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No Child Left Behind and Act 35

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How Does the Arkansas Student Assessment and Educational Accountability Act Compare with NCLB?

The Student Assessment and Educational Accountability Act or Arkansas Act 35 represents an ambitious attempt to develop and articulate a strategic plan for ensuring that all students in Arkansas are meeting grade-level standards in reading and math. The legislation describes the types of testing schools must implement each year, how schools and districts should report data, how data should be used to inform staff development, and the sanctions students and schools will face if they fail to meet state standards. The legislation predominantly follows guidelines outlined in the No Child Left Behind Act (NCLB) but also exceeds some of the expectations in the federal legislation, most notably in testing requirements. NCLB requires criterion-based testing (testing that determines whether students meet Arkansas' state standards) for grades 3-8 and a continuation of the representative sample NAEP testing that Arkansas students participate in every other year. In addition to the tests mandated in NCLB, Act 35 requires:

- testing in grades K-2;
- norm-based testing (testing that allows schools to compare the performance of their students with those in other states) in grades 3-9; and
- end-of-course exams in multiple subject areas.

Additionally, Act 35 requires that districts biennially receive a rating from the state for their financial management practices.

Similar to the intent behind NCLB, the intent of Act 35 is to ensure that schools provide a quality education to all students through the consistent and public reporting of student performance data and the receipt of clearly specified rewards and sanctions. Districts and schools will continue to face public scrutiny through the reporting of scores to parents and local newspapers. Schools that have a significant

student population not scoring at a proficient level on state tests will have to articulate an improvement plan and provide evidence of progress or students will have the opportunity to leave the failing school after two years. Students who do not score at a level deemed proficient will receive an improvement plan developed jointly by school staff and the student's parent(s). Conversely, schools that exceed standards will be "eligible for school recognition awards and performance-based funding". Longitudinal data will inform principals and individual teachers of their performance in the classroom, enabling administrations to craft professional development that addresses overall weaknesses among their staff and to place highly effective teachers with the students who need the most help.

Act 35, however, may also create concern among educators and budget administrators. The NCLB testing requirements caused an outcry from some teachers and schools because of the classroom time and resources that are devoted to testing. The additional testing requirements in Act 35 will demand class time both in preparation for and administration of the tests; because of the sanctions associated with the tests, schools with a student population that tends to score poorly may spend a disproportionate amount of time preparing for the tests. The costs of fulfilling NCLB requirements exceed funding provided by the federal government by many measures, and the additional evaluation and reporting requirements in Act 35 may impose an additional burden for financially strapped school districts and the state. While the 2003 session passed sales and property tax increases and created some additional revenue sources, the full costs of Act 35 have not been calculated.

The following table identifies the additional requirements under Act 35 as compared to NCLB.

Table 1: Explaining Act 35 and No Child Left Behind

No Child Left Behind Act, 2001

Act 35, 2003: Additional Student Assessment and Educational Accountability Measures

ASSESSMENT

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| <ul style="list-style-type: none"> • State assessments every year in reading and math for students in grades 3-8 and once in high school. • By 2007-08, students must be tested at least once in elementary, middle school and high school in science. • A small sample of students in each state will participate in the fourth- and eighth-grade National Assessment of Educational Progress (NAEP) in reading and math every other year. | <ul style="list-style-type: none"> • Developmentally appropriate testing for students in grades K-2 • Norm-reference tests in grades 3-9 • End-of-course tests in algebra I, geometry, literacy and other content areas as defined by the State Board. |
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ACCOUNTABILITY

For students

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| <ul style="list-style-type: none"> • Parents with children in failing schools will be allowed to transfer their child to better-performing public or charter school immediately after a school is identified as failing, after a second year of being identified as failing, if the school is in corrective action, or if the school is planning for restructuring. • Expands federal support for charter schools by giving parents, educators and interested community leaders greater opportunities to create new charter schools. | <ul style="list-style-type: none"> • Any student failing to achieve the standard on the testing program shall have a personal academic improvement plan designed by school staff and the student's parents. • Beginning in 2004-05, students who do not demonstrate proficiency on the exams shall participate in an intense remediation program. • Establishes the Arkansas Opportunity Public School Choice Act of 2004 to provide greater choices for students enrolled in Level 1 schools, the poorest performing schools. |
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ACCOUNTABILITY

For schools

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| <ul style="list-style-type: none"> • Statewide reports will include performance data disaggregated according to race, gender, and other criteria. • Annual report cards will be made available to parents, educators, citizens and policymakers, containing information on quality of schools, children's progress and qualifications of teachers. • If a school's students do not meet adequate yearly progress targets two years in a row, schools will be labeled as "in need of improvement", and students will be allowed to transfer to other public schools; if a school fails three years in a row, students must receive supplemental services. | <ul style="list-style-type: none"> • Schools undergo a best financial management practices review biennially conducted through site visits and receive a grade rating between an "A" and an "F". • Beginning in 2007-08, schools will receive a ranking between 1 and 5 based on criterion-reference exams. |
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ACCOUNTABILITY

For districts

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| <ul style="list-style-type: none"> • Districts must publish annual report cards that report on students as a whole as well as specified disadvantaged subgroups. | <ul style="list-style-type: none"> • Districts must publish a school performance report in the local newspaper by October 15 of each year, beginning in 2004. |
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