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No Child Left Behind – A Title I Overview¹

Title I of the Elementary and Secondary Education Act is the largest federal education program (\$11.7 billion for the Title I basic grant program in FY 2003). Title I funding is distributed to schools based on their counts of low-income students. It serves over 12 million children, in about 48,000 schools (about 2/3 of all elementary schools and 30% of secondary schools – including 96% of all schools with low-income enrollments of 75% or more). Title I sets out a basic framework, at the school, district, and state levels, for ensuring that all students, and disadvantaged students in particular, become proficient in the skills and knowledge identified in states' standards for what all children should learn.

Although the reorientation of Title I to focus on academic quality began in 1988, and in many ways the changes in the law in 1994 were the most dramatic, the changes adopted through the No Child Left Behind Act of 2001 (enacted on January 8, 2002) have brought a level of attention to Title I and its implementation probably not seen since Title I's initial enactment in 1965 as the education keystone of the Great Society's war on poverty. Both the reality of the expanded federal mandates in certain areas and the surrounding, if sometimes hyperbolic, political claims concerning the new law have put it at the center of discussions about school reform,² and they also open up greater potential for addressing those parts of the law that, while not new, are central to that reform but have been largely ignored to date.

The parts of Title I that draw the most attention are those generally labeled the “accountability” provisions³ – the sections requiring:

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²Among other reasons for this, the new law extends its reach to some extent even beyond the vast numbers of schools and children that are directly served by Title I – for example, by requiring that the system for assessing and reporting on school's achievement levels and determining whether they are making adequate yearly progress must include all public schools in the state, although the federally mandated interventions for schools not making adequate yearly progress are required only in the Title I schools. [This too is not as dramatic a shift from the 1994 Act as it may sound – in reality, the existing requirements for applying standards and assessments to Title I schools and students based on the same skills and knowledge that the state expects all students to master has usually meant that the same assessments (if not always the reporting and AYP determinations), which have to meet Title I requirements for adequate assessment, were being used in non-Title-I schools as well.]

³But see below on our broader view of the full scope of accountability under Title I, consistent with the notion of accountability to students and parents for providing the school-level elements of high-quality education that will enable the students to achieve at high levels.

- Challenging state standards for what *all* students should know and be able to do.
- A system of valid, reliable, multiple methods for assessing whether students are reaching proficient and advanced levels of mastery of those academic standards⁴ -- as a way of looking at the performance of a school overall, the performance of particular populations (low-income students, students with limited English proficiency, students with disabilities, migrant students, and by race and gender), and the performance and proficiencies of each individual student.⁵
 - ◆ States and districts must issue school report cards and other public information detailing the assessment results and other data.
- Steps for improvement and intervention in schools that are not making “adequate yearly progress” (AYP) in student achievement -- enough progress each year⁶ to get all students in the school (and all students in key subgroups: low-income students each racial/ethnic group, students with disabilities, and students with limited English proficiency) to a proficient or advanced level on the standards by 2014-15.
 - ◆ If a school fails to make AYP for two years in a row, it is designated as a school in need of improvement,⁷ and it must:

⁴This is one area where the U.S. Department of Education (ED) has exercised some oversight, finding major inadequacies in most states’ assessment systems under the 1994 Act in relation to these various criteria and requiring remedial steps.

⁵The 1994 law has required such assessments at least once in each of three grade spans: 3-5, 6-9, and 10-12. The new law will require, by 2005-06, assessment in every grade from grades 3 through 8, plus at least once in grades 10-12. In addition, while the law has required states to have standards and assessments in at least reading/language arts and mathematics, the new law will also require science standards (by 2005-06) and assessments (by 2007-08).

⁶In calculating the academic performance of the school each “year,” the State may actually permit an averaging of the past three years of data, in order to reduce the random variations that can occur from one year to the next.

⁷As of 1999-2000, of the 2,020 Title I schools in Ohio, for example, 673 – or one third – were designated as in need of improvement because of inadequate progress in achievement results. (This compares with an average of 19% nationally, with some states reporting 0% – a difference that is less attributable to real differences in performance among states than to differences in how states set their standards and criteria for adequate yearly progress. Because of the of the much tighter definition of adequate yearly progress in the new law, in most states the numbers of schools in need of improvement and corrective action are likely to rise steeply, at least in the absence of some counterproductive avoidance efforts noted below.)

- develop and implement a school improvement plan (jointly developed with the parents);
 - receive technical assistance from the district and/or state;
 - provide its students with the option to transfer, with transportation, to other public schools that are making adequate yearly progress; and
 - if not making adequately yearly progress after one year in improvement, must also enable the parents of low-income students in the school to obtain additional services from public or private providers to supplement their school work.
- ◆ If, after two years in improvement, the school is not making adequately yearly progress, it continues with the above but is also subject to at least one of several corrective actions (replacing school staff, implementing a new curriculum, changing the organizational structure, decreasing the school’s management structure, extending the school day or school year, and/or appointing an outside expert advisor).
- ◆ If, after an additional year, the school is still not making adequately yearly progress, it enters “restructuring,” under which it continues with public school choice and supplemental services, and draws up a new plan for alternate governance (such as reopening as a charter school, replacing all or most staff relevant to the failure to make AYP, contracting with an outside entity to manage the school, or state take-over).
- ◆ Parallel provisions apply to low-performing districts.

The new portions of these provisions, from one vantage point, can be viewed as opening up some escape hatches for parents in failing schools (through right of transfer and supplemental services), while attempting to close off some escape hatches for ineffective schools and systems (through a much more stringent definition of adequate yearly progress that is actually tied, in numerical terms, to the level of progress needed for all students, and all significant subgroups, to reach proficiency over the next 12 years, and through sharpening the list of potential interventions for schools in corrective action to focus on rather serious consequences – in contrast to the often very loose definitions of adequate yearly progress and less stringent interventions used by states under the 1994 Act). At the same time, however, tightening of demands under this outcome-based accountability system also has the potential, in those places where there is the very real potential to stimulate or reinforce counterproductive approaches in schools, districts, and states that lack the capacity to provide and ensure very high-quality education – for example:

- weakening the state’s academic standards, drastically lowering the performance/achievement standards for what constitutes “proficiency,” and/or lowering the cut-scores, or numbers of correct answers, that are claimed to demonstrate that proficiency;

- state reliance on low-level, norm-referenced tests, often nationally developed, that are not true measures of proficiency in the particular skills and knowledge identified in a state's standards;⁸
- getting the pass rates up by changing which students get assessed and when – through, for example, non-participation, dropouts,⁹ or retention in grades;
- variations on teaching to the test, thereby draining the richness from curriculum and instruction (and in the process in effect thereby invalidating the assessment – because even with a good assessment, the crucial assumption that a limited number of questions provide a good measure of whether the students have mastered a wider body of underlying skills and knowledge falls apart if the students' teaching has focused their attention on the narrower range of things likely to be tested rather than the broader set).

In addition, there are other, related implementation challenges flowing from new, highly visible provisions of the Act, including:

- Ensuring that the right of transfer is meaningful, especially for the children and families with the greatest need, and particularly in districts with few other schools which are making adequate progress and which don't present other barriers, such as restrictive admissions requirements.
- Implementing the quality control provisions for approving and regulating the potential

⁸The signals from the U.S. Department of Education on this matter are no better than mixed, as evident from the final regulations on standards and assessments that were published on July 5, 2002. While ED held firm against some state pressures to create additional loopholes in assessment (such as permitting "out-of-level" testing of certain students), the regulations also permit states to rely on norm-referenced tests to make the proficiency determinations. While the regulations emphasize that the state assessment system must still meet the criteria for assessments, in terms of valid determinations of proficiency etc., with supplementary items where necessary for alignment with the standards, CLE pointed out that this is more than a bit like an oxymoron along the lines of "We'll approve squares so long as their rounded," and that rather than drawing comfort from the notion that this means that use of norm-referenced tests may be allowable in principle but will be rejected in fact, we thought it more likely that ED will end up approving some squares with slightly rounded corners – norm-referenced tests with a few additional items and a study purporting to show a correlation with the standards. Other ED signals – such as its willingness to entertain a loose definition of the requirement for "multiple measures" of the skills and knowledge in the standards – also add to the concerns that the both the time and resource pressures and the accountability pressures will push against the kinds of rich assessment systems that are needed and educationally desirable.

⁹There are requirements, however, for including all students and for taking into account graduation/dropout rates in determining adequate yearly progress. The question is effective implementation and enforcement.

public and private providers from which parents may select supplemental services.

- Dramatically boosting the quantity and quality of support that states are required to provide to schools and districts in need of improvement or corrective action. Even under the current law, before the projected explosion in the numbers of schools identified under tighter definitions of adequate progress, many such schools are not receiving meaningful help. Federal funds for this purpose are increasing, but not nearly enough to fully address this need, without significant state action and a reorientation to state responsibility, under state law, for the quality of the statewide system of local education.¹⁰
- Finding or retooling vast numbers of instructional staff members who meet new requirements for being qualified. Under the new Act, States and districts must also implement plans, with stages, for ensuring that, by the end of the 2005-06 school year, *all* existing teachers are “highly qualified” – newly defined mostly in terms of credentials (such as being certified in the field(s) in which they are teaching. In addition, by the start of this coming school year, *no* additional teachers may be hired who do not meet the definition of “highly qualified.” Similarly, the qualifications for paraprofessional are raised, with a requirement that (with limited exceptions) all existing paraprofessionals must meet new requirements in the Act for that position, while no paraprofessional lacking in those credentials can be hired as of the date of enactment, January 8, 2002. There are also “right-to-know” provisions allowing parents to see their child’s teachers qualifications and requiring parent notification when their child is being taught by someone who is not “highly qualified.”

Lying less visibly below the surface of these various accountability provisions that are garnering a great deal of attention, however, are some key provisions for what schools need to do in the first place in order to provide a quality education that will enable its students to achieve at high levels and master the standards. These poorly understood provisions, which we believe are at the heart of a richer and more effective framework for school accountability, have been largely in place since the 1994 Act, with relatively change this year. Under the Act, schools are required to design their educational programs to enable students served by Title I to meet the same challenging academic standards adopted for all students. More specifically:

- They must provide the students with:

¹⁰During the legislative process, some representatives of state agencies unsuccessfully argued that the number of schools identified as needing improvement should be limited to whatever number can be assisted with federal funds alone – which is rather like saying that the number of people in need of food should be defined as the number that can be fed with the government funds. While follow-through on the federal appropriations for this purpose is critical, Title I must be understood not as a separate program but as an aid, with strings, to carrying out and improving the central state and local functions of providing education in core academic subjects (i.e., under the formulation common in many state constitutions, a “thorough and efficient” state system of education).

- ◆ An accelerated, enriched curriculum aligned with the standards;
 - ◆ “Effective” instructional methods taught by highly qualified teachers who in turn receive intensive, ongoing, high-quality staff development; and
 - ◆ Timely, effective assistance whenever an individual student is experiencing particular difficulties mastering any of the standards.
- *How* the school will provide these things is to be planned *jointly* with the parents of the school and (in the case of schoolwide Title I programs¹¹) spelled out in the schoolwide plan;
 - *How* that joint planning will occur is to be spelled out in a parent involvement policy (including a school-parent compact) in turn *jointly developed with and agreed upon by the parents*.
 - That parent involvement policy also is to spell out how the parents will receive accessible information, training, and other assistance -- in understanding, for example, the standards and assessments, the requirements of the Act, the programs, and to monitor and help improve their children’s performance, and how to participate effectively. (Parallel provisions for planning and parent involvement exist at the district level as well.)
 - States are required to help districts and schools develop the capacity to carry out these responsibilities under the Act (as well as to ensure local compliance).

Thus, if Title I were being fully implemented, one would be able to walk into any Title I-funded school and surrounding community, buttonhole a teacher or parent selected at random, and have them tell you, in some detail:

- (1) what the high-level learning goals for their children (standards) are;
- (2) how the school’s plan for ensuring that their students are able to achieve those goals was jointly developed with the teachers and parents of the school;
- (3) what the elements of that plan are and how they are being effectively implemented -- including:
 - (a) its accelerated, enriched curriculum aligned with the standards;
 - (b) its effective teaching methods;

¹¹Title I funds are quite flexible. Schools where at least 40% of the students are from low-income families may opt to become “schoolwide programs,” in which the funds may be used to supplement the resources for the school’s overall program and improvement, consistent with its required program plan. Other Title-I-funded schools, with lower percentages of low-income students, are “targeted assistance schools,” in which the funds may be spent to support the extra costs of addressing the educational needs of the lower achieving students -- but the same basic approach of improving the overall educational program of those students (rather than saying “here’s what you must do with the Title I funds alone”), still applies; it is just that the focus shifts to only a subset of the school’s students rather than the school as a whole.

- (c) its methods for ensuring that the instruction is provided by highly qualified teachers;
 - (d) its systems for ensuring that teachers quickly and effectively identify whenever a student is having difficulty mastering a particular standard and provide effective help;
 - (e) its methods of ongoing, intensive staff development for ensuring that the staff is able to carry out these functions effectively;
- (4) how well the plan is being carried out, and with what results in terms of achievement (at each grade level, in each subject, and for each student and student group), and what is being done to address areas in need of improvement;
 - (5) the structure, information, and assistance for all parents to participate effectively in these processes.

These are precisely the elements that research tells us are the evidence that a school has become a learning community that fosters the kinds of teaching that produce high achievement.

From the vantage point of the individual parent focusing on his/her own child, this would translate into a clear understanding of what he/she can count on from the school, in terms of (A) the elements of a high-quality education, designed to lead to high-level achievement, that the child will receive; (B) what will happen if the child experiences any difficulties in mastering the learning goals; and (C) what the parent can do to make sure this happens.

In other words, full implementation of Title I would be tantamount to high-quality education, particularly in schools serving high concentrations of low-income children. That represents the promise of Title I. The opportunity and challenge of Title I is represented by the current lack of implementation (without denying that the Act and the 1994 reforms have had some impact and indeed that Title I has played a significant role in the unusual schools that researchers have highlighted as successful reformers) -- the fact that one is quite unlikely to get answers to the implementation questions above from a teacher or parent (or even an administrator) in most Title-I-funded schools -- represents the opportunity for action on Title I. Indeed in the too infrequent instances where schools have understood and more fully implemented the Act, there is evidence that it has been significant in bringing about successful reform and improved student performance.

The lack of school-level implementation is traceable to the failure of federal, state, and district educational agencies to ensure that school staff and parents understand the requirements, help the schools develop the capacity to implement the requirements, and collect and act upon information about when implementation is not occurring. This is all too typical of policy implementation failures with other programs. It is exacerbated by a lack of capacity in many schools for effective collaborative planning and a tendency to regard a plan of action as something written by an administrator sitting alone in an office, submitted to another administrator at a higher level of governance. It is also abetted by the common problem with the implementation of standards-based reform, identified earlier, in assuming a narrow definition of school accountability the tendency to reduce it to developing standards, administering tests, and imposing sanctions for poor results, rather than also attending to the school conditions necessary to enable students to meet the standards. Thus, for too many people, the Act is understood (albeit

often poorly even in this regard) solely in terms of its provisions on standards, assessment, and accountability. By and large, the powerful levers for change found in its school-level capacity provisions are only waiting to be pulled by schools, parents, advocates, districts, and states.

Stated positively, Title I provides a clear and urgent framework for schools to collaboratively design and implement the high-quality curriculum, instruction, and assistance students need to become proficient in high-level skills and knowledge. Conversely, Title I provides handles to parents when their children are denied a high-quality education -- enabling them to question the adequacy of those key program elements, challenge their exclusion from the decisions that shaped those elements, and insist that those program elements be redesigned collaboratively with them.