

THE COMMISSION ON NO CHILD LEFT BEHIND

Secretary Tommy G. Thompson

Governor Roy E. Barnes

Co-Chairs

B E Y O N D

N C L B

Fulfilling the Promise to
Our Nation's Children

Beyond NCLB: Fulfilling the Promise to Our Nation's Children

The Commission on No Child Left Behind

Secretary Tommy G. Thompson

Governor Roy E. Barnes

Co-Chairs

The Commission on No Child Left Behind is funded by the Bill & Melinda Gates Foundation, the Ewing Marion Kauffman Foundation, the Joyce Foundation, the John D. and Catherine T. MacArthur Foundation, Carnegie Corporation of New York and the Spencer Foundation. This document is published to communicate the results of the Commission's work. The findings, interpretations and conclusions expressed in the Commission's documents are entirely those of the author(s) and should not be attributed in any manner to the donors.

Copyright © 2007 by The Aspen Institute

The Aspen Institute
One Dupont Circle, NW
Suite 700
Washington, DC 20036



Published in the United States of America in 2007
by The Aspen Institute

All rights reserved

Printed in the United States of America

ISBN: 0-89843-467-X
07-003

Table of Contents

List of Commissioners and Commission Staff	6
Acknowledgments	7
Foreword	9
Introduction: A New Day in American Education	11
Effective Teachers for All Students, Effective Principals for All Communities	29
Accelerating Progress and Closing Achievement Gaps Through Improved Accountability	55
Moving Beyond the Status Quo to Effective School Improvement and Student Options	79
Fair and Accurate Assessments of Student Progress	101
High Standards for Every Student in Every State	117
Ensuring High Schools Prepare Students for College and the Workplace	129
Driving Progress Through Reliable, Accurate Data	139
Additional Elements of a High-Achieving System	147
Addressing the Needs of English Language Learners	147
Strengthening Early Childhood Education	151
Improving Support for Migrant Students	154
A Call to Action	159
Summary of Recommendations	161
Recommendation Tables	170
Bibliography	205
Appendices	219
(A) Summary of Outreach and Research Activities	219
(B) List of Graphs and Charts	227
(C) Common Abbreviations Used	228
(D) Additional View	230

The Commission on No Child Left Behind

Co-Chairs

Secretary Tommy G. Thompson

Governor Roy E. Barnes

Commissioners

Dr. Craig Barrett

Mr. Christopher Edley, Jr.

Dr. Eugene García

Hon. Judith E. Heumann

Mr. Thomas Y. Hobart, Jr.

Ms. Jaymie Reeber Kosa

Ms. Andrea Messina

Dr. J. Michael Ortiz

Dr. James L. Pughsley

Mr. Edward B. Rust, Jr.

Dr. Ted Sanders

Ms. Jennifer Smith

Dr. Ed Sontag

Commission Staff

Alex Nock, Director

Gary Huggins, Director of Policy and Research

Jennifer W. Adams, Communications Director

Renata Uzzell, Research and Data Analyst

Erin Silliman, Administrative Assistant

Acknowledgments

The Commission would like to first thank our funders. Without their generous support of our work, we would not have been able to produce our recommendations after discussions with and comments from so many citizens, educators, policymakers and others across the country. Our funders—including the Bill & Melinda Gates Foundation, the Ewing Marion Kauffman Foundation, the Joyce Foundation, the John D. and Catherine T. MacArthur Foundation, Carnegie Corporation of New York and the Spencer Foundation—are among the leading foundations in improving the quality of education in the United States.

We would also like to gratefully acknowledge the Aspen Institute for providing a widely recognized and respected platform for this effort and for continuously supporting our work. Special thanks goes to Walter Isaacson, the President and CEO of the Institute, as well as Peter Reiling, Executive Vice President for Leadership and Policy Programs. The support of these two individuals in helping to form and nurture the Commission was essential to ensuring its effectiveness. Thanks also to Judy Wurtzel, Senior Fellow, for her work to support the Commission in its early stages.

We would also be remiss if we did not thank all of the individuals who shared their No Child Left Behind (NCLB) experiences with the Commission during our public hearings, roundtables and school visits, during private meetings and conversations, and those who participated in our school and district profiles. The testimony, letters, e-mails and general comments were essential to helping us understand how NCLB is affecting our schools and communities and enabled us to form our recommendations.

Our efforts have been supported by an excellent staff to whom we owe our gratitude. Our hard-working staff includes Alex Nock, Director, whose leadership, policy expertise and management skills were invaluable; Gary Huggins, Director of Policy and Research, who spearheaded our policy development and helped ensure our report truly reflected all of the diverse views on the Commission; Jennifer W. Adams, Communications Director, who ensured the public and press were well-informed about our activities; Renata Uzzell, Research and Data Analyst, whose research and analysis skills were essential to our understanding of achievement in our nation; Erin Silliman, Administrative Assistant, who ensured our many public events went off without a hitch and that our Web site enabled thousands to communicate their ideas with us; and Jean Morra, Alexa Law and Stew Harris, who collectively ensured our Web broadcasts were well done and accessible to all.

We would also like to thank Collaborative Communications Group staff and consultants, including Danica Petroshius, who provided seasoned advice and leadership; Beth Schuster, whose project management, research and writing led to a high-quality product; Robert Rothman, whose writing gave a voice to our recommendations; Bill Glover, whose designs brought visual life to our report; Ellen Parker, whose copy editing proved invaluable; Jessica Schwartz Hahn, whose communications support helped the public and press stay informed; Lori Meyer, whose research deepened our understanding of NCLB's impact; and Susanna Kemp, who provided valuable technical support.

Foreword

We see evidence every day that we are letting our children down. We hear news stories about low reading scores for young children and teens; we see unconscionably high numbers of students dropping out of school; we hear business owners express frustration at their workers' lack of skills and the costs of training them; and we spend millions annually on remedial courses for college freshmen.

We cannot afford to sit idly by and hope that things will improve. We have a responsibility as a nation to take bold steps to close the achievement gaps that plague our nation's schools and to ensure that all students are properly prepared for successful and productive lives after high school. Failing to take sustained action will not only result in the continued tragedy of unfulfilled potential, but will also threaten our nation's economy and future competitiveness in the world.

This year, Congress is scheduled to review the No Child Left Behind Act (NCLB). In 2002, this law signaled an important change in federal education policy by focusing on accountability for results rather than simple compliance and by seeking to set the performance bar high for all children, regardless of where they live.

NCLB also provided data on student achievement, which has raised our awareness of the quality of education being provided to students across the country. Each of us is now more acutely aware that our future depends on more than just our own children. Our future economic success and security in the world depends on the success of all of the nation's children.

Though the law set us on a more productive course and spurred some improvement, it has not been enough. Far too many children are still not achieving to high standards in every state, and we are not yet making improvements in struggling schools as effectively or as rapidly as we had hoped.

The time is now to learn from the successes and struggles of the law and forge a stronger path to a better future. The nation has an important opportunity to move beyond NCLB in its current form and take the steps necessary to fulfill the promise of high achievement for all children.

Last February, 15 leaders in education—representing K–12 and higher education, school and school-system governance, civil rights and business—came together to form the Commission on No Child Left Behind, a bipartisan, independent effort dedicated to improving NCLB. Although our members brought a variety of perspectives with them, we were united from the beginning in our commitment to the principles of the law to help every child become proficient and to eliminate persistent achievement gaps that have left too many students behind.

We were also in agreement that our recommendations would be informed by those who are affected by the law every day. Through the generous support of our funders and the Aspen Institute, we traveled across the country, listening to the stories and experiences of students, teachers, principals, parents, administrators, state and district officials, experts and policymakers. We held public hearings and roundtables, visited schools, wrote profiles of schools and districts, read thousands of comments submitted through our Web site, and researched and analyzed extensive amounts of data.

We took our charge seriously. We researched. We listened. And we learned. Our efforts over the past year have helped us gain a deeper understanding of both the successes and the challenges of NCLB and how best to improve the law to ensure a quality education for all students.

Our work has uncovered shortcomings in both the implementation of the statute and in some tenets of the law itself. But we also found that, regardless of how people feel about individual aspects of the law, they generally support its goals of requiring high standards, raising student achievement and closing achievement gaps. We have concluded that this nation cannot back away from continuing the effort of ensuring that all children achieve to high expectations.

Our collective frustration with the pace of progress over the past five years has fueled our desire to do better. And to do better, the law must be dramatically improved. This report outlines our recommendations for establishing a high-achieving education system, one that includes teacher and principal quality and effectiveness, strong accountability, meaningful school improvement, high-quality student options, accurate assessments and truly high expectations for all students. Our recommendations are not vague goals or broad ideas. They are specific and actionable policy recommendations. They are defined and supported by research, data and the experiences of parents and the people who do the hard work in public education and are affected daily by NCLB. We are confident that, taken as a whole, our recommendations will close achievement gaps and raise expectations for all so that each child can be prepared to succeed in the future and the nation can remain preeminent in the world economy.

It is in the spirit of maintaining the commitment to success for every child that we present our recommendations for improving NCLB to the President, Congress and the public. It is our hope that the public embraces these recommendations and uses them to spark an ongoing, nationwide discussion about improving education. It is our hope that Congress will use these recommendations as a blueprint for achieving a new day in American education. Together, with open minds and determined actions, we can fulfill the promise of high achievement and success for every student, in every school.

Secretary Tommy G. Thompson and Governor Roy E. Barnes
Co-Chairs, The Commission on No Child Left Behind

effective teachers & principals

improved accountability

better school improvement
and student options

fair & accurate assessments

high standards for all

improved high schools

reliable & accurate data

additional
elements

A New Day in American Education

America today faces a stark choice: do we take bold steps to accelerate progress in education and fulfill our promise to our nation's children? Or do we risk jeopardizing the future of our nation's children and our competitiveness in the global economy by maintaining the status quo?

Unacceptable achievement gaps pervade our schools. The National Assessment of Educational Progress (NAEP) reading assessment reveals a troubling truth—that African American 17-year-olds read at the same level as white 13-year-olds. The results for mathematics are just as disconcerting—only 13 percent of African American and 19 percent of Hispanic 4th graders scored at or above the proficient level on NAEP mathematics tests, compared to 47 percent of their white peers (NCES 2005).

The picture for students with disabilities and English language learners¹ is also alarming—only 6 percent of 8th graders with disabilities scored at or above proficiency on NAEP reading assessments, compared with 33 percent of students without disabilities. Only 4 percent of English language learners in the 8th grade scored at or above proficiency on NAEP reading tests (NCES 2005).

¹Although the No Child Left Behind Act refers to “limited English proficient” students, we use the term “English language learners” throughout this report to refer to students whose first language is not English and who lack English proficiency.

We are also failing to ensure that our children are academically prepared to compete with their international peers. Students in other nations consistently outperform even our top students on international tests. In international comparisons of 15-year-olds' performance in mathematics, American students scored significantly lower than their peers in 20 of the other 28 industrialized countries participating (Lemke et al. 2004).

Contributing to this urgent picture is the fact that many students do not even finish high school. Students drop out of school at distressing rates—7,000 students every school day (Alliance for Excellent Education 2007). Worse yet, those who do make it to graduation are often left unprepared for life in an increasingly rigorous global economy.

These are significant education challenges facing the nation today. Over the past five years, the No Child Left Behind Act (NCLB) has laid the groundwork for closing those achievement gaps and improving public schools. The law, which was passed by overwhelming majorities in the House and Senate, had strong support from Republicans and Democrats, who agreed that standards, accountability, teacher quality and options for students were vital for improving student achievement, and that collaboration among the federal government, states and school districts—based on results rather than simple compliance—could bring about those improvements.

More than any other federal education law in history, NCLB has affected families, classrooms and school districts throughout the country. Virtually every aspect of schooling—from what is taught in elementary, middle and high school classes, to how teachers are hired, to how money is allocated—has been affected by the statute. These changes appear deeply embedded. Regardless of their opinions about the law, many agree that if the law were to disappear tomorrow, American schools would remain fundamentally transformed.

While these changes are substantial, they have not been enough. The problems that NCLB was intended to address remain. Achievement gaps between white students and racial and ethnic minorities and students with disabilities are still unconscionably large. Many schools with reputations for high quality are not educating all students, in all subject areas, to high standards. Expectations for too many students are not high enough to ensure that America can succeed and remain competitive in a global economy.

We simply cannot afford to ignore the more than 1 million students who currently drop out of high school each year and the millions more who graduate without the skills needed to obtain good jobs or pursue postsecondary education.

—Raymond Simon, Deputy Secretary of Education, U.S. Department of Education

All of this has spurred both strident opposition to and hardened support for the law. Numerous bills have been introduced in Congress to address difficulties in the law's implementation, as well as to make changes to its requirements and focus. NCLB, and the controversy and support it has generated, has sparked heated conversations around dinner tables, at school board meetings, in state legislatures and in courtrooms.

Fortunately, the consensus that produced the impetus to pass NCLB remains—a widespread commitment to closing achievement gaps and raising the academic achievement of all students. Although the extremes in the debate—those who believe the law is nearly perfect and those who believe it is fatally flawed—attract nearly all of the attention, most Americans continue to believe that the law's principles are moving us in the right direction.

While our work has uncovered shortcomings in both implementation of the statute and some tenets of the law itself, we have concluded that this nation cannot back away from carrying on with this effort to ensure that all children achieve to high expectations. The challenge for the nation is to learn from NCLB and prior efforts and create a high-achieving education system that succeeds for every student, in every school. This system must ensure that children are academically proficient, are able to meet the demands of good citizenship and have a sense of self-worth and accomplishment that comes from a high-quality education and the opportunities it affords. We must close achievement gaps and raise achievement for all so that each child can be prepared to succeed in the future and the nation can remain preeminent in the world economy.

Building a Foundation

School improvement, of course, did not begin with NCLB. The law represented a logical progression in nearly two decades of reform that began with *A Nation at Risk*, the 1983 report of the National Commission on Excellence in Education. In the wake of that report, virtually every state increased graduation requirements, added tests of student achievement and stepped up qualifications for teachers. By the late 1980s, state and national officials began to recognize that the reforms that had taken place were inadequate. While student achievement had improved, it was not high enough or widespread enough to meet the demands of citizenship and an increasingly competitive global economy. In response, policymakers and educators urged states and the federal government to set challenging standards for student performance and to require all students to meet those standards. To codify this demand, new national education goals, set in the wake of a historic education summit convened by President George H.W. Bush and attended by nearly all the nation's governors in 1989, called for all students to attain proficiency in challenging subject matter by the year 2000.

The effort to set standards for student performance gained considerable momentum with the passage of the Goals 2000: Educate America Act of 1994, which provided funding for states to develop standards and related assessments, and especially with the passage later that year of the Improving America's Schools Act (IASA), the 1994 reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965. IASA required states to set challenging standards for student performance, create assessments aligned with the standards and develop accountability systems that measured student performance against the standards. The law did not, however, require substantial interventions and sanctions to be applied to schools that chronically struggled to meet academic goals.

These laws were controversial. Some states objected to the federal mandates, and there was considerable opposition to a proposed panel that would approve standards and assessments. Many states moved slowly to implement these laws or even actively resisted doing so. Not surprisingly, by the end of the 1990s, results from national and international assessments suggested that student achievement had not improved rapidly enough to ensure that all students would be proficient in the core subjects of reading and mathematics, nor were American students, as a group, competitive with their peers from other countries. Most disturbingly, achievement gaps that divided white students from African Americans and Hispanics remained substantial. In fact, these gaps, which narrowed in the 1980s, widened during the 1990s. According to NAEP, African American and Hispanic 12th graders were reading at the level of white 8th graders. Bolder steps would be needed to close those gaps and accelerate improvements in student learning.

NCLB was a bold step. The law ramped up testing requirements, mandating annual assessments in reading and mathematics in grades 3 through 8 and once in high school, called for reporting test results separated by race, ethnicity and other key demographic groups of students and required schools to demonstrate “adequate yearly progress” (AYP) on state tests overall and for each group of students. If schools could not demonstrate AYP, they first faced interventions followed by increasingly severe sanctions. Further, the law allowed students in schools that did not demonstrate sufficient progress to transfer to better-performing schools or receive tutoring, required states to ensure that every teacher was “highly qualified” and mandated detailed reports to parents on school performance and teacher quality.

While these changes were substantial, they have not been enough. Unacceptable achievement levels continue to plague our schools. Our hearings around the country, our discussions and other interactions with people affected daily by NCLB and our research have shown us that this law, like others before it, is not perfect. While many problems can be attributed to implementation challenges, our work has revealed that statutory changes are also needed to improve the law itself.

Commission
Co-Chairs
Roy Barnes
and Tommy
Thompson on
the campus of
Lesley University,
Cambridge,
Massachusetts.



Now is the time for another bold step, one that builds on the foundation of NCLB while addressing the shortcomings we have identified in the law and in its implementation. Having the benefit of hindsight, we can clearly view the consequences of the law, intended and unintended, that its original architects could not. We believe that the task at hand is to preserve the goals and foundational principles of this law by refining its approaches in ways that are informed by the five years of experience in classrooms, central offices and state houses since its passage.

Only with such a careful effort—to keep what works and improve what doesn’t—can we fulfill the worthy promise the architects of NCLB made to America’s children. By creating a high-achieving education system that closes achievement gaps and raises expectations and performance for all students, America can ensure that all children have the opportunity for a fulfilling, productive future. This report lays out a vision for such a system, the steps the nation should take to get there and the changes in the law necessary to accomplish this task.

NCLB: What We Have Achieved, What Challenges Remain

One of the most significant effects of NCLB was to turn what many schools and districts had established as a goal—“that all children will learn”—into national policy. There has been wide agreement on this declaration of purpose among educators, parents, community members and public officials. NCLB put this goal into action by declaring that all children should reach a proficient level of academic achievement by 2014. In the words of the Koret Task Force on K–12 Education, a panel of education scholars convened by the Hoover Institute, NCLB’s goal of ensuring proficiency for all students in reading and mathematics is “audacious ... morally right ... and attainable.” The task force also characterized the law as having “the potential to improve public education more than any federal education initiative since *Brown v. Board of Education*,” adding, “*Brown* set the historic precedent for equality in education; NCLB could set the precedent for quality” (Chubb 2005).

There is also broad support for holding schools accountable for reaching that ambitious goal. As one parent from Lancaster, Pennsylvania, put it at a national

forum held by the Public Education Network (PEN), a national association of local education funds: “Passing the buck cannot continue when it comes to our children. There should be no reason why our children are graduating without the necessary skills to be productive members of society, and far too many are” (PEN 2006).

The law has also had substantial effects on school practice. A report from the Center on Education Policy (CEP), a national advocacy organization for public education, concludes that these effects have been profound and far-reaching. The report states:

[T]eaching and learning are changing as a result of NCLB. Administrators and teachers have made a concerted effort to align curriculum and instruction with state academic standards and assessments. Principals and teachers are also making better use of test data to adjust their teaching to address students’ individual and group needs. Many districts have become more prescriptive about what and how teachers are supposed to teach. Some districts encourage teachers to follow pacing guides that outline the material to be covered by different points in the school year, while others have hired instructional coaches to observe teachers teaching, demonstrate model lessons and give teachers feedback on ways to improve (Rentner et al. 2006).

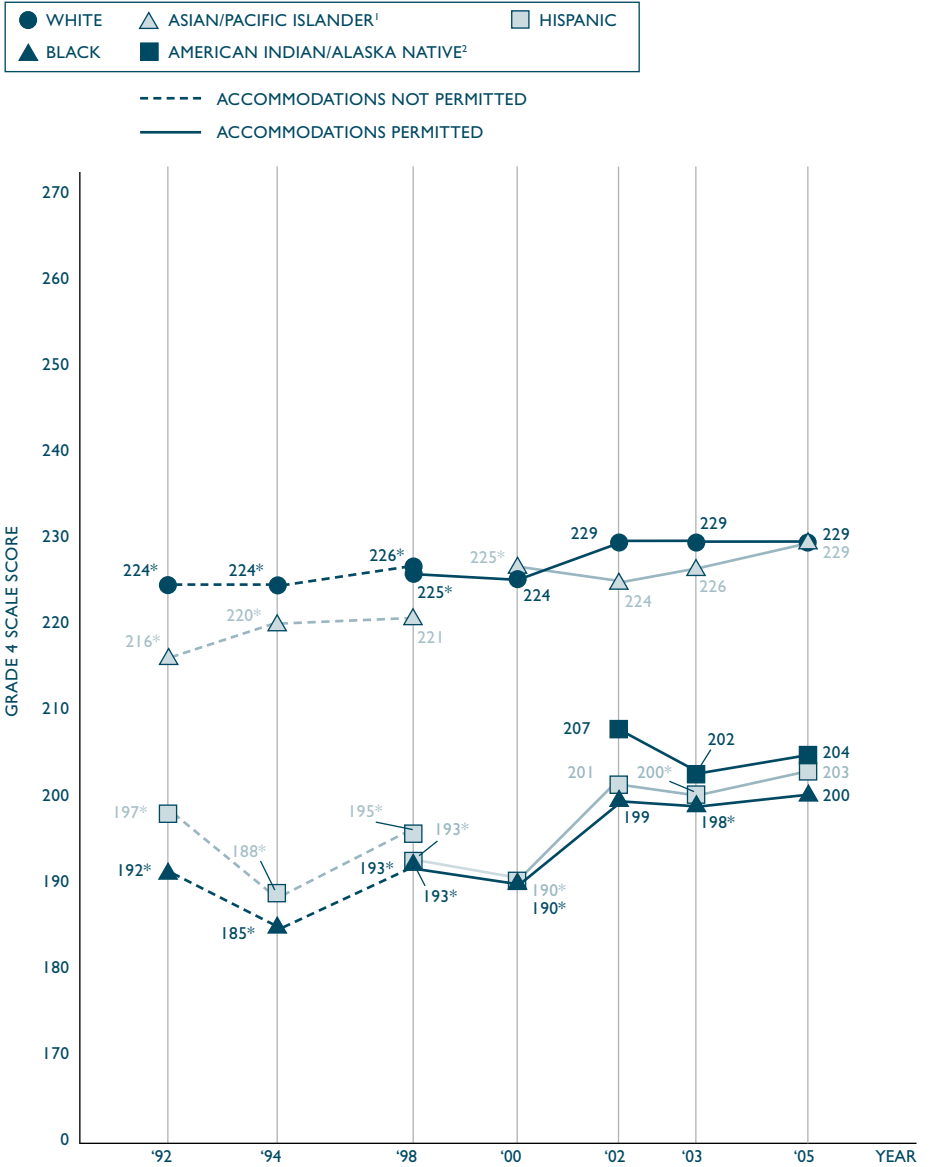
Although progress has been slow, there is growing evidence that NCLB is producing some results where it counts: in improved student achievement. According to NAEP, scores in mathematics increased nationwide for 4th and 8th graders from 2003 to 2005, and average scores improved for 4th graders in 31 states. Mathematics scores for African American and Hispanic students improved significantly during that period.

In reading, the national average of 4th graders’ scores improved from 2003 to 2005. The achievement gap between white and African American and Hispanic 4th graders closed slightly during that period. Although these results come from the early years of NCLB and may have also been influenced by other factors, achievement trends are moving in the right direction (NCES 2005).

State test results also show some improvement since NCLB has taken effect. A survey by CEP found that 78 percent of districts reported that scores on tests used for NCLB had risen from 2003 to 2005, and 35 states reported that scores improved in reading and 36 reported scores improved in mathematics. More than two-thirds of the states reported that in mathematics, test score gaps based on race/ethnicity, income, disability status or language background have narrowed or stayed the same (Rentner et al. 2006).

However, despite these promising signs, there are also concerns that NCLB has not been enough to ensure that all students reach proficiency in reading and mathematics. The NAEP scores, while showing progress, have moved up only slightly, and reading achievement seems to have stalled. The number of schools eligible for the federal

Average Scale Scores and Achievement-Level Results in Reading, by Race/Ethnicity, Grade 4: Various Years, 1990–2005



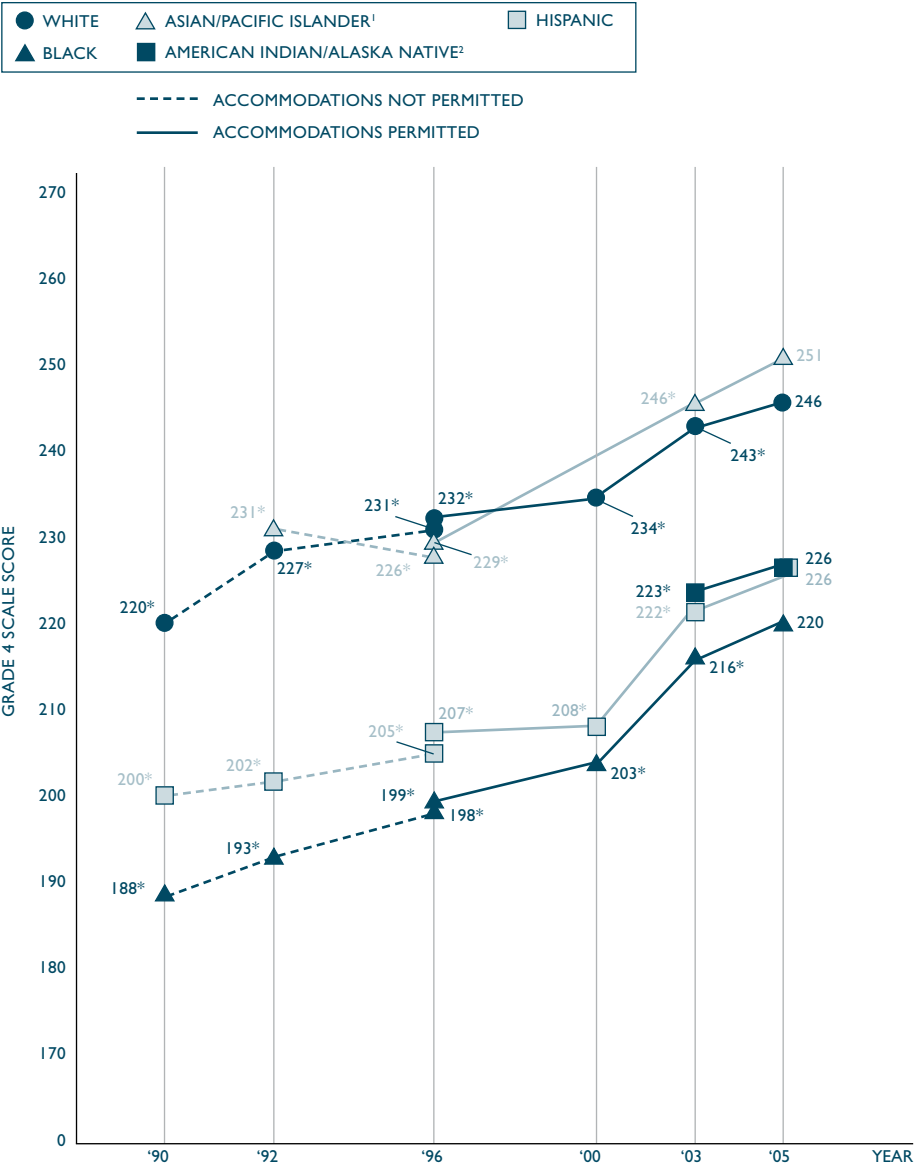
* Significantly different from 2005

¹ Sample size was insufficient to permit reliable estimates for Asian/Pacific Islander students in 1998 (accommodations-permitted sample)

² Sample sizes were insufficient to permit reliable estimates for American Indian/Alaska Native students in 1992, 1994, 1998 and 2000

Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), various years, 1992–2005 Reading Assessments.

Average Scale Scores and Achievement-Level Results in Mathematics, by Race/Ethnicity, Grade 4: Various Years, 1990–2005



* Significantly different from 2005

¹ Sample size was insufficient to permit reliable estimates for Asian/Pacific Islander students in 1990. Special analyses raised concerns about the accuracy and precision of national grade 4 Asian/Pacific Islander results in 2000. As a result, they are omitted

² Sample sizes were insufficient to permit reliable estimates for American Indian/Alaska Native students in 1990, 1992, 1996 and 2000

Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), various years, 1990–2005 Mathematics Assessments.

Title I program (see sidebox) that did not make AYP has risen, from 6,094 in school year 2002–03 to 9,028 in 2004–05, which may suggest that increasing numbers of schools are struggling to bring all students to proficiency (Stullich et al. 2006). These numbers could also mean that NCLB is not adequately recognizing meaningful growth in student achievement numbers. More is needed to accelerate progress and to produce richer and more useful data on student performance.

In addition, there are concerns that NCLB is having unintended consequences that might hinder improving student achievement. One commonly cited is that the law's assessment and reporting requirements have driven educators to simply "teach to the test." Some claim that the high-stakes nature of annual assessments has forced teachers to devote instructional time to "drill-and-kill" preparation, stifling creative learning. Concerns over unintended consequences have set off heated debates and, in some cases, legal and legislative action aimed at blocking the law from taking full effect.

Some problems alleged to have been caused by NCLB have had nothing to do with the law. In one instance, in 2006, a hoax e-mail circulated falsely charging that the law required the state of Indiana to grant substandard "certificates of completion," rather than diplomas, to students who failed to pass state tests. The U.S. Department of Education (U.S. DOE) took the unusual step of refuting the charge and urging people to ignore the e-mail.

Critics have even used anecdotes to claim that NCLB is responsible for everything from a wave of principal retirements to an outbreak of head lice. (Some principals said they had been forced to let students with lice back into school earlier than they

Title I Schools

Title I, Part A, authorized under NCLB, provides financial assistance through states to districts and public schools with high numbers or percentages of poor children to help ensure that all children master challenging state academic content and meet student academic achievement standards.

Districts target the Title I funds they receive to public schools with the highest percentages of children from low-income families. Unless a participating school is operating a schoolwide program for poor children, the school must focus Title I services on children who are failing, or most at risk of failing, to meet state academic standards. Schools enrolling at least 40 percent of students from poor families are eligible to use Title I funds for schoolwide programs that serve all children in the school.

Title I reaches about 12.5 million students. Funds may be used for children from preschool age to high school, but most of the students served (65 percent) are in grades 1 through 6; another 12 percent are in preschool and kindergarten programs.

Conflicting Goals in Utah

Some states are actively challenging NCLB's reach over state policy and practice. In April 2005, the Utah legislature passed a bill that ordered Utah educators to "provide first priority to meeting state goals" when those goals conflict with NCLB. The bill also required educators to minimize the amount of state money they diverted to implement federal programs. In May 2005, Utah Governor John Huntsman signed the bill into law.

U.S. Secretary of Education Margaret Spellings warned in a letter to Utah Senator Orrin G. Hatch that depending on how the state were to implement the bill's provisions, the U.S. DOE might withhold \$76 million of the \$107 million that Utah receives in federal education money (Michigan Education Report 2005).

otherwise might have to ensure that students took tests required under NCLB.) While some evidence supported some of these claims, others appeared unfounded. Nevertheless, they hardened opposition to the law.

Some complaints have centered on the U.S. DOE's implementation of the law. As we document later in this report, only in the last two years has the U.S. DOE adequately focused on ensuring that NCLB's teacher quality provisions are being implemented by states. In addition, multiple, hard to access and sometimes contradictory versions of U.S. DOE guidance and regulations have made it difficult for districts and schools to comply with the law. Some have charged that this late focus on teacher quality and the confusion over some U.S. DOE guidance has hampered progress in implementing some of NCLB's key provisions.

Other concerns stem from the way the law has been implemented by states, school districts and schools. For example, states have widely disbursed funds for professional development with little regard for effectiveness or content quality, rather than targeting these funds

to the schools and teachers who need them most. Some schools have reacted to the law's focus on reading and mathematics by decreasing the amount of curriculum time devoted to the arts, social studies and other subjects. The law did not require either of these actions; they are the result of state, district and school implementation decisions.

In addition, some states and districts have failed to carry out important parts of law that existed before NCLB. For instance, despite federal requirements for students with disabilities to be included in statewide assessments since 1997, some states have only recently begun to try to properly include those children in these assessments. NCLB, for its part, has provided little help to states with their continuing struggle to properly test these children despite the law's demands to hold schools accountable for their performance.

Community members and others have charged that districts have done little or nothing to push plans to restructure schools that have been persistently low performing. They also claim that districts have thwarted public participation in the process even though

the law clearly requires districts to include parents in such decisions. Similarly, parents have complained that, in some cases, districts have struggled or outright failed in making options, such as transferring to a higher-performing school or supplemental educational services (SES or free tutoring), available to all eligible children. Effective implementation of NCLB's provisions is essential to its success. Failure to carry out parts of the law has likely significantly affected progress toward achieving its goals of the law.

Some complaints about NCLB, however, do reveal significant shortcomings in the law; others reveal a lack of clarity. As stated earlier, our work to understand the impact of NCLB revealed difficulties with the statute itself as well as the challenges of implementing the law at the federal, state or local levels. Conducting our work without bias, we discovered from our hearings and discussions with those who implement NCLB at the state and local levels, those who administer it from the U.S. DOE and those who passed this law in Congress, that problems with the law go beyond implementation.

For example, the statutory provisions requiring all classrooms to be staffed with "highly qualified" teachers are laudable but do not go far enough to accomplish NCLB's ambitious goals. There needs to be recognition of the connection between teacher effectiveness and increased student performance as well as a stronger focus on ensuring teachers receive the supports and training necessary to be effective once they are in the classroom.

The requirements for AYP in student achievement have not recognized that many schools have taken action resulting in significant improvement, even if they have not achieved this standard. In addition, NCLB's requirements have identified thousands of struggling schools, but these same requirements have done little to ensure these schools have the leadership, knowledge and tools necessary to improve. Most significantly, the fact that NCLB allows states to set their own standards has led to wide and unacceptable variations in expectations across states. Many states have not set standards high enough or they have chosen to set a low bar for what constitutes proficiency.

"We sought to understand how NCLB is working in our classrooms and how we can improve it to ensure all students achieve."
—Tommy Thompson,
Commission Co-Chair



This report will address these statutory and implementation issues as well as other challenges. Our recommendations build on the foundation of NCLB and fill in those pieces that the Commission believes are needed to address shortcomings in the law and its implementation, as well as other necessary actions to produce a true high-achieving education system for all children.

The Commission on No Child Left Behind

The Commission on No Child Left Behind was established by the foundations that have generously supported us and the Aspen Institute. Our charge was to move beyond heated and uninformed rhetoric about NCLB and examine the evidence about the law's effects in a dispassionate, nonpartisan process. The Commission has sought to determine what's working and what's not and how the law could be improved to ensure that it works for every child and every school. The Commission's co-chairs are former governors, one a Republican, one a Democrat. The Commission's remaining membership comprises 13 members who represent the full spectrum of interests in this law, including K–12 and higher education, school and school-system governance, civil rights and business.

Although the Commission members came to the table from a variety of perspectives, we were united from the outset in our firm commitment to the goals of the law: to harness the power of standards, accountability and increased student options, so that every child becomes proficient in core subjects and to eliminate the achievement gaps that have left too many students behind. We were also united in our firm commitment that our recommendations would be informed by parents, educators, community members, policymakers and researchers from across the country.

We went about our task in a bipartisan, evidence-based way. We held six formal public hearings in all parts of the country—Pomona, California; Hartford, Connecticut; Atlanta, Georgia; Madison, Wisconsin; Cambridge, Massachusetts; and the District of Columbia—where we heard from 46 witnesses, including state officials, superintendents, teachers, parents and their advocates, experts and



Commissioners talk with students at Centennial Place Elementary School in Atlanta, Georgia.

policymakers at the district and state levels. While some of the witnesses testified as individuals, many testified on behalf of hundreds, thousands and even millions of people impacted by the law in some way. These hearings were widely attended, both in person and via our Web broadcasts. We made time at each of these hearings to open the floor to anyone who wished to speak and submit a statement to the Commission. As a result, we heard from many interested citizens who do not always have a voice in these discussions. We visited schools and met with principals, teachers and students to see firsthand the effects of NCLB in the classroom and to talk in-depth with individuals who live the law every day.

In addition to the formal hearings, we held a series of roundtables during the summer to focus on topics of interest to the Commission, including views on the law from parents and their advocates, rural schools, students with disabilities, English language learners, early childhood providers and high schools. At these roundtables, we heard from 33 witnesses and many audience members. In addition to our public events, we talked to hundreds of other individuals who affect public education in some way. We also invited members of the public to contact the Commission via our Web site and received close to 10,000 comments to date from a wide range of national, state and local leaders, interested citizens and students.

The Commission and its staff also conducted profiles of schools in cities, suburbs and rural areas throughout the country, and scoured the literature for information about the effects of NCLB. Our goal was to test the claims made by both supporters and critics to see what the data actually showed. In some cases, this research backed up claims about the law; in many others, the claims proved to be without foundation. Our staff also produced white papers that presented findings about some key issues, such as the effects of subgroup performance on schools' ability to make AYP and the use of growth models to measure school performance.

This report forms the product of all of this data gathering—and our discussions about the findings. We are submitting this report to the U.S. House of Representatives, the U.S. Senate and the President of the United States in the hope that it will inform

Research Reports Written by Commission Staff

- *Growth Models: An Examination Within the Context of NCLB*
- *Children with Disabilities and LEP Students: Their Impact on the AYP Determinations of Schools*
- *The State of the Achievement Gap*

Profiles Conducted by Commission Staff

- P.S. 161 Pedro Albizu Campos School, New York, New York
- Washington Middle School, Albuquerque, New Mexico
- Yough School District, Herminie, Pennsylvania
- Belt Public Schools, Belt, Montana

their deliberations about the upcoming reauthorization of NCLB. But we will not stop with simply delivering a report. We will travel across the country to gain support for our recommendations and to build a constituency for a reauthorized NCLB that we believe will accomplish its ambitious aims—to improve achievement for all students and eliminate achievement gaps.

Our Vision: High Achievement for All

We strongly believe that America is ready to take the next bold steps to go beyond the foundation NCLB has established. We must improve the law in order to help states, districts, schools and communities fulfill the nation's promise to our children and to ensure our continued economic competitiveness internationally.

What would an education system look like that truly leaves no child behind? First, such a system ensures that all teachers are not only highly qualified but also *effective*. They know what children need to learn and how to impart that knowledge, and they demonstrate their ability to raise student achievement through fair, credible and reliable measures of effectiveness. Those teachers who are not able to demonstrate student learning gains and do not receive positive evaluations from principals or their peers would receive additional high-quality professional development designed to address their specific needs and on-site support in developing practical strategies to improve student learning. If teachers do not improve after they receive this support, they will no longer be eligible to teach students most in need of help.

Such a system also ensures that principals are effective in their work as leaders. Like teachers, principals should demonstrate their ability to provide the leadership necessary to raise student achievement through fair, credible and reliable measures of effectiveness. As with teachers, principals should also be supported in improving their skills and knowledge through high-quality professional development.

A high-achieving system rates schools fairly and accurately. States and districts need to know which schools have the largest and most persistent achievement gaps so that they can prioritize efforts and interventions to those schools. Parents and communities need to know which schools are making strides and which are chronically struggling, so that they can choose the best options for their children. To accomplish these goals, states evaluate student growth and determine whether schools are improving at a sufficiently rapid rate. To make such judgments, states have in place sophisticated data systems to track student achievement and teacher and principal effectiveness over time.

For schools identified as being “in need of improvement,” states and districts in a high-achieving system have effective and proven tools to turn around those schools. States and districts have the flexibility they need to use the tools that are best suited to

each school's circumstances, as well as the data and authority to make tough decisions and apply meaningful remedies. Importantly, this system ensures that states and districts have the knowledge and tools to turn around struggling schools.

A high-achieving system provides a complete picture of student progress through fair and accurate measures of achievement. It uses the best available assessments of student achievement and provides timely and informative reports about student progress to parents, teachers and members of the public. It also provides more tools to parents and teachers to help them understand student progress. Regular formative assessments of student learning throughout the year help teachers improve instruction, provide timely information about test outcomes to parents and seek to improve the likelihood of all students' success on end-of-the-year exams. In addition, a high-achieving system administers screening assessments in preschool and kindergarten that provide information needed to ensure that young children are on track to learn at high levels.

A system that leaves no child behind sets high expectations for what is needed to prepare all students—including poor students, minority students, students with disabilities, English language learners and migrant students—for success in college and the workplace. It sets these expectations through high voluntary national standards, more rigorous state standards and meaningful comparisons of student achievement among states. It is a cruel hoax if students do all they are asked to do, yet find themselves ill-prepared for life after high school. If expectations reflect what students need to know and be able to do, and are realistic, students will achieve them.

A high-achieving system also prepares high school students for college and the workplace. Such a system does not tolerate the unacceptably low graduation rates that plague many of the “dropout factories”—the worst-performing high schools—in our country. Instead, the system addresses the unique challenges faced by high schools and focuses on what is necessary to ensure all children graduate on time and prepared for success in college and the workplace. Districts systemically approach problems and provide useful supports and remedies to high schools struggling to raise achievement for all student groups.

This vision of a high-achieving system is bold, yet attainable. It can be reached, in large measure, based on the principles of NCLB coupled with the policies we recommend. It will require federal and state partnerships to use existing resources in new ways and to prioritize additional investments in key areas, such as conducting research and development on school improvement, creating high-quality professional development and learning opportunities for principals and teachers and implementing data systems to track student achievement over time. The system will also require well-targeted changes to provide the information, tools and incentives states, districts and schools need to create a high-achieving system that truly leaves no child behind.

How This Report Is Organized

The original NCLB statute is 670 pages long and includes provisions addressing a vast range of programs and practices in schools and school systems. We have chosen to focus on areas that we believe are key for accomplishing the academic achievement aims of NCLB. We believe that improving the achievement of all students—regardless of race, ethnicity, economic status, disability or language ability—is at the core of these topics. However, in certain instances, we saw additional issues affecting some groups of students that warranted further exploration and consideration.

The next sections address all of these topics, which were also the focus of our hearings and roundtables. They are:

- Effective Teachers for All Students, Effective Principals for All Communities
- Accelerating Progress and Closing Achievement Gaps Through Improved Accountability
- Moving Beyond the Status Quo to Effective School Improvement and Student Options
- Fair and Accurate Assessments of Student Progress
- High Standards for Every Student in Every State
- Ensuring High Schools Prepare Students for College and the Workplace
- Driving Progress Through Reliable, Accurate Data
- Additional Elements of a High-Achieving System:
 - Addressing the Needs of English Language Learners
 - Strengthening Early Childhood Education
 - Improving Support for Migrant Students



“While we need to hold our schools accountable for achievement, we also need to ensure schools and their teachers have the tools and proven methods to address their difficulties.”

—Roy Barnes,
Commission Co-Chair

In each of these sections, we consider why these issues are so critical to the success of students and schools, what the law says about each issue and how these provisions have been implemented. We then offer our “Roadmap to the Future”—what the Commission believes ought to be added, enhanced or changed—and how these recommendations collectively form our future vision.

The second portion of the report lists all of the Commission’s recommendations, organized by section, and the third portion shows how our recommendations would change the current statute if adopted.

The fourth portion is a bibliography. This list of resources not only shows readers the sources we consulted to inform our deliberations and to prepare this report, but also, to the best of our knowledge, represents the most comprehensive list yet compiled of resources and materials on NCLB and school improvement.

The final portion is the appendices, which contain a detailed description of all of the Commission’s outreach efforts, as well as additional supportive materials.

Our Vision for the Report: A Blueprint for Congress

While the debates over NCLB have been heated at times, the Commission hopes that parties on all sides of the issue will read this report with an open mind and use our recommendations as a blueprint for a serious and productive discussion about improving the law. In our hearings and roundtables, we have been struck by the fact that, regardless of how people feel about various aspects of the law, there is broad support for the goals of requiring high standards, raising achievement and closing achievement gaps and for improving school leadership and teacher effectiveness, strengthening accountability, increasing student options and raising assessment quality as the key strategies for attaining those goals. It is in the spirit of maintaining that commitment to the success of every student that we present this report.



effective teachers & principals

improved accountability

better school improvement
and student options

fair & accurate assessments

high standards for all

improved high schools

reliable & accurate data

additional
elements

Effective Teachers for All Students, Effective Principals for All Communities

In San Jose, California, as in many urban districts, the quality of a child's teacher too often depended on where the child attended school. The more experienced and better-qualified teachers tended to gravitate to schools serving relatively affluent students, while the "downtown" schools serving low-income students tended to be left with the newer teachers with fewer qualifications and less experience. These disparities helped exacerbate an achievement gap between students in the two groups of schools.

Over the past few years, however, the San Jose Unified School District has aggressively tried to level the playing field and raise the quality of its teaching force. The district has recruited teachers extensively, offering competitive salary and benefits packages, and making early contract offers to candidates before they take jobs in neighboring districts. The district also focused on hiring teachers who would best meet the needs of schools that had fewer highly qualified teachers, especially in hard-to-staff areas like mathematics and science.

District leaders worked with the teachers' union to move senior teachers to schools that needed them. The district and the union cooperated in reconstituting a persistently low-performing school by bringing in a team of teachers committed to closing the achievement gap; by creating a schedule that allotted time for the entire

staff to pursue and collaborate on professional learning opportunities each week and for longer times at the beginning and end of the school year; and by working a longer day and year—with additional compensation.

Yet in trying to raise the quality of the teaching force, San Jose officials have found that looking at credentials is not enough. Some newer teachers, they found, are better able than their more experienced colleagues to teach students from diverse backgrounds because they have been specifically trained in such methods. They found that many teachers have benefited from high-quality professional learning opportunities and mentoring programs, which often don't show up on their paper qualifications. As Don Iglesias, San Jose's Superintendent, told the Commission, "experience and credentials do not always equate to a teacher that effectively delivers instruction."

One of the foundational principles of NCLB is the idea that teacher quality is the single most important school factor in student success. There is ample research to show just how critical teachers are. For example, studies in Tennessee, Dallas and elsewhere have shown that good teachers can improve student achievement by as much as a grade level more than less effective teachers over the course of a year. For low-performing students, the differences are more dramatic. In Tennessee, for example, William L. Sanders, Senior Research Fellow with the University of North Carolina, has found that low-achieving students gain an average of 14 percentile points with the least effective teachers. By contrast, the most effective teachers produce average gains of 53 percentile points with low-achieving students (Sanders and Rivers 1996).

Research also shows that the effects of teacher quality are cumulative. Researchers in Dallas found that students assigned to effective teachers for three years in a row went from the 59th percentile in the 4th grade to the 76th percentile in the 6th grade. But a group of students with similar characteristics, including prior achievement and racial and income backgrounds, who were assigned to less effective teachers, actually lost ground over that period: they went from the 60th percentile to the 42nd



Commissioner Jaymie Reeber Kosa questions witnesses on teacher quality and effectiveness during the Commission's hearing in Pomona, California.

percentile (Jordan, Mendro and Weerasinghe 1997). In other words, the two similar groups of students started the 4th grade at about the same level of achievement, but by the end of the 6th grade, one group was three grade levels below the other. Why? Because of the effectiveness of their teachers.

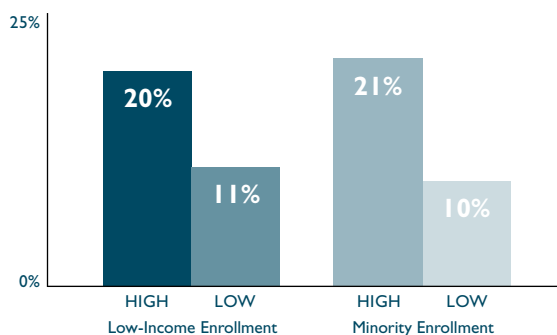
Research also shows that teacher quality is unevenly distributed in schools, and the students with the greatest needs tend to have access to the least qualified and least effective teachers. A study by The Education Trust, an independent nonprofit organization dedicated to making schools and colleges work for all students, examined the distribution of teachers in three states and found that children in high-poverty schools are much more likely than their more advantaged peers to be assigned to novice teachers, to teachers who lack subject matter knowledge and to teachers with lower academic skills (Peske and Haycock 2006).

The report notes that years of experience and educational background are useful indicators for measures of teacher quality. Yet while they are associated with effectiveness, they do not guarantee success in the classroom. Nor does this suggest that new teachers cannot be effective in the classroom. However, according to the report, the preponderance of evidence suggests strongly that low-income and minority students are shortchanged when it comes to teacher

quality. “So when all of the proxies tilt one way—away from low-income and minority students—what we have is a system of distributing teacher quality that produces exactly the opposite of what fairness would dictate and what we need to close achievement gaps,” the report states. “This system, quite simply, enlarges achievement gaps” (Peske and Haycock 2006).

While teacher quality is vitally important, research increasingly shows that the quality of school leadership is also crucial to student and school performance. In fact, one study found that leadership is second only to classroom instruction among all school-related factors contributing to what students learn at school (Leithwood et al. 2004).

Poor and Minority Students Get More Inexperienced* Teachers



*Teachers with three or fewer years of experience
“High” and “Low” refer to top and bottom quartiles

Source: National Center for Education Statistics (2000). *Monitoring School Quality: An Indicators Report*. Washington, DC.

Research has consistently shown that high-performing schools have principals who are effective leaders. A comprehensive review of research on school leadership, for instance, found evidence that an increase in principal leadership ability was associated with higher student achievement (Waters, Marzano and McNulty 2003). Other work has pointed to the importance of principals in turning around low-performing schools. While replacing the principal alone sometimes produced short-term success in struggling schools, consistent, quality leadership was critical to maintaining improvements over time (Fullan 2006).

Effective principals not only manage schools well, they also attract and retain effective teachers and build supportive school cultures in which high achievement is cultivated. Case studies of exceptional schools indicate that school leaders influence learning primarily by promoting ambitious goals and fostering conditions that support teachers and help students succeed (Togneri and Anderson 2003).

However, as with teachers, many districts face shortages of qualified principals, and their preparation is uneven. Many principals obtain credentials without acquiring the knowledge and skills required to lead schools effectively (Davis et al. 2005).

What NCLB Requires

NCLB attempts to strengthen teacher quality overall and eliminate the disparities in the distribution of qualified teachers by requiring states to ensure that all teachers were highly qualified by the end of the 2005–06 school year. The Highly Qualified Teacher (HQT) definition requires a teacher to:

- (1) Possess state certification or licensure
- (2) Have a B.A. degree or higher
- (3) Demonstrate knowledge of the subjects they teach

States must provide the following options for teachers to demonstrate their subject matter knowledge:

- For new teachers (generally recognized as individuals who began teaching after enactment of NCLB): a state-designed or implemented assessment; or a major in the subject they teach
- For veteran teachers (those who were teaching before enactment of NCLB): a state-designed or implemented assessment; a major in the subject they teach; or a state-defined review process called HOUSSE (High, Objective, Uniform, State Standard of Evaluation)

To assess a teacher's subject matter knowledge, the HOUSSE process in most states relies heavily on teaching experience and expertise, and how much and what kind of professional development a teacher has received.

NCLB also requires states to give an account of teacher quality in annual report cards and to cite each year the percentage of classrooms taught by highly qualified teachers overall and in high-poverty schools.

In response to concerns that the HQT provisions in the law were unworkable in some instances, the U.S. DOE has issued rules and guidance to provide flexibility for states. Allowances were made for rural schools, science teachers and the timeline for implementing the provisions.

Rural Schools

Approximately one-third—or almost 5,000—of all school districts in the United States are considered rural, and teachers in these areas are often required to teach more than one academic subject. The U.S. DOE issued guidance in 2004 to allow teachers in some rural districts who are highly qualified in at least one subject to have three school years (from the time they begin teaching in such schools) to become highly qualified in the additional subjects they teach. These teachers must also be given professional development, intense supervision or structured mentoring to become highly qualified in additional subjects.

Science Teachers

Many science teachers hold a general science certification rather than a certification in a particular science discipline, such as chemistry or biology. In 2005, the U.S. DOE modified previously issued guidance to allow teachers in states with general science certification to be considered highly qualified to teach any of the science disciplines if those teachers have a general science certification. Previously, the U.S. DOE's guidance required demonstration of subject matter competency in each discipline.

One-Year Extension on HQT Requirements

In 2006, the U.S. DOE issued guidance that gave states working to comply with the HQT requirements a one-year extension—from the end of the 2005–06 school year to the 2006–07 school year—on the deadline for having all teachers attain “highly qualified” status. To receive this one-year extension, states must demonstrate that they are working to meet the law in four areas:

- (1) Tightening the rigor of the state's HQT definition
- (2) Determining whether and how the state is reporting the percentage of classes taught by highly qualified teachers
- (3) Improving the completeness and accuracy of HQT data provided to the U.S. DOE
- (4) Increasing the rigor of the steps taken to ensure that poor and minority children are not taught by more inexperienced teachers than their nondisadvantaged peers

Special Education Teachers

In addition to the U.S. DOE's guidance on NCLB, the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA) modified HQT requirements for teachers of special education. Under IDEA, special education teachers are "highly qualified" if they meet the following criteria:

- (1) They are certified by the state as a special education teacher.
- (2) Those who teach children assessed against alternate standards (that is, children with the most severe cognitive disabilities) may use the elementary school generalist exam to demonstrate their ability in reading, writing and mathematics.
- (3) Those who teach multiple subjects may use the HOUSSE process to demonstrate their subject matter competency in the core academic subjects they teach as long as they teach *only* students with disabilities. New special education teachers have two years to use the HOUSSE process for the subjects they teach, so long as they are already highly qualified in at least one of the following subjects: mathematics, science or language arts.

Fair Distribution of HQTs Across Schools

In addition to the provisions requiring states to ensure that all teachers are highly qualified, the law also includes language that is designed to ensure that minority and low-income children are taught by highly qualified teachers at the same rate as their peers and that parents and the public are made aware when states are not making progress. Unfortunately, too often these provisions have either not been implemented or the wording of the statute allows states to reach compliance without improving teacher quality in our schools.

First, the law requires states and districts to publicly report progress on making certain that low-income and minority students get their fair share of highly qualified teachers. Second, NCLB requires school districts, through their Title I plans, to "ensure ... that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field or inexperienced teachers."

Third, NCLB requires school districts that receive Title I funds to ensure "comparability of services" in schools that receive Title I funding. The comparability provision requires that services provided in these schools, on the whole, are at least comparable to services provided in schools that do not receive Title I funding. Because teachers' salaries are generally the largest component of school budgets, this provision is intended to ensure that the quality of teachers in Title I schools is comparable to the quality of teachers in non-Title I schools. The law allows districts to meet the comparability requirement by providing assurances that they have in place a districtwide salary structure that applies the same rules for hiring and promotion for all teachers and all schools in the district.

Regulations issued by the U.S. DOE also allow districts to comply with the comparability requirements through student-to-instructional staff ratios. In determining these ratios, some states factor in paraprofessionals, or teachers' aides, in addition to teachers.

Principal Quality

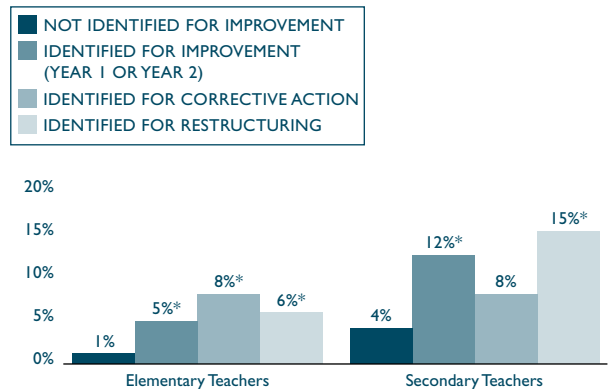
While NCLB does make some reference to the role of and support for principals, it does not focus on the qualifications principals need to lead high-performing schools. NCLB does not contain criteria for defining highly qualified principals as it does for teachers.

How the Law Has Been Implemented

The implementation of NCLB's teacher quality provisions has been especially challenging for the U.S. DOE, states, districts, schools and individual teachers. Despite the clear deadline written into the law, the U.S. DOE reported in May 2006 that no state had met all the teacher quality requirements within the law's original time frame. The report said that 29 states had made "good faith" efforts to comply with the law, and nine states faced the possibility of compliance agreements or sanctions—including the loss of federal funds—for failure to meet the requirements. When the report was released, the remaining 12 states had yet to be assessed.

In August 2006, the U.S. DOE announced the results of a peer review of states' revised plans for ensuring that a qualified teacher led every classroom. According to a panel of outside experts and administrators organized by the U.S. DOE, nine states had put forth particularly complete teacher quality plans, while 39 states partially met requirements. Four states did not sufficiently meet the criteria outlined by their peers and thus were

Percentage of Teachers Reporting That They Are Considered Not Highly Qualified Under NCLB, by School Improvement Status, 2004–05



* Indicates that percentage was significantly different from percentage for non-identified schools ($p < .05$)

Source: Stullich et al. (2006). *National Assessment of Title I: Interim Report Volume I: Implementation of Title I*. Washington, DC: U.S. Department of Education. Teacher Survey (n=4,051 elementary teachers and 3,218 secondary teachers).

It is ever more clear that the single largest contributor to America's achievement gap is the huge disparity in access to effective teaching. To say this is not to ignore or excuse racism and poverty. But we need to confront a very ugly truth about public education in America: Instead of structuring our schools to ameliorate the challenges outside of school, we do the opposite—we take the kids who have the least outside of school, and we give them less inside of school, too.

—Russlynn Ali, Director,
Education Trust-West

required to submit new plans and undergo auditing and monitoring of their teacher quality data.

Despite challenges, some progress has been made in implementing NCLB's teacher quality provisions in Title I schools. In a preliminary assessment, the U.S. DOE's *National Assessment of Title I* found that 86 percent of classes in the 2003–04 school year were taught by teachers who had met states' highly qualified requirements (based on a report from 42 states). However, middle school teachers and special education teachers were more likely not to be highly qualified than elementary and high school teachers, and teachers in high-poverty elementary schools were five times more likely than teachers in low-poverty schools to be considered not highly qualified (5 percent versus 1 percent). Likewise, teachers in schools designated in need of improvement under NCLB were more likely than those in non-identified schools to be considered not highly qualified (Stullich et al. 2006).

The most common reason for elementary teachers being considered not highly qualified was lack of state certification. For secondary teachers, the most common reason was not demonstrating subject matter competency. Some 59 percent of secondary mathematics teachers who had not been considered highly qualified cited the lack of demonstrated subject matter competency as the reason (Stullich et al. 2006).

There were wide variations among states in the numbers of teachers considered highly qualified. In 2003–04, for example, Connecticut, Minnesota, Montana, Washington state and Wyoming reported that 99 percent of their classes were taught by highly qualified teachers. By contrast, only 52 percent of California's classrooms and 58 percent of Tennessee's classrooms met that standard in 2003–04 (Stullich et al. 2006).

A 2006 report by the Citizens' Commission on Civil Rights, a bipartisan organization that monitors the civil rights policies and practices of the federal government, suggests that even the less-than-fully-compliant numbers might be inflated. The report notes that

reviews by the U.S. DOE to provide a “reality check” on the reported results show that some states had conferred highly qualified status to teachers who might not meet that criterion. In Minnesota, for example, all elementary teachers licensed before 2001 were deemed highly qualified, regardless of whether they demonstrated subject matter competency (McClure, Piché and Taylor 2006).

Similarly, Wisconsin considered teachers qualified under the HOUSSE process if they had completed an approved program at any college or university in the United States; teachers’ subject matter knowledge was not a criterion for qualification (Education Trust 2003a).

Meanwhile, our review of Title II monitoring reports found that states fail to address highly qualified requirements for subjects other than mathematics and reading, even though NCLB applies the highly qualified provision to all core academic subjects (English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography). The monitoring reports further show states’ lack of substantive plans to ensure that low-income and minority students are taught by highly qualified teachers and not by unqualified, out-of-field or inexperienced teachers. Lastly, the reports also highlighted state failures to report teacher quality information on state and local report cards, thereby denying the public and policymakers access to how this critical quality element has been implemented (U.S. DOE 2002, 2003, 2004, 2005 and 2006b).

States’ efforts to comply with the teacher quality requirements of the law, in part, may have been hampered by the timing and content of guidance from the U.S. DOE. In the early years of the law, the guidance put out by the U.S. DOE did not focus as intently on the teacher quality provisions of NCLB as it should have. The U.S. DOE issued its first nonregulatory guidance on the NCLB highly qualified teacher provisions in June 2002, six months after the law was enacted. Although issued relatively quickly, this guidance did little more than reiterate the words of the statute. The U.S. DOE subsequently revised the guidance at least four more times but never finalized it (McClure, Piché and Taylor 2006).

Commissioner Jennifer Smith discusses the role of school leadership in raising student achievement during the Commission’s Washington, DC, hearing.



Much of the information the U.S. DOE did provide was not easily accessible to states and districts. The U.S. DOE relied on its Web site to provide a “toolkit” for states and information about promising practices, but many states and districts were unaware of these resources. The Web site presented information on different pages that were not linked, making it difficult to access efficiently (U.S. GAO 2005b).

However, the U.S. DOE began to step up enforcement of the teacher quality provisions in 2005 by conducting site reviews and issuing more detailed guidance (although still in draft form). This enforcement resulted in quickening the pace of state action to implement the teacher quality provisions. States increasingly included teacher quality data on state report cards and developed plans for enhancing teacher quality in low-performing schools. We believe this stepped-up implementation was critically important to improving state efforts to ensure that all children have access to qualified teachers and that low-income and minority children are not taught by inexperienced, unqualified or out-of-field teachers at higher rates than their peers.

The U.S. DOE also granted a one-year extension for compliance, provided that states had made “good faith” efforts to carry out the law’s provisions. In May 2006, the U.S. DOE indicated it might require states to phase out the use of HOUSSE procedures to determine the qualifications of veteran teachers. In a September 2006 letter to states, the U.S. DOE reversed course somewhat and permitted continued use of HOUSSE, while encouraging states to phase it out.

While federal and state efforts have not yet succeeded in ensuring that all teachers are highly qualified under the law, testimony provided to the Commission raised questions about whether the statute’s definition of “highly qualified” is adequate, and whether teachers who meet that designation are truly knowledgeable, skillful and prepared to substantially improve the academic achievement of the nation’s youth. If not, efforts by states to comply with the law and by the U.S. DOE to monitor compliance might be largely hollow exercises.

The rigid nature of the highly qualified teacher requirement is forcing too many teachers to jump through hoops. At the same time, the law has failed to provide teachers with the tools and resources to get the job done. We must expand mentoring programs for new teachers, improve professional development programs for all teachers and offer financial incentives to attract and retain quality teachers in hard-to-staff schools.

—Reg Weaver, President, National Education Association

One recent study strongly suggests that the qualifications required under NCLB are not sufficient to indicate whether teachers are, in fact, effective. Examining impact of certification on student performance of 150,000 Los Angeles 3rd, 4th and 5th grade teachers from 2000 to 2003, Thomas J. Kane, Professor of Education and Economics at Harvard University's Graduate School of Education, and his colleagues found little difference between the achievement of students taught by certified teachers and that of students taught by uncertified teachers. Kane told the Commission, however, that they found they could identify effective teachers and ineffective teachers after only a year or two in the classroom by looking at the same student performance data (Gordon, Kane and Staiger 2006).

Additional Concerns About Teacher and Principal Quality

Our hearings and research revealed additional concerns about the NCLB teacher quality provisions and how they were being implemented, as well as important issues regarding principal quality. Summarized below, these concerns should be addressed as schools move forward in the coming years.

Principal Quality

While NCLB encourages states to recruit and prepare highly qualified teachers, testimony before the Commission and current research confirm the importance of principals in attracting and retaining teachers. "The reputation and relationship with staff that a quality principal provides has a tremendous impact on teacher satisfaction, and the word spreads among teacher candidates about which schools and school districts have quality administrators and a healthy culture," Superintendent Iglesias told the Commission.

A recent survey conducted by MetLife found that teachers who expect to leave the profession are more likely than others to have principals who do not ask for their suggestions, do not show appreciation for their work and do not treat them with respect. The survey further reported that these teachers were more than twice as

What Makes a Quality Teacher?

Washington Middle School, a grade 6–8 school in Albuquerque, New Mexico, employs 32 teachers. All meet NCLB's highly qualified definition, according to Principal Cynthia Challberg-Hale. She adds that 15 of the school's teachers also hold bilingual and English as a Second Language (ESL) endorsements. Yet, Challberg-Hale says it's not always her most educated and credentialed teachers who are the best. A quality teacher, she says, has more to do with how they use their skills to reach the students and the heart they bring to the profession. "Their willingness to learn, change and adapt to the needs of the students" are key, says Challberg-Hale. "If you have teachers that only teach to the very top of the class, you don't have an effective teacher."

While NCLB requirements focus on teachers' knowledge, they do not address teacher effectiveness in raising student achievement. For example, a teacher could conceivably have a record of success in helping to raise students' achievement yet not meet all the HQT requirements.

—A legislative liaison from Central Valley, New York (submitted through the Commission's Web site)

likely than teachers who do not plan to leave to have inadequate communication with their principals (MetLife, Inc. 2006).

In addition to their effect on teacher recruitment and retention, principals also support school improvement by fostering learning communities within schools and by leading and supporting professional development. The Interstate School Leaders Licensure Consortium, a program of the Council of Chief State School Officers (CCSSO), developed specific standards for school leaders reinforcing these ideas. These standards include acting with integrity, fairness and in an ethical manner; nurturing and sustaining a school culture conducive to student learning and staff professional growth; and collaborating with families and community members (CCSSO 1996).

The definition and characteristics of school leadership continue to evolve. One comprehensive analysis found that when talking about leadership, most focus on the immediate support and supervision of teacher instruction. According to the analysis, however, leadership should be thought of as the act of imparting purpose to an organization as well as motivating and sustaining effort in pursuit of that purpose. In schools and districts that means many things—from articulating broad visions of how schools serve students, to guiding the way operational details in the daily life of schools are addressed (Knapp et al. 2003).

Rural Teachers

Despite the flexibility offered by the U.S. DOE, rural districts and schools continue to find it difficult to ensure that every teacher is highly qualified under the law. The smaller the district size, the more teachers teach multiple subjects, and they must demonstrate competency in all of them. Difficulty in recruiting new teachers adds to the problem—rural districts often have small pools of candidates from which to choose.

However, the law appears to have helped some rural schools strengthen teacher quality by identifying

problem areas that need to be addressed. Kara Chrisman, a mathematics teacher from Lamar High School in Lamar, Arkansas, told the Commission that her school shares two special education teachers with another school. One of the teachers had no background in mathematics; students often had to teach her the subject, Chrisman said. But in the wake of NCLB, the teacher without the mathematics background is now concentrating on English language arts, while the other special education teacher focuses on mathematics.

Special Education Teachers

Like rural teachers, special education teachers also find it difficult to meet the HQT requirements because they may teach multiple subjects. Some 15 percent of special education teachers reported in 2004–05 that they were not highly qualified, nearly twice as many as secondary mathematics teachers and nearly 8 times as many as elementary teachers (Stullich et al. 2006). Anecdotal information shared with the Commission from teachers and administrators suggests that special education teachers are leaving the field because they cannot obtain highly qualified status in all subject areas they teach.

At the same time, special education teachers have expressed concern that general education teachers are not qualified to teach students with disabilities. Because most students with disabilities receive instruction in general education classrooms, they may not be getting the help they need if teachers are not prepared to address their special needs.

Teacher and Principal Support

A growing body of evidence suggests that the support teachers receive once they are in the classroom makes a tremendous difference in their performance and their willingness to remain in the classroom. Districts and schools that have created mentoring programs for new teachers have found that student achievement and teacher-retention rates are up (Strong 2006). The number of states requiring and financing mentoring programs for new teachers, however, has not grown much in recent years. In 2006, 15 states required and paid for mentoring for new teachers, only one more state than in 1997 (Education Week 2006b).

Not Big Enough: Belt Public Schools, Belt, Montana

Isolation is perhaps the most unique challenge faced by Belt Public Schools, says Calvin Johnson, Superintendent of the 300-student school district located in rural Belt, Montana. According to Johnson, the highly qualified teacher requirements, coupled with supply and demand in the region, make compliance with NCLB nearly unachievable. “Our middle school has 25 kids in each grade, so to have a certified, degreed teacher in all of the subject areas is next to impossible,” says Johnson. “We’re not big enough to have full-time certified chemistry teachers.”

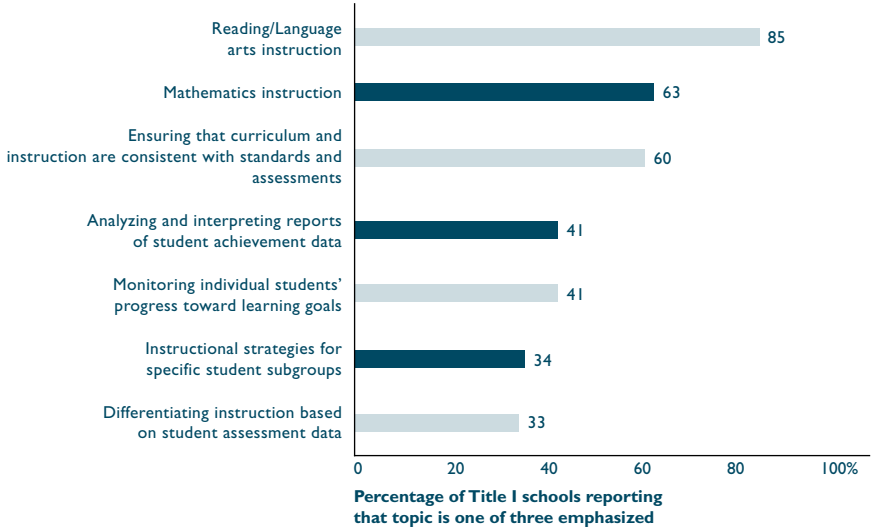
Another important factor in supporting teachers' efforts to improve student achievement is offering high-quality professional development and learning opportunities. NCLB's effect on the quality and frequency of professional development opportunities for teachers has gotten mixed reviews. In summarizing the results of a national survey of educators regarding their experience with professional development as a result of NCLB, Hayes Mizell, a Distinguished Senior Fellow at the National Staff Development Council, a nonprofit professional association focused on staff development and school improvement, said:

A great deal depends on how central office leaders and principals approach the task of implementing the law. Some approach it as a compliance chore and go through whatever motions they believe are necessary to satisfy the law's requirements. ... Others experience the law as a wakeup call and are increasing not only the amount of professional development but also its substance and utility. ... For other district and school leaders, NCLB has validated and reinforced their commitments over some years to steadily improve professional development and results. Bad staff development is not an accident. It occurs because of apathy, neglect or ignorance. When those conditions prevail, it is not NCLB that is to blame (Mizell 2005).

Driving Change Through High-Quality Leadership

The University of Virginia's Darden School of Business and the Curry School of Education established a formal partnership—the Partnership for Leaders in Education—to bring the most advanced thinking in business and education to help meet the unique demands of managing and governing schools and school systems. The Partnership has created the Executive Leadership Program, which provides senior district and state education officials the opportunity to develop a systemwide process for leading and accelerating organizational change to improve student achievement in their states and districts. A similar education program for school administrators helps strengthen and align district leadership between the local school board and district leadership team, from the assistant principal's level all the way up to the central office administrator's and superintendent's level.

Other programs offered by the Partnership include the Turnaround Specialist Program and the Turnaround Leadership Program, which address the leadership needs of principals, central office administrators and other experts charged with turning around a consistently low-performing school, moving a school from good to great or sustaining high performance. These efforts help provide a means to drive change and accelerate student achievement at the school level.

Types of Professional Development Emphasized in Schools in 2003–04

Source: TASSIE principal survey, U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service (2006). *Title I Accountability and School Improvement From 2001 to 2004*, Washington, DC.

The law allows districts flexibility in how they can use funds from Title II of NCLB to provide assistance to schools with low numbers of highly qualified teachers and high rates of teacher turnover. But funds are not always targeted to addressing these issues. A study of 11 districts conducted by the U.S. Government Accountability Office (U.S. GAO), the auditing arm of Congress, found that three of the districts used Title II funds for mentoring programs. Other districts used funds for class-size reduction and professional development. The study found that the districts tended to distribute funds broadly, rather than target them specifically to teachers in high-poverty schools or those who had not met HQT requirements (U.S. GAO 2005b).

An example of NCLB's positive provisions regarding professional development is the law's Reading First program. States and districts can use Reading First funds to provide professional development to prepare teachers in the essential components of reading instruction and to provide technical assistance to districts and schools. About 6 percent of schools and 12 percent of districts participate in Reading First through federal grants that pass through states. A study by CEP indicated that the program has made substantial improvements in reading instruction. The study found that participating schools had made significant changes in curriculum, instruction and assessment, and that districts had implemented similar improvements in nonparticipating schools. According to the study, district and state officials believed that gains in achievement could be attributed to Reading First (CEP 2006).

We knew that the greatest impact on student achievement happens in the classroom through effective instructional practices. However, we also learned that the greatest impact on instructional practice is creating school environments that foster and sustain instructional excellence.

—Yvonne Caamal Canul,
Director, Office of School
Improvement, Michigan
Department of Education

Meanwhile, a growing number of states are providing support for novice principals. Illinois, for example, recently passed legislation to create a mentoring program for new principals. Beginning in 2007, all new principals in Illinois must receive a year's worth of coaching in such areas as data analysis, classroom observation, planning teacher professional development and sharing leadership responsibilities. Similar initiatives to ensure that principals have the support they need to be successful leaders have been launched in Alaska, Arizona and Missouri (Archer 2006).

Comparability

The law's requirements that districts fund schools at comparable rates was intended to ensure that the better-qualified and experienced teachers are no longer found mostly in schools serving more affluent students. Yet in many cases districts use average teacher costs to mask inequities among schools. A study by the Center for Reinventing Public Education (CRPE), a research center affiliated with the University of Washington's School of Public Affairs, suggests that districtwide salary schedules that average costs across schools may mask inequalities. The study found that in Cincinnati, Seattle and Baltimore, high-poverty schools received significantly less per-student funding for teacher salaries than low-poverty schools. This was the case because high-poverty schools employed many more of the least experienced, least costly teachers. In fact, one school in Cincinnati spent almost \$1 million less per year than reported because the lower-salaried teachers employed at the school cost far less than the district average (Roza and Hill 2003).

Other research suggests that districts can close gaps in teacher quality by providing incentives, such as pay differentials and housing allowances, to encourage experienced and well-qualified teachers to teach in high-need schools. For example, the Teacher Advancement Program, a project sponsored by the Milken Family Foundation, a foundation focused primarily on work in education and medical research, provides advancement opportunities and increased compensation for effective

teachers, professional development and performance-based compensation, as well as incentive pay for hard-to-staff schools and subjects. The program, which is in various stages of implementation in more than 100 schools across the nation, has been found to reduce turnover and attract the highest quality teachers to low-income schools (The Teaching Commission 2006).

It's astonishing to me to have a system that doesn't allow us to pay more for someone with scarce abilities, that doesn't allow us to pay more to reward strong performance. That is tantamount to saying teacher talent and performance don't matter and that's basically saying students don't matter.

—Bill Gates, Microsoft Founder, in a November 13, 2006, interview with the Associated Press

However, other studies have found that the working conditions within schools, not just salaries, influence teachers' decisions to take or keep jobs in particular schools. Teachers who left urban, high-poverty schools, for example, cite a lack of support from the school administration, low student motivation and student discipline problems, in addition to salaries, as reasons they chose other jobs (Ingersoll 2001). In addition, the poor physical conditions of many schools, as well as the lack of professional amenities like access to telephones and computers, also discourage teachers from choosing to work or stay in low-achieving schools. "The working conditions in those schools would drive out the best of us," Kitty Dixon of the New Teacher Center, a national resource for new educators at the University of California, Santa Cruz, told the Commission.

Inadequate Supply of Teachers and Principals

Districts and schools report having difficulty meeting the HQT requirements because the supply of new teachers graduating from colleges of education does not match the need. Iglesias, the San Jose Superintendent, said only 15 mathematics teachers graduated from local universities at a time when his district had numerous openings. "It's been a trickle, not a flow," he told the Commission.

Nationally, colleges of education and alternative teacher preparation programs are producing enough teachers, but the distribution of teachers is uneven. Five states—California, Florida, New Jersey, New York and Texas—produce nearly 40 percent of all teachers (U.S. DOE 2005). Most states must rely on recruiting teachers from other states. In addition, many large cities and fast-growing districts find that they are unable to keep up with the demand for teachers. There are also shortages in critical subject areas, such as mathematics and science, and for those who teach students with disabilities and English language learners.

Contributing to the distribution problem are the barriers teachers often face when trying to move to different states in order to teach in shortage areas. Teacher requirements and licensing, as well as pension plans, vary from state to state, making it difficult for teachers to move fluidly into a new state to teach.

Pending retirements will also be an increasingly significant factor in the size of the nation's teacher and principal supply, especially as our nation's baby boom generation ages. According to the U.S. Department of Labor (U.S. DOL), a greater-than-average number of educators are over age 45, so it is likely that retirements will create large numbers of job openings in the profession. For instance, in 2004, close to 46 percent of elementary and middle school teachers, 48 percent of secondary school teachers and 51 percent of special education teachers were aged 45 and over (Bureau of Labor Statistics 2006). With about two-thirds of the current teaching force expected to retire or leave teaching in this decade, the nation's schools will need to hire between 1.7 million and 2.7 million teachers by 2009 (Hussar 1999).

The current state of the principal supply is a little less clear. The National Association of Elementary School Principals (NAESP) and the National Association of Secondary School Principals (NASSP) found in a 1998 survey that "approximately half of the school districts surveyed reported a shortage in the labor pool for K–12 principal positions they were trying to fill [that] year" (NAESP 1998). Yet an analysis of mostly metropolitan districts by CRPE in 2003 revealed that principal shortages are not the norm. The analysis found that the average district surveyed receives 17 applicants for each principal position, and that nearly two-thirds of human resource directors report little difficulty in finding principals (Roza and Swartz 2006).

A literature review conducted by the National Governors Association (NGA) found that some research, while noting that claims of a national shortage of principals appear overstated, has found that the number of openings is expected to grow by 20 percent during the next five years and that the number of retirements will likely increase markedly. According to the NGA, trends will pose the greatest challenges for urban and rural districts with large concentrations of high-poverty and low-performing schools (Mazzeo 2003).

One factor contributing to high rates of vacancies is turnover. Nationally, about 15 percent of teachers leave their jobs every year; half move to another school and half leave the profession. One-third of all teachers leave the profession after three years, and nearly half—46 percent—leave teaching within five years (Ingersoll 2003a). Pixie Hayward-Schickele of the California Teachers Association told the Commission that in five years of teaching in Room 3 at Hercules Elementary School, five different teachers—a new teacher each year—occupied the classroom next to hers.

The turnover rate for principals is as high as 20 percent per year in urban and rural districts with large concentrations of high-poverty and low-performing schools.

Urban and rural communities often pay lower salaries and receive significantly fewer applicants for open positions. As a result, low-performing urban and rural schools are much more likely to end up with inexperienced principals and assistant principals (Mazzeo 2003).

Teachers also move from school to school. Slightly more than one-half of the 17 percent of teachers who were new teachers at their schools in 1999–00 were transfers from another school (Provasnik and Dorfman 2005). In many cases, bargaining agreements give teachers with greater seniority the option to “bump” less senior teachers. The result is that the more experienced teachers tend to move to schools with more advantaged students, leaving the high-poverty schools with the less-experienced teachers.

The changing nature of our nation’s work force also plays a role in teacher and principal supply. According to the U.S. DOL, America’s work force has become more dynamic—employees move freely from job to job over the course of their lifetimes. The U.S. DOL reports that over the past two decades, the proportion of men with 10 or more years of employment with their current employer has declined for all age groups. For women, the results are mixed, with longer employment tenure increasing with age. This mobility characterizes the American labor market at large, which saw 57 million hires and 55 million separations in 2005 alone (U.S. DOL 2006). It should be no surprise, then, that this mobility has found its way into the education profession.

Roadmap to the Future

Ensuring Teacher Effectiveness

The evidence is clear that every classroom needs a highly qualified teacher. Amid all the heated rhetoric over the details of NCLB, virtually everyone has agreed that raising the quality of the overall teaching force is essential if we are serious about ensuring that every child, particularly those who have been traditionally underserved, has the opportunity to achieve to high expectations. As the first five years of NCLB have shown, this is a tall order.

The Commission believes that it is time to raise the bar and allow all teachers to demonstrate their *effectiveness* in the classroom rather than just their *qualifications* for entering it. This is a significant change and must be implemented in a way that is fair to teachers. Teachers who are held to this higher standard also need and deserve more support. Those who are not initially successful in producing measurable learning gains in the classroom must be given access to effective professional development to help them succeed. Those who are unable to demonstrate effectiveness in the classroom after a reasonable period of time of receiving support should no longer teach those students most in need of help.

While measurable gains in student achievement are the most important indicator of a teacher's effectiveness, they are not the only one. Good principals who are true leaders know whether their teachers are effective, as do teachers in schools with strong peer review systems. The judgments of principals or peers must also be considered in determining whether teachers are effective.

The Commission believes it is time for a sea change in how we assess the quality of our teachers by focusing on teacher effectiveness. Therefore, we recommend requiring all teachers to be Highly Qualified Effective Teachers (HQET)—teachers who demonstrate effectiveness in the classroom. Under HQET, states would be required to put in place systems for measuring the learning gains of a teacher's students through a "value-added" methodology, using three years of student achievement data, as well as principal evaluations or teacher peer reviews. Under this system, teachers would need to produce learning gains and receive positive principal or teacher peer review evaluations. Student achievement can count for no less than 50 percent of the determination of HQET status. Teachers who fall in the top 75 percent of producing learning gains in the state and receive positive evaluations would achieve HQET status.

Defining 'Value Added'

A value-added methodology, as it relates to measuring teacher quality, uses measures of achievement gains by individual students over a period of time to determine the effect that teachers have on learning. This approach typically uses statistical methods that adjust for the influence of non-school-related factors on academic growth, such as students' socioeconomic backgrounds.

The new HQET measure will, for the first time, trigger guaranteed, quality professional development for teachers who need it most. Teachers who, after two years, are at risk of not attaining HQET status will receive high-quality professional development specifically designed to address their needs for up to three years. If a teacher after three years of professional development still has not obtained HQET status, principals and school districts that choose to continue to employ such a teacher in a Title I school would be required to notify parents of students taught by these teachers of their HQET status. After this two-year period, if such a teacher has not achieved HQET status, that individual can no longer teach in a school receiving Title I funds.

Year	HQET Status
Year 1: Accumulation of test score data	
Year 2: Accumulation of test score data; monitoring of HQET status	If a teacher is at risk of not achieving HQET status after the second year, professional development begins.
Year 3: Accumulation of test score data; monitoring of HQET status	Professional development for those at risk of not obtaining HQET status begins. At end of initial three-year period, teacher must be evaluated for HQET status.
Year 4: Accumulation of test score data; professional development	Professional development continues for those not achieving HQET status.
Year 5: Accumulation of test score data; professional development	Professional development continues for those not achieving HQET status.
Year 6: Accumulation of test score data; notification of parents	Principals notify parents of students whose teacher has not achieved HQET status.
Year 7: Accumulation of test score data; notification of parents	Principals notify parents of students whose teacher has not achieved HQET status.
Year 8: HQET status must be attained to teach in a Title I school	After seven years, a teacher must have achieved HQET status to teach in a Title I school.

Ensuring Quality for All Children

Determining teacher quality based on effectiveness in the classroom rather than simply qualifications for entry is an important first step in improving achievement for all children. But if we mean what we say, we must take the additional step of ensuring that *all* children have the same opportunity to be taught by highly qualified and effective teachers regardless of where they live.

To ensure quality and effectiveness for all, districts should no longer be able to mask inequalities in resources for teacher quality by averaging the cost of teacher salaries across all schools in a district. The resources available for highly qualified and effective teachers—as well as the numbers of highly qualified and effective teachers—must be truly comparable for all schools, regardless of whether a school educates low-income students. Districts must also make good-faith efforts to distribute HQET teachers fairly and must not do so by reducing the quality of teachers in currently high-performing schools.

Therefore, the Commission recommends ensuring comparability of access to quality and effective teachers by requiring that Title I and non-Title I schools have similar expenditures for teacher salaries and comparable numbers of HQETs. Districts should not be allowed to achieve comparability by salary averaging, comparing staff-to-student ratios or simply forcing teachers to transfer schools. Instead, districts must ensure that Title I schools receive at least 95 percent of the average spent on teachers salaries from state and local funds compared to non-Title I schools. Districts would have three years to implement this plan and could not

institute forced teacher transfers or dismissals as a means of reaching compliance. Districts would also be required to ensure that the number of HQT and HQET teachers were comparable between Title I and non-Title I schools.

The Commission believes that forced transfers and dismissals of teachers as a means of compliance should be specifically barred because such actions may cause some experienced teachers who want to remain in their current assignment to leave the profession or seek employment in another district. Salary, incentives, career advancement and better working conditions are tools that districts can and should employ to ensure comparability of teacher quality and salaries among their schools. We intend our recommendations in this area to maintain the quality of teaching in well-performing schools while raising it in chronically struggling schools.

Recommendation

To this end, the Commission further recommends granting principals in Title I schools the ability to refuse the transfer of a teacher into his or her school if such teacher has not obtained HQT or HQET status. This provision would help Title I principals ensure that only highly qualified and effective teachers fill their school's classrooms. Giving principals more control over who teaches in their school will empower them to build a more effective and cohesive team of teachers.

Ensuring Principal Effectiveness

Research and experience has shown that the effectiveness of a school's teachers is influenced significantly by the quality of its principal. Effective principals attract effective teachers whose instruction is made better through strong leadership and supervision. Like teachers, principals need to be able to demonstrate their effectiveness by showing results in student achievement. Like teachers, principals—especially those who cannot yet demonstrate effectiveness—need professional development to strengthen their knowledge and skills.

Recommendation

Therefore, the Commission recommends enhancing school leadership by establishing a definition of a Highly Effective Principal (HEP). This definition, similar to the Commission's recommendations for highly qualified and effective teachers, requires principals to obtain certification or licensure as required in their state, demonstrate the necessary skills for effectively leading a school and, most importantly, produce improvements in student achievement that are comparable to high-achieving schools made up of similar children with similar challenges. **All principals should meet this new definition, but we recommend requiring it as a condition of working at a Title I school.** Existing principals will receive three years to achieve this standard once states have established their systems to designate HEPs.

Recommendation

We recognize that this focus on principal quality is a new aspect of NCLB. We view this definition and its requirements as an important first step in defining and promoting effective school leadership. We also acknowledge that the research to refine this approach is ongoing and will likely lead to improvements over time. However,

we strongly believe that we must take this first step. For NCLB to focus on teacher effectiveness without acknowledging the impact that principals have on school success is to squander an important opportunity to improve our schools.

Coupled with this new focus on principals is the importance of improving the quality and quantity of professional development for school leaders. This professional development is needed most in schools and districts that struggle to make academic progress.

Therefore, the Commission recommends requiring districts in need of improvement to dedicate funds for professional development of principals. Under current law, districts must reserve 10 percent of their Title I funding to provide professional development to teachers if the district is found in need of improvement. We propose including principals in this requirement so that the entire school instructional team—principals and teachers—is supported.

Title II also allows districts to use professional development funds to improve the skills and knowledge of principals. Current law requires teachers, but not principals, to determine the uses of, and needs for, professional development funding. **Therefore, we recommend ensuring that principals are included in the needs assessment done before allocating Title II funding.**

Ensuring a Supply of Effective Teachers

Our nation's schools will not thrive without an ample supply of effective teachers. But our current system of teacher development, recruitment and retention is not sufficient—and the problem will grow worse unless we take action.

The expected retirement of current teachers and the expected growth in student enrollment, coupled with the need to ensure a more effective and equitably distributed teaching force, requires new thinking about teacher recruitment and retention. The nation cannot afford to continue to allow districts to scramble for teachers just before the school year or to maintain conditions that drive teachers out of the area or the profession.

Schools and districts have too long been forced to depend on pipelines that are not producing adequate numbers of well-prepared individuals willing to teach, particularly in hard-to-staff schools, in high-need subject areas such as mathematics and science, and for students with disabilities and English language learners. At the same time, many districts have been slow to adopt systems to support and mentor teachers who come to the profession through alternative routes. Regardless of how they enter the profession, all teachers need a solid base of content knowledge, strong pedagogical skills, the ability to use data and regular assessments effectively to inform instruction and a large repertoire of techniques to adapt instruction to the varying needs of students.

Teaching must become a profession that is not limited by a focus on certification and navigating bureaucratic mazes, but instead attracts and appropriately rewards the best and brightest in our society. We must increase the supply of these teachers while focusing on ensuring those who enter receive the proper supports—through mentoring and high-quality professional development. It is only with these supports that we can be sure that there is an adequate supply of teachers capable of providing sound instruction and effective in producing results in the classroom.

Recommendation

Therefore, the Commission recommends increasing the supply of effective teachers by requiring institutions of higher education to establish goals for increasing the number of graduates qualified to teach in shortage areas. The Commission also recommends requiring higher education institutions to set goals for more closely linking their instruction with the needs of schools and the demands new teachers face in the classroom. These goals must include ensuring that prospective regular education teachers receive training in how to provide instruction to students with disabilities and that all teachers are trained to teach diverse populations and to work collaboratively with their fellow teachers to improve learning. These goals would be publicly reported so that districts and communities can see how teacher-training institutions are responding to the modern and very real needs of teachers and the schools that employ them. Institutions of higher education would be required to set these goals if they participate in student financial aid programs under the Higher Education Act.

Recommendation

The Commission further proposes increasing the supply of teachers by requiring districts with high rates of teacher turnover in their schools to develop plans to recruit and retain effective teachers. Such plans, which could be included with a district's overall plan on Title I, would require districts to consider how they will mentor new teachers; how they will use bonus pay to attract the most successful teachers and those teaching in subject shortage areas, including individuals from nontraditional routes; how they will improve working conditions of teachers and school staff, based on independent audits of such conditions; and how they will develop multiple career paths for teachers. To stop the revolving door, we must ensure



During the Commission's Pomona, California, hearing covering teacher and principal quality, Commissioner Tom Hobart addresses the supply and distribution of effective teachers.

that teaching is no longer the one profession where those who enter it perform the same job 10, 20 or 30 years later. We can and should ensure that districts that have challenges in retaining teachers are providing the support, incentives, environment and advancement opportunities that individuals in other professions want and presently receive.

The Commission also recommends that NCLB's specific teacher and principal professional development funding in Title II be focused on activities that are proven to strengthen the ability of teachers to provide better instruction. Title II funding is often allocated for activities that have little, if any, effect on improving instruction and student achievement. If we truly value our teachers' abilities to produce learning gains, we must focus Title II funding on a smaller number of activities and programs that have been shown to raise student learning.

In addition, given our recommended focus on success in the classroom rather than entry-based qualifications, **the Commission recommends creating incentives for states to make teacher certification and licensing reciprocal across states.** Part of the distribution problem in the teacher labor market stems from the barriers teachers face in crossing state lines to teach in states with teacher shortages. Where states share common goals and objectives in the credentialing of teachers, barriers to teaching in another state should be removed.

Lastly, the Commission recommends a study of pension portability for teachers and principals. Too often this issue hampers the ability of teachers and principals to work in other states. At a time when teachers and principals are just as mobile as professionals in other fields, having to remain locked into a job and a system because of a pension is unfair, lowers morale and reduces the ability of districts to attract the most effective teachers and principals. Pension portability is indeed a complicated issue, but we must take steps to remedy this barrier in the teaching profession.

Future Vision

If these recommendations are adopted, we envision schools in which every classroom has a highly qualified and effective teacher who can demonstrate success in improving student achievement. The qualifications teachers bring into the classroom—the courses they have taken, the tests they have passed, their level of subject matter expertise—might suggest that they are likely to be successful. Yet there are many teachers with such qualifications who cannot effectively teach, while many people who lack the proper paper credentials *can* teach effectively. Only with demonstrated classroom success—including evidence of student achievement gains—can we be sure that every classroom indeed has a truly effective teacher.

Under such a system, teachers—especially special education teachers, teachers of English language learners and teachers in rural schools—can prove they are effective

in the classroom with a minimum of bureaucratic hurdles. The system provides high-quality professional learning opportunities to support teachers in becoming more effective. But it also ensures, at the very least, that teachers who cannot demonstrate effectiveness after receiving support no longer teach those who need the most help.

A system of high achievement also makes sure that the most effective teachers teach the students who need them the most. Currently there are many incentives for skillful teachers to teach high-achieving students, but few to encourage them to teach students who are struggling or who have serious learning needs. In an equitable system, districts ensure that high-poverty schools can refuse to accept ineffective teachers and report accurately on the distribution of teacher quality and effectiveness within the district.

The system ensures that principals are well-qualified to lead schools and faculties and can demonstrate their effectiveness with evidence of leadership skills and a record of improving student achievement. The system also provides professional development to principals to enhance their ability to serve as leaders.

The system of high achievement also has a steady supply of highly qualified and effective teachers, particularly trained in high-need content areas such as mathematics and science, and in meeting the needs of students with disabilities and English language learners. Universities recruit prospective teachers into education programs and annually graduate sufficient numbers to meet the need. Schools with high rates of teacher turnover—a significant cause of teacher shortages—have plans for recruiting and retaining teachers, including strategies to improve working conditions to attract and keep effective teachers in high-poverty schools. Schools are encouraged to recruit, hire and retain teachers who can produce learning gains, regardless of whether they come to the profession through traditional or alternative routes.



effective teachers & principals

improved accountability

better school improvement
and student options

fair & accurate assessments

high standards for all

improved high schools

reliable & accurate data

additional
elements

Accelerating Progress and Closing Achievement Gaps Through Improved Accountability

At Centennial Place Elementary School in Atlanta, Georgia, teachers and administrators take seriously the idea of holding themselves accountable for the achievement of *all* students.

The school's staff was thrilled when test results came out in 2004. That year, 90 percent of the school's students met or exceeded state standards, and the school made AYP under NCLB. The school's staff celebrated their accomplishment as a demonstration that a diverse school—the students include children who live in homeless shelters as well as children of Coca-Cola executives—could achieve at high levels.

Yet when the educators examined the results in greater detail, they grew concerned. They noticed that results for students with disabilities were much lower than those for students without disabilities. Only 47 percent of special education students met or exceeded standards that year.

Under state policy, Centennial Place did not have to report results separately for students with disabilities because the number of affected students was lower than the required reporting threshold. But the school took to heart NCLB's mission of holding schools accountable for the achievement of all students. The staff looked at the results and challenged themselves to bring all students to high standards, and took action to improve the achievement of students with disabilities. The school hired a new special

education teacher and revamped its special education program. As a result of these efforts, approximately 70 percent of students with disabilities now meet or exceed standards.

Centennial Place's story shows the power of actionable information and data in driving school improvement. The school was responsible for the achievement of all students, so it took action to bring about improvements. As Principal Cynthia Kuhlman told the Commission, "Although we're not required by NCLB to show gains for special education students [because of the school's small number of special education students], we like to act as if we have those restrictions." Without that sense of responsibility, many of the special education students would have been left behind.

Over the past two decades, states have increasingly held schools accountable for student achievement. In some cases, accountability meant simply reporting results publicly. In Alaska in the 1990s, for example, the state began publishing a report card for each school that included results on state tests and posted the report cards on the state Web site.

Public reporting had some effect. Schools could no longer hide their achievement levels and wanted to avoid designation as a low-performing school. But reporting alone did not—and cannot—spur significant change leading to better achievement for all students. While public reporting has an important role, it must be coupled with significant action to result in achievement gains for all students.

Some states created stronger incentives for improvement by attaching significant consequences and rewards to the results. Schools that showed substantial improvement were eligible for rewards such as monetary bonuses, while those that persistently failed could be subject to sanctions, such as the replacement of the principal or takeover by the state. One study found that states that applied consequences based on results showed greater gains in achievement than those that simply published results (Hanushek and Raymond 2005). The evidence from the 1990s shows that these consequences, although well known, were used sparingly. A 1999 survey found that 16 states had the authority to close, take over or reconstitute a failing school, but only three states had used such authority (Education Week 1999).



Commissioner Judy Heumann discusses the importance of holding schools accountable for the achievement of all students during a roundtable in Washington, DC.

The accountability systems used before NCLB tended to focus on school performance using overall averages, rather than on the achievement of all groups of students within schools. As a result, schools could earn rewards or avoid sanctions if average performance was high, even though a large group of students within the school, such as African American students or economically disadvantaged students, continued to struggle.

One exception to this pattern was Texas, whose system was in many ways a model for NCLB. There, the state rated each school's performance not only on how well the school performed overall on state tests, but also on how well groups within the school performed. Schools could earn a designation of "exemplary" only if all subgroups attained state standards.

No longer can schools hide their failing students behind all-school averages that appear on the surface to convey a reasonable degree of acceptability.

—Assistant Superintendent from Kendallville, Indiana (submitted through the Commission's Web site)

The disaggregation, or separation into groups, of test results was powerful. Schools throughout Texas that had considered themselves high achieving because of the performance of most students suddenly had to hold themselves responsible for the achievement of all students. Consequently, achievement gaps narrowed.

What NCLB Requires

To hold districts and schools accountable for achievement, NCLB requires states to develop a measure of AYP for their districts and schools. The measure must be for the overall student population as well as for various subgroups of students to ensure that particular groups of children are not being left behind and achievement gaps are narrowing.

States must define AYP so that all students are expected to increase their academic performance each year and that, by the end of the 2013–14 school year, all students will achieve at the state-defined "proficient" level on assessments of reading and mathematics. Additionally, for a school to make AYP, 95 percent of each subgroup of children must participate in the assessments.

Making AYP also requires that schools show progress on an additional indicator. NCLB mandates graduation rates as the indicator for high schools, while leaving states to set the indicator for elementary schools. The indicator often chosen by

elementary schools is student attendance rates. However, neither NCLB nor the U.S. DOE, through its guidance and regulations, has stipulated a specific amount of progress to be met on this additional indicator. Consequently, some states require schools only to maintain current levels of performance on these indicators rather than push for continued growth.

When NCLB was passed, states set the starting point—or the first achievement bar—toward reaching 100 percent proficiency by 2014. States were free to choose where to set the initial bar based on the lowest achieving subgroup of students or the lowest achieving schools in the state, whichever was greater. After the initial bar—or annual measurable objective (AMO)—was established, NCLB then required states to gradually increase, in equal increments, the threshold of the percentage of students who obtained proficiency. These thresholds must be raised at least once every three years.

Schools and districts that do not make their AYP goals for two consecutive years are determined to be “in need of improvement.” Once this determination is made, interventions are begun, such as offering public school choice and SES, followed by a series of escalating reforms and sanctions for those schools and districts that continue to miss AYP targets.

Flexibility in Meeting AYP

NCLB does allow some schools to meet AYP through a “safe harbor” provision if they reduce the number of children in each subgroup not meeting proficiency by 10 percent. For instance, if a subgroup of English language learners is at 20 percent proficiency one year and rises to 28 percent proficiency the next year, the school makes AYP because this 8 percent gain in proficiency equals a 10 percent reduction in the number of students not reaching proficiency for that subgroup. (The original gap was 80 percent ($100-20=80$); 10 percent of the 80 percent gap is 8 percent.)

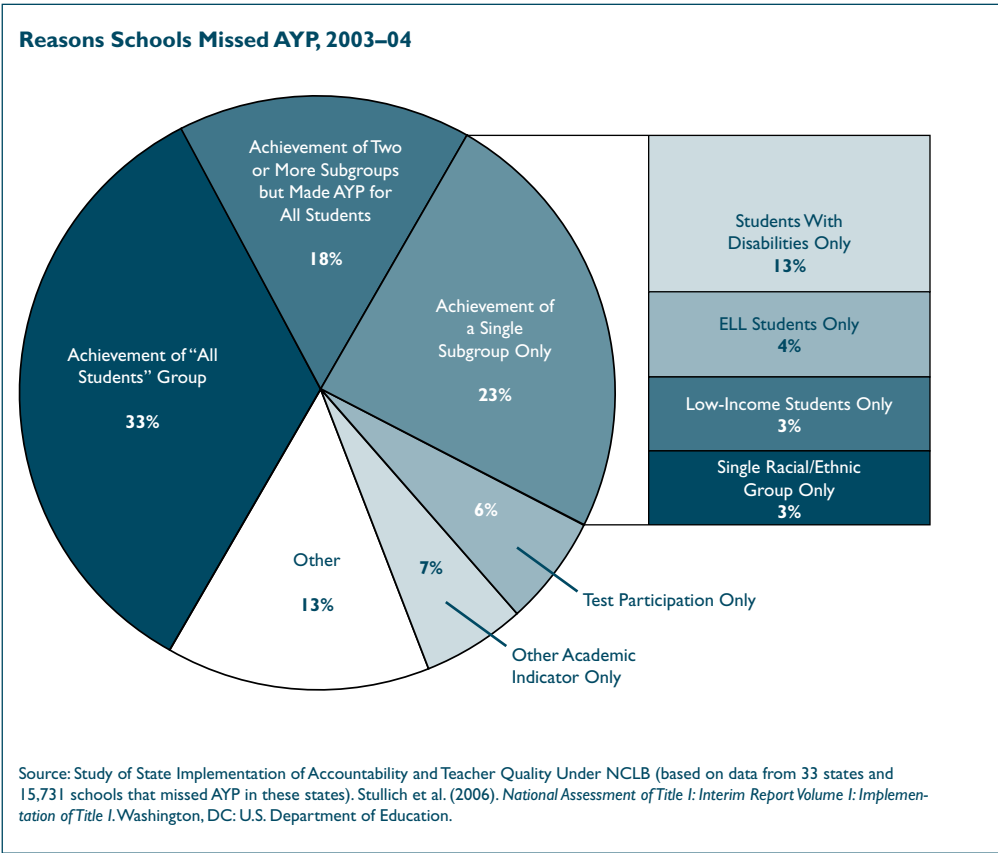
Additional flexibility in AYP includes:

- **Averaging scores.** States can average scores from the current year with scores from either the previous year or the previous two years when calculating the scores that will be compared to state performance targets for AYP.
- **Minimum number of students for subgroup accountability.** Schools are accountable only for groups of students that are large enough to reveal “statistically valid and reliable” data. Each state has discretion to set the minimum number of students required for subgroup accountability, commonly referred to as the “N-size.”

How the Law Has Been Implemented

Based on 2004–05 school year testing, approximately 14,121 schools—16 percent of all schools—did not make AYP, according to CEP. Meanwhile, 20 percent of all districts, or 2,347 districts, did not make AYP (Rentner et al. 2006).

The total number of schools that did not make AYP has remained fairly steady over time, the CEP report found. The schools that have not made AYP from year to year are not always the same ones; some schools improve and new ones come on to the list. But the overall total has not changed significantly, even though many observers had expected the number to climb because of rising expectations.



The total number and percentage of schools identified as in need of improvement have also held fairly steady, CEP found (Rentner et al. 2006). In many respects, the fact that this number has remained level over time represents good news. Test scores are up and schools have focused attention on underperforming groups; thus, schools

English language learners are no longer invisible in the classroom. Schools are now accountable for their achievement.

—Susan Valinski, ESL
Elementary Instructional
Support Teacher,
Fairfax County Public
Schools, Virginia

have continued to make AYP even as the requirements have become more stringent. At the same time, policy changes by the U.S. DOE also may have helped schools make AYP. These include new rules for testing students with disabilities, which raised the cap on the number of students who can take alternate assessments aligned to alternate standards and permitted assessments aligned to modified grade level standards, and a greater use of “confidence intervals,” which allow states to take into account sampling error in determining whether schools make AYP.

As intended, the accountability provisions in NCLB appear to have had a significant effect on school practice. A substantial body of anecdotal evidence suggests that the AYP requirements have focused schools’ attention on academic improvement in general and particularly on all groups of students.

School and district administrators say the focus on all students has prompted them to address the needs of students who had been getting left behind. As Kathy Cox, State Superintendent of Schools, Georgia Department of Education, told the Commission, “AYP shines a spotlight on all groups of students.”

In response to these incentives, schools have retooled curriculum and instructional programs to improve teaching and learning. In the Cuero Independent School District in Texas, for example, educators are mapping curriculum to state standards to ensure that all schools are teaching what students are expected to learn. In Bayonne, New Jersey, regular and special education teachers are collaborating as never before. In the Napoleon Public School District in North Dakota, teachers are providing more individualized instruction (Rentner et al. 2006).

Another study found that high schools are responding to accountability pressures as well, even though high schools receive far less attention under NCLB. Schools rewrote and aligned curriculum to state standards, adopted new mathematics programs and created 9th grade “academies” or teams (Goertz and Massell 2005).

However, there are also concerns that NCLB accountability systems have had some unintended negative consequences. One commonly expressed concern is the effect on subjects not tested. Because the law requires assessments in reading and mathematics achievement (and, beginning in the 2007–08 school year, science), some schools might have placed greater emphasis on those subjects and less on subjects like social studies and the arts. A survey by CEP found that 71 percent of the districts polled had reduced instructional time in at least one subject to make way for increased time on reading and mathematics (Rentner et al. 2006).

I think the entire notion of No Child Left Behind and accountability for schools is excellent, and I support it. In fact, I think accountability for schools is long overdue.

—Administrator from Fayette, Kentucky (submitted through the Commission's Web site)

These findings confirmed those of an earlier survey of principals in four states, which found that three-quarters of all principals reported an increase in time devoted to reading, writing and mathematics, and that one-fourth to one-third of the principals in high-minority schools reported decreases in time devoted to the arts, foreign languages and social studies (Von Zastrow and Janc 2004).

However, a separate survey of principals conducted as part of the *National Assessment of Title I* tells a different story. The survey found that 30 percent of elementary schools identified as in need of improvement increased instructional time in reading by more than 30 minutes a day, and 17 percent of such schools increased mathematics instruction by that amount. But only 3 percent of identified schools decreased instructional time in social studies or art and music, and 1 percent of identified schools *increased* instructional time in those subjects. In addition, the survey found that only 1 percent of schools that were not identified as needing improvement decreased instructional time in social studies or art and music (Stullich et al. 2006).

It appears that some schools—such as Centennial Place in Atlanta, which has a science theme and maintains a strong arts program—have continued to provide a broad curriculum even while some are focusing more intently on reading and mathematics. For students who are far behind in reading and mathematics, the additional attention has often proven beneficial. The *National Assessment of Title I* found that 13 percent of schools not identified for improvement increased instructional time in reading and 8 percent increased instructional time in mathematics (Stullich et al. 2006). Clearly, these schools believe that providing additional time for instruction pays off in higher levels of learning.

Change in Instructional Time Per Day at Elementary Schools, by Subject Area, 2003–04 to 2004–05

	Identified Schools (n=430)		Non-Identified Schools (n=881)	
	Decreased More Than 30 Minutes	Increased More Than 30 Minutes	Decreased More Than 30 Minutes	Increased More Than 30 Minutes
Reading	0%	30%*	0%	13%*
Mathematics	0%	17%*	0%	8%*
Science	1%	5%	0%	4%
Social studies	3%	1%	1%	1%
Art/music	3%	1%	1%	0%
Physical education/health	2%	2%	1%	0%
Other	1%	4%	3%	0%

*Indicates significant difference between identified and non-identified schools (p<.05)

Source: National Longitudinal Study of NCLB, Principal Survey, Stullich et al. (2006). *National Assessment of Title I: Interim Report Volume I: Implementation of Title I*. Washington, DC: U.S. Department of Education.

John Chubb of Hoover’s Koret Task Force expressed a belief held by many, saying, “Reading and math ... are basic to everything else that a student could want to learn. Without proficiency in these subjects, students cannot be proficient in any other subject” (Chubb 2005).

Another concern is the unintended negative effect accountability has had on certain groups of students in schools that do not make AYP. For example, some parents claim that students with disabilities are often blamed if schools do not make AYP because of that subgroup. The designation seems to pit one group of students against another.

Research conducted by the Commission staff across five states found that this concern is not supported by data. We found that very few schools did not make AYP solely because of the performance of students with disabilities or English language learners. In fact, our staff study found that most schools in California, Florida, Michigan, Georgia and Pennsylvania were not required to report assessment results for these

Impact of Students With Disabilities on AYP, 2004–05

State	Schools Reporting AYP for Subgroup	Schools That Missed AYP in Subgroup	AYP Missed Solely Because of Subgroup	Students in Reporting Schools Represented in Subgroup
California	9%	4%	1%	28%
Florida	58%	22%	2%	83%
Georgia	53%	10%	38%	80%
Michigan	60%	3%	12%	70%
Pennsylvania	11%	6%	19%	41%

Impact of English Language Learners on AYP, 2004–05

State	Schools Reporting AYP for Subgroup	Schools That Missed AYP in Subgroup	AYP Missed Solely Because of Subgroup	Students in Reporting Schools Represented in Subgroup
California	44%	22%	12%	87%
Florida	23%	8%	1%	80%
Georgia	10%	1%	2%	67%
Michigan	9%	Less than 1%	2%	45%
Pennsylvania	1%	Less than 1%	0%	20%

Source: Commission on No Child Left Behind (2006). *Children With Disabilities and LEP Students: Their Impact on the AYP Determinations of Schools*. Washington, DC: Aspen Institute.

subgroups because of small populations of students in them. In cases where these subgroups were counted and did not meet their annual targets, usually they were not the sole reason a school did not make AYP, the report found. Most of the time, schools were labeled in need of improvement because of low performance overall or because of low performance by multiple subgroups (Commission on No Child Left Behind 2006a).

Large and Varied N-Sizes

As noted above, schools are required to include in their AYP calculations only student subgroups above a minimum size to ensure that the subgroup data is statistically reliable and does not lead to the identification of individual students. However, the law leaves it up to states to determine the N-size they will use, and states have varied widely in choosing an appropriate subgroup size. Louisiana, for example, counts every group of 10 students or more, while in California, groups must be at least 50 students *and* comprise 15 percent of the school population. Also, some states have different N-sizes for accountability and public reporting purposes.

As a result of this flexibility, large numbers of students are not counted in some states' accountability systems. The large and varied N-sizes in these states mean that many African American and Hispanic students, as well as students with disabilities and English language learners, remain invisible, and schools are not held responsible for improving their performance. An analysis by the Associated Press found that 1.9 million students throughout the country—or about one in 14 test scores—are not counted in AYP calculations because of state N-sizes (Bass et al. 2006).

When evaluating a state's N-size, however, it is important to remember that any accountability system that includes a focus on subgroups and ensures statistical reliability and student privacy will result in some number, preferably a very small number, of students whose assessment results are not included in a school's AYP calculations. While many states have reasonable N-sizes that pass statistical and moral muster, it is the states that adopt both large numerical and percentage-based N-sizes that have caused the greatest concern among Commission members.

Another flexibility that affects AYP decisions is the use of confidence intervals to calculate AYP. Because tests are estimates of student abilities, they are subject to measurement error, and confidence intervals help establish boundaries to accommodate the error. Many states use 95 percent intervals—that is, they can estimate that 95 percent of schools with a particular performance level would make



During the Commission's hearing in Atlanta, Georgia, Commissioner Andrea Messina questions witnesses on whether student growth in achievement should be included in AYP calculations.

AYP. But some states, such as Wisconsin, use a 99 percent level. The higher level gives them greater confidence that the AYP calculation is accurate, but they might be omitting from their calculations schools that do not meet the higher level of confidence but are truly in need of improvement.

States With Smaller N-Sizes	
Maryland	5
Kentucky	10 students in subgroup and 60 students in the grades tested combined; or at least 15 percent of the student population
Louisiana	10 – performance; 40 – participation
New Hampshire	11 – performance; 40 – participation, graduation rate and attendance
South Dakota	10
Utah	10 – performance; 40 – participation

States With Larger N-Sizes	
California	100 students; or 50 students where subgroup consists of at least 15 percent of the student enrollment
Oklahoma	52 – subgroup; 30 aggregate
Texas	50 and 10 percent of total population; 40 aggregate
Virginia	50 or 1 percent of enrolled students, whichever is greater

Additional Accountability Concerns

The Commission also heard a number of additional concerns about the way the accountability provisions of NCLB were being implemented. Summarized below, these concerns suggest some issues to watch as schools move forward in the coming years.

Conflicting Federal and State Systems

Many states had developed accountability systems before NCLB, and most maintained them even as they added the new requirements. Yet these dual systems (federal and state) have caused confusion in some states. In Florida, for example, the state system rates each school like a report card—A through F—and provides assistance and imposes sanctions on schools rated poorly. But the state system, unlike the federal AYP system, is based solely on overall performance; it does not take into account the performance of subgroups within schools. As a result, schools can earn an A rating on the Florida system yet fail to make AYP if subgroups within the school come up short. These disparities have confused parents and provoked some resentment from school staffs.

You may hear people testify that NCLB has a negative impact on children with disabilities. On the contrary, with its focus on accountability and the requirement to disaggregate data by subgroup, it is one of the best things to have happened in a very long time.

—Madeleine Will, Vice President of Public Policy and Director, National Down Syndrome Society

Accountability for Students With Disabilities

Through the data reporting and participation requirements of NCLB, it has been shown that students with disabilities can achieve at high levels and that schools should be held accountable for their performance. However, this new focus has not come without significant change and difficulty for schools working to ensure all children, including students with disabilities, are achieving high standards.

The U.S. DOE has attempted to clarify policies for states by issuing rules for determining how students with disabilities are included in state accountability systems. Under the rules, children with severe cognitive disabilities—up to 1 percent of students in a state—can be administered alternate assessments using alternate standards. These standards are different from the regular academic standards used to assess students without disabilities and those students with disabilities who take regular assessments aligned to regular standards. The proficient and advanced scores on assessments for these students count in a school's AYP calculations.

In addition, the U.S. DOE has issued other regulations that allow up to 2 percent of a state's student population, who are able to achieve academically but may struggle to be on grade level, to take assessments using "modified achievement standards." These standards are required to be aligned to grade level expectations, but are permitted to be lower in scope than the standards used for nondisabled students. A student's Individualized Education Program (IEP) team determines whether students qualify for these classifications.

We heard both criticism and praise for NCLB's focus on accountability for students with disabilities. School officials expressed their frustration over the lack of valid and reliable assessment measures for students with disabilities. Parents of students with disabilities and advocates for these children expressed frustration with NCLB's N-size provisions and other mechanisms that eliminated some students with disabilities from

AYP calculations and public reporting. Still others questioned whether IEP teams had sufficient knowledge, skills and personnel to decide which assessments are appropriate and therefore how schools should be held accountable for the performance of students with disabilities. Overall, we were left with the strong impression that NCLB has resulted in a much higher awareness of and focus on the achievement of students with disabilities.

Accountability for English Language Learners

NCLB, through regulations, allows students to remain in the English language learner subgroup for two years for AYP purposes. However, research shows that oral proficiency in English takes three to five years to develop, while academic proficiency can take four to seven years (Hakuta 2000).

Several witnesses added that NCLB assumes incorrectly that all English language learners will learn English at the same rate. They told the Commission that English language learners are diverse in native language, family education, amount of time spent in the U.S. school system and level of literacy when entering a school program. Witnesses emphasized the need to consider all of these elements when determining student achievement for English language learners.

Absolute Achievement Versus Growth

Because NCLB is aimed at ensuring that all students attain proficiency, the AYP system is structured so that increasing proportions of subgroups of students at each school reach that level of performance. That is, if 40 percent of students in a subgroup at a school are proficient in 2006, 45 percent must be proficient in 2007 for the school to make AYP.

There are two main problems with this approach. As the National Conference of State Legislatures' (NCSL) Task Force says in its 2005 report, "NCLB mandates that schools be evaluated by comparing successive groups of students against a static, arbitrary standard, not by tracking the progress of the same group of students over time" (NCSL 2005). In other words, the year-to-year comparisons do not compare the performance of the same students. In a K-5 school, for example, the 2007 results

To currently meet AYP, schools must show that each grade level has improved from last year with the goal that every child is proficient by 2014. It does not compare the same group of students. It compares last year's students to the current year's students.

—Mathematics teacher from Laramie, Wyoming (submitted through the Commission's Web site)

do not include results from the 5th graders who were tested in 2006 but who left to go to middle school. They do, however, include the results of 3rd graders who were not tested the year before. The results do not account for students in any grade who moved away or transferred into the school.

This problem arose starkly in the wake of Hurricane Katrina. Schools suddenly found that they had dozens of students, evacuees from the Gulf, who had not been enrolled the previous year. If a school did not make AYP, the performance could reflect the changing student population, not the fact that the school was suddenly in need of improvement. In response to such concerns, the U.S. DOE suspended AYP calculations for many schools affected by an influx of Katrina evacuees.

The second problem is that the current AYP structure also fails to recognize schools that improved substantially but still did not attain proficiency in sufficient numbers. Consider Kosciuszko Middle School in Milwaukee, Wisconsin. Only 2 percent of students were proficient on state tests in the early 2000s. But after NCLB was enacted, the school adopted a comprehensive reform program, with assistance from the district and the state. In 2005, 42 percent of students were proficient or above in reading and 43 percent were proficient or above in mathematics. Yet the school did not make AYP because performance did not reach state objectives. That school, like other schools that are improving rapidly but are still below proficiency, are rated the same as those that did not improve at all. This outcome poses a dilemma for states and districts with limited resources to provide assistance to schools rated in need of improvement. The challenge is particularly acute because a school will not make AYP if a single subgroup, despite making progress, does not reach proficiency (Hoxby 2005).

AYP should measure student achievement and annual learning gains. Learning gains are the purest measure of progress.

—John Winn, Commissioner, Florida Department of Education

Allowing schools to factor in the growth in student achievement as part of their AYP calculations can enhance the fairness and accuracy of the system. It can also help ensure that schools identified as in need of improvement are truly those that are struggling and that schools making significant progress receive appropriate credit. At the same time, instituting a “growth model” requires a sophisticated data system, and the growth model must be designed to ensure that students remain on track toward 100 percent proficiency (Commission on No Child Left Behind 2006b).

To try a new approach that would include student growth in the calculation for AYP, the U.S. DOE approved pilot programs in North Carolina, Tennessee, Delaware,

Arkansas and Florida. Under the program, states had to submit applications that showed that they had assessment systems in place for grades 3 through 8 in reading and mathematics, that they included all students in their assessments, that they had a data system capable of measuring student growth from year to year and that they set “educationally and technically sound” criteria for growth for all students and for all subgroups that maintained the goal of 100 percent proficiency by 2014.

U.S. Department of Education's Growth Model Pilot Program

In May 2006, the U.S. DOE approved two state’s growth model accountability plans for the 2005–06 school year as part of its growth model pilot program—North Carolina and Tennessee. U.S. Secretary of Education Margaret Spellings said both states have strong models that adhere to the core principles of NCLB.

In November 2006, the U.S. DOE announced the addition of Delaware, Arkansas and Florida to its growth model pilot program. Delaware was immediately approved to use its growth model for the 2006–07 school year, while Arkansas and Florida must first receive U.S. DOE approval for their assessment systems before they can implement growth models for 2006–07. Five slots remain in the pilot program. (Current as of December 2006)

Predicted Number of States That Would Reach the Goal of 100 Percent Proficient by 2013–14, for Various Subgroups, If Achievement Trajectories From 2000–01 to 2002–03 Continued Through 2013–14

Student Subgroup	Grade 3, 4 or 5		Grade 6, 7 or 8	
	Reading	Mathematics	Reading	Mathematics
Low-income	4 out of 11 states	3 out of 10 states	3 out of 10 states	1 out of 9 states
Black	3 out of 6 states	3 out of 5 states	4 out of 10 states	3 out of 10 states
Hispanic	2 out of 6 states	1 out of 5 states	2 out of 10 states	2 out of 10 states
English Language Learners	3 out of 19 states	3 out of 19 states	1 out of 16 states	2 out of 18 states
Migrant	6 out of 15 states	5 out of 15 states	3 out of 13 states	2 out of 15 states
Students With Disabilities	7 out of 19 states	4 out of 19 states	1 out of 17 states	0 out of 17 states
Average proportion of state subgroups predicted to reach 100%	33%	26%	18%	13%

Note: The average shown at the bottom of each column is based on adding the numerators and denominators reflected in the cells of that column and dividing the total of the numerators by the total of the denominators.

Source: Consolidated state performance reports (for 21 states). Stullich et al. (2006). *National Assessment of Title I: Interim Report Volume I: Implementation of Title I*. Washington, DC: U.S. Department of Education.

Accountability for Graduation Rates

Although most of the attention in accountability has focused on test scores, NCLB also requires schools to use at least one other indicator in AYP calculations. For high schools, the additional indicators must include graduation rates. In part, this provision helps ensure that schools do not “push out” low-achieving students to raise test performance.

In practice, however, the graduation-rate requirements do not ensure that schools are accountable for improvements in enabling students to complete high school. The requirements allow states to set modest goals for improving graduation rates; in some cases, the state goals are actually lower than their current graduation rates. The methods states use to calculate graduation rates vary widely. In an effort to provide some comparability and confidence in graduation rates, the nation's governors reached a historic agreement through the NGA Graduation Counts Compact for a common method for calculating graduation rates (see sidebox below). States are in various stages of implementing the provisions of this compact.

At the same time, NCLB does not require the disaggregation of graduation-rate data. Schools can make adequate progress in overall graduation rates even though large numbers of African American students, for example, continue to drop out of school.

Governors Commit to Common Graduation-Rate Calculations

The manner in which states calculate graduation rates varies. Some states measure the number of 12th graders who graduate, while others measure the number of 9th graders who graduate from high school four years later. Still other states include students who earned a General Educational Development (GED) certificate as “graduates.”

In 2005, governors of all 50 states signed the Graduation Counts Compact, making an unprecedented commitment to a common method for calculating each state's high school graduation rate. The governors agreed to calculate high school graduation rates by dividing the number of on-time graduates (those receiving a high school diploma) in a given year by the number of first-time entering 9th graders four years earlier. The rates can be adjusted for transfers in and out of the system, and data systems ideally track individual students with a longitudinal, student-unit-record data system. Under this method, special education students and recent immigrants with limited English proficiency can be assigned to different cohorts to allow them more time to graduate.

In addition to agreeing to a common formula for calculating graduation rates, the governors committed to efforts to improve state data collection, reporting and analysis; to report additional indicators of outcomes for students; and to report annually on their progress toward improved high school graduation, completion and dropout data. The NGA supported the development of the Graduation Counts Compact through its Task Force on State High School Graduation Data and a companion Graduation Counts task force report (NGA 2005).

Accountability for State Implementation

NCLB represents a quantum leap forward in the national shift from the traditional practice of holding schools accountable merely for “inputs”—that is, developing plans for assessment and accountability systems. Now NCLB holds schools accountable for “outputs” as well—the student achievement results they produce. Yet state agencies are still largely held accountable, to the extent they are accountable at all, only for developing plans. The U.S. DOE over the past five years has used its authority to disapprove plans and cut off administrative funds for states whose plans do not meet the law’s requirements, but accountability for states generally stops once plans are in effect. So while NCLB and other federal education laws make clear that these plans and other statutory requirements must be implemented, some states have either failed to implement some requirements or their implementation has been minimal or ineffective.

In other realms of public policy, such as the environment, states are responsible not only for developing plans but also for carrying them out. The accountability is enforced through administrative and legal means: citizens can file complaints that states are not upholding their obligations under the law, and states can be ordered to do so.

NCLB contains no such recourse, however, for its intended beneficiaries. Under NCLB, citizens have been unable to force states to carry out the law. Ronald Jackson, Executive Director of Citizens for Better Schools in Birmingham, Alabama, told the Commission that his organization filed suit to require the district to spend the funds allocated for public school choice and SES, but the suit was rejected because his group was not eligible to bring suit under federal law. “Where do we go to get good quality education for these students who are left behind?” he asked.

Roadmap to the Future

Ensuring Accuracy and Fairness

The accountability provisions of NCLB—requiring schools to demonstrate AYP—have yielded important benefits. They have created incentives for schools to improve continuously. They have shone a bright light on schools that are genuinely in need of improvement. Most significantly, they have helped ensure that schools address the needs of all groups of students.

However, the current AYP system is a fairly blunt instrument. Schools either make AYP or they don’t. The method does not distinguish between schools that are moving significantly in the right direction but have not yet reached the bar and those that are seriously struggling and show little or no progress. As a result, schools might be labeled in need of improvement despite substantial progress in student achievement, in some cases against considerable odds.

We believe that the nation has a responsibility to ensure that every child achieves at proficient levels linked to high standards. At the same time, we cannot ignore the significant progress, often under extraordinary circumstances, made by some schools in raising student achievement. We believe a more accurate and fair method would give credit to schools that are indeed making substantial progress, even if they are not yet at proficiency, as long as their students are on track to reach that level in a reasonable time.

Recommendation

Therefore, the Commission recommends improving the accuracy and fairness of AYP calculations by allowing states to include achievement growth in such calculations. These calculations would enable schools to receive credit for students who are on track to becoming proficient within three years, based on the growth trajectory of their assessment scores, when calculating AYP for the student's school. Including growth as a factor in AYP will yield richer and more useful data on student performance—both for the classroom and for school accountability purposes.

Recommendation

To determine growth, it is crucial that states have in place sophisticated, high-quality data systems that can track student performance over time and assessment systems that can monitor student growth from year to year. **Therefore, we recommend that states be required to develop high-quality longitudinal data systems that permit the tracking of student achievement over time. Such systems must be in place no more than four years after the enactment of a reauthorized NCLB.**

Recommendation

Measuring growth in AYP is not complete unless we hold schools accountable for achievement in science as well as mathematics and reading. Science, along with mathematics and the gateway skill of reading, is essential for students to be well prepared for college and the workplace. **Therefore, we recommend that the results of the science assessments required under NCLB be included in the AYP calculations of schools and districts. To ensure we close the gap in science achievement, we recommend requiring states to set AMOs for science that mirror the timeline presently in place for mathematics and reading.**

Recommendation

Other aspects in NCLB also affect whether schools make AYP. Currently, the law deems a school eligible to be in improvement status if, during a two-year span, any subgroup in the school does not make AYP in either reading or mathematics. For instance, during the first year, a school could have one subgroup not make AYP in mathematics; in the second year, that same school could have a different subgroup not make AYP in reading. As a result, the school would be identified for school improvement. **Instead, we recommend requiring schools to be identified for improvement if they do not make AYP for the same subgroup in the same subject for two consecutive years.** We believe that this will help ensure the measure of school performance more accurately identifies schools that truly are in need of improvement.

Ensuring Accountability for All Students

Perhaps the most important aspect of the accountability systems under NCLB is the requirement to disaggregate school performance and to hold schools accountable for ensuring that all groups make adequate progress in achievement. More than any other provision, this feature has helped the statute live up to its name by helping to ensure that schools leave no child behind.

In practice, though, states have allowed schools to omit significant numbers of children by setting large minimum sizes for calculating subgroup performance and using high confidence intervals. Although these practices, at appropriate levels, are needed to maintain statistical reliability and protect student privacy, they can be—and have been—abused. As a result, large numbers of schools have not been held accountable for the performance of significant numbers of students.

In addition, the procedures for including students with disabilities in AYP calculations need to be clearer to ensure that students are treated fairly and that these students are held to high standards—and that schools are accountable for their achievement. NCLB has taught us that students with disabilities achieve to high standards with proper instruction and assessment.

Therefore, the Commission recommends holding schools accountable for the achievement of all students by restricting the minimum subgroup size to no more than 20 and confidence intervals to no more than 95 percent. We would recommend the U.S. Secretary of Education have waiver authority to increase the maximum N-size to 30 in cases where states can justify such a number. This recommendation would eliminate the percentage-based N-sizes currently employed by some states. These policies would uphold statistical accuracy while closing loopholes and ending abuse. We must hold state and district leaders to high standards to ensure accountability for the achievement of all students.

In addition, we recommend improving the rules for including students with disabilities in AYP calculations. Specifically, we recommend maintaining the U.S. DOE's 1 percent policy (allowing children with severe cognitive disabilities to be assessed against alternate achievement standards using alternate assessments) and amending the proposed 2 percent policy (allowing students with disabilities to be assessed against "modified achievement standards") by reducing the cap in this policy to 1 percent. Thus, states could administer alternate assessments for up to 1 percent of their student population, and administer assessments with modified achievement standards to an additional 1 percent of students.

We recommend a reduction in the percentage of students who can be assessed against modified achievement standards because we could not find sufficient basis, in testimony before the Commission and in extensive research and analysis by our staff, to support a 2 percent cap in this policy; instead, we found that this percentage

was often too high. In reviewing the U.S. DOE's final regulations on the policy, we found scant justification for setting the percentage of children who could be included under this policy at 2 percent. The discussion in both the proposed and final versions of these regulations did not provide a solid foundation from which to conclude that 2 percent of children should be assessed against modified achievement standards. We should use caution when exempting students and believe that it is better to exempt fewer students than more.

As under current implementation of these policies, a child's IEP team would continue to determine whether students qualify for one of these categories. However, to ensure that decisions are made properly and children are assessed in the most appropriate manner, **we recommend strengthening the procedures used for determining which children are included in these categories and improving the tools and training available for IEP teams to make those decisions.** Under our recommendations, the U.S. DOE, not just states, must issue guidelines on the proper process for selecting appropriate assessments, and states and districts must train IEP teams in the use of such guidelines. In addition, district officials must monitor the implementation of the policy to ensure that it is being applied uniformly in all schools.

Recommendation

The Commission also recommends extending the time period, from two years to three years, that English language learners can remain in the English language learner subgroup for AYP purposes, after attaining proficiency in English. This change helps address student needs associated with English language acquisition and allows schools to more accurately measure the achievement of English language learners.

Recommendation

Ensuring Accountability for Graduation Rates

Holding high schools accountable for graduation rates helps discourage schools from “pushing out” low-performing students to raise assessment scores and creates incentives for schools to make sure more students graduate. Current state definitions of graduation rates vary and might not accurately indicate the extent to which students complete school. Some measure the number of 12th graders who graduate; some measure the number of 9th graders who graduate four years later; some include students who earned a GED certificate as “graduates.”

Further, the law does not require schools to separately report the graduation rates of each subgroup of students. Currently, a school can earn credit for making progress on graduation rates even though racial and ethnic minorities graduate at much lower levels than white students. This simply masks the problem and does little to close the unacceptable gap in graduation rates. We cannot allow this masking to continue; schools must be held accountable for the graduation of all groups of students.

Commissioner
Chris Edley
addresses a panel
of witnesses at
the Commission's
hearing in
Washington, DC.



Therefore, the Commission recommends holding schools accountable for improving the graduation rates of all students by closing the graduation-rate gap by 2014 and requiring states to conform to the NGA compact on graduation rates. We must bring the same urgency we have in closing achievement gaps to closing graduation-rate gaps. Adoption of this compact will bring consistency and accountability to graduation-rate reporting. The NGA compact—which was approved by the governors of all 50 states—is the first such effort to begin to allow us to compare graduation rates across the states. The NGA compact, if implemented by the states in the coming years, will bring order and much needed uniformity to this important indicator of school success.

Recommendation

We also recommend requiring schools to disaggregate graduation-rate data, as well as the elementary school indicator, and use this disaggregated data and indicator in AYP calculations. Disaggregation will help ensure that schools do not mask problems by reporting averages; instead they will be held accountable for all students.

Recommendation

Making States Accountable for Upholding the Law

Ensuring that NCLB works for all students requires more than asking states to develop plans. It requires that states carry out their plans and fulfill their obligations under the statute.

Therefore, we recommend that parents and other concerned parties have the right to hold districts, states and the U.S. DOE accountable for faithfully implementing the requirements of NCLB through enhanced enforcement options with the state and the U.S. DOE. Under our recommendation, the state would establish a procedure to allow individuals or groups of citizens to bring their complaints against the district or state to the state. If the agency rejects the claim, citizens would be able to file an appeal with the U.S. DOE, which would be permitted to select the complaints worthy of response or needing clarifying rulings. If the U.S. DOE chooses to hear the appeal, it can order the state to comply when necessary. If the U.S. DOE does not do so, the citizen(s) can file suit in state court. In any case, the only available remedy

Recommendation

would be an order to enforce the law; there would be no financial or other penalties assessed. A court could not issue an injunction to prohibit the flow of federal funds to the state or the continued implementation of any other provision of the law while the case is pending. An analogous procedure would be established for individuals who have complaints with the U.S. DOE's implementation of the statute.

We view the enforcement of NCLB's requirements as fundamental. We cannot hope to ensure our teachers are qualified and effective or that students get the extra help to which they are entitled if states merely comply with these requirements on paper, yet fail to embed them in day-to-day practices in schools. Implementation of the law and its requirements are critical to addressing achievement gaps. This new enforcement authority would give parents and all citizens an opportunity to ensure that states are faithfully living up to the letter and the spirit of the law.

Future Vision

If these recommendations are adopted, we envision an effective system for rating school performance that is accurate and fair, and that maintains the goal of raising achievement and closing achievement gaps. Such a system incorporates growth into calculations of school performance. Schools with students whose learning is increasing and who are on track toward high standards, even if they are not quite at proficiency, deserve credit, as long as they are on the trajectory toward proficiency. These schools should not be designated as being in need of improvement. Similarly, such a system recognizes schools that are closing achievement gaps by ensuring that all subgroups are making continuous progress and are heading toward proficiency. It ensures that the measure of school performance more accurately identifies schools that truly are in need of improvement by identifying only schools in which the same subgroup fails to make adequate progress in the same subject two years in a row.

An effective system also encourages schools to ensure that students will be better equipped to handle the demands of the global economy by incorporating measures of science achievement into calculations of performance. It encourages high schools to focus on all subgroups by disaggregating graduation rates, thereby holding schools accountable for increasing graduation rates for all groups of students.

The system is also fair to students with disabilities and English language learners and the schools that educate them. Recognizing that most students in both groups can continue to participate in regular assessments with appropriate accommodations, the system includes individuals with particular needs and gives schools credit for improving their performance. Schools can more accurately assess the growth in achievement for students with disabilities who currently are performing and being taught well below their grade level and can keep students in the English language learner subgroup for up to three years after they have demonstrated proficiency in English.

The system also maintains accuracy by allowing states to use confidence intervals to adjust for measurement error in calculating the performance gains of small groups and to count subgroups only above a certain threshold size. The use of such practices is reasonable and relatively uniform across states.

Lastly, the system provides avenues for addressing failures to implement the law faithfully. Citizens would have the opportunity to pursue administrative complaints with their state and, if necessary, with the U.S. DOE. Should the administrative process not provide satisfaction, citizens would be permitted to continue their complaints in state court.

effective teachers & principals

improved accountability

**better school improvement
and student options**

fair & accurate assessments

high standards for all

improved high schools

reliable & accurate data

additional
elements

Moving Beyond the Status Quo to Effective School Improvement and Student Options

When “data hit them in the face,” Harrison Community Schools and the state of Michigan sprang into action and turned around what was once a struggling rural school, according to Robert Balwinski, Field Services Consultant for the Michigan Department of Education’s Office of School Improvement.

Harrison, a 2,122-pupil district in rural central Michigan, has struggled for years with challenges related to poverty and low achievement. Declining enrollments and fiscal problems led to the closure of its most rural elementary school. Its two remaining elementary schools, Larsen and Hillside, had repeatedly not made AYP and were placed in restructuring status in 2003.

Fortunately for Harrison, the state of Michigan had a framework for school improvement and resources from NCLB and the state to help districts and schools in need of improvement. District officials were prepared to take bold action to turn the schools around. “The people were ready for change,” says Balwinski.

The district formed a new governance board that included state and local officials and the head of the local teachers’ union. The board adopted a new grade configuration for the elementary schools and to create teacher teams within the buildings and provide them time to work together to redesign the curriculum. The board also provided in-school coaches and expanded the kindergarten to a full-day program.

The results? In the 2004–05 school year, both elementary schools moved off the list of schools in need of improvement and stayed off in 2005–06. District officials are convinced that the district's record of improvement will stave off future declines in enrollment. "Our reputation is going to get us students, but not overnight," says Superintendent Christopher Rundle (Scott et al. 2005).

Accountability is only the first step on the road to student and school success. The goal is not simply to label schools but to ensure that achievement improves. It is what happens *after* a school is labeled "in need of improvement" that ought to make the difference, as it did in Harrison.

For some schools, the label itself might create sufficient incentive for administrators and teachers to re-examine the curriculum and instructional program and make adjustments to raise academic achievement. Many schools have demonstrated this ability to turn themselves around; Kosciuszko Middle School in Milwaukee, highlighted in the previous section, is a good example.

Yet many schools lack the capacity to improve themselves without additional assistance both for the students and the staff. Without this capacity, these schools will struggle to turn themselves around and ensure that their staff has the tools and knowledge to enable their students to achieve.

Some interventions are designed to help the students in low-performing schools. For many students, continuing to attend schools where teachers and administrators are struggling to educate all students well would further stymie their academic progress. These students could benefit from opportunities to attend better-performing schools where they can have access to more effective instruction and more motivated peers. As education and civil rights scholar Richard D. Kahlenberg notes, low-income students have benefited when they have been able to attend schools with more affluent peers. In fact, low-income students in middle-class schools achieve at higher levels than higher-income students in low-income schools (Kahlenberg 2006).



Commissioner Mike Ortiz questions witnesses during a Commission roundtable in Washington, DC.

Additional instructional support can also help students. A study of tutoring services in Chicago found that students who had tutoring—especially those who participated in programs with more than 40 hours of tutoring—gained more in academic achievement than students who were eligible for tutoring but did not receive it (Chicago Public Schools 2005).

Schools can also benefit from support and interventions. A review of efforts in five states to provide assistance to low-performing schools found that many interventions helped improve school performance (Mintrop and Trujillo 2003). Kentucky, for example, assigned “distinguished educators” (later renamed “highly skilled educators”) to low-performing schools and charged them with conducting staff development, observing classrooms, providing demonstration lessons, assisting in grant writing and other tasks. One study concluded that schools that received such assistance generally improved at a faster rate than those that did not receive it (Kannapel and Coe 2000).

More aggressive interventions, like takeovers and reconstitution, are less common, and the research on the effectiveness of these interventions is inconclusive. However, there are cases of districts and schools that have benefited from substantial restructuring. For example, the 86 schools in Philadelphia that were targeted for intervention after a state-district partnership took over the governance of the district showed gains in mathematics that were higher than those in other district schools (Christman et al. 2006).

What NCLB Requires

NCLB requires states to impose a series of interventions to assist students and turn around consistently struggling schools.

Public School Choice and Tutoring Options

Students in schools that do not make AYP for two consecutive years are given the opportunity to transfer to another public school. If a school does not meet AYP for a third consecutive year, students are given the option of receiving free tutoring (SES) from state-approved providers. These providers can include districts, nonprofit organizations and for-profit companies.

School Improvement, Corrective Action, School Restructuring and Other Interventions

In addition to providing public school choice, schools that do not make AYP for two consecutive years are designated for “needs improvement” status. Under this status, schools must develop a school improvement plan that is focused on improving instruction and the knowledge and skills of staff who are responsible for such instruction.

For schools that continue to miss AYP for four or more consecutive years, NCLB requires additional steps to be taken. Schools that have not made AYP for four consecutive years fall into “corrective action” status. Under corrective action, schools must implement any of a number of interventions, such as using an outside expert to analyze the school plan, implementing a new curriculum or decreasing the school’s decision-making authority.

Schools that do not make AYP for five consecutive years are required to begin the “restructuring” process. Under this process, schools develop and implement restructuring plans that include actions such as replacing all or most of the school’s academic staff, contracting with an outside organization to operate the school, reopening the school as a charter school and restructuring the school’s governance. These plans are implemented if the school misses AYP for the sixth consecutive year.

Identified schools that make AYP for one year are frozen in their current status. For instance, if a school is in corrective action but makes AYP, the school does not proceed with developing a restructuring plan. Schools leave the school improvement process if they make AYP for two consecutive years.

A school that does not make AYP must continue to offer public school choice and SES throughout the needs improvement, corrective action and restructuring processes, until the school makes AYP for two consecutive years. Children who have transferred to another school under the public school choice requirements are permitted to stay in that school, even if their original school leaves the school improvement process.

How the Law Has Been Implemented

As described above, a series of interventions must be taken in schools identified for improvement. In practice, however, such interventions often have been incremental, allowing underperforming schools to languish for many years, doing little to raise student achievement. States, districts and schools lack the research on proven effective strategies, or the capacity to implement these strategies, for turning around low-performing schools, and options for students in these schools have yet to be fully realized.

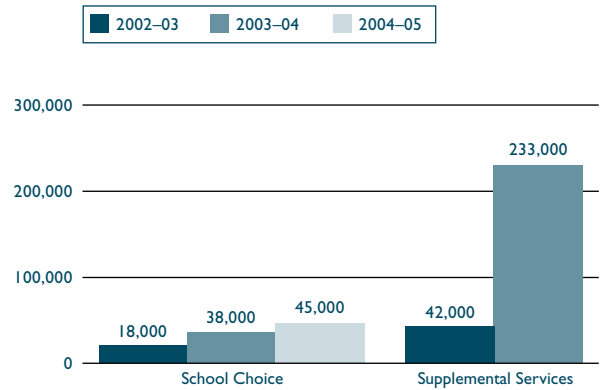
Student Options

According to the *National Assessment of Title I*, the number of students who participated in school choice and SES options was much lower than the number who were eligible. In the 2003–04 school year, 3.9 million children were eligible to transfer to another public school, but only 38,000—less than 1 percent of those eligible—actually transferred. Only 233,000 of the 1.4 million students eligible for SES, or 17 percent, participated in that option (Stullich et al. 2006).

NCLB School Improvement, Corrective Action and Restructuring Timeline

Year 1	Children take assessments, school does not make AYP
Year 2	Children take assessments, school does not make AYP, school identified as “a school in need of improvement”
Year 3	<p>School is in “improvement” status—Year One</p> <p>Public school choice is provided for students in school, transportation costs are provided, and districts must spend up to 20 percent (based on demand) of their Title I allocations on transportation costs (coupled with costs of SES going to schools in years four and above—see below)</p> <p>Only technical assistance is provided during this year; district is not authorized to take corrective actions</p> <p>Children take assessments, school does not make AYP, school identified for “corrective action”</p>
Year 4	<p>School is in “improvement” status—Year Two</p> <p>Districts must provide SES to low-income children in school and continue public school choice; coupled with public school choice expenses, districts must spend up to 20 percent (based on demand) of their Title I allocation on SES costs</p>
Year 5	<p>School subject to “corrective action,” which requires the district to do one of the following:</p> <ul style="list-style-type: none"> • Use an outside expert to analyze the school plan • Implement a new curriculum • Decrease the school’s decision-making • Replace staff relevant to failure • Modify the school schedule <p>Public school choice continues, district must continue technical assistance, SES continue</p> <p>Children take assessments, school does not make AYP</p>
Year 6	<p>School identified for “restructuring”</p> <p>Public school choice continues</p> <p>District must continue to provide SES to low-income children in the school</p> <p>District must <i>begin planning</i> for restructuring actions (see below) for following year</p> <p>Children take assessments, school does not make AYP</p>
Year 7	<p>District institutes a restructuring action, which includes one of the following:</p> <ul style="list-style-type: none"> • School reopens as a charter • Principal and all or most staff are replaced • Management of the public school is assumed by another entity, e.g., a private company • State assumes management of the school

Number of Students Participating in Title I School Choice and Supplemental Services



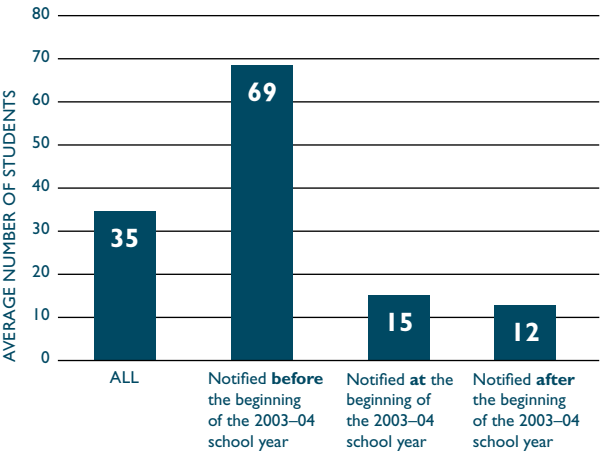
Sources: Study of Title I Accountability Systems and School Improvement Efforts, District Survey (2002-03); National Longitudinal Study of NCLB, District and Principal Surveys (2003-04 and 2004-05). School choice estimates are based on an n of 247 districts in 2002-03, 109 schools in 2003-04, and 121 schools in 2004-05. Supplemental services estimates are based on an n of 90 districts in 2002-03 and 92 districts in 2003-04. Stullich et al. (2006). *National Assessment of Title I Interim Report to Congress: Volume I: Implementation of Title I*. Washington, DC.

Our research and witnesses' testimony before the Commission suggest a number of reasons for the low participation rates. On school choice, some suggested that the number of available options was low. Many large urban districts had many low-performing schools from which students could transfer, but few high-performing schools to which they could transfer. Similarly, rural districts with only one or two schools lacked options for students in low-performing schools.

Others suggested that many districts have other existing avenues for choice, including open-enrollment programs and charter schools, and that parents who had wanted to exercise the option of moving their children to another school may already have done so. Many parents also preferred neighborhood schools and did not look for options across town, even if transportation was available.

Delays in returning test results and calculating AYP also contributed

Average Number of Students Who Transferred, by Timing of District Notification, Among Districts That Provided Choice in 2003-04



Source: TASSIE district survey. U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service (2006). *Title I Accountability and School Improvement From 2001 to 2004*. Washington, DC.

to limited use of school choice. In some cases, schools were designated as in need of improvement in the summer, or even in the fall, which gave districts little time to notify parents of their options and carry out the transfers. As a report by Project Appleseed, an organization that promotes parent involvement in schools, concluded: “As students across the country begin the 2006–07 school year, parents in more than a dozen states will wait weeks—in a few cases, even months—before learning if the schools their children attend have been identified for improvement and will be required to offer school choice or SES” (Coleman et al. 2006).

In a survey of its member districts, the Council of the Great City Schools (CGCS), a coalition of the nation’s largest public school systems, found that among responding districts, four received their 2004–05 test data before the end of the school year; 19 received their data in June or July 2005; 10 received their data in August; and three received their data after the 2005–06 school year began (Casserly 2006).

Evidence suggests that in some cases districts actively blocked the choice option. The U.S. DOE threatened to withhold funds from California if the state did not force its largest district, Los Angeles, to implement the choice provision more effectively. Of the more than 250,000 students eligible to transfer to higher-performing schools in Los Angeles in the 2003–04 school year, only 527 did so. Separately, a private group filed suit against the Los Angeles and Compton Unified school districts, charging that the districts failed to notify parents properly about their options or to make options available (Hoff 2006).

Jackson of Citizens for Better Schools told the Commission that the Birmingham, Alabama, school district failed to provide options for students in low-performing schools. As mentioned previously, the problem was exacerbated by the fact that under federal law, parents were not eligible to bring suit against the district for failing to carry out the law.

Eugene W. Hickok, Former Deputy U.S. Secretary of Education who is now Senior Policy Director at Dutko Worldwide, which represents SES providers, told the Commission:

I also think that the relatively spotty SES performance can be attributed to the fact that in far too many places school officials resent SES, feel they should be able to decide how to spend Title I funds, do not want outsiders, particularly for-profit outsiders, to provide tutoring services to their students and resent it, understandably, when their school is identified as “in need of improvement.”

Some districts have argued that they could serve more students if they acted as an SES provider by providing services at a lower per-pupil rate than private providers, though some have questioned whether their figures are based on the actual complete cost of providing services. However, some large districts, such as Chicago, were at first

barred from providing SES because the districts themselves were identified as in need of improvement. The U.S. DOE negotiated agreements with Chicago and Boston to allow them to provide SES. The U.S. DOE later negotiated similar agreements with Memphis, Tennessee; Anchorage, Alaska; and Hillsborough County, Florida (Tampa).

Witnesses also suggested that parents did not take part in SES because they lacked transportation. Parents might not have a way of getting students to the provider or home, and schools might not have the means to provide busing. “We can’t tutor kids after school if we don’t have the money for buses to get home,” said Joan Fogg, Principal of West Newton Elementary in Herminie, Pennsylvania. “We’re in a rural area, so they can’t walk home.”

Advocates for students with disabilities said that these students often lacked options for SES. In some cases, providers were not prepared to offer appropriate services to students with disabilities.

Top Challenges Faced by Districts That Implemented Supplemental Services, Among Districts That Offered Services in 2003–04

Type of challenge	Great extent	Moderate extent	Not at all or small extent
Lack of providers in the area*+	30	31	39
Lack of approved providers offering services at needed grade levels	25	14	61
Lack of approved providers offering services to meet the needs of specific student populations	17	23	60
Approved providers did not offer high-quality services*+	16	17	67
Lack of approved providers in needed subject areas	14	9	77
Providers have not yet established a reputation with parents*	11	28	61
Competition from existing afterschool programs	10	26	64

Note: * indicates significant difference by district size in the extent to which a challenge existed (between $p < .05$ and $p < .0001$); + indicates significant difference by urbanicity (between $p < .05$ and $p < .01$) for this challenge.

Source: TASSIE district survey. U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service (2006). *Title I Accountability and School Improvement From 2001 to 2004*, Washington, DC.

To test a system that might allow more families to take advantage of student options, the U.S. DOE instituted a pilot program in four districts in Virginia, as well as districts in four other states, that allows the districts to offer SES to students in a school's first year of needs improvement status. The goal of the program is to enable the schools to provide tutoring for students before offering them the option of transferring to a higher-performing school.

Criteria for Selecting Supplemental Service Providers in 2003–04

Number of states	Criteria based on NCLB and/or nonregulatory guidance
48	Services consistent with instruction program of the district and with state academic, content and achievement standards
47	Instructional strategies that are high quality, based on research and designed to increase student academic achievement
47	Financially sound
46	Services consistent with applicable federal, state and local health, safety and civil rights laws
42	Instruction and content secular, neutral and nonideological
31	Services provided in addition to instruction provided during the school day
29	Demonstrated record of effectiveness in improving student achievement
19	Either a demonstrated record of effectiveness or a high probability of increasing student academic achievement

Additional state criteria

43	Communication with (1) schools and districts, (2) parents and families
42	Monitoring student progress
42	Staff qualifications
33	Assurance of employee background checks
25	Assurance or specification regarding the terms of contract with districts
21	Services in reading must address the findings of the National Reading Panel
19	Evidence of clear pricing structure
8	Conditional approval for providers with limited or no record of effectiveness
7	Ability to serve LEP students and/or disabled students

Notes: Includes data from 47 states and the District of Columbia. Two states, Florida and Wyoming, did not have schools required to provide supplemental services in 2003–04 and as a result, were not required to develop a list of approved providers in 2003–04. Arizona did not have an online provider application to review.

Source: TASSIE state survey and review of online state applications. U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service (2006). *Title I Accountability and School Improvement From 2001 to 2004*, Washington, DC.

Although evidence from Chicago and other places suggests that these programs can be effective when implemented well, the quality of SES providers (both private and district operated) has also been uneven. NCLB places the responsibility on states and districts to ensure the quality of SES providers. States determine policies to identify providers and are required to monitor provider performance. Districts contract with SES providers for tutoring services and are responsible for ensuring that the requirements of these contracts are met.

Hickok said the goal of the SES program was to encourage nontraditional approaches in providing services, as long as the services were effective in improving student learning. But testimony before the Commission suggested that the quality of providers varied and that districts and states had limited tools to evaluate providers' effectiveness.

A report by the U.S. GAO confirmed these impressions. The report found that many states struggle to perform meaningful evaluations of providers and that districts and providers had difficulty coordinating SES programs with schools. In at least 40 percent of districts, providers had no contact at all with teachers, the U.S. GAO found. In some districts, tutoring providers have been forbidden to contact teachers and principals regarding available services for students, as in the case of Los Angeles, or have been significantly limited in their ability to do so (U.S. GAO 2006b).

School Interventions

Based on school year 2004–05 testing, a relatively small number of schools did not make AYP for three or more consecutive years and thus qualified for corrective action. According to CEP, 1,325 schools are in corrective action, meaning that they have been in need of improvement for three years; 725 are in planning for restructuring, the fourth-year stage; and 599 are in restructuring, the fifth-year stage (Rentner et al. 2006).

As the CEP report states, the small number reflects the fact that the law was only four years old at the time of the survey, and few schools did not make AYP for three or more consecutive years. In addition, it notes, many states apply corrective actions to



Commissioner
Ted Sanders
addresses principals
at a Commission
meeting in
Madison, Wisconsin.

Number and Percentage of Identified Schools, by State, 2004–05

	All Schools		Title I Schools		Title I Schools by Improvement Status		
	Number	Percent	Number	Percent	Year 1 or Year 2	Corrective Action	Restructuring
Total	11,530	13%	9,028	18%	6,916	1,047	1,065
Alabama	80	6%	80	9%	35	7	38
Alaska	179	36%	128	40%	112	8	8
Arizona	135	7%	135	13%	87	37	11
Arkansas	300	27%	195	24%	190	4	1
California	1,618	18%	1,618	29%	1,167	173	278
Colorado	87	7%	87	10%	57	27	3
Connecticut	134	12%	79	17%	71	0	8
Delaware	44	21%	16	15%	13	3	0
District of Columbia	96	47%	96	58%	82	14	0
Florida	964	29%	964	68%	964	0	0
Georgia	413	20%	249	26%	118	27	104
Hawaii	138	49%	88	62%	28	6	54
Idaho	71	10%	28	6%	28	0	0
Illinois	655	15%	655	27%	395	238	22
Indiana	77	4%	77	7%	49	18	10
Iowa	66	4%	13	2%	13	0	0
Kansas	21	1%	21	3%	17	3	1
Kentucky	134	10%	134	13%	128	6	0
Louisiana	570	37%	432	46%	389	27	16
Maine	51	7%	29	5%	29	0	0
Maryland	255	19%	113	24%	49	7	57
Massachusetts	391	20%	277	24%	233	20	24
Michigan	511	13%	126	18%	56	25	45
Minnesota	48	2%	43	4%	35	8	0
Mississippi	71	8%	71	10%	67	2	2
Missouri	130	6%	130	10%	122	8	0
Montana	69	8%	67	10%	30	4	33
Nebraska	46	4%	9	2%	8	1	0
Nevada	111	21%	46	20%	44	2	0
New Hampshire	61	13%	23	9%	22	1	0
New Jersey	520	22%	384	28%	287	97	0
New Mexico	182	23%	114	20%	50	35	29
New York	508	11%	508	19%	272	53	183
North Carolina	160	7%	160	14%	154	6	0
North Dakota	21	4%	21	5%	8	6	7
Ohio	487	13%	390	15%	300	31	59
Oklahoma	142	8%	113	9%	98	4	11
Oregon	214	17%	35	6%	31	2	2
Pennsylvania	629	20%	377	17%	301	76	0
Rhode Island	61	19%	32	21%	27	5	0
South Carolina	207	19%	207	39%	186	10	11
South Dakota	59	8%	57	16%	53	2	2
Tennessee	207	13%	108	13%	66	0	42
Texas*	198	3%	198	4%	196	2	0
Utah	16	2%	16	7%	14	2	0
Vermont	25	7%	17	8%	14	3	0
Virginia	111	6%	111	14%	103	8	0
Washington	156	7%	72	8%	57	15	0
West Virginia	37	5%	37	9%	36	0	1
Wisconsin	51	2%	35	3%	18	14	3
Wyoming	15	4%	7	4%	7	0	0

Note: This table shows data reported by 51 states from October 2004 to April 2005. Some states decided appeals prior to this data collection, and others made appeal decisions later; for example, Texas later approved more than 100 appeals, resulting in a final count of identified schools. This section uses the numbers that states reported for this data collection.

Source: Study of State Implementation of Accountability and Teacher Quality Under NCLB. Stullich et al. (2006). *National Assessment of Title I: Interim Report Volume I: Implementation of Title I*. Washington, DC: U.S. Department of Education.

Number and Percentage of Identified Districts, by State, 2004–05

	Number	Percent		Number	Percent
Total	1,511	10%			
Alabama	0	0%	Montana	56	12%
Alaska	31	58%	Nebraska	4	1%
Arizona	74	23%	Nevada	9	53%
Arkansas	0	0%	New Hampshire	15	8%
California*	14	< 1%	New Jersey	28	5%
Colorado	57	32%	New Mexico	0	0%
Connecticut	39	23%	New York	60	9%
Delaware	0	0%	North Carolina	41	35%
District of Columbia	1	100%	North Dakota	13	6%
Florida	67	100%	Ohio	49	8%
Georgia	12	7%	Oklahoma	22	4%
Hawaii	0	0%	Oregon	15	8%
Idaho	44	39%	Pennsylvania	175	35%
Illinois	248	28%	Rhode Island	6	17%
Indiana	22	7%	South Carolina	68	76%
Iowa	9	2%	South Dakota	5	3%
Kansas	7	2%	Tennessee	25	18%
Kentucky	53	30%	Texas	0	0%
Louisiana	0	0%	Utah	21	53%
Maine	0	0%	Vermont	7	2%
Maryland	9	38%	Virginia	80	59%
Massachusetts	14	4%	Washington	29	10%
Michigan	0	0%	West Virginia	27	49%
Minnesota	17	4%	Wisconsin	1	< 1%
Mississippi	36	24%	Wyoming	1	2%
Missouri	0	0%			

Note: This table shows data reported by 51 states from October 2004 to April 2005. Some states decided appeals prior to this data collection, and others made appeal decisions later; for example, California later increased its number of identified districts to 58.

Source: Study of State Implementation of Accountability and Teacher Quality Under NCLB. Stullich et al. (2006). *National Assessment of Title I: Interim Report Volume I: Implementation of Title I*. Washington, DC: U.S. Department of Education.

Title I schools only, not to all schools (as they are permitted to do), and many schools have earned their way out of needs improvement status by making AYP for two successive years (Rentner et al. 2006).

The report also notes that districts have seldom used the more stringent options available under the law to intervene in schools in corrective action. Nearly all districts (95 percent) engaged in school improvement planning with the schools and provided training in curriculum and instructional strategies, and 90 percent notified parents of the schools' status. By contrast, 42 percent appointed an outside expert to advise the school, 14 percent restructured the organization of the school and 5 percent reassigned the principal or replaced the school staff (Rentner et al. 2006).

A report by the Center for American Progress, a nonpartisan think tank, found that states vary in their support for schools in need of improvement (McClure 2005). To help states provide such assistance, NCLB established a School Improvement Reservation (totaling \$514 million in 2005–06) and required that states dedicate 95 percent of their allocation to schools, while reserving 5 percent to create state support teams. However, the report found, the amount of money states can use to establish support teams varied, depending on the number of schools in need of improvement in the state. While some states were able to create and deploy support teams, others used specialists to help schools with particular student groups, such as English language learners or students with disabilities, and others created regional assistance centers.

One state's experience suggests that state interventions can work. Michigan has developed a strategy for assisting "high-priority" schools that includes regional support, coaches, turnaround specialists and principals' academies, and schools have a variety of options for restructuring. Significantly, the state uses multiple strategies when intervening in the high-priority schools. In the 2004–05 school year, 85 percent of the state's schools in the restructuring phase—113 out of 133—improved enough to make AYP; 26 made AYP for two consecutive years and thus moved out of restructuring status (Scott et al. 2005). Yvonne Caamal Canul, Director of the Michigan Department of Education's Office of School Improvement, told the Commission that their success was made possible because of support from universities and other organizations. "Creating statewide capacity requires partnerships," she said.

Reauthorization must provide a greater focus on research and development, with an eye on what matters for state policy and what we know about what works.

—Valerie Woodruff, Delaware Secretary of Education and President of the Council of Chief State School Officers

Limited Options for Restructuring Schools

While Michigan's experience suggests that interventions to turn around low-performing schools can show initial success, other research suggests that the effectiveness of such interventions might be limited. In testimony before the Commission, Samuel C. Stringfield of the College of Education and Human Development at the University of Louisville noted that interventions must be appropriate to their context; one size does not fit all. "An effective intervention for West Baltimore is different from one for Palo Alto," he said. "You need a differentiated set of intervention plans."

The restructuring option that has spurred a great deal of recent discussion has been state takeovers of schools and districts. While this is a restructuring option presently available under NCLB, states have also used authority under state law to implement these takeovers. As with other options, state takeovers of schools or districts have met with some success while also creating challenges. The authority to take over a school or district is one of NCLB's most aggressive options and can and should be used if it leads to significant and sustained improvement.

Stringfield and others also noted that the focus on school-level interventions might not be effective in cases when large numbers of schools in a district are in need of improvement. In such cases, more systemic interventions are needed at the district level (Stringfield and Yakimowski-Srebniak 2005; McClure 2005).

Roadmap to the Future

Maximizing Student Options While Improving Quality

Nothing is more important than getting struggling students the help they need to improve their academic performance. But low levels of participation in both SES and public school choice show that students are not getting the support to which they are entitled in the numbers envisioned by NCLB's authors. We believe both of these options can enhance and support student achievement and overall school performance if faithfully and effectively implemented. However, both options have to result in genuine improvements in achievement for the children using them. As we described earlier, SES in particular, largely due to its relatively short four-year existence, has been difficult to assess and evaluate.

Therefore, the Commission recommends a comprehensive approach to expanding the availability and quality of options for students in schools that do not make AYP.

Schools that make AYP must make available a number equal to 10 percent of their seats for transfers from schools in which students are eligible for choice. This would not affect NCLB's current requirement for districts to provide at least two schools into which eligible students can choose to transfer. Further, schools would not be

allowed to deny enrollment to any students who are geographically assigned to attend a particular school.

Districts must annually audit the space available for public school choice transfers.

If the audit shows that a school that made AYP does not have the physical space to accommodate the required percentage of transfer students referenced above, that school is responsible for accommodating only the maximum number shown to be practical in the audit. Limitations that would affect a school's space that this audit could identify would include the lack of land for portable classrooms, the inability to acquire new classroom space, and state and local health and safety laws and regulations.

Recommendation

If a district is unable to accommodate all of its requests for public school choice, the district must offer SES to eligible students. While some districts simply lack the physical space to accommodate students in their higher-achieving schools, other districts can and must look to maximize the space they presently have available. But if students can't transfer to a public school of their choice, then students who are eligible for SES should not have to wait an additional school year to receive the benefits of extra tutoring.

Recommendation

To improve students' access to SES providers, districts should be required to offer space in school facilities for private providers of SES if they offer the use of school facilities to other non-school-affiliated entities. Schools should establish a visible and fair process for determining which providers can use school facilities. Offering SES services at the school building makes it easier for eligible students to participate and gives them a more meaningful choice among providers.

Recommendation

Districts must provide enrollment periods several times a year to ensure that all eligible children have the opportunity to participate in SES. Districts must also be permitted to form consortiums to better provide SES to students. They should be encouraged to collaborate with other districts to develop materials to inform parents about their options. Parents need to know about their options, and they must have sufficient opportunities to take advantage of them.

Recommendation

We recommend strengthening the administrative support for districts to operate SES programs effectively by allowing districts to reserve up to 1 percent of the funds expended on SES for administration. Districts presently are prohibited from using SES funding to pay for administrative costs of the program, a factor that has contributed to the uneven operation of programs.

Recommendation

We recommend that districts identify and publicize a person or office that would operate as a point of contact for parents and others on SES and public school choice. This point of contact would simplify the process for parents seeking to learn about these options for their children and would proactively inform parents and students about their opportunities.

Recommendation

We recommend a more robust focus on ensuring that SES is effective in producing student learning gains. In addition to improving access to SES and public school choice, ensuring and improving the quality of SES being provided is critically important. As evidenced by the study of Chicago Public Schools' SES program, there can be large differences in the success of SES providers in raising student achievement (Chicago Public Schools 2005). While states have been required to play a role in monitoring SES providers, in most cases they either have not been able to or have failed to sufficiently ensure quality.

We believe that parents and the public should have more assurances that the services children receive are high quality. Therefore, **we recommend the U.S. DOE use a portion of Title I funding to study the nationwide effects of SES on student achievement.**

We also recommend that states evaluate the impact of their SES providers on the achievement of children, while controlling for demographics and other characteristics. The state evaluations would be funded through a remittance of SES provider fees. Providers that are not increasing student achievement, based on these evaluations, would not be permitted to receive scarce Title I funds to provide SES. Parents and districts have a right to know that children are receiving services from a provider that helps them learn. We no longer tolerate low achievement by schools; SES providers, both private and district-based, should be held to a similar standard.

Addressing the Needs of the Whole Child

We believe it is crucial to address students' behavioral and social needs in addition to their academic needs. **Therefore, we recommend requiring schools to determine the availability of social services and mental health services for their students while developing the school's improvement plan.** Schools that are just starting to develop their school improvement plans should fully understand all needs of their students and the resources to meet those needs. Academic interventions can be more effective when coupled with an assessment of the mental health and other needs of students. Students who are troubled in a manner that should be addressed by mental health services can achieve at higher rates if their problems are identified and treated.

Providing More Aggressive and Effective Interventions for Schools

The real work of improving academic achievement at a struggling school happens when schools, districts and states implement instructional strategies and interventions to address the school's shortcomings. When schools fall into corrective action status, NCLB presently requires them to pick one of a menu of options to address academic challenges. Unfortunately, a single intervention alone, such as simply lengthening the school day, may not work if the school's curriculum is weak. Yet instituting a new curriculum may not have the desired impact if teachers are not trained in using it.

We can do better to steer schools toward more significant and effective interventions. Quick fixes won't cut it. In order to turn themselves around, consistently struggling schools need to undertake proven, comprehensive reforms designed to improve instruction and learning.

Therefore, we recommend that schools in corrective action be required to select a comprehensive set of interventions designed to have a systemic impact, rather than the one option presently required. We believe a comprehensive, systemic approach will foster the improvements needed to turn around struggling schools. In making their decisions, districts should take into account those characteristics research suggests are common to effective schools: alignment between the curriculum and state standards; the use of formative assessments; the use of data to improve instruction; the incorporation of staff-focused professional development; the hiring, placement and distribution of highly effective principals; the hiring and distribution of highly qualified and effective teachers; and the use of an extended school day and school year.

In addition, we recommend that the U.S. DOE provide further guidance to districts on what constitutes “any other major restructuring of the school’s governance arrangement that makes fundamental reforms.” Our research has shown that this option is commonly selected. How it is executed from state to state and district to district can be dramatically different, both in the action taken and in its effectiveness. In addition, this option is too often used to justify interventions that require minimal effort and have little positive effect.

We also recommend a new systemic, districtwide approach to turning around struggling schools. The focus should be on improving instruction and learning in schools, rather than making structural changes to the management and operation of districts. Where such reorganization has to take place to improve schools’ learning outcomes, it should. But we believe identified districts should be required to develop and implement meaningful reforms in schools (using the research-based practices described above) that would be required to be approved by the state. Only when a district focuses on improving instruction on a districtwide basis, rather than focusing on its own internal bureaucratic structures, are efforts to improve schools most effective.

Strengthening the Capacity of States and Districts to Turn Around Low-Performing Schools

States, districts and schools themselves have the primary responsibility of turning around low-performing schools. NCLB and other federal efforts can help, but ultimately our classroom educators, principals, district leaders and state superintendents have the important job of addressing academic challenges.

But states and districts often do not have the capacity and tools to effectively intervene with all of their schools. The amount of funds provided through NCLB to help states build school-support infrastructures has varied from state to state. States and districts that showed some success in improving schools, such as Michigan, did so by forming partnerships with universities and other institutions. Better information from longitudinal data systems will allow states and districts to more effectively focus their efforts toward helping the most severely challenged schools first.

Recommendation

Therefore, we recommend strengthening the capacity of states and districts to help low-performing schools by increasing the amount of federal funds set aside by states for school improvement from 4 percent of Title I funding to 5 percent. The existing school improvement allotment would be targeted directly to large districts by a formula based on the number of schools identified as not making AYP and the district's share of Title I funding. Smaller districts could form consortiums to receive a direct allocation or to receive their assistance from the state. States would, in turn, be required to match the federal investment. This matching requirement is important because it truly creates a federal-state partnership in turning around struggling schools.

Recommendation

We also recommend that schools be given adequate time to implement corrective actions and restructuring options by ensuring that identified schools have a full school year to implement the required interventions before moving to the next level of NCLB's school improvement process. Some states and testing companies struggle to finalize and report assessment results before the start of the school year. Schools often do not receive notice of their final AYP status until October, November or even later in the school year. This can allow only a few months or even weeks until the next test administration, leaving little time to apply interventions aimed at addressing the school's academic difficulties. We must ensure that schools have the time to implement instructional and other reforms before being moved to the next level of NCLB's school improvement process.

Recommendation

We also recommend that districts focus their restructuring efforts on the lowest-performing 10 percent of their schools. Large districts, if they have sufficient capacity to do so, would identify their own lowest-performing schools; states would help other districts determine which schools in each district should be included in this category. Districts would be required to have only up to 10 percent of their schools in this category at the same time. This new focus would enable states and districts to concentrate their resources on the schools most in need of intensive assistance and help ensure that restructuring is meaningful and leads to significant and sustained academic improvement.

As schools design, implement and complete restructuring options, other schools would move into this category. Schools that have not made AYP for five or more consecutive years but are not selected for restructuring would continue to implement

Commissioner Jim Pughsley questions witnesses about NCLB's school improvement provisions during the Commission's hearing in Madison, Wisconsin.



corrective actions to address the achievement deficiencies in their schools. The schools in this category would be required to select one or more of the aggressive restructuring options, such as state takeover, replacing school staff relevant to the failure, operation by private provider or turning the school into a charter school, coupled with a continuous focus on addressing instructional difficulties and challenges.

We also recommend that once a significant restructuring action is implemented in a school, the school is no longer identified for school improvement. The school improvement timeline would begin again, as if the school had not failed to make AYP, while the restructuring option is fully implemented. This change would give the school time to effectively implement the restructuring action without the prospect of having to switch to a new reform each year. We believe that only through sustained and well-executed restructuring plans, coupled with district and state support, will our most troubled schools improve achievement.

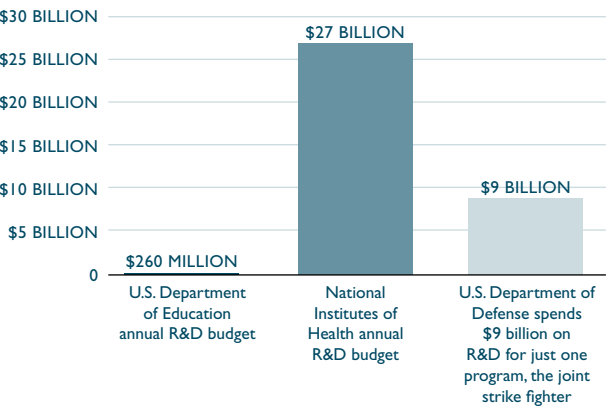
Recommendation

Boosting Research, Technical Assistance and Development on School Improvement

Without the tools and knowledge to turn around schools, we cannot begin to effectively address the problems in our most troubled schools or ensure that our graduates can compete in a global economy. Yet as the testimony before the Commission and other work we have done shows, we lack clear evidence about what works to turn around low-performing schools.

One reason for our lack of knowledge is the inadequate investment in research and development (R&D) in education. Although education is a foundational element of our society, federal and state education budgets devote a far lower proportion of dollars to R&D than private companies or other public agencies do. Edison Schools CEO and Founder Christopher Whittle noted to the Commission that the amount spent by the Institute of Education Sciences, the U.S. DOE's research center, on education R&D—\$260 million—represents two-thirds of 1 percent of the \$400 billion spent each year on K–12 education. By contrast, the National Institutes of Health devote \$27 billion on R&D, and the Department of Defense spends

Research & Development (R&D) Expenditures Toward Education Relative to Other Government Agencies



Source: Data taken from testimony provided by Chris Whittle, Founder and CEO of Edison Schools, during the Commission's September 25, 2006, hearing held in Washington, DC.

\$9 billion on R&D for just one program, the joint strike fighter. Research and development in both of these sectors are also significantly leveraged by additional private investments that do not exist on a similar scale in education. While health and defense research are certainly worthwhile investments, we can and should make education R&D a similar priority.

The lack of investment in research is particularly acute in the area of intervening in and turning around struggling schools. Rather than solid evidence of effectiveness, states and districts are forced to rely on best guesses and good intentions. We simply don't know enough to be sure the tools we have will work in different circumstances and what other tools might be available. This lack of knowledge is unacceptable—we need to provide our struggling schools with proven, effective interventions.

Recommendation

Therefore, we recommend doubling the research budget for elementary and secondary education at the U.S. DOE's main research arm—the Institute of Education Sciences. The increased funds should be aimed at research that furthers the goals of NCLB and helps practitioners achieve those objectives, and it should concentrate on real problems identified by educators and policymakers. Obviously, money alone will not solve the problem. But if we do not invest in this area, we will be fighting an increasingly complex battle with outmoded and woefully ineffective education tools. These increased funds will provide a first step in the right direction.

The Commission has followed the controversy surrounding the implementation of the Reading First program, as specifically cited by the Inspector General of the U.S. DOE in several reports (U.S. DOE 2006a). The Commission is concerned that these reports indicate that a few U.S. DOE staff attempted to influence the types of reading programs and curriculum states and districts used in implementing Reading First. The U.S. DOE's quick and strong rebuttal of the actions documented in the reports was critical in addressing these problems. While the statutory language in Reading First clearly allows funding only for programs and curriculum that meet its scientifically

based reading research definition, U.S. DOE staff, as documented by the Inspector General, took actions to favor certain programs and curriculum over others.

The Commission believes that states and districts that receive Reading First funding should use programs and curriculum that meet Reading First's requirements. However, it is not appropriate for U.S. DOE staff to attempt to influence the decisions of states and districts on which programs and curriculum should be used.

Therefore, the Commission recommends that the current prohibition on the officers and employees of the U.S. DOE be strengthened to prevent them from attempting to influence states' decisions. Specifically, the Commission recommends that the U.S. DOE be statutorily barred from interfering with the selection and use by a state, district or school of a curriculum or program if it meets the requirements outlined in a program funded under the law.

Future Vision

If these recommendations are adopted, we envision an effective system to support students and schools that provides adequate and meaningful options for students in low-performing schools. Such a system also ensures that states have the authority, knowledge and capacity to turn around consistently struggling schools. To ensure this capacity exists, it provides those schools with research-based options that will put them on the right path to improvement and closing the achievement gaps.

Such a system ensures more spaces are available in higher-performing schools to accept transfer students from low-performing schools, and it enables students to receive SES when no space is immediately available in higher-performing schools. The system improves the availability and quality of SES by allowing districts to pool information and research on providers and by ensuring states step up the monitoring of such providers to ensure that they are improving student outcomes. Where providers are not helping children learn, they are not permitted to offer SES paid for with federal Title I funds.

The system also responds to the need to increase the quality and focus on improving instruction in struggling schools. The system requires districts to adopt multiple, aggressive options for intervening in schools needing corrective action designed to improve instruction and teaching. It requires districts needing improvement to focus on systemic turnaround efforts, and it enhances the capacity of states and districts to provide assistance and support to low-performing schools and districts.

To ensure that states and districts have the capacity to support the schools most in need of improvement, an effective system requires them to focus on taking aggressive actions to make needed changes in the schools that are struggling the most and to ensure these schools have the time, knowledge and tools to make needed improvements.



effective teachers & principals

improved accountability

better school improvement
and student options

fair & accurate assessments

high standards for all

improved high schools

reliable & accurate data
additional elements

Fair and Accurate Assessments of Student Progress

The case of *Connecticut v. Spellings* put annual testing on trial.

In 2005, Connecticut officials filed suit against the U.S. DOE, claiming that they could not test students in every grade and maintain assessment quality with the amount of money the federal government provided for the task. According to state officials, the additional tests cost the state \$14.4 million a year, and Congress provided Connecticut only \$5.8 million.

The U.S. DOE agreed to contest the lawsuit, and the state branch of the National Association for the Advancement of Colored People (NAACP) received permission to intervene on the U.S. DOE's side. William L. Taylor, Chairman of the Citizens' Commission on Civil Rights and a lawyer for the Connecticut NAACP, told the Commission that the state's position is legally and educationally unsound. The assessment provisions are not an unfunded mandate, he said, and the idea of assessing in every grade is a worthwhile one. The NCLB requirement "was a judgment made after serious debate and Connecticut should respect it rather than continue to ask for a special exemption."

Other states have shown that it is possible to comply with the law and maintain high-quality tests. Massachusetts, like Connecticut, had an assessment system in

Conflict in Connecticut

In 2005, the state of Connecticut sued the U.S. DOE over the cost of the testing provisions of NCLB, claiming that the amount of federal dollars appropriated for state assessments was insufficient to fund the additional required tests in grades 3, 5 and 7 that were of the same caliber as assessments the state was currently using. Former Commissioner Betty Sternberg argued that the state's current combination of statewide standardized tests in grades 4, 6, 8 and 10 and formative (low-stakes) assessments given every four to six weeks offer a more effective approach. "The tests required by NCLB are not ... useful as tools to shape instruction for individual students. They serve only as signals to do further diagnosis of a student's skills if there appears to be a large discrepancy between what the teacher already knows about the student's skills and the results of the test," Sternberg said.

The Connecticut branch of the NAACP was granted permission to join the suit as a defendant intervening on the side of the U.S. DOE. The NAACP argued that the state's suit, which raises objections to assessment and other requirements in NCLB, hurts minority and economically disadvantaged school children and wastes state resources that could be better used to improve struggling schools.

On September 27, 2006, a federal judge dismissed three of the four claims in Connecticut's lawsuit, largely on procedural grounds. The judge kept alive the state's claim that the U.S. DOE unfairly denied the state's request for amendments to its plan for complying with NCLB's testing provisions for English language learners and special education students.

Connecticut's performance on NAEP overall is consistently stronger than most other states. According to the most recent NAEP results, however, Connecticut currently has the largest gap in the nation in achievement between poor and nonpoor children.

place before NCLB. In Massachusetts, students were assessed in grades 4, 8 and 10 in all core subjects using a mix of multiple-choice and open-response questions. James A. Peyser, Chairman of the Massachusetts State Board of Education, told the Commission that tests required by NCLB were a "welcome addition" to the state's assessment system and that annual testing was "absolutely essential" in providing educators and policymakers with consistent information about student achievement over time.

Although the Connecticut lawsuit is perhaps the most contentious example, the assessment provisions of NCLB have stirred significant debate. The assessments are highly visible to students, parents, teachers and the general public. They are essential

to the success of NCLB's teacher quality, accountability and school improvement provisions. And they often are credited—or blamed—for many of the improvements or ills, real or perceived, associated with the law.

Assessments are not new. Most states have been administering some form of test for decades, and the 1994 IASA, the predecessor to NCLB, required states to administer at least one test in both reading and mathematics in grade spans 3 through 5 and 6 through 8 and in high school. NCLB kept the earlier law's language requiring that assessments be aligned with state content standards; that they are valid and reliable; and that they incorporate up-to-date measures of achievement, including measures of higher-level skills and challenging content.

These laws, and state policies that predated them, were based on the recognition that assessments are vital tools in school improvement. Unlike content standards, which are often general statements of what students are expected to know and be able to do, assessments represent concrete measurements of progress toward those expectations and thus provide students, teachers, parents and others with a clear sense of how well students are progressing. At the same time, assessments provide students with an opportunity to demonstrate their knowledge and skills.

Assessment results are crucial in systems designed to hold schools accountable for performance; without any objective measure to determine how students are performing, there would be no way to know if schools are succeeding or need additional help. In addition, assessment results provide parents and communities with indications of school quality that they can use in making judgments about their schools or districts.

One significant change that NCLB brought about was its requirement for annual assessments in reading and mathematics in grades 3 through 8. At the time NCLB was enacted, only nine states had standards-based assessments in place in all six grades in reading and mathematics. The law prompted a significant expansion of assessment in most states (Olson 2002).

The NCLB requirement for annual assessments was aimed at enhancing the role of assessments in school improvement. For one thing, the additional assessments provide more information about school quality. Under the previous system, for example, an elementary school might be judged solely on the basis of how its 4th graders performed; 3rd graders and 5th graders were not in the equation. The additional data also increases the statistical reliability of reports on school quality.

In addition, the annual assessments provide parents and teachers with better information about student progress from year to year. By looking at assessment results over time, teachers can see if particular grades are improving or need additional help, and school leaders can see if the curriculum in a particular grade needs to be strengthened.

What NCLB Requires

NCLB requires states to implement annual assessments, aligned with state standards, in reading or language arts and mathematics for each of grades 3 through 8 and at least once in grades 10 through 12 (seven different grade levels). Beginning in the 2007–08 school year, states must also assess students in science once in each of three grade spans: 3 through 5, 6 through 9 and 10 through 12. States are required to provide for participation of all students, including students with disabilities and English language learners. These requirements build on the 1994 authorization of the ESEA, which required states to put in place standards and annual tests in reading and mathematics at three grade levels.

Results of required assessments must be reported for all subgroups of students, including major racial/ethnic groups, males and females, low-income students, migrant students, students with disabilities and English language learners. These results form the basis of NCLB's accountability measures for schools. However, the law states that the disaggregation of student scores is not required when a subgroup of students is too small to yield statistically reliable information or when the results would reveal information about individual students. In other words, if a large school has only a few African American students, for example, it need not report that group's scores in determining whether the school has made AYP.

The law also requires interpretive and descriptive reports that allow parents, teachers and principals to understand and address the specific academic needs of students and that include information on performance on assessments aligned with state academic achievement standards. These reports must be provided as soon as possible after the assessment is administered, but before the beginning of the following school year, and must be easily read and understood.

To help states implement the new assessment requirements, the law authorized additional funds to support the development of new assessments. If Congress did not appropriate the required levels of funding each year, states could suspend the development of the new assessments. Congress has provided the authorized level of funding each year.

How the Law Has Been Implemented

As of March 2005, 27 states had implemented required reading assessments; 26 states had implemented required mathematics assessments; and 22 states had implemented required science assessments. In addition, all but four states had field-tested all of the required reading and mathematics assessments, and 25 states had field-tested required science assessments (Stullich et al. 2006).

However, many of these assessments did not appear to meet the requirements of NCLB. The U.S. DOE sent letters in July 2006 notifying 10 states that it would withhold a portion of their administrative funds because their testing programs did not fully comply with the law. Twenty-five other states were informed that such funds could be withheld if they did not change their testing programs. Two states (Maine and Nebraska) were notified that their assessments were not approved (Olson 2006).

In addition, four state programs were approved outright; six states were approved with recommendations to improve one component; and four states were expected to receive approval. Mississippi received a one-year extension to comply with the law because of Hurricane Katrina.

Status	Fully Approved	Approved with Recommendations	Approval Expected	Approval Pending, No Withholding	Approval Pending, Withholding Funds	Not Approved
Number of States	4	6	4	27	8	2
States	MD, OK, TN, WV	AZ, DE, IN, NC, SC, UT	AK, CT, LA, MA	AL, AR, CA, CO, DC, FL, GA, ID, IA, MI, MO, NV, NH, NJ, NM, NY, ND, OH, OR, PA, PR, RI, VT, VA, WA, WI, WY	HI, IL, KS, KY, MN, MT, SD, TX	ME, NE

Note: These designations were as of July 2006. The total includes District of Columbia and Puerto Rico. Mississippi received a one-year extension because of Hurricane Katrina.

Source: *Education Week*

The major concerns expressed by the U.S. DOE were that some states needed to do the following:

- Demonstrate that alternate assessments for students with severe disabilities were comparable to regular assessments
- Provide appropriate accommodations for students with disabilities and English language learners
- Demonstrate the alignment between tests and standards
- Demonstrate that the results of different forms of assessments (paper-and-pencil tests, computer-based assessments, state assessments translated into Spanish) were comparable (Olson 2006)

In its decision to not approve Maine's program, the U.S. DOE cited concerns over Maine's proposed use of the SAT, the college-admission test, as its high school assessment, without providing additional proof that the SAT is aligned with state

standards. The U.S. DOE cited Nebraska for its proposal to allow districts to use their own assessments if they were aligned with state standards. The district assessments were not considered comparable to one another.

Assessing Students With Disabilities

Since the passage of NCLB, most states have included students with disabilities in their assessment systems. In 47 states, at least 95 percent of students with disabilities have participated in the state assessment system, although some states failed to reach that participation level and their numbers of students with disabilities assessed were relatively low. In Texas, for example, 77 percent of students with disabilities were assessed in reading and mathematics in the 2003–04 school year (Stullich et al. 2006).

About 60 percent of the students with disabilities who took part in state assessments did so with accommodations, which must be outlined in a child's IEP required under IDEA. The most common accommodations were allowing additional time, taking the test in an alternate setting or having a teacher read instructions or assessment items. Witnesses before the Commission suggested that the use of accommodations was inconsistent across states; some states permitted some accommodations that other states prohibited. Research on the validity and appropriateness of accommodations is insufficient.

About 9 percent of students with disabilities took alternate assessments, which are intended for students with severe cognitive impairments who cannot take the regular assessment even with accommodations. In the 2004–05 school year, 48 states administered alternate assessments in reading and mathematics; in 45 states, at least one of the assessments was based on alternate achievement standards (Stullich et al. 2006). The lack of appropriate alternate assessments for students with disabilities was one of the most common factors that led the U.S. DOE to fail to approve state testing systems in 2006.

The idea of universal design has gained support as another option for teaching and assessing students with disabilities. David Rose, Co-Founding Director of the Center for Applied Special Technology (CAST), explained to the Commission that a universally designed curriculum accommodates a wide variety of users, including those with disabilities. Cognitive supports for both students and teachers are embedded into education materials from the very beginning, thus allowing schools to meet the needs of diverse learners in the general classroom. According to Rose, universal design's flexibility makes education more inclusive and effective for all.

Assessing English Language Learners

States have made considerable strides in developing and implementing tests to determine whether English language learners have acquired proficiency in English. At the time NCLB was enacted, 11 states had such a test in place; in 2006, all but

Commissioner Ed Sontag questions witnesses on how to make assessments work for students and schools during the Commission's hearing in Hartford, Connecticut.



five states have implemented tests of English acquisition. However, many states have indicated that they need to revise their tests to meet NCLB requirements. For example, 22 states have not linked their assessments to English language proficiency standards or plan to link them to standards that are being developed (Stullich et al. 2006).

Most states have also met the requirement of including at least 95 percent of English language learners in reading and mathematics assessments. However, a report by the U.S. GAO found that there is little evidence that state tests yield valid and reliable results for English language learners. Although most states use some form of accommodations for English language learners such as allowing the use of a bilingual dictionary, there is a need for more research on what accommodations are appropriate for such assessments and what effect the accommodations have on test results (U.S. GAO 2006a).

The variability within the English language learner population also raises issues about how to assess such students appropriately. Some students come to this country with little education, while others have strong education backgrounds. Research suggests that students with content knowledge in their native language are better able than those without such knowledge to develop knowledge and skills in English. Yet both groups of students are expected to take assessments in English within three years of arrival in the United States.

In 2006, the U.S. DOE issued rules to clarify procedures for testing English language learners. Under the rules, English language learners do not have to take academic reading assessments in their first year, although they are required to take English proficiency tests. The scores of English language learners in that first year can be exempt from AYP calculations. English language learners who attain proficiency in English, and therefore exit the subgroup, can continue to be counted in this subgroup for up to two years. This last provision helps solve the dilemma schools faced in which English language learners who succeed at English proficiency are no longer counted as such, thus making it difficult to show progress for that subgroup.

Additional Assessment Concerns

Witnesses who testified before the Commission and those who submitted written comments expressed additional concerns about the way the assessment provisions of NCLB were being implemented. Summarized below, these concerns suggest some issues to watch as schools move forward in the coming years.

Assessment Quality

NCLB calls for assessments to be implemented in a valid and reliable manner and to be consistent with nationally recognized professional and technical standards. In addition, NCLB requires these assessments to use multiple measures, including those that assess higher-order thinking skills and understanding.

The question before us should not be whether to do annual testing, but how to do it better.

—James A. Peyser, Chairman, Massachusetts Board of Education

Unfortunately, as evidenced by complaints about the quality of assessments and documentation from the U.S. DOE monitoring reports, states' implementation of these requirements is far from uniform. Too many state assessments fail to assess higher-order thinking skills and do not institute multiple measures to ensure valid and reliable results. There has been little enforcement effort to ensure that states are implementing high-quality assessments that produce valid and reliable data.

Some states have relied solely on multiple-choice tests that do not tap the full range of knowledge and skills called for in state standards. While such assessments are useful, open-ended questions that require students to generate their own responses are effective ways of measuring whether students can use evidence to support conclusions and communicate their understanding. According to *Education Week*, a news source covering education, 15 states—which serve 42 percent of the nation's students—use reading and mathematics assessments with no open-ended questions; two states (Kansas and Mississippi) dropped all non-multiple-choice test items in the past year (Olson 2005).

In part, the issue of assessment format is a financial one. Assessments that include open-ended items and essays are more expensive than those consisting only of multiple-choice items because they generally require individuals, rather than machines, to score student responses. The use of open-ended items is at the heart of Connecticut's lawsuit against the federal government.

The U.S. GAO found that the choice of assessment items yields wide variations in the cost of assessments. If states used the mix of multiple-choice and open-ended

items currently found in their assessments, they would spend \$3.9 billion from 2002 to 2008 on test development, administration, scoring and reporting. However, if all states dropped all open-ended items and instead used only multiple-choice tests, states would spend only \$1.9 billion on assessments during that period. Adversely, if states with multiple-choice-only assessments added open-ended items to their tests—and therefore, all states used a mix of items—states would spend \$5.3 billion during that period (U.S. GAO 2003).

Assessment Information Quality

Despite the law's requirements for clear, timely information on student achievement, parents say that many of the reports they see on assessment results are filled with technical language that is difficult for noneducators to understand. In addition, schools and districts in many cases have produced too much information, making it difficult to digest (Coleman et al. 2006).

The results for individual students often come out later than school results. As a consequence, parents often find out about how their children performed the previous year after students have started school in the next grade. If student results are going to be made more useful to parents, policymakers and the general public, states must make more of an effort to report them on time and in a more easily understood format.

Challenges in Reporting Data to Parents

Principal Cynthia Challberg-Hale of Washington Middle School in Albuquerque, New Mexico, voiced concerns about the reporting of data to parents. "I think they would value it more if they understood it. The way it's reported is not parent-friendly." The percentages and intervals are too complicated, she says, especially when parents are used to seeing the traditional grading scale of A, B, C, D and F.

State Data and Assessment Company Capacity

The need for hundreds of additional assessments has taxed the ability of test companies to produce and deliver high-quality tests that measure student achievement accurately and yield reliable results about school quality. According to a report by the Education Sector, an independent education-policy think tank, only five companies produce most of the assessments used in states nationwide, and the number of trained professionals who are qualified to create and analyze assessments is relatively small (Toch 2006).

The result of the crunch on test professionals has been a spate of high-profile errors—schools erroneously labeled as needing improvement or students who were mistakenly reported as failing graduation tests—and embarrassing delays in assessment results. In April 2006, U.S. Secretary of Education Margaret Spellings met with major test publishers to discuss concerns about test company capacity.

The law has been instrumental in creating better data to inform instructional practice.

—Michael Casserly,
Executive Director,
Council of the Great
City Schools

Stuart Kahl, President and CEO of Measured Progress, a testing firm based in Dover, New Hampshire, told the Commission that much of the difficulty arises from tight deadlines in the law and the quality of state data files, rather than insufficient capacity of test companies. He said the industry has improved its technical capabilities considerably and that test companies are able to administer and score many more assessments in less time than ever before. However, he observed that the companies face pressure to produce results before the following school year, yet they must spend a significant and disproportionate amount of time rectifying incomplete state data files and accounting for assessment materials.

Formative Assessments to Improve Classroom Instruction

The state assessments developed before and in response to NCLB provide considerable information to parents, community members, and state and national officials about school performance. They are vital to ensuring that schools are accountable for the achievement of all students. They help schools examine their curriculum and instructional programs and point to areas that need improvement.

Yet while these assessments provide valuable information, witnesses repeatedly told the Commission that annual assessments are less helpful to educators on the front lines in an immediate way. Instead, they said other types of assessments are needed to help teachers and parents keep track of student progress over the course of a year and to help teachers diagnose student learning needs and adjust their instruction appropriately.

To provide such information, many states and districts use formative assessments—classroom assessments administered periodically that provide immediate feedback to students and teachers on student academic progress. Effective formative assessments are not simply shorter versions of the end-of-the-year tests. Instead

they provide fine-grained diagnostic information that helps teachers and parents understand what individual students know and can do and suggests appropriate corrections (Bass and Glaser 2004).

Just giving students formative assessments, however, is not enough. To be effective, teachers must be able to analyze the data these assessments produce and use it to determine their next steps in the classroom.

Incomplete Assessment Systems

NCLB requires schools to assess students in each grade from 3 through 8 and once in high school (usually in 10th grade). These assessments produce valuable information on student achievement into high school; however, as the law currently stands, there is no way to gauge how students are performing later in high school—in grades 11 or 12. Ensuring that students continue to perform in these grades and reach graduation prepared for what lies ahead is critical.

Additionally, the assessments students are given in one grade often are not aligned with the assessments given in the next grade. Assessments do not always ensure that a student's skills and learning move forward from grade level to grade level; rather, there are often gaps and repetition in what is assessed from year to year.

Roadmap to the Future

Improving Assessment Quality

Quality assessment remains a linchpin in tracking school performance and spurring improvement. Students, teachers and parents need to know how well students are progressing to help them stay on track toward achieving high standards. Districts and states need to know how well schools are educating all students to hold them accountable for their achievement.

NCLB helped establish a strong foundation for strengthening assessments by requiring them in each grade from 3 through 8 and once in high school and by providing resources to states to enable them to build and expand their assessment systems. Most states have implemented new systems, but there is more work to be done to ensure that all states have in place sound, high-quality assessments that provide valid and reliable information about a broad range of student capacities, particularly for students with disabilities and English language learners.

At the same time, states and testing companies continue to struggle to provide timely, reliable information to parents and the public. How valuable is information if it is inaccurate, difficult to understand and provided long after students have moved on to the next grade? Investments in new technologies and state data systems could help ensure that results come back more quickly and more accurately.

Therefore, the Commission recommends improving assessment quality to ensure that they accurately and efficiently measure and report on student performance. To accomplish this, we recommend maintaining existing federal support for assessment development and targeting those funds to several new assessment priorities. As states have largely completed the development of their 3rd through 8th grade annual assessments, these funds are available to further improve the assessments used to judge the effectiveness of our schools.

We recommend that states use their allocations of this funding to improve the quality of their assessments. Too often states have failed to develop high-quality assessments that provide valuable and reliable measurements of student achievement. Weak assessments give rise to complaints that schools that focus on test preparation are shortchanging students by poorly measuring their achievement. Because assessments are the backbone of the system we use to hold schools accountable, we must invest in improving assessment quality.

We recommend that states also use this funding to create and implement alternate assessments for students with disabilities and English language learners, to further develop and implement high-quality science assessments now required under the law and to develop the 12th grade assessment (as described in Creating Complete Assessment Systems, below). Too often states lack high-quality assessment options for students with disabilities and English language learners. Often the inability to test children in these groups in a valid and reliable manner can lead to incorrect results and inappropriate interventions. Because the Commission is also recommending that student performance in science become part of a school's AYP calculation, high-quality science assessments will be vital to improving achievement in this subject. Finally, high-quality assessments in 12th grade will help ensure that our graduates are prepared for college and the workplace.

We also recommend that this funding be used to upgrade test delivery and scoring technology to yield quicker and more accurate data to districts, parents and schools. Teachers, parents and students need timely information on student performance in a comprehensible format to improve achievement in the classroom for all students.

While states can and should develop alternate assessments for students with disabilities and English language learners, it is also critical to consider how assessments can be more universal in their application. Research continues to discover how assessments can be developed to accurately assess as many children as possible, including those who have disabilities or lack English proficiency.

Therefore, the Commission recommends that states develop plans for establishing universally designed assessment systems. Universal design can help maximize the number of students, particularly students with disabilities and English language

learners, who can participate in regular assessments. We believe universally designed assessments will enable all groups of students to be more accurately assessed and will offer a more inclusive environment for all types of learners.

Linking Assessment and Instruction

The annual assessments required under NCLB have created a desire for even more information that can show teachers how students are progressing during the course of a year, before the end-of-the-year exam takes place. Teachers need detailed information throughout the year so that they can make adjustments to their instruction and provide additional help to students who are struggling before they face end-of-the-year assessments. Parents deserve regular information on their children's performance to ensure they are on track and achieving. Students deserve to know how they are performing so they can identify areas in which they need to focus. In short, teachers need tools that do more than just tell them how much children have learned by the end of the year. They need assessments that provide real-time information that will improve students' chances of success.

Therefore, the Commission recommends that districts be permitted to use a portion of their Title I funds to develop or acquire and implement high-quality formative assessments and that they be required to use such assessments in schools that are identified for school improvement. Such assessments should be aligned to state standards to provide teachers and parents with meaningful information on student progress throughout the year. These assessments would not be used for accountability but as tools to improve instruction to better address student needs.

Districts should also apply a portion of their professional development funds to preparing teachers on how to interpret formative assessment results and use them effectively. As with NCLB's annual assessments in grades 3 through 8, testing without properly using the results to improve instruction or to implement interventions is a hollow exercise. In ensuring their teachers are trained to use assessment data, districts should work with institutions of higher education and other professional development providers that have a track record of producing effective programs.

Creating Complete Assessment Systems

The requirement for assessments in each grade from 3 through 8 and once in high school has enhanced the quality and reliability of information about school performance. In some places, schools and districts have used such assessments to track student progress from year to year. Yet the requirement for assessments in only a single grade in high school has meant that student progress cannot be tracked through the end of high school. We simply do not have the data we need to identify and assist struggling high schools under the current NCLB assessment systems.

To make matters worse, a great deal of research shows that even among those students who do graduate from high school, far too many are unprepared for college and the workplace. As the system currently stands, we have no way to gauge whether schools hold high expectations for students after 10th or 11th grade. We need stronger assessment and accountability systems in high schools, systems that would help spur continuous student growth through graduation and ensure that our graduates are prepared for what lies ahead.

Recommendation

Therefore, the Commission recommends creating complete assessment systems by requiring states to add an additional assessment in grade 12 to enable measures of student growth in high school. The 12th grade assessment would provide information on student and school performance at a critical year in students' careers. Unlike other high school assessments, this assessment should be designed to measure 12th graders' mastery of content they will need to be college and workplace ready. It is intended to create a useful measure of a high school's effectiveness in preparing students for life after high school and should be based on standards that are sufficient to the task. This assessment, along with current 10th grade tests, would also make possible the inclusion of growth calculations in AYP for high schools and HQET/HEP measurements for high school teachers and principals.

Under state law, some states do administer high-stakes assessments that students must pass in order to graduate. This practice is not required by NCLB, and we believe that this new assessment should not be the sole determinant of whether a student receives a diploma. To date, NCLB has not required passage of an assessment for graduation, and we seek to maintain this structure.

Recommendation

We also recommend that states consider awarding college credit in state-supported colleges and universities for students who show mastery of college-level material on this test. States that want to follow this policy should design their 12th grade assessments so that such tests assess mastery of college-level material in addition to content needed for college and work readiness. The potential for the awarding of college credit would make the results of this assessment more meaningful to both the school and the students who take it.

The addition of a 12th grade assessment to NCLB's requirements underscores the Commission's strong belief in the necessity of measuring and reporting student progress to ensure schools' accountability and to improve instruction. When Congress first considered NCLB in 2001, the requirement for annual assessments in grades 3 through 8 was extremely controversial and much debated. However, annual tests have proven to be vital not only in tracking and reporting on the performance of our schools, but also in targeting needed interventions to improve student achievement.

Creating a complete assessment system, however, does not remedy all assessment issues. The ability to track student growth over time has been hampered by the lack of alignment among state assessment systems. For example, test scores in grade 3 are not comparable to scores in grade 4 in many states. In addition to adding the new assessment, **we recommend that states align each grade-level test to enable the tracking of student progress from year to year.** This system of vertically aligned assessments should include assessments used to measure achievement of students with disabilities and English language learners (if alternate assessments are used). Measures of student growth are possible only if states can track performance over time.

Future Vision

If these recommendations are adopted, we envision a high-achieving system that assesses all students each year, from grade 3 through grade 8 and again in grades 10 and 12. The system uses high-quality instruments that yield valid and reliable results for every student, including students with disabilities and English language learners. It provides information that can track student progress over time, so that states can measure school performance by gauging the growth in student achievement and teacher and principal effectiveness.

The assessment system measures the broad range of knowledge and skills included in state standards, using the best available technology. States and testing companies also have in place technology to ensure that they provide timely and accurate assessment results to teachers and parents.

The system includes large-scale assessments used for accountability as well as formative assessments that are administered throughout the year to provide real-time information on student strengths and weaknesses so teachers can adjust instruction to meet student needs.

effective teachers & principals

improved accountability

better school improvement
and student options

fair & accurate assessments

high standards for all

improved high schools

reliable & accurate data
additional elements

High Standards for Every Student in Every State

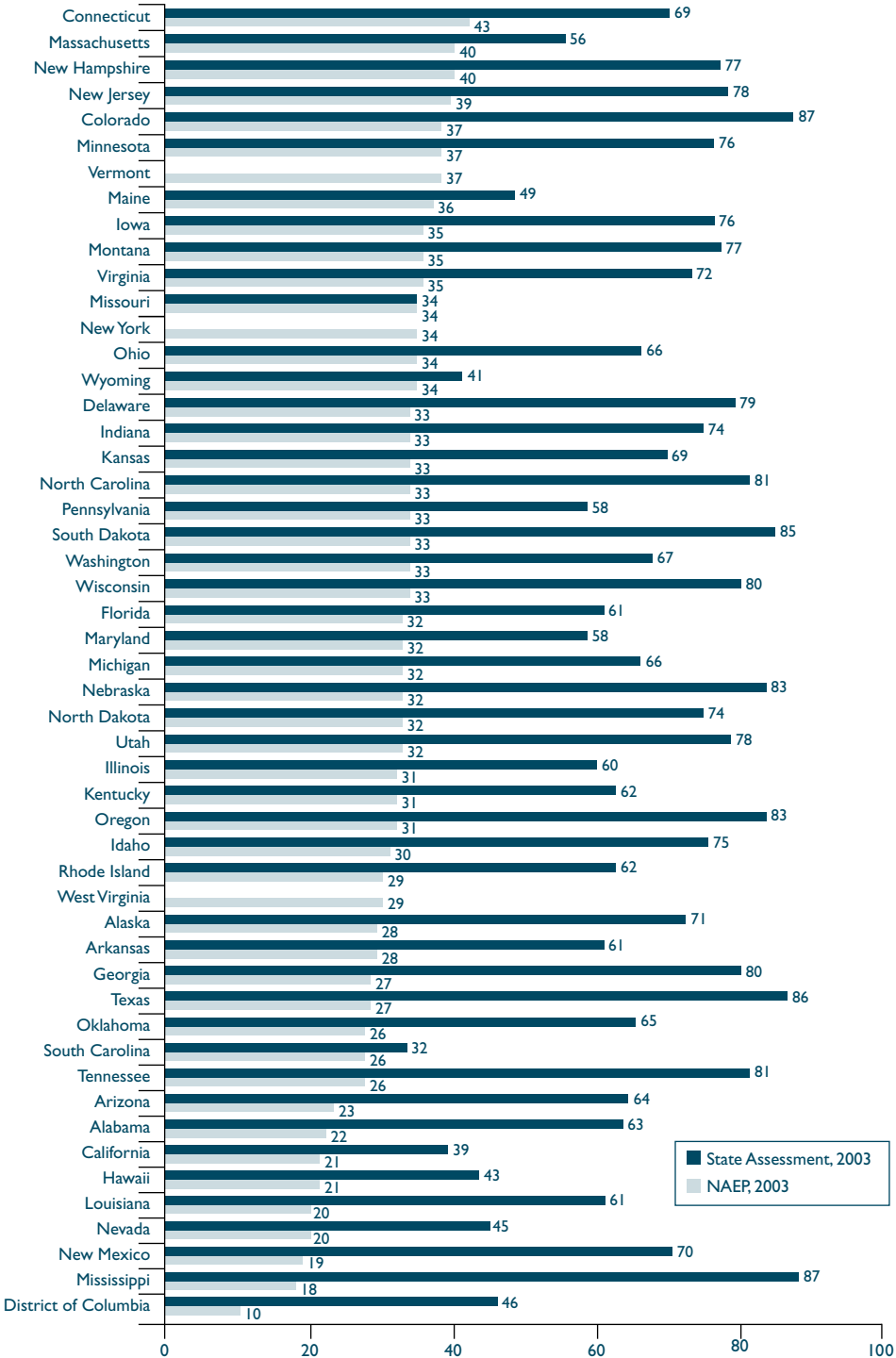
Georgia officials cheered when state assessment results were released in June 2006. That year, the state had put in place a new, more rigorous curriculum and new assessments aligned to the curriculum. Students had to earn higher scores than before to pass the tests, and most did. More than 80 percent of students in grades 1 through 8 met or exceeded state standards in reading, and nearly 80 percent met or exceeded the standards in mathematics.

The state had raised its standards for schools, the state superintendent of schools proclaimed, and schools and students had met the challenge.

Results from NAEP, often known as “the nation’s report card,” tell a different story, however. Only 26 percent of Georgia’s 4th graders performed at the proficient level or above on NAEP’s reading test, while 42 percent scored below the basic level. In mathematics, 30 percent of Georgia’s 4th graders performed at the proficient level or above, while 24 percent performed below the basic level. Although state officials pointed out that Georgia students’ performance on NAEP had improved, the proportion reaching proficiency was far below state test levels.

Georgia is far from unique in this regard. In Tennessee, 88 percent of 4th graders scored at the proficient level or above on state tests in reading, while 27 percent

Percentage of 4th Grade Students Achieving at or Above the "Proficient" Level on NAEP and State Assessments in Reading, 2003



Source: Consolidated State Performance Reports and National Center for Education Statistics, Main NAEP. Stullich et al. (2006).
National Assessment of Title I: Interim Report Volume I: Implementation of Title I. Washington, DC: U.S. Department of Education.

performed at the proficient level or above on NAEP. Similarly, in Oklahoma, 86 percent of 4th graders were proficient on state tests, compared with 26 percent on NAEP.

There are many reasons that might explain the discrepancies between state results and NAEP results. Despite the use of the same term, there is no inherently “proficient” level of performance. Instead, each state sets a definition of proficiency based on its own standards and test, and NAEP’s governing board defines what constitutes proficiency on NAEP. Nevertheless, these disparities have fueled suggestions that some states are “gaming the system” by setting their definitions of proficiency intentionally low to avoid sanctions under NCLB (Carey 2006). There are growing concerns that state standards do not match what students need to know and be able to do to succeed in college and the workplace (Achieve 2006). Clearly, many states are demanding too little of students.

Discrepancies between student performance on state assessments and NAEP are not found in all states. In Massachusetts, for instance, 40 percent of 4th graders are proficient on the state test in mathematics, compared with 41 percent on NAEP.

What a child becomes, a nation becomes.

—Mitt Romney, Former Governor of Massachusetts

The information gleaned from assessments will mean little to parents, educators and students if they are not linked to meaningful targets. Standards-based reform is the backbone of NCLB. Standards indicate what all students are expected to know and be able to do. In the past, such expectations were seldom explicit, and they varied widely; some students were expected to learn more than others.

A system of standards consists of two main components: content standards and achievement standards. All states now have both sets of standards in place, and there are national versions of each as well.

Content standards spell out what all students are expected to learn and guide choices about the material that should be taught at each grade level. Content standards are intended to guide instruction, test development and professional development. Teachers are expected to use the content standards to guide their curriculum decisions and priorities for the year. Test developers are directed to match test items to the standards to ensure tests measure what students are expected to learn. States, districts and private providers are expected to use the standards to guide professional development choices to enhance teacher knowledge and skills.

Since 1989, when the National Council of Teachers of Mathematics produced the first version of its standards for school mathematics, groups in virtually all subject areas of the curriculum have developed national sets of content standards. These standards have sparked controversy in some cases, and their influence on state standards and classroom practice has varied widely.

In addition to content standards, states have also developed standards for student performance in each subject area. In contrast to the standards for what students are expected to know and be able to do, achievement, or performance, standards indicate *how well* students are expected to perform. States might have similar content standards, but if they choose to require different levels of mastery of those standards, their expectations will still vary.

In practice, states have set their achievement standards to tests, which are supposed to measure performance based on the standards. Using a variety of methods, states have set cut (or passing) scores on tests that indicate various levels of performance—often “basic,” “proficient” and “advanced”—on the standards.

Whatever the method used, the process of setting achievement standards involves human judgment. States convene groups of educators and lay people who examine test items, and sometimes student responses, and make judgments about how a proficient student ought to perform.

Because each state assessment and each standards-setting panel is different, each state's set of achievement standards is different. This makes them very difficult to compare with one another. The differences in proficiency levels can reflect a variety of factors, including the difficulty of the test and the level of performance the state considers “proficient,” as well as the projected number of students who might reach the proficient level or above.

The one national set of achievement frameworks is developed and used by the National Assessment Governing Board (NAGB) for NAEP. These achievement levels, as they are known, indicate the number of students at the “below basic,” “basic,” “proficient” and “advanced” levels of performance on NAEP. Because these terms are similar to those used by states, many assume that they refer to the same levels of achievement as the state performance standards indicate. But because NAEP differs from state tests—among other things, NAEP uses a complex design to test representative samples of students, not every child—and the NAEP program uses its own set of judges to decide on content (which is not tied to any state's standards) and set achievement levels, the achievement levels are also very difficult to compare.

What NCLB Requires

NCLB requires states to develop challenging academic content standards in grades 3 through 8 and at least once in grades 10 through 12 for reading or language arts and mathematics (and, beginning in the 2007–08 school year, science). These standards are to specify what children should know and be able to do, contain coherent and rigorous content and encourage the teaching of advanced skills. They are also required to be the same for all students in the state.

The law also requires states to set academic performance standards, aligned with the content standards, that indicate at least two levels of high achievement (proficient and advanced) that determine how well students are mastering the content standards, and two lower levels of achievement (basic and below basic) to provide information on how low-achieving students are progressing toward mastery of the content standards.

The academic achievement standards form the basis of state accountability systems. States must set timelines for AYP that ensure that, no later than the 2013–14 school year, all students, in all defined subgroups, meet or exceed the state’s proficient levels of academic achievement.

How the Law Has Been Implemented

States began to set content standards in the 1990s in response to IASA, and by the time NCLB was enacted, every state but one (Iowa, which sets standards at the district level) had content standards in place. States have continued to revise their standards, however. Between 2000 and 2006, 37 states revised standards in at least one content area, and 27 states revised all of their standards (Finn et al. 2006b).

Independent reviews of state *content* standards consistently show that their quality and rigor varies widely. In a 2006 review of state standards, the Thomas B. Fordham Foundation, a national education think tank, gave states an overall a grade of C-minus and found that two-thirds of U.S. students attend schools in states with standards in the C, D or F range. The report also found that the grades were similar to those awarded in 2000; although a few states had improved their standards, some had gotten worse. In general, the report found that standards were vague and emphasized skills rather than knowledge (Finn et al. 2006b).

With a handful of laudable exceptions, the academic standards in use in most states today range from mediocre to dreadful.

—Chester Finn, President, Thomas B. Fordham Foundation

Separately, the American Federation of Teachers (AFT), a trade union representing classroom teachers, also found wide variations in the quality of state standards. The AFT review examined whether content standards were specific, included specific content (such as reading basics and reading comprehension), addressed both knowledge and skills and were articulated across grade levels. The review found that only one-third of states—18—had strong standards at every assessed grade level in every subject; remaining states still lacked strong standards in every grade. Overall, the standards were particularly weak in reading (AFT 2006).

These and other credible assessments of the quality and rigor of state standards paint a consistent picture of mediocre to low expectations as the rule in states, rather than the exception.

Comparisons of state *achievement* standards are more difficult to conduct because they are tied to state tests, which vary. However, researchers from the Northwest Evaluation Association (NWEA), a national nonprofit organization specializing in assessment, were able to contrast the relative difficulty of state proficiency standards by comparing student achievement levels on state tests to their performance on their own norm-referenced tests. NWEA found that the cut score for proficiency on state tests ranged widely; for example, students who attained the proficient level for reading in 4th grade in Wyoming were at the 73rd percentile, while those in neighboring Colorado who attained proficiency were at the 18th percentile. Students who attained the proficient level for 5th grade mathematics in California were at the 70th percentile, while their counterparts in Illinois scored at the 33rd percentile (Kingsbury et al. 2003).

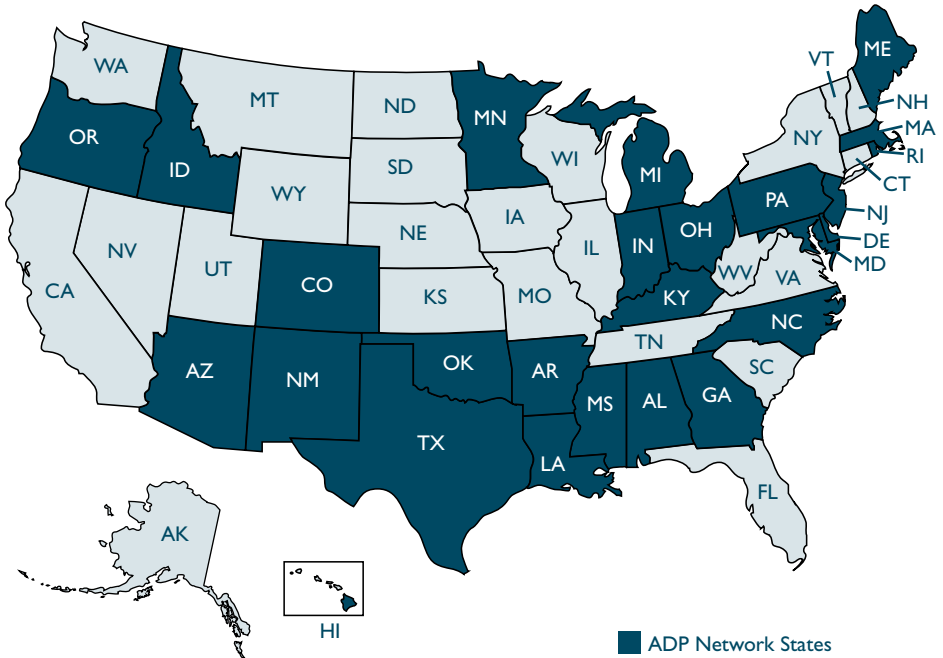
Similarly, researchers have compared state proficiency levels to those on NAEP and detailed how state results consistently exaggerate the percentage of students deemed proficient or above in reading and mathematics compared with NAEP results (Fuller et al. 2006). However, Antonia Cortese, Executive Vice President of the AFT, cautioned that such comparisons might be misleading because there has been no analysis comparing state standards to those of NAEP. It is possible, she testified to the Commission, that states teach content in 5th grade that NAEP tests in 4th grade. In his remarks, Michael Cohen, President of Achieve, a bipartisan nonprofit founded by governors and business leaders to improve high schools, added that state tests are less likely than NAEP to assess advanced content and high-level cognitive skills.

The Commission believes that a clearer understanding of the expectations of NAEP achievement levels and how they compare to those of the states is needed. We also need to know whether the expectations of both NAEP and the states conform to what is clearly an emerging consensus on the need to raise the bar in order to help students reach what really constitutes college and workplace readiness. Some states are working to align standards and tests to common expectations or common scales, efforts that could prove useful in the national debate about the quality, rigor and uniformity of state standards and tests.

A private firm, MetaMetrics, has developed the Lexile Framework for Reading, a widely adopted method for measuring reader ability and text difficulty on a common scale. The initial research and development for the Lexile Framework was funded by the National Institute of Child Health and Human Development. MetaMetrics has also developed a similar method for mathematics, known as Quantiles. Fourteen states have linked their assessments to one or both of these frameworks, and in each case, these states include a Lexile and Quantiles measure on parent report cards to provide additional information on student performance.

American Diploma Project Network

The 2005 National Education Summit on High Schools brought the importance of a solid high school education to the forefront of the nation's education and economic agenda. As a result, 26 states now have signed on to the American Diploma Project (ADP) Network. In these states, governors, state education officials, business executives and higher education leaders are working together to raise high school standards, strengthen assessments and curriculum and better align expectations with the demands of postsecondary education and future employment.



Source: ADP (2007). *Preparing Today's High School Students for Tomorrow's Opportunities*. Washington, DC: Achieve.

What's most important is not whether the standards are state or national but rather whether they prepare students to arrive at college and work remediation-free.

—Susan Traiman,
Director of Education
and Workforce Policy,
Business Roundtable

Meanwhile, more than two dozen states have joined the American Diploma Project (ADP) Network to align high school graduation requirements with requirements for college admission and placement and entry-level employment. Among other efforts, these states are teaming up to create a common algebra II test that will be administered across the states.

Additionally, three New England states—New Hampshire, Rhode Island and Vermont—have formed an alliance to pool resources to develop common standards and tests. The compact, known as the New England Common Assessment Program (NECAP), administered their common test for the first time in 2005.

All of these approaches hold some promise as models for future state efforts to pool resources and work cooperatively to improve existing standards and assessments.

But alignment across states is irrelevant if the standards are too low. High standards are at the core of a successful education system. Teachers must teach to high standards if they are to provide truly high-quality, effective instruction in the classroom. If overall performance is to improve and achievement gaps are to close, schools must hold high expectations for all students—regardless of race, ethnicity, economic status or geographic location—and support students as they work to achieve to these high standards.

Accountability measures must be linked to high standards if students are truly to be able to compete and succeed after high school. The evidence is increasingly clear that students must be better prepared for postsecondary education in order to meet the demands of an increasingly competitive global economy. According to the U.S. DOL, two-thirds of new jobs over the next decade are expected to be filled by workers with at least some postsecondary education. And 87 percent of new high-wage jobs will require more than a high school diploma (U.S. DOL 2006).

Yet current state standards might not match those expectations. As Achieve's Michael Cohen told the Commission:

More important than the inconsistency among state standards is the fact that state standards themselves are not aligned with the knowledge and skills students must have in order to succeed after they leave high school, particularly in postsecondary education and the workplace. Simply put, today's state standards—as well as the national standards developed in the late 1980s and early 1990s—reflect a consensus among subject matter experts about what would be desirable or even important for young people to learn. They are not the result of a careful analysis of the work young people will do when they complete K–12 education, and the knowledge and skills essential for postsecondary success. ... Many students meet state standards, pass state tests and complete state-required courses, only to require remedial courses once they enroll in college. They may have been *proficient*, but they were obviously not *prepared*.

Roadmap to the Future

Ensuring That State Standards Are Aimed at College and Workplace Readiness Expectations

Over the past decade, as states have implemented content and achievement standards, expectations for all students have been increasingly clarified. Unlike in the past, when only a few students were expected to learn challenging academic content, we now expect all students to achieve to high standards.

But comparisons with past levels of expectations do not tell the whole story. The mere fact that all states have developed standards and tests that clarify expectations for their students is not sufficient. International comparisons show that the level of performance of American students is consistently surpassed by that of students in other countries. In comparisons of 15-year-olds' reading literacy, U.S. students rank behind students in 11 other major nations (Lemke et al. 2004). Employers and college professors consistently say that expectations for students do not match what they need to succeed after high school. According to Achieve, approximately 40 percent of high school graduates lack the literacy skills employers seek (Achieve 2005). It is a travesty for students to meet the expectations set out for them, only to need remediation in college or to be unable to land an entry-level job in a productive career. States need to take a hard look at whether the bar they are setting for their students will truly prepare them for a future filled with meaningful opportunities.

Therefore, we recommend that states assess their reading or language arts, mathematics and science standards against requirements for success in college and in challenging jobs. Each state should undertake this assessment in consultation

with representatives of higher education and business in the state. Colleges and businesses are acutely aware of what is necessary to succeed and should play a role in making sure that we expect no less. The effort would also include a comparison to existing national and private efforts to identify college and workplace readiness skills. Standards and tests should be linked to a common scale. This would allow useful comparisons of relative rigor and quality among states as well as provide a meaningful context for determining whether achievement based on the standards will prepare students to meet the demands of citizenship, education and work beyond high school. All states must complete this process within one year of enactment of a reauthorized NCLB in order to participate in a national summit to be convened by the U.S. Secretary of Education.

The purpose of the national summit will be two-fold. First, it will create an incentive and provide a forum for states to take a fresh look at whether the expectations they have set are sufficient. Second, it will report to the American people on whether states are setting expectations that will allow opportunity-filled futures for our children and ensure that our nation can retain its international pre-eminence.

Creating Voluntary Model Standards at the National Level

Comparisons of student proficiency on state standards and student proficiency on NAEP show vividly the wide variations in expectations for students across states. For whatever reason, some states have clearly set the bar for students far lower than others. Not only does this shortchange the students in those states, it also sends misleading messages to parents and taxpayers. Can citizens and businesses in a state where nearly all students are proficient on state tests—but where far fewer are proficient on NAEP—really have confidence in the strength of their education system?

Parents deserve to know that their children are receiving a high-quality education that will prepare them for life in a global economy. They deserve to know that their children are receiving this quality education regardless of their address. Children in one state should benefit from the same high academic expectations as children in other states—and know that they will be able to compete and succeed alongside their peers in other states and around the world upon graduation.

NCLB, by allowing states to set their own content and achievement standards, has respected the long-standing tradition of local control over education. It is likely that states have generated support for their standards by developing them on their own. But in 2007, when young people in Milwaukee and Atlanta are competing with young people in Beijing and Bangalore, it is difficult to understand why Wisconsin's definition of proficiency should be different from Georgia's and why both would differ significantly from NAEP's definition. It is troubling that states may not be adequately preparing our children to compete with their peers around the world. States increasingly recognize this; that is why half have joined the ADP Network.

We must tap into that growing recognition among state leaders and others and take advantage of this moment of opportunity created by the growing momentum for improvement.

However, recognition of the problem is not enough. The federal government must continue to respect local control while taking action to encourage states to continue to raise the bar. Together we can take the next step by giving form to a strong vision for excellence.

Therefore, we recommend the development of voluntary model national content and performance standards and tests in reading or language arts, mathematics and science based on NAEP frameworks. A distinguished national panel, including members of NAGB, should be commissioned to create the standards and tests, extrapolating from the form and content of NAEP frameworks for grades 4, 8 and 12, and mapping the additional grades appropriately. While the widely respected NAGB process and NAEP frameworks provide useful starting points, the panel must also be mindful of ensuring that those expectations sufficiently prepare students for future success in higher education and the workplace.

Once these model standards and tests are created, states could do one of the following:

- (1) Adopt the resulting national model standards and tests as their own for NCLB accountability purposes
- (2) Build their own assessment instruments based on the national model standards, or
- (3) Keep their existing (or revamped per the process described above) standards and tests for NCLB accountability purposes

States choosing the second or third option would have their standards and tests analyzed and compared to the national model. To keep the public informed about states' expectations, **we recommend the U.S. Secretary of Education periodically issue reports comparing the rigor of all state standards to the national model standards and tests using a common metric.**

The Commission believes that aiming higher should not be negotiable. We must not label our children as proficient while leaving them unprepared. The three-step process outlined above—(1) appraisal by states of whether their existing standards and assessments are sufficient to prepare students for success beyond high school; (2) creation of model national standards and assessments that states can voluntarily adopt and (3) establishing a common metric for analyzing, comparing and reporting on the relative rigor of states' expectations for students to a national model—will significantly raise the bar of expectations for all American children.

Future Vision

If these recommendations are adopted, we envision a high-achieving education system that sets rigorous expectations for all students, ensuring that all reach the goal of proficiency and are prepared to succeed in higher education and the increasingly challenging workplace. A high-achieving system continues to raise the bar to make certain that American students can compete in the global economy. Such a system provides honest information to parents and the community and identifies whether all students are achieving at the level they need to reach to succeed.

In such a system, standards for high school completion match the requirements for college entry and placement and for employment in challenging jobs. Standards in the earlier grades are aligned to exit-level standards and enable students who meet them each year to stay on a trajectory to graduate prepared for postsecondary success. In addition, standards are challenging and comparable across all states, so parents and taxpayers know that all students are held to equally high expectations for achievement.

effective teachers & principals

improved accountability

better school improvement
and student options

fair & accurate assessments

high standards for all

improved high schools

reliable & accurate data
additional elements

Ensuring High Schools Prepare Students for College and the Workplace

Eastmoor Academy High School has a clear mission—to prepare its students for productive lives filled with opportunity after high school.

The high-poverty, largely minority high school in Columbus, Ohio, sets rigorous academic expectations for all of its students and provides the time and support necessary to enable them to achieve those expectations. Eastmoor follows a challenging college preparatory program including courses that require students to read and complete writing assignments over the summer. Eastmoor staff analyzes student assessment scores and makes appropriate adjustments in the curriculum and instruction. Teachers regularly monitor student progress—and students who struggle academically receive tutoring before, during or after school.

Ensuring that students understand what they need to do to reach their career aspirations is a priority at Eastmoor. The school hosts career days and provides internships for its students. Eastmoor staff helps students with the college and scholarship application process.

The high school has well earned its designation by the Ohio Department of Education as a School of Promise, one that delivers challenging instruction, provides strong leadership, engages parents and the community and ensures all students are valued and succeed in their goals. The high school—56 percent economically disadvantaged

and 88 percent African American—exceeds district and state achievement goals in reading. Ninety-seven percent of its students graduate. The graduating class of 2006 received more than \$2 million in scholarships for postsecondary education (Ohio Department of Education 2006).

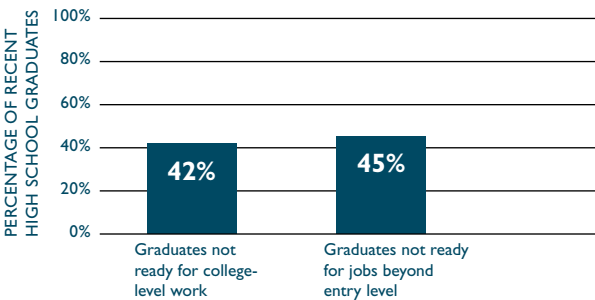
Most of our nation's high schools are not faring as well as Eastmoor, however. In fact, there is a growing sentiment that the American high school is “obsolete,” as Microsoft Founder Bill Gates put it at an education summit in 2005. In response, high school reform has rapidly risen on the national education agenda. States and districts are hastening to redesign existing high schools and create new ones.

Concern over high schools partly stems from recent findings that too many students are dropping out of school. Each year, approximately 1.2 million students fail to graduate from high school (Education Week 2006a). The graduation rates for African Americans and Hispanics are particularly alarming: only 51.6 percent of African American students and 55.6 percent of Hispanic students graduated in four years

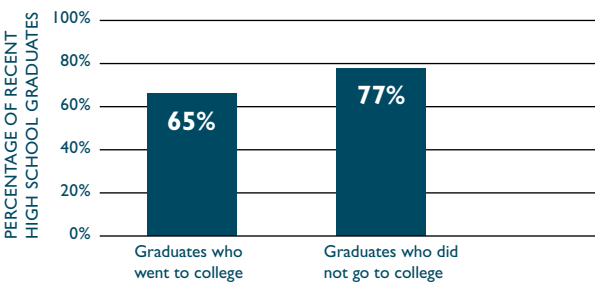
with a standard diploma, compared with more than three-quarters of whites and Asians (Education Week 2006a).

At the same time, there are rising concerns that those who do graduate from America's high schools are leaving without the knowledge and skills they need to succeed in college or the workplace. Forty percent of students at four-year institutions and 63 percent at two-year colleges require remedial education (Callan et al. 2006). In a survey of human resources professionals, 42 percent of respondents said that new entrants with a high school diploma were “deficient” in their overall

College Professors and Employers Report Significant Percentage of High School Graduates Unprepared



Knowing What They Know Today, Many Graduates Report They Would Have Worked Harder in High School



Source: Peter D. Hart Research Associates/Public Opinion Strategies (2005). *Rising to the Challenge: Are High School Graduates Prepared for College and Work?* prepared for Achieve, Inc.

preparation for the entry-level jobs they typically fill. The same survey found that 81 percent of employers rate recent graduates' skills in written communications (writing memos, letters, complex reports) as deficient, while 70 percent said high school graduates were deficient in critical thinking and problem-solving skills (Conference Board et al. 2006).

This comes at a time when the demand for highly skilled and knowledgeable workers is strong—over the next decade, more than 87 percent of new high-wage jobs will require more than a high school diploma (U.S. DOL 2006). One-third of the human resources professionals surveyed said that their companies will reduce hiring of new

Understanding High School Dropout Rates in Two Cities

The statistics are clear—students are dropping out of high school at alarming rates. To better understand the nature of the problem in two of the nation's cities—Philadelphia and New York—researchers recently analyzed not only how many students are dropping out of high school, but also the characteristics of these dropouts.

The Center for Social Organization of Schools, an education research and development group at Johns Hopkins University, found that for the classes of 2000 through 2005 in Philadelphia, about 30,000 students who began 9th grade in the city's public high schools left without diplomas. Eighth grade students with at least a three-in-four likelihood of dropping out attended school less than 80 percent of the time and had received a failing grade in mathematics, English or both, the study concluded.

A separate study of New York high schools conducted by the Boston-based consulting firm Parthenon Group found that as of June 2005, about 138,000 New York City students ages 16 to 21 had dropped out of high school or were significantly off track for graduation. The study further found that close to half of all entering 9th graders in the 1.1-million-student New York City system become "overage or undercredited" during high school, meaning they are at least two years off track when it comes to expected age and credit accumulation toward a diploma.

Both cities are using this alarming information to bring about change in their high school systems. Philadelphia's efforts include reorganizing high schools into smaller units, altering high school curriculum and instruction and offering initiatives that address the diverse needs of students. Meanwhile, New York City is creating "transfer schools," high schools designed to re-engage overage and undercredited students or those who have dropped out of high school. Both cities hope these efforts will help combat the dropout problem (Robelen 2006).

entrants with only a high school diploma over the next five years; meanwhile, 60 percent said they will increase their hires of four-year college graduates (Conference Board et al. 2006).

In response to these concerns, some states and districts have been aggressive in implementing reforms. Spurred in large part by the Bill and Melinda Gates Foundation, a charitable organization whose mission includes improving American high schools, some districts are revamping the way they provide high school education by creating new schools and offering students and parents a wide variety of options, and redesigning policies and practices for students such as changing graduation requirements and providing additional options for students.

At the same time, states are becoming more aware of the need to increase expectations to help ensure that students learn what they need to be ready for the world after high school. Nearly half the states have implemented or are developing tests that students must pass to graduate from high school. As mentioned in the previous section, the 26 states of the ADP Network are working to align their high school exit requirements with the entrance requirements for higher education and entry-level employment.

What NCLB Requires

The NCLB requirements for testing and accountability systems include high schools. However, NCLB's school improvement process is only required to be implemented in schools that receive Title I funding. States are expected to implement tests in at least one grade in high school and to hold high schools accountable for making AYP on these tests. In addition, schools are required to report on graduation rates and demonstrate improvements.

NCLB also supports high schools through the Striving Readers Initiative, a \$29 million program that provides funds to improve the skills of secondary students who read below grade level, and a separate program to support professional development for teachers to train them to teach Advanced Placement (AP) or International Baccalaureate (IB) courses.



Commissioner
Craig Barrett
addresses the need
for students to be
prepared for life in
a global economy at
the Commission's
hearing in
Washington, DC.

How the Law Has Been Implemented

NCLB has had significantly less influence on high schools than on elementary schools because Title I provides funding overwhelmingly to elementary schools. In 2001–02, only 7 percent of Title I funds served students in high schools; 17 percent served students in grades 7 through 9. If a high school receives Title I funding, it is subject to NCLB’s school improvement requirements, including public school choice, SES, and improvement, corrective action and restructuring status.

In part, the skewed distribution of Title I funds reflects the funding formula in the law. Title I funds are first distributed to any school with 75 percent or more of its students from low-income families. Remaining funds are then distributed to schools in rank order of poverty (from highest to lowest) by grade span. A school’s percentage of low-income children is often calculated based on the proportion of children receiving free and reduced-price lunches. In high schools, which tend to be larger than elementary and middle schools, this factor is often underreported because high school students often do not provide their family income through the National School Lunch Program (U.S. Department of Agriculture 2001). As a result, the actual income level of high school populations is often lower than the reported level, and high school poverty rates tend to be much lower than those of elementary and middle schools. Thus, in practice, by the time the funding formula reaches high schools, little Title I funding, if any, remains.

Witnesses who testified before the Commission called the current law “neglectful” of high schools. They noted that NCLB requirements do little to ensure not only that students graduate from high school, but also that they graduate ready for college and the workplace. Witnesses said the tests measuring student and school performance are generally administered in 10th or 11th grade and do not measure whether students have the knowledge and skills expected for college entrance or entry-level employment.

Antonia Cortese of the AFT told the Commission that “standards at the high school level, in all subjects, are problematic.” Cortese explained that many states have not developed grade-by-grade or course-by-course standards in high school. Instead, “they have ‘clustered’ these standards, meaning they’ve created a single standard that is intended to serve multiple grade levels.”

A recent survey conducted by the U.S. Chamber of Commerce revealed that business organizations hold a similar view—while almost all of survey respondents (96 percent) agreed that it is very important to have rigorous curriculum in K–12 classrooms to help prepare students for college and the workplace, less than one-third believed that schools’ current curriculum adequately prepares students for their future professional careers (U.S. Chamber of Commerce 2006).

Concerns over graduation rates were also brought before the Commission, particularly the lack of meaningful graduation-rate accountability. Witnesses explained that because the current law does not require schools to disaggregate graduation-rate data by subgroup, schools feel little pressure to account for the disproportionately low graduation rates of at-risk and disadvantaged students.

In testimony before the Commission, former West Virginia Governor Bob Wise, President of the Alliance for Excellent Education, an advocacy organization for improving high schools, likened the current accountability system to a one-mile race in which we assess students for three-fourths of the race and then give up during the final quarter. We do little to see whether students are even crossing the graduation finish line, he said, and, more importantly, whether they are crossing prepared for what lies ahead.

Robert Balfanz, Associate Research Scientist at Johns Hopkins University, stated in his testimony before the Commission that it is well known which high schools are the lowest performing and what they look like. In his view, we should focus on turning around the 15 percent of high schools that produce nearly half of the nation's dropouts. Balfanz said we need "a coordinated federal, state and local effort to provide the vision, resources, tools, training and technical assistance required to transform these schools. And we need to start now."

In his remarks, former West Virginia Governor Gaston Caperton, President of the College Board, a nonprofit educational association, said that "we must invest in success now, rather than pay for failure later." Caperton stressed the need for bold improvements in the nation's high schools: "We tend to think about this in real incremental ways, of how we can change a little here and a little there. If we don't go from a two-lane highway to a four-lane highway pretty fast ... our children might make it, but our grandchildren won't."

Roadmap to the Future

Strengthening Accountability and Support for High Schools

Current efforts across the country to redesign and strengthen high schools are encouraging. But the persistence of low achievement among high school students suggests that much more is needed.

Too many of our high schools continue to fail our children. An alarming number of students drop out of school, while those who do make it to graduation often leave high school ill-prepared for college and the workplace. We, as a nation, cannot allow these trends to continue. It is time to spur broad and significant improvement in our high schools so that they can properly equip students with the knowledge and skills needed to compete in today's global economy.

Efforts to improve our high schools cannot—and should not—rest solely on the shoulders of the schools themselves. Low-performing high schools cannot go it alone; they often lack the resources and capacity to bring about meaningful change. We believe that districts can and should play a crucial role in turning around struggling high schools. These high schools need the leadership and support of the district to spur significant reform and increased student achievement.

In cases of widespread poor performance in a district, reform must be comprehensive and systemwide. These cases require the development of a specific districtwide strategy on how to best address the needs of all struggling high schools located in the district. Districts must provide a set of tools and resources to meet the needs of their low-performing high schools.

Therefore, we recommend requiring districts with large concentrations of struggling high schools to develop and implement comprehensive, districtwide high school improvement plans. Districts in which more than half of high schools did not make AYP—or in which half the students attend high schools that did not make AYP—would be required to develop a districtwide strategy to turn around struggling high schools. Attendance rates of schools that feed into the struggling high schools, as well as the 8th grade assessment results, should be factored into the identification of districts for plan development. This data will help districts accurately identify which high schools are likely to struggle because of the challenges faced by students who are entering as freshmen.

The plan, designed to ensure that all students graduate prepared for college and the workplace, must include:

- Research-based strategies to address the curriculum and instructional capacity of each school
- An analysis of resources allocated to staffing, professional development and instruction
- Strategies to increase attendance and grade-to-grade promotion through grade-level mastery, not “social promotion” (the misguided practice of allowing low-performing students to pass on to the next grade with their peers to preserve their social and psychological well-being)

The district plans must be approved by the state based on peer review and must be developed in consultation with state agencies governing juvenile justice and alternative schools.

We can no longer view high schools in isolation from elementary and middle schools. Many of the same demands for improving high schools require similar tools and actions as those needed in elementary and middle schools, such as improving

instruction and teacher quality. While our current system mandates annual assessments in each grade from 3 through 8, it requires assessments to be administered only once in high school. Thus, we have no way to know whether schools continue to hold high expectations for students after 10th or 11th grade and that students continue achieving to high levels.

New strategies must be used to produce the continuous achievement of high school students. We need stronger assessments in high schools to spur increased student achievement through graduation. We need stronger accountability to ensure that our graduates are properly prepared for what lies ahead. We need an additional assessment to ensure that we are fairly and accurately holding our schools accountable for their students' performance in their last years of public schooling before they enter college and the workplace. Requiring only one test in the high school grade span fails to give us the achievement data to identify schools needing assistance and to ensure that our youth are well prepared.

Recommendation

Therefore, we recommend requiring states to create and implement a 12th grade assessment. This assessment, unlike other high school assessments, should be designed to assess content that 12th grade students must master in the 12th grade and that they need to be college and workplace ready. This would mark a dramatic change in the current high school accountability system. But if testing and accountability yield results in elementary and middle schools, these tools should be used in high schools as well. As discussed in more detail in the assessment section, the 12th grade assessment, along with current 10th grade tests, would help ensure continuous student growth through high school and create a useful measure of a school's effectiveness in preparing students for college and work. This assessment would also make possible the inclusion of growth calculations in AYP for high schools and HQET/HEP measurements for high school teachers and principals. High schools could track a student's progress all the way through graduation, making sure along the way that he or she is on track to succeed.

As discussed in the section on assessments, some states do administer high-stakes assessments that students must pass in order to graduate. This practice is not required by NCLB, and we believe that this new assessment should not be the sole determinant of whether a student receives a diploma. To date, NCLB has not required passage of an assessment for graduation, and we seek to maintain this structure.

Recommendation

We also recommend that states consider awarding college credit in state-supported colleges and universities for students who show mastery of college-level material on this test. States that want to follow this policy should design their 12th grade assessments so that such tests assess mastery of college-level material in addition to content needed for college and work readiness. The potential for the awarding of college credit would make the results of this assessment more meaningful to both the school and the students who take it.

Commissioner Ed Rust participates in a Commission meeting with U.S. DOE staff and officials in Washington, DC.



Again, the Commission strongly believes in the necessity of measuring and reporting student progress from both accountability and instructional improvement. When Congress first considered NCLB in 2001, the requirement for annual assessments in grades 3 through 8 was extremely controversial and much debated. However, annual tests have proven to be vital not only in tracking and reporting on the performance of our schools, but also in targeting needed interventions to improve student achievement.

Providing Useful and Actionable Information on School Quality

A successful school fosters a high-quality teaching and learning environment. One important indicator of the quality of a school's environment is the willingness of students and teachers to be there. Low student-attendance rates and high teacher-turnover rates often are signs that a school is failing to adequately support its faculty and students and to create an environment conducive to teaching and learning.

Holding high expectations for all students is also critical. Quality schools encourage students—regardless of race or economic status—to push themselves academically through participation in rigorous and advanced courses. They ensure that all students graduate prepared for college and the workplace. Current law, however, does not require reporting of AP or IB enrollment. Nor does it require graduation rates to be broken down by student subgroup. Thus, too often schools are able to mask significant inequalities in opportunities provided for students.

Our teachers and principals deserve to work in environments that enable them to properly educate our children. Our children deserve to learn in schools that foster high levels of learning and produce success for all students. We believe that schools should no longer be able to hide inadequate environments and low graduation rates.

Therefore, we recommend that states be required to include additional information on school quality in their annual report cards. Data in the report card should include student attendance rates; the attendance and turnover rates for teachers and principals; graduation rates disaggregated by racial and ethnic groups, special education status and English language learner status; and the percentage of students

in high-level courses. This data goes beyond existing NCLB accountability measures, ensuring that these issues—all of which have a bearing on the quality and overall performance of a school and its students—get reported and addressed.

As mentioned in the accountability section, schools will now be held accountable for the graduation of all of their students. The requirement to disaggregate and publicly report graduation information by subgroup will prevent schools from hiding low graduation rates of minority students. Instead, schools will be forced to answer for disparities and will need to implement effective strategies to close unacceptable achievement gaps.

This data will provide teachers, administrators and parents with useful and actionable information. We believe that an accurate, detailed portrait of the performance of our schools will yield focused identification and strengthening of areas that need improvement.

Future Vision

If these recommendations are adopted, we envision a high-achieving system in which the nation's high schools no longer tolerate children not being prepared for college and the workplace. Instead, our high schools, and the districts that support them, will make progress in improving achievement with the goal of ensuring that all high school students graduate and are ready for college and work.

In this system, districts play a crucial role in high school improvement by applying districtwide strategies to turn around schools exhibiting persistently low performance. Disjointed, erratic efforts that fail to effectively and systemically address weaknesses in schools are no longer tolerated. All high schools in this system have in place a strong curriculum and instructional program that serves all students, as well as an environment conducive for effective teaching and learning.

States also collect and monitor data on high school performance and quality to ensure that schools are preparing all students to graduate ready to succeed in a competitive global economy.



effective teachers & principals

improved accountability

better school improvement
and student options

fair & accurate assessments

high standards for all

improved high schools

reliable & accurate data
additional
elements

Driving Progress Through Reliable, Accurate Data

The information revolution that has transformed the way Americans live, work and play has been slow to reach education in many ways. Schools and districts have invested heavily in computers and wired school buildings for Internet connectivity, and thus more and more students and teachers use technology regularly. But the vast capability of education information systems to improve education remains largely untapped, particularly their ability to present data in a format that allows educators to analyze it and make informed decisions about instruction, school performance and school organization. As one superintendent put it, if schools were crime solvers, they would be stuck in the “Dragnet” era while the rest of the world uses the much more cutting-edge and effective techniques found on “CSI” (Till 2004).

Sophisticated data systems offer tremendous potential for educators at every level. Teachers can use data on student progress to adjust lesson plans. Principals can look at classroom data and gauge the effectiveness of teachers and curriculum. Superintendents can examine school data to make better decisions about resource allocation. State officials can determine district needs and target assistance more efficiently. Researchers can discern meaningful trends and better identify the most effective methods to improve student achievement.

Using Data to Raise Student Achievement: Yough School District, Pennsylvania

The use of data by administrators and teachers is clearly being embraced in the Yough School District, located in rural Pennsylvania. Teachers and administrators are being trained in data use, and they are using that knowledge to make changes in the classroom. “Our teachers look at each student and adjust their teaching to the style that a particular student really needs in order to learn—they differentiate their instruction,” says Joan Fogg, Principal of West Newton Elementary in the Yough district. Fogg notes that teachers use assessment results from the previous year to gauge student learning and to target students who need more attention.

State-developed Web sites also help the district and its teachers make good use of data, but “data overload” looms as more and more information is made available to educators. Fogg feels that schools can make better use of the data by taking the time to examine results and determine what they mean. To this end, the elementary schools in Yough have set aside at least one hour every six days to meet as a team and discuss assessment data. “We know what we have to do in the classroom by seeing the data,” says Fogg.

The situation is beginning to change because of a confluence of events. One major event was the passage of NCLB. The law required states, districts and schools to generate and collect vast amounts of data: test results for students in at least seven grade levels, broken down by race, ethnicity, gender, English language proficiency, disability status and other factors, as well as information on teacher qualifications. The law required states to report the data to the federal government and to provide information to schools and districts. It also required issuing new report cards for parents and the public.

NCLB came at a time when educators’ hunger for useful data was growing. Schools and districts were no longer simply reporting data to comply with federal and state laws; they were held accountable for improvements, each year. School officials at every level were eager to know what their current performance levels were and what they needed to do to raise them. If African American 4th graders were performing poorly in mathematics, schools needed to know the facts so they could make adjustments and improve their achievement.

The other trend that has supported the development of educational data systems is the rapid advance in technology. Technological advancements have made possible the creation of sophisticated data warehouses that allow users to retrieve, analyze and report on a vast wealth of information.

Some states and districts, taking advantage of technological power, have built sophisticated information systems that better serve students and schools. Florida,

for example, which began building a statewide student database in the 1980s, now has a data warehouse with information on more than 10 million current and former students and almost 1 million current and former teachers. The state provides detailed reports on school performance for each of the state's legislators, as well as reports on individual student performance for schools. State officials credit the system with helping schools provide appropriate interventions to prevent students from failing in 3rd grade and with providing guidance information to help students choose courses that will prepare them for their desired careers (Education Week 2006c).

But such systems can be effective only if they are accessible and if educators are trained to use them properly. Although effective use of data can improve results, many principals and teachers are not accustomed to using data for instruction and school improvement (Boudett, City and Murnane 2005).

What NCLB Requires

Although the law does not explicitly call for the creation of statewide data systems, the requirements for the collection and dissemination of assessment and accountability information imply the need for systems to efficiently manage large amounts of data. For example, the law requires that each state, district and school disaggregate results by gender, each major racial and ethnic group, English proficiency status, migrant status, disability status and economically disadvantaged status. Such disaggregation would be difficult to accomplish without a data system.

Similarly, the law requires states to provide assessment results to schools before the beginning of the next school year and to ensure that the results are “used by ... local education agencies, schools and teachers to improve the educational achievement of individual students.” It also requires detailed report cards that include information on student achievement, school performance and teacher quality.

How the Law Has Been Implemented

Despite the need for sophisticated data systems implied by the law, NCLB did not set standards for such systems. As a result, states have developed systems of widely varying quality.

The Data Quality Campaign, a project organized by the National Center for Educational Accountability (NCEA) in partnership with nine other national organizations, identified 10 essential elements of a longitudinal data system that would enable educators to track student progress, evaluate program effectiveness and identify consistently high-performing schools. These elements are:

- A unique statewide identifier for each student
- Student enrollment, demographic and program participation information

- The ability to match student test records from year to year to measure academic growth
- Information on untested students
- A teacher identifier system that can match teachers to students
- Student transcript information, including courses completed and grades earned
- Student college-readiness test scores (such as the SAT, SAT II, ACT and AP and IB exams)
- Student graduation and dropout data
- The ability to match student records between the pre-K–12 and postsecondary systems
- A state data audit system assessing data quality, validity and reliability

Currently, only Florida's data system includes all 10 elements, a report by the Campaign found; however, eight states have eight or nine elements, and only six states have three or fewer elements. Most states have unique student identifiers (44 states) and student enrollment, demographic and program participation information (46 states). But only 12 states have student transcript information, and only nine have college-readiness test scores (NCEA 2006).

A report by the Editorial Projects in Education Research Center, a nonprofit organization specializing in education issues, also found that the quality and completeness of the data systems varied widely. For example, the report found that three states do not link their student identifiers to statewide assessments, and 27 states do not link the identifiers to high school transcripts. It also discovered that many states do not allow educators to have access to information about student demographic backgrounds or program participation (Education Week 2006c).

Aimee Guidera, Director of the Data Quality Campaign, told the Commission that states understand the need for data systems, but are unsure how to build them, what they will cost and how states and districts will train people to use the data effectively.

We are data rich, but information poor.

—Aimee Guidera, Director, Data Quality Campaign

A federal grant program provided under the Education Sciences Reform Act has given \$53 million to 14 states to assist them in developing data systems. However, the U.S. GAO cited the lack of robust and accurate data systems as a major challenge states

face in developing growth models that assess the progress of student achievement over time. Peer reviewers for the U.S. DOE's growth model pilot program, for example, cited concerns about the ability of three states that applied to take part in the pilot to correctly match student records from year to year (U.S. GAO 2006c).

Roadmap to the Future

Developing and Strengthening Data Systems

In many ways the requirements of NCLB stretched the technology commonly used by states at the time. States equipped themselves to measure progress by comparing one year's performance to the next, although most were not able to track growth in students' achievement from year to year. States were also ready to examine the credentials teachers brought to the profession, but still are not prepared to determine which teachers are effective in improving student learning.

To implement the recommendations in this report—in particular, the proposals to include student growth in calculations of AYP and to determine whether teachers and principals are “effective”—the federal government and states must partner to create more sophisticated data systems that can track student achievement over time and provide critical information to parents, teachers and school administrators. Some states have begun to develop such systems, but all states need to pick up the pace to ensure that needed information is collected and available.

Therefore, we recommend requiring all states to design and implement a high-quality longitudinal data system within no more than four years of the enactment of a reauthorized NCLB. These systems must have common elements, and the federal government should provide formula grants to assist states in their development and implementation—a funding method similar to that used to develop NCLB's assessments for grades 3 through 8. Each data system must be capable of allowing states to calculate growth in student achievement from year to year and teachers' and principals' contributions to classroom performance. We recommend that states wishing to institute growth models as a part of their AYP systems also be required to begin assessing whether teachers in their state are highly qualified and effective teachers, as described in the teacher and principal section of this report.

The data systems we recommend would adopt the data elements endorsed by the Data Quality Campaign that are relevant to the K–12 system. These elements are the minimum necessary to execute our recommendations. We do not, however, within the scope of these recommendations, want to discourage states from developing data systems that go beyond those requirements, including a postsecondary focus. We believe that states should augment their systems to include information on postsecondary attendance and outcomes and other useful indicators.

Key to the operation of these data systems is professional development for those who use it, as well as those who input information into the systems. The individual at the school or district level who inputs course data and achievement results is just as vital to the accuracy and functioning of these data systems as the state education department employee who determines which schools have made AYP. **Therefore, we recommend that states provide professional development for all individuals who use and maintain these systems.**

The data systems we recommend must also be constructed to enable states to easily share student and teacher information. This will allow states and schools to track mobility and ensure that they have the most up-to-date information on all students. Systems must also be connected to the efforts to link migrant student record systems to ensure the transfer of these records across and within states. Additionally, states with existing data systems could continue to use those systems under our recommendations if those systems meet the necessary requirements.

Data systems should also be constructed to allow appropriate access by researchers for program examination and evaluation. Certainly these data systems should be constructed to protect the privacy of student records, but their use in identifying effective interventions and programs should be maximized.

Although many states have begun to create data systems, their development and refinement will require additional resources. **Therefore, we recommend that the federal government provide an additional \$100 million a year for four years, under a formula grant program, to assist states in the development and implementation of sufficient data systems.**

We also must ensure that the data systems developed by states can do the job. Too often in our experience with federal education laws, some states fail to fully implement certain requirements. The fact that several states still do not have fully compliant assessment systems 12 years after the requirements to do so went into place is a relevant example of this difficulty.

We view our data system recommendations as a core element of the high-achieving education system we envision. If these data systems are not in place in every state, we will not be able to give all schools credit for growth or ensure that their teachers are not only qualified, but also effective. **Therefore, we recommend that states, upon the complete development and implementation of their data systems, submit an audit report by an independent entity that certifies that these systems meet the requirements contained in our recommendations.** This audit would ensure that all states' systems are fully implemented and capable of being used in the manner and spirit we envision.

Future Vision

If these recommendations are adopted, we envision robust data systems that are reliable, accurate and used effectively to ensure that teachers, principals, communities, and district and state officials have access to high-quality information they can use to improve student achievement. Such systems measure the growth in student achievement over time, determine the “value added” teachers bring to student learning, track migrant students and target resources to the schools that need them most.

A high-quality data system ensures effective warehousing and compatibility. It allows the portability of records and access to researchers while maintaining privacy for student records. States and districts offer appropriate professional development to enable educators to use the data system effectively.

At a minimum, an effective data system for K–12 includes these elements: a unique statewide student identifier; student enrollment, demographic and program participation information; the ability to match individual student test records from year to year; information on untested students; student graduation and dropout data; a teacher-identifier system; student transcript information and a state data-audit system. Other useful capabilities for states to consider are tracking students through postsecondary education and initial employment, matching student records between pre-K–12 and postsecondary education and student college-readiness test scores.



effective teachers & principals

improved accountability

better school improvement
and student options

fair & accurate assessments

high standards for all

improved high schools

reliable & accurate data

**additional
elements**

Additional Elements of a High-Achieving System

All of the elements discussed in this report—teacher and principal effectiveness, accountability, improving low-performing schools, providing student options, strengthening assessments, setting rigorous standards, reforming high schools and requiring high-capacity data systems—are essential for an education system that will raise achievement for all students, regardless of race, ethnicity, economic status, disability and language ability, and close achievement gaps. While all students are at the core of these elements, there are additional issues affecting some groups of students that must also be addressed. Some elements addressing these groups were included in NCLB, and the law should be strengthened to ensure that they contribute to creating more effective education systems. At the same time, the law should address new elements that are critical to ensuring that these students learn what they need to become productive workers and citizens in the 21st century.

Addressing the Needs of English Language Learners

In addition to learning reading, mathematics, science and other subjects, English language learners face the challenge of mastering a second language—English. Because America's population of English language learners is large and growing, the success of schools in educating them effectively will determine whether schools are truly able to bring all students to proficiency, both academically and in English.

Since 1994, the number of English language learners in U.S. schools has grown from 2 million to 3 million students in 2000 and to 5 million students today. This represents a 65 percent increase in English language learner student growth since 1994 (NCELA 2005).

However, English language learners are not distributed evenly in all schools—the West continues to have a stronghold on the number of English language learners, home to 54 percent of English language learners in 1994 and 57 percent in 2000. But the number of English language learners has increased and continues to grow in the Midwest (from 136,000 to 276,000) and in the South (521,000 to 723,000) (Meyer, Madden and McGrath 2005).

The English language learner population is diverse. Although most English language learners speak Spanish, many other languages are represented in U.S. schools. Some of the fastest-growing segments of the English language learner population are Chinese, Vietnamese and Arabic. English language learners also vary widely in their fluency in their home languages. While some students have extensive educational backgrounds before coming to the United States, others have had little education.

Research suggests that students can learn basic reading skills in about two years, if they are carefully taught. However, learning basic reading is not enough for students to succeed in school. The chances of English language learners failing later are greater than for native English speakers. It takes longer for English language learners to learn the vocabulary and reading comprehension skills needed for academic achievement in core subjects (American Educational Research Association 2004).

What NCLB Requires

Title III of NCLB provides grants to states and districts to support instruction for English language learners. The grants can be used for professional development for teachers, planning and evaluation, and technical assistance. In return, states must establish standards and objectives for raising English proficiency that are derived from the four recognized domains of speaking, listening, reading and writing, and that are aligned with the state standards of academic content and student achievement established under Title I.

Under Title I, states must annually assess the English proficiency of all English language learners, in addition to their academic achievement. States must set annual measurable achievement objectives (AMAOs) for increasing the number or percentage of children making progress in learning English; the number or percentage of children attaining proficiency in English; and the number or percentage of English language learners making AYP.

If a district fails to achieve its AMAOs for two consecutive years, the state requires the district to develop an improvement plan and provide technical assistance. If a district fails to reach objectives for four consecutive years, the state requires the district to change its instructional program or determine whether the district should continue to receive Title III funds. If a district does not reach its AMAOs for four consecutive years, the state requires the district to replace personnel contributing to the district's inability to make its AMAOs.

As challenging as NCLB's expectations are, this initiative has forced our school community to be accountable for the instruction and learning process of students who are learning English. Our school is rising to the occasion, and I am witnessing an amazing transformation all because NCLB exists.

—Resource teacher from Imperial Beach, California (submitted through the Commission's Web site)

How the Law Has Been Implemented

As of the 2004–05 school year, all states had standards for English language proficiency, and all states had developed tests to assess proficiency in English. However, not all tests met NCLB requirements. Only half the states had linked their assessments to the standards, and 22 states had either not made that link or planned to link their standards to revised assessments (Stullich et al. 2006).

Witnesses told the Commission that states and districts have been hampered by a lack of research on assessment for English language proficiency and for academic achievement of English language learners. The assessments vary widely from state to state, and states are using a broad range of accommodations for English language learners on state tests, according to the U.S. DOE's Office of English Language Acquisition.

The method for determining AYP for the English language learner subgroup may also be inappropriate. As noted in the accountability section, the current method compares one group of students in one year with a different group of students who took tests the previous year. For English language learners, the problem is compounded by the fact that students may enter and leave the country. Further, students who become proficient in English are no longer considered English language learners. So the year-to-year comparisons are not based on the same group of students. In Miami-Dade County, Florida, for example, some 25,000 English language learners enter or leave the district each year. Although the state report showed that only 9 percent of English language learners were proficient in reading and mathematics

in 2003, the district tracked the children who had taken the tests the year before and found that 62 percent of them were proficient. The U.S. DOE recently began an effort to examine the diversity of states' English language learner assessments and to gauge whether accommodations address the unique linguistic needs of all English language learners. The U.S. DOE is working with states and providing them technical assistance in these areas.

Roadmap to the Future

States have made enormous strides in assessing both the English proficiency and academic achievement of English language learners. Yet they still have a long way to go. Not all states have fully implemented English proficiency standards and assessments that meet NCLB's requirements, and many lack subject-area assessments that are valid for testing students who are not yet proficient in English.

Recommendation

Therefore, we recommend withholding a portion of a state's administrative funding if a state has not fully developed and implemented English language proficiency standards, assessments and AMAOs one year after enactment of a reauthorized NCLB. While these assessments and standards are relatively new requirements, first enacted as part of NCLB, their implementation is critical. Before NCLB there was little, if any, accountability for the English proficiency of English language learners. The U.S. DOE's current requirement to fine states that failed to implement the academic standard and assessment requirements set forth in the 1994 version of ESEA has led to increased compliance by states in this area. It is our hope that this recommendation will have a similar effect.

Recommendation

In addition, states should be allowed to develop and implement alternate assessments in academic subjects and for assessing English language proficiency for English language learners who have been in U.S. schools for less than three years. Alternate means of assessing knowledge can be critical to helping identify student weaknesses and to fairly and accurately holding schools accountable for performance. Alternate assessments for English language learners would increase the validity and reliability of assessment options for these children.

Recommendation

The U.S. DOE should also be required to develop a common scale across states for measuring English proficiency. The U.S. DOE would use this scale to create a performance standard for what constitutes English proficiency across the states. Presently, the level of English proficiency necessary to be identified as an English language learner varies greatly from state to state. Yet children and their families are highly mobile and must be prepared to compete in a national economy that requires a high level of English proficiency.

Improving Teaching for English Language Learners

The growing population of English language learners, along with the increasing inclusion of English language learners in regular classrooms, has placed rising demands on regular education teachers. Now many teachers who were not trained to teach students who are learning English are doing so. With additional preparation, though, regular education teachers can succeed with a linguistically diverse student population.

Therefore, we recommend improving teaching for English language learners by requiring states to establish an endorsement for teacher certification for providing instruction to English language learners, a credential 25 states now issue (Garcia 2001). Teachers would be required to obtain this endorsement if they spend more than 25 percent of their teaching time teaching English language learners. We believe this recommendation will help ensure that those who provide instruction to English language learners receive the training and support they need to help their students achieve.

Future Vision

If these recommendations are adopted, we envision a high-achieving system that measures the academic achievement and English proficiency of English language learners in fair and consistent ways. It also ensures that teachers with English language learners in their classrooms are prepared to teach these students.

Strengthening Early Childhood Education

While NCLB focuses primarily on the role of schools in ensuring that all young people attain the knowledge and skills they need to succeed, educators and policymakers know that children's preparation before entering school also has a lot to do with how well they achieve beyond kindergarten. By one estimate, half of the white-African American achievement gap in 12th grade can be explained by the gaps in achievement in 1st grade (Phillips, Crouse and Ralph 1998).

Children differ considerably in their cognitive skills by the time they enter school. Overall, 66 percent of the class that entered kindergarten in 1998 could recognize letters and 94 percent could identify numbers and shapes and count to 10. But only 38 percent of children whose mothers lacked a high school diploma could recognize letters, compared with 86 percent of children whose mothers had a bachelor's degree or higher (Denton and Germino-Hausken 2000).

Because of concerns about the reliability and appropriateness of tests for young children, most states do not test children before 3rd grade, the level at which NCLB requires testing to begin. However, in 2003 the U.S. Department of Health and Human Services, under the Head Start program, began implementing a testing program for 4- and 5-year-olds to gain information about program quality. The test,

known as the National Reporting System (NRS), was created by the U.S. Department of Health and Human Services to provide a common measure of outcomes in all Head Start programs to identify problems and direct resources to program improvement. The NRS has attracted considerable controversy, however. Critics claim that it measures a narrow scope of pre-literacy skills and might not yield valid results for many students, particularly English language learners (U.S. GAO 2005a).

What NCLB Requires

In addition to the Reading First program, NCLB includes a smaller program, known as Early Reading First, that provides grants to private organizations and districts to implement literacy programs and professional development aimed at supporting the oral and print literacy of children in pre-K programs. The Early Reading First program provided \$103 million in grants in fiscal year 2006.

Districts are also permitted, but not required, to use their Title I funding to operate early childhood and pre-K programs.

How the Law Has Been Implemented

Some states and districts have made conscious efforts to link their pre-K programs to elementary programs under NCLB. For example, in Georgia, which has implemented a universal pre-K program that serves 74,000 children, the state has developed content standards for pre-K that are aligned with standards for primary grades. Georgia's Department of Early Care and Learning, the state department of education, and the state university and community college system are working to create a seamless pre-K through grade 3 system, according to Marsha Moore, Commissioner of Bright from the Start, Georgia Department of Early Care and Learning.

The use of Title I funding for early childhood and pre-K programs is small. The U.S. DOE estimates that 2 to 3 percent of Title I funding was used for early childhood programs in fiscal year 2002 (NCCIC 2005). However, the districts that have used Title I funding for this purpose strongly believe it is a worthwhile investment. The



Commissioner Eugene García questions witnesses during the Commission's hearing in Washington, DC.

school district of Independence, Missouri, has been providing early childhood services in schools for 27 years, using funding from the federal Title I program. Some 80 percent of students in the district have been served by the program, and results show that participants perform well academically.

Integrating early childhood and elementary programs raises a number of issues, however. One is accountability. Program administrators and the public want to know whether children are prepared to enter kindergarten, and they want to know whether programs are succeeding in preparing children adequately for school. But early childhood educators remain wary of tests like the Head Start NRS because they believe the results of such tests may be inappropriately used.

Roadmap to the Future

Although the number of children attending preschool is growing rapidly, children still enter kindergarten with widely varying knowledge and skills. Waiting until students are in 3rd grade to identify those who need additional help represents a critical missed opportunity for helping children be on track to reach high standards.

However, we must be careful, for assessing young children is different from assessing students in 3rd grade and above. The instruments used to gauge their knowledge and skills must be age-appropriate in design and use.

Therefore, we recommend strengthening the preparation of preschool and kindergarten students by authorizing districts to administer screening assessments to students in preschool (where applicable) and kindergarten. These assessments would identify the learning needs of the students and help teachers and schools make adjustments in instruction. However, these assessments would not be used for accountability purposes and would not apply to Head Start programs that are operated by school districts. Elementary schools identified as in need of improvement would be required to administer such assessments.

Future Vision

If these recommendations are adopted, we envision a high-achieving system that does not wait until students are in 3rd grade to determine if they have the necessary foundation to succeed academically. Beginning in preschool and continuing through kindergarten and the primary grades, teachers administer screening assessments to gauge students' knowledge and skills and provide appropriate instructional interventions based on the results. These assessments, and appropriate instructional attention, help ensure that students arrive in 1st grade ready to learn to high levels.

Improving Support for Migrant Students

One of the biggest challenges schools face in ensuring that all students reach proficiency is educating migrant students. Students who move during the school year are much more likely than other students to be low achievers or to drop out of school (U.S. GAO 1994). Migrant students face even tougher challenges than other mobile students, though, because they move so frequently and relocate to different districts or even different states. Thus, they not only face adjustment problems, but they also confront different curriculum, standards and assessments. Migrant students have a lower graduation rate (50 percent) than other highly mobile students (60 percent), according to the National Association of State Directors of Migrant Education (NASDME 1994).

It is difficult to know how many migrant students are in U.S. schools. About 500,000 students received migrant education services during the 2000–01 school year, and about 300,000 received services during the summer of that year (NCES 2003). But those tallies include all students who received services. Some students could have received services in multiple states. Thus, the count may overstate the number of migrant students and does not take into account the level or duration of services.

A national Migrant Student Record Transfer System (MSRTS), which was designed to enable states to transfer the education records of migrant students, was created by the federal government in 1969. However, as information technology advanced, the system was seen as increasingly outmoded, in part because it relied on paper records that had to be mailed from the MSRTS office in Little Rock, Arkansas. A report by the U.S. GAO found that the system did not provide complete or timely information and, as a result, was used infrequently. Schools often used records from a student's previous school rather than rely on the MSRTS, the U.S. GAO found (U.S. GAO 1994). In response to these findings, the U.S. DOE and Congress agreed to discontinue the MSRTS, and it was shut down in 1995.

Since that time, states have operated their own migrant record systems, primarily using three systems that have been developed by private vendors. However, there is currently no national system, and only recently have concrete efforts begun to link the state systems.

What NCLB Requires

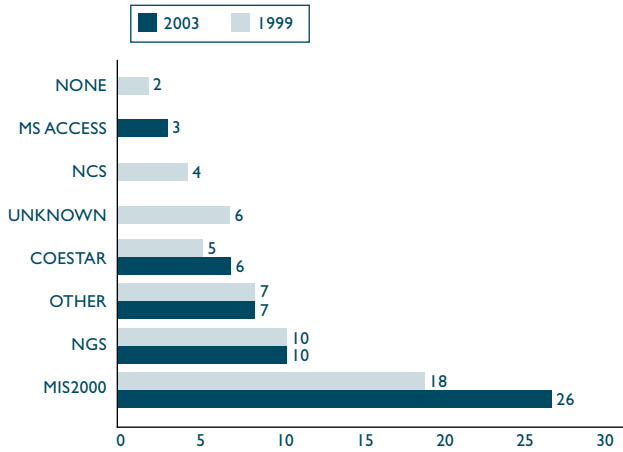
Title I, Part C, authorizes grants to states, based on the number of migrant students they serve, to help states develop educational programs to reduce disruptions for migrant students. The program also aims to help ensure that migrant students are not penalized for disparities among states in curriculum and graduation requirements and that they are provided with appropriate services. Lastly, Title I, Part C, requires the U.S. DOE to establish a system to link existing state migrant student record systems.

How the Law Has Been Implemented

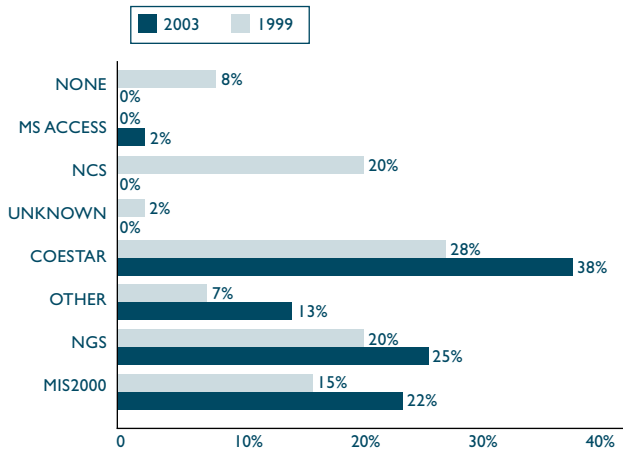
In 2003, the U.S. DOE issued a status report on migrant student record transfer systems. The report noted that 42 states had record systems that were developed by private vendors. The other states had custom-built systems developed in-house or by private consultants.

The report concluded that it is feasible to link the existing record systems, but that no consensus at the time existed on the minimum data elements for such a system. In addition, the report noted that creating a nationally linked system faced several

Number of States Using Each Migrant Student Record System (1999 Versus 2003)



Percentage of Migrant Students by Each Migrant Student Record System (1999 Versus 2003)



Source: U.S. Department of Education. *Education of Migratory Children: Maintenance and Transfer of Health and Educational Information For Migrant Students by the States.*

barriers, including districts' concern about the burden of developing and maintaining databases on migrant students. Since the issuance of the report, the U.S. DOE has finalized the minimum data elements necessary to link existing state systems (U.S. DOE 2003).

In 2006, the U.S. DOE issued a request for proposals for a contractor to develop a means to link the state systems. A contract was recently awarded, and the system is expected to be in place approximately one year from the date the contract was issued.

Roadmap to the Future

While intrastate data systems are essential to tracking student achievement over time, interstate data systems are crucial for serving migrant students who move frequently from state to state, often several times during a school year. Schools they enter need to know students' academic and health backgrounds upon arrival to provide them the services they need and to assign proper academic placement.

Yet it has been more than a decade since the national MSRTS was discontinued, and no national system to facilitate records transfer has been in place. The U.S. DOE issued a request for proposals to create a new national record transfer system in September 2006. It is essential that the contract the U.S. DOE recently awarded be effectively monitored to ensure it is producing desired results. For far too long, we have forced migrant students to be vaccinated several times in a school year, to repeat classes already taken or to be placed in inappropriate classrooms.

Recommendation

Therefore, we recommend strengthening the tracking of the health and education records of migrant students by ensuring the complete and timely implementation of the new U.S. DOE effort to link state systems. Specifically, we recommend that the U.S. DOE report to Congress every two years on the implementation and operation of the system to link state systems. This report would include recommendations for the improvement of the linkage system.

We strongly believe that the quick and thorough implementation of a system to link state records is critical and much overdue. While NCLB did not stipulate when a linkage system should be in place, we are disappointed that it has taken five years to begin establishing this system.

Recommendation

In addition, we recommend supporting migrant students who are most in need by giving priority for migrant student assistance to children who are achieving below state standards and who have the highest degree of mobility or are disabled. Migrant students who are highly mobile or are disabled have a greater need for services because they are most at risk of struggling academically.

We also recommend that, as a condition of receiving Title I, Part C, funding, migrant students with disabilities receive the evaluations and services to which they are entitled under IDEA and Section 504 of the Rehabilitation Act. Migrant children who should be identified under IDEA or Section 504 are often overlooked because of their rate of mobility.

Significant controversy has also been generated over the accuracy of state counts of migrant children. These counts are critical to determining each state's level of Title I, Part C, funding. Several high-profile investigations by the U.S. DOE Inspector General have raised serious questions about states' procedures for counting migrant children.

Therefore, we recommend that states submit, along with their counts of migrant children, documentation on the accuracy of these counts. The U.S. DOE would be required to annually audit a small number of states to determine the accuracy of these migrant student counts.

Attention has also been focused on whether children of workers who are working in migrant occupations, but did not originally intend to do so, should receive services under Title I, Part C. Some parents may have intended to obtain employment in fields that are generally not recognized as temporary or seasonal. However, if these parents took jobs in fields that are identified as temporary or seasonal, their children often are in situations identical to children whose parents originally intended to work in temporary or seasonal occupations. Unfortunately, the current guidance and regulations from the U.S. DOE prohibit serving children whose parents originally intended to obtain employment in a field that is not temporary or seasonal, regardless of their current employment status.

Therefore, we recommend that Title I, Part C, allow individuals to qualify as migrant workers (therefore allowing their children to qualify for migrant educational program services) if they work in an employment field that qualifies them as migrant workers, regardless of their original intent in seeking employment. This will eliminate the dual system that has developed in many parts of the country.

We also recommend that the U.S. DOE coordinate services funded under Title I, Part C, with the U.S. DOL and the U.S. Department of Health and Human Services, which also provide services to migrant populations, to minimize gaps in services and ensure program efficiency.

Future Vision

If these recommendations are adopted, we envision a high-achieving system that has in place a valid and reliable method for tracking the health and education records of migrant students so that they can receive appropriate education services wherever they attend school in a given year. It also ensures that the migrant students who move most frequently and who have the greatest need for assistance receive the highest priority for aid.

A Call to Action

Over the past five years, NCLB has changed the educational landscape in our nation by demanding improved achievement, enhancing our understanding of teacher quality, strengthening classroom practice and increasing options for students. These changes, we believe, have benefited students, families, schools and our nation. We also know, however, that NCLB has not made enough impact on student achievement. We must improve the law to drive progress further and faster. We know that we must do more to ensure that all students achieve at high levels and that every school succeeds.

Some of our recommendations will mean stricter enforcement by the U.S. DOE. Some will require changes to the law and new ways of doing business. But collectively they will lead to substantial and improved differences in American education.

We believe that our recommendations should be considered as a whole. A high-achieving education system includes all of the elements outlined in this report—teacher and principal quality and effectiveness, strong accountability, increased high-quality student options, significant school improvement, accurate assessments, common high standards for all students and more. We must ensure that each element is producing results. But we also must take bold steps to make sure that the changes in implementing NCLB are meaningful. The goal is not to simply comply with federal regulations; it is to improve education for every student, in every school.

We urge Congress, educators, parents and community members across the country to join us. Together, we can fulfill the promise to America's children.

Summary of Recommendations

Effective Teachers for All Students, Effective Principals for All Communities

We recommend:

Ensuring Teacher and Principal Effectiveness

- Assessing the quality of our teachers based on their effectiveness in raising student achievement rather than just by their qualifications for entering the classroom. This requires all teachers to produce student learning gains and receive positive principal or teacher peer review evaluations to meet the new definition of a Highly Qualified and *Effective* Teacher (HQET).
- Enhancing school leadership by establishing a definition of a Highly Effective Principal (HEP). This requires principals to obtain certification or licensure as required in their state, demonstrate the necessary skills for effectively leading a school and, most importantly, produce improvements in student achievement that are comparable to high-achieving schools made up of student populations with similar challenges. All principals should meet this new definition, but it would be required for those working in a Title I school.

Providing Teachers and Principals With the Support and Resources They Need

- Giving guaranteed professional development to teachers who need it most. Teachers who, after two years, are at risk of not attaining the new HQET status will receive high-quality professional development specifically designed to address their needs.
- Improving the quality and quantity of professional development for school leaders by requiring districts in need of improvement to dedicate a portion of their Title I funds to the professional development of principals.
- Focusing the No Child Left Behind Act's (NCLB) specific teacher and principal professional development funding—Title II of the Elementary and Secondary Education Act (ESEA)—on activities that are proven to strengthen the ability of teachers to provide better instruction.
- Identifying the needs of both principals and teachers more accurately by requiring principals to be included in the needs assessment conducted before allocating Title II funding.

Ensuring Quality and Effectiveness for All Children

- Ensuring quality teachers for all students by requiring that all schools—Title I and non-Title I—have similar expenditures for teacher salaries and comparable numbers of HQETs.
- Granting principals in Title I schools the ability to refuse the transfer of a teacher into his or her school if that teacher has not obtained Highly Qualified Teacher (HQT) or HQET status. Giving principals more control over who teaches in their school will empower them to build a qualified, effective and cohesive team of teachers.

Increasing the Supply of Effective Teachers

- Requiring institutions of higher education to establish goals for increasing the number of graduates qualified to teach in shortage areas.
- Preparing our teachers well by requiring institutions of higher education to set goals for linking their instruction with the needs of schools and the demands new teachers will face in the classroom.
- Requiring school districts with high rates of teacher turnover to develop plans to recruit and retain effective teachers—including individuals from nontraditional routes. These plans would require districts to consider how to effectively mentor new teachers, use bonus pay to attract the most successful teachers and those in subject shortage areas, improve working conditions and develop multiple career paths.
- Removing barriers for teachers who wish to teach in other states by creating incentives for states to make certification and licensing reciprocal across states, and by conducting a study of pension portability.

Accelerating Progress and Closing Achievement Gaps Through Improved Accountability

We recommend:

Ensuring Accuracy and Fairness and Rewarding Progress

- Improving the accuracy and fairness of adequate yearly progress (AYP) determinations by allowing states to include achievement growth in AYP calculations. These calculations would enable schools to receive credit for students who are on track to becoming proficient within three years, based on the growth trajectory of their assessment scores.
- Holding schools accountable for student achievement in science by requiring states to include the results of the science assessments required under NCLB in the AYP calculations of schools and districts. To ensure the gap in science achievement is

closed, states would set annual measurable objectives for science that mirror the timeline presently in place for mathematics and reading.

- More accurately identifying struggling schools by requiring schools to be identified for improvement if they do not make AYP for the same subgroup in the same subject for two consecutive years.

Ensuring Accountability for All Students

- Holding schools accountable for the achievement of all students by restricting the minimum subgroup size to no more than 20 and confidence intervals to no more than 95 percent. We recommend giving the U.S. Secretary of Education waiver authority to increase the maximum subgroup size to 30 in cases where states can justify such a number.
- Improving the rules for including students with disabilities in AYP calculations. Specifically, we recommend maintaining the U.S. Department of Education's (U.S. DOE) 1 percent policy (allowing children with severe cognitive disabilities to be assessed against alternate achievement standards using alternate assessments) and amending the proposed 2 percent policy (allowing students with disabilities to be assessed against "modified achievement standards") by reducing the cap to 1 percent.
- Ensuring that decisions are made properly and children with disabilities are assessed in the most appropriate manner by strengthening the procedures for determining which children are included in the above categories and improving the tools and training available for Individualized Education Program (IEP) teams to make those decisions.
- Allowing schools to more accurately measure the achievement of English language learners by extending the time period, from two years to three years, that English language learners who have attained proficiency in English can remain in the English language learner subgroup for AYP purposes.
- Holding schools accountable for improving the graduation rates of all students by closing the graduation-rate gap by 2014 and requiring states to conform to the National Governors Association compact on graduation rates. We also recommend requiring schools to disaggregate graduation-rate data, as well as the elementary school indicator used for AYP purposes (often school attendance), and use this disaggregated data and indicator in AYP calculations.

Making States Accountable for Upholding the Law

- Allowing parents and other concerned parties to hold districts, states and the U.S. DOE accountable for faithfully implementing the requirements of NCLB through enhanced enforcement options with the state and the U.S. DOE.

Moving Beyond the Status Quo to Effective School Improvement and Student Options

We recommend:

Maximizing Student Options While Improving Quality

- Increasing the availability of public school choice options by requiring schools that make AYP to reserve the equivalent of 10 percent of their seats for transfers from schools in which students are eligible for choice, and by requiring districts to annually audit the space available for choice transfers. Schools would not be allowed to deny enrollment to students who are geographically assigned to attend those schools.
- Ensuring that students in struggling schools receive the support they deserve by requiring districts that are unable to accommodate all requests for public school choice to offer supplemental educational services (SES) to otherwise eligible students.
- Improving access to SES providers by requiring districts to offer space in school facilities for private providers of SES if they offer the use of school facilities to other non-school-affiliated entities.
- Providing enrollment periods several times a year, and by allowing districts to form consortiums to better inform parents and provide SES to students.
- Strengthening the administrative support for districts to operate SES programs effectively by allowing them to reserve 1 percent of the funds expended on SES for administration.
- Simplifying the process for parents seeking to learn about options for their children by requiring districts to identify and publicize a person or office that would operate as a point of contact on SES and public school choice.
- Ensuring that SES providers are effective in producing student learning gains by requiring states to evaluate the impact of their SES providers on the achievement of children, and by requiring the U.S. DOE to use a portion of Title I funding to study the nationwide effects of SES on student achievement.

Engaging the Community in Addressing the Needs of the Whole Child

- Addressing students' behavioral and social needs by requiring schools to determine the availability of social services and mental health services when developing the school's improvement plan.

Demanding More Aggressive and Effective Interventions for Schools

- Requiring schools in corrective action to select a comprehensive set of interventions designed to have a broader impact, rather than the one option required to be selected presently.
- Requiring the U.S. DOE to provide further guidance to districts on what constitutes the last restructuring option—“any other major restructuring of the school’s governance arrangement that makes fundamental reforms.”
- Taking a new systemic, districtwide approach to turning around struggling schools by focusing on improving instruction and learning in schools, rather than making structural changes to the management and operation of districts.

Strengthening Capacity to Turn Around Low-Performing Schools

- Bolstering the capacity of states and districts to help low-performing schools by increasing the amount of federal funds set aside by states for school improvement from 4 percent of Title I funding to 5 percent, and by allowing districts to focus their restructuring efforts on the lowest-performing 10 percent of their schools.
- Giving schools adequate time to implement corrective actions and restructuring options by ensuring that identified schools have a full school year to implement the required interventions before moving to the next level of NCLB’s school improvement process. In addition, once a significant restructuring action is implemented in a school, the school would no longer be identified for school improvement.

Boosting Research and Development on School Improvement

- Enhancing research and development on effective school improvement by doubling the research budget for elementary and secondary education at the U.S. DOE’s main research arm, the Institute of Education Sciences. Increased funds should be aimed at research that assists schools in meeting the goals of NCLB.

Prohibiting the U.S. DOE From Influencing Program and Curriculum Decisions

- Barring the U.S. DOE from interfering with the selection and use by a state, district or school of a curriculum or program if it meets the requirements outlined in a program funded under the ESEA.

Fair and Accurate Assessments of Student Progress

We recommend:

Improving Assessment Quality

- Improving the quality of assessments to more accurately measure how all students are progressing by maintaining existing federal support for assessment development and targeting those funds to several new assessment priorities:
 - ♦ Improving the quality of state assessments
 - ♦ Creating and implementing alternate assessments for students with disabilities and English language learners
 - ♦ Further developing and implementing high-quality science assessments currently required under the law
 - ♦ Developing the 12th grade assessment (described below)
 - ♦ Upgrading test delivery and scoring technology to yield quicker and more accurate data to districts, parents and schools

Improving Instruction Through Assessments

- Providing teachers and parents with information on student progress throughout the year by permitting districts to use a portion of their Title I funds to develop or acquire and implement high-quality formative assessments aligned to state standards. These assessments would not be used for accountability purposes, but rather as tools to improve instruction to better address student needs. Formative assessments would be required for schools that are identified for improvement.
- Offering a more inclusive environment for all types of learners by developing state plans for establishing universally designed assessment systems.
- Requiring states to align grade-level tests to enable the tracking of student progress from year to year.

High Standards for Every Student in Every State

We recommend:

Ensuring That Students Are Prepared to Succeed Beyond High School

- Ensuring that our students are ready to meet the demands of citizenship, education and work beyond high school by requiring states to assess their reading or language arts, mathematics and science standards against requirements for success in college and in challenging jobs. All states must complete this analysis—in consultation with representatives of higher education and business in their state—within one

year of enactment of a reauthorized NCLB to participate in a national summit to be convened by the U.S. Secretary of Education.

- Raising the bar of expectations for all American children through the development of national model content and performance standards and tests in reading or language arts, mathematics and science based on National Assessment of Educational Progress (NAEP) frameworks. For NCLB accountability purposes, states could adopt the resulting national model standards and tests as their own; build their own assessment instruments based on the national model standards; or keep their existing (or revamped) standards and tests. States choosing the second or third option would have their standards and tests analyzed and compared to the national model.
- Keeping the public informed about states' expectations by requiring the U.S. Secretary of Education to periodically issue reports comparing the rigor of all state standards to the national model using a common metric.

Ensuring High Schools Prepare Students for College and the Workplace

We recommend:

Strengthening Accountability and Support for High Schools

- Supporting struggling high schools by requiring districts in which more than half of the high schools did not make AYP—or in which half the students attend high schools that did not make AYP—to develop and implement comprehensive, districtwide high school improvement plans.
- Ensuring the continuous achievement of high school students by requiring states to administer an additional assessment in grade 12. This 12th grade assessment will create a useful measure of a high school's effectiveness in preparing students for life after high school and make possible the inclusion of growth calculations in AYP for high schools and HQET/HEP measurements for high school teachers and principals. This assessment would not be the sole determinant of whether a student graduates and receives a diploma. States can consider awarding college credit in state-supported colleges and universities for students who show mastery of college-level material on this assessment.
- Providing useful and actionable information on school quality by requiring states to include additional information in their annual report cards. The report cards should include student attendance rates; the attendance and turnover rates for teachers and principals; graduation rates disaggregated by racial and ethnic groups, special education status and English language learner status; and the percentage of students in high-level courses.

Driving Progress Through Reliable, Accurate Data

We recommend:

Developing and Strengthening Data Systems

- Requiring all states to design and implement a high-quality longitudinal data system within four years of the enactment of a reauthorized NCLB, and to provide professional development for all individuals who use and maintain these systems. Such data systems are needed to implement the recommendations in this report—in particular, the proposals to include student growth in AYP calculations and to determine whether teachers and principals are “effective.” States that had systems operating before a reauthorized NCLB will be permitted to use these systems if they meet specific data elements required under the statute.
- Assisting states in the development, implementation and ongoing support of sufficient data systems by increasing the Institute of Education Sciences’ longitudinal data systems grant program by an additional \$100 million a year for four years.
- Ensuring that all states’ systems are fully implemented and capable of being used in the manner and spirit we envision by requiring states, upon the completion of development and implementation of their data systems, to submit an audit report by an independent entity that certifies that these systems meet requirements.

Additional Elements of a High-Achieving System

Addressing the Needs of English Language Learners

We recommend:

- Withholding a portion of a state’s administrative funding if that state has not fully developed and implemented English language proficiency standards, assessments and annual measurable achievement objectives.
- Increasing assessment options for English language learners by allowing states to develop and implement alternate assessments in academic subjects and English language proficiency for English language learners who have been in U.S. schools for less than three years.
- Requiring the U.S. DOE to develop a common scale across states for measuring English proficiency.
- Ensuring that individuals who teach English language learners receive the training and support they need by requiring states to establish an endorsement for teacher certification for those who spend more than 25 percent of their teaching time providing instruction to English language learners.

Strengthening Early Childhood Education

We recommend:

- Strengthening the preparation of preschool and kindergarten students by authorizing districts to administer screening assessments to students in preschool (where applicable) and kindergarten. These assessments would identify the learning needs of the students and help teachers and schools make adjustments in instruction, and would not be used for accountability purposes.

Improving Support for Migrant Students

We recommend:

- Strengthening the tracking of the health and education records of migrant students by ensuring the complete and timely implementation of the new U.S. DOE effort to link state systems, and by requiring the U.S. DOE to report to Congress every two years on the linkage system's implementation and operation, as well as recommendations for system improvement.
- Supporting migrant students who are most in need by giving priority for migrant student assistance to children who are achieving below state standards, have the highest degree of mobility or are disabled.
- Ensuring migrant students with disabilities receive the evaluations and services to which they are entitled under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.
- Improving the accuracy of state counts of migrant children by requiring states to submit, along with their counts of migrant children, documentation on the accuracy of these counts. The U.S. DOE would annually select a small number of states to audit to determine the accuracy of these migrant student counts.
- Eliminating the dual system of classification that has developed in many parts of the country by allowing individuals to qualify as migrant workers (and therefore allowing their children to qualify for migrant educational program services) if they work in an employment field that qualifies them as migrant workers, regardless of their original intent in seeking employment.
- Minimizing gaps in services by requiring the U.S. DOE to coordinate services funded under Title I, Part C, with migrant services provided by the U.S. Department of Labor and the U.S. Department of Health and Human Services.

Recommendations for Effective Teachers for All Students, Effective Principals for All Communities

Issue	Current Statute/Regulation	Recommendation
Definition of a Highly Qualified Teacher <i>Section 9101(23)</i>	All teachers must be highly qualified by the end of the 2006–07 school year (originally 2005–06 school year, but extended via guidance from the U.S. Secretary of Education). Highly qualified is defined as possessing state certification or licensure, holding a bachelor's degree and demonstrating subject matter knowledge.	<p>Highly Qualified Teacher (HQT). Maintain current law for four years after the enactment of a reauthorized NCLB as described below in the HQT section. Add one additional way to acquire HQT status: obtaining an advanced credential that requires mastery of subject matter and pedagogy through a comprehensive portfolio assessment.</p> <p>Highly Qualified and Effective Teacher (HQET). During the initial period of reauthorization (2008–12) all teachers teaching core academic subjects would be required to meet HQT or HQET requirements. HQET would include all of the existing HQT provisions and would also require teachers to meet both of the following criteria:</p> <ul style="list-style-type: none">• Demonstrating, through a value-added metric, learning gains by their students in the subjects they teach• Attaining one of the following: a positive evaluation of a teacher's performance by his or her principal, or a positive evaluation of a teacher's performance through a peer review process <p>The processes developed or selected for peer and principal reviews must be approved by a state or district, and teachers and principals would be required to receive training in its use. The demonstration of learning gains would be weighted no less than 50 percent of the total evaluation toward achieving HQET status.</p> <p>All states must establish HQET within four years of enactment of a reauthorized NCLB, but can implement such requirements earlier if they can demonstrate ability to meet necessary data requirements. <i>HQET would require each state to develop a data system capable of value-added measurement (tracking individual student progress from year to year).</i> States that want to include growth in their adequate yearly progress (AYP) calculations would be required to implement HQET requirements at the same time that they implement plans for including growth in their AYP calculations.</p> <p>All teachers in a state would be required to meet the new requirement of HQET once HQET is established in that state. The Highly Objective, Uniform, State Standard of Evaluation (HOUSSE) process for teachers who were teaching before the passage of NCLB would be preserved during the reauthorization period and as a part of HQET.</p>

<p>Information on the HQT status of teachers would be reported to parents on state and local report cards in a way that is similar to current HQT reporting. The parent right-to-know provisions would also include HQT status of their child's teacher.</p> <p>Three years of achievement data by a teacher's students would be used to determine a teacher's HQT status. The learning gains of a teacher's students would be compared against the learning gains of other teachers in the state using a value-added metric. The learning gains of special education teachers and teachers of English language learners would be compared to other such teachers in the state. Teachers who are in the top three quartiles of producing learning gains and who also receive either a positive principal evaluation or peer review would be considered to have achieved HQT status. Once a teacher obtains HQT status, that teacher is not required to be evaluated on a yearly basis to maintain this status.</p> <p>After two of the initial three years of data is collected, teachers who are at risk of not achieving HQT status would be required to be given professional development and training designed to assist them in obtaining HQT status. Such professional development would be required to be continued for a total of three years. Title II teacher quality funds would be allowed to be used for this purpose.</p> <p>If a teacher has not achieved HQT status after three years of professional development, the school's principal must annually notify parents of the teacher's inability to achieve HQT status. Achievement data is generated for three years. Three years of professional development starts after the second year of data collection, and teachers have two more years to attain HQT status while parents are notified. The total time that teachers have to obtain HQT status is seven years. Teachers who fail to gain HQT status after this seven-year period would not be permitted to teach in Title I schools.</p> <p>HQT applies only to subjects in which NCLB requires assessments (presently reading or language arts, mathematics and science), unless a state, at its option, expands HQT to more subjects in which the state assesses performance.</p>		<p>The application of HQT to teachers in rural areas</p> <p><i>Section 9101(23)</i></p>
<p>Incorporate U.S. DOE's allowance of three years for teachers in some rural districts to become highly qualified in additional subjects into the statute. Clarify that subject matter competency can be demonstrated through one test or one HOU/SSE process, and multiple processes are not necessary.</p>	<p>The U.S. Department of Education (U.S. DOE) has issued guidance to allow teachers in some rural districts who are highly qualified in at least one subject to have three years to become highly qualified in the additional subjects they teach. Such teachers must be provided professional development, intense supervision or structured mentoring as part of this flexibility.</p>	

Issue	Current Statute/Regulation	Recommendation
The application of HQT to special education teachers <i>Section 9101(23)</i>	NCLB's HQT definition applies to special education teachers with several exceptions that were adopted as part of the most recent reauthorization of the Individuals with Disabilities Education Act (IDEA).	Special education teachers, when determining their HQT status, would be compared against other special education teachers. Clarify that subject matter competency can be demonstrated through one test or one HOUSSSE process, and multiple processes are not necessary.
Definition of a Highly Effective Principal	No such provision.	<p>A new "Highly Effective Principal" (HEP) designation, including factoring in student learning gains, would be established that is similar to the HQT provision recommended by the Commission. For principals to gain HEP status, they must do all of the following:</p> <ul style="list-style-type: none">• Demonstrate growth in achievement of the subgroups in their school that is comparable to high-achieving schools with similar demographic characteristics in the state• Obtain certification or licensure as a principal, as required in the state in which they are employed• Pass an assessment (which may include a peer review, state review or school district review component) administered by the state on the necessary leadership skills to be an effective principal (such as the Interstate School Leaders Licensure Consortium) <p>To implement the HEP designation, states must first have in place a database capable of tracking individual growth of students.</p> <p>States would have four years from the date of enactment of a reauthorized NCLB to develop and implement a system to designate principals as HEPs. This timeline is aligned to the timeline for implementing longitudinal data systems and HQT requirements. The HEP system would be required to be capable of identifying and comparing schools with similar demographic characteristics.</p> <p>After the state has developed and implemented such a system, veteran principals (those who were a principal before enactment of a reauthorized NCLB) would have three years to gain HEP status. New principals (those who did not hold a principalship before enactment of a reauthorized NCLB) would have three years from their date of hire to obtain HEP status.</p>

		<p>The HEP requirement applies to principals of Title I schools only.</p> <p>A principal who was employed at a school before it went into improvement status and remains through the corrective action process would have his or her HEP status revoked if that school continues to not make AYP following the corrective action interventions. After this revocation, and while the principal has not regained his or her HEP status, the principal could not be employed as a principal in a Title I school.</p> <p>An individual who becomes the principal of a school already in the school improvement process would not lose his or her HEP status simply because the school improvement process continues, including through restructuring. The maintenance of a principal's HEP status would not affect the ability of a district to select a restructuring option that may lead to the dismissal of the principal from the school.</p>
<p>Comparability <i>Section 11204(c)</i></p>	<p>School districts may receive Title I funds only if they use state and local funds in Title I schools to provide comparable services to the services provided in non-Title I schools. Title I funds are intended to be supplementary. If a school district doesn't attempt to use state and local funds in a manner that is comparable in Title I and non-Title I schools, Title I resources would not be supplementary, but instead would be replacing resources that should have been provided through state and local funding. School districts can satisfy this requirement through the establishment of a districtwide salary schedule and policies to ensure equivalence among schools, curriculum and teachers.</p>	<p>Tighten Teacher Comparability Requirements. Eliminate the current means of satisfying the comparability requirement for teachers (not curriculum and other services) and replace with these requirements:</p> <ul style="list-style-type: none"> • The expenditure of state and local funds on teacher salaries for Title I schools can be no less than 95 percent of average expenditure for such salaries in non-Title I schools (the specific measurement will compare the average salaries of teachers in Title I and non-Title I schools so a school with a smaller number of teachers would not have to expend the same amount as a school with a larger number of teachers to be viewed as comparable). • Title I schools have a number of HQTs and HQTs that is comparable to non-Title I schools in the school district. <p>Districts must develop a plan to phase in the comparability requirement over a three-year period. Districts may not implement this requirement through forced transfers of teachers to other schools or involuntary dismissals.</p>
<p>No forced teacher transfers</p>	<p>No such provision.</p>	<p>No Forced Transfers. A principal of a Title I school would have the ability to refuse to accept the transfer of a teacher to his or her school based on whether the teacher has obtained HQT (for current teachers) or HQT status (after implementation), if the teacher is eligible for such status.</p>

Issue	Current Statute/Regulation	Recommendation
Professional development for principals while school district is in improvement status	No such provision. However, under current law, schools and districts in need of improvement must reserve 10 percent of their Title I funding for professional development for teachers and instructional staff, but not principals.	School districts identified for improvement status would be required to include professional development for principals as part of the 10 percent reservation for professional development. Professional development using these funds must be focused on issues relevant to improving student achievement, such as using data effectively in decision-making.
Inclusion of principals in the needs assessment for determining the use of Title II professional development funding	Current law requires school districts to conduct a needs assessment to determine local professional development and hiring needs. Teachers are required to be "involved" in this needs assessment, which is supposed to identify both teacher and principal needs.	Consultation with principals would be required in the needs assessment process under Title II.
Institution of higher education teacher development requirements	No such provision.	<p>Higher Education Teacher Development Requirements. Amend the Higher Education Act to include a requirement that institutions of higher education (IHEs) that prepare prospective teachers, as a condition of participating in federal student aid programs, set annual goals to increase the number of prospective teachers in subject shortage areas (mathematics, science, special education, bilingual instruction) and more closely link the instruction provided by the IHE with the needs of schools and the instructional decisions new teachers face in the classroom. As part of these goals, IHEs would be required to ensure the following:</p> <ul style="list-style-type: none">• Teacher training provided by the IHE responds to the identified needs of the school districts or states in which their graduates teach• A focus on providing training for special education teachers to instruct in content areas• Regular education teachers are provided with training in teaching diverse populations, including special education students, English language learners and students from low-income families• Prospective teachers receive training to teach in urban and rural environments• Teachers and school leaders are trained in collaborative teaching methods <p>The attainment of such objectives would be required to be publicly reported.</p>

Teacher retention plan	No such provision.	<p>Teacher Retention Plan. School districts would be required to report their teacher turnover rate to the state, by HQT, HQET and non-HQT/HQET status. States would require school districts that fall into the bottom quartile of turnover of HQT and HQET to implement teacher retention plans. Examples of required elements of these plans are:</p> <ul style="list-style-type: none"> • Mentoring and induction supports to new teachers, including training to build collaborative professional learning methods focused on student achievement • The use of differential and bonus pay to attract teachers to hard-to-staff schools and to subjects with teacher shortages (mathematics, science, special education and English as a second language) • Using the results of a required state audit of the working conditions of teachers in schools to improve those conditions—such as more planning time, release time for professional development—to more effectively promote a collaborative professional learning environment • The development of several career paths for teachers (e.g., master or mentor teacher)
Use of Title II teacher quality funds <i>Title II, Part A</i>	<p>Presently, nearly \$3 billion in Title II, Part A, teacher quality funding is appropriated annually for professional development and other expenditures to improve teacher quality.</p> <p>Under current law, states have 18 different teacher-quality-related activities or programs they can fund under state-level activities in Title II, Part A. Under Title II, Part A, states reserve 2.5 percent of their allocation for activities or programs operated by the state.</p> <p>Under current law, school districts have more than 19 activities or programs that can be funded under their allocation under Title II, Part A. Under this part, school districts receive 95 percent of the state's allocation to fund such activities or programs.</p>	<p>Effective and Research-Proven Professional Development for Principals and Teachers. Reduce the scope of activities and programs that can be funded at the state and district level under Title II, Part A. Ensure such funded programs and activities are backed by research and proven-effective practices and address areas of need, such as improving skills of underqualified teachers, supporting and mentoring novice teachers, etc.</p>

Issue	Current Statute/Regulation	Recommendation
Reciprocity of teacher certification and licensure across states	Title II of NCLB allows the use of state funds to promote reciprocity among the states.	<p>Reciprocity of Teacher Certification or Licensure. Require or give states incentives to promote reciprocity of certification and licensure across states through consortiums or other means. States joining such a consortium could not lower the scores needed to pass teacher exams for certification. Teachers who are teaching in states in the consortium would have three ways to gain reciprocity:</p> <ul style="list-style-type: none">• Those meeting current HQT requirements• Those scoring in the top one-third of teachers in the state on teacher exams• Those who are awarded HQT status (as described above) <p>For states that join such consortiums, course content that is specific to the receiving state will be provided to teachers online or at no cost by the receiving state.</p>
Portability of principal and teacher pensions	No such provision.	Require the U.S. DOE to conduct a study within two years of the enactment of a reauthorized NCLB to determine the feasibility of allowing the portability of teacher and principal pensions from state to state.

Recommendations for Accelerating Progress and Closing Achievement Gaps
Through Improved Accountability

Issue	Current Statute/Regulation	Recommendation
Growth model <i>Section 1111(b)(2)(B)</i>	<p>Current NCLB law includes what is commonly referred to as a “status model” for measuring accountability. It compares the performance of subgroups of children against a predetermined bar established by each state. Subgroups above the bar are deemed as meeting adequate yearly progress (AYP); subgroups below the bar are deemed as not meeting AYP. Though the U.S. Department of Education (U.S. DOE) has approved pilot programs in five states, current law includes no authority for a longitudinal growth model. NCLB’s “safe harbor” provision is the closest existing statutory mechanism that recognizes growth. A subgroup in a school can meet the safe harbor goal and therefore be deemed as meeting AYP, if that subgroup shows a decrease in the percentage of students not scoring proficient equal to 10 percent of the gap between the subgroup’s current performance and 100 percent proficiency (i.e., a subgroup at 20 percent proficiency would need to have 28 percent of its students proficient in the following year’s assessments to meet safe harbor: the goal of 100 percent proficiency minus the current 20 percent proficiency equals a gap of 80; 10 percent of the gap of 80 is eight; in order to meet the safe harbor, the schools must decrease the gap by eight points or increase the percentage of students scoring at proficient levels from 20 to 28). Safe harbor, unlike a longitudinal growth model, compares two different sets of students (last year’s 3rd graders with this year’s 3rd graders).</p>	<p>Include a factor of growth in existing AYP calculations. Students would be deemed as meeting proficiency if they were “on track” to becoming proficient within three years, based on the growth trajectory of their assessment scores. This three-year window to become proficient would start with the assessment result during the first year the student was identified as not being proficient and would <i>not</i> be recalibrated every year. Students on track to becoming proficient would be included as proficient students for the purposes of calculating whether a school has made AYP.</p> <p>This growth-tracking system would require states to develop and implement data systems capable of tracking individual student performance from year to year (known as longitudinal data systems). States would have four years from the enactment of a reauthorized NCLB (in other words, until 2012) to develop and implement this system.</p>

Issue	Current Statute/Regulation	Recommendation
<p>Inclusion of science as a subject for which AYP calculations are made for subgroups and schools</p> <p><i>Section 1111(b)(2)(B)</i></p>	<p>Presently, NCLB requires that mathematics and reading or language arts be included in AYP calculations. In addition, science assessments are required to be administered beginning in 2007–08, but the results of these assessments are not to be included in AYP calculations. Under current law, science assessments will be administered (starting in the 2007–08 school year) once in each of the following grade spans: 3–5, 6–9 and 10–12.</p>	<p>Include the results of science assessments in AYP calculations based on the existing grade-span requirements.</p> <p>Require states to establish annual measurable objectives (AMOs) for science achievement, similar to the existing AMOs for reading or language arts and mathematics. AMOs should be set under requirements of current law, including the goal of 100 percent proficiency by 2013–14.</p>
<p>Same subgroup, same subject</p> <p><i>Section 1111(b)(2)</i></p>	<p>Presently, the NCLB statute deems a school to be in improvement status if any subgroup in the school does not make AYP in either reading or mathematics during a two-year span. For example, a school would be identified for improvement if in one year disabled students did not make AYP in mathematics and in the next year Hispanic students did not make AYP in reading.</p>	<p>Require schools to be identified for school improvement if they do not make AYP for the same subgroup in the same subject for two consecutive years.</p>
<p>N-size</p> <p><i>Section 1111(b)(2)</i></p>	<p>Under NCLB, states are required to set a minimum subgroup size for both public reporting and AYP calculations. The statute requires this minimum size to be set so the data yields “statistically reliable information” and would not produce “personally identifiable information about an individual student.”</p> <p>Current regulations have no set limits on the N-size of a state. States, as part of their accountability plans to the U.S. DOE, submitted a proposed N-size. Many states have submitted revised N-sizes in the past two years. Some states have received permission for N-sizes for children with disabilities and English language learners that are larger than other subgroups.</p>	<p>Require all N-sizes for the purpose of AYP calculations to be no greater than 20.</p> <p>Allow school districts to request a waiver from the state for schools that can, through documented evidence, justify a larger N-size. A waiver granted by the state can provide an N-size of no greater than 30.</p>
<p>Confidence intervals</p> <p><i>Section 1111(b)(2)</i></p>	<p>States have proposed and gotten approval for, as part of their accountability plans to the U.S. DOE, the use of confidence intervals in making various calculations related to AYP, including N-size.</p>	<p>Maintain the use of confidence intervals in calculating N-sizes and AYP calculations for those states that choose to use them. Restrict the use of a state’s confidence interval to no more than 95 percent. Confidence intervals will not be permitted in determining whether a child is on track to be proficient under the growth model recommendations described above.</p>

<p>Children with disabilities</p> <p><i>Section 1111(b)(2)(B)(v)(II)(cc)</i></p>	<p>Confidence intervals may be seen as “windows” surrounding a state’s AMO. The size of the window varies according to the number of students in the subgroup who are tested and according to the degree of probability that the group’s average score represents their true level of achievement. Confidence intervals are roughly analogous to the “margin of error” commonly reported with opinion polls.</p> <p>Under the NCLB statute, children with disabilities are treated the same as other subgroups for AYP calculation purposes. Children with disabilities, under the NCLB statute, in combination with the Individuals with Disabilities Education Act (IDEA) statute and regulations, are required to be given assessments under one of three scenarios: the regular assessment; the regular assessment with accommodations; or alternate assessments aligned to grade-level standards.</p> <p>Under regulations and guidance issued by the U.S. DOE, two other assessment scenarios have been developed that define how to assess children with disabilities for accountability purposes:</p> <p>1 Percent Policy: Children with significant cognitive disabilities can be assessed against alternate standards using alternate assessments. The standards for these children typically consist of very basic mathematics and reading. Achievement of proficiency on these assessments counts for AYP purposes. School districts are permitted to include up to 1 percent of their total population in this category.</p>	<p>Authorize the 1 percent policy issued by the U.S. DOE.</p> <p>Amend the Administration’s proposed 2 percent policy by reducing the percentage to 1 percent, then authorize with the following exceptions:</p> <ul style="list-style-type: none">• Strengthen the gatekeeping procedures used to determine which children are included under this new 1 percent policy. This includes striking the provision from the Administration’s regulation that identifies a child’s disability as the means for automatic inclusion under this new policy.• Require school district officials to monitor the implementation of this policy to ensure it is uniformly applied to schools across a school district. <p>Add several provisions to IDEA to strengthen the IEP team’s role in determining the appropriate assessment for children with disabilities and to improve parental knowledge of such decisions. Specifically, IDEA would be amended to require the following:</p> <ul style="list-style-type: none">• IEP teams would attest in writing that the team has sufficient knowledge to make a decision on the child’s assessment and whether the child should be in the existing 1 percent category or the new 1 percent category. Parents must receive this attestation in writing before signing off on the IEP’s decision.
--	--	---

CONTINUED ON PAGE 180

CONTINUED ON PAGE 180

Issue	Current Statute/Regulation	Recommendation
	<p>Proposed 2 Percent Policy: This applies to children with disabilities who can achieve academically, but can't achieve at grade level in the same period of time as their nondisabled peers. This policy allows school districts to classify up to 2 percent of their total school population in addition to the 1 percent of students in the group of children with significant cognitive disabilities (a total of up to 3 percent). Under the regulation, classified children would be given assessments against "modified achievement standards." These standards should measure the same academic content as regular achievement standards. Under U.S. DOE's proposed regulations, school districts are allowed to exceed the 2 percent cap if they have not reached full capacity under the 1 percent policy. The total of both groups may not exceed 3 percent.</p> <p>In determining children to be classified under the 2 percent regulation, individualized education program (IEP) teams must determine that:</p> <ul style="list-style-type: none">• A student's disability precludes the student from achieving grade-level proficiency• The student cannot achieve grade-level proficiency even with high-quality instruction• The student is receiving grade-level instruction in the subjects for which he or she is being assessed	<ul style="list-style-type: none">• School districts shall be required to provide IEP team members and parents of children with disabilities with a guide developed by the U.S. DOE in consultation with the states and parent training and information centers (PTIs) on assessments under NCLB. The guide may be used for measuring a child's academic progress and the process used to select the appropriate assessment for the child. The guide shall be provided to parents annually and upon parent request. The state shall conduct trainings, in conjunction with PTIs, for members of IEP teams (including parents) on the assessment selection process.• School districts shall be required to complete a needs assessment annually to ensure that they have the expertise and personnel to make proper assessment and accountability categorizations of children with disabilities (placement in the existing or new 1 percent categories).• States, as a condition of receiving IDEA funding, shall ensure that school districts can receive technical assistance in the selection of assessments and the placement of children in the existing or new 1 percent categories.

<p>English language learners</p> <p><i>Section 1111(b)(2)(B)(v)(II)(dd)</i></p>	<p>Under regulations and guidance issued by the U.S. DOE, English language learners do not have to be tested in the first year they are in U.S. schools and, if they are tested, schools do not have to include English language learner assessment results in schools' AYP calculations.</p> <p>Also under regulations and guidance issued by the U.S. DOE, English language learners may be included in this subgroup for two additional years after they become proficient in English and are no longer classified as an English language learner.</p>	<p>Authorize the regulations and guidance issued by the U.S. DOE and expand, from two years to three years, the amount of time English language learners may be included in the English language learner subgroup after they are designated as proficient.</p>
<p>Other indicators (graduation rate and attendance)</p> <p><i>Section 1111(b)(2)(D)</i></p>	<p>Under current law, a school's AYP status is determined based on assessment results plus an additional indicator. NCLB requires graduation rates to be used for secondary schools and requires the state to define the academic indicator for elementary schools (often attendance rate is used). If a school met its AYP for assessment results, but did not meet its other indicator, the school would not meet AYP.</p> <p>Under current regulations, states are allowed to set the graduation-rate or elementary school indicator at the level they decide, even if it is at a level below some schools' current performance. In addition, graduation-rate and elementary school indicator data is viewed on an aggregate basis for a school, not a subgroup basis.</p>	<p>Require all states to adopt the provisions of the National Governors Association compact on graduation rates. This compact, which was signed by all 50 governors and the governor of Puerto Rico, requires a four-year adjusted cohort graduation rate using a common formula.</p> <p>Require the disaggregation of graduation-rate and elementary school indicator data and use this disaggregated data for AYP calculations.</p> <p>Require states to set goals for continuous progress in increasing graduation rates and the elementary school indicator (on a disaggregated subgroup basis at the state, school district and school levels) to close the gap between subgroups in graduation rates and the elementary school indicator by the 2013–14 school year.</p> <p>States, districts and schools would be deemed to have closed the gap for an indicator in any year in which there is less than a five percentile point difference between the subgroup with the highest rate and the subgroup with the lowest rate. Children with disabilities who are not assessed against grade-level content standards would not be included in graduation-rate calculations for AYP purposes.</p>

Issue	Current Statute/Regulation	Recommendation
Enforcement	No such provision.	<p>States would be required to set up an administrative process for hearing complaints that a state, district or school is violating or failing to implement any statutory or regulatory provision or approved plan required under NCLB. Individuals would first be required to file a complaint with the state under this process. The state shall designate impartial hearing officers to hear, make determinations and offer recommendations to the state. The state, after receiving recommendations from the hearing officers, would be required to reach a determination within 30 days of receiving a complaint.</p> <p>If a state does not resolve the complaint to the satisfaction of the individual or group filing the complaint, the individual may pursue the matter with the U.S. DOE.</p> <p>The U.S. Secretary of Education would select which complaints to consider and would not be required to hear or consider every complaint. Within 60 days of receiving a complaint, the Secretary would be required to determine whether the complaint will be reviewed. If the Secretary determines the complaint will be reviewed, the Secretary would have 60 days to review the complaint. If the Secretary reviews a complaint, the results of the review shall be considered final and no other appeals, including those in state or federal court, would be permitted.</p> <p>The Secretary will establish a process for determining whether the complaints submitted show a pattern of consistent problems on particular issues in any state or district, or nationally. If the Secretary identifies such a pattern, the Secretary shall issue appropriate correspondence designed to address the issue.</p> <p>If the Secretary notifies the individual that the complaint will not be reviewed, the individual would have the right to take the complaint to state court. A similar process would be established for complaints against the U.S. DOE's implementation, or violation, of an NCLB provision.</p> <p>In any case, the only available remedy would be an order to enforce the law; there would be no financial or other penalties assessed. A court could not issue an injunction to prohibit the flow of federal funds or to prohibit the continued implementation of any other provision of the law while individual cases are pending.</p>

Recommendations for Moving Beyond the Status Quo to Effective School Improvement and Student Options

Issue	Current Statute/Regulation	Recommendation
Public school choice <i>Section 1116(b)(1)(E)</i>	School districts must offer students in schools that do not make adequate yearly process (AYP) for two or more consecutive years the option to transfer to a school not identified for school improvement within the district, with the cost of transportation to the school provided by the district. Under Title I regulations, districts are required to spend up to 20 percent of their Title I allocation (based on demand) to pay for the combined costs of transportation for public school choice and for supplemental educational services (SES).	<p>Districts with schools at which public school choice must be offered would be required to ensure that a number of slots equal to 10 percent of the total number of seats in schools that made AYP are available for public school choice transfers. This policy would not affect NCLB's current regulatory requirement for districts to provide at least two schools from which eligible students can choose. Schools would not be allowed to deny enrollment to any students who are geographically assigned to attend schools at which slots are reserved.</p> <p>A school district that must offer public school choice would be required to annually document, through an independent audit (which may be conducted by the state), the space available for public school choice transfers in schools that made AYP. If the audit shows that any school that made AYP does not have the physical space, and cannot reasonably acquire additional physical space, to accommodate the required percentage of transfer students described above, that school is responsible only for accommodating the maximum number shown to be practical in the audit. Limitations that would affect available space include the lack of land for portable classrooms, the inability to acquire new classroom space, and state and local health and safety laws and regulations.</p>
Flexibility in providing SES <i>Section 1116(b)(5)(B)</i>	Districts must offer all students in schools that do not make AYP for three or more consecutive years the opportunity to choose an SES provider from which to receive tutoring that is in addition to instruction students already receive during out-of-school hours. Once a provider has been selected, school districts enter into a contract with the provider to give services to the student. School districts are required to use up to 20 percent of their Title I allocation to pay for the combined costs of transportation for public school choice and SES. There is a cap on the amount of funds available for each eligible student.	<p>If a school district is unable to accommodate all of its requests for public school choice (as demonstrated through an audit), the school district must offer SES to a child after two consecutive years of not making AYP (instead of waiting until three years of not making AYP as under current law). To be eligible, a child must:</p> <ul style="list-style-type: none"> • Request a transfer to another public school, but the request for transfer could not be accommodated, and • Meet the eligibility for SES (which requires the child to be from a low-income family) <p>The offering of SES under these circumstances would still be subject to all of the requirements contained in Section 1116 of NCLB, including the 20 percent cap on public school choice/SES spending.</p>

Issue	Current Statute/Regulation	Recommendation
Access to school facilities for providing SES <i>Section 11116(c)</i>	No such provision.	Districts that permit other non-school-affiliated entities to use school facilities would be required to offer space in schools for private providers of SES services. Schools must establish a transparent and fair process for determining which providers can use their facilities and can limit the number of providers using facilities to a reasonable number, after consultation with parents of children receiving SES.
Rolling enrollment of eligible SES students <i>Section 11116(c)</i>	School districts are required to provide, at a minimum, annual notice to parents (in an understandable and uniform format and, to the extent practicable, in a language that parents can understand) of the availability of services under this subsection. The period of time allowed for parents to enroll their children is not defined in the statute.	A school district would be required to offer multiple enrollment periods throughout the school year that span, at a minimum, four months of the school year.
The creation of multi-district cooperatives to improve SES implementation in small and rural districts <i>Section 11116(c)</i>	No such provision.	Districts would be allowed (through consortiums) to pool resources to develop uniform processes for SES information dissemination, enrollment forms, student tracking systems and other activities by which multiple districts could more effectively serve eligible students while reducing costs and paperwork. Districts would also be allowed to pool groups of eligible students, where practicable, to attract additional provider options.
School district administrative expenses in operating SES programs	Under current law and regulations, school districts are prevented from using any of their Title I funds to pay for the administrative costs of SES.	School districts would be allowed to use up to 1 percent of funds expended in the prior year for SES to pay for the administrative costs of SES.
Parental contact for SES, choice and other NCLB information and programs	No such provision.	School districts would be required to designate a point of contact—an office or an individual—for parents seeking information on SES, public school choice and other NCLB programs. School districts would have to make contact information (phone number and e-mail address) readily accessible to parents and community organizations through the school district Web site, school information and documentation, and widely read publications.

National evaluation of SES program effectiveness in improving student achievement	NCLB required the U.S. Secretary of Education to conduct a national evaluation of the implementation of Title I related to assessments, accountability, school choice and SES, and teacher quality, as well as examining trends in student achievement.	The U.S. Department of Education (U.S. DOE) would be required to use a portion of Title I evaluation funding to formally study the impact of SES in improving the academic achievement of students who receive them. This study would examine whether students using SES providers are experiencing learning gains attributable to the providers' services, and analyze the impact of different types of providers (for-profit, school district, nonprofit, distance learning models), using a control-group approach.
State oversight and evaluation of SES providers <i>Section 11116(c)</i>	<p>Under current law, states are required to oversee providers and the services they offer. Specifically, states are required to:</p> <ul style="list-style-type: none"> • Develop criteria for the approval of providers that is based on producing academic gains relevant to the state's standards • Maintain an updated list of providers from which parents may select a provider • Develop, implement and publicly report on the standards and techniques for monitoring services offered by providers (these standards are required to include a method for withdrawing approval from providers who do not "contribute" to producing gains relevant to the state's standards) 	<p>States would be required to take an expanded oversight role that would be partially funded with a portion of SES payments to providers.</p> <p>States would be required to conduct an evaluation of each approved SES provider to determine the average amount of academic progress students receiving services from the provider are making on state assessments. This evaluation will be conducted against a control group of similar students. If the evaluation demonstrates that a provider's students are not making sufficient learning gains as defined by the state for two consecutive years, the provider will be terminated from the list of providers eligible to supply SES paid for with Title I funding, after sufficient notice and opportunity for an appeal.</p> <p>To offset the costs of this expanded oversight role, states would receive up to 1 percent of funds that districts allocate to providers (including school districts acting as providers) for payment for SES. Districts would withhold the 1 percent prior to making any payments to providers and would send it back to the state.</p>
Social and mental health services in the school improvement plan	Schools that do not make AYP for two consecutive years must develop a school improvement plan to address the reasons for their inability to make AYP.	Schools, when developing their school improvement plan, would be required to determine the availability in the school and the community of social and mental health services for students.
Corrective action	In schools that miss AYP for a fourth consecutive year, districts must implement at least one of the following corrective actions: replace school staff members who are relevant to the failure to make AYP; implement a new curriculum; decrease management authority at	Schools that fall into corrective action would be required to select grouped corrective actions to allow broader interventions in such schools. In making their decisions, districts should take into account those characteristics research suggests are common to effective schools: alignment between the curriculum and state standards; the use of formative assessments; the use of data to improve instruction; the

CONTINUED ON PAGE 186

CONTINUED ON PAGE 186

Issue	Current Statute/Regulation	Recommendation
	the school; appoint an outside expert to advise the school; extend the school day or year; or restructure the internal organization of the school. If a school does not make AYP for the fifth consecutive year, they fall under “restructuring” (described below).	<p>incorporation of staff-focused professional development; the hiring, placement and distribution of highly effective principals; the hiring and distribution of highly qualified and effective teachers; and the use of an extended school day and school year.</p> <p>Schools that are identified as not meeting AYP for three consecutive years (in the second year of school improvement status) would begin preparing for corrective action by developing a written plan at the beginning of the school year after not meeting AYP for the fourth consecutive school year.</p>
School restructuring	<p>For schools that miss AYP for the fifth consecutive year, districts must begin planning to implement at least one of the following restructuring interventions: reopen the school as a charter school; replace all or most of the school staff; contract with a private entity to manage the school; turn over operation of the school to the state or adopt some other major restructuring of the school’s governance.</p> <p>Schools that have implemented one of the above restructuring options remain in corrective action status throughout the restructuring process as well as through subsequent years of operation under their new operating structure.</p> <p>Current law and regulations have not defined what happens to a school that has implemented a restructuring action.</p>	<p>The U.S. DOE would be required to issue regulations further defining how the last restructuring option—“adopt some other major restructuring of the school’s governance”—must be implemented. The regulations would be required to be issued not more than six months after the enactment of a reauthorized NCLB.</p> <p>Schools that choose substantial restructuring will cease to be identified under the school improvement process and will start at the beginning of the process (as if they had made AYP). If such schools then miss AYP for two consecutive years, they would again be identified for school improvement. Restructuring options that would make schools eligible to start at the beginning of the school improvement process include reopening as a charter school; contracting with a private entity to manage the school; turning over operation of the school to the state or other governmental entity or replacing all or most of the school staff who are relevant to the failure to make AYP.</p>
School district improvement	<p>A state shall identify for improvement any school district that, for two consecutive years, does not make AYP. Each school district so identified must develop or revise a district plan, in consultation with parents, school staff and others, that shall:</p> <ul style="list-style-type: none">• Incorporate scientifically based research strategies that strengthen schools’ core academic programs	<p>Modify the district improvement process by requiring districts labeled as in need of improvement to undertake a systemic districtwide turnaround effort. This would include significant planning geared toward implementing districtwide reforms that would include considering whether to take some of the corrective actions listed under current law. In developing a plan for a districtwide turnaround effort, the district would be required to use the most current research-based interventions, such as:</p> <ul style="list-style-type: none">• Ensuring alignment between the district’s curriculum and state standards• The use of formative assessments

	<ul style="list-style-type: none"> • Identify actions that have the greatest likelihood of improving the achievement of participating children in meeting academic standards • Address the professional development needs of the instructional staff, including specific measurable achievement goals and targets for each of the groups of students identified as not making AYP • Address the fundamental teaching and learning needs in the schools and the specific problems of low-achieving students in that district (including a determination of why the school district's previous plan failed to bring about increased student academic achievement) • Specify state and district responsibilities under the plan, including strategies to promote effective parental involvement in the school 	<ul style="list-style-type: none"> • The use of data to improve instruction • The incorporation of staff-focused professional development • The hiring and placement of highly effective principals (as recommended by the Commission) • The hiring and distribution of highly qualified and effective teachers (as recommended by the Commission) • The use of an extended school day and school year <p>States must approve the districtwide plan of a school district identified for improvement. If the state disapproves the districtwide plan, the state would be required to document, in writing, the reasons for its disapproval and provide an opportunity for the district to address those reasons through an expedited process.</p>
<p>School district corrective action</p>	<p>If a school district is identified for corrective action, the state shall take at least one of the following corrective actions:</p> <ul style="list-style-type: none"> • Defer programmatic funds or reduce administrative funds • Institute and fully implement a new curriculum that is based on state and local academic content and achievement standards (including appropriate professional development) • Replace school district personnel who are relevant to the failure to make AYP • Remove particular schools from the jurisdiction of the school district and establish alternative arrangements for governance of those schools 	<p>Corrective action would be eliminated for school districts. Several of the actions that currently can be considered under corrective action would now be required to be considered in the districtwide school improvement plan described above.</p> <p>As described above, districts would be required to have their districtwide plan approved by the state.</p>

CONTINUED ON PAGE 188

Issue	Current Statute/Regulation	Recommendation
	<ul style="list-style-type: none"> • Appoint a receiver or trustee to administer the affairs of the school district • Abolish or restructure the school district <p>Authorize students to transfer from a school operated by the school district to a higher-performing public school operated by another school district</p>	
Full school year to implement required action	<p>Schools are given a full school year to implement a required intervention or sanction under the school improvement/corrective action/restructuring provisions. However, this full school year requirement was eliminated through regulation finalized by the U.S. DOE. This has resulted in schools being notified as late as November in a school year, thereby giving them only a few months to implement an intervention or sanction before the next step in the school improvement process is applied to them.</p>	<p>A full school year must pass from the time a school receives its final AYP status for the prior school year until the school is subject to the next level of corrective action or restructuring.</p>
Capacity for turning around low-performing schools	<p>Current law provides two sources of federal funding for school improvement:</p> <p>School Improvement Reservation (SIR): Each state must reserve 4 percent of its Title I funding to allocate to school districts for school improvement activities through 2007. Ninety-five percent of funding is required to be allocated to school districts at state discretion after considering the needs of the lowest-achieving schools.</p> <p>School Improvement Discretionary Program (SIDP): NCLB authorizes an additional discretionary grant program of allocations to school districts through states for school improvement activities in the lowest-achieving schools. The Administration proposed funding for this program for the first time in its FY 2007 budget (\$200 million request).</p>	<p>SIR: Extend the SIR through the reauthorization period and increase the percentage set-aside from 4 to 5 percent. Require 4 percent (80 percent of the 5 percent reserved) to be allocated to school districts by formula, based on the following factors: 50 percent poverty and 50 percent number of schools not making AYP compared to number of schools not making AYP in all other districts in the state. School districts that generated at least \$600,000 would receive a grant under this formula. This formula would set the minimum amount these school districts could receive at \$600,000; a state could decide to allocate additional amounts of the funds generated through the 4 percent reservation to such school districts.</p> <p>School districts that generate less than a \$600,000 grant would have two options:</p> <ul style="list-style-type: none"> • Join with other districts generating less than this amount to form consortiums, thereby producing a larger collective funding amount • Allow the state to use a district's funding, and the funding of other districts that also chose this option, to provide direct services

	<p>An additional 1 percent reservation is held at the state level to fund school support and a recognition system authorized under Section 1117 (see below).</p> <p>SIDP: Extend the SIDP through the reauthorization period and provide its funding to states under the same structure and conditions as the SIR. This will allow these two funding sources to be combined to streamline and coordinate resources dedicated to school improvement.</p> <p>Any funding reserved or appropriated for SIR or SIDP may only be used for the activities authorized under those programs.</p> <p>As described above, states could reserve one-fifth of their SIR funding to operate their statewide school support teams and other infrastructure. States would be required to match this level of assistance from state funding on a dollar-to-dollar basis.</p> <p>Enhance research and development on K–12 education reform through scientifically based research by doubling the education research and development budget of the U.S. DOE for elementary and secondary education over the life of the reauthorization. Amend the Institute of Education Science Act to require that any funds appropriated for this purpose shall be used to assist states, school districts, schools and students in meeting the goals of NCLB and that topics of research are driven by practitioner interest and use and are relevant to the real issues and challenges facing schools.</p> <p>Strengthen the prohibition on the U.S. DOE controlling or directing states, school districts or schools in the use of curriculum. If a curriculum or program meets statutory or regulatory requirements, the U.S. DOE is prohibited from interfering with the selection and use by a state, school district or school of such curriculum or program.</p>	
School support and recognition system <i>Section 1117</i>	<p>Current law requires states to fund systems of school support teams and the other infrastructure necessary to assist districts and schools in responding to a school not making AYP. States are permitted to use part of their existing SIR funding to pay for these efforts. The structure and operation of these efforts differ widely from state to state.</p> <p>Presently, federal funding for research on effective educational practices, technical assistance and applied research is limited to approximately \$300 million annually (\$162 million for education research through various research centers and support for a clearinghouse called the “What Works Clearinghouse” designed to disseminate promising educational practices, and the remaining amount through education laboratories and comprehensive centers providing technical assistance and applied research).</p>	
Research, technical assistance and development		

Issue	Current Statute/Regulation	Recommendation
<p>Differentiated levels of sanctions</p>	<p>Presently, all schools receiving Title I funding are subject to the same school improvement, corrective action and restructuring processes. There is no differentiation between schools that are almost achieving AYP and schools that need more comprehensive interventions.</p>	<p>Require large school districts with sufficient capacity and states (for schools outside of these districts) to identify the bottom 10 percent of low-performing schools. Any school that has been in restructuring at the time of the enactment of a reauthorized NCLB shall be required to be included in this category. Such schools would be required to implement one of the restructuring options.</p> <p>As schools implement restructuring, they would be removed from this category and under the recommendations described above, they would start at the beginning of the school improvement process. States would identify new schools for this category on an annual basis as schools implement restructuring and leave the category.</p> <p>Schools that are eligible for restructuring, but are not in the lowest-performing 10 percent of such schools, will remain in corrective action and continue to implement corrective action provisions. These schools would be required to revise the implementation of the corrective actions applied to them every two years until they make AYP for two consecutive years and leave the school improvement process. As schools in the lowest-performing 10 percent are restructured and leave the school improvement process, the next lowest-performing schools in corrective action would be identified for restructuring, not to exceed the 10 percent cap.</p>

Recommendations for Fair and Accurate Assessments of Student Progress

Issue	Current Statute/Regulation	Recommendation
<p>Funding for improving assessment quality</p> <p><i>Section 6113 (a)(2)</i></p>	<p>Congress has appropriated approximately \$400 million annually the last four years to support the development and implementation of NCLB's annual testing requirements. Currently, these dollars remain in an annual appropriation of \$407 million and are tasked to primarily support state development of assessments in reading and mathematics for grades 3 through 8.</p>	<p>Continue this level of funding to support state assessment development, but shift the focus to support the following activities:</p> <ul style="list-style-type: none"> • Improving assessment quality • Developing the 12th grade assessment (recommended by the Commission) • Creating and implementing alternate assessments for students with disabilities and English language learners • Further developing and implementing of science assessments (required beginning with the 2007–08 school year) • Upgrading test delivery and scoring technology in ways that yield quicker and more accurate data
<p>Universal design</p>	<p>No such provision.</p>	<p>States would be required to develop a plan (which could be incorporated into an existing plan such as the state accountability plan) for establishing universally designed assessment systems.</p>
<p>Formative assessments</p>	<p>No such provision.</p>	<p>School districts would be allowed to use Title I funds to implement a system of formative assessments designed to provide teachers and principals with periodic measurements of a child's attainment of state standards. School districts would be required to implement such assessments in schools that are identified for school improvement status (two consecutive years of not meeting adequate yearly progress (AYP)). Such assessments would:</p> <ul style="list-style-type: none"> • Include periodic administrations throughout the school year (an exact schedule or frequency would not be defined and would be determined by districts) • Be aligned with state standards • Be designed to produce rapid results that could be easily interpreted and used by teachers and principals

Issue	Current Statute/Regulation	Recommendation
12th grade assessment	Current law requires states to administer annual assessments in grades 3 through 8 in reading or language arts and mathematics. States first had to administer these assessments in the 2005–06 school year. States also must administer an assessment in reading or language arts and mathematics once in the 10–12 grade span. Most states administer this assessment in grade 10. States must also administer science assessments starting in the 2007–08 school year.	Schools must administer an assessment of reading or language arts and mathematics in grade 12. This would extend NCLB assessments to include grades 3 through 8 and grades 10 and 12 in most states. States would be prohibited from using the 12th grade assessment as the sole determinant of whether a student is allowed to graduate. States could opt to grant college credit to a student showing mastery of college-level work on this assessment. The assessment must be developed to assess college-level content if a state uses the assessment for granting college credit.
Vertically scaled assessments	No such provision.	States would be required within four years of enactment of a reauthorized NCLB (by the year 2012) to vertically scale their assessments (allowing ability to compare test results from year to year).

Recommendations for High Standards for Every Student in Every State

Issue	Current Statute/Regulation	Recommendation
<p>Analysis of college readiness and workplace applicability of state standards</p> <p><i>Section 1111(b)(1)</i></p>	<p>No such provision.</p>	<p>Each state would undertake an analysis of its current standards and assessment system to determine if its system is aligned with what students should know and be able to do in order to succeed in college and the workplace. Such analysis would be required to be completed within a year after the enactment of a reauthorized NCLB. This analysis would require a state to do the following:</p> <ul style="list-style-type: none"> • Consult with representatives of higher education and small and large businesses on the skills and education levels necessary for success • Consider existing national and private efforts to identify college and workplace readiness skills • Link standards for reading or language arts and mathematics on a common scale <p>All states must complete this process within one year of enactment of a reauthorized NCLB in order to participate in a national summit to be convened by the U.S. Secretary of Education. The U.S. Secretary of Education would, after consultation with states, identify the common scale the states would use as a part of this analysis.</p> <p>The purpose of the national summit will be two-fold. First, to create an incentive and a forum for states to take a fresh look at whether the expectations they have set are sufficient for going forward. Second, to report to the American people on whether states are setting expectations that ensure students can obtain fulfilling employment and be college ready.</p>
<p>National model standards</p>	<p>No such provision.</p>	<p>A distinguished national panel, including members of the National Assessment Governing Board (NAGB), should be commissioned to create national model standards and tests, extrapolating from content of National Assessment of Educational Progress (NAEP) frameworks for grades 4, 8 and 12, and mapping the additional grades appropriately. In addition to using the NAEP frameworks, the panel would be required to ensure the national model standards are aligned with college and workplace readiness requirements through such means as considering existing national and private efforts to identify readiness requirements.</p>

CONTINUED ON PAGE 194

Issue	Current Statute/Regulation	Recommendation
		<p>Once these model standards and tests are created:</p> <ol style="list-style-type: none">1. States could adopt the resulting national model standards and tests as their own for NCLB accountability purposes2. States could build their own assessment instruments based on the national model standards and assessments, or3. States could keep their existing or revamped standards (per the process above) and tests for NCLB accountability purposes <p>States choosing the second or third option would have their standards and tests analyzed and compared to the national model using the common scale mentioned above.</p>
Secretary's annual report on the variance between state content and performance standards and national standards and assessments	No such provision.	The U.S. Secretary of Education would annually report on the variance between the rigor of state assessments in comparison to the expectations of the national standards and assessments using the common scale mentioned above.

Recommendations for Ensuring High Schools Prepare Students for College and the Workplace

Issue	Current Statute/Regulation	Recommendation
Districtwide high school reform	No such provision.	<p>School districts that meet the following criteria would be required to develop a districtwide high school improvement plan:</p> <p>First criteria: Fifty percent of the students enrolled in high schools in the district attend a high school that did not make adequate yearly progress (AYP) (in any given year) or 50 percent of high schools in the school district did not make AYP.</p> <p>Second criteria: The attendance rates of the high schools described in the first criteria (either those that students attend, or the 50 percent that did not make AYP) are affected by the assessment results and attendance rates of the 8th grade class (or whatever grade precedes the first year of high school) entering such schools.</p> <p>The districtwide high school improvement plan would be required to be on file with the state in order for the district to receive funding under Title I. In developing the plan, districts would consider the following data:</p> <ul style="list-style-type: none">• AYP status of schools• Graduation rate (disaggregated by NCLB's subgroups and calculated using the method described in the National Governors Association graduation-rate compact)• 8th grade summative assessment results and attendance rates of 8th grade schools feeding into high schools in the district• Credit accumulation by the end of the 9th grade <p>This plan will require such school districts to:</p> <ul style="list-style-type: none">• Focus on the schools and/or students that resulted in their identification as being required to develop this plan

Issue	Current Statute/Regulation	Recommendation
		<div> <ul style="list-style-type: none"> • Do a resource allocation analysis of staffing, professional development, instruction, and attendance of the district's high schools • Develop a research-based plan to address the school district's ability (in the areas of instruction, curriculum and capacity) to assist high schools in increasing achievement and in meeting schools' instructional needs. The development of this plan will require consideration of the following: <ul style="list-style-type: none"> - Alignment between the district's curriculum and state standards - Use of formative assessments - Use of data to improve instruction - Incorporation of staff-focused professional development - Hiring, placement and distribution of highly effective principals - Hiring and distribution of highly qualified and effective teachers - Use of an extended school day and school year • Increase attendance and earned, on-time grade promotion • Ensure students graduate ready for college and the workplace </div> <div> <p>States, as part of the school district's Title I plan, would be required to approve the districtwide high school plan. Before approval, the school district plan would be peer reviewed. The results of this peer review would be considered by the state as part of the approval process. Also as part of the approval process, the state must consult with the state departments or offices responsible for juvenile justice and alternative education placements.</p> <p>The state would be required to give the district technical assistance in developing and implementing the high school plan.</p> </div>

12th grade assessment	<p>Current law requires states to administer annual assessments in grades 3 through 8 in reading or language arts and mathematics. States were required to administer these assessments for the first time in the 2005–06 school year. States also must administer an assessment in reading or language arts and mathematics once in the 10–12 grade span. Most states administer this assessment in grade 10. States must also administer science assessments starting in the 2007–08 school year.</p>	<p>Schools would be required to administer assessments of reading or language arts and mathematics in grade 12. This would extend NCLB assessments to include grades 3 through 8 and grades 10 and 12 in most states.</p> <p>States would be prohibited from using the 12th grade assessment as the sole determinant of whether a student is allowed to graduate. States could opt to grant college credit to a student showing mastery of college-level work on such assessment. The assessment must be developed to assess college-level content if a state uses the assessment for granting college credit.</p>
<p>State and local report cards</p> <p><i>Section 1111(h)</i></p>	<p>States, districts and schools are required to issue report cards to parents and the public on aspects of student performance and teacher qualifications. Parents are allowed to request information on the qualifications of their child's teacher and will be sent information on their individual performance. Notice of the ability to request this information is required to be sent to parents on an annual basis.</p>	<p>Maintain the current statute and add the following:</p> <p>Requite states, as part of the report cards published on each school under Section 1111(h), to report the following information:</p> <ul style="list-style-type: none"> • Teacher attendance rates • Turnover and retention rates of highly qualified teachers (HQTs), highly qualified and effective teachers (HQETs) and highly effective principals (HEPs) • Number and percentage of students taking rigorous and advanced courses, disaggregated and reported by current NCLB subgroups • Attendance rates for elementary schools • The number of HQETs, reported by the institutions of higher education or alternative certification programs they attended <p>States would be required to report this information in a format that is easily accessible and understandable to parents and taxpayers.</p> <p>Existing graduation rate data would be required to be reported in a disaggregated manner (by subgroups for AYP purposes).</p>

Recommendations for Driving Progress Through Reliable, Accurate Data

Issue	Current Statute/Regulation	Recommendation
Longitudinal data systems necessary for value-added measures for teachers and growth models for students	There is no such requirement to develop such systems, although the Education Sciences Reform Act of 2002 included a grant program to fund the development and implementation of longitudinal data systems. This program has issued 14 grants to states in the past year.	<p>States, within four years of enactment of a reauthorized NCLB (by the year 2012), would be required to develop and implement a longitudinal data system capable of value-added and growth model calculations.</p> <p>Such data systems would have to ensure:</p> <ul style="list-style-type: none">• Privacy protection for student records• Effective data architecture and warehousing• Interoperability among software interfaces• Interoperability among states and the system linking migrant student records required under Title I, Part C• Electronic portability of data and records• Professional development for those who use and operate it• Researcher access to data
Components of a longitudinal data system	No such provision.	<p>The following data elements would be required to be developed:</p> <ul style="list-style-type: none">• A unique statewide student identifier• Student enrollment, demographic and program participation information• Ability to match individual students' test records from year to year• Information on untested students• Student graduation and dropout data• A statewide audit system• A teacher identifier system• Student transcript information

States with data systems operating before reauthorization of NCLB	No such provision.	<p>States that were using growth model or value-added data systems before the enactment of a reauthorized NCLB would be permitted to use such systems if they meet the required data elements described above. States would have to demonstrate how such existing systems can meet statutory requirements. States that have demonstrated that their existing systems meet required specifications can access formula grant funds (see Commission recommendation below) only for professional development for those using the system.</p> <p>Building on the IES program, a formula grant program, authorized at \$100 million annually from fiscal years 2009 through 2012, would be established to assist states in the development, implementation and ongoing support (including professional development for those who operate and use such system) of these data systems.</p> <p>Applications for assistance under this program would be required to go through a peer review process for approval of grant funds. The peer review process would ensure that the state's proposed data system would be reliable and accurate for purposes required in reauthorized NCLB.</p> <p>States must submit an audit report produced by an independent entity to the U.S. DOE attesting that the data system developed by the state is:</p> <ul style="list-style-type: none">• Capable of producing valid and reliable results• Meets the requirements of the statute <p>Such reports would be required only when a state's data system is developed and ready for implementation. States with existing data systems would submit this report before using their data system to measure student academic growth and perform teacher evaluations under a reauthorized NCLB.</p>
Resources for data system development	The Institute of Education Sciences (IES) at the U.S. Department of Education (U.S. DOE) administers a small (\$25 million in FY 2006) competitive grant to states for the development of longitudinal data systems. Fourteen states were awarded grants under this program in November 2005. Additional states are likely to receive grant funding in the upcoming months.	
Certification of data systems	No such provision.	

Recommendations for Additional Elements of a High-Achieving System

Issue	Current Statute/Regulation	Recommendation
<p>Formula grants</p> <p><i>Section 3001(b)</i></p>	<p>Current law provides two structures for funding of Title III depending on the level of appropriations. When total Title III funding is equal to or exceeds \$650 million, funding is allocated through the state and local formula grant structure. If appropriations are less than \$650 million, funding is provided through a structure similar to a process that was in place before NCLB that offered competitive grants to states, districts and institutions of higher education.</p>	<p>Eliminate the competitive grant structure and the \$650 million requirement for Title III funding to be allocated through the current formula provisions.</p>
<p>States' English language proficiency standards, assessments and annual measurable achievement objectives (AMAOs)</p> <p><i>Section 3113(b)(2)</i></p>	<p>Under Title III, states are required to establish English language proficiency standards, English language proficiency assessments and AMAOs. AMAOs are used to demonstrate annual increases in the number or percentage of English language learners who make progress in learning English <i>and</i> make adequate yearly progress (AYP).</p>	<p>Require the U.S. Department of Education (U.S. DOE) to withhold 25 percent of a state's Title III administrative funding if a state has not fully developed and implemented English language proficiency standards and assessments and AMAOs one year after the enactment of a reauthorized NCLB.</p>
<p>Alternate assessment for English language learners</p>	<p>No such provision.</p>	<p>States would be permitted, but not required, to develop an alternate assessment for use in determining for AYP purposes the academic proficiency of English language learners who have been in U.S. schools for less than three years. This assessment would be aligned with the academic content and achievement standards required under Title I, as well as the English language proficiency standards established under Title III. To develop these assessments, states would be permitted to use the funds appropriated for the improvement of assessments (formerly the development of annual assessments) under Title I.</p>
<p>Common definition of an English language learner</p>	<p>Current law includes a definition of an English language learner. However, this definition has been implemented in a different manner in each state. An English language learner in one state may not be classified as such in another state, especially with regard to the level of English proficiency a student is expected to attain.</p>	<p>Require the U.S. DOE to produce a common scale that would allow comparisons among states of the level of English proficiency required to be classified as an English language learner. The U.S. Secretary of Education would be required to set a score on the scale as the level necessary to be designated as an English language learner. The results of the scale would remove some children from the category of English language learners for the purposes of AYP, within and across states.</p>

Endorsement for instruction of English language learners	No such provision.	<p>States would be required to establish an endorsement for providing instruction for English language learners. This endorsement would require mastery of the core competencies and skills necessary to provide effective instruction to English language learners.</p> <p>Teachers would be required to obtain this endorsement if they were notified by their school district that they would be spending more than 25 percent of their time teaching English language learners. School districts would be required to notify teachers of this requirement before the end of the previous school year, or upon hiring the teacher, whichever is earlier.</p>
Improvement of early childhood education	No such provision.	<p>Authorize school districts under Title I to conduct developmental screens and assessments of preschool and kindergarten students that are determined to be valid, reliable and appropriate for the early-childhood population. These developmental screens and assessments would do the following:</p> <ul style="list-style-type: none"> • Identify which instructional interventions are necessary in the areas of pre-literacy and pre-numerical skills for a new cohort of preschool or kindergarten students • Improve instruction and services being offered to preschool and kindergarten students • Identify whether diagnostic assessments are needed to determine interventions, including the areas of literacy and mathematics <p>The results of these screens and assessments shall be used for improving instruction and services, and shall not be used for accountability-based decisions for students, schools or districts.</p> <p>Elementary schools identified for school improvement (not making AYP for two consecutive years) are required to administer these developmental screens and assessments in preschool and kindergarten. If a school does not have preschool or kindergarten, these screens and assessments would be required to be administered before and during entrance into the earliest grade offered by the school.</p>

Issue	Current Statute/Regulation	Recommendation
<p>Migrant student records</p> <p><i>Section 1308</i></p>	<p>Title I, Part C, of NCLB requires the U.S. Secretary of Education to ensure the linkage of systems established or used by states to electronically exchange health and educational information on migrant students. Nearly all states use one of five different systems. The U.S. DOE recently announced the awarding of a contract to a company to link states' existing systems. This contract is reported to require that the system be in place within 12 months.</p> <p>Under the statute, the Secretary is also required to develop the minimum data elements necessary for migrant student record systems. These minimum data elements were published by the Secretary in 2003 and have since been refined.</p>	<p>Replace the requirement to "ensure" linkages with a requirement that recognizes that the Secretary has developed and implemented (through a contract) an operating system for linking migrant student records by the date of enactment of a reauthorized NCLB. The Secretary would be required to continue to operate the system.</p> <p>Require the Secretary to produce biannual reports to Congress on the operation of this linkage system. These reports shall include recommendations for improvements to the system. These recommendations shall be required to be incorporated into any contract pertaining to the linkage system.</p>
<p>Priority for services</p> <p><i>Section 1304(d)</i></p>	<p>Under current law, priority in the provision of services to migrant children is given to those who are at risk of not meeting state standards <i>and</i> whose "education has been interrupted during the school year." There has been significant confusion over the meaning of the requirement to prioritize services to migrant children who have had their education interrupted. Because migrant children are by definition a mobile population, the educational services they receive are often "interrupted."</p>	<p>Maintain the first half of the priority of services for migrant children at risk of not meeting state standards. Replace second half of the priority of services (those based on interruption of a migrant child's education) by providing two situations that would signal priority for services:</p> <ul style="list-style-type: none"> • The migrant child's frequency of mobility • The migrant child is determined to be a child with a disability under the Individuals with Disabilities Education Act (IDEA) <p>Migrant children who are both at risk of not meeting state standards and meet one or both of the situations described above would receive priority for services.</p>
<p>Evaluation of migrant children for special education and related services</p>	<p>No such provision.</p>	<p>States, as a condition of receiving Migrant Education Program (MEP) funding, would be required to demonstrate that they are complying with the child find and evaluation requirements of IDEA with regard to migrant children.</p>
<p>Counting of migrant children</p> <p><i>Section 1303(c)</i></p>	<p>Under current law, a state is required to report the number of eligible migrant children residing in that state on a full- and part-time basis. This count is used to determine formula allocations to each state.</p>	<p>States would be required to submit documentation of the accuracy of the migrant student count they submit to the U.S. DOE. The U.S. Secretary of Education would randomly pick a set number of states each year in which to do a comprehensive audit of the student count system used by the state.</p>

	<p>The U.S. DOE Inspector General has audited several states in the past few years and found that they have significantly overcounted the number of eligible migrant children. This overcounting is typically because of an insufficient system and inadequate follow-up efforts to get an accurate count and the misinterpretation of the definition of an eligible migrant child. The statutory definition of a migrant child requires the parents of the child to have moved within the last 36 months “in order to obtain temporary or seasonal employment.” Some states, including those that have been audited by the Inspector General, have been counting children of adults who have permanent jobs in agriculture and other industries.</p>	
<p>Intent of parents of migrant children when seeking employment <i>Section 1309(2)</i></p>	<p>Under current law and guidance issued by the U.S. DOE, migrant workers must have originally intended to work in an area of employment identified in the statute as being temporary or seasonal. If an individual moved to a community with the intent of working in construction—a field of employment that does not qualify an individual as a migrant worker—but that individual instead took a job in agriculture, that individual would not (under the U.S. DOE’s guidance) be considered a migrant worker. Because the individual did not originally intend to work in an employment field that would qualify him or her for status as a migrant worker, that individual is not considered to be a migrant worker.</p>	<p>Maintain requirement that work of parents designated as migrants must be temporary and seasonal. Modify current law to allow individuals to qualify as migrant workers (therefore allowing their children to qualify for migrant educational program services) if they are working in an employment field that qualifies them as migrant workers, regardless of their original intent in seeking employment.</p>
<p>Coordination of MEP with programs at the U.S. Department of Health and Human Services and the U.S. Department of Labor serving similar populations</p>	<p>No such provision.</p>	<p>The U.S. Secretary of Education would be required to coordinate MEP with programs at the U.S. Department of Health and Human Services and the U.S. Department of Labor that serve similar populations. The Departments of Health and Human Services and Labor would also be required to coordinate their programs with the MEP program.</p>

Bibliography

- 109th Congress (2005). *House Report 109-143—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2006*. Washington, DC: Library of Congress.
- Abedi, J. and Dietel, R. (2004). *Challenges in the No Child Left Behind Act for English Language Learners*. Los Angeles, CA: National Center for Research on Evaluation, Standards, and Student Testing.
- Achieve, Inc. (2005). *Rising to the Challenge: Are High School Graduates Prepared for College and Work?* Washington, DC: Achieve, Inc.
- Achieve, Inc. (2006). *Closing the Expectations Gap 2006: An Annual 50-State Progress Report on the Alignment of High School Policies with the Demands of College and Work*. Washington, DC: Achieve, Inc.
- ACT (2006). *Ready for College and Ready for Work: Same or Different?* Iowa City, IA: ACT.
- Adams, J.E. and Copland, M.A. (2005). *When Learning Counts: Rethinking Licenses for School Leaders*. Seattle, WA: Center on Reinventing Public Education.
- Advocates for Children of New York (2006). *An In-Depth Look at Free Tutoring Services Under the No Child Left Behind Act in New York City: A Focus on English Language Learners*. New York, NY: Advocates for Children of New York.
- Alliance for Excellent Education (2007). *The Crisis in America's High Schools*. Retrieved from http://www.all4ed.org/whats_at_stake/crisis.html (on January 7, 2007).
- American Diploma Project (2004). *Ready or Not: Creating a High School Diploma That Counts*. Washington, DC: Achieve, Inc.
- American Diploma Project (2007). *Preparing Today's High School Students for Tomorrow's Opportunities*. Washington, DC: Achieve, Inc.
- American Educational Research Association (2004). "English Language Learners: Boosting Academic Achievement." *Research Points*, 2(1). Washington, DC: American Educational Research Association.
- American Federation of Teachers (2006). *Smart Testing: Let's Get It Right: How assessment-savvy have states become since NCLB?* Washington, DC: American Federation of Teachers.
- Archer, J. (2006). "Mentoring for New Principals Gains Policy Attention." *Education Week* 26 (03). Bethesda, MD: Editorial Projects in Education.
- Azordegan, J. (2004). *Initial Findings and Major Questions About HOUSSE*. Denver, CO: Education Commission of the States.
- Barnett, W.S., Hustedt, J.T., Robin, K.B. and Schulman, K.L. (2005). *The State of Preschool: 2005 State Preschool Yearbook*. New Brunswick, NJ: National Institute for Early Education Research.
- Baron, J.B. (1999). *Exploring High and Improving Reading Achievement in Connecticut*. Washington, DC: National Education Goals Panel.

- Barton, P.E. (2004). *Unfinished Business: More Measured Approaches in Standards-Based Reform*. Princeton, NJ: Educational Testing Service.
- Bass, F., McDade, S., Medina, E. and Osgood, C. (2006). "Nearly 2 Million Scores Left Behind." New York, NY: The Associated Press.
- Bass, K.M. and Glaser, R. (2004). *Developing Assessments to Inform Teaching and Learning. CES Report 628*. Los Angeles, CA: Center for the Study of Evaluation.
- Blank, R.K., Langesen, D., Laird, E. and Bandeira de Mello, V. (2003). *Meeting NCLB Goals for Highly Qualified Teachers: Estimates by State from Survey Data*. Washington, DC: Council of Chief State School Officers.
- Blankinship, D.G. (2006). "Gates: U.S. Education System Needs Work." New York, NY: The Associated Press.
- Blaustein, M. (2005). "See, Hear, Touch! The Basics of Learning Readiness." *Young Children: Beyond the Journal*. Washington, DC: Journal of the National Association for the Education of Young Children.
- Boudett, K.P., City, E.A. and Murnane, R.J. (2005). *Data Wise: A Step-by-Step Guide to Using Assessment Results to Improve Teaching and Learning*. Cambridge, MA: Harvard Education Press.
- Bowman, B.T., Donovan, M.S. and Burns, M.S. (2000). *Eager to Learn: Educating our Preschoolers*. Washington, DC: National Academy Press.
- Braun, H.I. (2005). *Using Student Progress to Evaluate Teachers: A Primer on Value-Added Models*. Princeton, NJ: Educational Testing Service.
- Brown, C.G. (2004). *Choosing Better Schools: A Report on Student Transfers Under the No Child Left Behind Act*. Washington, DC: Citizens' Commission on Civil Rights.
- Bureau of Labor Statistics, U.S. Department of Labor (2006). *Career Guide to Industries, 2006–07 Edition. Educational Services*. Retrieved from <http://www.bls.gov/oco/cg/cgs034.htm> (on November 20, 2006).
- Callan, P.M., Finney, J.E., Kirst, M.W., Usdan, M.D. and Venezia, A. (2006). *Claiming Common Ground: State Policymaking for Improving College Readiness and Success*. San Jose, CA: The National Center for Public Policy and Higher Education.
- Capps, R., Fix, M.E., Murray, J., Ost, J., Passel, J.S. and Herwanto Hernandez, S. (2005). *The New Demography of America's Schools: Immigration and the No Child Left Behind Act*. Washington, DC: Urban Institute.
- Carey, K. (2006). *Hot Air: How States Inflate Their Educational Progress Under NCLB*. Washington, DC: Education Sector.
- Carnoy, M. and Loeb, S. (2002). "Does External Accountability Affect Student Outcomes? A Cross-State Analysis." *Educational Evaluation and Policy Analysis*, 24(4). Washington, DC: American Educational Research Association.
- Cassery, M. (2006). *No Child Left Behind in America's Great City Schools: Five Years and Counting*. Paper prepared for American Enterprise Institute Conference, Washington, DC.
- Center on Education Policy (2006). *Keeping Watch on Reading First*. Washington, DC: Center on Education Policy.

- Charlotte Advocates for Education (2004). *Role of Principal Leadership in Increasing Teacher Retention: Creating a Supportive Environment*. Charlotte, NC: Charlotte Advocates for Education.
- Chicago Public Schools, Office of Research, Evaluation and Accountability, Department of Evaluation and Data Analysis (2005). *SES Tutoring Programs: An evaluation of the second year—Part one of a two-part report*. Chicago, IL: Chicago Public Schools.
- Christman, J.B., Gold, E. and Herold, B.B. (2006). *Privatization “Philly Style”: What Can Be Learned from Philadelphia’s Diverse Provider Model of School Management*. Philadelphia, PA: Research for Action.
- Chubb, J.E. (ed.) (2005). *Within Our Reach: How America Can Educate Every Child: An Assessment by the Hoover Institution’s Koret Task Force on K–12 Education*. Lanham, MD, New York, NY, Stanford, CA and Toronto, Canada: Rowman and Littlefield Publishers and Hoover Institution Press.
- Coelen, S. and Berger, J.B. (2006). *New England 2020: A Forecast of Educational Attainment and Its Implications for the Workforce of New England States*. Quincy, MA: Nellie Mae Education Foundation.
- Coladarci, T. (2003). *Gallup Goes to School: The Importance of Confidence Intervals for Evaluating “Adequate Yearly Progress” in Small Schools*. Washington, DC: Rural School and Community Trust.
- Coleman, A., Starzynski, A., Winnick, S., Palmer, S. and Furr, J. (2006). *It Takes a Parent: Transforming Education in the Wake of the No Child Left Behind Act*. Washington, DC: Appleseed.
- Commission on No Child Left Behind (2006a). *Children with Disabilities and LEP Students: Their impact on the AYP determinations of schools*. Washington, DC: The Aspen Institute.
- Commission on No Child Left Behind (2006b). *Growth Models: An examination within the context of NCLB*. Washington, DC: The Aspen Institute.
- Conference Board, The, Corporate Voices for Working Families, the Partnership for 21st Century Skills and the Society for Human Resource Management (2006). *Are They Really Ready To Work? Employers’ Perspectives on the Basic Knowledge and Applied Skills of New Entrants to the 21st Century U.S. Workforce*. New York, NY, Washington, DC, Tucson, AZ and Alexandria, VA: The Conference Board, Corporate Voices for Working Families, the Partnership for 21st Century Skills and the Society for Human Resource Management.
- Cortiella, C. (2005). *No Child Left Behind: Understanding Assessment Options for IDEA-Eligible Students*. New York, NY: National Center for Learning Disabilities.
- Cosentino de Cohen, C. (2005). *Crisis Brewing? Paraprofessionals and the No Child Left Behind Act*. Washington, DC: Urban Institute.
- Cosentino de Cohen, C., Deterding, N. and Clewell, B. (2005). *Who’s Left Behind? Immigrant Children in High and Low LEP Schools*. Washington, DC: Urban Institute.
- Council of Chief State School Officers (1996). *Interstate School Leaders Licensure Consortium: Standards for School Leaders*. Washington, DC: Council of Chief State School Officers.
- Council of Chief State School Officers (2002). *Making Valid and Reliable Decisions in Determining Adequate Yearly Progress*. Washington, DC: Council of Chief State School Officers.
- Council of Chief State School Officers (2005). *Policymakers’ Guide to Growth Models for School Accountability: How Do Accountability Models Differ?* Washington, DC: Council of Chief State School Officers.

Curran, B (2006). *Implementing Graduation Counts: State Progress to Date*. Washington, DC: National Governors Association Center for Best Practices.

Data Quality Campaign (2005). *Results of 2005 NCEA Survey of State Data Collection Issues Related to Longitudinal Analysis*. Austin, TX: Data Quality Campaign.

Data Quality Campaign (2006). *Creating a Longitudinal Data System: Using Data to Improve Student Achievement*. Austin, TX: Data Quality Campaign.

Davis, S., Darling-Hammond, L., LaPointe, M. and Meyerson, D. (2005). *School Leadership Study: Developing Successful Principals*. Stanford, CA: Stanford Educational Leadership Institute.

Denton, K. and Germino-Hausken, E. (2000). *America's Kindergartners*. NCES 2000-070. Washington, DC: U.S. Department of Education, National Center for Education Statistics.

Dolejs, C. (2006). *Report on Key Practices and Policies of Consistently Higher Performing High Schools*. Washington, DC: National High School Center.

Dougherty, C. (2002). *Longitudinal Student Data in the No Child Left Behind Act of 2001*. Austin, TX: National Center for Educational Accountability.

Education Trust, The (2003a). *Telling the Whole Truth (or Not) About Highly Qualified Teachers*. Washington, DC: The Education Trust.

Education Trust, The (2003b). *The ABCs of "AYP": Raising Achievement for All Students*. Washington, DC: The Education Trust.

Education Trust-West, The (2005). *California's Hidden Teacher-Spending Gap: How State and District Budgeting Practices Shortchange Poor and Minority Students and Their Schools*. Oakland, CA: The Education Trust-West.

Education Week (1999). *Quality Counts '99*. Bethesda, MD: Editorial Projects in Education.

Education Week (2004). *Quality Counts 2004: Count Me In: Special Education in an Era of Standards*. Bethesda, MD: Editorial Projects in Education.

Education Week (2006a). *Diplomas Count: An Essential Guide to Graduation Policy and Rates*. Bethesda, MD: Editorial Projects in Education.

Education Week (2006b). *Quality Counts at 10: A Decade of Standards-Based Education*. Bethesda, MD: Editorial Projects in Education.

Education Week (2006c). *Technology Counts 2006: The Information Edge: Using Data to Accelerate Achievement*. Bethesda, MD: Editorial Projects in Education.

Elmore, R.F. (2002). *Bridging the Gap Between Standards and Achievement: The Imperative for Professional Development in Education*. Washington, DC: Albert Shanker Institute.

Farkas, S., Johnson, J., Duffett, A., Syatt, B. and Vine, J. (2003). *Rolling Up Their Sleeves: Superintendents and Principals Talk About What's Needed to Fix Public Schools*. New York, NY: Public Agenda.

Finn, C.E., Petrilli, M.J. and Julian, L. (2006a). *To Dream the Impossible Dream: Four Approaches to National Standards and Tests for America's Schools*. Washington, DC: Thomas B. Fordham Foundation.

Finn, C.E., Petrilli, M.J. and Julian, L. (2006b). *The State of State Standards 2006*. Washington, DC: Thomas B. Fordham Foundation.

- Fry, B., O'Neill, K. and Bottoms, G. (2006). *Schools Can't Wait: Accelerating the Redesign of University Principal Preparation Programs*. Atlanta, GA: Southern Regional Education Board.
- Fuhrman, S.H. (2003). *Redesigning Accountability Systems for Education*. Philadelphia, PA: Consortium for Policy Research in Education.
- Fullan, M. (2006). *Turnaround Leadership*. San Francisco, CA: Jossey-Bass.
- Fuller, B., Gesicki, K., Kang, E. and Wright, J. (2006). *Is the No Child Left Behind Act Working? The Reliability of How States Track Achievement. Working Paper 06-1*. Berkeley, CA: Policy Analysis for California Education.
- García, E. (2001). *Student Cultural Diversity: Understanding and Meeting the Challenge*. Third Edition. Boston, MA: Houghton Mifflin Company.
- Goertz, M.E. and Massell, D. (2005). *Holding High Hopes: How High Schools Respond to State Accountability Policies*. Philadelphia, PA: Consortium for Policy Research in Education.
- Gold, E., Rhodes, A., Brown, S., Lytle, S. and Waff, D. (2001). *Clients, Consumers, or Collaborators? Parents and Their Roles in School Reform During 'Children Achieving,' 1995–2000*. Philadelphia, PA: Consortium for Policy Research in Education.
- Goldschmidt, P., Boscardin, C.K. and Linn, R. (2006). *CRESST Analysis of California Accountability Progress Report*. Los Angeles, CA: National Center for Research on Evaluation, Standards, and Student Testing.
- Gong, B. and Marion, S. (2006). *Dealing with Flexibility in Assessments for Students with Significant Cognitive Disabilities*. Minneapolis, MN: National Center on Educational Outcomes.
- Gordon, R., Kane, T.J. and Staiger, D.O. (2006). *Identifying Effective Teachers Using Performance on the Job*. Washington, DC: The Hamilton Project and The Brookings Institution.
- Hakuta, K. (2000). *How Long Does It Take English Language Learners to Attain Proficiency?* Santa Barbara, CA: University of California Linguistic Minority Research Institute.
- Hanushek, E. and Raymond, M. (2005). "Does School Accountability Lead to Improved Student Performance?" *Journal of Policy Analysis and Management*, 24(2). Washington, DC: John Wiley and Sons on behalf of Association for Public Policy Analysis and Management.
- Hatch, T. (2002). "When Improvement Programs Collide." *Phi Delta Kappan*, 83(8). Bloomington, IN: Phi Delta Kappa International.
- Heneman, H.G. III, Milanowski, A., Kimball, S.H. and Odden, A. (2006). *Standards-Based Teacher Evaluation as a Foundation for Knowledge- and Skill-based Pay*. Philadelphia, PA: Consortium for Policy Research in Education.
- Hoff, D.J. (2006). "Complaint Targets NCLB Transfers in Calif." *Education Week* 25(29). Bethesda, MD: Editorial Projects in Education.
- Hoffman, L.M. (2003). *Overview of Public Elementary and Secondary Schools and Districts: School Year 2001–02*. Washington, DC: National Center for Education Statistics.
- Hoffman, L. and Sable, J. (2006). *Public Elementary and Secondary Students, Staff, Schools, and School Districts: School Year 2003–04*. Washington, DC: National Center for Education Statistics.
- Hoxby, C. (2005). "Inadequate Yearly Progress." *Education Next*, No. 3. Stanford, CA: Hoover Institution.

Hussar, W.J. (1999). *Predicting the Need for Newly Hired Teachers in the United States to 2008–09*. Washington, DC: National Center for Education Statistics.

Ingersoll, R. (2001). *Teacher Turnover, Teacher Shortages, and the Organization of Schools*. Seattle, WA: Center for the Study of Teaching and Policy.

Ingersoll, R. (2003a). *Is There Really a Teacher Shortage?* Document R-03-4. Seattle, WA: University of Washington, Center for the Study of Teaching and Policy.

Ingersoll, R. (2003b). *Out-of-Field Teaching and the Limits of Teacher Policy*. Seattle, WA: Center for the Study of Teaching and Policy and The Consortium for Policy Research in Education.

Jimerson, L. (2004). *The Devil is in the Details: Rural-Sensitive Best Practices for Accountability Under No Child Left Behind*. Washington, DC: The Rural School and Community Trust.

Jofus, S. and Maddox-Dolan, B. (2003). *Left Out and Left Behind: NCLB and the American High School*. Washington, DC: Alliance for Excellent Education.

Johnson, J., Arumi, A.M., Ott, A. and Remaley, M.H. (2006). *Reality Check 2006*. Washington, DC: Public Agenda.

Johnstone, C., Thompson, S., Moen, R., Bolt, S. and Kato, K. (2005). *Analyzing Results of Large-scale Assessments to Ensure Universal Design*. Minneapolis, MN: National Center on Educational Outcomes.

Jordan, H., Mendro, R. and Weerasinghe, D. (1997). *Teacher Effects on Longitudinal Student Achievement: A Preliminary Report on Research on Teacher Effectiveness*. Paper presented at the National Evaluation Institute, Indianapolis, IN.

Kahl, S. (2003). *NCLB Testing: Is the Assessment Industry up to the Challenge?* Dover, NH: Measured Progress.

Kahlenberg, R.D. (2006). *Helping Children Move from Bad Schools to Good Ones*. New York, NY: The Century Foundation.

Kane, T.J. and Staiger, D. (2003). "Unintended Consequences of Racial Subgroup Rules." *No Child Left Behind? The Politics and Practice of School Accountability*. Washington, DC: The Brookings Institution Press.

Kannapel, P. and Coe, P. (2000). "Improving Schools and School Leaders." *All Children Can Learn: Lessons from the Kentucky Reform Experience*. San Francisco, CA: Jossey-Bass.

Kauerz, K. (2005). "State Kindergarten Policies: Straddling Early Learning and Early Elementary School." *Young Children: Beyond the Journal*. Washington, DC: Journal of the National Association for the Education of Young Children.

Keller, B. (2006). "No State Meeting Teacher Provision of 'No Child' Law." *Education Week* 25 (38). Bethesda, MD: Editorial Projects in Education.

Kingsbury, G.G., Olson, A., Cronin, J., Hauser, C. and Houser R. (2003). *The State of State Standards: Research Investigating Proficiency Levels in Fourteen States*. Lake Oswego, OR: Northwest Evaluation Association.

Knapp, M.S., Copland, M.A. and Talbert, J.E. (2003). *Leading for Learning: Reflective Tools for School and District Leaders*. Seattle, WA: Center for the Study of Teaching and Policy and Wallace-Reader's Digest Funds.

- Lauer, P.A., Akiba, M., Wilkerson, S.B., Apthorp, H.S., Snow, D. and Martin-Glenn, M. (2004). *The Effectiveness of Out-of-School Time Strategies in Assisting Low-Achieving Students in Reading and Mathematics: A Research Synthesis*. Aurora, CO: Mid-continent Research for Education and Learning.
- Lazarin, M. (2006). *Improving Assessment and Accountability for English Language Learners in the No Child Left Behind Act*. Washington, DC: National Council of La Raza.
- Lee, J. (2006). *Tracking Achievement Gaps and Assessing the Impact of NCLB on the Gaps: An In-depth Look into National and State Reading and Math Outcome Trends*. Cambridge, MA: The Civil Rights Project at Harvard University.
- Lee, V.E. and Burkam, D.T. (2002). *Inequality at the Starting Gate: Social Background Differences in Achievement as Children Begin School*. Washington, DC: Economic Policy Institute.
- Leithwood, K., Seashore Louis, K., Anderson, S. and Wahlstrom, K. (2004). *How Leadership Influences Student Learning*. Minneapolis, MN and Toronto, Canada: Center for Applied Research and Educational Improvement and Ontario Institute for Studies in Education.
- Lemke, M., Sen, A., Pahlke, E., Partelow, L., Miller, D., Williams, T., Kastberg, D., Jocelyn, L. (2004). *International Outcomes of Learning in Mathematics Literacy and Problem Solving: PISA 2003 Results From the U.S. Perspective*, NCES 2005–003. Washington, DC: National Center for Education Statistics.
- Linn, R.L. (2006). *Educational Accountability Systems*. Los Angeles, CA: The Regents of the University of California.
- LoGerfo, L., Nichols, A. and Reardon, S.F. (2006). *Achievement Gains in Elementary and High School*. Washington, DC: Urban Institute.
- Malone, L.M., West, J., Denton Flanagan, K. and Park, J. (2006). *Statistics in Brief: The Early Reading and Mathematics Achievement of Children Who Repeated Kindergarten or Who Began School a Year Late*. Washington, DC: National Center for Education Statistics.
- Matthews, H. and Ewen, D. (2006). *Reaching All Children? Understanding Early Care and Education Participation Among Immigrant Families*. Washington, DC: Center for Law and Social Policy.
- Mazzeo, C. (2003). "Improving Teaching and Learning by Improving School Leadership." *Issue Brief*. Washington, DC: National Governors Association Center for Best Practices.
- Mazzeo, C. and Berman, I. (2003). *Reaching New Heights: Turning Around Low-Performing Schools*. Washington, DC: National Governors Association Center for Best Practices.
- McCall, M., Hauser, C., Cronin, J., Kingsbury, G.G. and Hauser, R. (2006). *Achievement Gaps: An Examination of Differences in Student Achievement and Growth*. Lake Oswego, OR: Northwest Evaluation Association.
- McCallion, G. (2006). *Reading First: Implementation Issues and Controversies*. Washington, DC: Congressional Research Service.
- McClure, P. (2005). *School Improvement Under No Child Left Behind*. Washington, DC: Center for American Progress.

- McClure, P., Piché, D. and Taylor, W.L. (2006). *Days of Reckoning: Are States and the Federal Government Up to the Challenge of Ensuring a Qualified Teacher for Every Student?* Washington, DC: Citizens' Commission on Civil Rights.
- McLaughlin, D., Gallagher, L. and Stancavage, F. (2004). *Evaluation of Bias Correction Methods for "Worst-case" Selective Non-participation in NAEP*. Palo Alto, CA: American Institutes for Research.
- MetLife, Inc. (2006). *The MetLife Survey of the American Teacher: Expectations and Experiences*. New York, NY: MetLife, Inc.
- Meyer, D., Madden, D. and McGrath, D.J. (2005). "English Language Learner Students in U.S. Public Schools: 1994 and 2000." *Education Statistics Quarterly* 6(3). Washington, DC: National Center for Education Statistics.
- Michigan Education Report (2005). *Utah Challenges NCLB*. Retrieved from <http://www.educationreport.org/pubs/mer/article.asp?ID=7238> (on October 30, 2006).
- Mintrop, H. and Trujillo, T. (2005). *Corrective Action in Low-Performing Schools: Lessons for NCLB Implementation from State and District Strategies in First-Generation Accountability Systems*. Los Angeles, CA: National Center for Research on Evaluation, Standards, and Student Testing.
- Mizell, H. (2005). *An Issue of Impact: Results of an Online Survey of Educators' Experiences with the Professional Development Provisions of the NCLB*. Remarks at National Staff Development Council, Chicago, IL.
- Mosquin, P. and Chromy, J. (2004). *Federal Sample Sizes for Confirmation of State Tests in the No Child Left Behind Act*. Palo Alto, CA: American Institutes for Research.
- Moss, M., Jacob, R., Boulay, B., Horst, M. and Poulos, J. (2006). *Reading First Implementation Evaluation: Interim Report*. Washington, DC: U.S. Department of Education.
- Muhlhausen, D.B. (2006). *School Choice and Supplemental Services: Administration Slow to Hold School Districts Accountable Under NCLB*. Washington, DC: The Heritage Foundation.
- National Association of Elementary School Principals (1998). *Is There a Shortage of Qualified Candidates for Openings in the Principalship?* Alexandria, VA: National Association of Elementary School Principals.
- National Association of Elementary School Principals (2001). *Leading Learning Communities: What Principals Should Know and Be Able to Do*. Alexandria, VA: National Association of Elementary School Principals.
- National Association of Elementary School Principals (2006). *Leading After-School Learning Communities: What Principals Should Know and Be Able to Do*. Alexandria, VA: National Association of Elementary School Principals.
- National Association of State Boards of Education (2004). *No Child Left Behind and Rural Education: Implications for Policy and Practice*. Alexandria, VA: National Association of State Boards of Education.
- National Association of State Directors of Migrant Education (1994). *Giving migrant students an opportunity to learn*. Sunnyside, WA: National Association of Migrant Educators.
- National Center for Education Statistics (2000). *Monitoring School Quality: An Indicators Report*. Washington, DC: National Center for Education Statistics.

- National Center for Education Statistics (2003). *Overview of Public Elementary and Secondary Schools and Districts, Year 2001–2002*. NCES 2003-411. Washington, DC: National Center for Education Statistics.
- National Center for Education Statistics (2005). *National Assessment of Educational Progress—The Nation's Report Card*. Washington, DC: National Center for Education Statistics.
- National Center for Educational Accountability and the Data Quality Campaign (2006). *Survey of State Data Collection Issues Related to Longitudinal Analysis*. Austin, TX: Data Quality Campaign.
- National Child Care Information Center (NCCIC) (2005). *Federal and State Funding for Early Care and Education*. Retrieved from <http://www.nccic.org/poptopics/ecarefunding.pdf> (on January 16, 2007).
- National Clearinghouse for English Language Acquisition (NELA) (2005). *The Growing Numbers of Limited English Proficient Students 1993/94–2003/04*. Washington, DC: National Clearinghouse for English Language Acquisition.
- National Commission on Excellence in Education (1983). *A Nation At Risk*. Washington, DC: U.S. Government Printing Office.
- National Conference of State Legislatures (2005). *Delivering the Promise: State Recommendations for Improving No Child Left Behind*. Washington, DC: National Conference of State Legislatures.
- National Governors Association (2005). *Graduation Counts: A Compact on State High School Graduation Data*. Washington, DC: National Governors Association.
- National Partnership for Teaching in At-Risk Schools (2005). *Qualified Teachers for At-Risk Schools: A National Imperative*. Washington, DC: National Partnership for Teaching in At-Risk Schools.
- National School Boards Association (2006). *The Why Report: NCLB Series*. Alexandria, VA: National School Boards Association.
- Neuman-Sheldon, B. (2006). *Building on State Reform: Maryland School Restructuring*. Washington, DC: Center on Education Policy.
- Nichols, S., Glass, G. and Berliner, D. (2006). "High-Stakes Testing and Student Achievement: Does Accountability Pressure Increase Student Learning?" *Education Policy Analysis Archives*, 14(1). Tempe, AZ: Arizona State University.
- Ohio Department of Education (2006). "Eastmoor Academy High School." *Case Studies of Schools of Promise*. Retrieved from <http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=1369&Content=18286> (on December 12, 2006).
- Olson, L. (2002). "Testing Systems in Most States Not ESEA-Ready." *Education Week* 21(16). Bethesda, MD: Editorial Projects in Education.
- Olson, L. (2005). "State Test Programs Mushroom as NCLB Mandate Kicks In." *Education Week* 25(13). Bethesda, MD: Editorial Projects in Education.
- Olson, L. (2006). "Department Raps States on Testing." *Education Week* 25(42). Bethesda, MD: Editorial Projects in Education.
- Peske, H.G. and Haycock, K. (2006). *Teaching Inequality: How Poor and Minority Students Are Shortchanged on Teacher Quality*. Washington, DC: The Education Trust.

Peterson, P.E. (2005). "Making up the Rules as You Play the Game: A Conflict of Interest at the Very Heart of NCLB." *Education Next*, No. 4. Stanford, CA: The Hoover Institution.

Peterson, P.E. and Hess, F.M. (2006). "Keeping an Eye on State Standards: A Race to the Bottom?" *Education Next*, No. 3. Stanford, CA: The Hoover Institution.

Phillips, M., Crouse, J. and Ralph, J. (1998). "Does the Black-White Test Score Gap Widen after Children Enter School?" *The Black-White Test Score Gap*. Washington, DC: The Brookings Institution Press.

Provasnik, S. and Dorfman, S. (2005). *Mobility in the Teacher Workforce: Findings from the Condition of Education 2005*. Washington, DC: National Center for Education Statistics.

Public Education Network (2006). *Open to the Public: The Public Speaks Out on No Child Left Behind*. Washington, DC: Public Education Network.

Rentner, D.S., Scott, C., Kober, N., Chudowsky, N., Chudowsky, V., Jofus, S. and Zabala, D. (2006). *From the Capital to the Classroom: Year 4 of the No Child Left Behind Act*. Washington, DC: Center on Education Policy.

Riordan, K. (2003). *Teacher Leadership as a Strategy for Instructional Improvement: The Case of the Merck Institute for Science Education*. Philadelphia, PA: Consortium for Policy Research in Education.

Rivkin, S., Hanushek, E. and Kain, J. (2005). "Teachers, Schools, and Academic Achievement." *Econometrica*, 73(2). New York, NY: Econometrica.

Robelen, E. (2006). "Detailed Dropout Studies Guide Policy in City Schools." *Education Week* 26 (12). Bethesda, MD: Editorial Projects in Education.

Rooney, P., Hussar, W., Planty, M., Choy, S., Hampden-Thompson, G., Provasnik, S. and Fox, M.A. (2006). *The Condition of Education 2006*. Washington, DC: National Center for Education Statistics.

Rooney, P., Wirt, J., Hussar, W., Choy, S., Hampden-Thompson, G., Provasnik, S. and Fox, M.A. (2005). *The Condition of Education 2005*. Washington, DC: National Center for Education Statistics.

Rose, L.C. and Gallup, A.M. (2006). *38th Annual Phi Delta Kappa/Gallup Poll of the Public's Attitudes Toward the Public Schools*. Bloomington, IN: Phi Delta Kappa International.

Ross, S.M. (2005). *Evaluating Supplemental Educational Service Providers: Suggested Strategies for States*. Washington, DC: Supplemental Educational Services Quality Center.

Rossell, C. (2005). *Making Uneven Strides: State Standards for Achieving English Language Proficiency Under the No Child Left Behind Act*. Arlington, VA: Lexington Institute.

Rotherham, A.J. (2006). *Making the Cut: How States Set Passing Scores on Standardized Tests*. Washington, DC: Education Sector.

Roza, M. and Hill, P.T. (2004). "How Within-District Spending Inequities Help Some Schools Fail." *Brookings Papers on Education Policy*. Washington, DC: Brookings Institution.

Roza, M. and Swartz, C. (2006). *Policy Brief: A Shortage of School Principals: Fact or Fiction?* Seattle, WA: Center on Reinventing Public Education.

- Sanders, W.L. and Rivers J.C. (1996). *Cumulative and Residual Effects of Teachers on Future Student Academic Achievement*. Knoxville, TN: University of Tennessee Value-Added Research and Assessment Center.
- Scott, C., Kober, N., Rentner, D.S. and Jennings, J. (2005). *Hope but No Miracle Cures: Michigan's Early Restructuring Lessons*. Washington, DC: Center on Education Policy.
- Shaul, M.S. (2006). "No Child Left Behind Act: States Face Challenges Measuring Academic Growth." *Testimony Before the House Committee on Education and the Workforce*. Washington, DC: U.S. Government Accountability Office.
- Short, D. and Fitzsimmons, S. (2006). *Double the Work: Challenges and Solutions to Acquiring Language and Academic Literacy for Adolescent English Language Learners*. Washington, DC: Alliance for Excellent Education.
- Simpson, M.A., Gong, B. and Marion, S. (2006). *Effect of Minimum Cell Sizes and Confidence Interval Sizes for Special Education Subgroups on School-Level AYP Determinations*. Minneapolis, MN: The National Center on Educational Outcomes.
- Snow, C.E., Burns, M.S. and Griffin, P. (1998). *Preventing Reading Difficulties in Young Children*. Washington, DC: The National Academy Press.
- Snyder, T. (2005). *Digest of Education Statistics 2004*. Washington, DC: National Center for Education Statistics.
- Snyder, T., Tan, A. and Hoffman, C. (2006). *Digest of Education Statistics 2005*. Washington, DC: National Center for Education Statistics.
- Southeast Center for Teaching Quality, The (2004). *Unfulfilled Promise: Ensuring High Quality Teachers for Our Nation's Students*. Chapel Hill, NC: The Southeast Center for Teaching Quality.
- State of Connecticut Attorney General's Office (2006). *Attorney General's legal action in the No Child Left Behind (NCLB) Act*. Hartford, CT: State of Connecticut Attorney General's Office.
- Stringfield, S. and Yakimowski-Srebnick, M. (2005). "Promise, Progress, Problems, and Paradoxes of Three Phases of Accountability: A Longitudinal Case Study of the Baltimore City Public Schools." *American Educational Research Journal*, 42(1). Washington, DC: American Educational Research Association.
- Strizek, G., Pittsonberger, J., Riordan, K., Lyter, D. and Orlofsky, G. (2006). *Characteristics of Schools, Districts, Teachers, Principals, and School Libraries in the United States: 2003–04 Schools and Staffing Survey*. Washington, DC: National Center for Education Statistics.
- Strong, M. (2006). *Does New Teacher Support Affect Student Achievement? Some Early Research Findings*. Santa Cruz, CA: New Teacher Center.
- Stullich, S., Eisner, E., McCrary, J. and Roney, C. (2006). *National Assessment of Title I: Interim Report Volume I: Implementation of Title I*. Washington, DC: U.S. Department of Education.
- Sunderman, G.L. (2006). *The Unraveling of No Child Left Behind: How Negotiated Changes Transform the Law*. Cambridge, MA: The Civil Rights Project at Harvard University.
- Supovitz, J.A. and Klein, V. (2003). *Mapping a Course for Improved Student Learning: How Innovative Schools Systematically Use Student Performance Data to Guide Improvement*. Philadelphia, PA: Consortium for Policy Research in Education.

Supovitz, J.A. and Poglinco, S.M. (2001). *Instructional Leadership in a Standards-based Reform*. Philadelphia, PA: Consortium for Policy Research in Education.

Teaching Commission, The (2006). *Teaching at Risk: Progress & Potholes*. New York, NY: The Teaching Commission.

Thomas B. Fordham Foundation (2006). *The Fordham Report 2006: How Well Are States Educating Our Neediest Children?* Washington, DC: Thomas B. Fordham Foundation.

Thomas, W.P. and Collier V.P. (2002). *A National Study of School Effectiveness for Language Minority Students' Long-Term Academic Achievement Final Report: Project 1.1*. Berkeley, CA: Center for Research on Education, Diversity & Excellence.

Thurlow, M., Minnema, J. and Treat, J. (2004). *A Review of 50 States' Online Large-scale Assessment Policies: Are English Language Learners with Disabilities Considered?* Minneapolis, MN: National Center on Educational Outcomes.

Till, F. (2004). "Working Toward a Data-Driven, People Centered District." *Voices in Urban Education* No. 5. Providence, RI: Annenberg Institute for School Reform at Brown University.

Toch, T. (2006). *Margins of Error: The Education Testing Industry in the No Child Left Behind Era*. Washington, DC: Education Sector.

Togneri, W. and Anderson, S. (2003). *Beyond Islands of Excellence: What Districts Can Do to Improve Instruction and Achievement in All Schools*. Washington, DC: Learning First Alliance.

Tracy, C.O. and Walsh, K. (2004). *Necessary and Insufficient: Resisting a Full Measure of Teacher Quality*. Washington, DC: National Council on Teacher Quality.

U.S. Chamber of Commerce (2006). *Education Reform: Insight into the Business Community's Views About the U.S. Education System*. Washington, DC: U.S. Chamber of Commerce.

U.S. Department of Agriculture, Food and Nutrition Service, Office of Analysis, Nutrition and Evaluation (2001). *School Nutrition Dietary Assessment Study-II Final Report*. Alexandria, VA: U.S. Department of Agriculture.

U.S. Department of Education (U.S. DOE). *Policy Guidance*. Washington, DC.

U.S. Department of Education (U.S. DOE). *Regulations*. Washington, DC.

U.S. Department of Education (U.S. DOE). *Education of Migratory Children: Maintenance and Transfer of Health and Educational Information For Migrant Students by the States*.

U.S. Department of Education (U.S. DOE), Office of Postsecondary Education, Office of Policy Planning and Innovation (2002). *Meeting the Highly Qualified Teachers Challenge: The Secretary's Annual Report on Teacher Quality*. Washington, DC.

U.S. Department of Education (U.S. DOE), Office of Policy Planning and Innovation (2003). *Meeting the Highly Qualified Teachers Challenge: The Secretary's Second Annual Report on Teacher Quality*. Washington, DC.

U.S. Department of Education (U.S. DOE), Office of Postsecondary Education (2004). *Meeting the Highly Qualified Teachers Challenge: The Secretary's Third Annual Report on Teacher Quality*. Washington, DC.

U.S. Department of Education (U.S. DOE), Office of Postsecondary Education (2005). *The Secretary's Fourth Annual Report on Teacher Quality: A Highly Qualified Teacher in Every Classroom*. Washington, DC.

U.S. Department of Education (U.S. DOE) (2006a). *The Reading First Program's Grant Application Process: Final Inspection Report*. Washington, DC: U.S. Department of Education, Office of the Inspector General.

U.S. Department of Education (U.S. DOE), Office of Postsecondary Education (2006b). *The Secretary's Fifth Annual Report on Teacher Quality: A Highly Qualified Teacher in Every Classroom*. Washington, DC.

U.S. Department of Education (U.S. DOE), Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service (2006c). *Title I Accountability and School Improvement From 2001 to 2004*. Washington, DC.

U.S. Department of Labor (2006). *America's Dynamic Workforce*. Washington, DC: U.S. Department of Labor.

U.S. General Accounting Office (name later changed to U.S. Government Accountability Office (U.S. GAO)) (1994). *Elementary School Children: Many Change Schools Frequently, Harming Their Education*, HEHS-94-45. Washington, DC: U.S. General Accounting Office.

U.S. General Accounting Office (name later changed to U.S. Government Accountability Office (U.S. GAO)) (2003). *Title I: Characteristics of Tests Will Influence Expenses; Information Sharing May Help States Realize Efficiencies*, GAO-03-389. Washington, DC: U.S. General Accounting Office.

U.S. Government Accountability Office (U.S. GAO) (2004). *No Child Left Behind Act: Additional Assistance and Research on Effective Strategies Would Help Small Rural Districts*, GAO-04-909. Washington, DC: U.S. Government Accountability Office.

U.S. Government Accountability Office (U.S. GAO) (2005a). *Head Start: Further Development Could Allow Results of New Test to be Used for Decision Making*, GAO-05-343. Washington, DC: U.S. Government Accountability Office.

U.S. Government Accountability Office (U.S. GAO) (2005b). *No Child Left Behind Act: Improved Accessibility to Education's Information Could Help States Further Implement Teacher Qualification Requirements*, GAO-05-25. Washington, DC: U.S. Government Accountability Office.

U.S. Government Accountability Office (U.S. GAO) (2006a). *No Child Left Behind Act: Assistance from Education Could Help States Better Measure Progress of Students with Limited English Proficiency*, GAO-06-815. Washington, DC: U.S. Government Accountability Office.

U.S. Government Accountability Office (U.S. GAO) (2006b). *No Child Left Behind Act: Education Actions Needed to Improve Local Implementation and State Evaluation of Supplemental Educational Services*, GAO-06-758. Washington, DC: U.S. Government Accountability Office.

U.S. Government Accountability Office (U.S. GAO) (2006c). *No Child Left Behind Act: States Face Challenges Measuring Academic Growth That Education's Initiatives May Help Address*, GAO-06-661. Washington, DC: U.S. Government Accountability Office.

Vaden-Kiernan, N. (2005). *Statistics in Brief: Parents' Reports of School Practices to Provide Information to Families: 1996 and 2003*. Washington, DC: National Center for Education Statistics.

Von Zastrow, C. and Janc, H. (2004). *Academic Atrophy: The Condition of the Liberal Arts in America's Public Schools*. Washington, DC: Council for Basic Education.

Wallace Foundation, The (2003). *Beyond the Pipeline: Getting the Principals We Need, Where They Are Needed Most*. New York: The Wallace Foundation.

Waters, J.T. and Marzano, R.J. (2006). *School District Leadership That Works: The Effect of Superintendent Leadership on Student Achievement*. Denver, CO: Mid-continent Research for Education and Learning.

Waters, T., Marzano, R.J. and McNulty, B. (2003). *Balanced Leadership: What 30 Years of Research Tells Us About the Effect of Leadership on Student Achievement*. Denver, CO: Mid-continent Research for Education and Learning.

West Wind Education Policy, Inc. (2006). *Perspectives on Georgia's High Schools: A Report on the Regional Focus Groups on High School Redesign and the Work of the High School Redesign Advisory Panel*. Iowa City, IA: West Wind Education Policy, Inc.

Zieky, M. and Perie, M. (2006). *A Primer on Setting Cut Scores on Tests of Educational Achievement*. Princeton, NJ: Educational Testing Service.

Appendices

Appendix A

Summary of Outreach and Research Activities

The Commission has listened to the experiences of practitioners, community members and parents on the No Child Left Behind Act (NCLB) to make our recommendations on how the law might be improved. The Commission created and participated in a public process that opened the door to a deep and diverse influx of comments, feedback and ideas from across the country. The Commission also collected and analyzed extensive research to deepen its understanding of the successes and challenges of the law.

Public Hearings Give Light to Critical Issues in NCLB

The Commission held six national hearings (listed below), taking testimony from 46 witnesses and hearing diverse perspectives on the law from many audience participants. While some of the witnesses testified as individuals, many testified on behalf of hundreds, thousands and even millions of people affected by the law in some way.

Quality Teachers Equal Quality Schools

California State Polytechnic University
Pomona, California
April 11, 2006

Witnesses:

- Gavin Payne, Chief Deputy Superintendent, Office of the Superintendent, California Department of Education, Sacramento, CA
- Don Iglesias, Superintendent, San Jose Unified School District, San Jose, CA
- Russlynn Ali, Executive Director, The Education Trust–West, Oakland, CA
- Kitty Dixon, New Teacher Center, Santa Cruz, CA
- Pixie Hayward-Schickele, Teacher and Chair of the CTA ESEA Workgroup, California Teachers Association, Burlingame, CA
- Thomas Kane, Professor of Education and Economics, Graduate School of Education, Harvard University, Cambridge, MA

Testing: Making It Work for Children and Schools

Saint Joseph College
Hartford, Connecticut
May 9, 2006

Witnesses:

- Betty Sternberg, Commissioner, Connecticut State Department of Education, Hartford, CT
- Richard Blumenthal, Attorney General, State of Connecticut, Hartford, CT
- James Peyser, Chairman, Massachusetts State Board of Education, Boston, MA
- Joel Klein, Chancellor, New York City Department of Education, New York, NY
- William Taylor, Chair, Citizens' Commission on Civil Rights, Washington, DC, and Counsel to the NAACP in *Connecticut v. Spellings*
- Aimee Guidera, Director, Data Quality Campaign, National Center for Education Accountability, Washington, DC
- Stuart Kahl, President and CEO, Measured Progress Inc., Dover, NH

Improving Achievement for All Students: Is NCLB Accountability Producing Results?

Georgia Institute of Technology
Atlanta, Georgia
May 22, 2006

Witnesses:

- Kathy Cox, Superintendent, Georgia Department of Education, Atlanta, GA
- John Winn, Commissioner, Florida Department of Education, Tallahassee, FL
- J. Alvin Wilbanks, CEO/Superintendent, Gwinnett County Public Schools, Suwanee, GA
- Lester McKee, Executive Director for Research Planning and Accountability, Atlanta Public Schools, Atlanta, GA
- Mercuria Chase Williams, President, Georgia Association of Educators, Tucker, GA

Successful Interventions: Helping Schools Achieve Academic Success

Monona Terrace, Multimedia Lecture Hall

Madison, Wisconsin

June 9, 2006

Witnesses:

- Elizabeth Burmaster, State Superintendent, Wisconsin Department of Public Instruction, Madison, WI
- Eugene Hickok, Senior Policy Director, Dutko Worldwide, Washington, DC; former U.S. Deputy Secretary of Education
- John Ashley, Executive Director, Wisconsin Association of School Boards, Inc., Madison, WI
- Yvonne Caamal Canul, Director, Office of School Improvement, Michigan Department of Education, Lansing, MI
- Sam Stringfield, Acting Chair, College of Education and Human Development, University of Louisville, Louisville, KY
- Cheryl Clancy, Principal, Kosciuszko Middle School, Milwaukee, WI

State Standards: Assessing Differences in Quality and Rigor and How They Impact NCLB

Lesley University

Cambridge, Massachusetts

August 31, 2006

Witnesses:

- Honorable Mitt Romney, Governor of Massachusetts, Office of the Governor, Boston, MA
- David Driscoll, Commissioner, Massachusetts Department of Education, Malden, MA
- Chester E. Finn, Jr., President, Thomas B. Fordham Foundation, Washington, DC
- Antonia Cortese, Executive Vice President, American Federation of Teachers, Washington, DC
- Michael Cohen, President, Achieve, Inc., Washington, DC
- Neal McCluskey, Education Policy Analyst, CATO Institute, Washington, DC
- Arthur J. Rothkopf, Senior Vice President and Counselor to the President, U.S. Chamber of Commerce, Washington, DC

- Brian Gong, Executive Director, The National Center for the Improvement of Educational Assessment, Dover, NH
- Susan Traiman, Director, Education and Workforce Policy, The Business Roundtable, Washington, DC

Improving NCLB: Success, Concerns and Solutions

George Washington University
Washington, DC
September 25, 2006

Witnesses:

- Honorable Raymond Simon, Deputy Secretary, U.S. Department of Education, Washington, DC
- Edward J. McElroy, President, American Federation of Teachers, Washington, DC
- Valerie Woodruff, President, Council of Chief State School Officers, and Delaware Secretary of Education, Dover, DE
- Reg Weaver, President, National Education Association, Washington, DC
- Kati Haycock, Director, Education Trust, Washington, DC
- Chris Whittle, Founder and Chief Executive Officer, Edison Schools, Knoxville, TN
- Michael Casserly, Executive Director, Council of the Great City Schools, Washington, DC
- Andrew Rotherham, Co-Founder and Co-Director, Education Sector, Washington, DC
- John E. Chubb, Chief Education Officer, Edison Schools Inc., New York, NY, and Distinguished Visiting Fellow, Hoover Institution, Stanford, CA
- Reginald Felton, Director of Federal Relations, National School Boards Association, Alexandria, VA
- Madeleine C. Will, Vice President of Public Policy, National Down Syndrome Society, New York, NY
- Michael Petrilli, Vice President for National Programs and Policy, Thomas B. Fordham Foundation, Washington, DC, and Research Fellow, Hoover Institution, Stanford, CA
- Denise Greene-Wilkinson, Principal, Polaris K-12 School, Anchorage, AK

Public Roundtables Provide In-Depth Discussions on Key Issues

Commissioners held six roundtable discussions in Washington, DC (listed below), taking testimony from 33 witnesses and hearing from many audience participants. Like at the hearings, some of the roundtable witnesses testified as individuals, while others testified on behalf of hundreds, thousands and even millions of people affected in some way by the law.

Parental and Grassroots Perspectives on NCLB

June 20, 2006

Presenters:

- Wendy Puriefoy, President, Public Education Network, Washington, DC
- Ronald Jackson, Executive Director, Citizens for Better Schools, Birmingham, AL
- Barbara Davidson, President, StandardsWork, Washington, DC
- Charles Saylor, Secretary-Treasurer, National PTA, Washington, DC
- Cherie Takemoto, Executive Director, Parent Educational Advocacy Training Center, Springfield, VA

Impact of NCLB on Rural Schools

June 28, 2006

Presenters:

- Polly Feis, Deputy Commissioner, Nebraska Department of Education, NE
- Joseph Long, Superintendent, Otsego Local School District, Tontogany, OH
- Kara Chrisman, Mathematics Teacher, Lamar High School, Lamar, AR
- Lorna Jimerson, Rural School and Community Trust, Arlington, VA
- Carol Panzer, Education Consultant, Southwest Plains Regional Service Center, Sublette, KS

Early Childhood and NCLB

July 20, 2006

Presenters:

- Marsha Moore, Commissioner of Bright from the Start, Georgia Department of Early Care and Learning, Atlanta, GA
- Sam Meisels, President, Erikson Institute, Chicago, IL
- Libby Doggett, Executive Director, Pre-K Now, Washington, DC

- Jim Hinson, Superintendent, Independence School District, Independence, MO
- Jim Lesko, 619 Coordinator, Education Associate, Early Childhood Education, Delaware Department of Education, Dover, DE

English Language Learners and NCLB

July 21, 2006

Presenters:

- Margarita Pinkos, Deputy for Policy, Office of English Language Acquisition, U.S. Department of Education, Washington, DC
- Joanne Urrutia, Administrative Director, Division of Bilingual Education and World Languages, Miami-Dade County Public Schools, Miami, FL
- Melissa Lazarin, Senior Policy Analyst, National Council of La Raza, Washington, DC
- Susan Valinski, ESOL Elementary Instructional Support Teacher, Fairfax County, VA

Children With Disabilities and NCLB

August 2, 2006

Presenters:

- Susan DuRant, Director, Office of Exceptional Children, South Carolina Department of Education, Columbia, SC
- David Rose, Founding Director, Chief Scientist, Cognition and Learning, CAST, Wakefield, MA
- Martha Thurlow, Director, National Center on Educational Outcomes, Minneapolis, MN
- Gwendolyn Mason, Director of Special Education Services, Department of Special Education, Montgomery County Public Schools, Rockville, MD
- Katy Beh Neas, Treasurer, Consortium for Citizens with Disabilities, Washington, DC
- Ricki Sabia, Associate Director, National Down Syndrome Society National Policy Center, Washington, DC
- Isabel Garcia, Executive Director, Parent to Parent of Miami, Miami, FL
- Patti Ralabate, Senior Professional Associate for Special Needs, National Education Association, Washington, DC

High Schools, College Readiness and NCLB

August 4, 2006

Presenters:

- Honorable Gaston Caperton, President, The College Board, New York, NY
- Honorable Bob Wise, President, Alliance for Excellent Education, Washington, DC
- Michael Cohen, President, Achieve, Inc., Washington, DC
- Robert Balfanz, Associate Research Scientist, Center for Social Organization of Schools, Johns Hopkins University, Baltimore, MD
- Fredreka Schouten, Senior Associate and Director of Public Outreach, Education Trust, Washington, DC
- Becky Pringle, Chair, NEA ESEA Advisory Committee, National Education Association, Washington, DC

Site Visits, Small Group Meetings and School and District Profiles Provide Closer Look at Schools

The Commission visited schools and talked with teachers and administrators about the impact of NCLB on their schools.

- Hollingworth Elementary School, West Covina, CA
- Webster Hill Elementary School, West Hartford, CT
- Centennial Place Elementary School, Atlanta, GA

The Commission also held two informal small group meetings, one that brought together Wisconsin principals to discuss NCLB and another that enabled Massachusetts students to voice their opinions about the law.

Principals Attending the Wisconsin Roundtable:

- Cheryl Clancy, Kosciuszko Middle School, Milwaukee, WI
- Cynthia Ellwood, Hartford Avenue University Elementary School, Milwaukee, WI
- Renee Tennant, Cottage Grove Elementary School, Cottage Grove, WI
- Connie Haessly, Maywood Elementary School, Monona, WI
- Also Attending: Shannon Gordon, ESEA Implementation and Compliance Manager, Milwaukee Public Schools, Milwaukee, WI

Students Attending the Massachusetts Lunch Panel

Prospective Teachers Attending Lesley University (Cambridge, MA):

- Jolene Zuk
- Liana Mitman
- Lauren Tiso

Students From Cambridge Ridge and Latin High School (Cambridge, MA):

- Akshata Kadagathur
- Lia Lenart
- Samuel Gebru
- Damian Vasquez

Additional Attendees:

- Ethan Hutt, Executive Director, Our Education

To further deepen the breadth and depth of perspectives on the law, the Commission developed a series of profiles that examine NCLB experiences in schools and districts in New York City, New Mexico, Pennsylvania and Montana.

- Washington Middle School (Albuquerque, NM)
- Belt School District (Belt, MT)
- Yough School District (Herminie, PA)
- PS 161 Pedro Albizu Campos (New York, NY)

Web Site Offers Additional Insights From Thousands

Through our Web site, the Commission collected stories, concerns and suggestions from people across the country—parents, students, teachers, administrators, researchers, community members—who have been affected in some way by NCLB. The Commission received more than 10,000 e-mail submissions.

Research and Evaluation Offers Additional Understanding of the Law

To deepen our understanding of the issues around the law, the Commission held conversations with experts and collected and analyzed evidence on NCLB from a wide range of research and evaluation reports.

The Commission staff has issued three white papers that address achievement gaps and growth models in the context of NCLB and how students with disabilities and English language learners affect AYP determinations.

- *Growth Models: An Examination Within the Context of NCLB*
- *Children with Disabilities and LEP Students: Their Impact on the AYP Determinations of Schools*
- *The State of the Achievement Gap*

Witness testimony, hearing summary reports, white papers and other information on the Commission are available on the Commission's Web site: www.nclbcommission.org.

Appendix B

List of Graphs and Charts

Average Scale Scores and Achievement-Level Results in Reading, by Race/Ethnicity, Grade 4: Various Years, 1990–2005 (p. 17)

Average Scale Scores and Achievement-Level Results in Mathematics, by Race/Ethnicity, Grade 4: Various Years, 1990–2005 (p. 18)

Poor and Minority Students Get More Inexperienced Teachers (p. 31)

Percentage of Teachers Reporting That They Are Considered Not Highly Qualified Under NCLB, by School Improvement Status, 2004–05 (p. 35)

Types of Professional Development Emphasized in Schools in 2003–04 (p. 43)

Timeline for Highly Qualified Effective Teacher Status (p. 49)

Reasons Schools Missed AYP, 2003–04 (p. 59)

Change in Instructional Time Per Day at Elementary Schools, by Subject Area, 2003–04 to 2004–05 (p. 62)

Impact of Students With Disabilities on AYP (p. 63)

Impact of English Language Learners on AYP (p. 63)

States With Small and Large N-Sizes (p. 65)

Predicted Number of States That Would Reach the Goal of 100 Percent Proficient by 2013–14, for Various Subgroups, If Achievement Trajectories from 2000–01 to 2002–03 Continued Through 2013–14 (p. 69)

NCLB School Improvement, Corrective Action and Restructuring Timeline (p. 83)

Number of Students Participating in Title I School Choice and Supplemental Services (p. 84)

Average Number of Students Who Transferred, by Timing of District Notification, Among Districts That Provided Choice in 2003–04 (p. 84)

Top Challenges Faced by Districts That Implemented Supplemental Services, Among Districts That Offered Services in 2003–04 (p. 86)

Criteria for Selecting Supplemental Service Providers in 2003–04 (p. 87)

Number and Percentage of Identified Schools, by State, 2004–05 (p. 89)

Number and Percentage of Identified Districts, by State, 2004–05 (p. 90)

Research and Development Expenditures Toward Education Relative to Other Government Agencies (p. 98)

Approval Status of State Assessments (p. 105)

Percentage of 4th Grade Students Achieving at or Above the “Proficient” Level on NAEP and State Assessments in Reading, 2003 (p. 118)

States That Have Joined the American Diploma Project Network (p. 123)

College Professors and Employers Report Significant Percentage of High School Graduates Unprepared (p. 130)

Knowing What They Know Today, Many Graduates Report They Would Have Worked Harder in High School (p. 130)

Number of States Using Each Migrant Student Record System (1999 Versus 2003) (p. 155)

Percentage of Migrant Students by Each Migrant Student Record System (1999 Versus 2003) (p. 155)

Appendix C

Common Abbreviations Used

AMO: Annual Measurable Objective. NCLB requires states to establish these benchmarks for yearly school and student achievement.

AYP: Adequate Yearly Progress. The cornerstone of NCLB’s accountability system. Each state must develop a definition of AYP to hold schools and school districts accountable for increasing academic performance and closing the achievement gap.

ESEA: Elementary and Secondary Education Act. The first formal effort by the federal government to support K–12 education reform. It was enacted in 1965. NCLB, and its predecessor law, IASA, amended this Act. NCLB was the 2002 reauthorization of the ESEA.

HOUSSE: High, Objective, Uniform State Standard of Evaluation. An option for veteran teachers to demonstrate their subject matter knowledge to meet the HQT requirements.

HQET: Highly Qualified Effective Teacher. The Commission’s recommendation on assessing the effectiveness of teachers in producing learning gains in the classroom.

HQT: Highly Qualified Teacher. NCLB’s requirements on teacher quality.

IASA: Improving America’s Schools Act. The 1994 reauthorization of the ESEA. IASA and Goals 2000: Educate America Act were the first federal education laws that required states to develop systems of standards and aligned assessments.

IDEA: Individuals with Disabilities Education Act. Federal law enacted to guarantee students with disabilities access to a free appropriate public education. It was enacted in 1975.

IEP: Individualized Education Program. Under IDEA, each public school child who receives special education services must have an IEP that documents the services and support the child is required to receive.

NAEP: The National Assessment of Educational Progress. Often known as “the nation’s report card,” NAEP is the only nationally representative and continuing assessment of American students. NAEP tests were first administered in 1969.

NCLB: No Child Left Behind Act. It became a law in January 2002.

SES: Supplemental Educational Services. Requirements under NCLB that provide free tutoring to children whose schools have not made AYP for three consecutive years. This tutoring is provided by entities that parents select from a list of those approved by the state.

Title I: The largest program under ESEA. Part A of Title I includes all of NCLB’s major accountability requirements. Title I provides funds to schools to assist in the education of disadvantaged children.

U.S. DOE: U.S. Department of Education. A Cabinet-level department of the U.S. government, administered by the U.S. Secretary of Education. The Department funds and enforces federal education laws such as NCLB and IDEA.

Appendix D

Additional View

The Aspen Institute's Commission on No Child Left Behind has done important work in reviewing the strengths and weaknesses of the law. I have been honored to serve on this Commission and have great respect for my fellow Commissioners and the staff who ably support them. I know that everyone involved with this important endeavor cares deeply about improving our nation's schools and closing the achievement gap. While I believe NCLB has been an important step forward, much work remains to be done to fix the law.

I believe that many recommendations contained in the Commission's report would bring much needed improvements. However, I would like to express some concerns regarding the Highly Qualified Effective Teacher proposal. I know from experience that teachers have the greatest stake in ensuring that their peers are effective. I also know that every child deserves to be in a classroom led by a teacher who knows his or her subject matter and how to teach it.

The Commission's recommendation is based in part on a value-added methodology to determine teacher effectiveness. I believe this approach to be premature, particularly in light of research from the Rand Corporation asserting that states and testing companies are years away from possessing the assessment and data systems that would make the Commission's recommendations in this area possible. Research also shows that many state assessments are of poor quality and are not sufficiently aligned with standards and classroom instruction. I believe that grants to districts for collaborative pilot programs to devise methods for measuring teacher effectiveness are a better course for the federal government to fund and support.

Thomas Y. Hobart, Jr.

*It's time to take a bold step forward and
commit to significantly improving NCLB.
We must insist on high achievement for all
students. Our nation's children deserve it.*

