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Contacts: Debbie Pickford/Matt Maurer

202/955-9450

**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.

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.