



No CHILD LEFT BEHIND: OPPORTUNITY OR OBSTACLE FOR MASSACHUSETTS?

FEEDBACK FROM THE FIELD: SELECTED SUPERINTENDENTS' INSIGHTS

Fall 2003

INTRODUCTION

The No Child Left Behind Act of 2001 (NCLB) represents a dramatic expansion of the federal role in education and has profound implications for schools across the country and in Massachusetts. In an effort to better understand challenges presented by NCLB in Massachusetts, the Center for Education Research & Policy at MassINC has sponsored several public events in the past year exploring the opportunities and obstacles of No Child Left Behind. At Center-sponsored events in January, May, and June of 2003, speakers represented national, state, and local perspectives on the many challenges presented by NCLB. To further develop themes raised during these public discussions, the Center selected and interviewed ten superintendents from the Commonwealth in order to document and communicate their insights and concerns about NCLB's implementation in Massachusetts. During these conversations, we were particularly concerned with better understanding the extent to which NCLB dovetails with the Commonwealth's prior investment in reform and its impact on the momentum of the 1993 Massachusetts education reforms.

Superintendents who were interviewed represented predominantly urban districts (both large and small) that have been heavily impacted by NCLB provisions. We selected superintendents based on the significance of their districts, their leadership, or their level of interest in education policy. Interviews focused on critical areas related to NCLB implementation:

- Assessing student progress and holding schools accountable;
- Providing public school choice and supplemental education services;
- Improving the qualifications of teachers and paraprofessionals; and
- Other specific issues identified by the superintendents.

This brief summarizes critical themes drawn from superintendent interviews and is intended to inform and shape the federal and state policy discussion regarding provisions of NCLB.

While most school leaders fully support the goals of NCLB, all have significant concerns about its implementation. These concerns lend credence to the growing demand to modify and improve NCLB so that it truly helps states, districts, and schools "leave no child behind." This brief documents themes from these conversations and highlights critical concerns and insights raised by superintendents from the Commonwealth. The Center seeks to communicate this feedback from the field to both state and local policymakers in order to draw attention to areas of the federal legislation and regulations which require alteration if effective implementation and genuine reform are to occur in Massachusetts.

SUPERINTENDENTS' REACTIONS

I. SUPPORT FOR PRINCIPLES AND SOME STRATEGIES

Superintendents with whom we spoke were strongly supportive of the underlying principles of NCLB and its push for excellence and equity in public schools. There was widespread support for the standards-based approach to ensuring that all children receive a high quality, fair opportunity to attain the high standards set by the Commonwealth. Furthermore, most superintendents applauded the focus on progress, data, teaching, parental involvement, reading, and accountability that are embodied in NCLB. Superintendents were grateful for the first year of federal funding, and most were appreciative of the call for annual testing so that the progress of individual students could be followed over time.

II. ASSESSING STUDENT PROGRESS AND HOLDING SCHOOLS ACCOUNTABLE

Perhaps the most important piece of NCLB is an assessment and accountability system that includes annual testing of all students in grades 3-8 in reading and math. The goal is to attain a proficiency standard for all students by the year 2014. The law requires all schools to make "adequate yearly progress" (AYP) towards the proficiency goal -- i.e., improved overall test scores as well as annual improvement by each disaggregated subgroup. Student scores must be reported in the following subgroups: major racial and ethnic groups, students with disabilities, low-income students, and students with limited English proficiency (LEP). If any one of the student subgroups (in any grade) does not achieve the test score gains required by AYP, the entire school could be labeled as "in need of improvement" and sanctioned.

Superintendents recognized the intent of the AYP regulations -- the desire to focus on progress; however, they were concerned these measures could have a range of unintended, negative consequences. Education leaders in Massachusetts and across the country are also concerned that the new AYP definition will significantly increase the number of schools identified as "in need of improvement" (even if these schools *are* making significant learning gains). While all superintendents interviewed fully supported NCLB's strong accountability provisions and its goals for student improvement, they simultaneously raised significant concerns about the accountability system, including:

1. Over-identification of negatively labeled schools

Because the AYP determination anticipates significant overall, annual improvement, as well as improvement in each subgroup, superintendents are concerned that many schools will be improperly classified as "in need of improvement." They find this AYP definition overly rigid and prescriptive while its expectation of uniform, linear improvement is unrealistic and inconsistent with both their experience and research on learning. Superintendents expect that the AYP mechanism will result in many districts and most urban and poor districts experiencing a steady and unmanageable increase in the numbers of negatively labeled schools. They fear that such labeling will undermine public confidence and educator morale while producing disincentives for professionals and families to enroll in challenged schools.

2. Calculation of "Average Yearly Progress"

Superintendents expressed a variety of concerns about the technical calculation of AYP. Foremost among their concerns was the fact that the current system for calculating AYP exaggerates the impact of subgroup performance, rather than focusing on the performance of the school as a whole. Under the current system, schools face the same consequences for missing one AYP indicator as for missing all indicators. Thus, an entire school (with up to eight grades) can be labeled "under-performing" if a subgroup in one grade progresses inadequately. Additionally, because students may be included in multiple categories (e.g., a special education, limited English proficient, low-income, Latino student), a single student's low performance can reduce scores in multiple sub-groups. Incidentally, superintendents noted their conviction that, because of their disproportionate impact, student subgroups with lower achievement rates are at risk of alienation, blame, and damaged self-confidence.

Superintendents expressed doubts about using graduation rates to measure school and district success. First, superintendents felt that existing graduation measures are inaccurate because they account for neither student mobility nor 11th grade graduations. Second, superintendents also see the focus on graduation rate as penalizing schools for retaining students to provide them with additional preparation time, if it is required.

3. Potential misdirection of federal funds

According to NCLB legislation, federal funds are to be directed towards schools that fail to meet AYP, irrespective of the school's overall academic performance. Superintendents noted that in some instances, schools with high overall achievement have received federal aid because they have failed to meet AYP. Additionally, they noted that schools with low overall achievement sometimes do not receive federal aid because they *do* meet AYP and are not categorized as "in need of improvement". Superintendents felt that in these instances, federal funds are not directed at the neediest, lowest-performing schools.

4. Disincentive to maintain high standards & innovative programs

Though NCLB's intention is to promote higher academic standards and improve students' learning, superintendents observed that its structure provides disincentives for states, districts, and schools to maintain high standards and to implement innovative, effective programming. Massachusetts has employed a stronger accountability system than many other states, requiring higher standards and more difficult assessments. As a result, Massachusetts' schools will have a harder time continually progressing and achieving AYP benchmarks than schools in states that have opted for lower standards and easier assessments. Rather than being rewarded for its decision to maintain a high bar, the Commonwealth will likely face stiffer sanctions as schools and districts are designated as under-performing. At the district and school level, superintendents stated that this same disincentive exists. For instance, schools and districts commonly experience a short-term, predictable "implementation dip" in learning scores when they adopt new programming and curriculum, professional development, and instructional techniques since such innovations invariably require transitional adjustments. Because of the predictable decrease in test scores, superintendents feel that sanctions for not meeting AYP will discourage educators from implementing new, more effective programming.

5. Need for an accurate, consistent measure of school performance

Superintendents noted that NCLB's accountability system relies on snapshot comparisons of a particular grade's annual test scores. The current system does not track long-term student progress, thus telling us little about the contributions of and value added by individual districts, schools, and teachers. Additionally, superintendents noted that NCLB's accountability system penalizes schools with high-poverty, diverse, and mobile populations – groups with historically low overall standardized test scores. Several superintendents encouraged the development and implementation of a value-added accountability system that would: 1) enable a more accurate reading of students' academic progress by tracking their achievement over time; and 2) permit a more genuine evaluation of contributions from districts, schools, and individual educators.

6. Danger of testing limited-English proficient (LEP) students

No Child Left Behind mandates that all students who have attended Massachusetts schools for one year must take the MCAS exam in English. As a result, many limited-English proficient (LEP) students are evaluated despite insufficient linguistic and test preparation. Superintendents raised questions about this practice and about the fairness and validity of assessing student performance with a test that is not designed for second-language learners. While LEP students face a clear challenge in taking this test, superintendents stated that schools with a large LEP population are also at a major disadvantage – they have a harder time meeting AYP and are more likely to encounter sanctions. Superintendents voiced concern that schools, which make progress with LEP students, are not rewarded but are actually put at a further disadvantage. They noted this to be the case because, as LEP students become proficient in English, they are no longer categorized within the LEP sub-group and are replaced by new LEP students. Achieving AYP in the LEP student subgroup becomes difficult with this high turnover.

III. PROVIDING PUBLIC SCHOOL CHOICE & SUPPLEMENTAL EDUCATION SERVICES

NCLB requires that all Title I schools¹ identified by the state as needing improvement (i.e., after failing to make AYP for two consecutive years), must offer all students the opportunity to transfer to another public school within the district. When districts lack sufficient intra-district options to accommodate students wishing to transfer, federal guidelines require that a district must “to the extent practicable, work with other districts in the area to establish a cooperative agreement that would allow inter-district choice.” This requires that “sending districts” make arrangements with “receiving districts” and pay the transportation costs for transfer students. In addition, superintendents noted that, as well as exacerbating problems of insufficient capacity, NCLB’s school choice provisions may also result in unintended consequences, such as: 1) inadvertent violation of desegregation orders; and 2) further mobility and consequent destabilization of student populations by encouraging school transfers.

1. Insufficient capacity to extend school choice

Many superintendents stated that their districts had insufficient capacity to extend either intra-district or inter-district school choice options to all students who are eligible to transfer out of schools designated as “in need of improvement”.

- **Limited capacity to meet demands for intra-district choice.** Many districts simply do not have the intra-district capacity to accommodate transfer students, as many popular schools are already overcrowded with 30 or more students per class. Additionally, smaller districts with few schools may not be able to offer “real” intra-district choice, especially if the number of schools identified as “in need of improvement” grows. In large, urban districts, significant numbers of schools are, or will be, declared under-performing -- meaning that all students within a district may be eligible to transfer to schools meeting AYP. Superintendents stated that this is a demand that districts cannot meet with so many schools identified as under-performing.
- **Inter-district choice provisions not feasible.** As is the case with intra-district choice, demand for inter-district school choice threatens to far exceed capacity, if schools continue to be labeled “in need of improvement” at such a high rate. Many urban districts do not have transfer relationships with other districts, and urban superintendents think the expansion of inter-district choice, which has often been resisted by suburban districts, is not feasible. Higher performing districts and schools may be reluctant to accept diverse, high poverty students because their traditionally lower test scores could negatively affect the school or district’s AYP status. Though most districts have not had large numbers of families request transfers, this number is expected to increase dramatically next year as more families become aware of NCLB provisions and more schools are identified as “in need of improvement.”
- **Prohibitive costs of unfunded school choice mandates.** Superintendents were unanimously concerned that NCLB mandates for the expansion of inter-district choice have not been funded. Under the current legislation, there is no federal funding for NCLB’s public school choice provisions which superintendents noted, forces districts to allocate limited Title I funds for this unfunded mandate. Superintendents noted that the overall quality of public schools may decline if funds, energy and support drain from the general improvement of district schools. Specifically, superintendents cited high transportation costs attributed to inter-district school choice as prohibitive during tight budgetary periods.

¹ Federal Title I funds are intended to improve educational opportunities in schools with high concentrations of children from low-income families.

2. Challenges of supplemental service provision

Under NCLB, districts are required to provide supplemental services to students attending schools that are designated as “in need of improvement.” Currently, these services are typically offered by outside, private providers. While superintendents with whom we spoke supported the notion of providing students with support to improve their academic achievement, they noted challenges with identifying and contracting appropriate supplemental service providers. In response, many districts are seeking to become supplemental service providers since many of them already have appropriate programs in place. Superintendents also stated that anticipated growth in parental requests for supplemental services may drain limited Title I funding next year. To counter this trend, superintendents suggested that supplemental services should draw from additional grants rather than detracting from Title I funding.

- ***Private providers’ focus on profitability rather than student support needs.*** Superintendents noted that many private providers focus on enhancing their profitability rather than focusing their efforts on addressing areas of student need. For example, superintendents noted that many districts have been told private supplemental service providers will not come to their schools unless multiple families request services, thus ensuring programmatic profitability. This practice amplifies existing problems since many families are unable to travel great distances to the nearest provider.
- ***Under-qualified providers with misaligned support services.*** Superintendents observed that private providers are under-qualified and insufficiently prepared to provide the immediate student support needed. Under NCLB, private supplemental service providers must meet “highly qualified” criteria; however, superintendents have found that service providers often do not meet these standards. Compounding this problem, superintendents noted that providers’ services are often misaligned with district and state reforms, resulting in uncoordinated, inappropriate support.

IV. IMPROVING QUALIFICATIONS OF TEACHERS AND PARAPROFESSIONALS

NCLB requires that all teachers be highly qualified in their subject area by the end of the 2005-2006 academic year. In principle, superintendents commended this effort to ensure that students receive quality instruction. The legislation requires teachers to meet the federal definition of “highly qualified,” which entails: (a) being fully certified by the state in which they are teaching; (b) holding at least a bachelor’s degree; and (c) demonstrating subject matter competence in each of the core academic subjects that they teach. Teachers with emergency, temporary, or provisional certificates do not meet the new federal definition of “highly qualified.” Superintendents noted that under these guidelines, veteran teachers with a proven record of high instructional performance may not be deemed highly qualified if they teach in an area different than their original certification. Paraprofessionals must also meet similar requirements. While there is strong support for having a highly qualified teacher in every classroom, implementation of this goal is raising concern in Massachusetts.

1. Challenge of recruiting and retaining highly qualified educators

Superintendents praised the aim of the policy; however, they voiced concern about being able to meet these new credentialing requirements by the 2005-2006 deadline due to the increasing difficulty of recruiting and retaining high quality school principals and teachers.

Both in Massachusetts and nationally, superintendents noted that districts already faced serious challenges in recruiting and retaining qualified educators, since teachers are confronted with increased responsibilities, limited authority, and low salaries. Superintendents did not believe that a federal mandate would change this situation or better enable them to address and improve this situation where the pool of qualified teachers is inadequate. They recommended that additional strategies be developed and implemented to broaden and deepen the pool of talented candidates seeking teaching positions. In fact, NCLB’s accountability requirements may add pressure and exacerbate current recruitment and

retention challenges. Superintendents are anxious that educators will be unfairly judged if AYP data is improperly used. Additionally, superintendents noted that many urban districts have trouble recruiting and retaining new teachers. NCLB may exacerbate this problem if it poses a threat for teachers, especially in lower-performing schools and high-need content areas (e.g., math, science, and special education).

Superintendents cited the need for significant retraining of middle-school teachers to meet NCLB provisions. Many middle school teachers with general certification have been teaching for over 20 years. To be considered highly qualified under NCLB, they will need extensive professional development, requiring additional time and resources. Superintendents expressed disappointment that some veteran teachers may leave the profession rather than undergo retraining.

2. Rising cost of paraprofessionals

Paraprofessionals play a critical support role in classrooms, and their rising cost, due in large part to new NCLB requirements, caused apprehension among the superintendents. Superintendents agreed that paraprofessionals should be highly qualified; however, NCLB's qualification requirements are driving up salaries and making it more difficult for schools to retain and hire necessary support staff. Compounding the challenge of increased salary requirements, districts have had to fund and create new programs with local colleges to help paraprofessionals earn required qualifications. These paraprofessional cost increases have caused concern among superintendents about their capacity to comply with staffing regulations. For example, because paraprofessionals comprise a large proportion of the special educator support staff required by Chapter 766 legislation, the increasing cost of highly qualified paraprofessionals has made Chapter 766 compliance increasingly difficult.

V. CROSS-CUTTING CHALLENGES OF NO CHILD LEFT BEHIND

Superintendents mentioned certain challenges of NCLB implementation frequently, and in many cases, emphatically. Concerns about public confidence, funding, and scientifically-based research stood out as cross-cutting, major themes.

1. Damaging impact of "in need of improvement" label on public confidence

As it is currently structured, superintendents are concerned that NCLB's accountability system and AYP measure have the potential to significantly undermine public confidence in public education by over-identifying schools that are under-performing and potentially failing to recognize successes in districts that have worked hard and made progress. Superintendents noted that under the current system, individuals, schools, and systems have a disincentive to serve at-risk students, since their schools will predictably be identified as "under-performing" and incur punitive sanctions. Additionally, students', teachers', and communities' confidence will be harmed as schools are labeled "in need of improvement" - particularly those that have worked hard and actually improved. The fear is that fewer people will decide to move to and stay in these communities if schools are deemed to be low performing, thus resulting in a cycle of community downturn.

2. Increased accountability despite insufficient funding

Foremost in many superintendents' minds is the challenge of identifying available resources to meet NCLB's extensive set of new mandates. Despite federal promises, federal funding for NCLB has not been provided at rates required and initially promised. This fiscal shortfall is compounded by a statewide recession that has led to a severe budget crisis in the Commonwealth. Within this context, superintendents state that they have insufficient resources to meet public reporting stipulations and increased federal accountability requirements. Superintendents noted that districts are faced with additional costs that are not covered by federal funds. In their view, they lack the "adequate yearly funding" to make "adequate yearly progress". Superintendents voiced concern that they were being asked to misallocate scarce resources - spending too much time and too many resources on NCLB compliance, rather than on student achievement. If it were affordable, some superintendents said that their districts would consider foregoing federal funding to avoid costly NCLB provisions.

3. Using scientifically-based research to improve education

NCLB requires states and districts to implement school improvement techniques that have been scientifically proven to work. This provision has been controversial for a few reasons. First, many districts do not know which school improvement strategies have a scientific basis of success. Second, not all scientifically proven school improvement strategies qualify for federal funding.

While there is widespread support for the use of scientific data as a school reform strategy, superintendents voiced significant concern about the implementation of this goal. All superintendents with whom we spoke believe the U.S. Department of Education's definition of scientifically-based research is too prescriptive and ideologically influenced. Specifically, several districts did not receive a Reading First grant this year because they used a balanced literacy approach rather than the federally mandated phonics-based instruction method. Though many of these districts received federal reading grants in the past, they had to end existing efforts and start new programs to receive a Reading First grant. Additionally, some superintendents noted concern that the requirement for scientifically-proven school improvement is intrusive. Some predict that school innovation and the development of new, effective programming will be stifled by this new requirement.

VI. SUPERINTENDENTS' RECOMMENDATIONS

In addition to providing federal resources for NCLB's many unfunded mandates (at levels originally called for in the Act), policymakers should consider the following recommendations, which are drawn from Massachusetts superintendents' experience and insights:

Assessing student progress and holding schools accountable

- Revise "adequate yearly progress" (AYP) provisions to allow states and districts more flexibility in defining a more uniform definition of proficiency - especially to recognize schools that are engaged in reform efforts and progressing on state tests, but not meeting federal AYP requirements.
- Develop and implement value-added assessments to track annual, individual student achievement rather than penalizing schools with diverse populations of students.
- Broaden state and local discretion to define appropriate, scientifically-based data.

Providing public school choice and supplemental education services

- Provide more flexibility for districts that lack capacity to meet school choice requirements.
- Ensure supplemental service providers provide high quality services that are aligned to existing state and local reform efforts.
- Improve state approval process for school district providers.

Improving the qualifications of teachers and paraprofessionals

- Delay the 2005 deadline requiring districts to have a highly qualified teacher in every classroom.
- Provide more flexibility regarding the qualification of middle school teachers with general certification.
- Provide district grants to defray rising costs of training highly qualified paraprofessionals and retaining paraprofessionals once they have met NCLB qualification requirements.
- Earmark additional resources to develop innovative programs that improve recruitment, retention, and professional development of high-quality school leaders.

CONCLUSION

The “No Child Left Behind” legislation has great potential to do much good or, possibly, significant harm in Massachusetts and other states. Superintendents that we interviewed articulated clear support for the goals of NCLB, as have many other national educational leaders. However, they raised critical concerns about details of the implementation process, which, if left unaddressed, threaten to derail the entire effort and damage the effectiveness of public education. In Massachusetts, education leaders recognize the need for high standards; they welcome the opportunity to further develop their systems of accountability; and they champion the notion of educating all children for successful futures.

Significant education reform progress has been made in the Commonwealth over the past decade, and education leaders have a clear interest in aligning NCLB to preserve and build upon investments already made through the Education Reform Act of 1993. At the same time, policymakers must avoid sending conflicting reform signals or overloading the system’s capacity to enact change.

This brief is intended to clarify selected superintendents’ key concerns, as well as to suggest some direction for resolving these concerns at the national level. It is our hope that the Commonwealth will be able to take full advantage of the opportunities presented by NCLB and in so doing, accelerate our progress toward genuine reform.

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The views expressed in this report are those of superintendents whom we interviewed and do not necessarily reflect the views of the authors, the Center for Education Research & Policy, or MassINC staff and board members



Center for Education Research & Policy at MassINC

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