

# Introduction

Two-and-a-half years after being signed into law by President George W. Bush, the No Child Left Behind Act (NCLB) remains a source of nationwide interest – generating both strong support and deep concern.

To many, NCLB embodies – and even elevates – America’s longstanding commitment to public education and the central role it plays in maintaining the nation’s economic competitiveness, the strength of its institutions, the vitality of its communities and the well-being of its citizens. Others view NCLB as well-intended but far beyond the capacity of states, districts and schools to carry out. Still others see the law as a burdensome and unwarranted intrusion on state and local prerogatives and responsibilities.

NCLB clearly establishes the improvement of public education as a vital and urgent national priority, and sets ambitious goals: To eliminate gaps in achievement between students who have traditionally performed well in school and those who have not, and ensure all students are proficient in reading and mathematics by the 2013-14 school year; to guarantee every classroom in the nation is staffed by a highly qualified teacher; and to make all schools safer and more productive learning environments.

NCLB is not an entirely new strategy for education reform. It builds upon the accountability and assessment requirements of its predecessor, the 1994 Elementary and Secondary Education Act, and in many ways mirrors the general direction of states’ education policy initiatives over the past decade.

But NCLB differs from past initiatives in two important ways. First, it represents a more systemic approach to achieving reform and improvement, tying together a variety of requirements and incentives in areas ranging from student testing, school safety and reading instruction, to professional development for teachers and technical assistance for low-performing schools. Second, it significantly raises the stakes – for states, districts and schools – for failure to make steady, demonstrable progress toward improving student achievement.

## ECS’ NCLB Database

Several months after NCLB was signed into law, the U.S. Department of Education granted the Education Commission of the States (ECS) \$2 million for one year to track and report on state policy activity – statutes, regulations, rules and directives – related to 40 different elements of the law.

ECS is particularly well-suited to undertake such tracking and reporting activities. ECS has nearly 40 years of experience helping states adopt and implement policies to improve their education system in ways consistent with their unique historical, social, economic and political contexts. ECS is also the only national organization whose staff serves all of the constituencies that are vital to realizing the full promise and potential of NCLB: governors and their education policy advisors, legislators and legislative staff, chief state school officers, state education board members, and state higher education officers.

In early 2003, ECS researchers, working in conjunction with state policymakers and their staffs, began building a database, [www.ecs.org/NCLBdatabase](http://www.ecs.org/NCLBdatabase), that eventually developed into the most comprehensive and detailed source of information on states’ progress toward implementing NCLB.

Blending text and graphics, the database provides a series of snapshots – from March 2003 through March 2004 – showing where each state (and the District of Columbia) stands with regard to implementing seven categories of NCLB requirements: standards and assessments, adequate yearly progress, school improvement, supplemental services, safe schools, report cards and teacher quality. These snapshots offer a rich data set (some 2,040 time-sensitive indicators) for analyzing activity among the states. Together, they provide a solid foundation for identifying trends occurring across the nation.

Since the initial 12-month grant period, ECS staff has continued to maintain and update the NCLB database using a variety of means: an initial online survey sent to state departments of education; online bill-tracking mechanisms; scans of various policy databases; reviews of legislative and state department of education Web sites; electronic requests for veri-



fication and updates; contracted services with other organizations serving similar constituent groups; and ongoing presentations to and conversations with gubernatorial, legislative, state department and state board staff.

(It should be noted the ECS database records – and provides direct links to – only *enacted state policy*. It does not include planned and existing programs that have been approved by the U.S. Department of Education as required by the law, but that are not yet reflected in final state policy.)

## About This Report

*ECS Report to the Nation* is designed to share the information ECS has harvested and the insights gained over the course of the past 18 months. Through this work, ECS developed five recommendations and a set of suggested actions for consideration as federal and state leaders continue to implement the law (see page vii and Appendix A).

Like our NCLB database, this report is organized around the seven major categories of the law's requirements mentioned above. Each of the seven sections provides a look at:

- **How States Are Doing** – graphics summarizing the progress and extent of implementation efforts
- **What States Are Doing** – examples of policy approaches within and across states and some state highlights
- **Issues and Challenges** – a review of emerging issues and major difficulties facing states.

The online version of this report, available at [www.ecs.org/ReportToTheNation](http://www.ecs.org/ReportToTheNation), offers an additional feature – a brief summary of and links to useful articles, reports, research studies, databases and other resources.

## Major Findings

ECS' analysis of NCLB implementation efforts shows that states have made considerable progress, particularly over the past year. As of March 2004:

- All 50 states had met or were partially on track to meeting half of the 40 NCLB requirements being tracked by ECS – an 11% increase over March 2003.
- All but two states and the District of Columbia had met or were partially on track to meeting 75% of the requirements – an impressive 109% increase over March 2003.
- Five states – Connecticut, Kentucky, New York, Oklahoma and Pennsylvania – had met or were partially on track to meeting all 40 NCLB requirements.

Among the NCLB provisions that the overwhelming majority of states have managed to meet are those requiring them to test new teachers, to ensure 95% of students participate in assessments and to establish criteria for safe schools.

But a number of NCLB requirements are proving particularly challenging for states. For example:

- Few states are on track to implementing high-quality professional development for all teachers.
- Only 10 states appear fully on track to ensuring both new and veteran teachers are qualified to teach in their subject area.
- Fewer than half the states are on track to making sure scientifically based technical assistance is provided to low-performing schools.
- Many states do not have in place the technology infrastructure needed to collect, disaggregate and report data at the school, district and state levels. NCLB doesn't require the development of statewide data systems but, without them, states will have difficulty meeting a number of the law's requirements.

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The way in which states have gone about addressing the law's requirements varies. While many appear to be dealing with the requirements piecemeal, a few states have chosen a different path. A notable example is Nevada, which used an omnibus bill to revise a number of statutes affected by NCLB requirements.

In short, while many challenges and much hard work lie ahead, the overall picture is encouraging.

States are clearly moving forward – albeit somewhat unevenly – to implement NCLB. The progress they have made so far is particularly impressive considering that only 17 states ever fully complied with the requirements of NCLB's predecessor, the 1994 Elementary and Secondary Education Act. In fact, states are attending to NCLB in a way not seen since the mid-1970s, when they rose to the challenge of implementing Public Law 92-142 (the Individuals with Disabilities Education Act) and Title IX of the Educational Amendments of 1972, which prohibited discrimination based on gender.

## Conclusion

NCLB continues to generate reaction and opinion ranging from staunch support to skepticism to opposition.

On the one hand, there still are complaints that NCLB is yet another unfunded mandate, providing neither the flexibility nor the resources that states will need to meet its requirements; that it fails to adequately take into account the fundamental differences between urban and rural schools and districts; that the goal of having all children proficient in reading and math within a decade is a pipe dream; and that its emphasis on testing will have a deleterious effect on teaching and learning.

But for many, NCLB is seen as a historic opportunity, a challenge that America can – and must – meet. Jim Guthrie, a professor at Vanderbilt University and an ECS Distinguished Senior Fellow, has argued that NCLB represents the culmination of progressive waves of education reform over the last century: those that built the basic structure of public education in the United States, those that guaranteed access for all students and, now, those focused on ensuring the success of all students. To many, NCLB embodies the nation's recognition of and commitment to two imperatives, one moral and the other economic; namely, that education is a civil right, and that a high-quality, high-performing education system is vital to maintaining America's competitiveness in the world economy.

The question now is whether state and national leaders will succumb to pressures to retreat from the ambitious goals of NCLB, or whether they will rise to the continuing challenge of bringing those goals to life in classrooms across the nation.