

OFFICE FOR EDUCATION POLICY

POLICY BRIEF: THE NCLB DEBATE

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STRENGTHS AND WEAKNESSES OF NO CHILD LEFT BEHIND

NCLB: Education's Panacea or Disaster?

Will NCLB have a revolutionary impact on America's schools? Is NCLB an unfunded mandate? Will NCLB strengthen teaching or demoralize the teaching profession? Will NCLB finally provide equitable education for minorities and low-income students or worsen disparities in education? Since NCLB passed in 2001, pundits, educators, and elected officials have asked these

questions, expressing and sometimes exaggerating some of the real strengths and weaknesses of the legislation. The following section highlights some of the most controversial points in the legislation, mostly taken from an outline articulated by the former Assistant Secretary of Education for President Reagan, Chester Finn, Jr., in 2003. A discussion of the prominent strengths and weaknesses in the legislation analyzed by multiple research groups follows Table 1.

Table 1: Differing Views of the No Child Left Behind Act

	NCLB: Panacea!	NCLB: Disaster!
The Role of the Federal Government: Should the feds be involved in education?	Since the distribution of <i>A Nation at Risk</i> in 1984, America's weak educational achievement in K-12, both by America's standards and relative to other industrialized countries, has been considered a national problem. A national problem of grave proportions requires a national solution.	State constitutions articulate the responsibility of educating children, giving states the responsibility for managing education. Enforcing a homogeneous accountability system on all states will fail in practice.
100% Proficiency: Is it realistic to have 100% of students proficient in reading and math by 2014?	If the law did not set a goal of 100% proficiency, the students most likely to be left behind would be poor students, minority students, and students in troubled schools.	Achieving 100% proficiency in 12 years sets an unrealistic goal for states, districts, and schools. Even policymakers in states that had strong accountability systems before NCLB suggest that 100% proficiency is unrealizable. ¹

¹ Policymakers in states with mature systems say that a better alternative would be to base accountability not on a student's academic "status" at any one point in time, but instead on documented "growth" in achievement (Ritter & Lucas, 2003).

Testing, testing, testing...

Testing is the easiest way for the public and parents to know if schools are providing a quality education for students, and schools have a responsibility to the public to demonstrate that students are learning.

First, NCLB primarily relies on test scores gathered from one point in time in two subjects to determine whether a state, district, or school is succeeding. Second, just as teachers use multiple measures collected over time to determine the progress of their students, states should also evaluate schools using multiple indicators.

High Stakes:
Should all consequences be attached to a snapshot of student learning?

If the state curricula assessments are aligned with state standards, then they are the most accurate measure of what students have learned. Consequences should follow these demonstrations of school effectiveness.

When the consequences of such few measures are high, teachers tend to spend a disproportionate amount of time on test-taking skills rather than on academic skills.

Disaggregating test scores:
Should we disaggregate scores for subgroups?

NCLB requires states to disaggregate the scores of low-income students, students with disabilities, limited-English proficient students and students who fall into a major racial or ethnic group. Spotlighting these groups ensures that these students receive additional support and attention if they do not make Adequate Yearly Progress (AYP).

Schools that enroll diverse populations tend to have lower overall test scores, penalizing these schools unfairly.² Even in schools where students display almost identical test scores, the schools that have more subgroups are more likely to miss their growth targets simply because they have more chances to fail.

School Choice:
Should students be eligible to transfer to another public school in their district if their current school is “in need of improvement”?

NCLB finally offers students and their families in neighborhoods with failing schools an opportunity to change their situation by using federal money to attend a high-performing public school within their district.³

The choice component of the legislation fails in practice because districts are not likely to make the transfer an easy process to navigate.⁴ Further, districts with a high number of low-performing schools often have few options for students to choose.

² A study conducted by Policy Analysis for California Education (2004) found that “schools serving diverse students in California are less likely to achieve their growth targets”. Among schools with a middle-class population, schools with only one subgroup had a 67 percent chance of meeting their growth targets, whereas schools with six subgroups only had a 39 percent chance of meeting their growth targets. Schools with Latino students from low-income families had especially low odds of meeting their targets.

³ Jay Greene and Marcus Winters (2004) examined the effect of vouchers on failing schools in Florida’s A+ program, a model similar to the mandates in NCLB, and found that voucher-eligible schools showed the greatest improvement in achievement. Their findings highlight the positive effects of choice for students who choose to stay in a voucher-eligible school.

⁴ Only 800 out of 125,000 eligible students actually transferred in Chicago, and in Dayton, no students transferred although 10 of the 25 schools had eligible students (Brownstein 2003).

The table on the previous page highlights major areas of controversy that NCLB raises. While the “true believers” of both sides find almost no areas of agreement, there is some consensus among many in the education community about some of NCLB’s strengths and some of the aspects of NCLB that require changes.

WHAT ARE THE STRENGTHS OF NCLB?

Accountability to the public

Unions, politicians, parents, educators, and community members generally agree that schools need to be accountable to the community. NCLB creates a systematic reporting system and attaches rewards and sanctions to schools’ performances, providing an opportunity for all interested groups to discuss forms of accountability and to begin receiving measures of students’ progress. Before the passage of NCLB, 30 states had already developed and implemented school rating systems, showing overall support for accountability systems that are linked to standardized tests (Ritter & Lucas, 2003).

The “Reading First” Initiative

Several states use illiteracy rates of students in second or third grade to predict the resources they will need for prison construction, and multiple studies link reading problems and illiteracy to delinquency and other social problems (Reid, 2001). The “Reading First” initiative in the NCLB legislation emphasizes the importance of using reading instruction that has been proven effective in research and focuses on the attainment of strong reading skills in grades K-3. The initiative aims to have all students reading at or above grade level by the end of third grade and provides federal funds for professional development, diagnostic assessments, tutors, increased parental involvement, and instructional materials. Despite its cost of \$5 billion over five years, this initiative gained widespread bipartisan support.

Civil Rights Legislation

A 2004 report on NCLB by the Education Commission for the States suggests that the legislation represents a civil rights issue for traditionally overlooked students. In theory, the legislation directs attention to these subgroups

through the disaggregated reporting of test scores, encouraging schools and districts to dedicate resources to these groups. However, some critics suggest that in practice NCLB stigmatizes these identified subgroups.

WHAT ARE THE AREAS OF IMPROVEMENT FOR NCLB?

Concerns over funding

Though NCLB does not fit the narrow definition of an unfunded mandate according to a recent Government Accounting Office report, the GAO did acknowledge that the legislation “appeared to have potential financial impacts”. Education Secretary Rod Paige has touted an historic increase in federal spending on education, but by several measures, this funding does not compensate for the additional requirements, particularly under Title I. “The current Title I appropriation of about \$12.3 billion is only about half of the \$24.7 billion it would take to serve all children counted under the law’s basic formula, using the law’s own expenditure factors,” says a 2004 report from the Center on Education Policy.

Over half of the nation’s school districts will receive a cut in Title I funds so that these funds can be redistributed to the nation’s neediest school districts. However, all schools are required to raise the achievement level of their low-income students, and the new funding formula for Title I negatively impacts 10 states and thousands of school districts.

Using a snapshot in time to measure performance

NCLB testing requirements capture a snapshot of student performance each year. Rather than using only a snapshot of student performance to evaluate achievement, many experts recommend the use of growth models or value-added assessment, which measure individual students’ progress over time. Several states, including Tennessee, Pennsylvania, North Carolina and Minnesota, have either fully adopted or piloted value-added assessment models. This methodology allows educators, parents, and the public to compare the gains of individual students with a normative sample. Many argue that this type of analysis provides more accurate measures of teacher performance, the progress of high-performing and low-performing students, and progress made by individual teachers and schools

than the single measure of student performance mandated by NCLB.

A primary focus on one indicator for measuring success

While many education advocates agree that schools need accountability systems, measuring a school's success using test scores as a primary indicator may: 1) create false impressions of a school's performance, and 2) create unintended consequences that negatively impact student learning. Nearly one-third of schools in the U.S. have been labeled as "in need of improvement" based on NCLB's one measure. Though testing may prove an acceptable measure if the tests are carefully aligned with state standards, the "in need of improvement" label may not provide an entirely accurate picture of a school's performance, as it does not include how the school performs on other measures (e.g. quality of the facilities, financial management, adequacy of materials).

In order to avoid the public label of a school "in need of improvement" and the increasingly harsher sanctions that occur if a school fails to make Adequate Yearly Progress (AYP) each year, studies show evidence that teachers spend an increasing amount of time drilling students for standardized tests, administering practice tests, and teaching test-taking strategies, particularly in disadvantaged schools. In these schools, tests become the curriculum rather than a measure of the curriculum. This consequence excludes other learning activities from the school day and may encourage qualified teachers to leave the profession if they feel stifled by these new practices or discourage individuals from joining the profession (Beaver, 2004). Several researchers, including Linda Darling-Hammond (2004), suggest using multiple measures in order to accurately determine a school's performance.

THE FUTURE OF NCLB

Recent changes to the guidelines in NCLB indicate that the legislation can benefit from ongoing evaluation and monitoring. The challenge for legislators and the Department of Education will be to: 1) To discern the strengths and weaknesses in legislation components where researchers and practitioners have conflicting opinions; and 2) To modify the policy as the implementation process

highlights its flaws without losing the strong accountability measures outlined in the legislation.

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