



REGIONAL RESOURCE

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The No Child Left Behind Act of 2001

Leaving the States Behind?

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On January 8, 2002, President Bush traveled to a public school in Hamilton, Ohio, just north of Cincinnati, to sign into law the latest version of the Elementary and Secondary Education Act (ESEA). Titled the No Child Left Behind (NCLB) Act of 2001, it is the largest ever expansion of federal involvement in K-12 education. The plan sets new federal guidelines for teacher and school accountability, mandates annual student testing in reading and math by 2005, requires all teachers in schools receiving federal funds to be “highly qualified” in their specialty areas, and requires school districts to allow students in consistently low-performing schools to transfer to higher-performing schools at the district’s expense. The plan also presents states with significantly more funding for education, including nearly \$1 billion annually over the next five years to help state and local education agencies improve reading instruction in the early grades, and \$10.4 billion for schools with a significant population of low-income students. For states, the new legislation provides new resources and opportunities, as well as new challenges and mandates.

The ESEA legislation seeks to target resources more directly to high-poverty school districts and gives districts and states new flexibility in how they spend federal funds. The Act also imposes new accountability measures and consequences for schools and districts that fail to meet performance expectations. According to Secretary of Education Rod Paige, the new legislation “gives the federal government leverage to demand results.”¹ Passed with overwhelming bipartisan support in Congress (nearly 90 percent), the Act faces a mix of support and concern among state and national education policymakers and professionals.

Included in the legislation is a requirement to measure student progress and achievement in grades 3-8 in reading and math, and provisions which increase flexibility for state and local education agencies in the use of federal funds, increase resources for reading programs and teacher professional development, and require school choice and expanded service options for students in chronically low-performing schools. This *Regional Resource* outlines the provisions of the No Child Left Behind Act of 2001 and analyzes its implications for states in the Southern Legislative Conference (SLC).

What is the ESEA?

Among the alphabet soup of educational programs and legislation, the ESEA is one of the largest and oldest. First passed in 1965, the Elementary and Secondary Education Act serves as the principal source of federal funds for state schools. Initially intended as a means to provide support primarily for children in low-income schools, the first ESEA provided grants to school programs serving children; funded school library resources, textbooks and other instructional materials; supported supplementary educational centers and services; strengthened state education agencies; and provided funds for education research and research training. Throughout the years the ESEA has been reauthorized and amended several times, including in 1988, when the first accountability measures were introduced, and in 1994, when statewide curriculum standards and assessments were required.²

The federal government spent about \$90.7 billion on education across all areas in FY 2000, with roughly 45 percent of this funding (\$40.7 billion) from the U.S. Department of Education. Other significant expenditures are made by the U.S. Departments of Health and Human Services, Agriculture, and Labor.³

Southern Legislative Conference

Alabama ■ Arkansas ■ Florida ■ Georgia ■ Kentucky ■ Louisiana ■ Maryland ■ Mississippi ■ Missouri
North Carolina ■ Oklahoma ■ South Carolina ■ Tennessee ■ Texas ■ Virginia ■ West Virginia

The ESEA accounts for roughly half of all U.S. Department of Education funding. FY 2001 appropriations were \$18.6 billion. Put in perspective, federal education funding amounts to less than 7 percent of total school expenditures, with state and local agencies splitting the remaining costs.⁴ Programs supported by the ESEA include those for the education of disadvantaged children; assistance to defray the costs of systemwide support services or curricula in key subject areas (e.g., reading, science); funding for the development and dissemination of educational innovations; and programs for children whose parents live or work on federal property.⁵

In addition to assessment requirements, the 1994 reauthorization, called the Improving America's Schools Act (IASA), included support for standards-based reform, increased flexibility for state and local education agencies, support for teacher professional development and technology, and accountability for funds in the Title I program, which serves economically-disadvantaged populations. This legislation marked a significant departure from federal education policy, as program funding gave way to accountability and flexibility. Under IASA, states were required to have standards and assessments in place by the 2000-2001 school year. Most states have completed the standards portion of this equation on schedule. As of November 2001, however, 30 states had received or were in the process of receiving waivers allowing them one to three more years to comply with the law with regard to statewide testing, and a handful of states are unlikely to meet federal deadlines within this three-year extension.⁶

The difficulty for states in achieving compliance illustrates the difficulty the federal government faces in promoting major overhauls in education policy. While the federal government has the enforcement option of withholding funds for poor performance, executing such enforcement actions is politically difficult. In the SLC states, Louisiana, Maryland, Missouri, North Carolina, Texas, and Virginia all had obtained full approval of their assessment systems by December 2001. Alabama and West Virginia were recommended to enter into a compliance agreement with the U.S. Department of Education due to the lack of progress they had made towards meeting the assessment system objectives. The rest of the region, Arkansas,

Florida, Georgia, Kentucky, Mississippi, Oklahoma, South Carolina and Tennessee, had obtained one- to three-year waivers from the Department, indicating they were making progress towards compliance.

The ESEA has been the major vehicle for federal involvement in education policy for decades. Education is primarily a local issue in the United States, with state governments increasingly, though often reluctantly, entering into education policy. For the most part, particularly in the South, education policy exists in broad objectives and expectations, with considerable flexibility for local education agencies to achieve them. While the federal government provides relatively little funding to schools, the nature of ESEA funding, and of education finance in general, makes this especially attractive to states. Funding for Title I programs provides a much welcome financial boost for state schools in what are often the most cash-poor districts. The complication arises for schools and states with the conditions attached to federal funds for schools. While most states find their goals and objectives in alignment with federal expectations, federal rules regarding policies and practices present an intrusion of federal authority into what states and local education agencies perceive as local prerogatives. Refusing federal funding, while an option, often is difficult, since this money generally is targeted at serving vulnerable populations or schools, areas in which every dollar counts.

The No Child Left Behind Act of 2001

The No Child Left Behind Act of 2001 is the latest rewriting of the 1965 Elementary and Secondary Education Act. Passed with remarkable bipartisanship by Congress in December 2001, the NCLB Act is 1,200 pages, massive even by federal standards (by comparison, the 2003 federal budget was just over 425 pages). The Act consists of 10 titles:

- ▶ Improving Academic Achievement of the Disadvantaged (Title I);
- ▶ Preparing, Training and Recruiting High Quality Teachers and Principals (Title II);
- ▶ Language Instruction for Limited English Proficient and Immigrant Students (Title III);
- ▶ 21st Century Schools (Title IV);
- ▶ Promoting Informed Parental Choice and Innovative Programs (Title V);
- ▶ Flexibility and Accountability (Title VI);
- ▶ Indian, Native Hawaiian and Alaskan

- Education Programs (Title VII);
- ▶ Impact Aid Program (Title VIII);
- ▶ General Provisions (Title IX); and
- ▶ Repeals, Redesignations, and Amendments to Other Statutes (Title X).

Title I remains the core of the Act, providing supplemental federal funding to improve student achievement in economically-disadvantaged schools. Title I funds can be used for pre-school programs; class size reduction; hiring paraprofessional staff; extended-day and -year programs; implementing new program; and professional development for teachers. It is through Title I that the federal government established the annual testing requirements and outlines the accountability measures for schools and districts. Title I serves approximately 12.5 million children in 47,000 schools across 13,000 districts.⁷ This represents 26 percent of all public school students, 51 percent of all public schools, and 87 percent of all public school districts.

Major items in the Act include:

Annual Testing

The item in the bill that has received the most attention requires states to test every child annually in grades 3-8 in reading and mathematics by the 2005-2006 school year. The tests are to be chosen or designed by the state, but must be aligned with the state's academic standards. Additional assessments in science for one grade each in elementary, middle, and secondary school are to be in place by 2006-2007. The Act authorizes \$387 million to help pay for the development of assessments in the first year and "such sums as necessary" for the following five years. If the appropriation falls below a set level (\$370 million for FY 2002 with \$10 million increases thereafter) states may defer the start or suspend the administration of assessments each year Congress fails to appropriate the determined amount for this effort. States may not defer or delay development of the assessments, however.

Student scores are to be reported individually and by disaggregated subgroups, including race, ethnicity, status as economically disadvantaged, gender, disability status, migrant status, and English proficiency. This disaggregated data will allow policymakers to measure overall trends and differences among and between different subgroups. Assessment results and other data for individual schools,

school districts, and the state as a whole are to be reported to parents and the public through "report cards" by the 2002-2003 school year.

In addition to state assessments, the Act requires a sampling of students in grades 4 and 8 to participate in the National Assessment of Educational Progress (NAEP) in reading and math in order to provide a comparison to state assessments. The federal government will pay the costs related to NAEP testing. Among its other benefits, participation in NAEP is intended to provide a gauge for assessing how well states' assessment systems measure student achievement.

Annual Yearly Progress

The Act establishes annual yearly progress (AYP) expectations for all students (previously such measures were required only for disadvantaged students). States are to set a minimum level of performance (the "bar") based on the lowest-achieving demographic subgroup, or the lowest-achieving schools in the state, whichever is higher. Once the bar is set, the state has 12 years to gradually raise the bar until the state reaches 100 percent proficiency in reading and math for all groups. Schools in which students, or a subgroup of students, fail to meet expected AYP but have demonstrated significant progress are provided some allowances. States are to set AYP definitions so that all students demonstrate improvements each year. States must use one additional measure other than the mandated 3-8 assessments to determine AYP. For secondary schools, this must be graduation rates; elementary schools can select the measure.

Accountability

If a school fails to meet AYP goals for two consecutive years, it is identified as needing improvement. Following this assessment, the school will receive technical assistance and must develop improvement plans based on research. Furthermore, unless prohibited by law, school districts will be required to offer students in the identified school the choice of enrolling in another district school and to provide transportation to the new school. If all the schools in the district have been identified as needing improvement, the district is to attempt to establish cooperative agreements with other local education agencies to provide public school choice options.

If a school fails to meet the measure for AYP for a third year, the corrective

measures implemented above continue and are augmented by the provision of Title I funds to low achieving, economically-disadvantaged students for supplemental educational services of the parents' choice, including public and private tutoring. Local education agencies are authorized to use up to 20 percent of their Title I funds for transportation and supplemental services. If funds are insufficient to serve all students interested in participating in choice and supplemental services programs, the local agency may limit participation to the lowest-achieving students. If no approved provider of supplemental services is in or near the district, this requirement can be waived.

If a school fails to meet the measure for AYP for a fourth year, the local education agency must implement one or more corrective actions, including replacing school staff, adopting a new curriculum, shifting some management authority from the school building, extending the school day or year, or implementing minor reorganization of school governance.

If, after five years, the school continues to miss the AYP mark, the school must be reorganized. Accepted forms of reorganization include conversion to a charter school, replacing most or all school staff, state takeover of the school (if permitted by law), or other "major restructuring."

School districts that fail to meet AYP requirements are similar to those for individual schools. State's have the responsibility of overseeing school districts that fall short of the AYP measures. This oversight becomes particularly significant in the fourth year of failing to meet AYPs, when the state education agency is obligated to take corrective action, including providing students in the district the choice of attending a public school in another district, with transportation costs being borne by the home district.

Instructional Staff Quality

Beginning with the 2002-2003 school year, all teachers hired with Title I funds must be "highly qualified," a term that generally means state-certified or licensed with a demonstrated high level of competence in the subject or area in which the teacher works. Furthermore, states participating in Title I must develop plans to have all public school teachers in core academic subjects meet this definition of "highly qualified" by the end of the 2005-2006 school year. Also by that time,

paraprofessionals paid with Title I funds, with some exceptions, must have completed at least two years of higher education or have met a "rigorous standard of quality" established by the local school district. This standard is in effect immediately for all newly-hired paraprofessionals paid with Title I funds.

The NCLB Act includes a new state formula grant program for a range of teacher quality, professional development and recruitment activities. The allocation for FY 2002 for these activities is \$3.2 billion, with appropriations as necessary thereafter. Of this money, 95 percent goes to local districts, with 2.5 percent allocated to local partnerships and the remainder going to the state. Approved activities for these grants include: teacher and principal recruiting/retention; mentoring programs; support for national board certification; promoting licensure reciprocity; class size reduction; staff professional development; instructional technology integration training; tenure reform; merit pay; certification reform; and teacher testing.

Reading and Early Reading

The Act introduces two new programs in the ESEA: Reading First and Early Reading First. Funded at a combined \$975 million for FY 2002, these programs are intended to assist states in establishing early reading and reading readiness programs. Reading First promotes scientifically-based reading programs matching the recommendations of the National Reading Panel. Acceptable programs must emphasize the five components of effective reading instruction outlined by the Panel, including phonics, and have sufficient accountability measures in place. States are to give priority to high poverty areas when distributing grants to local education agencies. The Early Reading First Program is a competitive grant program intended to give preschool-age children, particularly those from low-income families, an early start on reading by exposing them to language- and literature-rich environments, building pre-reading skills, and supporting instructional staff professional development. As with Reading First, programs, activities, professional development and curricula must be based on scientific research.

Flexibility

The 1994 reauthorization of the ESEA created new flexibility for states and school districts with respect to federal funding and programs. This flexibility has been expanded in the NCLB Act. Title VI of the

new legislation creates three basic forms of flexibility: transferability, state flexibility and local flexibility. Through transferability, local education agencies can transfer up to half of their grants among four programs—Teachers, Technology, Safe and Drug-Free Schools, and Innovative Programs Block Grants—or into (but not out of) Title I. State education agencies have similar transfer authority among these four programs as well as the 21st Century Community Learning Centers program. Local agencies identified as needing improvement are allowed to transfer up to 30 percent of their federal funds. Use of the funds must conform with the requirements of the program into which they are transferred.

Under the State Flexibility Demonstration Act, up to seven states, selected on a competitive basis, will be allowed to pool all state administration and activity funds under several key programs—Title I, Part A, Reading First, Even Start, Teachers, Technology, Safe and Drug-Free Schools, 21st Century Community Learning Centers, and Innovative Program Block Grant programs—into one consolidated fund for any purpose authorized under any ESEA program. States are granted this authority for five years, conditional on meeting AYP requirements for two consecutive years. Under the Local Flexibility Demonstration Act, up to 80 school districts would be granted authority to consolidate funds in a manner similar to those for states. School districts enter into “performance agreements” with the U.S. Department of Education and must meet AYP requirements. Title I and Bilingual funding are excluded from district flexibility programs.

School Choice

One of the key components of President Bush’s initial education proposal was to allow the parents of students in poor performing schools alternatives to that school. While much of the content of the original proposal was altered by Congress, the requirement that school districts offer students the opportunity to transfer to another public school in that district if their school fails to meet their AYP requirements for two years is a significant extension of federal policy-setting authority into local districts. Because some schools already have been reported as needing improvement under existing law, school choice for some students could be a reality at the start of the 2002-2003 school year. The program is limited to public schools, but offers students

in districts without a single school meeting the AYP standards the opportunity to shift to a school in another district. The Act provides \$25 million for FY 2002 for a grant program supporting district planning and implementation of school choice programs. Eligible expenditures include funding for tuition transfer; increasing the capacity of high-demand schools to serve greater numbers of students; conducting public awareness campaigns; and other reasonable costs. The Act also included \$110 million in FY 2002 for assistance in developing and operating magnet schools and \$200 million in FY 2002 to help states develop and evaluate charter schools.

Many states offer some form of school choice that might satisfy federal requirements, either through open enrollment programs (which allow students to enroll at any school within, or outside, the student’s home district), charter or magnet schools which serve students across a district, and voucher programs for students in poorly performing schools.

Report Cards

Under the NCLB Act, parents can expect to receive a report card on the performance and conditions in their children’s school beginning with the 2002-2003 school year. These annual reports must contain aggregate achievement data on state assessments on reading and math, disaggregated assessment results by identified subgroups, information for comparisons between school performance and state objectives, trend data on progress toward meeting AYP, graduation rates for high schools, and teacher credentials and qualifications, including the percentage of teachers with emergency credentials and percent of classes taught by teachers who are not “highly qualified.” Districts must also provide report cards for the entire school system. States are to report these results and their statewide progress to the secretary of education. Furthermore, parents may request from the school at the beginning of the year information about the qualifications and credentials of a child’s classroom teacher.

Rural Education

The NCLB Act authorizes the Rural Education Initiative, which comprises two programs: the Small, Rural School Achievement Program and the Rural and Low-Income School Program. The Small, Rural School Achievement Program provides flexibility for eligible districts in how they use ESEA funds granted to them through teacher,

technology, safe and drug-free schools and innovative programs categories, including the freedom to consolidate these funds for use in any targeted area as well as Title I and language-acquisition programs. The program is available for districts located outside urbanized areas or in communities with a population of less than 2,500, in areas of extended cities with population densities of less than 1,000 people per square mile, or which have enrollments of fewer than 600 students. Schools must meet similar assessment criteria to Title I programs to participate, including meeting AYP targets.

The Rural and Low-Income School Program targets rural school districts that do not meet the requirements for the Small, Rural Schools Program with a child poverty rate of at least 20 percent. Eligible districts may pool teacher recruitment and retention, professional development, educational technology, parental involvement and safe and drug-free schools funds. Districts participating in the Small, Rural School Achievement Program are ineligible for the Rural and Low-Income School Program. Funding is allocated to states which are then responsible for distributing monies, according to a formula, to school districts. Each participating district must outline specific educational goals and objectives for increasing student achievement, reducing drop out rates or other measures. The Act allocates \$300 million in FY 2002 to be divided evenly between these two programs.

Other Items in the ESEA School Prayer

Federal funding is contingent on the recipient district certifying with the state education agency that it has no policy that in any way blocks constitutionally-protected prayer in public schools. The Department of Education is directed through the Act to provide states, school districts and the public regular, up-to-date guidance on prayer in public schools.

Title I Formula

A major change in the new ESEA law is in the funding formula for Title I funds, effecting a tilt in favor of school districts with high concentrations of poor children by providing additional funds for these schools. This is in keeping with the intentions of Congress and the Bush Administration to more effectively target federal education expenditures. This is particularly useful for high-poverty urban schools, although high-poverty rural schools also will see gains. The amount of targeting

required for Education Finance Incentive Grants also has changed, with greater targeting required for states with greater disparities in per-pupil expenditures among local school districts.

Military Recruitment

As a condition of receiving federal education funds, schools must provide military recruiters access to students commensurate with that afforded college and job recruiters.

Limited English Proficient (LEP) and Recent Immigrant Language Education

The Bilingual Education Act, Foreign Language Assistance Program, and Emergency Immigrant Education Program have been consolidated into a single program with increased flexibility, funded at \$750 million for FY 2002. Funds can be used for any activity covered within the three previously separate programs. Grants are to be made on a formula based on a state's LEP (80 percent) and immigrant (20 percent) student population, with a minimum grant of \$500,000. The expectation is that the consolidated program will facilitate comprehensive planning by states and local districts. It also ends the requirement that three-quarters of federal funds be spent on native-language instruction. Students with limited English proficiency are to be tested in reading and language skills after attending a U.S. school for three years, although two-year waivers are available on a case-by-case basis.

Some State Concerns

States have been cautious in their response to the NCLB Act. It provides an unprecedented amount of federal funding for education with increased flexibility for application. On the other hand, it also represents the greatest extension of the federal government into local control of schools, most notably through the mandating of annual assessments and accountability structures. It is worthy reiterating that the federal share of education funds amounts to roughly 7 percent. States' anxiety of the increasing, and some argue disproportionate, reach of federal authority in education is tempered by the fact that much of what the Act seeks to accomplish is also part of—and in some cases grew out of—states' education reform activities. The flexibility incorporated into the Act also alleviates some of this tension. The following concerns have been raised by state or local policymakers and educational leaders:

Annual Assessments

Possibly the most controversial and novel aspect of the reauthorization of the ESEA is the requirement that states establish annual assessments for all students in grades 3-8. The Act includes funding for the development and implementation of new tests, but it falls far short of even conservative estimates of the cost of implementing the mandate. Draft regulations released in March indicate that states would have flexibility in meeting this requirement, allowing for a mixture of state or local assessments, as well as permitting criterion- or norm-referenced assessments, although the use of the latter would require alterations to align them with the state's standards.

Therein lies the problem. Aligning assessments with standards is essentially the next step in the reform process begun with the reauthorization of 1994. Experience shows that implementing the standards-based curriculum and assessments included in that legislation has been difficult for states, given the timetable allowed. For states currently in the process of developing standards for all grades, developing or adapting assessments to meet the new federal requirements increases the strain on state education agencies at a time when resources are at a premium. In the end, states could become increasingly reliant on "off-the-shelf" assessment tools, a boon for educational testing companies, but not the intended outcome of the federal law.

Other concerns include the potential for annual testing to distort classroom instruction toward areas covered in the assessment and away from other areas that are not assessed. Furthermore, there is some uncertainty as to how the federal government will approach states that have already established assessment regimes. Many of these states are concerned that they will have to overhaul their assessments, or even start from scratch, in light of new federal regulations. Finally, the deadline for states to submit comprehensive compliance plans to the U.S. Department of Education falls before the final regulations will be promulgated, meaning that states will be developing their plans without the benefit of clear guidelines.

There also are growing concerns over the requirement for states to participate in the National Assessment of Educational Progress. While participation is generally high nationally,

the emphasis on NAEP as a "norm-reference" for state assessments increases the importance of the national exam and, by extension, the material it covers. Critics note that this could swiftly lead to a *de facto* national curriculum.

Finally, the NCLB Act strikes a number of state advocates as a preemption of state authority on standards and assessment. State education reform efforts have long been informed by the critical importance of local control for communities, schools and parents. For these observers, federal activities, no matter how well-meaning and aligned with the general interest of education reform, are a diversion of control from the local to national level.

"Highly Qualified" Teacher Requirements

States have been struggling for years to increase licensure requirements for teachers even as they confront a shortage of instructional staff. By requiring all staff to be "highly qualified—essentially state certified—the NCLB Act potentially creates one unintended consequence: exacerbating the teacher shortage or diluting the standards states have established for teachers. Few argue that teachers should not be highly qualified (although there is a vigorous debate as to whether state certification achieves that end), nor is it contended that teachers should routinely work "out of field," but the realities of the educational job market have dictated that staff with emergency credentials or certification in an unrelated field are needed to fill classroom vacancies. State actions to relieve this shortage often are incremental given budgetary constraints and the complex nature of the problem. The insistence on these standards for instructional staff could increase the number of unfilled vacancies, particularly in hard-to-staff schools. Simultaneously, as this occurs, states' efforts to increase the quality standards for teachers could be undermined by pressure to increase the flow of eligible (e.g. credentialled) teachers into the schools.

The NCLB Act includes a considerable sum of money for professional development, induction and recruiting of teachers, intended to relieve some of these problems. And, at a meeting of the American Association of Colleges for Teacher Education, Secretary of Education Rod Paige said that "highly qualified" may not actually mean "certified," as the law states, indicating the willingness of the department to provide states some flexibility in applying this requirement.⁸

Reading Programs

The requirements included in the Reading First and Early Reading First Programs, particularly those insisting on research-based methods, are intended to ensure that children learn to read in structured environments. It also ensures, some educators note, that only a handful of reading programs are likely to qualify. Programs developed by teachers, schools or districts, regardless of their effectiveness at the local level, often lack a research base from which they can draw definite conclusions. This could lead to the potential for a handful of commercially-available programs to capture a considerable share of the market and squeeze out opportunities for locally-developed programs.

Data Collection

The Act requires states to collect a substantial amount of data on student performance and characteristics. Few states collect data to the degree mandated in the Act, and there are considerable costs, not fully addressed in the legislation, associated with gathering, confirming, and managing this information. Furthermore, the collection and storage of this information raises serious concerns over data security and the potential for misuse. For many states, the requirement to disaggregate data according to a multitude of factors, and to collect entirely new sets of

information about children in public schools, represents a significant fiscal hurdle and privacy concern.

Over-Identification of Schools

The requirements for bringing all students up to proficiency in 12 years may run against an overwhelming obstacle: over-identification of schools needing improvement. State education officials have acknowledged that as many as three-fourths of all schools could fail to make their annual growth targets, causing them to be labeled as needing improvement and triggering federally-mandated corrective actions.⁹ Part of this dilemma stems from the increased specificity in the new federal law outlining what constitutes adequate yearly progress. The requirement that the annual target apply to all student subgroups, something that the previous law did not require, and the formula for setting the initial bar, which will automatically place some sub-groups of students considerably below the minimum level to start, are two elements of this specificity that are perceived as being key to the expansion of identification of schools needing improvement. States have some flexibility in identifying schools for improvement, such as the “safe harbor” clause, but in the end, states may be faced with huge numbers of otherwise functional schools where the inability to consistently raise all student subgroups evenly causes a variety of costly corrective actions. **IR**

How the No Child Left Behind Act Affects the SLC States¹⁰

Alabama Funding

The NCLB Act increases federal education funding for Alabama to more than \$722.3 million, \$87 million over FY 2001 and a 30 percent increase over FY 2000. Title I funding will increase to more than \$182 million, \$34 million over FY 2001 and 30 percent over FY 2000. Alabama also will receive \$45.4 million in funding for professional development and teacher training and retention; \$15.5 million for reading programs; \$6.9 million for safe and drug-free schools; \$4.5 million for after-school programs for at-risk students; and more than \$6.1 million in assistance for assessment.



Standards and Assessment

The U.S. Department of Education has recommended a compliance agreement for Alabama with regard to standards and assessment requirements related to the 1994 reauthorization of the ESEA. A compliance agreement is a statutory remedy of the ESEA which guarantees that a state can still receive Title I funds while coming into compliance with existing law as soon as feasible within a three-year period. This reflects the department's determination that Alabama has not made adequate progress toward establishing meaningful standards and aligned assessment tools. Specifically, the department found that while Alabama intended to implement a criterion-referenced exam in four grades, the state had yet to develop these assessments or submit a timeline for their implementation. Furthermore, the performance standards being used by the state lack adequate "cut scores" to define performance at the required four levels of achievement. The Department also raised concerns about the lack of evidence for alignment between the state's final assessment tool (the norm-referenced Stanford 9 exam) and the state's content and performance standards, and over the technical quality of some of the state's other assessments. The Department further raised questions about the validity of the state's tests when taken with accommodations by students with disabilities and limited English proficiency, and the reporting of performance both against state standards and by disaggregated groups.

Alabama uses the Alabama State Assessment Program (ASAP). Students participate annually in the Stanford 9 exam, a norm-referenced test, in reading and math in grades 3-8. The state also assesses students with the Alabama Direct Assessment of Writing in grades 5 and 7, and administers the Alabama High School Graduation Exam in reading, language arts, math, and science. A student must pass these exams to earn a regular diploma. Social studies will be added to the graduation exam for the 2003 graduating class. The state does not utilize a criterion-referenced test, but has plans to develop one for grades 2, 3, 5 and 7. Alabama reports achievement data to the public, including parents, although it does not report data by socioeconomic, ethnic, English proficiency, or disability status.

School Choice

Alabama does not currently offer open enrollment, vouchers, or charter schools.

Arkansas Funding

The NCLB Act increases federal education funding for Arkansas to more than \$430.6 million, \$56 million over FY 2001 and a 31 percent increase over FY 2000. Title I funding will increase to more than \$116.5 million, \$22 million over FY 2001 and 31.9 percent over FY 2000. Arkansas also will receive \$27.7 million in funding for professional development and teacher training and retention; \$9.8 million for reading programs; \$4.3 million for safe and drug-free schools; \$2.8 million for after-school programs for at-risk students; and more than \$4.9 million in assistance for assessment.



Standards and Assessment

The U.S. Department of Education has provided a time-line waiver for Arkansas with regard to standards and assessment requirements related to the 1994 reauthorization of the ESEA. Arkansas has completed most of the requirements set out by the 1994 Reauthorization and was determined by the U.S. Department of Education to be on track to achieve full compliance. The state is

still working on the following areas: portfolio assessments for students with disabilities or limited English proficiency (LEP); complete disaggregation of data; guidelines for accommodations for LEP students; and end-of-course high school exams and grade 6 reading and math assessments. Arkansas has a timeline waiver until November 2002, when the state must submit full compliance information.

Arkansas uses the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP). Students participate in criterion-referenced tests (developed by Arkansas teachers and the department of education) in reading and math in grades 4, 6 and 8; and in norm-referenced tests (currently the Stanford-9 tests) for these subjects in grades 5, 7 and 10. Students must also take end-of-course literacy tests in grade 11, and end-of-course tests in Algebra and Geometry upon completion of these courses. Arkansas reports achievement data to the public, including parents, although it does not report data by socio-economic, ethnic, English proficiency, or disability status.

School Choice

Arkansas school districts have the option of participating in intradistrict and interdistrict open enrollment programs. The state also permits charter schools, with seven in operation as of December 2001.



Florida Funding

The NCLB Act increases federal education funding for Florida to more than \$2.1 billion, \$296 million over FY 2001 and a 35 percent increase over FY 2000. Title I funding will increase to more than \$602.8 million, \$144 million over FY 2001 and 47.2 percent over FY 2000. Florida also will receive \$129.6 million in funding for professional development and teacher training and retention; \$45.6 million for reading programs; \$23.8 million for safe and drug-free schools; \$14.5 million for after-school programs for at-risk students; and more than \$13.5 million in assistance for assessment.

Standards and Assessment

The U.S. Department of Education has provided a time-line waiver for Florida with regard to standards and assessment requirements related to the 1994 reauthorization of the ESEA. Florida has completed most of the requirements set out by the 1994 Reauthorization and was determined by the U.S. Department of Education to be on track to achieve full compliance. The state is still working on the implementation of an accountability system for all students who take alternative assessments, including students with disabilities and limited English proficiency. Florida has a time-line waiver until December 2002, when the state must submit full compliance information.

Florida uses the Florida Comprehensive Assessment Test (FCAT), a state-created norm- and criterion-referenced test linked to the Sunshine State Standards in reading, writing and math. All students in grades 3-10 take the FCAT every spring. The criterion-referenced component of the test is based on the Sunshine State Standards and assesses students in reading and math. Students' scores from this component are ranked by achievement level for grades 4, 8, and 10 in reading and 5, 8 and 10 in math. The norm-referenced component is similar to the Stanford-9 test. Students also take the FCAT-Writing test in grades 4, 8 and 10. Florida reports achievement data to the public, including parents, although it does not report data by English proficiency or disability status. Florida was the only SLC state which chose not to participate in the 2000 NAEP test.

School Choice

Florida school districts have the option of participating in interdistrict open enrollment programs. The state also permits charter schools, with 182 in operation as of December 2001. In addition, Florida has a state-funded voucher program for students in poor-performing schools. Schools are assessed on a variety of criteria by the state department of education, which assigns a letter grade to the school. Top performing and improving schools receive increased funding. Students in schools that receive an "F" grade in two out of four years are eligible to receive a scholarship worth at least \$4,000 to attend a higher scoring public, private, or parochial school. No additional tuition can be recovered from the student or state by private and parochial schools, and these students are exempt from participating in religious instruction, prayer, or worship. In

the 2001-2002 school year, 140 students from two schools took advantage of these scholarships, with 57 students moving to private or parochial schools, and 83 moving to higher-performing public schools.

Georgia Funding

The NCLB Act increases federal education funding for Georgia to more than \$1.1 billion, \$177 million over FY 2001 and a 42.2 percent increase over FY 2000. Title I funding will increase to more than \$365.6 million, \$85 million over FY 2001 and 58.2 percent over FY 2000. Georgia also will receive \$75.2 million in funding for professional development and teacher training and retention; \$27.8 million for reading programs; \$14 million for safe and drug-free schools; \$9.1 million for after-school programs for at-risk students; and more than \$8.9 million in assistance for assessment.



Standards and Assessment

The U.S. Department of Education has provided a time-line waiver for Georgia with regard to standards and assessment requirements related to the 1994 reauthorization of the ESEA. Georgia has completed most of the requirements set out by the 1994 Reauthorization and was determined by the U.S. Department of Education to be on track to achieve full compliance. The state is still working on the implementation of high school assessments to replace the existing Georgia High School Graduation Test. Georgia has a time-line waiver until June 30, 2003, when the state must submit full compliance information.

Georgia's testing program includes norm- and criterion-referenced assessments at multiple grades. Students participate in norm-referenced (Stanford-9) testing of students in grades 3, 5 and 8. Georgia uses a criterion referenced test in reading, English/language arts, and math in grades 4, 6 and 8, and a separate writing assessment in grades 5, 8 and 11. In 2003, the criterion-referenced program will be expanded to include grades 1 through 8 in the existing three areas, students in grades 3 through 8 also taking assessments in science and social studies. Georgia is also working on a new exit exam for its high school graduation exam. The existing assessment tests students in writing, English/language arts, math, science and social studies. Students have five opportunities to pass the assessment before graduation. In 2003, the state will begin administering end-of-course tests in Algebra I, Geometry, Physical Science, Biology, Economics, U.S. History, 9th grade Literature and Composition, and American Literature and Composition. Once these end-of-course tests are in place, the state will phase out the high school exit exams. Georgia reports disaggregated achievement data to the public, including parents, although it does not report data by English proficiency or disability status.

School Choice

Georgia does not allow open enrollment programs. The state does permit charter schools and had 46 in operation as of December 2001.



Kentucky Funding

The NCLB Act increases federal education funding for Kentucky to more than \$648.2 million, \$76 million over FY 2001 and a 28 percent increase over FY 2000. Title I funding will increase to more than \$182.3 million, \$32 million over FY 2001 and 25.2 percent over FY 2000. Kentucky also will receive \$44 million in funding for professional development and teacher training and retention; \$13.7 million for reading programs; \$6.6 million for safe and drug-free schools; \$4.4 million for after-school programs for at-risk students; and more than \$5.8 million in assistance for assessment.

Standards and Assessment

The U.S. Department of Education has provided a time-line waiver for Kentucky with regard to standards and assessment requirements related to the 1994 reauthorization of the ESEA. Kentucky has completed most of the requirements set out by the 1994 Reauthorization and was determined by the U.S. Department of Education to be on track to achieve full compliance. The state is still working on the inclusion of limited English proficient students in its assessment system. Kentucky has a time-line waiver until June 2002, when the state must submit full compliance information.

Kentucky uses the Commonwealth Accountability Testing System (CATS). Students take the Comprehensive Test of Basic Skills (CTBS), a norm-referenced test at the end of primary school, and grades 6 and 9. The state also tests students with the Kentucky Core Content Tests (KCCT), a criterion-referenced test in reading and science in grades 4, 7 and 10, and in math and social studies, arts and humanities, and practical living and vocational studies in grades 5, 8 and 11. Kentucky assesses students' writing using portfolios and writing-on-demand prompts in grades 4, 7 and 12. Kentucky reports disaggregated achievement data (by gender, ethnicity, disability status, English language proficiency, and socio-economic status and other factors) to the public, including parents.

School Choice

Kentucky does not currently offer open enrollment, vouchers, or charter schools.



Louisiana Funding

The NCLB Act increases federal education funding for Louisiana to more than \$832 million, \$96 million over FY 2001 and a 28.2 percent increase over FY 2000. Title I funding will increase to more than \$245.5 million, \$36 million over FY 2001 and 19.2 percent over FY 2000. Louisiana also will receive \$63.5 million in funding for professional development and teacher training and retention; \$19.2 million for reading programs; \$8.6 million for safe and drug-free schools; \$6.2 million for after-school programs for at-risk students; and more than \$6.5 million in assistance for assessment.

Standards and Assessment

The U.S. Department of Education has given full approval to Louisiana's standards and assessment requirements related to the 1994 reauthorization of the ESEA.

The state uses the Louisiana Educational Assessment Program for the 21st Century (LEAP 21) and Graduation Exit Exam for the 21st Century (GEE 21) for criterion-referenced assessment. Students take the LEAP 21 exams in grades 4 and 8, and their performance on these assessments determine, among other things, grade promotion. The GEE 21 is administered in grades 10 and 11. Students must pass in order to receive a high school diploma. Both of these assessments measure four primary areas: English language arts, math, science, and social studies. Louisiana reports disaggregated achievement data (by gender, ethnicity, disability status, English language proficiency, socio-economic status and other factors) to the public, including parents.

School Choice

Louisiana school districts have the option of participating in intradistrict and interdistrict open enrollment programs. The state also permits charter schools, with 26 in operation as of December 2001.

Maryland Funding

The NCLB Act increases federal education funding for Maryland to more than \$642.6 million, \$92 million over FY 2001 and a 38.8 percent increase over FY 2000. Title I funding will increase to more than \$176 million, \$40 million over FY 2001 and 59 percent over FY 2000. Maryland also will receive \$41.4 million in funding for professional development and teacher training and retention; \$11.3 million for reading programs; \$7.4 million for safe and drug-free schools; \$4.4 million for after-school programs for at-risk students; and more than \$6.8 million in assistance for assessment.

Standards and Assessment

The U.S. Department of Education has given full approval of Maryland's standards and assessment requirements related to the 1994 reauthorization of the ESEA.

The state has used the Maryland School Performance Assessment Program (MSPAP), testing students in grades 3, 5 and 8 using a criterion-referenced performance exams in reading, mathematics, writing, language usage, science, and social studies since 1993, but will discontinue using it this year. According to the state department of education, MSPAP measures how well students relate and use knowledge from different subject areas and how well they can solve "real world" problems. Basic language, math, science and social studies concepts and understandings are assessed through MSPAP tasks, although the tests, which are conducted for nine hours during a five-day period, focus on higher order thought processes. Maryland also uses the Comprehensive Test of Basic Skills (CTBS), a norm-referenced assessment, in grades 2, 4 and 6. The state administers end-of-course exams for high school students which will soon be tied to graduation. The MSPAP test was dropped because it failed to meet a number of requirements of the new federal law, including the provision of results to students, the delivery of results prior to the beginning of the next school year, and the inclusion of objective questions. The MSPAP provided results on a school-level basis. The state is currently searching for a replacement tool for the MSPAP, and will likely turn to a commercially-available product. Maryland has established reading, math, social studies and science standards, although the science standards have been determined to need improvement by independent reviewers and could possibly face the same fate under a federal review. Maryland reports school-level achievement data to the public, including parents, but does not disaggregate this data.

School Choice

Maryland does not currently offer open enrollment, vouchers, or charter schools.

Mississippi Funding

The NCLB Act increases federal education funding for Mississippi to more than \$553 million, \$49 million over FY 2001 and a 23.8 percent increase over FY 2000. Title I funding will increase to more than \$148.9 million, \$13 million over FY 2001 and 11.8 percent over FY 2000. Mississippi also will receive \$40.3 million in funding for professional development and teacher training and retention; \$11 million for reading programs; \$5.3 million for safe and drug-free schools; \$3.9 million for after-school programs for at-risk students; and more than \$5.2 million in assistance for assessment.

Standards and Assessment

The U.S. Department of Education has provided a time-line waiver for Mississippi with regard to standards and assessment requirements related to the 1994 reauthorization of the ESEA. Mississippi has completed most of the requirements set out by the 1994 Reauthorization and was determined by the U.S. Department of Education to be on track to achieve full compliance. The state is still working on the following: several aspects of its assessment program, including a study of the alignment of state criterion-referenced tests and the state standards and evidence of technical quality; completion of an alternative assessment system for students with severe disabilities and the inclusion of these students' scores into the accountability system; and evidence of technical merit for the states' standards. Mississippi has a time-line waiver until June 2003, when the state must submit full compliance information.



Mississippi has recently established the Mississippi Curriculum Content Assessment System. The system consists of six integrated assessment programs: informal K-2 diagnostic assessments; the Grade Level Testing Program (GLTP) in grades 2-8; the Subject Area Testing Program (SATP) in secondary school; the Functional Literacy Exam (which will be phased out once all SATP tests are in place); the Mississippi Career Planning and Assessment System for vocational testing and workplace readiness; and a grade 10 math assessment for Title I students. The GLTP consists of the Mississippi Curriculum Test, a battery of criterion-referenced tests in reading, language, and math, for grades 2-8; writing assessments in grades 4 and 7; and TerraNova, a commercially-available, norm-referenced survey battery of tests in reading, language and math in grades 5 and 8. The SATP consists of end-of-course tests in Algebra I, Biology I, U.S. History from 1877, and English II with writing. In time, students will be required to pass all four exams to earn a diploma. Mississippi reports achievement data to the public, including parents, but does not disaggregate this data.

School Choice

Mississippi does not allow open enrollment programs. The state does permit charter schools. As of December 2001, there was one in operation.



Missouri

Funding

The NCLB Act increases federal education funding for Missouri to more than \$780 million, \$90 million over FY 2001 and a 30 percent increase over FY 2000. Title I funding will increase to more than \$187.8 million, \$34 million over FY 2001 and 29.5 percent over FY 2000. Missouri also will receive \$49.2 million in funding for professional development and teacher training and retention; \$14.9 million for reading programs; \$7.7 million for safe and drug-free schools; \$4.7 million for after-school programs for at-risk students; and more than \$7 million in assistance for assessment.

Standards and Assessment

The U.S. Department of Education has given full approval of Missouri's standards and assessment requirements related to the 1994 reauthorization of the ESEA.

Missouri uses the Missouri Assessment Program (MAP) which covers the six subject areas in the Show-Me Standards: math, communication arts, science, social studies, health/physical education, and fine arts. Missouri is the only state in the SLC to include health/physical education in its accountability system. Students are assessed in grades 4, 8 and 10 in math and social science; in grades 3, 7 and 11 for communication arts and science; and in grades 5 and 9 for health/physical education. Students with disabilities severe enough to preclude their participation in the standard MAP are assessed using the MAP-Alternate, which uses a portfolio system to evaluate progress toward the student's Individual Education Plan goals. Missouri reports district level achievement data to the public, including parents, but does not disaggregate it.

School Choice

Missouri school districts have the option of participating in intradistrict and interdistrict open enrollment programs. The state also permits charter schools, with 21 in operation as of December 2001.



North Carolina

Funding

The NCLB Act increases federal education funding for North Carolina to more than \$1 billion, \$143 million over FY 2001 and a 36.6 percent increase over FY 2000. Title I funding will increase to more than \$249.8 million, \$57 million over FY 2001 and 50.2 percent over FY 2000. North Carolina also will receive \$61.9 million in funding for professional development and teacher training and retention; \$20.7 million for reading programs; \$10.9 million for safe and drug-free schools; \$6.2 million for after-school programs for at-risk students; and more than \$8.6 million in assistance for assessment.

Standards and Assessment

The U.S. Department of Education has given full approval of North Carolina's standards and assessment requirements related to the 1994 reauthorization of the ESEA.

The state uses the North Carolina Testing Program (NCTP) to assess student progress. Students take end-of-grade tests in grades 3-8 in reading and math (grade 3 students also take a pre-test in the first three weeks of school). North Carolina also administers the Iowa Test of Basic Skills (ITBS) language assessment to a representative sample of students in grades 5 and 8, and end-of-course tests in English I and II, Algebra I and II, Geometry, Physical Science, Biology, Chemistry, U.S. History, and Economic, Legal, and Political Systems. Students in grades 4 and 8 are tested on the North Carolina Open-ended Reading and Math Tests; students in grades 4 and 7 are assessed on narrative and expository writing, respectively. Finally, students are expected to pass Competency and High School Comprehensive Tests in grade 10. North Carolina reports district level achievement data to the public, including parents, but does not disaggregate this data.

School Choice

North Carolina does not allow open enrollment programs. The state does permit charter schools, with one in operation as of December 2001.

Oklahoma Funding

The NCLB Act increases federal education funding for Oklahoma to more than \$611.5 million, \$79 million over FY 2001 and a 35.6 percent increase over FY 2000. Title I funding will increase to more than \$141.3 million, \$29 million over FY 2001 and 35.8 percent over FY 2000. Oklahoma also will receive \$33.8 million in funding for professional development and teacher training and retention; \$12.5 million for reading programs; \$5.5 million for safe and drug-free schools; \$3.5 million for after-school programs for at-risk students; and more than \$5.6 million in assistance for assessment.



Standards and Assessment

The U.S. Department of Education has provided a time-line waiver for Oklahoma with regard to standards and assessment requirements related to the 1994 reauthorization of the ESEA. Oklahoma has completed most of the requirements set out by the 1994 Reauthorization and was determined by the U.S. Department of Education to be on track to achieve full compliance. The state is still working on the following: creating aligned end-of-course assessments for English II and Algebra I; closing gaps in alignment between multiple choice items and state standards; developing evidence that the state system adequately includes measures of higher-order thinking and understanding; providing full assessment participation data; and the implementation of disaggregated reporting. Oklahoma has a time-line waiver until September 21, 2003, when the state must submit full compliance information.

The state uses the Oklahoma School Testing Program to assess student progress. Students are tested in grade 3 using the Iowa Test of Basic Skills (ITBS), a norm-referenced test, and in grades 5 and 8 using the Oklahoma Core Curriculum Test (OCCT) in reading, writing, math, science, U.S. history, geography and the arts. Students must also take end-of-course tests in English II and U.S. history. Oklahoma reports district level and school achievement data to the public, including parents, but does not disaggregate this information.

School Choice

Oklahoma school districts must participate in interdistrict open enrollment programs. The state also permits charter schools with nine in operation as of December 2001.



South Carolina Funding

The NCLB Act increases federal education funding for South Carolina to more than \$596 million, \$82 million over FY 2001 and a 35 percent increase over FY 2000. Title I funding will increase to more than \$159 million, \$36 million over FY 2001 and 47 percent over FY 2000. South Carolina also will receive \$36.3 million in funding for professional development and teacher training and retention; \$13.6 million for reading programs; \$6.4 million for safe and drug-free schools; \$4 million for after-school programs for at-risk students; and more than \$5.8 million in assistance for assessment.

Standards and Assessment

The U.S. Department of Education has provided a time-line waiver for South Carolina with regard to standards and assessment requirements related to the 1994 reauthorization of the ESEA. South Carolina has completed most of the requirements set out by the 1994 Reauthorization and was determined by the U.S. Department of Education to be on track to achieve full compliance. The state is still working on the following: high school performance standards; an aligned high school assessment; documentation of the technical quality of this assessment; and disaggregated reports of the results of these assessments. South Carolina has a time-line waiver until June 30, 2003.

South Carolina uses the Palmetto Achievement Challenge Tests (PACT) to assess student progress. All students except those with disabilities severe enough to qualify for alternative assessment take end-of-grade tests in grades 3-8 in English language arts and math, with assessments in social studies and science beginning in 2003. A representative sampling of students in three grades between grade 3 and grade 11 also participate in a norm-referenced test, TerraNova, each year. Grades 4, 7 and 10 were tested in 2001; grades 3, 6 and 9 in 2002; grades 5, 8 and 11 in 2003. Secondary school students participate in Basic Skills Assessment Plan (BSAP) tests in reading, writing and math, which students must pass in order to graduate. The BSAP is being phased out in favor of the new South Carolina Exit Examination. Students will also take end-of-course exams in Algebra I/Math for the Technologies, English I, Physical Science, Biology I/Applied Biology, and U.S. History and Constitution, the results of which will account for 20 percent of their course grade. These exams will be completely phased in by 2006-2007. South Carolina reports district level achievement data to the public, including parents, but does not disaggregate this data.

School Choice

South Carolina does not allow open enrollment programs. The state does permit charter schools, with nine in operation as of December 2001.



Tennessee Funding

The NCLB Act increases federal education funding for Tennessee to more than \$745.3 million, \$83 million over FY 2001 and a 28 percent increase over FY 2000. Title I funding will increase to more than \$174.2 million, \$25 million over FY 2001 and 22 percent over FY 2000. Tennessee also will receive \$47.4 million in funding for professional development and teacher training and retention; \$14.3 million for reading programs; \$7.3 million for safe and drug-free schools; \$4.4 million for after-school programs for at-risk students; and more than \$6.9 million in assistance for assessment.

Standards and Assessment

The U.S. Department of Education has provided a time-line waiver for Tennessee with regard to standards and assessment requirements related to the 1994 reauthorization of the ESEA. Tennessee has completed most of the requirements set out by the 1994 Reauthorization and was determined by the U.S. Department of Education to be on track to achieve full compliance. The state is still working on the following: inclusion policies for assessments; studies determining test alignment with standards for some courses; the incorporation of student performance data into school progress reports as part of an accountability system; and the disaggregation of student performance data. Tennessee has a time-line waiver until Fall 2003.

Tennessee uses the Tennessee Comprehensive Assessment Program (TCAP) to assess student progress. The TCAP includes a norm-referenced achievement test for grades 3-8 in reading, language, math, science and social studies; a writing assessment administered to all students in grades 4, 7 and 11; and end of course tests in Algebra I, Biology I and English II. Results of the end-of-course exams are to count for not less than 15 percent of a student's grade in the course. Students also must pass these three "gateway" examinations in order to receive a high school diploma. Other end-of-course assessments are planned for Math Foundations II, Geometry, Algebra II, Physical Science, Chemistry, English II, and U.S. History. The state has Tennessee reports school and district level achievement data to the public, including parents, but does not disaggregate this data.

School Choice

Tennessee school districts have the option of participating in intradistrict and interdistrict open enrollment programs. The state does not permit charter schools.

Texas Funding

The NCLB Act increases federal education funding for Texas to more than \$3.3 billion, \$470 million over FY 2001 and a 35 percent increase over FY 2000. Title I funding will increase to more than \$1 billion, \$201 million over FY 2001 and 32.5 percent over FY 2000. Texas also will receive \$231 million in funding for professional development and teacher training and retention; \$79 million for reading programs; \$36.5 million for safe and drug-free schools; \$24 million for after-school programs for at-risk students; and more than \$19.4 million in assistance for assessment.



Standards and Assessment

The U.S. Department of Education has given full approval of Texas' standards and assessment requirements related to the 1994 reauthorization of the ESEA.

Texas uses the Texas Assessment of Academic Skills (TAAS) to assess student progress. Students are tested in reading and math annually in grades 3-8, in writing in grades 4,8 and for graduation, and in science and social studies at grade 8. Spanish language assessments are available in grades 3-6. The state also uses end-of-course exams for Algebra I, Biology, English II, and U.S. History, and the Reading Proficiency Tests in English (RPTE) for second-language learners to assess their progress in learning English. Limited English proficient students in grades 3-12 are required to take the RPTE until they achieve an advanced score. Students must pass either the TAAS exit level writing, math, and reading tests, or the Algebra I and English II end-of-course exams and either the Biology or U.S. History end-of-course exams to be eligible for a high school diploma. In 2005, the state will implement exit examinations in English language arts, math, social studies and science, which will also partially determine graduation. Texas reports disaggregated student achievement data to the public, including parents.

School Choice

Texas school districts have the option of participating in intradistrict and interdistrict open enrollment programs. The state also permits charter schools. As of December 2001, Texas had 219 in operation.

Virginia Funding

The NCLB Act increases federal education funding for Virginia to more than \$897.9 million, \$126 million over FY 2001 and a 38 percent increase over FY 2000. Title I funding will increase to more than \$196 million, \$46 million over FY 2001 and 55 percent over FY 2000. Virginia also will receive \$52 million in funding for professional development and teacher training and retention; \$16.9 million for reading programs; \$8.9 million for safe and drug-free schools; \$5 million for after-school programs for at-risk students; and more than \$7.9 million in assistance for assessment.



Standards and Assessment

The U.S. Department of Education has given full approval of Virginia's standards and assessment requirements related to the 1994 reauthorization of the ESEA.

The state uses the Virginia State Assessment Program (VSAP) and Standards of Learning (SOL) to assess student progress. The VSAP consists of the norm-referenced Stanford-9 tests in grades 4, 6 and 9. The SOL program consists of Reading and Writing, Math, and Science assessments in grades 3, 5 and 8, with assessments in computer technology in grades 5 and 8. The SOLs also include end-of-course tests in writing (English II), Algebra I, Geometry, Algebra II, Earth Science, Biology, and Chemistry. Students entering the ninth grade in the 2000-2001 school year will be required to take a minimum of six credits in courses requiring an end-of-course exam (which must be passed to pass the class) to earn a diploma. Virginia reports student achievement data to the public, including parents, but does not disaggregate this information.

School Choice

Virginia does not allow open enrollment programs. The state does permit charter schools, with five in operation as of December 2001.



West Virginia Funding

The NCLB Act increases federal education funding for West Virginia to more than \$325 million, \$32 million over FY 2001 and a 25 percent increase over FY 2000. Title I funding will increase to more than \$91.2 million, \$11 million over FY 2001 and 17 percent over FY 2000. West Virginia also will receive \$23.4 million in funding for professional development and teacher training and retention; \$6 million for reading programs; \$3.2 million for safe and drug-free schools; \$2.4 million for after-school programs for at-risk students; and more than \$4.2 million in assistance for assessment.

Standards and Assessment

The U.S. Department of Education has recommended a compliance agreement for West Virginia with regard to standards and assessment requirements related to the 1994 reauthorization of the ESEA. A compliance agreement is a statutory remedy of the ESEA which guarantees that a state can still receive Title I funds while coming into compliance with existing law as soon as feasible within a three-year period. This reflects the Department's determination that West Virginia has not made adequate progress toward establishing meaningful standards and aligned assessment tools. Specifically, West Virginia lacks required performance standards; has not developed a standards-based assessment system and provided evidence that the state's assessments are aligned with state content standards; has not demonstrated the technical merit of state assessments; has not provided for the inclusion of all students in a new state assessment system, nor demonstrated how the state will use student performance data in reporting and determining school accountability.

West Virginia uses the Stanford-9 exam, a norm-referenced test, to assess students annually in reading and math in grades 3-11 for accountability purposes. The state also uses the West Virginia Writing Assessment in grades 4, 7 and 10; ACT Explore, a curriculum-based assessment designed to measure student's development of knowledge and skills in English, math, reading, and science reasoning in grade 8; the High Schools That Work exit exam in grade 12; and has piloted an Algebra I exit exam in grade 8. Students whose disabilities preclude their participation in standard assessments take Alternate Assessment for Severely Disabled Students in all grades. Beginning in 2004, students in grades 3-8 in West Virginia will be evaluated using a new, criterion-referenced test that is aligned to the state's standards. West Virginia reports some school-level achievement data to the public, including parents, although it does not disaggregate this data at the school level.

School Choice

West Virginia school districts have the option of participating in intradistrict and interdistrict open enrollment programs. The state does not permit charter schools.

Notes

¹Secretary Rod Paige, as quoted by Erik Robelen in “ESEA to Boost Federal Role In Education,” *Education Week*, January 9, 2002.

²*Digest of Education Statistics 2000*, U.S. Department of Education, Washington, D.C., January 2001, Chapter 4, pp. 3-19

³*Ibid.*, Chapter 4, p. 1

⁴*Ibid.*, Chapter 3, p. 175.

⁵Wayne Riddel and James Stedman, “Elementary and Secondary Education: Reconsideration of the Federal Role by the 107th Congress,” Congressional Research Service, U.S. Library of Congress, Washington, D.C., December 31, 2001, p. 2

⁶Erik W. Robelen, “States Sluggish On Execution of 1994 ESEA,” *Education Week*, Washington, DC, November 28, 2001, from the Internet site www.edweek.com, accessed November 28, 2001.

⁷American Federation of Teachers, “No Child Left Behind Act of 2001: Reauthorization of the ESEA,” presentation given at the PreK-12 Teachers PPC Meeting, January 15, 2002.

⁸Judy Blair, “Teacher-Trainers Fear a Backfire From New ESEA,” *Education Week*, March 6, 2002.

⁹Lynn Olson, “‘Inadequate’ Yearly Gains Are Predicted,” *Education Week*, April 3, 2002.

¹⁰State summary information comes from the U.S. Department of Education Web site, the Education Clearinghouse of the States, and state departments of education.

This Regional Resource was prepared for the Education Committee of the Southern Legislative Conference (SLC) by Jonathan Watts Hull, SLC Regional Representative.

The SLC is a non-partisan, non-profit organization serving Southern state legislators and their staffs. First organized in 1947, the SLC is a regional component of The Council of State Governments, a national organization which has represented state governments since 1933. The SLC is headquartered in Atlanta, Georgia.