

# **No Child Left Behind**

**A Critical Look at the Historic Educational Reform  
And A Proposal of the Necessary Remedies**

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Political Science Senior Thesis  
March 11, 2011**

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## **Chapter 1: The Role of the Federal Government in Education Through Out United States History**

On January 8, 2002, President George Bush signed the No Child Left Behind (NCLB) Act of 2001 into law. NCLB dramatically altered and expanded the federal role in both elementary and secondary education policy. The law was a result of a long standing history of educational reform for equality within the classroom coupled with a movement that began in the aftermath of the 1983 *A Nation at Risk Report* to make sure American youth stayed on par with other industrialized nations. No Child Left Behind was the most sweeping piece of transformational education reform since the Elementary and Secondary Education Act (ESEA) of 1965. No Child Left Behind reaches a broad scope of individuals as it applies to all public schools and their students across the United States of America. The act aims to provide equality of outcomes in regards to the future of our world and the levels of elementary and secondary education in which they receive. The legislation is designed around the notion of outputs, also known as measuring academic performances through high-stakes testing. The law calls for a significant increase in federal education spending, mandates that states must design and administer proficiency tests to all of their students grades three through eight and again once in tenth through twelfth grade. No Child Left Behind requires that a qualified teacher is placed within every classroom, and also assures that states and local districts will be held accountable for the performance of their public schools through the method of enforcing an array of corrective measures within public schools that fail to make adequate yearly progress in the direction of the ultimate goal: 100% student proficiency. The passage of

No Child Left Behind has nationalized the politics of education to unprecedented levels, as the federal government's stake in and influence over our country's public education has never been stronger.<sup>1</sup> The legislation, more ambitious and more sweeping than any previous accountability initiatives implemented into the American education system lays the groundwork for the overall objectives and promise of the No Child Left Behind Act (2001) to be one of the greatest liberal reforms to date in the realm of the United States public education system.

### **Horace Mann and America's First Public Schools**

Throughout the first 250 years of the nation's history, schools within the borders of the United States of America were either under the management of the local communities or sponsored by a variety of religious denominations. Neither the federal nor local government had any involvement in the realm of educating its citizens. What we known today as the public school system, did not emerge onto the national stage until half way through the nineteenth century. Horace Mann, an educational leader of Massachusetts, spent much of his life working on behalf of the cause of public education. Mann has been deemed the "father of public schools," as he believed that public education was the "greatest discovery every made by man." Horace Mann's greatest contribution came in the form of catalyzing the public school movement in Massachusetts as he helped pass legislation which called for state funding of public schools in addition to the training of public school teachers. Movements of a similar nature eventually spurred in other states and today we have reached the point in which state governments now supply the greatest portion of financial support to public schools in American

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<sup>1</sup> McGuinn, 1, 2.

history. As states continued to assume greater control in the nineteenth and the early twentieth century, there was little consideration to the role the federal government played or would play in the realm of public education. After leaving his position as the secretary of the Board of Education in Massachusetts, Horace Mann was elected to the United States House of Representatives where he discussed the possibilities of a future in public education. Mann spoke of a future in which the federal government would be highly involved and integrated. He would later attempt to introduce the notion as well as the legislation behind what would have been the Department of Education in Washington, D.C., however the United States would fail to get on board with Mann's progressive views, as this federal agency would not be created for another century.<sup>2</sup>

### **Brown v. Board of Education**

Following the public education movement of Horace Mann, were several milestones in the twentieth century in which the federal government began to take an active role in the public education arena. Education, although long viewed as a decentralized affair, did not assume a prominent place in national politics until 1954, in the Supreme Court's decision in *Brown v. Board of Education*.<sup>3</sup> The Supreme Court's holding declared that segregated schools were unconstitutional and set off a long and controversial national battle to integrate American public schools.<sup>4</sup> The United States Supreme Court strongly emphasized the central role and importance that education played in modern times stating that, "In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an

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<sup>2</sup> Hayes, 3, 4.

<sup>3</sup> Hayes, 5.

<sup>4</sup> McGuinn, 25.

education.”<sup>5</sup> The Courts held that all children regardless of race or class are constitutionally entitled to an equal educational opportunity. This ruling dramatically altered the politics of educational policymaking in the United States. For the first time in United States history, *Brown v. Board of Education* (1954) directly as well as forcefully engaged the federal government in the effort to create more equitable public schools. Although met with massive forms of resistance, both *Brown* and *Brown II*, represented a powerful statement, stressing the importance of educational opportunity as well as the public conception that education was a birthright of free citizenry and an essential component of social justice.<sup>6</sup> *Brown v. Board of Education* would provide the impetus for expanded federal involvement, ushering in a future era of federal activism in education.

### **The Birth of the Resource and Achievement Gap**

These developments coupled with a sweeping amount of social research throughout the 1950s and 60s, spurred an even greater level of public awareness about the economic and educational inequalities that America’s racial minorities and lower class citizens were facing. Works such as, *The Other America* and *Slums and Suburbs* highlighted the stunning resource-and-achievement gap between students in low income and minority based schools relative to that of students in white middle and upper class public schools.<sup>7</sup> Many Americans were very aware of the social injustices which plagued the nation; however school integration remained extremely controversial. Another major event which helped catalyzed federal involvement in American public education was the Cold War and the United States’ intense competition with the Soviet Union to be the

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<sup>5</sup> Rebell and Wolf, 1.

<sup>6</sup> McGuinn, 27.

<sup>7</sup> McGuinn, 27.

hegemon of the international community. The Soviet launch of Sputnik (the world's first orbiting satellite) generated a great amount of fear and discussion that the United States was falling behind in terms of developing new technologies. In turn, this national defense issue resulted in the 1958 National Defense Education Act (NDEA), which provided categorical aid to states in hopes of improving math, science and foreign language instructions within the United States public school system. The NDEA was an important political breakthrough in terms of allocating federal aid toward education and the acknowledgement that education played an intricate role in sustaining American prosperity and international power.<sup>8</sup>

### **LBJ and the War on Poverty**

President Lyndon B. Johnson capitalized on the growing public awareness of educational inequalities of the 1950s and 60s as he embarked upon his “war on poverty,” making it the central theme of his domestic agenda. In a speech given by LBJ in regards to the providing equal opportunities for all American citizens, the President preached,

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him to the starting line of a race, and then say, ‘you are free to compete with all the others,’ and still justly believe you have been completely fair. Thus, it is not enough just to open the gates of opportunity. All of our citizens must have the ability to walk through those gates.<sup>9</sup>

Under President Johnson, the 1960s war on poverty offered a wide variety of training programs that focused on issues like positive role models, high crime rates, ignorance and employment.<sup>10</sup> In determining the reasons as to why the striking stratosphere of achievement exist between American's of lower and upper class, both the President and

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<sup>8</sup> McGuinn, 28.

<sup>9</sup> Rebel and Wolf, 1.

<sup>10</sup> Irons and Harris, 45.



Congress strongly believed that the failure of American public schools to properly education and prepare poor children to succeed in contemporary American society was a key contributor to the lack of success. Johnson and his political comrades saw education as the central component to the broader antidiscrimination efforts and antipoverty programs. Thus, in hopes of combating American deficiency from the ground up, Johnson's war on poverty included several major initiatives in the realm of education, in order to increase financial options for those of low-income backgrounds as well as the belief that education would reduce ignorant notions of racism and discrimination.

### **The Elementary Secondary Education Act (ESEA)**

The most significant contribution of President Johnson and his fight against poverty was the Elementary Secondary Education Act (ESEA) of 1965.<sup>11</sup> Johnson saw his educational focus to be a pinnacle component of the broader issues and the continuation of a successful democratic society. Johnson believed that “very often, a lack of jobs and money is not the cause of poverty, but the symptom. The cause may lie deeper –in our failure to give our fellow citizens a fair chance to develop their own capacities in a lack of education and training.”<sup>12</sup> It is clear that LBJ saw education as the means to social mobility, and if too many schools lack the basic resources to provide disadvantaged students with the necessary skills, the cycle of poverty and lack of social mobility for lower class citizens would continue to ensue.

When introducing his educational plan (ESEA) in the mid sixties, Lyndon B. Johnson remarked,

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<sup>11</sup> Hayes, 5.

<sup>12</sup> McGuinn, 29.

Nothing matters more to the future of our country; not our military preparedness, for armed might is worthless if we lack brainpower to build a world of peace; not our productive economy, for we cannot sustain growth without trained manpower; [and] not our democratic system of government, for freedom is fragile if citizens are ignorant.<sup>13</sup>

President Johnson, along with other members of Congress recognized that a national commitment to equal educational opportunities was not only a moral and constitutional imperative, but it was also decisively significant to the United States continued economic and political vitality as well as the nation's international standing. Thus, ESEA was fashioned around the idea that the federal government should be the one to intervene in what was depicted as an educational crisis among minority and poor children. The intentions of the Elementary and Secondary Act of 1965 was to act mainly as a redistributive bill, laying the groundwork for allocating funds to the nation's most poverty struck communities and offering federal support in the effort to provide both innovated and improved educational services to America's student.<sup>14</sup>

At the heart of Lyndon B. Johnson's war on poverty was Title I, a key and central component of the Elementary and Secondary Education Act. Within ESEA, Title I program has emerged as the embodiment of the federal commitment to assist with educating economically and educationally disadvantaged children. The text of Title I states that,

The Congress hereby declares it to be the policy of the United States to provide financial assistance...to expand and improve....educational programs by various means...which contribute particularly to meeting the special educational needs of educationally deprived children.<sup>15</sup>

When the Elementary and Secondary Education Act of 1965 was signed into law, the Title I program received 1.06 billion dollars of the initial 1.3 billion dollars that was to be

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<sup>13</sup> McGuinn, 29.

<sup>14</sup> McGuinn, 31.

<sup>15</sup> McGuinn, 31.

appropriated for ESEA. The program was designed to assist communities plagued with a high concentration of low income families (those earning less than 2,000 dollars annually) through an increase in per-pupil expenditure.<sup>16</sup> The Elementary and Secondary Education Act Title I program provided aid to disadvantaged children as well as supporting other programs such as creating supplemental education centers, purchasing library books and supporting the development of state departments of education. On the local level, schools funds were used to purchase necessary classroom equipment, hire additional staff, and aid the improvement of classroom instruction.<sup>17</sup>

The implementation and continuance of the Elementary and Secondary Act of 1965 would ultimately be plagued by the disagreements surrounding the causes of poverty and educational inequality, hindering the government's ability to decide how to address these issues. The long standing battle between conservative and liberal ideology continued to ensue as conservatives argued that disadvantaged students suffered from "culture poverty," thus success would only be achieved through teaching them middle class values. Liberals on the other hand, countered with the notion that the pinnacle problem was in fact poor students attending resource-poor schools. Nonetheless, the Elementary Secondary Education Act poses as a significant symbol of national education policy. At the heart of ESEA was a powerful equity rationale to promote greater economic opportunity through equal access to more equally funded schools in the components of its main piece, the Title I program. The Elementary and Secondary Act of 1965 cemented the role of the national government in public education policy, as the bill was seen as merely the beginning of what was to come in terms of federal government

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<sup>16</sup> McGuinn, 31.

<sup>17</sup> Irons and Harris, 46.

education activism. ESEA also represented a dramatic increase in federal funding for education, in both absolute and portion of total education spending. From the years 1958-1968 federal education multiplied more than ten times and the federal share also increased from under three percent to about ten percent of all school funding.<sup>18</sup>

### **A Nation at Risk**

The 1980s brought about a great deal of criticism about American public education as a variety of sources called for federal intervention of the nation's failing schools. For many, the economic woes that the nation was facing were directly linked to educational failures. When Ronald Reagan assumed the presidency in 1981, the national unemployment rate had reached over 10.5%, while the number of bankruptcies and foreclosures continued to increase. In 1981, then Secretary of Education Terrel Bell, assembled a task force to attempt to recommend ways to improve our nation's education system. The culmination of their work came in the educational assessment of 1983 entitled *A Nation at Risk*.<sup>19</sup> This striking report stirred the hearts of the American people as it gained both national and governmental notoriety. The educational reform literature painted a picture of an educational system facing extreme crisis. The report stressed mediocre educational achievement of United States students as the educational system had slowly been dismantling over time. The study produced a variety of findings such as, the average achievement of high school students on most standardized test was now lower than twenty-six years ago when Sputnik was launched, and about 13% of all seventeen year olds in the United States are considered functionally illiterate. The

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<sup>18</sup> McGuinn, 33.

<sup>19</sup> Hayes, 6,7.

literature also noted that there were over 23 million American adults that were categorized as functionally illiterate. In terms of international comparisons, the study cited that on nineteen academic tests, American students were never first or second in comparison with other industrialized nations, but rather American students were ranked last a total of seven times.<sup>20</sup>

Prior to the publication of *A Nation at Risk* all previous public school related legislation highlighted specific groups of children, yet the authors of *A Nation at Risk* focused on American students and the public education system as a collective whole. The objective aims of *A Nation at Risk* were to focus on that fact that future efforts and legislative acts should be fashioned around the educational development of every American child. The authors of the education reform literature stated that,

Part of what is at risk is the promise first made on this continent: All, regardless of race or class or economic status are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost. This promise means that all children by virtue of their own efforts, competently guided, can hope to attain the mature and informed judgment needed to secure gainful employment, and to manage their own lives, thereby serving not only their own interests but also the progress of society itself.<sup>21</sup>

*A Nation at Risk* was a landmark call for action. The stirring language and figures were not something that neither the national press nor could the general public ignore. The literature laid out the glaring fact that if we as a nation did not keep pace with the rest of the developed world as well as the changes in our own society and the economy that our nation and its future would suffer dramatically if the levels of our education did not improve.

*A Nation at Risk* foreshadowed many specific mandated that are posed in the No Child Left Behind Act of 2001. The report's findings and recommendations covered four

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<sup>20</sup> Hayes, 7.

<sup>21</sup> United States Department of Education, *A Nation At Risk*

key components of the educational process: content, expectations, time, and teaching. The literature spoke of the idea that a schools content or better known as curriculum, had become diluted, lacking a central purpose. Studies noted students moving away from college preparatory and vocational programs toward, what was deemed “general track” courses, in massive numbers. The report stressed that high school graduation requirements must be strengthened as a required minimum of foundation subjects such as English, science, mathematics and social science must be implemented. The report also noted that expectations in terms of difficulty had also been on the decline. *A Nation At Risk* spoke of issues such as waning amount of homework, fewer requirements, and less demanding electives. It was recommended that schools adopt higher expectations for their student body, applying more rigorous and measurable standards in hopes of creating an academic environment that challenges the students as it supports learning and accomplishment. In regards to time, the report showed American students spending less time on schoolwork as instructors did not encourage students to develop vital study skills or time management. The piece of education literature also suggested that more time be devoted to learning the minimum foundation curriculum through a more effective use of the existing school day. The notion of longer school days as well as a lengthened school year was also mentioned. Lastly, the report noted that the professional field of teaching was unfortunately not attracting enough academically able students into the given professional realm. It also stressed that teacher preparation programs were lacking and in grave need of improvement. The report said that teaching needed to become a more rewarding and respected profession in America, enticing highly educated and motivated individuals to seek out a future profession in teaching. In addition the preparation

programs of those striving to become professional educators needed to be redesigned and improved.<sup>22</sup> The areas of focus as well as the recommendations set forth in *A Nation at Risk* promised reform through requiring and demanding “the best effort and performance from all students, whether they are gifted or less able, affluent or disadvantaged, whether destined for college, the farm, or industry.”<sup>23</sup>

### **Federal Involvement and No Child Left Behind**

The *Brown* decision, coupled with programs such as NDEA and the Elementary and Secondary Education Act (ESEA) as well as the *A Nation at Risk* report initiated a new era of federal activism and involvement in public education, as it laid the foundation for future federal participation and future legislation in the form of legislation like 2001s No Child Left Behind. In a 2002 speech, President George W. Bush stated that the primary goal of the No Child Left Behind Act is to ensure that “every child in every school must be performing at grade level in the basic subjects that are key to all learning, reading and math.”<sup>24</sup> The law changed the face of the federal government’s role in the field of education. Long gone were the days where the federal government focused on helping specific groups of children such as special needs or minority groups. Rather, the No Child Left Behind legislation sought to ensure that *all* children have equality of a quality education. Not only would each child receive an equal education but, with the help of mandated tests, the law also stated that by the 2013-2014 school year, all children in the United States of America must reach “world class standards.”<sup>25</sup>

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<sup>22</sup> US Department of Education, *A Nation At Risk*

<sup>23</sup> United States Department of Education, *A Nation At Risk*

<sup>24</sup> Hayes, 15.

<sup>25</sup> Hayes, 16.

No Child Left Behind, at 670 pages is as large as it is ambitious. Yet, there are two basic goals of the act that pulls the law together. The first is closing the achievement gap between high and low performing children. This is especially noted in that of present day achievement gaps that strongly exists between non-minority and minority students, as well as economically disadvantaged and more advantaged students. Closing the achievement gap will ultimately signify that each child in the United States is receiving an equally good education. The second goal of NCLB, although subservient to the first, is for the federal government to establish and ultimately implement an accountability system which holds schools, local education agencies, and states accountable for the academic improvement of all of their students.<sup>26</sup> NCLB's promotion of equal educational opportunity is emphasized through the high expectations of all students reaching proficiency in reading and math by the 2013-2014 school year as well as the accountability of states, districts and local schools to reach those results. When describing NCLB and its goals, President Bush remarked,

When we raise academic standards, children raise their academic sights. When children are regularly tested, teachers know where and how to improve. When scores are known to parents, parents are empowered to push for change. When accountability for our schools is real, the results for our children are real.<sup>27</sup>

President Bush and many other governmental officials saw this public educational reform as an important catalyst to progress. While equality has long been a central focus in regards to reform efforts, over the past two decades it has emerged as driving force behind the notion of high quality education for all of America's children. The No Child Left Behind Act of 2001 emphasizes that responsibility and accountability lies within states and local districts to foster a community that stresses success for all students. The

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<sup>26</sup> Abernathy, 4.

<sup>27</sup> Rebell and Wolf, 57.



No Child Left Behind Act has been deemed an exercise of hope. An exercise of hope that looks toward the future, unflinching in its determination and commitment to establishing equality and excellence within every public school classroom the legislation has touched.

### **Reauthorization of Title I**

In order to assure equality among American public schools, in 2001, Title I, which originated under the Elementary and Secondary Education Act, was reauthorized as part of the No Child Left Behind Act. Title I is the largest federal program that supports both elementary as well as secondary education. Title I focuses on encouraging school wide reform within high poverty schools and districts, as it ensures these students with the access to scientifically based programs and instructional strategies. In 2002 the funding for Title I was just shy of 10.5 billion dollars. Under NCLB, Title I funds are directed toward the districts and schools showing the greatest need. Nearly ninety-six percent of the highest poverty schools (those with 75% or more low income students) receive Title I funds. Attached to Title I funds is also a number of mechanisms that holds states, school districts and schools receiving the monetary funds accountable for ultimately improving the academic achievement of all of their students and making the appropriate progressions toward the direction of turning a previously low-performing school around.<sup>28</sup>

### **State Determined Standards and Testing**

Following the passage of NCLB, the Bush administration worked feverishly to quickly implement the new ambitious legislation into the 2002-2003 academic term.

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<sup>28</sup> Irons and Harris, 49.

Under the No Child Left Behind Act, each state is required to develop its own “challenging” academic content standards in reading/language arts as well as mathematics and science. Each state must determine the standards that must be met, specifying what students should know and be able to accomplish at each and every grade level from third to eighth grade. In addition, states are also expected to include what should be expected of a high school student in terms of academic competency by the time he or she graduates from high school. Each state is expected to hold all of its students, both at the elementary and high school level, to the actual substance of these academic standards, yet decisions surrounding setting the precedent standards are left up to each individual state.<sup>29</sup> No Child Left Behind specifically places a strong focus on both math and reading/language arts. These two subject areas are seen as critical pieces of the learning equation. The law requires that students be assessed through schools administering “high quality” reading and mathematics test in grades three through eight and once again in grades ten through twelve by the 2004-2005 school year. The law also notes that, by the 2007-2008 academic year schools must assess the subject area of science as well.<sup>30</sup> Starting in the 2007-2008 school year schools are mandated to administer science tests at least once in grades three through five, six through nine and ten through twelve.<sup>31</sup>

In order to determine to what degree their students are meeting the previously established learning standards, states must also develop levels of academic achievement, or performance standards. Each state must define what constitutes the three possible achievement levels: basic, proficiency and advanced. The standards, which are again left

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<sup>29</sup> Rebell and Wolf, 57,58.

<sup>30</sup> Vinocskis, 173.

<sup>31</sup> Rebell and Wolf, 58.

up to the states, distinguish what scores are appropriate for each level, thus the set number ranges essentially separates one level from another. These tests are used to make determinations regarding how well students are mastering the material delineated by the state at the levels specified in the given states achievement levels, thus the exams are expected to appropriately reflect the depth and breadth of the local state's given content standards. In addition, a sample group of both fourth and eighth grade students in every state must partake in the National Assessment of Education Progress (NAEP) every other year in order to provide a comparison point for the results produced by the state's own tests.<sup>32</sup>

### **Transparency and Subgroups**

To ensure that the act is functioning properly and all districts are taking part in the accountability measurement, all scores are then to be submitted to the state as well as the national government and are eventually published in the local papers, making the results of the assessments public information. To give a holistic view as to how the children are doing in each school district the scores are then broken down into eight different subgroups. The notion of breaking down the scores even further into subgroups is a pinnacle aspect of No Child Left Behind in terms of its ultimate goal of closing the achievement gap and bringing all students to the level of proficiency by the 2013-2014 academic year. This provides states, as well as the national government the ability to assess the extent to which different populations of students are achieving proficiency in each of the tested subject areas. Five of the eight existing subgroups are ethnically based. The categories are: white, black, Hispanic, American Indian, and lastly, Asian or Pacific

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<sup>32</sup> Rebell and Wolf, 58.

Islanders. There are also three additional non-ethnic categories that make up the remaining sub-groups. The three remaining categories consisted of, students with limited English proficiency, students eligible for free or reduced price school lunches, and those that qualified for special education services.<sup>33</sup> With the exception of students with severe learning disabilities and students that have been in the country for less than one year, at least 95% of the students in each given subgroup must partake in the examination. This participation rate requirement was implemented to ensure that school officials and teachers did not encourage specific students such as lower performing or minorities to stay home on the day of the test.<sup>34</sup> However, the requirement of establishing a subgroup is ultimately waived if the subgroup is so small that reporting on the groups results would offer statistically unreliable information or possibly reveal identifiable information about the given students within the group.<sup>35</sup> Thus the amount of subgroups a school's score is broken down into will vary, depending on the racial and economic diversity and learning differences present within the given school. Test score information must also be disaggregated by both migrant status and gender; however these two subgroups do not play a role in the evaluation of schools and districts when determining accountability under NCLB's system.<sup>36</sup>

### **Adequate Yearly Progress**

At the heart of NCLB and its testing and sanction method is adequate yearly progress (AYP). This measurement tool is based on the results of the students test scores

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<sup>33</sup> Hayes, 17.

<sup>34</sup> Abernathy, 6.

<sup>35</sup> Rebell and Wolf, 59.

<sup>36</sup> Rebell and Wolf, 59.

within the given state applying to both schools and districts. In order to achieve AYP a school or district must either have a large percentage of their students meeting the state's standard of "proficiency" or the school/district is demonstrating to officials that there is a "continuous and substantial academic improvement for all students."<sup>37</sup> Schools performances are gauged by the performance of all of their students in addition to the performance of each of the eight subgroups. If any one of the subgroups does not meet its improvement target or if less than 95% of the students within the given subgroup do not take the test, the school unfortunately does not make adequate yearly progress. There is also an additional clause implemented with AYP, known as the "safe harbor." This provision, which applies to the school as a whole as well as each subgroup, allows a school to make adequate yearly progress if it reduces the percentage of students who are not proficient by ten percent from the previous academic year.<sup>38</sup>

In addition to setting the content levels and performance standards, states also make determinations regarding the calculation of AYP for schools and districts within their state. The first piece, as previously mentioned above, is that states determine the cut off numbers for which a student is classified as proficient. Secondly, the state also designates the given rate at which the student residing in their state will make progress toward achieving universal proficiency by the 2013-2014 academic year. While the Department of Education as well as the No Child Left Behind Act requires movement toward the target of 100% proficiency, improvement levels do not have to remain on a consistent track. Thus states have the ability to ultimately determine the yearly level of growth acceptable to pass AYP. An example of this is that some states will "back load"

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<sup>37</sup> Abernathy, 5.

<sup>38</sup> Rebell and Wolf, 59.

the students performance goals, requiring a minimal growth in the percentage of students deemed proficient in the first few years of NCLB implementation. However this leads to necessitating dramatic gains in the ladder years as we approach the 2013-2014 academic year in order to meet the ultimate goal of No Child Left Behind, achieving national proficiency of all students in the tested subject areas.<sup>39</sup>

### **Failing to Meet AYP and Sanctions**

Under NCLB, the ultimate goal for a school is to achieve AYP. Failing to meet adequate yearly progress, in even just one of the subgroups, results in a number of costly sanctions and punishments which in turn become more serious each consecutive year the school falls short of the designated goals. Although there are no sanctions associated with the first year of AYP failure, schools are subjected to public identification in the local news and newspapers. Being identified as a failing school is obviously detrimental to an institutions reputation as the label sticks. If the school fails to reach adequate yearly progress for a second consecutive year in the same subject area and grade level it is publically labeled as “in need of improvement.” Local school districts are then mandated to develop a professional improvement plan.<sup>40</sup> Those schools that are also identified as Title I schools, and are receiving Title I funds must spend at least ten percent of that money on professional development for teachers and principals. However these development programs can only be geared to remedying the specific deficiency which triggered the “in need of improvement” label, and improving academic achievement among the student body. Those same schools that have failed to make AYP must also

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<sup>39</sup> Rebell and Wolf, 59, 60.

<sup>40</sup> Hayes, 17.

provide notification (in writing) to all parents of the student body in regards to their status of being a failing school and what that specifically means. The school must also explain what their plans are as to how they are attempting to respond to the shortcomings of reaching adequate yearly progress as well as what transfer options exist for the students under the No Child Left Behind legislation. Schools that fail for a consecutive year that are Title I schools, must spend twenty percent of their money on transportation and other relative services needed for students that transfer to public or charter schools within the district that are deemed successful, as they are making the grade.<sup>41</sup>

Schools that fail to achieve adequate yearly progress for a third year in a row must continue to implement the previously imposed conditions from the year before. In addition to the sanctions from year two, those schools that have failed for a third consecutive year must now offer supplemental tutoring, remedial and other academic services to their students in the subject based area(s) in which the school failed.<sup>42</sup> These forms of supplementary tutoring are ultimately chosen by the parent of the student. Providers of the tutoring service are chosen from a list of programs approved by the state. These approved programs can also include alternatives such as faith based groups or private companies. Districts do not receive any additional funds to comply with these requirements, thus allocating the financial cost of the schools struggling to make AYP directly to the given district's overall budget.<sup>43</sup> After the fourth year of failure, schools are districts are then required to take serious "corrective actions" in order to meet the state's proficiency level. The failing school is forced to replace all school personnel "who are relevant to the failure to make adequate yearly progress." The school must also

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<sup>41</sup> Abernathy, 8, 9.

<sup>42</sup> Abernathy, 9.

<sup>43</sup> Hayes, 17.

reduce management authority at the local level, extend the school day or year and overhaul its curriculum. Failing institutions must also appoint an outside expert to help advise the school on its future progression toward achieving adequate yearly progress, thus restructuring the internal organization and consistency of the school.<sup>44</sup>

If these intense measures fall short of remedying the problem and the school finds itself once again on the failure list, they now must produce a plan for restructuring that is to be submitted to the federal government and implemented in the next consecutive year of AYP failure. Reconstruction plans are very dense and taxing. Under the reconstruction plans for a failing school there are five basic options as to how one will refashion their school. Schools have the option of reconstituting themselves as a charter school or to sign a contract with a private management copy. Additional options include, replacing all or most of the schools' staff, including the principal, that are associated to the failure to make AYP. Other options for a restructuring plan include, turning the operation and management of the school over to the federal government or lastly, "other major restructuring of the school's governance arrangement that makes fundamental reforms."<sup>45</sup> If failure to meet adequate yearly progress reaches its sixth year within a given school, the restructuring plan is officially carried out. At each of these stages of failure the school districts are made more than aware of the sanctions that are ultimately placed on the school. These sanctions are meant to be used as an accountability method, forcing school officials to take the legislation of No Child Left Behind as well as the needs of all their students seriously. The sanctions of NCLB are not to be taken lightly, as both teachers and administrators may be greatly affected professionally, even possibly resulting in the

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<sup>44</sup> Abernathy, 9.

<sup>45</sup> Abernathy 9.



loss of their jobs.<sup>46</sup> The sanctions imposed by No Child Left Behind act as tool to heighten the sense of urgency and importance in bringing all of our students, regardless of race or class onto an equal playing field and lift the nation's educational achievement.

### **District Labels and Sanctions**

Districts are also subjected to the measurements of making adequate yearly progress or they are placed on a must-improve sequence. Not only are the student scores of a given district evaluated as a collective body but they are also aggregated down. As mentioned in the first chapter, if there are too few students from any given subgroup that it would either reveal the identity of the students or provide unreliable statistical estimates, then that subgroup's performance does not need to be incorporated into the school's individual adequate yearly progress analyses. However, small numbers of these student groups, while insufficient in determining a school's AYP status, must be aggregated at the district level.<sup>47</sup> For example, suppose state "Q" has a minimum AYP subgroup number of twenty-five students and there were eight Native American students in each of the district's four elementary schools. None of the four elementary schools would be legally forced to demonstrate adequate yearly progress for their Native American students in the form of a subgroup. The district on the other hand, with its thirty-two Native American students, would need to do so. And like school AYP data, district-level results can determine whether a school district is failing as a whole. Not to mention the fact that in most cases school districts, on the grounds of pure probability,

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<sup>46</sup> Hayes, 17.

<sup>47</sup> Popham, 30, 31.

will have more opportunities to fail to meet the targets of adequate yearly progress than the district's individual schools.<sup>48</sup>

If a district fails to meet the standards of adequate yearly progress for two consecutive years it is then labeled as needs improvement. In addition the district must develop an improvement plan and spend at least ten percent of its district's Title I funds on the professional development of its teaching and administrative staff. During the fourth consecutive year of AYP-failure the state must take one of several corrective actions in the district. According to Popham, the state may, (1) replace district personnel deemed to be responsible for the district's failure; (2) authorize students to transfer to schools in another, higher-performing district if that district agrees to accept such transfers; or (3) shut down the district altogether. State officials are required to oversee and make sure at least one of these legally specified an improvement procedure is implemented.<sup>49</sup>

### **School Choice**

A key component of the sanctions imposed on a school if deemed failing is the notion of parental school choice. An objective of the legislation in regards to assessment is that by reporting the results and publishing the data to the public the effectiveness of every school is therefore on display. Under the No Child Left Behind Act 2001, if schools do not meet the state determined adequate yearly progress (AYP) goal for two consecutive years, the parents of students in the school have the option to transfer their child to a non failing school within the same district in which their child already attends

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<sup>48</sup> Popham, 43.

<sup>49</sup> Popham, 42, 43.

school. If all of the schools within the given district are found to be failing to meet state AYP, parents then have the option to remove their child from the failing school and district and enroll him or her into a stronger performing school district. The child that transfers to the higher performing district is then given the option of remaining at that academic institution until he or she reaches and completes the highest grade level in the given transfer school. The failing school district must provide the receiving school with the necessary transportation until the former failing school district increases its adequate yearly progress to meet state standards. If the district lacks the sufficient funds to provide transportation to a higher performing school district, transfer preferences are then given first to the lowest-performing children from low-income families. Schools are also required to notify parents of the current failing status of the institution and the options of transferring in a timely manner so that to enable school choice decisions by the students and their families attending the failing school.<sup>50</sup>

### **Early Education and Reading First**

The passage of the No Child Left Behind Act also catalyzed the nation toward a renewed interest in early childhood education such as preschool and kindergarten programs. According to a study conducted by the Department of Education in 2000, the National Assessment of Educational Progress (NAEP) showed that the United States continued to struggle with serious deficiencies in American children's ability to read. This was especially true in schools that experience high levels of poverty. The 2000 NAEP test results showed that only sixty-six percent of fourth graders in high poverty schools were able to achieve proficient reading levels for that year. That same year, it

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<sup>50</sup> Rebell and Wolf, 78.

was also determined that in wealthier public school districts, twenty percent of fourth graders were unable to reach the appropriate reading levels.<sup>51</sup>

The Reading First program, which is tied in with the NCLB legislation, is designed to assist states, districts and schools in addressing reading proficiency so that all children have the ability to read at grade level by the time he or she reaches the third grade. The program is intended to aid states and districts through the implementation of reading materials and programs, assessments, and professional development in the realm of early childhood education and reading. The program, focusing on early childhood education, is fashioned around scientifically based reading research provided by the National Reading Panel. The panel has identified the five instructional factors in which the Reading First Program is built around. Under the program, these instructional factors: phonics, fluency, phonemic awareness, vocabulary and comprehension, serve as the key focal points as to how to best approach teaching students and ultimately improve their reading levels. In 2007, the Department of Education planned to put six billion dollars into the Reading First Program for the following six years in hopes to aid the American public school system in reaching the NCLB goal of 100% proficiency level. According to reports, since the implementation of the No Child Left Behind Act (2001), over 4,700 schools have received Reading First grants from the national government.<sup>52</sup>

### **Highly Qualified Teachers**

In addition to the components of NCLB's accountability system which focuses on outcomes, NCLB has also established input provisions. One of these provisions is the

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<sup>51</sup> Irons and Harris, 61.

<sup>52</sup> Irons and Harris, 62.

mandate for all professional educators in the United States public school system to be “highly qualified teachers”. This piece of the legislation was implemented to address the difference in quality of teachers between disadvantaged and advantaged school districts.<sup>53</sup> The general public strongly believes that the most essential resource that a school can provide to any student is an effective instructor. No Child Left Behind’s acknowledgement of the importance of an effective teacher is accentuated, as it is the only resource area mandate of the entire act. To build off of the importance of effective teachers, the mandate further accentuates the notion by setting a new and higher bar for America’s teaching force to reach in order to be properly qualified to teach our nations youth. National policymakers’ strong belief in professional development as a pinnacle factor in improving overall student achievement is reflected in the 2.9 billion dollars that would later be allocated to the No Child Left Behind Act in 2005 for professional development purposes.<sup>54</sup>

This component of the law mandates that all students must be taught by “highly qualified teachers” by the 2005-2006 school year. Although NCLB sets basic parameters, the actual definition of a “highly qualified teacher” is once again left up to the digression of each state to determine the qualifications necessary to achieve the status of a highly qualified educational instructor. According to the boundaries laid out by No Child Left Behind, for a teacher to be deemed “highly qualified” he or she must be certified by the state, and demonstrate subject-matter competency. For those that teach at the elementary school level, this entails earning ones bachelor degree (at least) and must also pass a test in basic elementary subject areas. For middle and high school teachers, one must pass a

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<sup>53</sup> Rebell and Wolf, 61.

<sup>54</sup> Irons and Harris, 39.

state academic test in the subject area(s) in which they instruct or have an academic major or graduate degree that is relevant to each of the subject areas in which they teach.

Veteran teachers are provided with an additional option in which they may demonstrate subject area mastery and be deemed highly qualified under No Child Left Behind. This optional method of meeting the standards is achieved through the state designated high objective uniform state standard of evaluation (HOUSSE). A state's HOUSSE standards may consider a variety of methods to determine if a veteran teacher meets the classification of a highly qualified instructor. States often consider things like performance evaluations, the teacher's professional development, and classroom experience in place of academic coursework or a subject matter test.<sup>55</sup> Additionally, No Child Left Behind also imposes requirements of paraprofessionals who have instructional responsibilities. It is required of them that they receive their high school diploma (or the equivalent of that) and have at least two full years of collegiate training or have received a minimum of their associates' degree. Those paraprofessionals falling short of the mandate, can meet the standards of NCLB's "highly qualified teacher" by passing a rigorous state or local examination in writing, reading, or mathematics knowledge as well as instruction.<sup>56</sup>

### **School Report Cards**

In addition to the variety of mandates each state must follow under the No Child Left Behind Act, each year, every state's educational agency must produce, publish and distribute school report cards. Each school's report card is required to provide the public

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<sup>55</sup> Rebell and Wolf, 61.

<sup>56</sup> Vinoskis, 177.

with concise and comprehensible information and statistics regarding the given schools performance. Information such as student's performance in each school, which is further disaggregated by each of the eight subgroups that apply to NCLB is also supplied within the report card. Additional information includes graduation rates (for those institutions in which it applies to) as well as the professional qualifications of teachers. These qualifications are also broken down to display the level of instructors at the top and bottom quartiles of poverty in the state.<sup>57</sup> This state produced report card acts as another accountability mechanism as well as pertinent information for parents of students in non-AYP (failing) schools, assisting them in choosing more successful schools when given the ability to do so under the law.<sup>58</sup>

### **Scientific Based Research**

Since the establishment of the Department of Education, the federal government has sporadically sponsored scientific based research that may pose the ability to lead to more effective strategies or programs that can improve kindergarten through twelfth grade education. Under the No Child Left Behind Act, federally funded educational programs and practices are limited to that of those that rely on "scientifically based research."<sup>59</sup> The law defines scientifically based programs as "research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs."<sup>60</sup> This component of the No Child Left Behind act is often hailed as being notable for its implications for instructional

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<sup>57</sup> Abernathy, 7.

<sup>58</sup> Abernathy, 7.

<sup>59</sup> Vinovski, 178.

<sup>60</sup> Rebell and Wolf, 61.

methods as well as curricular materials, an area of education that has long been outside the scope of federal intervention. The most prominent example of NCLB's insistence on scientifically based research has been found within the Reading First Program, where a number of established programs such as non phonics-based, have been determined to be ineligible for usage via federal funding.<sup>61</sup>

## **Conclusion**

Student achievement levels have been a long standing national issue in regards to public school reform. The No Child Left Behind Act of 2001 has placed a spot light on students' academic accomplishments and utilized accountability systems in order to force public schools to place a strong focus and importance on the achievement outcomes for all of its students regardless of race, ethnicity or class. This landmark event in the realm of public education punctuated the power of assessment in the lives of students, teachers, parents and all others involved and invested in the American educational system. No Child Left Behind brought considerable focus as to the value, use, and importance achievement testing of students in kindergarten up through high school would play. The federal focus on student achievement under NCLB is seen by many as an essential precondition to national school improvement efforts as well as the quest for greater equity in educational opportunity provided within the United States. However, No Child Left Behind and the new accountability methods engrained in the act would not have been possible without the major changes in the politics of the federal role in education that have transpired over the years.

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<sup>61</sup> Vinoskis, 179.



## **Chapter 2: The Peculiar Politics of Education and the Passage of the No Child Left Behind Act**

### **Introduction**

The modern political era has been marked as one of the most politically polarized times in history. Capital Hill is constantly overrun with highly charged ideological battles between Democrats and Republicans. Not only has the modern era been distinguished by polarization but it has also been a time of decentralized education, as American public education has been left almost entirely in the hands of the states and local governments.

According to David Nathers,

There was a time when the idea of imposing a new battery of government-mandated tests on school children was so controversial that it brought school improvement plans to a screeching halt. In 1997 President Bill Clinton called for voluntary national tests in reading and math; the idea seemed tailor-made to fit conservatives' fear of a national curriculum and Republicans killed it outright.

The No Child Left Behind Act was not only groundbreaking in its federal scope but also unique in its bipartisan nature. The passage of NCLB was a notable divergence from a deeply seeded polarized and decentralized government as a left-right coalition formed and successfully steered the act through Congress. The law's arrival onto the education scene raises numerous questions. How did its passage come about? What were the educational, social, and political forces that gave the law shape? The major policy shifts engrossed in the No Child Left Behind Act of 2001 is most easily understood as a response to gradual shifts in policy regime as well as a broader political environment that has transpired over the past three decades. The emergence of a new federal policy regime, known today as the No Child Left Behind Act, cannot be understood apart from the deep

and growing salience of school reform on the public agenda and its influence on the strategic calculations of pinnacle political actors.

### **A Nation at Risk**

State and federal government had been increasing their drive towards standard-base education since 1980s. The educational reform movement picked up steam in 1983 with the publication of *A Nation at Risk*. The movement, like most, was spurred by alarmist language from critics attacking the American schools for the loss of competitiveness, which they linked as a causal effect to the current economic recession. The report stated that, “the quality of American’s schools was leaving the country endangered by foreign competition,” and went on to further say that “students need to be given more challenging tasks; teachers need to be better paid and better trained in the subject matter they taught...and a commitment to quality needed to be affirmed by all those responsible from training the young.”<sup>62</sup> The report spurred educational issues not only higher on state political agendas but also major businesses, corporations, and their interests groups to become involved as schools were seen as the remedy for the current struggling economy. Many Governors, especially those residing in the South, saw the political profit in making school reform (the buzz word of the moment), a cornerstone of their platform. Increased school spending coupled with accountability measures proved useful in garnering support from the African American bloc within the southern electorate. Governors could in turn call for more spending to upgrade predominately black struggling schools, yet couple it with more conservative notions as stringent requirements were indefinitely attached to the new money in which they proposed. This

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<sup>62</sup> *A Nation at Risk*

insured the support of business leaders whose main concern was the quality of the work force.<sup>63</sup>

### **George H. W. Bush – The Education President**

Although eclipsed by issues of taxes, crime, and defense the 1987 polls showed education would have large impact in deciding how people would vote, as education was deemed a very important topic. One of the 1987 Gallup survey also stated that 84% of Americans supported the notion that the federal government should require states and local authority to meet minimum national educational standards.<sup>64</sup> As a result of these public polls, both Republican candidate George H.W. Bush and Democratic nominee Michael Dukakis, stressed their commitment to reforming American education during the 1988 Presidential campaign. Each presidential hopeful devoted a great deal of time and rhetoric to education. One new commentator noted, “Education is all the rage among the presidential candidates this year. It’s the one word answer to every tough question –how America can boost its productivity and competitiveness, how to stop the AIDS, and drug, plagues, how to lift up the underclass.”<sup>65</sup> The lingering perception of the education crisis brought upon by the publication of *A Nation at Risk* coupled with the flurry of state level school reforms of the 1980s pushed the candidates to develop more ambitious federal reforms. Responding to the perception that education was higher on voters agendas than in previous years, Republican George H.W. Bush attempted to separate himself from the

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<sup>63</sup> West and Peterson, 6.

<sup>64</sup> McGuinn, 52.

<sup>65</sup> McGuinn, 52.

previous Republican administration of Ronald Reagan by promising the public that he would work for a kinder, gentler nation, declaring himself the “education president.”<sup>66</sup>

### **Charlotte Education Summit and America 2000**

After Bush’s first proposal for education reform was bogged down in Congress, he then called upon the nation’s governors, as well as many CEOs of major American corporations to attend an education summit in Charlottesville, Virginia.<sup>67</sup> The summit was a defining moment for future federal education policy, as many of the key points would be taken and further expanded upon when Clinton was in office and ultimately the drafting No Child Left Behind. From the summit it was decided that a small task force, including that of future President and current Arkansas Governor Bill Clinton, would compose a list of national education goals and topics that were discussed among those present at the summit. Bush later announced the following six education goals for the year 2000 in his 1990 State of the Union address:

1. All children in America will start school ready to learn
2. The high school graduation rate will increase to at least 90%
3. Students in grades 4, 8, and 12 will be competent in English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography
4. Every school will be free of drugs, violence, firearms, and alcohol, and will offer a disciplined learning environment
5. U.S. students will be the first in the world in mathematics and science achievement
6. Every adult will be literate and will possess the knowledge and skills necessary to compete in a global economy<sup>68</sup>

Although the Goals of 2000 emerged from the summit as a bipartisan effort, in addition to the assistance from major corporation, there continued to be strong disagreements between Democrats and Republicans as to exactly what the goals meant and how they

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<sup>66</sup> McGuinn, 53.

<sup>67</sup> Rebell and Wolff, 50.

<sup>68</sup> Rebell and Wolff, 50.

were to be implemented. Democrats saw the national goals as only further supporting their long standing belief in the need for increased spending in order to remedy America's educational woes. Republican's on the other hand tend to favor strong accountability methods, yet with little federal control, in order to change the behavior of teachers and administrators to produce stronger outcomes.<sup>69</sup>

The self titled "education President" as well as many others recognized that the vague national goals of "America 2000" would need to be supplemented by more specific standards and tests in order to move in the right direction and be able to measure such efforts. When Bush tried to enact the bill he was met by Democratic opposition which argued for the lack of funding and conservative Republicans that opposed an increase in federal involvement. Although the bill failed to meet passage it helped to establish the 1990s standard-based reform movement, serving as a blueprint to many of the states that embraced the notion of standard-based reform in order to help their local education systems.<sup>70</sup> These standard-based reforms were fashioned around the notion of content standards which were set at high cognitive levels in order to meet the competitive standards of the global economy, in hopes of once again using schools as a tool to produce a productive and successful national workforce.

### **President Clinton and National Standards:**

President Bill Clinton came into office in the early 90s after serving as a strong education focused governor of Arkansas and acting as a pinnacle figure in the drafting of former President Bush's national education goals. In late 1994 Clinton renewed the

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<sup>69</sup> Rebell and Wolff, 51.

<sup>70</sup> Rebell and Wolff, 51.

previous efforts of those present at the Virginia Summit, creating a new bill entitled Goals 2000: Educate America Act. Clinton attempted to pass this before the reauthorization of ESEA so that the Goals 2000 would serve as a blueprint to focus all future federal education based programs around the notion of national standards. Under the original proposal of Goals 2000, states were to “submit their standards to the United States Department of Education for approval before receiving Goals 2000 funding.”<sup>71</sup> Unfortunately the law flopped as both Republicans and Democrats alike felt that these provisions would result in expensive mandates as well as limited flexibility. The final bill turned into a watered down version of the original as it included general voluntary national standards and limited funding for states to develop their own form of standards.

### **Goals of 2000: Improving America’s Schools Act**

In late 1994 President Clinton and his administration renewed their education based focus and efforts as they promoted a national standards-based reform in connection with the 1994 reauthorization of the ESEA. Goals of 2000: Improving America’s Schools Act was based around the familiar notion of school improvement strategy, which was previously outlined in the original Goals 2000 bill. Yet one key difference was that Clinton now sought to utilize Title I’s large funding base as leverage to ensure that disadvantaged students in Title I schools were making substantial progress toward meeting challenging levels of content standards and performance assessments that each given state was applying to all other students within the state.<sup>72</sup>

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<sup>71</sup> Rebell and Wolff, 52.

<sup>72</sup> Rebell and Wolff, 52, 53.

The newly minted proposal, Goals of 2000: Improving America's Schools Act (IASA) moved away from the traditional input equality of the Elementary Secondary Education Act, stressing accountability for results. The new law required states to develop both performance and content standards for all children and administer achievement tests that were properly link to the designated standards. The Improving America's Schools Act gave birth to a number of important accountability innovations that would be pinnacle in the drafting of the future legislative piece NCLB, as many pieces of the 2001s No Child Left Behind Act were taken directly from Clinton's IASA. In exchange for Title I grants, states were required to develop school improvement plans that were fashioned around high content and performance standards. States were also required to establish benchmarks for "adequate yearly progress" that Title I students would need to make in order to meet standards. Under Clinton's Improving America's Schools Act assessments were to be administered by the state at some point between grades three and five; six and nine; and grades ten and twelve. Performance on these content standard aligned assessments was to be disaggregated by gender, disability, race, migrant status, limited-English proficiency status, and economic status. In addition, schools that were identified as "needs improvement" would then be required to undertake specific improvement activities. If these improvement methods did not display that they had foster sufficient results within two years, schools would then be subjected to corrective action by the federal government.<sup>73</sup>

Shortly after the Improving America's Schools Act was signed into law, the Republican's took control of both the House and the Senate in the 1994 midterm elections. A resistance conservative Republican base allowed the 104<sup>th</sup> Congress to pass

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<sup>73</sup> Rebell and Wolff, 53.

several amendments to Goals 2000: IASA ultimately weakening Clinton's education bill. However Clinton and the Senate Democrats managed to keep the core provisions and funding aspect in tact with support from the business community and the National Governors Association.<sup>74</sup> Clinton's Improving America's Schools Act can be seen as an important expansion and transformation of federal education policy as it represents a fundamental change in the way the federal government views their role in helping students achieve educational goals. Clinton's emphasis on the need for education reform as opposed to simply the increase in spending is extremely significant. His rhetoric and legislative efforts represent a break from the past Democratic approach which framed the education debate in terms of promoting integration and equity through federal mandates and spending. Clinton's success in navigating the bill through great resistance once again made the Democratic Party the champions of school reform.<sup>75</sup>

The Goals of 2000: Improving America's School Act is seen as the first legislative component of the new policy regime. The act codified the shift from the historically embedded federal focus on ensuring equity for impoverished schools and disadvantaged students to a newly minted commitment to improving the academic performance of *all* students and schools. Many of the reform ideas that would later come together to form the core of the No Child Left Behind Act such as assessments, adequate yearly progress, standards, school report cards, as well as corrective action were found their first expression here in the 1994 reauthorization of ESEA and the drafting and passage of Clinton's Improving America's School Act.

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<sup>74</sup> Rebell and Wolff, 54.

<sup>75</sup> McGuinn, 99.



### **Big Business and Republicans at Odds?**

Another important element of the debate and passage surrounding the Goals 2000 as well as the 1994 reauthorization of the Elementary Secondary Education Act is the growing fragmentation between big business and Republicans. For the most part, conservative Republicans voted against Clinton's educational reform, while there was an increase of support for standards-based reform among business leaders and organizations such as the Chamber of Commerce, the Business Roundtable and the National Alliance of Business. All of these major organizations have long allied with the Republican Party. In the wake of *A Nation at Risk*, business groups became heavily involved in the state education reform as a method to better prepare them for the workplace. Yet for the first time business support for national leadership in school reform was at odds with those conservative Republicans that feared the increase of federal control over schools. As McGuinn notes,

Together, the business community and social conservatives helped elect Ronald Reagan and George Bush President. Their continued alliance is considered an essential element in Republican vision of retaking the White House and gaining ground on Capital Hill and in state politics. In many ways, however, the groups are now working at odds. Nowhere are the fault lines more evident than on the issue of how schools should change.<sup>76</sup>

Through Clinton's legislative efforts, Democrats began to assume a more centrist, reform-oriented position, pushing Republican even further to the right on the issues of education and straining ties between long time supports within the realm of business.

### **The 2000 Election and the New Politics of Education**

The 2000 presidential election was remarkable time period for public education in a number of ways. For the first time, education was the dominant issue of the presidential

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<sup>76</sup> McGuinn, 102.

campaign, as voters ranked it their most significant and important priority. In return, candidates responded to the public's desires through the development of detailed education reform plans and discussing education during their campaigns at unprecedented levels. Another dramatic shift from the previous 1980s and 1990s campaigns was the fact that Republican candidate George W. Bush and Al Gore, the Democratic candidate, actually agreed with one another. Rather than combat over ideological beliefs regarding American public education, the two candidates both focused on preserving and expanding the current federal role in education. One news correspondent noted, "the contrast with recent political history is impossible to miss. No one is arguing over whether the federal government has any business sticking its nose into local schools. The argument is over how best and how far to stick it in."<sup>77</sup> Both George W. Bush and Al Gore also seemed to agree that the focus of educational reform should be fashioned around the notion of improving school performance of all American public school students. Bush's strong activism and focus on education throughout the election would enable him to neutralize the historical education based advantage possessed by the members of the Democratic Party. In turn his campaign rhetoric forced him to commit to an active education based agenda once elected. His success on the campaign trail would later push Democrats in Congress to embrace the more reform-oriented stance on national school policy, thus paving the way for a bipartisan compromise and the consummation of a new federal education policy regime.

In order to understand the central role education played in the 2000 presidential campaign, the election must be first explained in a wider political context. At the beginning of the campaign, incumbent vice president, Al Gore was widely hailed as the

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<sup>77</sup> McGuinn, 146.

favorite over his Republican challenger, Texas Governor George W. Bush. Vice President Gore was riding high as an elite and highly acclaimed figure in a previous administration that had presided over an extended period of American economic growth and peace. In addition, then President Bill Clinton continued to boast high approval ratings in spite of his widely publicized and now infamous marital affairs. A 1999 survey of the political realm of the time revealed that the highest priorities for American voters were generally that of domestic issues such as social security, education, health care and the environment. All of which were issues that Democrats were typically viewed as the more favorable party to align oneself with if those were your main areas of concern.<sup>78</sup>

In order to meet Gore's favorable standing, George W. Bush felt that it was to be most profitable for Republicans to develop a new, more moderate approach to social policy and educational reform. However, throughout the Bush campaign there remained a strong disagreement between the conservatives and moderates of the Republican party as to the proper role in which the federal government should play in regards to promoting social welfare and bringing about educational improvement within the American public school system. During the campaign Bush sought to distance himself from extreme and unpopular wings of his Republican party such as the conservative Republican in order to formulate a new centrist political doctrine, something he deemed "compassionate conservatism."<sup>79</sup> Bush and his campaign team recognized that the best way to install a new centrist Republican ideology was through the issue of education. By emphasizing his commitment to the issue of educational reform, Bush would be able to establish himself as a more moderate conservative. This would allow him to increase his appeal to portions

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<sup>78</sup> McGuinn, 147.

<sup>79</sup> McGuinn, 148.

of the electorate such as women, moderates, and minorities, all of which the Republican party had lost in its recent elections.

Another key instance of the 2000 campaign that allowed Bush to broaden the Republican support for educational reform was the nation's substantial budget surplus. This made it easier for both candidates, Gore and Bush, to advocate for new and increased domestic spending in a variety of areas, including education. The budget surplus cancelled out the need for the candidates to propose deficit reduction plans or spending cuts, which were major issues in the previous elections. Rather the current economic state did something different, as it encouraged the two presidential candidates to propose increase funding for many of the current federal programs as well as a variety of new programs. As a Republican, this was extremely important for George Bush. Not only was Bush able to propose using part of the surplus to fund a larger tax cut, thus appeasing many of the elite and wealthy supporters of the Republican electorate and supporters, but the national surplus not only made it easier for him to propose but also for his fellow Republicans to accept a number of new spending proposals, including several for public education.<sup>80</sup>

Both Al Gore and George W. Bush were encouraged to devote a great deal of time, attention, and rhetoric to federal policy on education during the campaign due to the opinion polls which showed education was stationed at the top of voters' priorities in 1999 and 2000 (see Figure 1.2). A January 2000 poll, reported that 86% of respondents indicated that the issue of K-12 public education was either extremely important or very important in determining how one would vote in the upcoming presidential election. By August of 2000, that number had increased to 91%. Another poll revealed that 63%

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<sup>80</sup> McGuinn, 148.

percent of people thought that the issue of education was more important to their vote for president than it had been in previous elections. As a result of the prominent increase in voter interest in education, both Bush and Gore made public education a pillar of their campaigns, as the first major policy speech presented by each candidate was in fact on American public education.<sup>81</sup>

**Figure 2-1 Public Perception of the Nation's Most Important Problem, 1960-2000<sup>82</sup>**

<b>Year</b>	<b>Candidates</b>	<b>Issue Rated Most Important by Voters</b>	<b>Relative Ranking of Education</b>	<b>Standardized Rank of Education</b>
1960	Kennedy-Nixon	Foreign Relations	14th of 20 issues	Lower 33 percent
1964	Johnson-Goldwater	Civil Rights	24th of 24 issues	Last
1968	Humphrey-Nixon	Vietnam	17th of 17 issues	Last
1972	McGovern-Nixon	Vietnam	26th of 26 issues	Last
1976	Carter-Ford	Inflation	Not listed in 27 issues	Last
1980	Carter-Reagan	Inflation	23rd of 41 issues	Middle 33 percent
1984	Mondale-Reagan	Recession	17 of 51 issues	Upper 33 percent
1988	Dukakis-Bush	Drugs	8th of 26 issues	Upper 33 percent
1992	Clinton-Bush	Economy	5th of 24 issues	Upper 33 percent
1996	Clinton-Dole	Economy	2nd of 31 issues	Top 10 percent
2000	Gore-Bush	Education	1st of 11 issues	First

Education was seen by the majority of the public as a crucial component to economic advancement in the American skills-based economy, yet the perception of American public education was very poor at the time. When asked of one's opinion of the current condition of K-12 public education during the 2000 campaign, 54% of those that responded to polls felt that the state of American public schools were worse than when they themselves were students. When asked about their rate of satisfaction, 61% of respondents were somewhat to completely dissatisfied with the public school system.

<sup>81</sup> McGuinn, 148.

<sup>82</sup> Roper Center for Public Opinion Online

However, voters seemed to be conflicted across the board as to the issue of educational federalism. Although there was some ambivalence among the electorate as to the specific federal education policies that should be pursued, there was a broad consensus on the overall need for federal leadership in order to promote reform supported by the increase in federal funding. When asking American's to identify the most significant thing a president can do to improve education, voters' top answer was to increase government funding. Yet again, American's seemed unclear on how the new spending should be implemented and what direction federal reform should take. One observer of the election noted,

We are witnessing not just a move to the center [on education] by both parties, but the creation of a new center. Americans of all stripes are convinced that education is central to our personal and national success; they are convinced that Uncle Sam has an important role to play, in partnership with states and localities. At the same time, they do not want too heavy a hand on the education reins.<sup>83</sup>

It was clear that there was significant pressure and emphasis from the public for the presidential candidates to express a strong, yet not "heavy handed" role of the federal government in future education reform. Thus, as many analysts from the 2000 election note, these two candidates embraced a set of education reforms such as accountability, funding, standards, and teacher training that would in turn appear to target the centrist voter.

### **The New Federal Education Policy Regime**

The widely publicized debates regarding public school reform during the 2000 presidential election built up a significant amount of momentum backing the rebuilding of federal education policy in the United States of America. By the time that President

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<sup>83</sup> McGuinn, 150.

George W. Bush took office in January of 2001, the ideas and interest surrounding federal education had undergone a dramatic shift from earlier years, and the time was ripe for the policies and institutions of a new policy regime to be implemented.

As promised, Bush would make education the top domestic priority of his newly minted administration. Bush solidified the importance of education reform through his inaugural speech, as he listed it first among the domestic issues that he would address. Bush stated, “Together we will reclaim America’s schools, before ignorance and apathy claim more young lives.”<sup>84</sup> On President Bush’s second day in office, he sent an educational blueprint to Congress that was based on his campaign proposals. The No Child Left Behind Act (NCLB) would be the first bill he sent to Congress, as it became the focal point of the new legislature’s early focus and deliberation. Two strategic factors that proved critical in the passage of No Child Left Behind and how negotiations unfolded were, Bush’s decision to submit an outline of his education reform ideas rather than a detailed piece of legislation and his decision to seek a bipartisan bill rather than attempt to force a Republican based bill through a narrow party-lined Congress.<sup>85</sup>

### **The Blue Print**

No Child Left Behind emerged in the 107<sup>th</sup> Congress not as a draft of legislation but rather as a thirty page blue print which outlined many of Bush’s education proposals. Unlike many of his predecessors, Bush did not start off with a highly specified, and detailed proposal, but rather an outline of ideas. This blueprint included his version of new content standards in history and science; grade three through eight annual testing; a

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<sup>84</sup> McGuinn, 166.

<sup>85</sup> McGuinn, 166.

grant program providing new spending flexibilities to “charter states”; fourth and eighth grade NAEP participation; school report cards; disaggregated by subgroups; requirements that adequate yearly progress be met by “disadvantaged” students within any school that receives Title I funds; requirements for “corrective action” if schools or districts are identified as failing; and exit vouchers toward private school tuition. Bush’s blueprint also noted an incentive based plan for closing the achievement gap. Schools that were able to combat the long standing difference among minorities and low income students and their white and more advantaged counterparts would receive funding bonuses from the federal government while those that failed to do so would lose administrative funds under Title I. Rather than submit a finished bill like Clinton’s 1993 health care attempt, he found success in producing broad statements of legislative drafts.<sup>86</sup> The blue print method would leave the Bush administration ample room for flexible collaboration. Yet at the same time allowed for the president’s aids to be actively involved in sessions in which drafting the specific language of the law took place, allowing them to collaborate with the Senate and House members as well as defend the administration’s fundamental positions.<sup>87</sup>

### **Bi-partisan Support –Winning Over Key Democrats**

Prior to George Bush’s inauguration, the soon to be President reached out to education leaders of both parties, inviting them to an education meeting in Austin Texas, making it clear he wanted to pass a bi-partisan education bill. These early meetings allowed for Bush to “hit the ground running,” maximizing the advantage of establishing a

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<sup>86</sup> Rudalevige, 36.

<sup>87</sup> Mycoff and Pika, 41.



united coalition and “get the ball rolling” during this brief moment of opportunity prior to his inauguration. Of the twenty members of Congress that were present in Austin, the Republican chairs of both committees that would have jurisdiction over the legislation; John Boehner (R-OH) was the incoming chair of the House of Education and Workforce Committee and Jim Jeffords, the returning chair of the Senate’s Health, Education, Labor, and Pension (HELP) Committee attended the meeting.<sup>88</sup> In addition to those in attendance were a number of leading Democrats such as Representative Geroge Miller, a liberal democrat that supported strong accountability measures, as well as Senator Joseph Lieberman (D-CT) and Evan Bayh (D-IN), whose educational piece “Three R’s” contained many points and proposals that Bush had embraced on the presidential campaign trail and would later use in drafting No Child Left Behind.<sup>89</sup> In order to garner support for the bill, President Bush’s strategy was to establish a center-right coalition of New Democrats and Republicans.

What was most notable about the meeting in Austin was the absence of Senator Ted Kennedy (D-MA), the leading voice of liberal democrats and a longstanding advocate of public school education. After meeting with Lieberman and Bayh, Bush and his administration realized that they would need Kennedy in order to gain Democratic majority support. On the other hand, Kennedy had been making a gradual shift away from the idea that more than money was needed in order to fix the American schools. In addition, Bush’s early talks with the likes of Miller, Bayh and Lieberman, made Senator Kennedy realize that if he was not willing to make concession, he may be denied a seat at the table for drafting the most important piece of education legislation in forty years. And

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<sup>88</sup> Mycoff and Pika, 42.

<sup>89</sup> McGuinn, 166.

at a meeting at the White House in late January of 2001, Bush and Kennedy agreed to work with one another in drafting an education bill. After the meeting Kennedy told reporters that, “there are some areas of difference, but the overwhelming areas of agreement and supports are very, very powerful.”<sup>90</sup> As one of Clinton and Gore’s advisers Bill Galston observed,

The entire legislation strategy of the Bush administration in negotiating the bill and pushing it forward was what might be called patient bipartisan centrism....Bush embraced early on the idea of the grand bargain –greatly increased federal spending on education in exchange for major reforms –that I and others has been talking about since the late 1990s. He also embraced the idea that Democrats, even liberal Democrats, were not demons on the issue, and so instead of demonizing the likes of Ted Kennedy and George Miller he co-opted them. And in order to co-opt them he had to make some concession.<sup>91</sup>

In seeking out bipartisan support from the opening efforts Bush could create the symbol of being a centrist and compassionate conservative. Bush’s decision to seek bipartisan support also ensured that the final version of No Child Left Behind would represent a compromise between the Democratic and Republican visions of educational reform.

In addition to establishing key relationships with pinnacle democratic figures prior to his inauguration and the early months of his presidency, George W. Bush also appointed a thirty-one member advisory team to assist the Department of Education in making their transition to the new administration’s goals. The advisory team’s members were “conservative-leaning education officials” as well as a handful of business leaders of major corporations.<sup>92</sup> Several members of the advisory group that was established during the transition phase would ultimately be selected to serve in key positions of the Department of Education, while the other members provided guidance and strong sources of lobbying in special areas of the future law. The early inclusion of large corporation

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<sup>90</sup> McGuinn, 167.

<sup>91</sup> McGuinn, 167.

<sup>92</sup> Vinovski, 159.

leaders also allowed for the formation of an important supportive business coalition.

Bush's education policy advisory team represented a strong, unified front as this strategy was praised for its focus and many members ability to reach out to multiple members of Congress and work with them.

### **The Big Four**

The passage of No Child Left Behind could not have been possible if it were not for certain members of Congress adamantly encouraging any compromises that could be made by both parties in order to draft a sound educational bill. The key members in assisting President George W. Bush and his administration in the drafting and steering of No Child Left Behind were deemed "the Big Four." The Big Four consisted of, Representative John Boehner (R-OH), Representative George Miller (D-CA), Senator Edward (Ted) Kennedy (D-MA), and Senator Judd Gregg (R-NH). The members of the "Big Four" gathered bipartisan working groups together to decide how to craft a bill that would be passed through the entirety of Congress.<sup>93</sup> Rather than having strong division between the parties, they worked together toward getting something passed to which both sides would agree to. The bipartisan nature of the committees, "made members willing to jettison things only one party like, whether spending provisions or class size or private school choice, in the name of moving the process forward."<sup>94</sup>

Of the four members, Boehner was the most unique. In 1995 Boehner had been a strong advocate for the abolition of the Department of Education. He favored the idea of converting most federal education based programs into block grants to the states. After

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<sup>93</sup> Rudalevige, 39.

<sup>94</sup> Rudalevige, 43.

being selected as the chair of the House Education and Workforce Committee, he pledged to work closely with both parties. Although Boehner was not the most well versed in the realm of K-12 education, he was highly praised as a skilled and effective legislator that possessed the ability to steer Bush's education reform through the evenly divided House.<sup>95</sup> As David Nathers pointed out, Boehner performance as committee chair completed a significant transformation "from conservative ideologue to bipartisan coalition builder."<sup>96</sup> This being President Bush's first attempt at passing a major domestic policy also became an important factor, as many Republican Congressmen felt it necessary to give him particularly strong support in order to legitimize his election to the presidency. This was especially true of Representative Boehner, who "was dedicated to cementing Bush's disputed electoral victory with a legislative success."<sup>97</sup>

### **Forming Alliances in the House and Senate**

The key to the passage of No Child Left Behind was compromise, as the Big Four, who were strong ranking members of the House and Senate, worked long hours to form compromises through committee, floor, and conference committee stages of action. The positive outcomes in the House were a result of the delicate compromise work by Representatives Boehner and Miller. Boehner convinced his Republican colleagues not to insist on a the stronger funding flexibility that would ultimately destroy the compromise, while Miller worked to persuaded a few of his colleagues not to vote for the proposal to strip annual testing out of the legislation. In a hot bed of party priorities, Boehner and Miller recognized their need for Democratic votes, yet at the same time they could not

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<sup>95</sup> Vinovski, 162.

<sup>96</sup> Mycoff and Pika, 45.

<sup>97</sup> Rudalevige, 39.

lose Republican support. In order to assist the law through the tight party distinguished House Boehner formed a working subgroup of five Republicans and four Democrats that met three to four time a week in order to help him draft H.R. 1 and steer it through the committee stage.<sup>98</sup>

Although the version of H.R. 1 was approved by the House, many were left unhappy. This led to a series of attempts to the committee's work in favor of ones own party preferred solutions. Richard Gephardt, a top Democratic leader, aligned himself with some Republican conservatives and liberal Democrats in an effort to scuttle annual testing which was a centerpiece of Bush's blueprint. The failed effort was also supported by vigorous White House lobbying from Chief of Staff Andrew Card and Karl Rove, a top political advisor. Republican majority leader Dick Armey (R-TX) made two failed attempts at passing amendments which restored the previously axed voucher system. Jim DeMint (R-SC) feverishly opposed the bill due to its lack of strong block grant which would enhance local flexibility. When he later threatened a fight on the floor Boehner went straight to President Bush and enlisted him to personally dissuade DeMint. As David Nather notes, "there was nothing easy about steering through a House full of unhappy conservative Republicans and skeptical liberal Democrats looking for a good reason to bolt." Yet the floor efforts to amend and hinder the bills passage were held off by a core alliance of the moderate members of each party. In addition, individuals within the White House like Sandy Kress and President Bush acted with a strong "hands on" approach as they were heavily involved in the floor politics. Many times either Bush would enlist a top aid or he himself would personally intervene at crucial times in order

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<sup>98</sup> Mycoff and Pika, 44, 45.

to convince unhappy Republicans not to take action that could hinder the bipartisan bill.<sup>99</sup> It was here that Bush demonstrated his political savvy and mastery of the inner workings of Washington politics.

The Senate floor also offered up a number of challenges. Like the House, the Senate also formulated a small working subgroup to craft a substitute bill that would later be debated on the Senate floor. This too was also a bipartisan effort as the group was composed of three conservative Republicans, two New Democrats, three liberal Democrats, and two moderate Republicans.<sup>100</sup> The key players within this working group were also two of the members of the big four, Kennedy and Gregg. Kennedy acted as an astute floor manager as the Senate's version of the bill possessed a more Democratic cast through higher spending levels, and a federal program for disabled students. Senator Gregg failed to get a block grant demonstration project approved but was able to pass the proposal which allowed students at low-performing schools to attend better public schools within their district. A number of liberal Democrats also failed to delay the annual testing portion of the legislation. Throughout the seven-week debate that took place within the Senate, both Kennedy and Gregg were in constant communication with one another as well as the White House. They constantly debated and discussed what proposals posed a threat of being "deal breakers" and which ones were acceptable. Kennedy and Gregg faced over 150 amendments that were offered up on the floor, making their communication with each other and the White House crucial in order to reject killer amendments that would in the end challenge the compromised legislation.<sup>101</sup>

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<sup>99</sup> Mycoff and Pika, 51.

<sup>100</sup> Mycoff and Pika, 50.

<sup>101</sup> Mycoff and Pika, 52.

### **A Congressional Compromise**

There was a general agreement between both parties that education was failing to increase student achievement in America, thus something had to be changed in order to do so. Although the final conference committee, which was composed of twenty-five senators and fourteen representatives, was in charge of negotiation common ground on approximately 2,750 differences between the House and Senate bills the basic sediment stood strong.<sup>102</sup> The plan to increase federal spending on education pleased the Democrats, while the testing requirements were popular among many moderates in both parties. However, the consequences linked to schools, teachers, and administrators, made both liberals and conservatives unsure. Liberals noted that the impact of high stakes testing would in turn fall most heavily on that of poor and minority students, while conservatives distrusted the notion of any federal control over curriculum.<sup>103</sup> Bush and Republican's eventually conceded on the issue of vouchers, settling for a Democratic approved proposal that allowed students in failing schools to receive money for special tutoring in place of tuition vouchers.<sup>104</sup> However, these concessions were not an easy negotiation, as many hours of deliberation took place in both the Senate and the House in order to come to an agreement. All of which would not have been possible without the help of the Big Four.

### **George W. Bush –The Addition of a Compassionate Conservative**

George W. Bush himself played a critical role in the passage of the No Child Left Behind Act 2001. Following his controversial election in 2000, George W. Bush

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<sup>102</sup> Mycoff and Pika, 53.

<sup>103</sup> Parker, 186.

<sup>104</sup> Parker, 186.

promised to be a “uniter, not a divider.”<sup>105</sup> He built off of the ideas presented under the Improving American Schools Act as well as his success with educational policy while governor of Texas in order to create No Child Left Behind. He made the legislative piece and American education a priority on his domestic policy agenda, provoking large amounts of media attention to an area that had received little attention in the past. As Nathers notes, “In part, the shift to testing has happened because Bush convinced many lawmakers there is no other way to measure how much, or how little, students are learning –and that schools will not improve unless the information is made public”<sup>106</sup>

Bush had great success as governor of the state of Texas with education policy. This made it foreseeable that his first domestic policy undertaking would be within a realm he had already achieved success and generated levels of improvement in. Many have deemed Bush’s work in Texas and the increased success of local schools as the “Texas Miracle,” as Bush’s program of implemented testing standards, improved scores of its students dramatically. Some of the most basic pieces of the framework of No Child Left Behind stems from policy put into place in Texas at the time he was governor. Like No Child Left Behind, the “Texas Miracle” was fashioned around increasing tests and accountability measures, as well as reaching levels of proficiency within each subgroup.

During 2000 election, Bush claimed that, “Texas method’s of holding schools responsible for student performance has brought huge improvements in passing rates and remarkable strides in eliminating the gap between white and minority children.”<sup>107</sup>

However, the *New York Times* conducted a study that found while Texas claimed to have made large ground in improving scores and closing gapes, the national tests claimed they

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<sup>105</sup> Parker, 182.

<sup>106</sup> Nather, 2001.

<sup>107</sup> Schemo and Fesseden, 2003.



had in fact not improved on either ground. In addition, the Texas Education Agency found a severe undercounting of dropouts by schools in cities like Houston, where the “miracle” was said to have made the largest impact. Analyst George Wood notes, “At Houston’s Sharpston High School, 463 of its 1,700 students left during the 2001-2002 school year but no one was reported as a dropout. Rather when they left they were assigned numerical codes that claimed they had changed schools, gone for a G.E.D. or returned to their native country –when many of them never told the school authorities any such thing.”<sup>108</sup> Although the *New York Times* did report some levels of improvement throughout Texas in all grades, it states that the numbers were greatly exaggerated by Texas officials.<sup>109</sup> Whether or not Texas improved, Bush professed standardized tests’ ability to increase performance, as his firm belief in this notion shaped the tenacity with which he pursued the passage of No Child Left Behind through Congress. Rudalevige asserts that “the most important new ingredient, perhaps, was President George W. Bush. President Bush persuaded some Republicans to accept proposals they had rejected just one session of Congress earlier, and he tacked with Democrats toward a common ground.”<sup>110</sup>

### **Democratic Policy Challenges**

Democrats also faced their own political and policy challenges on education during the passage of No Child Left Behind. Many liberal Democrats like Kennedy, who had long resisted the concept of rigorous testing and accountability measures were ultimately led to work with President Bush and his administration on NCLB. This was

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<sup>108</sup> Wood, 36.

<sup>109</sup> Schemo and Fesseden, 2003

<sup>110</sup> Rudalevige, 24.

largely due to the fact that at the time, Republicans possessed the majority in both the Senate and the House. Thus there were many concerns that they would be able to overcome any form of Democratic resistance and advance a conservative education bill. In turn, many leading Democrats believe it was in the party's best interest if they were involved rather than opposing the bill as a whole. Bush's educational activism and repositioning of the Republican Party on the issue of education forced the Democrats to reconsider their own position on educational reform. Many were concerned that if liberal Democrats did not abandon their opposition to choice, standards and testing they would be unable to recapture the party's historical electoral dominance in regards to the issue of education.

In addition to the political odds that the Democratic Party faced, discontent with the performance of America's public schools had grown among Latinos and blacks, which are two pinnacle parts of the Democratic electorate base. Although groups such as the NAACP remained wary of accountability and testing a large number of minority groups like the Citizen's Commission Civil Rights and the Education Trust joined with the wave of New Democrats like Bayh and Liberman, and in turn pressured liberal Democrats to support what these advocacy groups saw as a necessary reform in order to improve the state of America's public schools and ultimately close the achievement gap. As Amy Wilkins from the Education Trust notes,

The Democrats didn't really evolve much on education until [the Bush administration]...As [they] saw minority –especially African American and Latino – support for vouchers increasing it began to pit two important voting blocks within the Democratic Party against one another. The teachers unions were saying “everything is fine, just give us more money,” but increasing numbers of African Americans and Latinos were saying “we want out of these schools.” This was forcing the Democrats into a place where they had to deal –they had to do something on education.<sup>111</sup>

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<sup>111</sup> McGuinn, 171.

It was becoming increasingly clearer to many Democrats that previous federal reforms and expanding of funding had failed to generate solid results. It was hard to argue on behalf of their previous reforms as the 1990s showed little, if any, educational achievement and the achievement gap continued to largely exist. This again led a number of liberal Democrats and even some teachers union leaders such as the American Federation of Teachers, to accept tough school reform in order to help save the struggling institution of American public education

### **Conservatives and the Privatization of Education**

There is also one other explanation that has been tied to the bipartisan passage of No Child Left Behind. There are many who see the law as a secret conspiracy by conservatives Republicans to destroy the American public school system. These critics suggest that the conservatives did not attempt to block the bill because they believe that public schools will ultimately fail. If so, the nation will in turn be opened up to a free-enterprise voucher system that would allow private religious schools and for-profit schools to successfully compete with the failing public schools for students. According to Alfie Kohn, one of the law's greatest critics, this would lead to privatization, "such that education is gradually transferred to the marketplace. There the bottom line is not what benefits children but what produces profit."<sup>112</sup> Traditional Democratic constituencies, such as educational groups, teachers unions, and most civil rights organizations have been feverishly opposed to the vouchers system. Republican's have long supported the idea of school choice in order to fix the nation's educational issues and a large number of

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<sup>112</sup> Abernathy, 12.

conservative based lobbyists have fought for them.<sup>113</sup> Many have linked this support to appeasing strong Catholic supporters. In the debates leading up to the passage of No Child Left Behind, the Bush administration and many conservatives fought hard for the inclusion of a national voucher program. Conservative Republicans' even attempted to add the voucher amendments to the House bill but failed. Although they ended up negotiating a less dramatic choice option, the presence of school vouchers could eventually introduce competition into a market in which public schools currently possess a significant advantage.<sup>114</sup>

### **Where Were the Interest Groups?**

Despite the willingness of both parties to come together and make concessions in order for the legislative piece to be passed many interest groups and organizations expressed their unease with the proposed piece of legislation. It was not until May of 2001, when both the House and the Senate had passed different versions of No Child Left Behind and faced negotiation in conference committee that interest groups on the left and right began to mobilize their members to pressure Congress. Groups such as the Heritage Foundation, the Fordham Foundation, and Excellence for Parents, Children and Teachers (EXCEPT) as well as educational organizations like the National Conference of State Legislators, the American Association of School Administrators, and the National School Board Association expressed a number of concerns. Among them were the issues surrounding the fact that states may lower their proficiency standards to avoid sanctions and that achieving No Child Left Behinds ultimate goal of 100% proficiency in twelve

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<sup>113</sup> Rebell and Wolff, 55.

<sup>114</sup> Abernathy 12, 13.

years was implausible. However those complaints were trumped by the strong level of public support for accountability and testing as well as continued endorsement from the Governors Association and major business based interest groups.<sup>115</sup> In addition, the early monopolization and formulation of the bill's details resulted in many education interest groups playing a weak role in the development of the No Child Left Behind legislation. As Elizabeth Debray-Pelot states, "by the time many of these groups had mobilized against the testing and accountability provisions, the bill had already reached conference, at which point both parties agreed to shut out interest groups for the sake of expediency."<sup>116</sup> Interest groups had delayed their reaction until it was too late to seriously alter the conference negotiations.

Although the American Federation of Teachers (AFT) and the National Education Associate (NEA) did not manage to get all of their demands addressed within No Child Left Behind, there were a powerful force in defeating both the vouchers and Straight A's block grant. As lobbyist Bruce Hunter notes, "The power of the unions in Washington is not so much in crafting, but in stopping. The teachers always have one or two things they want [to stop] and they get it."<sup>117</sup> Although the AFT and NEA were overall largely supportive of the notion of highly qualified instructors they opposed measures that required teachers to take further tests once proven themselves in the classroom. Union representatives also feared that if current teachers could not pass the test they would ultimately lose their job. Both unions prevailed as they were able to get alternatives to the

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<sup>115</sup> Rebell and Wolff, 55.

<sup>116</sup> Debray-Pelot, 84.

<sup>117</sup> Debray-Pelot, 83.

government competency testing included into the bill as teachers were able to prove their competence through other methods of professional assessment.<sup>118</sup>

### **September 11<sup>th</sup> And Terrorism**

In addition, many point to the events of September 11, 2001 and the effects it had on the passage of the bill. The earth-shattering events that took place just two days before the House and Senate were set to resume meetings in order to negotiate their two separate versions of the bill. That same morning President Bush was visiting Emma E. Booker Elementary School in Sarasota, Florida, at a publicity event that was designed by his administration to put pressure on the conferees to make progress.<sup>119</sup> While 9/11 had the potential to act as a disruptive force against the passage of No Child Left Behind, it also encouraged many members of the government to maintain as much “normalcy” in the aftermath as possible. Boehner was especially vocal and articulate in regards to the continued pursuit of education reform and what it would mean to a nation that had been knocked to its knees.<sup>120</sup> On the day following the attacks the “Big Four” released a joint statement stating, “despite yesterday’s tragedies, final work on the education bill will continue” and “there are no plans at this time to suspend the conference process.”<sup>121</sup> The leadership in both parties felt it was best to pass a bipartisan bill that would “reassure a jittery public by providing a symbol of a unified and functioning government.”<sup>122</sup> The felt that it was best to send a message to both the nation as well as the international community that America’s domestic policy agenda would continue to move forward and

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<sup>118</sup> Debray-Pelot, 84.

<sup>119</sup> Mycoff and Pika, 53.

<sup>120</sup> Mycoff and Pika, 60.

<sup>121</sup> Mycoff and Pika, 54.

<sup>122</sup> Rebell and Wolff, 56.

not allow for acts of terrorism to stunt the countries development and growth but rather they would stand tall and united in the face of terrorism. The attacks, although temporarily stalling the passage of No Child Left Behind, due to the governments focus on combating terrorism and altering the timing of meetings, in turn further motivated legislators to continue negotiations and pass the bill as a symbol of the country's unity in the face of the assault upon the nation.

### **Conclusion**

The facts remain that the legislation was not only passed, but it passed by an extremely large margin in Congress, with overwhelming support from both parties. The House passed the bill by a margin of 381-41 while the Senate passed it with a vote of 87-10.<sup>123</sup> The final version of the education legislation was a compromise bill in every sense. There were plenty of concession made on both sides as the reform went too far in certain areas for some and not far enough for others. However, given the deep seeded policy disagreement between Democrats and Republicans during the 1980s and 1990s, No Child Left Behind's passage as a result of bipartisan effort and support is a stunning achievement. The bill was ultimately able to pass because most members of Congress agreed with its basic sentiment. In exchange for a bipartisanship effort, most of the policy within the bill turned into a vague and open-ended law as it left defining standards and many key terms up to the Department of Education and states to decide later.

The initiative would not have succeeded without effective political leadership. This was provided by President Bush both at the onset and throughout the process. By advancing education reform as his top domestic priority, President Bush assured its place

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<sup>123</sup> McGuinn, 177.

on the nation's agenda, energizing legislators. His continued commitment to the law made it clear to conservative Republicans as well as liberal Democrats that he and his administration were more focused on crafting a "solution" than attempting to adopt dramatic positions that in the end had no hopes of passage. This bipartisan effort, headed by the members of the Big Four allowed for each side to achieve some of their goals and receive a "partial rather than full loaf," keeping them involved in the common effort.<sup>124</sup>

The No Child Left Behind act passed due to the historical events that culminated in standards being put onto the national agenda, a large emphasis put on bargaining and compromise, and Bush's role in making the passage of NCLB a top priority.

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<sup>124</sup> Mycoff and Pika, 2.



## **Chapter 3: Critics of the No Child Left Behind Act**

### **Introduction**

It is hard to imagine that there are many American who do not share the law's liberal aspirations. The name alone, as William Mathis calls it, "as appealing as lip gloss," passionately resonating and speaking to individuals across the nation. At the surface No Child Left Behind sets out to provide better, more demanding education to *all* students as they move toward high levels of achievement. The legislation also provides us with a number of specific goals which are equally compelling. Goals such as high quality teachers in both wealthy and high poverty schools, focus on improving early reading instruction and achievement, making certain all groups of minority and disadvantaged students reach substantial progress each year in every school, and providing information as well as accountability methods speaks to a public that sees the youth as the future of the great American nation. No Child Left Behind was defined as a necessity to further advance the educational equity in America. President George W. Bush and his supporters described the piece of legislation as the path to educational transformation. No Child Left Behind was and invaluable tool to force change within the dilapidated educational institution, racial equality and future economic success. However, what was seen as a great bipartisan effort, and most significant change in the federal education policy, was actually a very complex structure of changes in educational policy as a large number of the legislation's features have in turn become deeply controversial.

Every United States public school is now subject to the controversial mandates contained within the federal No Child Left Behind Act of 2001. Under No Child Left Behind (NCLB), federal control of education has expanded, reaching deeper into the core

operations of both state and local education. NCLB affects all levels of the American educational system, from state departments of education and their relations with the federal government, to local districts and what transpires on a daily basis in the classroom. The passage of No Child Left Behind left American schools operating under federal rules that many people believe will increase the competence of teachers as well as the achievement of students. Others support the idea that those same rules implemented under the NCLB Act are in fact undermining, and possibly destroying the American education system. What is seen as a worthy goal of the American nation has tragically turned into a dangerous prescription for public school education.

### **High-Stakes Testing**

The most striking feature of the No Child Left Behind legislation was its requirement to expand the realm of student based testing. Standardized tests were created and widely utilized in the twentieth century in order to measure IQ, aptitude and achievement.<sup>125</sup> What has long been used for diagnostic and summative purposes, today, has been reduced to an indicator of students' achievements under No Child Left Behind.<sup>126</sup> The standardized tests mandated under NCLB are criterion-referenced tests, meaning the scores represent attainment of specific academic criteria rather than a percentile ranking in respect to other scores like the SATs.<sup>127</sup> Most of the key sections within the piece of legislation focus on the determination of failing schools and the notion of accountability and assessment. The reason we use standardized test scores as a means to measure achievement is so that under No Child Left Behind the government has the

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<sup>125</sup> Noddling, 64.

<sup>126</sup> Orlich, 7.

<sup>127</sup> Noddling, 65.

ability to hold students, teachers, and the school accountable for their performance. In order to improve the quality of education and evaluate teacher performance, each and every score becomes a part of the record of accountability. This ensures the American citizens that public schools will provide credible evidence of their effectiveness, thus holding the educators accountable for the quality of instruction delivered to the American youth.<sup>128</sup> Under the legislation, the demand for accountability is recognized and taken seriously through the use of penalties and sanctions if failure to meet adequate yearly progress. Through the use of stiff sanctions, the possibility of students being retained in a grade or failure to graduate and teachers as well as administrators loss of professional position ensures the notion that these are “high-stakes tests.” Due to the fact that there is so much attention given to student test scores, educators are under enormous pressure to raise students’ test scores, which can ultimately lead to harmful consequences such as excessive test preparation, curricular reductionism, and unethical test preparation practices.

### **Teaching to the Test**

No Child Left Behind has direct implications for what happens educationally within every classroom in America. By requiring schools to achieve a specific rate of progress in the tested subjects, federal education policy now drives the curriculum and instruction in the classroom. Standardized test scores offer us nothing more than a snapshot of student achievement at a single moment in time. These snapshots are now used to make significant decisions that affect the school, student and school district may be misleading and ultimately damaging. Exams with such narrow scope coupled with

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<sup>128</sup> Popham, 15.

strong sanctions promote an environment of anxiety and intensive teaching to the test. This ultimately undermines the effort to improve overall educational quality.<sup>129</sup> Test pressured teachers spend a staggering amount of time drilling their students in preparation for the NCLB state mandated test. Teachers focus on “teaching to the test” and practicing rote memorization of formulas rather than having meaningful classroom discussion, allowing teachers to infuse lessons with their own creative ways of teaching. The controlling push for higher standards may actually produce a lower quality of education, precisely because its tactics contradict the means by which teachers most successfully inspire students’ engagement in learning and commitment to achieve.<sup>130</sup> An overemphasis on test materials may stunt children’s curiosity and thinking as well as diminish the likelihood for one to take intellectual risks. We must ask ourselves, is the child really being educated or simply groomed to perform well on the high stakes test?

Under relentless pressure to boost their students test scores many teachers end up providing item-focused test preparation. Students will often be given practice tests or exercises consisting of items that are very similar to a test’s actual item or in some instances actual questions found on previously administered tests. Down the road, when the student is actually faced with the state-mandated test, they will encounter identical items to which they have been practicing. Thus, the student immediately recognizes the problem set that he or she has been so feverishly drilled on, all the while not knowing that they have taken part in a teacher-engineered a fraud esq. situation. Students are being bred to master test-taking methods, rather than the subject matter itself. Item test preparation may increase the students test scores as well as the schools standings in terms

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<sup>129</sup> Guisbond and Neill, 13.

<sup>130</sup> Kohn, 29.

of No Child Left Behind adequate yearly progress, yet these rising scores may not actually increase the students mastery of the skills and knowledge that is being tested and measured by the state examination. Coaching students for state-mandated tests produces test score inflation as well as the illusion of progress. As a result of this heavy preparation, both parents and teachers are given a misleading image of the student's true academic abilities.<sup>131</sup>

Daniel Koretz, a psychometrician at Harvard University, conducted a study in which he retested students in a district that had shown impressive gains. Koretz found that those same impressive gains disappeared when the students took a different test on similar subject material (a test that had been used by the district in the past). These results infer that the gains are illusory. The skills the students had gained were tailored specifically to the state mandated test, not generalizable or able to be utilized for additional educational situations. The scores increased, yet the students were not better educated. Excessive test preparation distorts the very purpose of tests, which is to assess learning and knowledge, not just to produce higher test scores. The pressure induced by accountability measures corrupts the very purpose of educating the American youth, as practitioners focus on the measure rather than the overall goals of education.<sup>132</sup>

### **What About History Class?**

Due to the fact that the law holds schools accountable solely in the realm of math and reading, there is growing evidence that schools are now pushing non-tested subjects to the wayside. As a result of the high-stakes testing, subjects such as history, civics and

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<sup>131</sup> Popham, 66.

<sup>132</sup> Ravitch, 160.

social studies are being neglected.<sup>133</sup> As Kohn so eloquently puts it, “teachers will dispense with poetry and focus on prose, breeze through the Depression and linger on the Cold War, cut back on social studies to make room for more math –all depending on what they think will be emphasized on the tests.”<sup>134</sup> Skills and knowledge based areas, that only a few year prior to the passage of NCLB, were regarded by educators as imperative have simply been abandoned due to the fact that such curricular content is not measured within the high-stakes test. Therefore, teaching that subject is not beneficial to the school and districts’ overall achievement as it does not contribute to a higher test score or increase the school’s chances of making adequate yearly progress. In survey conducted by the Center on Education Policy, 71% of the 300 school administrators surveyed reported that this was the case within their own elementary school. A study conducted by Brown University found that, from 1999 to 2004, reading instruction gained forty minutes a week on average, while social studies and science lost seventeen to twenty-three minutes.<sup>135</sup> As a result of No Child Left Behind, the American children are now being shortchanged on their educations curriculum.

The high stakes test mandated under No Child Left Behind has triggered cuts in important, yet untested subject matter. Science achievement is critical to many economic opportunities of the nation’s future. History is known to be a vital component of domestic citizenship as well as providing a stronger understanding of our neighboring nations and international organizations that we are so highly involved in. According to the National Achievement Education Program (NAEP), academic achievement in these subject areas by American students is abysmal. According to the NAEP standards, only about 15% of

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<sup>133</sup> Vinovskis, 196.

<sup>134</sup> Abernathy, 29.

<sup>135</sup> Popham, 65.

American students (averaging across fourth, eighth, and twelfth grade) are proficient or advanced in history. In the subject matter of science, the average amounts to less than 25%.<sup>136</sup>

The decline in non-tested subject areas often tends to be more drastic in schools that are struggling to achieve annual yearly progress and end their record of failure, ceasing the harsh sanctions implemented under No Child Left Behind. A study conducted by the Center on Education Policy, which included 299 school districts with representatives from all fifty states, found that “in some districts, struggling students receive double periods of reading or math or both –sometimes missing certain subjects altogether.”<sup>137</sup> At an Arizona Elementary School in San Luis, Arizona, students spend three hours of their six and one-half hour day focused on literacy. Ninety of those same minutes are then spent on arithmetic. Subjects such as social studies are no longer taught as a free standing subject, “We had to find a way to embed it within the content of reading, writing and math,” states Principal Rafael Sanchez. The result of this narrowly focused curriculum was seen positively under the lights of No Child Left Behind. The Arizona Desert Elementary School went from failing in 2004 to making AYP and eventually earning a “performance plus” designation from the Arizona department of education.<sup>138</sup>

### **Can We Rely on These Tests?**

Opposition to mass standardized testing that NCLB has induced has brought up traditional complaints about the scientific validity of these tests. Many educators have

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<sup>136</sup> Chubb, 9.

<sup>137</sup> Ravitch, 126.

<sup>138</sup> Abernathy, 30.

noted that the tests themselves are scientifically insignificant and thus inaccurate gauges as to student performance. Stan Karp notes that,

All the sanctions in NCLB are triggered by year to year changes in standardized test scores. Bust researchers at Thomas Kane and Douglas Staiger have shown that up to 70% of these changes can be caused by random fluctuation – things like variation in transient student population or statistical error in the tests themselves. The AYP system cannot tell the difference between a learning gain and random noise.<sup>139</sup>

Thus, standardized test are not precise instruments and should not be used to make such important decisions about people's lives. Many people think the standardized test are scientifically valid like a thermometer, yet rather these tests are objective and susceptible to human error. Standardized test scores are not comparable to standard weight or measurements nor do they poses the precision of a doctor's scale or yardstick. Some questions may be poorly worded or scored wrong. Sometimes the supposedly "correct" answer is in fact wrong or ambiguous. Standardized test vary in their overall quality, and even the best designed test could harbor errors through a technical foul up or human mistake.

All tests have a margin of error, and the same student could produce different scores when taking the same test on different days of the week. Although the score may not vary widely, it may be enough to push the student's achievement level from "below proficient" to "proficient" in the case of No Child Left Behind. A student could fail the standardized test Monday and take the same test on Wednesday and pass. Maybe the child got a better night sleep, ate a better breakfast or overcame a cold. Maybe on Monday he or she was distracted by personal or family issues that ceased later that night. Testing experts frequently remind school officials that standardized test scores should not be used in an isolated context in order to make consequential decisions in regards to

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<sup>139</sup> Karp, 56.



students. Rather it should be used in conjunction with other tools of measurement in order to assess a student's performance.<sup>140</sup> In an authorized report, the Committee on Appropriate Test Use of the National Research Council stated that, "tests are not perfect," and "a test score is not an exact measurement of a student's knowledge or skill." As a result of this the committee went on to further state that because test scores are not an infallible measure, "an educational decision that will have a major impact on a test taker should not be made solely or automatically on the basis of a single test score."<sup>141</sup>

Another researcher notes that errors on high-stakes testing can have serious consequences that could alter children's educational experience in a negative manner. In New York City, 8,600 students were required to have remedial summer school based on a scoring error.<sup>142</sup> The probability of some kids being held back or forced into remedial education becomes a severe problem in light of the number of children who drop out after such "corrective" measures are taken. This is extremely problematic if that states decide to use the standardized test as a way to judge whether or not students go on to the next grade level. Although No Child Left Behind does not require student to be held back if they do not do well on the state administered test, it provides an incentive for schools to hold students back from the years where testing does occur, as the schools could face punishment and sanctions if deemed "in need of improvement" for too many sequential years. According to many studies, "the evidence is clear –when students are retained in the same grade level for more than one year the likelihood that they will drop out rises dramatically"<sup>143</sup>

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<sup>140</sup> Ravitch, 152.

<sup>141</sup> Ravitch, 153.

<sup>142</sup> Kohn, 21.

<sup>143</sup> Wood, 37.

### **The High Costs of Implementing the Tests**

In addition to the flaws of high stakes testing, administering these tests in order to comply with the policies of No Child Left Behind standards results in staggering costs. According to a 2003 study conducted by the United States General Accounting Office, it is estimated that the testing requirements that are outlined within No Child Left Behind will cost states around 1.9 billion dollars between 2002 and 2008. This figure however is only applicable to states that utilize easy-to-score multiple choice tests. If all fifty states opted to use a combination of multiple choice and open ended questions (such as hand-scored essays) the cost to administer the required annual tests would reach 5.3 billion dollars.<sup>144</sup>

### **Is Credentialing Really the Best Method**

National policymakers believe that professional development is a pinnacle element in the improvement of student achievement. Under the No Child Left Behind Act, highly qualified status is tied to state teacher certification or licensure, as it demonstrates a teacher's impact on student learning. According to researchers, teachers are the most important school-based determinant of student achievement. Individual teachers have a large effect on how much material a student processes and learns. Estimates of a teacher's effect range from .25 to .50. When these numbers are translated into test scores, it infers that a top quality teacher might have as large of an effect as up to fifty national percentiles over a three year period. A strong educational instructor can

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<sup>144</sup> Orlich, 7.

move a student below basic levels up to proficiency. However, a poor teacher can reliably do the reverse of that.<sup>145</sup>

Conventional wisdom was once that one could ensure the quality of a teacher through credentialing. This suggests that through earning one's bachelor degree and a teaching certification through a school of education a quality instructor will automatically be produced. From there, even greater knowledge and level of expertise is garnered through master's degrees and doctorates.<sup>146</sup> This notion of credentialing in order to determine who is and who is not a high quality teacher is utilized under No Child Left Behind. According to the law, NCLB requires that all public school teachers be "highly qualified" by 2007, by doing the following: acquiring a state teaching certification and demonstrating subject matter competence.<sup>147</sup>

Unfortunately these conventional wisdoms are false, as research shows education credentials have little or nothing to do with quality as measured by student achievement. It has been found that skills distinguishing effective teachers apart from the rest can only be demonstrated on the job. Some of these skills include, focusing lesson around clear objectives, using class time effectively, offering useful feedback on students work, managing student behavior, motivating student to learn academic content, providing students appropriate opportunities to practice as well as refine skills, differentiating instruction to the learning needs of different students, and the list goes on.<sup>148</sup> These skills cannot simply be guaranteed by the training one receives, as only some teachers are able to execute these practices effectively within the classroom, and credentials cannot predict

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<sup>145</sup> Chubb, 47, 48.

<sup>146</sup> Chubb, 49.

<sup>147</sup> Popham, 14.

<sup>148</sup> Chubb, 49.

who that individual will be. In addition, subject matter competency has only been demonstrated as more likely to guarantee quality at the secondary school level and not for elementary teachers.

The credential standards are only required for new teachers as veteran instructors use HOUSE (High Objective Uniform State Standards of Evaluation). The HOUSE program allows veterans to display their subject matter competency and be determined “high quality” based on workshop training and experience. Under No Child Left Behind the purpose of professional development is to be geared primarily to topics of student learning. The simplicity of attending workshops or conferences, or even workshops that work on curriculum have not proven to be anymore effective in raising student achievement. This supposed remedy for insuring all of America’s students are educated by high quality instructors falls short as it is based around a weak, measurement that lacks the ability to stand up to research. As a result, school districts are now routinely filing reports of 100% proficiency, yet a large percentage of their schools continue to fail under No Child Left Behind.<sup>149</sup>

### **State Variations in Highly Qualified Teachers**

What many people do not know is the story of state to state variation under the No Child Left Behind Act also plays out in the “highly qualified teacher” proposal as well. Thirty-seven of the fifty states in America use Education Testing Service (ETS) and their PRAXIS II test in order to determine teacher content knowledge for state administered teaching certification tests. Once again each state is allowed to set its own minimum standards on the PRAXIS II in order to pass the test and achieve highly qualified status.

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<sup>149</sup> Chubb, 50, 51.

An example of startling state differences is ever present in examples such as the math test at the secondary level where state scores vary from a passing score of 156 in Colorado to as low as 116 in the state of Arkansas. The Education Testing Service reports the medium content knowledge score need to pass of all thirty-seven states is 143. Another example of this variation across state borders is on the middle school math examination for teachers. Virginia sets the bar with the highest score (163) needed to pass as highly qualified, while Nevada and South Dakota are tied for the lowest score of 139. These statistics show that in order to be designated as a high quality teacher depends on which state you teach in. How are we suppose to guarantee that all of America's students will be taught by highly qualified instructors if you can pass in one state and become a teacher, yet that same score means that you fail in another? This raises alarming notions of students on either side of state lines are therefore subjected to substantially different levels of teacher quality, yet under the law all of these teachers are deemed "highly qualified."<sup>150</sup>

### **Schools as Scapegoats**

A major flaw of the No Child Left Behind legislation is that its accountability model removes all responsibility away from students and their families, placing the students' academic performance solely on the teacher and school in which they attend. NCLB neglects to acknowledge that students share a role and responsibility within the learning process. Rather under No Child Left Behind it seems as though students are merely passive recipients of their teachers influence. Nowhere in the federal government's accountability model do they measure or have some sort of indicator of the

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<sup>150</sup> Porter, 294.

students diligence, motivation or effort. Do they attend school on a regular basis? Do they do their homework? Do they pay attention in class? These factors affect a student's performance in school just as much, if not more than their instructor's skill. Similarly, those that penned the law turned a blind eye to the primary role parents play in the education of American youth. Is the child encouraged to read or write and take an interest in academics? Do they live in a stable home where they are expected to attend school regularly? Let me ask you this, who taught you to read? Most will respond with their mother or father as parents are the ones that are primarily responsible for their children's behavior, social development and attitudes. Yet in the eyes of No Child Left Behind, the responsibility does not exist, thus creating a number of fundamental inadequacies with the accountability method in place.

### **The Issues of Achieving Adequate Yearly Progress**

At the heart and soul of No Child Left Behind is the legislation's requirement for annual testing and proof that students are making adequate yearly progress (AYP). This three letter acronym is bound to dominate the nation's educational landscape for the oncoming years as this particular feature of the law leads to the labeling of schools as well as school districts as passing or failing. As noted by many education professionals, AYP provision is not grounded in any proven theory of school improvement. As Richard Elmore, Harvard Graduate School of Education Professor, explains, "the AYP requirement, a completely arbitrary mathematical function grounded in no defensible

knowledge or theory of school improvement, could, and probably will, result in penalizing and closing schools that are actually experts in school improvement.”<sup>151</sup>

The No Child Left Behind Act asks that “no child” go uneducated, yet the law gives schools no credit within adequate yearly progress (AYP) calculations to schools whose students make academic progress below and/or above the state’s line of proficiency.<sup>152</sup> The do-or-die attitude behind the AYP system creates perverse incentives, discouraging schools and teachers from paying equal attention to the education of *all* students. Once the level of proficiency is set, schools must work to bring their student body to the given level. It leads schools and teachers to focus on the students that are at the cusp of achieving grade-level proficiency in order to increase their overall AYP percentage. There are no incentives however for schools to work with students who are on or above grade level. Sadly, the measurement tool also does not provide a strong enough push to focus on the students far below the bar as it is unlikely they will achieve the necessary standards.

### **NCLB and America’s Top Students**

For those students in the top of their class, progression from proficient to advance is never taken into account. No Child Left Behind’s purpose was explicitly to ensure that all students achieve *at least* proficiency. The law unfortunately lacks any sort of objective for students that fall into the categorical realm of advanced. This again provides teachers with little incentive to work with students that have already achieved high levels of proficiency as their scores will not hinder the schools targeted adequate yearly progress.

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<sup>151</sup> Guisbond and Neill, 12, 13.

<sup>152</sup> Chubb, 26.

What lawmakers did not see was this strong focus on the achievement of adequate yearly progress may actually hurt the nation's top students. America's top students may be leading the country in test scores, bachelor degrees, and advanced technical degrees but the top quartile of America's students does not lead the international education scene. In fact we know since the passage of NCLB, America's top students are progressing at lower rates than that of students that fall within the bottom. No Child Left Behind offers schools no incentive to boost a student's achievement beyond the level of proficiency. This is an even more concerning topic when you consider the states that have lower standards and definitions of what is proficient. Advanced students face extremely low expectations under the No Child Left Behind Act as they need not remain in the advanced category in terms of scoring to suffice NCLB's adequate yearly progress.<sup>153</sup> Rather than push for all students to achieve a level of proficiency, No Child Left Behind should require schools to help all students grow regardless of their level. Those that have already scored in the proficient or advanced category should not just be allowed to maintain or even backslide under the law, but rather be pushed to achieve forward progression in terms of their education.

### **Subgroups and Increased Failure**

One of adequate yearly progress (AYP) greatest faults is that there are too many ways to fail, even when a schools seems to be moving in a positive direction. This holds especially true for highly populated minority schools. While designing accountability systems for schools, state policymakers have been forced to confront the long standing reality of differences in test performance by racial and ethnic minorities and white

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<sup>153</sup> Chubb, 28.



students. Thus under NCLB, it is mandated that test scores are to be disaggregated according to a variety of subgroups and then reported. Through the use of subgroups, No Child Left Behind aspires to leave no groups behind, as it sets goals for subgroups defined by characteristics such as race/ethnicity, economic disadvantage, disability, and English language learner status.<sup>154</sup> What seemed reasonable and promising at first glance has resulted in an array of unintended consequences. Although well-intentioned the subgroup proposal of No Child Left Behind has resulted in fewer resources and more sanctions implemented in racial and economically mixed schools simply due to the fact that they are diverse.

With high stakes tests bearing high stakes consequences each school as well as each school district must now track its subgroups in order to make sure that they also make the ever increasing annual percentage of adequate yearly progress (AYP).<sup>155</sup> According to the mandate, sufficient AYP must also be displayed in a school for student subgroups reflecting race/ethnicity (white, African American, Hispanic American, Asian American, and Native American students), economically disadvantaged students, students with disabilities, and students with limited English proficiency. In total, school districts are to report separate test achievement data for twelve subgroups, if pertaining to the schools student population.<sup>156</sup> However, small numbers of these student groups, while insufficient for determining a schools AYP status, must be aggregated at the district level.<sup>157</sup> From the twelve reportable subgroups, each of the subgroups is further broken down by sex. The scores must then be reported for the tested subject areas: language arts,

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<sup>154</sup> Kane and Staiger, 152.

<sup>155</sup> Hess, 65.

<sup>156</sup> Orlich, 8.

<sup>157</sup> Popham, 30.

mathematics and science, resulting in seventy-two separate entries per a single grade.

When one considers all ten grade levels that are tested, a district that fulfills all subgroups must report 720 traits, thus equaling 720 ways for a district to be deemed AYP-failing.<sup>158</sup>

A district could end up having every single one of its schools escape the label of failing on an individual basis, yet because of the aggregated subgroup performance on the district level, the district itself could be determined a failure.<sup>159</sup>

Based on raw probability alone one can determine that the more students a school has from these legally identifiable student subgroups, the greater number of chances there are for the school to fall short of the state determined annual AYP target. Unfortunately under the legislation of No Child Left Behind, if one subgroup fails, the entire school fails. Thus, the fewer number of subgroups a school is composed of decreases the likelihood that the school will be identified as an adequate yearly progress based failing institution.<sup>160</sup> What was originally seen as a praiseworthy intention of lawmakers, as they attempted to call attention and focus to underserved subgroups has in turn punished larger, more diverse schools. Diane Ravitch notes that,

The fact that the school that has fewer challenges to make AYP [adequate yearly progress] while the school with great challenges fails to make AYP does not justify the conclusion that the first school is more effective than the second school. The first school might very well fail to make AYP if it had a student body that was comparable in composition to the one in the second school.<sup>161</sup>

No Child Left Behind's AYP system has placed highly diversified schools at a severe and consequential disadvantage, as they have a more difficult time complying with the mandates of the act. Schools with populations that are linguistically, economically and

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<sup>158</sup> Orlich, 8.

<sup>159</sup> Popham, 31.

<sup>160</sup> Popham, 31.

<sup>161</sup> Ravitch, 154.

racially diverse are posed with the extra weight of meeting a greater number of required standards in comparison to that of schools that lack diversity.

Under No Child Left Behind, if any of the racial subgroups within the school fail to achieve the minimum proficiency rate of the given year, this results in a failing grade for the school as a whole. Given the large differences in test performances according to ethnicity and economic status, it has caused states to face a trade off between setting a low standard for proficiency and accepting a high rate of failure. The trade off is even more severe in those states that are more integrated, having higher levels of diversity, thus a large proportion of schools that enroll a significant number of minority students. As a result, a vast majority of schools containing high proportions of minority students are more likely to result in a failing school. The proportion of schools containing an African American or Latino subgroup varies widely by state, depending on the overall representation of ethnic youth in the residential population. In a report from the Common Core of Data for the 2000-2001 school year we see a high level of African American and Latino integration in American public schools. According to the study, 54% of public schools nationwide contain an African American or Latino subgroup. Also, the study shows that minority populations tend to be higher in the South and West. More than 80% of schools in seven states (California, Texas, Louisiana, New Mexico Mississippi, Delaware, and South Carolina) as well as the District of Columbia contain African American or Latino subgroups. Another seven states (North Carolina, Virginia, Arizona, Florida, Nevada, Alabama, and Georgia) contain African American and Latino subgroups in more than 60% of their public schools. These statistics raise interesting questions for No Child Left Behind and the notion of sanctions if failure to meet AYP. If African

American and Latino subgroups are more likely to fail, a very large share of these schools are likely to fail to meet AYP.

### **One-Size Fits All**

Adequate yearly progress provisions further reflect the flawed reasoning within the No Child Left Behind Act as it assumes all schools have the adequate resources to move all of their students to a level of proficiency. This assumption implies that administrators and teachers are not working hard enough, or not working well. It infers back to the great American theme of pulling yourself up by the bootstraps and with willpower and valiant effort schools will make their way to unprecedented levels of achievement. This reasoning ignores realities and serious factors that impede improvement within the classroom in both teaching and learning. AYP fails to take into account real factors like inadequate resources such as book, and outmoded technology. They also do not take into account nonschool factors such as poverty and a high rate of student mobility.<sup>162</sup> This one-size-fits-all accountability model solely requires progress in the direction of the given states proficiency goals as it ignores the large landscape of difference among schools or groups and the amount of progress that is required to meet these goals. Local educators and administrators have no control over the standards and requirements as they are set by state officials.<sup>163</sup>

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<sup>162</sup> Guisbond and Neill, 13.

<sup>163</sup> Suderman [et al.], 29.

### **Students with Disabilities**

An additional unintended consequence of the No Child Left Behind Act is affecting those students within American society that suffer from mental disabilities, making these students more vulnerable. Under the federal regulation, students who suffer from severe mental disabilities are to be tested with alternative assessments. This allows those students to take a modified test that has been designed to assess alternate state-designed curricular aims for mentally challenged individuals. However, no state is allowed to give the alternative test to more than one percent of its total students. For example if a given state has a student body with two percent of its students suffering from severe cognitive deficits, then only half of the students will have the ability to take the alternative assessment, while the other half will be required to take the regular state-wide standard test under No Child Left Behind. Thus, nearly every child, regardless of their mental capacity will be required to take the same NCLB state-administered test and achieve proficiency in their given grade level by the 2013-2014 academic year.<sup>164</sup>

### **What Exactly Do You Mean By Proficient?**

No Child Left Behind (NCLB) places a strong importance on the words “proficiency level,” as it is used to establish the ultimate goal of reform in 2014 as well as the amount of change needed each year. What does this really mean? The No Child Left Behind legislation states that all students must reach the proficient level by the 2013-2014 academic school year, twelve years after its implementation. Under the legislation each state must clearly describe at least three levels of student achievement, namely – basic, proficient, and advanced. These levels are referred to as “academic achievement

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<sup>164</sup> Popham, 18.

standards.” Whether a student is deemed basic, proficient or advanced depends exclusively on the way a given student performs on the No Child Left Behind required statewide test. However, each state not only describes the three levels of student achievement but they also define the academic standard of each category.<sup>165</sup>

The result of this now notorious compromise which has allowed each state to set its own academic standards, as well as to provide its own definition of “proficiency,” has failed greatly. The term “proficiency” has no common meaning across state lines as each state sets its own definition of standards as to what proficient is. The difference in how states define what is proficient varies from state to state, subject to subject and grade level to grade level.<sup>166</sup> Under the legislation of No Child Left Behind, achieving the levels of proficiency was intended to provide students with the knowledge and skills to work effectively at each grade level from elementary school up through high school. Proficiency was meant to represent preparedness for high school students moving toward their next step in life, whatever that might be.<sup>167</sup> With the best of intentions, the legislative act naively assumed that states would all want proficiency to accomplish the same thing, however with strict sanctions and timelines, states have taken the notion of proficiency and universal achievement and fashioned it into a completely different manner.

### **2014 and the Race to the Bottom**

A reason for the high rates of failure as well as the lack of consistency in defining what proficiency means, is the pace of progression which has been laid out under the law.

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<sup>165</sup> Popham, 23, 24.

<sup>166</sup> Vinovski, 173.

<sup>167</sup> Chubb,

100% proficiency across the nation is more of a fantasy than a reality. What was crafted as political rhetoric has now led to a widespread application of “failing” labels for many American schools and districts. Under the guidelines of No Child Left Behind and their methods and commitment to ensure universal achievement we have found nothing but an auspicious democratic ideal. According to a 2004 study, the Connecticut Education Association projected that more than nine out of every ten Connecticut elementary and middle schools will fail to meet the given AYP targets by the national deadline of 2014.

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Many believe that there are only two ways in which states can hit the 100% proficiency mark by the year 2014. The first is that schools cheat on the test. The other solution is for the state tests to be made easier, a phenomenon commonly known throughout the world as “the race to the bottom.” Under NCLB states face powerful incentives to set the proficiency bar as low as possible in order to be free of the cost of harsh sanctions. A schools performance depends directly on the difficulty level of the state-set achievement standards, thus fearing an onslaught of failing schools, many states have revised their expectations of students, lowering standards for what is proficient as well as simplifying the test.<sup>169</sup> Since the passage of No Child Left Behind, over thirty-seven states have updated or revised their state standards in at least one subject area.<sup>170</sup> In 2005, 89% of fourth-graders in the state of Mississippi were ranked proficient in reading. This was the highest percentage in the entire nation. When the same group of fourth-graders sat for the National Assessment Educational Progress (NAEP) the state fell to the bottom with just 18% of fourth graders making grade level in reading. In 2007, Texas

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<sup>168</sup> Guisbond and Neill, 13.

<sup>169</sup> Popham, 25

<sup>170</sup> Vinovski, 174.

reported that 90% of its students in grades four and eight were proficient readers, while the NAEP tests only sites 26.2 % of those students as being proficient. Similar circumstances have also occurred in states such a Tennessee and Nebraska.<sup>171</sup>

States like Massachusetts and California, that are known to have some of the toughest curriculum and therefore most difficult exams, although delivering a more rigorous level of education, are setting themselves up to fail in terms of meeting the standards of No Child Left Behind. This has allowed for a staggering difference in how academically demanding one state is in comparison to another. The variation in baseline standards has allowed for students to technically pass in one state yet fail in a neighboring state that imposes higher standers in order to achieve proficiency.<sup>172</sup> An analysis conducted by researchers at the Thomas B. Fordham Foundation, found that the quality of educational standards (grade-by-grade, subject-by-subject learning goals) has declined in thirty states from the year 2000 to 2006. Four of those thirty, Delaware, Kansas, North Carolina, and Oklahoma, are all said to be on track to achieve 100% proficiency by 2014. Yet the laws inability to establish clear-cut levels of achievement on a national level has resulted in the ultimate goal of achieving universal proficiency by the 2013-2014 academic year to have no coherent meaning.<sup>173</sup>

This extremely optimistic timeline of achieving universal proficiency has pushed schools to dumb down standards in order to meet the goal of 2014 and avoid harsh sanctions under No Child Left Behind. The Thomas B. Fordham Foundation has awarded only three states, California, Indiana, and Massachusetts, with a letter grade of an A for their mathematics, history, reading, and science standards as a whole. Only six of the

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<sup>171</sup> Ravitch, 161.

<sup>172</sup> Abernathy, 15.

<sup>173</sup> Vinovski, 175.



remaining states earned Bs, while twenty-one states received Ds and three states were awarded Fs. In spite of these poor grades, the No Child Left Behind era has resulted in a number of states reporting grand increases in test score gains. Unfortunately, these gains were not real. New York State's department of education quietly changed the scoring of the state-mandated tests in both mathematics and English language arts, resulting in dramatic gains in the proportion of students that met state standards each year. Between 2006 and 2009, when the state of New York introduced new tests, the proportion of students in grades three through eight who achieved proficiency on the state's math test jumped from 28.6% to an astounding 68.3% in Buffalo, New York. In Syracuse the numbers spiked from 30.1% to 58.2%, while New York City saw a growth from 57% to an incredible 81.8% proficient. An unaware public saw these amazing increases as solid evidence that the state's school system was drastically improving and providing a better education to the children of New York. But what many did not know was, state officials had made it easier to pass the test. In 2006, seventh grade students were required to get 59.6 % of the points on the test in order to meet the state proficiency standard in the subject of mathematics. By the year 2009, students only needed to answer 44% of the questions correct in order to be deemed proficient.

Since the passage of NCLB, states have opted to be generally undemanding of their students. Even if the state provides decently strong guidelines and standards as to what is to be taught in the classroom, states have been willing to declare that students have achieved levels of "proficiency" without those students scoring at high levels on their respective state examinations.<sup>174</sup> The overall goal of No Child Left Behind was to ensure that each child was receiving a quality education regardless of race or social class.

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<sup>174</sup> Chubb, 19.

Therefore, there should be no reason why students in different American states should be experiencing such disparate expectations in school. Under NCLB, no American would ever argue that students in the state of Mississippi are not entitled to the same level of education as students in Massachusetts, as these subjects are just as important to the development of students of Mississippi as well as the future economic state and development of Mississippi. Unfortunately, this is the current reality that we face as a result of the No Child Left Behind legislation. Since the passage of NCLB most states have been general about the skills required and vague about the content as well as the level of mastery. Even neighboring states have acquired vastly different standards and levels of mastery that define proficiency. The state of North Carolina claims close to 50% more proficient students in reading and math compared to that of its neighbor South Carolina, even though the NAEP results suggest that the two states achieve at similar levels. Thus, the average student that is declared proficient in the North Carolina state assessment would not achieve proficiency levels on the South Carolina examination(s).<sup>175</sup>

No Child Left Behind has done nothing but exacerbate the issue. Prior to the passage of NCLB, states set their own academic standards as well as the consequences that were attached to them. A state had the ability to decide to set high levels of expectation and fashion an accountability system it felt was fair, thus giving its local schools adequate time and resources to meet their respective standards. Since the passage of No Child Left Behind, states have not only had to consider the consequences they have attached to standards but the sanctions attached to NCLB as well. In fear of the harsh sanctions implemented under the act, many states have sought out to shield their schools by lowering the standards. This ultimately makes it easier for the students, school and

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<sup>175</sup> Chubb, 20, 21.

district to achieve proficiency and make adequate yearly progress (AYP) each year. It is clear that many states, motivated by the realities of NCLB requirement that every student be “proficient” by the 2013-2014 academic year, many states have decided that skills formally deemed “basic” are good enough to be “NCLB proficient.”<sup>176</sup>

## **Conclusion**

All policies have the potential for unseen and unwanted consequences; unfortunately, No Child Left Behind was no different. Although directly stated in the dense legislation, the goal of NCLB –to ensure that all children attain an equal and high-quality education and meet challenging academic standards, the educational reform program is not. We as a nation have come to rely heavily on notion of a snap-shot image of students’ abilities and used it to make serious decisions regarding America’s public schools and our teachers. While the law seeks to leave no group of students behind, in actuality it punishes those residing in the poorest communities as well as minority students. No Child Left Behind’s accountability measurement, which was suppose to induce greater performance from students and teachers has in turn encourages schools as well as states to look for any loopholes they can find in order to showcase themselves in a more positive light. As the years have passed we continue to see states’ refashioning the level of mastery needed to be deemed proficient as well as narrow the content of a child’s every day learning experience. Others have noted that the laws most basic flaw is that it fails to acknowledge the realities of large social and economic issues that impede on our lives and have a great affect on ones education. The reasons for criticizing No Child Left Behind range from significant philosophical differences to concerns regarding specific

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<sup>176</sup> Chubb, 21.

technical aspects of the legislation. Regardless of ones reasons for critiquing the law, the one thing that stands true is that No Child Left Behind is undoubtedly a flawed vehicle of educational reform and many of the unanticipated consequences need to be both acknowledged and remedied.

## **Chapter 4: No Child Left Behind and the Achievement Gap**

### **Introduction**

Like so many reform movements, No Child Left Behind and its predecessors found their footing on a moral high ground. In the case of NCLB it was expressed through the intentions of closing the achievement gap. I mean who could object to a law that promises that not a single child will be left behind in the realm of American public schools. The federal legislative piece, No Child Left Behind, stood as a continuation of this historic promise. A promise of our public schools system, and that all children regardless of race, socioeconomic status, color, gender, creed or disability would have equal access to a proper education. Yet as we learn today, it has not been an easy job. Today children of color and those of poorer backgrounds continue to not fare as well in school as their wealthier, white counterparts. Closing the achievement gap has been a long standing concern of educators, policymakers, and parents. Our faith in the American public school system as the great equalizer remains strong, as our frustrations with our previous failures have led to the passage of the No Child Left Behind Act of 2001.

### **What is Achievement Gap?**

One of the most pressing issues in the American public education is the academic achievement gap, a persistent disparity between minority and low-income students and their more privileged white peers on measureable test scores. While average achievement levels in some United States school districts rank among the world's highest-achieving nations, other districts rank among the world's lowest performers. Inequality is evident not only between districts but also within schools, where students of different social

backgrounds attain widely varying outcomes. The achievement gap has been in existence since the beginning of aptitude and achievement testing, and continues to flourish despite massive investments into a number of educational programs and policies. For numerous years, economically disadvantaged as well as minority students have been scoring lower than their white and wealthier peers in terms of academic achievement. The school desegregation efforts stemming from *Brown v. Board of Education* have been followed with increased sources such as the Head Start Program, Title I, and a variety of specifically targeted educational based programs, yet the achievement gap still remains large and present as ever.

### **How Does NCLB Plan to Close the Gap?**

While designing accountability systems for schools, policymakers have been forced to confront large and long-standing differences in test performance by race/ethnicity and socioeconomic background. As noted in the legislative piece, the accountability requirements are intended to “close the achievement gap between high- and low-performing children, especially the achievement gaps between minority and non-minority students, and between disadvantaged children and their more advantaged peers”<sup>177</sup> The current federal program designed to reduce inequality in education, the No Child Left Behind Act (2001), is latest in more than two decades of federal efforts to raise educational standards and provide equality to all students within the United States. As a reflection of the legislation's title, the No Child Left Behind Act (2001) aspires to leave no group behind. The goal of No Child Left Behind is “to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and

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<sup>177</sup> Suderman et. al., 23.

reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments.”<sup>178</sup> Thus the law speaks to the notion of the pursuit of educational excellence and the effort to ensure that all students, regardless of ones income or ethnicity, have equal access to education. In order to do so, the law sets goals for subgroups which are defined by race/ethnicity, disabilities, economic disadvantage and English language learner status. Under NCLB, schools and school districts would no longer be able to disguise the failure of the underserved (children of color, the poor, and handicapped) since the achievement scores of those children were to be sorted out and reported separately from the schools collective score.

### **Unintended Consequences –Will They Ever Catch Up?**

Americans were promised that as a result of these subgroups and target goals under the No Child Left Behind Act, incentives and punishments associated with the law would result in higher-quality, and more equitable public schools. And through the use of subgroups, which consist of the most historically underserved, the law aspires to leave no group of students behind and ultimately close the longstanding achievement gap. However, as in many other areas of policy design, that which seemed reasonable at first has resulted in a number of unintended consequences.

One of the major faults with NCLB and its ability to close the achievement gap is that although school improvements have raised minority scores, they have also raised white scores. The struggle with closing the achievement gap via NCLB is that the goals of No Child Left Behind are expressed not as improving minority and low income student achievement, but rather attaining equal proficiency for all groups of students. According

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<sup>178</sup> Foorman et al, 17.

the NAEP trends demonstrated between 2000 and 2005, if the rates of black and white improvement are projected to the year 2014, blacks will still be more than twenty points behind whites in areas such as eighth grade math achievement. The situation is also similar for levels of reading achievement. Assuming that white students continue to gain about a single point a year, which is the historic national average, then black students will have to gain more than five points each year in order to catch up to their white counterparts by the year 2014. And still that would only amount to a ninety percent passage rate, still falling short of the one-hundred percent proficiency standard set by No Child Left Behind to be achieved by the 2013-2014 academic year. The state accountability systems under the NCLB act are not a solution for the achievement gap problem we face today in the United States.<sup>179</sup> The current increase in achievement levels is small, yet they have benefited white as much as black students. It is not to be suggested that it is bad that white children are making gains but rather the programs method of closing the gap will fail to do so due to the broad scope of the program and lack of specified focus on the underserved student population in the United States.

### **More Ways to Fail**

Studies have found that the new accountability demand imposed by No Child Left Behind may in actuality be even further widening the current achievement gap. As noted before, accountability mechanisms that are fashioned around test scores can have a disparate impact on schools with larger populations of minority and low income students, as they have more chances of failing to meet the annual adequate yearly progress numbers. Large and diverse schools may have as many as eight subgroups that need to

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<sup>179</sup> Armor, 326.



meet the distinguished levels of achievement under AYP. Adequate yearly progress failure rates are estimated to be two to four times greater in states in the Southern and Western portions of the United States, as they possess large minority populations, thus they must meet more subgroup targets under AYP.<sup>180</sup> Thus, adequate yearly progress has given an apparent advantage to schools that possess fewer students and less diverse student body populations, as they are held liable for less subgroup accountability.

According to the Robert Balfanz's study, schools that made AYP, did so with 25% fewer subgroups. The disadvantage of subgroups remained glaring even when discussing "low performing schools." Balfanz's 2007 study determined schools to be "low performing," based on an institutions ability to keep students on track to graduation and drop out rates. Low performing schools without racial or ethical subgroups made NCLB adequate yearly progress 61% of the time, while low performing schools with at least one subgroup only made NCLB's adequate yearly progress measurement 34% percent of the time.<sup>181</sup> Schools that have Blacks or Hispanics as the largest racial/ethnic group make adequate yearly progress about one-third of the time. Yet when schools majority group is White students, they make AYP 53% of the time. Thus, the number of subgroups within a school becomes a strong indicator of a schools adequate yearly progress status. For each additional subgroup that a school legally required to desegregate the schools collective scores down to lowers the odds that the school will make AYP by 38%. Schools that are composed of a less diverse student population and ultimately fewer subgroups, have an easier time meeting adequate yearly progress.<sup>182</sup> In 2005, the *Chicago*

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<sup>180</sup> Kane and Douglas, 175.

<sup>181</sup> Balfanz et al., 570

<sup>182</sup> Balfanz et al., 568.

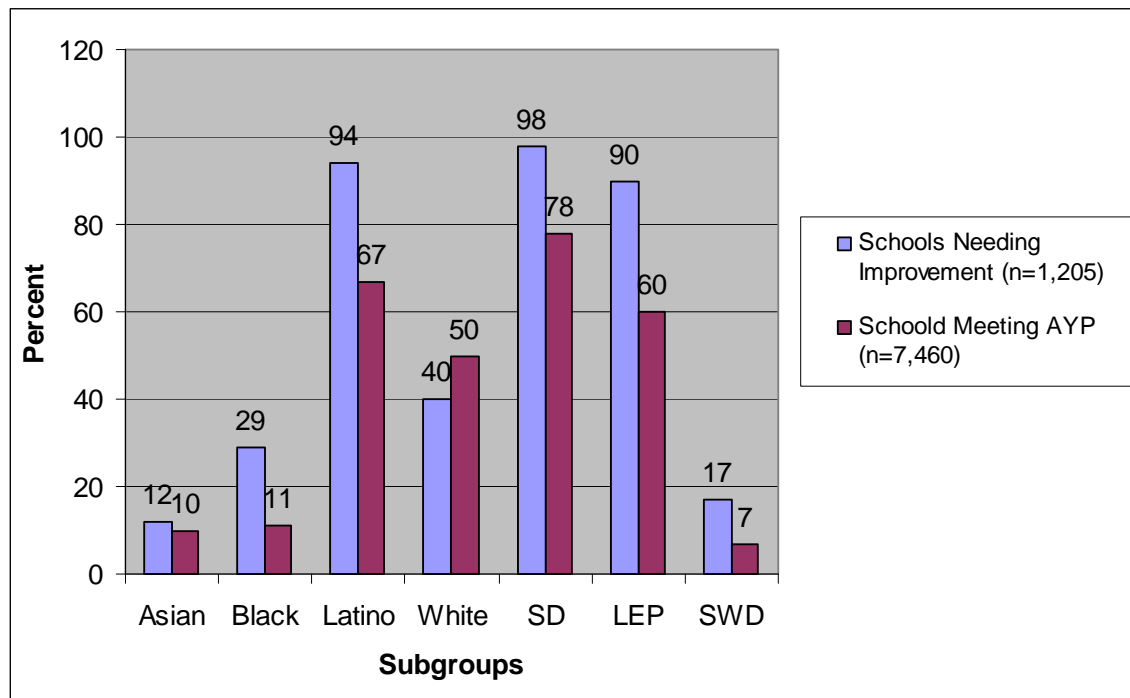
*Sun-Times* reported that low income students were the sole reason fifty-seven schools and five districts were listed under needs improvement under the NCLB law.<sup>183</sup>

In requiring schools to meet several subgroup targets, Kane and Staiger point out that the presence of subgroups “is analogous to correctly calling three or four coin tosses in a row, instead of a single toss.” The odds of correctly calling a single coin toss is two to one, whereas the odds of calling four successive tosses correctly is sixteen to one. Like the coin toss, the more subgroups present within a school decreases the odds of meeting adequate yearly progress. Given the strong correlation between minority status and poverty status and language ability, Black and Latino student are far more likely than White students to be counted in multiple subgroup categories, including race, ethnicity, economic disadvantage, and limited English proficiency. Thus, schools that possess a higher number of Black and Latino students are more likely than whites to be subjected to multiple subgroup benchmarks that are non-race related due to the strong correlation between minority students and economic status. To examine the impact of No Child Left Behind’s subgroup rule, let us look at how these policies were applied to schools in California, a state with some of the most ethnically and socially diverse public schools.

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<sup>183</sup> Foorman et al., 26.

**Figure 4-1: Percentage of Schools Needing Improvement & Schools Meeting AYP with Different Subgroups in Reading (California)<sup>184</sup>**



Schools identified as needing improvement were more likely than schools meeting AYP to be required to meet separate performance targets for disadvantaged subgroups such as racial and ethnic minorities, students with limited English proficiency and low-income students. This means that schools that were found to be needing improvement were held accountable for meeting subgroup targets for students who have historically performed poorly on standardized test and who are most likely to fail to meet proficiency targets set under No Child Left Behind. Figure 4-1 helps to highlight the various demographic differences between schools meeting AYP and schools identified as needing improvement. Close to 90% of schools needing improvement contained a socioeconomically disadvantaged, limited English proficiency or Latino subgroup. Only

<sup>184</sup> Suderman et. al., 35.

a very small percentage of schools that met adequate yearly progress contained all three of these subgroups. In addition, schools needing improvement were more likely to have a Black subgroup as well as special education subgroup and less likely to have a large bloc of white students present at their school than schools meeting adequate yearly progress.<sup>185</sup> Thus schools that failed to make AYP are concentrated in racially and ethnically diverse and low-income communities. The accountability system, which is based on cross-sectional test score results, tells us much more about race, ethnicity and resource inequalities than the underlying quality of United States public schools.

Some suggest that these negatives associated with diversity may even risk increasing racial and economic segregation through school transfers and redistricting, in order to minimize comparisons of subgroups within schools.<sup>186</sup> An example of the possibility of future racial segregation is the Mount Vernon Elementary School in Alexandria, Virginia. Mount Vernon's student body consists of a 74% minority rate, and many of these kids come from homes where English is not the first language spoken within the home. At the same time, there is a strong core of students at Mount Vernon that come from homes with highly educated professional parents. The diversity of the school holds Mount Vernon legally accountable for a large number of subgroups. And as noted by educator and USA Today writer Patrick Welsh, "by labeling Mount Vernon a failing school, we risk scaring off parents who might as well end up putting their children in private schools or leaving for a 'less diverse' school."<sup>187</sup> As a result of the additional benchmarks that must be met by each subgroup, we may in turn catalyze the reintroduction to self segregated schools. Ultimately the subgroup rules, although well

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<sup>185</sup> Sunderman et al., 34, 35

<sup>186</sup> Armor, 338.

<sup>187</sup> Welsh, 9.

intentioned, are counterproductive as they result in fewer resources and more sanctions targeted at diverse schools, solely due to their diverse nature.

### **Low Performing Students Acting as Threats to Schools Livelihood**

Numerous national indicators reveals that poor urban schools and children that fall within at-risk subgroups continue to severely underperform in comparison to both their white and affluent counterparts as well as national averages. This raises serious issues in regards to No Child Left Behind's central theme of accountability and meeting adequate yearly progress. Like health insurance companies consider unhealthy clients too expensive to cover, under the No Child Left Behind Act, students far below the passing level are viewed as a poor investment as they will not help the school reach the bottom line of proficiency.<sup>188</sup> The accountability methods of No Child Left Behind and its destructive core of AYP and sanctions have further disadvantaged the high proportion of underserved students of the achievement gap. Rather than be viewed as a student in need to help, attention those performing far below the proficiency level is perceived as useless in terms of the schools survival since the students are unlikely to pass the test. When the Chicago Public Schools hired experts to provide advice in schools performing below the states adequate yearly progress goals, the experts advised teachers to target the instruction toward those children the near passage level. For sixth graders whom fifth grade level achievement was required, teachers were told to target students in "stainines three and four," both of which lie in close relations to passage level. According to the experts those children far below the passage rate "should be deemphasized."<sup>189</sup> Rather

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<sup>188</sup> White and Rosenbaum, 101.

<sup>189</sup> White and Rosenbaum, 101, 102.

than offer the necessary extra time and attention needed to those performing below the desired achievement levels, students were pushed to the wayside, reclassifying the student as undesirable and altering a teacher's professional attitude to its struggling students.

### **Home Life**

No Child Left Behind seeks to address school failure solely as an academic problem, and believes it will be fixed through academic intervention. The law's greatest shortcoming is that it fails to consider and acknowledge other risk factors that are associated with school failure. Rather the law relies heavily on high stakes testing and sanctions imposed on schools in order to fix the achievement gap. Not only is a student's education shaped by school factors but also factors within the community, neighborhood, family, home, and personal characteristics of the given student.<sup>190</sup> The law functions under the assumption that schools alone can eliminate the achievement gap in face of powerful social inequalities burning within the wider society. Academic problems are often accompanied by larger social and emotional risk factors in a student's life. Although the law acknowledges the strong presence of the achievement gap and seeks to close it, No Child Left Behind fails to address the systematic barriers that children face when living a life in poverty or oppression. As Urrieta (2004) states, "the policy creates an 'assistencialist' education system in which education policy attacks the symptoms, but not the causes, of the problems it seeks to solve."<sup>191</sup> Thus, No Child Left Behind does not address the roots of inequality.

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<sup>190</sup> Lagana-Riordan and Aguilar, 135.

<sup>191</sup> Lagana-Riordan and Aguilar, 138.

Families are children's first teachers. On a child's very first day of school, there is already wide difference in a child's readiness to learn. Some children have educated parents, some do not. Some children come from homes with books, magazines, newspapers, and other reading materials, while others do not. Some students have parents that encourage their children to do their schoolwork, noting the importance of education, and others unfortunately do not. Some parents take their children to the library, museums, the zoo and other places of learning, while some do not. As a result of varying upbringings, children begin school on a variety of different academic levels. In a study regarding language development, conducted by Betty Hart and Todd Risely, a large disparity was found between children from impoverished families and that of professional families. The study goes on to further conclude that even before the age of three years old, children from advantaged families had vastly more exposure to words and encouragement than children that were raised in poor households.<sup>192</sup> This study implies that the achievement gap exists long before America's youth even enters the classroom. This claim is even further supported by the National Longitudinal Survey of Youth. They found that there is a Black-White achievement gap for three and four year olds of 1.2 (standard deviation) in favor of white students on the Peabody Picture Vocabulary test (PPVT).<sup>193</sup> The initial ability a child brings to the school is therefore largely a product of their upbringing and socioeconomic background, and can strongly predict their academic growth and outcomes.

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<sup>192</sup> Ravitch 239, 240.

<sup>193</sup> Porter, 300.

### **Family Risk Factors**

The considerable amount of evidence present that confirms that the achievement gap is well established by the time a child starts school is extremely significant. This tells us that schools are not in fact the culprit of the achievement gap, as it directs us to look to families for the true causes of the achievement gap. Evidence continues to grow, as the early affects of the achievement gap can be directly linked to a number of family risk factors that operate early in a child's life. These risk factors include topics such as parent's IQ, number of siblings, nutrition factors, family structure (one or two parents present), and parental behavior, which is fashioned around the levels of instruction (cognitive stimulation) and nurturance (emotional support).<sup>194</sup> All of these risk factors have sizable correlations with a child's verbal score, yet mother's IQ and level of education has the single largest independent effect on the child, as it is so directly related to the care the child receives within his or her home.<sup>195</sup> These family factors strongly influence a child's cognitive development throughout the school year, and make it all the more difficult for school programs to overcome these familial effects that shape the child's educational development long before he or she enters the classroom. These family risk factors point to a variety of reasons as to why the achievement gap still remains despite massive investments in educational reform. For many of the factors black children have twice the risk of white children. Some of these include, breast feeding, having two parents, family income, mother's education, and teen mothers.<sup>196</sup>

Given that family factors are highly correlated with children's academic achievement and also plays a pinnacle role in the large gap that exists between minority

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<sup>194</sup> Armor, 327,328.

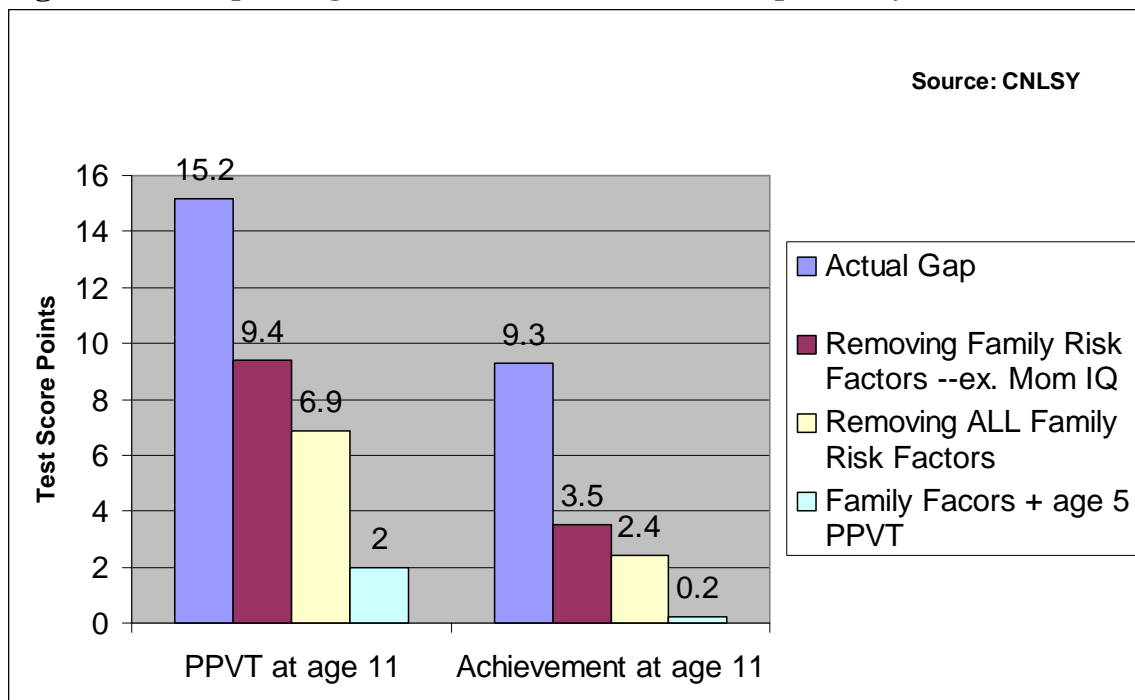
<sup>195</sup> Peterson, 10.

<sup>196</sup> Armor, 327.



students and their white counterparts, how much of the black-white achievement gap is explained through the presences of family risk factors. One of the strongest sources of nationally corroborate data supporting the conclusion that families have a powerful influence on cognitive development and the attainment of educational knowledge comes from the Children of the National Longitudinal Study of Youth (CNLSY). Figure 4-2 shows what happens to the long standing black-white achievement gap at age eleven (or 6<sup>th</sup> grade) when various factors are statistically removed.

**Figure 4-2 –Explaining the Black-White Test Score Gap for 11-year-olds**



The first set of bars represents the Peabody Picture Vocabulary test (PPVT) results at eleven years of age, while the second set is a representation of conventional math and reading achievement scores. Family risk factors alone explain over half of the black-white achievement gap, as the gap shrinks from 15.2 points down to 6.9 in the PPVT and

9.3 to 2.4 points in basic achievement when removing all family risk factors. Due to the fact that there are a variety of idiosyncratic factors that influence a child's cognitive skills we can also remove the effect of age 5 PPVT as an indicator of the diverse factors as well as unmeasured family factors that operate within a child's life before he or she enters school. When the effects of age 5 PPVT is removed (as noted early CNLSY found that there is a Black-White achievement gap for three and four year olds of 1.2 standard deviation in favor of Whites on the Peabody Picture Vocabulary test) there is virtually no achievement gap that remains. Figure 4-2 shows that score gaps that exist at students at the age of eleven can be strongly justified through the combination of family risk factors and the age five verbal skills that is fashioned before the child even enters school. Virtually none of the black-white achievement gap is attributed to school factors. If basically all of the achievement gap can be explained without referencing any school variables then there is very little left to be explained due to school policies and programs.<sup>197</sup>

### **Socioeconomic Status**

Substantial educational research has confirmed that a variety of factors shape the performance of a student, one of which that is strongly correlated to school performance and directly linked to that of school resources is a student's socioeconomic background.<sup>198</sup> Studies have found that neighborhood socioeconomic status (SES) has had a strong impact on academic achievement. This makes sense, as public schools are mainly funded through local property taxes, serving students that are mainly from the

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<sup>197</sup> Armor, 328.

<sup>198</sup> Zhang and Cowen, 25.

neighborhood in which the school is located. Studies have found disparities in socioeconomic conditions across neighborhoods perpetuate the variation in academic achievement and quality across America's public schools. If a public school is located in an affluent neighborhood, it is more likely to perform well and vice versa. This difference between wealth neighborhoods and resource stricken poorer schools is displayed in a 2001 study, where it was found that approximately four to six times as many students are eligible for free or reduced price lunches in bottom-scoring quintile of schools as in the top quintile.<sup>199</sup> Schools with adequate resources tend to score higher on academic indicators, as per pupil spending at the school level is positively correlated with student achievement as well as better test scores in reading.<sup>200</sup> Resources such as the participation in special programs, extracurricular choices, summer programs, and advanced classes as serve as pinnacle factors in fostering a strong learning environment. The lack of resources, such as the presence of advanced classes, is a risk factor for failure even for the most talented of students. In a study printed in the American Educational Research Journal in 2007, it was found that low performing schools (those that failed to make AYP) appeared to be lacking necessary resources. On average, schools that have one teacher for every 15.8 students are more likely to meet adequate yearly progress, compared to schools that provide one instructor for every 17.2 students. The difference is even more considerable as the number of students increases. In a school of 1,500 students, that would amount to eight additional members of the teaching faculty, or a 9% increase in staffing. Research shows that schools with student-teacher ratios of fifteen to

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<sup>199</sup> Betts and Daneberg, 198.

<sup>200</sup> Lagana-Riordan and Aguilar, 139.

one are far more likely to have the necessary resources to implement research-based reform.<sup>201</sup>

These issues regarding funding and amount of resources is extremely problematic in terms of the achievement gap, as these disparities are often directly correlated to the socioeconomic status, and racial composition of the school. Schools that are poorer, have fewer resources, and employ fewer qualified teachers are simply unable to meet the designated state standards that are set under No Child Left Behind. These schools are more likely to be subjected to financial and organizational sanctions under No Child Left Behind. Sanctions such as school transfers and supplemental services simply draw resources away from struggling schools. This only further depletes there already limited resources, decreasing the schools ability to improve student achievement. This is known as the “cycle of failure,” in which schools are repeatedly punished for being able to meet the unreasonable standards set by No Child Left Behind.<sup>202</sup> Thus, they are being punished for their poverty.

Variations in grades and test scores are also more likely to be paralleled to parental occupation characteristics of the students as well as the financial backgrounds which are intrinsically linked to that of the employment status of their parent(s) . According to numerous studies, parental SES account for a majority, if not all of the variation. An example of this is seen in a study conducted by the National Education Longitudinal Study (NELS), which used a national sample of eighth graders to determine mean GPAs. The study found that Asians had the highest GPA (3.24), followed by Whites (2.96), Hispanics (2.74), and Blacks (2.73). After taking into account family

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<sup>201</sup> Balfanz et al., 568.

<sup>202</sup> Lagana-Riordan and Aguilar, 137.

income, parental education, immigrant status, household status, and prior experiences in school the mean grade point average of each ethnic group matches the original order taken from the sample of eighth graders.<sup>203</sup>

### **Summer Slide**

The achievement gap in terms of poverty and low income v. wealthy students varies in the manner in which poverty is defined. Some individuals define the gap in terms of parents income or educational level attained. Other times, the gap is defined in terms of the percentage of students receiving free or reduced price lunches v. those that do not. Regardless of the way in which one opts to define the gap in terms of poverty, one consistent finding is that the gap increases less during the school year than it does during the summer months. Barbara Heyns, one of the first to measure summer effects, found that the gap between disadvantaged and advantaged children increased during the summer months but not during the academic school year. As noted in the TIME magazine article by David Von Drehle, “children with high access to high-quality experiences keep exercising their minds and bodies at sleepaway camp, on family vacations, in museums and libraries and enrichment classes. Meanwhile, children without resources languish on street corners or in front of glowing screens.”<sup>204</sup> Individuals such as Doris Entwisle, Douglass Downey and Beckett Broh all conducted similar studies, and all concluded that the SES achievement gap grows faster during the summer than it does during the school year regardless of ones grade level. Summer-learning expert Harris Cooper found that on average, all students lose about a month of progress in math skills

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<sup>203</sup> Kao and Thompson, 422.

<sup>204</sup> Von Drehle, 1.

each summer, yet low-income students slip as much as three months in reading comprehension, compared to that of middle-income students. By the end of elementary school, low-income students have fallen nearly three grade levels behind, and the summer slide is one of the largest culprits. By the time ninth grade rolls around, summer learning loss can be blamed for over two-thirds of the achievement gap separating income groups.<sup>205</sup> Clearly schools are not the primary responsibility for creating the achievement gap. That being said, should they be the primary vehicle on which we alleviate the nation of our disparities and close the achievement gap? Or is the No Child Left Behind Act (2001) utilizing the public academic institutions as scapegoats of a much larger social issue?

High standards and expectations are essential in order to achieve academic success, but failure to account for structural inequalities simply sets up those already disadvantaged schools to fail once again. The policy does not address the impact of adequate housing, nutrition, safe communities, or adequate health care, on a child's ability to attend and excel in school. Rather the law simply implies that even students in difficult situations should be held to the same standards and are expected to perform academically. The literature alone, speaks for itself. It is known that families that do not have access to such services such as adequate housing or health care, children are more likely to struggle academically. Personal and family issues such as lack of parental supervision or abuse are also risk factors associated with underachievement. In addition, family mobility, which is often a result of lack of stable housing and employment, is also negatively correlated with school success.<sup>206</sup>

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<sup>205</sup> Von Drehle, 2.

<sup>206</sup> Lagana-Riordan and Aguilar, 140.

According Gerstl-Pepin, “race is emphasized to the point that poverty almost disappears” in the NCLB legislation. In her 2006 study, Gerstl-Pepin studied a high poverty school in which 100% of the students received free and reduced-price lunches. Gerstl-Pepin’s study determined that changes in curriculum and teaching were unfortunately not enough to bring about improved learning.<sup>207</sup> These are two of the main focuses under the law, and utilized as tools to remedy the American educational system and increase test scores. In Gerstl-Pepin’s case study, improvement was not achieved until the effects of poverty were directly addressed. The staff at this specific school learned about it, and then targeted poverty and the way that it manifests within the youth. It was not until the school focused on emotional as well as social intervention rather than solely on academic intervention in order to remedy that dramatic improvement on test scores was seen.

Similar to Gerstl-Pepin’s study, a study conducted in 2004 found that 78% the statewide test scores in the state of California could be explained by the student’s background. This included socioeconomic status, percentage of students who spoke English as a second language, and student mobility. The study concluded that a student’s success and failures continued to be deeply entangled in the student’s background characteristics, despite the changes made within the realm of academics by the state of California in order to comply with the accountability methods of No Child Left Behind.<sup>208</sup> This again points to the shortcoming of NCLB and its reliance on test score data and its ignorance regarding the educational impact of the relationship between the student and its background.

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<sup>207</sup> Lagana-Riordan and Aguilar, 139.

<sup>208</sup> Lagana-Riordan and Aguilar, 139.

## **Conclusion**

The achievement gap continues to be large and thriving, regardless of definition, age group, and academic subject. According to UNICEF the increasing disparity between rich and poor now leaves the United States fighting with Mexico and Russia for last place among developed countries.<sup>209</sup> The gap continues to exist as we have become a nation fashioned around the notion of have and have nots. Therefore raising the levels of academic achievement for minority groups and low income students still remains an important goal and issue the country must continue to tackle. However, the accountability method of No Child Left Behind is not the answer to our problems. Under the current system, the subgroup method causes large numbers of schools to fail, arbitrarily singling out schools with large minority groups and imposing sanctions. While the cost for schools is clear, the benefits are not. Although well intentioned in its goals to encourage schools to focus more on the achievement of minority and underserved youth, the application of subgroup targets and increased test score performance among the underprivileged youth of America have shown no strong association. If the consequences we are seeing now as a result of the law had been anticipated, how might the law have been written?

The basic ideas behind the No Child Left Behind act are noble and worthy of support from all that care about racial and economical equality and the quality of American education. Unfortunately the bold act and its unprecedented goals, like all those that came before it, will fail to close the achievement gap. Is the tremendous emphasis on schools and achievement tests may be somewhat of a smoke screen, as No Child Left Behind acts as a fine sounding effort to distract voters from real, pressing

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<sup>209</sup> Mathis, 30.



social issues. As Glenn Hopkins, president of Alexandria's Hopkins House, which runs a nationally recognized preschool and provides a variety of other services to low-income families, notes "the real problem is that education officials don't realize –or won't admit –that the education gap is symptomatic of a social gap." He goes on to further say that "Education bureaucrats naively assume that if they throw in a little tutoring and mentoring and come up with some program they can claim as their own, the gap will close."<sup>210</sup> Whether defined in terms of poverty or race and ethnicity, the gap is present at a very early age, before students have even entered the classroom. The existing achievement gaps are not caused by schools, rather they are caused by powerful family risk factors that impact America's children well before they enter the classroom, and continue to operate both during the school year and are especially prevalent during the summer months.

School failure and the achievement gap are multifaceted problems that are strongly linked to family and social risk factors within the student's life. This however does not prove that school programs can help overcome these issues. Rather if school programs and resources can help counter family risk factors there needs to be equally strong correlations showing exactly what school factors will help decrease the achievement gap and how much schools can actually compensate for family effects. Unfortunately we as a nation are lacking in that department and have placed our schools in a position of blame. So how are educators going to manage to raise minority achievement faster than white achievement in order to close the gaps by 2014? Of course one way in which to do this is to set standards considerable lower, as many states have adopted this method in order to achieve universal proficiency by 2014 and be free of

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<sup>210</sup> Welsh, 9.

sanctions. Yet current knowledge does not tell us how to attain collective proficiency levels for all students, let alone how to raise black and Hispanic achievement faster than that of white achievement.

## **Chapter 5: Can No Child Left Behind Be Fixed?**

### **Introduction**

By enacting the No Child Left Behind Act, United States policymakers have reinvigorated America's pledge and vision of an equal and meaningful educational opportunity that was established under *Brown v. Board of Education* in the 1960s. On January 2, 2002, this hundreds of pages piece of legislation altered the political and social landscape of American education forever. More than most laws, No Child Left Behind has directly affected the lives of millions of Americans, including students, teachers, and parents. Because of this it has generated concern in every state and congressional district. The mass media, as well as a variety of educational journals have dealt with the law in great detail. The unforgiving spotlight of America's media has focused both on the impact of the law as well as the numerous unintended consequences.

Education is the key to developing human capital. The nature of America's educational system, whether mediocre or excellent, will influence society well into the future. It will affect not only our economy, but also our civic and cultural life. A democratic society cannot sustain itself if its citizens are uninformed and indifferent about its history, workings of the economy and its government. Nor can a democracy prosper if it fails to educate its youth in the principles of science, literature, geography, mathematics, technology and the arts. As many note the greatest challenge that our generation faces today is how to create a renaissance in education.

Much of what policymakers now demand under No Child Left Behind will very likely make schools less effective and even further degrade the intellectual capacity of our citizenry. The American school system has set itself up for failures if students

graduate knowing how to choose the right option from four bubbles on a multiple-choice test, yet are unprepared to lead fulfilling lives, to be responsible citizens, and to make good choices for themselves, their families, and our society. For the past century or more, education reformers have tried out their ideas in the American schools. A wide variety of reformers and reform movements have offered their diagnosis and cures for our educational struggles. With the best of intentions, reformers have sought to correct blatant deficiencies by introducing new pedagogical techniques, new tests, new incentives, and new ways to govern schools. The fundamentals of good education are to be found in the classroom, home, the community, and the culture. In spite of all of that, reformers continue to seek out shortcuts and find the quick answers.

We have known for numerous years that we need to improve our schools. We as a nation continue to stumble, however, because there is widespread disagreement about what should be improved, by what means we should conduct ourselves, what we mean by improvement, and who should do it. From its inception, No Child Left Behind has suffered from a host of implementation problems and unintended consequences that have limited the act's effectiveness. The question now is, how do we fix what policymakers unintentionally caused?

### **The Great Compromise**

As I have said before, No Child Left Behind has the potential to be a historic act. The passage of NCLB translates into a moral commitment to the education of every American child, as every child will be educated to level of “proficiency” in both the subject matter of math and reading. The United States of America once led the world in

the democratization of school, as it was among the first nations to guarantee every child the opportunity to pursue a free public education. The No Child Left Behind Act takes that notion a step further as it promises to not only provide education to the youth of America, but seeks to ensure that education works.

No Child Left Behind is unprecedented, as no other nation in the international community has committed itself to the notion of universal achievement. But NCLB has to make its commitment for not only a nation but for a nation of states. According to the Constitution, education is not a federal responsibility; rather it is left up to the states. Today, states provide around 95% of school funding, while the federal government uses its source of funding to protect civil rights as well as support those underserved groups of students. No Child Left Behind sought to leverage the federal government's support for the economically disadvantaged to create a national system of standards and accountability that would in turn apply to all students of America, regardless of one's economic means. Yet in order to do so, the act needed to be passed with the support of fifty states that have had a long standing history of controlling their own educational system.<sup>211</sup>

The result of this is now the notorious No Child Left Behind compromise which has allowed each state to determine their own academic standards as well as provide their own definition of what proficiency means. Under NCLB, proficiency was intended to provide America's students with the skills and mastery to learn effectively at each and every grade level, as well as prepare high school students for the next step, whether it be college or a trades program. The law made the naïve assumption that states would want to be proficient to accomplish the same goals, unfortunately it has not been interpreted in the

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<sup>211</sup> Chubb, 18.

same manner. Very few states have established, what experts determine to be strong standards that will help both students and schools excel. Standards need to be clear and rigorous in regards to both the content and skills that must be mastered in order to be deemed proficient.

Unless state standards and proficiency thresholds change, America will continue to deceive itself into believe that educational progress is being made, when in reality it is nothing more than the result of lowering expectations and standards. State standards are a widely acknowledged issue that needs to be remedied by the establishment of national standards. Lastly, test scores should continue to be benchmarked against the National Assessment Education Program (NAEP), as it is vital that the core standards be calibrated against one common metric, and NAEP is the best available.<sup>212</sup> Will core standards increase the number of students measuring up with NAEP proficiency standards? Unfortunately there are no guarantees, as strong standards and high bars of proficiency do not ensure achievement. However it is difficult to understand and measure achievement when it lacks explicit expectations and definitions for it. No Child Left Behind can do more to promote higher educational standards and discourage the watering down of it.

### **A National Curriculum**

The great compromise of No Child Left Behind has left states with considerable discretion as to how to define key provisions and definitions within the law. This has resulted in large state to state variation in the implementation of No Child Left Behind. It is not clear however, whether this simply mirrors the already present differences between states and their level of public education. What is clear is that the differences have

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<sup>212</sup> Chubb, 25.

important implications for what constitutes acceptable performances from students as well as quality from teachers.<sup>213</sup> The startling variation among states raises questions regarding the need for the implementation of national content and performance standards.

A shift toward national curriculum standards would be far from an easy process, as it would be met with a great deal of resistance, thus lengthening the process. Although questions of infringing on states rights would be imposed, state to state variations are extremely troubling, expensive and difficult to manage. The use of a national content standard and national achievement tests only greater simplifies the high quality of curriculum, and professional development for teachers. This would allow us to reduce expensive redundancies, focus educational reform energies, and the ability to pool resources together in order to collectively produce the best product and level of support possible. A national standard would allow for officials, parents, and educations to clearly see and compare how their school, district, and state is doing, as well as their standings in comparison to neighboring states and their schools.<sup>214</sup> As, Porter notes, why should states have different standards such that a student labeled proficient in one state would be labeled advanced in another and only basic in the third? Why should students in one state be subjected to instruction from teachers who are deemed unacceptable in another state?

In order to deal with the resistance that will be met from states, No Child Left Behind should both initiate and fund a process which focuses on writing core national standards and tests to measure student achievement. Under this method the Department of Education would seek out proposals for multistate consortia in order to develop core standards and tests. Any consortia may apply, as long as it consists of at least five states.

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<sup>213</sup> Porter, 294.

<sup>214</sup> Hess and Finn, 320.

From there the Department of Education would review the applications and fund up to three of the proposed consortia plans. These curriculums and test must satisfy several ongoing requirements and be fashioned around sizable item banks, permitting all used test items would be released to the public after each administration of the test. This would help to increase both public knowledge and trust, as well as assist teachers in preparing their students to achieve worthy standards. At grades twelve, eight, and four, the test scores would be benchmarked against NAEP, as it is vital these standards and achievement levels are standardize against on common metric. Under this method, states would have the option of joining any of the three approved consortia and implementing the respective standards and tests. States would also have the option of rejecting the Department of Education approved plans and going it alone. However, incentives against doing so would be extremely steep as they would have to follow all the same standards as those consortia yet do all of this at their own expense. By allowing states to choose from several different approaches it curbs states and the federal government from having to make significant compromises of core principles than if they were to enact a single national standard immediately. Allowing several consortia also reduces the chances that one group or interest will dominate or control the process as a whole. Thus the pursuit of a set of national standards and measurements would be done through principles of federalism.<sup>215</sup>

### **Alternative to High Stakes Testing**

No Child Left Behind defines being well-educated as getting high test scores or else as the mandated tests involve high stakes not only for students but also for teachers,

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<sup>215</sup> Chubb, 24, 25.



administrators and the school as an entire unit. The legislation has placed a strong over-emphasis on testing and the use of test scores as the main measure of accountability, leading to a cascading number of issues from lowering standards, narrowing curriculum, to the promotion of poor teaching practices. Many of these consequences actually undermine the development of one's education. I am not adamantly opposed to the use of standardized test, simply the overwhelming pressure that comes with the tests under No Child Left Behind. I believe that state-wide tests should be used to help schools and students, not penalize them. Not only does each child develop at different levels but there are a number of outside factors that can alter one's score. Even the best and brightest students in the classroom are not guaranteed to achieve the same levels on standardized tests. Simplistic accountability mechanisms like a standardized test which focus on a single outcome measure and faulty assumptions about the behavior of individuals and schools systems cannot adequately assess the work of students, teachers and schools, nor can they provide sufficient information for future policy decisions. I believe that annual testing should be used in conjunction to a method that offers us a broad view of student growth and curriculum mastery over the course of the school year by using one's own work.

One of the more promising forms of assessment is what is known as "portfolio-based assessment." Although there are a variety of approaches and methods surrounding this method each functions under the basic premise of records kept by the teacher and the collection of the student's work, call the "student portfolio." During the school year teachers and students gather work which shows student progression and achievement in various subject areas such as English, mathematics, history or science. Some approaches

require students to produce a reflective piece on the work that has been selected by the teacher. Such reflections help students not only to think about what they have learned but also about their own learning development over the course of the school year as they see it first hand. In addition these self reflections allow for students to consider the concept of themselves as active learners and recall areas or subjects of interest or pleasure they found in completing specific assignments, thus fashioning education and exploration as a positive topic. Like assessments, portfolio assessments focus on student's products, but it also takes into account the concept of growth. In addition growth in other areas such as their interest in reading, writing, or a specific subject matter can also be viewed through portfolio assessments. Other approaches include the practice of teachers examining the portfolio and evaluating the work based on a scoring guide at the end of the grading period. Other methods also include the use of peer evaluation and scoring in older grade levels. The teacher ultimately records a score on what is called a "learning record," attaching sample work as evidence. This approach is extremely useful for teachers and parents in determining how well the student/their child is progressing. This classroom-based approach offers us several advantages to high stakes standardized testing. The evaluation is based on a wide range of student work that has been produced over a long period of time, rather than on a single test taken over the course of a few hours. This method also pushes teachers to reflect and focus more consistently on the quality of their students work and development across the board, rather than focusing only on those close to achieving proficiency rates. The state of Vermont has instituted a statewide assessment programs in math and writing based on student portfolios. Other examples of programs that have been implemented are the Learning Record in California, and the Work

Sampling System based in Ann Arbor, Michigan. Programs like Vermont's portfolio assessment supports the notion that the testing of students should only be a part of the assessment process. The more indicators available (like the ample amount of a students work provided by portfolio assessments) only helps to increase the likelihood that a true estimate of the student's knowledge and academic growth will be assessed.

### **Giving Credit When Credit is Due**

What frustrates people most about the adequate yearly progress provision of No Child Left Behind, is the acts failure to credit schools and their students for their hard work and progress until they have crossed the proficiency line. Those students that move from below basic to basic (a movement that is necessary in ultimately attaining proficiency) is never acknowledged. Rather the students' growth is punished as he or she will fail to meet the state's designated adequate yearly progress. This is especially troubling for schools with a large number of students that are starting out at achievement levels that fall far below basic. The current measurement model of adequate yearly progress also hinders the academic growth and development of our country's most gifted students. No credit is given to schools and students once proficiency has been achieved and a student continues to progress to levels of advanced. As previously noted, since the United States adopted in the No Child Left Behind Act, America's top students are progressing at lower rates than that of those students at the bottom.<sup>216</sup>

Thus, first and foremost, AYP must be amended, as its most basic definition must encompass both growth toward proficiency and beyond. Dr. Jonathan Chubb, a highly regarded educational advisor and author, notes the importance of refashioning the

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<sup>216</sup> Chubb, 27.

definition of adequate yearly progress and what it means for the future development of our youth. He notes that under No Child Left Behind, adequate yearly progress should be redefined as, “all students, whether above or below proficiency, must make annual achievement gains sufficient to place them on a trajectory to score proficient by the time of their high school exit exam – no later than 11<sup>th</sup> grade.”<sup>217</sup> This simple redefinition will refashion the whole notion of adequate yearly progress, as it acknowledges schools that get their students on a promising path toward achievement. Many scholars have also suggested the possibility of monetary rewards for every student scoring proficient or above as well as compensation for those students that when placed on trajectory to achieve advanced levels before their high school exit exams. Some such as Chubb and his counterparts have suggested a sum of 150 dollars per a student or 25% of the typical Title I grant.<sup>218</sup> I believe that all strong policies must provide rewards as well as remedies. Rather than simply impose sanctions and punishments for shortcomings we must encourage those that are achieving high levels to continue on their road to success. Maintaining proficiency year after year should not be the only thing that matters. Our nation and the achievement of our youth deserves more from No Child Left Behind, and should demand that not only we strive toward goals, but encourage students and schools to continue progressing and attempt to go above and beyond.

### **A Punishment That Fits the Crime**

The practice of accountability was not something that was invented under No Child Left Behind. States began holding schools accountable for the success of students

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<sup>217</sup> Chubb, 28.

<sup>218</sup> Chubb, 29.

in the early 1990s. Throughout the 1990s, with the help of benchmarking scores against the National Assessment Educational Progress (NAEP) it has been determined that states that held schools accountable displayed greater gains in statewide achievement in comparison to those states that did not.<sup>219</sup> This infers that the notion of accountability works to some degree and improves the score of students when schools are being held accountable by the state for the results. Evidence continues to mount in favor of accountability, yet the methods under No Child Left Behind could be refashioned in order to be more effective. Effective methods of accountability should reinforce performance standards through the use of appropriate incentives.

Unfortunately, those incentives and sanctions imposed by the No Child Left Behind act are too blunt and overarching. The sanctions imposed under the law, from the first label of “needs improvement” to the sixth level of “restructuring,” applies to all schools regardless of why or by how much they have fallen short in achieving adequate yearly progress. The failure of a single subgroup, which can be as small as twenty-five students, should not be remedied with the same medicine or strength as that of a school whose failing status is a result of the majority of the school. Clearly, these schools are struggling in different areas. In the 2004-2005 school year, 21% of all schools that failed to make AYP were because of a single subgroup. While an additional 19% of the schools that failed were due to the failure of two or more subgroups.<sup>220</sup> A doctor would not proscribe pain killers to both a patient with a bone bruise and a patient with a torn ligament. So why under NCLB do we not take into account the degree of failure, yet

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<sup>219</sup> Chubb, 31.

<sup>220</sup> Chubb, 33.

rather proscribe standards based sanctions regardless of the issues and areas experiencing shortcomings?

Many educational experts have proposed the notion of a “differential accountability” system, in which the degree of failure would be acknowledged and a customized method of intervention would be designed to match the needs to the school and their issues. However, infinite flexibility and differentiation would be extremely difficult and costly to both monitor and implement. Thus I believe the best method would be somewhat of a simplified version of the previously proposed differential accountability. Under the simplified version, failure to make accountability should be broken down into two separate categories. The first would be labeled as “school-wide improvement,” while the second would be called “limited improvement.” A school that failed to meet adequate yearly progress (AYP) as a collective body of students would be placed within the school-wide improvement category. Schools that missed AYP for subgroup(s) that amount to less than one-third of their student population would be deemed as members of the limited improvement group. Schools that fell into the school-wide improvement category would continue to follow the previously imposed cascading sanction method of No Child Left Behind if failure to meet goals continues. If limited improvement schools continue to see failure within the given subgroups, they would be expected to create a limited corrective action plan that focused on the needs of their failing subgroups, rather than punishing the student body as a whole. The state would be expected to oversee as well as support the program, while the federal government would continue to offer programs such as private tutoring to those schools.<sup>221</sup> Thus, most schools struggling to meet the 2014 goals of No Child Left Behind will be treated with

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<sup>221</sup> Chubb, 36.

modest remedies that are appropriate to their needs and the future success of their students. This simple model would distinguish between that of limited and massive failure, offering enough flexibility to those with small portions of a failing student body, yet still ensuring that the United States most troubled schools will not be tolerated.

### **Growth and Value Added Model**

What is the alternative to the current AYP model? Many educators site a more flexible measure of student improvement known as a growth model. Under this approach, schools would track the progress of each student year to year. Success is thus defined by a certain amount of growth each year regardless of whether the student is on grade level or not. Therefore, students that may jump three reading levels in a given year, but under No Child Left Behind would be deemed a failure as his achievements would not be recognized due to his grade level, is judged as a success. Both the student's school and teachers would also receive credit for his achievements. Many believe this is a much more accurate portrayal of a public schools performance.

The failings of the current approach of evaluating schools based on the percentages of their students that meet state standards is now extremely familiar. Adequate yearly progress does a great job at singling out schools with high-minority, and low income student populations, punishing schools for their diversity and level of parental income. The most popular alternative to adequate yearly progress under No Child Left Behind is the implementation of a growth model that measures individual student progress or growth rather than expect schools to reach a pre-established goal for all students within the specific classification. The "growth model," fashions itself around

gains in proficiency rather than overall levels of proficiency. The logic behind growth models is extremely straight forward. Under the growth model, one must simply analyze the year-by-year changes in the percentage of students that meet the relevant targets of proficiency. If desired, this too can be further aggregated down to subgroups of racial, economic status, or ethnic statuses. Schools that are simply coasting on their already well educated students will not automatically be labeled as outstanding if there are no signs of academic growth being attained. Yet schools that took their student population from very low levels to significantly higher levels of achievement would be rewarded rather than punished for their performance, even if still scoring below a state's proficiency requirement.<sup>222</sup>

Unfortunately the standard growth model is too susceptible to a variety of issues. Many point out the biggest issue of regression. Outstanding gains that are made in one year are likely to be followed by less spectacular gains the following year. The growth model also fails to take into account the notion of student mobility, an issue that plays an especially large role in low income areas where kids are constantly moving around due to the instability of parental employment and lifestyle. Thus groups of students that take the test one year will not be the same as the group of students that are tested the next year. Systematic consequences will also arise under the standard growth model. Schools that take in large numbers of low-performing students one year are in turn penalized as their new population would be compared to that of a completely different body of cohorts.<sup>223</sup> As a result of this, there have been a variety of different style growth models proposed, yet the most promising model is the “value added assessment” growth model.

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<sup>222</sup> Abernathy, 109.

<sup>223</sup> Abernathy, 109, 110.



The value added assessment (VAA) growth system is the soundest method in which the goals of No Child Left Behind can be met as it seeks to aid the improvement of American public school education. Unlike status models like adequate yearly progress which give a brief snap shot result of a student, the value added growth model tracks individual student progress like that of the basic growth model, yet it also uses additional data in order to determine unique contributions that teachers and schools make to a students learning gains.<sup>224</sup> The value added assessment allows us to track the progress of all students at all times, and not only those who are crossing the designated proficiency level threshold. The value added growth model gives each and every student in the state an individual identifier, as it inputs a range of demographic, participation, and performance data regarding each student. This is updated on a frequent basis in order to isolate the effects of each given academic year. The value added assessment model seeks to analyze student test data to ascertain students' growth in learning by comparing students' current level of learning to their own past learning. This method allow for analysis of test data measured against the absolute standard of achievement, the ability to rank against each other, and evaluate the schools overall performance for accreditation purposes. Its focus on students growth during the prescribed period of time rather than that of absolute levels of achievement force the scores to not only be attached to the students but what goes on in the classroom during the specified time period.

While adequate yearly progress captures schools that serve a disproportionately high number of disadvantaged students, value added assessment measurements can liberate the disadvantaged as it is “designed to eliminate the effects of mobility, affluence

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<sup>224</sup> Rebell and Wolff, 129.

and other extrinsic factors” from the overall evaluation and grading of school quality.<sup>225</sup>

The inclusion of student background information is not to hold disadvantaged students to lower standards but rather to strengthen a schools ability to raise student achievement for all of its subgroups, and at a quicker pace. Many of the key components of this type of model is the ability to look at the difference between learning gains of one teacher’s students in comparison to another’s, or the entire school district. This is utilized in order to determine how much “value” the specific teach is adding to its student’s achievement. Yet that methodology functions under the assumption that there is not difference in resources between schools in the district or systematic differences within the compared student population. However, what one is missing when they assume that is the sole purpose is that the point of a value added assessment is to compare achievement gains of schools or classrooms that “start out at similar levels of performance (ex. Those starting in the lowest 10%) or serve similar populations of students (ex. 85% English language learners).”<sup>226</sup> Value added assessment cannot identify the cause of poor student and minority achievement, yet in places where the data is sufficiently detailed it can help assist in identifying where failures and successes are taking place. The system allows states to efficiently track information regarding resource allocation and effective programs and practices that are taking place.<sup>227</sup> From this information, teachers, administrators, policymakers, and educational experts can begin asking questions and making data-driven decisions, as the value added assessment model acts as a haven for educational research and development. Under value added assessment measurements, we

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<sup>225</sup> Abernathy, 115.

<sup>226</sup> Rebell and Wolff, 129.

<sup>227</sup> Rebell and Wolff, 130.

are able to get a truer picture of the progress actually gauged and the needs of those struggling to achieve educational growth.

The value added growth model will aid us in reforming the damage imposed by No Child Left Behind and adequate yearly progress, as it helps us to ensure a meaningful education for all and contribute to our knowledge of effective use of resources. Knowing they are not being punished for factors and issues which they cannot control, instead of looking for loop holes, or attempting to game the system, educators and administrators will be more inclined to respect the proficiency levels as a variety of factors will be fashioned into the students yearly achievement rate. School leaders will also take progress measurements seriously, using them as guidelines for the achievement of better results. No amount of statics can whip out all uncertainties or inequalities that have invaded the American public school system. Yet the value added growth model provides us with better tools to focus on the real issues of America's education system. What and how much are the students learning?

### **A Broad Curriculum**

No Child Left Behind's focus on math and reading has discouraged curricular breadth and depth. I understand and acknowledge that reading and mathematics are foundation skills that further enhance ones education, thus should be nation's top priority. They are extremely important subject matters as students cannot learn any other subject unless they possess the ability to read effectively, make inferences, analyze, and make evaluations of the given literature. Mathematics is similarly important as it is deeply embedded in a range of technical disciplines such as engineering, chemistry, and

economics. Yet having the skill to learn other disciplines and actually learning them are two separate things. There is strong evidence that students are not learning subjects besides mathematics and reading, as significant amounts of time are being stripped from non tested subject areas such as social studies. This is directly linked to the No Child Left Behind law and schools dire need to meet state and federal annual adequate yearly progress standards.

All of the good the No Child Left Behind is doing for mathematics and reading, has in turn done no good for other subject matters. Less time devoted to other subject areas will only further stunt or even diminish already low scores in areas such as social studies, civics and science. The youth of our nation will not mature into well-informed, proactive citizens or leaders in the work place as well as society if they lack understanding in science, history, and politics. Since when has learning other content areas hindered the mastery of reading and mathematics fundamentals? In actuality it complements it. According to researchers, reading skills cannot be developed without extensive exposure to knowledge, vocabulary, and skills that are associated with history, language arts, science and other additional subject matter areas. For some mathematics can come across as dry and insignificant if not applied to other subjects in which students can see correlations and relate to. A strong curriculum should possess strong mathematics and reading skills as well as rich content, as these subjects are not competing priorities but rather complementary. No Child Left Behind should be revamped to include social studies (history, civics, and geography) as well as the continuation of the recently added science. Similar to that of the test administered under NCLB, students should be tested three times during their kindergarten through twelfth grade education; once in grades

three through five, six through nine, and ten through twelve. Like math and reading under No Child Left Behind, these tests should also be based on explicit standards of skills and knowledge that represent proficiency at each grade level.<sup>228</sup>

Our schools will not improve if we continue to focus solely on reading and mathematics, ignoring the other studies that are essential elements of the strong education. No Child Left Behind must also include content standards, student achievement testing, and school accountability that also contains the subject matter of science and social studies. However, we are not currently in the position to impose additional methods of measurement, pace, and sanctions under NCLB, thus accountability in both social studies and science should not be governed by adequate yearly progress. The urgency of educational growth in social studies and science are not as great as it is in the realm of mathematics and reading, yet we can no longer devalue areas of specific subject matter through omission. In order to impose some methods of accountability, scores and results should be reported to parents and communities in the already publically accessible school report cards and local newspapers. Scores should also be benchmarked by NAEP as well as compared to that of other states. Shinning a bright light of transparency on these subject areas will increase scores as schools, districts, and states will not want continues reports of mediocrity or poor performance associated with them. Teaching these vital subject areas will in turn increase reading and math scores and re-establish a strong breadth of curriculum within America's public schools.

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<sup>228</sup> Chubb, 39, 40.

### **Determining Highly Qualified Teachers**

Research demonstrates that classic methods of determining teacher quality, (credentialing and education), has little or nothing to do with quality of teaching as measured by student achievement. Thus, No Child Left Behind's "high quality teachers" provision is fashioned around the faulty notion of credential premises predicting teacher quality. If the nation continues to follow the current provisions of No Child Left Behind, the law will never improve teaching. Teaching certification unfortunately does not simply predict quality, yet rather it is a compilation of skills and classroom management. Although all teachers are educated in this realm, not all will be able to implement the skill set and knowledge to the fullest degree.

Teaching is the most important school based determinant of student achievement, as no other school factor comes close to the .25-.50 standard deviation influence. And while teacher quality and effectiveness cannot be determined or predicted through credentialing, it can be measured on the job. The value added assessment (VAA) operates under the assumption that a strong and highly qualified teacher can create and facilitate student learning regardless of what his or her students are like when they enter the classroom. Achievement levels undoubtedly reflect a variety of outside factors besides teachers yet, excellent teachers are able to create and foster growth in students at all achievement levels. With the annual testing of students, coupled with comprehensive student information systems, the value added growth model is able to link students with their teachers and measure the influence of individual teachers on their student's learning and academic growth. Yet all the while factors beyond the teachers control such as family, poverty, poor school environment, and student mobility are controlled. Thus

statistically, under the value added growth model one is able to measure the teacher's "value added," to the students annual academic progression.<sup>229</sup>

The value added assessment creates a fairer accountability measurement for schools and teachers, as they are not penalized for factors that are beyond their scope and control. With the knowledge gained under the value added system, schools will be able to provide additional support for those teachers with low value added scores. Schools will be able to compare teachers that have similar starting points in terms of their students and find out what methods are working. There are numerous possibilities such as financial rewards for high scoring professors, mentor programs for those teachers struggling to produce growth, and lastly it can help in the removal of teacher who provides no added value to student achievement. A number of states such as Tennessee, and Florida, as well as metropolises such as New York City, the District of Columbia, and Denver have been experimenting with value added teacher assessment. There has yet to be determined a best way to make the system work yet it is the best way to conceptually drive teacher quality, as it measures it directly. No Child Left Behind should eliminate the current highly qualified teacher requirements. If states wish to continue to require certification and subject matter credentialing, that is a function of their own prerogative. This system is the best way to measure teacher effectiveness directly. No Child Left Behind should encourage nations to learn and experiment with the value added system as the key is for teachers to be judged on their ability to raise achievement.<sup>230</sup>

The current label of "highly-qualified" makes it difficult to know how many teachers are truly "highly-qualified" and effective when not only do states differ in their

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<sup>229</sup> Chubb, 50, 51.

<sup>230</sup> Chubb, 52.

designated passage marker but all those who are minimally qualified are given the same designation as those highly qualified. Many have argued that there needs to be some sort of way to distinguish between initial entry-level requirements and that of advanced effective teaching classification. First and foremost like the curriculum and proficiency standards there needs to be national standards set in place as to what the passage rate of teaching examinations is. It is not fair to the youth that a teacher that passes in one state would not even be qualified to teach in another. Secondly, there is a large amount of evidence which supports the idea that credentialing does not guarantee quality instruction, but rather a host of other classroom related topics play a significant role. After receiving the appropriate degrees as well as passing one's state examination teacher classification should not simply cease. Rather continued qualifications should be fashioned around evaluations and rating systems that consider classroom observations and evaluations, strong learning gains for students, student evaluations (in high school classrooms), parental evaluations and feedback from multiple sources within the school and local districts administration. This should all be done through the utilization of a state validated education grading rubric.<sup>231</sup>

In doing so, No Child Left Behind should be amended to force states to describe the qualifications of their teaching body accurately and eliminate the current exaggeration of the miss-leading term "highly-qualified." Rebell and Wolff propose that NCLB be revised to distinguish among three categories of teachers: "professionally qualified teachers," "qualified teachers," and "highly effective teachers." According to Rebell and Wolff, "provisionally qualified teachers," would be defined as teachers in training who meet the state's alternative certification. This would appease veteran teachers'

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<sup>231</sup> Rebell and Wolff, 90.



qualifications that have been certified under the HOUSSE program. “Qualified teachers” are defined as those who have a college degree with a major in a field directly related to the subject area in which they teach, and who meet their state’s entry-level certification requirements. Lastly “Highly Effective Teachers” would be defined as instructors that have deep subject-matter knowledge, have met state academic content standards and requirements, and have effectively demonstrated the skills required by state standards to successfully foster growth and academic achievement to a diverse group of students.<sup>232</sup> This is where the rubric would come into play as the host of topics evaluated and observed would determine one’s ability to move from qualified to highly effective. States could even attach some sort of merit pay to those that reach the highly effective benchmark. By placing a strong emphasis on “effective” teachers and implementing distinguishing factors, No Child Left Behind would promote more accurate information to parents, administrators and policy-makers regarding the true level of competency of the state’s teaching corps. These revisions and monetary gains would raise expectations and provide incentives for teachers to develop strong classroom practices and increase student achievement regardless of the level the students is on.

In addition to the rubric and designations, states should not only focus on hiring individuals with strong basic credentials and leave their development up to them, but also on working with their local district to promote effective induction, mentoring, and professional development programs that will develop a maximum number of teachers who are truly effective on the job. Professional development plays a significant role in focusing upon the academic content teachers cover in their classes, but also presents an opportunity to develop peer support and work in small groups at either grade-level or

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<sup>232</sup> Rebell and Wolff, 90, 91.

like-content to discuss issues and application that both enhances students' learning as well as retention. Massachusetts has been a long time supporter of these teacher learning groups, as the Massachusetts's Department of Education provided funds to 350 school districts in 1995 to create teacher study groups. Participant testimonials tell us that many felt as though this was a safe place to take risks and discuss their practices. They also noted that collaboration with their colleagues on lesson plans, instructing certain types of students, and sharing successful methods proved to be a powerful tool for instructional improvement.<sup>233</sup> The easy solution for this is to simply amend No Child Left Behind to include federal mandates which cover the needs of implementing a serious of professional development programs. However in order to seek funding states should be required to provide relevant information on the rigor of their certification requirements, the accreditation standards for their professional development practices in their annual report cards to the public and in the state plans that they submit to the US Department of Education. Then, both the public and Department of Education would be in position to assess the steps that are being taken by each state to improve their teaching corps with the progress they have made over time in student learning outcomes. The department would also have the basic information they need to compare each state's instructional development effort and student achievements in regards to that of other states. The United States Department of Education's annual report should include the break-down of teacher qualifications by state as well as their evaluation mechanisms for achieving "highly effective" status. The report should also highlight those that best serve the purpose of No Child Left Behind. The availability of this public data will motivate states to maximize their number of effective teachers and focus on professional development in

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<sup>233</sup> Irons and Harris, 40.

order to do so. Also states that continue to show poor performance over time and/or present definitions of effective teachers that is substantially different and subpar to effective teacher practices and determinations of successful states will ultimately be required by the federal government to adopt practices in line with model states in order to continue to receive federal funding for professional development purposes.<sup>234</sup>

### **The Realities of the Achievement Gap**

Many individuals believe that a systematic reform or fundamental change in our approach to improving education is what is necessary. According to Jack Jennings, writer for Pi Delta Kappan, “the key question is whether the strengths of this legislation can be retained while its weaknesses are addressed.”<sup>235</sup> Even if the legislation is greatly improved and allocated a significant increase in funding, we must acknowledge the schools alone are not the silver bullet in solving the academic problems of our youth. The issues surrounding the impact that ethnicity, poverty, and inadequate school resources have on academic achievement need to be brought to the forefront and addressed. We as a nation must seriously acknowledge the greater issues within society and its effect on our children.

The problems experienced by many American children are not confined to the walls of their school building. Children, who have no health insurance, live in substandard housing, have a parent in prison, live with an overworked single parent, and may experience periods of homelessness or time in the custody of the state can hardly be expected to do well in school. Rather than pointing the finger at educators and

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<sup>234</sup> Rebell and Wolff, 92.

<sup>235</sup> Hayes, 179.

administrators and insisting that there are “no excuses,” policy makers would do well if they took the time to look at the conditions deemed as “excuses” and do something to combat the “excuses.”<sup>236</sup> Poverty must be address directly in the school, whether it is through holding regular in-service sessions for teachers on how poverty may affect students’ behavior or adapting curriculum to include themes relevant to students’ lives. Methods such as establishing community outreach to address the physical needs of students, such as school supplies, nutritious foods, and clothing or making connections with local service agencies to help families that are in need of housing, employment or healthcare need to be utilized.<sup>237</sup> If policymakers are serious about improving the educational state of poor and minority children, they should address the myriad of problems these young children face.

The fact that there are no demonstrable educational interventions for closing the achievement gap does not mean that NCLB should be abandoned all together. Due to the transparency required under No Child Left Behind, we have been presented with a rare opportunity to use the enormous database of test scores that is being established by each and every state, and figure out what schools are and are not closing the achievement gap. From there we will be able to collect additional data to explain the reasons behind some schools successes and failures, and utilize it in future efforts and studies. Perhaps the most important recommendation is that the federal government needs to take action by sponsoring research related to how to close the longstanding achievement gap. It is clear that there is not a current body of existing research that answers these plaguing questions, thus new research must be undertaken.

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<sup>236</sup> Nodding, 17.

<sup>237</sup> Lagana-Riordan and Aguilar, 141.

One state that has successfully utilizes educational transparency in order to remedy and help through intervention at low-performing schools is the state of Kentucky. In order to help low-performing schools, schools receive detailed scholastic audits that are to be performed by a team of state, regional, and local district personnel. The school is evaluated on a number of improvement standards and over 80 indicators that are related to school success. By comparing the results to other low-performing as well as high-performing schools it can disseminate the best practices by comparing indicators where results vary between successful and failing schools. The state of Kentucky takes these results a step further and enlists “highly skilled educators” (HSE) to come in and assist low performing schools. The selection process is rigorous as it takes over a year and involves multiple steps such as performance event, site visit, portfolio presentation, a number of written assessments as well as oral interviews, and multiple weekend training sessions. Once that is completed these highly qualified educators, as a team, are welcomed into low-performing schools to assist in strengthening its curriculum and instruction and assessment practices. They also work with the staff to strengthen school leadership, professional development, and garner more collaboration among teachers. This program has taken the large amount of information generated by standardized test and sought to find the best methods for improving areas of struggle, and they have experienced a promising amount of success in reforming low-performing schools.<sup>238</sup>

One area that should be further pursued and researched is the commonly overlooked effect summer time has on the achievement gap and the possibility of implementing school related programs in order to close it. As noted in chapter four, numerous studies have found that the achievement gap experiences minimal, if any,

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<sup>238</sup> Rebell and Wolff, 141.

growth during the months the child is in school. In actuality the gap continues to widen during the summer recess months. The summer setback occurs when students return to school after summer vacation with diminished academic skills (this is especially prevalent in reading levels), presumably due to a lack of adequate academic-based practice. Studies show that academic achievement of poor children typically declines during the summer vacation period, while the reading achievement of children from more economically advantaged families holds par or increases at a moderate rate.

With federal funding for interventions that would narrow the achievement gap ever present in our society it is time that such interventions be informed and supported by scientific research. Like we expect athletes and musicians performance suffer without practice, that same is true with students. Experts believe that an overwhelming majority of the 30 million American students poor enough to qualify for free or reduced-price school lunches do not attend any type of summer enrichment program. This is easily explained through the high cost and lack of non-profit summer enrichment programs for low-income and minority students. Thus the most obvious way to reach these kids is through the public school system. Many have suggested extending the number of days or mandating summer school for low-income students. However, mandating additional school time is problematic on an economic as well as ethical level. Fortunately some public schools have begun to utilize the research and tackle the problem of the summer learning loss. In Cincinnati, Ohio, a program entitled the Fifth Quarter offers an additional month of classes as it is specially tailored to the summer setback and is present at sixteen public schools which serve low-income students. Public schools in Houston, Texas offer four weeks of math and science education for at-risk students and have in

turn reported that participants of the program average an increase of more than 10% in their state test scores.<sup>239</sup>

Another suggestion to combating the summer setbacks would be the implementation of a voluntary summer reading program. Although there have been a number of potential causes linked to summer reading loss, access to books and voluntary reading had been cited numerous times as one of the most potent explanation for the widening of the achievement gap and is likely to play a critical role in the promotion of reading achievement. According to the Iowa Test of Basic Skills, the reading achievement on the state's standardized test saw its lowest scores from students who reported owning fewer books at home, less fluent readers, and minority students.<sup>240</sup> Most poor children report that they get a majority of their reading materials from their given school and its library. The number of books present in a low-income child's life extends beyond the classroom and school as Susan Neuman and Donna Celano found a startling difference in access to children's books in differing communities. According to their study, wealthier communities had three businesses selling children's books for every one that existed within poorer communities. When they broke it down even further they found that there were over 16,000 children's books for purchase in the wealthier communities compared to that of 55 books in the poorer ones.<sup>241</sup> Under the voluntary program students would be mailed six to eight books on a bi-weekly basis during the summer vacation months of June, July and August and through the encouragement of their teachers and parents to both practice oral reading at home and utilize comprehension strategies during independent reading. This program would offer a cost-effective reading intervention that

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<sup>239</sup> Drehle, 4.

<sup>240</sup> Allington and McGill-Franzen, 70.

<sup>241</sup> Allington and McGill-Franzen, 72.

would attempt to improve reading skills through both the increased access to books, and matching the books to the child's interest and reading level. As many studies have found, the best readers are the ones that read most often. This would allow for vocabulary building, extend the child's realm of knowledge, and the development of the ability to understand complex stories, texts and grammar. It would also induce parental involvement as the child is encouraged to read with a parent or family member as well as discuss the text with them.

### **Parental Involvement**

Rather than continue to use America's educational institutions as a scapegoat for our shortcomings let us accept the facts. Only two-thirds of American children now live in a two parent home. While only 35% of all non-Hispanic black children live in such homes. Half of all marriages today end in divorce. One in five children today is living in poverty. This includes 33% of black children, and 29% of Hispanic children. An estimated one million American children experience homelessness over the course of a given year.<sup>242</sup> When addressing these facts above, we must give consideration to the research that reinforces the intricate role parental involvement plays in the education of a child.

When examining some of the social statistics describing our children and families, it is easy to recognize that the magnitude of America's education issues is not solely a result of the shortcomings of our nation's public school system. It is time that policymakers give a stronger consideration to the abundance of research that reinforces the importance of parental involvement in the education of their children. According to a

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<sup>242</sup> Hayes, 179.



study conducted by the Appleseed Foundation, “inadequate parental involvement is hindering fulfillment of the federal No Child Left Behind program’s goal to improve the nation’s schools and produce better students.”<sup>243</sup> The simplified explanation for this is to get parents more involved. But the tricky question is how can we do this?

One solution for the issue of parental involvement is the development of and implementation of local “family literacy” programs. It has been suggested by many education as well as sociological researchers that conversation in the home is extremely important in both a child’s social and educational development. Cambridge-based professor Robin Alexander, a strong supporter of family literacy programs, states,

Family literacy directly affects the role and effectiveness of parents in helping their children learn. If parents understand the language and literacy lessons their children learn in school, they can more easily provide the experience necessary for their children to succeed. Bringing parents and children together to learn in an educational setting is the core of family literacy and the way to provide parents with firsthand experiences about what their children learn and how they are taught.<sup>244</sup>

According to Alexander there are four key components to a strong family literacy program. The programs calls for parental training on how to be ones child’s first and most important teacher as well as how to act as a fully committed partner in their child’s education. It also calls for interactive literacy activities between the parent(s) and their children. The program should also be composed of age-appropriate education for children to prepare them for success in school in life and also includes literacy training for parents that helps lead to economic self sufficiency.<sup>245</sup> After providing one’s child with the necessary food, shelter, and clothing, parents and parent(s)/guardian(s) must also be able to converse with their child and expand a child’s education to real-life experiences. These

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<sup>243</sup> Hayes, 180.

<sup>244</sup> Hayes, 180.

<sup>245</sup> Hayes, 180, 181.

types of programs will help to increase dialogue among parents and their children in regards to school and foster stronger relations as it promotes parental involvement through improving parents own literacy skills and the ability for them to better understand the academic work of their children. These types of programs can be state implemented and offered at the local schools to increase community and parental involvement in the education of their youth.

Another method of increasing parental involvement that is somewhat similar to family literacy programs is a district-run “Parent Center.” The state implemented Parent Center which offered services and activities for all families within the school district, giving priority to families whose children receive Title I services. The Parent Center activities would include family literacy training, parental education, computer training, and tips on helping one’s child with their homework. All programs, with the exception of adult education classes should be designed so that parents and their children can participate in the activities together. For parents of students, the center would function as “a place of their own,” and a viable method of helping children succeed by helping their families.

The Buffalo school district has implemented such a place that is open year round and operates on a semester basis. The center offers three daily sessions: morning, afternoon, or evening. Most morning sessions are attended by parents with younger children as they partake in learning activities and parental skills training. The afternoon and evening session are more geared to that of older students as they offer computer courses, tutoring and homework session, and non-academic courses in physical wellness,

art and music.<sup>246</sup> Here parents learn how to become partners in their children’s education and also work on achieving their own educational and personal goals. The Buffalo center is located in the downtown area and in close proximity to the main transit line making access and transportation to the area more accessible. Each family is also given a number of free tokens each month in order to come to the center. Parents who need child-care can bring their whole family to the center, as it provides a nursery for infants while partaking in a session. The center has also found it important to hold regularly scheduled meetings for parents conducted by a district council member to provide information regarding events, state-test(s), and any additional information or issues at the local schools. As noted by the Assistant Superintendent of Federal Programs, Buffalo Public School District, “We need to motivate parents to make a commitment to come [to the center]. [It’s] more than ‘your child needs additional help.’ Attractive activities and services bring them in...[and] when their child performs better, then they commit [to being involved].”<sup>247</sup> The Buffalo center has also found success in co-sponsoring special events and outings with other community agencies such as the Boys and Girls Club and YMCA as these academic related events help keep parents and children interested in learning together. The Buffalo center serves over 3,000 families and reports that 52% of parents have reported that the program had a “significant” effect on their child’s motivation to learning, while virtually all parents reported a noticeable or significant improvement in their children’s reading and math skills. Parental involvement trains and teaches parents about their child’s curriculum and how to supplement what their child is learning in school through activities initiated at home. Programs at the center also help parents

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<sup>246</sup> Funkhouser, A-9.

<sup>247</sup> Funkhouser, A-10.

understand the important questions to ask their child's teacher in regards to their performance in the classroom and what specific skills need improvement.<sup>248</sup> The implementation of "Parent Centers" ultimately helps both parents and students gain the skills and motivation needed to stay involved with their local school system.

### **Concluding Thoughts**

For more than 200 years, the United States government has encouraged and supported public education in America. Initially the federal government provided indirect subsidies to schools. Later, direct assistance to schools came in the form of programs to meet the needs of specific students. Yet for the past three decades the share of education revenues supplied by the federal government has grown steadily, hand in hand with its regulatory presence in the public school system. Education initiatives such as *A Nation at Risk*, America 2000, Goals 2000 and No Child Left Behind have captured the attention of the public and policymakers catalyzing the importance of American public education to unprecedented levels. The 2001 passage of NCLB represents a previously un-crossable divide between Republicans and Democrats and the regulatory span and method in which should be applied to American public education.

No Child Left Behind began with the noble yet naïve promise that every school aged child in the United States of America would attain levels of "proficiency" in mathematics and reading by the 2013-2014 academic year. Although levels of achievement and the number of students achieving levels of proficient have undoubtedly increased, no educator can honestly say that the goal of 100% proficiency will be

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<sup>248</sup> Funkhouser, A-10, A-11.

achieved by 2014. We as a nation can no longer continue to turn a blind eye to states compliance attitudes as they drop scores and alter teaching examinations in order to meet the standards of No Child Left Behind and not be subjected to punishment. And no longer can we continue to ignore the broader social and economic developments and their affect on public education in the United States.

The promise to close the achievement gap between advantaged and disadvantaged students in the United States of America has been entrenched into federal law since the 1960s. The current apparatus of No Child Left Behind, although flawed and faltering under the weight of our expectations possesses the promise. The knowledge of where we want to go and awareness of the larger social issues at hand have been present for a long time. We now need political leaders who are unafraid of the inevitable opposition from entrenched interests on either side of the educational reform debate as No Child Left Behind represents a liberal promise to a nation that deserves nothing less.

The revamping of the remedies must begin with the recognition that we need to refashion No Child Left Behind as a clear cut accountability system rather than an aspirational one. United States Supreme Court claimed in *Brown v. Board of Education* the reality that “it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity for an education.”<sup>249</sup> It is time to ensure a meaningful education to all students and make opportunities no longer a dream but rather a reality. The measurement of educational quality is messy and complicated to say the least. But it is not impossible, and it would be a mistake to wave our hands and assume that No Child Left Behind cannot be fixed. There is no doubt that the law constitutes a flawed vehicle, but it makes the kinds of promises to our most disadvantaged citizens and their children

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<sup>249</sup> Rebell and Wolff, 156.

worthy of the great liberal democracy in which the United States of America stands for.

As Gary Orfield of the Harvard Civil Rights Project notes,

what is sorely needed now is an acknowledgment that the too-hasty compromises and contradictions [of NCLB] need to be sorted out, that experts in implementing deep educational change and people who know what the reasonable expectations for progress are and how to measure progress in a more sophisticated way be brought into the process.<sup>250</sup>

We must acknowledge the larger socioeconomic issues at hand and their influence on the challenges we face in the realm of public education as well as the types of solutions needed to address them. No matter how finely tuned NCLB is powerful cultural and political forces will continue to impede school improvement. Yet when reforming No Child Left Behind it is important that we neither overpromise nor overreach. We have spent the last fifty-plus years learning how difficult school reform actually is and the vast number of unanticipated consequences that are tied to it. Given the current state of America's public school system and the backlash of the No Child Left Behind Act, the best thing that Washington can do is set uniform standards and collect and disseminate data. From there both the national government, non-profits, educational associations and states will be able to cultivate research and technical expertise. We need to continue to shine light on those schools that are conducting successful programs as well as test out other methods such as the value added system and revamp the accountability methods and sanctions. It is time for both political parties to come to terms with their far-reaching education legislation and adopt more realistic objectives rather than push for results that cannot be achieved within the next three years. This does not mean that commitment to the goal of educating everyone should be abandoned, but rather we need to acknowledge the impossibility of reaching the 100% proficiency by the 2013-2014 school year and

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<sup>250</sup> Abernathy, 130, 131.

focus more on making steady progress. Each educational reform proposed symbolizes America's commitment, yet with each reform that we fail to significantly help those in need and fail to improve the state of our nations public school system is simply a precious opportunity lost forever.

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