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# LRB Notes

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## "NO CHILD LEFT BEHIND ACT OF 2001" (PUBLIC LAW 107-110)

By Keith Fukumoto

**Q1: *What is the "No Child Left Behind Act of 2001" and what does it require?***

A1: The "No Child Left Behind Act of 2001" is a federal law that imposes certain requirements on state education agencies. As applied to Hawaii, by the end of school year 2013-2014, the DOE must ensure that all students meet or exceed a "proficient" level of academic achievement on required State assessments (*i.e.*, reading, mathematics, and science) and other academic measures (*i.e.*, graduation rate for high schools and retention rate for elementary and middle schools). Four performance levels will be established by the DOE during school year 2002-2003: "well below proficiency", "approaches proficiency", "meets proficiency", and "exceeds proficiency".

All schools, including charter schools, must also make "adequate yearly progress" toward achieving the 100 per cent goal established by the Act. In addition, the Act is concerned about certain "subgroups" of students: economically disadvantaged students; students from major racial and ethnic groups; students with disabilities; and students with limited English proficiency. These subgroups must make "adequate yearly progress" on all required State assessments and other academic measures. If one subgroup makes exceptional progress in one assessment area, it cannot be used to compensate for deficient progress by another subgroup in another assessment area.

**Q2: *What happens if a Title I school fails to make adequate yearly progress?***

A2: If a *Title I* school (*Title I* is a federally funded compensatory education program for low-income and at-risk students) fails to make "adequate yearly progress", then certain consequences will follow. If the failure is:

School Improvement--Year 1

- For two consecutive years, then the DOE must: give parents the option of transferring their children to another school at the beginning of the third year, including a charter school, which has not been identified as needing improvement, with priority being given to the lowest performing, low-income children. The DOE must provide for transportation to the alternative school until a child's original school is no longer identified as being in need of improvement. The law refers to this sanction as "public school choice".

School Improvement--Year 2

- For three consecutive years, then the DOE must: give parents who remain at a school that has been identified as needing improvement the option of obtaining supplemental educational services for their children (e.g., tutoring and other enrichment services that are in addition to instruction provided during the school day) at the beginning of the fourth year, with priority being given to the lowest performing, low-income children. These sanctions, as well as the sanctions from School Improvement--Year 1, would apply to a *Title I* school that fails to make adequate yearly progress for three consecutive years.

Corrective Action

- For four consecutive years, then the DOE must: (A) replace some school staff; (B) implement a new curriculum; (C) decrease the school's management authority; (D) appoint an outside adviser; (E) extend the school day or year; or (F) restructure the internal organization of the school. In addition, the DOE must prepare a plan and make necessary arrangements to restructure the school's governance arrangements in order to make fundamental reforms. These sanctions, as well as the sanctions from School Improvement--Year 1 and Year 2, would apply to a *Title I* school that fails to make adequate yearly progress for four consecutive years.

Restructuring

- For five consecutive years, then the DOE must implement one of the following alternative governance arrangements in accordance with the school's restructuring plan: (A) reopen the school as a charter school; (B) replace all or most of the school's staff; or (C) turn management of the school over to a private company. These sanctions, as well as the sanctions from School Improvement--Year 1 and Year 2 and Corrective Action, would apply to a *Title I* school that fails to make adequate yearly progress for five consecutive years.

**Q3: *What happens if a non-Title I school fails to make adequate yearly progress?***

A3: The DOE has decided that, subject to the availability of state funds, non-Title I schools will be subject to the same sanctions as Title I schools. For non-Title I schools, however, School Improvement--Year 1 sanctions will not be imposed until school year 2004-2005. The "clock" starts ticking for non-Title I schools beginning with school year 2002-2003.

Note: A Title I school already identified as needing improvement or corrective action under prior federal law will be treated as a Title I school needing improvement or corrective action under the "No Child Left Behind Act of 2001". The "clock" does not start over for Title I schools.

**Q4: *What is the penalty for a state that fails to comply with the "No Child Left Behind Act of 2001"?***

A4: If the State fails to meet the requirements established under prior federal law for having in place a system for measuring and monitoring adequate yearly progress, for example, then the U.S. Secretary of Education *must* withhold 25% of the yearly funds available for certain activities until the State meets these requirements.

If the State fails to make adequate yearly progress under the "No Child Left Behind Act of 2001", for example, then the U.S. Secretary of Education may withhold an as yet unspecified amount of the yearly funds available for certain activities until the State has fulfilled this requirement.

**Q5: *What is a "critical ally team"? What are its purpose, structure, and underlying premise?***

A5: A critical ally team is a group of individuals selected on a case-by-case basis for their specific skills, knowledge, and abilities and brought together for the purpose of providing intensive and sustained support and assistance for a school in need of improvement or corrective action. The purpose of providing support and assistance for such a school is to increase the opportunity for all students in that school to meet the Hawaii Content and Performance Standards II.

There are two types of critical ally teams: district teams and resource teams. During phase I of this process, the Complex Area Superintendent meets with the school's administration to do an initial assessment of needs and to plan for the district team's visit. During phase II, the district team does an on-site visit to the school and a paper and pencil review of the school's Standards Implementation Design (SID) Action Plan

in order to determine if the targets/goals identified in the plan are based on data. After the visit, the district team discusses with the school's leadership team (*i.e.*, department heads and grade-level chairpersons) the supports and resources that may be needed. Once the school's needs are determined, a resource team is sent to assist the school (phase III). Phase IV consists of on-going follow-up and monitoring to check on the school's progress.

A critical ally team may consist of the Complex Area Superintendent, the complex school renewal specialist, specific complex and state resource teachers, the principal of a school needing improvement or corrective action, the school's leadership team, principals and teachers from other schools, and individuals outside the DOE (*e.g.*, volunteers and contractors). No two critical ally teams will look exactly alike since the support and assistance provided by each critical ally team is customized to meet the specific needs of that school.

A critical ally team works directly with the principal of the school needing improvement or corrective action. The principal is seen as the chief facilitator of change and the school's chief "learning officer".

**Q6: *I hear the "No Child Left Behind Act of 2001" gives parents more options. What are they?***

A6: The DOE must give parents the option of transferring their children to another school, which has not been identified as needing improvement. In addition, the DOE must provide for transportation to the alternative school until a child's original school is no longer identified as being in need of improvement. If parents choose to remain at a school that has been identified as needing improvement, then the DOE must provide tutoring and other enrichment services that are in addition to instruction provided during the school day.

Parents of children attending a "persistently dangerous" school, or who become victims of a "violent criminal offense", while in or on the grounds of the school, must be given the option of transferring their children to a "safe" school, including a charter school.

**Q7: *I hear the "No Child Left Behind Act of 2001" requires stronger accountability. Can you explain this?***

A7: Starting in school year 2002-2003, each school must issue a "report card" to parents that includes data on student test performance and graduation/retention rates. The data must be broken down according to economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students

with limited English proficiency, except in cases where individual results would be identifiable. In addition, the report card must indicate the percentage of classes taught at the school by "highly qualified" teachers, and then compare this figure to the percentage of classes taught by highly qualified teachers at high- and low-poverty schools.

All students must make "adequate yearly progress" toward achieving the 100 per cent goal established by the Act. For example, exceptional progress by a school's regular education students will not compensate for deficient progress by its special education students. If a school's special education students fail to make adequate yearly progress, then the school must inform all parents of its failure to make adequate yearly progress and explain to these parents' their options and rights (e.g., requesting afterschool tutoring and enrichment services for their children). As the name of the Act implies, nobody gets left behind.

A school that fails to make "adequate yearly progress" must implement specific consequences such as school choice, afterschool tutoring and enrichment services, adoption of a new curriculum, or conversion to a charter school. A critical ally team will be dispatched by a Complex Area Superintendent to provide intensive and sustained support and assistance for a school in need of improvement or corrective action in order to increase the opportunity for all students in that school to meet the Hawaii Content and Performance Standards II.

**Q8: *Under the "No Child Left Behind Act of 2001", do the schools have more flexibility?***

A8: Yes. The Act gives the DOE the flexibility to combine many small federal grants into a few large "block" grants in order to reduce the unwanted fragmentation of programs caused by multiple funding streams. The extent to which individual schools in Hawaii will be allowed to exercise this kind of fiscal flexibility, however, remains to be seen.