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The Student Success Act: Reforming Federal Accountability Requirements Under No Child Left Behind

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On its 10-year anniversary, there is consensus that No Child Left Behind (NCLB) is broken. The debate over how to reform NCLB has generated a number of proposals from both houses of Congress and the Obama Administration, but ideas about how to rewrite the law differ greatly.

In early 2012, the House Education and the Workforce Committee introduced a draft of the Student Success Act as part of a piecemeal strategy to rewrite No Child Left Behind. As the decade-old law's harshest sanctions quickly approach and discontent with lackluster student achievement mounts, the Student Success Act aims to reform the much-derided accountability provisions of NCLB, provide funding flexibility to states and local school districts, and limit federal intervention into local school policy.

The Student Success Act. The Student Success Act (SSA), introduced by Representative John Kline (R-MN), chairman of the House Education and the Workforce Committee, would rewrite Title I of No Child Left Behind. The bill proposes the following significant changes:

Restores state authority for establishing performance ratings. No Child Left Behind currently requires states to establish proficiency levels for student achievement, which must include “basic,” “proficient,” and “advanced” achievement levels. The SSA retains the requirement for states to use performance-based evaluations of schools, but

eliminates the “basic,” “proficient,” and “advanced” accountability requirement.

Eliminates “adequate yearly progress.” Under No Child Left Behind, schools must make “adequate yearly progress” toward increasing the number of students scoring “proficient” on state assessments in reading and math. The Student Success Act eliminates adequate yearly progress (AYP) but retains the requirement that schools test students in grades three through eight and once again in high school. While eliminating AYP, the SSA retains requirements for schools to disaggregate student achievement data by subgroups. States must develop their own statewide accountability systems and annually measure student academic progress and growth, identify the academic performance of public schools and the schools’ progress toward closing achievement gaps, and design a system for school improvement for underperforming Title I schools.

Eliminates federal intervention into science assessments. NCLB requires states to test students annually in reading and math in grades three

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through eight and once again in high school. NCLB also requires states to test students in science at least once in elementary school, once in middle school, and once in high school. The Student Success Act retains the requirement for states to test students in math and reading, but eliminates the requirement to test students in science.

Strengthens parent information about school performance. The Student Success Act maintains the requirement for states to create and distribute report cards about school performance on an annual basis. However, the proposal streamlines the reporting requirements and increases transparency about results to parents.

Eliminates the “Highly Qualified Teacher” mandate. No Child Left Behind requires states to ensure any teacher of a core subject be “highly qualified.” The Highly Qualified Teacher provision of NCLB requires teachers to be state-certified and hold at least a bachelor’s degree. The Student Success Act eliminates the federal Highly Qualified Teacher mandate.

Empowers states to design school improvement strategies. The Student Success Act also limits federal intervention into underperforming schools by ending the School Improvement Grant program. The SIG program contained four federally mandated school “turn-around” models designed by the Obama Administration to prescribe the types of interventions states have to use to improve outcomes at underperforming schools. The SSA eliminates the SIG program and allows states to institute their own school improvement strategies.

Provides funding flexibility. One of the major provisions of the Student Success Act is an allowance for states and local school districts to have funding flexibility with designated Title I programs. Migrant education, rural education, programs for neglected and delinquent children English language

learner funding, and American Indian education remain separate funding streams under the SSA, but states now have the flexibility to use that funding for activities across any of those five programs. The proposal also allows low-income school districts to have greater flexibility with the dollars they receive through Title I.

A Shift in Policy Under No Child Left Behind. The Elementary and Secondary Education Act of 1965 (ESEA) sought to provide compensatory education for poor children by spending federal dollars through federal programs directed to low-income school districts. In the decades that followed, taxpayers funneled tens of billions of dollars through the ESEA in an effort to reduce inequalities and narrow the achievement gap between low-income children and their peers.¹

This compensatory model persisted until the 1990s, when federal policy shifted in favor of systemic reform, leaving virtually no aspect of local school policy off-limits from Washington’s overreach. Prior to the 1990s, ESEA’s purpose was confined to alleviating “inequalities that resulted from an uneven distribution of ‘inputs’ (such as money, materials, facilities, and good teachers) across communities.”²

The No Child Left Behind Act of 2001 (the eighth reauthorization of ESEA) ushered in another shift in federal policy: accountability for student results as a requirement for receipt of federal education dollars. In particular, NCLB required states to account for overall student performance as well as that of subgroups of students. The law required states to establish standards and assessments and test students annually in grades three through eight and once again in high school in math and reading. NCLB also required states to disaggregate the performance data of individual subgroups of students and created a myriad of new federal sanctions to punish states that failed to increase student achievement.³

1. Frederick M. Hess and Michael J. Petrilli, “No Child Left Behind Primer,” Peter Lang Primer, American Enterprise Institute, 2006, p. 27.
2. *Ibid.*
3. Andrew Rotherham, “In Defense of No Child Left Behind,” *TIME*, January 6, 2012, at <http://ideas.time.com/2012/01/06/in-defense-of-no-child-left-behind/> (January 17, 2012).

NCLB's Accountability Requirements: Few Results, Many Mandates. The introduction of No Child Left Behind represented a significant policy shift by requiring states and local school districts to account for results to receive federal education funding. The shift toward accountability “with teeth” under NCLB produced some modest positive outcomes in the years following the law’s introduction.

At the core of No Child Left Behind’s accountability provisions was the requirement for states, for the first time, to disaggregate student performance data among subgroups of race, income level, English language learners, and students with disabilities.⁴ The goal of the requirements to disaggregate performance data was to create transparency about all students’ performance—to ensure that no cohort of students was left behind.

The disaggregation of student performance data and NCLB’s focus on outcomes correlates with modest gains in academic achievement observed in the years following the law’s introduction. But although fourth-grade and eighth-grade math scores for high-achieving students have increased modestly, along with the math scores of black and Hispanic and low-income students, reading gains have failed to materialize. Overall, NCLB’s accountability requirements appear to have increased the average student’s score by three percentile points.⁵

Although NCLB’s accountability measures appear to have spurred some modest improvements in academic achievement, the requirements seem to have reached a point of diminishing returns, “as earlier gains are maintained but not built upon.”⁶

Unintended Consequences of Washington-Driven Accountability. The modest gains pro-

duced by No Child Left Behind have been dwarfed by the unintended consequences of the 600-page law. While NCLB correctly shifted national focus to public-school outcomes, the law created perverse incentives for states to weaken standards and reduce transparency, primarily through the requirement that all schools make adequate yearly progress (AYP).

Under No Child Left Behind, schools must make adequate yearly progress toward increasing the number of students scoring “proficient” on state assessments in reading and math. NCLB requires 100 percent of students to be proficient by the 2013–2014 school year.⁷ While states are required to ensure universal proficiency by 2013–2014, they are permitted to define proficiency (for state assessments). Coupled with NCLB’s sanctions, the law’s accountability regime has created the perfect storm of perverse incentives for states to water down tests and limit transparency about outcomes as the 2013 deadline approaches.

In addition to creating perverse incentives for states to weaken assessments and muddle results, the law’s adequate yearly progress requirement has loaded down state and local leaders with a tremendous compliance burden. One Virginia school district reported that compliance with NCLB’s accountability requirements “is equivalent to the cost of hiring 72 additional teachers.” The district reported:

Complications arise because the state’s performance standards to achieve accreditation status differ from those used to determine whether adequate yearly progress has been achieved under federal law. Two sets of evaluation processes must be carried out.⁸

4. Frederick M. Hess and Michael J. Petrilli, “No Child Left Behind Primer,” p. 35.

5. Researcher Eric Hanushek notes that the National Research Council conservatively estimates that the impact of NCLB’s accountability measures is 0.08 standard deviations of student achievement. See Eric Hanushek, “Grinding the Antitesting Ax,” *Education Next*, Vol. 12, No. 2 (Winter 2012), at <http://educationnext.org/grinding-the-antitesting-ax/> (January 17, 2012).

6. Mark Schneider, “The Accountability Plateau,” Thomas B. Fordham Institute, December 15, 2011, at <http://www.edexcellence.net/publications/the-accountability-plateau.html> (January 17, 2012).

7. Hess and Petrilli, p. 34.

8. Virginia Department of Education, “Report to the Governor and General Assembly on the Costs of the Federal No Child Left Behind Act to the Virginia Department of Education,” September 21, 2005, at http://www.doe.virginia.gov/federal_programs/esea/reports/appendices_cost_fulfilling_requirements.pdf (January 17, 2012).

Although NCLB rightly placed a focus on outcomes, the performance information required by the law has been directed to bureaucrats in the Department of Education, creating a tremendous paperwork burden for states and local school leaders while providing little transparency to parents. The House Education and the Workforce proposal to reform the accountability measures in No Child Left Behind is a step toward emphasizing transparency and restoring accountability to parents and taxpayers about school results, instead of continuing to burden local school leaders with compliance reports to Washington.

Creating Accountability to Parents, Not Washington. The Student Success Act attempts to correct the misguided accountability of No Child Left Behind and increase information about outcomes to the people who care most about students: parents

and local school leaders. The House Education and the Workforce Committee correctly notes that

Across the country, states and school districts have led efforts to reform the nation's troubled education system. As these bold reformers step up, the federal government can step back; limiting its footprint to ensuring parents have the information they need to judge the quality of the schools.⁹

The experiment in bureaucratic accountability under No Child Left Behind has not achieved its objectives. The Student Success Act is a good first step in replacing the wrongly directed accountability of No Child Left Behind with transparency about school results to parents and taxpayers.

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9. The Student Success Act Summary for Release, House Education and the Workforce Committee, at http://edworkforce.house.gov/UploadedFiles/The_Student_Success_Act_Summary.pdf (January 17, 2012).