



FOUR NEW TOOLS FOR IMPLEMENTING NO CHILD LEFT BEHIND



POLICY SUMMARY

I. SPECIAL EDUCATION STUDENTS

All children, including students with disabilities, deserve the benefit of accurate measurement of their educational progress. Full, meaningful participation in assessments by all students will make our schools more responsive, inclusive and successful. To help schools meet this goal, the Department issued the following policy in December 2003:

1. Students with Significant Cognitive Disabilities

When measuring Adequate Yearly Progress (AYP), states, school districts, and schools may now count the "proficient" scores of students with the most significant cognitive disabilities who take assessments based on alternate achievement standards.

As many as 1 percent of all students in the grades tested (about 9 percent of students with disabilities) under the alternate achievement standards may have their scores counted as "proficient." States and school districts may apply for a higher limit if they demonstrate that they have a larger population of students with significant cognitive disabilities.

Without this flexibility, those scores would have to be measured against grade-level standards and considered "not proficient." This new provision protects students, parents and teachers while providing flexibility to states, districts and schools.

II. LIMITED ENGLISH PROFICIENT (LEP) STUDENTS

In order to ensure that educational efforts are most effective, all students must participate in meaningful assessments that provide important information about academic progress. Limited English proficient (LEP) students new to the United States often have a difficult time participating in state assessments due to language barriers or the lack of schooling prior to arrival in the United States. To help ensure such students are included in assessments, the Department issued this two-part policy in February 2004:

1. First-year Limited English Proficient Students

Schools may offer limited English proficient students, during their first year of enrollment in U.S. schools, the option of taking an English language proficiency assessment in addition to or in lieu of the reading/language arts content assessment. These students must take the mathematics assessment, with accommodations as appropriate.

In this first year, states are not required to include the achievement scores of limited English proficient students on the mathematics assessment and, if given, the reading/language arts content assessments in adequate yearly progress calculations. Importantly, however, these students would be counted as participants for AYP purposes for the 95 percent testing requirement, which ensures that all children count and receive the quality education they deserve.

2. Subgroup Status of English Proficient Students

After students have attained English proficiency, a state may include their achievement scores in the limited English proficient subgroup in calculations of AYP for up to two years.

III. HIGHLY QUALIFIED TEACHERS

One of the most important ways to close the achievement gap and provide all children with a high quality education is to provide them a great teacher. Studies have shown the single greatest effect on student achievement is teacher quality. A highly qualified teacher has: 1) a bachelor's degree, 2) full state certification or licensure, and 3) subject matter competency in each subject they teach. In response to common challenges to meeting this goal, the Department issued this three-part policy in March 2004:

1. Rural Teachers

Teachers in eligible, rural districts who are highly qualified in at least one subject will have three years to become highly qualified in the additional subjects they teach. They must also be provided professional development, intense supervision or structured mentoring to become highly qualified in those additional subjects. To meet this goal, current teachers have three years from the 2004-05 school year and new teachers have three years from the date of hire.

2. Science Teachers

States may—based on their current certification requirements—allow science teachers to demonstrate that they have subject matter competency either in “broad field” science or in individual fields of science (such as physics, biology or chemistry).

3. Current Multi-subject Teachers

No Child Left Behind allows states to create an alternative method (High, Objective, Uniform State Standard of Evaluation or HOUSSE) for teachers not new to the field to demonstrate subject matter competency, the third element of the definition of a highly qualified teacher under *No Child Left Behind*.

States may streamline this evaluation process by developing a method for current, multi-subject teachers to demonstrate through one process that they are highly qualified in each of their core academic subjects while maintaining the same high standards in subject-matter mastery.

IV. ASSESSMENT PARTICIPATION RATES

No Child Left Behind requires all students to participate in a state's test, although a school can make adequate yearly progress if at least 95 percent of its students participate in its state's annual assessment of student achievement (measured by total school population and by subgroup). This provision is one of the cornerstones of the *No Child Left Behind* reforms. It ensures that every child is counted so students who are struggling get the help they need. To help states meet this goal, the Department issued this two-part policy in March 2004:

1. Average Participation Rate

A state may use data from the previous one or two years to average the participation rate data for a school and/or subgroup as needed. If this two- or three-year average meets or exceeds 95 percent, the school will meet this AYP requirement. Thus, schools that are performing well in this category may not be unduly identified as “in need of improvement” because of a one- or two-year dip in their participation rates.

- For example, a school might find that its participation rate dropped to 94 percent for one year. If in the previous two years, the rates were 95 percent and 96 percent then the school may average these three years to meet the 95 percent participation rate requirement.

2. Medical Emergencies

Schools may omit from participation rate calculations those students who cannot take an assessment during the entire testing window, including make-up dates, due to a significant medical emergency. This will ensure that schools whose participation rates may be affected by such situations will not be unduly identified for improvement.



The No Child Left Behind Act of 2001: A Brief History



- 1954** — **Brown vs. the Board of Education**
No Child Left Behind (NCLB) is the next step in a long history of the Elementary and Secondary Education Act (ESEA). The principles of No Child Left Behind date back to Brown vs. the Board of Education, when the U.S. Supreme Court outlawed racial segregation in public schools and acknowledged the end of the "separate but equal doctrine."
- 1958** — **National Defense Education Act**
Citing national security, the federal government becomes involved in public school policy by providing funds to improve mathematics and science education.
- 1964** — **Civil Rights Act**
Under President Lyndon B. Johnson, the Brown decision was codified by the 1964 Civil Rights Act requiring the desegregation of schools.
- 1965** — **Elementary and Secondary Education Act (ESEA)**
Sister legislation to the Civil Rights Act, the Elementary and Secondary Education Act (ESEA) passed in 1965. ESEA is part of President Johnson's Great Society and War on Poverty and was designed to level the playing field between the rich and poor by focusing aid on high-poverty areas. The ESEA comes up for reauthorization in Congress roughly every seven years.
- 1983** — **Report: *A Nation at Risk***
The 1983 landmark report highlighting deficiencies of the education system at the time, *A Nation at Risk*, sparked an increased federal role in education reform nationwide and set the stage for standards based learning.
- 1994** — **Improving America's Schools Act**
In 1994, under President Bill Clinton, The Improving America's Schools Act reauthorized and revamped the Elementary and Secondary Education Act. This law required states to develop standards, establish tests to measure against those standards, and disaggregate the testing data to identify where the problems are and which population subgroups are being left behind. But, by the time the law was again up for reauthorization, only 11 states were in compliance with the 1994 ESEA because it lacked accountability mechanisms and rigorous enforcement.
- 2001** — **No Child Left Behind Act of 2001 proposed**
In January 2001, when President George W. Bush took office, he immediately convened a meeting of education experts. In this first month in office, the President proposed his blueprint for education reform, entitled "No Child Left Behind."
- 2002** — **No Child Left Behind Act signed into law**
On January 8, 2002, President Bush signed the No Child Left Behind Act of 2001 into law with overwhelming bi-partisan support. The final votes were 87-10 in the Senate, and 381-41 in the House. Senators Ted Kennedy (D-MA) and Judd Gregg (NH-R) and Congressmen George Miller (D-CA) and John Boehner (R-OH) were its co-sponsors. President Bush joined Congress to craft legislation that built upon the 1994 ESEA. This ensured additional accountability and flexibility as well as a tremendous increase in funding for education. It will create an education system that is more inclusive, responsive and fair.