



The No Child Left Behind Act: Key Provisions and Timelines

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The overall requirement of the No Child Left Behind (NCLB) Act is to have all students – 100 percent – attain proficiency by 2014. Between now and 2014, states, districts, and schools must take a series of specific steps toward that goal. The law requires that they focus on challenging academic standards in reading, math and science and tests based on them; accountability for the performance of every child; and the guarantee of a highly qualified teacher in every classroom. Although all schools and districts are subject to NCLB goals and reporting requirements, only schools or districts receiving Title I federal funds will be subject to specific requirements for corrective action, unless a state chooses to extend them to non-Title I schools or districts.

KEY PROVISIONS

Testing and Achievement

- States set specific academic achievement levels, known as proficiency levels, on their reading and math assessments. Since each state defines proficiency, the level of student knowledge and skills considered proficient varies from state to state. The assessments should reflect state academic standards and curriculum aligned to them.
- States next set student performance goals – which must be the percentage of students overall and the same percentage of students for each subgroup expected to achieve proficiency – based on test results from previous years. The goals may be different for math and reading and may be different by grade level.
- Student performance goals will be raised on a regular schedule between now and the end of the 2013-14 school year so that by this date, all students – and all subgroups of students – will be performing at the proficient level (with exceptions explained below for up to 1% of students who have significant cognitive disabilities and for newly arrived immigrant students).
- Test scores must be reported not just for schools, but also for each subgroup within each school: low-income students, those belonging to racial or ethnic minorities, students with disabilities or limited English proficiency, and several others. However, reporting is not required if the subgroup is not large enough to maintain the confidentiality of individual student scores. Each State determines what the minimum number of required children is.
- By 2005-06, states will test every student annually in reading and math from grades 3 through 8 and at least once in these subjects in grades 10 through 12. By 2007-08, states must test students in science at least once during grades 3-8, grades 6-9, and grades 10-12.

- Schools and districts must demonstrate annually that all students – and all subgroups of students – are meeting state goals for percentages of students performing at the proficient level to be counted as making adequate yearly progress (AYP).
- Schools and districts will not be counted as making AYP if any one (or more) of the student subgroups misses the performance goal in either reading or math. It doesn't matter if the school misses the goal by a little or a lot, or by one group of students or many. All subgroups must meet the goals in both content areas for a school to make AYP.
- At least 95% of students in a school, and of each subgroup in a school, must participate in each assessment or the school or subgroup is considered not to have made AYP. Participation rates may be averaged with rates from the past year or two to meet the 95% participation requirement.
- If schools or districts do not make AYP for two years in row, they are considered "schools in need of improvement." States may limit such designation to when one or more subgroups fail to make AYP in the same subject, but may not limit it to the same subgroup of students not meeting AYP.
- If schools in need of improvement receive federal Title I funds, special requirements apply to them. They are supposed to receive both financial and technical assistance and are required to develop and implement a school improvement plan. In addition, the school must spend 10% of its Title I allocation on increased teacher professional development and parents will be able to transfer their children to other public schools. If the school does not make AYP for a third consecutive year then it must also provide parents of eligible children the option for their children to receive tutoring assistance.
- School improvement efforts must focus on programs and approaches that have research evidence to demonstrate their effectiveness.
- If schools receiving Title I funds continue to fall short of AYP, they will face more extensive changes over the course of several years, including possible restructuring, state takeover, or management by private firms.

Testing English Language Learners and Students with Disabilities

- Students with limited English proficiency must be included in assessments administered to other students. Whenever practicable, assessments must be in the language and form most likely to yield accurate data. However, LEP students must also be annually assessed in their English oral language, reading and writing skills.
- LEP students in their first year of enrollment in U.S schools *may* participate in state reading/language arts assessments and *must* participate in mathematics assessments. However, these first year scores need not be included in school or district results for purposes of adequate yearly progress, but may be included toward meeting the 95% participation requirement.

- LEP students who have attended school in the U.S. for three consecutive years must be assessed with tests written in English, unless the district makes an individual determination that the student has not yet reached a level of English proficiency that will yield valid results.
- At the state's discretion, assessments of students who are no longer identified as LEP may continue to be included in scores for that group for one or two years
- Students with disabilities must be included in assessments administered to other students, with accommodations if necessary. To address the needs of students with significant cognitive disabilities, states may assess such students using alternate assessments based on alternate achievement standards (which may include out-of-grade level standards). No more than 1% of students in the state or a school district who score proficient or above on such alternate assessments based on alternate standards may have their scores count toward AYP. States may apply to the Department of Education to slightly exceed the 1% cap. School districts may apply to their State for a waiver.

Teacher and Paraprofessional Quality

- In every public school, all teachers of core academic subjects (i.e., English, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography) must be "highly qualified" by 2005-06. Between now and then, every newly hired teacher in programs supported with Title I funds must be highly qualified.
- "Highly qualified" teachers are defined by the law as those who hold at least a bachelor's degree, are fully licensed or certified by the state in the subject(s) they teach, and can demonstrate competence in the subjects they teach – either through holding a major in the subject, passing an academic subject matter tests in the subject, or for current teachers, meeting a State High Objective Uniform State Standard of Evaluation (HOUSSE).
- States must develop plans to ensure that all teachers are highly qualified by 2005-06, setting measurable goals for districts and schools. States and districts must report annually on their progress and on the percentage of teachers getting professional development to help them become highly qualified.
- Additional flexibility in timelines and methods for meeting the "highly qualified" teacher requirement are available for the following categories of teachers: (1) teachers in rural areas who teach more than one subject and are highly qualified in at least one; (2) multi-subject teachers, including teachers of multiple science subjects; and (3) middle school teachers.
- Title I schools must notify parents annually that they can request information on their children's teachers' qualifications. Parents in Title I schools must also be notified if their child is taught for more than 4 consecutive weeks by a teacher who does not meet the law's definition of "highly qualified."

- Instructional paraprofessionals newly hired in Title I schools and/or programs after January 2002 must have two years of college or an associate's degree, or they must demonstrate knowledge of and the ability to assist with reading, writing, and mathematics through a formal state or local assessment. Currently employed Title I paraprofessionals have until January 2006 to meet these requirements.

IMPORTANT DATES

By 2005-06:

States must measure progress in reading and mathematics for every student in each of grades 3 through 8 and at least once for students in grades 10 through 12.

By January 2006:

All Title I paraprofessionals must meet the new requirements.

By the end of the 2005-06 school year:

States must ensure that all teachers are highly qualified.

By 2007-08:

States must measure student progress in science at least once during each of the following grade spans: grades 3-5, grades 6-9, and grades 10-12.

By the end of the 2013-2014 school year:

States must demonstrate that all students are meeting the federally required goals for proficiency-level achievement.

NCLB TIMELINE FOR SCHOOLS IN NEED OF IMPROVEMENT

Schools in need of improvement that receive Title I funds must take the following steps, proceeding to the next step in the series if they continue to fall short of the AYP goal.

After 2 years:

Schools must adopt two-year improvement plans, invest in professional development for teachers, and give parents the option to transfer their children to a higher-performing public or charter school in the district, with the district using some Title I funds to pay for transportation. Priority for transfers must go to the lowest-achieving, low-income students.

After 3 years:

Schools continue improvement efforts and must offer students from eligible families supplemental educational services (i.e. tutoring). Providers may include districts, individual schools, for-profit companies, not-for-profits.

After 4 years:

Schools continue previous improvement activities and also are subject to “corrective action,” which must involve at least one of the following activities: implementing a new curriculum, replacing school staff, appointing an outside expert as advisor, extending the school day or year, or restructuring the school.

After 5 years:

Schools must plan for restructuring, which may involve replacing staff, contracting with a private firm to manage the school, or turning school operations over to the state education agency.

After 6 years:

Schools must implement their restructuring plan.

Additional information can be found in *Summary of New Flexibility in NCLB: Updates as of July 1, 2004* and *Major Changes to ESEA in the NCLB Act (2002)* at <http://www.learningfirst.org/publications/nclb/#basics>