
Improving NCLB: Successes, Concerns and Solutions

A Hearing at the George Washington University

*Washington, DC
September 25, 2006*



The No Child Left Behind Act (NCLB) is considered the most significant step taken by the federal government to raise achievement for all students while addressing the achievement gaps between disadvantaged students and their nondisadvantaged peers. While NCLB was passed in 2001 with strong bipartisan consensus, rigorous debates continue over how to improve teacher quality, hold schools accountable for student achievement, improve the quality and rigor of state standards and assessments, and turn around struggling schools, while providing options and assistance for students in these schools.

In its final public hearing, the Commission on No Child Left Behind heard observations from a diverse group of leading national organizations and education policy experts on the law's successes and challenges, and various recommendations for moving forward. In addition to a focus on implementation of the law, testimony at the hearing addressed the major statutory aspects of NCLB, including highly qualified teachers, adequate yearly progress (AYP), the quality of state standards and assessments, and school improvement.

At this hearing, the Commission sought to gather information on the impact of these provisions and how they can be strengthened to improve academic achievement and further close the achievement gap that continues to plague the nation's schools. The Commission also attempted to differentiate the problems and struggles that relate to the law itself from those that can be clarified through better implementation at the state and local levels or through guidance issued by the U.S. Department of Education.

To access the witnesses' full testimonies and view a complete webcast of the Washington, DC, proceedings, as well as access past hearings and additional information about the Commission, go to www.nclbcommission.org.

EMERGING ISSUES FROM TESTIMONY AT THE HEARING

- While NCLB generally has brought a focus on accountability in schools and high expectations for all students, the law needs to be strengthened and improved
- Teachers should be deemed “highly qualified” based not only on their credentials (degrees, certifications, subject matter tests), but also on their effectiveness in raising student achievement
- The quality and rigor of state standards, assessments and proficiency levels vary widely from state to state. Some states appear to have begun a “race to the bottom,” setting low standards to minimize sanctions under NCLB
- Giving schools credit for significant growth in student achievement from year to year would form the basis for a more effective and accurate accountability system
- Schools should continue to hold high expectations for students with disabilities

No Child Left Behind: Moving Forward

“NCLB has dramatically changed the national conversation about education by bringing a stronger focus on accountability for results and a commitment to assuring that all children—regardless of race, economic status or where they live—achieve at a high level,” Secretary Tommy Thompson, Co-Chair of the Commission, said in his opening statement. “The law has provided a context for looking beyond how our own children are performing in our own schools. We are now much more aware and informed about the quality of education being provided to students across the country.”

While most generally agree that NCLB has brought a much-needed focus on accountability and achievement in schools and high expectations for all students, many also point to areas where the law can be improved and strengthened. For instance, many high-poverty and high-minority schools continue to have high teacher turnover rates and a greater percentage of inexperienced teachers than schools with fewer poor and minority students. Meanwhile, differences in the quality and rigor of states’ tests and standards have fueled suggestions that some states have set their expectations low to avoid sanctions under NCLB.

NCLB is scheduled for reauthorization in 2007. In preparation for the law’s reauthorization, the Commission has focused its efforts on how to improve NCLB and its implementation so the law is a more effective tool for educators in raising the academic achievement of all students and closing the achievement gap. The Commission has gathered information from a variety of sources, including testimony from witnesses and others through its series of public hearings and roundtables, written comments sent to the Commission, quality research, school site visits and state, district and school performance data.

The Commission’s work will culminate in a report that will be released to the public with recommendations to Congress and the Administration in early 2007. It will build on the significant progress that has taken place as a result of NCLB by recommending ways for making the law even more effective in supporting the work of teachers, principals, school leaders and other education providers around the country.

“This hearing marks a turn in the Commission’s work. After this hearing, our deliberation on which provisions of NCLB we should maintain and which we should change begins in earnest,” said Governor Roy Barnes, Co-Chair of the Commission, in his opening statement. “We take this effort very seriously. The foundation laid by NCLB, one that demands results, requires us to ensure our work improves the impact of this law on the quality of education for all children and closing the achievement gap.”

What Does NCLB Currently Require?

Highly Qualified Teachers

NCLB requires states to ensure that all teachers are “highly qualified” by the end of the 2005-2006 school year. The Secretary of Education extended this deadline for most states to the end of this school year (2006-2007). Schools receiving Title I funding must ensure that teachers whose salaries are paid for with this funding meet highly qualified requirements. The highly qualified teacher (HQT) definition requires a teacher to:

- Possess state certification or licensure,
- Have obtained a B.A. degree or higher, and
- Demonstrate knowledge of the subjects they teach.

New teachers (those who began teaching after NCLB was enacted) can demonstrate their subject matter knowledge in a number of ways, including majoring in the subject they teach or demonstrating their knowledge through an assessment designed or implemented by the state. Veteran teachers (those who were teaching before NCLB was enacted) can also demonstrate their knowledge through a state-defined review process called HOUSSE (High Objective Uniform State Standard of Evaluation).

Flexibility in Meeting Highly Qualified Provisions

Some additional flexibility has been allowed in meeting HQT requirements, including:

- Some rural school districts may allow teachers who are highly qualified in at least one subject to have three school years to become highly qualified in the additional subjects that they teach
- Teachers with general science certification in some states may be considered highly qualified to teach any of the science disciplines
- Special education teachers may be considered highly qualified in certain circumstances if they are certified by the state as special education teachers, teach children assessed with alternative standards and have used the HOUSSE process to demonstrate competency in multiple subjects

Assessments

NCLB requires states to implement annual assessments, aligned with state standards, in reading and mathematics for grades 3-8 and at least once in grades 10-12 (seven grade levels). Beginning in the 2007-2008 school year, states must also assess students in science once in each of three grade spans: 3-5, 6-9 and 10-12. States are required to provide for participation of all students including those with disabilities and limited English proficient students. These requirements build on the 1994 authorization of the Elementary and Secondary Education Act, which required states to put in place standards and tests in reading and mathematics at three grade levels.

Adequate Yearly Progress

AYP is a state-developed measure of progress for all local educational agencies (school districts) and schools in the state. After the passage of NCLB, states had to define AYP in a manner that requires measuring progress by various subgroups of students, as well as the overall student population, to ensure that particular groups of children were not being left behind and the achievement gap was narrowing.

States must define AYP so that by the end of the 2013-2014 school year all students will achieve at the state-defined “proficient” level on assessments of reading and math. Additionally, to make AYP, 95 percent of each subgroup of children must participate in the assessments, and the school must show “progress” on an additional indicator, such as graduation or attendance rates.

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, states were required to gradually increase in equal increments the threshold of the percentage of students who obtain proficiency. These thresholds must be raised at least once every three years.

School Improvement

Schools that do not make AYP for two consecutive years are identified for “school improvement.” Under these provisions, schools must begin a series of interventions focused on remedying instructional deficiencies and providing additional assistance and options for students.

NCLB 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 year, students are given the option of receiving free tutoring (supplemental educational services, or SES) from state-approved providers; these providers can include districts, nonprofit organizations and for-profit companies.

School Restructuring and Other Interventions

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 improvement 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 school 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 then makes AYP, they do not proceed with developing a restructuring plan. Schools leave the school improvement process if they make AYP for two consecutive years.

Some Observations From Witnesses

The Honorable Raymond Simon, Deputy Secretary of Education for the U.S. Department of Education, opened his testimony by affirming that NCLB “has had a truly extraordinary and positive impact on our schools over the past five years.” Simon conceded, however, that while the law has been a tremendous success in bringing long-needed change and improvement to the nation’s education system, it still can be improved. “The starting point for our deliberations about the future of No Child Left Behind should be the simple but powerful recognition that the law is working,” Simon said. “Our challenge now, as we move forward to reauthorizing No Child Left Behind, is to maintain and even strengthen this positive momentum.”

According to the Deputy Secretary, as the Department looks toward reauthorization, it has identified several themes guiding its discussion: protecting the core accountability provisions and principles of NCLB, extending the impact of NCLB accountability in high schools, making good on the law’s promise of greater choice in education and strengthening NCLB’s AYP and school improvement provisions. Simon urged the Commission to give “as much weight to the success of NCLB as to the perceived need for changes in the law” as it develops its own findings and recommendations. “The nation has made a giant step forward in education through the implementation of NCLB, and this Commission can do much to help keep us moving in the right direction,” Simon said.

WITNESSES WHO TESTIFIED AT THE HEARING

Full witness testimony can be found by going to www.nclbcommission.org

- The Honorable Raymond Simon
Deputy Secretary, U.S. Secretary of Education
Washington, DC
- Edward J. McElroy
President, American Federation of Teachers
Washington, DC
- Valerie Woodruff
Delaware Secretary of Education and President,
Council of Chief State School Officers
Dover, DE
- Reg Weaver
President, National Education Association
Washington, DC
- Kati Haycock
Director, The Education Trust
Washington, DC
- Chris Whittle
CEO and Founder, Edison Schools
New York, NY
- Michael D. 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
Koret Task Force, Hoover Institution
Stanford University
Stanford, CA
- Reginald Felton
Director of Federal Relations, National School
Boards Association
Alexandria, VA
- Madeleine Will
Vice President of Public Policy and Director,
National Down Syndrome Society
New York, NY
- Michael Petrilli
Vice President for National Programs and
Policy, The Thomas B. Fordham Foundation
Washington, DC
- Denise Greene-Wilkinson
Co-Chair, NASSP NCLB Task Force
Anchorage, AK

Highly Qualified Teachers

Reg Weaver, President of the National Education Association (NEA), said that while the NEA supports the requirement that all students be taught by a highly qualified teacher, “the implementation of this definition has created a maze of rules and guidance that are almost impossible to understand or navigate.” Weaver stressed that educators need resources and tools to produce the kinds of results intended by the law.

Kati Haycock, Director of the Education Trust, noted that because of NCLB, educators and parents no longer feel that they are battling alone—finally they have the power of the federal government behind them. Haycock added, however, that the teacher quality provisions in NCLB “represent a squandered opportunity of momentous proportions.” She stressed the need to move from the current focus to one that measures teacher effectiveness. According to Haycock, teachers who cannot demonstrate that they can boost student learning should get assistance, but then should not continue teaching if they do not improve. Meanwhile, those teachers whose students gain the most should be given significant incentives to stay in the classroom and to teach the most challenging students.

John E. Chubb of the Koret Task Force offered a definition of “highly qualified” that includes the notion of teacher effectiveness. The Koret Task Force recommends changing the definition to include any teacher who possesses a bachelor’s degree and one of the following attributes: a college major in the subject being taught; passage of a subject competency test provided or approved by an independent national agency on teacher certification; or demonstration through a statistically value-added methodology that one’s teaching has significantly raised pupil scores on state proficiency tests. This definition eliminates what Chubb called the “ineffective” HOUSSE provisions of NCLB.

Andrew Rotherham, Co-Founder and Co-Director of Education Sector, added that any provisions defining “highly qualified” teachers in the law should be streamlined to focus on demonstrated content expertise based on rigorous and uniform criteria for all teachers.

Standards

According to Chubb, a comprehensive analysis by the Koret Task Force found that states have used the discretion provided in NCLB to set proficiency standards that vary widely in difficulty and worthiness. It found that some states have begun a “race to the bottom,” driving academic standards farther downward as 2014 approaches, rather than establishing and sustaining the high standards intended by the law. To address this problem, Chubb and the Task Force recommend that all state proficiency standards be calibrated using the National Assessment of Educational Progress (NAEP) as a common yardstick.

Michael Casserly, Executive Director of the Council of the Great City Schools, agreed that the current law and its implementation “suffer from its incentives to actually lower standards to meet NCLB accountability requirements.” Rather than calibrate state standards to NAEP, Casserly suggested developing and implementing national education standards in reading, math and the sciences that are tied to international benchmarks.

Michael Petrilli, Vice President for National Programs and Policy at the Thomas B. Fordham Foundation, echoed this call for national standards and a workable national test, saying that “in this age of fierce global economic competition, we can no longer afford our anachronistic system of 50 sets of standards and assessments.” Petrilli stressed the need for “world-class standards and a world-class test, one that assesses student proficiency in key areas of curriculum.”

Assessments

According to Edward McElroy, President of the American Federation of Teachers (AFT), NCLB’s annual testing provisions “lead to an excessive amount of what should be instructional time being diverted to testing and ‘drill-and-kill’ preparation, resulting in a narrowing of the curriculum to only those subjects being tested.” In its own NCLB recommendations, the AFT proposes prohibiting unnecessary and duplicative student testing.

Weaver of the NEA added that “accountability systems should be based upon multiple measures and methods, including local assessments, teacher-designed classroom assessments collected over time, portfolios and other measures of student learning, graduation/dropout rates, in-grade retention, percentage of students taking honors/advanced classes and Advanced Placement exams and college enrollment rates.” According to Weaver, the “current one-size-fits-all system is unacceptable.”

Both McElroy and Weaver also stressed the need for state tests to be better aligned with state standards and the curriculum being used in classrooms. “The standardized assessments teachers give to students often are not aligned with the curriculum they teach all year,” McElroy explained. “It’s not the teachers’ fault—the curriculum they are provided often is not aligned with the standards or with the tests they are asked to give. It’s like being told to swim when you’ve just spent the last six weeks learning to ride a bike,” he said.

The National Association of Secondary School Principals (NASSP) NCLB Task Force, represented at the hearing by its Co-Chair, Denise Greene-Wilkinson, also recommends that AYP not be based on the results of one test. The NASSP NCLB Task Force believes it should be based instead on the results of multiple assessments and multiple opportunities to retake the test.

Growth Models

Most panelists touched on the issue of growth models, with most recommending that schools be allowed to include them in AYP calculations. Reginald Felton, Director of Federal Relations for the National School Boards Association (NSBA), said that NCLB’s current “all-or-nothing” approach in judging school success “ignores the progress students make and unfairly identifies schools as failing even though they raise student achievement significantly from one year to the next.” Felton said the NSBA believes that “growth is a more accurate measure of success, particularly for students who are traditionally low performing or face challenges in language and special needs.”

Other witnesses concurred with Felton on the value of growth models. Greene-Wilkinson of the NASSP NCLB Task Force noted that “any student may be proficient from year to year. However, proficiency does not necessarily translate into individual progress.” According to Valerie Woodruff, President of the Council of Chief State School Officers (CCSSO), “growth models (when properly constructed) can more validly measure school performance and target interventions by following the progress of the same students over time and at all levels of achievement.” Finally, Weaver of the NEA said that growth models would give credit to schools both for moving a child from below basic to basic and for moving a child from proficient to advanced. They would also “offer a way to recognize highly effective schools that have an influx of students who are not performing at grade level,” Weaver explained.

Haycock of the Education Trust warned that if the law gives schools credit for students who are improving but still are not proficient, proficiency standards better mean something. “To count student growth and not just proficiency, states should have to demonstrate that their standards are aligned with the demands of postsecondary education, jobs that pay a living wage and military service,” Haycock argued.

WHAT IS A GROWTH MODEL?

Growth models measure student progress by tracking the achievement scores of the same students from one year to the next to determine whether achievement has increased. By comparing data for the same students over time, progress—or lack thereof—can be measured more precisely. This can give school leaders and the public clearer, more actionable information on school performance and student achievement. Growth models provide information on student performance and the performance of the school as a whole that goes beyond any single point in time; they measure a school’s ability to make continuous progress toward achievement targets.

Students With Disabilities

Madeleine Will, Vice President of Public Policy at the National Down Syndrome Society, told the Commission that NCLB’s focus on accountability and its requirements to disaggregate data by subgroup make the law “one of the best things to have happened in a very long time” for students with disabilities. “It is the institutional embodiment of the high expectations that students with disabilities need to succeed,” Will said. She urged the Commission to reject any recommendation that, under the guise of “flexibility,” would revise AYP by lowering standards or otherwise diminishing accountability. Will recommended maintaining the separate AYP, reporting and 95 percent participation requirements for the disability subgroup; reevaluating the Education Department’s 1 and 2 percent regulations; and allowing only for the lowest N-size needed for confidentiality and statistical reliability.

Meanwhile, Felton of the NSBA recommended that language be added to the law that permits states and districts to count toward AYP proficiency up to 3 percent of students with disabilities assessed against alternate standards

using alternate assessments. In doing so, the student’s IEP (Individualized Education Plan) team would determine, with a parent’s consent, whether a student should take alternate assessments based on the evaluation of the student and the services provided under the Individuals with Disabilities Act, Felton said. Will responded, however, that there are serious concerns about this recommendation, particularly because little technical assistance has been provided by the Education Department, IEP teams have had little or no training on how to apply state eligibility guidelines, and there is little or no monitoring to ensure that students are being given the appropriate assessments.

School Improvement

Some witnesses discussed what they termed the “punitive” nature of NCLB’s school improvement provisions and urged the Commission to recommend increased support rather than punishment for struggling schools. Greene-Wilkinson of the NASSP NCLB Task Force recommended that funding not be taken away as a sanction for Title I schools that are not meeting proficiency. “If we are truly serious about improving our schools, we must provide the resources that address the problems and challenges in school reform in a comprehensive manner from prekindergarten and elementary through high school and even beyond,” Greene-Wilkinson said.

Rotherham of Education Sector offered a modified timeline for school improvement that would allow “states to trade breadth for depth by extending the improvement timeline for some schools while substantially compressing it for others after years one and two.”

Chris Whittle, Founder and CEO of Edison Schools, recommended reevaluating the law’s provisions that deal with corrective action and restructuring. Whittle also suggested revisiting the implementation of SES in states, specifically the role of districts, which often act as both providers and regulators of free tutoring. “This is hardly an ideal situation,” Whittle said. “We believe there is some conflict here.”

Chubb of the Koret Task Force added that responsibility for NCLB’s choice provisions should also be reexamined, suggesting that responsibility be taken away from districts and put in the hands of a state education agency. “We further recommend that eligible parents and students be able to choose any regular or charter public school in any school district—provided the family handles transportation out of the district,” Chubb said.

Some Witnesses’ Recommendations for Improving NCLB

- Revise the definition of “highly qualified” teacher to:
 - Include some measure of teacher effectiveness in the classroom
 - Require that all teachers have extensive training in instructional methods that are universally designed to make the grade-level general education curriculum accessible to diverse learners
- Review current state assessments and ensure that they are aligned with state standards
- Base accountability systems on multiple measures and methods, including classroom assessments collected over time, portfolios, graduation/dropout rates, in-grade retention, percentage of students taking honors/advanced classes and college enrollment rates
- Permit the use of academic growth in the determination of AYP
- Create levels for making AYP determinations that distinguish significantly struggling schools from those in need of more limited assistance
- Calibrate current state proficiency standards to NAEP

-
- Develop and implement national education standards that are tied to international benchmarks and could be phased in with incentives for states. Require states to tether their tests to these new national standards
 - Grant greater flexibility and autonomy to states, districts and schools that adopt national standards
 - Allow only for the lowest N-size needed for confidentiality and statistical reliability
 - Reevaluate the 1 and 2 percent regulations concerning alternate and modified achievement standards for students with disabilities
 - Provide states, districts and schools with research and support on turning around chronically low-performing schools
 - Provide greater focus on research and development of what works in schools
 - Invest in creating new high-performing schools
 - Codify the governors' commitment to a common definition for graduation rates and to improving the accuracy of their graduation data

For Further Discussion

The Commission is seeking further comments from interested individuals on these topics:

- How has NCLB helped or hindered student achievement in your school or community?
- What specific NCLB provisions should be maintained, strengthened or improved?
- Moving forward, how can the law help increase student achievement and close the achievement gap in your school or community?

Comments can be submitted to the Commission via email at nclbfeedback@aspeninstitute.org.

About the Commission

The bipartisan, independent Commission on No Child Left Behind is examining the strengths and weaknesses of the No Child Left Behind Act and will make concrete and realistic recommendations to Congress, the Administration, state and local stakeholders, parents and the general public to ensure the law is an effective tool in spurring academic achievement and closing the achievement gap.

In seeking to accomplish its mission, the Commission is guided by these principles:

1. All children can learn and should be expected to reach high standards.
2. Accountability for public education systems in the United States must improve to enable students to excel.
3. The achievement gap between disadvantaged students and their non disadvantaged peers must be eliminated to ensure that all children have the opportunity to succeed.
4. Education results for all students must improve in order for the United States to remain competitive in the global marketplace.
5. Parents have a right to expect their children to be taught by a highly qualified teacher. Teachers have the right to be treated like professionals, including access to sound working conditions and high quality preparation and ongoing professional development opportunities.
6. Education reform must be coupled with additional resources, but federal, state, and local resources must be used more efficiently and effectively to ensure results in return for the increased investment.

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.