



## Key Recommendations from the NCSL Task Force on No Child Left Behind (NCLB) Final Report

February 2005

### Chapter 1: The Federal Role in Education Reform

- Congress should acknowledge that states have authority over education and are committed to the same goal of improving education and allowing every child to succeed.
- Congress should create a revitalized state-federal partnership that focuses on results, not on processes, and ensures accountability without stifling state and local innovation.
- Congress should amend NCLB in a way that eliminates direct federal regulation of local education agencies and limit its direct interaction to states.
- The US Department of Education should fulfill its role as a national center for diagnostic data collection and scientific research and dedicate more resources toward those services.
- Congress should create clear, unambiguous conditions that are placed on federal education funds, and limit the punitive financial consequences on states if they choose not to participate, thus, eliminating the use of coercion.
- Congress should request a GAO study on whether NCLB is an unfunded mandate in the way it requires states to spend their own money, or change their accountability systems to comply with the law.
- The US Department of Education process for state plan approval and amendment should be uniform, transparent, deliberate, and prompt, with waiver requests, both those approved and denied, made public.

### Chapter 2: Adequate Yearly Progress: The Centerpiece of NCLB

- States should be granted the ability to use “value-added” or “student-growth” approaches in their accountability plans. These methods are a more accurate measure of student performance and will allow states to focus resources on the students and schools that have the most need.
- States should be allowed to use multiple measures in judging student performance. NCLB relies too much on testing, which is not an accurate measure of student performance, nor does it adequately identify under-performing schools.
- States should be allowed to use their own accountability systems to comply with the “spirit of the federal law.” AYP methodology is inferior to many plans developed by states prior to NCLB and improperly identifies schools as failures due to the multiple opportunities the law creates for failure.
- Schools should be identified by AYP only after the same subgroup misses proficiency in the same subject for two consecutive years.
- Districts should be identified by AYP only after they miss proficiency in the same subject across multiple grade spans for two consecutive years.
- The US Department of Education should allow for greater flexibility in how schools, districts and states count students who could be included in multiple subgroups, the formula states must use in calculating test participation, and report graduation rate requirements for students who pursue alternative education paths.
- States should be allowed to determine the order of consequences imposed on a school or district that does not make AYP.
- Receiving schools should be allowed to exempt students taking advantage of the school choice option in order to give that school time to improve the student’s performance before they are held accountable to AYP. Currently, there is a disincentive for schools to accept students wishing to transfer.
- To focus NCLB money on the students in most need, states should be allowed to use Title I funds to provide intervention services to failing subgroup(s) and low-income students only. If those resources are not used, states should be allowed to redirect them to other programs that serve disadvantaged students.
- To better address school weaknesses, supplemental tutoring services should only be provided in the subject area that causes that school to miss AYP.



### **Chapter 3: AYP- Students with Disabilities and Limited English Proficiency**

- In situations where the Individuals with Disabilities Education Act (IDEA) and NCLB conflict, Congress should recognize IDEA as the prevailing federal law regarding students with disabilities.
- States should be granted the flexibility to determine the percentage of special education students who are best tested at their ability level, rather than their grade level, based on individualized education plans (IEP).
- States should be allowed to set separate starting points and AYP projection paths for students with disabilities.
- States should have discretion to determine when to administer native-language tests to students with limited English proficiency and when to use English-only tests.
- NCLB should be amended to allow special education teachers who teach multiple subjects to meet the definition of “highly qualified” without having to prove content knowledge for each academic subject they teach.

### **Chapter 4: Flexibility for States to Address Unique Schools and Districts**

- The federal government should recognize the unique circumstances present in rural and urban schools and provide incentives and flexibility for improvement in these school systems, rather than impose penalties and sanctions.
- Any flexibility granted to rural districts or schools should include a broader definition of “rural” than the definition used by the US Department of Education in the February 2004 announcement related to highly qualified teachers.

### **Chapter 5: Highly Qualified Teacher and Paraprofessional Requirements**

- States should be allowed to create an evaluation system for teachers who teach multiple subjects, and allow teachers who pass this standard to meet the definition of “highly qualified” under NCLB, rather than require teachers to repeat certification for each individual subject that they teach.
- The federal government could have a greater affect on student achievement by providing incentives to attract better teachers to challenging school districts, instead of creating burdens that exacerbate the supply of teachers.
- States should be allowed to determine the conditions under which exceptions can be granted to meeting the definition of “highly qualified.”

### **Chapter 6: The Cost of Closing the Achievement Gap: Compliance vs. Proficiency**

- Congress should request that GAO conduct a comprehensive study into the costs to states and local districts of complying with the administrative costs of NCLB and the costs of meeting the proficiency targets of NCLB.
- Congress should recognize the relatively nominal impact the “historic” increases in federal funding have on aggregate K-12 expenditures.
- Congress should increase federal funding as current levels, at best, meet only the compliance costs of NCLB, not the additional costs of meeting NCLB’s proficiency goals.
- NCLB’s goal of 100% proficiency by 2014, while admirable, should be re-evaluated and examined as it is in practice, unattainable, and puts states in the constant risk of litigation for not providing adequate resources.
- The US Department of Education should state unambiguously the restrictions and expectations placed on states for accepting NCLB money.
- States should cease being coerced into NCLB participation and the penalties for non-compliance should be discontinued.