

Don't Leave Accountability Behind

A Call for ESEA Reauthorization



No Lasting Reform and Accountability Without ESEA Reauthorization

As 2010 unfolds, Americans should feel encouraged by federal, state, and local efforts to transform education policies that boost student performance. In the midst of a recession, rather than merely allocating billions of American Recovery and Reinvestment Act (ARRA) dollars by formula to the states with no strings attached, the Obama administration has tied much of the funding to significant reforms. At a time of serious state budget shortfalls, this federal money has motivated many states to advance policy changes and assemble ambitious plans they hope will win them potentially hundreds of millions in additional federal funding under the ARRA's Race to the Top Fund (RTT). (See box below for examples.) Through ARRA, there is also new funding available for the preexisting School Improvement Grants (SIG), providing state and local officials with extra resources to turn around low-performing schools. Furthermore, without federal funds or mandates, states are coming together to develop common academic standards to help ensure that students are educated to high levels, aligned with the demands of college and the twenty-first-century workplace, regardless of where they live.

Despite the tremendous promise in the action spurred to date by ARRA and the common standards movement, it is too soon to tell what the full impact of these efforts will be. The success of RTT is largely in the hands of districts that agree to work with states and implement proposed reforms. The promise of SIG is dependent on effective leadership in aggressively intervening in or closing the nation's lowest-performing schools. Even if these programs are highly successful in improving student outcomes, ARRA's one-time funding will run out soon. The impact of common standards will depend not only on the quality of the standards themselves but also on whether states fully implement them with assessments, curriculum and instructional tools, and educator preparation and professional development aligned to the new standards.

These promising efforts will have limited long-term impact and risk undermining accountability if they continue to be pursued without updating and improving the bedrock of federal education policy—the Elementary and Secondary Education Act (ESEA, the current version of which is known as the No Child Left Behind Act, or NCLB). This paper will describe four distinct reasons ESEA reauthorization is necessary to support long-term reform and ensure strong accountability for student outcomes and improvement:

1. NCLB and ARRA have inconsistent accountability goals and measures that send mixed signals to educators and parents and have the potential to confuse local administrators and increase bureaucracy at the state and federal levels.
2. While ARRA's programs rightly prioritize the *lowest*-performing schools, too many other low-performing schools and students do not receive attention and support.
3. There is limited accountability for states' implementation of ARRA requirements.
4. The NCLB accountability framework needs to be updated to recognize the transition to higher, common standards and improved assessments while maintaining accountability for results.

While ARRA embodies many critical elements likely to be included in ESEA reauthorization, it is not a long-term, complete vision for systemic change that applies to all states, districts, and schools. ARRA cannot be seen as a substitute for an ESEA reauthorization with a comprehensive approach and durable, long-term funding. Additionally, only an ESEA reauthorization can address the aspects of NCLB that time, experience, and research have shown need to be significantly improved or updated.⁶

Policymakers must not let the current spate of activity related to the implementation of ARRA and the common standards effort distract from the importance of addressing these long-term needs. In his 2010 State of the Union address, President Obama indicated that his administration would work with Congress to reauthorize ESEA. Now, the Commission on No Child Left Behind (the Commission) and the Alliance for Excellent Education (the Alliance) are calling on federal policymakers in both branches to move swiftly to reauthorize ESEA in 2010.

State Action in Response to ARRA

Across the country, states are enacting reform in response to opportunities to receive federal funding. A few examples:

- California and Wisconsin legislatures eliminated data firewalls that prohibited the use of student test scores to evaluate teachers.^{1,2}
- Michigan raised the state's dropout age, tied teachers' pay and job protection in part to student growth, strengthened state school turnaround procedures, and authorized new charter schools.³
- Tennessee's governor called a special session in January to consider a package of education measures, including a requirement that student-achievement data be used in teacher evaluations, and a proposal to strengthen the state's ability to intervene in chronically low-performing schools.⁴
- Connecticut restored cuts in charter school funding.⁵
- Illinois and Tennessee raised their charter school caps, Louisiana eliminated its ceiling altogether, and Delaware allowed a moratorium on new charters to lapse.
- Alabama is considering permitting charters in the state for the first time.

We must continue a focus on accountability.

The No Child Left Behind Act, the 2002 version of ESEA, initiated a national commitment to hold schools accountable for improving outcomes for all students by shining a spotlight on achievement gaps among groups of students through annual assessments for every student (in grades 3–8 and once in high school), report cards for every school, and consequences for schools not meeting expectations. As a result, the urgent need to examine schools' performance and close achievement gaps is now more widely understood and accepted. Holding schools accountable for the achievement of all groups of students helps to ensure that those groups that have been poorly served by schools receive the resources and interventions necessary to raise achievement.

The requirement to disaggregate data on student outcomes for accountability and public reporting purposes is one of NCLB's greatest successes. Recent data shows how students have made gains under a policy of academic accountability based on disaggregated data. Results from the National Assessment of Education Progress also show tremendous gain over the last decade, particularly in elementary schools: the percentage of Hispanic fourth graders scoring at or above proficient has increased from 7 percent to 22 percent.⁷ The percentage of black fourth graders proficient in reading increased from 10 percent to 14 percent from 2000 to 2007.⁸ Fourth graders with disabilities in particular have made gains in all three achievement levels measured—basic, proficient, and advanced.⁹ The percentage of fourth-grade English language learners scoring at or above proficient has increased from 30 percent to 56 percent.¹⁰ White, black, and Hispanic eighth graders have made progress in math, with gaps narrowing.¹¹ A recent analysis of state assessment data found that subgroups have made progress in grade four at all three achievement levels—basic-and-above, proficient-and-above, and advanced. In both reading and math, more states showed gains than declines for all subgroups analyzed at all three achievement levels.¹² Unfortunately, these gains on the NAEP have not extended to the secondary school level.

Despite these improvements, achievement gaps remain large and pervasive, and as recent research has shown, these gaps have tragic consequences not only for individual students but also for our collective standard of living. According to a McKinsey & Company study, the persistence of achievement gaps imposes the economic equivalent of a permanent national recession on our country. McKinsey & Company found, for example, that if the gap between low-income students and the rest had been narrowed, the U.S. gross domestic product (GDP) in 2008 would have been \$400 billion to \$670 billion higher, or 3 to 5 percent of GDP.¹³ Similarly, Alliance research has found that halving high school dropout rates in the nation's fifty largest cities and their surrounding areas not only would boost local tax revenue by more than half a billion per year, it would also add up to billions in additional wages earned and higher rates of continued education beyond high school.¹⁴

The nation is now more focused on closing achievement gaps, dramatically boosting graduation rates, and ensuring that students leave high school prepared for college and the workplace. This important focus and momentum must continue, and indeed expand, if we are to make the progress we need to meet these critical goals.

NCLB + ARRA + Common Standards = Patchwork Accountability Policy

Since NCLB was signed into law in 2002, there have been a number of changes to the education policy landscape. Over time, the U.S. Department of Education (ED) created pilot programs and offered waivers to some districts and states to experiment with different approaches to accountability and school improvement, such as the growth model pilot (in fifteen states) and the differentiated accountability pilot (in seventeen states). With the implementation of ARRA, ED established new rules for the participating states and districts, and has offered additional waivers of existing accountability requirements in some cases. To help states navigate these and myriad other new requirements, ED issued scores of pages of guidance documents. As a result, there is now a patchwork quilt of requirements without a clear road map as to how they all work together or how they contribute to a singular, comprehensive vision for systemic reform.

1. NCLB and ARRA have inconsistent accountability goals and measures.

There is a lack of alignment between accountability provisions in preexisting NCLB policies and new ARRA policies.

NCLB set the goal of all students becoming proficient in math and reading by 2014. Under that law, schools, districts, and states are evaluated in terms of their progress in meeting state-set annual goals known as Adequate Yearly Progress, or AYP. Schools and districts not meeting those annual goals are deemed “in need of improvement” and are subject to an escalating series of federally mandated interventions. Most states delayed significant increases in their annual achievement targets, and therefore the targets must increase significantly between now and 2014—which means that a significant number of schools are likely to enter improvement status in the next few years, and fewer are likely to exit that status.

Meanwhile, in implementing the programs funded through ARRA—RTT and SIG—ED has created a new set of goals, metrics, timelines, and consequences that are inconsistent with ESEA’s requirements.

Under RTT, states must set goals that are “ambitious and achievable.” There is no timeline associated with these goals—apart from the duration of the grant. There is no clarification of how these goals or metrics should align with or relate to AYP; in fact, the term AYP does not even appear in ED’s guidance for the program. Theoretically, these goals could be lower than what is required under NCLB. It is also unclear whether or how the RTT timeline works with AYP and NCLB accountability.¹⁵

Under SIG, districts must set annual progress goals for schools receiving program funds. The ED’s guidance notes that schools must meet both these new SIG program goals and their AYP requirements. Schools could meet their goals for SIG grant compliance purposes but fail to meet AYP and be required to continue implementing NCLB’s school improvement requirements. However, ED’s guidance clarifies that some schools implementing certain strategies under SIG are permitted to restart their NCLB school improvement timeline regardless of their progress—and therefore avoid or delay implementation of the law’s school improvement requirements.

A state receiving Race to the Top funds and school improvement funds must establish, communicate, and be evaluated on both AYP goals and RTT “ambitious and achievable” goals. In such a state, school districts and schools will be evaluated on RTT goals, SIG goals, and AYP goals—which may or may not be in harmony.

There are mixed opinions on the soundness of NCLB’s AYP mechanisms and mandated school improvement strategies and how best to improve them. Regardless, the lack of alignment between NCLB and ARRA sends mixed signals to educators and parents and has the potential to confuse local administrators and increase bureaucracy at the state and federal levels. Until ESEA is improved and updated to become more accurate in its determinations about school performance, all federal funding must include accountability provisions aligned with current law.

2. Too many low-performing schools and students do not receive attention and support through ARRA.

While NCLB was designed to shine a spotlight on schools that truly are in need of improvement, it prescribed a fairly blunt instrument for identifying such schools: a school either made AYP or it did not. The schools that have not made AYP include not only those in which the performance of all students was extremely low, but also those in which one subgroup narrowly missed the target. Over the last eight years, much has been learned about the shortcomings in the design and implementation of this approach.¹⁶ In summary, it has not been an effective way of identifying or managing the lowest-performing schools, and, most seriously, it has not succeeded in turning the vast majority of them around. Of the 1,069 schools in 2004–05 that were in restructuring—the most severe category of improvement status, reserved for persistently low-performing schools—only 19 percent were no longer identified as in need of improvement in 2006–07.¹⁷ The U.S. Government Accountability Office found that a large portion of such schools did not even have required restructuring plans in place.¹⁸ The Center on Education Policy found that when restructuring plans were implemented, they did little to help those schools exit restructuring.¹⁹

The ARRA programs take a different approach than NCLB: they are designed to prioritize the lowest-performing schools, those that the law designates as “persistently lowest-achieving schools.” (See Appendix 2.) This focus makes sense: an aggressive strategy to address the worst of the worst is an important part of transforming the nation’s education system. In fact, some would argue that this lack of focus and prioritization on the lowest-performing schools is a weakness of NCLB. However, this triage approach alone is not a comprehensive strategy for addressing the full spectrum of low-performing schools. The bottom line is that there are many schools and students who need focused intervention but who will not be served by SIG and RTT:

- Only a fraction of eligible low-performing schools will likely be served by these programs. Under the competitive framework of RTT, not every state will receive funding, and in those states that do, only a subset of eligible schools in districts that establish memoranda of understanding with the state will benefit. Under SIG, only the small number of districts receiving funds will implement reforms.
- There are many low-performing schools that are not eligible for these programs because they do not meet the strict criteria. While the definition of “persistently low-achieving schools” brings urgency and focus to the worst of the worst, there are a large number of additional low-performing schools that do not fit the definition’s criteria but still require significant improvements. For example, based on data reported for the 2007–08 school year, only four schools in Mississippi constitute the bottom 5 percent of Title I schools in improvement (a key criterion), and only twenty-eight schools in the entire state of New York.²⁰

- The *students in these unsatisfactory, but ineligible, schools are not being served effectively*—including many students in the subgroups upon which NCLB shines a light: students of color, students with disabilities, and English language learners. “Persistently lowest-achieving schools” are identified based on the achievement of all students in those schools, without regard to the achievement of specific subgroups. While the overall achievement of a school is, of course, an important metric, it must not diminish the focus on the disaggregated subgroups toward which NCLB accountability measures have directed attention. Maintaining the pressure for improving academic achievement gains for these students, whether or not they are in persistently lowest-achieving schools as defined by RTT and SIG, should remain a top priority. To do otherwise would be to return to a time when certain children were invisible and the schools that served them were unaccountable. Likewise, low-performing but ineligible schools cannot be permitted to fall to the bottom before their needs are addressed. Schools across the achievement spectrum must be held accountable for the outcomes of all of their students and be supported to improve over time.

While the ARRA programs laudably have a targeted focus on the lowest-performing schools, only through the reauthorization of ESEA can federal policy maintain that priority AND ensure that all schools are accountable for educating all students.

3. There is limited accountability for ARRA funds.

In a period of tight budgets and high expectations, it is critical that federal funds be used effectively and efficiently to improve student outcomes. Unfortunately, there is limited accountability for the implementation of ARRA’s RTT funds. The regulations do not specify penalties for failure to faithfully implement their state plans, and ED’s guidance merely says that “States must adhere to a fund drawdown schedule that is tied to meeting these goals, timelines, budgets, and annual targets. The Department will review each state’s performance against these goals, timelines, budgets, and annual targets through (at a minimum) annual reports and ongoing dialogue.”²¹

States that receive RTT funding will likely now be submitting both their performance reports under NCLB and reports on meeting goals and targets under RTT—one report describing progress in meeting AYP, the other progress on achieving “ambitious but achievable goals.” This raises several important questions, particularly in light of the administration’s announced intention to expand RTT.²² How will ED monitor state implementation of RTT? Will ED divert scarce resources from monitoring NCLB’s Title I requirements to implementation of RTT? What structures and human capital will RTT monitoring require at the federal and state levels?

These questions point to a larger concern: despite multiple reporting requirements and administrative burdens, states are not necessarily held accountable for the efficient, effective, and equitable use of federal education dollars. ESEA reauthorization presents an opportunity to rethink and improve monitoring strategies to minimize the burden to states and districts, while maximizing accountability for results.

4. The NCLB accountability framework must be updated to recognize the state-led movement toward common standards.

Low and uneven standards put American students at an incredible disadvantage. In far too many states, it is possible for students to meet expectations on state assessments, only to find themselves unprepared for college-level work or entry-level job requirements. The Commission and the Alliance strongly believe that adopting, teaching to, and measuring against well-designed high, common standards will improve the quality and equity of education across not only state lines but also economic and racial lines. High-quality common standards aligned to college and work readiness are the fundamental building blocks of an education system that ensures that all students—regardless of zip code—learn what they need to succeed beyond graduation.²³ In addition, common standards and assessments can enhance accountability by increasing consistency in determinations about which schools are serving students well and which are not. Of course, the work cannot stop at merely adopting standards—realizing their potential will require *states* successfully implementing them, through aligned assessments, teacher education and professional development, measures of teacher effectiveness, curricula and instructional supports, and strong accountability. The prospect of having common standards makes all of these reforms more urgent and needed, not less.

The stimulus-funded reform activity described above coincides with a state-led national push for higher, common standards. Under the leadership of the National Governors Association and the Council of Chief State School Officers, forty-eight states and the District of Columbia are currently on board to develop common standards through the Common Core State Standards Initiative.²⁴

As the states move toward setting a higher bar—and especially once that bar is in place—there may be a temptation to ease up on measuring progress and taking the difficult and often unpopular actions required when schools struggle. This simply cannot be allowed to happen. Of course, careful thought must be given as to how to transition state accountability plans in light of new, more rigorous standards and assessments, but as that work progresses, pressure must be maintained to improve student achievement for all groups of students.

As states transition to higher, common standards, an ESEA reauthorization is necessary to realign the accountability system accordingly, while simultaneously ensuring that all schools—including low-performing schools—are accurately identified for improvement and interventions.

A Call to Reauthorize ESEA in 2010

As the nation moves through a recession and leaders at all levels face difficult budget realities, it is important to remember that the best economic stimulus package is a high school diploma that signifies preparation for success in college, work, and life. In Washington, D.C., in states and districts, and at kitchen tables across the country, there is a growing recognition that economic recovery—and our nation’s competitiveness—will require a sustained national effort to improve the academic performance of all American students. Many state leaders have responded swiftly to the reform agenda laid out in the Race to the Top Fund, including working together to craft higher, common standards and improve and align assessments. For some, it reflects the direction in which their leading schools and districts were headed. For others, it represents an opportunity to begin mapping out a reform strategy that is based in good practice.

If all students are to be prepared for success in the global economy, it is time for federal law to reflect more widely the reform agenda already under way in the nation’s best schools and in leading districts and states. Federal policy must help establish and support the goals of the nation’s state and local education systems, while allowing more flexibility for states and districts to develop data-driven strategies to meet them. It should send a clear signal to students and parents, to teachers and administrators in the K–12 and postsecondary systems, and to business and community leaders that all students can succeed. It must provide a strong accountability framework to ensure that states, districts, and schools take whatever timely action is necessary, so that every young person can graduate from high school prepared for college, careers, and citizenship.

In order for that clear vision to be evidenced, various federal requirements must be streamlined and clarified. Issues related to accountability and school improvement must be reconciled between ESEA and ARRA. And a sense of urgency for improving the academic achievement of all students must guide the effort. The administration and the Congress have a responsibility to America’s children to ensure that federal law is not stuck in the past, but is able to support and strengthen the reforms needed now.

It’s time for action. The Alliance for Excellent Education and the Commission on No Child Left Behind call on the Congress and the administration to reauthorize ESEA in 2010.

Appendix 1: Current Landscape of Accountability for Federal Funding

Program	Purpose	Accountability for Academic Achievement	Coverage
<p>Title I of ESEA</p> <p>(\$14.5 billion for FY 2009 and \$10 billion through ARRA)</p>	<p>Formula grants are awarded to states and in turn to districts on the basis of poverty and population to improve the academic achievement of disadvantaged students.</p>	<p>States are required to develop definitions of Adequate Yearly Progress (AYP) that meet the requirements of the law and ensure that all students are proficient in reading and math by the year 2014. States are required to annually assess students in grades 3–8 in reading and math, and once in high school.</p> <p>Schools and districts are held separately accountable for the academic achievement of all students, as well as subgroups of students including racial and ethnic minorities, economically disadvantaged students, English language learners, and students with disabilities. States are required to publish report cards for schools and districts that include disaggregated achievement data, as well as disaggregated graduation rate data and other indicators of school success.</p>	<p>All states who receive Title I ESEA funds are required to have AYP definitions in place.</p> <p>All public schools in the state are subject to interventions if they do not make AYP. However, only schools that receive Title I funds must offer public school choice or supplemental educational services. Most high schools do not receive Title I funding.</p>
<p>Race to the Top Fund (RTT)¹⁸</p> <p>(\$4.3 billion through ARRA)</p>	<p>RTT is a competitive grant program designed to award funds to states that make certain policy reforms that center around improving standards and assessments, building data systems that measure student growth and can be used to improve instruction, recruiting and retaining effective teachers and principals, and turning around the lowest-achieving schools.</p> <p>See Appendix 2 for the definition of persistently lowest-achieving schools.</p>	<p>States must describe how the state and participating districts will use RTT funding to reach “ambitious yet achievable” goals to increase student achievement, decrease the achievement gaps across student subgroups, and increase the rates at which students graduate from high school prepared for college and careers. Achievement gains are to be demonstrated on state assessments and NAEP.</p> <p>Districts are required to implement one of four school intervention models to turn around low-performing schools: turnaround model, restart model, school closure, or transformation model.</p>	<p>States awarded RTT funds partner with select districts and establish agreements to implement their RTT plans.</p> <p>Of the small number of Title I schools that meet the definition of persistently lowest-achieving schools, only those schools in participating districts will be served, and districts are not required to serve all eligible schools.</p>
<p>Title I School Improvement Grants (SIG)²⁵</p> <p>(\$546 million for FY 2009 and \$3 billion through ARRA)</p>	<p>Formula grants are awarded to states, who will then award competitive grants to districts to turn around the lowest-achieving schools.</p> <p>See Appendix 2 for the definition of persistently lowest-achieving schools.</p>	<p>Each district receiving SIG funds must set annual goals for student achievement on the state’s ESEA assessments. For schools receiving SIG funds, states will be required to report the identity of the school, the intervention adopted, and the amount of funding provided. A state may use these data to determine whether to renew a district’s SIG award for a second and third year, if extended through a waiver of the period of availability.</p> <p>Districts are required to implement one of four school intervention models to turn around low-performing schools: turnaround model, restart model, school closure, or transformation model.</p>	<p>Each state must give priority in awarding SIG funds to districts with persistently lowest-achieving schools—generally, only schools in improvement, corrective action, or restructuring that are in the bottom 5 percent of schools, or with a graduation rate below 60 percent.</p> <p>Districts are not required to serve all lowest-achieving schools in their district, and are not given additional credit for serving additional schools.</p>

Appendix 2: Definition of Persistently Lowest-Achieving Schools²⁶

Persistently lowest-achieving schools means, as determined by the State:

- (i) Any Title I school in improvement, corrective action, or restructuring that
 - (a) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or
 - (b) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) [an adjusted cohort graduation rate] that is less than 60 percent over a number of years; and
- (ii) Any secondary school that is eligible for, but does not receive, Title I funds that
 - (a) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or
 - (b) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

To identify the lowest-achieving schools, a State must take into account both:

- (i) The academic achievement of the “all students” group in a school in terms of proficiency on the State’s assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and
- (ii) The school’s lack of progress on those assessments over a number of years in the “all students” group.

Alliance for Excellent Education

The Alliance for Excellent Education is a national policy and advocacy organization, based in Washington, DC, working to improve national and federal policy so that all students can achieve at high academic levels and graduate from high school ready for success in college, work, and citizenship in the twenty-first century. Its mission is to promote high school transformation to make it possible for every child to graduate prepared for postsecondary learning and success in life. For more information about the Alliance, visit www.all4ed.org.

Commission on No Child Left Behind

The Commission on No Child Left Behind is a bipartisan effort to identify and build support for improvements in federal education policy to ensure the nation has effective tools to spur academic achievement and close the achievement gap. Following a comprehensive review process with extensive public input, the Commission in 2007 released a blueprint for strengthening the landmark No Child Left Behind Act (NCLB) by preserving the law’s core principles and making needed changes to accelerate progress toward achieving its goals, particularly in the areas of teacher and principal effectiveness, robust accountability and data, higher academic standards, stronger high schools, and increased options for students. The Commission will continue to advocate bold reform during the NCLB reauthorization process and consideration of related measures in pursuit of an excellent education for all children. For more information on the Commission, visit www.aspeninstitute.org/policy-work/no-child-left-behind.

Endnotes

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