

## Chapter 10

### Federal Accountability

#### Elementary and Secondary Education Act (ESEA) and No Child Left Behind (NCLB)

The Elementary and Secondary Education Act (ESEA) was first passed by Congress in 1965 as part of President Lyndon B. Johnson's War on Poverty. Originally designed to focus federal funding on poor schools with low achieving students, ESEA established Title I, aimed at improving education for disadvantaged children in poor areas. Title I was and remains the cornerstone of ESEA.

In 1983, the National Commission on Excellence in Education issued recommendations in their report, *A Nation at Risk*, that also marked the beginning of standards-based education reform. By 1994, ESEA was reauthorized by the *Improving America's Schools Act* of 1994 (IASA). With the passage of IASA and the *Goals 2000: Educate America Act*, ESEA began to focus on the needs of all students, not just the disadvantaged and children at risk of school failure. As a result of this focus, most states began to institute content standards, performance standards, and collection of longitudinal data.

The most recent reauthorization of ESEA is the *No Child Left Behind Act* of 2001 (NCLB). The primary function of ESEA as amended by NCLB is to close the achievement gap between groups of students by requiring greater accountability and offering increased flexibility and choice. Under the amended accountability provisions of ESEA, all districts, campuses, and the state are evaluated for Adequate Yearly Progress (AYP). Each state is required to implement the federal accountability requirements of AYP.

#### **Adequate Yearly Progress (AYP)**

ESEA amended accountability provisions that formerly applied only to districts and campuses receiving Title I, Part A funds to apply to all districts and campuses. All public school districts, campuses, and the state are evaluated annually for Adequate Yearly Progress (AYP). Each state must submit for approval to the US Department of Education a *Consolidated State Application Accountability Workbook* (AYP Workbook) that describes the state's AYP calculations. Federal regulations require that AYP report three indicators for each district and campus in the state: Reading/English Language Arts (Reading/ELA), Mathematics, and an Other Measure.

The Reading ELA and Mathematics indicators consist of the performance and participation components, taken from assessments in Reading/ELA and Mathematics for all students in grades 3–8 and 10. The AYP performance and participation information is summed across grades 3–8 and 10 and reported for the total number of students and each student group. The district and campus performance rate is based on test results for students enrolled for the full academic year (students enrolled on the date of testing who were also enrolled on the fall enrollment snapshot date). The

participation rate is based on participation in the assessment program of all students enrolled on the day of testing. AYP Reading/ELA and Mathematics indicators are evaluated for the total number of students and each student group that meets the minimum size criteria.

In addition to Reading/ELA and Mathematics, AYP evaluates one Other Measure, either Graduation Rate or Attendance Rate. The Other Measure is determined by the grades offered in the district or campus. Graduation rate is the other measure for high schools, combined elementary/secondary schools offering grade 12, and districts offering grade 12. Attendance Rate is used for elementary schools, middle/junior high schools, combined elementary/secondary schools not offering grade 12, and districts not offering grade 12. The Other Measure is evaluated for the total number of students that meet the minimum size criteria.

### **AYP Development 2003–2010**

Amended on January 8, 2002, Title I of ESEA requires states to develop and submit the initial AYP criteria in the *Consolidated State Application Accountability Workbook* (AYP Workbook) for 2003 AYP evaluations. The initial submission of the Texas AYP Workbook included TAKS assessment results for performance, while participation was measured by TAKS and other statewide assessments. ESEA outlined state criteria for development of performance standards or targets, specifically requiring states to use test data for the 2001–2002 school year to establish starting points for development of performance standards. Each state was required to establish a timeline to ensure that not later than 12 years after the end of the 2001–2002 school year (2013–2014 school year), all students in each group will meet or exceed the state's performance standards. In order to meet federal requirements, the Texas AYP performance targets developed in 2002–2003 were based on the 2001–2002 Texas Assessment of Academic Skills (TAAS) student test results which were converted to equivalent Texas Assessment of Knowledge and Skills (TAKS) proficiency levels. TAKS results from the newly implemented administration for grades 3–8 and 10 were used to evaluate 2003 AYP.

Following reauthorization of ESEA in 2001, federal regulations continued to prescribe AYP criteria for states. The participation target of 95% for Reading/ELA and Mathematics, the performance safe harbor calculation, and the federal caps on use of results from alternative assessments are established by federal regulation. Along with accountability criteria, ESEA requires states to adopt challenging academic content standards and challenging student academic achievement standards. State testing programs are subject to review and approval by the US Department of Education before use in AYP evaluations. Currently, the Texas Assessment Program has met peer review standards for each statewide assessment, including TAKS–Modified (TAKS–M) and TAKS–Alternate (TAKS–Alt) for students receiving special education services, and Linguistically Accommodated Testing (LAT) and Texas English Language Proficiency Assessment System (TELPAS) for English language learners (ELL).

**Alternative Assessments for Special Education Students.** In December 2003, federal regulations were authorized that implement a federal cap on proficient results from alternative assessments. This regulation limits the number of students who can be counted as proficient in the accountability indicator based on performance results from alternative assessments. Texas AYP Workbook

amendments in 2004 outlined the use of the State-Developed Alternative Assessment (SDAA) for students receiving special education services. On November 30, 2005, TEA reached a flexibility agreement with the USDE for the inclusion of students with disabilities in the performance calculations for 2005, 2006, and 2007 AYP. The agreement outlined the use of the newly developed SDAA II assessment designed to align with TAKS proficiency levels and include secondary grades. By 2008, Texas completed the development and peer review of the TAKS–Alt and TAKS–M assessments, which replaced SDAA and SDAA II for students receiving special education services. As required, TAKS–M and TAKS–Alt are subject to the federal 1% and 2% caps on proficient results (respectively). Subsequently, the USDE approved the 2008 Texas AYP Workbook and implementation of the current Texas strategic process for selecting proficient assessment AYP results.

**Assessment of English Language Learners.** The federal requirements of ESEA also prescribe criteria for the evaluation of ELL students. Initially, Texas requested the use of TELPAS for ELL students identified as limited English proficient (LEP) and exempt from state testing. In 2006, additional federal regulations were issued requiring states to limit AYP exemptions from statewide testing to ELL students in their first year of enrollment in U.S. schools. Texas state policy continues to provide up to three years of exemptions from statewide testing for recent immigrant ELLs. In response to the federal policy directive, Texas developed the linguistically accommodated testing (LAT) process for Reading/ELA and Mathematics assessments used for AYP. LAT tests provide an assessment opportunity for ELLs exempt from state testing and are available for recent immigrant ELLs enrolled in their second or third school year in U.S. schools. The availability of LAT assessments did not affect the process by which LEP exemptions are granted under state law. Since 2006, Texas has been approved to use the TELPAS, TAKS, and LAT TAKS test results to evaluate AYP participation and performance results. The current Texas criterion for identification and assessment of ELL students is detailed in the USDE approved Texas AYP Workbook.

**Graduation Rates.** In October 2008, federal regulations were authorized that require States and local school districts to report and use the four-year adjusted cohort graduation rate, disaggregated by student group, in AYP for 2011–2012. These regulations also required each state to set a goal and targets for high school graduation and to incorporate the goal and targets into its AYP definition, beginning in 2009–2010. States were also allowed the option to use a five-year graduation rate in addition to the four-year rate. The USDE approved the Texas graduation rate goal and annual targets for use in 2010 AYP calculations, including both four-year and five-year graduation rates.

**Committee of Practitioners.** ESEA as amended by NCLB established the creation of a Committee of Practitioners (COP) with the purpose of advising “the State in carrying out its responsibilities under this title.” The purpose of this committee is to review any state rules, regulations, and policies relating to Title I of ESEA in order to ensure they conform to the purposes of Title I. The Title I COP reviews the commissioner of education AYP accountability decisions and provides input on recommended amendments, federal cap procedures, and graduation rate targets for AYP.

## ***Texas NCLB Report Card***

In addition to assessment and accountability provisions, ESEA requires annual reporting of student achievement and AYP information at the state, district, and campus levels. Federal regulations require that each school district or charter operator that receives Title I, Part A funding disseminate report cards to 1) all its campuses, 2) to parents of all its enrolled students, and 3) to public venues in order to make the information widely available. The required report is referred to as the NCLB Report Card.

The Texas NCLB Report Card includes state, district, and campus reports that contain federally required data elements reported by required student groups. In addition to the student groups evaluated for AYP, additional student groups are reported on NCLB Report Cards. The AYP student groups include African American, Hispanic, White, Economically Disadvantaged, Special Education, and Limited English Proficient. Additional reported student groups are American Indian, Asian, Male/Female, and Migrant students. The NCLB Report Card provides information reported to the US Department of Education EDFacts reporting system and includes assessment, accountability, teacher quality, and state level National Assessment of Educational Progress (NAEP) results.

**Assessment Data.** States must provide assessment data from their reading/English language arts, mathematics, and science assessments. For each grade and subject tested, the report card must include 1) information on the percentage of students tested, disaggregated by federally required student groups; 2) information on student achievement at each proficiency level (e.g., commended, proficient, below proficient) disaggregated by federally required student groups; and 3) the most recent two-year trend data in student performance for each subject and for each grade. The Texas NCLB Report Card provides assessment data consistent with federally reported data definitions for the reading/English language arts, mathematics, and science assessment results and adequate yearly progress (AYP) performance and participation indicator evaluations. As required by regulation, the assessment data must include all students in the grades tested as a whole and all students in the grades tested in each school served by the district, not just those students enrolled for a full academic year. The results are displayed by student groups specified by federal regulation.

**Accountability Data.** The federal accountability data required on the Texas NCLB Report Card are a comparison between student achievement levels and the state's annual measurable objectives in reading/language arts and mathematics used in evaluating AYP. Data on student performance on the AYP additional academic indicators (graduation and attendance rates) must also be reported. The AYP results are displayed by student groups specified by federal regulation, including additional student groups that are not evaluated for AYP.

**Teacher Quality Data.** States must provide information for 1) the professional qualifications of all public elementary and secondary school teachers in the State, as defined by the State (e.g., bachelors and advanced degrees, licensure); 2) the percentage of all public elementary and secondary school teachers teaching with emergency or provisional credentials; and 3) the percentage of classes in the State not taught by highly qualified teachers disaggregated by high-poverty compared to low-poverty

schools. For this purpose, high-poverty means schools in the top quartile of poverty and low-poverty means the bottom quartile of poverty in the State.

**National Assessment of Educational Progress (NAEP) Data.** The State level report cards must include 1) the most recent NAEP reading and mathematics results for the state and 2) the participation rates, both disaggregated by student group as reported by NAEP. As required by federal regulation, NAEP results will appear on state- and district-level reports.

