

History of the *No Child Left Behind Act of 2001 (NCLB)*

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A Nation at Risk

In August of 1981, the National Commission on Excellence in Education was chartered under the authority of 20 U.S.C. 1233a to, among other purposes and functions, “review and synthesize the data and scholarly literature on the quality of learning and teaching in the nation's schools, colleges, and universities, both public and private, with special concern for the educational experience of teen-age youth” (U.S. Department of Education, 1983a). Their report, *A Nation at Risk*, was issued in April of 1983 and stated,

“Part of what is at risk is the promise first made on this continent: All, regardless of race or class or economic status, are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost. This promise means that all children by virtue of their own efforts, competently guided, can hope to attain the mature and informed judgment needed to secure gainful employment, and to manage their own lives, thereby serving not only their own interests but also the progress of society itself” (U.S. Dept. of Ed., 1983b).

The 1983 report included several specific indicators of risk (U.S. Dept. Ed., 1983c), such as:

- About 13 percent of all 17-year-olds in the United States can be considered functionally illiterate. Functional illiteracy among minority youth may have run as high as 40 percent.
- Scores consistently declined in verbal, mathematics, physics, and English subjects as measured by the College Board’s Scholastic Aptitude Tests (SAT).
- Nearly 40 percent of 17-year-olds cannot draw inferences from written material; only one-fifth can write a persuasive essay; and only one-third can solve a mathematics problem requiring several steps.
- Remedial mathematics courses in public 4-year colleges increased by 72 percent and now constitute one-quarter of all mathematics courses taught in those institutions.

The report's findings and recommendations (U.S. Dept. Ed., 1983d, 1983x) covered four important aspects of the educational process: (1) content; (2) expectations; (3) time; and (4) teaching.

- School **content** (i.e., curriculum) had become diluted and was without a central purpose. Students were found to have migrated from vocational and college preparatory programs to "general track" courses in large numbers. It was recommended that high school graduation requirements be strengthened to require a minimum foundation curriculum of English, mathematics, science, social science, and computer science.
- The report defined **expectations** in terms of the level of knowledge, abilities, and skills graduates should possess. Such expectations are expressed to students in several different ways, such as grades, graduation/advancement requirements, examinations, and difficulty of subject matter. Many deficiencies in expectations were noted by the report and included declining amounts of homework, fewer required mathematics and science courses, increased enrollment in less demanding electives, and lack of challenge to students due to "written down" textbooks. It was recommended that schools adopt more rigorous and measurable standards, and higher expectations, for academic performance using challenging materials in an environment that supports learning and authentic accomplishment.
- Findings regarding **time** showed that American students spent much less time on schoolwork, used time in the classroom and on homework ineffectively, and were not encouraged by schools to develop study skills required to use time well or the willingness to spend more time on schoolwork. It was recommended that significantly more time be devoted to learning the minimum foundation curriculum through a more effective use of the existing school day, a longer school day, or a lengthened school year.
- The Commission's report found that the field of **teaching** was not attracting enough academically able students and that teacher preparation programs needed substantial improvement. A serious shortage of teachers in key fields was anticipated, especially mathematics and science subjects. Several recommendations were made to improve the preparation of teachers and/or to make teaching a more rewarding and respected profession.

The recommendations set forth in *A Nation at Risk* promised lasting reform through demanding "the best effort and performance from all students, whether they are gifted or less able, affluent or disadvantaged, whether destined for college, the farm, or industry" (U.S. Dept. Ed., 1983e, 1983x).

A Nation at Risk was also the beginning of an evolution in achievement testing and standards-based education reform.

Improving America's Schools

The movement toward standards-based education and assessment that began with *A Nation at Risk* “went national” with the passage of the *Improving America's Schools Act* of 1994 (IASA). IASA reauthorized the *Elementary and Secondary Education Act* of 1965 (ESEA), first enacted as part of President Lyndon Johnson's War on Poverty, and designed to focus federal funding on poor schools with low achieving students. Title I, aimed at improving education for disadvantaged children in poor areas, was and remains the cornerstone of ESEA. Title I has helped raise the academic achievement of millions of disadvantaged children, particularly in basic skills.

With the passage of IASA and another important 1994 law, the *Goals 2000: Educate America Act*, the ESEA for the first time focused on the needs of *all* students, not just the disadvantaged and children at risk of school failure. Time and research had shown that for all children to learn, the entire school had to be focused on the learning of all children. The redesigned ESEA encourages States and school districts to connect federal programs with State and local reforms affecting all children, while retaining the focus on educational equity for children with special needs. The de facto segregation of students into “regular” classrooms and “special services” classrooms had to end. Not everyone heard the call, but the IASA amendments required all states to have:

- Content and performance standards;
- Assessments aligned with those standards in one grade of each of three spans: 3–5, 6–9, and 10–12; and
- An accountability system to identify schools that were not helping all students perform as expected on those assessments, (i.e., schools whose students could not achieve the standards).

In exchange for emphasizing higher student learning outcomes, the revamped ESEA gave states and localities more flexibility to design and operate their own federally-funded education programs. The 1994 ESEA was intended to work in concert with *Goals 2000: Educate America Act*, which supports state and local efforts to set challenging content and performance standards and to carry out school reforms that will raise the achievement levels of all students (U.S. Dept. of Ed., 1996a.).

Guiding Themes of the 1994 ESEA:

- High standards for all children.
- A focus on teaching and learning.
- Partnerships among families, communities, and schools.
- Flexibility coupled with responsibility for student performance.
- Resources targeted to areas of greatest needs.

(U.S. Dept. of Ed., 1996b.)

The next six years saw a lot of discussion in the states about definitions of content standards, methodologies for setting performance standards, and the political and fairness issues surrounding the institution of both content and performance standards. It took four years for the Office of Educational Research and Improvement (OERI) to finally develop regulations and guidance. In the meantime, many states, after great debate and a lot of resistance, figured out for themselves what it all meant.

The Shift to Standards-Based Assessments

In the mid-1990s, the testing industry began to experience a shift towards standards based high-stakes assessment as a necessary component of standards-based reform. The shift from test publishers' proprietary products to assorted versions of work-for-hire state-owned tests began in earnest. Test publishers found themselves in the business of developing content, manufacturing tests, and scoring and reporting on assessments that were not part of their proprietary inventory and, in fact, did not last beyond a single administration.

The Change in Customer Expectations

A shift also occurred in marketplace expectations. During the period from 1994 to 2000, most states had instituted content standards, performance standards, collection of longitudinal data, and use of secure test forms each year. They also recognized the importance of quick test results reporting. By the end of the 1990s, states had become well informed about the design and implementation of large-scale assessment programs. They demanded from publishers high-quality, custom-designed, and error-free testing materials at competitive prices. They further expected minimal lag times between testing and receipt of score reports, which displayed and interpreted increasingly complex combinations of norm-referenced and criterion-referenced data.

The maturation of the standards-based testing era became evident by 2000. At that point, 48 states and two jurisdictions, the District of Columbia and Puerto Rico, received approval from the Department of Education for their content standards development processes. In addition, 24 states and Puerto Rico had demonstrated completion of the development of both content and student performance standards.

What was missing was information from state assessment programs that could *completely and profoundly change instruction*. With the majority of the states having made substantial progress into the arena of standards-based education reform, the stage was set for a revolution in testing.

History of NCLB

Teaching, Learning, and Leaving No Child Behind

On January 8, 2002, President George W. Bush signed into law the *No Child Left Behind* Act of 2001 (NCLB), which reauthorized ESEA in dramatic ways. This landmark event certainly punctuated the power of assessment in the lives of students, teachers, parents, and others with deep investments in the American educational system. NCLB brought considerable clarity to the value, use, and importance of achievement testing of students in kindergarten through high school.

With NCLB, a new era began where accountability, local control, parental involvement, and funding what works became the cornerstones of the nation's education system. If our children aren't learning, the law requires that we find out why. If our schools aren't performing, options and help will be made available.

According to Rod Paige, U.S. Secretary of Education, the stated focus of NCLB "is to see every child in America—regardless of ethnicity, income, or background—achieve high standards" (U.S. Dept. of Ed., 2003a).

In a fundamental way, NCLB was the next obvious step for a nation already committed to excellence and fairness in education. The legacy of reform preceding NCLB culminated in an opportunity for the country to put real muscle behind what had already been put into place. Funding is now tied directly to accountability expectations. Schools must ensure that all students learn the essential skills and knowledge defined by the state using grade-level standards and benchmarks. All means *all*, and data reporting required under NCLB must describe the learning journey of each student and the effectiveness of every school in that effort.

NCLB Regulations

NCLB began to take operational shape and character through the negotiated rulemaking process begun in March 2002. A series of final regulations for various parts of NCLB continue to be negotiated and promulgated.

NCLB demands that states build assessment systems that track the achievement of all students against a common set of high instructional standards. When compared to the 1994 reauthorization of ESEA by IASA, the distinguishing feature of NCLB is the recognition that education reform cannot be driven solely through new funding formulas and regulatory requirements. It must be driven by direct public accountability for individual student learning.

The new regulations are being developed in an environment that recognizes that schools and districts work best when they are allowed to exercise more flexibility and control over teaching methods, while also being held accountable for results.

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States will be required to assess third- through eighth-grade students annually in reading and mathematics. These tests must be based on state standards that are challenging. The results will be made public so anyone can track the performance of any school in the nation. Improvement among disadvantaged children must be demonstrated under the Adequate Yearly Progress (AYP) provisions of NCLB. Schools unable to demonstrate AYP will be provided with assistance and may be subject to possible corrective action. All states will be required to submit plans that describe their achievement standards, aligned assessments, reporting procedures, and accountability systems.

In exchange for greater accountability, the NCLB regulations will provide states with far-reaching flexibility and control over how they use federal funds. Schools will be encouraged to use funds for teacher retention, professional development, and technology training that best suit their needs without having to obtain separate federal approval. States will also be given greater flexibility and control over their programs for English language learners.

NCLB regulations provide options, such as transfer to another school and tutoring, for parents of children in under-performing or unsafe schools.

NCLB will support and encourage schools to identify and use instructional programs that work. Scientifically based instructional programs will be supported and funds will be available so teachers can gain and strengthen skills in effective instructional techniques (U.S. Dept. of Ed., 2003b).

In Summary

Education opens doors to children for a lifetime and leads to their success. NCLB is the engine driving a new era of accountability for every child's learning journey. Children who are being left behind must be identified and states will have the responsibility to provide the resources to teach every child how to read, to apply mathematics, to study, to learn—to succeed.

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