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Early Changes, Enduring Challenges:
Connecticut Educators Speak Out About the
Impact of the No Child Left Behind Act

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In keeping with the proud tradition of community service embodied by the Jerome N. Frank Legal Services Organization and Connecticut Voices for Children, we submit this report in hopes that it will be of benefit to all Connecticut's children and educators.

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Executive Summary

This report examines the effects of the federal No Child Left Behind Act of 2001 (NCLB) on Connecticut schools and educators. NCLB has brought about some of the most fundamental—and controversial—changes to the American education system of the past generation. From February to May 2004, the Legislative Advocacy Clinic at Yale Law School and Connecticut Voices for Children conducted a statewide survey of principals and superintendents and an in-depth investigation into four representative districts in order to assess the impact of NCLB in Connecticut.

Findings

Connecticut educators report that the potential of NCLB is being seriously undercut by fundamental flaws in its design and current implementation. For example, according to Connecticut educators, the Act's formula for "adequate yearly progress" (AYP) does not effectively assess school performance, because it does not track cohorts over time, it sets unrealistic participation and achievement thresholds, and it does not fairly assess the performance of special education or English Language Learning (ELL) students. Likewise, educators reported that the sanctions NCLB imposes on schools not meeting AYP may end up hurting the very students they are intended to help. Educators also cited a continuing lack of federal funding at levels adequate to permit successful implementation of the Act. In addition, educators reported that the Act's definitions of "highly qualified" teachers and paraprofessionals are inflexible and inaccurate because they rely too heavily on formal certification and degrees rather than actual classroom performance.

This report finds the following:

- Educators reported that some, but not all, aspects of NCLB's accountability system are consistent with prior efforts to raise student achievement in their districts.
- Many educators criticized aspects of NCLB's methodology for assessing school performance.
- Many educators expressed concerns about the effect of NCLB's new requirements for students in subgroups, in particular special education students and English language learners.
- Many educators expressed doubts about the capacity of NCLB's sanctions to help schools meet the goals of the Act.

- While reporting consistency between NCLB’s “Highly Qualified Teacher” (HQT) requirements and Connecticut’s preexisting requirements, superintendents expressed doubts about the usefulness of the HQT standard.
- Educators reported that NCLB is having a negative effect on their morale.
- Nearly all administrators reported that they have not been provided with sufficient funds to meet the substantial costs imposed on the districts by NCLB.
- Not all stakeholders reported that they were well-informed about the requirements of NCLB.
- Educators’ responses in regard to all aspects of NCLB overwhelmingly suggested that the full effect of the Act is yet to be seen.

Recommendations

This report outlines a series of steps at both the federal and state levels that could mitigate or resolve the problems identified in the survey. We believe these changes could help transform NCLB from a tool of punishment to one of progress.

This report calls for policymakers to:

- Revamp the AYP methodology to focus on cohort-based testing and analysis, in order to better measure student achievement over time. Change the current statewide subgroup requirement from an absolute number to a percentage of students per school.
- Reconsider the special education components of the Act and realign them with the best interests of special education students—perhaps by allowing for off-level testing as a viable means of assessment or by testing the same academic standards through means more appropriate for special needs children.
- Alleviate the undue testing burden placed upon English language learners (ELLs), either by providing translated versions of standardized tests for all students who need them, or by changing the manner in which ELL test scores are counted toward AYP accountability.
- Mitigate the negative impact of labels such as “in need of improvement” and “not highly qualified” by adding positive terms to the accountability discussion and by including more criteria in school report cards.
- Revise the “Highly Qualified Teacher” (HQT) definition to encompass in-class teaching and other skills as opposed to relying exclusively on subject-matter knowledge. Encourage alternate route certification to retain qualified second-career teachers.

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- Permit more district-level flexibility in calibrating the “highly qualified” requirement for paraprofessionals. Alternately, allow paraprofessionals additional time to complete the required coursework and provide financial support for this coursework.
 - Ensure that stakeholders are adequately informed of the requirements of this complicated federal law.
 - Provide adequate funding for NCLB implementation.

Introduction

This report examines the short-term effects of the federal No Child Left Behind Act (NCLB) on Connecticut schools and educators. Passed in 2001, NCLB has brought about some of the most fundamental—and controversial—changes to the American educational system of this generation. Despite the attention NCLB has received both in the national press and in Connecticut, the true impact of NCLB on schools and schoolchildren in this state remains poorly understood.

Combining both qualitative and quantitative methodologies, and working in conjunction with Connecticut Voices for Children, members of the Yale Law School’s Legislative Advocacy Clinic (part of the Jerome N. Frank Legal Services Organization) surveyed superintendents and principals across Connecticut and conducted in-depth interviews and site visits in four representative school districts to gain a broader and deeper perspective on the issues.

This report contains five sections:

- A background section with pertinent demographic data, a summary of Connecticut’s pre-NCLB efforts to address its educational achievement gap, a brief primer on the Act itself, and a summary of how Connecticut has responded to the Act;
- A methodology section explaining how the research for the report was conducted;
- A results section describing ten key findings;
- A recommendations section with suggestions for improving the implementation of the Act; and
- An appendix providing the survey instruments and descriptions of the four target districts.

Background

When Congress passed NCLB in 2001, Connecticut already had its own accountability and testing system and strict teacher certification requirements in place. Years of litigation and legislative initiatives had resulted in a range of reforms to address Connecticut's educational achievement gap, which many educators and officials acknowledged was powerful evidence that not all children were receiving the "substantially equal" public education to which they were entitled under the Connecticut Constitution.¹ Consequently, the impact of NCLB in Connecticut, though significant, has been less dramatic than its impact on other states.

This section provides background critical to understanding the effects of NCLB, as described by study respondents, within the unique Connecticut context. It contains relevant demographic data and a brief summary of some of the state's legal, economic, and pedagogical attempts to improve education for its students and promote statewide educational equity. It concludes with a brief overview of federal requirements set out in NCLB and Connecticut's initial steps to implement the Act.

Growing Diversity in Connecticut's School Population

Connecticut's K-12 student population is growing and is rapidly becoming more diverse. Between the 1991-92 and the 2001-02 school years, the number of students enrolled in Connecticut's public schools increased from 473,119 to 570,225, a 21% increase.² Steady growth resulted in school enrollment in 2001-02 reaching its highest point in the previous ten years. Of the state's approximately 3.4 million residents, about 16.8% are in the public school system.

Between the 1991-92 and 2001-02 school years, the total number of white, non-Hispanic Connecticut students increased—from 358,636 students in 1991-92 to 394,882 students in 2001-02. However, their share of the K-12 school population declined—from 75.8% of Connecticut's school population in 1991-92 to 69.2% in 2001-02. By contrast, both the number and share of Hispanic, Asian-American,

¹ Article Eighth, Section 1 of the Connecticut Constitution requires that there shall always be free public elementary and secondary schools in the state and that the General Assembly shall implement this principle by appropriate legislation. Article First, Section 20 of the Connecticut Constitution provides that "no person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his civil or political rights" because of, *inter alia*, race, color or national origin. The Connecticut Supreme Court has affirmed that these two rights impose an affirmative duty on the state to provide all students with "substantially equal" educational opportunities. *Horton v. Meskill*, 172 CONN. 615 (1977); *Sheff v. O'Neill*, 238 CONN. 1 (1996).

² See the Connecticut State Department of Education's website for related demographic information (http://www.csde.state.ct.us/public/der/coe/coe_2001_02.pdf).

and African-American students grew over this period. The largest increase was among Hispanic students, whose absolute numbers increased by nearly 50% over the decade—from 52,031 in 1991-92 (11.0% of Connecticut’s student population) to 77,965 in 2001-02 (13.7%). The next largest increase was among African-American students, whose numbers swelled by 20%, from 62,846 (13.3% of Connecticut’s student population) to 78,823 (13.8%). The growth of the Asian-American student population, though small in absolute numbers, was comparable to that of Hispanic students. Asian-American students increased in number from 11,175 students in 1991-92 (2.4% of Connecticut’s student population) to 16,878 students in 2001-02 (3.0%). The percentage of American-Indian students grew slightly, from 0.2% (1,131 students) to 0.3% (1,677 students).³

Poverty remains relatively high, despite the state’s overall wealth, with more than one in four students having family income below 185% of the federal poverty level in the 2002-03 school year.⁴ The high rate of poverty in some Connecticut districts stands in remarkable contrast to the affluence of other districts, several of which serve communities that are among the wealthiest in the nation.

During the 1995-96 school year, students in special education programs represented 13.9% of the K-12 population in Connecticut. By 2000-01, the number had decreased to 12.3% of the student population (68,935 students).⁵

Recognizing the strong correlation between student achievement and school district wealth,⁶ Connecticut groups its school districts into nine “education reference groups” (ERGs), A-I, for research and performance measurement purposes. Each group includes schools of similar socioeconomic composition, with classification based on district enrollment, median family income, measures of parental educational achievement and employment, the proportion of students living in single parent or non-family households, the proportion of students whose families speak a foreign language at home, and family poverty. ERG A includes the wealthiest of the state’s districts (Avon, Darien, Easton, New Canaan,

³ CONN. ST. DEP’T OF EDUC., DIV. OF EVALUATION & RESEARCH, PROFILES OF OUR SCHOOLS: THE CONDITION OF EDUCATION IN CONNECTICUT 2001-2002 (2002), at http://www.csde.state.ct.us/public/der/coe/coe_2001_02.pdf (last visited Sept. 28, 2004).

⁴ Students are eligible for free and reduced price meals at school if family income is under 185% of the federal poverty level (currently \$34,799 per year for a family of four).

⁵ STATE DEP’T OF EDUC., THE CONDITION OF EDUCATION IN CONNECTICUT 5 (2002), available at www.csde.state.ct.us/public/der/coe/coe_2001_02.pdf.

⁶ See CONN. GEN. ASSEMB., OFFICE OF LEGIS. RESEARCH, SCHOOL DISTRICT WEALTH AND STUDENT ACHIEVEMENT, 99-R-0192 (1999) (noting that the State Department of Education’s rankings of ERGs according to an index of state mastery test scores for 1993 and 1997 found score rankings exactly matching socioeconomic rankings. That is, for both years, districts with the highest socioeconomic rank had the highest test scores and those with the lowest socioeconomic rank the lowest scores; even in between, scores declined in lockstep with socioeconomic rank).

Simsbury, Weston, and other similar districts), while ERG I includes its least affluent districts (Bridgeport, Hartford, New Britain, New Haven, New London, Waterbury, and Windham). The state's largest cities are clustered in ERG groups H-I.

Reducing Connecticut's Educational Achievement Gap

Connecticut's own multi-faceted efforts to "leave no child behind" by addressing the state's significant educational achievement gap began several decades ago. As summarized below, they have included initiatives to address inequities in school funding, enhance teacher quality, reduce racial isolation, compensate for socio-economic disadvantage, meet the needs of students with unique learning challenges, and enhance the accountability and performance of schools.

Addressing Inequities in School Funding

Efforts to address school funding inequities began in the 1970s, based on evidence that the state's delegation to towns of its duty to finance education without regard for the towns' respective financial capacities was resulting in students in the poorer towns receiving an education that was substantially unequal to that received by students in towns with greater financial capacity.

The Connecticut Supreme Court decisions in *Horton v. Meskill* in 1977 and 1985 resulted in important adjustments to how Connecticut funds its public schools.⁷ The first decision held that public school students were constitutionally entitled to equal enjoyment of the right to education, and that a system of school financing that relied on local property tax revenues without regard for disparities in town wealth, while also lacking significant equalizing state funding support, was unconstitutional (at the time, most state education aid to towns came in the form of flat grants of \$250 per pupil). The Court directed the General Assembly to fashion a funding system that assured equal educational opportunity for all students. The 1985 decisions resulted from plaintiffs' successful challenge to the implementation of the school funding formula that the General Assembly adopted in response to *Horton I*.⁸ The General Assembly responded to the 1985 decisions by enacting the

⁷ *Horton v. Meskill*, 172 CONN. 615 (1977); *Horton v. Meskill (II)*, 195 CONN. 24 (1985); *Horton v. Meskill (III)*, 195 CONN. 35 (1985).

⁸ The guaranteed tax base (GTB) program provided aid in addition to the flat grants and sought to achieve educational equity by using a funding formula which determines how the aid will be distributed and the minimum expenditure requirement (MER) mandated a minimum level of local expenditure on education based on a state-established expenditure level per pupil, with extra weightings for children from low-income families and for those who score below the remedial standards of the Connecticut Mastery Tests. An Act Concerning Equalization of Educational Financing and Equity in Educational Opportunity, Pub. Act 79-128 (codified in scattered section of CONN. GEN. STAT. 10).

Education Cost Sharing (ECS) formula in 1988 to replace the guaranteed tax base (GTB) grants (and also the Education Enhancement Act grants).⁹

The ECS formula, which remains in use today, relies on fourteen demographic, economic and educational factors to distribute the \$1.56 billion in state education aid that is now provided to towns to compensate for disparities among districts in wealth and student need.¹⁰ While the formula itself is not complex,¹¹ the General Assembly has altered it in some way in every year since its passage, preventing it from operating as it was intended. Between 1988 and 1998, virtually all the changes served to reduce the state's costs and reallocate state aid to towns in a manner different than the original formula would have provided.¹² In 1998 and 1999, years of state budget surplus, the state began to provide more ECS aid to towns by increasing the foundation amount, phasing out constraints on annual growth in state aid, re-instituting hold-harmless provisions to protect towns against year-to-year reductions in ECS aid, and allowing all towns – no matter how wealthy – to receive ECS grants.

State aid to local school districts is not limited to ECS funds. Supplemental grant programs also have been implemented to target state funds to areas of specific

⁹ The Education Enhancement Act grant program was enacted in 1986 to provide, over three-years, additional funds to raise teacher salaries statewide and decrease the pupil-teacher ratio in districts with the most pupils per teacher. CONN. GEN. ASSEMB., OFFICE OF LEGIS. RESEARCH, EDUCATION FUNDING AND COURT CASES, 95-R-0898 (1995). An Act Concerning Education Enhancement (EEA), PA 86-1 (codified in scattered section of CONN. GEN. STAT. 10).

¹⁰ These factors are number of resident students, average number of students performing below state remedial standard on mastery tests, students receiving Temporary Family Assistance in 1996-97, students whose English language ability is limited, towns' equalized net grand list, per capita income, median household income, population, population aged 5-17, population density, extended school year, tuition-free summer school students, students sent to regional districts, and number of regional grades. See CONN. GEN. ASSEMB., OFFICE OF LEGIS. RESEARCH, ECS FORMULA FACTORS AND ERG CRITERIA, 2004--R-0456 (2004). An Act Concerning School Finance, PA 88-358 (codified in CONN. GEN. STAT. §§ 10-262(f)-10-262(j))

¹¹ The number of students in each school district (weighted for educational need) is multiplied by the amount the state has determined a district should spend to provide an adequate education (the foundation) and by an aid percentage determined by the district's wealth. The result is the district's ERG grant. The formula takes into account the fact that students who come from poor economic backgrounds or who lack proficiency in English cost more to educate because they need more services. It also takes into account the fact that these students tend to be concentrated in large cities and poorer communities. Thus, for example, in counting the number of students in a district each student on welfare is counted an extra 25% and each student with limited English proficiency not served by a bilingual education program an extra 10%. CONN. GEN. ASSEMB., OFFICE OF LEGIS. RESEARCH, SHOW US THE MONEY: SCHOOL FINANCE IN CONNECTICUT, 12/00-2000--R-1149 (2000).

¹² These changes included extending the formula to cover special education costs (and repealing the separate sliding scale reimbursement grant for special education students), capping year-to-year aid increases and decreases, adjusting and finally eliminating the hold-harmless provision, freezing the foundation level, reducing the guaranteed wealth level, adding a 10% weighting to the student need count for students whose English is limited but for whom the district is not required to provide a bilingual program, and imposing "stop loss" provisions. For a chronology of changes in the ECS formula, see CONN. GEN. ASSEMB., OFFICE OF LEGIS. RESEARCH, ECS FORMULA CHANGES SINCE 1988, 99--R-1233 (1999); CONN. GEN. ASSEMB., OFFICE OF LEGIS. RESEARCH, EDUCATION GRANTS SINCE 1995, 2000-R-0939 (2000).

educational need to reduce the achievement gap. Such grants have included the Priority School District grants,¹³ Transitional School District grants,¹⁴ and school readiness and early reading success grants (discussed below).¹⁵

Improving the Quality of Connecticut's Teaching Force

Prior to the enactment of NCLB, Connecticut also worked to improve the quality and equality of its teaching, most notably with the Education Enhancement Act of 1986. The Act not only established a minimum salary for teachers and appropriated additional funds for districts to increase pay for experienced teachers, but also established policies that ensured that new teachers were better qualified and trained, required veteran teachers to earn continuing education credits to renew their certification, and provided an alternative-certification program for professionals interested in entering teaching.¹⁶

Reducing Racial Isolation

In 1969, the Connecticut legislature passed several bills to promote racial integration in Connecticut schools.¹⁷ They have failed to achieve this goal. Economic inequities in Connecticut persist and are compounded by the isolation of minority groups, who live predominantly in urban areas. Both factors contribute to gaps in educational achievement. The Connecticut Supreme Court's 1996 decision in *Sheff v. O'Neill* addressed the second, affirming that the state has a constitutional obligation to remedy educational inequities in the Hartford public

¹³ This grant began with a \$2 million appropriation in 1983, with funds to be targeted to districts with greatest academic need to be used for drop-out prevention programs, early reading intervention programs (including after-school and summer school programs), enhanced use of technology in instruction and parent-teacher communications, initiatives to strengthen parental involvement in students' education, and support for obtaining accreditation of elementary and middle schools from the New England Association of Schools and Colleges. In FY '05, priority school districts will receive \$99.8 million in state funds through this grant. Which districts are "priority" school districts is determined every two years, based on total population, poverty, and remedial performance. See CONN. GEN. ASSEMB., OFFICE OF LEGIS. RESEARCH, PRIORITY AND TRANSITIONAL SCHOOL DISTRICTS AND DISTRICTS WITH PRIORITY SCHOOLS, 2004-R-0289 (2004). See also <http://www.state.ct.us/sde/dsi/priority/psdgrant/psdp.htm>.

¹⁴ These grants were established in 1998 to address the needs of school districts that are not priority school districts but that exhibit some of the same educational and economic needs. The funds were to be used for many of the same purposes as the priority school district grants, and at least 20% of the grant was to be used for early reading intervention programs. Grant funds were to be used to supplement existing programs or create new ones, not to supplant local funds. These grants were phased out in FY '03.

¹⁵ CONN. GEN. ASSEMB., OFFICE OF LEGIS. RESEARCH, EDUCATION GRANTS SINCE 1995, 2000-R-0939 (2000).

¹⁶ Connecticut's average teacher salary increased by more than 100% from 1985 to 1995, compared to a nationwide increase of 56% over the same decade. For a description of this Act, see E. Flax, *In Connecticut's Schools, Socioeconomics Often Determines Who Gets What*, EDUCATION WEEK ON THE WEB, at <http://edweek.com/sreports/qc97/states/ct.htm> (last visited Sept. 28, 2004).

¹⁷ See CONN. GEN. STAT. §§ 10-226(b) (identifying racial imbalances); 10-226(c) (establishing requirements once a racial imbalance is found); 10-226(d) (requiring approval of the methods of decreasing racial and economic isolation).

schools that have resulted from extreme racial and ethnic isolation. The Court gave the General Assembly the opportunity to take legislative action to try to remedy the situation and it has done so,¹⁸ both by expanding programs that sought to reduce racial isolation and also by establishing programs aimed at improving student achievement, particularly in poor urban districts.¹⁹ The General Assembly also required the state to take over the Hartford school district for three to five years (starting June 1, 1997) and replaced the Hartford Board of Education with a state board of trustees with broad powers and explicit requirements for improving the Hartford schools.²⁰

Although significant additional state funds have been targeted to the issue,²¹ the promise of *Sheff* has yet to be fully realized. Plaintiffs continue to return to court to enforce the judgment.²²

Compensating for Socioeconomic Disadvantage Through Early Intervention

Recognizing the importance of early childhood education to reducing the achievement gap, Connecticut established a “School Readiness” program in 1997 to provide spaces in accredited or approved school-readiness programs for eligible

¹⁸ The General Assembly’s response was to enact P.A. 97-290, which established a statewide inter-district school choice program to be phased in over three years. Its goals were to improve academic achievement, reduce racial, ethnic and economic isolation, and provide students with a choice of educational programs. The legislature also provided funds for Hartford and other urban districts to develop “lighthouse” schools (an existing school in a district that adopts a specialized focus and curriculum to improve inter- and intra-district school choice). Finally, the legislature required districts to report on efforts to reduce racial isolation and imposed new requirements on magnet schools, charter schools, and cooperative programs to reduce isolation. For a summary of these changes, see CONN. GEN. ASSEMB., OFFICE OF LEGIS. RESEARCH, *SHEFF V. O’NEILL* RESPONSE – K-12 PROGRAMS, 2002-R-0107 (2002) [hereinafter *SHEFF* RESPONSE].

¹⁹ These include the early reading success program (discussed later), student remediation programs (requiring priority school districts to provide extra help to fourth and sixth graders not meeting a minimum standard on mastery tests, requiring these students to attend summer school unless exempted, barring promotion if these students do not attend summer school, and creating a new state summer school grant program for priority districts), and enhanced school accountability requirements.

²⁰ S.A. 97-4 required the city to maintain local spending, required the Hartford schools to become accredited, required an audit and long-range facilities plan, provided two state monitors to oversee progress, established a seven-member advisory council, required quarterly reports to the Governor and to the legislature’s Education Committee, and accelerated legislative approval of grants to Hartford schools. It also set up a procedure for the state board of trustees to propose revisions to existing labor contracts and amended the usual binding arbitration decision process. *SHEFF* RESPONSE, *supra* note 18.

²¹ State funding for *Sheff*-related programs increased from about \$26 million in FY 95-95 to \$163.7 million in FY 01-02.

²² In a 2003 settlement of the case, plaintiffs won the creation of eight new magnet schools in Hartford by 2007. By fall 2004, there were to be 2,400 students enrolled in the two new magnet schools that opened in the 2003-04 school year and the three others that are scheduled to open this year. By 2007, there are to be 4,800 students (30% of them from Hartford) enrolled in them in the eight new magnet schools. However, the *Sheff* plaintiffs estimate that only 900 students will enroll in these new magnet schools in fall 2004. For more information, see Robert A. Frahm, *Sheff Plaintiffs Not Satisfied: Dispute State’s School Desegregation Efforts*, HARTFORD COURANT, Aug. 3, 2004, at A1.

preschoolers in priority school districts and districts with severe-need schools.²³ By providing the neediest children with educational support early, the program attempts to assure that these students are as prepared for kindergarten as their peers in more affluent districts. During school year 2002-03, a total of 6,174 three- and four-year-old children were enrolled in school-readiness programs across the state.²⁴ Still, despite school-readiness programs' proven success, between 15,000 and 18,000 at-risk preschoolers continue to wait for slots in these programs; funding remains insufficient to provide this opportunity to all eligible children.

Connecticut also turned to enhancing primary education in reading as a way to equalize educational opportunity. Understanding that improving reading skills early would help students throughout their schooling, the General Assembly in 1998 required every school district in the state to develop and implement a three-year plan to improve the reading skills of students in the early grades.²⁵ It also created a new state grant program²⁶ to help priority school districts and priority elementary schools establish full-day kindergarten programs, cut class size in kindergarten through grade three to no more than eighteen students, and establish intensive early intervention reading programs (including after-school and summer programs) for students identified as being at risk of failing to read by the end of first grade and students in grades one through three who are reading below grade level.²⁷ Eligible districts were required to use at least 50% of their grant for the intensive early reading programs. Three years later the General Assembly directed that a panel of reading experts be convened to determine the best method of

²³ For more information, see <http://www.state.ct.us/sde/deps/readiness/SROverview.pdf>.

²⁴ CONN. GEN. ASSEMB., OFFICE OF LEGIS. RESEARCH, PRESCHOOL AND CHILD DAYCARE PROGRAMS, 2004-R-0502 (2004).

²⁵ The legislature required priority districts to test their first through third grade students' reading skills and offer summer reading programs to those students who did not read well. It also limited the districts' discretion to promote these students, and required new and already-certified elementary teachers to be trained in how to teach reading. The legislature also required students to enter school at a younger age (unless their parents appeared in person to exempt them). CONN. GEN. STAT. § 10-221h.

²⁶ An Act Concerning School Readiness and Child Day Care, PA 97-259 (codified in CONN. GEN. STAT. § 10-265f).

²⁷ The legislature also: a) required priority school districts to test their first through third grade students' reading levels and offer summer reading programs to those who were not reading at grade level; b) limited districts' discretion to promote these students if they failed to attend summer school; c) required children to begin school at a younger age unless parents appeared in person to exempt them, and d) required new and already-certified elementary teachers to be trained in how to teach reading. It also gave priority districts (and districts with priority elementary schools) additional state construction funds to enable them to establish all-day kindergarten programs or reduce class size in the early grades. STATE DEPARTMENT OF EDUCATION, DIVISION OF SCHOOL IMPROVEMENT, EARLY READING SUCCESS PROGRAM (2003).

reading instruction²⁸ and, based on their findings, created a reading institute to train teachers in best practices in reading instruction.²⁹

Meeting the Needs of Special Learners

The special legal rights of children with disabilities are set out in both federal³⁰ and state law.³¹ Both prescribe that each student's Individual Educational Plan (IEP) is to be the centerpiece of the school's curricular (and extra-curricular) educational offerings. In Connecticut, these statutory requirements have been supplemented in part by the 2002 settlement decree reached in *P.J. v. State of Connecticut*, requiring the state to make more extensive efforts to mainstream mentally retarded and intellectually disabled students.³² Schools conducted testing of special education students in a manner consistent with the student's IEP, and off-level testing was available and was used when considered appropriate.

Two programs in Connecticut's schools address the needs of bilingual and English-as-a-second-language (ESL) students (often collectively referred to as English language learners, or ELLs). State law requires Connecticut schools to have Limited English Proficiency (LEP) programs (i.e., programs for bilingual students with limited proficiency in English) if there are 20 or more students in the school who speak any single language other than English. Because the state also must meet the educational needs of students in schools with 20 or fewer bilingual students, schools also offer ESL programs. Since 1995, the number of ELLs served by LEP programs has declined (from 63% of ELLs in 1995 to 53% in 2001). Concurrently, ELLs served by ESL programs increased from 30% of students in 1995 to 44.2% of students in 2001.³³

²⁸ See CONN. GEN. STAT. § 10-221(j). For the report of this expert panel, see CONNECTICUT'S BLUE PRINT FOR READING ACHIEVEMENT: THE REPORT OF THE EARLY READING SUCCESS PANEL (2000), at <http://www.state.ct.us/sde/dtl/curriculum/currcebra.htm> (last visited Sept. 28, 2004).

²⁹ See CONN. GEN. STAT. § 10-221l (establishing reading institute); CONN. GEN. STAT. § 10-221(m) (providing in-service reading education for teachers in priority districts).

³⁰ See 20 U.S.C. § 1400 *et seq.*

³¹ See CONN. GEN. STAT. §§ 10-76(a)-10-76(gg). Connecticut groups students with disabilities into four major categories: 1) Learning Disability Prevalence; 2) Intellectual Disability Prevalence; 3) Emotional Disturbance Prevalence; and 4) Speech/Language Impairment Prevalence. Two other minor groups recognized include "Other" Disability Prevalence and "Other" Health Impaired Prevalence.

³² The federal court approved the settlement, which applied to the entire previously certified statewide class. *P.J. v. State of Connecticut*, Civ. Action No. 291CV00180 (RNC) (D. Conn. 5/22/02). For more information, see <http://www.state.ct.us/sde/deps/PJ/index.htm> (last visited Oct. 1, 2004).

³³ STATE DEP'T OF EDUC., THE CONDITION OF EDUCATION IN CONNECTICUT 5 (2002), available at www.csde.state.ct.us/public/der/coe/coe_2001_02.pdf.

Enhancing School Accountability

As Connecticut began to recognize the myriad challenges to achieving educational equity in the state, it developed an accountability system to document both disparities among students and improvements as they were made. Connecticut has long administered and analyzed statewide tests for students in grades 4, 6, and 8. The Connecticut Mastery Test (CMT) was first introduced in 1985 as a diagnostic test of basic skills and achievement in reading, writing and mathematics.³⁴ Given annually, the CMT was scored in 2000 (the most recent test administration before No Child Left Behind) on four levels: Goal, Proficient, Basic, and Below Basic. Connecticut education officials employed various techniques to ensure the test's validity. Content validity in the writing section, for example, was determined by surveying educators to determine the appropriateness of objectives and running the test through a two-step validation process.³⁵

In 1994, Connecticut added to its testing regime the Connecticut Academic Performance Test (CAPT). The CAPT evaluates the performance of tenth grade students in four areas: Mathematics, Reading Across Disciplines, Writing Across Disciplines, and Science. Using traditional instruments as well as “state-of-the-art” performance tasks, the exam is designed to “measure students’ abilities to apply what they have learned in school to situations they might face throughout their lives.”³⁶ The authorizing statute mandates that the test not be the only criterion for graduation.³⁷ Connecticut’s testing structure has been rated favorably by *Education Week*’s “Quality Counts Survey,” in part due to its “clear, specific standards.”³⁸

The Strategic School Profile (SSP), introduced in 1992, provides a method for aggregating and disseminating the data from the CMTs. As required by state law, each local and regional board of education must submit to the Commissioner of Education a strategic school profile report for each school under its jurisdiction and for the school district as a whole.³⁹ The report includes four types of information: student needs (factors which may put a student at risk educationally); school

³⁴ See U.S. DEP’T OF EDUC., OFFICE OF ELEMENTARY AND SECONDARY EDUC., CONNECTICUT CONSOLIDATED STATE APPLICATION ACCOUNTABILITY WORKBOOK (2003), *available at* http://www.csde.state.ct.us/public/der/nclb/k12_accountability/k-12_statewide%20_accountability_system_7-15-03.pdf (last visited Sept. 28, 2004) [hereinafter ACCOUNTABILITY WORKBOOK].

³⁵ *Id.* at 58.

³⁶ *Id.* at 18.

³⁷ *Id.* at 19; CONN. GEN. STAT. § 10-14n(e).

³⁸ *Quality Counts 2004: Connecticut*, EDUCATION WEEK ON THE WEB, *at* <http://edweek.com/sreports/qc04/state.cfm?slug=17ct.h23> (Jan. 8, 2004).

³⁹ CONN. GEN. STAT. § 10-220(c); Connecticut State Department of Education, *What Are the Strategic School Profiles?* *at* http://www.csde.state.ct.us/public/der/ssp/ssp_help/about.htm.

resources (materials purchased by and available for use in a school); school performance (school programs and activities designed to utilize resources to improve outcomes); and student performance (the results of the educational process). The Department of Education analyzes these profiles to assess performance and identify trends.⁴⁰ These reports are designed to improve schools by diagnosing problems and facilitating the sharing of information.

Efforts to enhance accountability continued in 1999, when the General Assembly mandated a statewide statutory accountability system that required the Commissioner of Education to list elementary and middle schools “in need of improvement” based on mastery test scores.⁴¹ School boards with listed schools were required to develop and implement school improvement plans and take the necessary steps to become accredited by the New England Association of Schools and Colleges. If the schools failed to make progress in two years, the responsible school boards were required to take (with the Commissioner’s approval) one or more of the following specific actions to improve student achievement: a) close and reconstitute the school; b) restructure the school; c) provide for site-based management of the school; d) transfer employees; and e) allow students in the school’s attendance area to attend other public schools in the district.⁴² The act also required local boards of education to establish policies about social promotion of fourth and sixth graders and requirements for advancement of those students, and established a new summer school grant program for priority school districts. Pursuant to this new law, Connecticut identified twenty-eight schools in need of improvement.⁴³

In subsequent sessions, the legislature enhanced this school accountability system by creating a new grant program to help schools implement their school improvement plans, requiring the Commissioner of Education to update the “schools in need of improvement” list every three (rather than two) years, and establishing new criteria for the summer and weekend programs in priority schools (including requiring priority schools to provide additional instruction only to those fourth graders who fail the reading part of the CMT, rather than to those who fail any part of the test).

⁴⁰ Letter from Theodore Sergi, Commissioner of Education, to Superintendents of Schools, Aug. 2, 1995. Series 1995-96, C-1, available at http://www.csde.state.ct.us/public/der/nclb/k12_accountability/k-12_statewide%20accountability_system_7-15-03.pdf.

⁴¹ CONN. GEN. STAT. §§ 10-223(b)-(c). Note that these sections were repealed by P.A. 02-7 § 110 (May 9 Special Session). See note 56, *infra*, and accompanying text.

⁴² CONN. DEP’T OF EDUC., OFFICE OF PRIORITY SCHOOLS, FACT SHEET: ACCOUNTABILITY/IDENTIFIED SCHOOLS (2001).

⁴³ SHEFF RESPONSE, *supra* note 18.

In short, in the years prior to the enactment of NCLB, Connecticut had been increasingly aggressive in addressing the multiple factors contributing to its education achievement gap and already had created many of the structures that were to be mandated by this federal legislation.

No Child Left Behind and Its Early Impact

The No Child Left Behind Act of 2001 (NCLB), a reauthorization of the federal Elementary and Secondary Education Act (ESEA), dramatically expanded the requirements for states and schools accepting federal money for education.⁴⁴ The ESEA includes Title I, the provision creating federal education funding directed at disadvantaged students.⁴⁵ Under NCLB, any school accepting Title I funding must meet a series of stringent student testing and teacher certification requirements or face sanctions.⁴⁶

The testing requirements of NCLB are rigorous and detailed. By the 2005-06 academic year, districts must test students in every grade, every year, using a statistically valid standardized test.⁴⁷ Further, by 2014, *every* student must score at or above proficiency on that test. Schools must maintain a 95% participation rate on the test, and only 1% of students in a given school may be exempted from the test on account of learning disabilities.⁴⁸ While maintaining that high participation rate, each district and school must show adequate yearly progress (AYP)—a moving target designed to get schools to 100% proficiency by 2014. For a school or district to make AYP, all students in the district and each subgroup (major racial and ethnic groups, students in poverty, students with disabilities and English language learners) must have achieved 95% participation and the AYP target percentage for performance at or above Proficient. If schools fail to make AYP, they are subject to sanctions ranging from school choice (if a small percentage of students in the school fail to make AYP for two consecutive years) to state or private takeover of schools (if the school fails to make AYP for four consecutive years).

⁴⁴ No Child Left Behind Act of 2001, 20 U.S.C. § 6301 (2001).

⁴⁵ Anthony Rebor, *No Child Left Behind*, EDUCATION WEEK ON THE WEB, at <http://www.edweek.org/context/topics/issuespage.ctm?id=59> (last modified Sept. 22, 2004).

⁴⁶ http://www.csde.state.ct.us/public/der/schools/nclb_reports.htm.

⁴⁷ For a comparison of methods of reporting test results under Connecticut's current practice with the CMT and the NCLB requirements, see Circular Letter C-10 (series 2003-04) from State Department of Education Commissioner Sergi to all school superintendents (October 29, 2003), available at http://www.csde.state.ct.us/public/der/nclb/cletters/c_letter_c10_rev_10-29-03.pdf.

⁴⁸ ACCOUNTABILITY WORKBOOK, *supra* note 34.

NCLB also created stricter requirements for teacher certification by instituting the “highly qualified” standard.⁴⁹ This necessitates that each public school teacher must be able to demonstrate proficiency in the areas she teaches, either by specific collegiate work or by testing. The Act also tightens requirements for paraprofessionals, requiring them to have at least two years of college credit or pass an equivalency exam.⁵⁰

NCLB also contains important accountability measures, including a requirement that districts produce school report cards, with data reported by subgroup of students (by race, economic disadvantage, English language learners, and special education students). The Act’s accountability provisions are largely similar to those previously adopted by Connecticut. Other aspects of NCLB include funding for the Reading First program for early childhood learners in disadvantaged districts, and changes in the federal funding calculations.⁵¹

Though NCLB is often thought of as a federal mandate, states have some flexibility in implementing its requirements. For example, states can choose which standardized tests their students will take and determine what constitutes “proficiency” on those tests. Also, states have some discretion in how test participation rates are calculated and how English language learners and special education students are tested.⁵² Furthermore, school districts can choose to forego federal Title I funding and be excused from all of these requirements.⁵³

In addition, Connecticut (as well as many other states) is currently petitioning the federal government for more flexibility in meeting NCLB standards,⁵⁴ and there is interest among members of Congress in amending the Act. Two members of Connecticut’s Congressional delegation—Senator Christopher Dodd and Representative Rosa DeLauro—have introduced a bill that would amend No Child Left Behind to provide for cohort comparisons (judging students against their own previous performance), competitive funding for state and local educational agencies improving their data management systems, targeting transfer options to only the subgroups that fail to make AYP, and ensuring that teachers who receive state certification are called highly qualified.⁵⁵

⁴⁹ See 20 U.S.C. § 6311(h)(1)(D) and 34 C.F.R. § 200.56

⁵⁰ *Id.* Paraprofessionals are generally teachers’ aides, providing instructional and administrative support in the classroom and school-wide, often for especially needy students.

⁵¹ *Id.*

⁵² Lynn Olson, *States Seek Federal OK for Revisions*, EDUCATION WEEK ON THE WEB, at <http://www.edweek.org/ew/ewstory.cfm?slug=34Account.h23> (May 5, 2004).

⁵³ Cheshire and Marlborough are the only two Connecticut school districts to have opted out of Title I funding.

⁵⁴ *Id.*; Betty Sternberg, *When Less Is More*, EDUCATION WEEK ON THE WEB, at <http://www.edweek.org/ew/ewstory.cfm?slug=40sternberg.h23> (June 16, 2004).

⁵⁵ S. 2345, 108th Cong. (2004) [hereinafter NCLB REFORM ACT].

How Connecticut Has Begun to Implement NCLB

Following enactment of NCLB, the Connecticut General Assembly repealed the state accountability program and revised the statutes to require the Commissioner of Education to develop a new state accountability plan consistent with the provisions of NCLB.⁵⁶ The legislative changes were enacted soon after the effective date of NCLB in order to authorize the Commissioner of Education to begin implementing required changes to the state mastery test program and to eliminate any other conflicts between the state accountability program and provisions of NCLB.

Connecticut's K-12 Statewide Accountability Plan, approved by the State Board of Education, was accepted by the United States Department of Education as complying with NCLB requirements in June 2003.⁵⁷ Also in June 2003, Connecticut's Department of Education submitted its Consolidated Application for the NCLB Act. It was approved by the United States Department of Education on July 15, 2003, authorizing Connecticut's receipt of \$191.6 million in federal funds to support NCLB's goals.

Connecticut's state legislature has taken several additional steps to assist in the implementation of NCLB. For example, the General Assembly in 2004 required the Secretary of the Office of Public Management and the Commissioner of Education to produce a study estimating the costs of NCLB to the state and to local school districts, as well as assessing the availability of federal funds to offset these costs.⁵⁸ In 2003, the General Assembly passed legislation requiring that annual statewide mastery testing be performed in conformance with NCLB – provided that costs attributable to the Act's requirements are paid exclusively from federal funds.⁵⁹

Having set the Connecticut context for NCLB, this report turns next to reporting the results of our survey of Connecticut educators regarding their perceptions of

⁵⁶ The earlier state provisions were superseded by P.A. 02-7 § 6 (codified at CONN. GEN. STAT. § 10-223(e)).

⁵⁷ The Consolidated State Application Accountability Workbook, *supra* note 34, details the state's procedures to bring their own system in-line with the federal law. SDE's PowerPoint summary of NCLB is available at: http://www.csde.state.ct.us/public/der/nclb/nclb_ppoint_01_09_04.ppt.

⁵⁸ P.A. 04-254 § 1. This report is to be submitted to the General Assembly by the beginning of 2005.

⁵⁹ P.A. 03-168 § 1(g). This legislation also required that the joint standing committee of the General Assembly for education produce a report on the cost to local and regional school boards of NCLB compliance, and on the amount of federal funding available to the state and its school boards under NCLB. Also in 2003, the legislature mandated that employees of supplemental service providers submit to criminal background checks (P.A. 03-6 § 19(a)); gave priority enrollment in its interdistrict public school attendance program to students whose schools had been deemed "in need of improvement" pursuant to NCLB (P.A. 03-168 § 2(e)); and mandated that tests required under NCLB for students in the seventh through twelfth grades not be administered before 9 a.m. (P.A. 03-174 § 5).

the Act. Following the methodology section, the findings section describes major themes that arose from the research. The recommendations section then provides suggestions for how Connecticut and the federal government might ameliorate the difficulties with the Act identified in this report.

Methodology

The survey project was conducted from February through May 2004, and followed a two-tier approach designed to explore the effects of NCLB on both a state and school district level. The goal was to develop a broad understanding of NCLB's effects across the entire state of Connecticut and a deeper understanding of the effects of the Act on several representative districts.

The first tier of the project consisted of a statewide survey of all Connecticut's superintendents and principals. We opted to survey all superintendents and principals, rather than a sample, in an effort to ensure the most comprehensive picture possible. With the help of David Larson, head of the Connecticut Association of Public School Superintendents, and Michael Savage, Executive Director of the Connecticut Association of Schools, we asked all the superintendents and principals in the state to respond to a written survey. Of the 148 Connecticut district superintendents, 74 responded (a 50% response rate), and of the approximately 1,000 principals, 235 responded (roughly a 23% response rate). We designed the survey instruments to allow for superintendents and principals to complete them within fifteen minutes or less.⁶⁰ The surveys touched on a wide range of issues associated with NCLB, and primarily use Likert scales to measure the relative strength of opinion in different areas. The surveys also included space for comments. Superintendents received the survey both in hard copy and over email, and they had the option of submitting their response via mail or through a web interface. Due to the large number of principals, they received the survey via email only and were asked to respond through a web interface.

We analyzed survey results in the aggregate and disaggregated by Educational Reference Group (ERG). As Figure 1 shows, we received between 33% to 50% participation in each ERG.

Figure 1: Participation rates by ERG

<i>ERG</i>	<i>I</i>	<i>H</i>	<i>G</i>	<i>F</i>	<i>E</i>	<i>D</i>	<i>C</i>	<i>B</i>	<i>A</i>
# of districts	7	13	15	16	25	21	38	19	12
# responding ⁶¹	3	6	5	6	10	10	13	8	6
% responding	43%	46%	33%	38%	40%	48%	34%	42%	50%

⁶⁰ See the Appendix section for a copy of the survey instruments, as well as talking points and other related research material.

⁶¹ The total number of respondents in this chart will not sum to 74 since some superintendents did not indicate the ERG status of their district.

To complement the broad nature of the first tier of the project, the second tier consisted of an in-depth look at selected districts. Unlike the first tier, which generated mostly quantitative results, the second tier was intended to gather qualitative information which, when combined with the quantitative results, would create a more robust picture of NCLB's impact.

We selected the four target districts—New Haven, Meriden, West Hartford, and New Milford—with the intention of representing a cross-section of Connecticut's demographics. The criteria for selection included socioeconomic status, racial composition, and geographic location. We also selected districts with at least one “failing” school as we believed NCLB's impact on these districts would be the greatest.

To the extent possible, we looked at three levels of schools (elementary, middle and high school) within each district. These schools were selected in consultation with the district superintendents and are as follows:

New Haven:

Bishop Woods Elementary School
Fair Haven Middle School
Hillhouse High School

Meriden:

Barry Elementary School
Platt High School

West Hartford:

Duffy Elementary
Conard High School

New Milford:

Sarah Noble Intermediate School
Schaghticoke Middle School
New Milford High School

Two project members visited each district, conducted interviews, and administered surveys to various members of each school community. We spoke with the superintendents of each of the districts as well as a combination of principals, teachers, and paraprofessionals. How we gathered information in the districts varied. In some cases, project members met with school administrators and

teachers one-on-one or in small groups while in other cases they handed out surveys to teachers at large meetings.

After compiling the survey results and transcribing the interviews, we sought to identify trends among the data. We coded the interviews for comments regarding staffing, information, accountability, and testing. From there, ten findings emerged. Finally, we developed a series of recommendations based on these findings, our understanding of Connecticut's education system, and suggestions from those we interviewed.

Findings

This section discusses ten key findings arising from the research performed for this study. These findings are not listed in order of importance, nor are they intended to serve as an exhaustive account of the conclusions our data might support. Instead, these findings represent our attempt to identify and articulate the most powerful and frequently recurring themes contained in those data. They reflect respondents' opinions with regard to a variety of pressing issues raised by NCLB, including the effectiveness of its sanctions regime, the nature of its impact on special education students, and the adequacy of available funding to fulfill its objectives. It should be recalled, however, that our respondents offered a greater wealth of opinions and ideas, on a broader range of topics, than these pages can contain.

FINDING: Educators reported that some, but not all, aspects of NCLB's accountability system are consistent with prior efforts to raise student achievement in their districts.

Connecticut educators reported that some elements of NCLB's accountability system are consistent with prior efforts to raise student achievement in their districts. Educators appeared particularly likely to report consistency with prior practice where NCLB imposes requirements on districts that are designed to help them monitor and improve student achievement. For example, most superintendents (69%) found consistency between their prior efforts and the requirement that they use the results of educational research in making decisions about curriculum or instruction. The same was true of yearly testing (65%), test score reporting by subgroups (65%), and the requirement that all teachers meet the Highly Qualified Teacher (HQT) standard (57%). Anecdotal data confirmed the existence of some consistency between NCLB and prior practice. Said one superintendent: "NCLB has affirmed what we were already doing."

Regarding other elements of NCLB's accountability system, however, educators reported a lack of consistency with prior practice. In particular, educators found inconsistencies between prior practice and those elements of NCLB that impose adverse consequences on schools failing to meet the Adequate Yearly Progress (AYP) standard. With regard to the AYP standard, as a general matter, only about a quarter of superintendents (27%) cited consistency with prior practice. Likewise, minorities of superintendents reported that several other elements of NCLB's accountability scheme were consistent with their prior efforts: the supplemental services requirements (24%), the provision requiring that schools be rated as "in

need of improvement” (14%), the school choice provision (14%), and the sanctions to be imposed on schools not meeting AYP (5%). Again, these statistics are supported by anecdotal data. In New Haven, a principal spoke of the disconnect between his district’s efforts to close the achievement gap and NCLB’s requirements for punitive sanctions:

My question would be, what is the plan to make schools performing schools? ... It’s going to take some time to do it, and I think our district was well on the way, even prior to No Child Left Behind, trying to bridge that achievement gap ... I think that’s the approach, rather than placing a stigma on schools.

Figure 2: Consistency between prior practice and various aspects of NCLB.⁶²

<i>NCLB accountability provision</i>	<i>% of superintendents reporting consistency with prior practice</i>	<i>% of superintendents reporting inconsistency with prior practice</i>
Use of scientific research in decision-making	69%	19%
Yearly testing	65%	28%
Score reports by subgroups	65%	28%
Highly Qualified Teacher standard	57%	39%
Reading First grants	43%	18%
Adequate Yearly Progress	27%	66%
Supplemental services	24%	65%
“In need of improvement” rating	14%	78%
School choice	14%	74%
Sanctions	5%	86%

⁶² In this and other tables in the Findings Section, percentages may not total 100%. Where this is the case, some respondents answered “No opinion” or “Not applicable.”

FINDING: School administrators expressed doubts about whether NCLB will lead to improvements in accountability and student achievement.

While many aspects of NCLB’s accountability system are reportedly in line with previous efforts to raise student achievement in Connecticut, school administrators reported doubts about the Act’s capacity to improve Connecticut’s accountability and student achievement. Superintendents were nearly evenly split in their view of whether, over time, NCLB will lead to an increase in student achievement (49% agreed and 48% did not agree) (*see* Figure 3). One superintendent commented: “I believe that NCLB may lead to an increase in student achievement in the narrowly tested areas. Overall, it will detract from achievement in non-tested areas.”

Superintendents were similarly divided over whether NCLB will shrink the achievement gap: 39% agreed that, over time, NCLB will lead to a decrease in the achievement gap, while 53% disagreed with the statement (*see* Figure 3). Notably, superintendents were much more likely to disagree strongly than they were to agree strongly with both of the aforementioned propositions.

Figure 3: Superintendent views on NCLB’s effect on student achievement.

<i>Statement</i>	<i>Strongly agree</i>	<i>Somewhat agree</i>	<i>Strongly disagree</i>	<i>Somewhat disagree</i>
“NCLB will lead to an increase in student achievement over time.”	3%	46%	14%	34%
“NCLB will lead to a decrease in the achievement gap over time.”	1%	38%	22%	31%

A large number of principals also expressed doubts about the Act’s capacity to improve student achievement and accountability. A majority of principals (59%) disagreed with the proposition that NCLB had fostered greater accountability in their schools; furthermore, principals were over five times more likely to disagree strongly than to agree strongly (31% to 6%, respectively) with this statement.

Some administrators noted that NCLB might cause districts to take accountability more seriously and, in so doing, to analyze their systems and structures in more detail. The superintendent of Meriden commented: “The whole nation has been forced to stop and take a look at what we’re doing and why we’re doing it, and

reassess those programs, and to say, if it's not working or if the result isn't really what we want, take that money and use it for something else." Said one principal:

I am principal of a school that has high standards for students, teachers and parents. I am not sure that NCLB changes any of that. What I do think is that NCLB raises the bar for everyone and gives parents flexibility in making choices for their children. It also makes *everyone* accountable from custodians up to superintendents and I think that is a good thing. For too long education has not been taken seriously and is not a top priority in our nation. That needs to change.

At the same time, administrators expressed frustration at the emphasis on increased accountability *only* on the part of educators. A Meriden principal explained: "No one works at the school who doesn't feel accountable. We hold schools accountable, but we do not hold those responsible for [our students'] living conditions, health conditions, safety conditions, accountable. Who is holding people accountable for those?"

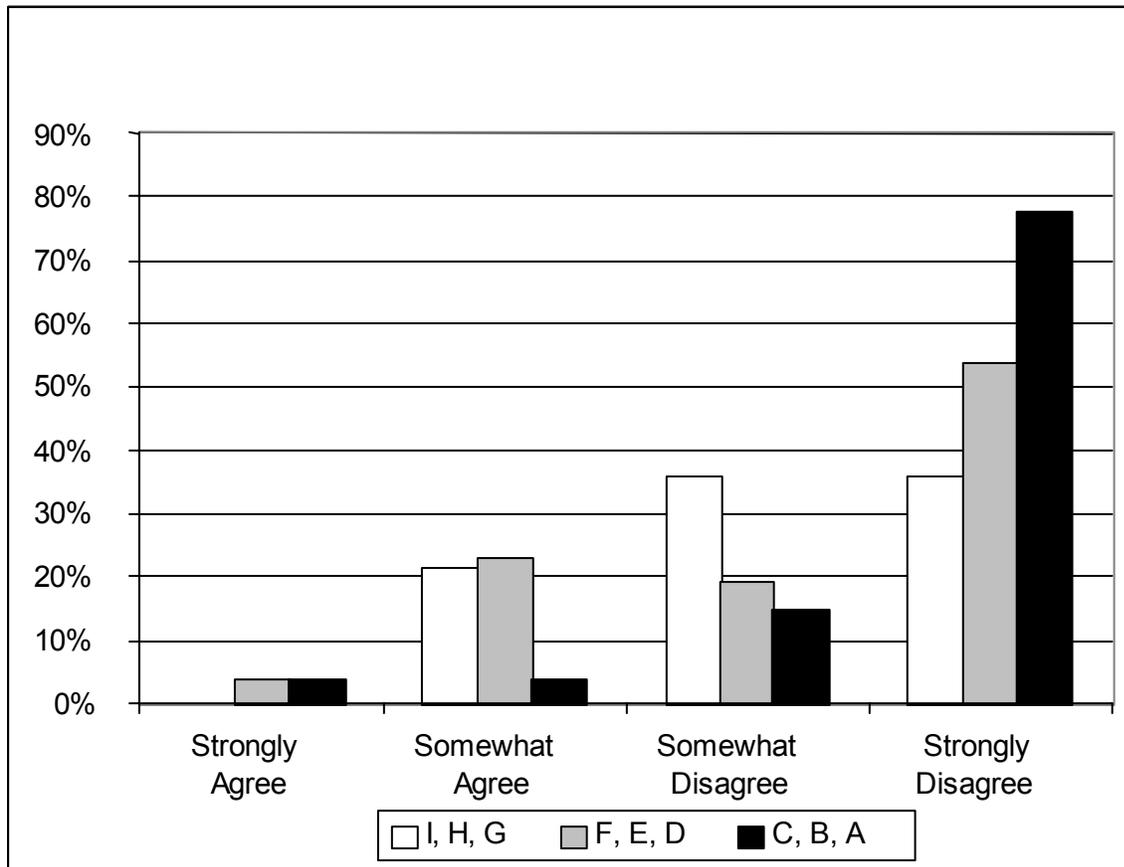
FINDING: Many educators criticized aspects of NCLB's methodology for assessing school performance.

Educators strongly criticized aspects of NCLB's methodology for assessing both school performance and student performance.

School performance

Nearly all superintendents (88%) disagreed with the statement that Adequate Yearly Progress (AYP) measures are appropriate and achievable. One superintendent doubted the effectiveness of AYP as an assessment tool to measure real, meaningful strides in student achievement: "AYP raises expectations for AYP, not student achievement!" Also, a large majority of superintendents (81%) disagreed with the proposition that the amount and type of information that the Act requires districts to submit to state and federal authorities is realistic. As Figure 4 illustrates, although this finding was generally consistent across ERGs, superintendents of the more affluent school districts were much more likely to disagree "strongly" with this statement than were those of the less affluent districts.

Figure 4: Superintendent responses to the proposition that the amount and type of information districts are required to report by NCLB are realistic.



Student performance

Many administrators expressed doubts about whether NCLB would help them to assess student performance. Three-quarters of principals (75%) disagreed with the statement that NCLB has made it easier to assess the performance of their students accurately. And about the same proportion of principals (77%) disagreed with the statement that the data NCLB requires them to collect would provide diagnostic information they did not already have to serve the needs of students.

Some educators expressed frustration with the amount and type of information NCLB requires them to collect. Said one principal:

I happen to be from a state that is seriously doing its job. I am in a school district that is rural and poor. We had poor test scores and lots of discipline problems when I came here 8 years ago. With good

direction from our superintendent and a desire to raise expectations, we have steadily improved the performance of our teaching and learning within this district. We did not need all the paperwork and ridiculous parts of NCLB that we have been saddled with.

Specific aspects of NCLB's assessment methodology

In addition to these more general concerns, administrators also expressed objections to three particular aspects of the Act's methodology.

Absence of longitudinal tracking. Administrators registered concern about the absence in the Act of a requirement for longitudinal tracking of student performance. One superintendent explained: "Not all students learn at the same rate in the same way. Or at the same time. NCLB takes a slice of time and ranks you on that one picture. Success should be based on the same students over time, not different groups each year." A second superintendent echoed this sentiment: "AYP should be on a cohort basis - not one year's fourth grade compared to the next year's fourth grade."

Strong emphasis on standardized testing. Administrators found problematic the emphasis NCLB places on standardized testing to the exclusion of other assessment methods. A majority of principals (62%) agreed with the proposition that NCLB places too much emphasis on standardized testing, and half of principals (50%) agreed "strongly" with this proposition. Said one principal: "This law is *not* child-centered. It creates an impossible expectation and makes educators make decisions on test outcomes instead of individual student needs. We are forced to become more test-centered than student-centered."

Yet educators overwhelmingly expressed the opinion that the problem lies not in the standardized tests themselves, but rather in the weight NCLB attaches to them. The superintendent of Meriden stated, "I'm not disputing the fact that we have to have accountability. We do. But there are so many other things that go into assessing a student." Superintendents, principals, and teachers also spoke at length about the fact that standardized tests completely ignore the realities of student life outside the classroom. Explained a New Milford principal:

Education is not a consumer-client relationship. Kids don't come to school to buy a sweater. Selling a sweater is easy, because it's what people are coming to buy. But when kids come to school they aren't always buying what you're selling. So it's impossible to say, yes, every kid will do better on this test next year.

Educators suggested that for these and other reasons, it is unreasonable to judge not only a student's performance, but also an entire school's performance, based on test scores.

Ninety-five percent participation rate. Some administrators expressed concern with NCLB's requirement that 95% of students participate in test-taking. One superintendent observed that "[a sub-95%] participation rate can put a school on the 'list' even though achievement is high." Another commented that "[s]chools 'in need of improvement' could include those with subgroups at 94% participation. A blanket term like 'in need of improvement' does not portray an accurate picture. Subcategories of the label may be a better route."

FINDING: Many educators expressed concerns about the effect of NCLB's new requirements for students in subgroups, in particular special education students and English language learners.

NCLB imposes new requirements with regard to students in various subgroups. Connecticut educators registered concerns about the effects of these new requirements on two subgroups in particular: special education students and English Language Learners (ELLs).

Special education students

The qualitative data gathered for this study suggest two primary concerns about special education students: that the prohibition on off-level testing was unfair to these students, and that NCLB's testing requirements would harm these students' self-esteem.

Prohibition on off-level testing. Educators expressed the view that the prohibition on off-level testing is unfair to special education students. For example, the New Milford superintendent observed that "[s]pecial ed kids are identified for a reason. It's not a level playing field. The whole logic or assumption that they will make the same gains is ludicrous." Another superintendent described the requirement that special education students perform on level as "totally unreasonable." "It doesn't make any sense to me," this superintendent continued. "I was a former special ed director. I understand the intent, but the actual reality of it is taking kids who have failed their whole lives and putting them in high stakes testing – it doesn't make any sense." Yet another superintendent expressed her regret that the flexibility of the old system had been lost: "Prior to NCLB, we allowed special ed

children who qualified to take ‘off-level’ tests. We find it hard to justify students on a third grade reading level taking a tenth grade CAPT. We did this sparingly but justly. That has been taken away from us.”

Possible harm to self-esteem. Educators voiced concern that by imposing unreasonable requirements on special education students, the law will hurt those students’ self-esteem. In Meriden, a high school principal remarked that “[f]or students with disabilities ... CAPT testing was the most demoralizing experience my kids have ever gone through ... We spend a whole year trying to raise their self-esteem; it takes one week to ruin all that.” He recalled how painful it was for some special education students who, after struggling through the test, overheard mainstream students talking about how easy they had found it. And he told a story about one student for whom the on-level test was particularly demoralizing:

I had a young lady in the math day who was crying and had to leave the room. She said, ‘I can’t do any of these’ ... I think their self-esteem suffers immensely. You’re putting them in a room with another group of kids who are sitting there doing the test and going onto the next question and they can’t get past page one.

In New Milford, a special education teacher expressed similar concerns. “All students are not born with the same abilities and potential,” she wrote. “It is ridiculous and cruel to hold disabled students to the same standard that average, above average, and gifted students are held to. They will consider themselves failures!”

English language learners

Similarly, educators expressed concern about NCLB’s effects on English language learners (ELLs). When asked to describe the law’s effect on these students, a majority of principals (57%) said its effect was either “somewhat negative” (19%) or “strongly negative” (38%). Only a small minority of principals (7%) said NCLB was having a “somewhat positive” effect on ELLs – and not one principal reported a “strongly positive” effect. With regard to English language learners, the qualitative data gathered for this study suggest three specific concerns: the unavailability of translated versions of standardized tests, the time frame within which ELLs are required to take tests in English, and possible harm to the self-esteem of students learning English.

Unavailability of translated versions of standardized tests. The first concern expressed by educators with regard to English language learners is that translated

versions of standardized tests should be available to these students. The New Milford schools superintendent commented: “To me it’s crazy [that] there isn’t a Spanish version of the test ... For the population that can read and understand Spanish, I don’t understand why there’s not an alternative.” Said the Meriden superintendent: “If the students were tested [in their] native language, we might at least get a better handle on what [they] know.” And a significant percentage of principals (44%) agreed that some students in their schools needed the standardized tests to be translated into languages other than English.

Time frame within which English language learners must take standardized tests. A second concern was that the time frame within which English language learners are expected to take standardized tests in English is too short. While some superintendents expressed appreciation that the U.S. Department of Education has offered English language learners a grace period, some suggested that this period was not long enough. Said one: “They need to recognize that they made a mistake and give ELL kids a waiver that makes sense – at least three years to acquire enough English.” In Meriden, the superintendent observed that “it takes five to seven years to truly learn a language ... Most of the students also don’t have highly developed skills in their native language ... so it takes longer for fluency.” In addition, there is confusion among superintendents about the length of the grace period allowed by the state and federal governments—some believed the grace period was one year, while others thought it was as long as three years.

Possible harm to self-esteem. A third specific concern was that, as with special education students, NCLB’s requirements would result in harm to English language learners’ self-esteem. Said the Meriden superintendent: “It makes it very difficult to take our Hispanic population ... and say to them, ‘We’re giving you this test. We know that you can’t take this test ... but, you know, do the best you can.’ ... Just think about what it does for the morale of that student.”

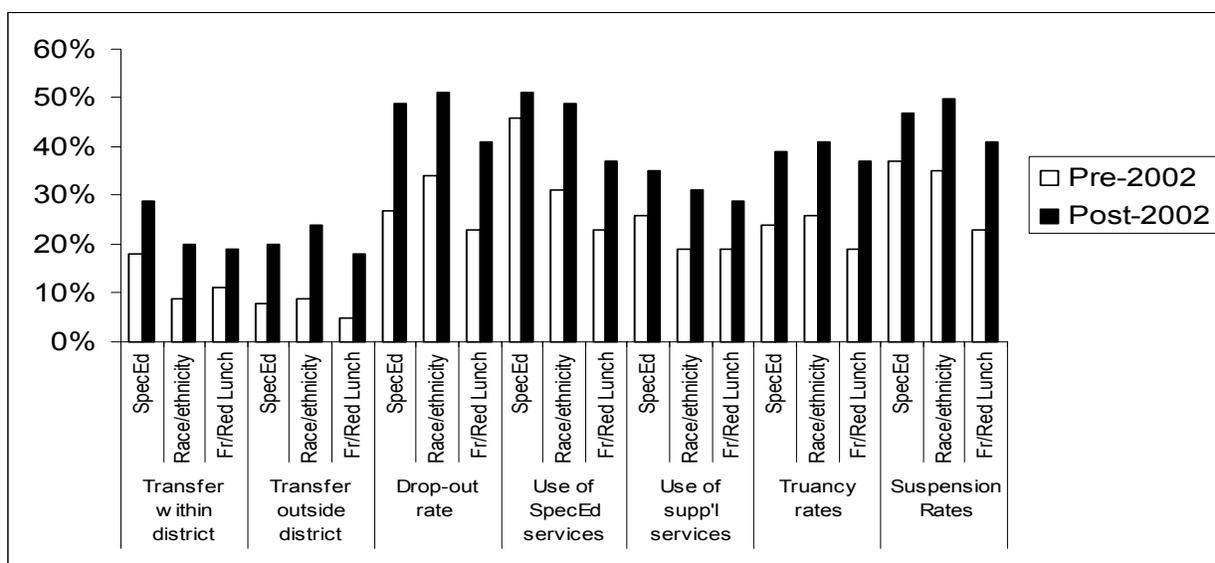
Subgroup data collection

A potentially positive impact of NCLB is that districts appear to be collecting more useful information about students in various subgroups. As part of this study, superintendents were asked whether they were tracking seven types of data – transfers within and outside the district; use of special education and supplemental services; and truancy, suspension, and dropout rates – with regard to three different student characteristics – race/ethnicity, receipt of free or reduced lunch, and special education status. As Figure 5 shows, the percentage of districts tracking these data has increased since the passage of NCLB. Some educators expressed the view that having additional information will help schools to serve the students in the several

subgroups. For example, one high school principal observed that “[NCLB] will force us to do a better job with the underperforming students who often take ‘lower level’ classes.”

Of course, in meeting the new data collection requirements, Connecticut schools are incurring new costs. Nearly all superintendents (91%) reported that NCLB’s recordkeeping requirements are creating extra costs for their districts, and a majority (58%) reported that these costs would be “substantial.” Some educators expressed concern about their districts’ ability to meet the Act’s data collection requirements. A large majority of superintendents (81%) disagreed with the proposition that the amount and type of information NCLB requires their districts to report are realistic. On the other hand, at least one district had already developed the capacity to collect data on the scale required by NCLB before the Act’s passage. Meriden has an Office of Research and Evaluation that can disaggregate all testing data based on any subgroup. “This is not something that’s new to us,” said a Meriden elementary school principal.

Figure 5: Percentage of districts collecting various types of data disaggregated by student subgroup.



FINDING: Many educators expressed doubts about the capacity of NCLB’s sanctions to help schools meet the goals of the Act.

Many Connecticut educators expressed doubts about the capacity of NCLB’s sanctions regime to help schools meet the goals of the Act. For example, as indicated above, when asked whether sanctions were consistent with their efforts to

raise student achievement, a large majority of superintendents (86%) said they were not. And more than two-thirds of superintendents (70%) said NCLB's sanctions would hurt, rather than help, schools labeled as "in need of improvement." This response was most uniform among less affluent districts. Among superintendents from districts in the lowest ERG triad (G/H/I), all those responding agreed with the proposition that NCLB's sanctions hurt schools. Among ERG I superintendents, all those responding agreed "strongly." As with other elements of NCLB, many Connecticut educators expressed the view that the full effect of NCLB's sanctions regime remained to be seen.

School choice

Among NCLB's sanctions provisions, its school choice provision was the object of special criticism, with large majorities of superintendents reporting that school choice was neither consistent with their prior efforts to raise student achievement (74%) nor realistic for students in their districts (84%). Likewise, a large majority of superintendents (77%) indicated that school choice options were not clear to parents and families in their districts. Several superintendents of rural districts reported that their districts – many of which have only one high school – were too small to offer a choice of schools. Moreover, a significant percentage of superintendents (45%) expressed the view that providing transportation for school choice would impose a "substantial cost" on their districts. Some educators even suggested that the school choice provision is a covert attempt to establish a federally mandated voucher program. Said one superintendent: "The support of public education is vital to the health and welfare of a community. Siphoning funds to support choice would damage both the public school and the community."

Supplemental services

NCLB's supplemental services provision came in for criticism, as well. Just under two-thirds of superintendents (65%) said NCLB's supplemental services option was inconsistent with their prior efforts to raise student achievement. As was the case with school choice, a significant number of superintendents (50%) expressed concern that the supplemental services provision would impose a "substantial cost" on their districts. Some expressed doubts about whether the supplemental services provision could be implemented absent additional funding.

FINDING: Educators reported that NCLB is having a negative effect on their morale.

Superintendents, principals, and teachers alike reported that NCLB is having a negative effect on educator morale. A large majority of superintendents (74%) indicated that NCLB has had a negative effect on maintaining high staff morale. In addition, superintendents in nine out of ten low ERG-triad districts reported that the “in need of improvement” label itself hurt morale.

Over half of principals (58%) reported that NCLB is hurting the morale of their teachers. One principal offered his explanation of this phenomenon:

In my school, we have always frequently observed and supervised teachers. Teachers expect to set meaningful year-long goals, provide mid-year progress reports and final assessments with measurable evidence of student learning outcomes. What is happening is that teachers are feeling more pressured to teach to the test and more frightened about testing outcomes.

A New Milford principal echoed this notion, saying of her teachers, “They are thinking, ‘We can tell you how these kids are doing—we don’t need more testing to be able to do that!’” In addition, nearly three-quarters of principals (74%) indicated that the Act is making their own jobs less enjoyable.

FINDING: While reporting consistency between NCLB’s “Highly Qualified Teacher” (HQT) requirements and Connecticut’s preexisting requirements, superintendents expressed doubts about the usefulness of the HQT standard.

There appears to be some consistency between NCLB’s Highly Qualified Teacher (HQT) requirement and Connecticut’s preexisting approach to ensuring that its teachers were highly qualified. A majority of superintendents (57%) agreed with the proposition that the HQT requirements are consistent with their districts’ efforts to raise student achievement. This was especially true among superintendents representing districts in the lowest ERG triad (G/H/I).

At the same time, the Act appears to have spurred some districts to increase their efforts to ensure that teachers are highly qualified. More than half of responding superintendents (53%) indicated that their districts have expanded their teacher professional development programs at least “slightly” in response to NCLB. One

superintendent reported that her district has become more “fastidious” about teacher training: “We always have looked at the quality of our staff and their ability to deliver instruction. Now the pressure is even greater.”

Still, many administrators expressed skepticism about whether HQT would be useful to them. Nearly two-thirds of superintendents (64%) disagreed with the proposition that NCLB would lead to an improvement of the quality of the teacher workforce over time. And an even greater percentage of principals (71%) disagreed with the proposition that NCLB has made it easier to ensure that teachers are properly qualified for the job.

In conversation, some administrators suggested that HQT has not changed the way they evaluate teacher performance. Said one elementary school principal: “I have always looked for the best and most qualified teachers ... I have not changed my expectations because of NCLB.” A middle school principal expressed a similar view:

Four years ago, prior to NCLB, the State of Connecticut required all districts to revise their teacher evaluation system ... I have never had a better, more thorough form of teacher evaluation. It is extensive, thoughtful and reflective ... NCLB did not have any role in bringing that successful change about.

Other administrators found fault with HQT’s implicit assumption that certification is equivalent to qualification. One superintendent remarked, “Highly qualified should first and foremost be a function of actual classroom teaching.” Said another: “‘Highly qualified teachers’ is misleading at a time when one can get alternate route certification in a few weeks. It is a P.R. ploy that should be eliminated.”

Also, educators voiced several concerns about the future impact of HQT. Some administrators suggested HQT might discourage potential second career teachers from entering the profession, or that it would prevent school districts from continuing to use Connecticut’s alternative route to certification process. Said one elementary school principal:

NCLB has caused us to stop looking at those teaching candidates who want to leave the corporate/business world to enter teaching through an alternate route to certification course. In the past we have been able to attract some wonderful teachers – working mathematicians and scientists – who wanted a new career in teaching. We can no longer

hire these talented folks because they would not be deemed ‘highly qualified’ under NCLB.

Similarly, the New Milford superintendent described her dilemma in seeking to hire a highly talented, but uncertified, individual; she worried that sending a letter home, as NCLB requires, would stigmatize that teacher.

Finally, some educators expressed concern that HQT would place burdens on paraprofessionals out of proportion to the level at which they are paid. More than two-thirds of superintendents (70%) disagreed with the proposition that NCLB has made it easier for them to attract and retain qualified paraprofessionals, and nearly half (49%) disagreed “strongly.” One superintendent noted in an interview that it was easier, before NCLB, to hire paraprofessionals: “[Before NCLB] we also had the ability to hire aides for Title I who were good but did not have the degree or two years of college.”

FINDING: Many administrators reported that they have not been provided with sufficient funds to meet the substantial costs imposed on the districts by NCLB.

Many administrators reported that NCLB has imposed, or will impose, substantial costs on their districts, and that they are not receiving sufficient funding to cover these costs. Almost all superintendents (97%) disagreed with the statement that the federal government has provided Connecticut with adequate funds to meet NCLB’s requirements; moreover, nearly all superintendents (91%) disagreed “strongly” with this statement. Likewise, almost all superintendents (95%) did not agree with the statement that the state has provided their districts with sufficient funding to meet the requirements of the Act; here again, a large majority (81%) disagreed “strongly” (*see* Figure 6).

Figure 6: Superintendent views on state and federal funding of NCLB.

<i>Statement</i>	<i>Strongly Agree</i>	<i>Somewhat Agree</i>	<i>Somewhat Disagree</i>	<i>Strongly Disagree</i>
“The federal government has provided Connecticut with enough money to meet NCLB requirements.”	0%	0%	7%	91%
“The state has provided enough money to my district to meet NCLB requirements.”	0%	1%	14%	81%

When asked how NCLB has impacted or will impact districts financially, in every category higher percentages of superintendents reported costs or expected costs than reported savings or expected savings. Furthermore, large numbers of superintendents reported that the Act will impose *substantial* costs on their districts in connection with test administration (58%), record-keeping (58%), analysis of test data (55%), and adjustment of curriculum to reflect testing results (41%) (see Figure 7).

Figure 7: Percentages of superintendents reporting costs or savings due to NCLB requirements.

<i>Requirement</i>	<i>Cost</i>	<i>No change</i>	<i>Savings</i>
Record-keeping	91%	7%	0%
Professional development	89%	7%	0%
Educating others in your district about the provisions of NCLB	88%	9%	0%
Analysis of test data	86%	8%	3%
Test administration	85%	8%	4%
Adjustment of curriculum to reflect testing results	78%	19%	0%
Ensuring that a research based curriculum is used in the schools	77%	22%	0%
Provision of supplemental services	72%	26%	0%
Educating self (superintendent) about the provisions of NCLB	70%	28%	0%
Communication (with Connecticut and U.S. Departments of Education)	65%	30%	3%
Helping current teachers comply with Highly Qualified Teacher requirements	54%	42%	1%
Transportation for choice options	51%	41%	1%
Hiring of new teachers to comply with Highly Qualified Teacher requirements	49%	47%	1%

Some educators worried that by imposing costly requirements without guaranteeing additional funding, the Act would narrow the range of educational opportunities available to students. A majority of principals (60%) reported that the Act has diverted funds from extracurricular activities such as music, drama, athletics and clubs. One principal expressed concern that this phenomenon might occur in his school: “[NCLB] hasn’t affected our budget and program priorities,

but it has the potential. It has already begun to narrow the program offering and, by implication, the concept of a well-educated child in districts that are eliminating art and music in favor of ‘academics only.’” On the other hand, while 34% of principals indicated that the Act has taken resources away from academic support services (such as after-school tutoring), as well, 49% reported that this has not occurred. Similarly, when asked whether resources were being diverted away from gifted and talented programs, 22% of responding principals agreed that they were, but 53% said they were not.

Reflecting on the lack of adequate funding for the implementation of NCLB, the Meriden superintendent commented: “It’s the very things that NCLB believes in that are the first things to go.” Another principal expressed a similar sentiment:

The money funding this law is going towards the wrong things. Put money into early intervention before failure has an opportunity to occur! We know through fifty years of research that quality preschool and kindergarten programs and early intervention make all the difference for kids. Why are we not putting our money there?

FINDING: Not all stakeholders reported that they were well informed about the requirements of NCLB.

For some stakeholders, the flow of information about NCLB appears to have been adequate; for others, it has not. In general, administrators appear to be better informed than teachers about NCLB. When asked whether they understood the Act, nearly all superintendents (93%) replied that they did, and more than half (51%) said they did not wish to know more. But when teachers responded to the same question, many indicated that they did not fully understand NCLB, and most expressed a desire for more information.

There appears to be particular concern among Connecticut educators about the provision of information about NCLB to community members. As Figure 8 indicates, when superintendents were asked to indicate the extent of their agreement with several propositions about their communities – that they had been involved in the implementation of the Act, that they believed the Act had had a positive impact on their schools, that they understood the Act’s school choice provisions, and that local media had covered the Act in a positive way – only a few registered agreement. Conversations with superintendents revealed particular discomfort with the requirement that they write letters home when teachers or schools do not meet NCLB’s standards.

Figure 8: Superintendent views regarding community involvement with and opinions about NCLB implementation.

<i>Statement</i>	<i>% of superintendents agreeing</i>
“Community organizations have been involved in the implementation of NCLB.”	9%
“The community believes that NCLB has a positive effect on the school.”	5%
“The new options for school choice are clear to parents.”	8%
“The local media have covered NCLB’s effect on the district in a positive way.”	20%

FINDING: Educators’ responses in regards to all aspects of NCLB overwhelmingly implied that the full effect of the Act is yet to be seen.

There is a strong sense across the entire spectrum of Connecticut educators that the full effect of the Act is yet to be seen. This belief colors every finding discussed in this report. For example, many educators predicted that once more districts have schools that are labeled, and once more of the requirements have been put into action, the ramifications of the Act will become much clearer. As one superintendent noted, “NCLB hasn’t been in effect long enough to impact much of what we do—it will however drive just about everything we do in the future. Hopefully the outcome will all be positive.”

Recommendations

When compared with other states, Connecticut has had a relatively easy time coping with the implementation of NCLB by virtue of its preexisting student testing, school accountability, and teacher certification regimes. Despite this significant head start, though, Connecticut's educators have experienced growing pains associated with some of the Act's burdensome requirements and unforeseen shortcomings. Although the underlying philosophy of the Act has been lauded widely, and although there is agreement that the full effects of the law have yet to be seen, some common concerns emerged during the course of the research and analysis for this report. Educators expressed dissatisfaction with the methodology of "adequate yearly progress" (AYP), discontent with the testing requirements of the Act because of its adverse impact on special education students and English language learners, frustration with the punitive nature of the Act, and displeasure with the definitions of "highly qualified" for teachers and paraprofessionals.

These recurring concerns highlight both specific and general shortcomings of the federal law and its implementation in Connecticut. As noted earlier, Senator Dodd has introduced the "No Child Left Behind Reform Act," which tackles some of the issues described above at the federal level.⁶³ It is important to note, however, that improving the functioning of NCLB in Connecticut is not only a federal issue. In fact, changes to the federal law alone may not solve some of the basic problems identified in this study. Instead, Connecticut must take advantage of the flexibility provided to it by the federal law, and tailor NCLB's provisions to conform more closely to its largely successful preexisting accountability system. Given Connecticut's history of high standards, a combined approach of federal and state modifications could be instrumental in transforming NCLB from a tool of punishment into one of progress. Connecticut can choose to view the requirements of NCLB not as a ceiling imposed by the federal government, but as a floor upon which to build a future of continued achievement.

Based on the premise that the aforementioned concerns regarding NCLB in Connecticut must be solved through a combination of statutory and regulatory modifications in the federal law, in addition to adjustments in state law and state and local education policy, we offer the following recommendations:

⁶³ Specifically, Senator Dodd's version of the NCLB Reform Act (co-sponsored in the House of Representatives by Connecticut Rep. Rosa DeLauro) targets three areas of the original Act—accountability, school choice, and highly qualified teacher (HQT) requirements. Respectively, the bill proposes a "comprehensive accountability" scheme (whereby schools receive positive credit for success), targeting school choice options only to the students who most need them, and an increase in the flexibility of HQT. Currently (as of September 2004), Senator Dodd's bill is still in committee. See NCLB REFORM ACT, *supra* note 55.

RECOMMENDATION: Revamp the AYP methodology to focus on cohort comparison testing to better measure student achievement over time. Change the current statewide subgroup requirement from an absolute number to a percentage of students per school.

The lack of longitudinal tracking in the statistical formula for determining AYP is a common complaint among Connecticut educators. With significant fluctuations possible between one class of children and the following year's class, these educators are justified in bemoaning the inability of AYP to account for true progress in raising student achievement. By employing cohort comparison testing and trend analysis, districts will have a more accurate idea of how schools are performing. Currently, Connecticut is given flexibility by the federal law to do this,⁶⁴ but no action has yet been taken to reconfigure the AYP formula in this fashion.

As an example of why such an accountability system is necessary, take a hypothetical group of sixth graders and seventh graders from the same school. Assume that 75% of the sixth graders achieve proficiency scores in a given year and only 65% of the seventh graders do likewise. In the following year, if 70% of the same sixth graders (now seventh graders) achieve proficiency, the current AYP formula would register an improvement for the school (compared to the prior year's seventh graders) even though there may have been a significant decrease in educational quality (compared to the students' performance in the prior year's test). By instituting longitudinal tracking and trend analysis, a new AYP formula would recognize that the sixth graders in the above example were not as a whole improving in their achievement scores. Cohort testing and analysis would give school districts a clearer picture of student performance and would do a better job of measuring progress than does the current formula.⁶⁵

Another common sense change that Connecticut can make concerns the method of determining subgroup size for the purposes of AYP. We suggest a move from an absolute number of students per AYP subgroup to a percentage-based system of

⁶⁴ The only requirements for a state's AYP methodology set out in the federal law are provisions requiring that it: (1) "applies the same high standards of academic achievement to all public elementary and secondary school students in the State"; (2) "is statistically valid and reliable"; (3) "results in continuous and substantial academic improvement for all students"; (4) "measures the progress of public elementary schools, secondary schools and local education agencies and the State based primarily on the academic assessments"; and (5) separates measurable annual objectives for all subgroups." 20 U.S.C. § 6311(b)(2)(C). States are free to link the data generated by the tests into longitudinal tracking models, as long as the assessments are yearly.

⁶⁵ It is heartening to note that state education leaders have embraced this conceptual shift to cohort testing and analysis. As State Department of Education Commissioner Betty Sternberg recently said, "we do not need to test more—we just need to have a better way to track a student's progress over time. We do not need to test more—we need to provide a cohort analysis tracking all students' achievement over time." Betty Sternberg, Back to School Address (Aug. 17, 2004), available at <http://www.state.ct.us/sde>.

determining appropriate subgroup numbers by school size. Though federal law currently allows some degree of flexibility in choosing a method for determining AYP,⁶⁶ Connecticut has adopted an absolute number of 40 students as the definition of an AYP subgroup.⁶⁷ There is surprisingly little discussion of this simple choice in the relevant literature and in policy debates, but a shift from an absolute value AYP to a percentage-based AYP could have a profound impact.

For example, under the current “one-size-fits-all” approach in Connecticut, schools of varying sizes are disproportionately affected by the 40-student threshold. Take two high schools with 1000 and 400 students and assume that the number of special education students in each school is 40 and 32, respectively. While the 1000-student school would have to statistically account for the progress made by its special education students (who account for four percent of its total population), the 400-student school would not, even though special education students account for eight percent of its population (rather than four percent, as is the case in the larger school). This discrepancy in impact seemingly lets smaller schools off the hook when it comes to AYP subgroup accountability.

A statewide shift to a percentage-based model (we recommend setting the level at four or five percent) would ensure that fewer subgroup students are left behind when schools compute yearly achievement.⁶⁸ To protect small schools from unreasonable AYP subgroup numbers, we also propose using an absolute value as a floor below which schools will not have to count students towards AYP.

⁶⁶ Under NCLB, states are allowed to define AYP subgroups either as absolute numbers of students (e.g., 30 or 40) or by using a “confidence interval” approach that produces different subgroup sizes based on different school population sizes. The law simply requires states to determine the proper AYP number in a way that (1) ensures statistically reliable information and (2) does not reveal personal information about the students in the subgroup. See 20 U.S.C. § 6311(b)(2)(D); Jason Pierce, *Minimum Size of Subgroups for Adequate Yearly Progress*, Education Commission of the States, at <http://www.ecs.org/clearinghouse/49/76/4976.htm>.

⁶⁷ Connecticut’s AYP number comes from the “Consolidated State Application Accountability Workbook.” Section 5.5 requires 20 students for reporting purposes, but 40 students for AYP subgroup classification. This number was settled on after a study of misclassification rates. ACCOUNTABILITY WORKBOOK, *supra* note 34.

⁶⁸ It is interesting to note that a mixed percentage-absolute AYP subgroup calculation is in place in many states. Texas, for instance, uses the “50/10%/200” rule, which consists of the following: if the subgroup has 200 or more students, it will be considered for AYP. If the subgroup has between 50 and 199 students, it will be considered for AYP only if it represents at least 10% of the entire student body. Subgroups with fewer than 50 members will not be considered for AYP. Montana is the only state that uses a purely percentage-based system to determine AYP subgroup size. See Pierce, *supra* note 66.

RECOMMENDATION: Reconsider the special education components of the Act and realign them with the best interests of special education students—perhaps by allowing for off-level testing as a viable means of assessment or by testing the same academic standards through means more appropriate for special needs children.

One of the features of NCLB most often criticized by Connecticut educators is its requirement that all children take the same test, regardless of disability. This mandate appears likely to harm many special education students, some of whom are unable to complete required standardized tests satisfactorily. Many educators commented on how such stringent requirements are counter-productive to the purpose of each student having an Individualized Education Program (IEP), a fundamental requirement of the Individuals with Disabilities Education Act (IDEA).⁶⁹ In addition, many educators shared stories recounting how such a stringent requirement is damaging to students' self-esteem.

As a possible solution to this problem, the federal law could be amended to allow for off-level testing of special education students. In Connecticut, this practice was permitted under the old assessment regime. The federal law could reflect the flexibility Connecticut bestowed upon its school districts.⁷⁰ Special education students are better served when schools focus on positive progress in their IEPs and not predominantly on standardized test scores. Even without a change to the federal law, however, the state still has a certain degree of flexibility in decreasing the pressures of yearly high-stakes testing on some of its special education students. For instance, the state may push for creating more “alternate academic achievement standards” under the Individuals with Disabilities Education Act (IDEA).⁷¹

It is clear that the current system of assessing the performance of special education students has failed to reflect the true performance of these students. Though off-level testing may not ultimately be feasible or desirable under the existing assessment regime, other solutions may mitigate the inequity of the current system. These could include taking into account special needs during testing, integrating

⁶⁹ 20 U.S.C. § 1400, *et seq.*

⁷⁰ Earlier this year, Education Commissioner Betty Sternberg announced that off-level testing for special education students had been eliminated (*see* http://www.csde.state.ct.us/public/der/st/testing/agl/out_of_level_testing_letter_1-04.pdf). In response, Congresswoman Rosa DeLauro sent a letter to U.S. Secretary of Education Rod Paige requesting an exemption for off-level testing. *See* Letter from Rosa DeLauro to Rod Paige, Sept. 22, 2004 (on file with Rep. DeLauro).

⁷¹ *See* 34 C.F.R. § 200.1(d) (discussing the required components of an alternate achievement standard for cognitively disabled students).

tests into each student's IEP, and changing the AYP accountability formula to generally decrease the high-stakes nature of subgroup testing. Regardless of the ultimate solution, it is also important that special education students be equally included in the effort to help every child achieve academic proficiency.

RECOMMENDATION: Alleviate the undue testing burden placed upon English language learners (ELLs) either by providing translated versions of standardized tests for all students who need them, or by changing the manner in which ELL scores are counted towards AYP accountability.

Like all students, English language learners (ELLs) do not fit conveniently into a cookie-cutter, one-size-fits-all mold. Thus, it is not surprising that ELLs comprise another subgroup adversely affected by the federal law as it is currently written. By definition, ELLs are not proficient in English—and yet, paradoxically, the Act and accompanying federal regulations mandate proficiency in reading English for any student residing in the U.S. for three years.⁷² Currently, in Connecticut, many ELLs are unable to take standardized assessment tests in their native languages, leading to an understatement of their actual ability. At the very least, the state should embrace the suggestion of the U.S. Department of Education (ED) that tests should be offered in a student's native language when possible.⁷³ Doing so will provide the state with a more accurate snapshot of the educational progress made by ELLs.

If providing native language tests is infeasible, the state may consider increasing the grace period from two years to three years before ELL test scores are counted toward AYP accountability.⁷⁴ It may be unrealistic to assume that two years of U.S. residency is sufficient to allow ELLs to develop the requisite language skills to adequately take English-only standardized tests. A three-year grace period might give ELLs a better shot at proficiency, and thus give schools with a large

⁷² See generally 34 C.F.R. § 200.6.

⁷³ The limiting factors in situations where districts cannot offer alternate language testing are usually funding and insufficient/inadequate testing materials. Therefore, the state should do a better job of funding this option and it should also reach out to the expertise provided by the U.S. Department of Education in terms of pre-packaged alternate language tests. See 34 C.F.R. § 200.6(b); 20 USCA § 6311(b)(6): "Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student academic assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction."

⁷⁴ The federal statute currently allows three years of residence before proficiency is required. 20 U.S.C. § 6311(b)(3)(c)(x).

ELL population a better shot at meeting a true representation of AYP. Additionally, extending the grace period would lower the stakes associated with taking these tests and lessen the burdensome pressures they engender.

Finally, the state can take advantage of flexibility in the federal law to ease the adverse impact of ELL testing on the AYP status of certain schools. This can be accomplished by heeding the U.S. Department of Education guidance with regards to math assessments.⁷⁵ In many cases, ELLs are able to meet proficiency in math and not in reading. The state should embrace the federal government's recommendation that it count math scores towards AYP (if they will help with the school's overall numbers), while still applying the grace period for AYP inclusion to the language arts/reading segments of the standardized test. In this manner, schools can make accurate assessments of the progress of ELLs in non-language academic areas without suffering the penalties associated with total score inclusion.

RECOMMENDATION: Mitigate the negative impact of labels such as "in need of improvement" and "not highly qualified" by adding positive terms to the accountability discussion and by including more criteria in school report cards.

Many Connecticut educators bemoaned the poor "public relations" component of the Act, arguing that the "in need of improvement" and "not highly qualified" labels have created confusion in the community and a noticeable decline of morale in the school workforce. Though supporters of the Act might argue that these terms help to highlight areas of improvement, it is apparent that the lack of positive terminology creates an unrealistic black-or-white atmosphere of passing or failing. Instead, the state should institute a more robust rubric of accountability to both accurately reflect varying degrees of progress and to publicly reward schools that have excelled beyond the mere bar of "adequate yearly performance." By creating an accountability labeling system that both chastises under-performance and also lauds those schools that exceed minimum standards, Connecticut can cause AYP to be seen not as a ceiling, but rather as a floor, so schools will want to do more than just merely reach AYP; they will want to surpass it.

⁷⁵ See *Fact Sheet: NCLB Provisions Ensure Flexibility and Accountability for Limited English Proficient Students*, U.S. Department of Education, at <http://www.ed.gov/nclb/accountability/schools/factsheet-english.html> (last visited Sept. 29, 2004).

Such a system could resemble the grade-based ones already in use in other states.⁷⁶ Schools could be given C's for currently meeting the definition of AYP and those below AYP would be given degrees of poorer grades (D-F) depending on how far from AYP the school might be. Of course, exceptional schools would receive recognition with A's and B's. A graded labeling system would both give the community a clearer sense of how much progress each school is making as well as giving the schools and educators more incentive to exceed AYP, instead of merely meeting it.

Furthermore, the state should take advantage of the flexibility in the federal law to add additional criteria to the accountability system. These criteria include attendance rates, average class size, gains in ELL/LEP proficiency, incidence of school violence, suspensions, indicators of parent involvement, and Advanced Placement enrollment numbers.⁷⁷ By adding some or all of these categories to the required statistical reporting already in place, the state would be able to identify problem areas (i.e., some schools may meet AYP, but only because most of the underachieving students have dropped out) and also single out schools for particular exceptional progress in certain areas (such as AP enrollment or parental involvement).⁷⁸ A more robust and comprehensive accountability scheme should ultimately be Connecticut's goal. Adding positive terminology and more statistical categories would be steps in the right direction.

RECOMMENDATION: Revise the “Highly Qualified Teacher” (HQT) definition to encompass in-class teaching and other skills as opposed to relying so heavily on subject-matter knowledge. Encourage alternate route certification in order to attract and retain qualified second-career teachers.

The current NCLB definition of “highly qualified” focuses on whether teachers have subject-matter competency for each subject they teach.⁷⁹ According to many of the educators we interviewed, this singular focus on subject-matter knowledge

⁷⁶ For an example of a grade-based system, *see, e.g.*, COUNCIL OF CHIEF STATE SCHOOL OFFICERS, STATE EDUCATION ACCOUNTABILITY AND INDICATOR REPORTS: STATUS OF REPORTS ACROSS THE STATES (2004), available at <http://www.ecs.org/html/offsite.asp?document=http%3a%2f%2fwww.ccsso.org%2fcontent%2fpdfs%2fIndicatorReport2004.pdf> (last visited Sept. 29, 2004) (Alabama's grade-based system).

⁷⁷ *See* 20 U.S.C. § 6311(h)(1)(D).

⁷⁸ Connecticut currently uses its writing assessment as the additional indicator. While we believe Connecticut should continue in this practice, we also encourage the state to adopt additional indicators.

⁷⁹ *See* 34 C.F.R. § 200.56. This requirement requires teachers at the middle and high school level to demonstrate subject-matter competency for any subject they teach through both a test and the completion of an undergraduate major or the equivalent.

ignores many factors that should also be assessed in the determination of proper qualification. Such assessments should also consider in-class instructional capabilities, as well as depth of prior educational/work experience. Teacher evaluation observations should be included among the tools that school districts use to determine if its teachers are “highly qualified.” In particular, Connecticut should press the U.S. Department of Education for more flexibility in certifying multi-subject science teachers and special education teachers.

Furthermore, there are many otherwise qualified second-career teachers who do not currently have the narrow requirement of subject-matter certification. For this population of valuable teachers, it is important to encourage alternate route certification (ARC).⁸⁰ Connecticut should seek to eliminate obstacles to potential teachers who may be very qualified based on prior educational or work experience, but who lack state certification for a particular subject matter. The state should take an active role in providing funding for certification programs and in notifying current and prospective teachers of the exact requirements for becoming “highly qualified.”

On the federal level, Senator Dodd’s proposed NCLB reform bill would make important changes to HQT, such as adding more flexibility for rural teachers who have to teach multiple subjects and allowing for broad-based certification for science teachers, in order to ensure that multiple degrees in various scientific fields are not necessary. Despite this possibility for progress on the federal level, the state should press ahead with its own efforts to educate teachers about the requirements of HQT, in addition to stressing in-class teaching and other assessment models.

RECOMMENDATION: Permit more district-level flexibility in calibrating the “highly qualified” requirement for paraprofessionals. Alternately, allow paraprofessionals additional time to complete the required coursework and provide financial support for this coursework.

Paraprofessionals are often the glue that keeps schools running efficiently. Under the current NCLB staff accountability regime, however, many otherwise qualified paraprofessionals must demonstrate that they are “highly qualified” through completion of an Associate’s degree (equivalent to 48 hours of college coursework) or a state assessment test.⁸¹ In many cases, however, these

⁸⁰ Connecticut already has a robust ARC program. See <http://www.ctdhe.org/ARC/default.htm>.

⁸¹ See 34 C.F.R. § 200.58.

requirements bear little relation to the valuable work that paraprofessionals perform for schools. Therefore, the law should be amended to broaden the “highly qualified” requirement for paraprofessionals by allowing districts to set common sense standards for each paraprofessional position within its school system. If the college coursework requirement were to be kept in district-level assessments of “quality,” current paraprofessionals should be given a grace period of four years to complete 48 hours (two years) of college-level education. This would ensure that many essential paraprofessionals can retain their jobs and pursue degree requirements as part-time students or during summer vacation periods. Furthermore, the state should demonstrate its commitment to retaining qualified paraprofessionals by providing financial assistance for the additional coursework necessary for proper certification.

RECOMMENDATION: Ensure that relevant stakeholders are adequately informed of the requirements of this complicated law.

Since NCLB is a massive federal law, it is understandable if its finer points escape the comprehension of any average citizen. But because NCLB is also an important landmark shift in the direction of elementary and secondary education in this country, it is imperative that the state and federal governments ensure that superintendents, principals, teachers, parents, and other education system stakeholders are adequately informed of its provisions. Staff and community workshops alone cannot bridge the information gap between the education policymakers and those whose lives are affected daily by NCLB. Instead, the state and federal governments should redouble their efforts to educate all stakeholders regarding the essential points of the Act. Many educators are unsure of the meaning of the law they are now required to implement. And several important elements of the Act, including the HQT requirement and the provisions for school choice, appear poorly understood by parents and other community members. Such uncertainties must be eliminated.

RECOMMENDATION: Provide adequate funding for NCLB implementation.

One of the most common complaints about NCLB concerns its imposition of costly mandates without the provision of adequate funding. An example of this type of unfunded mandate is the school choice provision.⁸² Under NCLB, students

⁸² Senator Dodd’s NCLB reform bill presents an interesting solution to this costly problem—targeting school choice and supplemental services remedies by restricting them to the particular students whose assessment outcomes

in schools that repeatedly fail to meet “adequate yearly progress” must be given the choice of switching into better schools within the district. However, this school choice option, if exercised by enough students, would force districts to bear the burden of considerable transportation costs, while contending with overcrowding in more popular schools. With limited resources, districts would be forced to violate the school choice provision of the law, shift budget priorities away from curricular and infrastructure issues to support school choice, or raise local taxes to account for the fiscal discrepancy. The danger is that such a mandate, unless adequately funded, may do more harm than good. If the federal government wishes to mandate certain educational policies in all the states, it must be willing to assist in implementing these policies by supplying adequate funding. The state of Connecticut, for its part, should continue pressuring the federal government to fund NCLB adequately, in order that its lofty goals may be translated into reality.

demonstrate a need for them. Under the current system, once a school fails to meet AYP, all students are eligible for the school choice and supplemental services provision. Senator Dodd rightly points out that this all-encompassing mechanism is antithetical to an accountability system that stresses data disaggregation and subgroup proficiency. Instead, schools should provide school choice and supplemental services to the subgroup of students not meeting AYP. Such a targeted approach would cut costs in addition to preventing students who are already performing well in school from leaving merely because they can. *See* NCLB REFORM ACT, *supra* note 55.

Conclusion

We expect that the federal No Child Left Behind Act will undergo many alterations as states and local school districts provide constructive feedback to the policymakers in Washington. For the time being, though, states must work diligently within the existing federal framework to ensure that no child is left behind in their schools.

Perhaps the most immediate impact of NCLB is that it has forced states to focus on education and those students who may otherwise be falling through the cracks. As the superintendent of Meriden put it:

I think that one of the things that NCLB has done is make all communities take a look at what they're doing and why they're doing it. So if people haven't started the process that we started a while ago, they are forced to do it now.

We believe that this process of ongoing self-evaluation is a valuable one. This report aims to contribute to the process by providing state and federal policymakers, educators, and the public at large with a ground-level view of the early implementation challenges of NCLB in Connecticut, as well as a roadmap for facing those challenges. We hope that our efforts will provide useful guidance as the debate over the future of NCLB continues.

Appendix

WHAT DOES THE DISTRICT LOOK LIKE?⁸³

Meriden District Demographic Breakdown

Total Number of Students:	8,742
American Indian	0.2%
Asian/Pacific Islander	1.8%
African American	12.0%
Hispanic	36.7%
White	49.3%
Non-English Home Language	25.8%
Free/Reduced Lunch	50.0%

Meriden School Data

	# of Schools	# of Students ⁸⁴	# Schools Not Making AYP
Total Schools	12		5
Elementary	8	3,812	3
Middle	2	2,208	2
High	2	2,482	N/A

Meriden Other

Per Pupil Expenditure	\$9,182
ERG	H
Number Certified Teachers	613.9
Average Class Size	K: 18.7 2: 20.3 5: 21.3 7: 21.9 HS: 20.1
Percent of Highly Qualified Teachers	99.5%
Student: Teacher Ratio	14.3
Graduation Rate	78.7%
% to 2 and 4 year college or university	79.0%
Cumulative Dropout Rate	17.8%
Average SAT Scores	487 Math, 488 Verbal

Meriden AYP Indicators

	CMT			CAPT			EL	HS
	Part	Math	Rdg	Part	Math	Read	Writing	Grad
Overall	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Afr. Am.	Yes	No	Yes	No	Yes	N/A		
Hispanic	Yes	No	No	No	No	Yes		
White	Yes	Yes	Yes	No	Yes	Yes		
Special Ed	Yes	No	No	No	No	No		
ELL	Yes	No	No	N/A	N/A	N/A		
Low Income	Yes	No	No	No	No	Yes		

⁸³ Based on 2002-2003 School Profiles and 2001-2002 NCLB Report Cards on the CT Department of Education Website.

⁸⁴ Projected Enrollment in October 2007.

WHAT DOES THE DISTRICT LOOK LIKE?⁸⁵

New Haven District Demographic Breakdown

Total Number of Students:	
American Indian	20,436
Asian/Pacific Islander	1.2%
African American	54.8%
Hispanic	30.9%
White	11.1%
Non-English Home Language	30.0%
Free/Reduced Lunch	67.1%

New Haven School Data

	# of Schools	# of Students ⁸⁶	# Schools Not Making AYP
Total Schools	45		18
Elementary	29	8,481	13
Middle	7	5,631	5
High	9	5,752	

New Haven Other

Per Pupil Expenditure	\$11,840
ERG	I
Number Certified Teachers	1394.5
Average Class Size	K: 23.7% 2: 20.8% 5: 23.2% 7: 25.3% HS: 20.6%
Percent of Highly Qualified Teachers	96.5%
Student: Teacher Ratio	14.6
Graduation Rate	73.9%
% to 2 and 4 year college or university	81.6%
Cumulative Dropout Rate	18.5%
Average SAT Scores	395 Math, 409 Verbal

New Haven AYP Indicators

	CMT			CAPT			EL	HS
	Part	Math	Rdg	Part	Math	Read	Writing	Grad
Overall	Yes	Yes	No	No	No	Yes	Yes	Yes
Afr. Am.	Yes	No	No	No	No	Yes		
Hispanic	Yes	Yes	No	No	No	Yes		
White	Yes	Yes	Yes	No	Yes	Yes		
Special Ed	Yes	No	No	No	No	No		
ELL	No	No	No	No	N/A	N/A		
Low Income	Yes	No	No	No	No	Yes		

⁸⁵ Based on 2002-2003 School Profiles and 2001-2002 NCLB Report Cards on the CT Department of Education Website.

⁸⁶ Projected enrollment in October 2007.

WHAT DOES THE DISTRICT LOOK LIKE?⁸⁷

New Milford District Demographic Breakdown

Total Number of Students:	5,202
American Indian	0.1%
Asian/Pacific Islander	2.8%
African American	1.7%
Hispanic	3.6%
White	91.3%
Non-English Home Language	3.3%
Free/Reduced Lunch	8.1%

New Milford School Data

	# of Schools	# of Students ⁸⁸	# Schools Not Making AYP
Total Schools	6		1
Elementary	3	2,696	0
Middle	2	802	1
High	1	1,653	N/A

New Milford Other

Per Pupil Expenditure	\$8,406
ERG	D
Number Certified Teachers	337.1
Average Class Size	K: 19.0 2: 21.3 5: 22.9 7: 20.4 HS: 20.0
Percent of Highly Qualified Teachers	98.4%
Student: Teacher Ratio	15.4
Graduation Rate	96.8%
% to 2 and 4 year college or university	79.3%
Cumulative Dropout Rate	2.8%
Average SAT Scores	538 Math, 520 Verbal

New Milford AYP Indicators

	CMT			CAPT			EL	HS
	Part	Math	Rdg	Part	Math	Read	Writing	Grad
Overall	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Afr. Am.	Yes	Yes	Yes	N/A	N/A	N/A		
Hispanic	Yes	Yes	Yes	N/A	N/A	N/A		
White	Yes	Yes	Yes	No	Yes	Yes		
Special Ed	Yes	No	No	No	Yes	Yes		
ELL	N/A	Yes	Yes	N/A	N/A	N/A		
Low Income	Yes	Yes	Yes	No	N/A	N/A		

⁸⁷ Based on 2002-2003 School Profiles and 2001-2002 NCLB Report Cards on the CT Department of Education Website.

⁸⁸ Projected enrollment in October 2007.

WHAT DOES THE DISTRICT LOOK LIKE?⁸⁹

West Hartford District Demographic Breakdown

Total Number of Students:	9,627
American Indian	0.2%
Asian/Pacific Islander	8.3%
African American	9.5%
Hispanic	11.9%
White	70.1%
Non-English Home Language	16.6%
Free/Reduced Lunch	13.2%

West Hartford School Data

	# of Schools	# of Students ⁹⁰	# Schools Not Making AYP
Total Schools	16		1
Elementary	11	4,592	0
Middle	3	2,345	1
High	2	3,083	N/A

West Hartford Other

Per Pupil Expenditure	\$9,081
ERG	B
Number Certified Teachers	729.3
Average Class Size	K: 19.2 2: 19.3 5: 21.0 7: 20.3 HS: 20.6
Percent of Highly Qualified Teachers	97.3
Student: Teacher Ratio	13.2
Graduation Rate	91.6% (2002)
% to 2 and 4 year college or university	92.1%
Cumulative Dropout Rate	8.6%
Average SAT Scores	548 Math, 543 Verbal

West Hartford AYP Indicators

	CMT			CAPT			EL	HS
	Part	Math	Rdg	Part	Math	Read	Writing	Grad
Overall	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Afr. Am.	Yes	Yes	Yes	No	Yes	Yes		
Hispanic	Yes	Yes	Yes	No	Yes	Yes		
White	Yes	Yes	Yes	Yes	Yes	Yes		
Special Ed	Yes	No	No	No	Yes	Yes		
ELL	Yes	Yes	Yes	N/A	N/A	N/A		
Low Income	Yes	Yes	Yes	No	Yes	Yes		

⁸⁹ Based on 2001-2002 School Profiles and NCLB Report Cards on the CT Department of Education Website.

⁹⁰ Projected enrollment in October 2007.

SUPERINTENDENT SURVEY

To what extent did your district take each of the following actions in response to No Child Left Behind (NCLB)?

	Very great	Somewhat	Slight	Not at all	Don't Know
Increased its use of student achievement data in informing instruction					
Tailored the curriculum to prepare students for standardized tests					
Instituted a uniform curriculum for each grade level district wide					
Tailored the instructional techniques to prepare students for standardized tests					
Instituted uniform instructional techniques for each grade level district wide					
Used scientifically-based research in curricular or instructional decision making					
Lengthened the school day					
Lengthened the school year					
Increased district oversight of schools					
Planned or accomplished the reopening of schools as charter schools					
Considered refusing federal funds					
Altered the allocation of funds in the district budget					
Used supplemental funding sources (If yes, list examples)					
<i>Additional Comments:</i>					

To what extent will your district increase your emphasis on the following areas in response to NCLB?

	Greatly expanded program	Slightly expanded program	Slightly reduced program	Reduced program greatly	No change or N/A
Before school programs					
After school programs					
Weekend programs					
Summer programs					
Use of specialists to deliver targeted instruction to groups of low-achieving students					
Teacher professional development					
Principal professional development					
Special education services					
Teaching of English Language Learners					
All day kindergarten program					
Early care program (e.g. school readiness)					
<i>Additional Comments:</i>					

The following is a list of NCLB requirements. Please indicate the extent to which you agree that these requirements are consistent with your district’s efforts to raise student achievement.

	Strongly Agree	Somewhat agree	Somewhat disagree	Strongly disagree	N/A or No Opinion
Yearly testing					
Score reports by sub-groups					
Adequate yearly progress (AYP) standard					
Highly Qualified Teacher Requirement					
Reading First Grants					
Scientifically based research requirements					
Rating of schools as “in need of improvement”					
Sanctions for schools placed on improvement lists					
School choice options					
Supplemental Services Option					
<i>Additional Comments:</i>					

Of the above requirements, which three would you change and how would you change them (please list the three most important first).

1. _____
2. _____
3. _____

Please rate the extent to which you agree with each of the following statements:

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	No opinion or N/A
I feel that I understand the NCLB Act.					
I would like to be better informed about the NCLB Act.					
The federal government has provided CT with enough money to meet NCLB requirements.					
The state has provided enough money to my district to meet NCLB requirements.					
The information about NCLB I've received from the state has been timely and consistent.					
My district has considered refusing federal funds to avoid meeting NCLB requirements.					
My district has changed the way it works with special education students to meet sub-group requirements.					
My district has changed the way it works with English language learners to meet sub-group requirements.					
NCLB has made it more difficult for my district to attract and retain teachers.					
NCLB has made it easier for my district to attract and retain paraprofessionals who can provide supplemental services.					
Community organizations have been involved in the implementation of NCLB.					
The community believes that NCLB has a positive effect on the school.					
The local media has covered NCLB's effect on the school in a positive way.					

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	No opinion or N/A
Over time, I believe NCLB will lead to an increase in student achievement.					
There has been adequate time to implement the necessary changes/procedures to comply with NCLB.					
The amount and type of information districts are required to report by NCLB is realistic.					
Over time, I believe NCLB will lead to an increase in student achievement.					
There has been adequate time to implement the necessary changes/procedures to comply with NCLB.					
The amount and type of information districts are required to report by NCLB is realistic.					
Over time, I believe NCLB will lead to a decrease in the achievement gap.					
Over time, I believe NCLB will lead to an improvement in the quality of teacher workforce.					
The “in need of improvement” label has decreased morale in my district.					
The sanctions for “in need of improvement” schools hurt the school.					
The sanctions for “in need of improvement” schools are justified.					
The Adequate Yearly Progress (AYP) measures are appropriate and achievable.					
The AYP measures will raise expectations for student achievement.					

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	No opinion or N/A
The options for school choice are clear to parents and families.					
The choice options are realistic for the students in my district.					
There is adequate transportation to other schools for choice options.					
<i>Additional Comments:</i>					

How would you rate the quality of assistance the district has received from the following organizations and agencies regarding the implementation of NCLB?

	Extremely helpful	Substantially helpful	Slightly helpful	Not helpful	N/A or Did not receive assistance
Connecticut Department of Education Officials					
Connecticut Department of Education Website					
Higher Education Institutions					
Professional associations (e.g. unions)					
Non-profit organizations (e.g. lobbying groups)					
For-profit organizations (e.g. private consultants)					
US Department of Education Officials					
US Department of Education Website					
Mentor or coach for principals					
Other (please list below)					
<i>Additional Comments:</i>					

Before 2002, your district tracked the following types of data (check all that apply):

	By race/ethnicity	By free/reduced lunch	By special education	Tracked, but not in subgroups	Not tracked
Transfer rate of students within district					
Transfer rate of students outside district					
Drop-out rate					
Use of special education services					
Use of supplemental services					
Truancy rates					
Suspension/Expulsion rates					
Other: (list below)					

Your district is currently tracking the following types of data (check all that apply):

	By race/ethnicity	By free/reduced lunch	By special education	Tracked, but not in subgroups	Not tracked
Transfer rate of students within district					
Transfer rate of students outside district					
Drop-out rate					
Use of special education services					
Use of supplemental services					
Truancy rates					
Suspension/Expulsion rates					
Other: (list below)					

Additional Comments about Tracking Data:

Rate the extent to which NCLB has impacted or will impact your district financially in the following areas.

	Substantial cost	Slight cost	No impact	Slight saving	Substantial saving
Educating yourself about the provisions of NCLB					
Educating others in your district about the provisions of NCLB					
Test administration					
Professional development					
Ensuring that a research based curriculum is used in the schools					
Analysis of test data					
Adjustment of curriculum to reflect testing results					
Hiring of new teachers to comply with Highly Qualified Teacher requirements					
Helping current teachers comply with Highly Qualified Teacher requirements					
Provision of supplemental services					
Transportation for choice options					
Record-keeping					
Communication (with CT and US Departments of Education)					
Other: (please list and explain below)					
<i>Additional Comments:</i>					

What has been the effect of NCLB on your district's accomplishment of the following objectives?

	Strongly positive	Somewhat positive	Somewhat negative	Strongly negative	N/A or No Opinion
Creating a diverse curriculum					
Having clear instructional objectives					
Keeping high staff morale					
Attracting and retaining qualified staff					
Providing a wide array of extracurricular activities					
Accurately identifying students in need of special education services					
Meeting the needs of special education students					
Maintaining a low drop-out rate					
Maintaining a low truancy rate					
Maintaining a low suspension rate					
Providing high quality supplemental services as needed					
Allocating district funds to meet the district's highest priorities					
Other effects (please explain):					
<i>Additional Comments:</i>					

District Name: _____

How many students are in your district?

Less than 1,000 1,000-2,000 2,000-3,000 3,000-4,000
 4,000-5,000 5,000-6,000 More than 6,000

How many years have you been a superintendent (If you have been a superintendent at more than one school please list the cumulative number of years)?

Thank you for completing the survey.

Please check here if you would be willing to further discuss your responses.

I would like to discuss my responses (Please provide contact information below)

I am not interested in discussing my responses further

Contact Information:

Name: _____

Phone: _____

E-mail: _____

Preferred Method of Contact:

Phone

E-mail

PRINCIPAL SURVEY

Please rate the extent to which you agree with each of the following statements

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	No opinion
I have been provided with adequate information about the No Child Left Behind Act (NCLB).					
I have been provided with information on NCLB in a timely manner.					
I understand the No Child Left Behind Act.					
NCLB is making my school a better place.					
NCLB has fostered greater accountability in my school.					
NCLB limits the creativity and innovation I am able to bring to my job.					
NCLB helps me to do my job better.					
The data collected from NCLB will provide diagnostic information I do not already have to serve the needs of students.					
NCLB's qualified teacher requirements help me staff my school in a better way than I did prior to the requirements.					
NCLB makes my job less enjoyable.					
NCLB has increased the amount of paperwork I have to do.					
<i>Additional Comments:</i>					

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	No opinion
NCLB has changed my approach to hiring new teachers.					
NCLB has improved the way I supervise teachers.					
NCLB has improved the way I evaluate teachers.					
NCLB has increased the amount of time/energy I spend on supervising and evaluating teachers.					
NCLB has made it easier to ensure that teachers are properly qualified for the job.					
NCLB has made it easier to ensure that teachers are performing satisfactorily.					
NCLB has hurt teacher morale.					
NCLB has diverted resources from extracurricular activities (e.g., music, drama, athletics, clubs).					
NCLB will provide the resources necessary for remediation of failing students.					
NCLB has diverted resources from the gifted and talented program at my school.					
<i>Additional Comments:</i>					

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	No opinion
NCLB has changed the way I assess the performance of students in my school.					
NCLB places too much emphasis on standardized testing.					
NCLB has made it easier to assess the performance of students in my school accurately.					
NCLB has made it easier to meet the needs of individual students.					
NCLB has resulted in increased class size at my school.					
NCLB has diverted resources from academic support services (e.g., tutoring).					
NCLB has changed the way I approach discipline issues.					
NCLB has resulted in an increased number of suspensions/expulsions at my school.					
NCLB has resulted in an increased number of dropouts at my school.					
In order to meet the objectives of the Act, some students in my school need the standardized tests to be translated into languages other than English.					
<i>Additional Comments:</i>					

How would you rate the quality of assistance the district has received from the following organizations and agencies regarding the implementation of NCLB?

	Extremely helpful	Substantially helpful	Slightly helpful	Not helpful	N/A or Did not receive assistance
Personal independent research					
District superintendent's office					
State Department of Education					
US Department of Education					
Professional associations					
<i>Additional Comments:</i>					

What effect has NCLB had on the following groups of students in your school?

	Strongly positive	Somewhat positive	Somewhat negative	Strongly negative	No effect or N/A
Disabled students					
English language learners					
Minority students					
Low-income students					
<i>Additional Comments:</i>					
What else haven't we asked you about that you'd like us to know?					

The questions in this section will be used for data- gathering purposes only. They will not be used for identification in any way.

District:

School:

What grade levels does your school include? (check all that apply)

K 1st 2nd 3rd 4th 5th 6th
 7th 8th 9th 10th 11th 12th

How many years have you been a principal? (If you have been a principal at more than one school, please list the cumulative number of years).

What are the two things you like best about your school?

What are two changes you would like to see at your school?

Thank you for completing the survey.

If we have further questions, may we contact you?

Yes (Please complete the contact information below.)

No

Contact Information:

Name: _____

Phone: _____

E-mail: _____

Preferred Method of Contact:

Phone

E-mail

Superintendent Interview Talking Points

Boldfaced questions are core questions we want to drive, but the interviewer may wish to lead with the other questions, and see where the conversation goes. Also, the subject's response to the written survey may argue for a greater or lesser emphasis on particular questions.

1. How helpful has the information been that you have received about NCLB?

Has this information been accurate? Clear? Timely? How much time and energy do you spend trying to understand NCLB? To whom do you turn for clarification? How well do you feel you understand it? From where you stand, what are its most important provisions?

2. How has NCLB affected your district?

Describe your district. What are its strengths? Weaknesses? Needs? What positive and negative effects has NCLB had on your district? What effects do you foresee over the long haul?

3. How has NCLB affected your budget?

Have your budget priorities changed? Has your budget contracted or expanded? Has the balance between your funding sources (federal, state, local) shifted? Have you added, streamlined, or cut specific programs? What have been the costliest elements of NCLB in terms of your compliance?

4. How has NCLB affected curricula in your district?

Have you implemented a commercial curriculum? Have you or your principals exerted more control over curricula? Have you eliminated subjects? Have you cut back on extracurricular activities?

5. How has NCLB affected staff in your district?

How has NCLB affected principals? How has it affected your supervision of principals? How have principals been informed about NCLB? How has NCLB affected teachers? How has NCLB affected hiring and retention? Have you changed your professional development program?

6. How have NCLB's testing requirements affected your district?

What costs have the testing requirements imposed on your district? Have you adjusted curricula to respond to those requirements? Have these requirements affected the morale of principals, teachers, or students?

7. How have NCLB's accountability measures affected your district?

Is the system for evaluating schools under NCLB fair? Should it be changed? How have NCLB's school choice provisions affected your district? Have you planned for / accomplished transfers? Have you planned to provide/begun providing supplemental services? How are you evaluating the quality of private service providers? What sacrifices are you making in order to pay for private service providers?

8. How has NCLB affected students in your district?

English language learners? Minority students? Students with disabilities? Low-income students? Gifted and talented? How are you helping students in these groups to succeed on

the test? Have you heard the reports of under-performing students being pushed out of school? Do you think that's a danger? How will you help students who have failed the test?

9. **How has NCLB affected the relationship of your district to the community?**

What have you heard from parents about their reactions to NCLB? Does the community seem to believe NCLB will improve the schools? Has it changed / will it change the way they see the schools? How has NCLB affected the dynamics of your relationship to the school board?