

September 2004

NO CHILD LEFT BEHIND ACT

Improvements Needed in Education's Process for Tracking States' Implementation of Key Provisions



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Highlights

Highlights of [GAO-04-734](#), a report to congressional committees

Why GAO Did This Study

The No Child Left Behind Act of 2001 (NCLBA) has focused national attention on improving the academic achievement of the nation's 48 million students by establishing a deadline—school year 2013-14—for public schools to ensure that all students are proficient in reading and math. Accordingly, states, the District of Columbia, and Puerto Rico developed plans that set goals for increasing the numbers of students who attain proficiency on state tests each year, with all meeting goals by 2014. To provide information about states' efforts, GAO determined (1) what goals states established for student proficiency and their implications for whether schools will meet these goals; (2) what factors facilitated or impeded selected state and school district implementation efforts; and (3) how the Department of Education (Education) supported state efforts and approved state plans to meet student proficiency requirements.

What GAO Recommends

We are recommending that the Secretary of Education delineate a written process and timeframes for states to meet conditions for full approval, develop a written plan with steps and timeframes so all states have approved standards and assessment systems by 2006, and further support states' efforts to gather accurate student data used to determine if goals have been met. Education disagreed with the first recommendation and agreed with the others. www.gao.gov/cgi-bin/getrpt?GAO-04-734.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Marnie S. Shaul at (202) 512-7215 or shaulm@gao.gov.

NO CHILD LEFT BEHIND ACT

Improvements Needed in Education's Process for Tracking States' Implementation of Key Provisions

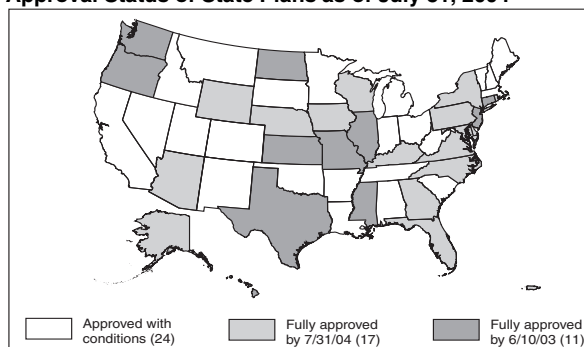
What GAO Found

States varied in how they established proficiency goals and measured student progress, which is permitted by NCLBA so that states can address their unique circumstances. For example, states differed in the annual rates of progress they expected schools to make in order to have all of their students academically proficient by 2014 and in methods used to determine whether schools had met state goals. This variation in state approaches could affect how many schools meet their annual goals over time.

State and school district officials said that their leadership's commitment to improving student achievement and technical assistance provided by an Education contractor facilitated implementation of NCLBA requirements. However, tight timeframes for determining school progress and problems with student data impeded implementation. Measuring achievement with faulty data can lead to inaccurate information on schools meeting proficiency goals. Education is working on efforts to help states improve their data systems, such as monitoring state data quality policies.

Education assisted states in developing their plans for improving student proficiency and by June 10, 2003 approved, fully (11) or conditionally (41), all plans. As of July 31, 2004, Education had fully approved 28 states' plans without conditions; plans from 23 states and the District of Columbia were approved but contained conditions needed to implement NCLBA requirements. To help states, Education asked assessment experts to review all plans and provide states with on-site evaluations. Although Education officials said that they are continually monitoring states whose plans have conditions, the Department does not have a written process that delineates how and when each state will meet its conditions. In addition, by the school year (2005-06) NCLBA requires states to increase assessments. Education has developed guidance for its review and approval of states' expanded standards and assessments. However, it has not established a written plan that clearly identifies the steps required, interim goals, review schedules, and timelines. Without such written plans, states may be challenged to meet NCLBA system requirements by the 2005-06 deadline.

Approval Status of State Plans as of July 31, 2004



Source: GAO analysis.

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Abbreviations

ESEA	Elementary and Secondary Education Act
NCLBA	No Child Left Behind Act
LEA	Local Educational Agency

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United States Government Accountability Office
Washington, DC 20548

September 30, 2004

The Honorable Judd Gregg
Chairman
The Honorable Edward M. Kennedy
Ranking Minority Member
Committee on Health, Education,
Labor, and Pensions
United States Senate

The Honorable John A. Boehner
Chairman
The Honorable George Miller
Ranking Minority Member
Committee on Education and the Workforce
House of Representatives

The No Child Left Behind Act of 2001 (NCLBA) has focused national attention on increasing academic achievement and closing achievement gaps among the nation's 48 million school-aged children by establishing a deadline—school year 2013-14—for public schools to bring all of their students to an achievement level deemed “proficient” in reading and math by their state. This includes students in total and in NCLBA-designated student groups—students who are economically disadvantaged, are members of major racial or ethnic groups, have disabilities, or have limited English proficiency. As a condition for receiving federal funds, NCLBA required that each state submit a plan to the Department of Education (Education) that describes how the state will ensure that all students are proficient in reading and math by the deadline, as measured primarily by tests each state used. To provide information about the current status of states' efforts to implement student proficiency requirements, GAO determined (1) what goals states established for student proficiency and their implications for whether schools will meet these goals, (2) what factors facilitated or impeded selected state and school district implementation efforts, and (3) how Education supported state efforts and approved state implementation plans to meet student proficiency requirements.

To address these issues, we analyzed data from plans which all states submitted to Education and that Education approved by June 2003. We extracted detailed information from each plan and developed a database

of that information to facilitate analysis. We also contacted officials in 50 states, the District of Columbia, and Puerto Rico to obtain information about the number of schools they had identified as meeting annual progress goals and their school and district characteristics in 2002-03.¹ We visited 4 states (California, Illinois, North Carolina, and Rhode Island) and 6 school districts within these states, and conducted phone interviews with officials in another 17 states to obtain information about factors that facilitated and impeded implementation of student proficiency requirements. The states and districts were selected to achieve variation in geography and size and to explore variation among the states in such areas as their starting points, first-year goals, and successive annual student proficiency goals. We reviewed documentation Education provided the states, reviewed regulations and guidance issued by Education, and interviewed Education officials about their efforts to assist states in developing plans and their process for approving plans. We also reviewed the status of Education's approval of states' standards and assessments systems that were required to comply with the 1994 Elementary and Secondary Education Act (ESEA). In July 2004, in response to our requests, Education provided us with updated and new information related to the approval status of states' plans, grant award conditions, assessment system enforcement efforts, and assistance provided to improve the quality of state data. Finally, we interviewed officials from national education organizations and other experts in the area. We conducted our work between August 2003 and August 2004 in accordance with generally accepted government auditing standards.

Results in Brief

States varied in how they established proficiency and measured student progress, and this variation in state approaches could affect how many schools meet their annual goals over time. NCLBA permits such variability for each state to address its unique circumstances, thus differences are not unexpected. First, states varied in their starting points—the 2001-02 assessment levels that were used to set first-year proficiency goals—and also varied in their first-year goals. NCLBA prescribed a statutory formula for determining starting points based on each state's 2001-02 assessment data. State starting points reflected the differences in decisions states had previously made in choosing content standards, determining the rigor of

¹Hereinafter, the term *states* will refer collectively to the 50 states plus the District of Columbia and Puerto Rico.

tests developed or chosen to measure student performance, and setting proficiency levels. Consequently, the percentage of students expected to meet proficiency goals in the first year varied widely. For example, in California's schools, 14 percent of elementary school students were expected to be proficient in reading in the first year, while Colorado expected that 78 percent of its elementary students would be proficient. States also varied in the minimum size of designated groups, such as economically disadvantaged and ethnic minority students, whose progress must be measured separately. In determining whether schools met proficiency goals, states were not required to include results for these groups if the number of students was too small to yield statistically reliable information. For example, in the state of Washington, which has a minimum group size of 30, schools would not be required to include separately the test scores for any group of fewer than 30 students. States also varied in the percentage of students they expected to be proficient annually to meet NCLBA's requirement that all students be proficient by 2014. For example, some states expected schools to show steady progress every year and others every 3 years. Finally, states varied in how they planned to determine whether their schools met state goals. The majority of states used statistical techniques that they believed improved the accuracy of their determinations, such as determining that a school had made adequate progress if the percentage of students scoring at the proficient level or above came within a statistical range (i.e., confidence intervals) of the state goal. The approaches states used to establish goals and determine student proficiency, such as confidence intervals, could have implications over time for the number of schools that meet their goals.

State officials we interviewed cited factors that facilitated implementation of student proficiency requirements, such as the commitment of their state leadership to the goals of NCLBA and technical assistance. However, factors such as data problems and tight timelines for determining school progress impeded implementation. Officials reported that state leadership, by providing administrative and legislative support, had been influential in facilitating the goals of NCLBA. They also reported that technical assistance from the Council of Chief State School Officers, under contract with Education, had been an important factor in facilitating states' first-year implementation. On the other hand, more than half of the state and school district officials we interviewed reported being hampered by poor and unreliable student data. Reliable data are essential for implementing the requirements of the law. For example, officials in Illinois reported that about 300 of their 1,055 districts had problems with data accuracy. Education is working on efforts to help states improve their data systems,

such as monitoring state data quality policies and establishing a common set of data definitions. Officials from about half of the 21 states also said that tight timelines impeded implementation of student proficiency requirements. For example, because tests were often given late in the school year, it was difficult for states to make final determinations about whether schools had met progress goals prior to the next school year.

Education assisted states in developing their plans for improving student proficiency in several ways and approved all plans, fully or conditionally, by June 10, 2003. To help states, Education asked experts familiar with student assessments to review all plans and provide them with on-site evaluation. Education also allowed states some flexibility with certain requirements, such as granting all states greater flexibility in determining how students with limited English proficiency could be assessed. On June 10, 2003, when Education announced it had approved all plans, 11 state plans met all NCLBA requirements. The remaining 41 plans were approved by Education with conditions that needed to be met to satisfy all NCLBA requirements. As of July 31, 2004, 28 states had plans that met all NCLBA requirements, and 24 states, including the District of Columbia, had plans with conditions that needed to be met before receiving full approval from Education. According to Education, states approved with conditions had sufficient information in their plans to demonstrate that the requirements of NCLBA could be met in the future if certain actions were taken.

Although Education officials said that they are continually monitoring states whose plans have not been fully approved, the department does not have a written process that delineates how and when each state will meet the conditions. In addition, in July 2004 some states did not have approved academic standards and assessment systems in place to meet the requirements for the 1994 education law, even though they are the primary means by which the law requires states to determine student proficiency. By school year (2005-06), all states are required by NCLBA to increase the current level of testing. Given the difficulties states experienced meeting the 1994 requirements, developing new standards and assessment systems to meet the expanded assessment requirements may be challenging for states. Education has developed guidance for its review and approval of states' expanded standards and assessment systems. However, it has not established a written plan that clearly identifies the steps required, interim goals, review schedules, and timelines. Without such a plan, states may be challenged to meet NCLBA standards and assessment systems requirements by the 2005-06 school year deadline.

We are recommending that the Secretary of Education delineate in writing the process and time frames that are appropriate for each state's particular

circumstances to meet conditions for full approval, develop a written plan that includes steps and time frames so that all states have approved NCLBA standards and assessment systems by the 2005-06 school year, and further support states' abilities to gather accurate student data used to determine whether schools met state goals.

In its comments on a draft of this report, Education expressed support for the recommendations we made on developing a written plan to help states meet the 2005-06 NCLBA requirements for standards and assessment systems and indicated the department has begun to take steps to develop such a plan. Education also supported our recommendation to provide additional assistance to the states to improve their abilities to gather accurate student performance data. Education disagreed with our recommendation that it delineate in writing the process and time frames for states to meet conditions needed to receive Education's full approval of their plans. Education indicated that it has a process to monitor states' progress, although not in writing, and that this process has resulted in additional plans being fully approved. We recognize the efforts the department has taken to support states' implementation of NCLBA. However, Education has not fully approved almost half (24) of state plans, meaning that conditions still exist for some states in order for them to be able to meet NCLBA provisions. A written delineation of conditions that these plans need to meet and the time frames appropriate for each state's circumstances would provide the necessary documentation and assurance to Education, Congress, and the public that the steps states need to take and the timeframes for their actions are clear and understood.

Background

Prior Federal Reform Efforts

Over the past 40 years, the Elementary and Secondary Education Act (ESEA) has authorized billions of dollars in federal grants to states and school districts to improve educational opportunities for economically disadvantaged children.² ESEA was reauthorized in 1994, with requirements designed to hold states accountable for student progress.³ Specifically, as a condition for receiving federal financial assistance under

²Title I, Part A, of the ESEA is the largest program of federal aid for elementary and secondary education, allocating almost \$12 billion in fiscal year 2003 to serve disadvantaged children in approximately 90 percent of the nation's school districts.

³ESEA was reauthorized and amended as the Improving America's Schools Act in 1994.

Title I, Part A, of the act, states were required to develop academic standards, develop tests and measure student proficiency in certain grades, and determine whether schools were meeting proficiency goals. As ESEA neared reauthorization in 2001, however, only 17 states had received Education's approval of their systems for standards and testing, and Congress was concerned that student performance was not improving as quickly as it should have, specifically among some student groups, such as the economically disadvantaged.

New Test Requirements and Standards and a Goal for 2014

In part to address these issues, the No Child Left Behind Act of 2001 enhanced the federal government's role in kindergarten-12th grade (K-12) education by taking steps to ensure that all students reach the "proficient" level of achievement within 12 years of the enactment of the law, that is, by school year 2013-14. NCLBA strengthened the 1994 reauthorization requirements in several ways. NCLBA increased the amount of testing in future school years. Beginning in the 2005-06 school year, tests in math and reading must be administered every year in grades 3 through 8 and once in high school, and by 2007-08, states must also measure students' science achievement. NCLBA requires that these tests serve as the primary means of determining the annual performance of schools and that states provide Education with evidence from the test publisher or other relevant sources that these assessments are of adequate technical quality and consistent with nationally recognized professional and technical standards. States are to show that increasing numbers of students are reaching the proficient level on state tests over time so that by 2014, every student is proficient.

Similar to the 1994 law, NCLBA also designated specific groups of students for particular focus. These four groups are students who (1) are economically disadvantaged, (2) represent major racial and ethnic groups, (3) have disabilities, and (4) are limited in English proficiency.⁴ States and school districts are required to measure the progress of all students in meeting proficiency goals, as well as to measure separately the progress of these designated groups. To be deemed as having made adequate progress, each school must show that each of these groups, as well as the school as a whole, met the state proficiency goal. Schools must also show that at

⁴Students with disabilities refers to students covered under the Individuals with Disabilities Education Act, the primary law that addresses the unique needs of children with disabilities.

least 95 percent of students in grades required to take the test have done so.⁵ Further, schools must also demonstrate that they have met state targets on another measure of progress—graduation rates in high school or attendance or other measures in elementary or middle schools.⁶

Finally, NCLBA requires that additional actions be taken if schools that receive funding under Title I, Part A, of the act do not meet state goals. Schools that have not made progress for 2 consecutive years or more are “identified for improvement” and must take certain actions such as offering parents an opportunity to transfer students to another school (school choice) and providing supplemental services (e.g., tutoring).⁷ States and school districts are required to provide funding up to a maximum amount specified in law for such actions, including transportation, tutoring, and training.

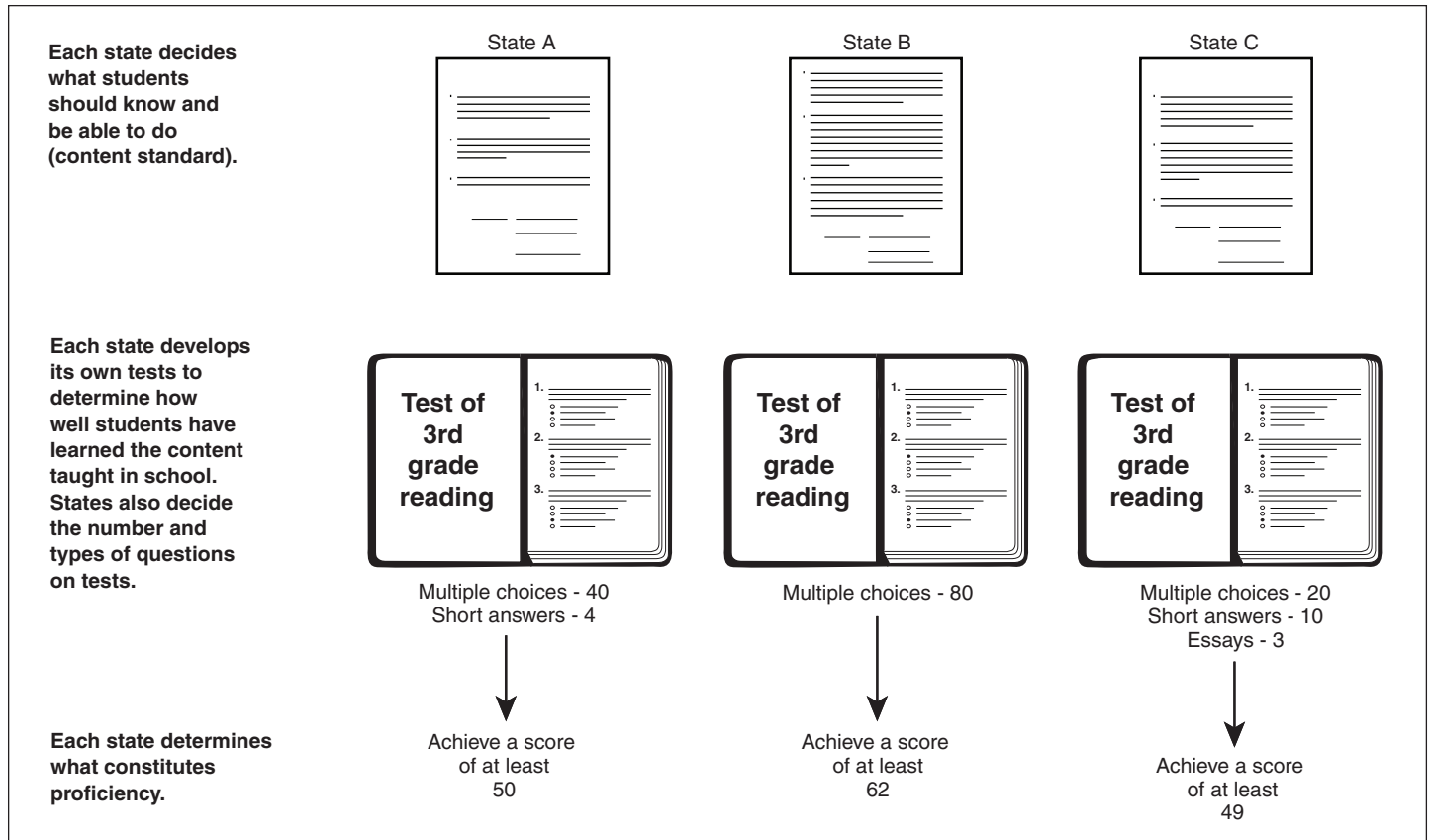
Although NCLBA placed many new requirements on states, states have broad discretion in many key areas. States develop their own tests to measure the content students are taught in their schools. States set their own standards for what constitutes “proficiency” (see fig. 1). NCLBA does, however, require states to set two standards for high achievement—“advanced” and “proficient,” to reflect a degree of mastery—and to set another standard for “basic” achievement to indicate the progress of the lower-achieving children toward mastering their state standards. As part of its monitoring, Education reviews any changes states may make to their tests and academic and proficiency requirements, and the law requires states to notify Education of any significant change.

⁵The department issued guidance in March 2004 indicating that states—if they request to do so—may average participation rates over 2 or 3 years.

⁶These other measures may include, but are not limited to, grade-to-grade retention rates, and changes in the percentage of students completing gifted and talented and advance placement or college preparatory courses.

⁷Schools designated as in need of improvement under the Improving America’s Schools Act had their designation carry over after NCLBA took effect.

Figure 1: Example of States' Discretion to Develop Their Own Content Standards and Tests and to Determine What Constitutes Proficiency on Each of the Tests



Source: GAO analysis.

State Plans for Setting Goals and Measuring Student Progress

Under NCLBA, each state requesting federal financial assistance was required to submit a plan to Education that, among other things, demonstrated how the state will meet the law's requirements for setting annual goals and measuring student progress.⁸ The law required that plans demonstrate that the state has developed and is implementing a statewide system that will be effective in ensuring that schools make adequate yearly progress toward the 2013-14 goal. The law also required that state plans

⁸We use the term *plan* to refer to a state's "accountability workbook," a format developed by Education. Education required states to use the accountability workbooks to detail the basic elements of the state's system to demonstrate meeting NCLBA requirements.

demonstrate what constitutes adequate yearly progress, and required that plans establish:

- Starting points for measuring the percentage of students who meet or exceed the state's proficient level of academic achievement using assessment data from the 2001-02 school year. The methods for computing starting points, as specified in the law, take into account such factors as scores from designated student groups and how schools rank in their state.⁹ Separate starting points were to be developed for reading/language arts and math.
- Annual goals, including first year goals, establishing the single minimum percentage of students who will be required to score at or above the proficient level on the state assessment in each year until 2013-14. The goals are based on the starting points for each state's reading and math assessments.¹⁰
- The minimum number of students in a designated student group necessary for their test results to be used as a separate group in determining whether a school met state goals. Each state was allowed to determine the minimum number required to ensure that the group size was sufficient to produce statistically reliable results.¹¹
- Graduation rates for high schools and another indicator of progress of the state's choosing for elementary and middle schools, such as attendance rates. Graduation rate is defined in NCLBA as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years.

Following states' submission of their plans in January of 2003, Education was statutorily required to conduct a peer review process, identifying federal and state officials and outside experts to meet as a team with each state, review its plan, and provide assistance. Subsequently, the teams were to provide their assessment of the extent to which state plans met

⁹See appendix I for a description of the methods the law required states to use to develop starting points.

¹⁰The first-year goals may or may not be the same as the starting points.

¹¹Measuring the achievement of a group of students is not required if the number of students in that group is insufficient to yield statistically reliable information or would reveal personally identifiable information about an individual student.

NCLBA requirements, such as having starting points, first-year goals and annual goals to ensure that every student would become proficient, and minimum student group sizes for measuring the achievement of designated students. The law required Education to review the plans and approve them within 120 days of a state's submission. If the Secretary determined that a state plan did not meet all requirements, he was required to notify the state and offer technical assistance, among other actions, before disapproving the plan.

NCLBA also requires the Secretary to report to Congress annually regarding state progress in implementing various requirements, including the number of schools identified as needing improvement. While NCLBA requires accurate and reliable data on student test scores and valid systems for identifying designated student groups, GAO, along with other auditors, has reported that states and school districts face serious challenges in this regard. GAO has proposed several recommendations for improving the collection and reporting of student data.¹² Additionally, Education's Inspector General has reported that the lack of procedures and controls on student data is a continuing challenge for the department.¹³

States Varied in the Goals Established for Student Progress, and That Variation May Have Implications for How Many Schools Meet State Goals over Time

States varied in how they established goals and measured student progress; this variation may affect how many schools meet their annual goals—adequate yearly progress—each year. NCLBA permits variability in a number of areas, allowing states to address their unique circumstances. States varied in the percentage of students they expected to demonstrate proficiency on their tests in the first year of NCLBA's implementation and in the number of students in designated groups whose proficiency had to be measured separately. They also varied in the annual rates they set to increase student proficiency. Finally, they differed in how they measured student progress. These variations may have implications for the number of schools that meet their goals each year.

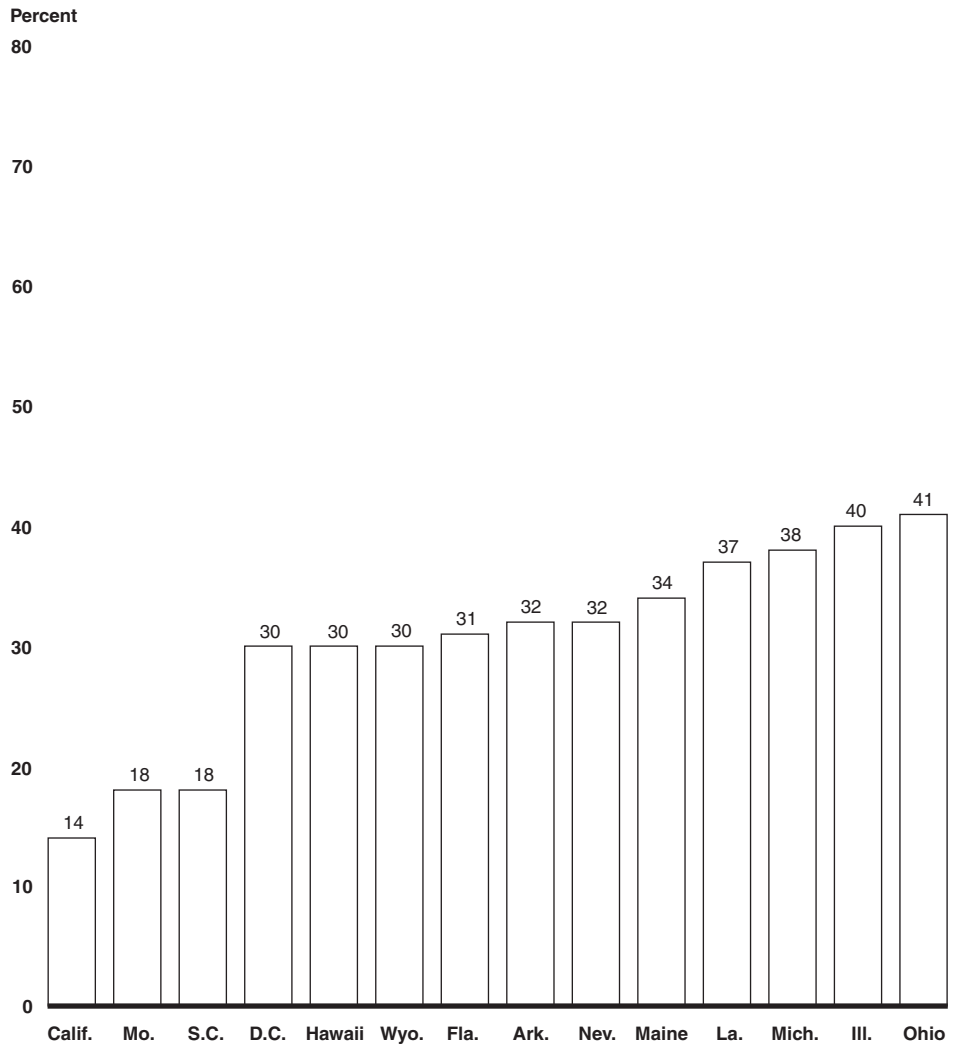
¹²GAO, *Title I: Education Needs to Monitor States' Scoring of Assessments*, GAO-02-393, (Washington, D.C.: Apr. 1, 2002), and *Title I Program: Stronger Accountability Needed for Performance of Disadvantaged Students*, [GAO/HEHS-00-89](#), (Washington, D.C.: June 1, 2000).

¹³U. S. Department of Education, Office of Inspector General, *Department of Education Management Challenges*, Feb. 2004.

States' Starting Points and First-Year Goals Varied

States' starting points—based on the percentage of students proficient in reading and math on state tests in 2001-02—varied widely, as did their first-year performance goals. NCLBA specified that states were to use their 2001-02 test data to calculate their starting points and instructed states on how the starting point was to be set from these data. After states computed their starting points, they specified performance goals for each year that would result in all children being proficient by 2013-14. As figure 2 illustrates, the percentage of students expected to be proficient in reading in the 2002-03 school year differed widely among the states.

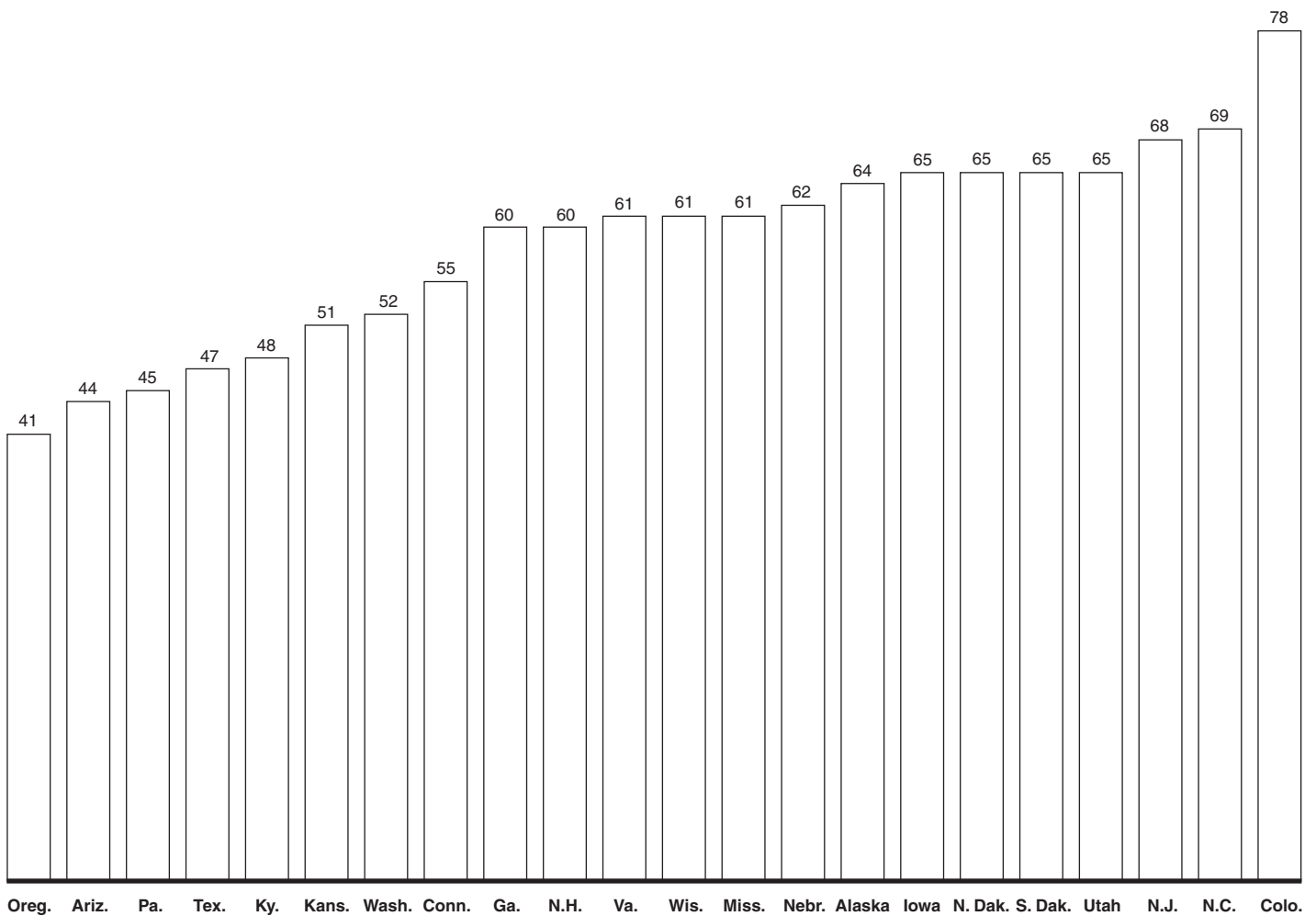
Figure 2: Percentage of Students in Each State Expected to Demonstrate Proficiency on the Reading Tests in the First Year



Source: GAO analysis of state plans approved by Education in June 2003.

Notes: Thirty-six states both provided data on first-year goals and used “percent proficient” as their measure for the goals. Six states used a different measure (proficiency index) that allowed them to incorporate other data in determining school progress, while 10 states did not provide first-year goal data.

When states set different first-year goals (e.g., separate goals for elementary, middle, and high schools), we used goals set at the lowest grade span or level (e.g., elementary) for this chart.



For example, in order for an elementary school to meet the state reading goal in California, at least 14 percent of its students had to score at the proficient level on the state test, whereas in Colorado, at least 78 percent of the students had to score at the proficient level.¹⁴

¹⁴First-year goals for math also varied substantially across states.

Variation in states' starting points and first year-goals reflected the differences in decisions states had previously made in choosing content standards, developing tests to measure student performance, and setting proficiency levels, among other factors. For example, the score required to be proficient on a similar type of test might be higher in one state than in another, potentially affecting the percentage of students that demonstrate proficiency on the test.

In addition to establishing widely varying first-year goals, states differed in whether they set the same goal for all of their schools or whether they set different goals by grade level. Given that each state has its own system and structure, decisions about setting the same or different goals for schools was generally within the states' discretion. Some states established different first-year goals for each grade; others for elementary, middle, and high schools; and some established the same first-year goals for all schools. Vermont, for example, had distinct goals for different grade configurations: schools that had elementary, middle, and high school grades had different goals than schools with just elementary grades.

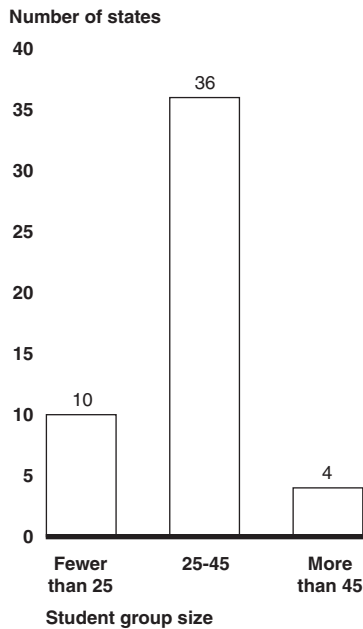
States Set Different Size Requirements for Measuring the Progress of Designated Groups

The size of the designated groups (the economically disadvantaged, ethnic minorities, students with disabilities, and students with limited English proficiency) whose progress must be measured separately also varied among states.¹⁵ NCLBA specified that to make adequate yearly progress, the school overall and each of these individual groups must reach the performance goal unless the number of students in the group is small enough to reveal personally identifiable information on an individual student or to yield statistically unreliable information. States decided the minimum number of students in such groups, and the resulting group sizes varied from state to state and sometimes within a state. As figure 3 shows, the majority of states (36) set the minimum group size between 25 and 45 students.¹⁶

¹⁵This statement refers to the minimum size of designated student groups for measuring proficiency and not for reporting test scores.

¹⁶Some states had more than one group size. When states reported multiple group sizes, we report the lower size.

Figure 3: Minimum Size of Student Groups by Number of States



Source: GAO analysis.

Note: This figure does not include Montana or North Dakota, which used a statistical model to determine the minimum group size so that the number may be different for each school and designated student group.

For example, in Washington state, with a minimum group size of 30, schools were not required to include the results of any student group with fewer than 30 students in determining whether they met the state’s proficiency goals. In this case, if a school had fewer than 30 students of a particular ethnic group, for instance, the scores of this student group would not be considered separately. These students’ individual scores would still be considered, however, in determining whether their school as a whole had met its goal. A few states used different group sizes, depending on other factors. For example, California set its group size at 50 but allowed the minimum size to be 100, depending on the size of the school’s enrollment. Ohio, among other states, used a larger group size for its students with disabilities than the one used for other student groups. According to its state plan, one of the reasons Ohio set a larger size for this group was to account for the fact that students in that group have a wide variety of conditions and results for small groups could be unreliable.

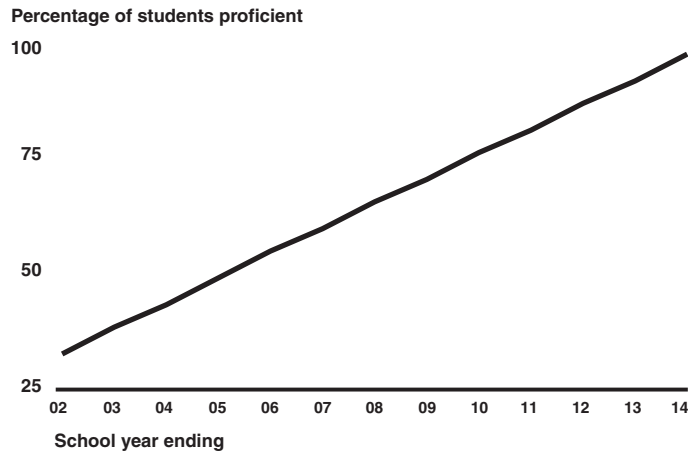
**States Set Different Rates
for Annual Student
Progress**

States also varied in the annual rate at which they expected their students to progress toward full proficiency by 2014. Using the flexibility in the law, some states set different proficiency goals each year, while others set goals for 3-year intervals.¹⁷ Some states used a combination of staggered and steady progress. (See fig. 4.)

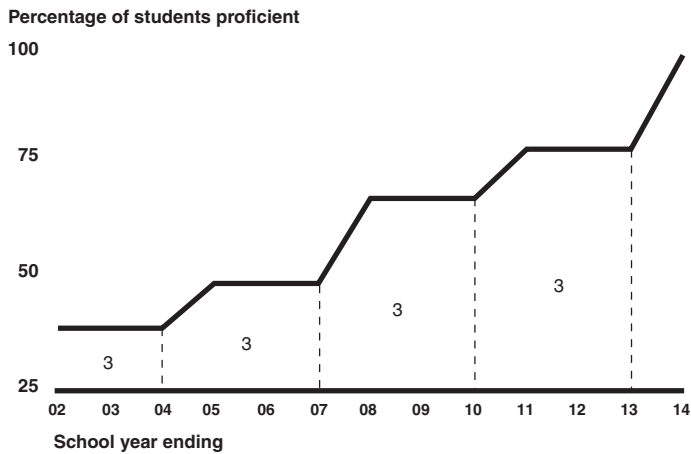
¹⁷NCLBA states that when states increase their goals from one year to the next, those increases must occur in equal increments, that the first increase must occur by 2004-05, and that future increases occur no later than every 3 years thereafter.

Figure 4: Three Variations in State Projected Rates of Progress from 2002 to 2014

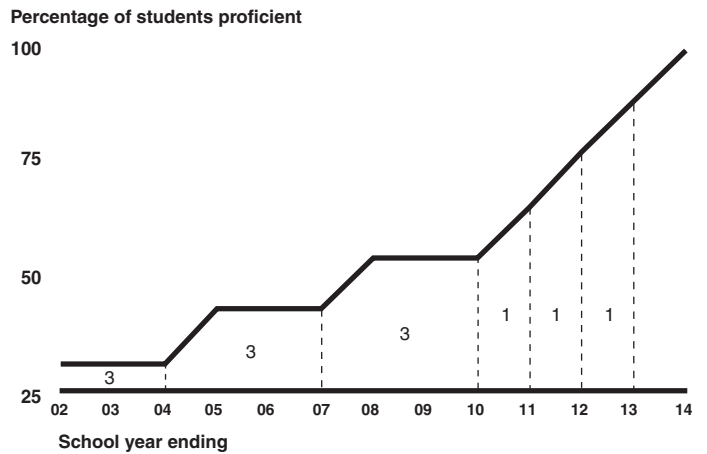
Panel A: equal annual increases



Panel B: three-year increases



Panel C: combination



Source: GAO analysis.

Note: Graphs in this figure are hypothetical and do not reflect particular states.

Three states assumed generally equal annual increases in student progress. (See panel A.) For example, Arkansas’s first-year goal was that 32 percent of the elementary students in each of its schools would be proficient in reading, followed by an increase of about 6 percent of its students annually until all of its students were proficient by 2014. In contrast, 14 states staggered improvement over 2- or 3-year periods rather than in

1-year increments. (See panel B.) For example, North Carolina's first-year goal was that about 69 percent of elementary students in each of the state's schools would be proficient in reading in the first year and the state set goals for subsequent increases every 3 years: 77 percent by 2005, 84 percent by 2008, 92 percent by 2011, and 100 percent by 2014. Finally, 18 states used a combination of progress rates. (See panel C.) Nevada, for example, staggered improvement goals in 2- and 3-year increments until 2011, at which point the state planned for annual increases in percentages of students that were proficient up to 2014.¹⁸

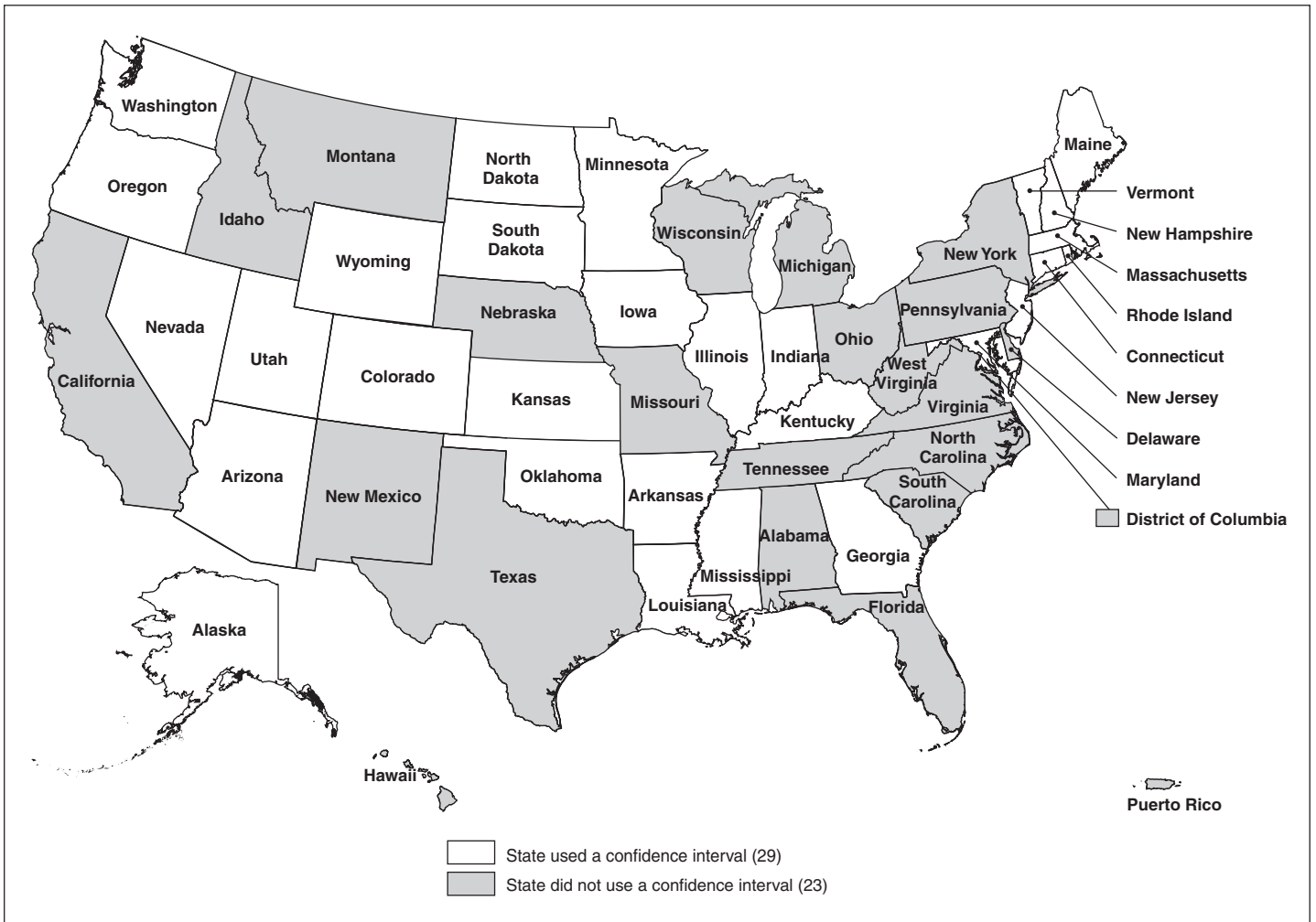
States Varied in How They Measured Annual Student Progress

States also used different approaches for determining whether schools, and designated groups of students within schools, met their annual performance goals. In the 2002-03 school year, a majority of states used statistical measures such as confidence intervals in which schools were deemed to have made adequate yearly progress if they came within a range of the state proficiency goal, as shown in Figure 5.¹⁹

¹⁸As of June 10, 2003, 17 states either did not report an annual rate or used some other method.

¹⁹When using confidence intervals, upper and lower limits around a school's or district's percentage of proficient students are calculated, creating a range of values within which there is "confidence" the true value lies. For example, instead of saying that 72 percent of students scored at the proficient level or above on a test, a confidence interval may show that percentage to be between 66 and 78, with 95 percent confidence.

Figure 5: A Majority of States Used Confidence Intervals to Determine Student Progress in School Year 2002-03



Source: GAO analysis.

Note: How each state measured annual student progress was taken from state plans Education approved by June 10, 2003. Arkansas did not indicate in its original plan that it would use confidence intervals; however, it amended its plan in 2003 to include them and used them to determine whether schools met state goals in 2002-03. California and Texas indicated in their plans that they would use confidence intervals only with schools with small numbers of students or test scores. Montana's original plan included confidence intervals, but it subsequently did not use them for technical reasons. Recently, Alabama, North Carolina, and Pennsylvania had plan amendments approved whereby they also will use confidence intervals.

States that used confidence intervals constructed an estimate of student performance that included a range of scores, which was then compared with the state goal. For example, 68 percent of students making the goal might be represented by a confidence interval of 64-72 percent. If the state goal was 70 percent, it would be included in the confidence interval, thus the school or designated group would be classified by the state as having made its performance goal.

Education officials told us that states used such statistical procedures to improve the reliability of determinations about the performance of schools and districts. According to some researchers, such methods may provide more valid results because they account for the effect of small group sizes²⁰ and year-to-year changes in student populations.²¹

The Way States Measured Student Progress Has Implications for Schools Meeting State Goals Over Time

Variations in states' approaches may influence whether schools will meet annual state goals. First, schools in states that established smaller annual increases in their initial proficiency goals may be more likely to meet state goals in the earlier years compared with schools in states that set larger annual increases. For example, Iowa projected moderate annual increases in student proficiency in the first 8 years, followed by more accelerated growth. Nebraska, however, projected a different scenario—steady increases in student proficiency. Although schools in states such as Iowa may be more likely to meet state goals in the first few years, they may find it more challenging to meet state goals in subsequent years to ensure that all students are proficient by 2013-14.

Second, schools with a large number of designated student groups may be less likely to meet state goals than schools with few such groups, all other factors being equal.²² In order for a school to meet its state goal, both the school as a whole and each designated student group must meet proficiency goals. Some schools may have few student groups that must

²⁰Theodore Coladarci, *Gallup Goes to School: The Importance of Confidence Intervals for Evaluating "Adequate Yearly Progress" in Small Schools*, the Rural School and Community Trust Policy Brief, Oct. 2003.

²¹Thomas J. Kane and Douglas O. Staiger, "Volatility in School Test Scores: Implications for Test-Based Accountability Systems," in Diane Ravitch, ed., *Brookings Papers on Education Policy 2002*, pp. 235-283. Washington, D.C.: Brookings Institution.

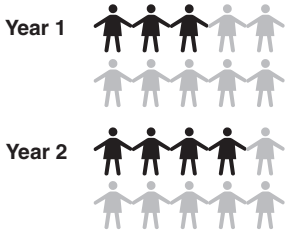
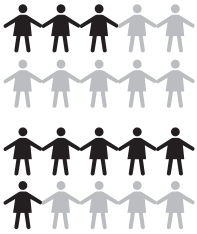
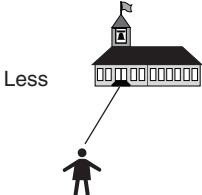

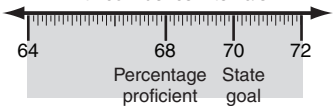
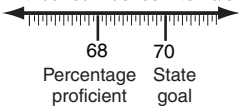
²²Other factors, such as the application of certain statistical procedures, can affect this result.

demonstrate progress because they do not have the state-prescribed minimum number of such students needed for their results to be considered separately. Several state officials told us that many of their schools were not meeting state goals because one or two student groups did not meet their annual proficiency goals.

Finally, the approach states used in determining whether schools met proficiency goals may influence the number of schools meeting goals. Some states used statistical methods, such as confidence intervals, which may result in more of their schools reaching proficiency goals than states that do not. For instance, Tennessee—a state that initially did not use confidence intervals but later received approval to do so—re-analyzed its data from 2002-03, applying confidence intervals. The application of confidence intervals substantially decreased the number of schools not meeting state goals. The number of elementary and middle schools not making state goals was reduced by over half—47 percent to 22 percent. The application of confidence intervals can produce such differences because the computed ranges can be large, especially when small numbers of students make up groups or when scores vary significantly among students. For example, in a Kentucky high school, 16 percent of students with disabilities scored at the proficient level a state test in 2004, and the goal was 19 percent. However, when the state applied confidence intervals, the computed interval associated with 16 percent was 0 to 33 percent. Because the state goal—19 percent—was within the confidence interval, the state considered this group to have met the goal.²³ (See fig. 6 for potential effects of different student progress measures on whether schools meet proficiency goals.)

²³These results were preliminary at the time we obtained them and were calculated at the 99 percent confidence level.

Figure 6: Student Progress Measures and Potential Effects on Whether Schools Meet Proficiency Goals

Student progress measure	Type of measurement that may make it more likely that schools will meet proficiency goals	Type of measurement that may make it less likely that schools will meet proficiency goals	Explanation
<p>Annual rate of student progress</p>	<p>Slower rates of increase</p> 	<p>Faster rates of increase</p> 	<p>States that require smaller annual increases in the percentage of students that must be proficient may in the early years be more likely to have their schools meet proficiency goals than states that require larger initial annual increases but may have more difficulty in later years.</p>
<p>Student groups</p>	<p>Less</p> 	<p>More</p> 	<p>States that include fewer student group results may be more likely to have their schools meet proficiency goals than states that include more group results because each of the student groups will need to reach the goals as well as the school as a whole.</p>
<p>Calculation of annual proficiency goals</p>	<p>With confidence intervals</p> 	<p>Without confidence intervals</p> 	<p>States that use a confidence interval may be more likely to have their schools meet proficiency goals than schools in states that do not. In this example, a school with 68 percent of its students proficient would be classified as meeting the state goal in a state that used confidence intervals, but not in the state without them.</p>

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Leadership and Technical Assistance Facilitated Implementation Efforts, but Data Accuracy Problems and Tight Timelines Impeded Efforts

State officials we interviewed cited factors that facilitated implementation of student proficiency requirements, such as their states leadership's commitment to the goals of NCLBA and technical assistance provided by the Council of Chief State School Officers, through a contract with Education. Officials also cited factors that impeded implementation, such as problems with the data they use to determine student proficiency, tight timelines, and a lack of timely guidance from Education.

Officials Cited Leadership Commitment and Technical Assistance as Key Factors That Facilitated Implementation of Student Proficiency Requirements

Officials in 10 of the 21 states we interviewed said that their leadership's commitment to improving student achievement facilitated their efforts to implement student proficiency requirements. For example, one state's Commissioner of Education said he supported holding schools accountable for the progress of all students, a sentiment echoed by other state officials. Officials in three of the school districts where we interviewed expressed their commitment to NCLBA's focus on raising the proficiency of all students. For example, one district official said the law has been helpful in demonstrating achievement gaps to school officials. Another told us that NCLBA has focused the state's attention on the importance of annually tracking student proficiency. Leadership's commitment facilitated implementation in many ways, such as helping schools and school districts focus on improving student proficiency and enabling state education staff in different offices to share information.

Officials from 7 states also reported that the assistance provided by the Council of Chief State School Officers facilitated implementation of NCLBA requirements. Through its contract with Education, the council has provided states technical assistance in implementing NCLBA requirements and issued many publications about the law's requirements. The council has also held meetings where state officials have discussed common challenges and strategies and received advice and assistance from national experts and Education officials. For example, of the seven officials citing the council's work, two said that their meetings assisted them in developing their state plans. Officials from another state said they turned to the council for information when they were unable to obtain answers about implementation from other sources.

Data Quality Issues and Tight Timelines Were Cited as Impeding Implementation Efforts

Concern about the quality and reliability of student data was the most frequently cited impediment to implementing student proficiency requirements. More than half of the state and school district officials we interviewed cited this concern. For example, officials in California indicated that they could not obtain racial and ethnic data—used to track the progress of designated student groups—of comparable quality from their school districts.²⁴ Officials in Illinois reported that about 300 of its 1,055 districts had problems with data accuracy, resulting in those schools’ appealing their progress results to the state. Similarly, officials in Indiana acknowledged data problems but said addressing them would be challenging. Inaccurate data may result in states incorrectly identifying schools as not meeting annual goals and incorrectly trigger provisions for school choice and supplemental services. GAO, Education’s Inspector General, and other auditing groups have also reported the challenges states face in gathering and processing accurate and reliable student data. For example, in a 2004 report, Education’s Inspector General reported that many states lacked procedures and controls necessary to report reliable student data. Another auditing group reported that some states were not reporting accurate student data to Education and recommended that Education take steps to help states address data accuracy problems.²⁵

Although NCLBA focuses primarily on the state’s responsibility to ensure data reliability and validity, Education also has a critical role in assisting states to improve the quality of data used for assessment and reporting. NCLBA requires the Secretary of Education to provide an annual report to Congress that includes national and state-level data on states’ progress in implementing assessments, the results of assessments, the number of schools identified as needing improvement, and use of choice options and supplemental services. Education officials acknowledged the need to share responsibility with the states to improve data quality so data provided to Congress are valid and reliable. According to Education officials, they are working with states to monitor state data quality policies and establish a common set of data definitions. Education also has begun a multiyear pilot project related to data reporting. However, while one of the primary goals of this effort is to improve the quality of state data, this

²⁴California officials told us that a bill had recently passed in its state legislature that may address this issue.

²⁵Texas State Auditor’s Office, *A Joint Audit Report on the Status of State Student Assessment Systems and the Quality of Title I School Accountability Data*, SAO Report No. # 02-064, (Austin, Texas: Aug. 2002).

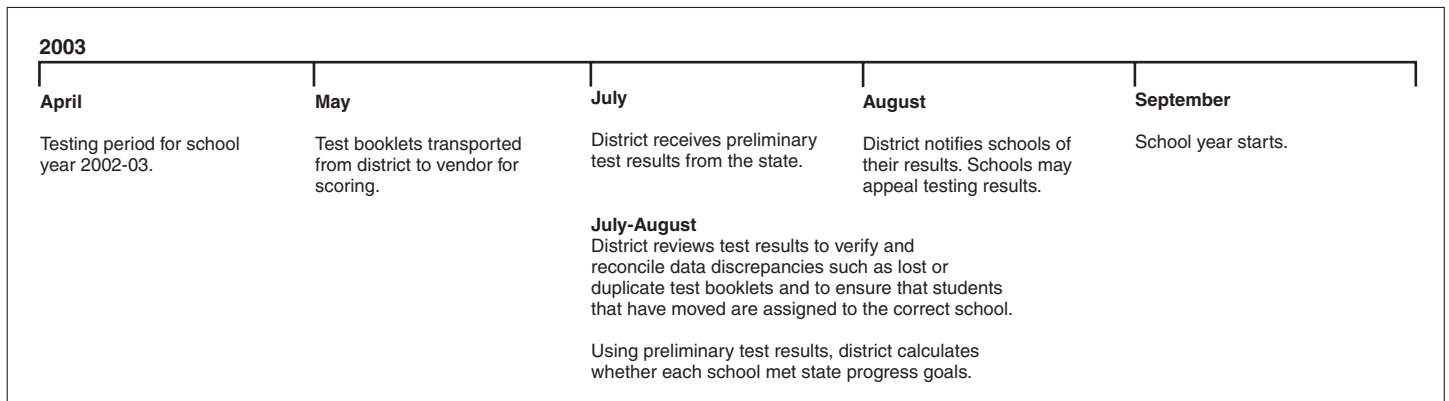
long-term project will not address states' problems with the data they are now using to report on student progress. In addition to reporting data quality concerns, officials from about half of the 21 states said that tight timelines impeded implementation of student proficiency requirements, even though many of those requirements built upon provisions in the previous reauthorization of ESEA. That previous law required states to test students in reading and math in three grades to measure if schools were making progress. However, a majority of states did not have approved assessment systems in place when NCLBA was enacted.²⁶ NCLBA set specific time frames, because many states had not been taking the necessary steps to position themselves to meet requirements. Those states that had taken steps to meet the earlier requirements were generally better positioned to meet NCLBA requirements.

Officials we interviewed from 5 states said that they had very little time to develop their state plans. They said that developing a system that meets NCLBA requirements for measuring student proficiency for all students and selected subgroups was complicated, and they had to resolve many issues before their systems could be up and running. States that already had a state system for measuring school progress in place prior to NCLBA faced other challenges. These states had to determine how they would reconcile parts of their existing systems with NCLBA's requirements in order to submit their plans to Education on time.

Officials from 6 states said it was difficult for the state to notify schools of their status in meeting proficiency goals in a timely fashion. Many states test students in the spring, and NCLBA requires that test results be processed before the beginning of the next school year in order for districts to identify which schools did not make progress, as illustrated in figure 7. However, many factors may make it difficult to meet these deadlines, such as identifying and correcting errors in student data.

²⁶ According to Education, shortly after NCLBA was enacted and prior to the statutory deadline, all states without approved assessment systems were under either a timeline waiver or a compliance agreement with specific deadlines for full compliance.

Figure 7: Example of a Timeline to Determine School’s Proficiency Status



Source: GAO analysis of public school documents.

Note: This example reflects a sample timeline for a public school district. Different states and districts may and do have different timelines for these steps.

Officials in 12 of the 21 states where we interviewed said that the lack of clear and timely guidance and information from Education has impeded their efforts to implement NCLBA’s student proficiency requirements. Several officials said that Education’s communications with them were not timely and sometimes changed. Other officials said that Education was not timely in resolving issues Education had with their plans. In response, Education officials told us they provided states draft guidance on plan requirements, and subsequent changes were made in order to be responsive to the concerns of state officials. Education officials told us that it was challenging to provide the support states needed to implement NCLBA’s proficiency requirements so that states could begin assessing students in the 2002-03 school year. They also said it was challenging, because the support often needed to be tailored, given the varied ways states chose to measure student proficiency.

Education Has Aided States in Developing Their Plans and Assessment Systems but Did Not Have Written Plans to Help States Meet NCLBA Provisions

Education aided states in developing their plans in several ways, including having peer review teams evaluate plans on site and allowing states flexibility in implementing some NCLBA requirements. As of July 31, 2004, Education had fully approved 28 plans as meeting all NCLBA requirements; the remaining states had approval with conditions. In addition, 17 states did not have approved academic standards and testing systems in place to meet the requirements of the 1994 law, even though they are the primary means by which the law requires states to determine student proficiency. According to Education officials, the department has been continually monitoring states progress in meeting conditions and has been working with states to meet prior and NCLBA requirements for standards and assessment systems. However, Education officials told us that they did not have a written process to track that states are taking steps toward meeting the conditions set for full approval of their plans or to document states' progress in meeting NCLBA requirements for the expanded standards and assessment systems required under NCLBA.

Education Aided States in Developing Their Plans for Measuring Student Progress

Education aided states in developing their plans for measuring student progress and provided technical assistance for implementing them. The department helped states by having peer review teams examine and provide suggestions about the plans, allowing states flexibility in adhering to certain NCLBA requirements and issuing guidance to clarify key aspects of the law. (See table 1.)

Table 1: Primary Methods Education Used To Support State Planning and Implementation Efforts

Method Education used to support states	Purpose
Peer review	To review and provide on-site suggestions to state officials as they were developing their plans
Technical assistance	To assist states in developing state plans as well as implementing other aspects of NCLBA
Guidance	To clarify requirements in NCLBA so that states understood their roles and responsibilities with respect to NCLBA
Flexibility	To help states deal with challenges they faced in implementing some proficiency requirements, both in general and on a case-by-case basis

Source: GAO analysis of Education's processes for supporting state efforts.

As required by NCLBA, Education assembled a team of experts, consisting of Education officials and external members drawn from state education agencies and other organizations familiar with student assessments and accountability, to review and provide states with advice on their plans. In reviewing them, the peer review teams identified areas where states were not meeting NCLBA requirements and closely examined areas that were particularly complex, such as their methods for measuring student progress goals. Peer reviewers also met with state officials on-site to discuss their plans and to suggest ways to improve them. Following the reviews, the teams presented the results to Education. The department then used this information to determine the extent to which state plans met requirements. Education also established a 12-member National Oversight Panel to review state plans and advise Education of the extent of their completeness. This panel, which met monthly, was composed of parents, teachers, local education agency officials, and state education officials with knowledge about a range of areas, including standards and assessments and the needs of low-performing schools.

Education also provided states with technical assistance to implement their plans. The department hosted conferences where it provided information on requirements for state plans. Education also contracted with the Council of Chief State School Officers to provide technical assistance to states. The council has held meetings and workshops as well as issued instructional publications about implementing different NCLBA requirements.

Additionally, Education issued guidance in a number of areas to assist states in their implementation efforts. For example, Education issued guidance explaining state responsibilities for monitoring NCLBA implementation and for providing schools with technical assistance, including the kinds of assistance they must provide to schools identified as needing improvement.²⁷ Education also issued guidance addressing actions states should take if schools do not meet their goals and explaining the purpose of supplemental educational services and state responsibility for providing and monitoring the receipt of such services.

Education also allowed all states flexibility to address difficulties they experienced implementing some requirements and granted additional flexibility to states on a case-by-case basis. For example, Education granted all states greater flexibility in determining how students with limited English proficiency could be assessed. Education no longer required states to include the reading test results during students' first year in school. Further, on a case-by-case basis, Education allowed several states to vary the sizes they set for designated student groups. For example, Ohio and other states were allowed to use a larger group size for students with disabilities than for other student groups.

In February 2004, Education granted additional flexibility to states by establishing a process whereby states could propose amendments to their plans.²⁸ Forty-seven states proposed amendments; for example, some states proposed to use a 3-year average to calculate the percentage of students taking state tests, rather than use the annual percentage. This flexibility may lessen the effects of year-to-year fluctuations in how many students take the tests. At the conclusion of our review, Education officials told us they had responded to every state and approved many of their proposals. Many of these amendments were in response to recently announced flexibility options. Other amendments were responses to specific conditions that Education had placed on some state plans before it would grant full approval. For example, one state amended its plan to resolve with Education how it would calculate its graduation rate for high school students.

²⁷See Department of Education, *No Child Left Behind: LEA and School Improvement* (Non-Regulatory Guidance), Jan. 2004.

²⁸Several states exercised this authority prior to Education establishing a process.

Education Approved All State Plans by June 10, 2003, although Most States Were Approved with Conditions to Meet All NCLBA Requirements

Education’s review and approval of state plans included discussions with state officials and ongoing exchanges of drafts of state plans because of the uniqueness of each state’s educational system. According to Education officials, the review process was particularly challenging for those states that did not have existing assessment systems that could provide a basis for meeting NCLBA requirements. Education also noted that some states with long-standing assessment systems needed to change their processes to develop an assessment system that conformed to NCLBA provisions.

NCLBA required each state’s plan to demonstrate that the state had developed and was implementing a single statewide accountability system, had determined what constitutes adequate yearly progress for public schools (e.g., starting points, graduation rates), and had established a timeline for meeting state proficiency levels by 2014. The law specifically identified that elements—such as the method for determining adequate yearly progress—be demonstrated. Thus, a state’s assurance that an element will be implemented in the future would not be sufficient to meet plan requirements.

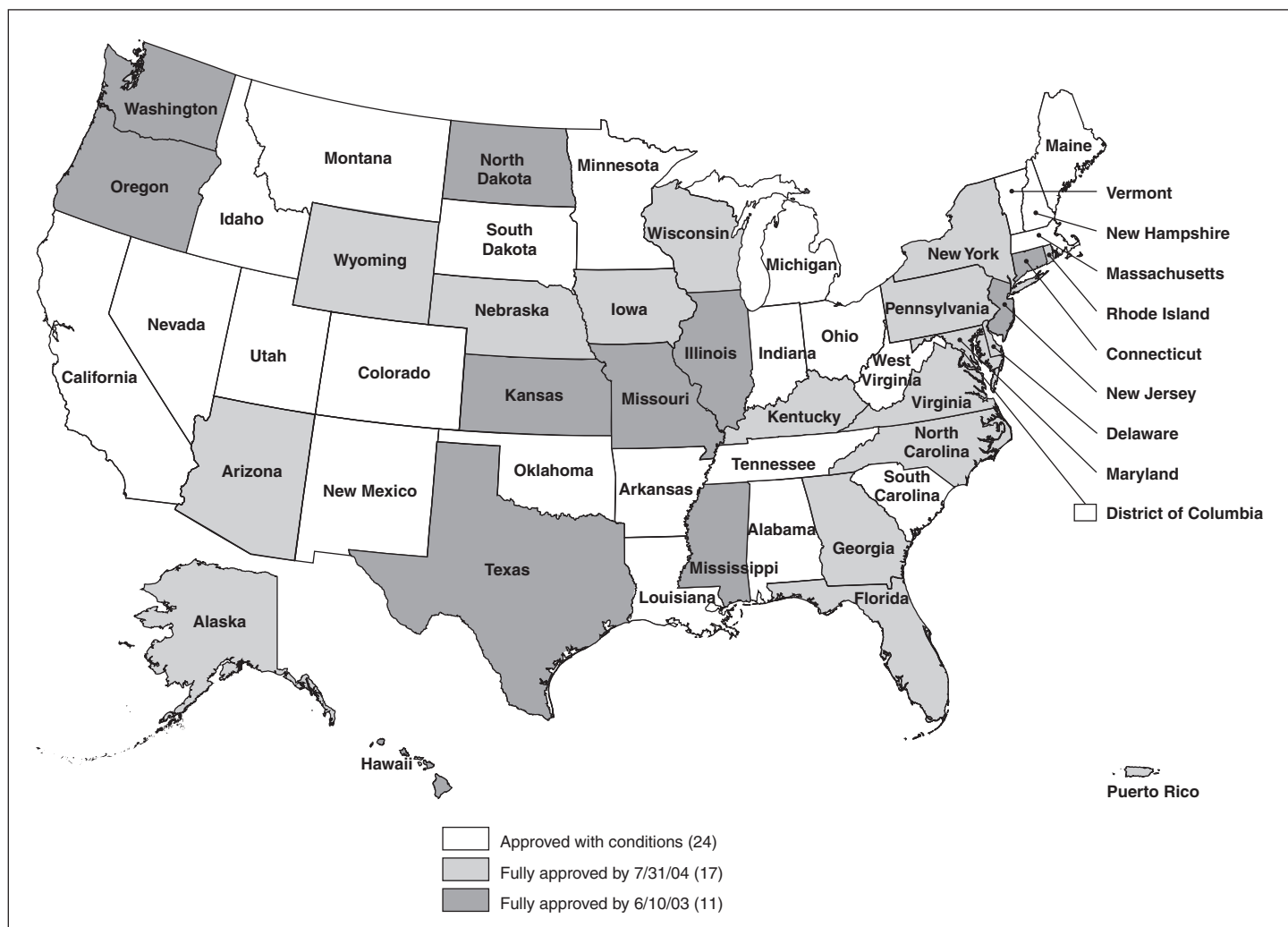
NCLBA establishes that the Secretary of Education is responsible for approving plans. Education developed guidance for states that lists state plan requirements. (See app III) In reviewing state plans, Education established two levels of approval: “fully approved,” and “approved.” Education designated a plan as “fully approved” if it met all NCLBA requirements, and “approved” if additional conditions had to be met to fulfill requirements. Education described an approved plan as one that demonstrated that, when implemented, the state, its school districts, and its schools could meet NCLBA provisions. A state was required to have an approved plan before it could receive its Title I funding for the 2003-04 school year, with release of funds scheduled for July 1, 2003. Education included the conditions for approval in states’ 2003 grant awards.²⁹

On June 10, 2003, Education announced that it had approved all state plans. Education fully approved 11 of the state plans (Connecticut, Hawaii, Illinois, Kansas, Mississippi, Missouri, New Jersey, North Dakota, Oregon, Texas, and Washington) as meeting all NCLBA requirements. Between June 11, 2003 and July 31, 2004, Education fully approved plans for an additional 16 states and Puerto Rico. The remaining 23 states and the

²⁹If a state does not meet the conditions cited in the grant award, it is subject to withholding of administrative funds.

District of Columbia had plans that met some, but not all, requirements, and were approved with conditions. (See fig 8 for the approval status of state plans as of July 31, 2004.)

Figure 8: Approval Status of State Plans as of July 31, 2004



Source: GAO analysis.

Note: By "Fully approved by 7/31/04" we mean fully approved between June 11, 2003, and July 31, 2004.

According to Education, these 23 states and the District of Columbia had sufficient information in their plans to demonstrate that the requirements of NCLBA could be met in the future if certain actions were taken. Our review of the letters Education sent to the 23 states and the District of Columbia whose plans it had not fully approved indicated a range of conditions that needed to be met, such as providing performance targets for graduation rates or other indicators, analyzing the effect of using

confidence intervals and providing state report card examples. Further, of these 23 states and the District of Columbia, 4 had to obtain final state action from their state boards of education or legislatures as their only condition for receiving full approval from Education.

According to Education officials, these approved plans provided sufficient assurance that when implemented they would meet NCLBA requirements. For example, some states provided Education with definitions for how they would calculate their goals and targets and assurances that the information would be forthcoming, but did not include the rates and percentages required by the law. Education officials said that some of these states did not have enough data to report graduation rates, but that the states defined how they would do so once they began collecting such data. Education approved these state plans with the condition that states collect data on graduation rates and define them in a manner consistent with their plans.

Education officials told us that they were in frequent communication with states regarding unmet plan requirements. However, the department did not have a written process to track interim steps and document that states meet the identified conditions within a specified time frame. In the follow-up letters Education sent to most states, it did not indicate specific time frames for when it expected states to demonstrate that they had met all NCLBA requirements. Education officials told us that they did not have a written process to ensure states are taking steps toward meeting the conditions set for full approval or what actions the department would take if states do not meet them.

States Face Challenges in Meeting the 2005-06 NCLBA Requirements for Standards and Assessment Systems

Standards and assessments are the primary means by which states gauge student progress. States' current testing is governed by requirements first enacted by the 1994 ESEA, which required that states assess students once in each of three grade spans—elementary (3-5), middle (6-9), and high school (10-12). Under this law, state standards and assessments systems must meet certain requirements, such as measuring how well students have learned the academic content taught in school.

As of March 2002, Education had not approved most states' (35) standards and assessment systems required by the 1994 ESEA.³⁰ Education granted

³⁰GAO, *Title I: Education Needs to Monitor States' Scoring of Assessments*, [GAO-02-393](#), (Washington, D.C.: Apr.1, 2002).

timeline waivers or compliance agreements for those states that did not demonstrate that they could meet the 1994 ESEA requirements within the statutory time frame.³¹ According to Education, enforcement efforts have included close monitoring of states' progress, for example, agreements included interim steps to ensure that states are making progress and submitting quarterly reports to the department. Further, Education's enforcement efforts have included withholding funds from one state that did not fulfill its commitments under its timeline waiver. In accordance with the law, the department withheld 25 percent of Title I administrative funds from this state for fiscal year 2003. As of July 31, 2004, 35 states had approved standards and assessment systems and 17 states did not.

By the next school year (2005-06) states will be required to increase the current level of testing, as required by NCLBA. For example, states will be required to test students annually in grades 3 through 8 and once in high school in reading and math. Given the difficulties states experienced meeting the 1994 requirements, developing new standards and assessment systems to meet the expanded assessment requirements may be challenging for states. All states will have to undergo a review and approval process for these tests to ensure that state standards and assessment systems meet NCLBA requirements.

Education has taken some steps to guide its review and approval process of states' standards and assessments systems to meet the 2005-06 time frame. It issued regulations on implementation in July 2002 and nonregulatory guidance on the standards and assessments requirements in March 2003. In April 2004, Education issued guidance to inform states about the information they will need to demonstrate that their systems meet NCLBA requirements and help peer reviewers determine whether state systems are consistent with NCLBA. Finally, Education officials told us that they are planning to train state Title I directors and to provide additional outreach to states. Education officials said that they do not intend to grant any waivers or extensions of time to states that fail to meet the NCLBA standards and assessment requirements.

³¹The NCLBA gave states 90 days to show how they would address any aspect of their standards and assessment systems that did not meet the 1994 requirements. After that 90-day window expired, the NCLBA prohibited Education from granting additional waivers of deadlines for meeting these requirements. States failing to meet deadlines established by the 1994 law (or under a waiver or compliance agreement) are subject to a mandatory withholding of 25 percent of administrative funds. For states that do not comply with NCLBA requirements, the law authorizes, but does not require, Education to withhold Title I state administrative funds.

Although Education has undertaken several initiatives to prepare for the review of state systems to meet the 2005-06 NCLBA deadline, it has not established a written plan that clearly identifies the steps required, interim goals, review schedules, and timelines. The assessment systems are likely to be complex, given the increased number of tests required under NCLBA. Given the complexity of developing such systems, the department may find that, similar to its experience with states' compliance with the 1994 law, some states may be challenged to meet NCLBA standards and assessment system requirements by the 2005-06 school year deadline.³²

Conclusions

NCLBA seeks to make fundamental changes in public education. For the first time, Congress has specified a time frame for when it expects all students to reach proficiency on state tests showing that they know their state's academic subject matter. It has also focused attention on closing the learning gap between key groups of students that have historically not performed well by also requiring that they be proficient. Achieving the goal of having all students proficient will be a formidable challenge for states, school districts, schools, and students. NCLBA provides a framework to help states achieve this goal and has required states to plan how they intend to do so. Education has undertaken numerous efforts to assist states with meeting this challenge. For example, it promulgated regulations, provided guidance, and reviewed state plans within fairly tight time frames to meet NCLBA requirements.

Education approved all state plans by June 10, 2003. However, many of these plans lacked key information regarding how states measure student proficiency, such as graduation rates. Education approved these plans conditionally, with the states' assurances that conditions could be met in the future. As of July 31, 2004, the plans for 23 states and the District of Columbia had not been fully approved. Although Education officials said that they have been in frequent communication with these states, the

³²In *Title I Program: Stronger Accountability Needed for Performance of Disadvantaged Students* (GAO/HEHS-00-89) issued in June 2000, GAO concluded that most states were not positioned to meet the 1994 ESEA requirement to collect and report on student assessment by designated subgroups. In Education's response to the report, it noted that states were not required to publicly report these data until the 2000-01 school year. Specifically, Education commented, "the Department is reviewing State final assessment systems (using external peer reviewers) to ensure compliance with Title I assessment requirements, including the requirement that States publicly report disaggregated assessment data." Although Education devoted efforts to ensure that deadlines were met, only 17 states had approved assessment systems by the 2000-01 deadline.

department does not have written procedures and specified time frames for monitoring states' progress for these 24 plans still needing to meet conditions. Without such tracking mechanisms, Education may not be able to ensure that required actions are taken in a timely way.

State assessment systems are the foundation for determining whether students are proficient. NCLBA has significantly increased the amount of testing, and states are required to have approved NCLBA standards and assessments by the 2005-06 school year. Education does not have a written plan that delineates steps and time frames to facilitate its review of plans to ensure NCLBA time requirements are met. Given Education's recent experience of a significant number of states that did not meet the 1994 ESEA requirements for standards and assessments systems, the lack of a written plan could hinder Education's efforts to better position states to meet the NCLBA requirements.

Furthermore, many state officials indicated they have concerns about the accuracy of student demographic and test data. Education has also noted these issues and has undertaken several initiatives to assist states with their data systems. States and districts have routinely collected student demographic and test data. However, the need to ensure the data's accuracy is even more important with the introduction of NCLBA's accountability requirements. The number of schools that are identified as in need of improvement has implications for states and school districts, especially when provisions for school choice and supplemental services become applicable, as they have for schools in a number of states. Measuring achievement with inaccurate data is likely to lead to poor measures of school progress, with education officials and parents making decisions about educational options on the basis of faulty information.

Recommendations for Executive Action

For those states that have plans that did not meet all NCLBA requirements and still have conditional approval, we recommend that the Secretary of Education delineate in writing the process and time frames that are appropriate for each state's particular circumstances to meet conditions for full approval.

Further, we recommend the Secretary of Education develop a written plan that includes steps and time frames so that all states have approved NCLBA standards and assessment systems by the 2005-06 school year.

To improve the validity and reliability of state data used to determine whether schools are meeting state goals, we recommend that the

Secretary of Education further support states' abilities to gather accurate student data through activities such as disseminating best practices and designating technical specialists who can serve as resources to help states.

Agency Comments and Our Evaluation

We provided a draft of this report to Education for review and comment. Education agreed with our recommendation that it develop a written plan that includes steps and time frames so all states have approved NCLBA standards and assessment systems by the 2005-06 school year. Education noted that such actions are consistent with current departmental efforts and should help NCLBA implementation. Similarly, the department agreed with our recommendation to further support states' abilities to gather accurate student data. Education provided new information in its comments on efforts to support states' improvements in their data collection capacities. Consequently, we modified the report to reflect Education's comments. Education officials also provided technical comments that we incorporated into the report where appropriate. Education's comments are reproduced in appendix IV.

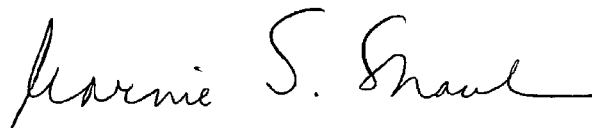
Education disagreed with our recommendation that it delineate in writing the process and time frames that are appropriate for each state's particular circumstances to meet conditions for full approval of their state plans. In its comments, Education cited several reasons for disagreeing with this recommendation. Education stated it has a process of continuous monitoring, although not in written form, and cited as evidence of success of its process that all states have used their plans to make annual progress determinations. However, experience under the 1994 ESEA has shown that school progress determinations can be made without meeting all plan requirements. As of July 31, 2004, plans from 23 states and the District of Columbia have not received full approval, and according to Education officials, these plans need to meet conditions to be able to meet NCLBA requirements. We recognize the significant efforts the department has taken to support states' implementation of NCLBA and its plans to continue assisting states to improve the performance of their districts, schools, and students. However, a written delineation, appropriate to each state's circumstances, of the process and time frames necessary for the remaining states to meet all conditions would provide the necessary documentation and assurance to Education, Congress, and the public that the steps states need to take and the timeframes for their actions are clear and understood.

In its comments, Education also questioned our statement that it approved plans without the states meeting all plan requirements. The department

states that no plan was approved unless it demonstrated that when implemented the state, its districts and schools could meet the accountability requirements of the law. Thus, Education asserted that GAO narrowly interpreted approval. We do not disagree with the department's interpretation of its authority to conditionally approve plans. Instead, our focus was on whether plans contained all the elements required by NCLBA and not merely on whether the plan contained an assurance that in the future it would meet the requirements of the law. We found that many plans that were conditionally approved did not meet all NCLBA requirements for what states were to have in their plans, and Education did not dispute this finding.

We will send copies of this report to the Secretary of Education, relevant congressional committees, and other interested parties. We will also make copies available to others upon request. In addition, the report will be made available at no charge on GAO's Web site at <http://www.gao.gov>.

Please contact me at (202) 512-7215 if you or your staff have any questions about this report. Other contacts and major contributors are listed in appendix V.



Marnie S. Shaul
Director, Education, Workforce,
and Income Security Issues

Appendix I: Methods to Establish Starting Points

To establish goals for schools to reach in the first year of No Child Left Behind Act (NCLBA) implementation, states were to set starting points using student test performance data from the 2001-02 school year. They computed results for each designated student group and for each school. To set the starting points, states were required to choose the higher percentage of students scoring at the proficient level or higher of the following:¹

(a) the student group with the lowest 2001-02 test performance from among:

1. economically disadvantaged students,
2. students from major racial and ethnic groups,
3. students with disabilities,
4. students with limited English proficiency,

or

(b) the score of the school at the 20th percentile of enrollment when all schools in the state were ranked according to 2001-02 test performance.

To identify the student group with the lowest 2001-02 test performance, states had to determine what percentage of students in each of the designated groups scored at the proficient level on state tests. For example, a state may have found that 15 percent of students with disabilities scored at the proficient level, whereas all other groups had more students do so. In this case, the state would identify the students with disabilities group as the lowest-performing student group.

To identify the score of the school at the 20th percentile of enrollment, states had to follow the following process. First, they had to determine the enrollment and percentage of students that were proficient for each of their schools. Then, they would rank the schools based on how many students were proficient in each school. For example, the state may list schools as shown in the following table.

¹For the rest of this appendix, we will refer to scoring at the proficient level to mean scoring at the proficient level or higher.

Table 2: Calculating a Starting Point Using the School at the 20th Percentile in Cumulative Enrollment

School name	Percent scoring at the proficient level	Enrollment	Cumulative enrollment
Roosevelt H.S.	25.0	110	1,875
Madison Elem.	21.2	90	1,765
Jefferson Elem.	15.0	75	1,675
Adams Elem.	9.1	350	1,600
Lincoln H.S.	7.5	700	1,250
Washington Elem.	7.2	550	550

Source: Cowen, Kristen Tosh. 2004. *The New Title I: The Changing Landscape of Accountability*. Washington, D.C.: Thompson Publishing Group, (used with permission of the publisher).

Beginning with the school at the lowest rank, the state would add the number of students enrolled until it reached 20 percent of the state's enrollment. If the state's total student population is 9,375, then the 20th percentile cutoff is 1,875, (9,375 x 20 percent), or Roosevelt H.S. in this example. At Roosevelt H.S., 25 percent of students were proficient.

The state would compare the two results. Since the percentage of students at the proficient level at Roosevelt H.S. (25 percent proficient) was higher than the results for students with disabilities (15 percent proficient), the state would set its starting point at 25 percent. For a school to meet the state's proficiency goal in 2002-03, at least 25 percent of its students would have to score at the proficient level; however, a first year goal could be set higher.²

²This example draws extensively from Cowan, Kristen Tosh. 2004. *The New Title I: The Changing Landscape of Accountability*. Washington, D.C.: Thompson Publishing Group.

Appendix II: Percentage of Schools That Met State Goals in 2002-03

Name of state	Percentage of schools that met state proficiency goals in 2002-03
Alabama	96
Alaska	42
Arizona	76
Arkansas	89
California	54
Colorado	75
Connecticut	Not available
Delaware	44
District of Columbia	45
Florida	18
Georgia	64
Hawaii	39
Idaho	75
Illinois	56
Indiana	77
Iowa	93
Kansas	88
Kentucky	60
Louisiana	92
Maine	88
Maryland	65
Massachusetts	76
Michigan	76
Minnesota	94
Mississippi	75
Missouri	51
Montana	80
Nebraska	51
Nevada	60
New Hampshire	69
New Jersey	88
New Mexico	79
New York	76
North Carolina	47
North Dakota	91

**Appendix II: Percentage of Schools That Met
State Goals in 2002-03**

Name of state	Percentage of schools that met state proficiency goals in 2002-03
Ohio	78
Oklahoma	79
Oregon	72
Pennsylvania	74
Puerto Rico	90
Rhode Island	77
South Carolina	24
South Dakota	47
Tennessee	57
Texas	92
Utah	72
Vermont	88
Virginia	59
Washington	78
West Virginia	59
Wisconsin	89
Wyoming	85

Source: GAO analysis of state plans and other information reported by states.

Note: Connecticut has not yet released figures for the 2002-03 school year; and Iowa reported only schools that received funds through Title I, Part A.

Appendix III: State Plan Requirements

State accountability system element	
Principle 1: all schools	
1.1	Accountability system includes <i>all schools and districts in the state</i> .
1.2	Accountability system holds <i>all schools to the same criteria</i> .
1.3	Accountability system incorporates the <i>academic achievement standards</i> .
1.4	Accountability system provides <i>information in a timely manner</i> .
1.5	Accountability system includes <i>report cards</i> .
1.6	Accountability system includes <i>rewards and sanctions</i> .
Principle 2: all students	
2.1	The accountability system includes <i>all students</i>
2.2	The accountability system has a consistent definition of <i>full academic year</i> .
2.3	The accountability system properly includes <i>mobile students</i> .
Principle 3: method of adequate yearly progress determinations	
3.1	Accountability system expects <i>all student subgroups, public schools, and LEAs to reach proficiency by 2013-14</i> .
3.2	Accountability system has a method for determining whether <i>student subgroups, public schools, and LEAs made adequate yearly progress</i> .
3.2a	Accountability system establishes a <i>starting point</i> .
3.2b	Accountability system establishes <i>statewide annual measurable objectives</i> .
3.2c	Accountability system establishes <i>intermediate goals</i> .
Principle 4: annual decisions	
4.1	The accountability system <i>determines annually the progress</i> of schools and districts.
Principle 5: subgroup accountability	
5.1	The accountability system includes all the required student subgroups.
5.2	The accountability system holds <i>schools and LEAs accountable for the progress of student subgroups</i> .
5.3	The accountability system includes <i>students with disabilities</i> .
5.4	The accountability system includes <i>students with limited English proficiency</i> .
5.5	The state has determined the minimum number of students sufficient to yield statistically reliable information for each purpose for which disaggregated data are used.
5.6	The state has strategies to protect the privacy of individual students in reporting achievement results and in determining whether schools and LEAs are making adequate yearly progress on the basis of disaggregated subgroups.

Appendix III: State Plan Requirements

State accountability system element	
Principle 6: based on academic assessments	
6.1	Accountability system is based <i>primarily on academic assessments</i> .
Principle 7: additional indicators	
7.1	Accountability system includes <i>graduation rate for high schools</i> .
7.2	Accountability system includes an <i>additional academic indicator for elementary and middle schools</i> .
7.3	Additional indicators are valid and reliable.
Principle 8: separate decisions for reading/language arts and mathematics	
8.1	Accountability system holds students, schools and districts separately accountable for <i>reading/language arts and mathematics</i> .
Principle 9: system validity and reliability	
9.1	Accountability system produces <i>reliable decisions</i> .
9.2	Accountability system produces <i>valid decisions</i> .
9.3	State has a plan for addressing <i>changes in assessment and student population</i> .
Principle 10: participation rate	
10.1	Accountability system has a means for calculating the <i>rate of participation</i> in the statewide assessment.
10.2	Accountability system has a means for <i>applying the 95 percent assessment criteria to student subgroups and small schools</i> .

Source: U.S. Department of Education.

Note: Italics in original.

Appendix IV: Comments from the Department of Education



UNITED STATES DEPARTMENT OF EDUCATION

THE DEPUTY SECRETARY

September 8, 2004

Ms. Marnie S. Shaul
Director, Education, Workforce
and Income Security Issues
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Shaul:

I am writing in response to your request for comments on the Government Accountability Office (GAO) draft report (GAO-04-734), dated September 2004, and entitled "No Child Left Behind Act: Improvements Needed in Education's Process for Tracking States' Implementation of Key Provisions." I take very seriously the role of GAO in holding Federal agencies accountable for the proper and efficient implementation of programs under their command. I also take very seriously the U.S. Department of Education's responsibility to ensure that States implement as vigorously as possible the assessment and accountability provisions enacted by the landmark No Child Left Behind Act (NCLBA). I am proud of the significant accomplishments of States and school districts to date, with the assistance of this Department, to ensure the law is properly implemented. Although GAO has tried to capture some of this energy and effort in its report, States, school districts, and the Department have made far more progress than the draft report suggests.

As you know from your research, both the Department and, even more significantly, the States have made substantial efforts to implement NCLBA. Prior to this law, many States had no statewide system of accountability. Starting from scratch in many cases, States had to craft—or in some cases, recraft—their systems, within the parameters set out in the law, and secure the support of their stakeholders. Legislatures, in some instances, had to change State laws to conform to NCLBA, and many States had to revise their regulations and policies. It is an unprecedented accomplishment that, a year and a half after NCLBA was enacted, *all* States had submitted accountability plans and used those plans to hold their schools and districts accountable for the achievement of their students during the 2002-03 school year. This was a historic milestone for our nation and education reform.

I am very proud of our role in assisting States and school districts to implement NCLBA and vow to continue our vigorous enforcement of its provisions. As the following comments reflect, I believe two of GAO's recommendations should help NCLBA implementation and, in fact, are consistent with activities the Department already has

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well underway. I must respectfully disagree, however, with GAO's first recommendation.

GAO Recommendation 1: For those States that have plans that did not meet all NCLBA requirements, the Secretary of Education should delineate in writing the process and timeframes that are appropriate for each State's particular circumstances to meet conditions for full approval.

I take issue with the draft report's characterization that we approved State plans without the States' meeting all plan requirements. No plan was approved unless it demonstrated that, when implemented, the State, its school districts, and its schools could meet the accountability provisions required by statute and regulations. I believe the draft report, by narrowly interpreting the word "approval," overemphasizes bureaucratic process and discounts significant outcomes. *Every* State used the accountability plan we approved to make adequate yearly progress (AYP) determinations for school year 2002-03.

The Department must approve a State's plan under Title I (of which the accountability plan is a critical part) in order for the State to receive Title I funds. The Department's standard for plan approval in order to award funds is whether a plan is in *substantially approvable* form. *See generally* 34 C.F.R. §76.703. This standard is met if a plan contains sufficient information for the Department to determine that the State would be able to meet all applicable statutory and regulatory requirements when it implements the plan. This standard does not demand that a plan must be perfect. When a plan is substantially approvable, the Department may still need to condition a grant award to obtain compliance over the course of the grant period.

Each State completed an accountability workbook that we developed to detail the basic elements—*i.e.*, the specific statutory and regulatory requirements—of the State's accountability system. This workbook became the State's accountability plan once all the basic elements were satisfied. Following peer review by a team of experts, consultation between the Department and each State, and any consequent modifications by the State, we concluded that each State's accountability plan was in substantially approvable form before we approved it and thus were able to award fiscal year 2003 funds on or about July 1, 2003, the date those funds became available for obligation.

In reviewing and approving accountability plans, we took into consideration the unique circumstances of each State. I believe GAO's findings fail to consider the cyclical nature of State assessment and accountability systems together with our desire and responsibility to make grant awards on or near the date funds became available for obligation if State plans were substantially approvable. For example, GAO found that of the 50 States, the District of Columbia, and Puerto Rico six did not include all starting points in their plans. All but one of these States, under previously approved timeline waivers, were administering their new assessments for the first time in spring 2003. Those States could not set their starting points until they had accumulated assessment data that were generally not available until mid to late summer of 2003. It would have been of absolutely no benefit to require those States to calculate their starting points on the basis

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of assessments they administered in school year 2001-02, only to immediately recalculate them following the 2003 administration. Moreover, because the formula for calculating starting points is prescribed by the law, we believed a State's description of how it would implement that formula once it had its actual assessment data was sufficient to approve the State's plan. In these instances, we conditioned the State's 2003 Title I grant award to ensure that the State would provide the Department with its actual starting points as soon as they were calculated. Each State in this situation set its starting points in time to calculate AYP for the 2002-03 school year and subsequently met its condition. It is circumstances like this one that the draft report misconstrues as not meeting all plan requirements.

The draft report recommends that the Department delineate in writing the process and timeframes that are appropriate for each State's particular circumstances to meet conditions for full approval. The Department already has a process in place, which it has been implementing, to move States toward full approval. This process involves continuous monitoring of a State's progress in meeting its conditions and, as the draft report notes, has resulted in an additional 22 States that formerly had conditions becoming fully approved.

The most significant evidence of the success of our process is that *every* State used its accountability plan to make AYP determinations for school year 2002-03, as GAO's data confirm, and is currently using its plan again to make AYP determinations for school year 2003-04. That, to me, demonstrates that our approval system works and negates the need for the draft report's first recommendation.

GAO Recommendation 2: The Secretary of Education should develop a written plan that includes steps and timeframes so that all States have approved NCLBA standards and assessment systems by the 2005-06 school year.

I appreciate GAO's recommendation that the Department establish a plan that allows sufficient time to ensure that States have approved NCLBA standards and assessment systems by the 2005-06 school year. The Department is well underway in implementing such a plan. Immediately following enactment of NCLBA, we conducted negotiated rulemaking on regulations to implement NCLBA's standards and assessment requirements. The resulting regulations, published July 5, 2002, represent the consensus of a wide range of stakeholders: Federal, State, and local administrators, principals, teachers, parents, and assessment experts. We also issued nonregulatory guidance on the standards and assessment requirements on March 10, 2003.

To ensure States are taking the steps necessary to administer annual assessments in grades 3-8 in reading/language arts and mathematics by the 2005-06 school year, the Department required each State to submit, as part of its May 2003 NCLB consolidated State application, evidence that it had developed academic content standards or grade-level expectations for reading/language arts and mathematics for grades 3 through 8, and a detailed timeline of its process to develop aligned assessments as well as science standards required by NCLBA. We will peer review States' academic content standards

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and aligned assessments as part of the upcoming standards and assessment peer review process. Further, as we monitor States under Title I, we check to ensure that each State is progressing on its timeline.

In preparation for peer reviews of States' compliance with NCLBA's standards and assessment requirements, the Department recently provided to every State a copy of the peer review guidance. This guidance serves both to guide peer review teams and to assist States as they prepare for their peer review. The guidance outlines each element that will be reviewed and offers examples of evidence that States can submit to demonstrate compliance with each requirement. The guidance also provides helpful information on technical concepts such as alignment, validity, and reliability.

Although all of these activities effectively serve to prepare States to meet the NCLBA standards and assessment requirements, the Department is planning to take additional steps to ensure that all States meet the deadline. In the near future, we will be conducting a series of interactive Webcasts to train State Title I directors and assessment directors on the peer review guidance. We also have plans underway for additional outreach to States that will reinforce the importance of implementing the new requirements in a timely manner. We are compiling lists of potential peer reviewers and are formulating the review process and schedule we will follow. In early October, we intend to notify each State of these plans. We anticipate that several States will undergo their peer review this fall, well ahead of the statutory deadline. As we move forward in the standards and assessment review and approval process, we welcome any suggestions on how we can make the review beneficial for all.

GAO Recommendation 3: To improve the validity and reliability of State data used to determine whether schools met State goals, the Secretary of Education should further support States' ability to gather accurate student data, such as disseminating best practices and designating technical specialists.

This section of the draft report focuses on States' use of valid and reliable data when determining if schools, districts, and the State have met AYP targets. The draft report notes the Department's numerous efforts in working with States to improve data quality. For example, we are working to: (1) monitor State internal data control policies and data quality; (2) provide guidance to States on the technical adequacy requirements for assessment systems to meet NCLBA requirements; (3) support technical assistance for States via Federal grants to State collaborative working groups; (4) assist States in using "relevant, nationally recognized professional and technical standards" (e.g., *Standards for Educational and Psychological Testing* (AERA/APA/NCME, 1999)); (5) consolidate and streamline State data collection; and (6) establish a set of common definitions across many of the programs funded by the Department.

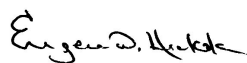
GAO also acknowledges the shared responsibility of States and the Department in improving the processes and procedures for collecting high-quality data for use in assessment and accountability reporting. States have done a good job of identifying and addressing data-quality issues, but many challenges still exist, particularly for those

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States without high-quality student information management systems and limited staffing resources. I believe that the efforts undertaken by the Department to date reflect the strong leadership that we have exercised to address data-quality concerns such as those raised by the report. I agree that we should continue to support States' ongoing efforts to improve the quality of assessment data and their assessment and accountability reports so that student achievement is accurately represented and reported at the school, district, State, and Federal levels.

In sum, our goal has been to ensure that all States have working accountability systems with which to hold schools and school districts accountable for the achievement of all their students. The process we used to implement this goal emphasized outcomes consistent with the NCLBA, and we are proud of the huge strides States have made. Still, we have much work to do. We look forward to continuing to work with States as they develop and implement the new standards and assessment systems that NCLBA requires. We will continue to support States in their efforts to improve data quality and accountability. Working together, we will leave no child behind.

Sincerely,



Eugene W. Hickok

Appendix V: GAO Contacts and Staff Acknowledgments

GAO Contacts

Harriet C. Ganson, (202) 512-7042, GansonH@gao.gov
Jason S. Palmer, (202) 512-3825, PalmerJS@gao.gov

Staff Acknowledgments

In addition to those named above, Deborah Edwards, Gilly Martin, Sherri Doughty, Richard Burkard, Luann Moy, and Sheranda Smith-Campbell made key contributions to the report.

Related GAO Products

No Child Left Behind Act: Additional Assistance and Research on Effective Strategies Would Help Small Rural Districts. [GAO-04-909](#). Washington, D.C.: September 23, 2004.

Special Education: Additional Assistance and Better Coordination Needed among Education Offices to Help States Meet the NCLBA Teacher Requirements. [GAO-04-659](#). Washington, D.C.: July 15, 2004.

No Child Left Behind Act: More Information Would Help States Determine Which Teachers Are Highly Qualified. [GAO-03-631](#). Washington, D.C.: July 17, 2003.

Title I: Characteristics of Tests Will Influence Expenses; Information Sharing May Help States Realize Efficiencies. [GAO-03-389](#). Washington, D.C.: May 8, 2003.

Title I: Education Needs to Monitor States' Scoring of Assessments. [GAO-02-393](#). Washington, D.C.: April 1, 2002.

Title I Funding: Poor Children Benefit Though Funding Per Poor Child Differs. [GAO-02-242](#). Washington, D.C.: January 31, 2002.

Title I Program: Stronger Accountability Needed for Performance of Disadvantaged Students. [GAO/HEHS-00-89](#). Washington, D.C.: June 1, 2000.

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