

October 15 , 2003

M E M O R A N D U M

To: Gary Smith (ID), Fred Zeytoonjian (MS), Nina Oviedo (FL), Jim McCleskey (NC), Joel Harris (CO), Jeff Viohl (IN), Mike McGarey (OH), Peter Peyser (PA), Chip Slaven (WV), Heidi Green (GA), Jan Faircloth and Eileen Filler-Corn (VA)
From: Ray Scheppach
Re: No Child Left Behind

We have rescheduled the meeting to discuss the adequate yearly progress (AYP) requirements in the No Child Left Behind (NCLB) Act. Specifically, the meeting will focus on the use of the AYP model for students with disabilities. The meeting will be held on Thursday, October 23 at 1:00 pm in room 385 of the Hall of States building.

States are in the process of releasing their lists of schools "in need of improvement" as required under the Act. Some states are finding schools being identified as "in need of improvement" because students with disabilities do not meet AYP performance targets. There is also concern that student performance for this population should be evaluated based on goals outlined in the Individualized Education Program (IEP).

This meeting will be used discuss the possibility of creating an alternative model that is both fair and maintains high expectations for students. Both Sandy Kress and Beth Ann Bryan, who will represent the administration, will join us for this discussion.

For those interested in attending the meeting, **I strongly encourage you to also invite the governor's education advisor.** Conference call capability will be available at 1-866-279-1566, enter room *2026248800* (make sure you use the star key before and after the number).

Please contact Gretchen Odegard (624-5361) to let her know if you will participate in the meeting. In addition, you will need to give her the name of other advisors who will call-in for the discussion. If you have questions about the topic to be discussed on the conference call, please call Dane Linn at (202) 624-3629.

Attachment

No Child Left Behind and Low-Performing Schools

What is adequate yearly progress?

Under the No Child Left Behind (NCLB) legislation, low-performing school and district status hinges on the measure of adequate yearly progress (AYP). To make AYP, schools must meet state-defined benchmarks for:

1. proficiency in mathematics and reading/language arts on annual statewide assessments in grades three through eight, as well as once in high school;
2. participation rates on these statewide assessments; and
3. an additional indicator chosen by the state (e.g., high school graduation rates).

To meet assessment performance targets, the entire school and all student subgroups within the school must meet or exceed the same state-defined percentage of proficient students on both mathematics and reading/language arts assessments. (Student subgroups are defined, for example, by race, income, and limited English proficiency.) All students must reach proficiency by the 2013-14 school year. Every school is also required to include at least 95 percent of all students, as well as students from each subgroup, in both mathematics and reading/language arts assessments.

States are taking multiple approaches to including AYP in their accountability systems. Some states use AYP as the sole determinant of student performance. Other states use AYP as one component of a broader state accountability system. For example, a state accountability system could, in addition to AYP, include academic growth indicators. As a result, states may have several groups of low-performing schools. Each state also bases its assessments on a distinct set of standards and definition of proficiency. Because each state's accountability system includes different measures, state comparisons of student performance levels are not valid.

How does NCLB require states to respond to low-performing schools and districts?

NCLB includes progressively more serious consequences for districts and Title I schools that fail to make AYP for two or more years. For example, students attending schools that miss their performance targets for two consecutive years must be offered the option of moving to a higher-performing public school within the school district. Schools must also develop an improvement plan that sets performance targets by academic subject, uses 10 percent of the school's Title I funds for professional development, and incorporated a teach mentoring program. After three years of missing the state performance target, parents of children in these schools must be offered the option of using federal Title I dollars to purchase supplemental educational services from an approved provider on the open market. After four years of missing the states performance target, the school becomes subject to "corrective action," which requires the district to formulate an improvement plan for the school. That plan could include replacing staff, decreasing management authority at the school level, appointing outside experts to advise the school, lengthening the school day or year, or restructuring the school.

If the school still fails to meet its target after being in corrective action status for one year, the district must take further steps. The district can close the school and reopen it as a charter school, or the district can replace all or most of the staff tied to the schools' failure. Alternatively, a private management company can be hired to manage the school, the school can be put into state receivership, or the school can be subjected to another governance arrangement. If at any point in this process the school has two successive years of meeting its target, it ceases to be a failing school.