

Are Voters and Politicians Willing To Create Public Schools That Leave No Children Behind???

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NCLB is the visible symbol of a new mission for public education.

- ✚ We know that student learning results vary widely in **very predictable ways**.
- ✚ The landmark change in the mission of public education shifts the focus from **equal educational opportunity for all** students to **achievement by all** students of the new educational standards.
- ✚ There will be profound changes in the structure, governance, finance and professional practices of public education to achieve the new mission.

However!!! The politics of change hold peril for public education.

- ✦ Much of the desire to change public education is based on inaccurate information or purposeful misstating the results, issues and problems.
- ✦ Some of the misstatements and inaccurate information seeks to gain partisan political advantage.
- ✦ We need to continually set the record straight or changes will be based on values and goals that are antithetical to school leaders values or the opposing views will prevail.

Successful Implementation of NCLB Requires:

1. An accountability system that meets the specifications of NCLB, supports improvement of instruction, and fairly holds educators accountable for results.
2. A score keeping system that is fair, accurate conceptually sound while meeting the spirit of NCLB.
3. Implement of penalties for schools and school districts in a way that focuses on improved student achievement rather than punishing educators.

Successful Implementation of NCLB Requires:

4. Improving the knowledge and skill of teachers and placing the best teachers in schools serving poor students.
5. Improving the skill and knowledge of Title I paraprofessionals while reducing reliance on them for instruction.
6. Avoiding a loss of confidence in schools among parents and the general public while complying with the focus on negative information required by NCLB.

Successful Implementation of NCLB Requires:

7. Identifying and using scientifically based methods, materials and staff development to increase student achievement.
8. Using the flexibility in NCLB to improve student achievement.
9. Implementing the new nuisance mandates regarding social issues without creating needless conflict.

Five Goals of NCLB Regarding Accountability

1. All children reach high standards as measured by state tests.
2. Force school districts to reveal achievement by subgroups to parents and communities.
3. Drive school districts to use achievement data to improve instruction and teacher skill and knowledge.
4. Create opportunities for poor students to attend higher achieving schools at no expense to them.
5. Provide instructional alternatives from non-school sources as a way of improving achievement.

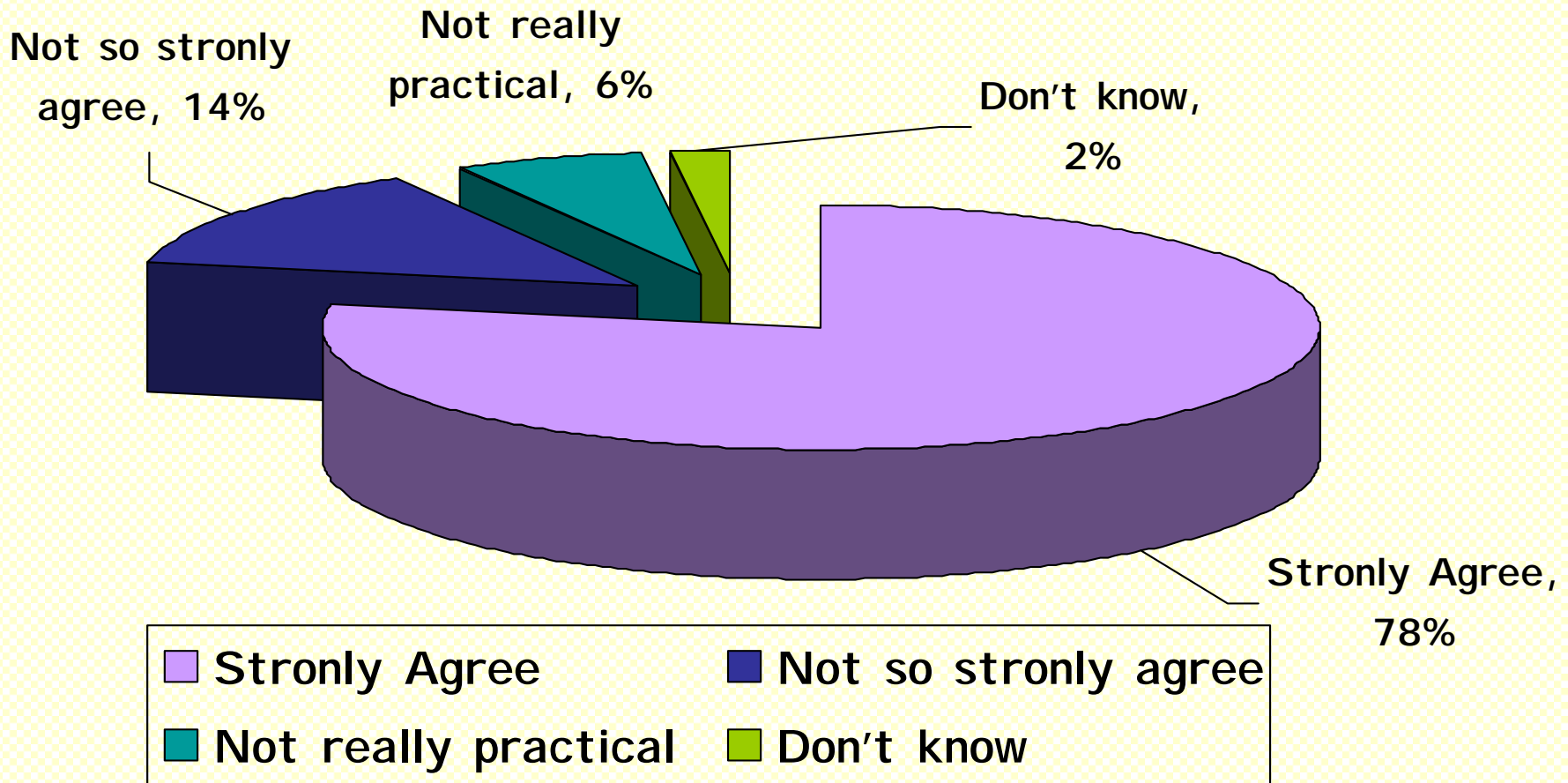
CAN ALL CHILDREN REACH HIGH STANDARDS???

New national legislation requires that a public school guarantee that every student in that school pass the state proficiency test by the end of that school year 2013-14. How likely do you think it is that this goal could be achieved in the public schools in your community?

	National Totals %	No Children In School %	Public School Parents %
Very and somewhat likely	80%	81%	77%
Very likely	31%	30%	36%
Somewhat likely	49%	51%	41%
Not very likely	12%	11%	15%
Not at all likely	6%	5%	6%
Don't know	2%	3%	2%

CAN ALL CHILDREN HAVE QUALITY SCHOOLS???

Do you agree that all communities should have quality public schools, or is that not really practical?



#1-Encouraging the State to Use the Current State Accountability System to Meet NCLB Requirements

- ✚ **NCLB SEC. 1111. State Plans** II challenging student academic achievement standards that:
 - ⊕ (I) are aligned with the State's academic content standards;
 - ⊕ (II) describe two levels of high achievement (proficient and advanced) that determine how well children are mastering the material in the state academic content standards.
- ✚ However, in the NPRM of August 6, 2002 ED states that “We are aware that there are rigorous models that states have already developed that may achieve the same fundamental principles of the statute, although through different approaches. Other models, in determining a school's performance, take into consideration the school's progress in moving students from ‘below basic’ to ‘basic’ as well as from ‘basic’ to ‘proficient’ and from ‘proficient’ to ‘advanced’.” “We specifically invite states that have been using different models to comment on the statutory provisions that might affect their use, and how these requirements could be incorporated into their current systems.”

#1 – Developing Tests that Support Instruction

NCLB regulations are tilted toward CRT's because the tests must be aligned to state standards – I have heard that ED officials do not believe this is possible for off-the-shelf NRT's!

#1 Developing Tests that Support Instruction

NRT v. CRT

- ✚ There are two basic purposes for testing:
 - ⊕ To compare students - Comparative tests are meant to spread results over a continuum and find high scores and low scores . Most comparative tests are NRT's.
 - ⊕ To indicate mastery of a subject at a level that meets a specified standard. Such tests can only be CRT's.
- ✚ Drivers license v. SAT:
 - ⊕ The drivers test is designed to see if test takers know the rules of the road. In contrast the SAT is designed to predict how well students will succeed in college.
 - ⊕ It is OK for all drivers license test takers to score 100%, the SAT is a failure if all students score 1600.

#1 Urging the State to Seek Clarity Regarding Testing Special Ed Students

- ✚ NPRM “Based on current prevalence rates of students with the most significant cognitive disabilities, proposed §200.13(c)(2), would set the number of students with disabilities who should be included in accountability measures using alternate standards at **not more than 0.5 percent of all students** assessed in a State or LEA.”
- ✚ Negotiated Rulemaking--Accommodations for disabled students can include using different tests, but the results must permit comparisons.
- ✚ Negotiated Rulemaking-- No out-of-level testing (6th grader cannot take a 3rd grade test).

#2—Keeping Score --The Score Board

To be resolved in each state: (Smallest n = 30 or 20 or ?)

	English	Math	2nd factor	Science 06-7	95%
All Students					
Black					
Hispanic					
Native American					
Asian					
White					
LEP					
Poverty					
IEP					

Influencing the Use of Adequate Yearly Progress “Safe Harbors”

- ④ NCLB 1116 b 1 C) APPLICATION- Subparagraph (A) shall not apply to a school if *almost every student in each group* specified in section 1111(b)(2)(C)(v) enrolled in such school is meeting or exceeding the State's proficient level of academic achievement.
- ④ (NPRM) “If students in any subgroup fail to make the requisite progress, *however, the school can still make adequate yearly progress if the percentage of students below proficient in that subgroup decreased by at least 10 percent compared to the preceding year and that subgroup made progress on one or more of the additional academic indicators.*”

#2 The Method Chosen to Compute AYP Can Unduly Increase Failure

- + January 2003 deadline.
- + Averaging data across school years. A state may average data from the school year for which the determination is made with data from one or two school years immediately preceding that school year.
- + Combining data across grades. Within each subject area, the state may combine data across grades in a school or LEA.

A Sample State Adequate Yearly Progress Scorecard: Reading

Percent Proficient and Advanced

Year	School	Race/Ethnicity					Low Income	Disabled	LEP
		White	Hispanic	Afr. Amer.	Nat. Amer.	Asian			
Baseline 2002	53.000	59.000	48.000	46.000	45.000	57.000	40.000	35.000	42.000
Annual Growth Target	3.917	3.417	4.333	4.500	4.583	3.583	5.000	5.417	4.833
2003 Target	56.917	62.417	52.333	50.500	49.583	60.583	45.000	40.417	46.833
2003 Actual									
Made AYP?									
10% Target									
10% Actual									
2004 Target	60.834	65.834	56.666	55.000	54.166	64.166	50.000	45.834	51.666
2004 Actual									
Made AYP?									
10% Target									
10% Actual									
2005 Target	64.751	69.251	60.999	59.500	58.749	67.749	55.000	51.251	56.499
2005 Actual									
Made AYP?									
10% Target									
10% Actual									

WHAT CAUSES ACHIEVEMENT DIFFERENCES???

In your opinion, is the achievement gap between white and black and Hispanic students mostly related to the quality of schooling received or mostly related to other factors?

	National Totals		No Children in School		Public School Parents	
	02	01	02	01	02	01
Related to the quality of schooling received	29%	21%	31%	20%	22%	22%
Related to other factors	66%	73%	64%	72%	75%	74%
Don't know	5%	6%	5%	8%	3%	4%

Just your opinion, what are some of the factors that cause the achievement gap between white students and black and Hispanic students?

	National Totals	No Children in School	Public School Parents
Home life/environment/upbringing	37%	36%	38%
Economic advantage/disadvantage	24%	24%	24%
Poor community involvement	15%	15%	15%
Education not a priority for parents	14%	16%	11%
Lack of parent involvement	12%	11%	12%
Biased/racist attitudes	10%	9%	12%
Student lack of interest	8%	9%	7%

Percentage of first-time kindergartners passing each mathematics proficiency level, by child and family characteristics: Fall 1998

Characteristic	Number & shape	Relative size	Ordinal sequence	Add/subtract	Multiply/divide
Mother's education					
Less than high school	84	32	6	1	(*)
High school diploma or equivalent	92	50	13	2	(*)
Some college, including vocational/technical	96	61	20	4	(*)
Bachelor's degree or higher	99	79	37	9	1
Welfare receipt					
Utilized AFDC	85	33	6	1	(*)
Never utilized AFDC	95	61	22	5	1
Primary language spoken in home					
Non-English	89	45	13	3	(*)
English	94	59	21	4	(*)
* Less than .5 percent					

Percentage of first-time kindergartners passing each reading proficiency level, by child and family characteristics: Fall 1998

Characteristic	Letter recognition	Beginning sounds	Ending sounds	Sight words	Words in Context
Mother's education					
Less than high school	38	9	4	(*)	(*)
High school diploma or equivalent	57	20	11	1	(*)
Some college, including vocational/technical	69	30	17	2	1
Bachelor's degree or higher	86	50	32	6	2
Welfare receipt					
Utilized AFDC	41	11	5	1	(*)
Never utilized AFDC	69	31	18	4	1
Primary language spoken in home					
Non-English	49	20	12	3	2
English	67	30	17	2	1
* Less than .5 percent					

Summer Learning Loss--Some students start behind and fall back over time.

A review of 39 studies

“The results of the 13 most recent studies were combined using meta-analytic procedures.

- ✚ Summer loss equaled about one month on a grade-level equivalent scale relative to spring test scores.
- ✚ The effect of summer break was more detrimental for math than for reading and most detrimental for math computation and spelling.
- ✚ Middle-class students appeared to gain on grade-level equivalent reading recognition test over summer while lower-class students lost on them.”

#3-Penalties for Schools Failing to Make Adequate Yearly Progress

+ **Penalties** for failure to hit AYP are more extensive. NCLB penalties apply only to Title I schools

- ⊕ Year One - Notify parents and a school plan for improvement.
- ⊕ Year Two - School Choice with transportation.
- ⊕ Year Three - School Choice and Supplemental Services.
- ⊕ Year Four - District must intervene.
- ⊕ Year Five - District must take more drastic action or the state must take over.

#3- Working with the state to implement penalties in 2002-03 NPRM 200.39, 40, &41

- ✚ The LEA must make public a final determination of the status of the school with respect to identification not later than **30 days** after it provides the school with the opportunity to review the data on which the proposed identification is based.
- ✚ An **LEA that identifies a school for improvement under Sec. 200.32** must ensure that the school receives technical assistance as the school develops and implements its improvement plan.
- ✚ Not later than **three months** after an LEA has identified a school for improvement the school must develop or revise a school improvement plan for approval by the LEA.
- ✚ Within **45 days** of receiving a school improvement plan, the LEA must:
 - ⊕ Establish a peer-review process to assist with review of the plan;
 - ⊕ review the plan;
 - ⊕ work with the school to make any necessary revisions; and
 - ⊕ approve the plan if it meets the requirements of this section.

#3-Urging the state to fairly sort out the differences between the law and the proposed regulations regarding penalties.

- ✚ For every school identified for school improvement, the **school district must**, not later than the first day of the next school year, provide all students enrolled in the school with the option to transfer to **another** public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement, unless such an option is prohibited by state law. **NCLB**
- ✚ Priority must be given to the lowest achieving children from low-income families, as determined by the school district. **NCLB**


#3-Conflicts Regarding Public School Choice Proposed Rules NPRM

- ✚ Requires LEAs to offer the parents of each eligible student a **choice of more than one school**, if there is more than one school within the LEA that has ***not*** been identified for improvement, corrective action, or restructuring.
- ✚ Requires the LEA **to take into account the parents' preferences** in assigning students to the new school.

#3-Penalties: Public School Choice Proposed Rules NPRM (con't.)

- ✚ LEA implementation of a desegregation plan does not exempt the LEA from the public school choice requirement in section 1116(b) of Title I. For children with disabilities, the public school choice option must provide a free and appropriate public education.
- ✚ If all public schools to which a student may transfer within an LEA are identified for school improvement, corrective action, or restructuring, the LEA—
 - 1) Must, to the extent practicable, establish a cooperative agreement for a transfer with one or more other LEAs in the area; and
 - 2) may offer supplemental educational services to eligible students under §200.45 in schools in their first year of school improvement under §200.39.

#3-Urging the state to fairly sort out the differences between the law and the proposed regulations regarding penalties.

-  **Desegregation.** A school district that is subject to a desegregation plan--whether voluntary, court ordered, or under an agreement with a federal or state administrative agency--is not exempt from the public school choice requirements. In determining how to provide students with the option to transfer to another school, the school district may take into account the requirements of the desegregation plan. **If a desegregation plan forbids the school district from offering any transfer option, the school district should secure appropriate changes to the plan to permit compliance with the public school choice requirements.** Letter from Secretary Paige to chief state school officers--June 14, 2002

#3-Implementing Penalties for Schools in Corrective Action--Districts must choose at least one of the following actions.

- + Replace the school staff who are relevant to the failure to make AYP.**
- + Institute and fully implement a new curriculum, providing appropriate professional development.**
- + Significantly decrease management authority at the school.**
- + Appoint an outside expert to advise the school based on its plan.**
- + Extend the school year or day.**
- + Restructure the internal organization of the school.**

#3-Continued Failure: The District Must Choose at Least One

- ✦ Reopen the school as a public charter school.
- ✦ Replace all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress.
- ✦ Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.
- ✦ Turn the operation of the school over to the state educational agency, if permitted under state law and agreed to by the state.
- ✦ Choose any other major restructuring of the school's governance arrangement that makes fundamental reforms.
 - ⊕ In the case of a rural local educational agency with a total of less than 600 students in average daily attendance (all of whose schools have a School Locale Code of 7 or 8) the Secretary shall, at such agency's request, provide technical assistance to such agency for the purpose of implementing this clause.

#3-School District AYP

- ✚ School districts must also make AYP in all cells of the AYP matrix (54 counting the High School Test).
- ✚ In schools or grade spans where the “n” in a cell is too small to report the results will be aggregated at the district level and reported—if possible.
- ✚ Thus, if a school improves its score by not testing some students the whole district may be thrown into improvement or corrective action.
 - ⊕ There is a huge incentive to test all kids and report scores because it is better to have a school in improvement or corrective action than the whole district.

#3-What Happens To School Districts That Fail to Make AYP?

The state educational agency shall take at least one of the following corrective actions:

- ✚ Deferring programmatic funds or reducing administrative funds.
- ✚ Instituting and fully implementing a new curriculum that is based on state and local academic content and achievement standards.
- ✚ Replacing the local educational agency personnel who are relevant to the failure.
- ✚ Removing particular schools from the jurisdiction of the local educational agency and establishing alternative arrangements for public governance and supervision of such schools.

#3- What Happens To School Districts That Fail to Make AYP? Continued

- + Appoint a receiver or trustee in place of the superintendent and school board.**
- + Abolish or restructure the local educational agency.**
- + Authorize students to transfer to a higher-performing public school operated by another school district and providing transportation (or the costs of transportation) to such schools.**

My Recommendations to Avoid Penalties

- ✚ Improve the skill and knowledge of teachers and principals.
 - ⊕ Endless, high quality staff development
- ✚ Focus your efforts and Title I funds in sufficient quantities to give teachers and principals a fighting chance to succeed.
 - ⊕ Avoid spreading Title I funds too thinly.
- ✚ Put good experienced teachers in schools with high need students.
 - ⊕ Use every incentive possible to get good teachers in hard to staff schools.
- ✚ Use proven interventions in instruction, curriculum, materials and staff development.
 - ⊕ There are many claims but few have a basis in science.

#4--Implementing the New Rules Regarding Teachers

The goals of NCLB regarding personnel are:

1. To reduce the number of paraprofessionals utilized in Title I programs.
2. To push school districts to place the best teachers in high need schools.

#4--Implementing the new rules regarding teachers—Minimum qualifications

+ ***Highly Qualified*** New Title I teachers Starting 2002-03--then all teachers by 2005-06.

+ Highly qualified means:

⊕ Has at least a **bachelors degree**.

⊕ Has an **academic major** in the subject (s) they are teaching or an elementary education degree for elementary teachers.

⊕ A **full certificate** from the state in the subject (s) they teach or an elementary certificate for elementary teachers.

⊕ **Demonstrated competence** through rigorous examination or performance in the subject (s) they teach, e.g., Praxis.

#4--Implementing the New Rules Regarding Teachers—the Next Teacher Contract

- ✚ Sec. 200.54 Rights of school and school district employees.
(a) Nothing in Secs. 200.30 through 200.53 is intended to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between those employees and their employers in effect on January 8, 2002. (b)(1) Any State or local law, regulation, or policy adopted after January 8, 2002 may not exempt an LEA from taking actions it may be required to take with respect to school or school district employees to implement Secs. 200.30 through 200.53. (2) **When the collective bargaining agreements, memoranda of understanding, or other agreements referred to in paragraph (a) of this section are renegotiated, an LEA must ensure that those agreements do not prohibit actions that the LEA may be required to take with respect to school or school district employees to implement Secs. 200.30 through 200.53.** (Authority: 20 U.S.C. 6316(d))

#5-- Implementing the New Rules Regarding Title I Paraprofessionals

- ✚ NCLB says that **all new** paraprofessionals In Title I Schools must be highly qualified from Jan 8, 2002 forward.
- ✚ And that **all** Title I paraprofessionals must be highly qualified within 4 years.
- ✚ Highly qualified means:
 1. An AA degree,
 2. Two years of college,
 3. Pass a rigorous demonstration of knowledge equivalent to two years of college.
- ✚ But ED is now using a more flexible definition -- **4/28 letter**.
 - ⊕ Only Title I paraprofessionals with “instructional duties”,
 - ⊕ in school wide programs, **only** instructional paraprofessionals, and
 - ⊕ all Title I aides regardless of duties must be high school graduates.

Both ETS and Harcourt are working on an equivalency test as are some states, and districts can develop their own test.

#6-- State and Local Report Cards: What's New?

Local report cards must report:

- ⊕ Aggregated achievement information.
- ⊕ Disaggregated achievement information for all designated subgroups.
- ⊕ Disaggregated percentage of students not tested.
- ⊕ Most recent two-year trend data in achievement.
- ⊕ Aggregated information on state indicators used to determine adequate yearly progress (AYP).
- ⊕ Information about performance of the district on AYP.

#6—Parental Notifications

Parents must be told they can get information about teacher qualifications:

- + Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas taught.**
- + Whether the teacher is teaching under emergency or other provisional status.**
- + The baccalaureate degree of the teacher and any other graduate certification or degree.**

Avoid employee complaints--put the responsibility for answering such questions in one place.

#6-- Parental Notifications RE: School Choice & Supplemental Services

- ✦ Parental notifications regarding schools that are in the second year of being designated low performing must contain an explanation of the parents' option to transfer their child to another public school (with transportation provided by the LEA) **no later than the first day of school.**
- ✦ If an LEA identifies a school for improvement or subjects the school to corrective action or restructuring, the LEA **must promptly notify the parent or parents of each child enrolled** in the school of this identification.
- ✦ Parents whose children's schools are designated low-performing for the third year must inform parents **in a timely way** about how they can obtain supplemental educational services for their child.
- ✦ The information to parents must also include:
 - ⊕ What the school district or state department is doing to help the school; and
 - ⊕ how the parents can become involved in addressing the academic issues.

#6-- Notifications to parents of students in schools identified for school improvement, corrective action, or restructuring

+ A local educational agency shall promptly provide to parents (NPRM proposes at the start of the school year):

- ⊕ An explanation of what the identification means,
- ⊕ how the school compares in terms of academic achievement to other schools in the district and state; and
- ⊕ the reasons for the identification.

#7—Scientifically Based Methods, Materials and Professional Development

- ✚ USED awarded The Campbell Collaboration and AIR \$18.5 million for a “What Works Clearinghouse” to identify scientifically based methods and materials.
- ✚ The states will implement the list, but how is not clear nor is state discretion clear.
- ✚ It is clear that somehow the “What Works List” will affect purchasing decisions.
- ✚ Companies with millions invested will want to insure a level playing field. This could get contentious.

#8 Local Flexibility: What's New?

LEA may transfer up to 50% of the funds it receives among the following programs:

- ✚ **Teacher quality state grants,**
- ✚ **Educational technology,**
- ✚ **Innovative programs,**
- ✚ **Safe and drug-free schools, and**
- ✚ **21st Century Community Learning Centers.**

Funds may not be taken out of Title I, Part A, but can be put into Title I Part A.

#9 Nuisance Mandates

- ✚ Title IX Sec 9524 PRAYER IN SCHOOL a local educational agency shall certify in writing to the state educational agency involved that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer.
- ✚ Title IX SEC. 9525. EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES. -- The Boy Scouts of America Equal Access Act
- ✚ Title IX SEC. 9532. UNSAFE SCHOOL CHOICE OPTION.
- ✚ Title IX SEC. 9528. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.
- ✚ Title X Sec 1061 INVASIVE MEDICAL EXININATIONS

FY 03 General fund balances are expected to decline further from FY 2002 levels. Will NCLB data help or hurt??

- ✦ For the 40 states providing FY 2003 budget data, the aggregate balance is expected to decline to 3.7 percent.

- ✦ Twenty-five states expect their balances to fall from FY 2002 levels,

- ✦ four expect no change, and

- ✦ eleven expect improvement.

- ⊕ Source Preliminary NCSL State Budget and Tax Actions Report 2002.

Vouchers:

The coming legislative session.

- ✚ The 5-4 Supreme Court *Zelman v. Simmons-Harris* upholding the Cleveland voucher program has emboldened voucher proponents.
- ✚ Decision was based on a plan that was:
 - ⊕ Open to all who qualified,
 - ⊕ had the valid secular purpose of improving education for individuals; and was
 - ⊕ based on individual choice.

BUT the underlying premise of the majority system was that Cleveland had been defined as a failed school system by the state of Ohio. NCLB will identify school districts that fail and establish the basis for state legislative action.

Vouchers:

The coming legislative session

cont.

- ✦ Since 1999, 186 different voucher bills (including proposed ballot initiatives) were introduced in 38 states.
- ✦ To date Florida, Ohio and Wisconsin have enacted voucher plans.
- ✦ Expect more of the same modeled on the Cleveland decision using the NCLB accountability design.

**To get a copy of this
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**Ask for the MAISA Nov. 8
PowerPoint.**