No Distortion Left Behind

The New York Times Education Columnist Gets It Wrong

Checked:
Michael Winerip, “On Education,”
to May 26, 2004

by Andrew J. Rotherham

Let’s stipulate that the No Child Left Behind Act (NCLB), the federal education law signed by President Bush in January of 2002, is a complicated piece of legislation. The law’s official conference report runs to 1,080 pages and covers a host of issues, many not even related to the law’s central thrust. But let’s also stipulate that many, many other laws—from taxes to environmental regulation—are no less challenging to understand and interpret, which is why journalists at the nation’s best news outlets often have areas of specific expertise.

So, is it asking too much to expect those in the media charged with writing about education and NCLB to make some effort to describe them accurately? And shouldn’t we expect one of the nation’s most visible and influential education journalists to get it right?

I’m sympathetic to the myriad challenges that journalists face, but NCLB’s heft and the political battles around it are no excuse for someone like Michael Winerip, who writes the weekly “On Education” column for the New York Times (he is currently on a sabbatical to write a book), to distort the law into a vague semblance of reality. Take his September 24, 2003, column, for instance. Under the headline “On Front Lines, Casualties Tied to New U.S. Law,” Winerip reported that NCLB funding shortfalls were “devastating” for New York City. But he neglected to mention that the city had received more than $260 million in new dollars for poor students alone under NCLB in the previous two years (see “Who Got the Raw Deal in Gotham?” page 72).

It is especially problematic when the distortion is in the nation’s putative “newspaper of record.” As former Los Angeles Times education writer Richard Colvin, who now heads the Hechinger Institute on Education and the Media, says, Winerip’s “On Education” is “agenda setting” because of its influence on policymakers: “Editors across the country read what’s in that column and it informs their decisions.”

Winerip’s misleading writing about NCLB is particularly surprising because he has produced an impressive body of important journalism in a career of more than 20 years at the Times, reporting on everything from city politics in the 1980s to vital national issues in the 1990s.
In 2000, Winerip was part of a *Times* team that produced a Pulitzer Prize-winning series on race in America. Many of his education columns are outstanding because of his clear eye for important subjects, including those that go unnoticed. For instance, he is one of the few reporters writing about the difficulties gay students face in school. And he can turn out delightful quirky and interesting profiles, like his April 21, 2004, column about an 81-year-old woman returning to law school alongside hyper-competitive 20-somethings.

**Obsessed with NCLB**

But the very skills that produced this career of important work are missing in his writing about NCLB, which, needless to say, is an enormously important issue in education right now. In fact, since his first “On Education” column (January 8, 2003) to his last before going on sabbatical (May 26, 2004), Winerip devoted 15 columns—23 percent of his total—to NCLB, which he opined (October 1, 2003), “may go down in history as the most unpopular piece of education legislation ever created.”

It’s hard to know why Winerip became a knee-jerk NCLB-basher. But it’s not hard to see that he is one; nor need one be a partisan of the Bush administration (which I certainly am not) to grasp that his stance is costing the *Times* a chance to engage constructively in the debate about the law. There are problems with NCLB that scream for thoughtful explanation, rigorous attention, and public concern. This is not surprising with a federal law as complicated as NCLB. Any writer seeking to focus on it enjoys what the military would describe as a “target rich environment” and could make a genuine contribution to the debate on school improvement by engaging in a discussion of those liabilities. Winerip, however, has managed to avoid almost completely an accurate description of the act’s most important issues.

A good example is a February 19, 2003, column about Gonzales Elementary School in Tolleson, Arizona, a school that Winerip implies had been designated, because of NCLB, as “under-performing.” The *Times* columnist described a Kafkaesque series of hoops the school’s principal had to jump through because of the designation, including devising a detailed school improvement plan. But Winerip conflated the state’s accountability system and NCLB. The school would have received the same designation and been required to take the same steps in the absence of NCLB, a fact that Winerip omitted, while writing, “Unfortunately, last year the 5th grade did not make adequate yearly progress on the state competency exams. And that’s all it takes under the great new federal law.” Incidentally, whatever steps the school took seem to have worked. It did fine the following year under both Arizona’s accountability system and No Child Left Behind.

**Are the Feds to Blame?**

Routine rushing to lay blame for local administrative upset at the feet of the feds, Winerip frequently fails to differentiate between state and federal requirements, much less offer readers information to understand why states differ from one another in their policies.

For instance, in an April 28, 2004, column, Winerip described a school in Florida as unfairly penalized by NCLB, but he failed to mention that the school reported low overall test scores and had significant achievement gaps between white and minority students. He tartly noted that Texas (was the Lone Star state chosen to make a political point?) operates under different rules than Florida. But he failed to mention that Texas officials simply designed a different accountability plan, and that Florida could have done the same thing.

Likewise, in a September 3, 2003, column examining the differences between state and federal accountability systems, Winerip looked at North Carolina, where, he said, some schools that were doing just fine under the state’s previous accountability system were now being flagged as needing improvement under NCLB. He cited this as evidence of the folly of NCLB. What *Times* readers were not told, however, was that before NCLB, North Carolina, like almost every state, did not hold schools accountable for the performance of various subgroups, like minorities and special-needs students. Thus schools with good overall scores often had distinct groups of students that lagged far behind—a glaring inequity that the new federal initiative was explicitly designed to detect, but information Winerip conveniently left out of his story.

Winerip returned to North Carolina in his October 8, 2003, column, this time to bemoan the arbitrary demographic subgroup size of 40 (the minimum number of students that must be in the subgroup for the school to be held accountable for that group). But he failed to tell readers that it was the state, not the feds, that chose that number, that many states have even smaller subgroup sizes (and some larger, too), or that many advocates for poor, minority, and disabled students want small subgroup sizes in order to ensure that students are not lost in overall averages. Instead, without any context, Winerip readers are
again left to conclude, on the columnist’s authority, that there is something arbitrary, if not downright crooked, about all these federal rules.

**Missing the Point**

Moreover, the inequity teased out by the subgroup rule is the core difference between NCLB and the 1994 reauthorization of the Elementary and Secondary Education Act. Understanding this is integral to making sense of the apparent conflict between state and federal systems. But Winerip referred only in passing to a “totally different federal formula.” Regrettably, through all the NCLB trashing, Winerip never described these issues so that lay readers, almost certainly unfamiliar with this context, could at least understand the current environment let alone learn about the complexity of the law and the challenges of designing policy for our decentralized system of schooling.

It’s not that Winerip doesn’t understand this context himself. Two of his most interesting columns focus on the challenges of the racial achievement gap. Yet inexplicably he never makes the leap from the problems he eloquently describes to NCLB’s intent, or potential, to help ferret out and rectify those same racial inequities. Similarly, No Child Left Behind’s left-leaning supporters like the Education Trust, Citizens’ Commission on Civil Rights, and Council of the Great City Schools, which are all concerned about the achievement gap, do not enter the Winerip conversation either.

Context is also lacking in his September 3 column, where he noted, “The federal system uses a single yearly proficiency goal—for North Carolina, 68 percent of students reading on grade level this year—and requires all schools to make that number.” In fact, the “safe harbor” provisions in NCLB mean that all schools do not have to meet fixed targets across the board each year, but only make some improvement in order to make adequate yearly progress. Certainly, provisions like this are somewhat arcane. But a reporter with Winerip’s skills could surely make them understandable for readers.

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Besides, North Carolina’s relatively high bar is the result of a now somewhat problematic NCLB provision known as the “20 percent rule,” which was inserted into the law’s “adequate yearly progress” provisions. The concern was that some states would be starting with such low percentages of minority students at grade level that just requiring that as a starting point would subject the law to ridicule for having embarrassingly low standards. However, to ensure rigor, the alternative formula figured a state’s starting point as a function of 20 percent of the state’s grade-level population of students. In practice the provision has allowed some laggard states, at least initially, to get off easier than states that have been doing the right thing. Thus, paradoxically, many states that have been working to improve their school systems have more schools identified as failing to make adequate yearly progress under NCLB than trailing states. Though this is a complicated issue, it is a classic example of the trade-offs that federal policymakers routinely face and one that a thoughtful education writer with a national platform seemingly could explore for readers.

**No Room for Subtlety**

But, unfortunately, this sort of nuance finds no home in Winerip’s NCLB writing. He criticizes the federal law for basing school accountability on a single year’s test scores and holding schools accountable for the performance of transient students. In fact, NCLB does not require states to base school accountability on a single year’s test scores, but instead allows scores to be averaged over multiple years and permits states to use various statistical tools to help ensure the validity of those numbers. Nor does the law hold schools accountable for recent transfers. Similarly, Winerip wrote several times about testing disabled students, blaming requirements about assessments for special-needs students on the “Washington Brain Trust.” Yet, as mentioned earlier, he neglects to point out that many groups representing disabled students want these students included in state accountability systems. He also fails to share with readers any perspective on why it can be important to do so to help ensure that these students receive a quality education. Moreover, while criticizing NCLB for requiring new assessments for profoundly retarded students, Winerip makes little effort to explain what alternative assessments for such students would entail, to point out that there was ongoing regulatory debate about how best to design the federal policy in this area, or even to note that these students are a small fraction of the overall special-education population (most of whom benefit from access to mainstream standards).

Through all this, Winerip himself doesn’t do what policymakers must do every day—offer solutions to, or ideas about, vexing problems. Aren’t any NCLB problems being solved somewhere? What are the alternatives? What’s the most creative and serious thinking about addressing equity problems through means other than NCLB? Instead, it’s all griping and disparagement. Granted, he’s a columnist, not a
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policymaker, but many columnists regularly offer policy ideas, particularly in the midst of continuous slashing criticisms.

Whether bias matters in a news analysis column like this is debatable and, obviously, for the Times to decide. Hechinger’s Colvin argues that while news analysis does not require the same balance as a news article and can have a viewpoint, “that perspective needs to be backed up with reporting and context.” Thomas Toch, a longtime education journalist now working as writer-in-residence at the National Center on Education and the Economy, goes further. Toch notes the importance of the venue, but says Winerip should “be given a lot of leeway to interpret the education landscape as he sees it, to exert his voice in the debate.” Either way, there is a difference between viewpoint or voice and a relentlessly misleading presentation.

It’s important to note that the problem is not editorializing in the news coverage. In fact, the Times’s editorial position is largely supportive of NCLB. Instead, the problem with Winerip’s NCLB columns is that they often turn on incomplete, outlandishly selective, and even inaccurate presentations of the facts.

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In the end it is beside the point to parse the motives of Winerip’s anti-NCLB mania. There are plenty of excellent education journalists out there who could offer readers less slash and burn and more nuance and context about a debate as important as this. In fact, Samuel Freedman, who has been writing “On Education” during Winerip’s book leave, is a terrific example. His writing is varied and thought-provoking, but also apparently without ideological blind spots and tendentious selective presentation. In other words, he brings to the page everything an important column like this should regularly deliver.