

The No Child Left Behind Act (NCLB)

Statutory Authority

The No Child Left Behind Act of 2001 (NCLB) is the re-authorization of the congressional Elementary and Secondary Education Act (ESEA) that details federal spending for all public schools. The education spending bill was first approved in 1965, and is periodically reauthorized by Congress. The name “No Child Left Behind” was given by President Bush when he signed the bipartisan reauthorization bill in January 2002 to draw attention to significant changes in the law. Though this is a federal act, it plays an important role in education policy in Washington state. NCLB has elements which are similar to the education reform our state adopted in 1993 that included statewide academic standards, achievement goals, and assessment testing (See Issue Paper on Education Reform.)

Details of Current Law

The most dramatic change NCLB makes from previous reauthorizations of the ESEA is imposition of sanctions for schools that fail to make the academic progress required by Congress. However, there are four main components to NCLB:

Stronger accountability for results - Under No Child Left Behind, schools are charged with making sure that all students, including those that are disadvantaged, achieve academic proficiency. Specifically, under standards established by each state, 100 percent of students are to be at grade level by 2014. Progress is required towards that goal, and schools that do not make adequate yearly progress, referred to as “**AYP**,” must provide supplemental services to their students such as after-school tutoring. The school is required to take corrective action, and if it is still not achieving AYP after five years, major changes must be made to the way a school is run. NCLB presumes that schools which are failing to serve citizens for more than five years will be restructured, but Washington laws do not authorize such actions. By the end of 2007, eight schools had not made adequate progress for six years.

Academic progress in our state is measured by the Washington Assessment of Student Learning (**WASL**). (see Issue Paper on the WASL). In order to track academic progress, schools are required to publish report cards that display school performance data.

Use of proven education methods – NCLB intends for schools to use educational methods that have been proven effective by scientific research. Federal funding is then directed to those programs that improve student learning and improvement, such as Reading First in the early grades. Schools are also required to have a “highly qualified teacher” in each classroom. The standards for “quality” are established by the state and require some demonstration of subject matter competency in addition to education and credentials.

Expanded options for parents and students – NCLB gives several new options to parents of students in low-performing schools. This is particularly true for schools that receive Title I money, support students from low-income families. If these schools do not reach state standards for two consecutive years, parents may transfer their child to a better-performing school within their district, and the district must provide transportation. Low-income students in schools that fail to make AYP for three consecutive years must be offered supplemental services such as tutoring and summer school. Students who attend a school defined as persistently dangerous or are the victim of a violent crime while in their school also must be given the opportunity to transfer.

Expanded local control and flexibility – School districts have flexibility in the use of the funds that come to them under NCLB. They may transfer money among federal grant programs or to their Title I programs, without needing approval. This allows districts to use the federal funds for programs that will be most useful to them, such as teacher training or school safety.

Updates

In 2003, NCLB's accountability rules went into effect. After dismal test results, many states sought additional flexibility in the federal law. In 2004, our own Office of Superintendent of Public Instruction (OSPI) applied to the federal Department of Education for several changes to the accountability rules. The changes that were granted include:

- Adequate yearly progress may be calculated based on a three-year average instead of the annual stairstep increase.
- Size requirements for subgroups of students who have disabilities or limited English may be altered so that no district can be declared to be failing to meet AYP based on less than one percent of its students.
- First year English language learners will be exempt from the WASL reading and writing tests. Test scores of those that have completed their English-language courses can now be included for two years.
- Special education students may take a developmentally appropriate exam instead of their grade-level WASL.
- In 2004, the federal government approved an OSPI request to allow graduation target rates for high school to be lowered from 73 percent to 66 percent. However, the federal government said that this needs to be increased to 85% by 2014.
- Before, small schools with fewer than thirty students in each subgroup submitted an improvement plan to the state. Now, schools with between 10 and 29 students in a tested grade must meet targets in the "all students" category.

The federal Elementary and Secondary Education Act was reauthorized as the No Child Left Behind Act in 2001. Generally, the education authorization act is valid for five years, but the 2007 date was missed, and an automatic extension of two years was added. Opponents of the act, such as the National Education Association, have advocated for delaying the reauthorization, perhaps until after the 2008 election.

In the spring of 2008 the US Department of Education has undertaken a range of rule changes to revise and improve various aspects of the NCLB Act since Congress has not moved on legislation.