

# Education act in state hands

*The most far-reaching change in federal education law in recent years sets lofty goals for student learning that states are faced with making into reality.*

BY RACHEL ZIETLOW

States took notice when President Bush on Jan. 8 signed into law the most comprehensive federal education legislation ever, the Elementary and Secondary Education Act. Bush is calling his plan for reauthorization the “No Child Left Behind” act. After the vote, Bush said this plan will improve public schools by “creating an environment where every child can learn through real accountability, unprecedented flexibility for states and school districts, greater local control, more options for parents, and more funding for what works.” The real test of this legislation will occur as states implement its policies.

The act provides more than \$26 billion, approximately \$8 billion more than last year’s spending, and authorizes regulations for more than 45 education programs for grades K-12.

States usually react to federal mandates with hesitation. Is this reauthorization of the ESEA, which some are calling the biggest education reform in 35 years, any different? Initial reactions vary. While many are guarded about how the new requirements will actually pan out in the states, especially given the large budget deficits nearly every state faces, others are confident that these new requirements will have a positive impact on education.

“We appreciate it [ESEA],” said North Dakota State Superintendent Wayne



*Students work hard to get ready for mandated tests.*

Sanstead. After 17 years as superintendent, Sanstead welcomes the support the act provides local schools. Sanstead, who also chairs the Council of Chief State School Officers, Committee on Legislation, said he doesn’t view the act as too intrusive. “I am impressed with the levels of support that it does provide to local schools. It provides funding for testing that will provide accountability. More accountability is the best way for citizen support.” He said the act gives schools the resources to achieve excellence.

## Test mandates

The portion of the ESEA that has raised the most attention has been Title I, which is the largest part of the ESEA and focuses on aiding disadvantaged children. Title I requires states to implement annual reading and math assessments of all students in grades three to eight by the 2004-2005 school year. States have the discretion to design the assessments as long as

they are aligned with the state’s academic standards. Yearly progress must be evident. All students are expected to improve so that by 12 years from implementation, all students will achieve the state-defined proficiency in reading and math.

Reginald Felton, director of federal relations with the National School Boards Association, expressed hesitation about these mandates. “Our concern is the funding doesn’t keep pace with the new mandates of the ESEA,” Felton said. The act designates \$490 million to states to develop and administer these assessments.

While 17 states give some type of English or math test in each grade, only nine states currently administer standards-based tests in both subjects in grades three to eight, according to a report by *Education Week*. In its count, *Education Week* gave credit to a state for having a “standards-based test” if the test was criterion-referenced, or if the state added questions to customize a norm-referenced exam to reflect the state’s standards.



Fourteen of those states administer “comparable” norm-referenced or standards-based tests in English and math in those grades, so that the results can be uniformly compared across grades and across schools and districts within the state.

Testing requirements spelled out in the ESEA are not limited to math and reading. States must develop and implement science standards in each span of grades 3-5, 6-9 and 10-12 by the 2007-2008 school year.

Schools face ramifications if they do not improve. Schools that do not make adequate progress for two consecutive years will be identified as needing improvement. These schools must develop a two-year plan for improvement as well as receive technical assistance from state and local officials. Under achieving students also must be offered a choice of public schools. While school choice may not be new to many districts, districts must use a portion of Title I funds to pay for transportation to the student’s school of choice.

In addition, in cases of schools that fail to progress for three years, school districts must offer supplemental-educational assistance, such as after-school programs or tutoring. If a school still lags, the district will have the option of replacing its staff and implementing a new curriculum. In extreme cases of a school that does not make progress for five consecutive years, there are options such as state takeover and private management.

Beginning with the 2002-2003 school year, all assessment results must be reported to the public, including information such as graduation rates, achievement on tests, schools identified as needing improvement and qualifications of teachers.

In putting reforms in place, Bob Chase, president of the National Education Association, called upon state policy-makers to “practice common sense and let two principles prevail — to help or at least do no harm.”

The National Education Association joined with the American Association of School Administrators, National Association of Elementary School Principals, National Association of Secondary School Principals and National Middle School Association in creating a guide for state policy-makers to implement quality tests. “States cannot implement tests on the cheap and expect to improve student achievement,” Chase said.

Some questions that state policy-makers will have to face when examining and implementing the rules of Title I include: How do we meet the additional funding requirements? What options do we have to meet the new requirements? Once we develop the assessments — will it help the state compete nationally?

### **Teacher accountability required**

The ESEA requires that all school-teachers be “highly-qualified” by the end of the 2005-2006 school year. Debbie Rury, federal legislative coordinator at the California Department of Education, sees this as a potential problem. “California would love to have all qualified teachers,” Rury said, but she doesn’t see how it is possible. “When you look at the number of teachers on emergency credentials, the number set to retire, postsecondary students preparing to teach, and

projected enrollments in the school, the numbers just don’t add up.”

She said that it will take “creative ideas” and a “collaborative effort” on the part of the Legislature, governor, department officials and school officials to come up with a viable plan.

A recent national study identified recruitment and retention, professional development, licensure, evaluation and accountability and school and district leadership as the most urgent and critical issues involving the improvement of teaching in the nation’s schools. The

## **ESEA Reauthorization Quick Facts**

- Authorizes \$26.5 billion for K-12 education in 2002
- Requires annual testing for all students in grades three through eight in reading and math beginning in the 2004-2005 school year
- Requires schools to develop report cards reflecting the school performance as well as statewide results
- Requires schools to raise all students’ proficiency in math and reading in the next 12 years
- Requires failing schools to offer school choice to students and pay for transportation for school choice and if failing persists, allow Title I funds to be used to provide supplemental educational services (i.e. tutoring, summer school, after-school programs) to low achieving students at a failing school. These educational services can be provided by any school approved groups including private or religious groups
- Requires that all teachers are highly qualified by the end of the 2005-2006 school year
- Invests more than \$1 billion in various reading programs with the goal of having every child reading by the third grade
- Requires students who have attended school in the United States for at least three years to be tested in the English language in reading and language

2000 report, "In Pursuit of Quality Teaching: Five Key Strategies for Policymakers," was issued by the Education Commission of the States, a national organization of state education leaders based in Denver. One way of judging whether teachers are qualified is whether they fulfilled college requirements for a major or minor in the area they teach. According to the Education Trust, a non-profit advocacy group in Washington, D.C., 25 percent of English teachers, 17.4 percent of social studies teachers, 39.5 percent of science teachers and 34 percent of math teachers lack a major or minor in their teaching field.

### Reading and literacy encouraged

The new federal act created a grant program called Reading First to fund reading programs in schools based upon scientific research. States that establish proven reading programs for students in

kindergarten through second grade will be eligible for grants. An additional component focuses efforts on early childhood instruction by parents. Family-literacy services will work with parents to encourage reading and support their child's reading development. Together these programs will direct nearly \$1 billion in fiscal year 2002 toward preparing children to read by the end of the third grade. This is almost a 250 percent increase in funding from fiscal year 2001.

Another program benefiting literacy in general and family literacy in particular is the 21st Century Community Learning Centers Program. Previously programs competed directly for funds nationally, but this program will now be funded via formula grants to states. Each state will then award grants to communities to establish or expand literacy and educational development activities in learning centers.

Tony Peyton, director of policy and public affairs at the National Center for

Family Literacy, encouraged states to capitalize on family literacy. "This will improve collaboration across state agencies and will provide the positive results states are looking for in terms of child and adult outcomes," Peyton said.

### Rural education initiative

Superintendent Sanstead of North Dakota, said the rural-education initiative of the ESEA is important for his state. "Often the focus has been on urban schools, but rural-school programs are very important," said Sanstead.

The rural-education initiative gives unprecedented flexibility for rural schools. The act authorizes \$300 million for programs intended to improve academic achievement and instructional quality. The initiative provides grants under two programs to small rural districts. If a district does not qualify under the first program, it is eligible for a second that provides grants

## Glossary of Education Bill Terms

**Charter Schools:** Schools run independently of the traditional public school system but receiving public funding, run by groups such as teachers, parents, or foundations. Charter schools are free of many district regulations and are often tailored to community needs.

**Criterion-referenced test:** A standardized test that is aligned with a state's academic standards and thus intended primarily to measure students' performance with respect to those standards rather than to the performance of their peers nationally.

**ESEA:** The Elementary and Secondary Education Act. Passed in 1965 as part of President Johnson's War on Poverty, this act authorizes the federal government's single-largest investment in elementary and secondary education. The ESEA focuses on children from high-poverty communities and students at risk of educational failure. The act authorizes several well-known federal education programs including Title I, Safe and Drug Free Schools, Bilingual Education (Title VII), and Impact Aid. Most recently reauthorized when President Bush signed HR 1 into law on January 8.

**IDEA:** Individuals with Disabilities

Education Act. A landmark 1975 federal law, originally known as the Education for All Handicapped Children Act. In exchange for federal money, schools must guarantee that all children with disabilities receive a "free, appropriate public education." Different portions of the law cover children from birth to age 21. The law has been amended several times but originally addressed children with disabilities who were kept out of the public schools, and taught either at home or institutions. Congress is scheduled to reconsider the IDEA in 2002.

**LEA:** Local Education Agency.

**Norm-Referenced Test:** A standardized test designed primarily to compare the performance of students with that of their peers nationally. Such tests do not generally measure how students perform in relation to a state's own academic standards.

**Performance-Based Assessments:** Requires students to perform hands-on tasks, such as writing an essay or conducting a science experiment. Such assessments are becoming increasingly common as alternatives to multiple-choice, machine-scored tests. Also known as authentic assessment.

**Reading First:** New competitive grant program to enhance reading readiness. Targeted at areas of high poverty and areas with high number of students not reading at grade level.

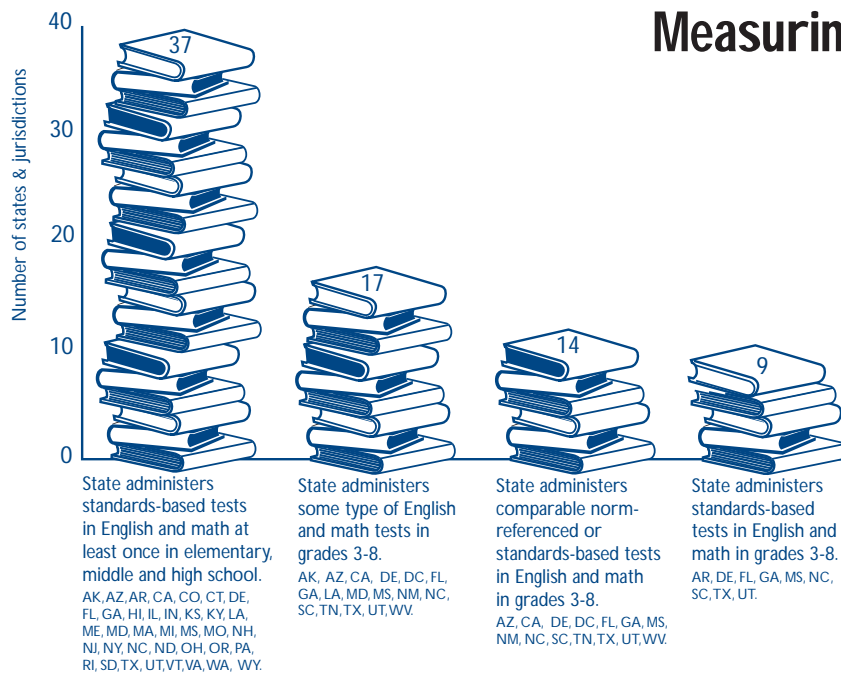
**School Choice:** Any proposal that allows children to attend schools outside their local district boundaries. Such schools may be public institutions other than that school that is assigned in their district or they may be private and/or religious schools. Often these proposals include public funding for all or some of the tuition costs.

**SEA:** State Educational Agency.

**Title I:** The nation's largest federal education program. Created in 1965 during the War on Poverty, Title I of the Elementary and Secondary Education Act serves remedial education programs to poor and disadvantaged children in nearly every school district in the country. Amendments to the law in 1994 were designed to tie the program to school-wide and district-wide reforms based on challenging academic standards. Title I was formerly known as "Chapter 1."

Source: Education Week

## Measuring Up



Source: Education Week, 2001

Just nine states have testing systems that meet the new ESEA's requirements. Under the federal law, states must give standards-based English and math tests annually to students in grades 3-8.

to school districts with at least 20 percent of its students living in poverty.

Rachel Tompkins, president of the Rural School and Community Trusts, said the funding falls short of needs. "It's a step forward and the dollars in it are indeed promising," Tompkins said, "however there remains a big gap between the aims of this bill and the resources that will be available to states and localities to implement it."

Tompkins said rural schools will continue to struggle. "While aims (of the act) are lofty, rural school districts, particularly property poor rural school districts are going to have a really difficult time."

### Other highlights

The act also:

- Consolidates several existing technology programs to create the \$1-billion Enhancing Through Technology Program
- Offers \$30 million to provide training to retired military personnel who want to become teachers.
- Encourages the creation of more charter schools through additional funding
- Creates a \$450 million Mathematics and Science Partnerships program to encourage states, institutions of higher education, districts and schools to form partnerships to

improve student performance in math and science.

- Denies funds to any school that denies access to or discriminates against the Boy Scouts.

### Next steps

The next steps in federal education legislation will most likely come when Congress re-examines the Individuals with Disabilities Act.

Enrollment in special education programs has dramatically increased, making this a major issue. The number of students enrolled in special education increased by nearly 67 percent in the 20 years from 1976-1977 to 1996-1997, rising from 3.6 million students in 1976-77 to 6 million students, according to the Center for Special Education Funding. During that time, the total student population increased by only 4.4 percent. The National Research Council estimates that national spending on special education for 1995-96 was in the range of \$32 billion to \$36 billion, or 12 percent of total education spending.

### Only time will tell

States have a vested interest in the

upcoming IDEA discussions because they provide the bulk of its funding. In 1997, the federal government paid for 7 percent of the costs of implementing IDEA, 53 percent from state governments and 40 percent from local school districts.

The outcome of ESEA legislation is largely in the states' hands. The U.S. Department of Education is expected to finalize rules by June. At a recent meeting with state education chiefs, Secretary of Education Rod Paige said he wants to be a partner with states in creating these rules. "Our success in leaving no child behind is dependent upon one another," Paige said, "and I look forward to the conversations that will continue in the future."

While this federal legislation establishes unprecedented requirements, it also attempts to increase resources and allow more flexibility so states can get the job done. With several states and schools facing hiring freezes and tightening budgets, state officials will have to be innovative and act collaboratively in their efforts to leave no child behind. ★

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### Online Resources

U.S. Department of Education, No Child Left Behind Web site [www.ed.gov/offices/OESE/esea/index.html](http://www.ed.gov/offices/OESE/esea/index.html)

Committee on Education and the Workforce, No Child Left Behind Web site [edworkforce.house.gov/issues/107th/education/nclb/nclb.htm](http://edworkforce.house.gov/issues/107th/education/nclb/nclb.htm)

Congressional Research Service Issue Brief, *Elementary and Secondary Education: Reconsideration of the Federal Role by the 107th Congress*

[www.house.gov/htbin/crsprodget?/ib/IB10066](http://www.house.gov/htbin/crsprodget?/ib/IB10066)

Congressional Research Service Issue Brief, *Education for the Disadvantaged: ESEA Title I Reauthorization Issues*

[www.house.gov/htbin/crsprodget?/ib/IB10029](http://www.house.gov/htbin/crsprodget?/ib/IB10029)