

APPENDIX A

NO CHILD LEFT BEHIND ACT OF 2001

The No Child Left Behind Act of 2001 (NCLB) establishes a set of standards that must be met by every State receiving Title I funds. In particular, States are required to perform annual assessments in reading and mathematics in three grade spans (3-5, 6-9, 10-12) through the 2004-2005 school year, and beginning in 2005-2006, they will be obligated to perform annual assessments in reading and math for every grade from third through eighth. See 20 U.S.C. § 6311(b)(3)(C)(v) & (vii) (2002). Science assessments of the three grade spans will be required beginning in 2007-2008.¹ See 20 U.S.C. § 6311(b)(3)(C)(v)(II).

NCLB also requires a single, statewide accountability system that is to include all school districts and schools. See 20 U.S.C. § 6311(a). As a result, the Massachusetts accountability system has had to be adapted to meet the NCLB's requirements. Under NCLB, a determination is to be made for each local school district and each school within it as to whether each school and the district as a whole have made "adequate yearly progress" (AYP) towards the goal of having every student achieve the "proficient" level on

¹ Beginning in the 2002-2003 school year, all States have also been required to participate in the NAEP reading and math assessments, which means that a small sample of fourth and eighth grade students in every State must take the NAEP reading and math tests. This switch from voluntary to mandatory participation by the States in the NAEP assessments is designed to assist the United States Department of Education in verifying the validity of each State's annual student assessments, with the presumed goal of ensuring student performance or at least progress towards higher student performance.

the statewide assessments – in Massachusetts, the MCAS tests – by the year 2014. See 20 U.S.C. §§ 6311(b)(2)(B); 6311(b)(2)(C); 6311(b)(2)(F). Moreover, NCLB mandates that AYP is to be calculated not only for the school and district as a whole, but in a disaggregated form for specific student populations: major racial and ethnic groups, students with disabilities, low income students, and students with limited English proficiency (LEP). See 20 U.S.C. §§ 6311(b)(2)(C)(v)(II). AYP is based primarily on the student assessment tests, but is also based on the rate of student participation in the assessment tests – 95% participation is currently required for the school and district, and for each of the just-mentioned student populations – and one other academic indicator, such as student attendance rate for elementary and middle schools, or student graduation rates for high schools. See 20 U.S.C. §§ 6311(b)(2)(C)(vi). A school will not make AYP if one or more of the student specific student groups does not do so. However, the school may demonstrate achievement of AYP even if its students do not receive a proficient score, so long as the percentage of students not making the proficient level is reduced by at least ten percent for the year. See 20 U.S.C. §§ 6311(b)(2)(I).

Another requirement of NCLB is that beginning in the 2002-2003 school year, every school district must make available to the public (including, obviously, parents) an annual “report card” about each school in the district that explains, among other things, the percentage of teachers teaching core academic subjects who are “highly qualified,” the results of the MCAS tests broken down by particular student group, and whether or not the school has made AYP. See 20 U.S.C. § 6311(h)(C).

If a school does not make AYP for two consecutive years, it receives the designation of a school “identified for improvement.” See 20 U.S.C. § 6316(b)(1)(A). In this instance, the school must reserve at least 10% of its Title I, Part A funds for teacher professional development, and make available to students in

the school the option to attend another school that is not so identified, with the district being responsible for transportation. See 20 U.S.C. §§ 6316(b)(1)(E);

§ 6316(b)(3)(A)(iii). If a school fails to make AYP for three years, the district must reserve 20% of its Title I funds for students to obtain supplemental educational services – e.g., tutoring, after-school programs – at the provider of their choice. See 20 U.S.C. §§ 6316(b)(10)(A).

Finally, NCLB requires that by the end of the 2005-2006 school year, all students are to be taught the “core academic” subjects – English, reading or language arts, math, science, foreign languages, civics and government, history, geography, economics, and the arts – by “highly qualified” teachers, regardless of the funding source for the students. See 20 U.S.C. §§ 6319(a)(2). “Highly qualified” means that the teacher has a valid Massachusetts teaching license at one of the three levels (preliminary, initial, or professional), and also demonstrates subject matter competency in the areas in which the teacher teaches. See 20 U.S.C. §§ 7801(23). The State has defined a number of ways that a teacher may meet the subject matter competency requirement. These include passing the appropriate Massachusetts test for educator licensure (MTEL) subject matter test, or, for middle school and high school teachers, completing an appropriate academic major for the teacher’s undergraduate degree or completing a graduate degree in the appropriate subject, or, for teachers at any level, obtaining a satisfactory assessment on the appropriate Massachusetts high objective uniform State standard of evaluation.² With respect to paraprofessionals, NCLB directs that all newly hired paraprofessionals must have two years of postsecondary education or, if the applicant has a high school diploma, he or she demonstrates necessary skills on a formal State or local academic

² See “NCLB Policy document Highly Qualified Teachers,” reprinted at www.doe.mass.edu/nc.b/hq/hq_memo.html.

assessment. See 20 U.S.C. §§ 6319(c). Previously employed paraprofessionals have until 2006 to meet these educational requirements. See 20 U.S.C. §§ 6319(d).