

POLICY BRIEF

School Accountability under NCLB: Aid or Obstacle for Measuring Racial Equity?

THE CIVIL RIGHTS PROJECT AT HARVARD UNIVERSITY

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Introduction

At the core of the federal No Child Left Behind Act of 2001 (NCLB) are relatively simple but controversial accountability provisions: all schools and districts must meet state standards by 2014. When NCLB was enacted, researchers and state education officials projected that a high percentage of schools would fail to meet the law's tough accountability provisions, creating a crisis in public education and overwhelming the capacity of state education agencies to help low performing schools. Others bet that the law would be changed before the full effect of the requirements were felt, reflecting the view that the requirements as written were not sustainable and that the Administration would relax its enforcement and Congress would amend the law in response to state and local preferences.

With the law in its fifth year and up for reauthorization in 2007, now is a good time to review state progress towards meeting the NCLB accountability requirements. What we are finding is that many schools, once identified as needing improvement, are not moving out of improvement status and new schools continue to be added to the list of schools needing improvement. However, interpreting changes in the number of schools identified as needing improvement is complicated by how the law has been interpreted and implemented. In the face of mounting political opposition to the law, the U.S. Department of Education (ED) modified many of the law's requirements that affect the number of schools and districts identified for improvement (Sunderman, 2006; Tracey, Sunderman, & Orfield, 2005). In addition, the law itself requires higher proficiency standards and testing in more grades than it did in the first years of implementation, further complicating year-by-year comparisons.

We conclude from the analysis presented in this policy brief that AYP and the state proficiency targets are not very informative when it comes to determining educational progress because of the ways the law has been changed. The AYP data does not allow us to say whether schools are getting better because some states have retained their original standards while others have modified them. Since states are going in opposite directions—some states report a decline in the number of schools identified for improvement while others report an increase—it is difficult to know how much progress has been made improving student performance.

We also found that schools most likely to be identified as needing improvement are highly segregated and enroll a disproportionate share of a state's minority and low-

income students. Since many schools are not moving out of improvement status but instead moving into the fourth or fifth year of school improvement, NCLB concentrates sanctions in schools serving disadvantaged and minority students. Finally, research comparing scores on the National Assessment of Educational Progress (NAEP) with state assessment scores finds that NCLB did not have a significant impact on improving student achievement or reducing the achievement gap (Lee, 2006).

This brief examines trends in the number and types of schools identified as needing improvement over five years (2002-03 to 2006-07). Using data from six states (Arizona, California, Georgia, Illinois, New York, and Virginia) the number of schools and the demographic characteristics of the students in schools identified for improvement are compared to the demographic characteristics of students in schools making adequate progress. The six states, all of which serve large proportions of minority and low-income students, are part of a larger study on NCLB.¹ Data reported in this brief draws on the most recent information contained in school report cards and other reports issued by state departments of education. Data are inconsistent across states, and some states have released more up-to-date data than others; therefore, some data was not available for all states. A more detailed description of the methodology used in this report is contained in the appendix.

Core NCLB Accountability Requirements

What are the NCLB Adequate Yearly Progress requirements?

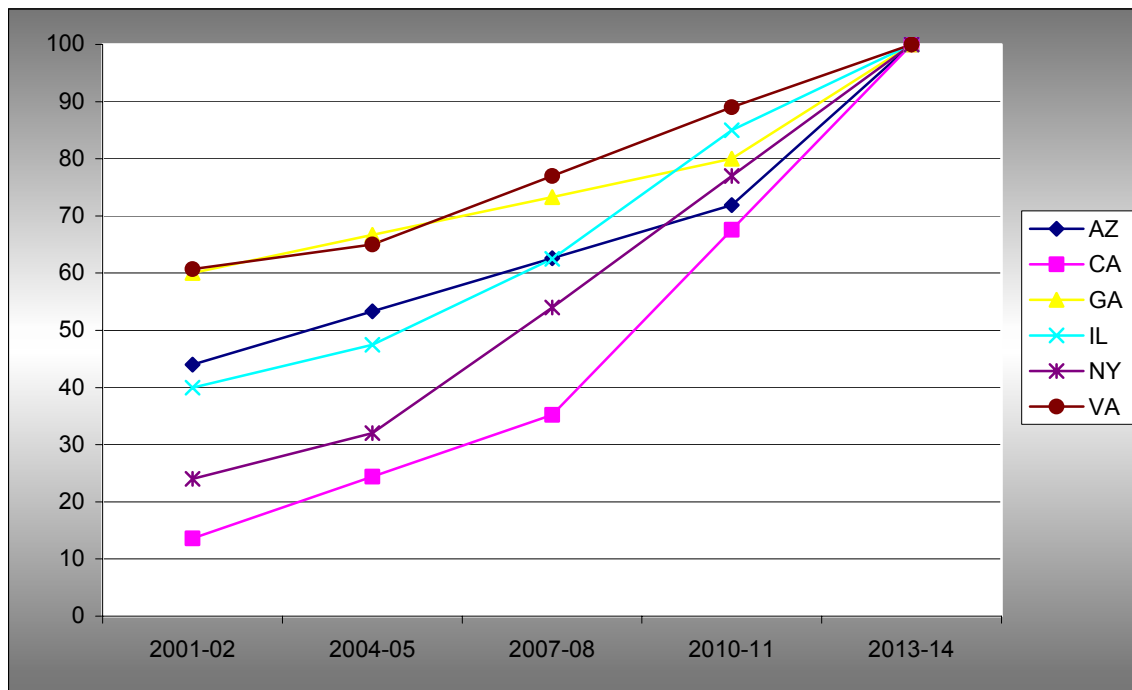
Under the No Child Left Behind Act of 2001 (NCLB), states are required to develop a definition of Adequate Yearly Progress (AYP) that is based on math and reading scores on state assessments and includes graduation rates for high schools and an additional indicator, such as attendance, for elementary and middle schools. AYP is used to determine school, district, and state progress towards increasing academic achievement. To make AYP, all students and all subgroups of students must meet the state's proficiency targets. Subgroups are defined as students from major racial and ethnic groups, economically disadvantaged students, students with disabilities and students with limited English proficiency. States must establish a minimum group size, that is, the minimum percentage of students in each subgroup who are required to meet or exceed the state's proficiency targets. In addition, the school must test at least 95% of its students, and 95% of students in each subgroup in order to make AYP. Schools that do not make AYP for two consecutive years are designated as needing improvement and are subject to sanctions specified under the law. Schools can fail to make AYP if a single subgroup does not meet the proficiency targets or fails to meet the 95% participation requirement. Once schools have been identified for improvement, they must meet the proficiency targets for two consecutive years before they are removed from improvement status.

¹ See Sunderman, Kim, & Orfield (2005) for information on state selection criteria. Support for this research provided by the Bill and Melinda Gates Foundation, the Charles Stewart Mott Foundation, and the National Education Association. Damon Clark provided research assistance.

What are Annual Measurable Objectives?

NCLB requires that all schools and all students meet the same academic standards in reading and mathematics by the 2013-14 school year. To meet that requirement, states must establish a starting point and “annual measurable objectives” (AMO) that indicate the minimum percentage of students that must demonstrate proficiency on state assessments. Figure 1 shows the starting points and intermediate targets in reading for the six states in this study. In all six states, the performance targets were raised in 2004-05 after remaining the same during the previous three years. The higher target raised concerns that the number of schools needing improvement would increase for the 2005-06 school year.² In addition, states were required to test students in all grades (grades 3-8) by spring 2006 (affecting the number of schools identified for improvement for the 2006-07 school year). Until then, states tested students in grades 3, 5, and 8 and one grade at the high school level. By 2007-08, states must add science assessments in one elementary, middle, and high school grade.

Figure 1: Reading proficiency targets from starting point (2001-02) to end (2013-14) of the 12-year timeline in 6 states



Source: “Consolidated State Application Accountability Workbook” for Arizona, California, Georgia, Illinois, New York, and Virginia.

² Test scores from the spring administration of state tests are used to determine which schools made AYP. School improvement designations are applied to the following school year. For example, schools ratings for the 2005-06 school year are based on tests administered in spring 2005 (during the 2004-05 school year).

Which schools are subject to the law's sanctions?

The NCLB sanctions are applied specifically to Title I schools that did not make AYP and were identified as needing improvement. Schools recognized as serving at-risk students receive Title I funds, which are intended to ensure equal achievement between these students and students with more social or economic advantages. While the AYP requirements apply to all schools, only Title I schools are identified as needing improvement and subject to the law's sanctions.

Schools designated as needing improvement are subject to sanctions based on the number of years they remain in improvement status. To be labeled as needing improvement, schools have failed to make AYP for two consecutive years. In Year 1 of school improvement, schools must develop a two-year school improvement plan incorporating professional development, teacher mentoring, and parental involvement. Schools must set aside 10% of their Title I allocation for professional development. In addition, schools must offer all students the option of public school choice—that is, the option to transfer to another public school in the district. In Year 2 of school improvement, schools must continue to offer choice and students in the school are eligible for supplemental educational services (i.e., tutoring or remedial instruction) from a state-approved provider. School districts must set aside 20% of their Title I allocation to pay for supplemental educational services and for transportation for students transferring to another school.

In Year 3 of school improvement, the school continues to offer school choice and supplemental services, and is also guided by the district in taking corrective action, such as making decisions about adopting a new curriculum, replacing school staff, reducing the management authority of the school, or appointing an outside expert to advise the school. In Year 4 of school improvement, the school must plan for restructuring the school, to be implemented the following year if the school remains in improvement status. Restructuring means implementing some form of alternative governance and may involve reopening the school as a charter school, replacing all or most of the school staff, or allowing the state or private providers to take control of the administration of the school.³

Trends in School Improvement Status

What are the trends in the number of schools in need of improvement?

As displayed in Table 1, trends in the number of schools identified as needing improvement since 2002 are mixed. In two states, California and Virginia, the number of schools identified for improvement increased quite dramatically—a 176% increase in California and a 94% increase in Virginia over five years. However, in Georgia, the number of schools identified for improvement decreased by almost half and in Arizona,

³ Description of NCLB sanctions drawn from U.S. Department of Education, <http://www.ed.gov/nclb/accountability/schools/accountability.html#4> retrieved October 2, 2006.

by 60%. Both Illinois and New York showed a gradual increase, about 15-20% over four years.

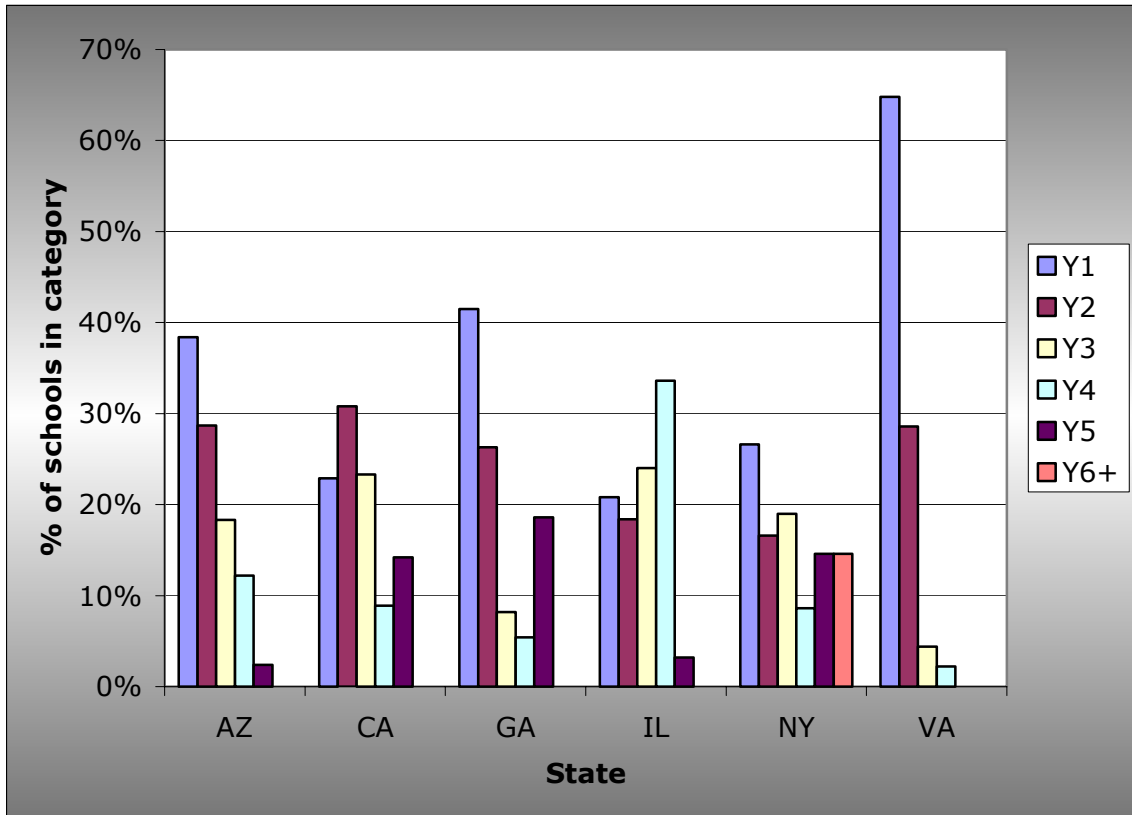
Table 1. Number of Improvement Schools in 6 States, 2002-03 to 2006-07

State	2002-03	2003-04	2004-05	2005-06	2006-07	Percent Change
Arizona	399	225	189	164	160	-60%
California	815	1200	1600	1746	2253	176%
Georgia	596	533	413	354	308	-48%
Illinois	527	628	636	629	N/A	19%
New York	434	501	506	500	N/A	15%
Virginia	34	47	38	108	66	94%

Source: See Appendix 1.

The percent of improvement schools in each year of school improvement in 2005-06 is shown in Figure 2. Regardless of whether a state reported an increase or decrease in the total number of schools identified for improvement in 2005-06, a significant proportion were newly designated (in Year 1 of school improvement), and a significant proportion have remained in school improvement and moved into the corrective action (Year 3) and restructuring phase of school improvement (Year 4 and 5).

Figure 2. School improvement status by year of school improvement in 6 states, 2005-06



Source: See Appendix 2.

As shown in Table 2, the number of schools newly designated as needing improvement in 2005-06 ranged from 20.8% of all schools needing improvement in Illinois to 64.8% in Virginia. With respect to schools that have remained in improvement status for quite some time, Arizona and Georgia report a third of improvement schools have been in improvement status for three or more years. About 60% of improvement schools in both New York and Illinois have been in improvement for three or more years while 46% of California improvement schools have been in improvement status three years.

Table 2. Number and Percent of Schools Identified for Improvement by Year of School Improvement in 6 states, 2005-2006

State (Total)	Year 1 (% of total)	Year 2	Year 3 (Corrective Action)	Year 4 (Plan to Restructure)	Year 5 (Restructure Yr1)	Year 6 (Restructure Yr2)	% in Improvement 3 + years
AZ (164)	63 (38.4%)	47 (28.7%)	30 (18.3%)	20 (12.2%)	4 (2.4%)	0	32.9%
CA (1746)	400 (22.9%)	538 (30.8%)	406 (23.3%)	155 (8.9%)	247 (14.2%)	0	46.3%
GA (354)	147 (41.5%)	93 (26.3%)	29 (8.2%)	19 (5.4%)	66 (18.6%)	0	32.2%
IL (629)	131 (20.8%)	116 (18.4%)	151 (24.0%)	211 (33.6%)	20 (3.2%)	0	60.7%
NY (500)	133 (26.6%)	83 (16.6%)	95 (19.0%)	43 (8.6%)	73 (14.6%)	73 (14.6%)	56.8%
VA ⁴ (91)	59 (64.8%)	26 (28.6%)	4 (4.4%)	2 (2.2%)	0	0	6.6%

Source: See Appendix 2.

Some states showed a low proportion of schools remaining in improvement status over time but had a high proportion of schools in the first year of school improvement. Arizona and Georgia, the two states that reported a decrease in the number of schools identified for improvement over the five years examined, have two of the highest proportions of schools newly designated as needing improvement (38.4% of improvement schools were in Year 1 in Arizona in 2005-06; 41.5% were in Year 1 in Georgia in 2005-06) and lower proportions of long-term improvement schools (32.9% of improvement schools were in school improvement for three or more years in Arizona; 32.2% were in 3 or more years in Georgia). This suggests that Arizona and Georgia may have seen a decrease in the number of schools identified for improvement because they have been able to move schools out of improvement status. Virginia, which reported an increase in the number of improvement schools in 2005-06, had the highest proportion of schools in the first year of school improvement in 2005-06 (64.8% of improvement schools were in year 1) and the lowest proportion that remained in improvement over time (6.6%).

In contrast, California had a high proportion of long-term improvement schools (46.3% were in improvement status for three or more years) and a low proportion of improvement schools in year 1 (22.9%), but reported a huge increase in the number of improvement schools over five years (176%). When 2004-05 data is examined (see Appendix 6), 40.5% of improvement schools were in year 1 of improvement status and 28.1% were in improvement for three or more years. In this case, schools are remaining in improvement status while new schools continue to be added.

⁴ Virginia designates improvement status based on reading and math assessments. Detailed data about overall improvement status schools was unavailable. Numbers presented here refer to schools designated as improvement schools based on reading assessments.

Other states had a higher proportion of schools that remained in improvement status over time and a lower proportion of Year 1 improvement schools. Illinois and New York, which reported a fairly steady increase over five years in the number of improvement schools and had lower proportions of new improvement schools, report very high proportions of long-term improvement schools: Illinois (60.7%) and New York (56.8%). In these states, schools are not moving out of improvement status.

How did the increase in proficiency standards in 2004-05 affect the number of schools meeting the standards?

In 2004-05, the proficiency standards increased, providing a test of whether the higher standards would increase the number of schools that did not meet the standards and thus increase the number of schools identified for improvement (tests administered in spring 2005 affect the number of improvement schools in 2005-06). Since states continued to add new schools to the improvement list, some of the increase in the number of schools identified for improvement may be attributed to higher proficiency targets. Schools must fail to make AYP for two years before they are identified for improvement, suggesting that the effect of the higher standards could affect the number of schools identified for improvement in either 2005-06 or 2006-07. It does appear that the higher standards are affecting the number of schools newly identified for improvement. For example, in Arizona (38.6%), Georgia (41.5%), and Virginia (64.8%), the largest proportions of improvement schools in 2005-2006 were those newly identified as in Year 1 of school improvement (Table 2). In California, Illinois, and New York, about a quarter of all improvement schools were newly identified in 2005-06.

How does increasing the number of tested grades in 2005-06 affect the number of schools meeting the standards?

The law requires that annual assessments in grades 3 to 8 be in place by the 2005-06 school year (affecting the number of improvement schools in 2006-07). Prior to that, states tested students in two elementary grades and one high school grade. Some states, such as Georgia, had assessments in all grades in place prior to 2005-06 while most other states had to develop them. This might explain in part why Georgia had a high proportion of newly identified schools needing improvement in both 2004-2005 (50.6%, see Appendix 6) and 2005-2006 (41.5%). This change—including more elementary and middle school grades when determining whether a school has made AYP—may increase the number of schools identified for improvement because it increases the probability that some schools will have more subgroups that meet the minimum group size and are thus counted for accountability purposes.

How do we interpret these trends?

Direct comparisons of the number of schools identified for improvement from one year to the next are difficult to make because of requirements that went into effect in 2005 and 2006 and because the Department of Education has allowed states to modify their accountability plans in ways that make it easier for schools to make AYP. As

previously noted, both the higher proficiency standards and the increase in the number of tested grades complicate comparing one year to the next since any change in the number of schools identified for improvement may be related to the tougher requirements rather than to how well schools are doing to improve student performance. However, the number of improvement schools did not increase as dramatically as some might have predicted in light of the higher accountability standards, suggesting that the unique ways states have modified their state accountability plans in response to the federal changes in the NCLB regulations have had an impact on the number of schools identified for improvement.

In response to the growing dissatisfaction with NCLB coming from the states, the Administration has negotiated changes in state accountability plans with individual states and announced a series of policy changes, both of which affect the number of schools identified for improvement (Sunderman, 2006). Some of these policy changes were adopted by all six states, but other changes are unique to a particular state.

The first of the policy changes affects how the students with disabilities and Limited English Proficient (LEP) subgroups were counted for accountability purposes. In late 2003 and early 2004, the Administration announced a series of new policies for the inclusion of students with disabilities and English language learners into state accountability systems. These new regulations allowed states to develop alternative achievement standards and use them to measure the progress of students with disabilities. Up to 3% of students with disabilities can be excluded under these new rules, which in effect reduced the number of students with disabilities that are counted for accountability purposes by about a third. The regulations also gave states more flexibility in how English language learners are counted. When calculating AYP, states can include former LEP students in the LEP subgroup for up to two years after they have achieved English proficiency (whereas before they were moved out of the LEP subgroup once it was determined they achieved English proficiency). The rule changes also allowed states to exempt LEP students from taking the reading content assessment during the first year they are enrolled in U.S. schools. These changes would affect which students were counted in the LEP subgroup for accountability purposes.

There were other changes as well that are likely to affect the number of schools identified for improvement. These include changes in how participation rate is calculated (states can average participation rates over three years), the exclusion of more students from accountability with a “significant medical emergency,” changes in the minimum subgroup size, and a number of statistical changes that affect how AYP is calculated (such as the use of confidence intervals, which results in more scores being counted as proficient). In addition, some states changed their starting points, intermediate goals, additional indicators, or state assessments. Since each state adopted its own configuration of changes, it is difficult to unravel the impact of these changes on accountability or to determine if the change in the number of schools making progress is related to educational gains or to changes in the rules governing accountability. What is clear is that these changes have resulted in schools reaching the proficiency standards that might otherwise not have.

To illustrate how the change in the rules governing the students with disabilities subgroup affect the number of schools identified for improvement, we examined the reasons Illinois schools did not make AYP. In 2004, 142 schools in Illinois did not make AYP solely because of the students with disabilities subgroup; in 2005, the number dropped to 74.⁵

Georgia, a state where the number of improvement schools has decreased 48% between 2002-03 and 2006-2007, illustrates the difficulty of interpreting what these numbers mean. The state has adopted a number of changes in its accountability plan and implemented a state-directed school improvement process. Georgia applied the federal rules governing the inclusion of the students with disabilities subgroup, revised its AMOs for high schools after adopting a new high school exam, used a number of statistical techniques to calculate AYP (i.e., multi-year averaging, confidence intervals, safe harbor⁶), revised its minimum group size, adopted the changes applicable to LEP students, and changed how it calculates graduation rates for accountability purposes. It is likely that many of the rule changes helped Georgia remove schools from improvement status, but have not prevented additional schools from being identified as proficiency targets increased.

State officials attributed the state intervention program for helping some schools in Georgia improve their performance and move out of improvement status. This program, more extensive than that in the other five states, received substantial state funding (in addition to the funds provided by NCLB for school improvement) and includes state and regional teams that provide on-site support to schools identified for improvement (Sunderman & Orfield, In press.). This may have helped schools move out of improvement status, since the program targeted those schools. However, since the state intervention program is not designed as a preventive program, it does not help struggling schools avoid falling into school improvement.

Do we know if NCLB is having an effect on improving academic performance?

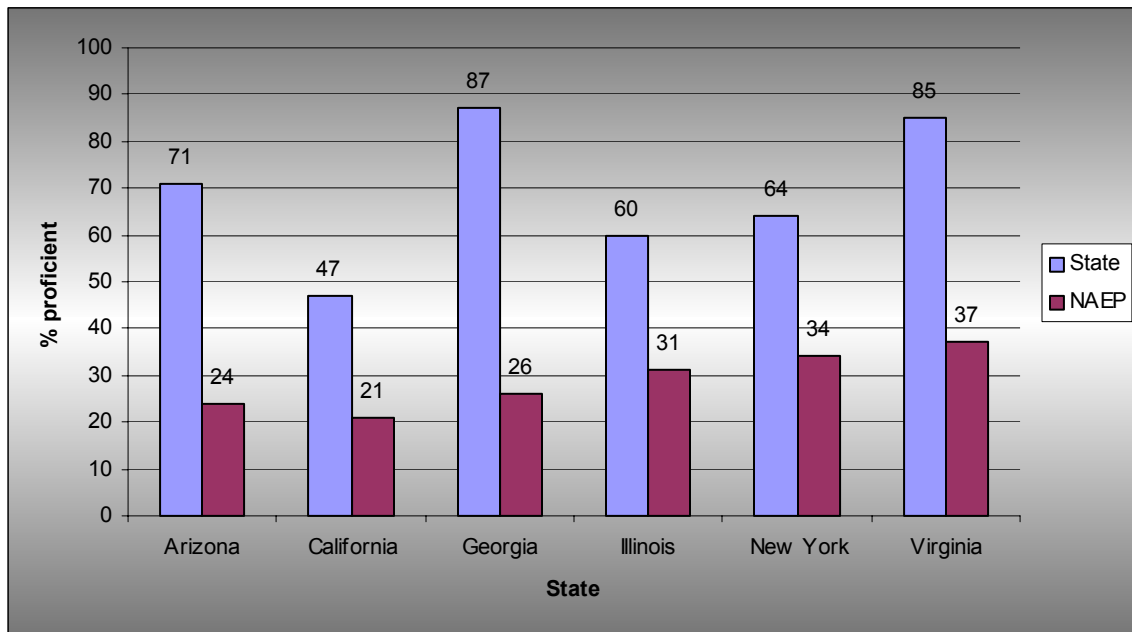
It is difficult to know if NCLB is having an effect on improving academic performance, in part because of the issues raised above, but also because of the inadequacy of state assessments to provide a complete picture of what students know (Fuller, Gesicki, Kang, & Wright, 2006). States may report that more students are reaching proficiency on state assessments, but this does not necessarily mean academic performance is improving. Indeed, analyses of trends on the National Assessment of Educational Progress (NAEP) find discrepancies between NAEP results and state assessment results, suggesting that state assessments significantly inflate the percentage of students reaching proficiency (Fuller et al., 2006; Lee, 2006). State test results tend to exaggerate the annual rate of improvement when compared to improvement on the NAEP.

⁵ Illinois State Board of Education, http://www.isbe.net/research/pdfs/ayp_analysis05.pdf, retrieved June 26, 2006.

⁶ Safe harbor is designed to lessen the difficulty of reaching AYP for schools with multiple subgroups. See (Lee, 2004) for an analysis of safe harbor.

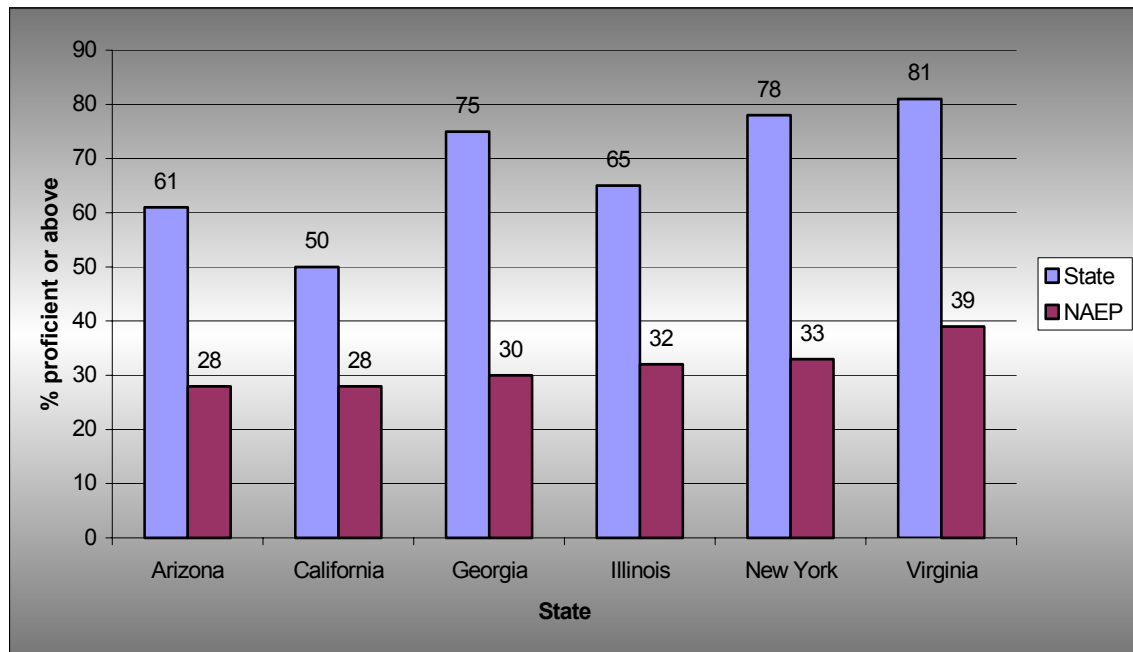
Figures 3 and 4 show the percentages of students meeting or exceeding proficiency in reading and math on state assessments and on the NAEP. In both reading and math, the percentage of students scoring proficient or above are, on average, two to three times higher on state assessments as on the NAEP. The discrepancies are the smallest in California in both reading and math, while Georgia has the largest discrepancies. The discrepancies between state assessments and the NAEP are also quite large in math in New York and in reading in Arizona. This suggests that the state standards are not as challenging as the NAEP standards.

Figure 3: Percentages of students meeting or exceeding the proficiency standard in grade 4 reading on state assessment vs. NAEP



Source: Lee, 2006. Note: Scores for Arizona, California, Georgia, and Virginia are for 2005; Illinois and New York are for 2003. Results for Arizona, Illinois, and Virginia are for grade 5; New York is for elementary rather than grade 4. California and New York test in English Language Arts rather than reading.

Figure 4: Percentages of students meeting or exceeding the proficiency standard in grade 4 math on state assessments vs. NAEP



Source: Lee, 2006. Note: Scores for Arizona, California, Georgia, and Virginia are for 2005; Illinois and New York are for 2003. Results for Arizona, Illinois, and Virginia are for grade 5; New York is for elementary rather than grade 4.

Moreover, a systematic analysis of NAEP national and state-level achievement results shows that NCLB did not have a significant impact on improving student achievement or reducing the achievement gap (Lee, 2006). This analysis, which examined trends on the NAEP in average reading and math proficiency between 1990 and 2005, found that that national average achievement in reading was flat. In math, NAEP results continued at the same pace after NCLB as before. There was a temporary improvement in grade 4 math results right after NCLB, but it returned to its pre-reform growth rate. In addition, the achievement gap between different racial and socioeconomic groups persisted after NCLB and has not narrowed significantly.

There are other reasons why a reliance on state assessments gives an incomplete picture of what students know. For one, state assessments can only test a limited range of domains. Once these are decided on, teachers in high stakes situations may teach to the test, which leads to inflated results—test scores increase but without a corresponding increase in knowledge. To counter teaching to the test, policymakers may change the testing program, but this is often followed by a decline in test scores since the factors that lead to the inflated results are temporarily suspended (Linn, 2000). Additionally, to improve the reliability of test results, tests cover a narrower range of learning goals. Open-ended questions, short essays, and other innovative questions are much less reliable than scores on multiple-choice tests. This means that rather than test for higher order or complex thinking skills, the test reflects a narrower range of learning goals. This is most detrimental to low-performing students because there are more incentives for teachers to teach to the test in order to increase the number of students meeting proficiency.

Equity Implications of NCLB Accountability

How many students do improvement schools serve?

Table 3 displays the percentage of total schools in each state that were identified for improvement, total enrollment in improvement schools and the percentage of the total statewide enrollment this represents. For 2004-05, the percentage of schools that were identified for improvement as a proportion of the total schools in the state ranges from a low of 2.1% in Virginia to a high of 20.3% in Georgia. The percentage of students attending improvement schools ranges from 1.4% of the total state school enrollment in Virginia to 23% in California and Illinois. In Arizona and Virginia, the percentage of students enrolled in improvement schools is about commensurate with the percentage of schools that were identified for improvement. In California, Illinois, and New York, the percentage of students attending improvement schools exceeds the percentage of schools statewide that were identified for improvement suggesting that, on average, schools identified for improvement enroll a disproportionate share of the states' students. In California and Illinois, almost a quarter of the state's students go to schools identified for improvement.

Table 3. The Number and Percentage of Improvement Schools as a Proportion of Total Schools and Total Enrollment in 5 States, 2004-2005

State	Number of Total Schools	Number of Improvement Schools	% of Total Schools in State	State Enrollment	Improvement School Enrollment	% of State Enrollment
Arizona	2,397	189	7.9%	1,048,307	93,889	9.0%
California	10,667	1600	15.0%	6,291,082	1,453,240	23.1%
Georgia	2,034	413	20.3%	N/A	N/A	N/A
Illinois	3,878	636	16.4%	2,065,966	481,370	23.3%
New York	4,869	506	10.4%	2,765,429	452,360	16.4%
Virginia	1,850	38	2.1%	1,197,821	17,143	1.4%

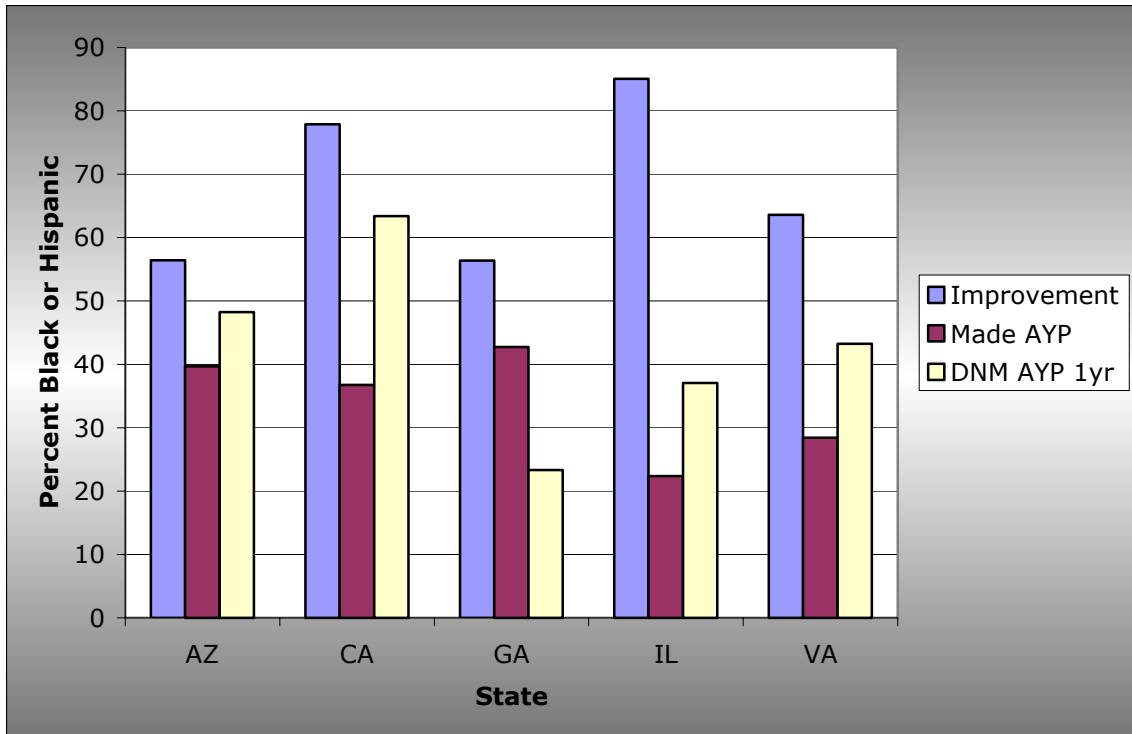
Source: See Appendix 3. Note: Enrollment calculations were not computed for Georgia because of missing 2004-05 enrollment data on 177 (of 413) schools identified for improvement.

What are the demographic characteristics of students in improvement schools?

When we analyzed the demographic characteristics of students enrolled in schools identified for improvement, we found that these schools enroll substantially higher percentages of minority students than schools making adequate progress. Figure 5 compares select demographic characteristics of students in three categories of schools: schools making adequate progress, schools identified for improvement, and schools that did not make AYP for 1 year but are not yet in improvement status. The comparison between this last type of school and improvement schools highlights differences between

schools that have not made AYP for just one year versus those schools that have continual difficulties meeting the standards for AYP. In all 6 states, black and Hispanic students comprise a higher proportion of enrollment for schools identified as needing improvement than schools that made AYP. In California and Illinois, for instance, improvement schools serve a student body that is more than 75% to 85% black or Hispanic, while schools that made AYP serve a student body with less than 40% minority students in California and 20% in Illinois.

Figure 5. Percent black and Latino student enrollment in improvement schools, adequate progress schools, and schools not making AYP for 1 year in 5 states, 2004-2005



Source: See Appendix 4.

Table 4 further illuminates the differences between these three categories of schools. In three of the five states for which data are available, schools identified for improvement are larger, serving 50 to 300 more students than adequate progress schools. The ratio of enrollment in improvement schools versus adequate progress schools in California is 1.5 to 1, and in Illinois, improvement schools are more than 1.3 times larger than adequate progress schools. With respect to racial/ethnic subgroups, improvement schools serve far fewer white students than adequate progress schools in these states. For example, in Illinois, the proportion of white students in adequate progress schools is nearly six times larger than the proportion in improvement schools. Improvement schools serve a much higher proportion of minorities who historically score worse on achievement tests. Improvement schools in Georgia and Virginia have higher proportions of black students, Arizona and California have higher proportions of Latino students, and Illinois has higher proportions of black and Latino students in improvement schools. For example, in Virginia, the proportion of black students is more than twice as high in

improvement schools than in adequate progress schools. In California, the proportion of Latino students is more than twice as high in improvement schools than in adequate progress schools, and in Arizona the proportion of Latino students is two thirds higher. Improvement schools in Illinois have five times as many black students and almost three times as many Latino students as adequate progress schools. In contrast, adequate progress schools in all five states have a higher proportion of Asian students, a typically higher-achieving minority, than improvement schools.

Table 4. Demographic Characteristics of Improvement Schools, Adequate Progress Schools, and Schools Not Making AYP for 1 Year in 5 States, 2004-2005

State	School Status	N	Average Total Enrollment	Average % White	Average % Black	Average % Latino	Average % Asian American
AZ	Need Imp.	189	539.59	16.90	4.24	52.16	0.64
	Met AYP	1352	600.42	52.87	4.88	34.82	2.12
	Did not make AYP 1yr.	148	515.55	35.64	5.28	42.96	0.98
CA	Need Imp.	1600	908.60	13.54	10.73	67.14	4.39
	Met AYP	6078	611.77	46.83	6.26	30.50	8.72
	Did not make AYP 1yr.	2794	666.12	26.42	10.33	53.07	4.48
GA	Need Imp.	413	839.31	37.84	49.15	7.19	1.26
	Met AYP	1494	787.60	48.31	35.46	7.29	2.20
	Did not make AYP 1yr.	214	842.56	23.29	22.64	2.68	0.53
IL	Need Imp.	636	528.25	13.22	56.21	28.83	1.25
	Met AYP	3213	391.52	73.27	11.62	10.75	3.12
	Did not make AYP 1yr.	35	544.73	58.41	20.49	16.60	3.36
VA	Need Imp.	111	471.63	22.90	55.85	7.72	1.71
	Met AYP	1366	593.22	65.44	21.77	6.64	4.36
	Did not make AYP 1yr.	458	958.44	52.95	37.48	5.75	2.71

Source: See Appendix 4. Note: New York is excluded from this table because school report card data does not break enrollment down by race/ethnicity. The N column represents the number of schools identified in the constructed state databases in each category, or, in the case of improvement school designations, identified through correspondence with state officials. Enrollment data for Virginia is for the 2005-06 school year as 2004-05 data was unavailable.

The schools that did not make AYP in 2004-2005 but are not designated as needing improvement more closely resemble adequate progress schools than schools

designated as needing improvement with respect to enrollment trends. These schools that did not make AYP are either schools that are not Title I schools, and therefore not subject to the law’s sanctions, or Title I schools that have not made AYP for only one year. NCLB is designed to raise the achievement of poorly performing students and to ensure that all schools are responsible for the achievement of all students. However, in this case, schools serving low-income student populations are facing sanctions at a much higher rate than schools serving more socially and economically advantaged students.

In addition to racial/ethnic subgroups, schools identified for improvement also serve a higher proportion of other lower-achieving subgroups. By definition, schools identified for improvement are Title I schools, and therefore serve a low-income population. Table 5 illustrates the magnitude of the differences among improvement schools, adequate progress schools, and schools that did not make AYP but are not yet identified for improvement.

Table 5. Socioeconomic Characteristics of Improvement Schools, Adequate Progress Schools, and Schools Not Making AYP for 1 Year in 3 States, 2004-2005

State	School Status	% Low-Income	% Limited English Proficient	% Students w/ Disabilities
AZ	Need Imp.	--	30.32	2.87
	Met AYP	--	12.01	2.91
	Did not make AYP 1yr.	--	15.47	2.36
GA	Need Imp.	62.80	3.63	13.12
	Met AYP	47.39	4.35	11.98
	Did not make AYP 1yr.	27.57	1.22	7.71
IL	Need Imp.	80.33	11.22	--
	Met AYP	32.42	4.16	--
	Did not make AYP 1yr.	28.60	3.63	--

Source: See Appendix 4.

Similar trends are evident here as were presented in Table 4. Overall, adequate progress schools and schools that did not make AYP for one year enroll fewer low-income and limited English proficiency (LEP) students and fewer students with disabilities. For example, in Illinois, improvement schools serve nearly three times as many low-income and LEP students as adequate progress schools and schools that did not make AYP. Again, these patterns demonstrate that improvement schools, already facing the challenges of serving socially and economically disadvantaged students, are subject to the law’s sanctions at higher rates than schools serving more advantaged students.

How do highly segregated schools fair under NCLB?

Segregated minority schools are often labeled as “failing” under NCLB suggesting that segregation may impede progress towards meeting the federal educational goals. Schools identified for improvement are more likely to be segregated than schools making adequate progress (Table 6). In California, a state with a high Latino student population (47.6% of students are Latino), 44.5% of schools where 90% of the students are Latino were identified for improvement. None of the schools where 90% of the students are white were identified as needing improvement under NCLB. In Illinois, only 1.1% of schools where 90% of the students are white were identified for improvement compared to 67.9% of schools where 90% of students are black and 64.6% of schools where 90% of students are Latino. In the entire state, 16.4% of schools were identified for improvement. There are similar trends in Georgia and Virginia, where segregated black schools are more likely than segregated white schools to be identified for improvement. Further, schools that are 90% minority (that is, enroll black and/or Latino students) are disproportionately identified for improvement. For example, in Illinois, 67.2% of the schools that are 90% minority were identified for improvement. In California, Georgia, and Virginia, between 26% and 43% of schools that were 90% minority were identified for improvement.

Table 6: Number and Percent of Highly Segregated Schools Identified for Improvement in 4 States, 2004-05

State	90% White	90% Black	90% Latino	90% Minority (Black &/or Latino)	Total Imp. Schools in State
<i>California</i>					
Need Imp. Schools	0 (0%)	1 (5.3%)	342 (44.5%)	572 (43.3%)	1600 (15%)
Total	189	19	768	1,320	10,677
<i>Illinois</i>					
Need Imp. Schools	16 (1.1%)	250 (67.9%)	62 (64.6%)	426 (67.2%)	636 (16.4%)
Total	1,432	368	96	634	3,884
<i>Georgia</i>					
Need Imp. Schools	21 (12.5%)	76 (53.9%)	1 (100%)	90 (26.2%)	413 (20.3%)
Total	168	141	1	343	2,034
<i>Virginia</i>					
Need Imp. Schools	11 (3.2%)	27 (35.1%)	--	32 (36%)	108 (5.7%)
Total	344	77	--	89	1,893

Source: See Appendix 4. Note: Percentages in parenthesis indicate the percentage of highly segregated schools in each category that are improvement schools.

Are improvement schools making progress?

The NCLB accountability model uses mean proficiency as the primary measure for determining whether schools and districts are making AYP and includes the requirement that each subgroup of students meet a separate test score target. This model

requires all students to meet the same minimum proficiency level on both reading and math assessments, regardless of prior achievement levels. Comparing improvement schools with schools that were not identified for improvement, as displayed in Table 7, indicates that improvement schools are often making similar progress as adequate progress schools. Proficiency comparisons across multiple years are difficult to interpret, as many states revised their tests. Therefore, a one-year change is presented in Table 7. Proficiency gains in reading showed more variability across type of school than did proficiency gains in mathematics. In reading, students in schools identified as needing improvement in Virginia tended to make gains comparable to or larger than students in schools making adequate progress. In each of the four other states, gains made by improvement schools surpassed those made by schools making AYP in one of the two grades measured. In mathematics, in Arizona, Georgia, Illinois, and New York, proficiency gains made by students in schools needing improvement were larger for grade 4, and for AZ and GA, gains were also larger for improvement schools in grade 8. Virginia was the only state for which proficiency gains made by AYP schools in math seemed to outpace those made by improvement schools.

Table 7. One-year Mean Proficiency Gains in Schools Needing Improvement and Non-Improvement Schools for 5 states, 2003-04 to 2004-05

State	Reading Proficiency Gain		Math Proficiency Gain	
	Improvement Schools	Made AYP Schools	Improvement Schools	Made AYP Schools
AZ				
Grade 3	-0.80	1.35	18.03	13.30
Grade 8	16.75	16.37	23.06	27.48
GA				
Grade 4	N/A	N/A	-0.39	-1.05
Grade 8	N/A	N/A	-3.55	-3.90
IL				
Grade 5	-0.33	-0.37	2.73	1.96
Grade 8	5.35	6.30	-0.35	0.61
NY				
Grade 4	3.80	0.92	4.80	0.90
Grade 8	1.54	2.72	2.34	2.59
VA				
Grade 5	2.63	2.03	4.63	6.98
Grade 8	5.93	2.01	7.82	11.54

Source: See Appendix 5. Note: California proficiency scores not available; Georgia reading scores for 2005 unavailable. New York improvement schools are compared to all other (non-improvement) schools, as an overall school AYP indicator was not available in the state report card.

Why does AYP have a disparate impact on schools serving minorities and low-income students?

In previous research, we examined how the NCLB accountability requirements affected the likelihood a school would be identified for improvement (Kim & Sunderman, 2005; Tracey et al., 2005). This research found that the core components of

AYP—mean proficiency, subgroup rules, and participation rate requirements—pose particular challenges for diverse schools and high-poverty schools. The subgroup rules, while they provide information on how different groups of students are performing, require students in high poverty and racially diverse schools to meet multiple performance targets. Combined with the participation rate requirements (95% of students overall and 95% of students in each subgroup must take the state tests), the subgroup rules create multiple performance and participation rate targets that schools serving multiple subgroups must meet. Since a school can be identified for improvement for failing to meet either the performance or participation targets for a single subgroup, the more diverse a school is, the more targets it must meet.

Schools serving low-achieving students are further challenged by standards based on mean proficiency. The NCLB requirement that all schools and students meet the same mean proficiency level does not take into account initial differences in student performance. Thus, students that start further behind have to make large gains to meet the state's proficiency targets. Other research has also demonstrated that subgroups rules and mean proficiency produce high failure rates in schools with a large percentage of minorities and low-income students (Kane & Staiger, 2003; Linn, 2003; Raudenbush, 2004). As shown in Table 7, students in schools identified for improvement often make similar gains in mean proficiency as their peers in schools that were making adequate progress under NCLB. This is often because students in schools identified for improvement began with lower average test scores than students in schools making AYP (Kim & Sunderman, 2005).

Conclusions/Recommendations

As currently constructed, the AYP mechanism used to identify poorly performing schools is not working effectively to encourage improvement in these schools and proficiency in all schools. In many states, the number of schools identified for improvement has increased, and even where it has decreased, new schools are identified as improvement schools each year. AYP does not seem to serve as a preventative measure. In addition, the AYP requirements and improvement label concentrate sanctions on schools serving minority and low-income students, provide no evidence that a school is not improving, and do not provide information on why a school has failed to make AYP. The performance of one subgroup can cause an entire school to fail even when those schools are making academic progress. The changes that the Administration has approved to state accountability plans, which were intended to reduce the number of schools identified for improvement, have complicated understanding what accountability means and makes comparisons from one year to the next meaningless.

Using multiple indicators of school and district performance and/or the use of growth or value added models to determine whether schools and districts are making adequate yearly progress could in part address these design flaws, but neither are a panacea. Growth or value-added models demand a level of statistical sophistication that many states may not possess, include significant technical challenges, and may fall short

of popular claims and expectations (Haertel, 2005; McCaffrey, Lockwood, Koretz, & Hamilton, 2003; Raudenbush, 2004; Zvoch & Stevens, 2006). In two states, North Carolina and Tennessee where the Administration has approved the use of growth models under a pilot program, the growth model did little to change a school's improvement status (Olson, 2006). Expanding the number and kinds of measures schools can use to show adequate progress would need to be carefully designed to ensure a broad picture of school performance. When carefully designed, multiple measures can provide additional information to enhance the validity of test scores and can serve as a counter weight to incentives to push out students who score low on achievement tests. However, both growth models and models that incorporate multiple measures will encounter problems similar to those inherent in AYP if the arbitrary proficiency targets and timeline for 100% proficiency remain. To address these issues, NCLB would need to be modified to include more realistic performance targets and policymakers would need to acknowledge that 100% proficiency is highly unlikely.

NCLB relies on a series of sanctions that become increasingly harsh the more years a school is in improvement. These sanctions are concentrated on schools serving disadvantaged and minority students, whether or not those schools are making progress that is not measured by the AYP mechanism. It is unclear whether these sanctions, based on market theories of school improvement, will help schools improve. Instead of concentrating sanctions on schools serving at-risk students, the Administration should consider legislation more in line with the original goal of the Title I program: providing these schools with support, rather than sanctions, to ensure more equitable performance by all students.

With the reauthorization of NCLB in 2007, the nation should consider developing alternatives to the current accountability model now sanctioned under NCLB. So far, there are no good alternative designs (Koretz, 2006). There are things that could be done to make the current system somewhat less erroneous, such as developing more realistic performance targets, fixing the problem of multiple performance targets that some schools must meet, or using multiple measures or growth models to determine AYP. But tweaking portions of NCLB are not going to address the fundamental flaws or the negative consequences that come with a high-stakes accountability system. It is time to begin the research needed to develop better systems for holding school systems accountable.

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APPENDIX: TECHNICAL NOTE

Tables in this report were constructed based on data provided by the state departments of education as identified in the Data Sources section below. School improvement designations were based on the state assessment scores from the previous spring test administration (for example, 2004-05 improvement statuses were based on Spring 2004 assessments). Unfortunately, each state's report card had missing data on several indicators, particularly enrollment. Throughout the brief, data irregularities are cited as thoroughly as possible. Data was also checked against reports issued by the U.S. Department of Education where possible and through communication with state officials. Irregularities may also arise because of the states' appeals processes, resulting in revisions in number of schools identified for improvement. The cited state web links were accessible as of September 29, 2006. All calculations are our own.

Data Sources

State Departments of Education:

AZ: <http://www.ade.az.gov>

CA: <http://www.cde.ca.gov/>

GA: <http://public.doe.k12.ga.us/>

IL: <http://www.isbe.net>

NY: <http://www.nysed.gov>

VA: <http://www.pen.k12.va.us/>

APPENDIX 1

Data Sources for School Improvement Status, as Reported in Table 1

<i>State</i>	<i>2002-03</i>	<i>2003-04 through 2006-07</i>
Arizona	Kim & Sunderman (2004)	Arizona Department of Education, http://www.ade.state.az.us/srcs/statereportcards/statereportcard04-05.pdf , retrieved August 18, 2006; Personal communication with Arizona Department of Education. Number of improvement schools for 2006-2007 is tentative as the status of 60 schools was pending.
California	Kim & Sunderman (2004)	California Department of Education, http://www.cde.ca.gov/ta/ac/ay/tireports.asp , retrieved August 18, 2006
Georgia	Personal communication, Governor's Office of Student Achievement, September 27, 2006	Georgia Department of Education, http://public.doe.k12.ga.us/aypnclb2006.aspx , retrieved September 28, 2006.
Illinois	Kim & Sunderman (2004)	Illinois State Board of Education, http://www.isbe.net/research/htmls/report_card.htm , retrieved May 2006; 2005-2006: Illinois State Board of Education, http://www.isbe.net/research/xls/2005_list_release_1215.xls , retrieved September 28, 2006; 2006-2007 data unavailable as of October 1, 2006
New York	Kim & Sunderman (2004)	New York State Education Department, http://emsc33.nysed.gov/irts/school-accountability/ , retrieved May 1, 2006; 2006-2007 data unavailable as of October 1, 2006
Virginia	Kim & Sunderman (2004)	Virginia Department of Education, http://www.pen.k12.va.us/VDOE/src/title1.shtml , retrieved September 28, 2006. Virginia Department of Education, http://pen2.vak12ed.edu/Reportcard/ayp_all_schools_04.xls , retrieved September 28, 2006.

APPENDIX 2

Data Sources for School Improvement Status by Year of School Improvement, as Reported in Table 2 and Figure 2

<i>State</i>	<i>School Improvement Status</i>
Arizona	Personal correspondence with Arizona Department of Education, September 20, 2006.
California	California Department of Education, http://www.cde.ca.gov/ta/ac/ay/tistatesum06.asp , retrieved August 18, 2006
Georgia	Georgia Department of Education, http://public.doe.k12.ga.us/findaschool.aspx?StateID=ALL&RPT=TI&RID=104&FY=2005 , retrieved September 29, 2006
Illinois	Illinois State Board of Education, http://www.isbe.net/research/xls/2005_list_release_1215.xls , retrieved September 28, 2006
New York	New York State Education Department, http://emsc33.nysed.gov/irts/school-accountability/ , retrieved May 1, 2006
Virginia	Virginia Department of Education, http://pen2.vak12ed.edu/Reportcard/ayp_all_schools_04.xls , retrieved September 28, 2006

APPENDIX 3

Data Sources for Improvement Status and Enrollment, as reported in Table 3

<i>State</i>	<i>Enrollment Data</i>
Arizona	Arizona Department of Education, http://www.ade.az.gov/researchpolicy/AZEnroll/ , retrieved October 1, 2006. Enrollment data are missing for 15 improvement schools and 429 total schools.
California	California Department of Education, http://dq.cde.ca.gov/DataQuest/downloads/sifedr.asp , retrieved October 1, 2006. Enrollment data were missing for 9 improvement schools and 147 total schools, retrieved October 1, 2006.
Georgia	Georgia Department of Education, http://reportcard2004.gaosa.org/k12/cDLS5.aspx , retrieved October 1, 2006. Enrollment calculations were not computed for Georgia because of excessive missing 2004-05 enrollment data.
Illinois	Illinois State Board of Education, http://www.isbe.net/research/htmls/report_card.htm , retrieved October 1, 2006. Enrollment data are missing for 122/636 improvement schools and 866/3248 non-improvement schools.
New York	New York State Education Department, http://www.emsc.nysed.gov/reprcrd2005/database/guide.shtml , retrieved October 1, 2006. Enrollment data were missing for 5/506 improvement schools and 400/4869 total schools.
Virginia	Virginia Department of Education, http://www.pen.k12.va.us/VDOE/Publications/rep_page.htm , retrieved October 1, 2006. Enrollment data were missing for 26/1850 total schools.

Note: See Appendix 2 for sources for school improvement status. Number of total schools reported in Table 3 is the number included in the 2004-2005 data from state report cards. Total enrollment was computed by summing the Fall 2004 school enrollments of all schools; Improvement School enrollment was computed by summing the Fall 2004 school enrollments of improvement schools.

APPENDIX 4

Data Sources for Adequate Yearly Progress Status, as Reported in Tables 4, 5, 6 and Figure 5

<i>State</i>	<i>Adequate Yearly Progress Status</i>
Arizona	Arizona Department of Education, http://www.ade.az.gov/profile/publicview/aypschoollist.asp?Year=2005 , retrieved October 1, 2006. Demographic data missing for 15 improvement, 33 AYP, and 7 DNM AYP 1 Yr schools.
California	California Department of Education, http://ayp.cde.ca.gov/datafiles.asp , retrieved October 1, 2006. Demographic data missing for 13 improvement, 683 AYP, and 455 DMN AYP 1 Yr schools.
Georgia	Georgia Department of Education, http://ayp.cde.ca.gov/datafiles.asp , retrieved October 1, 2006. Demographic data missing for 13 improvement, 683 AYP, and 455 DMN AYP 1 Yr schools.
Illinois	Illinois State Board of Education, http://www.isbe.net/research/htmls/report_card.htm , retrieved October 1, 2006. Demographic data missing for 0 schools.
Virginia	Virginia Department of Education, http://www.pen.k12.va.us/VDOE/src/ayp.shtml , retrieved October 1, 2006. Demographic data missing for 0 improvement, 36 AYP, and 102 DNM AYP 1 Yr schools.

Note: See Appendix 1 for sources for school improvement status data and Appendix 3 for sources for enrollment data.

APPENDIX 5

Data Sources for Proficiency Scores, as Reported in Table 7. Proficiency scores were missing for many schools in all states as detailed in the table below.

<i>State</i>	<i>Proficiency Scores</i>
Arizona	<p>Arizona Department of Education, http://www.ade.az.gov/profile/publicview/, retrieved October 1, 2006. Math grade 3 scores based on 68 improvement and 812 AYP schools in 2003-2004, and 68 improvement and 815 AYP schools in 2004-2005. Reading grade 3 scores based on 68 improvement and 812 AYP schools in 2003-2004, and 67 improvement and 814 AYP schools in 2004-2005.</p> <p>Math grade 8 scores based on 21 improvement and 195 AYP schools in 2003-2004, and 27 improvement and 203 AYP schools in 2004-2005. Reading grade 8 scores based on 21 improvement and 196 AYP schools in 2003-2004, and 27 improvement and 204 AYP schools in 2004-2005.</p>
Georgia	<p>Georgia Department of Education, http://reportcard2005.gaosa.org/k12/cDLS5.aspx, retrieved October 1, 2006.</p> <p>Math grade 4 scores based on 61 improvement and 622 AYP schools in 2003-2004, and 58 improvement and 667 AYP schools in 2004-2005. Reading grade 4 scores based on 61 improvement and 622 AYP schools in 2003-2004 and 2004-2005.</p> <p>Math and reading grade 8 scores based on 183 improvement and 276 AYP schools in 2003-2004, and 178 improvement and 297 AYP schools in 2004-2005.</p>
Illinois	<p>Illinois State Board of Education, http://www.emsc.nysed.gov/repcrd2005/database/guide.shtml, retrieved October 1, 2006.</p> <p>Math and reading grade 5 scores based on 407 improvement and 1997 AYP schools in 2003-2004. Math and reading grade 5 scores based on 435 improvement and 2116 AYP schools in 2004-2005.</p> <p>Math and reading grade 8 scores based on 345 improvement and 1275 AYP schools in 2003-2004. Math and reading grade 8 scores based on 359 improvement and 1352 AYP schools in 2004-2005; reading scores based on 360 improvement schools.</p>
New York	<p>New York State Education Department, http://www.emsc.nysed.gov/repcrd2005/database/guide.shtml, retrieved May 1, 2006.</p> <p>Math grade 4 scores based on 161 improvement and 2342 AYP schools in 2003-2004, and 166 improvement and 2305 AYP schools in 2004-2005.</p> <p>Reading grade 4 scores based on 157 improvement and 2328 AYP schools in 2003-2004, and 165 improvement and 2305 AYP schools in 2004-2005.</p>

	<p>Math grade 8 scores based on 256 improvement and 1378 AYP schools in 2003-2004 and in 2004-2005.</p> <p>Reading grade 8 scores based on 255 improvement and 1397 AYP schools in 2003-2004, and 253 improvement and 1370 AYP schools in 2004-2005.</p>
Virginia	<p>Virginia Department of Education, http://www.pen.k12.va.us/VDOE/src/datadownload.shtml, retrieved October 1, 2006.</p> <p>Math grade 5 scores based on 89 improvement and 956 AYP schools in 2003-2004, and 88 improvement and 968 AYP schools in 2004-2005.</p> <p>Reading grade 3 scores based on 89 improvement and 954 AYP schools in 2003-2004, and 89 improvement and 963 AYP schools in 2004-2005.</p> <p>Math grade 8 scores based on 27 improvement and 334 AYP schools in 2003-2004, and 27 improvement and 375 AYP schools in 2004-2005.</p> <p>Reading grade 8 scores based on 26 improvement and 315 AYP schools in 2003-2004, and 26 improvement and 304 AYP schools in 2004-2005.</p>

Note: See Appendix 1 for sources for school improvement status.

APPENDIX 6

Number and Percent of Schools Identified for Improvement by Year of School Improvement in 5 States, 2004-2005

State (Total)	Year 1 (% of total)	Year 2	Year 3 (Corrective Action)	Year 4 (Plan to Restructure)	Year 5 (Restructure Y1)	Year 6 (Restructure Y2)	% in Improvement 3 + years
AZ (189)	73 (38.6%)	56 (29.6%)	48 (25.4%)	0 (0%)	12 (6.3%)	0	31.7%
CA (1600)	648 (40.5%)	503 (31.4%)	178 (11.1%)	261 (16.3%)	10 (0.6%)	0	28.1%
GA (413)	209 (50.6%)	52 (12.6%)	29 (7.0%)	24 (5.8%)	39 (9.4%)	60 (14.5%)	36.8%
IL (636)	131 (20.6%)	116 (18.2%)	151 (23.7%)	211 (33.2%)	20 (3.1%)	0	60.1%
NY (506)	131 (25.9%)	84 (16.6%)	98 (19.4%)	41 (8.1%)	73 (14.4%)	79 (15.6%)	57.5%

Source: See Appendix 2; Georgia Department of Education, http://public.doe.k12.ga.us/tss_title.aspx, retrieved September 26, 2006; Illinois State Board of Education, www.isbe.net/research/pdfs/ayp_analysis05.pdf, retrieved July 16, 2006. Note: Detailed data on school improvement status was not available for Virginia.