



Education Commission
of the States

No Child Left Behind Policy Brief

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Implications for the Early Learning Field

By Kristie Kauerz and Jessica McMaken
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Many educators and policymakers are working hard to interpret and implement those provisions of the No Child Left Behind Act (NCLB) that impact the K-12 community. Often, however, the act's implications on early learning and early childhood educators are not fully considered or discussed.¹

This policy brief focuses on three NCLB components that hold relevance for early learning:

1. Adequate Yearly Progress
2. Highly Qualified Teachers
3. Reading/Literacy.

The goal of this brief is twofold: (1) to inform early learning educators and policymakers better about specific NCLB components, and (2) to begin to discern what implications – both positive and negative – NCLB holds for the early learning field.

Adequate Yearly Progress (AYP)

Adequate yearly progress, or AYP, is the heart of the NCLB accountability requirements. AYP requires schools, districts and states that receive Title I federal funding² to make annual progress toward the goal of bringing 100% of their students at least to “academic proficiency” by the end of the 2013-14 school year. Progress in reading and math must be shown for all students and all student subgroups, including economically disadvantaged students, limited-English-proficiency students, students with disabilities and students in major racial and ethnic groups.

Student performance on reading and math assessments is the main indicator of whether AYP is being met, but high school graduation rates and at least one additional indicator for elementary schools (decided on by the state) also must be included. Most of the public focus, however, has been on the percentage of students scoring at or above “proficiency” on statewide reading and math tests.

NCLB does not mandate (or encourage) testing of children in kindergarten, 1st or 2nd grades. Under the law, reading and math proficiency testing is first administered to students in 3rd grade. Additional testing occurs in grades 4-8 and at least once during high school. Each state develops its own tests and each determines its own definition of “proficiency” on these tests. In addition, each state sets its own annual benchmarks/targets in order to meet the requirement that 100% of students be proficient in reading and math by 2013-14.

Because each state defines what “proficient” means and develops its own set of benchmarks for improvement, proficiency is not the same across all states. Further, each state's standards and assessments vary in rigor and the degree to which they are aligned. Consequently, it is neither practical nor reliable to compare AYP measures across states.



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Consequences if AYP Is Not Met

Each year states determine which schools did not meet AYP. The consequences for not making AYP vary based on a school's Title I status. For schools that do not meet AYP and do not receive Title I funds, the negative public relations created by appearing on a list of schools identified as "in need of improvement" is most likely the extent of their consequences.

In contrast, for schools that consistently fail to meet AYP and *do* receive federal Title I funds,³ there is a progression of consequences outlined in NCLB. There are no consequences for failing to meet AYP for one year. If, however, a school does not meet AYP for two or more consecutive years, it is identified as "in need of improvement" and a series of corrective actions kick in. First, the state must provide technical assistance to the school needing improvement and must allow students in the school to choose to attend a higher-performing school.

The consequences become increasingly severe the longer a school remains on the "needs improvement" list. If a school remains on the "needs improvement" list for three or more consecutive years, the consequences range from the requirement to provide tutoring for low-income students to "major restructuring" of school governance, which may include reopening the school as a charter school. Under NCLB, there are no financial penalties for schools that fail to meet AYP.

Early Learning and AYP

What are the implications of NCLB's AYP requirements for early learning? NCLB has *no* direct accountability requirements that apply to classrooms or programs that serve children in 2nd grade and below.

Nonetheless, some early learning professionals are concerned the push for academic accountability in 3rd grade and above will trickle down to younger children, perhaps culminating in inappropriate assessment practices for these children. Others in the early learning field suggest that NCLB provides an opportunity to promote and expand early learning as a critical and viable solution for improving academic achievement, particularly for low-income and minority children. Both positions deserve attention; there are both challenges and opportunities created by NCLB in terms of accountability for early learning programs.

The Challenge

The trickle down of inappropriate testing of young children is a valid concern for early learning professionals. Although NCLB does not require accountability measures for early learning programs, there are other federal efforts that reflect the national focus on testing. In 1998, Congress required all Head Start grantees start collecting data on child outcomes, or what children know and are able to do. Consequently, the Head Start Bureau developed the *Head Start Outcomes Framework* that includes 100 indicators of what children in Head Start should know and be able to do. In 2002, President George W. Bush announced Good Start, Grow Smart, his national early childhood initiative. Under this initiative, states are encouraged to develop voluntary early learning guidelines on literacy, language and prereading skills. It is clear that early learning standards rapidly are becoming a part of a national standards-based climate.

This climate demands that early learning professionals be proactive and engaged in discussions about accountability. The challenge to early learning professionals is to ensure standards, guidelines or other accountability measures for young children are developmentally appropriate, and used to inform and improve curriculum and instruction, *not* to label or otherwise negatively impact children.

The Opportunity

As a result of NCLB's focus on accountability, the public and policymakers are focused on improving the quality of education and on increasing student achievement. With great urgency, they are seeking solutions. This presents a unique window of opportunity for early learning professionals to step forward and say, "we can help." With a solid foundation of empirical research that shows the



long-term benefits of high-quality early learning programs,⁴ the time is ripe for asserting early learning as a critical contributor to academic success later on in school. By getting this message to decisionmakers who are struggling with issues surrounding AYP, attention can be drawn to the importance of early learning.

Additional Resources on Understanding AYP and Early Learning

The ABCs of AYP: Raising Achievement for All Students. This publication from The Education Trust summarizes the accountability requirements of Title I of the No Child Left Behind Act.

<http://www2.edtrust.org/NR/rdonlyres/9C974109-4A70-4F5E-A07F-6DC90D656F0F/0/ABCAYP.pdf>

ECS StateNote: State Accountability and Consolidated Plans. Fifty-state chart providing links to each state's accountability and consolidated plan and to each state's NCLB Web site.

<http://www.ecs.org/clearinghouse/42/65/4265.htm>

Council of Chief State School Officers Resources on No Child Left Behind. CCSSO's resources on NCLB and AYP. http://www.ccsso.org/federal_programs/NCLB/1759.cfm#AYP

Early Learning Standards: Creating the Conditions for Success. This joint statement by the National Association of Early Childhood Specialists in State Departments of Education and the National Association for the Education of Young Children addresses the educational, ethical, developmental, programmatic, assessment and policy issues related to early learning standards. The position statement outlines four essential features for early learning standards to be developmentally effective. http://www.naeyc.org/resources/position_statements/position_statement.pdf

Montgomery County Maryland's Early Success Performance Plan. Learn how one district successfully has targeted early learning to improve academic achievement for all students.

<http://www.mcps.k12.md.us/info/CTBS2003/earlysuccess.shtm>

Highly Qualified Teachers

A central feature of The No Child Left Behind Act is an acknowledgement of the important role that teacher quality plays in promoting student achievement. There are two teaching quality provisions that hold potential relevance to the early learning community. First is the "highly qualified" teacher requirement. Second, there are a variety of professional development activities provided by the law that hold potential benefit for early childhood educators.

The Highly Qualified Teacher

After the first day of the 2002-03 school year, all *newly* hired K-12 teachers in programs supported with Title I funds were required to be "highly qualified" according to the definition set forth in NCLB. Teachers are considered "highly qualified" if they have a bachelor's degree, have full/continuing state certification and have demonstrated subject-matter competence in the areas taught.

By the end of the 2005-06 school year, all teachers in core academic subjects must be "highly qualified" in their areas of teaching assignment. Core academic subjects are defined by NCLB to be: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography.

While the federal definition of "highly qualified" lays the baseline below which states may not go, states have the option to develop their own definitions. The most flexibility lies in how states require teachers to demonstrate subject-matter competence. At the elementary level, all new teachers must pass a test to demonstrate content knowledge and teaching skills. For teachers who are already in the classroom, however, NCLB gives states the option to develop a "High Objective Uniform State Standard of Evaluation" (HOUSSE) to determine subject-matter competency.



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Some states' HOUSSE criteria allow teachers to meet competency requirements by participating in a specified amount of professional development. Other states determine competency based on a performance evaluation or a portfolio of evidence. Yet other states consider teachers' effect on student achievement. Some states use a combination of the above measures. States may not, however, use time spent teaching a subject as a primary criteria for determining competency.

The Highly Qualified Pre-kindergarten Teacher?

NCLB does not specifically include early childhood and pre-kindergarten teachers in the highly qualified teacher provisions. The law's definition, however, does not prohibit states from setting higher standards that include teachers of young children. According to non-regulatory guidance published by the U.S. Department of Education, the highly qualified teacher requirements "do not apply to early childhood or pre-kindergarten teachers unless a state includes early childhood or pre-kindergarten as part of its elementary and secondary school system."⁵

When is Early Learning Part of the Elementary and Secondary School System?

The U.S. Department of Education has **not** issued specific guidance about how to determine whether or not early childhood or pre-kindergarten is part of the elementary and secondary school system.

While states with large, state-funded pre-kindergarten programs administered by the state department of education are beginning to grapple with these issues, all states should proactively pursue opportunities to improve the qualifications of early childhood educators. It is important that children in all early learning programs (for example, child care, family child care, pre-kindergarten, Head Start) encounter classroom teachers who are well-qualified to provide a rich and appropriate learning experience.

High-quality Professional Development

NCLB recognizes that successful teaching requires lifelong learning. Each state receiving Title I funds must develop a plan to ensure all K-12 teachers are highly qualified by the end of the 2005-06 academic year. This plan must include measurable objectives for each district and school, including an annual increase in the percentage of teachers receiving professional development.

Under NCLB, states can use Title I funds to provide professional development for teachers. Such professional development must be high quality, sustained, intensive and classroom-focused. These activities should not be one-day or short-term workshops or conferences. The activities should be regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development.

Early Childhood Educator Professional Development Program

The Early Childhood Educator Professional Development (ECEPD) Program is the only teaching quality provision of NCLB that applies explicitly to early learning educators. This program provides competitive grants to partnerships providing high-quality professional development to early childhood educators working with children from birth through kindergarten entry who come from low-income families in high-need communities.

The ECEPD grants are highly competitive. Eligible applicants are partnerships that include at least one higher education institution or another entity that provides professional development for early childhood educators. A partnership must include one or more public agency, Head Start grantee or private organization.



Activities funded by the grant include professional development for early childhood educators in the following areas:

1. Application of recent research on language and literacy development and/or research on early childhood pedagogy
2. Working with parents to provide and support developmentally appropriate school readiness services
3. Working with children who have limited English proficiency, children with disabilities and children with other special needs
4. Selection and use of screening and diagnostic assessments to improve teaching and learning.

The Challenge

The importance of well-qualified teachers in early learning programs cannot be overstated. Unfortunately, the early learning field is plagued by high teacher turnover, low pay and a lack of meaningful career paths. These problems cannot be solved without significantly more public funding. NCLB does not provide substantial funding increases to improve the quality of teaching in early childhood and pre-kindergarten programs.

The Opportunity

As a result of NCLB, there is increased attention from policymakers and the public on better understanding what makes a teacher “highly qualified,” as well as what resources it will take to get all teachers to that standard. This dialogue – going on at national, state and local levels – provides an opportunity for early learning professionals to reinforce what they have known for years. Namely, that (1) effective teachers are the key ingredient in high-quality early learning programs⁶ and (2) high-quality early learning programs have shown long-term benefits in improving student achievement.

Early learning professionals can leverage NCLB’s focus on highly qualified teachers to inform the public and policymakers better about the discrepancies in training and compensation between early childhood educators and K-12 teachers.

Additional Resources on NCLB and Teaching Quality

No Child Left Behind Policy Brief on Teaching Quality. States face many challenges in placing a high-quality teacher in each classroom. This policy brief presents what’s ahead for states and key policy questions states must ask about their teacher recruitment and certification processes, how to ensure teachers have subject-content mastery and paraprofessionals meet standards, and professional development assistance. <http://www.ecs.org/clearinghouse/34/63/3463.pdf>

Early Childhood Educator Professional Development Program. This is the official link from the U.S. Department of Education’s Web site. Application information currently is available. <http://www.ed.gov/programs/eceducator/index.html>

ECS HOUSSE Database. The information in this database references each state’s interpretation and progress toward creating the “high objective uniform state standard of evaluation.” It also contains each state’s “highly qualified teacher” definition for existing teachers. <http://www.ecs.org/HOUSSEdatabase>

Improving Teacher Quality Non-Regulatory Guidance. This document from the U.S. Department of Education provides revised guidance for the teacher quality provisions of NCLB. <http://www.ed.gov/programs/teacherqual/guidance.doc>



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Reading and Literacy

Improving children's literacy development is an important component of NCLB. The act significantly increases funding for two literacy initiatives – Reading First and Early Reading First – aimed at having all children achieve reading proficiency by the end of 3rd grade. Both are voluntary programs to help states and local education agencies use scientifically based reading research to improve reading instruction for young children.

Reading First

Reading First is designed to help states, districts and schools identify and implement scientifically based reading programs, and ensure classroom teachers (kindergarten through 3rd grade) can identify children at risk of reading failure and provide effective early instruction.

Every state is eligible to receive Reading First funds, but each state must clearly demonstrate how it will use the funds to meet the grant requirements. States are responsible for giving districts subgrants, with priority given to districts with at least 6,500 students or 15% of all students in families living below the poverty level.

Reading First grants have been awarded to all 50 states and four territories. Grant sizes range from \$2.1 million to \$130 million, based primarily on the number of low-income students and low-performing schools in the state.

States must use these funds to develop a research-based state Reading First program that builds on and coordinates existing literacy efforts in the state and targets children most at risk for reading failure. Following are key components for state Reading First programs:

- 1. Reading Leadership Team.** States must assemble a high-level leadership team, which includes the governor, the chief state school officer and key legislators, to guide the development and implementation of the state's Reading First program and to align Reading First with the state's existing literacy efforts.
- 2. Scientifically Based Reading Research.⁷** Each state must ensure all its Reading First program activities, including professional development, assessment and curriculum, are derived from scientifically based reading research as outlined in the legislation.
- 3. High-quality Professional Development.** Reading First funds professional development efforts that prepare teachers to identify and effectively teach children at risk for later reading difficulties. This includes training on selecting and administering research-based assessment and instructional materials. NCLB allows states to use a portion of their Reading First funds to provide professional development programs.
- 4. Assessment.** Districts with Reading First funds must select and administer screening, diagnostic and curriculum assessments based on scientifically based reading research so all children at risk of later reading failure can be identified and provided the necessary interventions.
- 5. Technical Assistance.** The U.S. Department of Education provides technical assistance to state education agencies to implement state programs. In addition, NCLB allows states to use a portion of their Reading First funds to provide technical assistance to school districts.

Early Reading First

Early Reading First is designed to prepare preschool-age children to start school with the language, cognitive and early reading skills they will need to become proficient readers. Like the Reading First grants, Early Reading First grants target children from low-income families, focus on professional development activities and require research-based curriculum and assessments.

Unlike the Reading First grants, Early Reading First grants are awarded directly to early learning programs or partnerships and do not flow through the state education agency. Grants are awarded



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to school districts or to public or private organizations such as Head Start or a private child care provider. The applicant must be located in a district that is eligible for Reading First funds. Applicants first submit a pre-application and are then invited to submit a full application. Priority is given to full-day, full-year programs and to programs serving high concentrations of low-income families.

Early Reading First grantees located in school districts that have received Reading First subgrants must coordinate their early literacy efforts with the Reading First program. This requirement applies to few Early Reading First grantees, because few districts have received both Reading First and Early Reading First grants.

The Challenges

NCLB emphasizes the importance of reading and literacy competence as a cornerstone for academic success. Some early childhood educators are concerned other critical domains of childhood development – social and emotional development; physical and motor development; approaches to learning; and cognition and general knowledge – will be undervalued or overlooked altogether. The challenge to early learning professionals is to capitalize on the increased resources and opportunities for improving early literacy efforts, while also maintaining substantial focus on other domains of development.

The Opportunities

While there are a relatively small number of Early Reading First grantees, the grants represent an opportunity to begin thinking critically about how state early literacy efforts align with the state’s overall kindergarten through 3rd grade literacy agenda. Important questions for state early learning leaders to ask themselves include:

1. Does the state have a clearly defined strategy for ensuring all children start school with the language, cognitive and early reading skills they will need to become proficient readers?
2. How do the state’s early literacy efforts currently fit into the state’s overall literacy agenda?
3. How can the early learning community partner with K-3 leaders to ensure all children are proficient readers by 3rd grade?

Additional Resources on NCLB and Literacy

No Child Left Behind Policy Brief on Literacy. Presents a summary of the literacy components of NCLB, as well as some of the law’s major implications for states. <http://www.ecs.org/clearinghouse/35/66/3566.pdf>

State Reading First Plans. Any state’s Reading First Web site can be accessed from this ECS Issue Site. <http://www.ecs.org/clearinghouse/43/61/4361.htm>

Early Reading First. This site from the U.S. Department of Education has detailed information on the purpose and activities of this grant program. Information for the upcoming funding cycle is available now. <http://www.ed.gov/programs/earlyreading/index.html>

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Conclusion

Aside from creating a few new grant opportunities, the No Child Left Behind Act is not directly focused on the early learning education sector. Looking toward the future, though, the law still presents some unique challenges and opportunities for early learning:

"State leaders should ask themselves: How can the early learning community partner with K-3 leaders to ensure all children are proficient readers by 3rd grade?"

- State concerns over adequate yearly progress may be used to develop a marketing strategy to proffer early learning as a solution for meeting 3rd-grade accountability benchmarks.
- The teaching quality components of NCLB bring attention to the importance of high-quality professional development and offer an opportunity to make policymakers and the general public more aware of current discrepancies in pay and training between early childhood educators and K-12 teachers.
- NCLB's reading/literacy components represent a unique opportunity to integrate early literacy into a state's overall literacy agenda.

Working in partnership, early childhood professionals and policymakers may be able to leverage No Child Left Behind to advance an agenda for high-quality early learning opportunities for all children.

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Endnotes

¹ Early learning is used here to define the variety of early childhood care and education settings that children encounter prior to school entry, including child care, family child care, preschool, pre-kindergarten and Head Start.

² Title I is the largest federal program that provides more than \$11 billion to participating states to help educate low-income and disadvantaged students. Title I funds are distributed by formula from the federal government to state education agencies (SEA), which then pass through most of these funds to their local education agencies (LEA). LEAs target the Title I funds they receive to public schools with the highest percentages of children from low-income families.

³ According to the General Accounting Office (GAO), approximately 45,000 schools received Title I funds in 2002. This is approximately one-half of the total public schools in the nation (*Disadvantaged Students: Fiscal Oversight of Title I Could Be Improved*. Washington, DC: U.S. GAO, 2003).

⁴ For a comprehensive overview, see:

- National Research Council and Institute of Medicine. *From Neurons to Neighborhoods: The Science of Early Childhood Development*. Edited by Jack P. Shonkoff and Deborah A. Phillips, Committee on Integrating the Science of Early Childhood Development. Washington, DC: National Academy Press, 2000. May be accessed online at <http://www.nap.edu/books/0309069882/html/>.
- National Research Council. *Eager To Learn: Educating Our Preschoolers*. Edited by Barbara T. Bowman, M. Suzanne Donovan and M. Susan Burns, Commission on Behavioral and Social Sciences and Education. Washington, DC: National Academy Press, 2001. May be accessed online at <http://www.nap.edu/books/0309068363/html/>.

⁵ *Improving Teacher Quality State Grants, Title II, Part A, Non-Regulatory Guidance*, U.S. Department of Education, January 16, 2004.

⁶ See footnote 4 for detail.

⁷ For a thorough overview of what constitutes "scientifically based research," visit ECS' Web site on the topic at <http://www.ecs.org/ecsmain.asp?page=/html/issue.asp?issueid=195>.

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