

Education Reset

The next version of No Child Left Behind is not going to happen without state lawmakers demanding a bigger say.

BY GARRY BOULARD

Rodney Lafon has a problem with the No Child Left Behind Act. “When you compare the test results from one group of 5th graders to another group, it ends up not being fair to the kids or teachers or schools,” says the superintendent of the St. Charles Parish public school system in southern Louisiana.

It would make more sense if “we looked at the kids as they start in kindergarten and then track them in each successive grade so that we can see if we are truly offering value-added education.”

Lafon is hardly alone.

The act, the most sweeping extension of federal authority over both the states and local school boards in history, was signed into law by then-President Bush in 2002. It’s been controversial ever since.

“Educators across the country have for a long time had a wide variety of problems and complaints with the law,” says Jack Jennings, the president of the Center on Education Policy. “And because it has been such sweeping legislation, there are plenty of things to complain about.

“But at the same time, almost everyone agrees that NCLB has been good in the sense that it has given so much attention to students who are struggling, such as poor, minority and disabled students.”

ACHIEVING ACCOUNTABILITY

The act’s accountability provisions are perhaps its most controversial aspect, Jennings says.

It was a reauthorization of the Elementary and Secondary Education Act, a component of Lyndon Johnson’s 1960s war on poverty,

and was renewed every four to six years in the 1970s, ’80s and ’90s, often under a new and different title.

Bush, who had earlier criticized what he described as “the soft bigotry of low expectations,” came to the issue of education reform when he was the governor of Texas in the late 1990s. He promoted the Texas Assessment of Academic Skills exams, which tested all third to eighth grade students in the state and showed steadily improving scores, particularly among Hispanic and African-American students.

Key requirements of the act, currently up for reauthorization, include:

◆ Testing all students in grades three through eight and every year once in high school.

◆ Requiring schools receiving federal funds for disadvantaged students and schools with a certain percentage of low-income students to make progress in test scores.

◆ Putting any school failing to make “adequate yearly progress” on a “failing schools” list, giving parents the option of sending their children to better-performing schools in the same district.

“There is no doubt that NCLB exposed some areas that we needed to look at more seriously, particularly from the standpoint of whether or not we were leaving certain groups behind,” says West Virginia Senator Robert Plymale, noting that the required tests revealed long-standing problems among minority and poor students that had not been previously addressed nationally.



SENATOR
ROBERT PLYMALE
WEST VIRGINIA



SENATOR
JOHN VRATIL
KANSAS



“It shined a bright light on many of those areas, and there is no doubt about it, that was a good thing,” says Plymale, chair of the Senate Education Committee. “But the idea of trying to obtain a 100 percent proficiency with every student, in my view, was always unrealistic and may have forced teachers to become preoccupied with students doing well on those tests to the detriment of everything else.”

Kansas Senator John Vratil agrees. “As a goal, I have no problem with 100 percent proficiency. But as a standard that districts have to absolutely meet or suffer various punishments in return, I think it’s ridiculous.”

Vratil, vice-chairman of the Senate Educa-

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tion Committee, says “NCLB is very much a one-size-fits-all design, and that doesn’t work when you have 50 diverse states.”

CONTROL AND MONEY

Seven years after its passage, the act has raised more questions than answers.

“The greatest area of concern I have heard about has to do with control,” says Wisconsin Senator Luther Olsen, who serves on the Senate Education Committee. “And we don’t know if the states are going to have more control or input than they do now, if and when the law is reauthorized.”

Complaints about both a lack of resources

and control have prompted some states to debate whether or not they want to opt out of the act. In 2005, Utah legislators voted to allow schools to eliminate federal education programs when federal funding for those programs is reduced or eliminated.

That measure was characterized by then-representative and now Senator Margaret Dayton as Utah’s angry response to the law’s unfunded mandates, which she called the “sharpest denunciation among 35 states.”

Last year Arizona Representative David Schapira introduced legislation allowing his state to opt out of NCLB by 2010, but only if Arizona could find funds elsewhere to make

up for the loss in federal support, which is just over \$591 million.

Despite the battle, no state has taken the final step yet.

“There has undoubtedly been great disquietude among the states over this issue,” says Jennings. “But all of the states continue to participate in NCLB, and the move to pull out of it has died down.”

The primary reason why state disgruntlement with the act has lessened, adds Jennings, is money: “Once money from Washington through President Obama’s stimulus package began to reach the states,” he says, “they became more concerned with how that money should be used.”

And the money has been substantial. In April, economic stimulus aid for education to the states equaled \$39.8 billion from the State Fiscal Stabilization Fund, along with another \$8.8 billion from the Government Services Fund. In June, Education Secretary Arne Duncan announced that the federal government would be willing to spend another \$350



SENATOR
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WISCONSIN



SENATOR
MARGARET DAYTON
UTAH

TEXAS TRIES A NEW APPROACH

States across the country are taking a fresh look at how they hold schools accountable for improving student achievement and preparing young people to enter the work world.

New legislation in Texas offers one example. Lawmakers want to make Texas one of the top 10 states in postsecondary readiness in the next 10 years. The graduation requirement increases what kids have to take to four credits each in English, mathematics, science and social studies; two credits of the same foreign language; one each of physical education and fine arts; and six electives.

The state will switch from one overall graduation exam to a series of end-of-course assessments. And there will be two sets of standards for each assessment—a passing standard and a college readiness standard. Students need to perform only at the passing level to graduate. School districts, however, must have a minimum percentage of students meeting both the passing and college readiness standards to earn accreditation.

The bill calls for studying other measures of postsecondary readiness, such as how well students are prepared to enter the military or to get jobs right out of high school.

The bill also requires tougher math and English courses in the lower grades to prepare students for more rigorous courses in high school.

Representative Rob Eissler, sponsor of the bill in the House, calls it “the relevance bill” because it attempts to make testing more relevant to learning, courses more relevant to careers, and rigor more relevant to the students.

Under the bill, schools will not only be required to have students meet the standards, but also must show that their students are improving every year.

Struggling schools will have more time to improve before facing penalties and will receive some incentives for shrinking student achievement gaps among different groups, and for using money wisely.

Senator Florence Shapiro, the Senate sponsor, and Eissler were determined to incorporate that into the legislation.

“This bill was a change in direction and attitude,” Shapiro says. “We changed our direction from penalty to rewards for making progress.”

—Yilan Shen, NCSL



REPRESENTATIVE

ROB EISSLER

TEXAS



SENATOR

FLORENCE SHAPIRO

TEXAS

million for states willing to adopt national standards for math and reading.

In so doing, Duncan made it clear where he stood on the federal/state control debate. Speaking at an event co-sponsored by the National Governors Association, the secretary commented: “What you’ve seen over the past couple of years is a growing recognition from political leaders, educators, unions, nonprofits—literally every sector—coming to realize that 50 states doing their own thing doesn’t make sense.”

Such arguments, thinks Vratil of Kansas, underline a certain reality: “Like it or not, we are dependent at the state level on federal

education aid.

“The truth of the matter is that the federal government has its hooks in the states so deeply on education funding that the states can’t get rid of it.”

And even accepting that the states have had a right to complain about NCLB, Plymale of West Virginia says its emphasis on testing has had a positive side. “We have all seen scores increase and get better, there is no two ways about that.”

RIISING SCORES

Test scores have improved in all of the states since the start of the act, with nearly

three-quarters of what is described as both advanced and basic students testing better than six years ago, according to a study released in June by the Center for Education Policy.

But the effects of the testing in each state have been uneven. In Wisconsin, for example, a CEP study reported reading proficiency rates marginally declined for fourth graders from 82 percent in 2006 to 81 percent in 2008, eighth graders similarly saw a 1 percentage drop between those two years, while 10th graders stayed steady at a lower 75 percent.

In math, the scores were uninspiring. Wisconsin fourth graders went from 73 percent to 77 percent proficient between 2006 and 2008, eighth graders improved by 1 percent to 75 percent, and 10th graders dropped from 72 percent in 2006 to 69 percent proficient in 2008.

As a result, 148 of the 2,269 public schools in Wisconsin failed to meet the act’s standards, with 79 schools being put on the “schools identified for improvement” list.

As a sign that there may be even more trouble behind such numbers, Wisconsin’s Olsen notes that when many of the same students taking the NCLB tests also have taken the National Assessment of Educational Progress test, which is regarded as the only nationally representative assessment of student knowledge, they score lower.

“I don’t think the schools are purposely trying to make their tests easier to get the result NCLB wants,” says Olsen, “but I think they purposely may be making the cut score low. So the school scores show one percentage of students who are proficient, but the NAEP tests show they are not as proficient as the state would like us to believe.”

Other states, however, generally have seen improving scores. In Arizona, where Schapira has tried to get his state to withdraw from NCLB, fourth, eighth and 10th graders have either improved in both reading and math proficiency between 2005 and 2008, or stayed even.

One of the biggest jumps in Arizona has come with the youngest: Fourth grade proficiency in reading jumped from 64 percent to 70 percent, while the same grade’s proficiency in math went from 71 percent to 74 percent, perhaps indicating that early teaching for the test has paid off.

In Louisiana, proficiency rates are lower,

but again, have shown improvements. Eighth-graders between 2006 and 2008 saw their reading proficiency rates increase from 50 percent to 57 percent (although 10th graders declined from 61 percent to 58 percent).

As in Arizona, the fourth graders in Louisiana showed the most improvement, jumping from 64 percent proficient in 2006 to 69 percent last year, and 62 percent proficient in math in 2006 to 67 percent in 2008.

Critics argue that because states can write their own standardized tests, inadequate student performance is papered over by tests that are easier than they should be.

Even with such problems, an overall national improvement in test scores, says Jennings, “shows progress has been made. The numbers are better throughout the country today than they were six years ago.”

WHAT'S AHEAD?

But even in the face of progress, legislators continue to wonder what a reauthorized Secondary Education Act will look like.

“It can’t be more of the same, because there have been too many complaints,” says Vratil.

Plymale is looking for more state involvement.

“Up to this point, there has been an absence of people in the legislative process who actually handle education issues involved in the discussions nationally,” he says. “As the reauthorization debate moves forward, that will have to change. There is going to have to be more dialogue involving the states.”

That dialogue will most likely take place after the Obama administration reveals its intentions. “The common assumption right now is that a simple reauthorization cannot occur,” says Jennings.

“There are now different versions of amendments circulating within Congress, but the leadership there is holding back because they want the Obama administration to make the first move,” says Jennings. “They want to hear from Obama in terms of what he would do with the law and then they will formalize what they want to do after that.”

But Jennings also points to what he calls “significant support at the state level” for what has been described as common or national educational standards, instead of the traditional state-by-state standards approach.

Education Secretary Duncan has signaled his support for standards that look beyond the



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United States. “We are encouraging states to adopt rigorous standards that are internationally benchmarked,” Duncan said in March to the National Science Teachers Association. “A nation without true career and college-ready standards is lying to its children. A nation with low academic standards is telling students and parents that our kids are doing well, when, in fact, they are not.”

International competition for jobs is what our children will face, Duncan said, and that is the standard we need to address. “The competition is not just coming from the next street or even the next state. It’s coming from

India and China, Singapore and Korea.”

One thing is sure, says Olsen. States are going to insist on having their say.

“We are in a bit of a holding pattern right now. But once we finally know what’s coming out of Washington we will be better able to respond and offer advice,” he says. “No matter what is proposed, it will be a massive piece of legislation, and for that reason alone the states are going to have to be a part of the process.”

CHECK OUT a Q&A with Jack Jennings, president of the Center on Education Policy, and more resources on No Child Left Behind at www.nclb.org/magazine.