

At a Glance: NCLB and High Schools

The No Child Left Behind Act (NCLB) of 2001 is the most recent reauthorization of the Elementary and Secondary Education Act (ESEA), which is the principal federal law affecting K-12 education. Much of the legislation focuses on elementary schools, but it applies to high schools as well. Here's what NCLB says specifically about high schools:^{1,2}

- States must set adequate yearly progress (AYP) objectives (steadily increasing test scores and graduation rates) to ensure 100 percent of high school students achieve at proficient levels by spring 2014.
- States must include high school graduation rates in the AYP objectives for high schools.
- States must comply with the understanding of graduation rates, defined as the percentage of students who graduate from high school with a regular diploma in the standard number of years. As a result, states may no longer include recipients of general educational development (GED) certificates or alternative diplomas in their graduation rates.
- All high school teachers who teach core subjects should have met the state's "highly qualified" requirement by the end of the 2005-06 school year.
- Annually test—in the subjects of reading, math, and, eventually, science (by 2007-08)—all students in at least one grade (10-12). States must include limited English proficient students and students with disabilities in the testing, providing appropriate "accommodations" when necessary—for example, allowing more time or giving students tests in their native language. Two changes in policy, both enacted in 2004, allow greater flexibility in testing and reporting assessment scores of English Language Learners (ELL) as part of AYP. States are no longer required to report students' reading/language arts or mathematics content tests if it is the first year the student is enrolled in U.S. schools. In addition, states have up to 2 years to include students who have gained English-proficient status in the ELL cohort for AYP reporting purposes.³

¹ Jofus S, Maddox-Dolan B. *Left Out and Left Behind*. Washington, DC: Alliance for Excellent Education; 2003. Available at: <http://www.all4ed.org/publications/NCLB/NCLB.pdf>. Accessed July 27, 2006.

² Learning Point Associates. *NCREL Quick Key 9*. Naperville, Ill.: Learning Point Associates; 2005. Available at: <http://www.chse.org/qkey9/qkey9.pdf>. Accessed July 27, 2006.

³ Secretary Paige Announces New Policies to Help English Language Learners [press release]. Washington, DC: U.S. Department of Education; February 19, 2004.

The following provides more details regarding NCLB's impact on high schools:

Accountability and Academic Achievement

Adequate Yearly Progress: NCLB requires states to use five indicators to determine AYP: (1) the percentage of students who are proficient in reading; (2) the percentage of students who are proficient in mathematics; (3) the percentage of students who participate in reading assessments; (4) the percentage of students who participate in mathematics assessments; and (5) at least one other academic indicator at each school level (elementary, middle, and high). At the high school level, states are required to use graduation rates as the other academic indicator.

Issues Impacting States' Approaches to Implementation of NCLB:

States have some latitude in defining and setting these indicators. The following are a few of the elements that can vary:

- Definition of percentage proficient (whether it's calculated out of "all students" or "all students tested").
- Participation rate (whether states take advantage of the flexibility to average rates across 2 to 3 years).
- Annual Measurable Objectives (AMO) target trajectories for making progress to 100 percent. (States can set smaller growth amounts at the beginning and larger amounts at the end.)
- Exam date. (Some states test in the spring and others in the fall, which can affect student population, especially for immigrants.)
- Definition of full academic year. (This affects which students have to be included in the testing. For example, one state recently proposed to alter its definition of a full academic year which would require students to be enrolled in the same district at least 1 day during the previous school year before their scores could be counted toward AYP. That would have led to a 10 percent decrease in students included in AYP determination.)⁴
- Subgroup n-size. NCLB requires schools to report test score data that is disaggregated for various subgroups: African Americans, Hispanics, economically disadvantaged students, ELL, and special education students, for example. N-size is the minimum number of students in a particular racial or ethnic subgroup for which disaggregated data must be reported. If a state has defined the minimum n-size as 30, for example, it reports data for any subgroup in a school with 30 or more students. Each state's plan for implementing NCLB defines its n-size, and the U.S. Department of Education must approve each state plan. Most states' n-sizes are 25 to 40. When states create overly large "n-sizes," the result can be that scores of significantly large numbers of minority students are not disaggregated in school-level AYP reports.⁵
- Number of subgroups. (The more subgroups a school has, the more chances it has to miss AYP. One "miss" in one subgroup in one subject means the entire school misses AYP.)

⁴ Walton R. ED cracks down on adequate yearly progress exclusions. *Education Daily*. June 19, 2006:3.

⁵ House committee reviews n-size loophole in NCLB. *School Board News*. June 27, 2006.

When Schools Do Not Make AYP

NCLB requires the following when high school student achievement falls short:⁶

- If a high school does not meet its AYP objectives for 2 consecutive years, it is identified as needing improvement. School officials develop a 2-year plan to turn the school around. The school district provides technical assistance to the school as it develops and implements its improvement plan. Students must be offered the option of transferring to another public school in the district—which may include a public charter school—that has met its AYP objectives.

School Choice: Districts may have no high schools available to which students can transfer (all high schools in the district may be in school improvement or there may be only one high school in the district). In these situations, the district must, to the extent practicable, enter into cooperative agreements with other nearby districts, charter schools, or “virtual schools” in the state in order to provide options for school transfer. The district may also wish to offer supplemental services to students attending high schools in their first year of school improvement who cannot be given the opportunity to change schools.

- If the high school does not meet its AYP objectives for 3 consecutive years, the school remains in school improvement status, and the district must continue to offer public school choice to all of its students. In addition, students from low-income families are eligible to receive supplemental educational services, such as tutoring or remedial classes, from a state-approved provider.
- If the high school does not meet its AYP objectives for 4 consecutive years, the district must implement corrective actions to improve the school, such as replacing staff or implementing a new curriculum, while continuing to offer public school choice and supplemental educational services for low-income students.
- If the high school does not meet its AYP objectives for a fifth year, the school district must initiate plans for restructuring the school. This may include reopening the school as a charter school, replacing all or most of the school staff, or turning over school operations either to the state or to a private company with a demonstrated record of effectiveness.

⁶ The High School Leadership Summit. No Child Left Behind: Transforming America's high schools. Washington, DC: The High School Leadership Summit; 2003. Available at: <http://www.ed.gov/about/offices/list/ovae/pi/hsinit/papers/nclb.doc>. Accessed July 27, 2006.

Key Issues Related to AYP

- States do not always notify schools in a timely manner when they have not met AYP.⁷
- In 2003-04, less than 1 percent of students eligible to attend a different public or charter school through NCLB's school choice provisions did so, suggesting that families are not made aware of the options that should be available to them.^{8,9}
- Eligible students are not always using tutoring services that should be available due to a school's inability to meet AYP.¹⁰

Graduation Rate: At the high school level, states are required to use graduation rates as the other academic indicator, but unlike academic proficiency (which must reach 100 percent by 2014), schools can establish their own baselines, targets, and long-term goals for progress. Not surprisingly, graduation rates vary substantially by state.

Issues Impacting States' Approaches to Implementation:

- States differ in how they define and set baselines, targets, and long-term goals, which makes it difficult to compare data across states. For example, some states allow more than 4 years to graduate, particularly for students with individualized education programs (IEPs) and those with limited English proficiency, but others do not.

Recent efforts have been made to standardize the definition of graduation rate across states in order to provide a more accurate picture of who completes high school. During the summer of 2005, all 50 state governors, as part of a year-long initiative called Redesigning the American High School, signed the National Governor's Association's Graduation Rate Compact (NGA Compact), showing their commitment to implement a common, accurate graduation rate and to create better systems of collecting, analyzing, and reporting graduation rate data. Their suggested approach involves state-level data systems to track individual student progress over time.¹¹

While states work to implement this approach, the U.S. Department of Education introduced an interim measure called an Average Freshman Graduation Rate (AFGR). This measure is derived from the Common Core of Data so it provides some nationwide standardization of graduation rates, but it does not account for student transfers in and out of high schools.¹²

⁷ Stullich S, Eisner E; McCrary J, Roney C. *National Assessment of Title I Interim Report*. Washington, DC: U.S. Department of Education; 2006.

⁸ Howell W. Switching schools? A closer look at parents' initial interest in and knowledge about the choice provisions of no child left behind. *Peabody Journal of Education*. 2006;81:140-179.

⁹ Hoff DJ. Complaint targets NCLB transfers in California. *Education Week*. 2006;25(29):5.

¹⁰ Davis MR. Report: Schools could improve on NCLB tutoring, choice. *Education Week*. 2006;25(31):31.

¹¹ Alliance for Excellent Education. No state has fully implemented the provisions of the compact, and only one state (Maryland) has codified it [Web site]. Available at <http://www.all4ed.org/publications/WhosCounting/Policy.html>. Accessed July 27, 2006.

¹² Simon Discusses Need for Better Graduation Rate Data [press release]. Washington, DC: U.S. Department of Education; July 13, 2005.

Students With Special Needs: Tests that are appropriate for most students may not be suited to the skills or language abilities of other students. For this reason, high schools find particular difficulty assessing students with disabilities and students with limited English proficiency.

States must provide both appropriate accommodations and alternate assessments as part of the statewide approach to assessment of students with disabilities. The outcome from this participation can be used to meet NCLB's accountability requirement.

**From the Toolkit on Teaching and Assessing Students with Disabilities
U.S. Office of Special Education Programs**

States currently can use any of four testing methods to measure the achievement of students with disabilities for the purpose of determining whether they and their schools and local education agencies (LEAs) have made AYP. Three of the four testing methods—regular assessment, regular assessment with accommodations, and alternate assessment judged against grade-level achievement standards—entail judging achievement test scores against the grade-level achievement standards in place for all students. The other testing method—alternate assessment judged against alternate achievement standards—allows states to judge performance against different achievement standards. In addition, a recently proposed rule by the U.S. Department of Education allowing states to develop modified achievement standards would provide a fifth testing method to assess the academic achievement of students with disabilities. Both of these latter two methods are optional; states are not required to develop either modified or alternate achievement standards.¹³

Regulations published in the “Federal Register” (Dec. 9, 2003) announced options for evaluating proficiency of students with the most significant cognitive disabilities based on **alternate** achievement standards, where proficient scores can be used in determining AYP (subject to a 1 percent cap).

¹³ U.S. Office of Special Education Programs, U.S. Department of Education. *Including Students with Disabilities in Large-Scale Assessment*. Washington, DC: U.S. Department of Education; April 2006.

In regard to testing ELLs, there are a variety of approaches states take to both testing and assessing this special needs population. Some states allow the use of the student's native language on tests or simplify test items. Additionally, some states are exploring the use of portfolio assessment on a wide scale to measure the educational progress of ELLs.¹⁴ More research is needed to determine the effectiveness and reliability of alternative testing and assessments for ELLs.

Issues Impacting States' Approaches to Implementation:

- Alternate assessments. (Some argue this is the best way to test special needs students, but the development and alignment of alternate assessments to the regular assessments is very costly and time consuming.)
- Accommodations. (States frequently use accommodations for special needs students, but they need to be used very carefully because the accommodation, as well as the way in which it is administered, can detrimentally alter the validity and reliability of the assessment. While it is critical to provide equal access, it can be a challenge to make sure that accommodations do not give an unfair advantage to students who receive them.)

Graduation Exams: Many states have opted to use their high school exit exams to comply with NCLB's high school testing mandate. High school exit exams can be useful in many states in helping them comply with the student achievement requirements of NCLB by prompting districts and schools to focus on classroom instruction, cover more content in state standards, and better align curriculum with state standards. Around half the states have "active" or "soon to be active" (by 2008) high school exit exams.¹⁵

Issues Impacting States' Approaches to Implementation:

A variety of concerns associated with the development of high school exit exams have been voiced, including:

- A concern that exit exams become watered down to match what most students know rather than what they should know to be prepared for college and/or work.
- A concern that the exam does not adequately measure the performance of all students, including special needs students. Are there alternate assessments or accommodations available for students with disabilities and students with limited English proficiency? Are those assessments/accommodations valid and reliable?
- A concern that the exit exam contributes to higher dropout rates, resulting in states struggling to balance that legitimate concern with maintaining a rigorous test.¹⁶

¹⁴ Pompa D. *Inclusion of English Language Learners in Accountability Systems*. Education Commission of the States; December 2002.

¹⁵ Achieve, Inc. Do Graduation Tests Measure Up? Available at: [http://www.achieve.org/dstore.nsf/Lookup/TestGraduation-FinalReport/\\$file/TestGraduation-FinalReport.pdf](http://www.achieve.org/dstore.nsf/Lookup/TestGraduation-FinalReport/$file/TestGraduation-FinalReport.pdf).

¹⁶ Robelen EW. Exit exams found to depress H.S. graduation rates. *Education Week*. 2006;25(41):30.

Teacher Quality

Highly Qualified Teachers: High schools that receive Title I funds may only hire “highly qualified teachers” to teach core academic subjects in their Title I programs. In general, a “highly qualified teacher” is one with full certification, a bachelor’s degree, and demonstrated competence in content knowledge and teaching *in each subject they teach*. The law defines core academic subjects as English, reading or language arts, mathematics, science, foreign language, civics and government, economics, arts, history, and geography (though states may modify this list).

Demonstrating Content Knowledge: States vary widely on how high school teachers may demonstrate subject knowledge competence, including passing an assessment, academic major (or coursework equivalent), graduate degree, advanced certification or credentials, or HOUSSE (High Objective Uniform State Standard of Evaluation, for current teachers only).

Issues Impacting States’ Approaches to Implementation:

As states work to ensure students benefit from highly qualified teachers, they are encountering some of the following issues:

- It can be difficult to recruit and retain experienced teachers in “at-risk” schools (i.e., high-poverty, high-minority schools).
- It can be difficult to find qualified math and science teachers. (It is difficult to find teachers with the specific subject qualifications such as biology or geometry, because, technically, a biology teacher can’t teach chemistry or physics and a geometry teacher can’t teach calculus.)
- Teachers in rural areas often teach multiple subjects so they have to demonstrate content knowledge in all of them.
- Special education teachers face greater challenges because they are held to two sets of requirements—core subject qualification and special education certification as required by the Individuals with Disabilities Education Act of 2004 (IDEA).
- ELL teachers must demonstrate content knowledge in each subject taught and must meet language fluency requirements.

NCLB provides resources to help meet the challenges of ensuring teacher quality, including: Improving Teacher Quality State Grants, the Transition to Teachers program, Troops to Teachers program, Mathematics and Science partnership, and the Teaching of Traditional American History program. NCLB also requires school districts that receive Title I funds to use at least 5 percent of their grants to improve teacher quality.

In addition to these topics, NCLB contains other provisions particularly relevant to high schools:

High School Transitions

Transitions Into High School: Smaller Learning Communities (Title V, Part D, Subpart 4) Grants are being provided to school districts to create smaller learning communities in high schools. Much of this grant money is being used to create freshman academies designed to ease the transition from middle school to high school.¹⁷

Transitions Out of High School: By placing an emphasis on academic rigor and through its goals of increased accountability for academic achievement, it is evident that a primary goal of NCLB is to make high school students prepared to succeed after high school, whether it's to go on to postsecondary education or to enter the competitive job market.

Academic Competitiveness Grants

The federal government provides college-assistance resources to eligible students who have completed rigorous coursework. On February 8, 2006, the Academic Competitiveness (AC) Grants were signed into law, encouraging students to take more rigorous courses in high school in order to receive additional aid as they pursue a college degree (up to \$750 during their freshman year and up to \$1300 during their sophomore year).

A student is eligible for an Academic Competitiveness Grant if—

- The student completed one of his or her state's designated secondary school programs of study, as noted on the U.S. Department of Education website (<http://www.ed.gov/admins/finaid/about/ac-smart/state-programs06.html>); or
- The student has taken and passed the tests for at least two Advanced Placement (AP) or International Baccalaureate (IB) courses; or
- The student has completed a high school course of study with at least—
 - Four years of high school English;
 - Three years of high school math, including Algebra I and another higher level math course;
 - Three years of high school science, which must include two years of biology, chemistry or physics;
 - Three years of high school social studies; and
 - One year of high school foreign language.

More information on these grants can be found at www.federalstudentaid.ed.gov.

¹⁷ Excerpt taken directly from: U.S. Department of Education. *NCLB Desktop Reference*. Washington, DC: U.S. Department of Education; 2002. Available from: <http://www.ed.gov/admins/lead/account/nclbreference/index.html>. Accessed July 27, 2006.

Advanced Placement

Advanced Placement (AP) (Title I, Part G): Provisions of the law are designed to increase the number of low-income students participating in AP classes and taking AP tests by helping to pay test fees for low-income students in AP classes and expanding access to AP classes through increased teacher training and other activities. This program used to be housed under the Higher Education Amendments but was moved to the Elementary and Secondary Education Act to be better integrated with other efforts to increase academic achievement at the secondary level.¹⁸

Delinquent and Disorderly Behavior

Children and Youth Who Are Neglected, Delinquent, or At Risk (Title I, Part D)¹⁹
Title I, Part D of NCLB provides assistance to meet educational needs of youths in state-operated institutions or community day programs and supports school districts' programs involving collaboration with locally operated correctional facilities. Assistance is also provided to help in the transition of these students from correctional facilities to locally operated programs.

From 1998 to 1999, state agency programs served 170,000 neglected and delinquent students, while local agency programs served an additional 92,000 students in local correctional facilities. These students were overwhelmingly male (89 percent), around half were African-American, and slightly more than half were between the ages of 14 and 17.

School Dropout Prevention (Title I, Part H)²⁰
Title I, Part H assists schools with implementing effective (research-based, sustainable and coordinated) dropout prevention and reentry programs. This program is intended to help meet the challenges of a national status dropout rate of about 11 percent and the poor labor market outcomes for those without a high school diploma.

Safe and Drug Free Schools and Communities (Title IV, Part A)²¹
In 1999, students ages 12 through 18 were victims of about 2.5 million crimes at school, including about 186,000 serious violent crimes (including rape, sexual assault, robbery and aggravated assault). This program has two main components: the state grant program and national program. In the state grant component, states may use funds for a wide range of drug and violence prevention activities and strategies. Funds are also available to districts and community groups for services to youths with special needs, such as dropouts and students who are suspended or expelled, homeless, pregnant, or parenting. The national program component provides funding for projects, initiatives and technical assistance to improve drug and violence prevention.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

Curriculum and Instruction

NCLB aims to raise the rigor of instruction by placing special emphasis on using scientifically based research to demonstrate the effectiveness of curriculum and practices used in the classroom. Title I programs are required to use practices grounded in scientifically based research. Educators are expected to consider the results of relevant scientifically based research, if available, before making instructional decisions.

Community Engagement

The importance of giving families the opportunities and information they need to hold high schools accountable is an important theme that runs throughout NCLB in provisions like school choice (which is available for children in schools that fail to meet AYP for at least 2 consecutive years) and public reporting requirements (which supplies parents, educators and community members with information on their schools to enable them to play a more active role). States must ensure that every school district publishes report cards for each of its high schools that include information on how students perform on state academic assessments. Achievement data must be disaggregated by student subgroups according to race, ethnicity, gender, English language proficiency, migrant status, disability status and low-income status. The school's graduation rate and the qualifications of its teachers must also be reported. The dissemination of this information is critical to parents making decisions regarding their children's education and community leaders who administer funding and resources to help ensure a high-quality education for all students.

Common NCLB Acronyms

AMAO	Annual Measurable Achievement Objectives (applies only to Title III)
AMO	Annual Measurable Objectives
AYP	Adequate Yearly Progress
AP	Advanced Placement
ELL/LEP	English language learners/limited English proficiency
HOUSSE	High Objective Uniform State Standard of Evaluation
LEA	Local Educational Agency (similar to a school district)
NCLB	No Child Left Behind
SEA	State Educational Agency

Other Resources

High School Education Homepage

<http://www.ed.gov/about/offices/list/ovae/pi/hs/index.html>