standards to make them more rigorous and consistent across states

Encourage the movement sponsored by the nation’s governors and chief state school officers to adopt common standards in core academic subjects. Support efforts to ensure these standards are more rigorous, coherent, and focused, and better articulated across grade levels than those found in many states.

- State assessments and improvement measures to align them with common standards and cover a broader range of subjects, skills, and outcomes

Encourage states to develop national (but not federal) or regional assessments that are aligned to the common standards, meet key criteria for quality, measure higher-order skills and knowledge, and can be equated to each other. Require public reporting of the results of these tests to serve as one form of accountability and provide a clearer, more uniform picture of how well children in different states are performing. Encourage states to assess subjects in addition to math and reading, such as science, social studies, art, and music; and to measure progress on other outcomes, such as high school completion and postsecondary enrollment. Encourage school districts to develop indicators of students’ civic involvement and knowledge.

- Approaches for determining improvement and identifying low-performing schools

Allow states that adopt common standards and assessments to pilot various systems, with federal approval, for determining continuous improvement on the assessments and indicators described above. Encourage states to experiment with approaches that might include models for measuring individual student growth, qualitative measures such as inspections by experts of instructional quality, or improvement targets based on the current rate of gains in the highest-performing schools or the numbers of students meeting grade-level expectations.

*continued on page 4*

- Approaches for supporting and intervening in low-performing schools

Let states develop plans, with federal approval, for providing various supports and interventions to struggling schools, such as technical assistance, school improvement grants, and monitoring or visits by states or outside contractors with expertise. Permit the types of supports and interventions to vary depending on the severity of the school's needs.

#### Add

- An “opportunity to learn” fund, similar to the economic stimulus “stabilization” fund, that will be available only to states that take strong steps to equalize state and local education funding among and within school districts
- A requirement for states to work with school districts to develop incentives for more experienced teachers to teach in low-income schools
- Provisions to better coordinate elementary and secondary school programs with learning and supports outside school

The remainder of this paper describes our principles and recommendations in more detail.

## Time to Rethink the Federal Role

With the approaching reauthorization of ESEA, the Congress and the Obama Administration face tough questions about how to revamp the federal role in elementary and secondary education. The 2002 amendments to ESEA made by the No Child Left Behind Act have broadened and deepened the federal role in ways that affect all schools and all students. Although NCLB has brought unprecedented attention to historically low-performing groups of students, and although student achievement has risen according to state tests and other measures, dissatisfaction with NCLB's flaws is widespread. Many practitioners and policymakers at all levels of government appear ready to move beyond the current NCLB requirements—but not always in the same direction. Some think the answer is to institute more federal requirements, while others want to greatly scale back the federal role.

In both its implementation of the American Recovery and Reinvestment Act (ARRA) and its proposed fiscal year 2011 budget, the Obama Administration has signaled its frustration with the pace of reform under NCLB and with some state and local implementation choices. Under ARRA, the U.S. Department of Education has imposed specific new restrictions on roughly half of the \$100 billion available for education. In particular, states must agree to target funds from certain ARRA programs on four aspects of school reform—raising academic standards, implementing better data systems to track students' achievement, increasing the effectiveness and equitable distribution of teachers, and turning around low-performing schools—and to limit the options for turning around struggling schools to four reform models that are somewhat different from those in NCLB. The Administration has also indicated that these four aspects of school reform will be the foundation of its proposal to reauthorize ESEA. These actions have helped shift the debate about reauthorization from one of determining which NCLB requirements to tweak to one of deciding how federal requirements can drive state and local actions and speed up reform.

For the past two years, CEP has reviewed evidence about current and prior federal programs to consider what the future federal role in elementary and secondary education should look like. As part of this process, we took the following steps:

- Commissioned 11 papers that synthesized research and historical evidence about the effects of past and current national policies in a particular area of education, highlighted lessons from past experience that could be used to shape a more effective federal role, and considered the implications of new challenges and opportunities for the federal role

- Held six briefings for Congressional staff, U.S. Department of Education officials, executives of national education associations, and others, at which authors of the commissioned papers discussed their findings
- Assembled a compilation that briefly summarized key national and regional studies of NCLB and related federal programs conducted by a wide range of groups since 2005, and reviewed empirical evidence from these and other studies
- Continued our own comprehensive studies of student achievement, school restructuring, and other aspects of NCLB
- Reflected on our knowledge and experience, going back as far as 40 years, with federal elementary and secondary education programs and policies
- Asked 12 experts of varying backgrounds to review a longer draft of this paper and carefully considered their comments

The principles and recommendations in this paper grew out of this research-based process. In general, we share the Administration's concerns about the pace of reform and see the need for a new approach to jump-start improvement.

Our recommendations focus primarily on Title I of ESEA, which provides funds to improve education for low-achieving students in low-income areas. Title I is the largest source of federal funding for elementary and secondary schools and contains the major federal accountability requirements. Since much of CEP's research has dealt with Title I, we have the most expertise about Title I issues. A few of our recommendations also touch on the provisions for teacher quality in Title II and education for English language learners in Title III.

The specific research that supports the principles and recommendations in this paper are listed in an appendix, available on CEP's Web site at [www.cep-dc.org](http://www.cep-dc.org). This appendix also lists the 11 commissioned papers that broadly informed this paper and provides more details about the methods used to review studies for this project.

## Principles for the Federal Role

Although some national, state, and local leaders may see the federal presence in elementary and secondary education as intrusive and unwelcome, especially in the years since NCLB, we believe the federal government should continue to play a significant role. Over the past several decades, the federal government has made important, positive contributions to education by setting broad goals, redistributing resources to redress inequities, mobilizing state and local governments to address pressing needs, and calling attention to urgent national priorities and promising practices. The impact has been most notable and longstanding for students who come from low-income families, are low-achieving, or have disabilities or limited English proficiency. In more recent years, the federal government has also helped to spur reforms that affect all students.

Now is not the time to halt this momentum. Without continued federal involvement in education, states would still support districts and schools and hold them accountable for raising student achievement. However, the choices some states have made in such areas as defining what constitutes proficiency, designing accountability systems, or determining whether veteran teachers are highly qualified suggest that without a degree of federal encouragement, many states may lack the political will and resources to make the tough choices required to reform education.

Further, the ARRA experience shows that the federal government can be an indispensable partner—not only by saving the jobs of teachers and other educational staff during dire economic times, but also by encouraging states to move ahead on essential educational reforms.

This is not to say that the federal role should remain much the same. Rather, CEP is proposing a more focused and coherent federal role in elementary and secondary education, built around the following five principles. These principles cut across many provisions of ESEA and undergird the more specific recommendations outlined later in this paper.

**Principle 1—Limited number of goals:** Focus more clearly on the vital goals of improving academic achievement and promoting equity.

Past experience suggests that while the federal government has been effective in many areas of education, it has been less successful in pursuing coherent, mutually reinforcing policies. This could be rectified by focusing federal programs and policies more clearly on a limited number of vital goals that do not compete with each other, are in the national interest, and address issues that states and local districts are unable or unwilling to take on by themselves.

These goals should include the following:

- Ensuring that all students will achieve at levels demanded by an internationally competitive economy
- Preparing students better for further education, employment, and civic life
- Narrowing achievement gaps and promoting educational opportunities for children who face challenges due to poverty, race and ethnicity, disability, or language proficiency

Americans have come to understand that our children must compete for jobs with young people from many other countries. Acquiring a good elementary and secondary education and going on to college or other postsecondary training are increasingly viewed as essential steps to prepare for that future. In the push to make the schools academically better, however, we have too often lost sight of another basic purpose of education—to help students become better citizens who are involved in the democratic process and are tolerant and respectful of others. We must improve our schools so that students learn at higher levels, but we must also revive a broader, more balanced view of education.

Improving education for children who are economically disadvantaged, have been discriminated against, or have disabilities or limited English proficiency must remain central to the federal role in education, but equity goals cannot be attained in isolation. We must retain a broad national effort to raise achievement for *all* students and, within this framework, devote attention to equitable treatment of students who face challenges.

**Principle 2—Ends more than means:** Streamline the federal role.

Although we strongly recommend maintaining a meaningful federal role in education, we do not mean keeping all the programs and requirements that exist now. Pressing problems in education require broad-based, coherent interventions, and achieving coherence involves tradeoffs. The federal government wastes time, money, and effort due to conflicts and redundancies in its education programs and policies. Legislators tend to create new categorical programs to respond to specific needs, but this only exacerbates the problem and diminishes the impact of these programs.

We recommend that the federal government take three main steps to streamline the federal role.

First, the Congress and the Administration should get rid of requirements or programs that are not working and add new ones only when evidence suggests they are likely to work. If stronger requirements are necessary to achieve some federal goals, then federal policymakers should eliminate programs or requirements that do not contribute to the goals laid out above or that have not been effective according to research. The Obama Administration has already signaled its interest in moving in this direction with its budget proposal for fiscal year 2011. Federal policymakers should also be careful about enacting new categorical programs to address specific problems. Any new programs or requirements should be backed up by evidence. If the evidence is insufficient or nonexistent, then we recommend a more cautious approach of trying out concepts on an experimental basis, as explained in principle 3.

Second, federal policymakers should prescribe ends more than means. Federal goals can be achieved only by working through a complex federal-state-local partnership. Historically, more than 90% of education funding has come from state and local sources. Many major education decisions, such as hiring teachers, are made locally. Federal policy should not trump state or local initiative except where the national interest clearly compels it. Toward this end, we propose that the federal government specify the ends to be attained more than the means to be used.

Third, federal policymakers should improve coherence and coordination among programs and policies. This process should begin with efforts to better coordinate federal education programs administered by ED. It should also include efforts to better coordinate programs and policies across other agencies; improve articulation across preschool, K-12, and postsecondary education; and better coordinate education programs and other programs that serve children.

**Principle 3—Experimentation with evaluation:** Where research is not clear about what works, promote experimentation, research, evaluation, and dissemination of results.

We still know painfully little about some key questions in education reform: *What makes an effective teacher? What's the most effective way to turn around a low-performing school? What should be done to improve high schools?* Yet it is vastly preferable to accept the gaps in our knowledge and invest in filling them than to expend scarce financial, human, and political capital on policies that may very well not work. When the federal government enacts short-sighted policies without a clear, strong basis in research, it risks misdirecting its tremendous influence and resources and creating problems down the road for millions of children.

When evidence is insufficient to indicate a particular approach, we recommend that the federal government give states the flexibility to experiment in ways that can deepen understanding of what works. In addition, the federal role should support research and require evaluations of the experimental methods being used to carry out national policies. These evaluations could be done through federal, state, and local partnerships, and in some cases through collaboration with outside experts and research organizations. This approach would allow states to function as laboratories, conducting evaluated experimentation that could yield greater knowledge about what works, new effective policies and practices, and a better framework for reform in the future. Experimentation should be defined broadly to include practice-based experience as well as formal research.

A requirement to disseminate the lessons learned from these experiments and studies should be built into this process. The federal government could serve as a clearinghouse for promising and best practices and could share research and evaluation results in forms that are useful to practitioners.

**Principle 4—Capacity building:** Build state and local capacity and consider state and local context.

The impact of federal programs and policies is diminished when states and school districts lack the capacity to fully implement them. The prime example can be found in state departments of education, which have been required by NCLB to carry out new roles and provide front-line support and technical assistance to thousands of districts and schools in improvement—a role for which many states are not adequately prepared.

The federal government should provide assistance to states to expand their capacity to carry out policies to improve education. By capacity, we mean not only adequate funding, but also staff expertise and openness to new ideas. In particular, the federal government should help strengthen the capacity of state education agencies to monitor and assist districts and schools in need of improvement. Research by CEP and others shows that using data to improve instruction is a key element of reform, so federal efforts to build state capacity should include support to enhance state data systems. These activities are occurring under ARRA, but they need to be continued and expanded.

A federal capacity-building effort should focus on school districts as well as states, since much of the funding and responsibility for school improvement is controlled at the local level. Many school districts, especially those with high concentrations of low-income students, lack the capacity to improve schools or provide the right kinds of support to principals and teachers. Disparities in local capacity can often be traced back to inequities in the distribution of state funding, an issue addressed in recommendation 6.

Studies by CEP and others have also found that local context often has a considerable influence on the success of school improvement efforts. Limiting reform to one-size-fits-all strategies has not worked in the past and could discourage good ideas that emerge from the state and local levels. Schools that have raised achievement enough to exit NCLB improvement have often done so with multiple strategies tailored to their individual needs. Recognizing this, federal requirements should be flexible enough to allow states, districts, and schools to consider local contexts in supporting or designing improvement strategies and interventions. Contextual factors that could affect school reform cover a wide range—a few examples include the demographics of students and families served by a school, limited supplies of teachers in some rural or urban schools, relations between school district leadership and teachers' unions, or the political relationship between school boards and mayors.

**Principle 5—Out-of-school influences:** Consider broader social factors that affect students' achievement and readiness for school.

Disadvantaged children as a group start school with an achievement gap. As they progress through the grades, their achievement continues to be shaped by social factors outside formal schooling, such as poverty, health and nutrition, parental education and involvement, access to high-quality child care and preschool, and availability of community resources for learning. Although ample research has corroborated the link between achievement and these other factors, federal policies hold elementary and secondary schools accountable for raising achievement and narrowing gaps with little attention to social factors.

As discussed in recommendation 10, federal efforts to promote educational equity and improve learning for all students must pay more attention to early childhood education, particularly for disadvantaged children, as well as to after-school, summer, and family educational programs. In addition, the federal role in education should be considered in the context of national efforts to address health care, economic and job security, and other social problems. If fashioned correctly and carried out well, a reformed health care system, for example, could improve student achievement by making children healthier and more ready to learn. Programs to reduce poverty and create good jobs could also help narrow achievement gaps because family income is one of the strongest predictors of students' test scores.

## Recommendations for Reauthorizing ESEA

The upcoming reauthorization of the Elementary and Secondary Education Act provides an opportunity for federal policymakers to apply the five principles outlined above. To develop recommendations for ESEA, we examined a large body of research on NCLB in light of these principles. For example, if the research suggests that a particular approach has not been effective, we have recommended that it be eliminated. Using this approach, CEP arrived at the following ten recommendations.

**Recommendation 1—Standards-based reform:** Keep the basic elements of standards-based reform but change or eliminate aspects that are not working.

The general framework of standards-based reform—including standards for what students should know and be able to do at each grade, assessments to measure students' progress in meeting these standards, and curriculum and instruction to help students learn the material in the standards—has provided a coherent structure for reforming education and has caused states to think seriously about the most important knowledge and skills students must acquire to be considered well-educated in the 21<sup>st</sup> century. Standards-based reform has also brought about other positive outcomes. It has been developed through a consensus among states and the federal government after many years—a rare achievement in education. Four U.S. presidents in a row have made it the basis of their education policy, as have high-performing systems in many other countries. Public reporting of test results, which has been an important part of standards-based accountability under NCLB, has brought greater attention to the achievement of underserved or low-performing groups of students and has helped spur greater efforts to help these students.

Most importantly, scores on the state tests used for NCLB have increased over the last seven years. State-by-state results from the National Assessment of Educational Progress (NAEP) confirm this general rising trend, although national NAEP results show a somewhat more mixed picture of progress. While it is very difficult to attribute changes in achievement to specific causes in light of the host of intermingled influences present in schools, standards-based reform has been the most dominant movement in education during this period and has almost certainly contributed strongly to the gains that have been observed.

At the same time, the version of standards-based reform embodied by NCLB has produced some negative effects. With greater consequences attached to test results, the testing aspect of standards-based reform has become the main driver of accountability, overshadowing the standards themselves. The adequate yearly progress requirements of the law have created incentives for states to make their tests or cut scores for test performance easier and have emphasized arbitrary and widely divergent benchmarks of “proficiency” rather than performance across the achievement spectrum. The intense focus on test results in reading and math has encouraged districts and schools to reduce instructional time for other subjects and created pressure for teachers to focus instruction on the content in state tests rather than the full range of knowledge and skills expected of a well-educated student.

Although standards-based reform has been imperfectly implemented, and although it may have drawbacks even when implemented optimally, we believe it would be foolish to abandon it now. Research has not revealed any better framework for educational reform. Throwing the brakes on standards-based reform would halt the traction that has been gained and could result in a massive waste of effort around a different set of theory-based policies that may or may not work in practice.

We acknowledge the problems with certain NCLB accountability requirements, however. For that reason, we propose keeping aspects of federal law and standards-based reform that are working—including content standards, assessments and curriculum aligned with standards, and disaggregation of data and attention to disadvantaged groups of students—but changing or eliminating aspects that are harmful or ineffective. We also recommend moving away

from the current accountability system based on an overly rigid conception of AYP to a system that will use tests in conjunction with other measures to identify low-performing schools and help schools and teachers continuously improve. The next several recommendations provide more specifics about how we think that can be accomplished.

**Recommendation 2—Standards:** Encourage and support the state movement already underway to adopt rigorous common standards in core subjects.

Under NCLB, states adopt their own content standards and tests aligned to these standards. The result is a collection of state standards and tests that vary enormously in rigor, test type, test difficulty and design, and cut scores for proficient performance. The differences are great enough that many schools deemed to be failing in one state would make AYP in another. Furthermore, NCLB in a sense punishes states for establishing more ambitious standards, harder tests, or higher cut scores. Studies from various sources have concluded that some states have lowered their cut scores for proficiency in recent years or have decreased the difficulty of their tests in ways that are not always apparent. Although the standards movement, as originally conceived, sought to raise expectations for student learning to internationally competitive levels and bring greater consistency and transparency to the educational system, these objectives have not been met well by the current array of state standards and tests. Currently, it is not possible or advisable for users of state test data to make meaningful comparisons of performance across states or for parents to really know whether their children are being well prepared for the global economy.

The effort led by the National Governors' Association and the Council of Chief State School Officers to develop common standards for what students should learn and be able to do in core subjects is a promising one. If the common core standards are rigorous, and if they are accompanied by aligned assessments and cut scores that allow test results to be reported consistently across states, this approach could help to address the problems of low expectations, wide variation in state standards, and lack of transparency. For this reason, we recommend that the federal government encourage and support the common core standards movement and that states adopt these standards, along with common aligned assessments as described below. As explained in recommendation 4, we further propose a two-track approach in which states that adopt the common standards and assessments would have greater flexibility to experiment with different approaches to measuring progress and identifying low-performing schools than states that do not adopt them.

It is important that common standards be developed and driven by the states rather than the federal government. It is particularly critical that the federal government keep its distance regarding the actual content of the standards. Although some leaders have advocated moving away from the federal requirements that prohibit control of curriculum, we think this would be a step in the wrong direction. It could mire the federal government in controversial debates about topics to be addressed in the standards, diverting attention from the most important federal goals and escalating backlash against federal involvement in education. A more appropriate and helpful federal role in the area of standards could include contributing funding, expertise, and research to the standards-setting process and requiring independent reviews of the rigor and quality of the standards. The federal government could also fund state efforts to provide professional development on the common standards and develop curriculum aligned to the standards.

It is also important that common standards be more rigorous, coherent, focused, and well articulated across grade levels than those adopted by many states and that they address more complex skills and understandings. We further envision that states, working in collaboration or individually, would develop standards for social studies and science, as well as for reading and math.

**Recommendation 3—Assessments:** Encourage collaborative efforts among states to develop high-quality tests aligned to the common core standards and state efforts to assess achievement in areas beyond reading and math.

Standardized tests remain the most objective and practical way to track student achievement across the states and the nation. For that reason, we recommend continuing annual testing in reading and math in the grades currently being tested. Much effort has gone into putting in place testing systems in grades 3-8 and high school. Although testing in fewer grades or less frequently than annually has some appeal, it would remove much of the incentive to improve and could allow students in low-performing schools to go too long without adequate assistance. Annual testing also makes it more feasible to calculate individual student progress using growth models of accountability. Under the system for measuring improvement that we outline in recommendation 4, states could test subjects other than reading and math less often than annually.

At the same time, current state testing systems have flaws and need to be improved. Many state tests are not high in quality, are not well aligned to standards, or do not measure the range of knowledge and skills in state standards. The skills typically neglected are the higher-order ones that cannot be tested well with multiple-choice items, which are relatively inexpensive to develop and score. Often, the limited sample of knowledge and skills embodied in the questions on a state test has become a de facto curriculum, leading teachers to engage in negative forms of teaching to the test. Moreover, some state tests do not do a good job of distinguishing between students who are well-taught and poorly taught, or do not yield information that is timely or descriptive enough to be used by teachers to modify their instruction.

A good set of common standards will not lead to a better accountability system if students' achievement of these standards is tested by unchallenging, inexpensively designed tests that assess only limited types of knowledge and skills. To address the weaknesses of current testing systems and to measure students' progress in learning the material in common standards, we recommend that the federal government provide funding and expert support to consortia of states to develop high-quality, national (but not federal) or regional assessment systems that are aligned to the common core standards and could be equated to each other. These assessment systems should meet high technical standards laid out by testing experts and strive to satisfy the following criteria to the maximum extent possible:

- Be designed for the function for which they are intended
- Yield valid interpretations about student achievement
- Produce results that are reliable and fair
- Include all students and be attentive to equity concerns
- Better measure student growth from grade to grade
- Include strategies to maximize the participation of students with disabilities and English language learners in appropriate ways
- Address the depth and breadth of standards, including higher-order knowledge and skills
- Serve as catalysts for improved teaching and learning, provide information that teachers can use to inform instruction, and be compatible with classroom assessments
- Produce clear information to the public about the purpose of the test and meaning of different performance levels

Designing high-quality tests is just part of the task of improving assessment systems. First, the common standards and tests will not lead to greater rigor, consistency, or transparency unless they are accompanied by common scoring scales and cut scores for reporting student achievement. Even if states develop various methods for determining improvement, as suggested below, we recommend that states adopting the common standards also use a common system for publicly reporting test results, at least for a core set of test items. This approach will allow parents and others to see how children are performing relative to those in other states and will eliminate opportunities for states to “game” the system by tinkering with cut scores. Second, states should develop curriculum aligned to the common standards and assessments and should offer professional development to help teachers and principals understand and use the assessments. Third, state assessment systems should build in a component for evaluating the quality and impact of the tests used.

We recommend that state assessments, like state standards, be adopted for social studies and science, as well as reading and math. In addition, we encourage states to develop or adopt measures of learning in the arts and music. States should also designate procedures that encourage school districts to adopt indicators of students’ civic involvement and knowledge, important attributes that are more appropriately assessed at the local level given the lack of consensus about how to measure them.

Under the system we recommend, tests would remain an important tool for measuring progress and holding schools and districts accountable for continuous improvement, but they would not be the only one. State systems of gauging improvement should also use measures in addition to test scores, including rates of grade retention, high school completion, and enrollment in college or postsecondary training. NAEP could continue to provide a national report card of progress and an additional check on the results of the state-designed tests.

**Recommendation 4—Systems for continuous improvement:** Allow states that adopt the common core standards and assessments to move away from federal AYP requirements and experiment with different systems for determining improvement and identifying low-performing schools.

Some of the most problematic aspects of NCLB relate to its AYP-based approach to accountability. The goal of 100% of students reaching the proficient level of achievement by 2014 is an unattainable one, and we recommend that it be eliminated. Reaching this goal would require rates of gain that are not found in even the highest-achieving schools. Moreover, the percentage proficient, the chief measure of progress under NCLB, does not reveal as much about achievement as it may seem to. As already noted, states vary greatly in how they define proficiency and which tests they use to measure it. In addition, percentages proficient do not provide information about the progress of students who score well below or above the proficiency cut score. And for statistical reasons, gaps in achievement between different groups of students may arbitrarily appear smaller or larger depending on where states set this cut score.

The AYP ratings that emerge from this system are also a flawed gauge of which schools have the greatest academic needs. Under this “all-or-nothing” system, schools that fall short of just one or two AYP targets are treated the same as those that fall short on many targets. In some states, large numbers of schools have been identified for improvement, and in all states these numbers are likely to increase as AYP targets rise closer to 100%. Indeed, on the way to the ultimate goal of 100% proficiency in 2014, many states have established “backloaded” trajectories that call on schools and districts to make impossibly steep achievement gains in the final few years before 2014.

The AYP-based approach is a “status” model of measuring achievement gains that compares this year’s group of 5<sup>th</sup> graders, for example, with last year’s 5<sup>th</sup> graders, rather than a “growth” model that looks at achievement gains for individual students. With limited exceptions, schools and districts are not credited for gains made by students below or above the proficient level, and percentages proficient may fluctuate for reasons that have more to do with differences among cohorts of students rather than with changes in learning.

Although the current accountability system is not working well, research is insufficient to know whether alternative systems would be more successful. We therefore recommend a two-track approach. States that adopt the common core standards and aligned assessments could be given the flexibility to pilot, with the approval of ED, a variety of alternative systems that set targets for determining continuous improvement on the assessments and indicators described in recommendation 3, as well as methods for identifying which schools and districts are low-performing and need support and interventions. As long as these states publicly reported their reading and math test results at the school level, using common scoring scales and cut scores, it would be clear how each school's students are progressing in comparison with other students, and this in itself would be a form of accountability. These states would then be free to try various alternatives to the other functions of AYP-based accountability.

We also recommend that the federal government partner with states and independent evaluators to undertake the complex but critical task of evaluating the results and impacts of these accountability pilots. Findings from these evaluations should be disseminated and used to make future federal and state policy decisions.

In the states that do not embrace common standards and assessments, it would continue to be difficult for the public to know how their children really measure up because it would not be clear how demanding the state's tests and cut scores really are. Consequently, we recommend that these states be required to use the current federal accountability system with the options for flexibility currently allowed by ED. These states would still have to have their systems approved by ED, and they could still benefit from some of the other changes proposed in this paper. This type of two-track system would create an incentive for states to embrace common standards and assessments.

States in the first group, the pilot group, could experiment with systems that might include elements such as the following:

- Growth or value-added models
- Models that use both quantitative and qualitative measures of improvement, including inspections by experts and in-depth, research-based criteria to measure the quality of instruction and other aspects of school effectiveness
- Targets for improvement based on the current rate of gains in the highest-performing schools in the state, international benchmarks, or NAEP achievement levels
- Targets for improvement based on average (mean) test scores or on achievement levels that signal whether students are performing below, at, or above grade-level expectations
- Systems that measure achievement in subjects in addition to reading and math or with performance measures in addition to test scores

Improvement on some of the state targets, such as test scores in reading and math and high school completion, should be measured annually, while improvements in other areas could be measured less often or through sampling instead of universally.

To safeguard against states' adopting alternative systems for identifying and intervening in schools that are too lenient, we recommend that ED review and approve state plans using a specific set of criteria associated with viable accountability systems. Examples of criteria include the following:

- Performance targets that are ambitious but achievable, whether based on growth or status measures
- Annual reporting of student achievement data
- Disaggregation of achievement data and accountability for the progress of significant subgroups

- Efforts to ensure that students have an opportunity to learn the material being tested
- Attention to improving achievement among students at the bottom and top levels of performance, as well as the middle
- Transparency about what is being measured and what constitutes an acceptable level of performance

As part of this process, state plans could be reviewed by panels of experts, and states could be required to submit information, such as projected numbers of and types of schools identified, that would help ED or an expert panel determine the likely impact of the proposed system.

**Recommendation 5—Support to low-performing schools:** Let states, districts, and schools experiment with promising approaches to providing support and determining interventions for low-performing schools.

The current system of sanctions and supports for schools identified for improvement has fallen short in many ways. In some states, so many schools have been identified for improvement that states cannot provide meaningful levels of improvement funding or technical assistance to all of them. Moreover, the sanctions required of schools in the first two years of improvement—offering public school choice and providing supplemental tutoring services—have not been catalysts for reform. Very few students have taken advantage of these options; in the meantime, other students have had to wait during these two years before their school gets down to the hard work of reform. For persistently low-performing schools in the last stage of improvement, NCLB’s restructuring options are too limited. Our research shows that none of these options is associated with a greater likelihood of a school making AYP, and many schools languish for years in improvement.

Although the Obama Administration’s requirements for using new federal school improvement money represent a bold change and are more uniform and focused than the options in NCLB, they, too, have weaknesses. The model of converting low-performing schools into charter schools offers no guarantee of effectiveness; research on charter schools has shown mixed results. Research is also mixed or scant on the various components of the so-called transformation model, which combines principal replacement with comprehensive instructional reforms, increased learning time, and other reforms. The school closure model can be used with only a limited number of schools without overcrowding other higher-performing schools in some districts. And principal and staff replacement is effective only when certain other conditions exist.

Based on our extensive studies of restructuring schools in six states and other research, we recommend that the following provisions be adopted to support low-performing schools.

First, we recommend that the federal government expand ED’s pilot program for differentiated accountability to allow any state with a well-designed plan to experiment with this option. By taking advantage of this pilot program or the flexibility already available in federal guidelines, several states are targeting certain types of schools for improvement assistance and are providing different types or levels of assistance to these schools. For example, some states are targeting more intensive supports to a subset of schools or districts with the greatest academic needs, rather than attempting to provide a mediocre level of service to all schools identified for improvement. Several states have also increased on-site visits or monitoring in low-performing schools.

Second, we recommend that the federal government raise or waive the 5% cap on the amount of funds states can set aside to support schools identified for improvement. Increasing this cap would help build states’ capacity to support school improvement efforts.

Third, we propose allowing states to continue support to formerly low-performing schools for several years after the school has raised achievement. Our research has uncovered instances of schools that have exited NCLB improvement but have slipped back into this status after a few years because they lost the funding needed to sustain reform strategies.

Fourth, federal legislation should move away from NCLB's overly prescriptive sanctions and restructuring options. School choice and supplemental services should no longer be required; the 20% set-aside for these activities could be better spent on other interventions. Tutoring services for struggling students, including those offered by outside providers, could still be an important intervention, if a district or school chooses to offer them. Instead of the current sanctions, federal policy should allow states, with federal approval, to design alternative plans for providing support and interventions to low-performing districts and schools. State supports could include technical assistance, school improvement grants, and monitoring or visits by states or outside contractors with expertise.

State plans should also encourage schools and districts to undertake multiple, coordinated reform strategies that are based on research and tailored to their specific context and needs, as identified by needs assessments and analyses of achievement data. Examples of successful strategies from schools that have exited restructuring include evaluating and revising reform efforts in response to school and student needs; analyzing data frequently and using it to regroup students for instruction; and replacing staff, but only when certain conditions are present. In keeping with the concept of differentiated accountability, the types of supports and interventions could vary depending on the severity of the school's needs.

Fifth, the federal government should partner with states, districts, and other entities to evaluate the outcomes of various school improvement strategies, including research on which strategies are most effective in which context. The results of these evaluations should be shared widely.

**Recommendation 6—Resource equity:** Ensure that all students have an opportunity to learn by encouraging an equitable distribution of state and local resources for education.

In recent years, federal accountability requirements have focused on the outcomes schools are expected to produce. Improved achievement and other outcomes should continue to be a primary emphasis of the federal role in education, but the federal government could also take stronger steps on the input side to ensure that schools and students, particularly minority, low-income, and special needs students, receive the resources necessary to produce the desired outcomes.

During the 1990s, when standards-based reform was first debated as a national strategy in Washington, standards to ensure that students had an opportunity to learn more challenging subject matter were part of the concept. But in the face of political opposition, opportunity-to-learn standards were deleted from the first federal legislation in 1994, a decision that sapped support for standards-based reform at the outset. It simply does not make sense to expect all students to do better in school when some school districts have substantially more funding than others, especially when lower-spending districts often have high concentrations of low-income students and other students who need more services to succeed. Districts with high needs and insufficient resources will be hard pressed to hire and train effective teachers, turn around low-performing schools, implement and maintain sophisticated data systems, and carry out other reform priorities without adequate and sustained funding.

Although promoting equity in education has been a cornerstone of the federal role in education since 1965, large inequities in state and local funding continue to hobble efforts to narrow achievement gaps in districts and schools with high numbers of poor and minority students. Wealthier communities have a built-in advantage in a system that continues to rely on local property taxes as the main source of revenues for schools. In a majority of states,

high-poverty and high-minority districts receive notably less state and local money per child than low-poverty and low-minority districts. Even within the same district, disparities exist, with less money spent in schools serving the most disadvantaged students.

The ARRA took an initial step to address funding inequities through its requirements for “stabilization” grants, which provide roughly \$40 billion in general aid that can be used to save the jobs of K-12 teachers and other education staff. In particular, states are required to use a more equitable formula to distribute the stabilization funds than their regular formulas for distributing general state aid. This provision has not been strongly enforced, however. In addition, the criteria for awarding grants under ARRA’s Race to the Top program give points to states that maintain or increase the percentage of total state revenues devoted to education and that adopt policies leading to equitable funding between and within school districts. However, much less emphasis has been given to this purpose than to many other criteria.

The stabilization program is scheduled to expire in 2011. We recommend retaining this general aid to education because states expect to face severe budget constraints for several more years, and school districts will still need assistance to keep teachers in the classroom. But we propose limiting this aid to states that will provide all students with meaningful educational opportunities by adopting stronger requirements for funding adequacy and equity. We specifically propose requiring states that seek this general aid, at a minimum, to 1) maintain or increase the percentage of total revenues dedicated to K-12 education at or above the 2008 level; 2) adopt policies that will lead to equitable funding *between* school districts, as demonstrated by progress in reducing funding disparities among districts based on local property wealth or income wealth; and 3) adopt policies that lead to equitable funding *within* school districts, as demonstrated by progress in reducing differences among schools in per-pupil spending.

In addition, the federal government should strengthen the Title I “comparability” provisions, which require school districts to equitably distribute state and local aid across schools and to use federal Title I funds to provide *additional* services to disadvantaged students, on top of services already funded with state and local money. According to recent studies, this requirement is not working as intended due to loopholes in the law. To amass accurate information to close these loopholes, ARRA requires districts to report detailed information to the states about per-pupil expenditures in each of their schools, including salaries, bonus pay, incentive pay, and stipends for teachers and other staff. A strong comparability requirement should also be included in the opportunity-to-learn grants recommended above; in particular, districts should be required to demonstrate that funds are equitably distributed among their schools before they receive these grants.

Money isn’t everything, of course. How districts and schools use money is also critical; the other reforms we recommend should help to ensure that funds are used well and will bring about greater gains in student achievement. But money does make a difference. If we want all students to do better, then we should level the playing field so that all students have an equitable chance at a good education.

**Recommendation 7—High school reform:** Place higher priority on improving low-performing high schools by expanding funding for high school reform in current programs and tailoring requirements to address the unique needs of high schools.

A revamped federal role should include a specific effort to turn around low-performing high schools and prevent at-risk youth from dropping out. Many high schools are greatly in need of improvement. Achievement gains are less prevalent at the high school level than at the lower grades, and graduation rates are distressingly low in some high schools. But high schools have been somewhat overlooked by federal reform efforts. Title I funds and improvement efforts have been mostly targeted on elementary schools.

Past efforts to reform high schools have not been particularly successful, and there is little evidence or precedent to draw on to fashion a more effective approach. Several of the elements we are recommending—including the adoption of rigorous common standards for and measures of college- and career-readiness, more tailored supports for struggling schools, greater efforts to improve teacher effectiveness, and investments in capacity building—are likely to improve high schools. But strategies that address the unique needs of high schools must also be part of the solution.

As in other areas where clear solutions from research are lacking, we suggest that different approaches be tried and evaluated. This effort, which could be funded by reserving or strongly encouraging the use of federal Title I funds for high school reform, should emphasize experimentation and evaluation of promising practices to improve achievement and prevent dropouts, coordination of various programs serving high schools, and investments in state and local capacity to help these schools. These experiments should focus on high schools with the very highest dropout rates, the so called “dropout factories.” Although the federal government should not prescribe the specific means to be used, these high school reform efforts should seek to improve the effectiveness of teaching and leadership at this level, connections to middle school, and student motivation.

In addition, federal policymakers may need to tailor certain Title I requirements to better address the needs of high schools. For example, the Administration’s requirements for the school improvement funding provided through ARRA permit very low-performing high schools to receive these funds even if they do not get Title I funds currently, and it would make sense to include a similar provision in Title I law. Federal policymakers should be wary, however, about creating a separate categorical program for high schools because past efforts have been poorly funded and have had limited impact. In a similar vein, states may need to develop a different set of measures to determine progress at this level and identify low-performing high schools. And school districts may need to revamp models for providing Title I services to better suit high school schedules and coursetaking patterns.

One effective action the federal government has taken to promote high school reform is to endorse, through regulations, the National Governors’ Association effort to improve the quality and consistency of high school completion data. The Obama Administration has expanded that effort by strongly encouraging the development of data systems that can track students from pre-kindergarten through postsecondary education. These state and federal efforts should be continued.

**Recommendation 8—Students with disabilities and English language learners:** Encourage appropriate accountability and better instruction for students with disabilities and English language learners.

For the group of students who are still learning English, the NCLB goal of 100% proficiency is an impossible one in reading and a difficult one in math because new students with little or no English language proficiency are constantly moving into the group while students who have mastered English eventually move out. For students with disabilities, the uniform testing and accountability goals of NCLB conflict to some extent with the individualized instructional goals of the Individuals with Disabilities Education Act. Although both groups of students have benefited from being included in standards-based reform, issues remain about the quality and fairness of assessments for these two groups and the quality of instruction.

We recommend that the federal government extend the spirit of flexibility and experimentation begun in 2004 when ED proposed changes to the accountability requirements for students with disabilities and ELLs. In particular, we recommend that the federal government assist states in developing reliable and fair assessments for these students that can be used to make valid inferences about their learning. In the case of ELLs, the assessments should measure both content knowledge and language proficiency. For both groups, assessments should offer a variety of ways for students to demonstrate what they have learned, including appropriate accommodations and, in some cases, modified assessments.

The federal government should also fund research and development on better ways to assess students with disabilities and ELLs, and should encourage state collaboration and sharing of ideas about best practices. In addition, the federal government should carefully monitor the percentages of districts and schools that are being targeted for improvement solely because of the performance of students with disabilities or ELLs, and the impact of states' minimum subgroup sizes on efforts to measure improvement for these groups.

In all of these endeavors, the goal should be to instruct students with disabilities and ELLs in content geared to their grade level. This will require greater attention in the reauthorized ESEA to improving instruction aligned to standards for students with disabilities and ELLs. Toward this end, we propose that the federal government expand and improve professional development for teachers on effective strategies for teaching students with disabilities and ELLs. Research should also be conducted on innovative, evidence-based models for successfully teaching these two groups, including teaching language proficiency to ELLs.

**Recommendation 9—Teacher quality:** Support research and state experimentation on what makes a teacher effective and how to measure this, and require states to work with school districts to address disparities in the distribution of experienced teachers.

Although research indicates that the quality of instruction is among the most critical determinants of students' learning, there is no consensus from research about what constitutes an effective teacher or how to measure teacher effectiveness. The NCLB criteria for determining which teachers are highly qualified based on their education and credentials address only part of the picture. In general, the highly qualified requirements have not improved the quality of instruction to the extent hoped for.

In the absence of evidence about this core issue, the federal government should move away from the NCLB criteria for determining teacher quality and instead encourage states to experiment with rigorous systems of evaluating teacher effectiveness. These experiments should include approaches that look at teachers' effectiveness in delivering actual instruction as well as their education, credentials, and experience. In addition, the federal government should support research on the characteristics of effective teachers. Because decisions about hiring teachers are made at the local level, however, state experiments must be framed as incentives and inducements.

As part of the Race to the Top program under ARRA, the Administration has required states to include students' test scores in evaluations of teacher effectiveness. Although limited research has shown a degree of correlation between student test scores and teacher effectiveness, the evidence is inconclusive. Until more evidence is available, this approach should be explored only as one of several options for pilot programs rather than as a requirement for all states.

A reauthorized ESEA should include other types of investments in teacher quality, such as a significant professional development effort, stronger teacher recruitment and mentoring programs, capacity building for teacher preparation and development, and data systems to track and link teachers and students.

Redressing inequities in the distribution of experienced teachers must also receive high federal priority. Despite the NCLB requirement for equitable teacher distribution, teachers in high-poverty schools often have less experience than those in low-poverty schools. Although having more experience does not ensure that someone is an effective teacher, it does help prepare one to meet classroom demands. Ensuring that students from all economic backgrounds have access to experienced teachers is a simple matter of fairness. We recommend that the Congress amend the teacher improvement program in Title II of ESEA to require states to develop plans, including timelines for actions, for working with school districts to address these disparities through incentives and other means.

**Recommendation 10—Complementary learning:** Establish a coherent partnership among K-12 education, early childhood education, and out-of-school learning.

The current drive to improve elementary and secondary education cannot be fulfilled solely within the present structure of public schools. As a prime example, children enter kindergarten with different levels of readiness to learn, and those from low-income families are often the least prepared.

Research has identified positive social, economic, and behavioral impacts for low-income children who participate in high-quality early childhood education programs. States vary widely, however, in the quality and availability of early childhood programs that families can afford. Little attention has been paid to long-term planning and coordination. The federal government is part of the problem, with its array of multiple early childhood education programs spread across numerous federal agencies and Congressional committees.

Early childhood education programs must be expanded, but the need is just as great for an infrastructure at the federal and state levels to undergird these direct service programs and improve the quality, cohesion, and equity of early childhood education. The federal government should work with states to create this comprehensive, research-based system of high-quality early childhood education. These policies should seek to better coordinate the various federal programs serving preschool children, develop quality standards for early childhood programs, align early childhood standards for learning and accountability to those for the elementary grades, and promote innovative ways to remove inequities in the provision of services.

Current federal reforms at the elementary and secondary level must also acknowledge the importance of out-of-school supports to learning. After-school programs, summer school programs, and family involvement in a student's learning can reinforce and expand what a teacher is trying to achieve during the regular school day. Yet too often, schools have no systematic approach to maximize the effectiveness of these supports. Although the federal government has directed attention to these types of complementary learning, its efforts have been sporadic and uncoordinated.

We recommend that the federal government acknowledge the importance of complementary learning activities and adopt a comprehensive and coordinated approach to after-school, summer, and parental involvement programs. These actions would be especially important for disadvantaged children, who often lack the motivation and learning that more advantaged children receive from their families and other institutions.

Federal leadership can improve coordination of the funds for out-of-school learning provided currently through various federal programs. For example, the Secretary could use his waiver authority to allow funds from various programs for this purpose to be combined. The federal government can also encourage states and school districts to expand easy access to complementary learning activities, especially for disadvantaged children, and focus these activities on academic, social, and behavioral skills. Since complementary learning takes many forms, there should be no federal template; rather, the federal government should encourage innovative approaches to providing these supports.

## Conclusion

The reauthorization of ESEA represents a rare opportunity to invigorate education reform by boldly reshaping the federal role. This revamped federal role should be built on evidence from research about what works, as well as a set of guiding principles that are focused on improving student achievement, promoting equity, and streamlining federal requirements around the most important priorities and most effective strategies.

While standards-based reform can continue to provide the essential framework, the Center on Education Policy proposes eliminating federal requirements that have not been effective and moving away from a punitive system based on overly rigid concepts of AYP to a system that holds districts and schools accountable for continuous improvements in student achievement. Where evidence is lacking about effective policies, we propose approaches that encourage experimentation and research, accompanied by evaluations of the impact of these experiments. Building state and local capacity to help struggling schools must also be part of the solution. In addition, we recommend attention to new areas, including encouraging a more equitable distribution of state and local funding for education and coordinating elementary and secondary education with early childhood education and out-of-school learning.

The federal government has played a vital role in raising achievement for students who come from low-income families, are low-achieving, or have disabilities or limited English proficiency. Continued federal leadership can step up the pace of education reform and help prepare all students to become highly functioning, productive, and engaged citizens.

## Credits and Acknowledgments

Jack Jennings, CEP's president and CEO, initiated, led, and contributed the main ideas to this project on rethinking the federal role. This report was written by Nancy Kober, a CEP consultant; Jack Jennings; and Jody Peltason, a CEP intern. Diane Stark Rentner, CEP's director of national programs, oversaw the project and advised on the research and content of the paper. Advice and research was also provided by Jennifer McMurrer, a CEP research associate, and by Naomi Chudowsky and Caitlin Scott, both CEP consultants. Assistance with research was provided by CEP interns Jody Peltason, Michelle Ayazi, Emily Davaney-Graham, and Jennifer Bacon, as well as CEP's senior research associate Deepa Srikanthiah.

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.

We want to express our gratitude to the Ford Foundation, the Charles Stewart Mott Foundation, the William and Flora Hewlett Foundation, and the Spencer Foundation for their support of this project. We would also like to thank the authors of the 11 papers commissioned for this project and many people who reviewed drafts of the commissioned papers and earlier versions of this paper.

© Center on Education Policy February 2010





**Center on Education Policy**

1001 Connecticut Avenue, NW, Suite 522  
Washington, D.C. 20036

tel: 202.822.8065

fax: 202.822.6008

e: [cep-dc@cep-dc.org](mailto:cep-dc@cep-dc.org)

w: [www.cep-dc.org](http://www.cep-dc.org)