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**No Child Left Behind Gains Some Traction, But Progress May Soon Stall in States, Warns First Comprehensive Study of Law's Implementation**

***States Cite Lack of Guidance and Flexibility and Potentially Scarce Resources as Roadblocks To Gains in Student Achievement and School Performance***

WASHINGTON – January 3, 2003 – Nearly one year after passage of the No Child Left Behind Act, funding shortages coupled with federal delays in issuing key guidelines threaten to derail the nation's ambitious goal of improving the academic performance of every student and every school, cautions a new report released today.

The new study, *From the Capital to the Classroom*, prepared by the independent Center on Education Policy, is the first study of its kind to examine the progress of 48 states in enacting the landmark education legislation since its passage last year. The report found that while states remain committed to the law and have made significant progress in complying with testing and accountability mandates, they still face formidable challenges over the next few years as new requirements increase and as budget woes potentially constrict federal and state funding for schools.

“States are making significant progress in revising their assessment systems and developing and refining their approaches to track the quality of teachers,” says Jack Jennings, director of the Center on Education Policy. “But they are also expressing significant concern about the speed of implementation, the costs required, the government's focus on compliance over flexibility, and some unanticipated consequences.”

“The biggest fear states have is that the law will lead to a large number of schools being identified for improvement. The long-delayed regulations on complex issues about how to measure schools' progress from year to year have increased this anxiety,” Jennings says.

**Report Cites Progress, Challenges**

Most state officials interviewed by the Center said that the goal of improving the achievement of all students is “the right one” and applaud the federal government's efforts to raise requirements for teacher quality and seek to close achievement gaps for subgroups of students. States have made significant headway on several fronts, including developing state plans for implementation, revising assessment systems and developing or refining systems to track the qualifications of teachers, the report says.

But the report notes that less progress has been made in newly assigned areas such as developing lists of approved non-school providers of supplemental education services, helping local school districts assess the qualifications of Title I paraprofessionals, or providing guidance to local districts about which instructional practices are based on scientific research.

State officials identified six key obstacles that they fear may actually *hurt* the improvement effort. These include:

- ***Lack of funding.*** President Bush has proposed a modest 2.8 percent budget increase for education in fiscal year 2003, which falls well short of what will be needed for states and school districts to carry out the requirements of the new law, making it an “unfunded mandate” for states. Meanwhile, the worst economic downturn in a decade has led governors and lawmakers to slash their education budgets, leading to significant cutbacks in staff and funding.
- ***Lack of guidance.*** The U.S. Department of Education has been slow to give states regulations and guidance on No Child Left Behind. State officials say they are not getting answers to their specific questions and that they felt career professionals in the Department were prevented from responding until political appointees cleared their answers. As regards the quality of the written guidance from the U.S. Department of Education on the key issue of assessment, six in 10 (60%) said it was good, while 40% rated it fair or poor. But, as regards the timeliness of that guidance, the states had a far more negative view, with nearly seven in 10 (65%) citing it as fair or poor. In general, the timeliness of the Department’s guidance and regulations on other issues was rated much lower by the states than they rated its quality.
- ***Lack of flexibility.*** While supporters of the law talked about being more flexible, the law actually limits flexibility and creativity by demanding compliance with numerous requirements, which puts states on a collision course with its narrow technical requirements. States with strong local control movements raised concerns about the law’s impact on local and state decision-making. Already, Maryland has been forced to change its statewide testing system to adopt new tests that meet the law’s requirements for individual student results.
- ***Lack of time.*** The deadlines for making these changes are extremely tight especially since the Department did not keep to the law’s timetable in providing final regulations on accountability and school improvement. Since final regulations on these provisions were not in place until late November, states have a very short timeline for constructing their plans for accountability and adequate yearly progress, which are due on January 31, 2003. In addition, at the beginning of the school year, states and school districts had to implement key provisions of the law, such as school choice and supplemental education services, without the benefit of final regulations.
- ***Lack of consistency.*** The law actually provides incentives for states to lower their standards. Studies show that huge numbers of schools will be labeled as needing improvement. States with higher standards are likely to have more of their schools labeled as needing improvement than states with lower standards.
- ***Lack of accuracy.*** The state-of-the-art in testing is not yet reliable or consistent enough for year-to-year changes in scores to always be an accurate reflection of progress. Studies suggest that as much as 70 percent of the year-to-year fluctuations are due to outside factors. Measurement error and problems with grading also reduce the accuracy of tests. A study of California’s accountability test found a large margin

of error associated with the test scores, averaging 20 points. Also, state disaggregation of data depends on self-reported student characteristics, which research shows is frequently misreported.

### **Little Demand for Choice**

State officials noted that while the law tries to create more of a demand for choice, there has been little interest among parents thus far: states reported that anecdotal evidence suggests that only small percentages of parents have taken advantage of it. State officials also note that the government's insistence that lack of capacity in a school is not grounds for refusing choice, ultimately, could result in overcrowded schools, lowering the achievement of already good schools.

### **Call for a More Effective Partnership**

"Delays in providing crucial information and threats of rigorous enforcement have made state leaders increasingly anxious about how to go about introducing the most sweeping changes in education in 40 years," says Jennings. "With little help in assisting states chart a new course and little money from Washington, we may see states and the federal government wage a bureaucratic battle over technical requirements rather than work together to dramatically improve public education."

"We want this law to succeed because its goals are the right ones for American children," Jennings says. "By spotlighting the performance of low-income students, disabled students, and students from all major racial-ethnic groups, the law refines the commitment to disadvantaged children that began in 1965, while also recognizing the need to provide a high-quality education for all children."

In order for the No Child Left Behind (NCLB) to be fully successful, the report recommends the federal government tone down its rhetoric about the law, increase its flexibility about how states implement the law, fully fund the law, and carry out its requirements as far as possible, but be ready to make necessary changes in the law.

To compile this report, the Center on Education Policy interviewed officials from 48 states and the District of Columbia during the fall of 2002, and reviewed the consolidated applications submitted to the U.S. Department of Education by all 50 states and the District of Columbia. The Center also conducted a research literature review, and developed five in-depth case studies that provide examples of how some states and school districts are implementing key provisions of the No Child Left Behind Act.

*From the Capital to the Classroom* is a baseline-year report for a six-year study by the Center that will monitor states' implementation of the No Child Left Behind Act until 2007. To obtain a copy of the report call (202) 822-8065 or visit the Center's Web site at [www.cep-dc.org](http://www.cep-dc.org).

The Center on Education Policy is the national independent advocate for public education and more effective public schools. Based in Washington and founded in 1995, the Center's work is funded largely through philanthropic contributions.



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## **As the Majority of School Districts Spend More Time on Reading and Math, Many Cut Time in Other Areas**

*Instructional Time for Subjects Not Tested Under No Child Left Behind Has Fallen by Nearly One-Third Since Law Was Passed*

WASHINGTON – July 25, 2007 – A majority of the nation’s school districts report that they have increased time for reading and math in elementary schools since the No Child Left Behind Act became law in 2002, while time spent on other subjects has fallen by nearly one-third during the same time, according to a report from the Washington, D.C.-based Center on Education Policy.

The report, based on a nationally representative survey of nearly 350 school districts, finds that to make room for additional curriculum and instructional time in reading and math – the two subjects tested for accountability under the No Child Left Behind Act – many districts are also spending less time in other subjects that are not the focus of federal accountability.

About 62 percent of districts reported increasing time for English language arts and/or math in elementary schools since school year 2001-02, and more than 20 percent reported increasing time for these subjects in middle school during the same time.

Among the districts reporting increased time for English and math, the average increase was substantial, amounting to a 46 percent increase in English, a 37 percent increase in math, and a 42 percent increase across the two subjects combined.

Meanwhile, 44 percent of districts reported cutting time from one or more other subjects or activities at the elementary level, including science, social studies, art and music, physical education, lunch and recess. On average, the cuts amounted to about 30 minutes a day.

The report, *Choices, Changes, and Challenges: Curriculum and Instruction in the NCLB Era*, also finds that overall, the decreases represent an average reduction of 31 percent in the total amount of instructional time devoted to these subjects since 2001-02.

“What gets tested gets taught.” said Jack Jennings, CEP’s president and CEO. “Under No Child Left Behind, there is reading and math and then there is everything else. And because so much is riding on the reading and math included on state tests, many schools have cut back time on other important subject areas, which means that some students are not receiving a broad curriculum.”

The report notes that the increases and decreases are more prevalent in districts that are home to struggling schools.

School districts with at least one school identified for improvement under NCLB reported in greater proportions that they had increased time for English and/or math at the elementary and middle school levels and had cut back on time for other subjects since 2001-02 (78 percent) than did districts without schools identified (57 percent).

## What is Tested is What is Taught

In addition to increasing time spent on English and math, many districts appear to be changing their curriculum to provide a greater emphasis on content and skills covered on high-stakes state tests used for No Child Left Behind purposes.

In elementary reading, for example, 84 percent of districts reported that they have changed their curriculum “somewhat” or “to a great extent” to put greater emphasis on tested content. Seventy-nine percent of districts made a similar change in middle school English, while 76 percent did so at the high school level.

Similarly, 81 percent of districts reported changing their math curriculum at the elementary and middle school levels to more closely match the content of state tests, while 78 percent of districts reported doing so at the high school level.

The report is from CEP's *From the Capital to the Classroom* series of reports tracking the implementation of the law in its fifth year. Based on five years of research on how the No Child Left Behind Act has affected instruction and curriculum in states, districts and schools, the report includes the following recommendations to ensure that students receive a well-balanced curriculum and adequate instructional time in all core subjects.

- **Stagger testing requirements and include tests in other subjects.** Students should be tested in English language arts and math in grades 3, 5, 7 and once in high school, and in social studies and science in grades 4, 6, 8 and once in high school.
- **Encourage states to give adequate emphasis to art and music** and to include measures of knowledge and skills in art and music as one of the multiple measures used for NCLB accountability.
- **Require states to have an independent review of their standards and tests** at least once every three years to ensure that they are of high quality and rigor.
- **Provide federal funds for research to determine the best ways to incorporate and support the teaching of reading and math skills into social studies, science, and other subjects** to ensure students will have access to a rich, well-rounded curriculum.

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*Based in Washington, D.C. and founded in January 1995, by Jack Jennings, the Center on Education Policy is a national, independent advocate for public education and for more effective public schools. The Center works to help Americans better understand the role of public education in a democracy and the need to improve the academic quality of public schools. The Center does not represent any special interests. Instead the Center helps citizens make sense of the conflicting opinions and perceptions about public education and create conditions that will lead to better public schools.*