

Accountability and Educational Progress

A Primer on the Assessment Provisions of the New ESEA

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INTRODUCTION

After three years of Congressional consideration, the new Elementary and Secondary Education Act has become law. The passage of the new ESEA—officially named the “*No Child Left Behind Act of 2001*”—will significantly impact our nation’s state education systems and local school districts. The law’s new requirements for standards, assessments, corrective actions and report cards will alter many, if not all, state and local testing programs.

CTB/McGraw-Hill’s Office of Public and Governmental Affairs has prepared this overview in order to assist educators, administrators, policy leaders, and legislators in implementing the new law. The primary focus of this booklet is on the standards, assessment and adequate yearly progress provisions of the law. This publication is just one of many tools and resources now available from CTB/McGraw-Hill, the nation’s leading full service educational test publisher. To learn about additional resources please visit www.ctb.com.

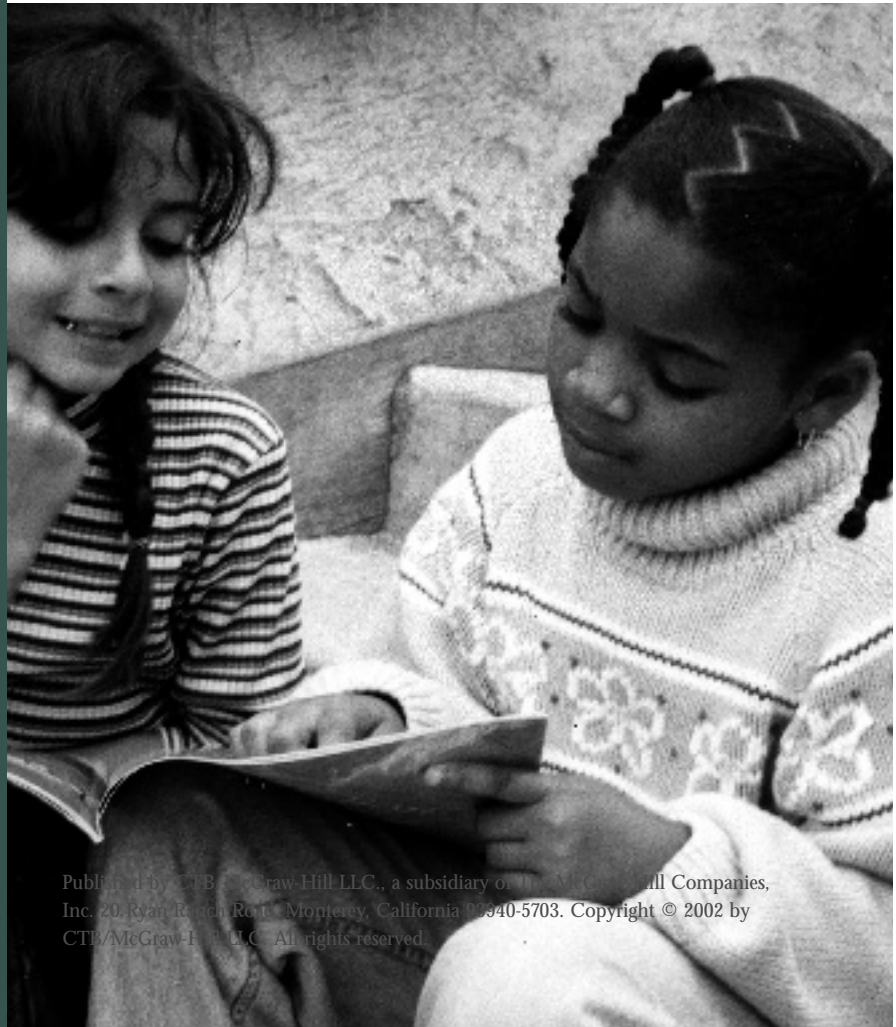


SECTION ONE

FROM GREAT SOCIETY TO NO CHILD LEFT BEHIND

Today it is most commonly known just by its initials—ESEA—and sometimes it is known just by its subsections: *Title I*, *Title II*, etc. Perhaps this shorthand is indicative of not only our familiarity with the Elementary and Secondary Education Act, but also with its far-reaching impact on America’s schools and communities. First authorized in 1965 as part of President Lyndon Johnson’s “Great Society” social programs, ESEA is the federal government’s primary response to K–12 education needs and issues at the state and local level. Over the years, the law has grown to include more than five dozen programs and thousands of regulations. The largest of these programs continues to be Title I, which is aimed at improving the educational skills of disadvantaged children. Congress currently authorizes federal spending for all ESEA programs at \$26.5 billion annually.

Thirty-seven years after its initial passage, the Elementary and Secondary Education Act is called the “*No Child Left Behind Act of 2001*.” President George W. Bush signed the legislation into law on January 8, 2002. The title of the law is in keeping with President Bush’s 2000 campaign platform in which he pledged to make education a top domestic priority and ensure that no child would be left behind in our nation’s efforts to improve public education. The law replaces the “Improving America’s Schools Act,” the Clinton Administration’s 1994 reauthorization of ESEA.



SECTION TWO

MAJOR PROVISIONS OF THE NEW LAW

While names of federal laws rarely provide firm information about the laws themselves, a comparison between the names of the two most recent ESEA reauthorizations is an instructive starting point for learning about the *No Child Left Behind Act*. The contrast is this: the major thrust of the 1994 “Improving America’s Schools Act” was schoolwide improvement while the major thrust of the new law is individual progress. In other words, leave no child behind. These changes are further seen in the seven most significant accountability provisions in the new law.

- There is a renewed emphasis on individual student annual progress in Title I. **All students** (not just Title I students) must be assessed so that their progress can be measured against state standards.
- The Act requires evidence of adequate yearly progress in closing the achievement gap for minority and disadvantaged students, while making states and school districts more accountable for showing results with federal education funds.
- States will have to longitudinally measure individual student progress in math and reading by testing all students in grades 3–8.
- States will be allowed to choose their own assessments for grades 3–8 testing, including use of existing statewide tests, local tests, or a combination of both.
- States and districts will report disaggregated data in annual, public report cards.
- States will have 12 years to help all their students reach proficiency in reading and math. States would set a minimum threshold based on the scores of their lowest-achieving demographic group or the scores of their lowest-achieving schools, whichever is higher. They will then have to raise achievement levels gradually at least once every three years.
- School districts will have to take concrete steps to assist schools not making adequate yearly progress. These steps include: public school choice, supplemental services such as tutoring, and possible reconstitution.

STANDARDS AND ASSESSMENTS

New provisions regarding standards and assessments form the bedrock of the new law. These provisions are the starting point for determining adequate yearly progress through annual testing of students in math and reading in grades 3–8. However, while the consequences of these provisions will be significant, in themselves they are not radically new. They are built upon the states' efforts at standards-based education reform over the past 12 years, and have taken the form of the new academic standards and assessments, which are now in place in nearly all 50 states.

The majority of the law's accountability provisions are found in Title I of the Act. The new law renamed this title, "Title I—Improving the Academic Achievement of the Disadvantaged."

BASIC PROVISIONS

- The Act sets an authorization period of six years. The first year is fiscal year 2002 (October 1, 2001 to September, 30, 2002), and the last year will be FY 2007.
- States must adopt (or already have) challenging academic content standards and student academic achievement standards (previously called "student performance standards") in reading and mathematics.
- States will have to longitudinally measure individual student progress in math and reading by testing all students in grades 3–8. Annual tests in reading and math must be in place for all grades 3–8 by the 2005-2006 school year. However, efforts to make adequate yearly progress must begin immediately.
- States must adopt science standards by 2005-2006 and then begin testing in the 2007-2008 school year once in each grade span of 3–5, 6–9 and 10–12.
- State assessments must be aligned with state academic standards. They must also allow student achievement to be comparable from year to year, be of objective knowledge, and be based on measurable, verifiable and widely accepted professional assessment standards. In addition, they must not evaluate or assess personal or family beliefs and attitudes.
- States can change their standards without first obtaining approval from the federal government.

TEST DEVELOPMENT AND SELECTION

- There will be no national tests. States will be allowed to develop and choose their own standards and assessments, including use of existing statewide tests, local tests or a combination of both.
- States can use commercially available norm-referenced and criterion-referenced assessments for their annual testing activities.

PRIVATE SCHOOLS

- Private schools and home schools are exempt from annual testing. However, any schools, school districts, dioceses or organizations accepting Title I monies will have to comply with the law.

TESTING IN ENGLISH

- Students who have attended school in the United States for at least three consecutive years must be tested in reading and language arts in the English language. Individual, case-by-case waivers will be allowed for up to two consecutive years after the initial three years.

FEDERAL FUNDING FOR ANNUAL TESTING ACTIVITIES

- The 2002 fiscal year authorization level for development of statewide assessments is \$490 million and “such sums” as may be appropriated for the remaining years through FY 2007.
- From the \$490 million, each state will receive \$3 million. The remaining funds will be allocated among the states based on their number of public school students in grades 3–8.
- The Act sets forth an appropriations “trigger” to ensure sufficient federal funds are available to the states to help them fulfill the law's requirement for annual tests.
- A state may defer the administration of the annual 3–8 assessments for one year for each year appropriated funds do **not** reach the set amount. But, a state must continue to **develop** the 3–8 assessments even if the appropriation is below the set amount. Furthermore, the state must continue to comply with current law by administering academic assessments in reading and math in one grade in each grade span of 3–5, 6–9 and 10–12.

- The “trigger” amounts are: \$370 million for FY 2002, \$380 million for FY 2003, \$390 million for FY 2004, and \$400 million for FY 2005-2007.
- If a state already has annual assessments in reading and mathematics, it can use these funds to administer the tests or to carry out other accountability activities.

VERIFICATION OF STATE ASSESSMENTS

One important aspect of the new ESEA is verification of state test scores through use of the National Assessment of Educational Progress (NAEP). For many years NAEP has served as a national state-by-state “snapshot” of where students stand in various subjects. The new law provides that NAEP should also serve as a secondary indicator of student progress in addition to annual tests in reading and mathematics at grades 3–8.

PROVISIONS

- State test results must be verified by a secondary indicator of student progress. This indicator will be the National Assessment of Educational Progress (NAEP).
- NAEP verification of reading and math tests will be limited to every other year, only at the fourth and eighth grade levels and only for a small sample of students in each state.
- No federal rewards or sanctions will be based on the NAEP verification samples.
- NAEP must not exert undue influence on states to change their content standards and/or assessments to align with NAEP.
- The federal government will pay for the administration of NAEP as the verification assessment. The FY 2002 authorization level is \$72 million and “such sums” in each subsequent year through FY 2007.

REPORT CARDS

The new law will make more information available to educators, parents, and policy makers than ever before. Many of the nation’s 50 states and 15,000+ school districts already publish annual, public “report cards.” Now, however, because of the new law, all states and districts will have to publish report cards.

PROVISIONS

- Beginning with the 2002-2003 school year, states and districts will have to report **disaggregated data** in annual, public report cards.
- State report cards must contain the following information in the following categories:
 - > Student academic achievement on state assessments disaggregated by each subgroup
 - > Comparison of students at basic, proficient, and advanced levels of academic achievement on state assessments
 - > Graduation rates
 - > The number and names of schools identified for improvement; a comparison of the actual academic achievement levels for all groups of students compared with the annual objectives for such groups
 - > Professional qualifications of teachers
 - > Percentages of students not tested
- State report cards can also contain an explanation of the state's accountability system.
- School district report cards will include the same information categories in the state report card as applied to the school district and its schools, and in the case of an individual school, whether it has been identified for school improvement, and how its students performed on the state assessment compared with the school district and state as a whole.
- States or school districts that already have report cards may continue to use them so long as they are modified to contain the required information.

ADEQUATE YEARLY PROGRESS

The new law requires hard evidence that all students are making academic progress. The law frames this goal under the concept of "adequate yearly progress" (AYP). This concept is central to the new law. It functions as the bridge linking annual testing to corrective actions and sanctions.

PROVISIONS

- States will have 12 years to help all their students reach **state-defined** proficiency in reading and math.
- A state's definition of adequate yearly progress must apply specifically to disadvantaged students and to the overall student population.
- States will set a minimum threshold based on the scores of their lowest-achieving demographic group or the scores of their lowest-achieving schools, whichever is higher.
- States will then have to raise achievement levels incrementally, at least once out of every three years.
- The initial threshold must be raised after two years. Subsequent thresholds must be raised at least once every three years.
- Congress created a safe harbor to avoid over-identification of schools as failing when students in a school are able to show AYP.
- The "safe harbor" provision is triggered if the number of students in the disaggregated subgroups who are not proficient is reduced by at least 10 percent in a given year, even though the school is not making adequate yearly progress.
- States must also incorporate one other indicator in their definition of adequate yearly progress. The states will choose the indicator for elementary schools. Graduation rates will be the secondary school indicator.
- States and school districts are free to use additional indicators (including other assessments) in the definition of AYP. But, the only indicators that can be used to determine sanctions under AYP are the required reading and math assessments for grades 3–8.

SCHOOL IMPROVEMENT, CORRECTIVE ACTIONS AND RESTRUCTURING

Schools that are not making adequate yearly progress will be required to take a number of corrective steps ranging from offering public school choice to restructuring of schools. Together, these steps represent the most significant set of federally mandated education improvements and sanctions ever authorized.

PROVISIONS

- Schools that have not reached the state defined level of adequate yearly progress for two consecutive school years will be identified by the district as in need of improvement before the beginning of the next school year. These schools will immediately receive technical assistance to improve performance.
- Schools that have not reached the state defined level of adequate yearly progress must also develop a two-year plan to turn around the schools, and they will be eligible to receive federal funds for school improvement.
- The base year for AYP actions is the 2001-2002 school year, so the effects of school improvement will be immediate.
- By the end of the 2002-2003 school year, a two-year record will exist for each school, so that an AYP determination can be made.
- School districts must take the following steps for school improvement, corrective action and restructuring, based on how many years a school fails to show the required level of improvement.
 1. **Public School Choice:** If a school fails for two consecutive years, school districts are required to offer public school choice (unless prohibited by state law) to all students in the failing school no later than the first day of the school year following identification. Districts must provide transportation, and use up to 5 percent of their Title I, Part A, funds for transportation costs. Students can continue to attend a public school of their choice for the duration of the time they would have attended the failing school, or until the school is no longer identified as failing.
 2. **Supplemental Services:** If a school does not make AYP for three consecutive years, the district must continue to offer public school choice and provide low achieving, disadvantaged students with supplemental educational services, such as tutoring, from a provider of their choice. The school district must use 5 percent of its overall Title I, Part A, funds to pay for supplemental educational services. A student would continue to receive supplemental services as long as he or she is eligible and the school is identified as failing.
 3. **Corrective Action:** If a school fails to make AYP for four consecutive years, the district must implement certain corrective actions, such as implementing a new curriculum or replacing staff. Public school choice and supplemental services can continue during this time.

4. Restructuring: If a school fails to make AYP for five consecutive years, it must develop a plan to restructure and then implement alternative governance actions. Alternative actions can be: conversion to a charter school, a state takeover, contracting a private management firm, or staff restructuring. Public school choice and supplemental services continue to be required.
 - Schools already identified as needing improvement under the 1994 law face immediate corrective action. Schools already in school improvement must offer public school choice. Schools in their second year of school improvement have to offer supplemental services after the law is enacted, but no later than the 2002-2003 academic year.
 - Corrective actions and restructuring measures are no longer required for school improvement schools once the school makes adequate yearly progress for two consecutive years.

SECTION THREE

IMPLEMENTING THE NEW LAW

What does the No Child Left Behind Act mean for my school district? Will we have to develop new tests or can we use our existing state assessments? When should we begin implementing the new ESEA?

These and other questions are being asked in school districts, state departments of education, and state legislatures across the country. The new ESEA will require states and districts to make many important changes in their testing programs. Many of the fine details of the law are being developed in 2002 through the federal regulatory process. Nevertheless, states and districts should proceed *immediately* in implementing the new law. Among the steps states (and in some cases school districts) can begin to take immediately are:

- An analysis to determine which, if any, reading and mathematics tests will need to be developed and added at grades 3–8. The analysis should take into account not only existing state assessments, but also tests that are being used as part of local evaluation programs.
- Alignment of standards and assessments in reading and math at grades 3–8.
- If needed, the development of science standards and assessments at grades 3–12.
- The development of a state-defined level of proficiency in reading and mathematics.
- The development of a second indicator for use in the definition of adequate yearly progress. The states will choose the indicator for elementary schools. Graduation rates will be the secondary school indicator.
- The development or revision of state report cards so they contain the following information: student academic achievement on state assessments, disaggregated by each subgroup; comparison of students at basic, proficient, and advanced levels of academic achievement on state assessments; graduation rates; the number and names of schools identified for improvement; a comparison of the actual academic achievement levels for all groups of students compared with the annual objectives for such groups; professional qualifications of teachers; and percentages of students not tested.
- Identification of possible supplemental, educational services providers.
- The development and implementation of communications strategies and publications that will inform teachers, students, and parents of the major changes in the new law, especially additional assessments as well as supplemental services.

CTB/MCGRAW-HILL RESOURCES

CTB/McGraw-Hill has extensive experience in developing and implementing assessment programs in partnership with states and school districts. As states and districts begin implementing the new ESEA, we encourage educators, administrators, and policy makers to consult with us. CTB will be pleased to provide policy resources, technical assistance, and advice.

ADDITIONAL RESOURCES

CTB/McGraw-Hill is not only the leading publisher of educational assessments in the United States, it also is a key resource for information on standards and testing. CTB recommends the following publications to those individuals seeking additional information.

- *Educational Assessment: A Guide for State Legislators.*
CTB/McGraw-Hill, 1999.
- *Title I Communiqué.* CTB/McGraw-Hill (published since 1994 on a periodic basis).
- *Guidelines for Inclusive Test Administration.*
CTB/McGraw-Hill, 2002.

CONTACT US

For more than 75 years, CTB/McGraw-Hill has worked with school districts and states to create successful assessment programs. Today, CTB offers state-of-the-art assessments and custom development services to meet the needs of educators, policy makers, and parents. For more information, contact CTB's Office of Public and Governmental Affairs at 831/393-7816.

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