UNIVERSITY OF WISCONSIN-LA CROSSE

Graduate Studies

# HOW NO CHILD LEFT BEHIND AND HIGH STAKES TESTING IMPACT STUDENT ACHIEVEMENT

A Chapter Style Seminar Paper Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Science in Special Education

Steven H. Miller

College of Liberal Studies
School of Education

August, 2010

HOW NO CHILD LEFT BEHIND AND HIGH STAKES TESTING

IMPACT STUDENT ACHIEVEMENT

By Steven H. Miller

We recommend acceptance of this project in partial fulfillment of the candidate's requirements of the degree of Master of Science in Special Education.

The candidate has met all of the project completion requirements.

Robert Krajewski — 7-29-10

Robert J. Krajewski, Ed.D.
Project Committee Chairperson — Date

Carol Angell — 7-29-10

Carol Angell, Ph.D.
Project Committee Member — Date

Vijendra K. Agarwal — 8/17/10

Vijendra K. Agarwal, Ph.D.
Associate Vice Chancellor for Academic Affairs — Date

# ABSTRACT

Miller, S. H. How no child left behind and high stakes testing impact student achievement. MS in Special Education, August 2010, 88 pp. (R. Krajewski)

Enacted in 2001, the No Child Left Behind (NCLB) law created a dramatic change on the landscape of educational expectations and teaching methods for the 21st century. The background for NCLB began with concerns stemming from prolonged eroding national test scores, low literacy rates, and evidence that high school graduates were inadequately prepared for military and business demands. The paper will explore the history, purpose, and impact of NCLB. Issues related to the impact of NCLB on graduation exams, dropout rate, minority students, special education, and teaching methods will be described. The future school movement, several influential court cases, and examples of valuable programs will be examined.

Teachers must offer at risk student groups more creative and research based methods to better engage their learning, expectations, and motivation. Although NCLB has the potential to improve student outcomes through accountability methods, standardized testing has become too costly and time consuming for schools. Also teachers have not been provided with the funds, tools, and support to meet NCLB's new expectations. Alternatives to standardized testing are needed to prevent dropout and increase motivation for the highest risk students.

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# CHAPTER 1

## INTRODUCTION

No Child Left Behind (NCLB) was signed into law on January 8, 2002; however, the origins of the law can be traced back to the Elementary and Secondary Education Act signed by Lyndon B. Johnson in 1965 as part of his educational reform efforts. NCLB and the Elementary and Secondary Education Act reflect the belief that the federal government must play a key role in monitoring each public school's academic progress and ensuring that all students have an equal opportunity to succeed in the public school system. Since the Elementary and Secondary Education Act was passed in 1965, every succeeding administration has revised and reformed this landmark bill.

In an attempt to address concerns about declining student achievement as evidenced by lower Scholastic Aptitude Test (SAT) results and the 1981 assessment entitled, *A Nation at Risk*, the federal government has instituted numerous reforms over the past 45 years. The federal government has played a major role in determining the direction of public education. The NCLB law signed by President George W. Bush is simply most recent in a long line of attempts to strengthen the national education effort and better serve all students (U.S.Department of Education, 2001).

Despite the lofty goals of NCLB, public concerns about student achievement continue to grow, and this trend puts more pressure on the public education system to

graduate highly qualified student prepared to meet the demands of businesses and the military in the 21st century.

## No Child Left Behind

When the NCLB was passed in 2002, it was hailed as major breakthrough in educational reform. Finally a piece of legislation to address children attending low performing schools and address the achievement gap between groups of students. These groups include white students, students living in poverty, English learning students and students with disabilities. The goal of NCLB is to raise academic achievement and close the achievement gap. The foundation of the NCLB is designed on four concepts: accountability placed on schools, financial freedom for schools, use only scientific proven education methods and offer additional choices for parents. Address the achievement gap, ensuring all students reach the required academic standard of all students reach 100 % proficiency by 2014.

## High Stakes Testing

The tendency of relying on testing as a means of verifying achievement began in the early 1900s. When the United States entered World War I, the military developed various methods and measures to identify the best and most intelligent soldiers for the United States Armed Forces. In response, Robert Yerkes, a psychometrician developed various mental tests to predict performance in a variety of military-related tasks. After World War I ended, these mental tests began to be used outside military use as a way of measuring and identifying people who were considered to have superior intelligence and abilities. The results of tests and assessments were considered factors that could make

individuals better equipped for further education and higher-level employment (Peterson & West, 2003).

As the emphasis on testing evolved, universities across the United States adopted the Scholastic Aptitude Test (SAT) in the 1950's as a requirement for incoming students admission. Many colleges believed that the SAT score was an important tool for measuring the effectiveness and quality of public education. Testing students in the public schools became the acceptable strategy and norm for predicting academic aptitude (Peterson & West, 2003). Educators came to believe that the results of standardized tests such as the SAT could increase the educational opportunities for the lower class. Therefore, this early emphasis on testing marked the beginning of the effort to establish a baseline for assessment and accountability for educational quality in the public schools.

Currently 24 states require students to pass a graduation exam in order to receive a diploma (McDade, 2006). Supporters of exit exams site that tests are necessary indicators of student achievement. NCLB has supported state standards for graduation with focus on testing standards but often the state and school districts have not been able to raise student achievement to meet expectations due to complexity of social and educational issues. The NCLB does not consider that a student coming to school from a poor background living in poverty, living with a single parent, or living in a violent home may not be focused and thus may difficulty concentrating on the test being administrated that day.

Implications surrounding high stakes testing can be profound. A high school diploma is extremely critical for today's young adults. Receiving a high school diploma is required for entry into college and the military. Job opportunities and financial

independence are influenced by achieving a high school diploma. Students leaving high school without a diploma are at a serious disadvantage in career choices, earning potential and self-esteem. Research shows that students who leave high school without a diploma earn 19% less per hour than students who earn a diploma (O'Neill, 2001)

A number of issues, including economic status, affect the high school graduation rate. High school graduation is essential in today's society and workplace; those without at least a high school diploma will generate less income and, of course, be unable to pursue higher levels of education. One million students who start the ninth grade this year will not earn a high school diploma four years later. The fact that one out of four students does not earn a high school diploma leads to a very dim economic future for these individual, their families, and their communities (Hall, 2007).

**Student Achievement**

John Dewey descried the goal of education is to develop students for good health-well rounded individuals who are sensitive to human relations. Yet the direction of the NCLB is for numerous tests scores to be analyzed and compared to other schools and standards. Schools not meeting the required standards will be punished. National Labor surveys indicate that with present day technological advances, 60% of all jobs will require on the job training, while only 20% will require higher education and 10% require technical training (Mathis, 2004). Meanwhile math scores are at an all time high, the dropout rate has remained steady, so it appears the education system is meeting the job requirements.

NCLB focuses solely on test scores to measure students' achievement. The intention of various exams, a single test , or a combination of multiply choices test is to

measure whether or not a student has developed and mastered the skills necessary to be promoted to the next grade level or graduate from high school. Currently the NCLB requires states and schools to test in the areas of English, math, and science. Yet, a 2003 Gallop Poll states that 83 % of the United States population does not believe the math and reading scores accurately measure a school's productivity and student achievement. In additional 80% of parents surveyed are concerned that the art classes, music, dance and history as well as other enrichment activities will be neglected (Mathis, 2004).

## Overview

This seminar paper will begin by explaining the definitions that allow readers of this paper to better understand the NCLB. Chapter two will also indentify key authors who are the architects of NCLB as well as researchers who have skillfully analyzed the intentions and impacts of NCLB.

Chapter three will review the history of NCLB, tracing the beginning back to the Elementary and Secondary Education Act signed by Lyndon B. Johnson in 1965, reviewing the implications of the A Nation at Risk Study. Chapter three highlights the essential principles of the NCLB and examines the NCLB accountability system, requirements and punishments placed on states and school districts. Chapter three will assess the impact of NCLB. This investigator will examine how NCLB handles challenges related to graduation exams, dropout rate, minority students, special education students, and teaching methods. In addition, this investigator will examine lawsuits and legal ramifications through several NCLB-related court cases. Furthermore, two programs that have implemented by the NCLB, specifically the Reading First program and the WKCE will also be examined

Chapter four will discuss the positive contributions such as improving test scores, holding schools accountable for students' academic achievement, raising attention on minority students and offering parents greater control and educational choices. Negative effects of NCLB reviews the concerns of standardized testing to measure student achievement reduce curriculum choices and the additional costs to implement NCLB.

# CHAPTER 2

# DEFINITIONS AND KEY AUTHORS

## Definitions

**Accommodations:** enable students with disabilities to access material for instruction and assessments equal to that of their non-disabled peers. Accommodations allow students an equal opportunity to demonstrate their level of knowledge without altering what a given test measures. Accommodations may include reading questions orally when materials are presented, repeating directions, or using larger answer sheets. Other accommodations may include having students giving answers orally; changing the physical location for the student (e.g., use of a study room or use special lighting); allowing extended time on tests or assignments along with scheduled breaks; and providing academic assistance (e.g., study guides or allowing staff to take notes for the student).

**Achievement Gap:** refers to the disparity in academic performance between groups of students, especially groups defined by race/ethnicity and socioeconomic status. This achievement gap is evident in analyzing standardized test results for low-income and minority students.

**Adequate yearly progress (AYP):** annual collection of data from student achievement assessments. Each year schools that receive federal funding are required to show progress toward the goal of having all students be proficient in math and reading by 2014. Each school must develop standards and benchmarks to monitor student achievement and progress. To demonstrate adequate yearly progress (AYP), schools are required to:

- Test 95% of enrolled students in grades 4, 8, and 10 in reading and math during the first years of initiation. In 2005-06, this requirement increased to include 95% of enrolled students in grades 3 through 8 and high school.
- Meet state goals for student attendance in school and for high school graduation.
- Meet annual achievement goals set by the state for math and reading.
- Break down the achievement scores and test participation percentages by race, economic status, students with disabilities, and limited English proficient students. All subgroups must meet the yearly standards and benchmarks. A subgroup is defined as a group of at least 40 students, except that subgroups of students with disabilities must include at least 50 students. If a school or district fails to meet an annual indicator for two or more consecutive years, it is identified as needing improvement (Landsverk, 2004).

**Alternate Assessments for Students with Disabilities:** administering assessments to students who are unable to participate in regular assessments even with accommodations defined in their Individual Education Plan (IEP). Alternate

assessments are necessary in order to achieve educational accountability for all students. The Individuals with Disabilities Education Act (IDEA) of 1997 was the first attempt to identify and develop alternate assessments as an option for some students. This commitment was expanded with the NCLB act, which specifies that each state, district, and school must be held accountable for the achievement of all students. Alternate assessments are intended to provide the necessary data concerning students with disabilities in school assessments. All assessments for NCLB accountability should measure student achievement on the grade-level content. Individual states have the option of designing and developing their own alternate assessments for students with disabilities. States may choose from a variety of alternate assessments, including:

a) Student portfolio – A variety of each student's work that is evaluated and measured against comparative grade level standards.

b) Performance assessment – A measurement of a particular skill such as reading, math, or science. Performance assessments are usually conducted in a one-on-one situation, but they may include a traditional pencil and paper test or a flexible assessment adjusted to the student needs.

c) Checklist – An assessment method requiring teachers to record whether students are able to carry out certain activities in the subject areas of math, reading, and science. Checklist scores are usually based on the number of academic skills the student was able to perform successfully.

**Annual Measurable Objectives:** NCLB guidelines requiring individual states to develop annual measurable objectives that will determine if schools, school districts, and entire states are making adequate yearly progress (AYP) toward the goal of having all students proficient in English and mathematics by the 2013-2014 academic years.

**Annual Statewide Academic Assessment:** requiring each state to administer annual academic assessments in reading, English, math, and science in grades 3-8 and at least once in grades 10-12. Annual statewide academic assessments are used to measure student academic achievement and compare yearly progress. The assessments must be aligned with the state's academic standards and based on academic achievement standards set by the state.

**Assessments:** gathering information about students to determine eligibility, identify the student's strengths and weakness, and plan the appropriate educational services. Assessments may include teacher observations, formal testing, review of data (social, psychological, behavioral), and interviews. Assessments are used to determine proper classroom placements, evaluate educational services, and compare academic achievement among grade level peers. Schools usually report assessment results in terms of achievement, proficiency, or performance levels. Terms such as *novice*, *basic*, *proficient*, *advanced*, and *meeting or exceeding the standard* are commonly used to describe each student's achievement level. Assessment of achievement results must be defined by each school and aligned with academic content standards.

**Community Learning Center:** designing programs or facilities designed to help students meet school academic achievement standards in core subjects, such as reading and mathematics. The goal for an effective community learning center is to offer additional academic assistance for students such as individual tutoring, group instruction, and non-structured environment. Activities may include drug and violence prevention, counseling, art, music, dance, recreation opportunities, technology stations, and character-building programs. These programs or facilities are required to operate during non-school hours such as before or after school and during summer break. In addition, community learning centers may develop programs to help students and their families by providing opportunities to improve their literacy as well as their educational and social development. Learning centers may be located on the school's campus or in an offsite building in the area.

**Capacity Building:** putting forth effort by schools to utilize available human resources including staff, parents, and paraprofessionals to develop policy and establish academic standards. The coordinated effort of all these resource groups is essential for successful student achievement. Under NCLB, all schools receiving Title I federal funding is required to build up their capacity to maximize parent involvement. The school's ability to develop relationships between parents and staff will greatly impact the students' learning potential.

**Disaggregated Data:** referring to test scores sorted by the various groups of students who are considered disadvantaged in terms of their access to educational opportunities. Disadvantaged groups commonly include minority students; students with disabilities, and students with limited English proficiency. Collecting and analyzing disaggregated data allows teachers, school officials, and parents to compare how individual students and various groups of students are performing on assessments.

**Dropout:** a student of any age or grade leaving school before graduation for any reason other than death or moving out of the United States. To be classified as a dropout, a student must not be enrolled in another school, a high school equivalency program for General Education Development (GED), or any other diploma program.

**Dropout rate:** dividing the number of dropouts from grades 9-12 by the total enrollment in grades 9-12. The NCLB Act requires that the target dropout rate for all students (including students with disabilities) be zero at the end of the 2013-2014 school years. The dropout gap between students with disabilities and all other students has consistently been less than 1%.

**English as Second Language (ELS):** classifying ELS students whose main or dominant language is not English. ELS students may have difficulty reading, writing, speaking, or understanding the English language. NCLB requires that

schools receiving federal funding under Title III legislation include specific parent involvement and notification guidelines for ELS students.

**Emergency License:** requesting an emergency license for any teacher who is seeking approval to teach in a content area other than the content areas for which he/she is certified and licensed. Prior to requesting an emergency license, the school district must post the position and verify that no fully certified and licensed teacher is available to be hired for the position. The inability to fill the position with an appropriate licensed teacher creates the need for an emergency licensure. The emergency licensure is valid for one year.

**Free and Appropriate Public Education (FAPE):** requiring a school district to provide a "free appropriate public education" (FAPE) to every qualified individual or student with a documented disability who is in the school district's jurisdiction, regardless of the nature or severity of the person's disability.

**Highly qualified teacher:** defined as a teacher who has completed the proper academic requirements to receive a full license for a specific grade level and subject area. After the 2005-2006 school year, NCLB required that every classroom have a highly qualified teacher. NCLB is committed to the goal of having a highly qualified teacher for all students across the economic spectrum. Students are entitled to have highly qualified teachers regardless of their race, income level, or ethnicity. The NCLB research findings show that positive student

academic achievement is linked to having highly qualified teachers in the classroom. Under NCLB, schools are required to inform parents concerning the qualifications of their child's teachers.

**High Stakes Testing:** test or assessment in which the result is linked to a consequence for students who obtain a low score, and a reward for students who obtain a high score. A state high school exit exam is an example of a high stakes test. Students who receive a passing or high score usually receive a diploma, while students who fail the exam do not receive a high school diploma.

**Individual Education Program (IEP):** legally ensuring that students with disabilities receive a free and appropriate education in the least restrictive environment. The IEP addresses the educational goals of students with disabilities using specially designed modifications, accommodations, and support services. The elements of the IEP are developed from discussions involving the parents, the student, and school personal defining how best to meet the education needs of the student.

**Individuals with Disabilities Education Act (IDEA):** reauthorizing of the Federal Education for All Handicapped Children Act of 1975. IDEA guarantees children with disabilities and special needs a free and appropriate public education (Friend, 2006). Under IDEA, each child's education is to be determined by his or her academic, social, and physical needs. Each student must be educated in the least

restrictive environment, designed to meet the student's special needs. Lastly, IDEA established educational and legal rights for parents and children.

**Limited English Proficiency:** applies to students who do not use English as their main language. Students with limited English proficiency usually have difficulty writing, speaking, and understanding the English language. NCLB requires schools receiving federal funding under Title III legislation for students with limited English proficiency to include specific parent involvement and notification guidelines.

**No Child Left Behind (NCLB) Act:** reformed the Elementary and Secondary Education Act (ESEA) signed by President Lyndon B. Johnson in 1965 (U.S. Department of Education, 2001). ESEA was designed to offer financial aid for poor and disadvantaged children in the public school system (grades K-12). ESEA evolved over the years to incorporate many education reforms to offer assistance to all children. The NCLB Act of 2001 was passed by Congress and signed into law by President George W. Bush on January 8, 2002. NCLB, which redefined the federal role in K-12 public education. NCLB's main goal is to help close the achievement gap between disadvantaged and minority students and their peers. The NCLB Act also requires schools and districts to involve parents, improve academic achievement, and hold schools accountable.

**Paraprofessionals:** requires paraprofessionals (PA) or teacher's assistants (TA) hired after January 2002, must meet these qualifications: (1) hold a two-year associate degree or (2) complete two years at a college or demonstrate knowledge in reading, writing, and math by means of an exam. These requirements apply to schools receiving Title I funding. Paraprofessionals must also demonstrate the ability to assist the teacher in a classroom setting. Paraprofessionals hired prior to 2002 were required to satisfy these requirements before January 8, 2006. For PAs and TAs, instructional responsibilities may include providing assistance in computer labs, classroom management, coordination of parent-school activities, and support in the library, classroom, and translation for students. School staff members employed in non-instructional positions such as food service, cafeteria, playground supervision, or personal care is not considered to be paraprofessionals according the NCLB guidelines.

**Reading First Program:** research-based program promoted with NCLB; Reading First required additional teacher training and evaluation of the effectiveness of teaching methods. The five essential components of the Reading First program are phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension strategies. The Reading First program outlines the components and activities to be used in state and local schools as well as the strategies that schools should use to improve students' reading skills (U.S. Department of Education, 2008a).

**Rehabilitation Act of 1973:** explains states that educator will include disabled individuals regardless of a disability, and must be not be excluded from participation, denied the benefits of, or be suffer discrimination under any program or activity that receives or benefits from federal financial assistance. The Department of Education's Office for Civil Rights (OCR) enforces this law for all elementary, secondary, and post-secondary schools. OCR prohibits specific discriminatory activities, such as the assignment of students with disabilities to segregated classes or facilities. In elementary and secondary schools, students with disabilities may be assigned to separate facilities or courses only when judged placement is necessary to provide students an equal opportunity and also separate facilities or services are comparable to other schools opportunities.

**School Report Cards:** requiring each school to notify the public how their school and students preformed on the assessments outlined by the NCLB on an annual basis. This report card describes the school's performance school along with each subgroup of students. Schools receiving Title I funding, the AYP performance also determines the choices students have should their school fail the set standards. These alternatives available to students include option to change schools, receive additional instructional services such as after-school tutoring. School report cards are also sent to the parents analyzing the academic performance of their child on the state assessments required by NCLB. These report cards are to be used by the individual schools and teachers to compare the students results and adjust or alter the classroom instructional improving the

student's performance. These report cards should contain both the data from the statewide assessments with classroom data to accurately inform parents on how their child is performing in the school setting (Landsverk, 2004).

**Special Education:** specially designed instruction available free to all qualifying students to meet the unique needs of a child with a disability. Students with disabilities access school content and curriculum through accommodations and modifications that help these students succeed in the classroom setting. Students eligible for special education services are required to have an IEP, a legal document, designed to implement the specific goals and objectives and various support services needed to ensure that students' educational needs are met.

**Subgroups:** defines groups of students in the following categories: students with economical disadvantaged backgrounds, students from major ethnic or racial groups, students with disabilities and students with limited English proficiency. The NCLB requires that at least 95% of students from these four main subgroups be tested and included is all assessments in order for the school or school district to make the Academic Yearly Progress (AYP) goals

**Supplemental Educational Services:** Additional academic enrichment or intervention services provided to students outside the regular school day. NCLB requires supplemental educational services such as after-school tutoring to be of

high quality and research-based, enabling schools to document the student's progress toward meeting the state's academic achievement standards.

**Title I Programs:** developed to improve educational opportunities for the most disadvantaged children. Title I provides federal dollars to assist in providing educational opportunities for minority and disadvantaged students and for students living in areas that have a high incidence of poverty (U.S. Department of Education, 1996). Title I programs focus on reaching students who are most at risk of failing to meet the state's content and performance standards as determined by NCLB.

There are two types of Title I programs:

1. Targeted Assistance Programs – Developed to identify and assist students eligible to receive Title I services. Targeted assistance is based on academic need. Eligible students may receive services and support either in a regular education setting or in a specialized pull-out instruction format. Additional services may include after-school, one-on-one tutoring and programming options. Teachers employed at a Title I schools are responsible for providing extra services to at-risk students and developing programs with other staff members who also work with the students. Teachers are responsible for involving parents in Title I programs such as planning, and evaluation.

2. School-Wide Program – A school-wide Title I program is used when the poverty level is at 40% of students receiving of free and reduced lunches, Aid to Families with Dependent Children (AFDC), census data, or Medicaid enrollment. This

school-wide program is developed school officials can relate a students' poverty level and their low academic achievement. School-wide programs are allowed greater flexibility in the use of Title I funds and the types of services. Teachers at Title I schools may work with all the students enrolled in that school, not just the identified students. Schools and school districts determined to be eligible for school-wide programs are allowed to work together to address the needs of such students. The goal of a school-wide program is to increase the achievement level of all students.

## Key Authors

**Connor, Carol McDonald:** is a Principal Investigator for the U.S. Department of Education. Dr. Connor began her career as a speech and language pathologist in the 1970s, providing therapy to children and adults with language, speech, and voice impairments and learning disabilities. She advanced to manager of multidisciplinary teams for services to children and adults in the 1980s. In the 1990s, she was active with research, treatment, evaluation, parent training, in-service training for school professionals, and in-service training for medical school pediatric residents. Currently, Dr. Connor is an Associate Professor at Florida State University. She has authored or co-authored 32 publications on hearing impairment, language development, classroom effectiveness, student engagement, and Reading First.

Dr. Connor is the principal investigator for a series of randomized control field trials funded by the U.S. Department of Education, the Institute for Education Sciences, and the National Institute of Child Health and Human

Development. These studies examine the effects of individualizing literacy instruction for first, second, and third grade students based on their entering language and reading skills. Connor's research provides evidence that teaching methods can make a difference with large sample sizes and using multiple measurement tools. (From her Florida State University CV study)

**Fusarelli, Lance:** is an Associate Professor in the Department of Educational Leadership and Policy Studies at North Carolina State University who also directs Graduate Programs. He is the author and editor of four books and more than 40 journal articles and book chapters. Dr. Fusarelli primary areas of interest are school choice, the politics of education, and school leadership. His current research focuses on implementation of the No Child Left Behind Act, particularly how the legislation impacts at-risk students. He describes NCLB as well-intentioned but not sensitive enough to the link between the achievement gap and poverty for at-risk populations.

**Mathis, William:** is a professor at the University of Vermont who has taught educational finance for the past 20 years. Mr. Mathis spent 23 years as superintendent of Rutland Northeast Supervisory Union in Brandon, Vermont. In his 40 years involved in the field of education, his research, articles and books will require 8 single spaced pages to list all of his accomplishments. His major accomplishments include filing a lawsuit against the federal government for failure to properly fund the No Child Left Behind. Mr. Mathis discussed how the federal government will

bring sanctions against schools based on poverty, yet government fails to recognize the effort and expense schools must face to absorb these costs. He also is credited for suing Vermont's school funding system for lack of financial support and has established educational programs designed to meet the needs of students through various learning styles. Through all of his accomplishments Mr. Mathis desire to inspire educational leaders willing to confront the struggles and challenges of education.

**O'Neill, Paul:** is currently a faculty member at Columbia University's Teachers College. Mr. O'Neill has taught courses on education law and policy relating to special education and Charter schools. He has researched issues such as education law and school reform, No Child Left Behind, special education issues, charter schools and school choice, high stakes testing, and accountability. His education background includes training as an education attorney. His profession appointments are Chair, Education Committee, New York City Bar Association (2005-2007) and Chairperson on the Manhattan Charter School Board of Trustees. He has served as the lead education attorney for Edison schools, which is the national school management and service organization. He is now a senior fellow in Senior Fellow in Edison's Learning Institute, where his duties include education reform issues and scholarships.

His accomplishes as a respected author includes highlighting the effects on the No Child Left Behind and charter schools. Mr. O'Neill is highly critical of the No Child Left Behind and has published articles comparing the impact of high

stakes testing on special education students. His education resume includes degrees from B.A., from Oberlin College, M.Ed., from Teachers College, Columbia University, J.D., and University of Virginia School of Law. Lastly, his humanitarian involvement mentions how he spearheaded reopening the schools in New Orleans after hurricane Katrina.

**Peterson, Paul:** is a Professor of Government and the Director of the Program on Education Policy and Governance at Harvard University. Dr. Peterson is also a senior fellow for the Hoover Institution (Stanford University), a member of the Koret Task Force on K-12 Education, and editor-in-chief of *Education Next: A Journal of Opinion and Research.* His research interests include educational policy, federalism, and urban policy. He has evaluated the effectiveness of school vouchers and other education reform initiatives. Dr. Peterson is openly critical of teacher certification and advanced education when it does not consider measuring student outcomes. He recommends extensive expansion of charter schools as a means to increase parental choice and student learning. Charter schools often have high student achievement and lottery enrollment, which Peterson believes demonstrates that students are motivated by creative school curriculum.

**Spellings, Margaret:** served as the U. S. Secretary of Education under President George W. Bush, and is considered a key author of NCLB. Before serving as Secretary of Education, she served as Assistant to the President for Domestic Policy. Spellings

had a long history working with George W. Bush. She was his political campaign director in his 1994 run for Governor of Texas, and she served for six years as Senior Advisor to George W. Bush when he was governor of Texas. Mrs. Spellings is credited for designing polices on under President George W. Bush in the areas of education to begin the trend to reduce social promotion in the public school. Specifically she ruled against allowing third graders to proceed into fourth grade if they were unable to pass the required academic standards. This belief by Margaret Spellings set the ground work for the policies of the NCLB to end social promotion and reward or punish schools on student achievement. Margaret Spellings has never worked in a school system nor has she received formal training in education. Prior to working with George W. Bush, Spellings served as the education reform commissioner under Texas Governor William P. Clements. She also served as director for the Texas Association of School Boards. Margaret Spellings graduated from the University of Houston with a B.A. in political science.

# CHAPTER 3

# REVIEW OF THE LITERATURE

## History of No Child Left Behind (NCLB)

Although Americans generally held a positive view of public education, declining SAT scores in the 1960s began to raise concerns about the quality of our educational system. Prior to this decline, Americans generally viewed education as an opportunity to solve the growing social problems such as civil rights, hunger, malnutrition, immigration, crime, teenage drug use, and economic inequality (Peterson & West, 2003). The United States was the first industrialized nation to expand elementary and secondary education and include students from diverse backgrounds in public education. Strategies to improve the public schools consisted of lowering pupil-instructor ratio, discovering funding for new buildings and budgets, and increasing teachers' salaries (Peterson & West, 2003).

## Elementary and Secondary Education Act (ESEA) and Title I

To address the growing concern about declining SAT scores, ESEA was passed in 1965 as part of President Lyndon B. Johnson's "War on Poverty." Johnson believed that poverty should not be a barrier to learning; instead, learning could be a way of escaping from poverty (Peterson & West, 2003). At its beginning, ESEA was the largest federal support for public education and, for the first time in the nation's history, federal, state, and local governments combined efforts to consider the effect of poverty on public education.

President Johnson saw the need for the government to improve the public education system. Several factors prompted President Johnson to promote Elementary and Secondary Education Act (ESEA) and Title I. First, the steady decline of the SAT scores in the United States public school system, plus data collected from surveys placed the United States in the lowest percentile of academic achievement when compared with other industrialized nations (Nichols & Berliner, 2007). Second, was the achievement gap between minority and low-income students compared with students from wealthier families and school districts (Nichols & Berliner, 2007)? President Johnson determined the role of government to improve the public education system.

Walter Heller, chairman of the Council of Economic Advisor notified President Johnson that the major cause with lower performing schools was determined as students living in poverty. This advice, plus the trend of the decreasing SAT scores and the increasing achievement gap, encouraged President Johnson to develop a support system targeted to assist students living in poverty. Passage of ESEA, the federal government began the process of sending support through federal dollars and expanded educational services to underachieving schools and students living in poverty. Furthermore, President Johnson's designed Title I. This bill compared low test scores, students living in poverty and directed federal funding to schools, who had a increased number of disadvantaged students enrolled. Title I was developed to reform and restructure the education opportunities for minority students and students living in poverty.

**A Nation at Risk Study**

In 1981, President Ronald Reagan's Administration charged the National Commission on Excellence in Education with undertaking a study of the state of public

education in America. The resulting 1983 report, *A Nation at Risk: The Imperative for Educational Reform*, placed education in the national spotlight and raised concerns about the nation's continuing decline in academic scores despite the efforts to improve America's public schools under ESEA (U.S. Department of Education, 1983). The report noted that part of what was at risk was the promise first made on this continent:

> All, regardless of race or class or economic status, are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost. This promise means that all children by virtue of their own efforts, competently guided, can hope to attain the mature and informed judgment needed to secure gainful employment, and to manage their own lives, thereby serving not only their own interests but also the progress of society itself (U.S. Department of Education, 1983, p.1).

The report, *A Nation at Risk*, documented the following significant findings (U.S. Department of Education, 1983):

- International comparisons of student achievement, completed in the 1970s revealed that on 19 academic tests, American students were never first or second and, in comparison with other industrialized nations, they were last seven times.
- As many as 23 million American adults were reported to be functionally illiterate based on the simplest tests of everyday reading, writing, and comprehension.
- About 13% of all 17-year-olds in the United States were functionally illiterate. Functional illiteracy among minority youth was possibly as high as 40%.
- Average achievement of high school students on most standardized tests was lower than it had been 26 years earlier when Sputnik was launched in 1957.

- The College Board's Scholastic Aptitude Test (SAT) reports a steady decline from 1963 to 1980. Verbal scores fell over 50 points, and mathematics scores dropped nearly 40 points.
- Both the number and proportion of students demonstrating superior achievement on the SAT (i.e., those with scores of 650 or higher) had declined dramatically.
- Many 17-year-olds did not possess the necessary "higher order" intellectual skills. Nearly 40% could not draw inferences from written material; only one-fifth could write a persuasive essay; and only one-third could solve a mathematics problem requiring several steps.
- There had been a steady decline in science achievement scores for U.S. 17-year-olds as measured by national assessments of science in 1969, 1973, and 1977.
- Between 1975 and 1980, remedial mathematics courses in public 4-year colleges increased by 72% and, by 1983, remedial courses constituted one-quarter of all mathematics courses taught in 4-year colleges.

Business and military leaders complained that they were required to spend millions of dollars on costly remedial education and training programs in such basic skills as reading, writing, spelling, and computation. The Department of the Navy, for example, reported to the Commission that one-quarter of its recent recruits could not read at the ninth grade level, which is the minimum needed to understand written safety instructions. Without remedial work, these recruits could not even begin, much less complete, the sophisticated training essential in much of the modern military (U.S. Department of Education, 1983).

The Commission on Excellence in Education reviewed the data, examined the quality of learning, and analyzed the teaching practices in the nation's public schools. Special concern was directed toward the educational experience of teenage students. The Commission researched four essential areas of the public educational system: content, expectations, time, and teaching (U.S. Department of Education, 1983). In terms of content, the Commission concluded that school curriculum lacked specific direction and purpose. Academic content had become diluted, and students were often allowed to enroll in general track courses. Schools had begun to eliminate vocational technical and college preparation courses. Recommendations sought to strengthen the high school graduation requirements and develop a set number of credits for English, math, science, social studies, and computer science.

The report, *A Nation at Risk*, defined specific expectations that schools should achieve in terms of students' knowledge and ability. Expectations were expanded for graduation requirements and the subject material to be taught in the classroom. The report noted the decline in the amount/type of homework given and a decrease in the number of mathematics and science courses offered. Further, the report documented an increase in the number of students enrolling in less demanding, elective classes. Recommendations encouraged schools to develop more demanding and measureable assessment standards and to increase the expectations for student achievement.

Regarding the time factor, the Commission on Excellence in Education found that U.S. students were spending less time on schoolwork during classroom instruction and at home. Unfortunately, schools were not encouraging students to develop critical study skills such as time management and self-motivation. Recommendations challenged

schools to devote additional time to teaching students basic academic skills. Schools were advised to examine the possibility of expanding the school day and lengthening the school year.

Finally, the Commission found that the teaching profession was not attracting enough qualified candidates at the university level and that overall teacher education programs needed significant improvement. The Commission predicted a coming shortage of teachers in the areas of math and science. The report recommended updating universities' teacher education program facilities and improving curriculum at the college level. The evidence clearly showed that the methods used to educate and prepare teachers were in need of major overhaul. Changes were needed to make the profession of teaching more rewarding for individual teachers and more respected by the public.

In their report, *A Nation at Risk,* the Commission sought recommendations that would finally demand "the best effort and performance for all students, whether they are gifted or less able; affluent or disadvantaged; whether destined for college, the farm, or industry" (U.S. Department of Education, 1983). This landmark report ushered in the beginning of achievement testing and standards-based education reform (Peterson & West, 2003). The report caught the attention of politicians interested in education reform. In 1990, Presidential candidate Ross Perrot, a Republican from Texas, campaigned for establishing tougher standards and requirements that would hold schools accountable for the student's academic achievements (Peterson & West, 2003). Perrot advocated the use of yearly standardized tests to be collected and analyzed for every student and school in the United States.

In Texas, data from the National Assessment of Educational Progress (NAEP) was already being used efficiently to monitor the progress of student achievement and schools, and the results indicated increasing test scores. Perrot maintained that these results supported the validity of implementing a system of standards-based testing to hold schools accountable for students' educational progress. George W. Bush, then governor of Texas, also believed in the idea of keeping schools accountable and establishing a testing policy that could be applied to improve the nation's schools. Thus, the accountability idea championed by Ross Perrot and used in the Texas school system laid the groundwork for the current NCLB Law enacted in 2001.

**Goals 2000: Educate America Act**

In 1994, the Goals 2000: Educate America Act was passed by the Clinton administration" (U.S. Department of Education, 1996). Goals 2000: Educate America Act considered the needs of all the students enrolled in the public school system, not just the poor and disadvantaged or students at risk of school failure. The Goals 2000: Educate America Act required the entire school system to focus their finances and instruction on the learning of all students. This bill also encouraged individual states and school districts to combine federal programs with local school reforms affecting all students and considering the educational needs of students with disabilities. Implementation of Goals 2000: Educate America Act ended the practice of separating special education students from other students. States were required to establish content and performance standards and assess all students at least once in grades 3-5, 6-9, and 10-12. An accountability system was designed to track schools that were not following and documenting their students' academic performance.

The Goals 2000: Educate America Act placed the responsibilities for developing school programs from the federal level to the state and local level. Although the U.S. Department of Education required each school to design challenging assessment standards and productive instructional content with the goal of increasing academic achievement of all students, the department allowed greater latitude on how school districts spent their federal money (U.S Department of Education, 1996). This educational reform was considered more aggressive in that it provided financial support incentives to schools that developed annual testing or accountability programs similar to those used in Texas.

**Essential Principles of NCLB**

With the shift from Democratic Party leadership to Republican Party leadership in 2000, more concerns were raised about the lack of improvement with poverty and the need for education standards in the U.S. As a result, President George W. Bush proposed the NCLB bill, which Congress passed in 2001. NCLB (U.S Department of Education, 2004a) was designed to accomplish two major goals:

1. Raise the academic achievement of every student enrolled the public school system.
2. Narrow the achievement gap between the lower achieving disadvantaged and minority students and their higher achieving peers.

Four essential principles are at the heart of NCLB: (a) accountability for all schools, (b) teaching practices based on scientific evidence and research, (c) parental involvement in the child's education, including options for parents to have input in their child's education plans, and (d) control of education was expanded to the schools and school districts. Although these principles included control for local schools and school

districts, the states were held accountable for setting standards and supporting local school districts' efforts to accomplish their requirements. NCLB outlined accountability standards for the school, state, and school districts. The law required all states that accept Federal funding (Title 1 schools) to ensure that all students reach a proficient level in reading and math by 2014.

To achieve this broad objective, states are required to show compliance with the following requirements (Landsverk, 2004; U.S Department of Education, 2003a):

- Test students in reading and math. This statewide requirement includes students in grades 3-8 and those in high school in the 2005-2006 school years. Each state must also test students in science at least once in grades 3-5, 6-9, and 10-12.
- Develop a statewide accountability system:
    a) Ensure that all students score proficient or better in reading and math by the 2013-2014 school year.
    b) Develop annual benchmarks for reading and math test scores that all schools must reach each year.
    c) Require all schools and school districts to test at least 95% of the enrolled students annually.
    d) Require all elementary and middle schools to reach the established benchmarks for attendance.
    e) Require all high schools to meet the required graduation rate benchmarks.
    f) Require all schools to meet their state's accountability standards, which are referred to as the adequate yearly progress (AYP).

- Report and measure the progress of all students and subgroups of students. The subgroups are characterized by or include race/ethnicity, children with disabilities, students who are economically disadvantaged, and students with limited English proficiency.
- Publish the names of the schools and districts identified as failing to meet the adequate yearly progress (AYP) goals. Name schools and districts who have failed to reach the state benchmarks in reading and math for all students for two consecutive years. These schools will be labeled "in need of improvement" as defined by the NCLB requirements.
- Develop a report card that includes the state requirements and reports the progress of all students (including subgroups) in the state assessments for reading and math.
- Require all teachers to be "highly qualified" in core academic areas. The core academic areas defined under NCLB include English, reading, language arts, math, science, foreign language, civics/government, economics, arts, history, and geography. Highly qualified teachers are teachers who have full state certification or licensure.
- Require individual school districts to comply with NCLB requirements.
- Increase communication with the families; notify parents about the following aspects of their child's education:
    a) Their rights in the decisions affecting their child's education.
    b) Qualifications held by their child's teacher and clarify whether the teacher(s) meets the requirement of being "highly qualified."

c) Status of their child's school and clarify whether the school passed the required adequate yearly progress (AYP) standards. If a school is identified as in need of improvement, parents should be given other options.

- Monitor whether all teachers are highly qualified in the core academic subjects. Teachers hired after January 8, 2002 are required to be highly qualified if they teach in a Title I school.
- Maintain records concerning paraprofessionals to document that they meet the NCLB requirements for paraprofessionals in Title I schools hired after January 8, 2002.
- Design and develop report cards containing information about all students' progress on the state assessments in math and reading. In addition, the report cards must include the progress of all the subgroups by race, children with disabilities, limited English proficiency, and economically disadvantaged.
- Include all schools private and public to be involved in planning.
- Require schools to provide services or offer advice to students, teachers, and staff under specific titles.
- Require a plan that allows students the option to transfer out of a school that has been identified as dangerous.
- Provide the names, addresses, and telephone numbers for colleges, technical schools, and military recruiters. Military recruiters have the right to access the same student information as employers, universities, colleges, and technical schools.

## NCLB Accountability System

The NCLB law has developed a system for holding schools and school districts accountable for their students' success and progress in meeting NCLB requirements. This accountability system is made up of three parts: annual measurable objectives, adequate yearly progress (AYP), and school report cards. Individual states are allowed to develop their own standards in regards to annual measurable objectives and adequate yearly progress (AYP) as well as academic content and academic achievement standards.

### Annual Measurable Objectives

The NCLB's goal is to have 100% of students tested and performing at the proficiency level by the 2013-2014 school year. Individual states will need to calculate and set yearly targets to accomplish this goal by 2013-2014; the targets set by each school are called annual measurable objectives. These targets represent the percentage of students who must perform at the proficient level each year. Although states will progress at different rates on a yearly basis, tracking the annual measurable objectives will ensure that all states receiving federal funds achieve the goal of having all students at the proficient level by 2014 (Landsverk, 2004).

### Adequate Yearly Progress (AYP)

Adequate yearly progress (AYP) is the term used to describe the achievement of the annual measurable objectives. Adequate yearly progress (AYP) is influenced by a number of factors including student assessment results from entire student population and by subgroups, attendance data from elementary/middle schools, and high school graduation rates.

Furthermore, school report cards can be used to learn how a school is performing both in terms of overall student achievement and achievement of students with disabilities. The NCLB requirement that schools track and report performance by student subgroups, including students with disabilities, is important for discovering the total school performance rating. In many cases, the entire school performance may indicate adequate or sometimes excellent performance results. Yet a select subgroup of students attending the same school is scoring quite very poorly. NCLB's requirement to report the performance of students with disabilities is critical to improving achievement for those students (Landsverk, 2004).

Under NCLB, states are required to establish educational performance standards in reading, math, and science. The plan for NCLB is for all students to achieve 100% proficiency in language arts and math by 2014 as verified by adequate yearly performance. The adequate yearly progress (AYP) testing must include 95% of all enrolled students including subgroups of African-Americans, students with disabilities, and English as second language (ELS) students. All students must score proficient on the state's adequate yearly progress (AYP) targets; all students and subgroups must also meet the adequate yearly progress (AYP) target for graduation. Failure to meet the adequate yearly progress (AYP) goals will result in sanctions and penalties for the school districts.

Schools that do not make adequate yearly progress (AYP) for two or more consecutive years are identified as being "in need of improvement." Once a school is so designated, it must meet adequate yearly progress (AYP) for two consecutive years to have its "in need of improvement" label removed. All districts and schools are subject to testing and accountability requirements, only those districts and schools receiving federal

Title I funds are subject to federal punishments if they do not meet the adequate yearly progress (AYP) requirement for two or more consecutive years.

The following levels of federal sanctions for schools are cumulative (O'Neil, 2001). That is, if schools continue to be identified as needing improvement year after year, they must add subsequent levels of sanctions to the sanctions they already have (Levels 1 through Level 5).

- Sanction Level 1 (after two consecutive years): Schools must adopt two-year improvement plans, invest in professional development for teachers, and give parents the option to transfer their children to a higher performing public or charter school in the district; the district must pay for transportation. Priority for transfers goes to the lowest achieving, low-income students.
- Sanction Level 2 (after three consecutive years): Schools continue improvement efforts and give students from low-income families the option of obtaining supplemental educational services (i.e., tutoring) from private providers.
- Sanction Level 3 (after four consecutive years): Schools continue previous improvement activities and are also subject to "corrective action." Corrective action must involve one or more of the following: implementing a new curriculum, replacing school staff, appointing an outside expert as advisor, extending the school day or year, or restructuring the school.
- Sanction Level 4 (after five consecutive years): Schools must plan for restructuring, which may involve replacing staff, contracting with a private firm to manage the school, or turning school operations over to the state education agency.

- Sanction Level 5 (after six consecutive years): Schools must design and administer their own restructuring plan. (O'Neil, 2001).

**School Report Cards**

Report cards require each school to notify the public how the school and its students performed on the NCLB assessments annually. The report card describes the school's overall performance along with the performance of each subgroup of students. For schools receiving Title I funding, the adequate yearly progress (AYP) performance also determines the choices students have if their school fails to meet the set standards. The alternatives available to students include the option to change schools or receive additional instructional services such as after-school tutoring. School report cards are also sent to the parents analyzing how their child performed on the state academic assessments required by NCLB. Ideally, the report cards can be used by individual schools and teachers to compare the students' results and adjust or alter the classroom instruction and thereby improve students' performance. School report cards should contain both the data from the statewide assessments and classroom data to accurately inform parents about their child's performance in the school setting (Landsverk, 2004).

## Impact of NCLB

During the 2000 U. S. Presidential campaign, George W. Bush described the "Texas Miracle" of education reform, which involved improving the disparity between test scores for white and nonwhite students (Walden & Kritsonis, 2008). After the election, the enactment of the federal NCLB mandate offered the promise of holding schools accountable and providing incentives and disincentives that would lead to much-needed improvement in school performance. Since NCLB was enacted, educators have

had a chance to evaluate the benefits and issues with this major change in American schools. The fact that NCLB holds schools accountable for their outcomes and uses research-based educational methods is a clear benefit of the law. However, there are issues concerning graduation exams, dropout rate, minority students, special education students, and teaching methods that are yet to be resolved satisfactorily.

**Graduation Exams**

Test curriculum is one area that affects graduation rates. Currently 24 states require students to pass a graduation exam in order to receive a diploma (McDade, 2006). Proponents of the exit exam assert that tests are necessary indicators of student achievement. In practice, graduation or exit exams may be taken numerous times beginning in the sophomore year. Moreover, most NCLB high school exit exams are actually written for 10$^{th}$ grade standards (Zernike, 2001). This means that most high school graduation exams actually measure a 10$^{th}$ grade education. For instance, in Maryland, 65% of the math items in the exit exam are pre-algebra problems, which most students learn in middle school (Toppo, 2007). Toppo also showed that the average high school senior still doesn't read very well, and skills have worsened since 1992.

Not only are there problems with the exit exams, but there are also concerns with current curriculum from state to state. Evidence shows that success on the ACT can be traced to the rigor and strength of the high school's curriculum. The ACT core courses include four years of English, three years or more of mathematics, three or more years of science, and three or more years of social sciences. Students who take the ACT core courses score better than students who do not. Nevertheless, some states do not mandate a standard equivalent to the ACT's core courses. For instance, Wisconsin's high school

graduation requirements mandate four years of English and three years of social sciences, but only two years of math and sciences. NCLB has supported state standards for graduation with focus on testing standards but often the state and school districts have not been able to raise student achievement to meet expectations due to complexity of social and educational issues.

A number of issues, including economic status, affect the high school graduation rate. High school graduation is essential in today's society and workplace; those without at least a high school diploma will generate less income and, of course, be unable to pursue higher levels of education. Currently, only 11% of college freshman are African-American, and only 7% are Hispanic (Greene & Foster, 2003). Three criteria are used to determine if a student is college-ready:

1. Did the student graduate from high school?
2. Did the student take certain courses in high school?
3. Does the student demonstrate basic literacy skills?

One reason for the low college enrollment for African-Americans and Hispanics is that these students are not acquiring college-readiness skills in the K-12 system despite support such as financial aid or affirmative action policies. Students' lack of motivation and low education expectation are major factors in the current high school graduation rates. One million students who start the ninth grade this year will not earn a high school diploma four years later. The fact that one out of four students does not earn a high school diploma leads to a very dim economic future for these individual, their families, and their communities (Hall, 2007).

NCLB measures achievement but does not adjust for social factors that contribute to low motivation and low expectations of some students. Narrowing the achievement gap for graduation exams needs more creative standards for measurement.

**Dropout Rate**

Graduation rates for some student subgroups have improved over time. In 1962, only 42% of African-American students graduated from high school; in 2006, that statistic improved to 80%. The high school graduation rate for Hispanic students increased from 62% in 1962 to 76% in 2002 (Mishel & Joydeep, 2006). Despite the improvement in graduation rate over the last four decades, the accounting systems from 1962 did not include special needs children because they were not enrolled in public schools. Also, the economy of 1962 provided more job opportunities for students without high school diplomas; therefore, there may have been less incentive for students to finish high school and less incentive for schools to record all drop outs. Our current expectations for literacy and work skills are much higher.

However, the ratio between high school graduation and high school dropout hasn't changed over the past 30 years. The graduation-to-dropout ratio has remained at about 25% over the past 30 years. Texas education officials contend that testing is not to be blamed; they maintain that their state exit exams have brought about broad improvements in instruction, helped students get remediation, and enabled the state to identify and assist struggling schools and school programs (Schmidt, 2000). The Texas exit test has been challenged in a lawsuit alleging that it discriminated against African-American and Hispanic students. A United States district judge dismissed the complaint,

concluding that the educational benefits of assessments outweigh any harm stemming from relatively high failure rates for minority students (Schmidt, 2000).

O'Neill (2001) reported that children from low income families have a higher dropout rate than children from middle or high income families. In addition, the children from single parent, female-headed families have a higher risk for dropping out of school. One might speculate that lower income families have less time to contribute to a child's education due to long work hours and stress over housing and food supplies. Lower income families often live in the more dangerous neighborhoods, which can affect the child's ability to do well in school. NCLB does not have built in financial supports for these high-risk students.

Dropout rates are affected by multiple contributing factors besides poverty. Students who have dropped out of school (Walden & Kritsonis, 2008) cited high stakes testing as one of the reasons they dropped out because they were afraid that they would not pass the test, and they believed there was no alternative to testing. Teachers may not have been aware of the students' lack of confidence about passing the exit exam; therefore, alternative testing was not planned or made available. School districts vary greatly on their plans for reaching out to at-risk students to prevent dropouts.

In 2006, the Educational Research Center predicted that one in three high school students would not graduate (Walden & Kritsonis, 2008). The projection was worse for urban schools serving poor students. For these dropouts, the implications are far-reaching as their chances for employment will be lower, and they jeopardize their ability to manage personal business decisions effectively. NCLB has been underfunded to meet the performance standards. The students most affected are from economically disadvantaged

populations, certain racial and ethnic groups, and those with limited English skills. Classroom teachers do not agree with politicians who believe NCLB will improve standards. Although NCLB intended to support teachers originally, over time the teachers are often blamed for the failure of the students. For example, the NCLB has changed the how tests are interpreted in the school districts. Now schools are likely to give teacher bonuses for high pass test rates and high graduation rates (Walden & Kritsonis, 2008).

In summary, dropout rates have been resistant to improvement over the last decade for economically disadvantaged students despite NCLB initiatives to support parents, teachers, and students. NCLB has been underfunded to meet performance standards.

**Minority Students**

Minority students continue to fail at a disproportionate rate. Family attitudes and priorities may be a contributing factor for this failure rate. For instance, some families do not value high academic performance and instead place a higher value on family and personal values. In addition, minority students often suffer the effects of tracking and labeling on test scores (Walden & Kritsonis, 2008). The odds of African-American students graduating from high school remain at a dismal 50% in many school districts. Males are even more likely than females to drop out (Finn & Chasin, 2007). Parents who do not show interest in the child's learning, homework, and grades also contribute to minority student's tendency to drop out of school. Further complicating this issue is the fact that many parents of minority students may not have graduated from high school themselves (Woolfolk, 2007).

Among students who dropped out of high school, 70% report they were confident they could have graduated if they had tried. Of the students who dropped out of high school, 50% also reported that boredom in the classroom was a major factor in deciding to drop out (Walden & Kritsonis, 2008). Dropouts generally believe that schools do little to address the student's academic or emotional problems. Retention in high schools often appears to be as much of a punishment for not doing the school work as it is a positive approach to the students' achievement.

Conner, Jakobsons, Crowe, and Meadows (2009) cite their study on the Reading First program as an example of using evidence-based teaching methods to improve performance. One type of measurement used in the study was student engagement in classroom activities and studies. Engagement studies are important issues addressing the student's academic and emotional problems. Minority students need parental support to set family expectations, and schools need to do more to engage minority student and to decrease standardized testing of NCLB.

**Special Education Students**

NCLB advocates that the special education system and its students should be held to the same standards as the rest of the school system (Yell, Drasgow, & Lowrey, 2005). This standard encourages special education instructors to push their students to perform at their highest academic potential and to push the school to have high standards for their curriculum's design. By keeping the expectations and standards high for students, the school can be held accountable to ensure the children are receiving free and appropriate public education.

Children with disabilities often need accommodations for teacher-prepared and standardized testing. Often the process of determining and implementing those accommodations can be frustrating to parents, educators, and students because of complexities of the process. Salend (2008) provides practical guidelines and resources for that process. The guidelines included (a) a diverse multidisciplinary team for the process; (b) evaluation of eligibility for special education; (c) evaluation of whether a student should be tested at grade level, alternate assessment on modified academic achievement standards, alternate assessment based alternate achievement standards, or a combination; (d) consideration of validity standards; (e) use of a variety of resources for considering accommodations; (f) identification of a range of alternate accommodations such as presentation, response mode, timing, technology, scheduling, or setting; (g) parallelism with IEP; (h) identification of material and personnel needed for testing; (i) reassessment of the validity, effectiveness, efficacy, fairness, and continued need; (j) process for evaluation of student outcomes; and (k) process for evaluation of the multidisciplinary team's effectiveness in planning accommodations. Resources to support the work of the multidisciplinary team include:

- National Center on Educational Outcomes (NCEO)
- Center for Research on Evaluation, Standards, and Student Testing (CRESST)
- Center for Educational Assessment
- Practical Assessment, Research, and Evaluation (PARE)
- National Center for fair and Open testing (Fairtest)

One of the main arguments against exit exams is the lack of modifications and supports available for students with special needs, including learning disabilities or anxiety about test taking. However, some states that currently implement exit exams allow students with special needs to be exempted from the exam and still receive a diploma. Nevertheless, to be exempted from the test, students must satisfy certain qualifications, including attendance and academic credit requirements, which can vary district to district.

Salend (2008) provided an extensive list of commonly accepted accommodations: presentation mode, response mode, timing and scheduling, setting, and linguistic-based services. For example, one accommodation could involve changing the test presentation (e.g., audio tests for those with reading disabilities or Braille tests for those with vision impairments). Another accommodation could involve changing the test response mode (e.g., using scribes to write the test answers for students or providing computer assistance). Another common accommodation could involve changing the timing (e.g., extending the time for completing sections or breaking the sections into time blocks). Another useful accommodation could involve changing the test taking setting (e.g., small groups or individually alone in a room).

All states with statewide exit exams must either offer students multiple opportunities to retake the test until they pass or offer another form of the test. In some states, students with disabilities are or can be graded on a different scale, depending on the student's level of impairment.

Some of these same accommodations are also available to students who speak English as their second language (ESL). ESL students also have the option of having an

interpreter or taking the test in their first language. These students are classified under Section 504 of The Rehabilitation Act of 1973, an anti-discrimination law. For ESL students, Section 504 means that although they do not have a disability, they do have circumstances that can impede their learning. These accommodations satisfy the needs of the majority of students; the options for assistive technology and changes in time and setting reassure the students that the teachers want to see them succeed.

Often, standardized testing and teacher-based testing require the multidisciplinary team to provide consistent accommodations for individuals to meet the challenges of maximizing student achievement without jeopardizing the validity of the testing, motivation of the students, or practicality of the process.

**Teaching Methods**

Conner et al. (2009) provide an excellent example of implementing new teaching methods that improve student outcomes. New teaching methods may take months for implementation and give the teacher enough time for feedback on the new methods. Implementation of research-based methods and upgrading teaching methods are benefits of the NCLB initiatives.

Nevertheless, one of the limitations of NCLB has been its heavy emphasis on testing so that teachers feel compelled to focus more and more class time on test content and testing skills building. Instead of designing creative lessons based on student interest and engagement, teachers are teaching to the test. Teaching to the test prevents teachers from focusing on critical thinking, problem solving, innovation skills, collaboration skills, media skills, and contextual leaning skills (Schoen & Fusarelli, 2008).

In summary, teaching methods need to be research-based and involve creative engagement of the student, rather than over-emphasizing standardized testing. Student outcomes need to be part of teachers' internal accountability for professional development.

## NCLB-Related Court Cases

This section includes several NCLB-related court cases selected to provide insight into some of the complexities of NCLB and to show how the law conflicts with prior educational expectations and raises questions about parental rights. Educators need to continue to evaluate issues and propose methods to track and address student achievement.

### Ottawa School District v. Illinois State Board of Education

Two Illinois school districts sued the U.S. Department of Education, claiming that some NCLB accountability measures should be dismissed because they are in direct conflict with the Individuals with Disabilities Education Act (Samuels, 2005). The Ottawa School District and parents filed the lawsuit in the U.S. District Court in Chicago, IL. Raymond A. Hauser, the lawyer representing the school district, stated that IDEA's requirement that each special education student have an individualized education plan (IEP) is contrary to the requirement under NCLB (Samuels, 2005). Currently, NCLB counts special education students as one subgroup whose test results help determine whether a school achieves the required adequate yearly progress (AYP), which is the key measure for holding schools accountable under the law. Getting a group of students to meet the goal of passing the state test required under NCLB demands a "categorical, systematic plan," Mr. Hauser said, "and that would require educators to adjust students'

IEPs to meet one goal, to the punishment of some children in special education. There are some students in these various subgroups that fall into these categories, which are never going to meet state standards" (Samuels, 2005, p. 1).

This lawsuit asks the court to reject the sections of NCLB that deal with the requirement to test students and the plans for the improvement of schools that do not achieve the adequate yearly progress (AYP). The Illinois lawsuit is the first to claim that the NCLB is in conflict with the IDEA (Samuels, 2005). The case went to the U.S. Court of Appeals for the Seventh Judicial Circuit, which ruled that IDEA must give way to NCLB since it is the more recent statute. The judges also ruled that the school and families did not have any legal standing because they did not suffer any injuries under NCLB (Samuels, 2005).

**Statton and Gibbs v. New York City School District**

On January 27, 2003, parents sued the New York City school district in the state supreme court. This class action lawsuit was filed on behalf of all students allegedly denied their "rights" to transfer to other schools and to receive supplemental education services (Walsh & Sack, 2003). The parents argued that NCLB was intended to give parents the option to transfer their children out of failing schools.

The lawsuit stated that the parents never received any information from the city's school district about their rights under the NCLB law. The lawsuit also alleged that some parents were told they were too late to apply for transfers; other parents were told that their transfer requests were denied by the city education department (Walsh & Sack, 2003). One of the parents, Ms. Statton, said that when she sought tutoring for her

seventh-grade son, she was told no such services were being offered at his school, yet his school was on the failing schools list in New York City.

Under NCLB, schools that fail to make adequate yearly progress (AYP) for two consecutive years are required to allow disadvantaged students the option to transfer to another school. After a third year of failing to show adequate progress or still being on the failing list, these students must be offered supplemental services. This New York case raises a question about whether parents have a right to sue school districts along with who is responsible for the enforcements of student's rights or benefits under NCLB. Some legal experts say that the statute does not grant parents to sue the public schools (Walsh, 2003). The New York lawsuit asked the court to consider the rights of parents who are only asking the school districts to offer a better system to notify the parents under the NCLB's requirements such as allowing students to transfer from failing schools. The lawsuit also asked for the school districts to honor the request from parents and offer the additional services to all eligible students (Walsh & Sack, 2003).

The importance of this lawsuit highlights frustration of parents and the vague terminology of how the NCLB is written. Furthermore, this lawsuit discovers the unanswered question of who is responsible to ensure the students rights are addressed in the area of failing schools and the options for parents and students.

**ACORN v. California State School Board**

On January 23, 2003, the California affiliate of the Association for Community Organizations for Reform Now (ACORN), an advocacy group, sued the state school board in San Francisco Superior Court seeking the definition of what constitutes a "highly qualified" teacher in California (Walsh & Sack, 2003). The NCLB law requires

that all teachers newly hired under NCLB (Title I) be "highly qualified" and that all teachers be highly qualified by the end of 2005-06. The California school board sent a proposal to the U. S. Department of Education asking that teachers with non-classroom work experience be counted as highly qualified (Walsh & Sack, 2003). The NCLB states that any previous work experience is acceptable and should be considered as valid teaching experience in their teaching fields, and that these teachers were progressing on meeting required certifications demands. This proposal was eventually rejected by The U.S. Department of Education.

The purpose of the lawsuit was to improve the quality of teachers in California (Walsh, 2003). In 2000-2001, more than 34,000 teachers in California, accounts for almost 11% of the state's total number of teachers, were currently working with an emergency teaching license. In 2003, California was facing one of the worst cases of teacher shortages out of any of the 50 states. This teacher shortage developed from factors including the state's high cost of living, budgets constraints and reducing the number of students in each classroom.

**Vantage v. Oregon Department of Education**

Under NCLB, the state of Oregon was required to use online testing. However, the Oregon Department of Education was required to switch to paper-and-pencil testing because of a dispute with Vantage Learning, which was the state's testing contractor. The Oregon Department of Education sued Vantage, but the company won on a breach of contract. The Oregon Department of Education was ordered to pay $3.5 million to Vantage (Anonymous, 2008).

### Pontiac School Board v. Spellings

On April 20, 2005, the National Education Association (NEA) filed a lawsuit in the U.S. District Court (Trotter, 2006). The NEA argued that the federal funding needed to meet the nationwide achievement standards was inadequate because the NCLB law requires all funds to come from local and state funds instead of from the federal government funding. For example, the plaintiffs argued that the state of Michigan provided $453 million in 2005 for NCLB services that should have come from federal sources. The case was dismissed in the U.S. District Court in November 2005. The U.S. Court of Appeals for the Sixth Judicial Circuit reversed the ruling January 2008. The circuit court ruled that the states and schools districts are not responsible for the costs involved with NCLB.

## NCLB Program Implementations

### Wisconsin Knowledge and Concepts Examination (WKCE)

The Wisconsin Department of Public Instruction has a long history of administering standardized tests for assessing the growth and development of students. Wisconsin began testing students as early as 1975 to measure student achievement in specific subject areas. This section will examine the history, explore the purpose, and determine the cost of the Wisconsin Knowledge and Concepts Examination (WKCE) currently used in Wisconsin. WKCE fulfills the assessment requirements of the NCLB therefore was included as a significant topic of the seminar paper.

The Wisconsin Pupil Assessment Program was used between 1975-1987 to measure students' achievement and progress in various academic areas. These tests were given in March each year to students from randomly selected schools throughout the

state. Not every student was required to participate in the assessment process. Schools were randomly selected depending on the location in the state or student population. These tests were developed by teachers to be used in grades 4, 5, 8, 11, and 12 in the core subjects in reading, mathematics, writing, science, and social studies (Wisconsin State Department of Public Instruction, 2004b).

From 1984 until 1992, Wisconsin used the Competency-Based Testing Program (CBT). These tests were given in grades 3 through 12 to determine standards on reading, language arts, and mathematics. Participation was voluntary for each school district, and schools could develop their own test with approval from the Department of Public Instruction, or they could use questions developed by the Department of Public Instruction. Schools participating in the (CBT) were required to test all students in grades K-5, 6-8, and 9-12(Wisconsin State Department of Public Instruction, 2004b).

Wisconsin established the Wisconsin Achievement Tests. These tests were used between 1988 and 1992. The tests were called standard "s" tests. Districts were required to test all students in area of reading, language arts, and mathematics. These tests where use to monitor school's curriculum goals and to determine what goals have been meet. The tests also measured the student's achievement. In 1989, the Department of Public Instruction began using the Wisconsin Reading Comprehension Test (WRCT) to determine if any students would require remedial reading services.

In 1991, the Wisconsin law makers voted to replace the CBT program and the standard "s" testing requirement with a more current assessment system. School districts were required to administer knowledge-and-concepts examinations in the grades 8 and 10 beginning in 1993-94, and in the grade 4 beginning in 1996-1997. These current

assessments were developed with the intention of to measuring the students overall knowledge in the core subject areas of reading, writing, math, history and science. These early versions of the WKCE were commercially standardized test. Examples of the tests used were the ACT's EXPLORE® and PLAN® assessments, and SAT tests (Wisconsin State Department of Public Instruction, 2004b).

The first official formal academic content standards requirements Wisconsin Model Academic Standards (WMAS) were designed and implemented in 1998. These Wisconsin Model Academic Standards (WMAS) content standards established rules and scoring guidelines for measuring student's knowledge and ability in English, math, science, and social studies to be used in grades 4, 8, and 12. In 2005, changes were made to the state's assessment program; this was the first year annual testing was required by the NCLB for grades 3-8 and grade 10 for reading and math.

The WKCE is one component of the Wisconsin Student Assessment System (WSAS), which is a statewide assessment program designed to provide information about what students know in core academic areas as defined by the Wisconsin Model Academic Standards (Wisconsin State Department of Public Instruction, 2004a). The WSAS also includes the Wisconsin Alternate Assessment for Students with Disabilities, which is administered to any student with significant cognitive disabilities when the IEP team (multidisciplinary team) determines the student is unable to participate in the WKCE even with accommodations.

All students without disabilities, including English Language Learners (ELL), are required to take the WKCE. Students with disabilities who have current IEP or 504 Plans are also required to take the WKCE. Accommodations provided for testing must be

documented on the student's IEP or 504 Plan. Any accommodations required for ELL students must be determined by the classroom teacher. Students with severe cognitive disabilities may be allowed to take the Wisconsin Alternate Assessment for Students with Disabilities as determined by the IEP team.

The WKCE includes some questions designed specifically for the state of Wisconsin; other questions are taken from various standards or tests developed throughout the United States. The WKCE measures achievement in reading and mathematics, using multiple-choice and short answer questions. The WKCE for grades 4, 8, and 10 also measures achievement in language arts, science, social studies, and writing.

**Purpose of WKCE**

The WKCE provides information concerning student's knowledge and ability. This information and data is compared to the Wisconsin Model Academic Standards (Wisconsin State Department of Public Instruction, 2004a). Students receive scores based on their performance. The test results are categorized into four performance levels:

1. Advanced – Students show an in-depth understanding of the academic content and skills tested.
2. Proficient – Students are competent in the important academic knowledge and skills tested.
3. Basic – Students are somewhat competent in the academic knowledge and skills tested.
4. Minimal Performance – Students show limited achievement in the academic knowledge and skills tested.

The Department of Public Instruction uses the WKCE results to (a) meet the requirement of identifying low-performing schools, (b) meet the federal NCLB requirement of using high quality assessments to determine how well students are learning, (c) meet the federal Title I (NCLB) requirement to determine adequate yearly progress (AYP) in Title I schools, and (d) determine the extent to which schools and districts across the state meet the Wisconsin proficiency standards(Wisconsin State Department of Public Instruction, 2004b).

**Cost of WKCE**

According to Zellmer, Frontier, & Pheifer (2006), 435,000 Wisconsin students spent six and one-half hours taking the WKCE as part of the requirement for NCLB in 2006. Currently, Wisconsin administers the WKCE reading and mathematics tests in grades 3-8 and grade 10. The six and one-half hours each student spends taking the WKCE do not include the time teachers and staff spend collecting the study materials, taking practice tests, and addressing the procedure of administering the test.

The actual cost of administering the WKCE includes the financial cost of the test, time cost for teachers and staff, and loss of instruction time for the students. For example, the process of administering the test in 2005-2006 involved organizing the test booklets for each grade and student. Tests and booklets were secured in a safe location after each test period. After the testing was completed, test booklets were collected, packed, and shipped for scoring. Secretaries spent an average of 91 hours preparing labels, distributing, and collecting the test booklets. For each district, guidance counselors spent an average of 92 hours preparing schedules and managing the testing process, and teachers spent an average of 976 hours administering the tests. Given those requirements,

the cost to the state of Wisconsin to administer the WKCE in 2005-2006 was $14,700,000 (Zellmer et.al. 2006).

During the testing cycle, the loss of staff and additional educational services affects the entire school. Guidance counselors are less able to offer guidance services, and some schools need to hire substitute teachers to administer the test and supervise the classrooms. Special education teachers are required to provide accommodations and modifications for their students. These accommodations may include expanded testing time, reading test questions, and hand-entering students' responses. Schools report that special education students experience as many as 3 weeks of disrupted instructional services in any given year. In a 12-year span, a special education student may experience one full year of disputed classroom instruction (Zellmer et.al. 2006).

The gap between the top performing schools districts and the bottom performing school districts has grown wider in recent years. In 2003-2004, 86.4% of students in the top performing school district scored proficient or advanced. For the low performing districts only 60.7% of students achieved this level (McDade, 2006). The difference in spending between the best performing and worst performing districts is less than $200 per student which is a small amount. The gap isn't between just the white and black students; it is between upscale students and poor students. Some argue that the standardized tests are less of a measurement of the student intellect than the student's culture and language (Walden & Kritsonis, 2008).

WKCE measures achievement but does not adjust for social factors that contribute to low motivation and low expectations of some students. Narrowing the achievement gap for graduation exams needs more creative standards of measurement.

## Conclusion

Opinions vary on the effectiveness on the mandatory WKCE currently administered in Wisconsin schools. On the positive side, the WKCE provides useful data, which can be used to measure student's success, increase the focus on school standards, and monitor the achievement gap between students with disabilities and other students. On the negative side, the WKCE triggers significant overall financial costs, loss of instructional time, and limited subject material taught in the classroom. Some critics believe that teachers are teaching to the test to maximize their students' results. There are also concerns about the turnaround time for getting test results back to the schools. The students complete the WKCE in the fall, but the schools do not receive the test results until spring. This delay does not allow the schools and teachers time to review the data, evaluate the results, and alter their instruction for that academic year.

# Reading First Program

The Reading First program provides an example of a research-based teaching strategy brought about from the NCLB. Reading is a fundamental skill that every individual needs. Yet research shows that 40% of American school children fail to reach basic grade level reading requirements (Conner et al, 2009). In summary, 15 million children have not mastered the necessary reading knowledge and skills required for their grade level. This research paper offers an overview of the Reading First program, examines the classroom instruction, and evaluates the results.

## Overview

The NCLB Act of 2001 established a federal program, Reading First, designed to help ensure that children can read at or above grade level by the end of the third grade.

To be successful, Reading First has to focus on the at-risk students in grades K-3. To evaluate the impact of the Reading First program, the U.S. Department of Education worked with an non government organization impact study analyzing data collected for the 2004-05, 2005-06, and 2006-07 academic year (U.S. Department of Education, 2008b).

Reading First requires all reading programs and instruction to be based on scientific research. The overall goal of the Reading First program is to improve students' reading achievement by identifying low-income students and low-performing schools. Reading First developed another goal to increase the use of research-based instruction along with improving and offering additional professional development opportunities for teachers. To achieve these goals, teachers will have opportunities to work with reading coaches (U.S. Department of Education, 2008b).

To qualify for Reading First program funding, state and local school district professional development plans must include training on reading instructional methods and materials that includes the five essential components of reading instruction and use assessments that monitor student progress in reading (U.S. Department of Education, 2001). The five essential components of the Reading First Programs are phonemic awareness, phonics, and vocabulary development, reading fluency, and reading comprehension strategies.

The Reading First program outlines the five reading components and activities to be used in schools. Reading First suggests various reading strategies that schools should use to improve students' reading skills (U.S. Department of Education, 2008a). First, the program requires that classroom curricula must use scientifically based researched

reading strategies proved to be effective and students should continue on a daily basis to develop their reading skills. Second, the program is committed to improving teacher development. States and school districts involved in the Reading First programs and who receive federal funding are required to offer professional development for teachers and be able to offer ideas, suggestions or strategies to assist teachers working with students who struggle in their reading ability Only research-based reading instruction and programs are to be used. Third, schools are required to plan and develop strategies for identifying and correcting reading difficulties by (a) using valid and reliable measures to screen students, (b) using interventions to help struggling students, and (c) monitoring the progress of struggling students to ensure that the early interventions are effective (U.S. Department of Education, 2008b).

**Research**

Conner et al. (2009) evaluated the Reading First program to examine the instructional strategies used in the classroom. Of 328 schools in Florida, the research team selected random classrooms for observations without prior announcements. Their observations were designed according to the four dimensions of instruction. Core-focused activities targeted toward phonetic awareness, phonics and word fluency. A meaning-focused instruction addresses reading comprehension and vocabulary. Teacher-managed instructions revolve around activities designed and lead by the teacher. Child-managed instruction refers to activities students can engage in independly.

**Results of Reading First**

Reading First builds on a solid foundation of scientifically based research and provides struggling students in the nation's highest need schools with the resources to

improve reading achievement. To keep the emphasis on developing reading proficiency, the Reading First program mandates a 90-minute block of reading instruction in the classroom (U.S. Department of Education, 2008b). Results from this random study concluded that child-managed instruction was especially useful in first grade, but it was not as beneficial in second or third grade. In their study, the first-grade classrooms with the stronger reading outcomes repeatedly used reading activities, encouraged independent reading, and introduced writing activities. Effective teachers in the high poverty schools used small reading groups that tested at the same grade level Conner et al. (2009).

The federal government continues to commit funding for the Reading First program. As of this date, states have received over $6 billion to support reading programs for struggling students. More than 100,000 teachers across the country have been trained to implement high quality, scientifically based reading programs. Their efforts are reaching more than 1.8 million students. Reading First provides grants to states to help schools improve the reading achievement of low-income, low-achieving students through scientifically proven methods of instruction.

The Reading First impact study final report prepared by the Institute of Education Sciences demonstrates the positive effects of Reading First on the quality of reading instruction and the positive relationship between times spent on reading instruction and reading comprehension (U.S. Department of Education, 2008b). While this evaluation found no significant difference in reading comprehension, Reading First had an impact on students' decoding, phonics, and fluency skills for three of the five basic components of reading. This impact means that many students in Reading First schools made significant gains during the school year. Moreover, the impact study showed that teachers

in Reading First classrooms engaged in more of the practices emphasized by Reading First than teachers in non-Reading First classrooms. Reading First produced positive and statistically significant impacts on multiple practices that are promoted by the program, including professional development in Scientifically Based Reading Instruction (SBRI), support from full-time reading coaches, amount of reading instruction, and supports available for struggling readers (U.S. Department of Education, 2008b).

The Reading First report shows the program has greatest influence on helping teachers teach reading. Reading First had a positive impact on the amount of time teachers spent on the five components of reading instruction (phonemic awareness, phonics, vocabulary, fluency, and comprehension) based on the findings of the National Reading Panel for students in grades 1 and 2. Reading First had a positive impact on the use of reading instruction strategies in grades 1 and 2 and on the amount of additional reading time in grade 2 (Conner et al., 2009). Reading First had an impact on the amount of time and funding allocated for the professional development of reading teachers. Reading First schools reported receiving 25.8 hours of professional development compared to 13.7 hours of professional development without having Reading First programs. Reading First also reported an improvement on teachers' development in the five essential components of reading instruction. Teachers in Reading First schools reported receiving professional development on an average of three of the five essential components, compared to what would have been expected without Reading First (Conner et al., 2009).

A greater proportion (20%) of teachers in Reading First schools reported receiving coaching from a reading coach than would be expected without Reading First

(Conner et al., 2009). Additionally, Reading First had an impact on the amount of time teachers spend on daily reading instruction in the classroom. Teachers in Reading First schools reported an average of 105.7 minutes per day, 18.5 minutes more than the 87.2 minutes that would be expected without Reading First.

Achievement data (see Table 1) reported by individual states on their Annual Performance Reports showed that Reading First students in every grade or subgroup have made gains in reading proficiency. For Grade 1, results showed that 44 of 50 states had increases in the percentage of students proficient in reading comprehension; 31 states increased by five percentage points or more. For Grade 2, results showed that 39 of 52 states had improvement in the percentage of student's proficient in reading comprehension; of these, 19 states increased by five percentage points or more. For Grade 3, results showed that 27 of 35 States reported improvement in the percentage of students proficient in reading comprehension; of these, 15 states increased by five percentage points or more (U.S. Department of Education, 2008).

Table 1.

Comparison of Reading Comprehension for States Participating in Reading First Program

| | States Showing | | | |
|---|---|---|---|---|
| Grade Level | Improvement | | 5% Improvement or More | |
| | *n(N)* | % | *n(N)* | % |
| 1 | 49(50) | 88 | 31(50) | 62 |
| 2 | 39(50) | 78 | 19(50) | 38 |
| 3 | 27(35) | 77 | 15(35) | 43 |

Results across states continue to be mixed. For example, in Louisiana, the special education referral rate has been steadily decreasing over the life of the Reading First grant. The rate has dropped from approximately 50% to 19%. The Reading First schools have seen greater decreases than non-Reading First schools (U.S. Department of Education, 2008a). On the other hand, the state of Maryland reports that the number of students reaching the proficient level on the SAT-10 and the Maryland School Assessment has increased by 6% over the 3 years of the program. Lastly, South Dakota reported that on the Stanford Reading First test, the percent of students in grades K-2 reading "at grade level" increased by approximately 10 percentage points from 2005 to 2007. In grade 3, the percent of students scoring "at grade level" increased by six percentage points from 2005-2007 (U.S. Department of Education, 2008a).

**Conclusion**

The most significant positive effect of Reading First is its emphasis on better reading instruction validated by research-based evaluations. Reading First has increased reading time as much as one hour per week in classrooms participating in the Reading First program. Teachers are teaching more reading skills to the students, and they are receiving additional time and resources to devote toward their professional development (Manzo, 2008). The research suggested even with intensive classroom training it will take many years for teachers to adopt and utilize the new teaching methods. Furthermore, only a small percentage of teachers will incorporate the latest reading research. A review of the literature shows that Reading First has helped students make improvements in a variety of areas related to reading comprehension. Students in Reading First programs

have made significant progress compared to students, who did not participate in a Reading First program.

## Future School Movement

Schoen and Fusarelli (2008) reported that the skills needed for the 21st century include critical thinking, problem solving, innovation, collaboration, information and media, and contextual learning skills. To help students develop these skills, learning must be hands-on, interactive and focused on real world experiences. The curriculum needs to allow time for students to consider multiple perspectives, apply their learning to new situations, and investigate independent topics. Teachers need to have internal accountability to hold each other responsible for "Best Practices" (Schoen. & Fusarelli, 2008). Teachers must learn new ways of teaching, and they must continue professional development. For example, new teaching methods could include changing classroom layouts and involve learning centers and technology. In the future, learning needs to be individualized to include student interests, social skills, innovative thought, and relationship with the real world.

In the future school model, student achievement would not be measured by high stakes testing. Currently, students have four opportunities by the end of the 12th grade and unlimited opportunities after to retake and to pass the failed sections. It has been suggested that a better approach is to offer alternative assessments that evaluate student achievement based on projects, performances, portfolios, and demonstrations.

Teachers and researchers have been studying the effects on classroom teaching methods. There are many factors to consider when analyzing the students learning.

Poverty, parent involvement, family life, and student expectations all factor into the success of the students learning.

# CHAPTER 4

# DISCUSSION

The signing of the NCLB in 2002 initiated heated discussions about the effect that NCLB would have on student achievement. Supporters argued that NCLB would improve test scores for all students, hold schools and school districts accountable for students' academic achievement, increase attention on minority students, close the achievement gap, and offer additional school choices for students and their parents. Critics of NCLB voiced their concern about the use of standardized tests to assess student academic achievement, narrow curriculum, and limited course choices for students. They feared that NCLB would establish impossible goals for students and schools. In addition, the critics pointed out that limited money and resources were available to schools and school districts to provide the supplemental services required by NCLB.

## Positive Effects

Positive effects of NCLB include the increased attention on the achievement gap and identification of individual students whose educational needs are not being met under the current curriculum. NCLB has allowed schools to focus resources and instruction to reach these failing students. Therefore, the allocation of resources has improved the equality for all students attending public schools. NCLB has required schools, school districts, and states to develop an accurate data collection system. Analyzing this data has

increased the schools' accountability to align the curriculum with the state's standards (Fusarelli, 2004).

The positive effect of increased school accountability has been noted in Wake County, North Carolina where 117 of the 120 schools located in Wake County met or surpassed the goals set for student progress on the ABC tests. The ABC tests are part of North Carolina's accountability system; these tests include high school end-of-course tests as well as end-of-grade tests for grades 3 through 8 (Hui, 2003). Comparing the same Wake County schools to the standards set by NCLB only 53 schools out of 120 made their academic year progress goals. This translates into a 43% passing rate (Fusarelli, 2004). The reason for the difference is that NCLB determines whether a school receives a passing or failing grade based on the performance of all subgroups: ELS students, students with disabilities, and minority students. If any one of the defined subgroups fails to meet the standardized requirements, the entire school is labeled as a failing school. North Carolina's accountability system does not single out each individual subgroup in determining whether a school is passing or failing the standards. By disaggregating data by subgroup schools, school districts cannot hide low subgroup scores within the each school, district, or state (U. S. Department of Education, 2003b)

NCLB has challenged school officials to show positive leadership skills by striving to meet the higher standards. During his tenure as Wake County, North Carolina Schools superintendent, Mr. Bill McNeal warned his staff about blaming the groups that caused the schools to fail to meet NCLB standards. McNeal warned that blaming the students is considered labeling students; he believed that when the students enter the school, the staff must do their best to educate the child (Hui, 2003). McNeal was quoted

> We will never reach our goal as a state if we don't improve the performance of all our students, black, poor, minority, ELS and students with disabilities, if you don't measure it, and then count it. If you don't count it, then you don't pay attention to it. If you don't pay attention to it, then you don't fix it. (Hui, 2003, p.6)

This response indicates that school leadership has begun to look at the academic performance of all the students and to direct additional attention and instructional resources toward students in schools that were failing to address their academic needs. Fusarelli (2004) observed that NCLB's standards and accountability have challenged school leadership. As a result, some school officials have taken the lead in organizing communication among community leaders, teachers, and parents to analyze the data, collaborate on the accountability requirements, and develop measures to address the problems.

For example, Texas developed a comprehensive accountability system to track equity between schools and on individual student achievement. The results showed that individual schools and entire school districts have improved under the state's reform policies. Specifically, the gaps in the performance scores of different subgroups have deceased over time in the areas of reading, writing, and math. After 5 years of analyzing data from the Texas accountability system, comparisons show the percentage of African-American students passing the statewide exams rose 31%, and the percentage of Hispanic students passing the exam rose 29%. By comparison, the percentage of white students passing rose only 18 % (National Governors Association, 2003). Furthermore, African-American students in the eighth grade scored equal to or better than the white students in the eight-grade writing section. These results indicate that the NCLB requirements and accountability standards have created greater equality within the schools, school district,

and state by forcing school officials and teachers to take notice and address the achievement gap among the various subgroups as defined under the NCLB guidelines.

In the state of Kentucky, politicians organized one of the nation's earliest education reforms in 1990, The Kentucky Education Reform Act. In 2004, Fusarelli documented that statewide scores on the comprehension test of basic skills were at the state's highest level, and student scores in every grade level had increased. To ensure successful education reform and student success, Kentucky combined curriculum standards and the necessary assessments into a comprehensive reporting system to track students' performance scores; school officials also designed rewards and punishments related to student achievement (Fusarelli, 2004).

By emphasizing the academic performance of the various subgroups, NCLB allows schools to disaggregate data on the student level and share knowledge about the data; NCLB also encourages schools, school districts, and administrators to analyze the data and compare the achievement gap between the various minority and ethnic groups. Armed with an in-depth knowledge of the achievement gap and student performance, schools are able to connect what should be taught in the classroom with what students are actually learning (Fusarelli, 2004).

NCLB requirements provide teachers with information on each individual student's academic achievement, enabling teachers to design and develop individual lesson plans ensuring that students can improve in the areas of weakness determined by the previous year's assessments results. Teachers are able to design their classroom instruction to ensure each student is showing improvement to meet the NCLB

requirements. Research-based teaching methods such as Reading First provide new opportunities for closing the achievement gaps.

## Negative Effects

Some experts in the field of education believe that NCLB's philosophy that accountability and high stakes testing will increase student performance scores and create equity in all schools is an ill-fated and misguided education policy. To implement this philosophy, NCLB has attempted to create school equality and improve student test scores by developing consequences for schools who fail to achieve the required standards.

Unfortunately, the motivation techniques employed by the NCLB (e.g., threats and negative reinforcements) are ineffective ways to challenge people to achieve successful results. Individuals will choose to avoid punishment and use whatever means available to them to avoid the punishments (Woolfolk, 2007). For instance, some states have adjusted or lowered their standards to comply with the NCLB guidelines and avoid sanctions. The standards outlined in NCLB can have significant negative, undesirable consequences for schools. For example, prior to NCLB Durant Road Middle School in Wake County, North Carolina had achieved a reputation of excellence and had been chosen as a model for other schools to follow under the "Schools to Watch" program developed by the National Forum to Accelerate Middle Grades Reform (Fusarelli, 2004). However, the Durant school failed to meet NCLB's adequate yearly progress (AYP) goals. The school passed in all areas except two: math and reading for ELS students. However, according to NCLB requirements, failure to meet the adequate yearly progress (AYP) goals in any area means that the entire school fails. Durant Road Middle School

met 27 of 29 adequate yearly progress (AYP) goals; yet the entire school was labeled as a failing school. Would the parents or school officials consider Durant Road Middle School to be a failure because a few ELS students failed to meet the NCLB standards? NCLB is designed on an all-or-nothing policy. There is no distinction between a school that narrowly misses the one of the adequate yearly progress (AYP) targets such as the Durant Road Middle School and a school that fails the adequate yearly progress (AYP) targets by a huge margin.

Under NCLB, many high-achieving schools have been labeled as failing when a small number of subgroups fail to pass the performance standards. Although King Phillip Middle School in West Hartford, Connecticut had a reputation for high academic achievement, it was labeled as failing despite the high percentage of students scoring at the proficient level: 80% in math and 88% in reading. Even though 41 of the 45 special education students scored at the proficient level, the entire school was labeled as failing. As a result of only eight special education students failing the math adequate yearly progress (AYP) target goals, the entire school failed according to NCLB. Thus, a very small percentage of a subgroup can have a disproportionate effect on an entire school (Fusarelli, 2004).

In addition, Rose (2004) points outs the state of Indiana using the Indiana Statewide Testing for educational Progress (ISTEP) determined that 252 out of 256 special education student's subgroup category would have failed to pass the adequate yearly progress (AYP) target goals in 2001. These subgroups would fail the NCLB goals by a range between 20 to 40 % percentage points. This data indicates that the special

education subgroup will consistently fail to reach the NCLB requirements and be responsible for the failure of the schools and school districts (Rose, 2004).

NCLB guidelines require that ELS students no longer be classified as ELS students once they score proficient in English. This requirement most likely predicts the ELS subgroup will fail to meet the adequate yearly progress (AYP) target goals. The second requirement in the NCLB law in regards to subgroups states that 95% of students in all subgroups in each grade must be tested. Since many of the subgroups are extremely small, students who are absent on the test day may cause the school to be labeled as failing to meet adequate yearly progress (AYP) target goals. Requiring 95 % participation for subgroups is in effect punishing many schools because students are sick or choose not to attend school on a given day. For schools located in poor neighborhoods and those having a higher percentage of minorities or special education students, lower attendance will be negativity affected by these requirements. ELS Students are required to pass the all tests administrated in English not their native language, within three years of beginning to study English at school (Chapman, 2005).

In addition to creating an environment of blaming the victim, specifically the subgroups, NCLB has altered the way teaching is conducted in the classrooms. Teachers are spending a greater proportion of their time on test preparation, teaching test material, and "drill-and-kill" exercises instead of focusing on genuine teaching methods and individual learning. New Jersey studied the effects on testing on the fourth grade statewide assessment and found that the test determines the curriculum taught in classrooms (Fusarelli, 2004). Teaching to the test is considered acceptable the test covers

the curriculum; by teaching the test materials, teachers are in theory teaching the curriculum.

To further point out the pressure on teachers to have their students achieve high test scores, in the state of North Carolina 80% of elementary teachers devote between six and seven weeks each year preparing their students for the required yearly tests given at the end of the school year. These state wide tests may also require teachers to devote an additional full week to administer the tests. Many of the tests are required to given over a period of days and students may use up to 17 hours to complete the testing process (Chapman, 2005)

NCLB assumes that statewide required tests are designed to follow the school curriculum. However, studies show that state tests rarely follow the school's curriculum. This trend of concentrating on the test material has led to a narrow offering of learning opportunities, reducing or eliminating material not on the test. Areas not tested under NCLB such as sports, music, arts or other non-core areas may be reduced or eliminated in this era of tight school budgets. NCLB focuses on testing results and achievement scores to determine the success of the school's educational program; however, this limited approach restricts the overall learning opportunities for students. The original goal of public schools was the development of students into citizens working together in a democratic environment (Mathis, 2004).

To a considerable extent, NCLB requirements have altered the public school system's ability to perform its original goal of developing students into well-educated citizens. Teachers, politicians, and school officials have reduced or eliminated art, music, theater, and dance from the curriculum in some schools. In some states, even history and

science offerings have been reduced because few states are required to test in these areas under NCLB's high stakes testing requirement. For example, Fusarelli (2004) reported that the Washington Assessment of Student Learning discovered that teachers shifted classroom instruction time from the non-tested subjects to areas on the test. Students spent more time on math, writing, and English and less time on history, social studies, science, physical education, and related arts classes.

Furthermore, NCLB reduces and impacts improvements in teaching and student learning. Rose (2004) discovered that NCLB and high stakes testing limit the flexibility of teachers in their classroom instruction and restrict the creativity of individual lessons by focusing on the test preparation. Therefore, this focus on test-related matters limits the time students are able to discover their critical thinking skills, explore individual creativity talents, and expand on their worldly knowledge.

The original goals of NCLB were to focus on testing results as a means of closing the achievement gap and to develop a system of accountability by raising the required standards for states to meet. However, in practice NCLB encourages states to lower their standards in order to meet the required adequate yearly progress (AYP) goals. States that have high performance standards are frustrated that their own standards make it more difficult to satisfy the adequate yearly progress (AYP) goals than states with lower standards. For example, Arkansas has reported that it has no failing schools, while Michigan has more than 1,500 schools listed as failing. To combat the large number of schools reported as failing, Michigan has lowered its adequate yearly progress (AYP) goals and decreased the percentage of students required to pass state exams from 75% to

42%. This reduced the number of schools listed as failing from 1,500 to 216 (Fusarelli, 2004).

NCLB boasts of offering records amount of federal funding to leave no child behind in public schools, yet politicians have failed to allocate the necessary funding. The original allocation of $18 billion promised was reduced to $12 billion. This results in a funding cut of one-third. The $12 billion does not include the extra costs schools will need to absorb to comply with the NCLB demands. The additional costs are estimated between $84 and $148 billion (Mathis, 2003).

## Conclusions

Despite the consensus of negative findings in the education literature, NCLB and high stakes testing continue to have support among the citizens, politicians, and employers who insist on raising standards. For example Congressman Ron Kind (2008), Democrat from Wisconsin's Third Congressional District, believes that NCLB is beneficial but simply underfunded. In 2006, the NCLB Law received $12 billion less than initially budgeted. Testing is a multi-billion-dollar industry, and policymakers use the information gathered from these tests as major grounds for their political platforms. These tests are firmly embedded in our educational laws and practices, and they are here to stay for some time due to the financial and political investment in high stakes testing. There is a common perception that more money spent on education will bring schools up to higher standards; yet politicians continue to underfund the project.

The impact of NCLB has put emphasis on core courses and less on other topics. As result the graduation exams and standardize tests are narrowly focused without use creative methods for assessment for disadvantage students who are risk of failure. NCLB

has not been effective at supporting teachers to adjust to the new expectations therefore teachers are tending to teach to the test.

Students from low socioeconomic backgrounds, minorities, students with special needs, and second-language learners are adversely affected by this legislation. The dropout rates have not improved recently but the high risk groups have been more clearly identified with NCLB. Funding targeted to support parents and high risk students through creative and effective outreach programs is needed to close the achievement gap. Funding also is needed to develop faculty to use newest research based teaching methods such as Reading First rather than the highly marketed non-researched teaching methods.

Standardized testing needs to be lessened and to have more creativity with using accommodations especially with at risk student groups. Alternatives assessments to standardize testing for the highest risk students to prevent dropout need to be expanded to perhaps include engagement as measured by student projects or by on-task evaluations. The multidisciplinary team needs to consider the practicality of the testing process, methods to maximize student achievement, use of consistent accommodations between teacher assessments and standardized testing, methods that motivate students, and methods to evaluate the team's effectiveness.

Teachers have the opportunity to advocate for the highest need children to improve the student outcomes through development of creative alternatives for assessments, use of research-based teaching methods, and development of expertise with the multidisciplinary team.

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