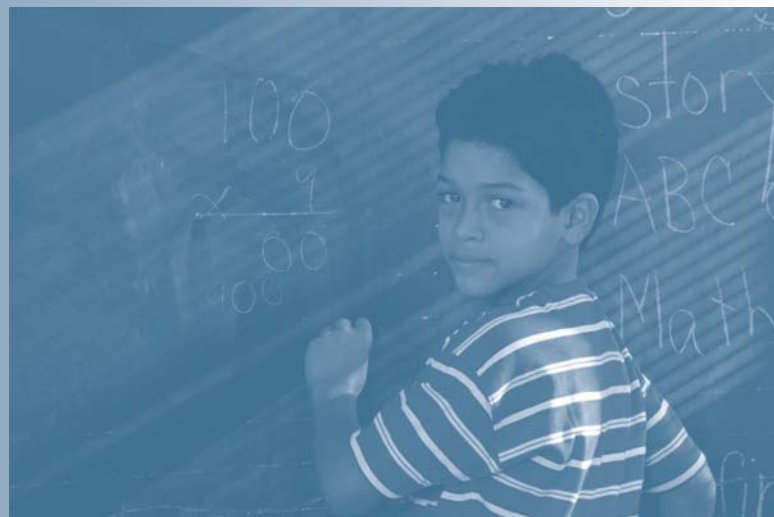




Education Commission
of the States

ECS Report to the Nation State Implementation of the No Child Left Behind Act

EXECUTIVE SUMMARY



A Message from the President

Few would argue that the promise of the 1954 U.S. Supreme Court decision in *Brown vs. Board of Education* has been fully realized. In overturning the “separate but equal” doctrine, the high court recognized that education is a civil right, a great equalizing force that allows any child, regardless of race or economic background, to thrive and succeed. But today, a half-century after that landmark ruling, there are still stubborn gaps in educational achievement between students who have traditionally performed well in school and those who have not.

The No Child Left Behind Act (NCLB), the most ambitious federal education initiative in decades, represents another milestone in the struggle for civil rights in America. It offers the public education system an unprecedented opportunity to make good on the promise of the *Brown* ruling.

How – and how well – states are addressing the provisions and requirements of NCLB is the focus of *ECS Report to the Nation: State Implementation of the No Child Left Behind Act*. The report is an independent, exhaustively researched and documented analysis that I believe will make a unique and important contribution to the ongoing discussion and refinement of the law.

This report, which is available both in print and online, presents a detailed picture of the headway states have made and the obstacles they have encountered since NCLB was signed into law in early 2002. It also looks at some of the interesting and innovative policy approaches states are using to meet NCLB requirements, and offers five general recommendations and more-specific suggested actions for fine-tuning the law.

We also invite you to visit www.ecs.org/NCLBdatabase to explore ECS’ NCLB Database, on which this report is based. It is a rich source of information and a versatile tool designed to help federal officials and state policymakers follow, analyze and manage the progress of NCLB implementation, and identify issues that may require consideration and attention if the full potential of NCLB is to be realized.

I invite you to read this important report.



Ted Sanders
President, Education Commission of the States

The ECS database reflects verification of enacted state policy, whether statute, rule, regulation or formal directive. The database does not include planned and implemented programs approved by the U.S. Department of Education as required by No Child Left Behind, but that are not yet reflected in final state policy. Information in the database and determinations made in this report are those of ECS alone. They do not reflect judgments upon or recommendations to individual states, nor do they imply ECS certification of individual state activity. Likewise, the information and determinations do not imply certification by or approval of the U.S. Department of Education.

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 was not an entirely new strategy for education reform. It built upon the accountability and assessment requirements of its predecessor, the 1994 Elementary and Secondary Education Act, and in many ways mirrored 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 to professional development for teachers. Second, it significantly raises the stakes – for states, districts and schools – for failure to make steady, demonstrable progress toward improving student achievement.

About This Report

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 Report to the Nation: State Implementation of the No Child Left Behind Act is designed to share the information and insights ECS has harvested over the past 18 months in the course of working on this database, as well as listening to the ideas and opinions of our constituents – governors, legislators, chief state school officers and other state policymakers.

Through this work, ECS has developed five recommendations – and a set of more-specific suggested actions – for federal and state leaders to consider as they continue to implement and fine-tune the law. The five major recommendations are:

1. **Embrace NCLB as a Civil Rights Issue**
2. **Ensure Performance Growth of All Students, Not Just Low-Performing Students**
3. **Reassess Adequate Yearly Progress (AYP)**
4. **Strengthen State Highly Qualified Teacher Requirements**
5. **Build State and Local Capacity.**

This report, like our NCLB database, is organized around seven major categories of the law’s requirements: standards and assessments, annual yearly progress, school improvement, supplemental services, safe schools, report cards and teacher quality. 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, offers additional features, including links to reports and research studies to each section.

Executive Summary

Major Findings

ECS' analysis of NCLB implementation efforts shows that states have made considerable progress. 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 had met or were partially on track to meeting all 40 NCLB requirements.

The Basis for This Report: ECS' NCLB Database

In early 2003, ECS researchers, working in conjunction with state policymakers and their staffs, began building a database, www.ecs.org/NCLBdatabase, that eventually developed into the most comprehensive and detailed source of information on states' progress toward implementing NCLB. Since the initial 12-month grant period, ECS staff has continued to maintain and update the database using a variety of means, including online bill-tracking mechanisms, state legislative and department of education Web sites, and state documents.

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 in regard to implementing the seven categories of NCLB requirements mentioned above. These snapshots offer a rich data set for analyzing state activity and identifying national trends.

(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.)

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Status of State Implementation of NCLB

NCLB REQUIREMENTS	YES	PARTIAL	NO
Standards and Assessments			
Reading standards	40	11	0
Mathematics standards	38	13	0
Science standards	48	3	0
Annual assessments in reading/language arts	30	21	0
Annual assessments in mathematics	29	22	0
Assessments in science	37	7	7
Assessment of English language proficiency	47	1	3
Inclusion of English language learners	47	4	0
Inclusion of students with disabilities	51	0	0
Inclusion of migrant students	47	4	0
Disaggregation of results	47	3	1
Adequate Yearly Progress			
Single statewide accountability system	41	5	4 (1 unknown)
All schools and students included in accountability system	42	5	4
Continuous growth to 100% proficiency	33	10	8
Annual determination of adequate yearly progress	44	5	2
Accountability for all subgroups	46	3	2
Primarily based on academics	44	4	3
Includes graduation rate and additional indicator	37	7	7
Based on separate math and reading objectives	40	9	2
95% of students in all subgroups are assessed	43	6	2
School Improvement			
Timely identification	27	23	1
Technical assistance	23	25	3
Public school choice	34	16	1
Rewards and sanctions	36	9	6
School recognition	38	0	13
School restructuring	38	0	12 (1 unknown)
Corrective action for LEAs	32	3	14 (2 unknown)
Safe Schools			
Criteria for unsafe schools	50	1	0
Transfer policy for students in unsafe schools	49	2	0
Transfer policy for victims of violent crime	49	2	0
Supplemental Services			
Criteria for supplemental services	48	2	1
List of approved supplemental services providers	45	3	3
Monitoring of supplemental services providers	36	3	12
Implementation of supplemental services	31	11	9
Report Cards			
Report cards	19	31	1
Teacher Quality			
Highly qualified teachers definition	23	27	1
Subject-matter competence	11	38	2
Test for new elementary teachers	43	4	4
Highly qualified teacher in every classroom	0	50	1
High-quality professional development	0	12	39

The following table reflects the status of state policy enactments as they relate to 40 key requirements of NCLB as of March 2004. Numbers total 51, as the District of Columbia was included.

Yes = number of states that appear to be on track to meeting the requirement

Partial = number of states that appear to be partially on track to meeting the requirement

No = number of states that do not appear to be on track

Basis for ECS determinations:
<http://www.ecs.org/clearinghouse/44/28/4428.pdf>

Full description of NCLB requirements:
<http://www.ecs.org/clearinghouse/44/27/4427.pdf>

How To use ECS' NCLB Database

Welcome to ECS' NCLB issue site and database, a one-stop shop for accessing reports, research, state policies and for following the progress of states' efforts to meet NCLB requirements. (<http://www.ecs.org/NCLB>)

NCLB Issue Site Home Page

Allows users access to numerous reports and activities related to NCLB, as well as the NCLB database. Reports and activities are categorized by subject matter (adequate yearly progress, assessment, choice/transfer etc.) and by breakouts such as Highlights, What States Are Doing, Selected Research and Readings, and Other Web Sites.

Users can access other pages in the larger ECS Web site by scrolling over the categories listed in the navigation bar (About ECS, Pre-K, K-12, Postsecondary, Projects and Centers, and Products) or by using the search function.

NCLB Database

Select "Database" to access basic information through five printable views:

1. **National Grid: Provides status of all NCLB requirements across 50 states and DC**

All parts of page are "hot": scrolling over requirement provides a definition; clicking on state abbreviation directs user to state template; clicking on particular square takes user to detailed information relating to single requirement. Clicking on the detailed view option reveals numerical counts and percentages for states and requirements.

2. **50-State Map: Provides status of one requirement across the nation**

Dropdown list provides access to any requirement. Clicking on the requirement produces a national map for state status relative to the requirement. Clicking on the state produces an abbreviated state template for that particular requirement, including detailed information.

3. **State Status: Provides status and comments for individual states across all requirements**

Dropdown list provides access to any state. Clicking on state produces comprehensive information relating to state (status, authority, reference, link and comment). Users can view information by single requirement, several requirements or all requirements.

4. **State Comparisons: Provides status and comments for up to five states at a time**

Dropdown list provides access to states. Clicking on respective requirements produces information related to any or all of the selected states and/or requirements.

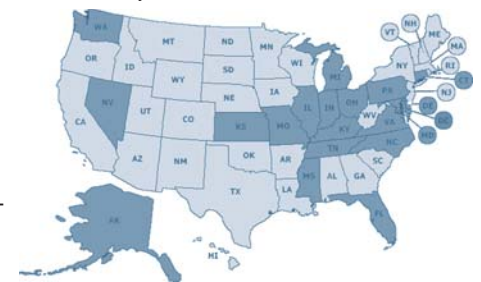
5. **Trend Report: Provides quarterly snapshots of state status and progress since March 2003**

Provides a four-step process for accessing states, requirements and timelines.

Standards and Assessments

	AK	AL	AR	AZ	CA
Reading Standards	P	Y	Y	Y	Y
Mathematics Standards	P	Y	Y	Y	Y
Science Standards	P	Y	Y	Y	Y

State Report Cards



Highly Qualified Teachers Definition

	All States
March 2003	Y (10/20%)
	P (21/41%)
	N (19/37%)
	U (1/2%)
March 2004	Y (23/45%)
	P (27/53%)
	N (1/2%)
	U (0/0%)

Other Resources

Buttons under these five views provide additional information: *Requirements* – descriptions of each NCLB requirement; *Basis for ECS Determinations* – criteria for determining status; *ECS StateNotes* – detailed 50-state reports for specific NCLB issues; and *State Highlights* – enacted state policies related to NCLB.

ECS' NCLB database is updated as changes in state policies are verified.