Ten Big Effects of the No Child Left Behind Act on Public Schools

The Center on Education Policy has been carefully monitoring the implementation of NCLB for four years. Now Mr. Jennings and Ms. Rentner consider the comprehensive information that has been gathered and present their conclusions about the law's impact thus far.

BY JACK JENNINGS AND DIANE STARK RENTNER

TEST-DRIVEN accountability is now the norm in public schools, a result of the No Child Left Behind (NCLB) Act, which is the culmination of 15 years of standards-based reform. Many state and local officials believe that this reliance on tests is too narrow a measure of educational achievement, but NCLB has directed greater attention to low-achieving students and intensified efforts to improve persistently low-performing schools.

For the past four years, the Center on Education Policy (CEP), an independent nonprofit research and advocacy organization, has been conducting a comprehensive and continuous review of NCLB, producing the annual reports contained in the series *From the Capital to the Classroom* as well as numerous papers on specific issues related to the law.[1] Each year, the CEP gathers information for this review by surveying officials in all the state departments of education, administering a questionnaire to a nationally representative sample of school districts, conducting case studies of individual school districts and schools, and generally monitoring the implementation of this important national policy.

TEN EFFECTS

Ten major effects of NCLB on American education are evident from this multi-year review and analysis. We describe these effects broadly, because our purpose is to assess the overall influence of this policy on public schools. The effects on particular schools and districts may be different.

1. State and district officials report that student achievement on state tests is rising, which is a cause for optimism. It's not clear, however, that students are really gaining as much as rising percentages of proficient scores would suggest. Scores on state tests in reading and mathematics that are used for NCLB purposes are going up, according to nearly three-fourths of the states and school districts, and the achievement gaps on these same tests are generally narrowing or staying the same. States and districts mostly credit their own policies as important in attaining these results, although they acknowledge that the "adequate yearly progress" (AYP) requirements of NCLB have also contributed. However, under NCLB, student achievement is equated with the proportion of students who are scoring at the proficient level on state tests, and states have adopted various approaches in their testing programs, such as the use of confidence intervals, that result in more test scores being counted as proficient. In addition, some national studies support our survey findings of increased student achievement, while others do not.

2. Schools are spending more time on reading and math, sometimes at the expense of subjects not tested. To find additional time for reading and math, the two subjects that are required to be tested under NCLB and that matter for accountability purposes, 71% of districts are reducing time spent on other subjects in

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elementary schools — at least to some degree. The subject most affected is social studies, while physical education is least affected. In addition, 60% of districts require a specific amount of time for reading in elementary schools. Ninety-seven percent of high-poverty districts have this requirement, compared to 55%-59% of districts with lower levels of poverty.

3. Schools are paying much more attention to the alignment of curriculum and instruction and are analyzing test score data much more closely. Changes in teaching and learning are occurring in schools that have not made AYP for two years. The most common improvements are greater alignment of curriculum and instruction with standards and assessments, more use of test data to modify instruction, use of research to inform decisions about improvement strategies, improvement in the quality and quantity of professional development for teachers, and the provision of more intensive instruction to low-achieving students.

4. Low-performing schools are undergoing makeovers rather than the most radical kinds of restructuring. More intensive changes are taking place in schools that have not made AYP for five consecutive years and thus must be "restructured" under NCLB. Greater efforts to improve curriculum, staffing, and leadership are the most common changes, but very few of these restructured schools have been taken over by the states, dissolved, or made into charter schools. Though only about 3% of all schools were in restructuring during the 2005-06 school year, the number may increase in the current year. The longer the law is in effect, the more likely it is that some schools will not make AYP for five years.

5. Schools and teachers have made considerable progress in demonstrating that teachers meet the law's academic qualifications — but many educators are skeptical this will really improve the quality of teaching. With regard to teacher quality, 88% of school districts reported that by the end of the 2005-06 school year all their teachers of core academic subjects would have met the NCLB definition of "highly qualified." Problems persist, however, for special education teachers, high school math and science teachers, and teachers in rural areas who teach multiple subjects. Despite this general compliance with NCLB's provisions, most districts expressed skepticism that this requirement will improve the quality of teaching.

6. Students are taking a lot more tests. Students are taking many more tests as a result of NCLB. In 2002, 19 states had annual reading and mathematics tests in grades 3-8 and once in high school; by 2006, every state had such testing. In the 2007-08 school year, testing in science will be required under NCLB (although the results need not be used for NCLB's accountability requirements), leading to a further increase in the number of assessments.

7. Schools are paying much more attention to achievement gaps and the learning needs of particular groups of students. NCLB's requirement that districts and schools be responsible for improving not only the academic achievement of students as a whole but also the achievement of each subgroup of students is directing additional attention to traditionally underperforming groups of students, such as those who are

from low-income families or ethnic and racial minorities, those who are learning English, or those who have a disability. States and school districts have consistently praised NCLB's requirement for the disaggregation of test data by subgroups of students, because it has shone a light on the poor performance of students who would have gone unnoticed if only general test data were considered.

For the past three years, though, states and districts have repeatedly identified as NCLB problem areas the law's testing and accountability provisions for students with disabilities and students learning English. State and district officials have voiced frustration with requirements to administer state exams to students with disabilities because, for disabled students with cognitive impairments, the state test may be inappropriate and serve no instructional purpose. Similarly, officials don't see the merit in administering an English/language arts test to students who speak little or no English. The U.S. Department of Education (ED) has made some administrative changes in those areas, but, in the view of state officials and local educators, these modifications have not been enough.

8. The percentage of schools on state "needs improvement" lists has been steady but is not growing. Schools so designated are subject to NCLB sanctions, such as being required to offer students public school choice or tutoring services. Over the past several years, there has been a leveling off in the number of schools not making AYP for at least two years. About 10% of all schools have been labeled as "in need of improvement" for not making AYP, though these are not always the same schools every year. Urban districts, however, report greater proportions of their schools in this category than do suburban and rural districts. Earlier predictions had been that by this time there would be a very large number of U.S. schools not making AYP. A major reason for the overall stabilization in numbers of such schools is that, as already noted, test scores are increasing. Another reason is that ED has permitted states to modify their NCLB accountability systems so that it is easier for schools and districts to make AYP.

In the last four years, about 2% of eligible students each year have moved from a school not making AYP for at least two years to another school, using the "public school choice" option. Approximately 20% of eligible students in each of the last two years have taken advantage of additional tutoring (called "supplemental educational services") that must be offered to students from low-income families in schools not making AYP for at least three consecutive years. Although student participation in tutoring has been stable, the number of providers of supplemental services has grown dramatically in the last two years, with more than half of the providers now being for-profit entities. Lower proportions of urban and suburban school districts report that they are providing these services than in the past. School districts are skeptical that the choice option and tutoring will lead to increases in academic achievement, though they are somewhat less skeptical about tutoring than they are about choice. (This month's *Kappan* includes a Special Section on Supplemental Educational Services, which begins on page 117.)

9. The federal government is playing a bigger role in education. Because of NCLB, the federal government is taking a much more active role in public elementary and secondary education than in the past. For example, ED must approve the testing programs states use to carry out NCLB as well as the accountability plans that determine the rules for how schools make AYP. In CEP surveys for the last three years, the states have judged ED's enforcement of many of the key features of the law as being strict or very strict, even while ED was granting some changes in state accountability plans. More states in 2005 than in 2004 reported that ED was strictly or very strictly enforcing the provisions for AYP, supplemental services, public school choice, and highly qualified teachers.

10. NCLB requirements have meant that state governments and school districts also have expanded roles in school operations, but often without adequate federal funds to carry out their duties. State governments are also taking a much more active role in public education, because they must carry out NCLB provisions that affect all their public schools. These state responsibilities include creating or expanding testing programs for grades 3-8 and one year of high school, setting minimum testing goals that all schools must achieve in general and also for their various groups of students, providing assistance to schools in need of improvement, certifying supplemental service providers and then evaluating the quality of their programs, and establishing criteria to determine whether current teachers meet NCLB's teacher-quality requirements. Most state departments of education do not have the capacity to carry out all these duties. Last year, 36 of the 50 states reported to CEP that they lacked sufficient staff to implement NCLB's requirements.

Local school districts must also assume more duties

than before because of NCLB. More tests must be administered to students, more attention must be directed to schools in need of improvement, and judgments must be made about whether teachers of core academic subjects are highly qualified. In carrying out these responsibilities, 80% of districts have reported for two years in a row that they are absorbing costs that federal funds are not covering. Overall, federal funding for NCLB has stagnated for several years. Provisions of the law have resulted in a shift of funds so that, in school year 2005-06, two-thirds of school districts in the country received no increases or lost funds compared to the previous year.

NCLB'S FUTURE

NCLB is clearly having a major impact on American public education. There is more testing and more accountability. Greater attention is being paid to what is being taught and how it is being taught. Low-performing schools are also receiving greater attention. The qualifications of teachers are coming under greater scrutiny. Concurrently with NCLB, scores on state reading and mathematics tests have risen.

Yet some provisions of the act and of its administration are causing persistent problems. State and local officials have identified the testing and accountability requirements for students with disabilities and for students learning English as troublesome, and other requirements — such as the one to offer a choice of another public school to students in schools needing improvement — have caused administrative burdens with little evidence that they have raised student achievement.

The lack of capacity of state departments of education could undercut the effective administration of NCLB. ED cannot deal with all school districts in the country and so must rely on state agencies to assist in that task. Yet these agencies are under great strain, with little relief in sight. Local school districts must also carry out additional tasks, and they must dig into their own pockets to do so.

The U.S. Congress has begun hearings on the effects of NCLB to prepare for its reauthorization in the new Congress that will assemble in 2007. The key question is whether the strengths of this legislation can be retained while its weaknesses are addressed.

1. For more information on NCLB, including the four annual reports and special papers, go to www.cep-dc.org, the website for the Center on Education Policy.