Chapter 77

Helping Schools Meet the Mandates of Federal Policies: No Child Left Behind and Other Cutting-Edge Federal Policies

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> For too long, children suffered while jarring interests caused stalemate in the efforts to improve our schools. . . .
>
> Now, [we have] passed the most sweeping educational bill ever to come before Congress. . . . As President of the United States, I believe deeply no law I have signed or will ever sign means more to the future of America.
>
> —President Lyndon B. Johnson's remarks at the signing of the Elementary and Secondary Education Act, April 11, 1965

> Unfortunately, this bill promises more than the Federal Government can deliver, and its good intentions could be thwarted by the many unwise provisions it contains. It would unnecessarily assert Federal control over traditional state and local government functions. It establishes complex requirements under which tax dollars would be used to support administrative paperwork and not educational programs.
>
> —President Gerald Ford's remarks at the signing of the Education for All Handicapped Children Act, November 29, 1975

> You're seeing government at its best with this piece of legislation. . . . [T]his bill says . . . in return for receiving federal money, states must design accountability systems to measure—to determine whether or

not children are learning to read and write and add and subtract. . . . It basically says, every child can learn. . . . It says Washington has a role of providing money, and now Washington is demanding results. But Washington should not micromanage the process. And so, this bill provides a lot more flexibility for the local folks.

—President George W. Bush's remarks on the day he signed No Child Left Behind, January 8, 2002

Getting Started

These three epigraphs, each a statement made by a U.S. president at the signing of a major federal education law, highlight the divisive politics, uncertain role, and multiple goals of federal education policy. Though these laws represent the most visible efforts to use federal policy to improve public schooling, research has shown that the efficacy of federal policy is a function of high-quality and comprehensive state and local policy, local educators, social workers, and health care professionals. Acting alone, federal policy at best can have a weak effect on the education of children. However, when acting in conjunction with rigorous local policy and high-quality professionals, federal education policy can be the catalyst that drives attention and resources to those students and services most in need of support and guidance.

The purpose of this chapter is to provide clarification on the intent, goals, and implications of federal education policy in general and the No Child Left Behind Act (NCLB) in particular. In doing so, this chapter

1. describes the federal role in improving public education, including the impact this piece of legislation has on the work of social workers and other mental health professionals;
2. clarifies the intent and content of the NCLB; and

3. provides research-driven guidance for local educators, social workers, and health care professionals working with children at risk of failure.

An underlying supposition of this chapter is that the NCLB is one of many factors that shape the environment in which children are growing up and being educated. However, this law has the power to drive resources toward or away from children in need and the programs serving them. For this reason, it is important that a wide range of professionals be familiar with this federal legislation so that a comprehensive set of services may be coordinated and implemented. It has long been argued that early intervention and coordinated school and community services are valuable in providing an enriched and supportive environment to meet the needs of at-risk students (Crowson & Boyd, 1993; Pennecamp, 1992; U.S. Department of Education, 1994; Warfield, 1994). This chapter intends to inform social workers and health care professionals on relevant aspects of the NCLB and to motivate coordinated services to better serve low-achieving children.

What We Know

Federal Involvement in Education

When President George W. Bush signed the NCLB into law on January 8, 2002, he fundamentally altered the course of federal involvement in K-12 public education. Heretofore, the federal government limited its role to providing funds for compensatory education for poor and underachieving students, due process rights for handicapped children, free and reduced-price lunches, and other targeted programs. But under NCLB, the federal government now mandates annual quality assessments, public reporting of disaggregated results, and intervention in poorly performing schools. This act immediately generated much fanfare and political, ideological, and professional controversy, especially as initial appropriations fell short of the authorized targets for federal spending (e.g., Title 1, Sect. 1002; Elmore, 2002; Rotherham, 2002). Passed with bipartisan support, the law was designed to straddle

the fence between the traditional emphasis on local and state control of U.S. public education and increasing federal involvement and oversight. President Barack Obama and Secretary of Education Arne Duncan will likely continue to straddle this fence as they work to reformulate ESEA, which was due for reauthorization in 2007 (Duncan, 2010; Obama, 2010; Dillon, 2010). In their Race to the Top (RTTT) competition, a program in which states submitted improvement plans in order to receive federal grants, there is evidence that the Obama administration will significantly test this boundary (Topo, 2009).

What creates this tension in federal education policy? The 10th Amendment to the U.S. Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." In other words, there is no constitutional provision for federal involvement in public education, and thus the plenary responsibility for education is left to states and localities. This has had the effect of dramatically limiting the involvement and power of the federal government in terms of primary and secondary education. Of course, the federal government has its fingerprints all over public education today, including what may be the most expansive of all federal education laws: the NCLB.

Two main themes of federal involvement in public schools have existed for the last half century: access and quality. Often at the prodding of the Supreme Court, access to appropriate public education has been ensured for many protected classes of students, including students with disabilities and racial and language minority students (e.g., *Brown v. Board of Education,* 1954; *Lau v. Nichols,* 1974). Although issues of access had been the province of federal education policy since the 1960s, policy regarding educational quality during this time targeted the education of poor students and math and science instruction (e.g., the National Defense Education Act). With the NCLB, however, contemporary federal policy is shifting toward

measurement of quality education for *all* students in *all* schools in multiple subject areas.

It is important to highlight the strategic difference between the points of accountability for special education versus the NCLB. Whereas federal special education law targets the free and appropriate education of individual students highlighted by Individual Education Plans (IEPs), the NCLB targets school-level accountability. The inherent tension between the uniform accountability of NCLB and innate individuality of IDEA poses a challenge for all school-level professionals, many whom feel unclear regarding which federal mandates to follow, a concept that will be examined later in this chapter (Hope, 2009).

ESEA, NCLB and A Blueprint for Reform

Although NCLB and the pending reauthorization of ESEA have generated a good deal of attention, some of the core provisions have been in place for the better part of 35 years, with many of the quality elements inserted in the 1994 reauthorization (the Improving America's Schools Act). In 1965 President Lyndon B. Johnson signed the Elementary and Secondary Education Act (ESEA) as a centerpiece of his War on Poverty. With this law, the federal government provided, for the first time in U.S. history, categorical aid on the basis of student poverty. This new compensatory aid was also the first significant infusion of federal dollars into the public schools. The purpose of the aid was to compensate for the lack of local resources inherent in schools serving poorer communities. The centerpiece of the ESEA was Title I, which comprised more than 80% of the law's total funding. Since its inception, the ESEA has been repeatedly reauthorized, tweaked, and revised, with the latest reauthorization resulting in the name change to the NCLB. As previously mentioned, ESEA was up for reauthorization in 2007. Although there is much debate over when the reauthorization will actually take place, and what the new law will include, it will likely be given a new title. In March 2010 the U.S. Department of Education released

a report entitled “A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act” (U.S. Department of Education, 2010). Although it is impossible to predict the specific details of the reauthorization, “The Blueprint” gives some guidance regarding the goals of the Obama administration. The major thematic change between NCLB and “The Blueprint” is that, while the overall goal of NCLB was to ensure that every student be academically proficient by 2014, “The Blueprint” aims to ensure that every student graduates “college or career ready” by 2020 (Bireda, 2010).

The NCLB is an ambitious attempt to document and measure the performance levels of every school in the nation and of subgroups of students within schools. Arguably, the law was designed to reduce the achievement gap, heighten overall performance, and hold all schools accountable by throwing a spotlight on the performance levels of schools and subgroups of students within schools. The hope was that the increased scrutiny on student and school performance would draw sufficient attention, resources, and expertise to foster improvement (Stecher, Hamilton, & Gonzalez, 2003).

Both the old (1994 reauthorization of the ESEA) and more recent (NCLB) laws require states to adopt state-defined standards, develop assessments, and identify schools in need of improvement. As outlined in “The Blueprint,” the Obama administration plans to continue to allow states to adopt their own standards; however, they must work in conjunction with colleges and universities to ensure the efficacy of the standards for helping students to become college and career ready. The blueprint also encourages states to work together to develop a set of common standards (U.S. Department of Education, 2010). Though schools had previously been required to collect data for a range of student subgroups, under NCLB schools are required to publicly report disaggregated data by various student subgroups—a provision likely to remain in the pending reauthorization. This is important given the

opportunity many schools had to hide the relatively low performance of certain subgroups of students. When states, districts, or newspapers simply report aggregate school means for student performance, districts with smaller proportions of poor or minority students were not required to report the measured differences between majority and minority students on standardized exams or graduation rates. With the requirement for disaggregated reporting, potential discrepancies between groups of students are made public. This change had the potential to alter the conversation from the traditional distinction between high- and low-performing schools to a new conversation of which schools provide more or less equitable academic programs for each or the relevant subgroups. Because of the focus on academic achievement, however, and despite a good deal of attention paid to developing successful academic models, schools continue to be primarily classified as high or low achieving. Furthermore, high-achieving schools serving high percentages of racial or ethnic minorities or children living in poverty continue to be the exception rather than the rule (Darling-Hammond, 2007; Cochran-Smith, 2005).

A second major change between the 1994 version of ESEA and NCLB is the frequency with which students are required to be tested: previously once at the elementary, middle grade, and high school level, but now every year in Grades 3–8 and once during Grades 10–12. When it passed, the NCLB required that students be tested in at least mathematics and reading/language arts. The law further stipulated that by the 2005–2006 school year, students would also be tested in science (Hess & Petrilli, 2009). The largest change in policy has come in the area of accountability. Though the federal law established structured guidelines for accountability systems, the control over the explicit design, content, and implementation of accountability systems remains with the states. At the center of the NCLB accountability system is the demand that all students achieve proficiency in the various curricular areas by 2014—a full generation of schoolchildren or 12 years after the initial implementation

of the NCLB (see http://www.ed.gov/policy/elsec/leg/esea02/index.html for a full accounting of the law's provisions).

Because the reauthorization of ESEA is long overdue, and because more than 80% of schools are predicted to fall short of academic proficiency under NCLB standards, many states have requested increased flexibility on satisfying the mandate (Dillon, 2011).To hold school and states accountable for student performance, all schools, districts, and states must publicly report these scores in the states' Adequate Yearly Progress (AYP) reports. AYP is a specific target for the percentage of students attaining proficient scores on the state's assessments; this applies to the overall achievement of a given school along with each subgroup's achievement. The AYP is calculated by dividing the proportion of students achieving proficiency by the number of years until 2014. The resultant number represents the gain required to make AYP the following year.

The subgroups required for public reporting by NCLB include students of low socioeconomic status, those from major racial or ethnic groups, students with disabilities, and those who are designated as Limited English Proficient. At least 95% of students in each school and in each subgroup must be assessed in order for that school to be eligible to make AYP. If even one subgroup does not make AYP, the entire school is reported to be deficient. As argued by the Education Trust, the reporting of disaggregated data was the first-ever systematic public display of within-school performance differences of children from different racial and economic groups (Education Trust, 2003).

If a school does not meet AYP or safe harbor provisions (a provision that allows schools who do not achieve AYP to avoid sanctions if they are able to demonstrate significant improvement for subgroups), they will be susceptible to a series of increasingly intrusive interventions. Here is the cascade of interventions for schools not meeting the AYP provisions as outlined by the NCLB.

Every school is granted a 1-year grace period. There is no action taken if a school does not make AYP for 1 year.

If a school fails to make AYP for a second consecutive year, it will be put on the state's list of schools in need of improvement. During this time, the school must develop an improvement plan, and students must be allowed to transfer to higher performing public schools in the same district.

In the third consecutive year of not making AYP, the district must provide tutoring to low-income students in addition to regular course-work.

Corrective action must be taken during the fifth year of not making AYP. The same transfer and tutoring options are continued, but the district and state must now implement at least one of the following sanctions:

- Replace the school staff that are relevant to the failure to make AYP.
- Institute a new curriculum, with the inclusion of professional development.
- Decrease management authority.
- Appoint an outside expert to advise the school.
- Extend the school year or the school day of that school.
- Restructure the school's internal organization.

Year 6 and 7 of not making AYP require restructuring of the school include more radical interventions. Districts must develop an alternate governance plan, including the possibility of conversion to a charter school, replacing the principal and most of the staff, inviting an external group to manage the school, or allowing a state takeover.

Finally, for schools in need of improvement the NCLB mandates use of scientifically based instructional programs. To assist schools in identifying and implementing such programs, the federal government has created the What Works Clearninghouse (WWC), "a central and trusted source of scientific evidence for what

works in education" (http://ies.ed.gov/ncee/wwc/). The WWC publishes an inventory of educational interventions that districts, schools, and teachers may access in order to improve academic achievement, decrease dropout rates, and foster social and emotional development, among other things. These interventions are listed on the WWC Web site: http://ies.ed.gov/ncee/wwc/. The WWC, furthermore, works within the confines of very strict research practices, and supports only interventions (programs, practices, or policies) that are grounded in "Scientifically Based Research" (SBR). Based in part on criticism of the standards, which discounted much qualitative research (Schoenfeld, 2006), the WWC broadened their research standards in 2010 to include nonexperimental designs (Sparks, 2010).

> The What Works Clearinghouse (WWC) was established in 2002 by the U.S. Department of Education's Institute of Education Sciences to provide educators, policymakers, researchers, and the public with a central and trusted source of scientific evidence of what works in education. . . . Through a set of accessible databases and user-friendly reports, the WWC provides education consumers with ongoing, high-quality reviews of the effectiveness of replicable educational interventions (programs, products, practices, and policies) that promise to improve student outcomes. (http://www.w-w-c.org)

In terms of research that analyzes the efficacy of this trend toward state education standards, and the accompanying high-stakes testing, prodded by federal legislation, the evidence is varied (National Research Council, 1999; National Research Council, 2011; Dee & Jacob, 2010). Some early studies seemed to suggest an overall positive effect on more equitable learning opportunities and performance (Haycock, 2002). In a national study examining the relationship between state graduation and accountability policies and student course taking and achievement, researchers found mixed effects (Schiller & Mueller, 2003). In states with more

graduation requirements, greater proportions of students were enrolled in higher-level mathematics courses. However, in states with extensive testing not linked to graduation requirements, they found little effect on course taking but discernible differences in coursetaking patterns by socioeconomic status. Finally, in states where testing and individual student consequences were linked, researchers found reduced differences in course taking by socioeconomic status. Similarly, other research analyzed the relationship between student performance on the National Assessment of Educational Progress and the prevalence of state minimum competency exams. The research concluded that when compared with student performance in states without these exams, students in states with them performed at higher levels (Bishop & Mane, 2001). Recent research continues to reveal diverse results concerning the efficacy of standards-based reform and increased testing. The National Research Council (NRC), for example, conducted a meta-analysis of research on incentive-based standards and testing programs. This NRC study found that, for the programs that they examined, "the overall effects on achievement tend to be small and are effectively zero for a number of programs" (National Research Council, 2011, p. S-3). The council also found that "high school exit exam programs, as currently implemented in the United States, decrease the rate of high school graduation without increasing achievement" (National Research Council, 2011, p. S-4). One the other hand, one study using data from the National Assessment (NAEP), for example, concluded that the increased accountability measures included in NCLB were related to improvements in fourth- and eighth-grade math scores on a consistent basis (Wong et al., 2009). Results of the same study, however, were mixed for reading. In another major analysis of NAEP data, the National Council on Disability (2008) concluded that students with disabilities, in particular, have shown significant academic improvement since the passage of NCLB. The report argues, however, that more work needs to be done concerning these students. President Obama, furthermore, has explained that he feels

"students should take fewer standardized tests and school performance should be measured in other ways than just exam results" (Werner, 2011).

In addition to whether the assessments are linked to student or school performance, the timing of the student examinations may also be important. It may matter whether the student assessments are administered in the middle grades or not until the close of high school. Tests administered early may be theorized to motivate low-performing students to work harder while there is still time to improve. Conversely, early failure on state examinations may stifle motivation to continue with school and may encourage dropout. In support of this, Jacob (2001) found that at-risk students were more likely to drop out of school in states with high-stakes student assessments. Jacob also concluded that high-stakes examinations had little effect on overall achievement levels of students. In a more detailed analysis of school district programmatic responses to increased state standards in New York State, Sipple and Killeen (2004) found that districts serving higher proportions of poor children were more than twice as likely to offer the option for students to transfer to a GED program than were districts serving fewer poor students.

Parents, teachers, school social workers, and health care workers must pay close attention to course-taking patterns before and after the annual examinations called for by the NCLB.

Special Education and Limited English Proficient Students

In terms of accountability, the NCLB does not make exceptions for special education students. Like all other subgroups, 95% of special needs students need to be assessed and reported in their school's AYP report. Based on the students' IEP, disabled students can be given special accommodations in taking the exams. This can include, but is not limited to, more time in taking the exam, or special one-on-one testing conditions. Furthermore, students with significant cognitive impairments, such as mental retardation, can be given alternative assessments to satisfy the state

requirements. To ensure that states do not give too many students these alternative assessments, the NCLB has instituted an exemption cap that limits their use to 1% of all students statewide (Browder & Cooper-Duffy, 2003; Hess & Petrilli, 2009).

Though students with disabilities are clearly included in the new standards-based education reform, educators are not always clear on how to accomplish this in appropriate ways. As discussed by the National Research Council (1999), it is a difficult challenge for special education students to be held to the same academic standards as regular education students (see also Koenig & Bachman, 2004). Thus, as previously noted, a conflict exists between the NCLB and the Individuals with Disabilities Education Act. The NCLB stresses systems accountability and uniformity, while the disabilities act emphasizes individual goals and learning plans for individual students. To balance this potential conflict of interest, special education teachers must work collaboratively with general education teachers to best meet the needs of the students and their schools. In the end, IEPs will need to be aligned with state standards, and educators will need to strike a balance in teaching functional and academic skills.

The Impact of NCLB on School Social Workers and Other Mental Health Professionals

One of the major criticisms consistently made against the NCLB is that the law has a very limited view of educational reform. Because of the focus on academic standards and high-stakes testing, many argue that the NCLB has led schools to narrow curricula and overlook the complex needs of students, especially the needs of students living in poverty (Lagana-Riordan & Aguilar, 2009; Cawelti, 2006). These two unintended consequences in particular have had a meaningful impact on the work of school social workers and other mental health professionals in schools. While the social work field tends to have a very holistic approach to understanding academic problems, the NCLB legislation does little to account for the social and emotional

risks that are often related to academic problems (Franklin, 2006). While the legislation does contain two elements that do concern these social and emotional risk factors (requirements for increased parental involvement and a small grant program for mental health workers), the pressure to increase student test scores in order to achieve AYP often overwhelms schools and districts, leaving them unable to meaningfully attend to anything else (NCLB; Lagana-Riordan & Aguilar, 2009).

While little research has been done on the impact of the NCLB law on school social workers and other mental health professionals, research does indicate that the accountability policies associated with NCLB can cause significant amounts of stress for teachers and students, arguably making the work of mental health professionals more challenging (Kruger et al., 2007). NCLB legislation, furthermore, has led schools and districts to reallocate funds in favor of academic interventions and academic, rather than social, support staff (Dee & Jacob, 2010). Social workers and mental health professionals, therefore, often feel as if they must work against, rather than within, the context of NCLB mandates, in order to address the "systemic barriers that children face when they live in poverty or oppression" (Lagana-Riordan & Aguilar, 2009, p. 138). The Blueprint for Reform (2010), however, does provide some hope that this narrow focus will broaden in the pending reauthorization of ESEA. The Blueprint aims to create "successful, safe, and healthy students," with the understanding that more than high academic standards are needed to ensure student success and to close the achievement gap (p. 31). The Blueprint further states that "our proposal will invest in new models that keep students safe, supported, and healthy both in and out of school, and that support strategies to better engage families and community members in their children's education" (p. 6). Arguably, if these changes are included and if they receive proper attention, they may pave the way for social workers and mental health professionals to have an even more important and recognizable role in school improvement than they already do.

Strategies to Assist in Meeting the Standards

What can and should local educators, social workers, and health care workers do in response to the NCLB requirements? In terms of actual practice, the law provides little guidance beyond the technical data-reporting requirements, the definition of a highly qualified teacher, and the mandated use of scientifically based instructional programs for schools in need of improvement.

Beyond more fully understanding the broad components and implications of the NCLB, school professionals should consult some of the practical suggestions that researchers originally offered to help schools meet the requirements of the NCLB (Stecher et al., 2003). These suggestions range from focusing on internal planning and capacity building (Corcoran & Goertz, 1995; Massell & Goertz, 2002; Sipple & Killeen, 2004) or tailoring staff development to the local needs of your students, school, and community in light of developing state and federal standards (Darling-Hammond & McLaughlin, 1996; Dutro, Fisk, Koch, Roop, & Wixson, 2002; Elmore & Burney, 1999; Little, 1993) to forging alliances to secure political and technical support for the school improvement efforts (Stecher et al., 2003). In addition to these broader changes, the What Works Clearinghouse (WWC) Web site (http://ies.ed.gov/ncee/wwc/reports/advancedss.aspx) lists a number of interventions for personal and social development that are of particular interest to school-based mental healthcare workers. WWC makes available not only ratings and detailed reviews of the efficacy of these programs but also detailed information on the many components of each of the programs. In order to satisfy the requirements of NCLB, however, school social workers, teachers, and others must address the many individual and group barriers to academic success that are not outlined in the government mandates (see Lagana-Riordan & Aguilar, 2009, for an overview of strategies to address these barriers).

Table 77.1

Summary of Research-Based Strategies on Improving Practice to Meet NCLB Requirements

Build Capacity

- Assess your own institutional capacity for improvement.
- Look for successful models in settings similar to your own.
- Engage key staff in advance planning.
- Connect with sources of knowledge outside your own school and district.
- Concentrate state and district capacity-building efforts where they are most needed.
- Remember that educational reform takes time, and the results may not be apparent immediately.

Use Standards to Improve Instruction

- Obtain a copy of your state's standards, study them, and provide opportunities for staff to discuss the standards throughout the year.
- Engage staff in the exercise of mapping your school's or district's curriculum to the standards.
- Make connections with outside institutions and experts who can provide advice on translating standards into instruction.
- Supplement state standards with materials that clarify specific learning goals.
- Communicate information about the standards to parents.

Use Assessment Results to Improve Instruction

- Require test developers to present results in a clear and useful format.
- Educate users of test information about the meaning of test scores and score reports.
- Educate users about the appropriate use of test results.
- Train teachers to translate test results into instructionally relevant information.
- Help teachers monitor student progress toward meeting standards throughout the year.
- Do not allow the standards that are tested to overshadow the standards that are not tested.
- Design the testing system so it is resistant to score inflation.
- Publish used test items annually so that everyone can see the content and format that are used.

Create Effective Incentives

- Monitor how teachers and other staff are reacting to the rewards and sanctions.
- Implement additional incentives at the school or district level.
- Create uniform incentives for students.

Help Parents Make Effective Choices

- Produce reports geared to the needs of parents.
- Engage parent groups to help design a communication strategy.
- Critically appraise the qualifications of providers of tutoring services.
- Develop programs to help parents assist their own children, whether or not transfers or tutoring services are offered.

Go Beyond the Accountability Data

- Try to diagnose the nature of the problems facing the school or district.
- Seek outside expertise for problems that accountability does not address directly.
- Be prepared to seek additional financial resources, if needed, to supplement available funds.
- Be cognizant of the political environment in which NCLB is operating.

Source: B. Stecher, L. Hamilton, & G. Gonzalez (2003). Reprinted with permission.

In addition to these recommendations and those given in Table 77.1, tremendous amounts of research over the last 30 years have focused on documenting and analyzing why some groups of children consistently outperform others. Jencks and Phillips (1998) examine various explanations for the existence of the achievement gap. Among them, they find four predominant explanations, each with varying levels of research supporting the theories: test bias, heredity, family background, and cultural explanations. Within the test bias argument, they differentiate four different practices (labeling bias, content bias, methodological bias, prediction bias). As for the longstanding arguments over hereditary explanations for differential academic achievement, Jencks and Phillips conclude, "We find it hard to see how anyone reading these studies with an open mind could conclude that innate ability played a large role in the black-white gap" (p. 20). Family background is a compilation of several factors that in the aggregate are strongly related to student achievement. Parsing out the different factors, however, is difficult. Finally, they identified explanations based on cultural and linguistic differences between majority and minority groups that are related to differential levels of achievement. Minority students may choose to "act white" in school and engage in linguistic *code switching* between home and school settings. These behaviors have been positively related to levels of achievement in schooling and standardized assessments. However, such behavior on the part of minority students is not without cost, some argue, resulting in additional challenges and loss of identity for racial and ethnic minorities to face (see, e.g., Fordham, 1988; O'Conner, 1997; Valenzuela, 1999).

Understanding NCLB within a Response to Intervention Framework

When the NCLB legislation was passed in 2001, there was a good deal of confusion concerning the conflicting goals of the two major pieces of K-12 federal education legislation: NCLB and the Individuals with Disabilities in Education Act (IDEA), as previously mentioned. While IDEA called for individual education plans (IEPs),

NCLB required entire states to hold all students to a common standard. One of the most meaningful ways in which the Response to Intervention (RTI) framework, a piece of the 2004 IDEA reauthorization, relates to NCLB is that it has begun to bring consistency to these two laws. Both laws are reliant on Scientifically Based Research (SBR), and both focus on providing intervention early to those children at risk of educational failure (Barnett et al., 2004; Fuchs & Fuchs, 2006). Rather than NCLB existing within an RTI framework, NCLB and RTI work to mutually reinforce the importance of data-driven decision making and early intervention.

Tools and Practice Examples

Resources for Understanding and Implementing the NCLB Act

NCLB Web site: http://www2.ed.gov/nclb/landing.jhtml

NCREL Pathways, synthesizing research on policy and best practices for school improvement: http://www.ncrel.org/sdrs/

National Center for Educational Achievement (NCEA): http://www.nc4ea.org/index.cfm. This nonprofit, nonpartisan information organization operates to help K-12 students reach college and career readiness. The Web site provides many reports and tools for educators and policymakers, including a list of higher performing schools and college and career readiness charts (http://www.nc4ea.org/index.cfm/e/higher_performing_schools_ccr_charts)

National Center for Research on Evaluation, Standards, and Student Testing. http://www.cse.ucla.edu/. Based at the UCLA Center for the Study of Evaluation, this group studies the quality of assessments and high-stakes testing and gives recommendations for how assessments should be implemented.

Education Trust: http://www.edtrust.org/. Education Trust describes itself as an "independent nonprofit organization whose mission is to make schools and colleges work for all of the young people they serve."

Southern Regional Education Board: http://www.wrightslaw.com/nclb/index.htm. This organization studies the use of summer school to help low-performing students.

Education Week: http://edweek.org/. This publication offers current news coverage of issues related to NCLB and other federal policy.

Center for Effective Collaboration and Practice: http://www.air.org/cecpZ. The center provides resources promoting collaborative efforts between educators and communities to improve the education of children.

ESEA Reauthorization: A Blueprint for Reform: http://www2.ed.gov/policy/elsec/leg/blueprint/index.html

Learning Point Associates: http://www2.learningpt.org/catalog/category.asp?SessionID=656050959&ID=13. This Web site contains many "Quick Key" publications to help understand different elements of NCLB reforms.

ProCon.org: Is the Use of Standardized Tests Improving Education in America? http://standardizedtests.procon.org/#42. This Web site provides several resources and an overview of the arguments for and against standardized testing.

Key Points to Remember

Whether the increasingly comprehensive federal education legislation known as the No Child Left Behind Act has improved school performance and reduced gaps in student achievement is still unclear. In the meantime, one crucial issue must be highlighted. With all of the attention focused on school-based activity and policy, it is paramount that attention also be paid to out-of-school issues. In other words, to improve school and student performance, the attention of policy makers and educators must look outside the walls of the school building and the traditional school day and school year. Research has identified the importance of after-school and summer school activities, given the differential experiences and resources available to children of different backgrounds (e.g., Alexander, Entwisle, & Olson, 2001).

Research has also emphasized the social and economic reforms necessary to allow schools to improve (e.g., Rothstein, 2004). Because of the pressure associated with high-stakes testing, little has been done to address these out-of-school issues. Hopefully, the pending reauthorization of ESEA will do more to address these issues in order to foster the social and economic development of communities and will give the work of school-based mental health professionals the attention and resources that it deserves.

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