



## What does it mean for public education?

by Stephen Smith, TSBA director of Government Relations

***“Under this new law, we will strive to provide every boy and girl in America with a high-quality education—regardless of his or her income, ability or background. For the first time, the federal government will invest in successful public education instead of continuing to fund a failing system.” (Rod Paige, U.S. Secretary of Education, April 2002 Letter to America)***

***“The No Child Left Behind Act is a trap. Its purpose is to ensnare public schools and kill them.” (Gerald Bracey, Poison Bill)***

On Jan. 8, 2002, President George Bush signed the *No Child Left Behind Act* into law, representing the most sweeping changes to the federal Elementary and Secondary Education Act since its inception in 1965 and signifying the greatest intrusion in state and local education policy in the history of the United States. Whether this intrusion will in fact prove proponents or skeptics of the act correct remains to be seen.

Prior to this landmark reauthorization of ESEA, the federal government focused primarily on serving groups of students with special needs. For example, Title I, the largest federal education program, is designed to help poor and low achieving students, while the Individuals with Disabilities Education Act is designed to provide educational opportunities to children with disabilities. What makes *No Child Left Behind* so extraordinary is that it was adopted to affect every public school in every school system in every state, placing significant accountability measures on schools and implementing major sanctions against schools and school systems that fail to meet the new standards of the law.

While many of the specific provisions that local school boards will have to follow are unclear – the U.S. and Tennessee Departments of Education have yet to release all of the rules and regulations pertaining to the act – there are broad requirements known for what are the two most important and perhaps controversial categories: 1) Accountability and Assessment; and 2) Teaching Quality.

# Accountability and Assessment

## Testing

*No Child Left Behind* centers around accountability and assessment. States must annually test students in grades three through eight in reading and math by the 2005-06 school year, and annual science assessments must be in place for three different grade levels (3-5, 6-9 and 10-12) by the 2007-08 school year. Tennessee is fortunate in that it has met or is close to meeting all of the reading, math and science assessment requirements under ESEA (see chart below).

### Tennessee Assessments<sup>1</sup>

Subject	Grades	Implement By
Math	3, 5, 8	Spring 2003
	3-8	Spring 2004
	High School	Fall 2001
Reading/Language	3, 5, 8	Spring 2003
	3-8	Spring 2004
	High School	Fall 2002
Science	3-8	Spring 2004
	High School	Fall 2001

## Adequate Yearly Progress

To measure the progress of schools, which will be based primarily on academic assessments, states must develop “Adequate Yearly Progress” standards, with the goal of all students achieving at a state-defined “proficient” level within 12 years. Schools must not only demonstrate schoolwide progress but also progress of students in four major subgroups: economically disadvantaged students (including migrant students); major racial or ethnic groups; students with disabilities; and English language learners. In other words, it will not suffice for schools to show progress as a whole – they also must show progress in each of their most at-risk populations.

In addition to testing, states must identify two additional indicators for AYP. At the high school level, graduation rates must be included; however a state can choose which other indicators to incorporate into its AYP definitions, as long as they can be separated by the required subgroups noted above.

## States will have two main tasks in defining AYP:

1. Each state must establish a baseline or starting point for measuring AYP that is based on either:
  - A. The lowest-achieving group of students in the state; or
  - B. The school at the state’s 20<sup>th</sup> percentile in terms of the proportion of students at proficient levels. The category that has the higher proportion of proficient students must be chosen.

The law requires states to use student performance data from the 2001-02 school year to define the baseline for AYP. However, Tennessee has negotiated a phase-in timeline with the U.S. Department of Education to allow it to use its existing accountability system until the 2003-04 school year. This is due to the fact that Tennessee will administer its new standards-based assessments during the Spring of 2003.<sup>2</sup>

2. Gradually increase the baseline for AYP over time. Remember, the requirement is to get 100 percent of students to at least a proficient level.

Because of this new standard of Adequate Yearly Progress, how Tennessee defines proficiency is extremely important. For example, in Colorado, only 14 percent of 10<sup>th</sup> graders scored at proficient or higher levels on the math section of the state assessment given in 2001. However, when researchers at the University of Colorado examined the tests, they found that the state assessment had very high “cut scores” defining performance levels. Researchers also found that the content on the state assessment was considerably more difficult than the math portion of the SAT exam.<sup>4</sup>

Furthermore, the White House’s own calculations revealed that had *No Child Left Behind* been in place for the last few years, about 90 percent of the schools in North Carolina and Texas – states often noted for their outstanding student achievement – would have been labeled as “failing.”<sup>5</sup> This is most likely due to the fact that these states, like many others, have independently raised their goals and expectations for student

### Example of how the AYP process will work

A state identifies its economically disadvantaged students as the lowest-performing group of students, with 16 percent scoring at the proficient or advanced levels. Sixteen percent now becomes the starting point (or threshold) for measuring progress in terms of AYP. Because the task over the next 12 years is to get 100 percent of all students to proficient or advanced levels, the difference between 100 percent and 16 percent is the distance that the state needs to go. So, 84 percent of economically disadvantaged students, as well as all other students needs to be brought at least to proficiency. Since the state has 12 years to accomplish this goal, it must move 7 percent of the students per year across all subgroups to proficiency (84 percent divided by 12 years).<sup>3</sup>

achievement. Unfortunately, *No Child Left Behind* could force states to either lower their standards for proficiency or risk federal sanctions when a large number of students fail to meet those higher standards.

### Sanctions for failing to meet standards

If a state fails to define and establish a baseline for AYP and does not adopt and implement a single statewide accountability system that meets the requirements of the law, the U.S. Secretary of Education may withhold funds from the state. In turn, if local schools or school systems fail to meet

the new requirements, the state department of education could withhold funding.

In addition to monetary penalties for failure to design and implement an approved state accountability system, Title I schools that fail to make AYP will face corrective action as follows:

### Number of Consecutive Years

Failing to

Make AYP	Designation	Corrective Action
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2	School Improvement 1	Technical Assistance School Choice*
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*\*Students must be given option to transfer to another public school in the district, space permitting. The district must provide transportation.*

#### Non-Title I Schools – Pursuant to Tennessee Law (T.C.A. 49-1-602) – 2 years not making AYP

Designation	Corrective Action
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Informal Notice	None
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### Number of Consecutive Years

Failing to

Make AYP	Designation	Corrective Action
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3	School Improvement 2	Technical Assistance School Choice Supplemental Services*
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*\*Students may use Title I funds to pay for tutoring and other services. Services may be provided by the school or by a state-approved agency, including for-profit and private entities.*

#### Non-Title I Schools – Pursuant to Tennessee Law (T.C.A. 49-1-602) – 3 years not making AYP

Designation	Corrective Action
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On Notice	Technical Assistance State approval of grant allocations Revision of school improvement plans
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### Number of Consecutive Years

Failing to

Make AYP	Designation	Corrective Action
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4	Corrective Action 1	Technical Assistance School Choice Supplemental Services Corrective Action*
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*\*School must implement at least one of the following measures: 1) replace staff; 2) change curriculum; 3) decrease management authority at the school; 4) appoint an outside expert to advise the school; 5) extend the school day or year; or 6) restructure the internal organization of the school.*

#### Non-Title I Schools – Pursuant to Tennessee Law (T.C.A. 49-1-602) – 4 years not making AYP

Designation	Corrective Action
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Probation 1	State approval of financial resources to schools on probation; Community review committee to approve and monitor school improvement plan; Implementation of performance contracts for principals; School Choice ( <i>transportation not mandatory</i> ); Remediation/Supplemental services provided to students
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### Number of Consecutive Years

Failing to

Make AYP	Designation	Corrective Action
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5	Corrective Action 2	Technical Assistance School Choice Supplemental Services Corrective Action Restructuring*
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*\*Restructuring must consist of one or more of the following actions: 1) reopen as a charter school; 2) replace all or most school staff; 3) state takeover of school operations; or 4) other restructuring of school governance.*

#### Non-Title I Schools – Pursuant to Tennessee Law (T.C.A. 49-1-602) – 5 years not making AYP

Designation	Corrective Action
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Probation 2	State approval of financial/personnel resources to schools on probation; School Choice; Remediation/Supplemental services provided to students; Implementation of performance contracts for principals; Plan for alternative governance*
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*\* Alternative governance may include: 1) contracting with an institution of higher learning for the operation of the school; 2) state takeover; or 3) converting the school to a public charter school.*

## Teaching Quality

Other major and challenging provisions of *No Child Left Behind* require teachers and paraprofessionals to meet strict definitions of “highly qualified.” By this school year, all new teachers and paraprofessionals hired with Title I funds must be “highly qualified.” By the end of the 2005-06 school year, all teachers in core academic subjects (English, reading/language arts, math, science, foreign languages, civics/government, economics, arts, history and geography) must be “highly qualified” and all paraprofessionals working in programs supported with Title I funds must be “highly qualified.”

### Definition of highly qualified teacher

To be considered “highly qualified,” a teacher must be fully licensed or certified by the state and not teaching under any waivers of licensure requirements. All teachers must have at least a bachelor’s degree. New elementary teachers also must pass a state test demonstrating competency in elementary curriculum. New middle and secondary teachers must demonstrate competency in each of the academic subjects taught.

Existing teachers must meet these same requirements or demonstrate competence in all academic subjects based on a state evaluation standard.

These new requirements will only add to Tennessee’s teacher shortage problem recently confirmed by the Southern Regional Education Board, which found that the state will experience a continuing need for new teachers in the next five years. In addition, teacher attrition will place pressure on Tennessee’s school systems to recruit new teachers and increase the need to devise strategies to retain existing teachers.<sup>6</sup>

### Definition of highly qualified paraprofessional

In order to be considered “highly qualified,” all paraprofessionals must have a high school diploma or its equivalent and must meet at least one of the following requirements:

- Completed at least two years of college or university study
- Obtained an associate’s degree (or higher)

- Met a rigorous standard of quality and demonstrate, through a formal state or local assessment, the ability to assist in instructing reading, writing and math.

This requirement immediately applies to paraprofessionals hired after Jan. 1, 2002. Existing paraprofessionals will have four years to become “highly qualified.”

While no one questions the benefits of having paraprofessionals with additional qualifications, school officials are scratching their heads trying to figure out how to find people with the necessary credentials

willing to work at the current pay levels for teaching assistants. Let’s be realistic – potential applicants who have earned an associate’s degree or completed two years of college are going to find more attractive salaries elsewhere.

### Tennessee’s strategies

The Tennessee Department of Education is working with the Board of Regents to establish alternative licensure programs and to develop online options for teachers and paraprofessionals to

meet the definitions of “highly qualified.” These options include alternative licensure support; additional endorsement courses for identified subject area shortages; and an associate’s degree program for paraprofessionals. The department also will provide technical assistance to districts to help them provide relevant professional development to teachers and paraprofessionals.

## Funding

The million, or should we say billion, dollar question with *No Child Left Behind* is “Where is the funding to meet the mandates?” According to the U.S.

Department of Education, Tennessee received an 11 percent increase in total ESEA appropriations for the 2002 Fiscal Year. This includes more than \$25 million in new Title I money. Tennessee also has received \$47 million in new funds for improving teacher quality and \$7 million for state assessments. However, the President’s 2003 request would provide Tennessee with less than 4 percent in new federal education dollars.<sup>7</sup>

**“How can the federal government demand actions from states and local districts that mean greater expenditures on their part without substantially increasing its own contribution?”**

– Jack Jennings, director of the Center for Education Policy

# No Child Left Behind

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Will these funding increases be sufficient to assist schools in ensuring every child achieves to the level required by *No Child Left Behind*? Will appropriations be enough for school districts to attract and retain “highly qualified” teachers and paraprofessionals? Will the allocated dollars allow schools labeled as failing to pay for school choice options and supplemental services, while maintaining an adequate level of educational services for the students that remain? Or, is Gerald Bracey correct in his belief that everything about *No Child Left Behind*, from the achievement requirements to the funding levels, is a set-up for a perceived failure of public schools in America?<sup>8</sup>

No one questions the merits of the stated purpose of *No Child Left Behind* – to raise standards for all students. This is the same goal that drives every public school in the nation, and it is the same goal that has led Tennessee to become a national leader in public education accountability. But, as the President’s fiscal year 2003 budget request signifies, the federal government has not made a long-term commitment to adequately fund the

new mandates it has placed on states and local school systems. Jack Jennings, director of the Center for Education Policy, asks: “How can the federal government demand actions from states and local districts that mean greater expenditures on their part without substantially increasing its own contribution (about 7 percent of the cost of elementary and secondary education)? If the federal government keeps demanding improvement for all students and all schools, shouldn’t it begin to pay for the costs?”<sup>9</sup>

Let’s hope that U.S. Secretary Rod Paige’s and not Gerald Bracey’s prediction proves true and that *No Child Left Behind* will serve to build futures for America’s and Tennessee’s students. Let’s also hope that President Bush, Secretary Paige and Congress will make every effort to adequately fund the federal act and work in cooperation with local school boards, which were building positive futures for our children long before *No Child Left Behind* and will continue to build a positive future for our country long after.

## Footnotes

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1. Tennessee Department of Education. (2002). Consolidated State Application for State Grants under Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107-110).

2. See Footnote #1.

3. Education Commission of the States. (2002). No State Left Behind: The Challenges and Opportunities of ESEA 2001.

4. See Footnote #3

5. Bracey, Gerald. (2002). Poison Bill. Education Disinformation Detection and Reporting Agency.

6. Tennessee State Board of Education and Tennessee Department of Education. (2001). Staff Summary: Educator Supply and Demand in Tennessee.

7. U.S. Department of Education. “Budget News” Web site, [www.ed.gov/offices/OUS/budnews.html](http://www.ed.gov/offices/OUS/budnews.html)

8. See Footnote #5.

9. Jennings, Jack. (2002). Stricter Demands, Bigger State Role: What to Expect from the No Child Left Behind Act. Center on Education Policy.