Reauthorized Elementary and Secondary Education Act (ESEA) “No Child Left Behind” (NCLB Act)

MAJOR FOCUS

Provide all children with a fair, equal, and significant opportunity to obtain a high-quality education.

Four Pillars

1. Accountability
2. Flexibility
3. Research-Based Education
4. Parental Options

Definitions: LEAs – Local Education Agencies = Districts or Educational Service Districts (ESDs)
SEA – State Education Agency = OSPI

Federal funds to supplement, not supplant, nonfederal funds

Characteristics of Legislation

- Extension of educational reform - continues standards-based educational reform.
- Specifies and funds effective implementation strategies - research-based.
- Specifies all students achieving proficiency in reading and math within 12 years.
- High quality assessments, accountability systems, teacher preparation and training, and curriculum and instruction aligned with state standards.
- Required participation in the National Assessment of Educational Progress (NAEP) for 4th and 8th grade in reading and mathematics.
- Use of data - real time - collection, analysis, reporting, and applying.
- Requires a single, statewide accountability system.
- Accountability for SEA, LEA, and schools for student academic achievement.
- Requirement for meeting the needs of low-achieving children – Limited English Proficient (LEP), migrant, children with disabilities, Indian children, neglected and delinquent children, and young children in need of reading assistance.
- Emphasis on early childhood education.
- Closing the achievement gap between minority/nonminority, disadvantaged/advantaged.
- Required technical assistance system - significantly elevating the quality of instruction by providing staff substantial opportunities for professional development.
- Parental involvement rights - affording parents substantial opportunities to participate in the education of their children.
- Emphasis on community involvement - other agencies – partnerships.
**Organization of the Act**

**Title I – Improving the Academic Achievement of the Disadvantaged**
- Improving Basic School Programs
- Students Reading Skills
- Even Start Family Literacy Programs
- Improving Literacy Through School Libraries
- Education of Migratory Children
- Neglected and Delinquent Children
- National Assessment of Title I
- Comprehensive School Reform
- Advanced Placement
- School Dropout Prevention

**Title II – Preparing, Training, and Recruiting High-Quality Teachers and Principals**
- Teacher and Principal Training and Recruiting High-Quality Teachers and Principals
- Mathematics and Science Partnerships
- Innovation for Teacher Quality
- Teaching of Traditional American History
- Enhancing Education Through Technology
- National Writing Project
- Teacher Liability Protection
- Troops-to-Teachers Program

**Title III – Language Instruction for Limited English Proficient and Immigrant Students**
- English Language Acquisition, Language Enhancement, and Academic Achievement Act
- Improving Language Instruction Educational Program
- Emergency Immigrant Program

**Title IV – 21st Century School**
- Safe and Drug Free Schools
- 21st Century Community Learning Centers

**Title V – Promoting Informed Parental Choice and Innovative Programs**
- Innovative Programs
- Charter School Program
- Magnet Schools Assistance
- Fund for the Improvement of Education
- Smaller Learning Communities
- Gifted and Talented Students
- Physical Education
- Community Technology Centers
- Excellence in Economic Education
- Arts and Education

**Title VI – Flexibility and Accountability**
- Improving Academic Achievement (Assessments)
- State and Local Flexibility
- Rural Education Initiative

**Title VII – Indian, Native Hawaiian, and Alaska Native Education**
- Indian Education
- Native Hawaiian Education
- Alaska Native Education
Title VIII – Impact Aid
• Federal Property
• Military Installations

Title IX – General Provisions
• Flexibility
• Coordination and Consolidation of State/Local Plans
• Waivers
• Uniform Provisions (Private Schools, Homeless, etc.)

TITLE X - Education of Homeless Children and Youths
• Equal Access
• District Designated Liaison

Major Elements within the Act

• Adequate Yearly Progress
States must define adequate yearly progress so that all students are expected to improve and all students will achieve proficient standards in 12 years. States set the starting point at the level of the lowest-achieving demographic group or the lowest achieving schools in the state, which ever is higher.
  • States have 12 years for all students to be proficient.
  • States set the starting point and the measurable annual goals.
  • Goals must be raised in equal increments.
  • Two-year increments can be used to measure success at meeting goals.
  • Subsequent bars must be raised at least once every three years.
  • May use a three-year average of assessment performance.

• Safe Harbor
If students in a subgroup make a 10 percent reduction in the number of students not proficient, they are in a “safe harbor” and not considered as failing.

Example:  
Group A    60 percent not proficient
          40 percent are proficient
          10 percent of 60 = gain
          6 meet safe harbor criteria

• State Testing Requirements
2002-2005
  Annual testing in one grade within three levels, 3-5, 6-9, and 10-12 for reading/mathematics.
2002-2003
  Annual English proficiency assessment for all LEP students.
Beginning in 2002-2003
  Participation in NAEP required in grades 4 and 8 in reading and mathematics.
Beginning in 2005
  Annual testing in Grades 3-8 in reading and mathematics.
Beginning in 2007
Annual testing in one grade within three levels, 3-5, 6-9, and 10-12 in science.

Additional Indicators
Graduation rate for secondary - state selects elementary indicator(s).

- **Testing Criteria Requirements**
  - Be the same for all children.
  - Be aligned with state standards and provide coherent information about student attainment.
  - Be valid, reliable, and consistent with professional and technical standards.
  - Involve multiple measures of achievement including higher order thinking skills and understanding.
  - Provide accommodations for children with disabilities.
  - Include limited English proficient standards.

- **Testing of Students in English**
  - Annual English proficiency assessment for all LEP students.
  - Students who have attended schools in the U.S. for three consecutive years must be tested in reading and language arts in English.
  - Individual case-by-case waivers allowed for such students - up to two more consecutive years.

- **School Improvement**
  - Schools that have not met achievement goals for **two consecutive years**:  
    - must develop an improvement plan and receive technical assistance.
    - must make school choice available with district paying transportation.
  - Schools that have not met achievement goals for **three years**:  
    - must provide supplemental services approved by the SEA.
    - school choice continues with district paying transportation.
  - Schools that have not met achievement goals for **four years**:  
    - must take corrective action. District must take action – new staff or curriculum.
    - must continue supplemental services and public school choice.
  - Schools that have not met achievement goals for **five years**:  
    - required restructuring – plan developed for take over – state, contractor, charter.
    - must continue supplemental services and public school choice.

- **Released** from category when adequate yearly progress is made for **two consecutive years**.

- **State and LEA Report Cards**
  Beginning in 2002-2003, SEAs, and LEAs must publish and disseminate report cards.

  Report cards must include:
  - Student achievement and assessment data – disaggregated and aggregated.
  - A comparison of students at basic, proficient, and advanced levels.
  - Graduation rates.
  - Number and names of schools in improvement.
  - Comparison of achievement levels as compared to annual goals.
  - Percentage of students not tested.
  - An explanation of state’s accountability system.
• **Parents Right to Know**
  • Requires LEA’s to annually notify parents of their right to request information on the professional qualifications of their child’s teachers.

• **Highly Qualified Teachers**
  • SEAs and LEAs must develop plans no later than the end of the 2005-2006 school year to have highly-qualified teachers teaching core academic subjects.
  • Newly certified teachers must pass a basic skills competency assessment.
  • All paraprofessionals must have two years of college, an associates degree or higher, successfully passed an assessment of math, reading, and writing. Paraprofessionals must speak English.

• **Qualified Teachers**
  • Each SEA receiving Title I funds must develop and submit to the Secretary a plan for ensuring all teachers are highly qualified.
  • The state must develop measurable objectives for districts that, at a minimum,
    – Include an increase in qualified teachers for each district and school.
    – Include annual increase in percentage of teachers receiving high-quality professional development and measures that may enhance teacher qualifications.
  • If, after **two years**, the district has failed to make progress, the district must develop an improvement plan specific to ensuring all teachers are highly qualified. The SEA must provide technical assistance to districts.
  • If progress is not made after **three consecutive years**, the state must work with the LEA to develop such a plan. The use of Title I funds to fund paraprofessionals becomes prohibited and funds are provided directly to a school for the teachers and principals to choose professional development activities.

• **English Language Acquisition**
  • Districts are required to provide informed parental notification as to why their child is in need of placement in a specialized language instruction program.
  • Parents have the right to choose if more than one program is offered and the right to remove their child from a program for LEP children.
  • Districts must also implement effective means of parental outreach to encourage parents to become informed and actively involved in their child’s educational program.

• **Education of Homeless Children**
  • SEAs shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.
  • LEAs must immediately enroll and keep homeless students in their school of origin.
  • At a parent’s request, homeless students must be provided with transportation to and from their school or origin.
  • Every district must designate a liaison for students in homeless situations.

• **Technology Funds**
  • Fifty percent of the funds distributed through a state formula (100 percent on Title I, Part A).
  • Fifty percent is distributed by the state through competitive grants.
  • Funds may be used for:
–Promoting state and local initiatives to use technology to increase student achievement.
–Increase access to technology.
–Improve and expand teacher professional development in technology.
• LEAs are required to use 25 percent of funds for ongoing, sustained, high-quality professional development.

• **Scientifically Based Research Instruction and Programs**
  • Scientifically-based reading research must be used in reading instruction.
  • All instructional strategies used to provide Title I supplemental services must be of high-quality and research based.
  • Comprehensive school reform programs require states to ensure that schools are selecting programs that are financially stable and have the capacity to provide high quality assistance over the three-year period.

• **Immediate Implementation**

  *No Year of Transition – The Time is Now*

  • **Systems development**
    – List of requirements
    – List of reports
    – Staff quality
    – Fiscal allocations
    – List of data requirements (stated and inferred)
    – School improvement plans
    – Report cards – Transparency

  • **Audit and review curriculum, instruction, and assessment**
    – Aligned curriculum
    – Professional development
    – Review of assessments to identify weaknesses
    – Quality instruction
HR 1 – NO CHILD LEFT BEHIND ACT OF 2001

Major ESEA Requirements – Title I

Part A – Improving Basic Programs Operated By Local Education Agencies

Subpart 1 – Basic Program Requirements

Section 1111. State Plans

A. States shall submit to the Secretary a State plan developed with practitioners and coordinated with IDEA, Perkins, Head Start, Adult Education and Family Literacy, and Homeless Assistance Acts.

B. Challenging Academic Standards – Each State plan shall demonstrate the use of challenging academic standards that are applied to all students and all schools. Standards must include, but not be limited to, at least mathematics, reading, and (by 2005-2006) science that shall include the same knowledge, skills, and levels of achievement expected for all children.

Standards shall include:

A. Challenging academic content standards in academic subjects that:
   1. Specify what children are expected to know and be able to do.
   2. Contain coherent and rigorous content.
   3. Encourage the teaching of advanced skills.

B. Challenging student academic achievement standards that:
   1. Are aligned with the State’s academic content standards.
   2. Describe two levels of high achievement (proficient and advancement) that determine how well children are mastering the material in the State academic content standards.
   3. Describe a third level of achievement (basic) to provide complete information about the progress of lower-achieving children toward mastering the proficient and advanced levels of achievement.
   4. For other curriculum subject areas, the State plan shall describe a strategy for ensuring that students are taught the same knowledge and skills.

C. Accountability – Each State plan shall demonstrate that the State has developed and is implementing a single, statewide state accountability system that will be effective in ensuring that all education agencies, public elementary schools, and public secondary schools make adequate progress.
Each accountability system shall:
1. Be based on academic standards and assessments.
2. Be the same accountability system for all schools.
3. Include sanctions and rewards States will use to hold LEAs accountable for making yearly progress.

D. Adequate Yearly Progress – Each State plan shall demonstrate what constitutes adequate yearly progress. Adequate yearly progress shall be defined by the State in a manner that:
1. Applies the same high standards to all schools.
2. Is statistically valid and reliable.
3. Results in continuous and substantial academic improvement for all students.
4. Measures the progress of public schools based on the standards.
5. Includes separate measurable annual objectives for continuous and substantial improvement of all groups:
   a. Poverty - Economically disadvantaged children.
   b. Race and Ethnicity - Students from major racial and ethnic groups.
   c. Disability - Students identified with disabilities.
   d. LEP - Students with limited English proficiency (ESL).

Plus, it should include at least one indicator for secondary schools–graduation rate and at least one other academic indicator for elementary schools. Other indicators, such as locally administered assessments, retention rates, attendance rates, advanced placement, college preparatory courses, etc., may be included.

E. Starting Point – Each State, using 2001 and 2002 data, will establish a starting point which, at a minimum, will be based on the higher percentage of students at the proficient level who are in:
   1. The State’s lowest achieving group.
   2. The school rank at the highest of the lowest twentieth percentile in the State ranking of schools.

F. Each state shall establish a timeline for adequate yearly progress, not to exceed 12 years for all groups to meet standards.

G. Measurable Objectives:
1. Shall be set separately for the mathematics and reading assessment.
2. Shall be the same for all schools.
3. Shall identify a single minimum percentage of students required to meet or exceed the proficient levels that applies to each group.
4. May be the same for more than one year.

H. Intermediate Goals for Annual Yearly Progress – Each state must establish measurable intermediate goals that shall:
1. Increase in equal increments over the period of the State’s timeline.
2. Provide for the first increase to occur in not more than two years.
3. Provide for each following increase to occur in not more than three years.
I. **Annual Improvement** for Schools
   1. Each group of students must meet or exceed the objectives to make adequate yearly progress (AYP); a school may be considered to have made AYP if a group who did not meet the standards decreased by ten percent from the preceding year (Safe Harbor).
   2. Not less than 95 percent of each group are required to take the assessment with accommodations except when the group is too small to be statistically valid.

J. **Uniform Averaging** Procedure
   1. The State may average data for one year with data from one or two years immediately preceding the school year.
   2. The State may use data across grades in a school.

K. **Academic Assessments**
   States must demonstrate that they have, in consultation with LEAs, implemented a set of high quality, yearly student assessments that include, at a minimum, assessments in mathematics, reading, (by 2005-2006), and science (by 2007-2008) that will be used as the primary means of determining yearly performance of the States.

L. **Use of Assessments**
   1. Each State may incorporate data into a *longitudinal data system* that links student test scores, length of enrollment, and graduation records over time.
   2. Requirements – Such assessments shall:
      a. Be the same for all children.
      b. Be aligned with content and student academic standards and provide coherent information about the standards.
      c. Be used for purposes for which assessments are valid/reliable.
      d. Require mathematics and reading assessments be offered at least once in Grades 3-5, 6-9, and 10-12.
      e. By 2005-2006 assessments shall measure the achievement of students in each of Grades 3 through 8 in, at a minimum, mathematics and reading.
      f. Be used only if the State provides to the Secretary evidence from the test publisher or other relevant sources that the instruments are of sufficient quality for the purposes of this Act.
      g. Beginning not later than 2007, science will be added and must be given at least once in Grades 3-5, 6-9, 10-12.
      h. Involve multiple measures of student academic progress, including measures that access higher-order thinking skills and understandings.
      i. At discretion of the State, assess other subject areas in which the State has developed challenging standards.

M. **Language Assessments**
   Each State plan shall identify the languages other than English that are present in the student population and indicate the languages for which yearly student assessments are not available and needed.
N. Academic Assessments of **English Language Proficiency** – Each state plan shall demonstrate that all LEAs will begin no later than 2002-2003 to provide for an annual assessment of English proficiency for all LEP students.

Each State plan shall be required to describe the following:
1. How the SEA will assist affected LEAs to implement the English assessment.
2. How the SEA will provide assistance to help achieve the academic standards.
3. The specific steps the SEA will take to ensure that schoolwide and targeted assistance schools will provide instruction by highly qualified teachers.
4. An assurance that the SEA will help LEAs develop or identify effective curricula aligned with standards.
5. Other factors to provide students opportunities to achieve standards.
6. Assurance of cooperation and collaboration with other service agencies.

O. **Use of Academic Assessment Results** to Improve Student Achievement

Each State plan shall describe how assessment results:
1. Will be provided to LEAs, schools, and teachers in a manner that is clear and easy to understand no later than before the next school year.
2. Be used by schools and teachers to improve instruction.

P. **Other Provisions** to Support Teaching and Learning

1. The State will produce **State report cards** beginning with SY 2002-2003.
2. The State will, beginning in 2002-2003, **participate in NAEP** fourth and eighth grade reading and mathematics assessments.
3. The SEA, in consultation with the Governor, will include in the State plan a plan to carry out the SEAs **statewide system of technical assistance** and support for local educational agencies.
4. The SEA shall work with other agencies to provide technical assistance, such as **educational service agencies**.
5. The SEA will **notify LEAs and the public** of the content and student academic achievement standards and the authority to operate schoolwide programs and fulfill the SEA responsibilities for school improvement.
6. The SEA will provide the least restrictive and burdensome regulations.
7. The SEA will inform the Secretary of any ways Federal laws hinder States in holding LEAs accountable.
8. The SEA must involve the committee of practitioners in developing and implementing the plan.
9. The SEA will **encourage schools to consolidate funds** for schoolwide reform.
10. The SEA will modify or eliminate state fiscal and accounting barriers.
11. The State will coordinate activities funded with other federal activities.
12. The SEA will encourage the offering of family literacy services as needed.
Q. Parental Involvement – Each State plan shall describe how the State will support the collection and dissemination of effective parental practices. Such practices shall:
   1. Be based on current research on effective parental involvement that fosters achievement to high standards.
   2. Be geared toward lowering barriers to greater parental participation in school planning, review, and improvement.

R. Peer Review and Secretarial Approval - The Secretary shall:
   1. Establish a peer-review process.
   2. Appoint persons familiar with educational standards, assessments, accountability, the needs of low-performing children, and other educational needs.
   3. Approve a State plan within 120 days.
   4. Withhold 25 percent of the administrative funds available to the State.
   5. Provide opportunities for the following in the event the State plan is not approved: a. Revise its plan.
      b. Receive technical assistance.
      c. Be provided a hearing.

State Plans:
   • A State plan may be disapproved but may not require the State to include or delete elements of the State’s academic content standards or use a specific assessment.
   • Remain in effect until 2007.
   • Should be periodically reviewed and revised as necessary.
   • Submit significant changes in the State plan to the Secretary.

S. Failure to meet 2001 requirements for development of plan – The Secretary may withhold funds for failure to meet requirements.

T. Reports

1. Annual Report Card
   Beginning in 2002-2003 a state report card shall be prepared and disseminated. This report card shall be concise and presented in an understandable format.

2. Required information:
   a. Aggregated student achievement at each proficiency level and disaggregated by race, ethnicity, gender, disability status, migrant, English proficiency, and economically disadvantaged.
   b. Comparison information for each group on objectives and achievement.
   c. Percent not tested.
   d. Most recent two-year trends in each subject area for each grade level.
      • Aggregate information on any other indicators.
      • Graduation rates.
      • Information on the performance of schools making adequate progress, including the number and names of schools identified for school improvement.
• The professional qualifications of teachers in the State, the percentage of those with emergency or provisional credentials, disaggregated by high and low poverty schools.

Optional Information:
- School attendance rates.
- Average class size.
- Achievement gains of LEP.
- Incidents of school violence, expulsions, and suspensions.
- Extent and type of parent involvement.
- Percentage of AP exams completed and results.
- Description of State’s accountability system.

U. Local Education Agency (District) Report Cards
   1. Minimum requirements:
      a. Number, names, and percent of schools identified as in improvement.
      b. Assessment results as compared to the State.
      c. Reports must be prepared and disseminated by the beginning of 2002-03.

V. Annual Report to the Secretary - The annual report must include:
   1. Beginning with 2002-2003, information on the State’s progress in developing and implementing the academic assessments.
   2. By 2002-2003, information on the achievement of students, aggregated and disaggregated.
   3. Information on acquisition of English proficiency by LEP students.
   4. Number and names of schools identified for school improvement.
   5. Number of schools that participated in public choice and supplemental services programs.
   6. Information on teachers and the percentage of classes taught by high-qualified teachers.

W. Parents Right to Know Teacher Qualifications – At the beginning of each school year, LEAs shall notify parents as to:
   1. Whether the teacher has met State qualifications for grade levels and subject areas.
   2. Whether the teacher is teaching under an emergency or other provisional status.
   3. The BA degree of the teacher, any graduate work completed, and the field of discipline.
   4. Whether paraprofessionals provide services and their qualifications.

X. Technical Assistance - The Secretary shall provide any State with technical assistance for the development of a State plan.

Y. Special Rule With Respect to Bureau-Funded Schools - For BIA schools receiving funds under this part, the following shall apply:
   1. Each school accredited shall use the assessments of the State.
2. Each school accredited shall adapt an appropriate assessment, in consultation and approval of, the Secretary of Interior.

3. Each such school accredited by a tribal accrediting agency shall use an assessment developed by such agency, except that the Secretary of the Interior shall ensure that such assessment meets the requirements.

Section 1112. Local Educational Agency Plans

An LEA may receive a subgrant for any fiscal year, only if such agency has on file with the SEA a plan, approved by the SEA, coordinated with IDEA, Perkins, McKinney, and other Acts. In general, each LEA plan shall include:

A. A **description of high-quality student assessments**, if any, that are in addition to the State assessments that the LEA and schools served will use:
   1. To determine the success of children in meeting the State academic standards and to advise teachers, parents, and students on the progress.
   2. To assist in diagnosis, teaching, and learning in the classroom in ways that enable low-achieving students to meet State standards and do well in the local curriculum.
   3. To determine what revisions are needed to projects under this part so that children meet achievement standards.
   4. To identify students who may be at risk for reading failure or who are having difficulty reading through the use of screening, diagnostic, and classroom-based instructional reading assessments.

B. A description of any **other indicators** used in addition to the academic indicators.

C. A description of how the LEA will provide **additional educational assistance** to individual students needing help.

D. A description of the strategy the LEA will use to **coordinate programs**.

E. A description of how the LEA will **coordinate and integrate services** provided.

F. An Assurance that, if selected, the LEA will **participate in NAEP testing**.

G. A description of the **poverty criteria** used to select school attendance areas.

H. A description of how teachers, in consultation with parents, administrators, and pupil services personnel in targeted assistance schools, will **identify the eligible students** in need of services under this part.

I. A general description of **how educational services will be provided** for children in local institutions for the neglected or delinquent children.

J. A description of how the LEA will **ensure that migratory children** receive services.

K. A description of how the LEA will use funds to **support preschool programs**.

L. A description of how the LEA will assist **low-achieving schools** in need of improvement.
M. A description of how the LEA will implement public school choice.

N. A description of how the LEA will implement effective parental involvement.

O. A description of how the LEA will use funds to support after school, before school, and summer school programs and school-year extension programs.

Assurances
Each LEA plan shall provide assurances that the LEA will:

A. Inform eligible schools and parents of schoolwide program authority.

B. Provide technical assistance and support to schoolwide programs.

C. Work with schools to develop required school plans.

D. Fulfill such agency’s school improvement responsibilities.

E. Provide services to students attending private schools. Take into account the experience of model programs.

F. For LEAs that use funds for services to children below compulsory school attendance, ensure that such services comply with performance standards.

G. Work with schools to develop and implement their plans.

H. Comply with the requirements regarding the qualifications of teachers and paraprofessionals and professional development.

I. Coordinate and collaborate with the SEA and other community agencies.

J. Ensure, through incentives for voluntary transfers, professional development, recruitment programs, or other strategies that low-income students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers.

K. Use the results of assessments or indicators to service the progress of each school.

L. Ensure that assessment results will be provided to parents and teachers.

M. Assist each school in identifying examples of high-quality, effective curricula.

Plan Development and Duration

A. Consultation – Each LEA plan shall be developed in consultation with teachers, principals, administrators, and other appropriate school personnel, and with parents.

B. Each plan shall be developed for the first year for which this part is in effect and shall remain in effect for the duration of the legislation.

C. Review – Each LEA shall periodically review and as necessary revise its plan.
State Approval

Each LEA plan shall be filed according to a schedule established by the SEA.

A. The **SEA shall approve an LEA plan** only if it determines that the LEA plan:
   1. Enables schools to substantially help children served under this part to meet the academic standards expected of all children.
   2. Meets the requirements of this section.

B. **Parental Notification** - Each LEA must notify parents no later than 30 days after the beginning of the school year of students participation in a program for LEP students and give the following:
   1. The reasons for the identifications of the child as LEP.
   2. The child’s level of English proficiency.
   3. The methods of instruction used in the programs.
   4. How the program will meet the child’s needs.
   5. How the program will help their children learn English and meet age appropriate academic achievement.
   6. The exit requirements for the program.
   7. The rights parents have to remove the child and other available options.
   8. A separate notification made to parents of their student not making progress.

Section 1114. Schoolwide Programs

A LEA **may consolidate funds** with other Federal, State, and local sources to upgrade the entire educational program of a school in which not less than 40 percent are from low-income families.

A. Funds must be used for **supplemental purposes**.
B. Must devote sufficient resources to carry out **professional development**.
C. Schoolwide programs shall include:
   1. A comprehensive **needs assessment** of the school.
   2. Schoolwide **reform strategies**.
   3. Effective methods of **instruction based on scientific research** that:
      a. Strengthen the core academic program.
      b. Increase the amount of learning.
      c. Include strategies to meet the needs of all students.
D. Provide high-quality **professional development**:
   a. Strategies to attract professional development.
   b. Plans for transitioning students from early childhood programs.
   c. Measures to include teachers in the decisions.
   d. Timely assistance for at-risk children.
E. Schools must prepare a **school plan** for professional development.

Section 1115. Targeted Assistance Schools

This program provides **funds for schools that are ineligible for schoolwide programs** or choose not to operate such a program. Eligible populations are:
• Children not older than age 21 who are entitled to a free public education.
• Children not yet at a grade level at which the LEA provides a free public education.

A. From this population, **services may be provided for**:
   1. Children failing or at risk of failing to meet standards, except for children from preschool to Grade 2, on the basis of criteria such as teacher judgment, interviews with parents, and developmentally appropriate measures.
   2. Children who are economically disadvantaged, children with disabilities, and migrant or LEP children are eligible for services.
   3. Children who participated in Head Start, Even Start, or Early Reading First in the preceding two years are eligible.
   4. Neglected or delinquent children are eligible.
   5. Homeless children.

B. **Components** of a Targeted Assistance Program:
   1. Use resources to help participating children meet standards.
   2. Plan for student services must be incorporated into existing school planning.
   3. Use effective methods and instructional strategies.
   4. Give primary consideration to extended learning.
   5. Help provide an accelerated, high-quality curriculum.
   6. Minimize removing children from the regular classroom during school hours.
   7. Coordinate with and support the regular school program.
   8. Provide instruction by highly qualified teachers.
   9. Involve parents.
   10. Provide for professional development and school planning activities.

**Section 1116. Academic Assessment and Local Educational Agency and School Improvement**

A. Each agency under this part shall:
   1. **Use state academic assessments** and other indicators to determine yearly progress and to review annual school progress.
   2. **Publicize and disseminate the results** of the school review.
   3. **Review the effectiveness of the actions** and activities the schools are carrying out with respect to parental involvement, professional development, and other activities assisted under this part.
   4. Shall identify for school improvement any school that fails for **two consecutive years** to make adequate yearly progress (LEA).
   5. **Offer public school choice** – If a school is identified for school improvement, the LEA must provide the option to transfer to another public school. Priority is given to the lowest achieving children from low-income families.

B. Opportunity to **review and present evidence** – If a principal believes, or a majority of the parents believe, that the designation is in error or they have other substantive reasons, the principal may provide evidence to the LEA before making a final determination.
C. Revised Plan – A two-year school plan shall be developed that:
   1. Incorporates strategies based on research that will strengthen the core academic program and address issues that resulted in low achievement.
   2. Adopts policies and practices concerning the school’s academic subjects that the greatest likelihood of ensuring students will meet state standards.
   3. Provides an assurance that the school will not spend less than 10 percent of the available funds for professional development of teachers and the principal that:
      a. Directly addresses the academic achievement problem that resulted in improvement status.
      b. Meets the requirements of Section 1119 (Qualifications of Teachers and Paraprofessionals).
      c. Is provided in a manner that increases staff opportunities to participate.
   4. Specifies how the funds will be used to remove the school from improvement status.
   5. Establish specific, annual, measurable objectives for continuous and substantial progress by each group of enrolled students.
   6. Describes how parents will be notified in writing.
   7. Specifies the responsibilities of the school, the local educational agency, and the SEA, including technical assistance.
   8. Includes strategies to promote effective parenting.
   9. Incorporates activities before and after school, during the summer, and during the extension of the school year.
   10. Incorporates a teacher-mentoring program.

D. Conditional Approval - The LEA may conditionally approve of a school plan on:
   1. Inclusion of one or more of the corrective actions specified in the description of how the funds will be used.
   2. Feedback from parents and community leaders.

E. Plan Implementation - The school shall implement the approved plan expeditiously, but not later than the beginning of the next full school year.

F. LEA Approval - The LEA shall, within 45 days of receiving a plan:
   1. Establish a peer review process to assist the review.
   2. Promptly review the plan, work with the school if needed, and approve the plan.

G. Technical Assistance
   1. General - The LEA shall ensure the provision of technical assistance as the school develops and implements the plan throughout the plan’s duration.
   2. Specific Assistance – Such technical assistance shall include:
      a. Assistance in analyzing assessment data and other pieces of student work to identify and address problems in instruction, problems in implementing parental involvement requirements, professional development requirements, and the responsibilities of the school and LEA to address solutions to such problems.
      b. Assistance in identifying and implementing professional development, instructional strategies, and methods of instruction based on scientific research.
c. Assistance in analyzing and revising the school’s budget so that resources are more effectively allocated and may be provided by the LEA and SEA.
d. Scientifically-Based Research - Technical assistance provided under this section by an LEA or entity approved by that agency shall be based on scientifically-based research.

H. **Failure to Make Adequate Yearly Progress** After Identification – If schools fail to make progress by the end of the school year after identification, the LEA shall:
   1. Continue the option for students to transfer.
   2. Make supplemental services available.
   3. Continue to provide technical assistance.
   4. Notify parents.

I. **Corrective Action** - Corrective action means action, consistent with State law that substantially and directly responds to:
   1. The consistent academic failure of a school that caused the LEA to identify the school as in need of improvement.
   2. Any underlying staffing, curriculum, or other problem in the school.
   3. Is designed to increase substantially the likelihood that students will meet or exceed the state’s proficient levels of achievement.

J. **Continued Failure** to Make Yearly Progress - If a school fails to make yearly progress after two years – the LEA shall:
   1. Continue to provide the option to transfer.
   2. Continue to provide technical assistance while instituting any needed corrective action.
   3. Continue to make supplemental services available.
   4. Take at least one of the corrective actions:
      a. Replace the school staff relevant to the failure to improve.
      b. Institute and fully implement a new curriculum based on scientific research.
      c. Significantly decrease management authority at the school level.
      d. Appoint an outside expert to advise the school.
      e. Extend the school year or the school day.
      f. Restructure the internal organizational structure of the school.

K. **Publication and Dissemination** - The LEA shall publish and disseminate information:
   1. To the public and parents.
   2. In an understandable and uniform format.
   3. Through the Internet, the media, and public agencies.

L. **Restructuring** - If after two years the school fails to make adequate progress, the LEA must:
   1. Continue to provide the option to transfer.
   2. Continue to make supplemental education available.
   3. Prepare a plan and make necessary arrangements to implement alternative governance:
      a. Reopening the school as a public charter.
      b. Replacing all or most of the staff.
      c. Contracting with an entity to operate the school.


d. Turning the school over to the State.
   • Prompt notice to teachers and parents.
   • Provide opportunities for staff or parents’ comments.
   • Participate in any plan.

N. Transportation - The LEA shall pay for the provisions of transportation to another public school.

O. Supplemental Services - LEA may give priority to lowest achieving students.

P. SEA Responsibilities - The SEA shall:
   1. Make technical assistance available to schools identified for school improvement, corrective action, or restructuring.
   2. Take corrective actions.
   3. Ensure that academic assessment results are provided to the school.
   4. Notify the Secretary of major factors that were brought to the attention of the SEA.

Q. State Review and LEA Improvement - Generally:
   1. State shall review the progress of each LEA to determine compliance.
   2. Publicize the results of the SEA review.

R. SEA Identification of LEA for Improvement
   1. LEA has opportunity to review and submit evidence.
   2. SEA shall provide parents the results of the review.

S. LEA Agency Revisions
   1. LEA must submit a plan not later than three months.

T. SEA Responsibility
   1. SEA shall provide technical assistance if requested to develop a plan and work with schools.
   2. Take corrective actions.
   3. Required corrective actions:
      a. Deferring funds or reducing administrative funds.
      b. Instituting and fully implementing a new curriculum.
      c. Replacing the LEA personnel.
      d. Removing a particular school from LEA jurisdiction.
      e. Appointing a receiver or trustee.
      f. Abolishing or restructuring the LEA.
      g. Authorizing transfer of students.

U. Providers of Supplemental Services - LEA may arrange for the provisions of approved supplemental services.

V. SEA Responsibilities
   1. Ensure parent choices when possible.
   2. Develop criteria for service providers.
   3. Maintain an updated list of approved providers.
   4. Develop, implement, and report on standards and techniques for monitoring providers.
   5. Provide annual notice to potential providers.

Section 1117. School Support and Recognition

Each State shall establish a system of intensive and sustained support and improvement for LEAs and schools.

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A. **Statewide System** - Statewide system shall include the following:
   1. Establish school support teams.
   2. Provide support and ensure the effectiveness of the teams.
   3. Designate and use distinguished teachers and principals.

B. **School Support Teams**
   1. Composition – include distinguished teachers or principals, parents, IHE personnel, representatives of labs, outside consultant groups, other individuals.
   2. Functions – Each team shall:
      a. Review and analyze all facets of the school’s operation and develop recommendations.
      b. Collaborate with parents and school staff.
      c. Evaluate, at least semiannually, the effectiveness of school personnel and make findings and recommendations known.
      d. Make recommendations to the SEA.

C. **State Recognitions** - Awards To Schools, Distinguished Schools, Teachers

D. **Parental Involvement** – Effective parental involvement practices shall be geared toward greater parental participation in school planning, review and improvement.

**Section 1119. Qualifications of Teachers and Paraprofessionals**

The State plan must develop a subplan to ensure that all teachers teaching in academic core subjects are highly qualified no later than 2005-2006. Plans shall include:

A. An annual increase in percentage of highly qualified teachers.
B. An annual increase in the number of teachers receiving high-quality professional development.
C. Other measures to increase teacher qualifications.
D. LEAs must also develop plans.
E. **SEA and LEA Reports**.
   1. SEA, beginning in 2002-2003, reports are required each year from LEAs.
   2. SEA shall prepare and submit each year, beginning in 2002-2003, a report to the Secretary.

F. **New Paraprofessionals** - New paraprofessionals shall have:
   1. Completed two years of study at an IHE.
   2. Obtained an associates degree or higher.
   3. Met a rigorous standard of quality through a formal state or local assessment.

G. Existing Paraprofessionals shall meet the above within four years:
   1. Must have earned a secondary school diploma.
   2. May not provide instruction except under the supervision of certificated teachers.

H. Each LEA shall use not less than 5 percent or more than 10 percent of the funds for 2002-2003 and not less than 5 percent for professional development for the following years.

**Section 1120A. Fiscal Requirements**

A. LEA must maintain fiscal effort.
B. **Federal funds to supplement, not supplant, nonfederal funds** (90) general. An ASEA or LEA shall use federal funds received only to supplement the funds that would be made available from nonfederal sources.

**Part B – Student Reading Skills Improvement Grants**

**Subpart 1 – Reading First**

**Section 1201. Purposes**

The purposes of this subpart are:

1. To provide assistance to SEAs and LEAs in establishing **K-3 reading programs** based on **scientifically-based reading research**.
2. To **provide assistance** in preparing teachers so they will have the tools to help kids learn to read.
3. To provide assistance to SEAs and LEAs in selecting or administering screening, and diagnostic and **classroom instructional reading assessments**.
4. To provide assistance in selecting or developing **effective reading materials**.
5. To strengthen coordination among schools, **early literacy programs**, and **family literacy programs**.
6. **Annual Report** Required
   a. Evidence that the SEA is fulfilling its obligations.
   b. Identification of schools that made the largest gains in reading.
   c. Progress being made in reducing numbers of students reading below grade level.
   d. Evidence on whether the number of students reading at grade level has increased.
   e. To the extent possible, the report will be made with an entity that conducts scientific reading research.
7. **Peer Review** of Reports - If SEA is not making progress, further payments may be withdrawn or reduced.

**Section 1204. Targeted Assistance Grants**

Beginning in 2004, **competitive grants** will be available to SEAs that have:

1. For two consecutive years, demonstrated that children in third grade in each of the groups are reaching the proficient level.
2. For two consecutive years, demonstrate the schools receiving funds are improving reading skills.

**Subpart 2 – Early Reading First**

**Section 1221. Purposes**

The purposes of this subpart are:

1. To support local efforts to **enhance early language literacy**, particularly those from low-income families.
2. To **provide preschool children with cognitive learning opportunities** in high-quality language and literature rich environments, so that children can attain the fundamental knowledge and skills.

3. To demonstrate language and literacy activities based on **scientifically-based reading research** that supports development of:
   a. Recognition of the letters of the alphabet.
   b. Knowledge of letter sounds, the blending of sounds, and the use of increasingly complex vocabulary.
   c. An understanding that written language is made up of phonemes and letters each representing one or more speech sounds that in combinations make up syllables, words, and sentences.
   d. Spoken language, including vocabulary and oral comprehension abilities.
   e. Knowledge of the purposes and conventions of print.

4. To use screening assessments to **identify children at-risk** of reading failure.

5. To integrate scientific research with existing programs of **day care, Head Start**, and **family literacy services**.

**Subpart 3 – William F. Goodling Even Start - Family Literacy Program**

**Section 1231. Purpose**
To break the cycle of literacy by:

1. Improving educational opportunities of **low-income families** by integrating early childhood education, adult literacy or adult basic education, and parenting education.
2. Establishing a program that shall:
   a. Be implemented through **cooperative projects** built on high-quality existing community services.
   b. Promote the academic achievement of children.
   c. Assist children and adults from **low-income families** in meeting challenging State standards.
   d. Use instructional progress based on **scientific research**.

**Subpart 4 – Improving Literacy Through School Libraries**

**Section 1251. Improving Literacy Through School Libraries**

1. Purpose – improve literacy and academic achievement by providing students with **increased access to up-to-date library materials**, a well-equipped, technologically advanced school **library media center**, and well-trained, professionally **certified school library media specialists**.
2. State grants for **competitive grants** to LEAs.
Part C – Education of Migratory Children

Section 1301. Program Purpose

The purpose of this part is to assist States to:

1. Support high-quality and comprehensive programs for migratory children.
2. Ensure that migratory children who move among States are not penalized by disparities in curriculum, graduation requirements, and State academic content and student achievement standards.
3. Ensure that migratory children are provided with appropriate services that meet their special needs.
4. Ensure that migratory children receive full and appropriate opportunities to meet State academic standards.
5. Design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, health problems, and other factors that inhibit their ability to do well in school.
6. Ensure that migratory children benefit from state and local systemic reform.

Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

Section 1401. Program Purpose

1. To improve educational services for children and youth in State institutions for neglected or delinquent youth so that they can meet challenging State academic standards.
2. To provide such children services to make a successful transition from institutionalization to employment.
3. To prevent at-risk youth from dropping out of school and to provide dropouts, and children and youth returning from institutions with a support system to ensure their continued education.
4. Requires a State plan.

Studies and Data Collection

A. National Longitudinal Study - The Secretary shall conduct a longitudinal study of schools receiving assistance under Part A that covers:
   1. A national sample of schools.
   2. Analysis of students who transfer during the course of the study.
   3. Analyzes varying models on strategies for delivering school services, including schoolwide and targeted services and comprehensive school reform models.
   4. A national independent review panel that will work with the Secretary.

B. Assessment Evaluation - The Secretary shall conduct an independent study of assessments used for State accountability purposes. Such research shall not exceed five years. The study shall examine:
1. Student academic achievement, progress to the State-defined level of proficiency, and progress toward closing achievement gaps.
2. Changes in course offerings, teaching practices, and instructional materials.
3. Changes in dropout, grade retention, and graduation rates for students.
4. The effect of academic assessments on low-middle, and high socioeconomic students.
5. Guidance for assessing the validity, reliability and consistency of State systems.

Part F – Comprehensive School Reform

Section 1602. Program Authorized

Section 1603. State Applications

1. States must manage a competitive grant process.
2. Reporting – States must provide the names of LEAs with programs, and a description of comprehensive school models selected and used and a copy of the State’s annual evaluation and the student achievement results.

Part G – Advanced Placement Programs

Section 1702. Purposes

1. To support State and local efforts to raise academic standards.
2. To encourage students to take advanced placement exams.
3. To build on the many benefits of advanced placement.
4. To increase the availability and range of schools, including middle schools, that have advanced and pre-advanced placement programs.
5. To demonstrate that larger and more diverse groups of students can succeed in advanced placement.
6. To provide greater access to advanced placement for low-income and other disadvantaged students.
7. To increase the number of schools providing advanced placement and the number of students who receive college credit for passing test scores.
8. To increase low-income student test taking by paying fees.
9. To increase the number of students receiving a BA and decrease the time required to earn one.

Part H – School Dropout Prevention

Section 1802. Purposes

To provide grants that:

A. Challenge all children to attain their highest academic potential.
B. Ensure that all students have substantial and ongoing opportunities to attain their highest academic potential through schoolwide programs proven effective in school dropout prevention and reentry.