



## **The No Child Left Behind Act**

The No Child Left Behind (NCLB) Act of 2001 was signed into law in January 2002.<sup>1</sup> The measure reauthorized the Elementary and Secondary Education Act, which governs the main federal programs assisting elementary and secondary schools. The 2009-2011 American Association of University Women Public Policy Program of contains the firm belief that “...quality public education is the foundation of a democratic society” and advocates a “... bias-free public education ...” as well as “...adequate and equitable funding...” for its implementation.<sup>2</sup> AAUW remains committed to ensuring strong academic principles and closing the achievement gap for all children—objectives at the heart of the No Child Left Behind Act. AAUW also believes that the federal government has a critical role to play in attaining these goals and endorses the use of a reasonable accountability system that helps ensure all children are prepared to be successful, participating members of our democracy.

### **Promises Made**

In 2002, AAUW joined in the bipartisan enthusiasm when the NCLB law was first passed, hoping the law would provide a remedy for ailing schools and low student performance. There are many good elements to NCLB, such as increased teacher and school accountability, higher standards of achievement for student progress, supplemental service funds for low-income students, and public school choice for students who attend underperforming schools. In addition, AAUW worked hard for the inclusion of programs to serve girls’ special needs and was successful in ensuring that NCLB included provisions to:

- reauthorize the Women’s Educational Equity Act,
- strengthen dropout prevention measures,
- protect girls from sexual harassment in schools,
- and increase girls’ access to and interest in technology.

NCLB also raised the bar for state and local school boards to meet yearly goals for academic achievement of their students. State and local schools boards set goals which schools must meet —called Adequate Yearly Progress (AYP). AYP refers to the minimum level of improvement that states, school districts, and schools must achieve each year as they progress toward the law’s goal of having all students reach proficiency levels on state tests by 2014. Setting these accountability goals offered the promise of providing every student—regardless of race, class, sex, or income—a quality education.

### **Promises Broken**

It has become clear, however, that there is a large difference between implementation of the law and realization of program goals. While NCLB set lofty aspirations for public education, unfunded implementation of NCLB requirements has left many states and school boards in dire straits. Facing tight state budgets, many states and school boards are finding that they do not have the funds to properly implement NCLB. Worse, Congress has never fully funded NCLB. President George W. Bush’s budget for fiscal year 2009 allotted only \$24.7 billion for NCLB—

nearly \$15 billion below the authorized amount. Over the course of its existence, NCLB has been underfunded to the tune of over \$85 billion.<sup>3</sup> By maintaining high standards—but not providing sufficient funds to help schools meet these standards—NCLB has resulted in nothing short of an unfunded mandate that may be setting schools up for failure.

Indeed, funding for NCLB has become a contentious issue, one that has shown up on the radar screens of voters and in the courts. A 2006 survey by the National School Boards Association found that 70 percent of likely voters favored restoring the funding for NCLB back to the authorized and promised levels.<sup>4</sup> On January 7, 2008, the U.S. Court of Appeals for the Sixth Circuit ruled that requiring states and school districts to cover the costs of implementing NCLB violates the Spending Clause of the Constitution.<sup>5</sup> This decision in *Pontiac v. Spellings* was based on the NCLB clause that reads, “Nothing in this Act shall be construed to... mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act” and marked a significant victory for plaintiffs, including nine school districts and the National Education Association and its state and local affiliates.<sup>6</sup>

### **Reauthorizing No Child Left Behind**

AAUW believes it is possible—and necessary—to maintain a commitment to high standards and greater accountability in our nation’s public schools. However, that commitment cannot be in principle only—it must be accompanied by the federal commitment and financial assistance to make it a reality. As the 111th Congress contemplates reauthorization of the No Child Left Behind Act, AAUW supports the following efforts to strengthen its goals and improve its implementation:

- **Strengthening STEM Education:** AAUW supports the promotion and strengthening of science, technology, engineering and mathematics (STEM) education, especially for girls and other underrepresented populations in the fields. By 2010, one in four new jobs will be “technically oriented” or involve computers.<sup>7</sup> However, we have not prepared girls sufficiently for this growing field. Girls still do not perform as well as boys on National Association of Education Progress (NAEP) math and science assessments.<sup>8</sup> In 2008, 55 percent of AP test-takers were girls, but in STEM-related areas, those numbers were smaller.<sup>9</sup> Early indicators such as these have directly informed our current STEM workforce: as an example, women comprise only 26 percent of computer and mathematical professionals.<sup>10</sup> In order to close this gap, AAUW supports efforts that train teachers to encourage girls and other underrepresented groups to pursue STEM careers.

AAUW will work to ensure that programs passed in the last Congress in the America COMPETES Act and the Higher Education Opportunity Act, which seek to produce additional science and math teachers through expanded scholarships and training, are fully funded and implemented.

AAUW also recommends a grant program to narrow the achievement gap that currently exists for girls and underrepresented minorities in STEM education, and

encourages these students to pursue STEM careers. Schools should be able to use these grants to cover a number of expenses including mentoring, after-school programs, summer programs and internships, field trips, etc.

- **Including Science as a Required Area of Assessment for AYP:** NCLB should include science as a required area of assessment used to calculate AYP. By measuring student performance and disaggregating data by gender, race, and socioeconomic status, we can obtain valuable information about student aptitude in science and better identify opportunities to improve girls' exposure to and achievement in science.
- **Requiring High School Sports Data Collection:** AAUW supports requiring high schools to report basic data on the number of female and male students in their athletic programs, and the expenditures made for their sports teams. Access to such data will enhance compliance with Title IX and aid in the continued expansion of athletic opportunities for girls at the high school level. This is important because while girls comprise 49 percent of the high school population,<sup>11</sup> they receive only 41 percent of all athletic participation opportunities, amounting to almost 1.3 million fewer participation opportunities than male high school athletes.<sup>12</sup>
- **Supporting Effective Implementation of the Women's Educational Equity Act:** The Women's Educational Equity Act was first enacted in 1974, designed to promote educational equity for women and girls through the provision of funds to help education agencies and institutions meet the requirements of Title IX of the Education Amendments of 1972. AAUW strongly supports the principles of WEEA and advocates the full funding of this law, as well as the appropriate application of its funds to meet the goals of the program. Title IX remains a vital tool in providing equal educational opportunities and WEEA, when used properly, can provide critical technical assistance to schools as they work to comply with Title IX not just in athletics but in all educational programs that receive federal funds.
- **Creating Environments Free of Bullying and Harassment:** Improved enforcement of current law and the implementation of stronger policies are both necessary to deter bullying and harassment and help to ensure safe learning environments for all students. Almost a decade ago, AAUW's own research revealed that 83 percent of girls and 79 percent of boys reported having experienced sexual harassment, and over one in four students stated that harassment happens "often."<sup>13</sup> More recent research shows that bullying affects nearly one in three American school children in grades six through ten.<sup>14</sup> Also, although large groups of both boys and girls report experiencing sexual harassment, girls are more likely to report being negatively affected by it.<sup>15</sup> A National School Boards' Association study found that half of those surveyed reported that they see other students being bullied at least once a month;<sup>16</sup> more disturbing is that almost half of students surveyed stated that they

doubted teachers could stop the behavior.<sup>17</sup> AAUW advocates passing legislation to better address bullying and harassment.

- **Decreasing the Use of High-stakes Testing and Using Multiple Measures:** AAUW believes in holding schools accountable for demonstrating that they are meeting educational goals. While testing is an important measure of success, it is both problematic and discriminatory to rely on them as the sole indicator of student progress. AAUW is supportive of provisions encouraging the use of multiple measures of student achievement—including flexible and innovative growth models, tracking the same group of students over time to determine whether schools meet annual benchmarks, and allowing schools to use a number of factors for determining Adequate Yearly Progress (AYP). AAUW joined more than 120 national education, civil rights and religious organizations in signing a statement stating that other key measures that demonstrate student achievement and progress should be explored and utilized.<sup>18</sup> While these measures will provide more flexibility, accountability must not be lost in the process.
- **Closing the Achievement Gap Once and For All:** The past fifty years have seen continued improvements in proficiency levels among both girls and boys across a wide range of subjects. However, the existence of an achievement gap continues to stand in the way of true educational progress for all. While AAUW's 2008 report, *Where the Girls Are*, showed girls' educational gains have not come at the expense of boys, the report also further illuminated large gaps in test scores among children of different races and ethnicities and among children from different family income levels. For instance, a majority of African-American and Hispanic 12th graders score below a basic level of proficiency in math, while a 23- and 24-point gap exists between students of lower-income and higher-income families in reading and math, respectively, at grades 4, 8, and 12.<sup>19</sup> AAUW believes that a quality education is a civil right, and strongly supports efforts to close this persistent and detrimental achievement gap.
- **Making NCLB Funding Mandatory at the Authorized Levels:** Research by the Center on Education Policy found that approximately 80 percent of school districts said they have costs associated with the law not covered by federal funding.<sup>20</sup>
- **Ensuring Adequate Physical Education Classes, and Ensuring Equity in Facilities and Equipment Access and Usage:** Over the past 25 years, the percentage of overweight girls has more than doubled; currently, 16 percent of girls ages 6 to 19 are overweight, up from 6 percent in 1974.<sup>21</sup> Further, minority and low income girls have the highest rates of childhood obesity.<sup>22</sup>
- **Continuing to Offer Public School Choice and Flexibility:** AAUW believes it is in students' best interests to be offered public school choice and flexibility, and schools should continue to encourage innovative programs and classroom techniques. Such

flexibility and innovation, however, must be consistent with civil rights law, including Title IX, and public funds should only be used for public education.

- **Improving Teacher Training and Retention:** AAUW believes there should be a highly qualified teacher in every classroom. NLCB reauthorization should include an expansion of programs that improve teacher training and retention.
- **Holding Schools Accountable:** Schools should be held accountable for demonstrating that they are meeting educational goals, but only in such a way that it doesn't create a bigger problem than it seeks to solve. NCLB designates schools that fail to meet AYP as "low-performing" and provides sanctions against such schools. AAUW believes the federal government should offer incentives and assistance to struggling schools, rather than punishment, which only serves to further harm students.
- **Cross-Tabulating Data:** AAUW recommends that data be cross-tabulated for state assessment systems, state reporting requirements, AYP goals, and graduation rate requirements. Having the most accessible, accurate and detailed information will encourage action specifically tailored to improve outcomes for those falling behind. School districts, educators, and policy makers cannot create the right solutions if they do not have the right data to truly know what segments of the population need help.
- **Expanding Afterschool Programs through 21st Century Learning Centers**  
Afterschool programs are vital components to academic growth and should be expanded to enrich the school experience and improve educational outcomes. Only 11 percent of the nation's K-12 youth are in afterschool programs.<sup>23</sup> However, the demand for such programs is great. The parents of 30 percent of children not currently engaged in afterschool programs report they would enroll their child if one were available.<sup>24</sup> One program vehicle is the 21st Century Community Learning Centers. By encouraging expanded programming through these learning centers, more students will have access to more learning opportunities. Furthermore, AAUW would like to see afterschool programs that incorporate expanded STEM learning opportunities—currently allowed as an option in afterschool programming but without any real incentive.
- **Increasing Access to and Funding for Early Childhood Education**  
Early learning is critical to the personal development and educational success of children. AAUW believes that providing a foundation of strong early childhood education will help improve and sustain achievement in later years. AAUW supports funding increases for Head Start and Early Head Start to ensure all children are prepared for school, as well as access to high-quality and affordable child care to ease the burden on working families and expand educational opportunities.<sup>25</sup>

## Resources for Advocates

It is AAUW advocates across the county who speak their minds on issues important to them that truly advance AAUW's mission. Stay informed with updates on the No Child Left Behind Act and other issues by subscribing to AAUW's Action Network. Make your voice heard in Washington and at home by using AAUW's Two-Minute Activist to urge your members of Congress to support the positions outlined above to strengthen the goals of NCLB and improve its implementation. Write a letter to the editor of your local paper to educate and motivate other members of your community. Attend town hall meetings for your members of Congress, or set up a meeting with your elected official's district office near you to discuss these policies. AAUW members can also subscribe to *Washington Update*, our free, weekly e-bulletin that offers an insider's view on the latest policy news, resources for advocates, and programming ideas. For details on these and other actions you can take, visit [www.aauw.org/takeaction](http://www.aauw.org/takeaction). For more information, read AAUW's related position papers on charter schools, school vouchers, Title IX, single sex education, STEM education, and sexual harassment, and AAUW's research, including *Where the Girls Are: The Facts About Gender Equity in Education*. You can find these and other resources on our website at [www.aauw.org](http://www.aauw.org).

## Conclusion:

While AAUW continues to support the ideals behind the No Child Left Behind Act, we call on the federal government to provide the commitment and resources necessary to ensure this program will be the effective aid it was envisioned to be for our schools and our children. Until the federal government fulfills its promises and obligations under No Child Left Behind, there will continue to be large gaps between a workable implementation of the law and the realization of its laudable goals.

For more information, call 202/785-7793 or e-mail [VoterEd@aauw.org](mailto:VoterEd@aauw.org).

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<sup>1</sup> No Child Left Behind Act of 2001, Pub. L. No. 107-110 (2001).

<sup>2</sup> American Association of University Women. (June 2009). *2009-11 AAUW Public Policy Program*. Retrieved July 9, 2009, from [http://www.aauw.org/advocacy/issue\\_advocacy/principles\\_priorities.cfm](http://www.aauw.org/advocacy/issue_advocacy/principles_priorities.cfm).

<sup>3</sup> National Education Association. (February 4, 2008). *Funding Gap: No Child Left Behind*. Retrieved April 27, 2009, from <http://www.nea.org/assets/docs/fundinggap.pdf>.

<sup>4</sup> National School Boards Association. (May 2006). "National Likely Voter Survey."

<sup>5</sup> National Education Association. (January 7, 2008). *Major Court Ruling on No Child Left Behind: States and School Districts Not Required to Spend Own Funds to Comply with Law*. Retrieved December 30, 2008, from <http://www.tsta.org/includes/NCLB lawsuit.pdf>.

<sup>6</sup> No Child Left Behind Act of 2001, Pub. L. No. 107-110 (2001).

<sup>7</sup> American Association for University Women. (2000). *Tech Savvy: Educating Girls in the New Computer Age*.

<sup>8</sup> U.S. Department of Education, National Center for Education Statistics. (2007.) *The Nation's Report Card: America's High School Graduates (NCES 2007-467)*. Retrieved December 22, 2008, from <http://nces.ed.gov/nationsreportcard/pubs/studies/2007467.asp>

<sup>9</sup> College Board. (2008). *Program Summary Report*. Retrieved July 8, 2009, from

<http://professionals.collegeboard.com/profdownload/ap-data-2008-Program-Summary-Report.pdf>

- <sup>10</sup> Bureau of Labor Statistics. (2008). Current Population Survey, Table 11. Retrieved July 8, 2009, from <http://www.bls.gov/cps/wlf-table11-2008.pdf> .
- <sup>11</sup> National Center for Educational Statistics (NCES). 2006-2007. (<http://nces.ed.gov/>).
- <sup>12</sup> Women's Sports Foundation. (2009). *Women's Sports & Fitness Facts and Statistics*. Retrieved June 26, 2009, from <http://www.womenssportsfoundation.org/~media/Files/PDFs%20and%20other%20files%20by%20Topic/Issues/General/W/WSF%20FACTS%20March%202009.pdf> and National Federation of State High School Associations (NFHS). *2007-2008 High School Athletics Participation Survey*. (<http://www.nfhs.org/>).
- <sup>13</sup> AAUW Educational Foundation. *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, p. 4 2001.
- <sup>14</sup> Members of the National Safe Schools Partnership (June 2007). *Bridging the Gap in Federal Law: Promoting Safe School and Improved Student Achievement by Preventing Bullying and Harassment in our Schools*. Retrieved on December 19, 2008, from [http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/000/912-1.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/000/912-1.pdf).
- <sup>15</sup> AAUW Educational Foundation. *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, p. 32 2001.
- <sup>16</sup> Hutton, Thomas. "No Right of Passage: Coming to Grips with Harassment and Bullying." *National School Boards Association's Leadership Insider*, p. 1. August 2006.
- <sup>17</sup> Ibid.
- <sup>18</sup> National Education Association. (April 2008). *Joint Organizational Statement on 'No Child Left Behind' Act*. Retrieved March 3, 2009, from <http://www.nea.org/home/1400.htm>.
- <sup>19</sup> AAUW Educational Foundation. (May 2008). *Where the Girls Are: The Facts About Gender Equity in Education, 18-19*.
- <sup>20</sup> Center on Education Policy. (2006). *From the Capital to the Classroom: Year 4 of the No Child Left Behind Act, 4*. Retrieved December 30, 2008, from [http://www.cep-dc.org/\\_data/global/nidocs/CEP-NCLB-Report-4.pdf](http://www.cep-dc.org/_data/global/nidocs/CEP-NCLB-Report-4.pdf) .
- <sup>21</sup> Girl Scouts of the USA. *Girls & Overweight: Key Facts*. Retrieved December 30, 2008, from [http://www.girlscouts.org/research/publications/original/gs\\_key\\_facts\\_p1c.pdf](http://www.girlscouts.org/research/publications/original/gs_key_facts_p1c.pdf).
- <sup>22</sup> Ibid.
- <sup>23</sup> Afterschool Alliance (May 2004). *America After 3 PM: A Household Survey on Afterschool in America*, Key Findings. Retrieved February 2, 2007, from [http://www.afterschoolalliance.org/press\\_archives/america\\_3pm/Key\\_Findings.pdf](http://www.afterschoolalliance.org/press_archives/america_3pm/Key_Findings.pdf)
- <sup>24</sup> Ibid.
- <sup>25</sup> The Office of the President-Elect (2008). *Education: The Obama-Biden Plan*. Retrieved December 23, 2008, from [http://change.gov/agenda/education\\_agenda/](http://change.gov/agenda/education_agenda/).