

## EDUCATION REFORM AND ITS DISCONTENTS: THE STORY OF NO CHILD LEFT BEHIND

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Ohio Republican congressman John Boehner called it his “proudest achievement.” Massachusetts Democratic senator Ted Kennedy referred to it as “a defining issue about the future of our nation and about the future of democracy, the future of liberty, and the future of the United States in leading the free world” (Ravitch, 2010, pg. 95). The ‘it’ in question is the No Child Left Behind Act of 2001, hereafter known as NCLB. NCLB was an ambitious program that sought to repair a public education system that many perceived as substandard. Nine years have come and gone since NCLB was signed into law. The passage of time has provided us with an excellent vantage point from which we can study the history and impact of NCLB. As the history illustrates, the perception that American schools were failing predates NCLB by several decades, but agreement on the problem does not always translate into agreement on the solution. Indeed, it is fairly astonishing that NCLB ever passed at all, given the intense political polarization over the issue of education. But that’s not the whole story. To truly understand NCLB, one has to look beyond the years that preceded it and study the years that followed it. What we find then is that, although NCLB was a bill with a remarkable history and a grandiose mandate, its impact on public schools in America has been less than flattering. NCLB was the product of twenty years of partisan wrangling over the federal government’s role in the American education system, and despite its stated aims, the bill has harmed public education more than it has helped.

The opening salvo in the political war over education was fired in April of 1983, when the Reagan-appointed National Commission on Excellence in Education published *A Nation At Risk: The Imperative For Education Reform* (DeBray-Pelot & McGuinn, 2009, pg. 22). In stark language, the report declared, “the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people” (National Commission on Excellence in Education, 1983). The report found that, among other things, SAT scores dropped between 1963 and 1980, students spent less time on homework, colleges were offering more remedial courses in mathematics, and many states experienced shortages of mathematics and science teachers (National Commission on Excellence in Education, 1983). To fix these and other perceived problems in the education system, the report recommended that all high schools adopt the Five New Basics as a minimum requirement for graduation: four years of English, three years of mathematics, three years of science, three years of social studies, one-half year of computer science, as well as two years of foreign language for college-bound students. Other listed recommendations made for improving schools include, but are not limited to, longer school days and school years, higher admission standards for colleges and universities, performance pay for teachers, and higher academic standards for teacher preparatory programs. The commission also made clear that the federal government had a role in education policy, writing, “the Federal Government has the primary responsibility to identify the national interest in education” and that “it must provide the national leadership to ensure that the Nation’s public and private resources are marshaled to address the issues discussed in this report” (National Commission on Excellence in Education, 1983).

*A Nation At Risk* bluntly detailed the waning quality of American education. As a result of the report, public attention to education increased; in the 1984 presidential election, the public ranked education among its top tier of concerns for the first time ever (McGuinn, 2006, pg. 45). That said, policymakers in Washington were initially unsure how to react to it. The report’s endorsement of greater federal involvement in education directly clashed with the small-government conservatism of the Reagan

administration. As president, Reagan pushed to dismantle the Department of Education, but the effort met strong opposition both in Congress and among the general public. In a 1981 poll, just thirty-two percent of respondents favored eliminating the Department of Education (McGuinn, 2006, pg. 45). While he failed to end federal involvement in education, Reagan did succeed in minimizing it. Between 1981 and 1988, the budgets for the Department of Education and the National Institute of Education fell by eleven percent and seventy percent, respectively (McGuinn, 2006, pg. 46). Overall, the public resoundingly disapproved of Reagan's actions on education, with sixty-six of respondents in a 1988 poll giving the administration's educational policies a grade of "C" (McGuinn, 2006, pg. 46). A majority of the public – sixty-six percent in a 1987 poll – sided with the authors of *A Nation at Risk* in support of a greater federal role in education (McGuinn, 2006, pg. 47).

George H.W. Bush, Reagan's successor to the presidency, did not harbor his predecessor's contempt for an activist federal government. Instead, he embraced the need for more federal intervention in education. In the fall of 1989, Bush hosted a meeting of the state governors in Charlottesville, Virginia. Dubbed "the Charlottesville Summit," the gathering produced a consensus around higher academic standards; the summit's participants declared in a formal statement their belief "that the time has come, for the first time in U.S. history, to establish clear, national performance goals, goals that will make us internationally competitive" (McGuinn, 2006, pg. 61). Bush followed up the Charlottesville Summit with the proposal of his America 2000 program in April 1991. America 2000 called for the creation of American Achievement Tests, a set of voluntary national exams for fourth, eighth, and twelfth graders that governors could use. The plan also proposed the creation of the New American Schools Development Corporation, which would design model schools, merit pay for teachers, and the establishment of a private school choice program (McGuinn, 2006, pg. 65). America 2000 ultimately died in Congress due to opposition from both sides of the aisle, with Democrats opposing the school choice provisions and Republicans criticizing the bill's expansion of federal intrusion into education (McGuinn, 2006, pg. 66, 67).

Throughout much of the prehistory of NCLB, a rare left-right coalition existed against education reform. As Bruno Manno, a Department of Education official under the George H.W. Bush administration, noted, "Democrats didn't want anything to do with a test, and conservatives were afraid of a national curriculum" (McGuinn, 2006, pg. 68). This coalition helped to bring down America 2000, and it would rear its head again during the presidency of Bill Clinton. As the 1990s progressed, however, this coalition weakened under a growing moderate consensus for education reform, which ultimately materialized in the passage of NCLB. In early 1994, Clinton made his foray into the field of education reform with the proposal of Goals 2000. Like Bush's America 2000, Goals 2000 proposed the creation of voluntary national standards and tests. Unlike America 2000, however, Goals 2000 proposed the creation of a National Education Standards and Improvement Council and a National Skill Standards Board to oversee school reform efforts. Moreover, while the plan allowed states to design their own standards, the Department of Education would have to review those standards prior to states receiving Goals 2000 funds (McGuinn, 2006, pg. 86, 87). Goals 2000 met vehement criticism when it reached Congress. Republicans, true to their small-government mantra, opposed the provision requiring review of state standards, while Democrats "saw the [Goals 2000] proposal to define goals, standards, and reform as substitutes for commitment, programs, and money" (McGuinn, 2006, pg. 88, 89). Congress ultimately passed Goals 2000, but in the legislative process it was significantly watered down; Congress removed the provision requiring review of state standards and inserted language assuring that the national standards would be voluntary and "sufficiently general" (McGuinn, 2006, pg. 90, 91). Support for national standards came to a screeching halt in the fall of 1994, when controversy arose over voluntary history standards crafted by the National Endowment for the Humanities. Lynne Cheney, who sat as the organization's chairperson, attacked the standards as a "warped and distorted version of the American

past in which it becomes a story of oppression and failure,” noting that they mentioned “negative” historical figures like Joseph McCarthy and the Ku Klux Klan more often than “positive” figures like Thomas Edison or the Wright Brothers. The ensuing media debate caused many politicians to give up on the idea of national standards, viewing them as far too controversial for their own good (Ravitch, 2010, pg. 17, 18).

1994 was a significant year in the modern history of American education. In addition to Goals 2000, 1994 also saw the reauthorization of the Elementary and Secondary Education Act of 1965, titled the Improving America’s Schools Act (hereafter known as IASA) (McGuinn, 2006, pg. 92). IASA required states receiving Title I grants to establish high content and performance standards in reading and mathematics, as well as to establish “adequate yearly progress” towards meeting those standards. Furthermore, IASA required these students to be tested “at some time” between third and fifth grade, then between sixth and ninth grade, and again between tenth and twelfth grade; these test scores would be disaggregated by gender, race, limited-English-proficiency status, disability, and economic status, so as to ensure progress among all students. Title I schools that failed to meet “adequate yearly progress” for two consecutive years would be marked as needing “corrective action,” which could include withholding funds, changing the school staff, or transferring the students, among other options (McGuinn, 2006, pg. 96). As we will see, many of the provisions of IASA mirrored those of NCLB. IASA passed Congress and was signed into law, but along remarkably partisan lines. Previous reauthorizations of the Elementary and Secondary Education Act garnered the support of anywhere between seventy-two and ninety percent of congressional Republicans; IASA, on the other hand, received the support of only nineteen percent of House Republicans and fifty-three percent of Senate Republicans (McGuinn, 2006, pg. 94).

The midterm elections of 1994 gave Republicans control of both the House of Representatives and the Senate, and immediately Republicans set out to roll back federal involvement in education (McGuinn, 2006, pg. 103, 104). In 1996, the Republican-controlled Congress passed amendments to Goals 2000 that repealed the Nation Education Standards and Improvement Council, removed requirements for states to submit education reform plans in order to receive Goals 2000 funds, granted six additional states waivers from federal regulators, and allowed states to use their Goals 2000 funds on technology rather than on developing standards and tests (McGuinn, 2006, pg. 109). Congressional Republicans also sought to slash federal funding for education and to revive the Reagan-era goal of abolishing the Department of Education, but in so doing they ran into significant roadblocks. Moderate Republicans, such as Sens. James Jeffords (R-VT) and Arlen Specter (R-PA), favored federal involvement in education, and they used their committee and subcommittee positions to crush the conservative agenda on education (McGuinn, 2006, pg. 116). Conservative Republicans also drew opposition from business groups, such as the U.S. Chamber of Commerce and the National Alliance of Business, the National Governors Association, and the general public. A March 1995 poll found that only fifteen percent of those surveyed thought the Republican education proposals were a step in the right direction (McGuinn, 2006, pg. 110, 112, 133).

The second half of the 1990s witnessed a remarkable moderate convergence in favor of education reform. The general public rejected conservative Republicans’ attempts to cut back federal involvement in education, as exemplified by Bob Dole’s loss to Bill Clinton in the 1996 presidential election (McGuinn, 2006, pg. 129). At the same time, the public showed a frustration over the state of education and a hunger for greater accountability. A 1998 *Wall Street Journal*/NBC News Poll found that forty-one percent of those surveyed viewed teachers’ unions as a roadblock to reform, and the percentage of those who had “a great deal” of confidence in public schools dropped to a meager quarter of the population (McGuinn, 2006, pg. 142, 143). This frustration was particularly visible among minority groups, long a reliable Democratic Party constituency. Their frustration with the poor quality of urban schools led to the formation of groups like the Black Alliance for Education Options, which supported vouchers (DeBray-

Pelot & McGuinn, 2009, pg. 26). The public wanted neither a right-wing nor a left-wing solution to education, but rather a centrist, bipartisan plan that incorporated the best of both worlds: greater federal funding, but with strings attached. NCLB embodied just such a centrist position on education. In contrast to the highly contentious IASA, NCLB passed with strong bipartisan support: 381-41 in the House of Representatives, and 87-10 in the Senate (McGuinn, 2006, pg. 177).

NCLB has a fairly straightforward structure. By the 2005-2006 school year, all states were required to test students in grades three through eight in reading and mathematics, and by the 2007-2008 school year, states would have to test students in science once during the elementary, middle, and high school years. States would author their own tests, and would define their own academic proficiency and adequate yearly progress (AYP) standards. As in IASA, test scores would be disaggregated into various subgroups (e.g. race, income) to ensure that all subgroups achieved adequate yearly progress, with the goal of reaching one hundred percent proficiency by 2014. Under NCLB, schools received various sanctions if they failed to make AYP. If a school failed to make AYP for two consecutive years, it would have to offer its students the option to transfer out; three consecutive years of failure would require the school to offer tutoring services to its students; four years of failure, and the district would be required to implement corrective actions, such as changing the staff; and five years of failure would result in the reconstitution of the failing school. NCLB also stipulated that, starting in the 2002-2003 school year, all newly hired teachers must be “highly qualified,” and all public school teachers must meet that standard by the 2005-2006 school year (McGuinn, 2006, pg. 180).

By enacting tough new accountability measures, Congress hoped that NCLB would usher in a new era of high-quality public education in the United States. Unfortunately, it has done anything but that. For one, NCLB’s emphasis on standardized test scores to judge schools and school districts has given states a perverse incentive to “game the system,” finding ways to raise test scores without actually improving the quality of education students receive. Between 2003 and 2005, the state of Florida boasted a dramatic narrowing of the black/white achievement gap. In those two years alone, black fourth grade students registered an average increase of ten points in math scores, and the black/white achievement gap fell from twenty-eight points in 2003 to twenty-three points in 2005 (Haney, 2006, pg. 2). Florida governor Jeb Bush touted these gains in an August 13, 2006 essay in the *Washington Post*, writing, “our students are performing at higher levels and we’re closing the achievement gap between poor and minority students and their peers” (Haney, 2006, pg. 3). However, a study of grade transition ratios in Florida reveals that, in the 2003-2004 school year, Florida flunked approximately ten to twelve percent of its third graders, forcing them to repeat the grade. Additionally, fifteen to twenty percent of blacks and Hispanics were flunked, compared to just four to six percent of whites (Haney, 2006, pg. 6). The 2003-2005 Florida gains, then, were merely an illusion, a product of Florida holding back its lowest performing students.

Additionally, because they are allowed to set their own proficiency standards under NCLB, many states have set artificially low standards or have lowered their standards, making it easier for students to pass the state examinations. Mississippi, for instance, claimed that eighty-nine percent of its fourth graders were proficient in reading, while the National Association of Educational Progress (NAEP) calculated that figure at eighteen percent (Ravitch, 2010, pg. 106). In 2006, the state of New York lowered the passing grade on its mathematics exam from 59.6 percent to 44 percent; not surprisingly, therefore, the percentage of students meeting state proficiency in mathematics increased from 65.8 percent in 2006 to 86.5 percent in 2009 (Ravitch, 2006, pg. 158). The variability among state proficiency standards is astounding. In 2007, a fourth grade student in Massachusetts needed to receive the equivalent of 254 points on the NAEP mathematics exam to achieve proficiency (NAEP defined a score of 249 as

“proficient”); Tennessee’s proficiency standard, meanwhile, required a student to accrue a mere 198 points (Murnane & Papay, 2010, pg. 154).

NCLB’s focus on high-stakes testing has led to a precipitous decline in the quality of education that students receive. The passage of NCLB has forced many states (e.g. Connecticut, Maine, Maryland, and Nebraska) to drop innovative performance-based assessment programs, which evaluate students based on the completion of portfolios and other performance tasks, in favor of standardized, multiple-choice examinations (Darling-Hammond, 2006, pg. 645, 655). As a consequence of NCLB’s stringent and narrow focus on reading and mathematics, many school districts have narrowed their curricula, focusing more time on reading and mathematics and less on other subjects. The Center for Education Policy found in 2007 that the amount of time elementary schools allotted to subjects other than reading and mathematics fell by one-third since the passage of NCLB (Murnane & Papay, 2010, pg. 158). Among all districts, fifty-eight percent increased their instructional time on English language arts and forty-five percent did so on mathematics. By contrast, the percentage of districts reporting a drop in time spent on social studies, science, and art/music were thirty-six percent, twenty-eight percent, and sixteen percent, respectively (Murnane & Papay, 2010, pg. 159).

What’s more, this relentless focus on reading and mathematics may not actually be helping students learn. As Diane Ravitch notes, because so much rides on the success or failure of students on standardized examinations, “most districts, especially urban districts where performance is lowest, relentlessly engage in test-prep activities...for weeks and even months before the state test, children are drilled daily in test-taking skills and on questions mirroring those that are likely to appear on the state test” (Ravitch, 2010, pg. 159). In the end, this sort of intensive test-prep does more harm than good, because it prepares students to take a test rather than to master the material. Daniel Koretz, a psychometrician at Harvard University, gave students from a district with impressive test score gains a different test of similar material, and found that they were unable to replicate the gains (Ravitch, 2010, pg. 160).

NCLB’s prescribed method of measuring student performance is quite obviously flawed, but so too is the regime it put forth to punish schools and school districts. Under NCLB guidelines, any school that fails to make progress towards the one hundred percent proficiency goal is labeled a school in need of improvement (SINI) and receives various sanctions (Ravitch, 2010, pg. 97). The goal of one hundred percent proficiency by 2014 is wholly unrealistic. According to one calculation that used NAEP proficiency standards, the American school system would need 160 years to reach this lofty goal (Darling-Hammond, 2006, pg. 654). This means that, come 2014, vast numbers of schools will receive the SINI label. It is estimated that at least eighty percent of schools nationwide will fail to meet NCLB’s proficiency goal, with that number going as high as ninety-nine percent in the state of California (Darling-Hammond, 2006, pg. 654). As Linda Darling-Hammond notes, as a result of the current system, “many schools with strong, consistent gains for all groups are nonetheless unfairly labeled as failing if they do not make AYP each year” (Darling-Hammond, 2006, pg. 657). Not only does this system inappropriately label good schools as poor ones, it also makes it harder for truly poor schools to recruit high-quality teachers; as one Floridian principal remarked, “is anybody going to want to dedicate their lives to a school that has already been labeled a failure?” (Darling-Hammond, 2006, pg. 661).

Unrealistic goals aside, the AYP mechanism contains numerous bizarre quirks that make it highly difficult for schools to make AYP. For one, if any single subgroup within a school fails to meet AYP, the whole school is considered not to have met AYP; even if said subgroup made progress over the preceding year, it is still deemed failing if it did not reach the AYP benchmark (Murnane & Papay, 2010, pg. 159). This is especially problematic for schools with high concentrations of limited English proficient (LEP)

students. By law, a LEP student is defined as someone “whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual...the ability to meet the State's proficient level of achievement on State assessments.” But since limited English proficiency is one of the NCLB subgroups, schools are required to demonstrate AYP for a group of students who, by definition, cannot meet AYP. What’s more, once a LEP student becomes proficient, she is no longer counted under that subgroup, making it virtually impossible to meet AYP for the LEP category (Darling-Hammond, 2006, pg. 657). NCLB also creates insurmountable barriers for students with special needs. The Department of Education implements a cap on the number of special education students who may be assessed using individualized education programs (IEPs), making it equally difficult for this subgroup to meet AYP (Darling-Hammond, 2006, pg. 657). As such, NCLB creates a disincentive for schools to educate the neediest students.

NCLB’s aspirations to raise student achievement and school accountability are admirable. Unfortunately, the means prescribed by the law to meet these ends are counterproductive, at best, and harmful, at worst. Education reform is not a lost cause, but in order to improve our schools, we must learn from the mistakes of NCLB. First, we need federal-level regulation of state education standards. As we have seen, allowing states to define “proficiency” has led to many states lowering their standards to more easily meet AYP. Federal-level standards regulations could take one of two forms. The federal government could simply institute mandatory national standards and tests, which would first require a change in the current laws that prohibit just such an action (Ravitch, 2010, pg. 7). A second option would be to institute a system similar to that proposed under Goals 2000, whereby states can craft their own standards, but under the condition that they be reviewed by the Department of Education. I find the latter more desirable, since it would give states the opportunity to develop innovative means of assessment, as many New England states have.

We also need to develop a more robust criterion for evaluating student progress in schools. For instance, schools should be required to report grade progression ratios in addition to reporting student test scores for each grade. This will allow states to better judge whether high test scores are a result of better student comprehension, or a result of schools holding back their worst-performing students, as occurred in Florida (Haney, 2006, pg. 13). Using test scores as the sole measurement of student achievement is problematic in other ways as well. In a 1999 report, the National Research Council’s Committee on Appropriate Test Use wrote that “a test score is not an exact measure of a student’s knowledge or skills” and that “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” (Ravitch, 2010, pg. 153). Not only do test scores reign supreme under NCLB, but the only test scores that count are those in reading and mathematics (and, most recently, science). Alongside test scores and grade progression ratios, schools should be judged by how well students do in the classroom, and this should include classes other than those that teach reading and mathematics. Not only does this provide a more holistic measure of student achievement, but since it considers factors other than reading and math test scores, it will hopefully help prevent some of the curriculum narrowing and teaching to the test that have become pervasive under NCLB.

The adequate yearly progress mechanism is in dire need of reform. The goal of one hundred percent proficiency by 2014 is unrealistic and unattainable, and should be dropped as the standard for tracking school progress. We should reward schools based on whether or not student performance is improving, instead of punishing schools for failing to reach the unreachable, as we do now (Murnane & Papay, 2010, pg. 159, 160). We also need to remove the disincentives to teach the neediest students that NCLB has created. Schools must be allowed to assess all their disabled students using IEPs; not only is that more consistent with the Individuals with Disabilities Education Act, but it also gives schools a

chance to achieve real improvements among their disabled population (Darling-Hammond, 2006, pg. 658). With respect to LEP students, those who have achieved English language proficiency ought to remain in that category as long as they stay in that school, thereby making it actually possible for the LEP subgroup to achieve some measure of progress (Darling-Hammond, 2006, pg. 658).

The impact of the No Child Left Behind Act of 2001 on public education is as complicated and complex as its history. NCLB was not born in a vacuum; it came to fruition after two decades of intense back-and-forth between the political left and the political right. NCLB represents an attempt to bring these two factions together around what might reasonably be considered a compromise, and it represents a genuine attempt to deal with the perceived shoddiness of American public education. However, despite its good intentions, the bill leaves behind a mixed legacy. States have employed numerous tricks to show student improvement without actually improving education, and schools and teachers have labored to achieve unattainable goals that harm the students that need the most help. All is not yet lost, though. If we are courageous enough to admit the bill's flaws and proactive enough to fix them, the rising tide of educational mediocrity may finally begin to recede.

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