



NCLB: A Steep Climb Ahead

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A Case Study of Louisiana's
School Accountability System

Executive Summary

Continuing to hold schools and districts accountable for improving student achievement and closing the academic achievement gap should remain the top priority for Louisiana, even as it becomes increasingly difficult to meet the goals of the federal No Child Left Behind Act of 2001 (NCLB). The Act requires *all* students and each student subgroup in every public school to reach “academic proficiency” by the 2013-14 school year. Minimal growth in subgroup performance and slowing gains in student achievement suggest the state is unlikely to reach these ambitious goals. The major impact of NCLB on Louisiana will be the likely identification of up to three-fourths of all public schools as failing under the state’s dual accountability system. Labeling a vast majority of schools as failing would render the accountability system of rewards and sanctions meaningless. It would also further erode public confidence in the public school system as a whole.

While NCLB has created significant hardships for some states, the initial impact of implementing the federal mandates has been less problematic for Louisiana. It was among a minority of states to have already established a comprehensive accountability system, which included many of the content standards, tests and teacher quality initiatives that are

now required under the federal law. The initial direct costs of adapting the state’s system to meet NCLB requirements have largely been covered by increases in federal funding.

The original goals of Louisiana’s accountability system are also fairly similar to that required under NCLB. Both require significant improvement in the later years of accountability. However, Louisiana no longer has the flexibility under NCLB to modify its performance goals. Expected gains in student achievement within the last three years of the school growth plan are equal to those expected in the first nine years. The current trend in student achievement, combined with the “backloaded” nature of the goals, indicate that schools have an unrealistic, steep climb ahead.

Further, the state’s unique use of multiple 99% confidence intervals in evaluating subgroup performance will only be useful for the next few years. As this statistical safety net become less effective over time, schools that appear to be performing well under the state’s accountability program will be identified for improvement under NCLB. Not only will this generate mixed messages about school performance, it will place these schools into school improvement, along with those already identified by the state, resulting in upwards of three-fourths of all schools identified for improvement.

While the initial costs of adapting Louisiana’s accountability system to

NCLB have not been significant, the larger question involves the programs and expenditures that will be needed to actually meet the goals. Louisiana’s original goals could have been met with only approximately 95% of students at the proficient level. To bring the remaining 5%, the lowest performing students, up to a level of proficiency could require the most intensive and expensive intervention programs (e.g., lower teacher/pupil ratios, individual tutoring and summer school). The cost of interventions that might be needed to actually raise all students to a level of proficiency could easily run in the hundreds of millions of dollars.

Regardless of the costs and complexities involved in implementing NCLB, the positive effect of this law is that it has cast a bright light on the need for Louisiana to address its achievement gaps. However, with backloaded performance goals, slowing gains in student achievement and as many as three-fourths of all public schools statewide possibly falling into school improvement within the next few years, keeping the accountability program on track is becoming increasingly doubtful. Leaving no child left behind is a laudable, aspirational goal, but it is likely that NCLB will require a major overhaul during the 2007 re-authorization to provide more realistic, attainable objectives. In spite of the uphill battle ahead, Louisiana cannot afford to weaken its education reform efforts.

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INTRODUCTION

Throughout the nation, policymakers, educators and parents are debating the potential impact of the No Child Left Behind Act of 2001 (NCLB). Initially hailed as a bipartisan accomplishment for public education, more recent national reports have begun to reveal the structural and fiscal challenges involved in meeting the federal mandates. Indeed, several states, including Louisiana, have threatened to opt out of the Act, claiming Congress has imposed an unattainable, unfunded mandate.

The national furor over the potential implications and costs of NCLB has pitted state governments against an unwavering federal administration strongly committed to its rules. Responding to states' concerns, the U.S. Department of Education recently relented on several points, granting some flexibility regarding qualified teachers in rural districts, testing students with disabilities or limited English proficiency, and the 95% test participation rule. However, any major changes in NCLB will likely have to await the upcoming presidential election and possibly the 2007 re-authorization of the law.

At the heart of NCLB is the goal of improving student achievement nationwide. Specifically, it requires

states to ensure that *all* students—including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities and those with limited English proficiency—reach, at a minimum, an academic achievement standard of “proficiency” in reading or language arts and mathematics by the 2013-14 school year. The primary ways in which NCLB requires states to achieve this ambitious achievement goal are standards-based testing, highly complex subgroup identification requirements, school improvement sanctions and teacher qualification standards.

Fortunately, Louisiana embarked on its journey of education reform prior to the passage of NCLB. It was among a minority of states (17) to fully comply with the 1994 re-authorization of the Elementary and Secondary Education Act (ESEA), upon which NCLB is largely based. Louisiana had also already established a comprehensive accountability system, which included many of the content standards, tests and teacher quality initiatives that are now required under federal law. As a result, the state was better prepared to comply with NCLB, at least in the initial stages of implementation.

Although it is still too early to measure the full impact NCLB will have on Louisiana, it appears that schools have a steep climb ahead in order to meet the goal of having all students and subgroups at the proficient level by 2014. The current trend in student achievement, combined with the “backloaded” nature of the annual objectives, suggest the state is unlikely to reach this ambitious performance goal.

Likewise, the full cost of implementing NCLB is still a matter of speculation. While the initial direct costs of adapting the state's system to meet NCLB requirements have largely been covered by increases in federal funding, the “intervention” costs of added programs that might be needed to actually raise all students to a level of proficiency are still unknown at this point and could easily run in the hundreds of millions of dollars.

Examining these and other issues, this case study provides an independent review and analysis of Louisiana's response to NCLB. Specifically, it explores the various ways in which Louisiana has adapted its accountability system to NCLB and assesses the programmatic and fiscal implications of those changes.

PROGRAMMATIC CHANGES

In 1997, the Louisiana Legislature mandated the formation of a District and School Accountability Advisory Commission, charged with the development of a statewide system of accountability for public education. With some modifications, the state Board of Elementary and Secondary Education (BESE) adopted in June 1998 the basic accountability framework developed by the Commission, thus formally establishing the Louisiana School and District Accountability System. Based

on the principle that “every child can learn,” the system instituted a number of accountability measures, including long-term state performance goals, annual student assessments, biennial growth targets for schools, a “corrective actions” model of school improvement and a report-card system developed to assist parents, students and policymakers track the progress of schools and districts statewide.

With an established accountability structure in place, Louisiana was able to

layer the NCLB mandates on top of its existing system, thus creating a “dual system” of accountability. While some states have struggled to modify or develop entirely new accountability systems, the transition for Louisiana appears to have been seamless. Overall, the programmatic changes resulting from the implementation of NCLB have created an extremely complex system of accountability.

ACHIEVEMENT STANDARDS AND GOALS

NCLB established a national, long-term achievement goal of increasing student performance. It requires states to ensure that all students reach, at a minimum, an academic achievement standard of “proficiency” in reading or language arts and mathematics by the 2013-14 school year. Although the Act is very specific in delineating the amount and time by which student achievement must be raised, it has granted states complete autonomy in defining their own standards of academic achievement. As a result, the national goal of proficiency varies greatly across states.

Louisiana established its own long-term goals of “basic” by 2009 and “proficient” by 2019 when it implemented its accountability system in 1999. Its 10-year goal of basic referred to the average student score at the basic level on the state’s criterion-referenced tests, and its 20-year goal of proficient referred to the average student score at the proficient level.

Defined as demonstrating “only the fundamental knowledge and skills needed for the next level of schooling,” basic in Louisiana is roughly equivalent to the basic level on the National Assessment of Educational Progress (NAEP), a federally administered, nationally representative test of student achievement. Louisiana’s standard of proficiency, defined as demonstrating “competency over challenging subject matter,” also roughly equates to proficiency on NAEP. Although the objective of Louisiana’s original accountability program was to increase student achievement overall, its goals of raising the *average* student score to the state’s performance standards did not necessarily ensure that *all* students would reach these standards, as is now required by federal law. Thus, shortly

after the passage of NCLB, Louisiana modified its original achievement goals to gain federal approval of its accountability program.

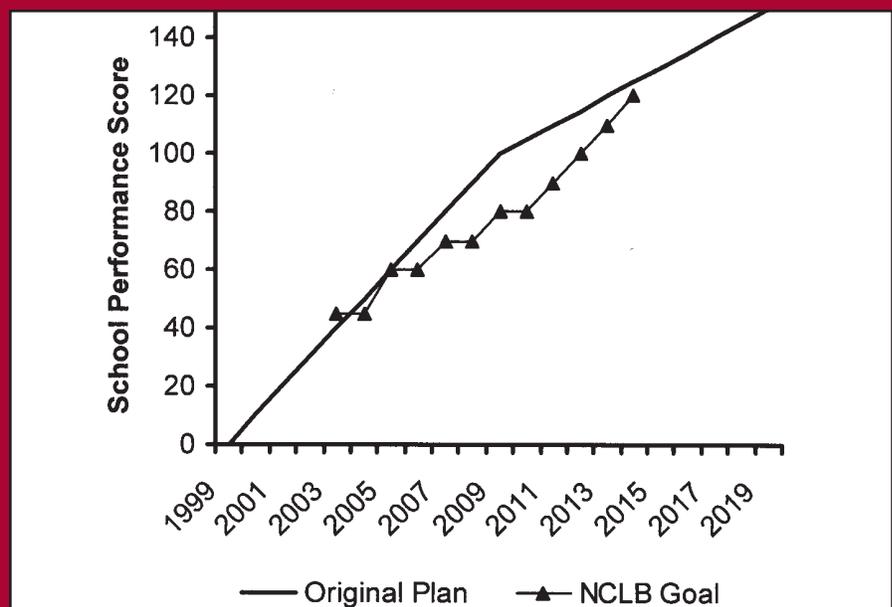
The state established as its new goal of proficiency the basic level of achievement, requiring all students to perform at or above the basic level in English/language arts and mathematics by 2014. Further, to avoid confusion over the meaning of proficiency, Louisiana changed the name of its proficient performance standard to “mastery.” Because of these changes, Louisiana was accused of easing its achievement standards. However, by using school performance scores as a measure of comparison, Louisiana’s original 10- and 20-year achievement goals appear to be very similar to the state’s new 2014 goal, suggesting that the state did not water down its standards in order to meet federal requirements.

Under Louisiana’s accountability system, each school receives a school performance score (SPS) that is based primarily (90%) upon student achievement. Originally, scores ranged from 0 to 150 and above, with 100 indicating

that a school had met the 10-year goal of the average student score at basic and 150 indicating that a school had met the 20-year goal of the average student score at proficient. In revising its long-term goals, the state established a score of 120 to indicate that *all* students within a school are at the basic level, requiring all schools to achieve this score by 2014.

Since the state’s original accountability objective was for *all schools* to reach the state’s goals, the lowest performing school within the state can be used as a proxy for the state’s long-term school growth plan. In 1999, the first year of accountability, the lowest school performance score in the state was 0.10. Assuming the rate of growth is equal across years, this school was scheduled to increase under the state’s original goals 9.99 points each year, up to 100 in 2009 and 5 points each year thereafter, up to 150 in 2019. If a performance score of 120 under the state’s new growth plan indicates that all students within a school are at basic, then all students under the original plan were scheduled to be at the basic level by 2013. As seen in Figure 1, the state’s

FIGURE 1
State versus Federal Long-term Accountability Goals



SOURCE: Louisiana Department of Education.

original and new goals nearly converge in year 2014, with the original growth plan slightly higher (5 points) than the new NCLB goal of 120.

The basic objectives of Louisiana's accountability system have remained intact, as the state's original goals appear to be nearly as rigorous as that required by NCLB. However, Louisiana no longer has the flexibility under NCLB to modify its performance goals as it nears 2014.

CONTENT STANDARDS AND ASSESSMENTS

NCLB requires states to measure student progress through "high-quality" academic assessments aligned with "challenging" academic standards to ensure that all students reach the state-defined minimum of proficiency. Building on the 1994 Act, standards and assessment requirements under NCLB have been expanded to encompass more grade levels and academic content areas.

States were previously required to develop academic content standards and administer assessments, aligned with these standards, at least once in reading/language arts and mathematics in the elementary (grades 3-5), middle (grades 6-9) and high school (grades 10-12) grade spans. With the passage of NCLB, states have until 2005-06 to expand their academic content standards to reflect grade-level rather than grade-span expectations and to administer tests aligned to those content standards in reading or language arts and mathematics annually in grades 3 through 8 and at least once in grades 10 through 12. NCLB also requires states to develop and implement science standards and tests at least once in the elementary, middle and high school grade spans by 2007-08. In total, the number of annual assessment requirements has increased from six annual

tests in 2003 to 14 in 2006 and to 17 in 2008.

Just two months after NCLB was signed into law, only 17 states were in full compliance with the 1994 Act. Of the 35 noncompliant states, most had not met testing and reporting requirements and were not on track to accomplish the goals of NCLB. Louisiana was fortunately among those states in full compliance. As part of its state accountability system, Louisiana developed and implemented a standards-based assessment program in each of the elementary, middle and high school grade spans. In grades 4, 8, 10 and 11 it administers "high stakes" criterion-referenced tests, designed to measure students' content knowledge in English/language arts, mathematics, science and social studies. The state also administers in grades 3, 5, 6, 7 and 9 standardized, norm-referenced (Iowa) tests in the four main subject areas to provide a national comparison of student performance.

In order to meet the NCLB requirements for content standards and standards-based testing, Louisiana developed grade-level expectations (GLEs), for every grade, pre-kindergarten through 12. Louisiana also chose to modify its norm-referenced tests for grades 3, 5, 6, 7 and 9 to maintain its existing testing program yet comply with the new federal assessment requirements. Although NCLB only specifically requires a set of high-quality, yearly student academic assessments, federal regulations do not allow the use of norm-referenced tests, or tests that are not tied to academic content standards. As a result, Louisiana is developing and will administer by 2005-06 an "augmented," or "hybrid," version of its norm-referenced tests, containing both norm- and criterion-referenced test questions.

The changes in standards and assessment have strengthened the state's accountability system. Having the new grade-level expectations provides teachers with more specific,

grade-level standards that will guide content, instruction and testing.

Modification of the state's assessment program also provides several benefits. The decision to augment the Iowa tests rather than develop wholly new criterion-referenced tests has enabled the state to maintain the norm-referenced portion of its testing program. By doing so, the state can continue to have a longitudinal, national comparison of student achievement. The addition of criterion-referenced test questions at each grade level will allow student progress to be measured and evaluated from one grade to the next.

ADEQUATE YEARLY PROGRESS

NCLB requires states to demonstrate adequate yearly progress (AYP) of their public schools, students and subgroups. AYP is a measure, or target, of progress that must be met annually to ensure that the long-term goal of proficiency is achieved by 2014. The most challenging AYP requirement is that states now must hold schools accountable for improving student subgroup performance. In an effort to improve student achievement overall and close the academic achievement gap, NCLB requires states to establish separate annual objectives in both reading or language arts and mathematics for all public elementary and secondary school students *as well as* for individual student subgroups.

Under the state's original model of school performance evaluation, schools were required to pass a state-defined minimum performance "bar" and reach a specified growth target, as measured against the state's original long-term achievement goals. However, school performance was only evaluated on a biennial basis—not annually, as federal law requires. In order to gain approval of its accountability program, Louisiana slightly modified its school performance model, shifting from bien-

nial to annual growth cycles, requiring schools to demonstrate annual progress and annually assigning consequences to school performance.

The integration of student subgroup performance into the school evaluation process has had the most significant impact on Louisiana's accountability program. While the state complied with the 1994 Act in collecting and disaggregating subgroup performance data, it did not directly hold schools accountable for improving the performance of individual subgroups. Instead, schools were expected to demonstrate progress of their overall student population. Louisiana added a third layer to its school evaluation process to maintain consistency between its original accountability system and new federal requirements. In addition to passing the state performance bar and annual growth targets, schools now must also ensure that each student subgroup has met AYP requirements.

Demonstrating AYP is a multifaceted process, one that must be repeated in each subject area, reading or language arts and mathematics, for all nine of Louisiana's student subgroups and in every public school. In total, a school could potentially pass through *36 or more tests* of subgroup performance plus an additional indicator, either an attendance or graduation rate, before it can meet AYP requirements for the year. If a school fails any number of these various tests for two consecutive years, it enters into school improvement, wherein progressively tougher sanctions, ranging from school choice, supplemental services and state takeover, are applied. As a result, each phase within the complex AYP process is critical to how a school is evaluated and potentially sanctioned. (See Box.)

Despite the complexity of the AYP requirements, holding schools accountable for closing the achievement gap between different types of students has strengthened Louisiana's accountability system. Originally, schools could reach

the state's performance goals without directly addressing subgroup achievement. For instance, in 2003 the difference in performance, or the achievement gap, between white and black students was 29.12 points on average. In schools with a performance score of 100 or higher, the state's original 2009 performance goal, the average gap was 34.91 points. And, in schools with a performance score of 120 or higher, the state's new 2014 goal, the average gap was 31.22 points. The 2003 testing results reveal that despite reaching the state's performance goals, large achievement gaps still remain between white and black students in high performing schools throughout the state. Perhaps even more telling is that when comparing the achievement gap from 2002 to 2003, roughly 16% of schools experienced both an increase in their overall school performance score *and* in their black/white achievement gap. This suggests that under the original system, a school could demonstrate growth while maintaining—perhaps even widening—its subgroup achievement gap.

In strengthening Louisiana's accountability program, NCLB has also limited the state's flexibility in evaluating its own public schools. By developing a three-tiered system of evaluation, Louisiana has created an integrated system of accountability—one that evaluates schools using separate state and federal criteria. As a result, schools can potentially be identified as failing under the federal system that otherwise may be performing well under the state's original criteria, a problem occurring nationwide. Forty percent of schools in Virginia, for example, failed AYP, while only 22% failed to meet state accreditation standards. Likewise, 87% of schools in Florida were identified as failing under federal requirements, yet 47% received a grade of "A" under the state's accountability system. These substantial discrepancies send mixed messages about school performance to educators, policymakers and the general public, which eventually may undermine the credibility of states' education accountability systems.

Subgroup Evaluation Process

For a subgroup to be evaluated under AYP, it first must contain a minimum number ("n") of students (10 in Louisiana) to ensure that student testing results are statistically valid and reliable and are not individually identifiable. If an individual subgroup has fewer than the minimum "n," the school automatically makes AYP for that particular subgroup for the year. If a subgroup has 40 or more students, at least 95% must be tested on the state's standards-based assessments. If test participation within any one subgroup (of 40 or more students) is lower than 95%, the school automatically fails AYP. Subgroups with fewer than 40 students automatically pass the participation requirement and move on to the next test. Once the participation requirement is met, each subgroup must achieve annual measurable objectives, or scheduled goals for the year, in reading/language arts and mathematics. If any subgroup fails to meet either objective, it can still pass AYP through the state's "safe harbor" provision: (1) the number of non-proficient students within the subgroup must be reduced by at least 10%; and (2) the subgroup must pass an "additional academic indicator," either by achieving a 90% attendance rate (elementary and middle schools) or a 90% non-dropout rate (high schools), or by demonstrating an improvement of 0.10% in these areas. Finally, if all subgroups either meet their two annual measurable objectives or satisfy safe harbor requirements, then the school *as a whole* must pass the additional academic indicator. Upon meeting these various criteria, a school is deemed as passing AYP for the year.

Recognizing early on the potential implications of the federal law, Louisiana developed a unique approach to evaluating subgroup performance. The state incorporated into its accountability plan a number of safeguards enabling it, thus far, to avoid identifying a large proportion of schools as failing based on the performance of student subgroups. In 2003, only about 5% (65) of schools in Louisiana were identified as failing AYP, a considerable contrast to failure rates in other states as noted above. Whether the state can continue to avoid AYP failure in this manner is becoming doubtful. Given a number of flaws embedded in the state's plan and within the federal law itself, Louisiana's ability to achieve the federal 2014 goal of increasing student achievement to 100% proficiency is unlikely.

Subgroups

Louisiana will feel the effects of the federal subgroup accountability requirements more than most other states due to its racially and economically diverse public school student population. Louisiana has defined nine major student subgroups, including one containing all students and eight others including: five racial/ethnic subgroups (American Indian, Asian/Pacific Islander, Hispanic, black and white); students with limited English proficiency; students receiving free or reduced lunch; and students with disabilities. Under NCLB, if *any* subgroup within a school fails to meet the state's annual performance goals, the entire school fails AYP for the year. Moreover, subgroup categories are not mutually exclusive. All students are included in two categories, and some are counted in as many as four. The implication of this categorization is that schools serving the most disadvantaged and minority students are disproportionately sanctioned.

As compared to the national average, Louisiana's public school system is

composed of a significantly higher percentage of minority and economically disadvantaged students. (See Table 1.) In its urban parishes, the proportion of students comprising these subgroups is even larger. For example, the percentage of minority students and economically disadvantaged students in Orleans Parish is as high as 97% and 75%, respectively. Likewise, the percentage of minority students in East Baton Rouge Parish is 79%, while the percentage of economically disadvantaged students is 72%. Based on these results, states with larger proportions of multiracial schools, such as Louisiana, will be more likely to have schools identified and sanctioned through the AYP process.

Annual Measurable Objectives

Louisiana has set most schools up for future failure with the design of its annual measurable objectives. The objective in mathematics, for example, is required to increase from 30.1% of students at the proficient level in 2003 to 41.8% in 2005, a gain of 11.7 percentage points. This same pattern of growth is required from 2005 to 2007 and again from 2008 to 2010, increasing 11.7 percentage points over each three-year time span. However, beginning in 2010, expected improvement accelerates rapidly, as the annual objectives increase by approximately 11.7 percentage points *every year* until 2014. (See Figure 2.)

The problem with this approach is that it assumes that gains in student achievement within the last three years of the growth plan can be equal to gains throughout the *first nine* years. For instance, the percent-proficient requirement in English/language arts is 36.9% in 2003 and increases to 68.4% in 2010, an expected gain of 30.5 percentage points throughout a nine-year time period. However, from 2011 to 2014, the percent proficient is expected to increase from 68.4% to 100%, an

TABLE 1
Louisiana's Student Subgroup Population

Student Subgroups	Louisiana	U.S.
Black	47.7%	17.0%
White	48.5%	61.0%
Hispanic	1.8%	16.6%
Asian/Pacific Islander	1.3%	4.2%
American Indian	0.7%	1.2%
Economically Disadvantaged	61.4%	36.6%
Students with Disabilities	13.5%	13.3% ^a
Limited English Proficiency	1.0%	7.9% ^b

^a Percentage of students with Individualized Education Plans.
^b Percentage of students receiving English-Language Learning services.
SOURCES: Louisiana Department of Education, 2003; U.S. Department of Education, National Center for Education Statistics, Common Core of Data, 2001-02.

expected improvement of 31.6 percentage points in just *three* years.

Consequently, schools are expected to grow 7.10% annually throughout the first nine years of accountability yet grow at a much faster pace of 13.5% a year in the remaining three years.

As many as 20 other states have developed similar "balloon mortgage" or "backloaded" approaches. Some 17 states have backloaded AYP projections just after the 2007 ESEA re-authorization, apparently assuming that the goals will be modified substantially.

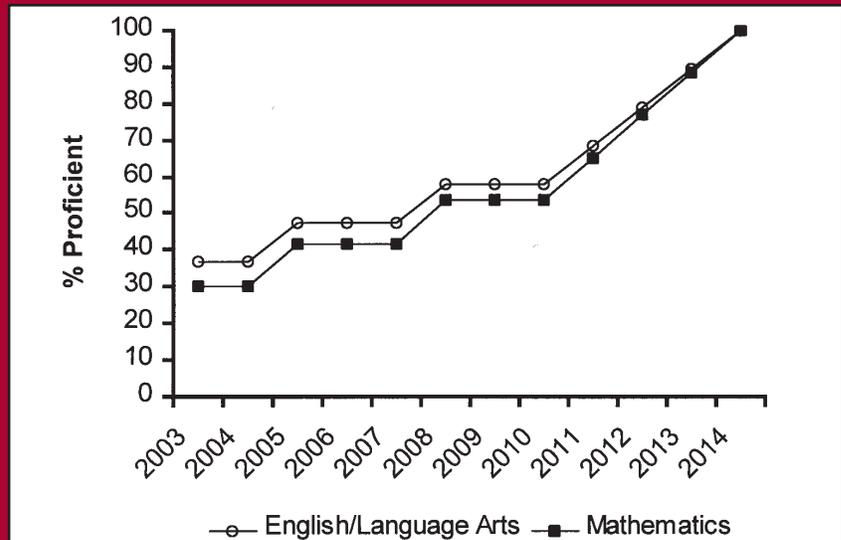
Louisiana's backloaded approach calls into question the state's ability to reach the 2014 goal. Recent student testing data reveal that while student achievement has improved significantly since the implementation of state accountability, the current rate of growth simply will not bring all students up to the proficient level. The proportion of proficient students in

English/language arts in grade four, for example, has grown from 55% in 1999 to 60% in 2004, a 9.1% increase or annual growth average of 1.76%. If this current rate of growth is sustained, only 71.4% of students will be at the proficient level by 2014. Likewise, the proportion of proficient students in grade eight has grown from 43% to 47%, a 9.3% increase throughout the last five years, but an annual growth average of only 1.79%. Again, if this growth rate is sustained, only 56.1% of students will be proficient by 2014. Only in grades eight (6.88%) and 10 (6.15%) is the rate of growth sufficient in mathematics to suggest that all students might reach 100%. Further, average subgroup performance growth over time, as shown in Figure 3, has been minimal. From 2000 to 2003, performance of black students has improved only 8%, of economically disadvantaged students only 7.2% and of students with disabilities 15.5%. In addition, the achievement gap between white and black students has only decreased 0.2%. Given the experience to date, subgroup performance and overall student achievement is unlikely to increase to the level and by the timeline required under NCLB.

Safe Harbor

Safe harbor allows states to demonstrate AYP without actually bringing all students up to the national goal of proficiency by 2014. This NCLB provision enables schools and student subgroups to continually fail the state's objectives yet consistently make AYP if they can reduce the student failure rate by at least 10% every year. Louis Armstrong Elementary School in Orleans Parish, for example, failed Louisiana's 2003 annual objective in English/language arts but passed AYP by reducing its percentage of non-proficient students from 93.7% in 2002 to 82.4% in 2003. Assuming that the school could continue to perform at this fast pace of growth, continually

FIGURE 2
Louisiana's "Backloaded" Annual Measurable Objectives

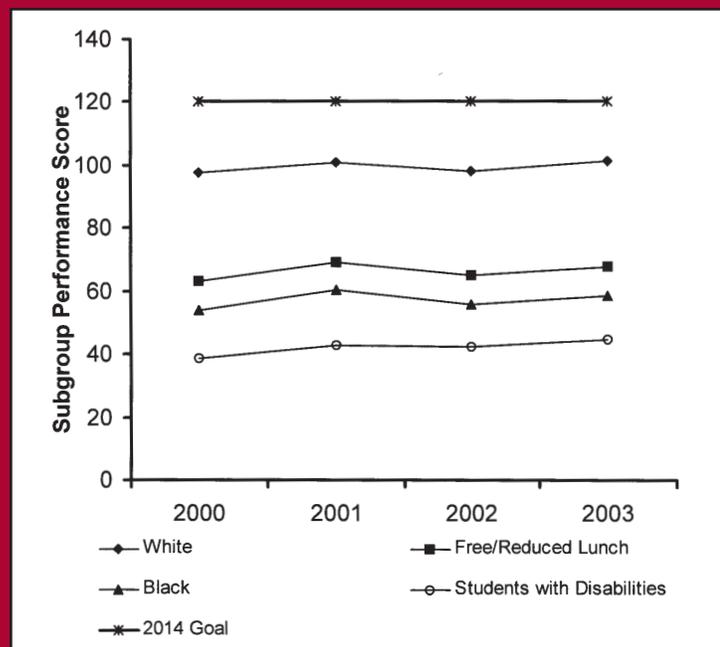


SOURCE: U.S. Department of Education, 2002.

reducing its percentage of non-proficient students by 10% every year until 2014, the school would eventually catch up to the state's objective of 57.9% in 2010. Yet when the objective increases to 68.4% in 2011, the school's average annual rate of growth would yield only 64.5% of students at the proficient

level—nearly four percentage points below the state's target. As the objectives increase to 78.9% in 2012, 89.4% in 2013 and 100% in 2014, safe harbor would enable the school to continue making AYP, while only increasing the percentage of proficient students to 68%, 71% and 74%, respectively.

FIGURE 3
Minimum Growth in Subgroup Performance, 2000-2003



SOURCE: Louisiana Department of Education, 2003.

Consequently, only 74% of its students will be at the proficient level in 2014—this would be 26 percentage points below the state objective and the NCLB goal of 100%.

Confidence Intervals

Louisiana's unique approach to calculating AYP has enabled the state, in effect, to subvert the federal school identification process. Shortly after the enactment of NCLB, policymakers estimated that as many as 80% of Louisiana's public schools would be identified for improvement throughout the first few years of federal accountability. Indeed, states such as Florida, Minnesota and Virginia reported failure rates as high as 87%, 80% and 40%, respectively. In 2003, 45% of schools in Louisiana were identified for improvement under the state's accountability system, while only 5% were identified as failing AYP. While these figures represent a significant proportion of schools, they are still substantially lower than initial state expectations.

Louisiana is the only state to apply a 99% confidence interval to virtually every aspect of the subgroup identification process, including the state's annual measurable objectives, safe harbor and additional academic indicators. A confidence interval is a statistical application commonly used in survey research to lessen the impact of random error that is associated with sampling. It is usually reported as a plus-or-minus figure that is used to represent, within a defined range, results that are representative of the total population from which the sample was obtained.

Assuming testing results from a smaller group of students are less reliable or representative of student achievement for a school than results obtained from a larger group, a confidence interval is designed to take into account varying sizes of student subgroups within each school. But apply-

ing a confidence interval in this manner lowers the threshold for the percentage of students within each subgroup required to meet the state's AYP objectives. Subgroups with fewer students will have a larger AYP passage range, while larger subgroups will have a smaller range. Using the 2004 mathematics objective of 30.1%, for example, only four students (10%) within a subgroup of 40 students would be required to pass in order for the subgroup to meet AYP requirements after applying a 99% confidence interval. By contrast, 43 students (21.5%) within a much larger subgroup of 200 students would be required to pass.

As many as 24 other states apply a confidence interval to the annual measurable objectives in reading and mathematics; though only nine, including Louisiana, employ the more generous 99% confidence interval approach. Louisiana is also one among only three states, including Maryland and Nevada, to apply a confidence interval to safe harbor. In fact, it is the *only* state to apply a 99% confidence interval to safe harbor *and* to its additional academic indicator, making Louisiana's approach to evaluating subgroup performance unique.

The effect of the confidence interval is currently at its strongest for Louisiana, since subgroup reporting is based only on standards-based testing results for students in grades 4, 8 and 10, or roughly 23% of the total public school student population (734,706). In 2006, when new federal testing requirements must be fully implemented, the number of students counted in subgroups will more than double when grades 3, 5, 6 and 7, or approximately 226,156 students, are included in the calculation of AYP. As the number of students increase, the impact of confidence intervals will lessen, potentially leading to more schools being identified for improvement.

How many additional schools will be affected by these changes in 2006 is unclear at this point. An unofficial

analysis conducted by the Louisiana Department of Education (LDE) indicates that 722 student subgroups in at least 279 schools of the 1,197 passing AYP in 2003 met the state's annual measurable objectives only after a 99% confidence interval was applied. Likewise, 432 subgroups in 197 schools passed AYP when a confidence interval was applied to safe harbor; in fact, subgroup achievement in 167 of these schools actually *declined* from 2002 to 2003. Finally, as many as 30 schools passed after a confidence interval was applied to the additional academic indicator for the entire school.

Since the LDE is currently under no obligation to calculate the number of schools meeting AYP requirements solely due to a confidence interval, these data may only be confirmed from individual school report cards, which are released each fall. Based on a random sample of school report cards, an estimated **59%** of schools passing AYP in 2003 met the state's requirements only after one or more 99% confidence intervals were applied. Approximately 39% of schools were saved from failing the state's annual measurable objectives; 3% from failing safe harbor; less than 1% from failing only the academic indicator; and 16% from failing some combination of two or more possible areas. Confidence intervals were primarily applied to three student subgroups: students with disabilities (47%), black students (24%) and economically disadvantaged students (17%).

Extrapolating these results to all schools passing AYP in 2003, as many as 700 additional schools might have failed without the use of one or more confidence intervals. An estimated 315 of these schools were identified last year as failing their growth targets and placed in the first level of school improvement. However, as the confidence interval becomes less effective in 2006, many of these schools could fail AYP and be advanced into higher levels of improvement, wherein tougher, more costly federal accountability sanc-

tions are applied. More problematic are the 345 of the 700 that appear to be performing well under the state's accountability system, despite passing AYP only after a confidence interval was applied. Adding these 345 to the 620 schools already identified for improvement in 2003 could result in **nearly three-fourths of all schools designated as needing improvement** under state and/or federal criteria within the next few years.

The federal AYP requirements have generally improved Louisiana by forcing it to address its substantial academic achievement gaps. Yet, the method by which the state has been required to minimize these gaps is flawed. NCLB requires states to develop annual performance goals but has permitted Louisiana and others to backload nearly half of all expected improvement within the last few years of federal accountability. Given current levels of academic achievement, Louisiana is unlikely to achieve such high levels of growth. Also, the state's approach to evaluating subgroup performance will only be useful for the next few years. As new testing requirements are implemented, confidence intervals will become less effective. The most detrimental effect of AYP on Louisiana's accountability system therefore will be its likely identification of as many as three-fourths of all schools for improvement, which the public presumably views as failing. Labeling a vast majority of schools as failing would render the accountability system of rewards and sanctions meaningless. It would also erode public confidence in the public school system as a whole.

SCHOOL IMPROVEMENT

NCLB builds on the 1994 Act, requiring states to impose on schools failing AYP several progressively tougher sanctions, ranging from school

choice transfers (in year two) to supplemental services (in year three) and to school reconstitution (in year six). Louisiana included in its original accountability system a similar performance-based model of sanctions. Schools that either failed to make their growth targets or reach the state-defined performance bar, also considered "academically unacceptable," were placed in the state's former improvement model, "corrective actions." These schools faced progressively tougher sanctions, including school choice and reconstitution, similar to those now mandated by federal law. Louisiana's corrective actions model has thus served as the basic framework for the state's new "school improvement" model.

The most significant changes have been an increase in the number of sanctions administered, the timeline by which sanctions are administered and the way in which schools are identified for improvement. Once consisting of three additive levels of sanctions under corrective actions, school improvement now includes six, though the first year is not recognized by NCLB. Notable additions to the model include supplemental educational services, or free tutoring for students; scholastic audit, an external programmatic review of a school; and state takeover.

Along with an increased number of sanctions, the timeline by which sanctions are applied has also been modified. Under the state's original accountability program, schools were evaluated and sanctioned on a biennial basis. With the state's shift from biennial to annual evaluation, sanctions now occur more quickly. For example, in year three of the former corrective actions model, "academically unacceptable" schools were required to offer school choice to students, or the opportunity to transfer to a higher performing school; however, in the new model, schools now must offer school choice in year two.

The number of ways in which a school can be identified for school improvement has increased from two to three with the addition of AYP requirements. Sanctions also depend upon which of the three areas a school fails. Schools failing the state performance bar or AYP generally receive tougher sanctions than schools simply missing their growth target. A school that fails its growth target, for example, is not required to provide supplemental educational services or implement a reconstitution plan and is no longer required to offer school choice, as was once required under the state's original model.

Finally, some sanctions now depend upon a school's Title I status, or those receiving federal funding based on their proportion of economically disadvantaged students. These schools are subject to different, federally mandated sanctions, including school choice, supplemental services and alternate governance, than non-Title I schools. As of July 2003, 24 states reported that they will only apply federal accountability sanctions to Title I schools, while only 19 reported they will extend sanctions to all schools failing AYP. Louisiana has combined the two approaches. In keeping with its original plan, Louisiana applies school choice as well as alternate governance to both its Title I and non-Title I "academically unacceptable" schools. However, the state only applies school choice to Title I schools failing AYP, and only Title I schools are required to offer supplemental services and receive alternate governance.

Changes to Louisiana's corrective actions system have resulted in an extremely complex model of school improvement. However, the transition has been smooth. Schools already on target to offer school choice or face reconstitution under the previous biennial cycle of evaluation were unaffected by the shift to the annual schedule. A more substantive impact appears to be a shift in the state's emphasis from pro-

moting school growth overall to a more targeted focus on its poorest performing schools. Originally, a school failing its growth target was sanctioned about the same as a school failing the state performance bar. Schools simply failing to grow at their expected pace are no longer as severely penalized, instead entering into the state’s improvement level one and only advancing into a more severe level when their growth target is greater than seven points.

Federal accountability appears to have necessitated this shift. Again, the state’s backloaded AYP goals, coupled with the diminishing effect of the confidence intervals, could potentially place as many as 700 schools into more severe improvement levels two or higher over the next several years. Adding this estimated figure to the number of schools already identified in 2003, well over half of all schools statewide could be subject to federally mandated sanctions, including school choice, supplemental services and state takeover by the 2011-12 school year. The state will have a difficult time satisfying federal accountability requirements without also attempting to apply comparable sanctions to its slower growing schools. Moreover, the extent to which these sanctions will actually prove effective in improving student achievement or enabling the state to reach its long-term goals is still unknown. Louisiana’s experience thus far has not been promising.

School Choice Transfers

In 2003-04, 61 schools in five different parishes throughout the state were required to offer school choice. Of the approximately 40,485 students eligible for school choice statewide, only 1% of students actually transferred to another school. (See Table 2.) The limited use of school choice is particularly demonstrated by the experiences of East Baton Rouge and

Orleans parishes. In East Baton Rouge Parish, 3,249 students in four schools were eligible for transfers, and among eligible students, only 6% requested and actually received a transfer. Participation in Orleans Parish has been even lower. Fifty-one of its 126 schools were required to offer choice. Of the school district’s 33,371 eligible students, 1,108 requested transfers; 173 were approved; and only 37, or 0.11% of all eligible students across the district, actually transferred to another school.

The use of school choice has been limited by the lack of alternatives. In Orleans Parish, over 40% of all schools are required to offer choice, leaving few viable transfer options available for students. Moreover, most schools chosen to accept transfers generally do not have substantially higher achievement levels than schools required to offer choice. Roughly half of all “receiving” schools throughout the state are in the first level of school improvement. Or, as is the case in Orleans and East Baton Rouge parishes, most had an average school performance score below 70, roughly 50 points below the 2014 goal of 120.

Supplemental Educational Services

Although remediation services are provided under the state’s accountability system, supplemental services offer an additional, independent source of tutoring for students in low-performing schools. Schools in year three of school improvement were first federally required to offer supplemental services in 2002-03. Similar to school choice, participation in supplemental services has been much lower than federal expectations. Upon the November 2002 release of the state’s school performance scores, 12 Title I schools in Orleans Parish were identified for supplemental services. By January 2003, most of the state’s 11 service providers had not been fully approved by the state nor had Orleans Parish aggressively notified students and parents of the option. As a result, only approximately 200 of 5,287 eligible students signed up for services, and among those, none received services. (See Table 2.)

Response improved slightly in the 2003-04 school year. In July 2003, six schools, one in East Baton Rouge Parish and five in Orleans Parish, were placed in school improvement level three, and 11 schools, all in Orleans

TABLE 2
Limited Statewide Participation in Public School Choice and Supplemental Educational Services

	Public School Choice Transfer	Supplemental Educational Services
Number of Title I Schools Eligible	61	16
Number of Students Eligible	40,485	6,293
Number of Student Applicants	1,930	950
Number of Students Receiving Approvals	687	N/A
Number of Students Actually Participating	548	795

N/A = Not applicable.
SOURCE: Louisiana Department of Education, 2004.

Parish, moved into school improvement level four, bringing the total number of eligible students statewide up to 6,293, or a 19% increase over the previous school year. Of the 5,718 eligible students in Orleans Parish, nearly 600 signed up for services. In contrast to the previous year, some effort was made to inform parents and students of the option. Letters were sent home with students and an informational fair was held for parents. Ultimately, only 10% of eligible students actually received services in 2003-04.

Interest in supplemental services was slightly better in East Baton Rouge Parish. Three service providers aggressively advertised their services to students, mailing out flyers to families, holding informational meetings for parents and offering incentives to students, such as electric scooters, cell phones and video games. As a result, over half of the 575 eligible students signed up for services, and roughly 35% received them.

State Takeover

Although state takeover is provided under both the 1994 and 2001 Acts as a potential option for schools in year four of school improvement, Louisiana was not, until recently, constitutionally permitted to apply this sanction to schools. In November 2003, an amendment to the state's constitution allowing BESE to take temporary control of failing schools was approved by 60% of the voters.

"Academically unacceptable" schools in school improvement level four or above are considered as failing under the new model and must begin developing a reconstitution plan to be implemented in improvement level five. Fourteen schools, all in Orleans Parish, meet these criteria. The state is currently in the process of developing a "Recovery School District," wherein failing schools will be operated under the authority of the LDE and BESE.

However, BESE recently approved a takeover plan submitted by the University of New Orleans of one school, Pierre A. Capdau Junior High, which is scheduled for takeover in 2004-05.

Louisiana's experience offers little insight into how extensive or effective federal accountability sanctions will be in improving academic achievement over the long run. Limited participation thus far suggests that few parents view school choice as a viable option for their children and that schools have done very little to facilitate student involvement in supplemental service programs. In addition, research regarding the impact of state takeover has been mixed, and whether the state can successfully manage a minority of its failing schools within the next two years, or possibly a majority of its schools within the next eight years, still remains to be seen. With three-fourths of all schools throughout the state potentially facing sanctions within the upcoming years, it is imperative that cost-effective approaches be developed.

"HIGHLY QUALIFIED" TEACHER QUALIFICATIONS

NCLB places a strong emphasis on teacher quality, requiring states to provide a high quality teaching staff by 2005-06. Similar to other areas of the law, states have been allowed to formulate their own definitions of what is considered to be "highly qualified." At a minimum, the Act requires *all* teachers to hold a bachelor's degree, have state certification in the subject area in which they teach and demonstrate subject-area competency in the core academic subject areas: English, reading/language arts, mathematics, science, foreign language, civics and government, economics, art, history and geography. Since certification standards and assessments differ by state and NCLB has

not clearly defined what qualifies as subject-area competency, teacher qualification standards vary greatly across states.

Louisiana has established a variety of routes by which teachers may become highly qualified. Teachers new to the profession are required to be highly qualified upon initial employment, which includes holding a certificate to teach and demonstrating subject-area competency through a content-specific licensing exam, a Master's degree, or an academic major in a specific content area. Veteran, or "not new," teachers are held to slightly different standards. An experienced, highly qualified teacher in Louisiana is one that holds a valid teaching certificate in the appropriate grade level(s) and/or subject area(s) and has demonstrated subject-area competency through a content-specific licensing exam, at least 12 hours of college credit in each of the core academic subject areas, an academic major or Master's degree in a content area, National Board Certification, or qualifies under the Highly Objective Uniform State Standard of Evaluation (HOUSSE).

The area wherein states have been granted the most flexibility is in the development of their HOUSSE criteria. Under Louisiana's definition, teachers must earn 90 Continuing Learning Units (CLUs) by 2005-06. CLUs are typically earned through professional development hours that focus on content knowledge; other activities counted as CLUs include participation in university courses, workshops, seminars, conferences, research or mentoring, among others. Lawmakers and educators in Louisiana recently called for changes to the HOUSSE criteria, arguing that teachers already holding a valid teaching certificate should be deemed highly qualified, that teaching experience should be taken into consideration and that the requirements unfairly target middle school teachers. Under NCLB, middle and high school teachers must demonstrate subject-area competency

in *every* subject area they teach. Thus, middle school teachers who earned middle school or a more general kindergarten through grade 8 (K-8) certification under Louisiana's former certification structure have not demonstrated subject-area competency.

In an effort to appease these concerns, BESE recently voted to amend the HOUSSE requirements, allowing one year of teaching experience to count as three CLUs up to a maximum of 45. By early September 2003, as many as 2,900 of the state's approximately 4,000 middle school teachers were estimated to be unqualified. Since then, roughly 200 have taken additional certification exams, while another 2,700 are still expected to become qualified under the HOUSSE option. The total number of unqualified teachers statewide is still unknown at this time, as the state is still in the process of developing a system to collect these data.

Louisiana recognized the need to improve teacher quality prior to the implementation of NCLB. The most recent major state effort began with the Blue Ribbon Commission on Teacher Quality, established by BESE in April 1999. The state has implemented a number of the Commission's more than 60 recommendations, which help to hold universities and districts accountable for recruiting, preparing, supporting and retaining high quality teachers.

These initiatives have enabled Louisiana to adapt to the new federal requirements without significantly altering the state's teacher qualification standards and at little, if any, added effort or additional cost. Prior to NCLB, the state had also invested a significant amount of its resources into several programs supporting teacher development that now may be counted as CLUs, including tuition exemptions for teachers pursuing advanced degrees, annual stipends for teachers who earn National Board Certification and various professional development pro-

grams aimed at increasing teacher quality. But, in spite of its recent efforts, Louisiana has a long way to go toward improving teacher quality to the level needed to meet the NCLB standards and, more importantly, to impact student achievement.

State Certification

Louisiana requires teachers to hold at least a Bachelor's degree, have earned a grade-point average of at least 2.5 on a 4.0 scale and demonstrate content knowledge by passing a rigorous state licensing exam in order to obtain state certification. Along with at least 34 other states, Louisiana uses the Praxis test series for licensure. Throughout the last six years, the percentage of uncertified teachers throughout the state has ranged from a low of 12.43% in 1998 to a high of 15.61% in 2002. In fact, the percentage of uncertified teachers actually increased throughout much of this time period, only decreasing to 12.98% more recently in 2003. Based on these figures, more than 7,200 teachers in Louisiana must obtain certification by 2005-06 in order for the state to comply with NCLB.

Subject-area Competency

Louisiana ranks at the bottom of states in measures of subject-area competency. Using college major as an indicator, Louisiana appears to have a substantial shortage of highly qualified teachers, particularly in mathematics and science. Fifty-eight percent of math teachers in the state have a major in math, down from 63% in 1994, while only 45% of science teachers have a major in science, down from 57% in 1994. Likewise, less than half of all mathematics and science teachers have both a college major *and* certification in their respective teaching fields. Nationwide, the percentage of teachers with a major in their teaching field was

67% in mathematics and 75% in science, while the proportion of teachers having both a college major and full certification in mathematics and science were 63% and 67%, respectively.

Classes Taught by Highly Qualified Teachers

Of Louisiana's approximately 199,561 classes, 85.5% were staffed by a highly qualified teacher in 2002-03. In its high poverty schools, 78% of classes were taught by a highly qualified teacher. An estimated 84% of classes in rural schools were staffed by a highly qualified teacher as compared to 87% of classes in urban schools. And, an estimated 81% of classes in schools with a majority of minority students were taught by a highly qualified teacher as compared to 89% of classes in schools with fewer minority students. While it appears that a significant proportion of classes statewide are taught by a highly qualified teacher, the data suggest that considerable staffing discrepancies still exist between different types of schools and that additional efforts are necessary for the state to meet the 2005-06 federal teacher qualification goals.

Overall, NCLB has solidified Louisiana's commitment to improving teacher quality. Because of its prior teacher accountability efforts, the state has not substantially been affected by the new federal teacher qualification standards. Not only were teachers already required to participate in ongoing professional development, Louisiana had also established a number of teacher quality initiatives, many of which may now be counted toward the 90-CLU requirement under the state's HOUSSE definition. Whether the state's standards are too rigorous, as state lawmakers and educators have argued, or ineffective, as recent research suggests, is still unclear at this point. What is evident is that NCLB

has altered the state's long-term teacher qualification goals. By moving the state's original target date of having a highly qualified teacher in every class-

room from 2018 to 2006, NCLB has called for a much expedited process and has generated a greater sense of urgency for the existing programs and

efforts to improve teacher recruitment, development and retention.

FUNDING FOR ACCOUNTABILITY

NCLB has not created significant fiscal problems for Louisiana, thus far. Well before the enactment of NCLB, Louisiana had already made the initial investments in standards, tests, remediation, school intervention programs and other aspects of accountability that many states are now being required to make. Furthermore, the additional federal funding Louisiana has received under NCLB appears to have largely covered any new initial direct costs.

While these direct costs may be a problem for some states, the more significant funding question affecting all states is whether or not adequate funding has been provided to meet the ambitious NCLB goal of raising *all* students to a level of "proficiency" by 2014. A number of state-level studies of educational funding adequacy in recent years and current estimates aimed at the NCLB targets have posited the need for substantial increases in spending.

Determining an "adequate" level of funding for pre-K through 12 education would be a daunting task, but ascertaining the cost of achieving the NCLB goal under a given state's performance standards is likely impossible. Most observers consider the federal goal more of a motivational tool than a realistic objective. Assuming that the goal is achievable, there is little consensus as to the combination of strategies that would be most effective in reaching it. Any cost estimates would have to rely heavily on numerous assumptions and theories that may have limited research support. Applying high-cost strategies, such as universal pre-K, year-round schooling, extensive individual tutoring and low pupil-teacher ratios, could run the estimates up very quickly.

And, the marginal cost of actually moving the last 5% or so of students to a level of proficiency could be extremely high.

NCLB has not as yet required any significant statutory changes in Louisiana. While a fifth of the states enacted omnibus accountability laws in 2003 to meet NCLB requirements, Louisiana's adaptations are being affected through changes in its existing accountability policies at the state board level. Legislative action has been limited primarily to petitioning Congress and maintaining state funding for accountability initiatives at roughly the same level that it was in FY 2001-02, before NCLB was enacted.

Some of the state's recent policy and funding developments are clearly in response to the new federal requirements. These include professional services contracts to revise the Iowa tests and develop grade-level expectations. Other NCLB adaptations, such as the reporting of subgroup performance and upgrading of teachers and paraprofessionals, involve additional costs. However, some of these costs are covered by increases in federal funding, picked up locally, passed on to employees or absorbed by the state without additional appropriations.

It is difficult to distinguish those programmatic and funding changes resulting from NCLB from those that would have occurred as a part of the state's own accountability program. This is particularly true of efforts well under way prior to NCLB, such as those to improve teacher quality or to provide remediation. Louisiana's "high stakes" testing policy had already created a need for extensive special tutoring and summer school remediation.

NCLB has provided additional motivation and a sense of urgency for many of the state's ongoing accountability activities.

Claiming that NCLB creates significant unfunded mandates, several states have seriously considered suing the federal government or even opting out of the federal program. Regardless of whether the federal government fully funds its mandates, the more important question is whether the state can marshal the resources necessary to meet its own goals. While the national publication *Education Week* ranked Louisiana's accountability program first in the nation, it ranked the *adequacy* of the state's education funding in the bottom third of states (39th). The state ranked somewhat better (16th) in the *equity* of its funding, based on FY 2000-01 school year data, although it received only a "C+" grade on that factor. Thus, in spite of some increases in recent years, Louisiana's spending per student and average teacher pay remain well below the southern and national averages.

NCLB IMPACT ON LOUISIANA EDUCATION FUNDING

Funding increases under NCLB did not entirely impact Louisiana education spending in one year. Rather, different state and federal fiscal years, limits on the use of some funds and the timing of the allocation to school districts tended to spread out the impact over several years. This is because the state typically has up to 27 months from the

time it receives federal funding to spend it.

In July 2004, Louisiana received \$448.3 million in federal funds for some two dozen formula-allocated and selected programs that constitute the NCLB Act. (See Table 3.) This was a \$158 million (54%) increase above the state's funding for its FY 2001-02, the year preceding the passage of NCLB. Most of this increase occurred in the first two years and the increase next year (July 2005) is estimated at less than 3%.

In addition to the NCLB formula grants, discretionary grants, special appropriations and other major spending laws (e.g., the Individuals with Disabilities Education Act or IDEA) added to the federal funding total. Federal funding comprises 13.5% of Louisiana's elementary-secondary education funding.

Nearly half of the new federal grant money came in FY 2001-02, the first fiscal year under NCLB. It was also the last year for a large increase in state funding for pre-K through 12 education, nearly 10%. Since then, state funding increases have been minimal. Local school finances have been squeezed by the Legislature's insistence

that a portion of any increase in Minimum Foundation Program (MFP) funding go toward raising teacher pay. Meanwhile, employee benefit costs have risen sharply.

FY 2004-05 will be a very slow growth year in both federal and state revenue. Local districts face an increase in health insurance and retirement contributions amounting to roughly \$100 million, which will not be covered by the MFP. As a result, a number of districts have made, or are currently contemplating, personnel cuts.

STATE-FUNDED ACCOUNTABILITY INITIATIVES

A few states have reported shifting funding or terminating programs to pay for new accountability requirements, particularly for expanded testing requirements under NCLB. While Louisiana continues to face difficulties in bringing up teacher salaries, the basic funding for most elements of the accountability program are built into the current funding levels. The so-called "accountability initiatives," fund-

ed outside of the basic state funding appropriation (MFP), are subject to annual reconsideration. However, the total annual cost of these initiatives, roughly \$50 million, is less than 1% of the \$6 billion total spending on elementary-secondary education from all sources.

Louisiana has narrowly defined the cost of its accountability program as the appropriations for the programs shown in Table 4. The total state funding for these programs grew from less than \$1 million in FY 1996-97 to \$54.5 million in FY 2001-02 and then leveled off at about \$50 million. The state's FY 2001-02 budget was approved well in advance of the approval of NCLB. The only major change in total funding for these state initiatives since FY 2001-02 was merely a shift in the K-8 rewards program to adapt to the AYP requirements of NCLB. Instead of distributing \$10 million in rewards every two years to schools that met their growth targets, about \$5 million in rewards is now being given every year.

DIRECT COST IMPLICATIONS OF NCLB

NCLB mandates related to assessment, school improvement and teacher quality have implications for direct costs in those areas. Some of the additional costs resulting from NCLB are already known; others can be only roughly estimated or remain a matter for speculation. Studies in other states have reported estimates of direct costs in the area of 1% to 3% of total spending. While federal funding increases may or may not have covered the added direct costs in these states, it would appear that Louisiana has fared relatively well in this regard.

The \$158 million in added NCLB money in the first four years is equal to more than 2% of total pre-K through 12 spending in Louisiana.

TABLE 3
Federal Funding for Louisiana Pre-K Education
(In Millions of Dollars)

USDOE Formula Grants	Before NCLB	After NCLB				FY01-05 Increase
	FY 2000-01 Actual	FY 2001-02 Actual	FY 2002-03 Actual	FY 2003-04 Actual	FY 2004-05 Estimated	
NCLB Programs	\$290.6	\$362.0	\$426.0	\$448.3	\$461.1	\$170.5
% Change		24.6%	17.7%	5.2%	2.9%	58.7%
Special Education	\$111.9	\$132.6	\$155.9	\$177.3	\$196.4	\$84.5
% Change		18.0%	17.6%	13.7%	10.8%	75.5%
Other Pre K-12 (Vo-tech & Adult)	\$33.6	\$36.0	\$35.0	\$34.5	\$28.7	-\$4.9
% Change		7.1%	-2.8%	-1.4%	-16.8%	-14.7%
TOTAL Pre K-12 Programs	\$462.6	\$532.2	\$618.8	\$662.2	\$687.5	\$224.9
% Change		15.0%	16.3%	7.0%	3.8%	48.6%

SOURCE: U.S. Department of Education, compiled for posting on the Web by the Budget Service, June 1, 2004.

And, the state has already made significant direct expenditures in its own accountability system that apply to its dual system as well.

Content Standards and Assessment

Louisiana's early start in accountability gives it an advantage over other states in terms of experience and cost savings. Its decision to modify the state's norm-referenced tests by adding questions based on state standards saved the cost of developing entirely new tests for grades 3, 5, 6 and 7.

In July 2003, the state signed a five-year contract with Data Recognition Corporation (DRC) to augment and implement the tests at a maximum cost of \$27.5 million to be paid in installments. The payments to DRC will peak at \$7.9 million in 2005-06, when the tests must be in place. The state's existing criterion-referenced tests for grades 4 and 8 are not affected by this contract. However, the same firm also has

a \$37 million, four-year contract to administer the existing tests and a \$2.2 million, 17-month (2003-04) contract to develop GLEs and to conduct an alignment study to determine how well the new GLEs align with the state's assessments.

The current annual cost of administering the norm-referenced tests runs nearly \$2 million. The augmented version (I-LEAP) will cost \$5 million a year for a net added cost of \$3 million. NCLB provided the state an additional \$6.5 million for testing, and this funding is expected to continue each year for the next few years, which should cover the state's cost of developing and administering the I-LEAP.

The FY 2004-05 state budget includes \$14.7 million in state funding for testing, a slight increase over the FY 2003-04 amount. The federal funding brings the FY 2004-05 total to be spent on testing to about \$21.2 million. The contract costs for test development, implementation and administration appear to be spread out fairly evenly over the next few years. While NCLB

has required some added effort at all levels initially in revising content standards, the testing procedure itself has not been expanded significantly beyond the regimen existing prior to NCLB. The state should be able to continue its NCLB-expanded assessment program at about the same level of state funding that has been provided.

NCLB did require additional reporting of student subgroup test results for each school. Prior to NCLB, Louisiana collected subgroup data but only reported them on a district basis. As a result, adding the subgroup data to the existing school report cards was not a costly proposition.

School Improvement

NCLB mandates regarding school improvement added some new wrinkles to the state's existing process. The new AYP requirements for subgroups and the diminishing usefulness of the confidence intervals in saving schools from failing AYP after the 2005-06 school

year could have an impact on school finances. Currently (FY 2003-04), only 69 schools statewide are in school improvement levels 2, 3 or 4, which require school choice, and only 16 of those must provide supplemental services. These numbers could increase ten-fold within the next few years.

As many as 700 schools were saved from failing AYP by a confidence interval in 2003. It can be assumed that most of these were Title I

TABLE 4
State Funding for Pre-K Through 12 Accountability Initiatives
(In Millions of Dollars)

Initiative	FY 1996-97	FY 1997-98	FY 1998-99	FY 1999-00	FY 2000-01	FY 2001-02	FY 2002-03	FY 2003-04 Estimated	FY 2004-05 Budgeted
Remediation (1)	—	—	2.0	7.4	11.6	20.3	20.0	21.5	20.5
Testing/Assessment (2)	—	—	4.2	6.2	10.0	13.9	14.6	14.1	14.7
Distinguished Educators	—	—	0.2	1.2	1.7	4.4	4.1	4.5	4.4
K-12 Rewards	—	—	—	—	—	10.0	—	4.9	4.6
Accountability and Assistance	0.7	2.4	1.5	1.8	1.8	1.5	1.6	1.7	1.6
School Improvement (3)	—	—	—	—	3.0	3.8	3.4	3.0	3.0
LEADS (4)	—	0.4	1.5	1.0	1.0	0.6	0.6	0.6	0.4
TOTAL	0.7	2.8	9.4	17.6	29.1	54.5	44.3	50.3	49.2

NOTES:

- (1) Remediation includes high stakes summer school, LEAP 21 tutoring, GEE21 summer school and administrative costs.
- (2) Testing/Assessment-total means of finance for FY 2004-05 is \$21.2 million including \$6.5 million in federal and 8(g) funds.
- (3) School Improvement includes K-8 and high school grants, administrative costs for District Assistance Teams and Regional Service Centers.
- (4) Louisiana Education Accountability Data System.

SOURCE: Division of Education Finance, Louisiana Department of Education and Office of Planning and Budget.

schools. If they were to fail AYP two years in a row, students in Title I schools would be eligible for school choice (free transportation to a better school) in FY 2007-08. In FY 2008-09, Title I schools failing AYP a third year would have to offer supplemental educational services as well.

Increased efforts by schools to meet subgroup AYP could change the way they use Title I money. For example, a local school district can set its own criteria for identifying a Title I school and, at its discretion, may use the funding on a school-wide basis or for programs targeted at the disadvantaged students in the school. Shifting Title I spending to cover deficits in services for the disadvantaged could require replacement revenue to maintain current services.

There is little certainty as to how and whether Louisiana can meet the aggressive goals of NCLB for at-risk and special education students. However, federal grant allocations to Louisiana in the first four years of NCLB is providing a 47% increase in federal Title I funding and a 76% increase in special education (IDEA) grant money. Whether or not these increases will have any effect on the achievement of the disadvantaged and disabled student subgroups, they appear sufficient to cover any potential shifting of funds required by NCLB in the near term.

Because Louisiana's accountability plan already provided for school choice, requirements under NCLB made only small changes in its implementation. The original plan required school districts to provide transportation for students transferring from *any* failing school to a better performing public school within the same district. NCLB only mandates school choice for Title I schools, requiring school districts to reserve at least 5% of their Title I funds for transportation-related costs. Thus, NCLB has not substantially changed the incentive for districts to encourage or facilitate school choice

transfers. Under the original plan, districts had to absorb any additional transportation cost regardless of Title I status. Under NCLB, districts still must pay for transfers from Title I schools, but now must forego alternative uses for the reserved federal funding for Title I school transfers. However, the impact of transfers on an individual school's funding is not likely to be any different under the new law.

It is possible that a major expansion in the number of schools required to provide school choice may not produce a large number of transfers. Of the 40,485 eligible students statewide, only 548 transferred in FY 2003-04. There is no way to determine the number of possible future transfers or the related additional transportation cost, if any. The East Baton Rouge Parish School District, for example, reports that there is no additional cost for transporting transferees due to its flexible busing system.

Because of the concentration of underperforming schools within a few large urban districts, students eligible for transfers have a limited choice of better-performing schools with the capacity to accept them. While there has been some discussion of inter-district choice transfers, adequate incentives for the receiving districts have not been devised. This may still be an option, although possibly a costly one.

NCLB requires school districts to reserve up to 20% of their Title I, Part A funding to pay for choice-related transportation and supplemental educational services that might be required for failing schools. Based on current allocations, a maximum of roughly \$50 million could be tapped annually for these purposes. By district, the maximums currently range from \$109,000 to \$8.4 million. The maximum amount per child for supplemental services varies by district, ranging from \$971 to \$1,284, but typically is about \$1,100.

With limited participation throughout the state, the only fiscal impact appears to have been a very minimal

shift in the use of Title I money. The East Baton Rouge Parish district is using only about 11% of its \$3.7 million (20%) Title I funds set aside in FY 2003-04 for choice-related transportation and supplemental educational services combined. The Orleans Parish district is using only about 8% of its \$8.4 million set aside. As more schools enter school improvement level three, the demand for supplemental services could rise significantly, particularly if they began to show results.

Under Louisiana's accountability program, schools identified for assistance are subject to other types of intervention, including district assistance teams, distinguished educators, scholastic audits and, ultimately, state takeover. Except for the scholastic audits, NCLB would have little impact on the use of these interventions. The audit, a school analysis by external reviewers, applies to schools failing AYP. Thus, NCLB will likely result in more audits than would otherwise have been conducted. At an average of \$10,000 per audit, as many as 700 schools could fail AYP and require audits. The potential cost of up to \$7 million could be spread over several years.

“Highly Qualified” Teachers

Meeting the NCLB requirement for having every core course taught by a highly qualified teacher by 2005-06 could involve some added costs. However, the state began extensive efforts to improve teacher quality and retention well before NCLB.

Veteran teachers may be able to meet the criteria to be considered highly qualified with little cost to the state or districts. They may either pass a Praxis exam or earn 90 CLUs by 2005-06. Few “not new” teachers are taking the exams although they are relatively inexpensive, \$55-\$110, and the school districts typically pick up the cost. By

giving teachers credit for up to 45 CLUs for time teaching, the state is making this route even less costly. The teacher can also satisfy the 90-CLU requirement by taking two college courses and the tuition can be paid through a state-funded program. The CLUs can be earned by attending professional development workshops and seminars offered by the school district. Teachers already are required to attend at least two days of in-service training each year. There is a need to revise some professional development and in-service training to make it relevant to course content.

Federal and State Quality Educator Grants. NCLB requires local school districts to use not less than 5% of their Title I funding for professional development for all teachers and for paraprofessionals in Title I schools only. Schools in school improvement must spend 10% of their Title I funds on professional development. However, to avoid dipping into the Title I funds, schools have, to some

extent, been able to substitute other state funding sources that are restricted by law from being used to supplant regular state education expenditures.

Statewide, the 5% minimum set aside of Title I funds amounted to about \$10 million in FY 2002-03 and \$11 million in FY 2003-04. At the same time, annual increases in Title I funding averaged \$15 million from FY 2000-01 to FY 2003-04. In addition, local education agencies received federal funding increases of more than \$9 million each year during the same period in three specific teacher quality related grants. As these three grants combined were increasing by \$28 million, they underwent a major shift in emphasis. As shown in Table 5, the class-size reduction program received the major emphasis just prior to NCLB. By FY 2003-04, the class size program, which had reached \$37 million in FY 2001-02 was collapsed into the Title II improving teacher quality program, which rose from \$5 million to \$56 million.

Table 5 indicates that the state's funding for grants to improve educa-

tors actually dropped slightly from FY 2000-01 to FY 2003-04. However, the bulk of the state money has been for continuing salary supplements for teachers who took advantage of a professional improvement program (PIPS) that was repealed in 1990. A variety of other state grants for professional development currently provide only about \$9 million to LEAs, however this amount has more than doubled since NCLB.

Funding and Professional Development Goals. Prior to NCLB, the state had a goal, stated in its "Vision 2020" planning statement, of having all teachers certified by 2018. The federal law significantly shortened the timeline and boosted the goal for teachers and paraprofessionals as well. With the variety of federal, state, local and personal funding arrangements for professional development, it is impossible to say with any certainty what is now being spent. It is equally difficult to discern the portion of that cost that is attributable to the NCLB upgrading

of teacher requirements beyond that to which the state was already committed.

Over the past three years, state-funded grants for professional development have added a little less than \$5 million. However, federal grants for professional development have added \$28 million. In addition, overall Title I funding increases have been large enough to more than cover the minimum required set asides of about \$11 million a year.

Whether this is sufficient to pay the cost of helping

TABLE 5
State and Federal Quality Educators Grants to Local Education Agencies
(In Millions of Dollars)

Quality Educator Grants		Actual FY 2000-01	Actual FY 2001-02	Actual FY 2002-03	Existing FY 2003-04	Change FY01-FY04
Federal	Title II -Improving Teacher Quality	4.79	44.9	43.8	58.2	53.7 1115%
	Title V - Innovative Professional Development	4.79	5.14	4.34	6.77	1.98 41.3%
	Class Size Reduction	28.5	36.5	8.42	1.08	(26.4) (93%)
	Federal Subtotal	38.1	86.5	56.5	66.1	28.0 73%
State	Professional Improvement Program (PIPS)	27.0	25.1	22.5	21.0	(5.99) (22.2%)
	Other Programs*	4.21	4.15	6.74	9.09	4.88 115.9%
	State Subtotal	31.2	29.3	29.3	30.1	(1.12) (3.58%)
Total Quality Educator Grants		69.3	115.8	85.7	96.2	26.9 38.8%

* Includes grants flowing through the Louisiana Department of Education (though excluding direct grants to Local Education Agencies) for Paraprofessionals, National School Counselor Stipends, Teach for America, National Teacher Certification Stipends, Professional Accountability, Principal Internship, LINC'S, Psychologists stipends, LINC'S (8g), Blue Ribbon Teacher Assistance: LA First and Local Teacher Quality.

SOURCE: Louisiana Department of Education, Budget Request, 18-B, Schedule of Other Charges, FY 2003-05 Budgets.

teachers reach the 2006 goal, may be questioned. However, the federal and state grants plus Title I set asides total over \$86 million available for professional development in FY 2003-04. This is roughly \$1,700 for every teacher in the state.

Teacher Supply. As of FY 2002-03, about 13% of Louisiana's teachers were still uncertified. Certification is a prime requisite for being deemed highly qualified. Several publicly-funded programs are available to assist teachers seeking certification. However, it is ultimately the responsibility of the individual to bear the cost of meeting this requirement.

Even if the numerous efforts underway are successful in developing or recruiting qualified teachers, retaining them over the long run may prove difficult if teacher salaries continue to lag those of other southern states. Rural districts are already lamenting the fact that once their teachers are brought up to qualified status, better paying districts are hiring them away.

For the past eight years, Louisiana struggled unsuccessfully to bring teacher pay up to the average of the 16 Southern Region Education Board (SREB) states. This may even become more difficult in light of the many other ongoing efforts to raise student performance levels. The most recent data (2002-03) indicate Louisiana's unadjusted average teacher pay lags the SREB average by \$3,495 and the U.S. average by \$8,630. Closing the SREB gap would cost the state upwards of \$225 million with benefits included. The gap could be reduced by more than half by adjusting for cost-of-living, training, length of service and other factors. However, the level of pay actually needed to keep quality teachers in the state and in the schools is a matter of conjecture. Also, a general pay raise would not be the most efficient or effective way to attract teachers to the hard-to-fill positions.

If Louisiana were to follow recommendations from a recent funding-adequacy study for Arkansas, it would have to spend another \$157 million on hard-to-fill position incentives, \$75 million for professional development outside the school year and \$50 million for performance bonuses, all in addition to raising teacher salaries to the regional average.

INTERVENTION COSTS

NCLB arrived at a time when many states were attempting to determine the "adequate" expenditure required for public education. NCLB has motivated efforts to examine its own fiscal impact. A proposed resolution, introduced in the 2004 regular session of the Louisiana Legislature, requested the LDE to determine the cost of implementing NCLB, presumably so that the additional costs can be requested from the federal government. Two other bills urged Congress to fully fund NCLB.

Nationally, a number of estimates have been made of the marginal direct costs of NCLB, particularly for developing and administering mandated tests. While these direct costs alone are creating problems for many states, the costs of the education interventions that might be required to actually achieve the ambitious NCLB goals are only beginning to be explored.

The cost of such interventions, like funding adequacy, depends on a number of assumptions that, despite decades of education research, remain somewhat arbitrary. While the cost of an hour of tutoring or an additional day of school is easily determined, the outcomes are much less predictable.

An *Education Week* review of adequacy and NCLB cost studies conducted for nine states in recent years found that an increase of 30% or more was typically deemed necessary. Per-pupil

spending in these states was already well above that of Louisiana's.

A more recent study of Ohio offers an approach to costing a set of interventions that might be employed in the K-3 grades to help close the gap between that state's original goal of a 75% passage rate and the NCLB 100% goal by 2014. However, the study did not recommend these specific interventions nor suggest that the NCLB goals would be assured if they were used. The interventions included summer school, extended school days, intensive in-school intervention, academic coordination and on-going student assessment. The higher risk students would receive more intensive or higher cost services (e.g., lower pupil/teacher ratios). The Ohio study estimated that \$105 million would be needed in direct costs for upgrading teachers and paraprofessionals, professional development, new tests and administrative costs. The interventions would add \$1.4 billion that might be phased in. The added costs would have equaled an 11% increase over Ohio's existing FY 2003-04 budget.

Applying the Ohio Approach to Louisiana

Like Ohio, Louisiana had ambitious pre-NCLB education goals. However, Louisiana's goals, together with the rigor of its testing standards, would have required nearly the same level of educational improvement by 2014 as does NCLB. Louisiana's original plan would have allowed a little more flexibility in that its goals would have allowed at least some students to fall below the cut-off score defined as proficient.

Because Louisiana's accountability goals were already nearly as rigorous as the NCLB goals, it is difficult to argue that the federal mandates were significantly unfunded. Assuming a 5% gap between the Louisiana and NCLB performance goals, one might apply the

Ohio approach to determining the portion of the intervention costs for which NCLB might be logically held responsible. The 5% would be the lowest performing students who would require the most intensive intervention to get them to the proficient level.

The 5% student group that would be of concern in 2014 would include roughly 12,500 children, pre-K to grade 3 in the 2003-04 school year. The extra costs required would depend on the assumptions concerning the intervention needed:

- \$12.5 million—Assuming 5% of four-year olds were given a program twice as intensive as that provided for other at-risk four-year olds. The normal program runs roughly \$5,000 per student. (2,500 students X \$5,000)
- \$60 million—Assuming 5% of students in grades kindergarten-3 were placed in smaller classes with half the typical teacher/pupil ratio. In other words, the cost per student would double from \$6,000 per year to \$12,000. (10,000 students X \$6,000)
- \$54 million—Assuming 5% of students in grades 1-3 were each given 5 hours of individual tutoring a week during the school year. (\$40 per hour X 5 hours X 36 weeks X 7,500 students)
- \$11.3 million—Assuming 5% of students in grades 1-3 were provided eight weeks of summer school. (\$1,500 X 7,500 students)
- \$12 million—Assuming 5% of students in grades 1-3 were provided eight weeks of individual tutoring during the summer. (\$40/hour X 5 days/week X 8 weeks X 7,500 students)

If all of the above interventions were applied, the total extra cost would be roughly \$150 million. This amount would remain fairly constant if the extra services were only applied to pre-K to grade 3. If 5% were to receive all of the extra services through 12th grade, the cost would grow annually as the current third graders advanced. By 2014, the total would approach \$370 million. One could as easily argue that the gap is 7% rather than 5% and

boost the total cost to a half billion dollars.

By the same token, using lower service costs and less frequent services can significantly reduce the overall estimate. East Baton Rouge Parish had one school offering supplemental services this year through three providers ranging from \$18.75 to \$30 per student per hour with programs two days a week.

Obviously, an estimate of the costs mandated by NCLB can be constructed to fit the purpose of any estimator. One set of assumptions will show an “unfunded federal mandate,” while another set will not. However, the fact is that the state is not likely to provide extra services beyond what is already being offered. The state currently offers pre-K programs, extended-day programs, remediation for those failing fourth and eighth grades, summer school and tutoring, much of which is federally funded, for the students in the 5% group. Furthermore, many of the lowest performing students are not taking advantage of what is currently offered.

It is difficult to argue that NCLB has mandated unfunded intervention costs if the state is not required to make those expenditures. Of the potential interventions listed above, the only one that comes close to being mandated by NCLB is tutoring during the school year. However, NCLB only requires supplemental educational services in Title I schools that are in school improvement. Even then, the services are supposed to be paid with Title I funds and are typically limited to about \$1,100 per student. Also, student participation is voluntary.

Louisiana's Own Funding Responsibilities

Regardless of how the federal funding responsibility is viewed, the more significant question is whether Louisiana will be able to fund the inter-

ventions needed to actually meet its own goals. The problem is that the education literature is not clear as to what those interventions might be or how much they should cost.

The latest National Education Association estimates for FY 2002-03 indicate that Louisiana's per-pupil K-12 spending was 85.6% of the U.S. average and 94.8% of the SREB state average. This was down from 86.6% and 96.7%, respectively, in FY 2001-02. Based on FY 2002-03 estimates, an additional \$268 million would be required to bring Louisiana up to the SREB average and \$825 million to reach the U.S. average.

A significant problem area in Louisiana's schools has been the performance of black fourth-graders on the math portion of the NAEP test. Using this single statistic as a basis for comparison, it is apparent that all but one of the eight SREB states spending more than Louisiana in FY2002-03 had higher test scores. However, three of the seven SREB states spending less than Louisiana also had higher scores. Whether this indicates that increased spending would produce better results or that better results could be achieved with existing spending is not clear. However, spending is obviously not the only important factor affecting performance.

Federal funding is 13% of Louisiana's K-12 revenue, nearly twice the national average. Even if its total federal aid were increased 50%, Louisiana's per-pupil spending would only rise to 1% above the SREB average and its ranking would remain unchanged.

Requiring the federal government to fund the intervention costs of all the states would involve a number of serious problems. Among these are the difficulties in determining valid interventions and appropriate costs as well as the daunting problem of achieving equity among the states and school districts. There are also the political ramifications of shifting even more of the responsibility for education to the fed-



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eral level. And, if the recent state cost studies are indicative, the required increase in federal funding could be astronomical, particularly if the current performance goals remain unchanged.

NCLB has mandated some expenditures that Louisiana might not have been obligated to make under its original accountability system. However, the testing and professional development requirements of the two systems were not so different as to create a major

funding gap. Some of the added costs are easily determined from contracts for testing and other services. However, the cost of the myriad efforts and methods involved in meeting the highly qualified teacher goal is difficult to tack down.

The increases in federal funding to date appear to have provided a substantial cushion against the NCLB-related increases in direct costs. Louisiana's adaptations to the various NCLB man-

dates have generally tended to minimize any additional direct costs. The so-called "intervention" costs, for the extra educational services required to help students reach the NCLB performance goals, comprise the great grey area of the cost picture. Estimates of these costs have and will be expanded or contracted to fit a variety of theories, special interest policies and political ideologies.

CONCLUSION

Regardless of the political debate surrounding the cost and complexities of NCLB, the positive effect of this law has been its success in casting a bright light on the need for states to improve the academic achievement of *all* students. Yet, the magnitude of its impact has certainly varied by state. For Louisiana, a state with a strong education accountability system already in place, the systemic changes resulting from NCLB have not as yet presented any significant programmatic or fiscal concerns. Rather, it was among a minority of states to have already established ambitious long-term accountability goals, content standards,

an extensive testing program, a rigorous evaluation process and a number of teacher quality initiatives that are now required by federal law.

Louisiana has been recognized nationally for its education reform efforts, recently ranking first in the nation by *Education Week* for its standards and accountability and fifth for its efforts to improve teacher quality. But, in spite of its strong accountability system, recent testing results indicate that student achievement is failing to grow at a sufficient pace to reach "proficiency" by 2014.

With backloaded performance goals, slowing gains in student achieve-

ment and as many as three-fourths of all schools falling into school improvement within the next few years, keeping the accountability program on track is becoming increasingly doubtful. Leaving no child behind is a laudable, aspirational goal, but it is likely that NCLB will require a major overhaul during the 2007 re-authorization to provide more realistic, attainable objectives. In spite of the steep climb ahead, Louisiana cannot afford to weaken its education reform efforts. It must continue to hold schools and districts accountable for improving student achievement and closing the academic achievement gap.

Primary author of this report is Stephenie Franks, PAR Research Analyst.