

Accountability, Assessments, and Transparency

How the final Title I regulations support and strengthen the fundamental tenets of *NCLB*

October 2008

The reforms introduced into the Elementary and Secondary Education Act of 1965 (ESEA) by the No Child Left Behind Act of 2001 (NCLB) fundamentally changed the way that states and districts approach the challenge of educating all students to achieve high standards. The U.S. Department of Education announced new regulations for Title I of the No Child Left Behind Act that respond to the lessons learned from six years of implementing these reforms and build on the advancements of state assessment and accountability systems. The Department carefully considered the more than 400 comments received after issuing the proposed regulations in April 2008 and made several substantive changes based on those comments.

The final regulations establish a uniform and more accurate measure of calculating high school graduation rate that is comparable across states; strengthen public school choice and supplemental educational services requirements; and increase accountability and transparency.

➤ **National Assessment of Educational Progress (NAEP) Data on State and District Report Cards**

The NAEP is a nationally representative benchmark that parents and the public can use to evaluate the performance of their district and state. Including state-level NAEP results on state and district report cards gives parents easy access to this important information.

- ✓ The **final regulations** require states and districts to include on their report cards the most recent NAEP reading and mathematics results for the state and to also include the participation rates for students with disabilities and for limited English proficient students. For state report cards, the data must be disaggregated for each subgroup (i.e., data must be broken down by student subgroups).

➤ **National Technical Advisory Council (National TAC)**

Establishing the National TAC in the final regulations ensures that the Department will continue to benefit from expert advice in its efforts to ensure that state standards and assessments are of the highest technical quality and that state accountability systems hold schools and districts accountable for the achievement of all students.

- ✓ The **final regulations** require the secretary to establish a National TAC to advise the Department on technical issues related to the design and implementation of state standards, assessments, and accountability systems, as well as on broad issues that affect all states. The National TAC is subject to the Federal Advisory Committee Act (FACA); thus notice of meetings and summaries of proceedings are available, and meetings are open to the public.

➤ **Minimum Subgroup Size and Inclusion of Students in Accountability**

While it is important to ensure statistical reliability in state adequate yearly progress (AYP) determinations, such efforts must not undermine the strong subgroup accountability that is a core NCLB principle. The final regulations continue to give states flexibility to use various statistical

measures as part of their AYP definitions, while also requiring that states ensure that those measures maximize the inclusion of students and student subgroups in accountability determinations.

- ✓ The **final regulations** require each state to explain in its Title I Accountability Workbook how its minimum group size and other components of its AYP definition (e.g., confidence intervals, performance indexes, definition of “full academic year”) interact to provide statistically reliable information while ensuring the maximum inclusion of all students and student subgroups in AYP determinations. Each state must also include, in its Accountability Workbook, the number and percentage of students and subgroups excluded from school-level accountability determinations. States must submit to the Department their revised Accountability Workbook for technical assistance and peer review in time to implement the new regulatory requirements for AYP determinations based on school year 2009–10 assessment results.

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➤ **Including Individual Student Growth in AYP**

The criteria in the final regulations ensure that schools continue to be held accountable for the achievement of all students, while providing flexibility for states to include a measure of individual student growth in calculating AYP.

- ✓ The **final regulations** set the criteria that a state’s proposal must meet in order for the state to receive approval to incorporate individual student academic progress into its calculation of AYP.

➤ **Restructuring**

It is important that states and districts take significant reform actions to improve chronically underperforming schools. The final regulations clarify the intent of the statute, which is that restructuring must include a significant change in the governance of a school that has not made AYP for five years.

- ✓ The **final regulations** clarify that:
 - Interventions implemented as part of a school’s restructuring plan must be significantly more rigorous and comprehensive than the corrective actions that the school implemented after it was identified as in need of improvement, unless the school has begun to implement one of the restructuring options as a corrective action.
 - Districts must implement interventions that address the reasons why a school is in the restructuring phase.
 - The restructuring option of replacing all or most of the school staff may include replacing the principal; however, replacing the principal alone is not sufficient to constitute restructuring.
 - The “other” option to restructure a school’s governance may include replacing the principal so long as this change is part of a broader reform effort.

➤ **Assessments and Multiple Measures**

There is a misunderstanding that accountability under Title I must be based on a single measure or form of assessment.

- ✓ The **final regulations** clarify the meaning of the statutory requirement that state assessments “involve multiple up-to-date measures of student academic achievement.” They clarify that states may meet this requirement by including, in their assessments, single- or multiple-question formats (e.g., multiple choice, extended response) that range in difficulty within a single assessment, as well as multiple assessments within a subject area (e.g., reading and writing assessments to measure reading/language arts).

➤ **Same Subject Identification for Improvement**

The final regulations codify current Department policy and establish clear parameters for districts and states to use when identifying schools and districts for improvement. Limiting the identification of schools and districts that are “in need of improvement” to those that do not meet the AMO in the same subject for the same subgroup over consecutive years would be inconsistent with NCLB’s accountability provisions. The law requires that every subgroup meet the state’s annual measurable objective (AMO) in each subject, each year.

- ✓ The **final regulations** permit a district to identify a school as “in need of improvement” if the school does not meet the AMO in the same subject (or meet the same academic indicator) for two consecutive years. A district may not, however, limit identification for improvement to schools that miss AYP only because they did not meet the AMO in the same subject (or meet the same academic indicator) for the same subgroup for two consecutive years. A similar provision applies to district identification for improvement.

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