

American Association of School Personnel Administrators Position Paper on the “No Child Left Behind” Law

Background of the Legislation

The most recent reauthorization of the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act of 2001, is the central federal law in K-12 education. First enacted in 1965 and last authorized in 1994, the law encompasses Title 1 and several measures intended to increase gains in student achievement and hold states and schools accountable for student progress on an annual basis. Students with special needs, English language learners, members of major racial and ethnic groups, and students recognized as disadvantaged are to be held to the same student achievement expectations as the regular student population.

Annual Testing... States must begin annual testing of students in grades 3-8 and at least one grade level in grades 9-12 by the 2005-06 school year in reading and mathematics. Tests must be aligned with state standards. (NCLB does not require this, but each state must also participate, providing a sample of 4th and 8th grade students, in the National Assessment of Educational Progress (NAEP) testing program to provide a point of comparison for state test results.)

Academic Progress... States are expected to report that all students (100%) are tested and performing at a “proficient” level by the 2013-14 school year in reading and mathematics. Each school district and the individual schools within each district must meet Adequate Yearly Progress (AYP) targets toward this goal for their overall student population and for identified student subgroups as spelled out in the law.

Report Cards... States must furnish annual report cards providing parents, students, and the public a snapshot of information, including student-performance data broken down by subgroup and information on the performance of school districts. School districts must provide similar report cards showing the same data on an aggregate district level and on a school-by-school basis.

Quality Staffing... States must assure that every teacher in core content areas (The Arts, Mathematics, Science, English, Language Arts or Reading, Civics, Economics, History, Geography, and Foreign Languages) working in a public school must meet the federal definition of being “highly qualified” in each subject he or she teaches by the end of 2005-06. Newly hired teachers, beginning in 2002-03, working in programs supported by Title 1A funds, must meet the federal definition and be “highly qualified” immediately.

Paraprofessionals must also meet a federal definition of being “highly qualified” by the end of 2005-06 if they work directly with students in a program supported by Title 1A funds. The federal definition of being “highly qualified” means they have completed two years of college, obtained an associate’s degree or higher, or passed an assessment to demonstrate knowledge and skills in teaching ability. This requirement went into effect for newly hired paraprofessionals working in programs supported by Title 1A funding on January 8, 2002.

The Central Role of Reading with “Reading First” ... A new competitive grant program has been created called “Reading First” to help states and districts set up “scientific, researched-based” reading programs for children in grades K-3. The goal is to have all students (100%) reading by the time they complete the third grade.

Funding Flexibility in Exchange for Accountability... The law’s intent is to target federal resources to school districts with higher concentrations of poor children and at the same time

provide states and school districts greater flexibility in how they spend their federal title dollars.

Looking at the Time Line 2004-2008... In 2004-05 states must establish the first incremental proficiency increase in Adequate Yearly Progress (AYP) and Secretary Paige conducts an evaluation of whether states have made Adequate Yearly Progress. Sometime in 2005 Secretary Paige must submit to the President and Congress an interim report on the status of Title 1 programs.

During 2005-06 states must be working to develop science standards and administer assessments in math and reading/language arts in grades 3-8 and at least once in grades 9-12. In addition, all paraprofessionals and teachers hired prior to January 2002 must be highly qualified by January 8, 2006. Secretary Paige will submit an annual report to Congress with a list of states that have not made AYP.

In 2007-08 states must assess student progress in science at least once in grades 3-5, grades 6-9, and grades 10-12. The No Child Left Behind Law will run out of money on September 30, 2007 and be up for reauthorization to complete 2007-2008 and beyond.

Education professionals responsible for leading the personnel or human resource functions for school districts agree with and actively support the overall goal of the No Child Left Behind Law that ALL students achieve proficiency. This includes the 1650 personnel professionals who are members of the American Association of School Personnel Administrators (AASPA) whose mission is to recruit, hire, and retain high quality teachers, administrators, and paraprofessionals. Schools must place a greater emphasis on closing the achievement gap of minority and low-income students and testing plays a role in measuring student achievement. However, while schools and educators should be held accountable for student progress, the accountability system needs to be fair and equitable for educators and students alike.

In developing this position paper AASPA is attempting to narrow the focus and address the strands in the No Child Left Behind Law that most impact school personnel professionals. AASPA has collected input from its membership at three NCLB Summits identifying the difficulties personnel professionals are having trying to implement the requirements of the law. It is AASPA's intent to update the conclusions and recommendations presented in this position paper through a continuing dialogue with its membership. It has been encouraging to see that adjustments have been made by the US Department of Education since the initial passage of the law in 2001 (*See notes following some recommendations to acknowledge policy amendment changes announced by the US Department of Education since the law's enactment*). However, additional refinements are needed in order to ensure the legislation achieves its intended goal.

AASPA was never consulted prior to or during the development of the No Child Left Behind Law and is therefore voicing concerns that the US Department of Education and/or Congress take action to correct the following structural or policy components in the law that school personnel professionals have identified as needing refinement as they have struggled with the law's implementation:

1. **Reconstruct the Accountability Model** of Adequate Yearly Progress (AYP)
2. **Develop Needed Flexibility in Determining Highly Qualified Staff** (Teachers and Paraprofessionals), Particularly in Small and Rural Schools
3. **Provide Adequate Federal Resources** to Implement High Expectations for All Students, Teachers and Paraprofessionals
4. **Raise the Debate Over the Appropriate Role of the Federal Government** in Providing Oversight of Public Education

Reconstruct the Accountability Model

The current accountability system established by the US Department of Education requires a highly complicated scoring system that has the potential to label schools and districts unfairly. It mandates the same consequences, regardless of the degree of improvement needed. For example, a school is labeled as “in need of improvement” even if it meets or exceeds 59 out of the 60 criteria which have been established under the No Child Left Behind Law to measure Adequate Yearly Progress (AYP).

| Areas of Concern | Recommendations |
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| <p>1. Schools and school systems that have the most diverse and fastest growing student populations are penalized. The No Child Left Behind Law requires these schools and school systems to reach more targets, yet create an environment where students achieve at the same level of proficiency, despite their limitations or special needs, including those who have Individualized Education Plans (IEPs) or who speak English as a second language. In addition, a 95% participation rate must be met by all students taking tests in math and reading as well as all subgroups, the school, and district overall. These expectations in reality set a difficult, if not impossible, achievement level for too many special needs and ESL students. Large schools are penalized because they are more likely to meet the minimum statistical number for valid subgroup analysis. The impact is that small schools can escape the “in need of improvement” label only because they have an insufficient number of students to make a valid subgroup.</p> <p>2. The current No Child Left Behind Law accountability system sets absolute expectation for students rather than focusing on the growth of these students. This creates an accountability system that really measures “Absolute Yearly Progress” rather than “Adequate Yearly Progress” and lacks the ability to provide a clear picture of student progress, particularly students with special needs or those who are typically high achievers.</p> <p>3. Many states have an established accountability system, which includes a school and district report card to parents and the community. As a result, it is</p> | <p>1. Replace the current “all or nothing” accountability system with one that is more accurate and fair in terms of a school or district’s overall performance. This would allow a state to more closely align its accountability system with the No Child Left Behind Law avoiding unnecessary alarm and confusion on the part of students and parents. Schools would be graded on a composite score that more accurately reflects their successes as well as areas needing improvement. Schools that do not meet targeted scores in specific areas would still be identified as “in need of improvement” but would not be labeled as a failing school. Changing the system would also help schools direct resources to specific areas that need to be addressed and still give parents the information they need to access a school’s performance. Graduated plans for sanctions would be based on the degree of improvement needed.</p> <p>2. The test results of a subgroup should be reported annually, but must meet a standard (2-3 years) for stability before it could be used to penalize a school or school district. Special education students should be assessed on their progress through their IEP’s that recognize their unique learning differences. Test scores from students who speak English as a second language should not be applicable in the Adequate Yearly Progress determination for a period of time (2-3 years) or until the student is deemed English language proficient as determined by a statewide test.</p> <p>3. When a school or school district completes the assessment of student</p> |

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| <p>difficult to distinguish the difference between the two (state and federal), particularly when the measures of success are different. A school can be exemplary under an existing state's accountability system and not meet Adequate Yearly Progress, which can lead to unnecessary alarm and confusion. Ultimately, if a school does not meet Adequate Yearly Progress for two years, parents will be able to request student transfers to other schools for their children through parental choice provisions in the law, teachers and other personnel may leave or be transferred to less attractive assignments, and control of that school may be lost at the local level. The inefficiencies from a personnel perspective would be staggering and could worsen the teacher shortage in some states, particularly in areas that have high growth and very diverse student populations.</p> | <p>performance to determine Adequate Yearly Progress, student growth needs to be included as a significant part of the final formula that signifies student progress and school success.</p> <p>4. Supplemental Education Services (SES) should be the first intervention. School choice should come later, be eliminated, or left as an option. Where in the research does it indicate "choice" will improve student achievement? There is extensive research that indicates extra curricular help does improve student achievement. The implications of school choice are disastrous as resources and personnel are shifted in an inefficient manner. These limited resources should be allocated to improve student performance instead of redirected to provide transportation which will likely result in lessening of resources not only to the school penalized, but the entire district (i.e. no increase in resources and 20% going to transportation means 20% reduction in resources for students throughout the entire district).</p> |
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Note: *In response to appeals for more flexibility and identification of problems in implementation of specific provisions in the No Child Left Behind Act, The U.S. Department of Education has issued guidance that provides schools, districts and states with some additional options. In the area to **Reconstruct the Accountability Model**, adjustments have been made in the following areas and while helpful, should be considered as only first steps toward the necessary refinements needed for successful implementation of the law in schools and districts throughout the nation.*

1. **Inclusion of students with significant cognitive disabilities in state accountability systems...** *Children with significant cognitive disabilities, according to national data, make up approximately 9% of children with disabilities and approximately 1% of all students. These students would have extreme difficulty attaining proficiency as measured by the standard state assessments. Therefore, the Department allows states and districts to assess such students using alternate assessments based on alternate achievement standards (which may include out-of-grade level standards). However, no more than one percent of students in a state or a school district who score proficient or above on such alternate assessments based on alternate standards may have their scores count toward AYP.*

In response to concerns that this 1% limitation is too severe, the Department has issued guidance allowing the states to "slightly" exceed the 1% limit. The guidance makes clear that exceptions at the state level are expected to be rare.

To seek an exception, states must file a request with the Department containing detailed information that is specified in the guidance.

Districts seeking an exception to the 1% cap must apply to their state department of education. States need not seek an exception from the U.S. Department of Education unless the overall state total, not that of individual districts or schools, exceeds the 1% limit.

- 2. Inclusion of limited English proficient (LEP) students in assessments and in calculating adequate yearly progress (AYP)...** The requirement that all subgroups of children make adequate yearly progress and attain proficiency by 2014 poses a particular problem for the LEP student subgroup, because, by definition, when children attain proficiency, they leave the subgroup. Further, new LEP students enter the group. This constant turnover of children makes measuring progress of the subgroup difficult.

To partially alleviate this problem, the Department has provided two new areas of flexibility in regard to the inclusion of the performance of LEP students in accountability requirements.

- **Including scores in AYP determinations and participation rates.** States have the option to exempt LEP students in their first year of enrollment in U.S. schools from participating in the state's reading/language arts assessment (if they do take the assessment it should be in the language and form most likely to yield accurate data), but may not exempt them from the state's mathematics assessment (which must be provided with accommodations, if necessary). States may include results from the math and, if given, the reading/English language arts assessments in AYP calculations, but are not required to do so by the law. The number of LEP students taking tests in math and reading/language arts counts toward the required 95% participation rate.
- **Including scores of students who are no longer LEP in AYP determinations.** Scores of students who, in the previous one or two years, had been identified as LEP but are no longer so identified may, at the State's option, continue to be included in the LEP subgroup even though those students are no longer required to participate in English language proficiency assessments or receive language services as LEP students. Further, these students need not be included in determining whether the LEP subgroup meets the minimum group size requirement for consideration as a separate group for the purposes of measuring adequate yearly progress.

- 3. Calculation of participation rates of students in state assessments used to determine if schools and districts have made AYP...** Schools were identified as in need of improvement solely because they failed to meet the requirement that at least 95% of all students in each tested grade and of each subgroup participate in assessments in both reading/language arts and mathematics. In some instances, failure of only a few students to participate in assessments resulted in schools not meeting the 95% requirement in a given year. In other

years, the 95% requirement might be surpassed, which can result in schools going in and out of designation as in need of improvement based on very small changes in participation rates.

To assist with this problem, the U.S. Department of Education has offered two new areas of flexibility.

- **Averaging...** Participation data from the previous one or two years, averaged with rates from the current year, may be used to determine if the 95% participation rate for schools and subgroups is being met.
- **Emergency Absences...** Students who are unable to participate in assessments during the regular assessment period or during the make up window due to a significant medical emergency need not be included in the calculation of participation states, even though the student remains enrolled in the school. The Department mentions an automobile accident as an example of such emergency and speaks of these emergencies as "rare circumstances."

Develop Flexibility in Determining Highly Qualified Staff

The No Child Left Behind Law expects all school districts to hire and retain education professionals (teachers and paraprofessionals) who meet the federal definition of “highly qualified.” It is important to note that while the US Department of Education has established the primary criteria to determine if an education professional meets the definition of being “highly qualified” it is up to each individual state to review their testing and licensure requirements and establish a review process for experienced teachers under a High Objective Uniform State Standard of Evaluation (HOUSSE).

The High Objective Uniform State Standard of Evaluation (HOUSSE) provides each state with some flexibility for experienced teachers to meet the definition of being “highly qualified” under the No Child Left Behind Law but fails to take into account the unique challenge facing small or rural schools. Meeting the definition of being “highly qualified” in each of the core subject areas poses a dilemma for districts to shift available resources from other priorities to ensure the specialty expertise in each core subject. The current No Child Left Behind Law remedies to support teacher and paraprofessional professional development are difficult for small or rural schools to provide, let alone afford.

| Areas of Concern | Recommendations |
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| <p>1. The No Child Left Behind Law requires all teachers to be highly qualified in the content area in which they are assigned to teach. While simplistic in theory, this requirement is problematic in practice, since teachers must either attain certification in multiple subject areas or receive alternative credit for additional subject areas through a process that can be tedious and difficult for school administrators to utilize efficiently. Special education and alternative education teachers are most affected by this requirement since they must teach multiple subjects to students with learning disabilities. The requirement may ultimately cause some states that currently have a short supply of teachers, particularly those areas of expertise (i.e. Special Education, English as a Second Language, and possibly Math and Science) to dwindle further, causing additional hardships for school systems and students.</p> <p>2. Requiring teachers to increase their credit hours in one or more content areas in order to gain “highly qualified” status under the No Child Left Behind Law may be a costly mandate that will exacerbate a state’s teacher shortage, which may already be at a crisis stage.</p> | <p>1. To address the need to find, hire, and retain teachers at a time when teacher shortages plague poor urban and rural schools, AASPA supports the proposal by Senator Ron Wyden (D) from Oregon and Susan Castillo, Oregon Superintendent of Public Instruction that the Federal Government develop a National Teacher Workforce Strategy to promote teacher recruitment and retention in poor and rural schools, and for that matter, all districts experiencing teacher shortages.</p> <p>2. To recognize the teacher shortage areas (i.e. Special Education, English as a Second Language, Math and Science, etc.) incentives need to be developed at the front end with scholarships and tuition waiver programs and on the back end with college loan forgiveness.</p> <p>3. Additional flexibility in meeting the federal definition for “highly qualified” teachers must be encouraged through an aggressive review of a state’s HOUSSE requirements for experienced teachers. This may allow teachers the opportunity to show their expertise in the areas in which they will be teaching or already have been teaching beyond their major, and a process for awarding credit for demonstrated skills.</p> |

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| <p>3. Middle school teachers are treated like high school teachers, which goes against the research and middle school philosophy of having preparation in education as a generalist rather than a specialist in primarily one content area.</p> | <p>4. The US Department of Education in implementing the professional development requirements of the No Child Left Behind Law needs to allow adequate time for school personnel to comply. In addition, the US Congress should provide adequate federal funding to allow school systems to make improvements in this area.</p> <p>5. Supplemental educational service providers should meet the same criteria and expectations of the No Child Left Behind Law in defining highly qualified teachers and paraprofessionals in public schools.</p> |
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Note: *In response to appeals for more flexibility and identification of problems in implementation of specific provisions in the No Child Left Behind Act, The U.S. Department of Education has issued guidance that provides schools, districts and states with some additional options. In the area to **Develop Flexibility in Determining Highly Qualified Staff**, adjustments have been made in the following areas and while helpful, should be considered as only first steps toward the necessary refinements needed for successful implementation of the law in schools and districts throughout the nation.*

A goal of the No Child Left Behind Act is to have all children taught by teachers who meet state certification standards and demonstrate knowledge in the subject matter they teach. In recognition of the challenges some states, districts and schools face in achieving this goal, the U.S. Department of Education has provided some flexibility in meeting the requirements as follows:

- **Rural Teachers...** *In rural areas (defined in ESEA), current teachers who teach more than one subject and who meet the highly qualified definition in one of those subjects (or who do so by the end of the 2005-2006 school year), have been given one additional year to meet the requirements in the other subjects (until the end of the 2006-2007 school year). Newly hired teachers, who teach more than one subject and who meet the highly qualified definition in one of those subjects (or who do so by the end of the 2005-2006 school year), have three years from their date of hire to become highly qualified in all other subjects they teach. Teachers are to be provided professional development, supervision, and structured mentoring to become highly qualified in the additional subjects.*
- **Science Teachers...** *Science teachers are often required to teach in more than one field of science. Some states issue a general science certification, which allows teachers to teach several science subjects and be certified in all, whereas other states issue subject specific certification, such as for physics or chemistry. Teachers who receive a broad-based science certification will now be considered highly qualified in any specific science discipline.*
- **Multi-subject Teachers...** *Currently, multi-subject teachers must demonstrate knowledge in each subject they teach. States may require teachers to return to school, take a test in every subject, or meet a subject specific High Objective*

Uniform State Standards of Evaluation (HOUSSE) established by the state, which can result in an unnecessarily long and repetitive process. Under the new guidance, states may establish one process through which multi-subject teachers demonstrate that they are qualified in each of the subjects they teach.

- ***Middle School Teachers...*** *Grades that are included in middle schools vary across the states and the technical rigor of the content differs depending on the grades included. The Department allows states to determine, based on the rigor of the content being taught, whether demonstration of competency as an elementary or middle school teacher is appropriate. In addition, states may approve content area tests specifically developed for middle school teachers that are aligned with middle school content and academic standards.*

Provide Adequate Federal Resources

While the President and Secretary Paige have consistently communicated to the public that federal resources through Title 1 programs and federal grants have increased to record levels to support the No Child Left Behind Law during the current fiscal year, the facts and figures providing the actual federal resources allocated to public education provide a more complete picture. According to research compiled by the American Association of School Administrators (AASA), the change in aggregate K-12 funding as a result of the first year implementation of the No Child Left Behind Law was an increase of \$5 billion or a 1.1% in overall K-12 funding nationwide. AASA reports the following information on nationwide Title 1 basic funding, which is the centerpiece of the No Child Left Behind Law:

- \$13.5 billion was authorized in fiscal year 2002, while the federal budget allocated only \$10.3 billion that year.
- \$16 billion was authorized in fiscal year 2003, but the federal budget allocated only \$11.6 billion; and
- \$18.5 billion was authorized for fiscal year 2004, yet the federal budget allocated only \$12.3 billion.

In March 2003 it was reported in the *ASCD SmartBriefs* and *Education Week* that the federal government's proposed fiscal 2004 budget cuts would eliminate 45 education programs. The cuts would reduce the education budget by \$1.565 billion from 2003. This reduction is more than the \$1.4 billion increase in money appropriated for Title 1 in 2003, resulting in a net reduction. Some programs get increases, but the bottom line is that the proposed education budget for 2004 is \$37.6 billion. The 2003 appropriation was \$39.0 billion. The federal education budget for 2004 is thus \$1.4 billion LESS than in 2003.

The *American Association of School Administrators (AASA) National Update* reported the Bush Administration announced in February it was asking Congress for \$1.6 billion in total increases for Department of Education programs, with \$1 billion more for IDEA and a \$1 billion add for Title 1. However, shortly after this announcement Secretary Paige unveiled \$1.4 billion in cuts and elimination of 16 programs – such as Even Start, Comprehensive School Reform, Parental Assistance Information Centers, and K-12 counseling and arts education – to offset his recommended “increases.” AASA goes on to report the amount the President is seeking for Title 1 is \$7.2 billion LESS than the amount he and four members of Congress who wrote the bill agreed to spend for the coming fiscal year (2005).

| Areas of Concern | Recommendations |
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| <p>1. It is always difficult to keep financial facts straight forward when trying to dissect something as large as the federal budget for the US Department of Education. However, it appears that while additional dollars have been shifted into Title 1 and the other Title programs to support the implementation of the No Child Left Behind Law, in reality it has become a reassignment of dollars by cutting existing programs supporting schools and children nationwide. It also appears over the last three years that there is a consistent pattern of allocating resources to K-12</p> | <p>1. The US Congress must appropriate and the President must support additional federal funds to meet the funding levels established by the authorizing legislation of the No Child Left Behind Law.</p> <p>2. A thorough analysis should be undertaken to determine the state and local funding requirements to fully implement the law.</p> |

schools that are less than what was authorized under the federal budget.

2. It appears that the Bush Administration and Secretary Paige have lost sight of the big picture in terms of how K-12 education is funded at the state and local level. While the federal slice of the pie may have grown slightly, restrictions remain in place in terms of how those federal dollars are spent and local resources have been reduced substantially during the last few years due to the poor economy. Districts must use Title 1 funds to supplement not supplant local program support. So the reality for K-12 schools is the mandate of implementing the No Child Left Behind Law, with all of its additional costs of data collection, staff development and training, and transportation, while simultaneously cutting teachers and staff, increasing class sizes, and eliminating programs that reduce educational opportunities for students nationwide.

Raise the Debate Over the Role of the Federal Government

Without question, the No Child Left Behind Law has moved the federal government into a much larger role to oversee state and local decision making for public education than any previous legislation passed by Congress. This intrusion, as some would perceive it, may be justified when frustration continues over the achievement gap that has not shrunk appreciably when the academic performance of minority and low-income students is compared to students in the general school population. Yet, the real authority to make a difference with student achievement clearly rests at the local level between the student, parent, and teacher.

| Areas of Concern | Recommendations |
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| <p>1. Questions remain over jurisdiction and how to fairly implement the No Child Left Behind Law as a federal mandate that does not align itself easily with state and local statutes or labor collective bargaining agreements.</p> <p>2. Questions remain around the No Child Left Behind Law as an unfunded mandate.</p> | <p>1. AASPA supports the overall goals in the No Child Left Behind Law to shrink the “achievement gap” and provide “highly qualified” teachers in every classroom for every student in every public school. However, to reach these goals, adequate funding for K-12 public education must not only be authorized, but also appropriated at the national level.</p> <p>2. Decisions affecting public education must remain at the state and local level. The No Child Left Behind Law should not be implemented or allowed to establish consequences for states and school districts that create a learning environment that penalizes schools, pushes parents and students away from public education, or reduces education opportunities for students.</p> |

AASPA’s Concerns and Recommendations... Part of Broad Base Support for Changes to the No Child Left Behind Law

At a recent meeting in September 2004, sponsored by the **Washington-based Center on Education Policy**, scholars and practitioners suggested several fixes to the same concerns raised by this position paper. *Education Week* reported in its September 22, 2004 issue the following proposals that were generated by this same meeting’s discussion:

- Use the National Assessment of Educational Progress (NAEP) to benchmark student performance in reading and mathematics, while letting states craft standards and tests in other subject areas.
- Judge schools using “value added” measures that look at the growth of individual students over time, particularly for those with disabilities or with limited proficiency in English.
- Require a school identified for improvement to offer supplemental services the first year and transfers to other schools the second year, rather than the reverse.
- Revamp state testing cycles to identify schools in need of improvement several months before the school year begins or, alternatively, delay penalties for one year or base penalties on multiyear averages.

- Pay more attention to expanding the supply of schools to which students can transfer.
- Permit states to develop alternate assessments for students with moderate disabilities that are based on the same academic standards as those for other students, but that lead up to grade-level performance.
- Keep students with limited English proficiency in that subgroup for accountability purposes even after they are designated as “proficient” in the language. Let local authorities decide when individual students are ready to be tested in English, and do not require English-language learners to take tests that have not been normed for such children.

On September 13, 2004, Senators Kennedy, Dodd, Harkin, Mikulski, Bingaman, Murray, Reed and Clinton introduced **Senate Bill 2794** entitled the No Child Left Behind Improvement Act of 2004. This bill was developed because of concerns that parallel AASPA’s that the US Department of Education needs to provide greater flexibility for school districts to comply with the law and criticizes the current administration for lack of adequate funding to implement the law effectively.

On August 15, 2004 the *Statesman Journal Newspaper* in Salem, Oregon published the following **OPINION**, “**With changes, No Child Left Behind can work,**” that does a nice job of framing several of the concerns listed in this position paper.

The best thing about the No Child Left Behind Law is its name. That simple phrase should continually remind not only schools, but the entire community, of our responsibility to all children.

The worst thing about the federal education act is that so many schools now are branded as “underperforming’ or “sanctioned.” That’s especially unfair in cases in which students, teachers and administrators have been working to improve and test scores have been rising.

Shouldn’t we set high expectations for schools as well as for children? Absolutely. But when standards are rigid and impossibly high, they don’t inspire; they demoralize. That’s the problem as No Child Left Behind finishes its second year.

Fortunately, federal officials say they recognize this and are fixing some of the law’s most troublesome points.

The first is that schools can be branded as failures for small reasons as well as large ones. One school might score low because a lot of students happen to be sick during the testing period. Another school might be deeply troubled, with low test scores and attendance across the board. No matter; as things currently stand, both wind up in the same category.

Additional concerns involve students with serious disabilities and those who don’t speak English. In the past, their lower test scores could have gone unnoticed because they were averaged in with all the other students’ results. Under No Child Left Behind, their scores are reported separately, and schools are directing extra attention to these students--- as they should.

However, students with serious cognitive disabilities might never learn to speak, let alone read at their grade level. Students who enter the classroom speaking no English might become fluent eventually, but they are unlikely to read at their grade level in a year or two. In both cases, it is unrealistic and unfair to penalize schools for failing to work miracles.

Eric Earling, a regional representative for the U.S. Department of Education, told the *Statesman Journal’s* editorial board Friday that the federal government is tweaking the law in response to criticisms such as these.

Starting next year, the department will allow a more flexible approach to calculating attendance during testing periods, he said. It also will adjust rules covering testing for English-language learners and students with serious cognitive disabilities.

That’s welcome news. The federal government is expecting schools to learn from feedback; it should be willing to do the same.

A huge part of this mission rests with Oregonians as well. Taxpayers must see that schools have the resources to do their job. We can’t hold schools accountable for youth’s success if classrooms are stuffed to the bursting point.

Parents must show by example that reading is important. They must see that youths arrive at school fed, rested, and ready to learn.

No Child Left Behind is a goal we all can get behind. The federal government should fix the law’s flaws and follow through with sufficient funds to make it a reality.

Final Thoughts

The full ramifications of implementing the No Child Left Behind Law will take several years to fully comprehend. However, it is clear that the need for personnel or human resource professionals in school districts to support principals, teachers, and classified staff has never been greater. AASPA believes this role must represent a partnership where the personnel office works as a problem solver providing a variety of options and potential solutions for educators to meet the various challenges they encounter. The potential distraction of understanding the No Child Left Behind Law and how to meet its requirements including the federal definition of being “highly qualified” is a burden personnel offices must attempt to relieve to enable educators to maintain their focus on the hard work of inspiring students to achieve and teaching in their classrooms.

AASPA must continue to find ways to support its membership by providing staff development opportunities and time to dialogue with colleagues to build knowledge and skills to respond to staff accurately and in a fair and compassionate manner. Regional summits, timely updates through the *AASPA Perspective* and *AASPA Insider* utilizing the web-based technology, *AASPA’s Best Practices Magazine*, and AASPA’s Annual Conference are all examples of AASPA’s efforts to keep its members current and up to date with current school personnel and human resource issues.

AASPA recognizes the challenges the No Child Left Behind Law presents school districts. This position paper is a first step in providing a needed voice at the national and state level to articulate needed changes to the No Child Left Behind Law and becoming a resource for policy makers to call on. AASPA needs to be at the table.

Note: This document is being developed by AASPA with support from the Legislative and Governmental Committee and members at large to be a foundation statement that provides an overall position for AASPA toward the “No Child Left Behind” Act of 2001 to submit and support recommendations for the law’s refinement and improvement.