



## OFFICE OF THE LEGISLATIVE AUDITOR

STATE OF MINNESOTA

# No Child Left Behind

February 26, 2004

## Major Findings

- The federal No Child Left Behind (NCLB) Act imposes rigorous new requirements on Minnesota's education accountability system.
- While most education officials in Minnesota embrace the underlying goals of NCLB, many school district superintendents believe that NCLB is costly, unrealistic, and punitive. Local officials have particular concerns about holding students with disabilities and limited English skills to the same standards as other students.
- Even if Minnesota students' math and reading test scores improve significantly in coming years, there will likely be large increases in the number of schools failing to make "adequate yearly progress" (AYP), as defined by NCLB. More than 80 percent of Minnesota elementary schools would not make AYP by 2014, according to a simulation conducted for our office, and many of these schools would face the prospect of restructuring or other serious sanctions prescribed by NCLB.
- NCLB has had limited state and local fiscal impacts so far, but many school districts will likely bear significant new costs in future years for student assessments, sanctions for low-performing schools, and compliance with stricter requirements for staff qualifications. These costs cannot be estimated with precision, but it is quite possible that NCLB's new costs will exceed the increase in NCLB revenues.



**It is likely that most Minnesota schools will not be able to meet the goals of No Child Left Behind, and this could trigger expensive sanctions.**

- However, Minnesota could lose the majority of its projected \$216 million in federal funding for state fiscal year 2005 if it "opts out" of the accountability provisions of NCLB. While federal NCLB funding is less than 4 percent of school districts' operating budgets, relatively few school district superintendents favor opting out.

## Recommendations

Changes in the federal NCLB law may be necessary for states to have a realistic chance of complying with the law's goals for student achievement. At the state level, we recommend:

- The Minnesota Department of Education should provide the Legislature with (1) a plan for how measures of individual student achievement growth could be incorporated into the state's AYP determination process, and (2) an assessment of the overall validity and reliability of Minnesota's educational accountability system.
- The Legislature should require the department to (1) annually report on school district expenditures related to sanctions for low-performing schools, and (2) specify how it will monitor the quality and effectiveness of supplemental educational services providers.

## Report Summary

In January 2002, President Bush signed into law the No Child Left Behind (NCLB) Act. This law is the latest version of the Elementary and Secondary Education Act, first passed in 1965. The law's stated purpose is to close the "achievement gaps" between high- and low-performing students. It proposes to accomplish this through improved accountability, expanded educational choices, and more funding.

NCLB requires public reporting on the extent to which schools are making "adequate yearly progress" (AYP) toward the goal of having *all* students proficient in reading and math by the 2013-14 school year. The Minnesota Department of Education makes these AYP determinations, based on reading and math test scores, test participation rates, attendance rates, and graduation rates. Presently, Minnesota schools test students' reading and math in grades 3, 5, and 7, and they assess reading in grade 10 and math in grade 11. NCLB requires annual reading and math assessments in grades 3 through 8, plus in one year of high school.

Individual schools are held accountable for their overall performance and for the performance of various student subgroups within the school population.<sup>1</sup> NCLB prescribes up to 37 performance targets that may be used to assess a school's performance. Most schools are not subject to all of these targets, but a school's failure to meet any of the applicable targets results in a state determination that the school has failed to make AYP.

The law specifies sanctions for schools that fail to make AYP for at least two consecutive years. School districts may have to offer parents the options of transferring their children to other schools or enrolling them in "supplemental

educational services" (such as after-school tutoring). If schools continue to under-perform, NCLB subjects them to "corrective actions" (such as replacement of staff or curriculum) or "restructuring."

To help meet the law's education goals, Minnesota is projected to receive \$216 million in NCLB formula grants in state fiscal year 2005. This is 24 percent more than Minnesota received three years earlier (after adjusting for inflation), although Minnesota's funding increase was smaller than the increase received by most other states.

### Schools Will Have Increasing Difficulty Meeting NCLB's Performance Targets

In the 2002-03 school year, about 8 percent of Minnesota's schools did not make AYP, and only 5 of Minnesota's 342 school districts were required by NCLB to offer school choice or supplemental educational services to parents. But the number of schools subject to NCLB sanctions will likely grow, for at least two reasons. First, the proficiency targets used to measure school performance will begin increasing in the 2005-06 school year; by 2013-14, NCLB will expect 100 percent of students to be proficient. Second, as Minnesota implements assessments in more grades, many schools will be held accountable for the performance of more NCLB-specified student subgroups.<sup>2</sup>

With the help of the University of Minnesota's Office of Educational Accountability, we simulated the likelihood that Minnesota elementary schools will fail to make AYP in coming years. This analysis was based on 2003 statewide test data, using assumptions ranging from "no improvement" to "high improvement" in the future achievement levels of students. Under these various scenarios, the simulations showed that between 80 and

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**NCLB imposes new accountability requirements on states.**

<sup>1</sup> Minnesota schools are held accountable for the following student subgroups: white, black, Asian, American Indian, Hispanic, limited-English, special education, and low income students.

<sup>2</sup> A school is held accountable for a subgroup of its population only if the number of tested students in the subgroup exceeds a minimum number designated by the state. Consequently, as the number of tested students rises, a growing number of subgroups will surpass this minimum threshold.

**The Minnesota Department of Education should specify how measures of individual student achievement growth could be integrated with NCLB-prescribed measures of school progress.**

100 percent of Minnesota's elementary schools would fail to make AYP by 2014. In addition, the simulations showed that 35 to 76 percent of Minnesota's elementary schools that receive federal "Title I" funding for disadvantaged students would be subject to NCLB-prescribed restructuring within the next decade. In sum, even if there are large, sustained improvements in student achievement, many Minnesota schools will likely struggle to comply with the ambitious targets set by NCLB.

Many aspects of the AYP determination process are prescribed by the federal NCLB law and are not subject to change by individual states. Thus, it is questionable whether Minnesota policy makers could, through state action alone, significantly improve schools' likelihood of making AYP. Minnesota Department of Education officials told us they would like to find ways to recognize year-to-year growth in individual student achievement levels during the AYP determination process, in addition to measuring achievement against an absolute standard. But the department has not yet specified how it would do this, and it is questionable whether such an approach would meet federal requirements. We recommend that the department outline how it proposes to incorporate measures of individual achievement growth into the AYP process. We also recommend that the department assess the overall validity and reliability of Minnesota's education accountability system.

### **School Districts Face Growing NCLB-Related Costs**

Many of NCLB's new requirements have not yet been fully implemented in Minnesota. Thus, the implementation costs borne by the Minnesota Department of Education and local school districts have been modest, so far.

Although Minnesota had implemented (or planned to implement) several statewide tests before NCLB passed, the costs of some forthcoming Minnesota assessments

are attributable to NCLB—specifically, reading and math assessments in grades 4, 6, and 8, three science assessments, and listening and speaking assessments for limited-English students. The state and local costs to administer these assessments will total roughly \$19 million annually.

School districts will bear other NCLB-related costs in coming years, although they are difficult to accurately forecast. Districts could spend up to \$20 million of federal or other revenues annually to comply with NCLB requirements for school choice and supplemental services, depending partly on the number of schools failing to make AYP. In addition, many schools may be subject to "corrective actions" or "restructuring" because of persistent under-performance, although it is unclear what specific actions will be pursued by school districts and the Minnesota Department of Education.<sup>3</sup> Also, due to NCLB, schools must comply with more stringent requirements regarding teacher and paraprofessional qualifications, and some school districts will incur higher costs to attract or retain staff who meet these standards. Furthermore, schools are expected to ensure that all students are proficient by 2014, although it is unclear what strategies and resources this might require.

It is plausible that new, NCLB-related costs will exceed the \$42 million (inflation-adjusted) increase in annual revenues that Minnesota is expected to receive under NCLB, but this will be unclear until school districts proceed further with NCLB implementation. In a statewide survey, less than 3 percent of Minnesota superintendents said that they expected their school district's share of the increased federal revenues to cover the cost of new spending required by NCLB.

### **Key NCLB Provisions Lack the Support of Local School Officials**

Minnesota was implementing its own education accountability system at the time

<sup>3</sup> The department has assembled a committee to advise it on NCLB sanctions, including legislative changes that may be required in 2005.

**At this time, it is unclear whether the cost savings from "opting out" of NCLB would offset the state's revenue losses.**

that NCLB became law. The Legislature had adopted academic standards, mandated statewide tests in several grades, and required the measurement of progress by schools and individual students.

NCLB reinforced some parts of Minnesota's emerging accountability system, but it also imposed new, more rigorous requirements. Compared with previous requirements, NCLB set more ambitious goals, required more tests and performance measures, specified stronger sanctions, and held schools more accountable for the performance of student subgroups. Officials with the Minnesota Department of Education strongly believe that NCLB will improve student achievement and close achievement gaps among student subgroups.

Meanwhile, although many Minnesota school district superintendents support the act's emphasis on improving achievement levels of all children, most superintendents view the act as unrealistic, costly, and punitive. Only 17 percent of superintendents said that it is "likely" or "very likely" that their districts could help all students become proficient by 2013-14. Nearly three-fourths of superintendents said that, contrary to NCLB requirements, special education and limited-English

students should not be held to the same standards of academic proficiency as other students. For each of the various NCLB subgroups, a majority of superintendents said that schools should not be required to face NCLB-prescribed consequences for the subgroup's persistent failure to make AYP. Only 7 percent of superintendents said that the educational benefits of NCLB will outweigh any adverse impacts the act will have on their districts.

Some legislators have asked whether Minnesota should simply ignore the federal NCLB requirements. This report offers no recommendation, and policy makers weighing this issue might consider various factors—such as the appropriateness of the federal government's role in education, the fiscal implications of noncompliance for the state, and the overall impact of NCLB on schools. But, by "opting out" of NCLB, Minnesota would risk losing the majority of its funding under the Elementary and Secondary Education Act (\$216 million), and it is unclear whether the cost savings from opting out would offset the revenue losses. Less than 20 percent of superintendents said they would favor Minnesota opting out of NCLB.

The full evaluation report, *No Child Left Behind* (#pe04-04), includes the agency's response and is available at 651/296-4708 or:

[www.auditor.leg.state.mn.us/ped/2004/pe0404.htm](http://www.auditor.leg.state.mn.us/ped/2004/pe0404.htm)

## Summary of Agency Response:

**I**n a letter dated February 20, 2004, Commissioner of Education Cheri Pierson Yecke wrote, "The Pawlenty administration strongly supports the goals and tenets of *No Child Left Behind* . . . If the State is not going to support [a goal of 100 percent proficiency], then it must tell the public which children will be left behind. The Pawlenty administration is not prepared to do this."

The Commissioner also noted, "Most of the [report's] recommendations are in the process of being implemented." However, "since there are multiple opportunities to correct school and district data prior to finalizing AYP status, the department does not agree with the recommendation to hold schools or districts harmless for uncorrected data errors found to be the responsibility of the school or district."