

What's in the No Child Left Behind Act?

This law is unbelievably long and complex. It has 10 separate titles and the terrain it covers is so vast that it is impossible to summarize in a couple pages its tangle of specific rules and regulations. The following is highly selective.

History

The No Child Left Behind Act of 2001 was signed into law January 8, 2002 by George W. Bush. It renamed and amended ESEA, the Elementary and Secondary Education Act, of 1965 which was a centerpiece of the Kennedy-Johnson war on poverty in the 1960's and was aimed at increasing educational opportunities for children of the poor. The Act has been amended and reauthorized every five to seven years since 1965 and its scope vastly broadened. It authorizes aid to Indian education, teacher training, early literacy, school libraries, bilingual education, technology, school safety, charter schools etc. Title I is the flagship of the act. In 2003 \$11.7 billion in Title I funds were provided to schools that serve low-income children in approximately 53% of the nation's public schools. Almost 65% percent of these children are of color, mostly African-American and Latino,

What's in the Law ?

Two primary goals of the act are: 1) to institute high academic standards for all students. 2) to insure that there are "highly qualified" teachers in every U.S. classroom. States are required to adopt a system of accountability with the following elements. Academic Performance Standards. Each state must adopt "performance standards" These must be certified by federal authorities as in compliance with federal laws, "Performance standards" as defined by the federal government are not general goals, principles or guidelines about what students are expected to learn in basic

academic fields or subjects. Rather they are a voluminous and highly detailed set of prescriptions of what all students are expected to know and be able to do in specific subjects.

"Performance standards"

must apply to all students, to all schools and programs in the state. In effect, NCLB mandates states to centralize curriculum decision-making authority at the state level thereby greatly diminishing the decision-making power of individual districts, schools, teachers, and local communities.

Annual Testing: Beginning in the 2005–06 school year, states must administer annual, statewide assessments in reading and mathematics

for grades 3–8. States select and design their own assessments, but the tests must be aligned with state "academic performance standards." By 2007–08, states must implement science assessments to

be administered once during each of the three levels of K–12 education: elementary, middle, and high school. A sample of 4th and 8th graders in each state must participate in the National Assessment of Educational Progress (NAEP) in reading and math every other year in order to calibrate and compare states' test results. Test results must include individual student scores and be reported by race, income, and other categories to measure not just overall trends, but also gaps between, and progress of, various subgroups.

Sanctions

States must attain 100% "academic proficiency" for all students within 12 years. If a school fails to make AYP (Adequate Yearly Progress) for two consecutive years, the school is considered failing and must receive technical assistance from the district and must allow students to transfer to another school. After a third year of failure to make AYP, a school will also be required to offer supplemental educational services chosen by students' parents, including private tutoring. If a school fails to make adequate progress for four consecutive years, the district must implement corrective actions, such as replacing staff members or adopting a

new curriculum. After five years of inadequate progress, a school would be identified for reconstitution and be required to set up an alternative governance structure, such as re-opening as a charter school or turning operation of the school over to the state. States are responsible for overseeing districts as a whole, identifying those needing improvement, and taking corrective actions when necessary. All "numerically significant" ethnic and racial groups within a school must meet AYP goals or the entire school is classified as failing. (There is an exception if the failed ethnic or racial group makes 10% annual improvement.)

Highly Qualified"

Teachers: By the end of the 2005–06 school year, teachers must be certified as "highly qualified" in each subject. Highly qualified" means that a teacher is fully credentialed and proficient in his or her subject matter. Beginning with the 2002–03 school year, all new teachers hired with federal Title I money must be "highly qualified." By the end 2005–06 school year all school paraprofessionals hired with Title I money must have completed at least two years of college, obtained an associate's degree or higher, or passed an evaluation to demonstrate knowledge and teaching ability. That requirement is already in effect for newly hired paraprofessionals.

Reading First and "Scientifically Based" Curriculum:

This new Title I program, provides help to states and districts in setting up so called "scientific, research-based" reading programs for children in grades K–3. Materials used for professional development must also be certified by federal authorities as "scientifically based"

School Prayer:

The Education Department must provide guidance to states, districts, and the public to be revised every two years on constitutionally protected prayer in public schools. Also, as a condition of receiving federal aid, all districts must certify to their state education agencies that no policy "prevents or otherwise

denies participation in constitutionally protected prayer in public schools."

Military Recruitment:

Schools that receive ESEA funding must provide military recruiters access to students similar to that provided to college and job recruiters. That includes access to basic student-contact information upon request.

Boy Scouts:

No school or district can deny the Boy Scouts, or any other group listed as a "patriotic society" under the U.S. Code, access to schools for after-school meetings if other outside groups are allowed to use the facilities.

NOTE: Section 1905 of the No Child Left Behind Act says that federal officials or employees may not "mandate, direct, or control a state, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction." This provision is being routinely violated by the federal government and by state governments acting as agents of the federal government.

NOTE: NCLB regulations are laid on top of existing state testing and assessment regulations HBerlak Feb-04