

# No Child Left Behind

## An Overview

---

**Justin Wageman, Ph.D.**  
Assistant Professor  
School of Education

**Karin Bartoszuk, Ph.D.**  
Child/Adolescent Specialist  
Child Development and Family Science  
NDSU Extension Service

### What is the No Child Left Behind Act (NCLBA)?

The NCLBA is the reauthorized name given to the Elementary and Secondary Education Act (ESEA) begun in 1965 by President Lyndon B. Johnson. In 2001, the Act was passed by Congress with overwhelming bi-partisan support and signed into law by President George W. Bush on January 8, 2002 (Public Law 107-110). It is effective for six years or until another reauthorization.

### Whats new about NCLBA?

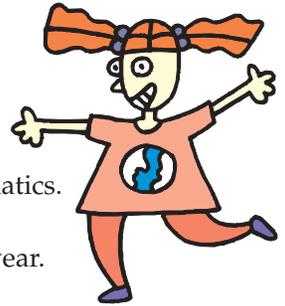
Overall, the NCLBA expands the role of the federal government in education by including all students, not just those served by federal programs. NCLBA contains many programs, called Titles. Of the 10 Titles, some of the most important changes in the law concern Title I revisions.

### What is Title I?

Title I is the largest federal program to assist school districts by providing funds to improve the education of children in high poverty schools. Title I revisions build on earlier law, but add additional specifics and requirements, especially in the areas of standards, assessments, and accountability.

### What are standards?

All states in the U.S. are required to have challenging academic content and achievement standards based on that content for all students in reading/language arts and mathematics. States will have science standards beginning with the 2005-06 school year.



### What has North Dakota done with the standards?

North Dakota has developed content and achievement standards for English language arts and mathematics. Originally developed only for grades 4, 8 and 12, the standards for these two content areas are currently (as of February 2004) under revision to include all grades, K-12. According to a development schedule, the content and achievement standards for science will also be revised to include all grades, K-12, by 2005. For more information, visit the following Web sites from North Dakota's Department of Public Instruction.

Content standards:

<http://www.dpi.state.nd.us/standard/content.shtm>

Achievement standards:

<http://www.dpi.state.nd.us/standard/perform/index.shtm>

Development protocols:

<http://www.dpi.state.nd.us/standard/protocols.pdf>



## When will students be assessed and how has it changed?

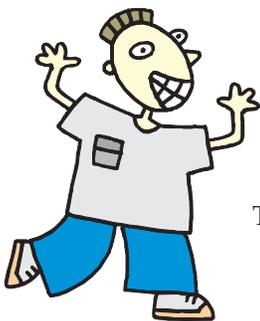
At the beginning of the 2005-06 school year, states must assess reading/language arts and mathematics *every year* from 3rd through 8th grade plus once more between 10th and 12th grade. Prior to NCLBA, student assessments were required once between grades 3-5, 6-9 and 10-12. At the beginning of the 2007-08 school year, states must begin assessing science skills yearly at least once in each of the grade spans 3-5, 6-9 and 10-12. Prior to this, there was no mandate for assessing science. Students are now compared to the state standards and not to each other. Scores are reported by level of proficiency. Ninety-five percent of the children enrolled in the state and at least 95 percent of each major subgroup of students must participate in the assessments.

Beginning with the 2002-03 school year, states must participate in the 4th and 8th grade reading and mathematics sections of the National Assessment of Educational Progress (NAEP) to be compared on a state-to-state basis. Students with Limited English Proficiency (LEP) must be included in these assessments as well as being annually assessed in their English oral language, reading and writing skills.

## What has North Dakota chosen to do?

North Dakota will be making three key changes to the state assessment system. The goal for these changes is the 2004-05 academic year. Testing will be completed in the fall of each year requiring assessment. Testing will occur for all grades 3-8 and once in high school. The high school assessment will now be completed in grade 11 rather than grade 12.

Currently, the North Dakota state assessment is a norm-referenced test (called the CAT/Terra Nova) with a supplement specific for North Dakota. The state assessment is aligned to North Dakota's state content standards.



North Dakota recently selected a testing company to develop the next generation of state assessments in accordance with the requirements of the NCLBA. Those assessments will be in place to meet the NCLBA deadlines.

See [www.dpi.state.nd.us/testing/index.shtm](http://www.dpi.state.nd.us/testing/index.shtm) for information on North Dakota's assessment program, data, plan, and assessment system. This site also includes information from North Dakota's participation in the NAEP. NAEP testing is done every two years with a random sample of North Dakota students. The next testing will occur in 2005.

## How are students with disabilities or limited English going to be tested in North Dakota?

North Dakota is working with Mountain West Consortium, a group of states developing an assessment for annual testing of English Language Learners. Accommodations may be used for students with identified disabilities who receive special education services through the Individual Education Plan (IEP), students who are on a 504 Plan and students who have limited English proficiency. A North Dakota Alternative Assessment is available for use by students with severe disabilities. Specific details and requirements pertaining to assessment of home education students can be found in the North Dakota Century Code (15.1-23)

## How is accountability different with NCLB?

There are substantial changes in accountability in the NCLBA. Some of the requirements apply to all districts and schools and others apply only to districts and schools receiving Title I funds. The term Adequate Yearly Progress (AYP) will become THE term used by schools, districts, the state and the media to refer to the measured progress through NCLB.

## What are the state accountability requirements?

Each state defines what constitutes adequate yearly progress, which is ever increasing, to reach the 2014 goal of all students reaching grade-level achievement. Each state establishes the measuring point for the number (percentage) of students who must reach grade-level achievement. This number is based on either the lowest achieving school or the lowest achieving demographic subgroup in the state. The higher of these two measures must be chosen.

Once the starting point is set, the state must “raise the bar” in gradual but equal increments to reach 100 percent of students performing at the proficient level by the target year (must be 2014). The first increase in the percentage of students at the proficient level must occur within two years and increase at least every three years thereafter. To ensure that students from all subgroups are making progress, all subgroups (e.g., economically disadvantaged, LEP (limited English proficiency), racial/ethnic, special needs) must reach the starting point plus the incremental gain set by the state each year. If even one subgroup fails to meet AYP, the state fails AYP. In addition to the assessments, states must use one other academic indicator, also known as a secondary indicator. For elementary schools, states may select the indicator. For secondary schools, the indicator must be graduation rates.

There are also rewards and sanctions built into the system. Schools and districts receiving Title I funds are held to specific requirements for rewards and sanctions concerning adequate yearly progress. Each state, however, must develop its own system of rewards and sanctions for all public schools and districts.

## What are the district and school accountability requirements?

As with the state and districts as a whole, data from local schools must be analyzed by subgroups and all subgroups must meet AYP (as defined by the state). NCLB provides for two circumstances in which subgroups **do not need** to reflect AYP. These situations are if the subgroup is too small or if using the scores would reveal the identity of students. States determine the minimum number of students acceptable. Second, Safe Harbor is when students as a whole make AYP but one or more subgroups fail. These schools can still make AYP if the percentage of students in the subgroup(s) who failed to reach proficiency has declined by at least 10 percent. Progress on the secondary indicator(s), however, must have been met.

## What are the consequences for not meeting AYP?

If a school fails to make AYP for two consecutive years, it must develop a two-year plan for improvement. Children in the school will also be eligible to transfer to other public schools (transportation paid for by the district). If a school does not make AYP for a third

consecutive year, in year four the district must make supplemental services available from outside providers (approved by the state and selected by parents), in addition to offering transfer and transportation. If a school does not make AYP for a fourth consecutive year, in year five the district must implement additional corrective actions. If a school does not make AYP for a fifth consecutive year, in year six the district must develop a plan for significant alternative governance actions. This plan must be implemented in year seven. Whenever a school identified as in “need of improvement” makes Adequate Yearly Progress for two consecutive years it will be removed from identification. There are no extensions for completion of the assessment and accountability requirements.

## What are state and district report cards?

Beginning with the 2002-03 school year, states and districts must issue annual report cards to the public with specific information (e.g., student achievement, participation rates in taking assessments, graduation rates, secondary indicators, professional qualifications of teachers and schools identified for school improvement).

## What is North Dakota using as an accountability system?

For information on North Dakota’s state accountability system, see the following Web site: [www.dpi.state.nd.us/testing/index.shtm](http://www.dpi.state.nd.us/testing/index.shtm).

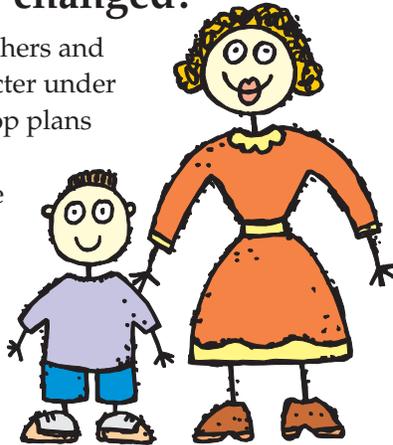
North Dakota has chosen a statistical method called Binomial Distribution to ensure valid and reliable results when calculating AYP. This method will allow districts to make valid and reliable decisions in determining if a school with a small population has made AYP.

See [www.dpi.state.nd.us/title1](http://www.dpi.state.nd.us/title1) for a description of the services, qualifications, and evidence of effectiveness for each available North Dakota supplemental service provider.

North Dakota requested and was approved to use statistical reliability for attendance, graduation and participation rates. Therefore, the United States Department of Education (USDE) will not allow North Dakota to use the safe harbor provision for attendance and graduation rates.

## How have requirements for educator quality changed?

The qualifications for teachers and paraprofessionals are stricter under NCLB. States must develop plans to ensure all teachers of core academic subjects are highly qualified. A highly qualified teacher must have state certification, hold a bachelor's degree, and have demonstrated subject area competency. The core academic



subjects are: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography. All new hires in Title I programs after the start of the 2002-03 school year must meet these requirements. All existing teachers must meet these requirements by the end of the 2005-2006 school year. In order for teachers to meet the "highly qualified" standard, districts must use at least 5 percent of Title I funds to help teachers complete this requirement.

Paraprofessionals in Title I programs must have at least two years of postsecondary education, or pass a skills test if they only have a high school diploma. All new paraprofessional hires in Title I programs after Jan. 8, 2002, must meet these requirements. Existing paraprofessionals have four years from Jan. 8, 2002, to comply with the new requirements. However, these guidelines are NOT required for paraprofessionals used for translation or parent involvement.

## How can North Dakota educators become "highly qualified"?

To demonstrate subject area competency, North Dakota educators have five options. They may: (1) complete major equivalency course work in the area they teach, (2) pass a rigorous test in their content area, (3) complete a portfolio-based assessment, (4) obtain National Board for Professional Teaching Standards advanced certification in the content area, or (5) earn an advanced degree in the content area (e.g., Master's Degree).

## Are there other benefits to NCLB?

Yes, two programs will potentially improve reading and enrichment opportunities for many students and their families. Reading First (Title I, Part B) provides funds to help states and districts implement comprehensive reading instruction "grounded in scientifically based reading research" for children grades K-3. The 21st Century Community Learning Centers (Title IV, Part B) funds before school, after school and summer school programs to provide academic enrichment and other activities for students, especially those who attend low performing schools. Families of these students are also offered opportunities for literacy and educational development.

## Reference

See [www.dpi.state.nd.us/title1/targeted/general/reauthoriz/index.shtm](http://www.dpi.state.nd.us/title1/targeted/general/reauthoriz/index.shtm) for an extensive resource of presentations, handouts, and materials on North Dakota's response to all of the No Child Left Behind Act's mandates.

*Special acknowledgement is given to Linda Matthews, doctoral student in the School of Education, for her research and writing assistance on this publication.*

**For more information on this and other topics, see: [www.ag.ndsu.nodak.edu](http://www.ag.ndsu.nodak.edu)**

