

THE FUTURE OF No Child Left Behind



End it? Or mend it?

More than seven years ago, President George W. Bush signed No Child Left Behind (NCLB) into law. Sweeping calls for testing, intervening in persistently low-performing schools, and policing teacher quality made it the most ambitious legislation on K–12 schooling in American history. The law, due for congressional reauthorization in 2007, still awaits legislative action. This spring, the Hoover Institution's Koret Task Force issued 10 recommendations to guide reauthorization (available at www.hooverpress.org). In this forum, lead author of *Learning from No Child Left Behind*, EdisonLearning's John Chubb, and education historian and task force member Diane Ravitch, who declined to sign the recommendations, weigh in on the future of the law.

EDUCATION NEXT: Is NCLB working? Should it be reauthorized?

Diane Ravitch: It is time to pull the plug on No Child Left Behind. It has had adequate time to prove itself. It has failed. After seven years of trying, there is no reason to believe that the results of NCLB will get dramatically better. Now is the time for fundamental rethinking of the federal role in education.

NCLB has produced meager gains in achievement. The National Assessment of Educational Progress (NAEP) assesses student achievement in reading and mathematics every other year. Despite the intense concentration on reading and mathematics required by the law, the gains registered on NAEP since the enactment of NCLB have been unimpressive.

In 4th-grade reading, the gains after implementation of NCLB, from 2003 to 2007,



John Chubb



Diane Ravitch

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were small (three points) and exactly the same as the gains from 1998 to 2003. Fourth graders in the bottom 10th percentile of performance had a five-point gain after NCLB, but this did not compare to the 10-point jump in their scores from 2000 to 2002 pre-NCLB (see Figure 1).

In 8th-grade reading, there were essentially no gains from 1998 to 2007. Student performance was a flat line both before and after NCLB.

Mathematics was tested in 1996, 2000, 2003, 2005, and 2007. The gains preceding the adoption of NCLB were larger than those posted after NCLB. From 2000 to 2003, 4th-grade students recorded a nine-point gain in mathematics, compared to a gain of only five points from 2003 to 2007. Among 4th-grade students in the lowest decile, there was an astonishing 13-point gain from 2000 to 2003 pre-NCLB; the same group saw a gain of only five points from 2003 to 2007. The same deceleration of student improvement was seen at all performance levels, from top to bottom.

In 8th-grade mathematics, gains also slowed after the passage of NCLB. Eighth graders saw a five-point gain from 2000 to 2003, but only a three-point gain from 2003 to 2007.

John Chubb: NCLB will and should be reauthorized. Absolutely, student achievement has grown much more rapidly in the last decade—the NCLB era—than during the 1990s, especially for the lowest-achieving and most-disadvantaged students in the nation. Achievement is what NCLB is all about, so the law has met its most basic test. This is recognized by even the law’s critics which is why the only discussion in Washington is how to mend the law. The Obama administration recognizes that No Child Left Behind aims to help the federal government perform its most important education function: improving the education of students in greatest need. The new president is supported in this view by a bipartisan majority in Congress, which has worked for many years to ensure that poor kids get the help they require. The education needs

that NCLB addresses are not going away, nor is the need for funding. Indeed, the economic stimulus bill passed in February increased funding for NCLB by 80 percent, and these provisions of the massive and controversial bill met no objections.

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NCLB is based on sound principles and should with time improve the achievement of all American children, especially economically disadvantaged and racial minorities. There is empirical evidence these principles are working. The Thomas B. Fordham Foundation recently completed an analysis of the top and bottom 10 percent of all students tested by NAEP. It found that the bottom 10 percent had gained far more than the national average since 2000 in math and reading, more than a full grade level in math. The top 10 percent had gained as well, providing no evidence that schools were ignoring the best students while focusing on the kids below proficient and subject to NCLB sanctions. Both groups of students had also gained more since 2000 than they had during the 1990s. The federal government’s own comprehensive analysis of Title I, mandated by Congress, conducted by RAND among others, and published in 2007 after several years of NCLB experience, found the largest academic gains since 2000 and 2003 among students in high-poverty schools. To be clear, the evidence in total is early, and the research is incomplete. But there is no question that American kids, especially the most disadvantaged, are making progress. It is absolutely mistaken to suggest, that NAEP changes pre- and post-2003 are evidence that NCLB has been counterproductive. Disadvantaged kids are achieving far more today than ever before, and those gains are attributable to higher standards and tougher accountability that began in the states in the 1990s and accelerated with NCLB.

EN: What are the strengths and weaknesses of the NCLB approach to assessment?

DR: Educators and the public are getting wise to the uselessness of the testing regime that has been foisted upon them. A year ago, North Carolina's Blue Ribbon Commission on Testing and Accountability issued a report recommending a sharp reduction in the number of tests that the state required. The chairman of the commission, Sam Houston, said, "We're testing more but we're not seeing the results. We're not seeing graduation rates increasing. We're not seeing remediation rates decreasing. Somewhere along the way testing isn't aligning with excellence."

NCLB may in reality be dumbing down our children by focusing the attention of teachers and administrators solely on basic skills. Our students are not being prepared to compete with students from high-performing nations in the world. Many are not getting an education based on a coherent, content-rich curriculum in history, geography, the arts, science, foreign languages, and literature. They are not getting a good education. They are getting thin gruel. If we want a future workforce that is smart, creative, independent, and resourceful, we are not educating to get what we want.

JC: Perhaps the single greatest virtue of NCLB's approach to assessment and accountability is that it shines a bright light on student performance, as measured against explicit standards of proficiency. The nation finally knows which schools are raising proficiency in reading and math and which are not. Before NCLB, such information was spotty at best. A weakness, however, is that the bright light does not shine on all subjects that matter for kids and their future.

The education the nation values is one that is rich in content. NCLB has unwittingly and unfortunately encouraged schools to focus instruction inordinately on reading and math, the subjects that NCLB requires be tested annually and to which it has attached the tough accountability regime. Students, however, need also to understand science, history, geography, civics, and more

if they are to succeed in a 21st-century world of intense international competition and technological sophistication.

NCLB already requires science testing once each in grades 3–5, 6–9, and 10–12. This requirement should be extended to include three tests of social science, defined as U.S. history, world history, geography, and civics. The law should further specify that the science and social science assessments be cumulative and comprehensive, and not focused just on the content taught during the tested grade level. NCLB should require that scores be posted on state and district web sites and included in school report cards. State scores should be benchmarked against NAEP, to encourage high standards. But science and social science should not be part of Adequate Yearly Progress (AYP); the process of assessing and exposing performance should be ample to promote attention to these fields.

EN: How should proficiency be defined and measured?

DR: The federal demand that all students will be proficient by 2014 has led states to embrace a very loose definition of proficiency. Most states are now using NAEP's "basic" achievement level as their definition of proficiency because NAEP's "proficient" level is far beyond their reach. But many states go even lower than NAEP basic for their definition of proficiency. Tennessee, for example, says that 90 percent of its 4th-grade students are proficient in reading, while NAEP says that only 26 percent are. Only 61 percent of students in Tennessee are at basic or above, according to NAEP. Similarly, North Carolina tells the public that 86 percent of its 4th graders are reading proficiently, but NAEP says only 28 percent are (and 36 percent score "below basic"). These states and many others make inflated claims to satisfy NCLB's ridiculous requirements.

JC: There is much room for improvement in how proficiency is defined and measured by NCLB—and we have practical suggestions for improving both. But the fundamental principles that NCLB advances represent a huge step forward for the nation.

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NCLB asks the nation to define what all students should know and be able to do in reading and math, and then measures progress toward these performance standards. This is a boldly democratic and egalitarian expectation and the very first time that the nation has asked its schools to perform at an explicit level. We should proudly defend these principles.

On a practical level, “proficiency” should describe the knowledge and skills necessary to be “college and career ready” in the 21st century. Proficiency should capture the “common core” of competencies deemed necessary for all students to have a chance at success after high school.

NCLB should authorize the U.S. Department of Education to fund—after a competitive bidding process—up to three multistate consortia to develop standards, tests,

and performance levels that support the overarching goal of college and career readiness. With federal funding, states will buy into one of the systems of national standards and tests, saving the huge expense of developing new standards alone. NCLB could, through these recommendations, give the nation standards both achievable and worth achieving, while preserving the rights of the states to determine what “national” standards should be.

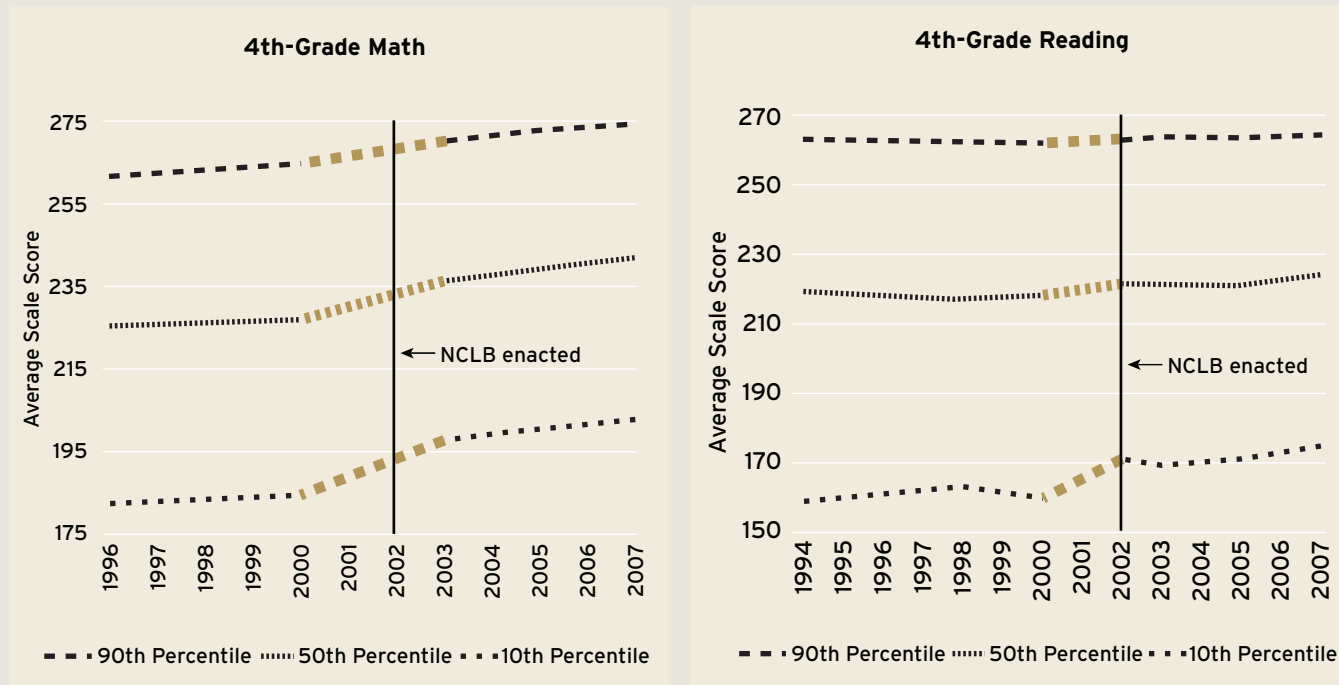
EN: Are the law’s “remedy” provisions—including public school choice and supplemental educational services—working?

DR: The remedies the law prescribes—choice and tutoring—have proven to be ineffective. Less than 5 percent (and by some estimates, as low as 1 percent) of eligible

Is Credit Due? (Figure 1)

Because the 2002 enactment of *No Child Left Behind* followed the launch of accountability systems in many states, experts disagree as to achieving students and in scores posted prior to 2003, can be attributed to the law.

NAEP Gains for Students at the 10th, 50th, and 90th Percentiles by Grade and Subject



SOURCE: National Assessment of Educational Progress (NAEP)

students choose to leave their “failing” school to transfer to a school that made AYP. Some say it is because the students and families did not get adequate notice, but more likely students are not choosing to leave for other reasons. In many suburban and rural school districts, there may be no other school to transfer to. But perhaps more important, most students will not leave their school even if there is another school that is presumably better, by NCLB’s definition, and that is accessible. That is because most students are not in the group that is failing to make progress, and if they like their school, they don’t want to be separated from their friends.

The law assumes that the schools are bubbling over with discontented kids who are eager to escape, but that assumption is probably wrong. Or at least there is no evidence for it based on the lack of response to the choice

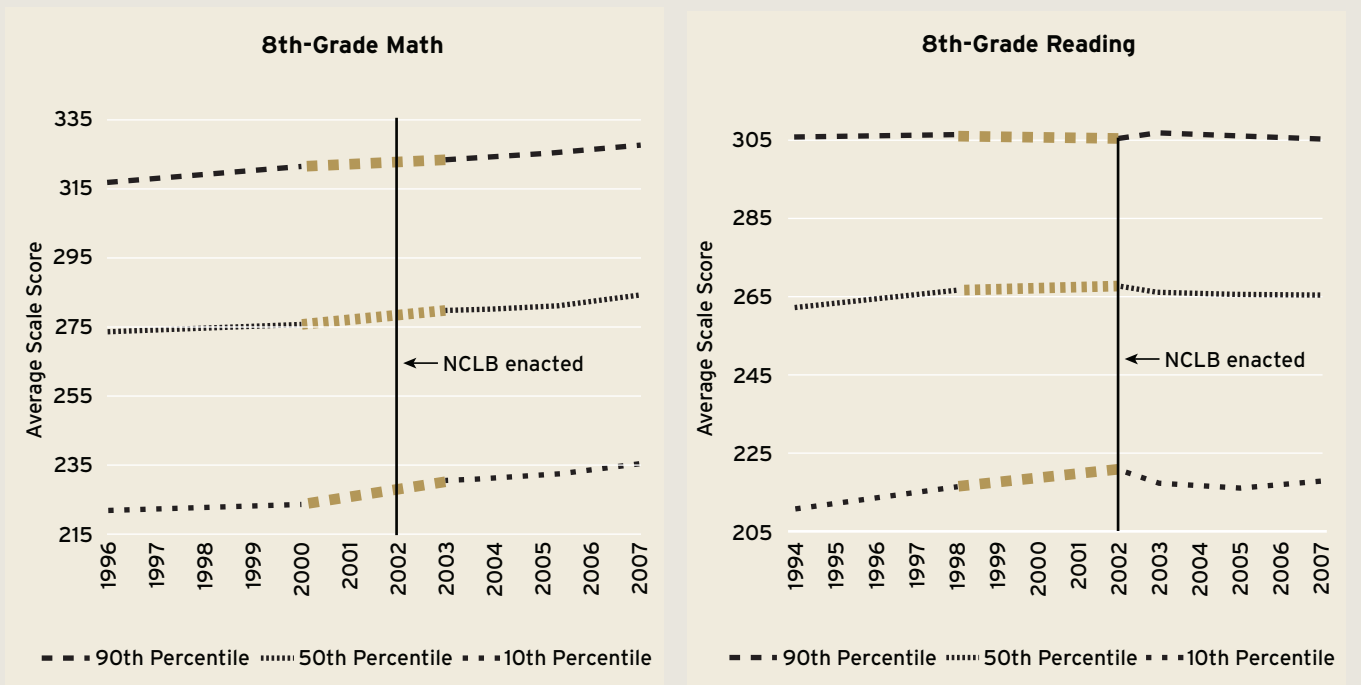
provisions of NCLB. We have long known from polling data that the public is concerned about the quality of American education, but most parents are satisfied with their own children’s school. The failure of choice in NCLB reminds us of that consistent finding.

The other remedy in NCLB for failure to make AYP is tutoring, and that too has proved to be ineffective, though it has turned into a half-billion-dollar bonanza for tutoring companies. Evaluations in several states, including Maryland, Virginia, Tennessee, Alabama, Georgia, Michigan, and Kentucky, have reported that students who received tutoring did no better on state tests than their peers who did not receive tutoring. Only about 15 percent of eligible students have signed up for tutoring. Even when tutoring is free, conducted after school, and provided in a convenient location (sometimes in their own school building),

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whether any of the improvements in scores on the National Assessment of Educational Progress (NAEP), and particularly among low-



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most students don't want it. Maybe it conflicts with their afterschool jobs or their sports or other commitments. Maybe they just don't want to study for an additional hour or two when the school day is done. We need to know more about why 85 percent of eligible students avoid tutoring. We need to know why most eligible students are not showing up to be tutored, and why those who do show up are gaining so little from it.

JC: We know from ample research that choice can boost the achievement of students who avail themselves of it. We also know that tutoring is an effective means of remediating achievement deficits. RAND recently affirmed the effectiveness of SES tutoring in a well-controlled study. But choice and tutoring are not working nearly as well as they could in NCLB. This has nothing to do with the ideas of choice and tutoring but rather with the way NCLB provides for them.

Students in failing schools simply do not have enough choices. The law currently limits choice to schools not in improvement status, which often eliminates all nearby options. NCLB should increase the choices available by permitting families to judge school shortcomings for themselves. A school failing a single subgroup or barely missing AYP, for example, might be a better choice for a student in a school that is failing badly. Yet today those choices are not available.

NCLB should offer additional charter school start-up grants in any school district where failure is rampant, such as a district not making AYP. Students should be able to choose schools in neighboring school districts, subject to district approval. And private schools should be eligible to receive choice students, provided those schools charge no extra tuition and participate in the state testing program.

Students in failing schools should also have greater access to tutoring, sooner. There is no more effective way to help students who are struggling than to get them extra, focused, individualized attention. Yet only 20 percent of students eligible for tutoring under NCLB are receiving services, and the services often fall short of the quality offered in the private marketplace. This should be remedied.

First, make Supplemental Educational Services (SES) available as soon as schools are declared in need of improvement, the same time as school choice is offered. Second, ensure that students have access to the best possible tutors. Grant districts the right to provide SES, even if the district is failing to make AYP, but also require districts to provide a fair and competitive marketplace for all providers. Whatever access the district itself has to families, students, and facilities, it must also provide to private tutors—or the district loses the right to be a provider. To reinforce these measures, NCLB should require states to provide information on eligible students to approved providers. The states should be required to collect and post comparative information on the effectiveness of all tutors.

EN: Are NCLB's sanctions for persistently failing schools effective? Are they fair?

DR: The law's punitive sanctions are ineffective. By year six of failing, the schools may be turned into charter schools, taken over by the state or private management, closed, or restructured (e.g., replacing the entire staff). None of these sanctions had a research basis to justify its inclusion in the law. They were hopes or hunches, based on ideology, not evidence. Most states and districts choose the least onerous of the sanctions, which is restructuring. According to a 2008 report from the Center on Education Policy, restructuring itself needs to be restructured because there is no sure-fire way to turn around a chronically low-performing school. The federal Institute of Education Sciences recently published a research summary on how to achieve this admirable goal, but not one of its four recommended strategies was supported by evidence.

JC: Currently, NCLB's escalating sanctions apply identically to schools that have failed massively and to schools that barely miss. This is a big mistake—but one that is easily fixed. NCLB should differentiate school improvement needs. Over time we expect more and more schools to succeed

with the majority of their students, but to struggle with certain extra-needy subgroups. It is vital, as the nation expects increasing percentages of students to achieve proficiency, that we identify schools accurately for their performance. The Department of Education has approved nine states' requests to implement "differentiated accountability" plans. NCLB should build on this good work and institutionalize a simpler system for all states.

Schools should be placed into one of two categories of "needs improvement." "Limited" improvement is for schools whose shortcomings involve less than one-third of the student body. Limited improvement would offer students in year one of their school's acquiring improvement status (two years of missing AYP) choice of another school and SES. If schools remain in limited improvement status, NCLB would require, in year four of improvement, that states develop with schools "limited corrective action plans." Schools with limited improvement status should not face restructuring; states should have the flexibility to work with schools with limited problems as they see fit.

"Schoolwide" improvement is for schools that miss new AYP growth targets for all students or for subgroups that total more than one-third of school enrollment. Schoolwide improvement would require schools to proceed through restructuring, but NCLB should be revised to include only three means to restructure: First, a school may be reorganized as a charter school, giving it new governance. Second, the school's management can be contracted out to an independent school management company, changing day-to-day control of the school. Finally, a school may be closed and reopened with 100 percent of the teaching staff and administration replaced. Each of these measures ensures a new day for the school and its students.

EN: Is NCLB's goal of universal proficiency by 2014 one that should remain in a reauthorization of the law?

DR: The demand that all students be proficient by 2014 is absurd. This laudable goal

has never been reached by any other nation or by any state. The only way it can be met is by defining "proficiency" to mean minimal literacy and numeracy. Meanwhile, the expectation that all schools will achieve this goal has created a trajectory of failure that guarantees a steady increase in the number of schools that are stigmatized for not making adequate yearly progress. In the 2007–08 school year, nearly 30,000 schools—or 35 percent of all public schools—joined that abysmal list; this was a 28 percent increase in the number of "failing" schools over the previous year. In Massachusetts, which has the highest-scoring students on NAEP in the United States, nearly half the public schools in the state were rated as being "in need of improvement."

It does not take a statistician to figure out that NCLB is a recipe for disaster for American public education. An article in *Science* magazine last fall predicted that nearly 100 percent of all elementary schools in California would be failing schools by 2014.

JC: Universal proficiency is perhaps the most important principle of NCLB—certainly the most audaciously democratic one. It should and will be preserved. Who, after all, will be willing to say whose children should be proficient and whose should not? And, this is not just a matter of principle—the goal is doable.

But the states need to come together around standards that are worth accomplishing, that represent the common core of knowledge and skills that every child needs to be prepared in the 21st century for college or a productive career. Students with special needs or just beginning to learn English need to be provided alternative means to demonstrate proficiency. Universal proficiency in practice may mean 90 to 95 percent proficient, a high number but not an unattainable one. Finally, schools must be given time to realize goals worth achieving.

NCLB should extend the 2014 deadline for universal proficiency by six years—half the original NCLB timeline—to 2020, but only for states willing to adopt new high national standards.

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The role that NCLB sets out for the federal government—setting national goals while leaving states and districts to decide how to reach them—is sound, and surely superior to the hodge-podge of state accountability systems that preceded it.
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EN: Has the federal leadership embodied in NCLB been a help or a hindrance to school improvement?

DR: Washington does not have the institutional knowledge or capacity to reform our nation's schools. Congress is not the right institution to reform the nation's schools. The U.S. Department of Education lacks the capacity to tell the nation's schools what they should do to improve. Washington is too remote from schools to take responsibility for improving them. In their edited volume, *No Remedy Left Behind*, Chester E. Finn Jr. and Frederick Hess wrote that NCLB "amounts to a civil rights manifesto dressed up as an accountability system. This provides an untenable basis for serious reform, rather as if Congress declared that every last molecule of water or air pollution would vanish by 2014, or that all American cities would be crime-free by that date.... NCLB's dogmatic aspirations and fractured design are producing a compliance-driven regimen that recreates the very pathologies it was intended to solve. It's time to relearn the lessons of the Great Society, when ambitious programs designed to promote justice and opportunity were undone by utopian formulations, unworkable implementation structures, and a stubborn unwillingness to acknowledge the limits of federal action in the American system. In the end, Washington is not well-positioned to effect change to a program that depends on state and local action, or successfully to require states and districts to adopt measures whose efficacy hinges on gusto and creativity rather than compliance."

A few tweaks here and a little tinkering there cannot fix this fundamentally flawed legislation. The time has come to discard it altogether and begin to think afresh about how the federal government can provide useful assistance to states, districts, and schools that are trying to improve. What we need is a clear recognition of the appropriate federal role in education and a deeper understanding of the meaning of a good education. Perhaps with a sense of the limits of federalism and of the limitless

potential of education, we might be able to free ourselves from the sterility, rigidity, dogmatism, and narrow anti-intellectualism of NCLB.

JC: NCLB embodies a delicate balance between federal leadership and state execution. Despite the hue and cry from critics about federal over-reaching, NCLB provides ample discretion to the states. The role that NCLB sets out for the federal government—setting national goals while leaving states and districts to decide how to reach them—is sound, and surely superior to the hodge-podge of state accountability systems that preceded it. The challenge now is to improve how our federal-state partnership works. Experience can be a powerful guide.

Let's face facts. The nation needs to boost its achievement even more now than when the law was passed. Our economic welfare depends more and more on education. We should learn from the law—as it is beginning to help our children learn—and not expect 50 uncoordinated states to get the nation where it needs to be in the demanding world of the 21st century.

What, in addition to what we have already suggested, would improve the federal-state partnership? A practical remedy on which all sides now agree: change how the law measures academic progress. NCLB currently recognizes achievement only when it lands a student above a state's proficiency bar. The act does not recognize student progress by the lowest achievers, growing from, say, below basic to basic. The act also fails to recognize the growth of the nation's top students: a school gets zero credit toward AYP for upper-end success. The Department of Education has approved 15 states' requests to use "growth models" to measure achievement. NCLB should be revised to make growth the only measure of achievement. The act should require that each student's achievement be judged, for purposes of determining AYP, against one simple standard: is the student on track to be proficient or better by the time of her last reading and math tests in high school? Those tests must be passed for high-school diplomas to be awarded. ❖