



***\*\*August 2010 Update\*\****

**How Many Schools Have Not Made Adequate Yearly Progress Under the No Child Left Behind Act?**

This report, originally issued in March 2010 by the Center on Education Policy (CEP), has been updated with the final numbers of schools that did not make adequate yearly progress (AYP) based on 2008-09 testing, taken from the consolidated state performance reports submitted to the U.S. Department of Education (ED). It also includes more recent ED data on the total number of schools in the nation and additional information about why some schools are omitted from determinations of AYP.

**Key Findings**

The Center on Education Policy, an independent nonprofit organization, analyzed data from state reports submitted to the U.S. Department of Education and other sources to determine the number of schools in the nation and each state that did not make adequate yearly progress under the No Child Left Behind Act (NCLB). Here's what we found:

- About one-third of U.S. public schools did not make AYP based on tests administered in school year 2008-09.
- In nine states and the District of Columbia, at least half the public schools did not make AYP in 2008-09. In a majority of the states (34 including D.C.), at least one-fourth of the schools did not make AYP.
- The percentage of public schools not making AYP varied greatly by state, from 5% in Texas to 77% in Florida. These differences among states do not necessarily reflect the

quality of the schools; rather, they are likely due to state variations in standards, tests, cut scores for proficient performance on those tests, and methods for calculating AYP.

## Background

President Obama recently announced his plans to eliminate the current accountability system under the No Child Left Behind Act, which requires public schools to make adequate yearly progress in raising student achievement as measured by state tests and other indicators. The Administration would like to replace AYP with a more comprehensive evaluation of public schools' progress and student growth.

The Center on Education Policy also recommends eliminating AYP, one of several recommendations in our 2010 paper, *Better Federal Policies Leading to Better Schools*. NCLB's current accountability system places considerable weight on the percentage of students scoring proficient on state tests, but this measure of achievement has limitations and is defined differently in every state. The current system is also based on an unattainable goal of 100% of students reaching proficiency by 2014. Finally, the current system over-identifies public schools for improvement and makes no distinction between schools in which one group of students missed one or two AYP targets and those in which students overall missed multiple targets. If the current AYP-based accountability system is not replaced, in some states nearly all schools could be labeled as failing by school year 2012-13. This would render meaningless the concept of singling out underperforming schools for attention and would overburden state departments of education, which must provide assistance to these schools.

To better understand the effects of the current AYP-based accountability system, we analyzed data from the Consolidated State Performance Reports that states must submit to the U.S. Department of Education. In particular, we focused on the total numbers and percentages of schools that did *not* make AYP based on tests administered in 2008-09 for each of the 50 states and the District of Columbia. **Table 1** at the end of this report shows the percentages of schools in each state that did not and did make AYP.

## AYP Results for the Nation

Our finding that about one-third of U.S. public schools did not make AYP was calculated in two ways.

First, we calculated the proportion of schools that did not make AYP out of all the schools for which states reported AYP results in school year 2008-09. Of the 90,663 public schools with reported AYP results, 29,586 or 33% failed to make AYP.

Second, because we knew that the number of schools with reported AYP results was fewer than the total number of U.S. public schools (90,663 versus 96,699), we calculated the proportion of schools that did not make AYP out of all public schools in the nation.<sup>1</sup> By this latter method, 31% of all public schools did not make AYP. **Box A** explains in more detail why some schools may have been omitted from AYP determinations.

### **Box A. Schools Omitted from AYP Determinations under NCLB**

Under NCLB, all public schools, including Title I, non-Title I, alternative education, and charter schools, are required to report data for AYP, but there are certain exceptions. Of the 96,699 public schools in the U.S., roughly 6% (6,036) schools were not evaluated for AYP. Of the 6,036 omitted schools, 1,233 were in Texas. The Texas Education Agency offers a variety of reasons why certain schools are exempt from reporting AYP results. Although we could find only limited information about why other states also had schools unaccounted for in AYP data, similar exceptions may apply. According to the Texas Education Agency, these exceptions include the following:

- **New schools:** Schools are not evaluated for AYP until the second year they report fall enrollment.
- **Mid-year school closures:** Schools that close before the administration of the Texas Assessment of Knowledge and Skills (TAKS) are included in the *district* (not school) AYP evaluation, based on any available performance data.

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<sup>1</sup>The number of schools in the nation comes from U.S. Department of Education data for school year 2008-09. See Table 2 in *Numbers and Types of Public Elementary and Secondary Schools From the Common Core of Data: School Year 2008-09* (<http://nces.ed.gov/pubs2010/pesschools08/tables.asp>)

- **Alternative education programs:** Certain programs in Texas, such as the Juvenile Justice Alternative Education Program or the Disciplinary Alternative Education Program, attribute attendance and test performance data to students' home base schools.
- **Prekindergarten/kindergarten schools:** Schools that do not serve students above kindergarten are not evaluated for AYP.
- **Short-term schools:** Schools in which no students meet the full academic year or accountability subset definitions for AYP are not evaluated; these include, for example, alternative education campuses.
- **Charter schools with no students in grade 3-8 and 10:** Schools that do not serve students in grades 3-8 and 10 are not evaluated for AYP.
- **Hurricane Ike provision:** In 2009, the U.S. Department of Education issued a "special consideration" for schools that had extended closures due to Hurricane Ike and missed AYP for either reading or math.
- **Unusual circumstances:** Certain schools were not evaluated for unusual circumstances, including loss of answer documents in shipping or no students enrolled in the grades tested.

Source: Texas Education Agency, *2009 AYP Guide and 2009 AYP Guide Highlights* (<http://ritter.tea.state.tx.us/ayp/2009/index.html>).

Under NCLB, states had to set interim targets for the percentage of students scoring proficient. These targets have increased since 2002 and will continue to rise on a trajectory that leads to 100% proficient in 2014. Many states have established "backloaded" trajectories that call on schools and districts to make impossibly steep achievement gains in the final few years before 2014.<sup>2</sup> Given this situation, the percentage of public schools not making AYP is likely to keep increasing across the country.

### **AYP Results for the States**

As shown in **table 1**, the percentage of public schools that did not make AYP in 2008-09 varied greatly among the states, ranging from 5% in Texas to 77% in Florida. This wide variation may have less to do with the quality of schools in an individual state and more to do with differences among states in the rigor of their standards, the content and difficulty of their tests, and the

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<sup>2</sup>For more information, see CEP's 2008 report, *Many States Have Taken a "Backloaded" Approach to NCLB's Goal of All Students Scoring "Proficient."*

ambitiousness of their cut scores for proficient performance. In addition, states' methods for determining AYP may differ in such areas as yearly proficiency targets, the use of confidence intervals (a statistical technique similar to a margin of error), and the minimum size for a student subgroup to be counted for AYP purposes.<sup>3</sup>

To see whether any patterns could be found in this wide range of percentages, we grouped states into quartiles according to their percentages of public schools not making AYP. We also looked more closely at the states with the largest enrollments. Here's what our analysis revealed:

- A majority of the states (33 states and D.C.) reported that 25% or more of their public schools did not make AYP in school year 2008-09.
- In 12 states and D.C., 50% or more of the state's public schools did not make AYP in 2008-09. From highest to lowest, these include Florida, D.C., New Mexico, Hawaii, Missouri, Massachusetts, Washington, New Hampshire, Minnesota, Alaska, South Carolina, Indiana, and California.
- No clear pattern was evident in the four largest states, which together enroll more than one-third of the nation's students. The percentages of schools that fell short of AYP in these states were 77% in Florida, 50% in California, 12% in New York, and 5% in Texas.

In conclusion, the number and percentage of schools falling short of AYP targets and the variability of these statistics from state to state further illustrate the weaknesses of NCLB's accountability system. The current system does not give an accurate gauge of school performance, and its "pass or fail" approach to making AYP does not provide a comprehensive picture of student growth.

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<sup>3</sup>For more information about different state approaches to determining AYP, see CEP's 2007 report, *No Child Left Behind at Five: A Review of Changes to State Accountability Plans*.

**Table 1. Percentages of Schools Not Making AYP Based on 2008-09 Testing**  
*(Ranked from highest percentage of schools not making AYP to lowest percentage)*

<b>State</b>	<b>% did not make AYP</b>	<b>% made AYP</b>
Florida	77%	23%
District of Columbia	75%	25%
New Mexico	68%	32%
Hawaii	64%	36%
Missouri	63%	37%
Massachusetts	62%	38%
Washington	58%	42%
New Hampshire	54%	46%
Minnesota	54%	46%
Alaska	54%	56%
South Carolina	50%	50%
Indiana	50%	50%
California	50%	50%
Arkansas	46%	54%
Colorado	44%	56%
Nevada	43%	57%
Illinois	41%	59%
Connecticut	41%	59%
Ohio	39%	61%
Kentucky	38%	62%
Maine	35%	65%
New Jersey	35%	65%
Mississippi	35%	65%
Idaho	34%	66%
Delaware	34%	66%
Iowa	30%	70%
Oregon	30%	70%
North Carolina	29%	71%
Vermont	29%	71%
Virginia	28%	72%
Wyoming	27%	73%
Montana	26%	74%
Arizona	26%	74%
North Dakota	25%	75%
Maryland	23%	77%
Pennsylvania	22%	78%
South Dakota	21%	79%
West Virginia	20%	80%
Tennessee	20%	80%
Rhode Island	19%	81%
Utah	17%	83%
Georgia	14%	86%
Alabama	13%	87%
New York	12%	88%
Nebraska	12%	88%
Kansas	12%	88%

<b>State</b>	<b>% did not make AYP</b>	<b>% made AYP</b>
Oklahoma	11%	89%
Louisiana	9%	91%
Michigan	9%	91%
Wisconsin	7%	93%
Texas	5%	95%

Source: U.S. Department of Education, SY 2008-2009 Consolidated State Performance Reports, Part 1 (<http://www2.ed.gov/admins/lead/account/consolidated/sy08-09part1/index.html#me>).

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Based in Washington, D.C., and founded in January 1995 by Jack Jennings, the Center on Education Policy is a national independent advocate for public education and for more effective public schools. The Center works to help Americans better understand the role of public education in a democracy and the need to improve the academic quality of public schools. We do not represent any special interests. Instead, we help citizens make sense of the conflicting opinions and perceptions about public education and create the conditions that will lead to better public schools.

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