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Background

NCLB - The Basics

The Elementary and Secondary Education Act is the main federal education law, describing federal requirements for the nation's public schools, most of which receive some form of aid under the statute, PL 107-110.

ESEA was first enacted in 1965, signed into law by President Lyndon B. Johnson. It is revised every five to seven years. The latest revision, passed by Congress in 2001 and signed into law by the Bush administration in 2002, is known as the "No Child Left Behind" Act of 2001. Key programs include Title I, the flagship teaching and learning program that reaches 12.5 million students in high-poverty schools. Other ESEA programs provide funds to improve teacher training, student literacy, school technology, and school safety.

NCLB's AYP Requirements

Under NCLB, all students in grades 3-8 and in one grade in high school must be tested once a year in reading and mathematics. Students are expected to score at the "proficient" level or above on state-administered tests by 2014 and to make "Adequate Yearly Progress" toward that goal until then.

Subgroups of students, including low-income, black, Hispanic, special needs students and English language learners, also must meet AYP standards. If they do not, the entire school is deemed to have failed.

In addition to test-score requirements, schools and subgroups must meet MCAS participation requirements, as well as attendance or competency determination requirements. Under these rules, 95 percent of students must take the test; average daily attendance in a K-8 school must be 92 percent; and 70 percent of high school students must pass the Grade 10 MCAS tests -- a requirement to qualify for graduation.

A school that fails to make AYP for two consecutive years is labeled "in need of improvement." Those that receive federal Title I funds -- funds allocated to schools that serve a requisite number of low-income students -- face sanctions that increase over time.

After two years, sanctioned schools must give parents the choice of sending their children to another school in the district, with transportation costs paid out of Title I dollars. After five years, a

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sending their children to another school in the district, with transportation costs paid out of Title I dollars. After five years, a school faces "corrective action." After seven years, a school must be "restructured," with options including state take-over, conversion to a charter school, management by a private company, or other unspecified "major restructuring."

A Title I school faces sanctions whether the failure to meet AYP is based on aggregate scores or scores from one of the seven subgroups.

Massachusetts has developed a complicated formula for determining whether schools are making AYP. This formula is one of the most flexible in the country and is considered a model by the U.S. Department of Education. Even so, it will lead to three-quarters of all schools in a high-performing state failing to make the grade.

Six other states (California, Connecticut, Illinois, Louisiana, Florida and Minnesota) have conducted studies similar to the Massachusetts study and have projected school failure rates ranging from 75 to 99 percent. The differences are largely attributable to different state testing systems, cut scores and AYP formulas. Because of those inconsistencies, AYP results are not useful for comparing one state's test scores or AYP failure rates to another's.