

THE NO CHILD LEFT BEHIND ACT OF 2001

*These reforms express my deep belief in our public schools
and their mission to build the mind and character of every child,
from every background, in every part of America.*

*President George W. Bush
January 2001*

Three days after taking office in January 2001 as the 43rd President of the United States, George W. Bush announced *No Child Left Behind*, his framework for bipartisan education reform that he described as “the cornerstone of my Administration.” President Bush emphasized his deep belief in our public schools, but an even greater concern that “too many of our neediest children are being left behind,” despite the nearly \$200 billion in Federal spending since the passage of the Elementary and Secondary Education Act of 1965 (ESEA). The President called for bipartisan solutions based on accountability, choice, and flexibility in Federal education programs.

Less than a year later, despite the unprecedented challenges of engineering an economic recovery while leading the Nation in the war on terrorism following the events of September 11, President Bush secured passage of the landmark No Child Left Behind Act of 2001 (NCLB Act). The new law reflects a remarkable consensus—first articulated in the President’s *No Child Left Behind* framework—on how to improve the performance of America’s elementary and secondary schools while at the same time ensuring that no child is trapped in a failing school.

The NCLB Act, which reauthorizes the ESEA, incorporates the principles and strategies proposed by President Bush. These include increased accountability for States, school districts, and schools; greater choice for parents and students, particularly those attending low-performing schools; more flexibility for States and local educational agencies (LEAs) in the use of Federal education dollars; and a stronger emphasis on reading, especially for our youngest children.

Increased Accountability

The NCLB Act will strengthen Title I accountability by requiring States to implement statewide accountability systems covering all public schools and students. These systems must be based on challenging State standards in reading and mathematics, annual testing for all students in grades 3-8, and annual statewide progress objectives ensuring that all groups of students reach proficiency within 12 years. Assessment results and State progress objectives must be broken out by poverty, race, ethnicity, disability, and limited English proficiency to ensure that no group is left behind. School districts and schools that fail to make adequate yearly progress (AYP) toward statewide proficiency goals will, over time, be subject to improvement, corrective action, and restructuring measures aimed at getting them back on course to meet State standards. Schools that meet or exceed AYP objectives or close achievement gaps will be eligible for State Academic Achievement Awards.

More Choices for Parents and Students

The NCLB Act significantly increases the choices available to the parents of students attending Title I schools that fail to meet State standards, including immediate relief—beginning with the

2002-03 school year—for students in schools that were previously identified for improvement or corrective action under the 1994 ESEA reauthorization.

LEAs must give students attending schools identified for improvement, corrective action, or restructuring the opportunity to attend a better public school, which may include a public charter school, within the school district. The district must provide transportation to the new school, and must use at least 5 percent of its Title I funds for this purpose, if needed.

For students attending persistently failing schools (those that have failed to meet State standards for at least 3 of the 4 preceding years), LEAs must permit low-income students to use Title I funds to obtain supplemental educational services from the public- or private-sector provider selected by the students and their parents. Providers must meet State standards and offer services tailored to help participating students meet challenging State academic standards.

To help ensure that LEAs offer meaningful choices, the new law requires school districts to spend up to 20 percent of their Title I allocations to provide school choice and supplemental educational services to eligible students.

In addition to helping ensure that no child loses the opportunity for a quality education because he or she is trapped in a failing school, the choice and supplemental service requirements provide a substantial incentive for low-performing schools to improve. Schools that want to avoid losing students—along with the portion of their annual budgets typically associated with those students—will have to improve or, if they fail to make AYP for 5 years, run the risk of reconstitution under a restructuring plan.

Greater Flexibility for States, School Districts, and Schools

One important goal of *No Child Left Behind* was to breathe new life into the “flexibility for accountability” bargain with States first struck by President George H.W. Bush during his historic 1989 education summit with the Nation’s Governors at Charlottesville, Virginia. Prior flexibility efforts have focused on the waiver of program requirements; the NCLB Act moves beyond this limited approach to give States and school districts unprecedented flexibility in the use of Federal education funds in exchange for strong accountability for results.

New flexibility provisions in the NCLB Act include authority for States and LEAs to transfer up to 50 percent of the funding they receive under 4 major State grant programs to any one of the programs, or to Title I. The covered programs include Teacher Quality State Grants, Educational Technology, Innovative Programs, and Safe and Drug-Free Schools.

The new law also includes a competitive State Flexibility Demonstration Program that permits up to 7 States to consolidate the State share of nearly all Federal State grant programs—including Title I, Part A Grants to Local Educational Agencies—while providing additional flexibility in their use of Title V Innovation funds. Participating States must enter into 5-year performance agreements with the Secretary covering the use of the consolidated funds, which may be used for any educational purpose authorized under the ESEA. As part of their plans, States also must enter into up to 10 local performance agreements with LEAs, which will enjoy the same level of flexibility granted under the separate Local Flexibility Demonstration Program.

The new competitive Local Flexibility Demonstration Program would allow up to 80 LEAs, in addition to the 70 LEAs under the State Flexibility Demonstration Program, to consolidate funds

received under Teacher Quality State Grants, Educational Technology State Grants, Innovative Programs, and Safe and Drug-Free Schools programs. Participating LEAs would enter into performance agreements with the Secretary of Education, and would be able to use the consolidated funds for any ESEA-authorized purpose.

Putting Reading First

No Child Left Behind stated President Bush's unequivocal commitment to ensuring that every child can read by the end of third grade. To accomplish this goal, the new Reading First initiative would significantly increase the Federal investment in scientifically based reading instruction programs in the early grades. One major benefit of this approach would be reduced identification of children for special education services due to a lack of appropriate reading instruction in their early years.

The NCLB Act fully implements the President's Reading First initiative. The new Reading First State Grant program will make 6-year grants to States, which will make competitive subgrants to local communities. Local recipients will administer screening and diagnostic assessments to determine which students in grades K-3 are at risk of reading failure, and provide professional development for K-3 teachers in the essential components of reading instruction.

The new Early Reading First program will make competitive 6-year awards to LEAs to support early language, literacy, and pre-reading development of preschool-age children, particularly those from low-income families. Recipients will use instructional strategies and professional development drawn from scientifically based reading research to help young children to attain the fundamental knowledge and skills they will need for optimal reading development in kindergarten and beyond.

Other Major Program Changes

The No Child Left Behind Act of 2001 also put the principles of accountability, choice, and flexibility to work in its reauthorization of other major ESEA programs. For example, the new law combines the Eisenhower Professional Development and Class Size Reduction programs into a new Improving Teacher Quality State Grants program that focuses on using practices grounded in scientifically based research to prepare, train, and recruit high-quality teachers. The new program gives States and LEAs flexibility to select the strategies that best meet their particular needs for improved teaching that will help them raise student achievement in the core academic subjects. In return for this flexibility, LEAs are required to demonstrate annual progress in ensuring that all teachers teaching in core academic subjects within the State are highly qualified.

The NCLB Act also simplified Federal support for English language instruction by combining categorical bilingual and immigrant education grants that benefited a small percentage of limited English proficient students in relatively few schools into a State formula program. The new formula program will facilitate the comprehensive planning by States and school districts needed to ensure implementation of programs that benefit all limited English proficient students by helping them learn English and meet the same high academic standards as other students.

Other changes will support State and local efforts to keep our schools safe and drug-free, while at the same time ensuring that students—particularly those who have been victims of violent crimes on school grounds—are not trapped in persistently dangerous schools. As proposed in

No Child Left Behind, States must allow students who attend a persistently dangerous school, or who are victims of violent crime at school, to transfer to a safe school. States also must report school safety statistics to the public on a school-by-school basis, and LEAs must use Federal Safe and Drug-Free Schools and Communities funding to implement drug and violence prevention programs of demonstrated effectiveness.