



A Testing Brief
The No Child Left Behind Act

Timothy R. Vansickle, Ph.D.

The No Child Left Behind Act (2001)

No Child Left Behind (NCLB): was passed in 2001 and signed into law January 8, 2002. It is public Law 107-110 and runs from pages 115 STAT. 1439 to 115 STAT. 1620 and 115 STAT. 1689 to 115 STAT. 1734. This law is the latest reauthorization of the Elementary and Secondary Education Act of 1965. NCLB is due to be reauthorized this year 2007-2008 and proposals from the various departments within the U.S. Department of Education (USED) are being made for congress to consider when it does begin the reauthorization process.

NCLB: An Overview: The law has the primary purpose of providing funds to states to aid in the education of the disadvantaged student. The goal is to close the *achievement gap* between disadvantaged students and those who are not disadvantaged. There are a number of provisions in the law but the two primary areas of interest to us are Title I and Title III. Title I is the general umbrella for all disadvantaged children and Title III is specific to English Language Learners (ELLs).

Monetary grants are made to states based on the number of disadvantaged and ELL students reported by each state. The proportion of the Title I and Title III funds for any given state is a function of the number of students in these two categories (i.e., the monetary grant received) and the overall state education budget. In some states the federal funding under NCLB is a large proportion of the state's overall education budget while for other states the proportion is much smaller. That is, some states rely more heavily on the federal dollars than do others. The uses of the federal dollars are prescribed in the law and states must account for the various funds to be in compliance. In this regard states are monitored for Title I about once every three years. The U.S. Department of Education sends a team of people to each state to investigate at the district and school level whether the funds and programs meet the various parts of the law. This monitoring includes instructional program review, fiduciary/fiscal review, equipment inventories, test results and state report cards, interviewing of superintendents, principals, test coordinators, and parents. The monitoring visit can last as long as 5 days and concludes with an exit interview with state personnel. Findings from these monitoring visits may result in suggestions for improvement, recommendations for improvement, and/or corrective actions that the state must make. It is also possible that the findings result in fines or deductions from the federal funds the state receives. Final reports are posted on the U.S. Department of Education's website. Monitoring visits were part of previous versions of the Elementary and Secondary Education Act of 1965 and are not new to NCLB, although the scope has increased with this reauthorization.

The most visible change with the passage of NCLB is the emphasis on the testing component. Testing was mandated under the previous version of the

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law but not to the degree we see today. NCLB requires that “all” students be tested in reading or language arts and mathematics in grades 3-8 and once in high school and that these scores will be used to compute school and district adequate yearly progress (AYP). In addition, students in grades 3-5, 6-9, and 10-12 must be tested in science beginning with the 2007-2008 school year. The science tests are not part of the AYP index developed for schools and districts in this version of the law.

The tests developed/selected under the law must be based on grade level academic standards. These academic standards are to be rigorous and challenging and all students must be given the opportunity to learn and must display proficiency against those standards. By 2014 all students must be proficient in reading or language arts and mathematics. There is one change that can be made to these standards for the most cognitively challenged students. A set of alternate achievement standards can be developed and separate tests (alternate assessments) are allowable for the most cognitively challenged students. However, a state may only count 1 percent of its student population as proficient on these alternate achievement standards and the corresponding alternate assessments. Most states report 6 to 12 percent of the student population as being classified as special education. USED is considering additional flexibility for another 2 percent of the total student population who may be measured against modified academic standards with modified assessments. This 2 percent guidance was just released but is not 100% final. Some states have already begun working on these 2% standards and assessments in anticipation of the finalization and usage.

Under the law each year student results are reported to parents, teachers, and school officials. In addition, the adequate yearly progress (AYP) for schools and districts is computed and reported in the school, district, and state report cards. There are a number of other factors included in these report cards but we will focus just on the testing portions. Results must be reported in terms of participation (at least 95% of all students must participate in the summative testing) and proficiency (typically reported in terms of making AYP or not). In addition, these results must be disaggregated by gender, race/ethnicity, free and reduced lunch, LEP/ELL, special education, and migrant student groupings. A school/district must meet participation and proficiency for both the overall and all reportable disaggregated groups to be considered successful. If a school fails to meet these requirements for one or more years in a given subject area (reading/language arts or mathematics) the consequences to the school/district may include the development of a school/district improvement plan, setting aside 20 percent of its Title I funds for supplemental services, school choice, and restructuring by the state or other agency. These report cards must be released prior to the start of each school year.

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The AYP index for schools and districts is a function of where students were in 2003 with regard to proficiency and the goal of all students being proficient in 2014. Hence, the AYP requirement for schools and districts increases with each subsequent year as 2014 approaches.