
NCLB's Impact on Minnesota's Education Accountability System

SUMMARY

Minnesota was implementing a statewide educational accountability system prior to passage of the No Child Left Behind (NCLB) Act. But, as a result of NCLB, Minnesota is implementing additional testing, more measures of student subgroup performance, new sanctions for underperformance, and more ambitious goals. Officials at the Minnesota Department of Education strongly support the act as a necessary means to improving student achievement. Meanwhile, most local education officials view the act as unrealistic, costly, and punitive, although many of them support the general goals of the act. The pervasive level of skepticism among local officials could be a significant obstacle to the continued implementation of the NCLB Act in Minnesota.

The No Child Left Behind (NCLB) Act's accountability provisions are significantly different than those in previous federal education law, and their implementation is one of the main challenges facing Minnesota schools. This chapter addresses the following questions:

- **To what extent are the provisions of the federal NCLB Act consistent with the components of Minnesota's pre-NCLB educational accountability system?**
- **To what extent do Minnesota education officials support the goals and approaches outlined in NCLB's accountability provisions?**

CONSISTENCY OF NCLB WITH EXISTING MINNESOTA POLICY

The Minnesota Constitution says that it is the Legislature's duty to "establish a general and uniform system of public schools" and "secure a thorough and efficient system of public schools throughout the state."¹ But, for most of Minnesota's history, school districts had considerable autonomy regarding academic standards, curriculum, assessment practices, and performance measurement. A 1996 report said that Minnesota was one of ten states "without a

¹ *Minn. Const.*, art. XIII, sec. 1.

regular statewide system to report on the status, needs and performance of its students or the resources, conditions and practices of its schools.”² Until the 1996-97 school year, the state’s only requirements for high school graduation were completion in grades 9 through 12 of four English credits, three social studies credits, one math credit, and one science credit.³

Nevertheless, it is important to note that:

- **In the decade preceding passage of the NCLB Act, the Minnesota Legislature and Minnesota Department of Education took steps toward the establishment of a uniform, statewide educational accountability system.**

Years before NCLB was enacted, the Minnesota Legislature mandated development of rigorous academic standards and several statewide student assessments.

The Legislature declared its commitment to a “rigorous, results-oriented graduation rule” in 1992,⁴ and it directed the State Board of Education to develop a rule that focused on minimum competencies as well as rigorous standards. To determine whether students met minimum competencies, the board adopted basic standards tests in reading, math, and writing. Students must pass these tests to graduate from high school.⁵ Students take the reading and math basic standards tests in the 8th grade, and those who do not pass the initial tests have multiple opportunities in subsequent years to retake them.⁶ Minnesota started using the reading and math basic standards tests for students entering ninth grade in the 1996-97 school year.

In addition, the Legislature directed the State Board of Education to adopt a “Profile of Learning” based on “high academic standards.”⁷ The Profile identified content standards for students in grades K-8 and 9-12. Initially, students at public high schools were required to complete 24 high school content standards before graduating; in 2000, the Legislature authorized each school site to determine which content standards were required.⁸ The 2003 Legislature adopted new content standards in reading and math, and it repealed the Profile of Learning.⁹

Minnesota law did not require statewide assessments of students a decade ago, but several (in addition to the basic standards tests described above) have been required in recent years:

² University of Minnesota, College of Education and Human Development, *Minnesota Educational Accountability Reporting System: Feasibility and Design Study*, v. 1 (Minneapolis, December 1996), i.

³ Lisa Larson and Kerry Kinney Fine, *State High School Graduation and College Preparation Requirements Compared* (St. Paul: House of Representatives Research Department, October 1998), 1.

⁴ *Laws of Minnesota* (1992), ch. 499, art. 8, sec. 32.

⁵ *Minn. Stat.* (2002), §120B.30, subd. 1. The 1998 Legislature abolished the State Board of Education, and the department assumed many of its duties.

⁶ The writing test is first administered to students in 10th grade.

⁷ *Laws of Minnesota* (1Sp1995), ch. 3, art. 7, sec. 1; *Laws of Minnesota* (1996), ch. 412, art. 7, sec. 1.

⁸ *Laws of Minnesota* (2000), ch. 500, sec. 3.

⁹ *Laws of Minnesota* (2003), ch. 129, art. 1. The Legislature required the Commissioner of Education to submit proposed academic standards in science and social studies to the Legislature by February 1, 2004 (sec. 3).

- The 1997 Minnesota Legislature required the assessment of all 3rd and 5th grade students annually.¹⁰ The Minnesota Department of Education developed the Minnesota Comprehensive Assessments (MCAs) in reading and math for this purpose, and they were first administered statewide to 3rd and 5th grade students in 1998.¹¹
- The 1997 Legislature required statewide assessment of “post-8th grade students.”¹² In response, the department developed a reading MCA for 10th grade and a math MCA for 11th grade. These tests are being administered for accountability purposes in 2004 for the first time.
- The 2001 Legislature required the annual assessment of 7th grade students, and these MCAs are being administered for accountability purposes in 2004 for the first time.¹³

But, until 2001, Minnesota did not have statewide criteria for assessing the performance of individual schools.

There were no statewide criteria for assessing the performance of schools and school districts during the 1990s.¹⁴ A 1998 state law said that schools failing to meet state performance criteria for two of three consecutive years would have to work with district and state officials to develop a plan to improve student achievement.¹⁵ However, the Minnesota Department of Education did not adopt criteria until 2001. The criteria said that each Title I school was expected to achieve average MCA scores of 1420 in reading and math.¹⁶

Prior to NCLB, the Legislature also adopted requirements for the public reporting of information on school performance. In 1996, the Legislature required the establishment of a “coordinated and comprehensive system of educational accountability and public reporting that promotes higher academic achievement.”¹⁷ The Legislature required the Commissioner of Education to report on aggregate student performance “at the school district, regional, or statewide level.”¹⁸ At the time this law passed, Minnesota lacked standards for collecting and analyzing student achievement data, and there were insufficient data to assess state and local changes in performance.¹⁹ In addition, the Legislature created an independent Office of Educational Accountability to help

¹⁰ *Laws of Minnesota* (1997), ch. 138, sec. 1. Minnesota chose to implement tests in both 3rd and 5th grades, although a test in only one of these grades would have been sufficient to meet the requirements of the 1994 Elementary and Secondary Education Act reauthorization. State law required these assessments to be “highly correlated with the state’s graduation standards.”

¹¹ The Minnesota Department of Education is the primary state agency overseeing Minnesota’s K-12 school system. This agency was called the Minnesota Department of Children, Families and Learning from 1995 to 2003, but throughout this chapter we use the terms “Minnesota Department of Education” and “Commissioner of Education” to refer to the state’s main education agency and its top official.

¹² *Laws of Minnesota* (1997), ch. 138, sec. 1.

¹³ *Laws of Minnesota* (1Sp2001), ch. 6, art. 2, sec. 4.

¹⁴ State law did set standards for judging the performance of individual students on the basic standards tests. (To pass the tests, students are now required to correctly answer 75 percent of the reading and math questions, plus receive 3 of a possible 6 points on the writing test.)

¹⁵ *Laws of Minnesota* (1998), ch. 398, art. 9, sec. 1.

¹⁶ This target score was to increase to 1500 by the 2009-10 school year.

¹⁷ *Laws of Minnesota* (1996), ch. 412, art. 7, sec. 2.

¹⁸ *Ibid.*

¹⁹ University of Minnesota, *Minnesota Educational Accountability Reporting System*, 39.

ensure that Minnesota's publicly reported measures of education performance are comprehensive, valid, and reliable.²⁰

In 2001, the year before NCLB was signed into law, the Legislature enacted several provisions that broadened Minnesota's educational accountability system and enhanced its visibility. For example, state law required the department to measure the adequate yearly progress of all schools, not just Title I schools. In addition to measures of *school* performance, the Legislature required the department to implement a system for measuring the progress of *individual students*, "based on highly reliable statewide or district assessments."²¹ Also, the Legislature required the department to make school and school district performance data available on a web site.²²

Some of the changes to Minnesota's educational accountability system occurred in response to (or in anticipation of) federal requirements. For example, the 1994 Improving America's Schools Act (the federal law that preceded NCLB) required that each state implement yearly assessments of reading and math at some point during each of the following grade spans: 3 through 5, 6 through 9, and 10 through 12.²³ This act also required states to define "adequate yearly progress" for schools receiving federal Title I funding.²⁴ While federal requirements played a role in Minnesota's actions, many of the changes also reflected a growing, independent interest in educational accountability by Minnesota's legislative and executive branches.

Table 2.1 summarizes how key accountability requirements of NCLB compare with the practices Minnesota had in place at the time of the law's enactment. NCLB reinforces many elements of Minnesota's emerging accountability system, but:

- **NCLB establishes more rigorous requirements than Minnesota had adopted previously.**

First, NCLB's expectations for student achievement are more ambitious than those in previous federal or state laws. NCLB requires states to develop plans to ensure that *all students* in all public schools are "proficient" in reading and math by the 2013-14 school year. In contrast, previous federal education law only focused on improving the proficiency of children served by *Title I* programs. In addition, before NCLB, the Minnesota Department of Education determined whether schools met state expectations by comparing their *average* MCA proficiency scores with a state-designated threshold score. In contrast, NCLB sets an expectation that *each student* will meet or exceed the state's proficiency threshold by 2013-14, and it requires schools to make "adequate yearly progress" toward this goal. Finally, it is worth noting that NCLB's proficiency expectations will escalate over time. Presently, about two-thirds of the students

²⁰ *Laws of Minnesota* (1998), ch. 398, art. 5, sec. 10.

²¹ *Laws of Minnesota* (1Sp2001), ch. 6, art. 2, sec. 5.

²² *Ibid.*

²³ Improving America's Schools Act of 1994, Pub. L. No. 103-382. The U.S. Department of Education granted Minnesota a waiver—through January 31, 2004—regarding the time frame for implementing the grades 7, 10, and 11 assessments.

²⁴ Improving America's School Act, §1111(b)(2).

NCLB imposes new accountability requirements on Minnesota.

Table 2.1: Comparison of Key NCLB Accountability Requirements with Minnesota’s Pre-NCLB Requirements

NCLB Requirement	Comparison with Minnesota’s Accountability System as of January 2002
Statewide, grade-specific content standards in reading, math, and science.	Minnesota had already implemented content standards (Profile of Learning), but it did not have the grade-specific benchmarks required by NCLB.
Reading and math assessments in grades 3, 4, 5, 6, 7, and 8, and once in high school.	Minnesota had already implemented reading and math MCAs in grades 3 and 5, and pre-NCLB plans called for MCAs in grades 7 (reading and math), 10 (reading), and 11 (math). Minnesota had no specific plans for assessments in grades 4, 6, and 8.
Science assessments administered once in each of three grade spans (3-5, 6-9, and 10-12).	Minnesota had no statewide science assessments, and none were planned.
Assessments of English proficiency in reading, writing, listening, and speaking.	Minnesota already had an English proficiency assessment in reading and writing, but it did not have an assessment in listening and speaking.
Determinations of “adequate yearly progress” (AYP) for each school and school district—based on (1) overall performance and the performance of student subgroups, (2) measures of proficiency, test participation, attendance, and graduation.	Minnesota already required determinations of AYP for schools—but based solely on academic proficiency, and not based on a goal of 100 percent proficiency by the 2013-14 school year. There were no AYP determinations for school districts, and the performance of student subgroups was not considered in AYP determinations.
“Report cards” on school and district performance.	State law required a "continuous improvement" web site with data on each school and school district; there was no requirement for "report cards" on school or district performance.
Sanctions for low-performing schools (school choice, supplemental education services, corrective actions, and restructuring).	Minnesota required low-performing schools to develop improvement plans (which NCLB also required), but it had no specific provisions for the sanctions specified by NCLB.
“Highly qualified” teachers in core academic subjects by the 2005-06 school year (see Table 4.6).	Minnesota teachers were required to meet state Board of Teaching requirements for licensure, and the state’s teacher standards were not subject to federal review.
Title I paraprofessionals meet NCLB-specified qualifications by January 2006 (see Table 4.6).	Minnesota previously had less stringent requirements for paraprofessionals (requiring, at most, a high school diploma).

SOURCES: Office of the Legislative Auditor analysis of No Child Left Behind Act and Minnesota statutes, plus interviews with Minnesota Department of Education staff.

in a Minnesota school must be proficient for the school to meet NCLB's expectations; this will increase to 100 percent by 2013-14.²⁵

Second, although the amount of statewide testing has increased significantly in Minnesota during the past decade, NCLB will require additional testing. NCLB requires that students be assessed against challenging academic content standards in reading and math in grades 3, 4, 5, 6, 7, and 8, plus once in grades 10 through 12. At the time NCLB passed, Minnesota had implemented (or had plans to implement) reading and math assessments in grades 3, 5, and 7, plus a reading assessment in grade 10 and a math assessment in grade 11. Consequently, NCLB will require Minnesota to implement new assessments in grades 4, 6, and 8.²⁶ (Minnesota's 8th grade basic standards tests are intended to assess minimum competencies rather than progress toward high standards—thus, these tests do not meet NCLB requirements.) In addition, NCLB requires states to implement science assessments at least once during each of the following grade spans: 3-5, 6-9, and 10-12; Minnesota has had no previous, statewide science assessments. Finally, although Minnesota previously assessed English proficiency in reading and writing, NCLB required Minnesota to add statewide assessments of English proficiency in listening and speaking.

Individual schools will be accountable for their overall academic performance and for the performance of certain student subgroups.

Third, NCLB requires more measures of performance than Minnesota's education accountability system previously had. For example, state and federal law previously did not require the state to assess the progress of student subgroups. In contrast, NCLB requires separate determinations of progress for (1) economically disadvantaged students; (2) students from major racial and ethnic groups (including separate determinations for white, black, American Indian, Hispanic, and Asian subgroups); (3) students with disabilities; and (4) students with limited English proficiency. In addition, previous determinations of student progress were based solely on "proficiency," as measured by reading and math assessments. Under Minnesota's state NCLB plan, however, assessment of progress is now based not only on proficiency, but also on test participation rates (all schools), graduation rates (high schools only), and attendance rates (elementary and middle schools only). Prior to NCLB, Minnesota schools had a small number of ways to fail to make "adequate yearly progress" (AYP).²⁷ But, because NCLB mandates accountability for student subgroups and requires new measures of performance, there are as many as 37 separate hurdles that each Minnesota school or school district must clear to make AYP, as shown in Table 2.2. Although most schools will not be subject to all 37 performance targets, schools that fail to meet any of these hurdles will not achieve AYP.²⁸

²⁵ As described in Chapter 3, Minnesota uses index points to determine whether schools have made "adequate yearly progress." Table 3.3 shows annual changes in proficiency targets, with all targets increasing to 100 index points by 2013-14.

²⁶ Some people contend that, even without NCLB, Minnesota would have implemented assessments in grades 4, 6, and 8—for purposes of complying with state-required measures of individual students' academic progress over time (*Minn. Stat.* (2002), §120B.35, subd. 1 and 3).

²⁷ There were four ways that elementary schools could fail to make AYP—low proficiency on 3rd grade reading, 3rd grade math, 5th grade reading, or 5th grade math.

²⁸ If a subgroup's number of tested students is fewer than a state-designated minimum, then the schools is not held accountable for the performance of that subgroup.

Table 2.2: Components of “Adequate Yearly Progress”

To make “adequate yearly progress” (AYP) under NCLB, students in each school and school district must meet or exceed standards in each of the following applicable categories (marked “X”)

Criteria for AYP Determination	NCLB Subgroup								
	All Students	White Students	Black Students	American Indian Students	Asian Students	Hispanic Students	Limited-English Students	Special Education Students	Low Income Students ^a
Reading proficiency	X	X	X	X	X	X	X	X	X
Reading participation	X	X	X	X	X	X	X	X	X
Math proficiency	X	X	X	X	X	X	X	X	X
Math participation	X	X	X	X	X	X	X	X	X
Attendance or graduation rate ^b	X								

NOTE: For each of the 36 categories related to test proficiency or participation, adequate yearly progress is computed for the school or school district on the basis of test data aggregated across those grades for which tests are given. For measures of proficiency, AYP determinations are not made for subgroups with fewer than 20 students—or 40 students, in the case of special education. For measures of participation, AYP determinations are not made for subgroups with fewer than 40 students.

^aLow income students are defined as those from families eligible for free or reduced-price meals.

^bElementary and middle schools are held accountable for their attendance rates, while high schools are held accountable for their graduation rates.

SOURCE: Minnesota Department of Education, *Minnesota Consolidated State Application Accountability Workbook* (Roseville, MN: January 31, 2003).

Fourth, NCLB primarily focuses on whether students meet a statewide proficiency standard at a given point in time, rather than monitoring the growth of individual students over time. Prior to NCLB, the Minnesota Legislature began to explore the concept of “value-added” assessments—that is, methods of evaluating the academic growth of individual students over time. For example, the 2001 Legislature required the department to (1) develop measures of individual student progress, and (2) recommend ways to integrate such measures with the federally-required AYP determinations.²⁹ But the NCLB Act makes no specific provisions for value-added performance measures in its definition of AYP. Rather, determinations of AYP are based on an absolute measure of performance (the proportion of students who are proficient).³⁰

Fifth, NCLB specifies stronger consequences for schools “needing improvement.” Before NCLB, schools that failed to make AYP for two or more consecutive years were required by federal and state laws to prepare improvement

²⁹ *Laws of Minnesota* (1Sp2001), ch. 6, art. 2, sec. 5.

³⁰ NCLB has a “safe harbor” provision for schools that do not meet the absolute standard. Specifically, schools can make AYP if they reduce their proportion of non-proficient students by 10 percent from one year to the next (and if they make progress on the requirements for attendance or graduation, whichever is applicable). In addition, the NCLB Act allows states to use performance measures (such as value-added measures) besides the measures specified in the act—however, these additional measures cannot reduce the number of schools categorized as needing improvement for having failed to make AYP for at least two consecutive years.

plans.³¹ There were no additional sanctions for persistent failure to make AYP. In contrast, NCLB specifies a series of increasingly serious consequences that apply to underperforming schools or school districts, as shown in Table 2.3. For example, school districts with underperforming schools may have to give parents the option of sending their children to other schools or tutoring services outside the school day. If schools still do not make AYP, NCLB requires implementation of “corrective action” or “restructuring.”

Sixth, NCLB sets standards for some school staff that exceed previous requirements. NCLB requires that all teachers of core academic subjects be “highly qualified” by the end of the 2005-06 school year, and it requires that all paraprofessionals working in Title I, Part A programs meet NCLB qualifications by January 2006. As we discuss in Chapter 4, the NCLB-related teacher requirements will likely have limited impact on Minnesota’s teachers because teachers who are teaching in their field of licensure will be deemed “highly

Table 2.3: NCLB Requirements for Schools Failing to Make Adequate Yearly Progress

<i>Requirement/Sanction</i>	Number of Years That the School Has Failed to Make AYP					
	1	2	3	4	5	6
Improvement plan		X	X	X	X	X
School choice		X	X	X	X	X
Supplemental services			X	X	X	X
Corrective action				X		
Restructuring plan					X	
Implement restructuring						X

Low-performing schools will face increasingly serious consequences.

- **IMPROVEMENT PLAN:** Must develop (or revise) a school improvement plan.
- **SCHOOL CHOICE:** Must offer school choice options, if possible, to parents of all children in the school failing to make AYP. (Districts are not required to provide school choice if there are no other schools in the district or if all the other schools have failed to make AYP for at least two years.)
- **SUPPLEMENTAL SERVICES:** Must offer supplemental educational services (such as tutoring) outside the school day to eligible children.
- **CORRECTIVE ACTION:** The school district must take at least one of the following actions: (1) replace staff who are relevant to the school’s low performance, (2) implement a new curriculum, (3) significantly decrease management authority at the school level, (4) appoint an outside expert to advise the school, (5) extend the school’s academic year or lengthen its school day, or (6) change the internal organizational structure of the school.
- **RESTRUCTURING:** In the fifth year of failing to make AYP, the school district must prepare a restructuring plan and arrange to implement it. NCLB outlines various restructuring options, including: (1) reopen the school as a charter school, (2) replace staff who are relevant to the school’s low performance, (3) contract with another entity (such as a private management company) to operate the school, (4) turn the operation of the school over to the state department of education, or (5) enter into other major restructuring arrangements. If the school fails to make AYP for a sixth year, the district must implement the plan.

SOURCE: No Child Left Behind Act, §1116.

³¹ The exception was schools that were “making progress,” according to Minnesota’s previous AYP definition. These schools’ average achievement scores were below the statewide target score, but their scores showed significant growth from one year to the next.

qualified,” according to Minnesota Department of Education staff.³² In contrast, previous versions of the federal Elementary and Secondary Education Act prescribed minimal requirements for paraprofessionals, so the new NCLB provisions could have considerable impact on school districts’ hiring practices for paraprofessionals.

PERCEPTIONS OF EDUCATION OFFICIALS

Minnesota Department of Education

We interviewed various department officials regarding NCLB, including top department administrators and staff who work on issues related to curriculum, assessment, services for disadvantaged students, and licensure and training of school staff. Department staff said that it has been challenging to implement the law in a relatively short time frame—for example, developing definitions of “adequate yearly progress” and “highly qualified” teachers that comply with NCLB. In addition, the department has faced these challenges at a time when its staffing levels have been reduced due to state budget shortfalls. Nevertheless, we found that:

- **Minnesota Department of Education officials strongly support the goals and methods of the NCLB Act.**

As noted in Chapter 1, department officials have expressed particular support for NCLB’s requirements for performance reporting by student subgroup. They noted that Minnesota’s strong overall performance on standardized assessments has masked lagging performance by some subgroups.

In addition, department officials support the ambitious goals of NCLB. As the commissioner stated last year:

Yes, NCLB sets challenging achievement goals that Minnesota and other states will struggle with over the next 12 years. But if we are going to start setting public policy goals in education based on the assumption that we expect some kids to fail, I think we have a responsibility to tell parents and the public which kids we are planning on leaving out of the picture. I’m not prepared to do that, and I don’t believe the vast majority of educators are either.³³

Officials at the Minnesota Department of Education believe that the NCLB law is fundamentally sound.

³² As we discuss in Chapter 4, however, the impact of NCLB requirements on special education, English as a Second Language, and alternative learning center teachers is still being assessed by the department.

³³ Commissioner Cheri Pierson Yecke, “Closing the Achievement Gap: Why Minnesota’s Accountability Plan Must Address Achievement Disparities Among Our Students,” Presentation at Citizens League Forum, Minneapolis, May 22, 2003, http://education.state.mn.us/stellent/groups/public/documents/translatedcontent/pub_041625.jsp, accessed February 2, 2004.

Department staff told us that some schools, by virtue of not making AYP, have been forced to look more closely at their curricula, teaching strategies, staffing, and other educational approaches. They said that, in underperforming schools, NCLB strengthened the conviction of staff to improve, as demonstrated by schools that made AYP in 2003 after not making it previously. Department officials said that the NCLB law may need “fine tuning” but is fundamentally sound.

Local Education Officials

In November 2003, we sent surveys regarding NCLB to all school district superintendents and charter school directors in Minnesota. This section focuses on the responses of superintendents, although our web site presents separate summaries of the superintendent and charter school director responses.³⁴ We received responses from more than 90 percent of those surveyed.³⁵ We found that:

- **A majority of Minnesota school district superintendents agree with some of the central components of the NCLB Act.**

Like the federal education law that preceded it, NCLB requires public reporting on students’ academic achievement, and it requires underperforming schools to identify ways to raise student achievement. Our survey indicated that:

- 99 percent of superintendents favor measuring the academic performance of their students.
- 85 percent of superintendents favor publicly reporting on the academic performance of their students, in aggregate.
- 94 percent of superintendents favor developing plans to improve the performance of student subgroups that are under-achieving.

Many school officials credit the NCLB Act for having worthy goals and for focusing attention on the low achievement levels of some student subgroups. For example, we heard the following comments:

The most positive aspect is the fact that, while we have always examined what we are doing, NCLB has forced us to dig deeper and scrutinize what we do to find our strengths and weaknesses in the core areas of math, reading, and language arts.

[Having data that is broken down by subgroups] has awakened me and my district to the fact that we have some students who are not performing as well as others. That awareness will allow us to make appropriate decisions to assist remediation.

Many local school officials credit NCLB for having worthy goals but are concerned about some aspects of the law.

³⁴ See the following web site: <http://www.auditor.leg.state.mn.us/Ped/2004/pe0404.htm>.

³⁵ We received responses from 326 of the state’s 342 school districts (95 percent), and we received responses from 79 of 92 charter schools (86 percent).

NCLB has caused educators to re-examine the way decisions are made and placed data at the threshold of every decision. The act has, as no other, clarified the needed vigilance for setting high academic standards for all students, and forces educators to truly understand assessment and analysis.

While many school officials told us that NCLB’s goal of ensuring success for all children is admirable,

- **Most Minnesota superintendents have significant concerns about NCLB. They regard it as unrealistic, costly, and punitive.**

Table 2.4 shows that school officials have significant concerns about applying uniform standards of academic proficiency to all subgroups of students. On the one hand, 72 percent of superintendents said that they favor holding all racial/ethnic subgroups to the same standards. Similarly, 73 percent of superintendents think that students from lower income families (that is, those eligible for free or reduced-price lunches) should be held to the same standards as other students. But, contrary to the requirements of the NCLB Act, only 5 percent of superintendents said that special education students should be held to the same academic standards as other students, and only 17 percent of superintendents said that limited-English students should be held to the same standards as others.

Our survey gave school officials the opportunity to express comments—positive or negative—about NCLB. The most common comment we heard was concern about the requirement for 100 percent of students to achieve proficiency, and the following is a sampling of these comments:

[The] 100 percent achievement standard is absurd, especially for special ed students. Have we forgotten there is a bell curve of abilities? Keep the accountability component, but get real with expectations. Where is parent and student accountability in all this? Is there any awareness at all of the amount of dysfunction, mental illness, poverty, etc. that affects student performance?

Most superintendents do not favor holding special education and limited-English students to the same academic standards as other students, contrary to what NCLB requires.

Table 2.4: Superintendents’ Perceptions About Using Uniform Standards to Measure Students’ Academic Proficiency

Survey question: It is appropriate for schools and school districts to hold _____ to the state’s uniform standard of academic proficiency.	Percentage Who Responded:				Total
	Agree	Disagree	Neither Agree Nor Disagree	No Response	
All racial/ethnic student subgroups	72%	13%	14%	1%	100%
Free and reduced-price lunch students	73	12	14	1	100
Special education students	5	79	15	1	100
Limited-English students	17	62	20	1	100

SOURCE: Office of the Legislative Auditor survey of school district superintendents, November-December 2003 (N=326).

The requirements of NCLB have been extremely challenging for our district because we serve a high population of... English language learners. Research suggests that it will take these children 7 to 11 years to become academically proficient in English.

Students in special education and limited-English programs are now the most vulnerable students in our schools. Just because they can't meet unrealistic federally determined standards, they now take the brunt of criticism for a school failing [to make] AYP. [These students] are working hard and want to succeed but have either innate difficulties or haven't learned the language enough to pass a test.

There is no doubt that the goals of NCLB are laudable. There is no doubt that schools need to be accountable for creating the conditions for student success. Where the law is fatally flawed is in the premise that simply ratcheting up expectations will magically lead to students achieving at grade level.

Relatively few superintendents said that their school districts are likely to meet NCLB's goals for student achievement.

Overall, although NCLB says that all students shall be proficient by 2013-14, only 17 percent of superintendents said that it is "likely" or "very likely" that their districts could accomplish this. This may be one reason why just 33 percent of superintendents said that it is appropriate for national policy to have a goal for all children to be academically proficient by 2013-14. In Chapter 3, we present simulations which suggest that it will indeed become increasingly difficult for Minnesota school districts to comply with NCLB's proficiency requirements.

In addition, we found that a large majority of superintendents did not think that schools should face NCLB-prescribed consequences for persistent failure to make "adequate yearly progress." Under NCLB, schools that fail to make AYP for two consecutive years must offer parents in these schools the option to transfer to schools that have not failed to make AYP for two years (unless there are no such options within the school district). If schools continue failing to make AYP in subsequent consecutive years, their school districts must offer supplemental education services or consider "corrective actions" (see Table 2.3 earlier). But, as shown in Table 2.5, most superintendents oppose such consequences. For example, even though most superintendents believe that all racial/ethnic subgroups should be measured against uniform proficiency standards, 74 percent of superintendents said that schools should not face NCLB-prescribed consequences for persistent failure by at least one racial or ethnic subgroup to make AYP.

Table 2.5: Superintendents’ Perceptions About NCLB-Prescribed Consequences for Schools Failing to Make Adequate Yearly Progress

Most superintendents disagree with the sanctions required by NCLB for low student performance.

Survey question: Schools should face consequences such as mandatory school choice, supplemental services, corrective actions, or restructuring if there is persistent failure to make AYP (as presently defined) by:

	Percentage Who Responded:				Total
	Agree	Disagree	Neither Agree Nor Disagree	No Response	
At least one racial/ethnic student subgroup	13%	74%	12%	1%	100%
Free and reduced-price lunch students	22	60	16	1	100
Special education students	3	88	8	1	100
Limited-English students	5	85	9	1	100

SOURCE: Office of the Legislative Auditor survey of school district superintendents, November-December 2003 (N=326).

As indicated in the comments below, some superintendents objected to sanctions because they thought that NCLB’s measure of “adequate yearly progress” is inadequate or misleading. Some others thought that sanctions were not the best strategy for fostering school improvement:

Corrective legislation is needed to prevent a revolt on the part of our professionals and our parents. Our public will not stand for labels of failing schools when only a limited number of the students are not performing to proficiency. The law needs to better distinguish those areas where we are having challenges, keep goals high but not unreasonable to achieve for those subgroups, invest more resources into those areas, and leave alone those schools or subgroups that are performing well.

NCLB criteria for “adequate yearly progress” has misidentified a large number of schools [in our district] that are making strong gains across our [district’s] multiple-measure accountability system. Schools that are making strong longitudinal gains should not be labeled as “failing.”

If research drives this law, then those who promulgated it should know that punishment is the least likely way to get improvement. Yet the only form of motivation for teachers and schools [in NCLB] is the threat of loss of revenue, prestige, and the school itself.

[The] current AYP point system does not differentiate between extremely low performing schools with many low performing subgroups and schools with just one low performing subgroup.

**Local officials
generally view
NCLB as an
unfunded federal
mandate.**

It seems that NCLB punishes schools not making AYP rather than providing assistance and support. To me this is like a teacher telling the students who are not passing that they will receive less attention from him/her while the students receiving passing grades will now receive more help and attention.

Another broad area of concern that emerged in our survey of school officials is the perception that NCLB is an unfunded federal mandate. Less than 3 percent of Minnesota superintendents said that the new federal revenues received by their districts under the NCLB Act will be sufficient to cover the cost of new spending required by the act. We discuss NCLB fiscal impacts in detail in Chapter 4. However, below is a sampling of school officials' general comments regarding NCLB-related fiscal concerns:

I applaud the concept of universal proficiency. However, this will not be accomplished "on the cheap." Our school district is now reducing spending to find money to allocate for services to special populations. With flat or decreasing state aid, the likelihood is that we will continue to rob Peter to pay Paul... We are asking public schools to accomplish the impossible: raise all students to levels of proficiency, but meet all the state and federal mandates with the same resources.

The biggest challenge with NCLB is the need to reallocate existing resources (staff and operating) to meet requirements. This means that we don't provide some of the other programs that have been in place. For example, exploratory curriculum, specialists at the elementary level, and vocational/fine arts offerings at the secondary level will likely be reduced as we focus on NCLB needs.

Finding, hiring, retaining highly qualified teachers will be difficult, if not impossible, in many districts. The same will hold true for paraprofessionals. These concerns could impact our budgets significantly. Most likely we would have to cut other positions and increase class sizes. In the end, would there be a net gain in what students learn?

Many school officials also expressed concerns about the student assessments mandated by NCLB, as shown in Table 2.6. About half of the superintendents said that it was necessary, in their opinion, to test students *annually* to have an effective accountability system, but many of the remainder expressed concern that annual testing resulted in a loss of too much instructional time. In addition, Table 2.6 shows that superintendents did not offer a particularly strong endorsement of the tests that Minnesota uses to comply with NCLB, the Minnesota Comprehensive Assessments (MCAs). NCLB requires that states' assessments be adequate for purposes of both (1) accountability (that is, measuring aggregate student achievement against state standards), and

Table 2.6: Superintendents' Perceptions About NCLB-Prescribed Assessments

Survey questions:	Percentage Who Responded:			
	Agree	Disagree	Neither Agree Nor Disagree	Total
Annual reading and math assessments, which are required by NCLB for grades 3-8, are a necessary component of an effective accountability system.	49%	39%	12%	100%
The Minnesota Comprehensive Assessments (MCAs) provide a sound basis for evaluating the academic performance of school districts and schools.	36	43	21	100
The MCAs help teachers understand the specific academic needs of individual students.	35	50	15	100

SOURCE: Office of the Legislative Auditor survey of school district superintendents, November-December 2003 (N=326).

Many superintendents question whether Minnesota's statewide achievement tests are useful for evaluating school performance or identifying the needs of individual students.

(2) diagnosing the needs of individual students.³⁶ However, only 36 percent of superintendents said that the MCAs provide a sound basis for evaluating the academic performance of schools and school districts, and only 35 percent said that the MCAs help teachers understand the specific academic needs of individual students. Many Minnesota school districts presently administer assessments in addition to the MCAs, partly because they believe that these assessments provide richer, more timely information for the benefit of teachers and administrators.

Finally, many school district officials expressed concerns about the overall educational impact of NCLB. Only 7 percent of superintendents said that the educational benefits of NCLB will outweigh any adverse impacts the act will have on their respective districts. Sixty-eight percent said that the benefits of NCLB will not outweigh its disadvantages, and the rest of the superintendents were undecided. Some of the concerns about NCLB's educational impacts included the following:

I take extreme exception to the concerted effort to take the art of teaching and turn it into a science... Teaching is the art of reaching as many human beings as possible by employing every means at your disposal to motivate your students. NCLB is a cookie cutter approach that will turn off more students than it can ever hope to help.

I believe that NCLB will lead people to segregate their [minority students] if schools with high minority populations are not meeting AYP.

³⁶ No Child Left Behind Act, §1111(b)(3)(C)(vii) and (xii).

There is growing concern for those [schools] which house [specialized services for students with disabilities]. We are beginning to see a reluctance to have these programs within buildings, due to the fear that they could cause the entire building to be labeled as a failing school.

The NCLB Act, with the added subjects and grade levels being tested, will require schools to “teach to the test” at the expense of many other needed instructional topics.

Overall, our survey indicates that many school district superintendents and charter school directors have concerns about the fiscal and non-fiscal impacts of the NCLB Act. In our view, the skepticism of local officials is so pervasive that it could be very challenging for the Minnesota Department of Education to build the confidence of local officials who are responsible for implementing many aspects of NCLB.