



SENATOR JOHN ENSIGN

ISSUE BRIEF

EDUCATION

MYTHS AND FACTS OF THE NO CHILD LEFT BEHIND ACT

Myth: The No Child Left Behind Act (NCLBA) contains unfunded mandates.

Fact: The NCLBA does not contain any unfunded mandates. Since 1995 Congress has been prohibited from passing any legislation that contains an unfunded mandate. In fact, President Bush and the Republican Congress are sending historic levels of funding back to states and local school districts to implement NCLBA.

Myth: Testing requirements for reading and math in grades 3-8 are an "unfunded mandate."

Fact: The testing requirements under NCLBA are completely funded. In fact, if funding is not provided for these tests, states and local school districts do not have to obey that requirement. However, in both Fiscal Year (FY) 2002 and 2003 states were provided more than \$380 million to develop and design their grades 3-8 tests even though districts do not have to test until the 2005-2006 school year. A February, 2002, study by the AccountabilityWorks project found that the costs of annual testing in reading and math have been grossly overestimated by some in the education field. They released a study that explains the costs of testing and why the federal money provided is sufficient to cover these costs. The report can be found at <http://www.accountabilityworks.org>.

Myth: President Bush and the Republican Congress are not "fully funding" NCLB.

Fact: The education reforms contained in NCLBA were coupled with an historic increase in K-12 funding. States received an approximately 21% increase in overall K-12 funding. The bulk of the increases are in Title I (Education for Disadvantaged Children program), Title II (Teacher programs), and the technology and assessment programs.

Under Title I, grants to states and local school districts increased by nearly \$1.6 billion or roughly 18%. The state of Nevada received \$46.6 million, a 12.8% increase, in Title I funding.

Under Title II, states received a 35% increase in teacher funds, which school districts can use for professional development or bonuses, merit pay, financial incentives to recruit and retain highly qualified teachers, and class-size reduction. The state of Nevada received \$14.1 million.

Myth: No Child Left Behind will dictate what is taught in America's classrooms.

Fact: This is absolutely false. Not only does No Child Left Behind expand flexibility for school districts to spend federal funds on local priorities, the law specifically states that the Federal government cannot mandate, direct, or control a state or school district's specific instructional content, academic standards and assessment, curriculum, or instruction.

Myth: The new annual assessment requirements contained in No Child Left Behind override local curriculums or instructional practices.

Fact: Many states already administer assessments which have not led to a statewide curriculum. Clearly, statewide assessments do not mean a statewide curriculum must follow. The additional statewide tests required by the NCLBA will not dictate local decisions about curriculum and instruction.

The NCLBA requires that the new assessments be aligned to state standards, standards each state already has in place. The annual testing requirement merely builds on the assessment provisions in the old law. Since many school districts have already modeled their curriculum and instruction to be consistent with existing state standards, requiring additional assessments should not dramatically influence local education priorities.

Furthermore, under the new law, states could decide to use local assessments to meet the new testing requirements, provided that the state can demonstrate that the use of local tests still allows for a uniform and comparable measure of student performance across the state.

Myth: NCLBA requires states to use a national test that is not compatible with current state assessments.

Fact: NCLBA specifically forbids a national test and explicitly allows states to design their own tests for reading and math in grades 3-8. The state of Nevada is in the process of expanding its current testing system, in the manner of its choosing, to accommodate the additional assessment requirements under the NCLBA. In fact, the Nevada Department of Education has already submitted a plan to the federal Department of Education laying out its plan for compliance with the NCLBA.

Myth: Disaggregating the scores of students with disabilities, minority students, and students with limited English proficiency will cause good schools to be classified as failing.

Fact: Disaggregating the scores for these groups will present a much more accurate picture of how a school is actually doing, ensuring that no child is left behind. If information is not disaggregated in such a manner, it is much easier to mask the fact that certain groups of disadvantaged students are falling behind even as student achievement levels are increasing overall. Parents and taxpayers have a right to know whether or not all children are truly learning.

Myth: The requirements in the NCLBA will strain budgets and burden rural school districts.

Fact: The NCLBA gives rural schools and districts unprecedented flexibility to consolidate federal funds from various formula grant programs in order to meet their unique needs. Rural schools and districts also benefit from historic levels of education funding, including specific funding for rural areas.

Myth: Under the NCLBA every school district in America will now have greater flexibility to spend federal funds on local priorities and initiatives.

Fact: This is absolutely true! Local school administrators are now empowered to make important spending decisions that previously would have been made by the U.S. Department of Education. For example, technology funds can now be used by the school district to improve teacher quality or vice versa. School districts can also transfer a majority of their federal funds into their Title I school improvement programs.

New Flexibility under NCLBA:

- School districts may transfer up to 50% of the funding they receive for Teacher Quality, Educational Technology, Innovative Programs, and Safe and Drug Free Schools to any one of these programs or to Title I.
- School districts do not need the approval of either the State or Federal Department of Education to transfer money among the aforementioned programs.
- Interested school districts may transfer nearly 100% of their funding among the aforementioned programs in exchange for entering into performance agreements with the state and federal government.

- Rural school districts may consolidate all of the money they receive under the aforementioned programs for local education priorities.

Maintained Flexibility under NCLBA:

- School districts remain solely responsible for curriculum decisions and the content areas stressed by their teachers.
- School districts will still have maximum flexibility in deciding both what courses of action can be taken to ensure that no school is identified as underperforming and what needs to be done once a school has formally been identified as failing.

Myth: The NCLBA contains new teacher requirements which are costly unfunded mandates.

Fact: While the NCLBA does require that all teachers teaching core academic subjects be highly qualified by the 2005-2006 school year, the definition of a high-quality teacher is not an unreasonable or costly requirement. The definition of a highly qualified teacher merely requires teachers to demonstrate subject mastery in the subjects they teach either through a state license or subject test or by possessing a major or minor in the subject area they teach. The large majority of the nation's teacher corps is already highly qualified.

The new law also allows individuals who are participating in alternative certification programs to be considered as meeting the highly qualified definition. Again, all the law requires of teachers is that they have a major or minor in the subject area they teach or demonstrate proficiency by simply passing a state test.

Overall, states received a 35% increase in teacher funds, for a total of \$2.85 billion in federal funds. These funds can be used for professional development, alternative certification programs, bonuses, merit pay, financial incentives to recruit and retain teachers who know their subject area, and class-size reduction.

Myth: The NCLBA contains new requirements for teacher assistants/paraprofessionals which will be expensive.

Fact: NCLBA merely requires that certain teacher assistants, not all teacher assistants, must have completed two years of study at a college or university or demonstrate, through a state or local test, basic knowledge of and ability to assist in instruction in reading, writing, and mathematics. This requirement only pertains in cases where the duties of the paraprofessional include direct assistance in the instruction of a child and does not go fully into effect until the 2005-2006 school year.

The requirement does not apply to paraprofessionals who are proficient in English and who primarily provide translation services to students, whose duties consist solely of conducting parental involvement activities, who only provide non-instructional duties such as clerical duties or technical support for computers, or who provide personal care services such as assistance with severely physically disabled students.

The 35% increase in teacher funding may also be used to help paraprofessionals meet the bare minimum requirement that they merely exhibit a basic knowledge of reading, math, and writing before they can assist in the direct instruction of our children. The new law also explicitly preserves the flexibility for local school districts to develop their own assessment to measure the competency of paraprofessionals.

Myth: The NCLBA accountability system is fatally flawed and the school choice and supplemental service provisions are costly.

Fact: The law requires that all groups of students, including low-income students, minority and non-minority students, students with limited English proficiency, and students with special needs reach

proficiency in 12 years. If a subgroup of students, such as low-income students, are not making consistent progress necessary for that subgroup to meet proficiency in 12 years in a certain school, that school is identified as in need of improvement. As a result, that school is eligible for additional federal funds to assist in meeting the needs of the under-performing population and the district is required to come up with a locally designed and implemented plan to get that school back on track.

The option of school choice and supplementary services, both of which are exercised if the parent requests them, only go into effect if a school repeatedly, over the course of two to three years, is unable to improve the performance of the group of students it has known were under performing.

After two to three years, the law requires school districts to redirect some of their Title I money, money that the district has been unable to use successfully to improve the performance of the group of students, to directly benefit the students either through public school choice or supplemental services.

It is not unreasonable or costly to require a school that has repeatedly struggled to improve the performance of its low performing students, often low income and minority students, to use a portion of federal funds to directly benefit the very children the school has failed to successfully educate. This is especially reasonable if parents are requesting the additional options that are available to them to get their children back on track.

In order to assist schools in getting all children to proficiency in 12 years, most school districts with high concentrations of poverty received increases in Title I funding of over 20% and some as high as 40% for this year. These increases represent the most significant increases in Title I funding for these districts in the history of the program.