



NEWS RELEASE

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Rule Changes Make It Easier For Schools To Meet Test Score Targets Under No Child Left Behind, But Harder To Gauge Real Progress

Process for Amending State NCLB Accountability Plans Needs to be More Transparent, Report Charges

WASHINGTON – November 17, 2005 – In granting new flexibility changing the way states can determine whether schools have made “adequate yearly progress” (AYP) under the No Child Left Behind Act, the U.S. Department of Education has made it easier for schools and districts to meet annual test score targets, according to a new report from the Washington, D.C.-based Center on Education Policy.

The Department has approved a variety of changes in state strategies for calculating AYP, according to the Center's analysis of state accountability plans submitted to the U.S. Department of Education. And many of these changes will likely result in more schools and districts meeting state-set targets for the percentage of students scoring at the proficient level on state tests. Despite predictions that the number of schools not making AYP would increase as state proficiency targets become tougher, early indications suggest that the number has instead leveled off.

But the new flexibility has also confounded many educators, policymakers, and the public, who are finding it difficult to tell whether student achievement is improving based on the number of schools making AYP from year to year, now that AYP determinations depend on increasingly complex formulas and statistical methods that vary across all 50 states.

“The entire law is based on the idea of using test scores to drive the improvements necessary to lift the achievement of low-achieving students,” said Jack Jennings, president and CEO of CEP. “But federal rule changes – and a lack of transparency around the decisions to approve or reject state requests – have made the law’s administration so complicated that many people cannot understand what it means when a school does not make adequate yearly progress.”

The method of flexibility most requested by states, but perhaps the least understood by the public, is the use of confidence intervals – a statistical technique similar to a margin of error that creates a certain amount of “wobble room” around the test results for a subgroup or school and makes it easier for a school to demonstrate AYP.

New Mexico, for example, recently received permission to use a 99 percent confidence interval that establishes a window around the state target. Prior to the introduction of a confidence interval, a New Mexico school had to have 37 percent of its students scoring at the proficient level or higher in English/language arts to make AYP. But now, with the confidence interval, a high school in New Mexico with 300 students can make AYP if 31 percent of its students score at the proficient level. Most other states are using similar approaches, according to the report.

Confidence intervals have been widely adopted, with 46 states now using them. Thirty-one states already included confidence intervals in their original NCLB plans, and 15 states newly added them in 2004 or 2005.

Other popular changes in state AYP policies approved by the Department include the following:

- Performance indices that give schools “partial credit” for the performance of students below the proficient level.
- Retesting, which allows students to retake a different version of the same test and allows schools to use these students’ best scores to count toward AYP.
- Increased minimum subgroup sizes, which mean that in many schools, subgroups do not get counted for AYP purposes.

But unlike the widely publicized flexibility allowed for assessing English language learners or students with disabilities, the U.S. Department of Education has yet to fully explain to the public how these new methods are used.

In addition, the Center’s report expresses concern that federal officials have not been forthcoming about their decision-making process when considering state requests, citing frequent delays in posting decision letters to states, offering scarce documentation of rejected requests, and making very little information available to the public on the basis for accepting or rejecting changes. States could also help shed light on this process by posting information on state Web sites about the changes that were requested and any communications from the U.S. Department of Education regarding why the proposed changes were accepted or rejected.

“Flexibility is necessary and welcome, but the federal officials must be more transparent in negotiations with states,” said Jennings. “Education officials and the general public have the right to know how and why key decisions have been made, especially when those decisions can impact plans for their own states.”

The report is part of CEP’s ongoing efforts to assess the federal, state, and local implementation of NCLB, and is based on the Center’s review of changes to state accountability plans recently posted on the U.S. Department of Education’s web site and updating CEP’s 2004 report on the same subject. In March 2006, the Center will release its fourth annual report on the implementation of the No Child Left Behind Act.

Based in Washington, D.C. and founded in January 1995, 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.

The report, along with additional information on CEP, its publications and its work,
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is available on the web at www.cep-dc.org.

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