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# The Impact of the No Child Left Behind Act on American Education

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# The Impact of the No Child Left Behind Act on American Education

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May 2005

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## Abstract

This paper explores the role and impact that the federal No Child Left Behind Act has had on public education since its legalization in 2002.

It begins with a history on the evolution of federal involvement in public education. Over time, mounting pressure for the United States to compete academically on an international level has created a need for all areas of education to become “accountable” for reaching high achievement standards, arriving at the overwhelming reliance on standardized tests we see in public education today. Next, this paper presents four areas of contention surrounding the debate over No Child Left Behind. The issues concern the NCLB standardized testing requirements, the disaggregating of minority students into subgroups to separately measure test scores, the debate over whether Congress is adequately funding states to implement NCLB, and finally how actors in the debate view NCLB’s effect on the balance of federalism. The opinions presented in this paper are largely bipolar and dichotomous, representing politicians and policy-makers in favor of the Act, and teachers and educators against it.

In addition to exploring these dichotomies in a Literature Review, I have conducted several interviews with teachers and educators from Syracuse public schools to expand the scope of the controversy. This new information will support my thesis statement, which argues that No Child Left Behind and its focus on how annual standardized testing is not conducive for closing the majority/minority achievement gap. It will also elucidate how teachers, our closest connection to students, feel the Act is working.

This paper will provide a unique discussion of NCLB’s core provisions and who supports/opposes it and contribute new information to the study of public education.

## **Table of Contents**

Acknowledgements.....	4
Thesis Body	
Introduction.....	5
Background.....	9
Literature Review.....	30
Teacher Interviews.....	52
Conclusion.....	78
Works Cited.....	82

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Happy reading!

## Introduction

The thesis of this paper is that the implementation and requirements of No Child Left Behind are not conducive for meeting its stated goals of closing the nationwide academic achievement gap, or ultimately significantly improving American education. Throughout the course of this paper I intend to support this hypothesis by indicating that annual standardized testing does not in and of itself promote better academic learning, and that on the ground level, the policies created by political figures in Washington, D.C. are not in the best interest of the teachers carrying them out. Inevitably, NCLB imposes undue stress on teachers, schools, districts, parents, and most importantly, students. In addition, NCLB is far too intrusive on a states' right to implement their individual public education systems.

The No Child Left Behind Act (NCLB) is a Federal education reform program that seeks to improve the nation's overall school performance levels by holding school districts accountable for academic achievement based on a standardized testing system. "No Child Left Behind" is the title for the most recent reauthorization of the Elementary and Secondary Education Act (ESEA). Since the 1960's, ESEA has served to allocate Federal Title 1 funds to the nation's poor-performing public schools. Signed into law in 2002, NCLB is the first educational reform of its size to tie federal funding to school and district performance levels on standardized tests. Depending on aggregate test results, states may receive additional funding, have funding reduced, or face sanctions that may shut down individual problem schools completely. Although in its infancy, the No Child Left Behind Act has so far influentially affected American public education.

The general consensus among educators, such as members of the National Education Association, and others, is that NCLB is an unrealistic burden and an imposition on state educators. Some policymakers, including members of the Executive Branch and officials at the United States Department of Education, strongly advocate the Act and see its potential to carry out its goals. The Act is particularly controversial because it is by far the most comprehensive and authoritative educational reform imposed by the federal government in history.

No Child Left Behind has effectively usurped individual state education systems by replacing them with new mandatory reforms and programs. Of interest to my research is the overall effect of that the federal government has had on states in this regard. For example, debate exists over whether the federal government is supplying its promised funds to the thousands of districts in genuine need of financial assistance. The creation of so many new programs and options for students and parents by NCLB has dramatically raised the cost of program implementation and per-pupil spending for states. Increased standardized testing, school transferring options, additional tutors, and training programs that familiarize teachers with new “scientifically-based research” programs required under NCLB are only a few examples of new programs that have increased spending because of NCLB requirements.

Perhaps most important to public education and the welfare of American students, is whether NCLB is translating into good policy on the ground level, in our schools. There is an apparent divide between educators and the policy writers on what is best for public education. How do teachers perceive the requirements? How are administrators coping with new standards that directly affect governance over their districts? The goal

of the No Child Left Behind Act is to close the academic gaps between students at the same grade levels and increase overall academic achievement nationwide. This thesis will suggest whether or not those goals, worthy as they are, will be attained via the current practice of accountability.

The first part of my analysis will include a comprehensive background of the origins of the Act, (relating back to its precursor, the “Texas Miracle”), it’s rhetoric, and how NCLB passed legislatively through Congress. I will then address the controversy surrounding the Act in a literature review, which will address four significant dichotomies. First, there is a significant debate over the proper use and role of standardized testing in today’s educational instruction. Advocates of NCLB’s testing requirements see annual testing as necessary to measure student achievement and improvement year to year. Opponents caution against “over-testing” students, citing biases in how tests are written, the timing of tests over the course of a school year, and indicating that exorbitant test preparation in only two or three subject areas is having the effect of under-educating American students.

The second dichotomy that will be addressed pertains to subgroups, and how proponents see the division of students into certain groups as essential to knowing where minorities stand academically. The flipside of this is that most subgroups, despite certain learning disabilities that classify them as such, as not given special consideration during a test. The literature review will also explore the two sides to the funding debate: NCLB is funded, versus NCLB is *not* funded, and finally, will delve into how NCLB compromises the historically sacred and uniquely American tradition of federalism.



The next section is an analysis of how local Syracuse public school teachers perceive the No Child Left Behind Act, indicating its credibility and acceptance on the ground level. It includes ethnographic data from interviews of elementary-level teachers, who have had considerable experience with the Act. All states have their own standardized test systems, which they use throughout primary and secondary education to determine a student's academic ability to graduate to the next level of instruction. Therefore, teachers, especially in New York State, are already accustomed to their state's testing procedures, and by now have experienced three years of No Child Left Behind. The information procured from the teachers will not only confirm the opinions of authors discussed in the Literature Review, but surface new perspectives on NCLB as well.

Finally, I will conclude my paper with a summary statement. Here, I will readdress the critical issues, and explain that this debate is always changing and developing. It will be difficult to foresee the future of the Act, but pending the current frustrations felt among many state educators, it is becoming increasingly controversial. Despite current efforts to promote greater NCLB flexibility by the Department of Education, several states are seriously considering throwing in the towel on No Child Left Behind.

## Background

The No Child Left Behind Act is a fairly recent educational reform; it was presented to Congress by George W. Bush upon his election as President in 2001, and signed into law in January of 2002. The Act was strongly supported by Republicans and Democrats alike, but emerged as a law only after lengthy negotiation processes, committee markup sessions, and coalition-building among members of both parties and both chambers. The No Child Left Behind Act is the most recent reauthorization of the Elementary and Secondary Education Act, and is based on accountability. Although the idea of holding states accountable for test scores has been in the making for the past two decades, this educational reform marks the most comprehensive federal control over state education systems in history.

Before describing the more recent reasons for the current accountability system in the United States, it is worth examining the historical evolution of America's public education system. This section will focus on the traditional role of education and its actors, and on how, due to several key historical events, that education has arrived at its current, institutionalized form today. After outlining the historical institutionalization and nationalization of American education, this chapter will describe the Congressional legislative process that bore out the NCLB Act, followed with a description of the Texas education phenomenon that served as a precursor for the idea of applying the accountability measures of NCLB on a national scale.

## The Institutionalization of American Education

Predating the 1900's, school as an institution was primarily a "local affair," whose "not so mind-boggling technical or bureaucratic" organization was run primarily "by the people closest to each school: parents, interested citizens, and their elected representatives" (Chubb 1990). The interpersonal relationships among students, teachers, families, and communities that characterized this era of schooling allowed for the existence of expressive, unique, and ideologically diverse schools. Yet institutional reforms developed during the Progressive Era were quick to transform locally governed schools into a more centralized and bureaucratic public school system. State and local governments assumed control over the public schools, and policies developed as the result of invested and powerful interests, namely by the racially and socially dominating members of "business, the middle class, and educated professionals" (1990, 4). Subsequent and notable historical events prompted a determined and somewhat hysterical push for greater academic achievement in public schools. In 1957, the Soviet Union successfully launched the 183-pound satellite *Sputnik* into orbit around the earth ("Sputnik" 2003). This event signaled to the United States a sense of international intellectual incompetence: America is not as well-educated as its global counterparts.

Recognizing that the Soviet emphasis on science and math in its schools would put the U.S. almost ten years behind academically, members of President Eisenhower's staff urged him a year later in 1958 to pass the National Defense Education Act. This Act allocated \$1 billion to college funds, and to math and science programs for both private and public schools to keep in step with the Soviet Union. This move on behalf of Congress marked the first time the federal government, traditionally a secondary actor in

education, had significantly penetrated the traditional state- and locally-controlled domain of the public school system. An early reform, it did not seek to control state educational programs, but simply provided modifications to curricula in areas where it felt the country was lagging globally (“The U.S. Response” 1993).

### The Nationalization of Education

In 1965, the Elementary and Secondary Education Act (ESEA) was established as a component of Lyndon B. Johnson’s War on Poverty, intended to alleviate poverty by allocating federal dollars to low-performing, disadvantaged, and poor school districts. The principal funding mechanism for the ESEA, called Title 1, has been the primary funding program for every reauthorization of the ESEA, including today’s No Child Left Behind Act. Since then, the ESEA has been reauthorized every four to six years, adjusting to budgetary demands and political changes.

In 1969, the National Assessment of Educational Progress (NAEP) was created to test a nationally representative group of students—not all students—as a way to measure national averages without imposing a national test on every state. The outcome of the NAEP was inconsequential; overall, it showed no significant results indicating student achievement levels. However the tests were modified during the 1980’s to yield greater results by a new private testing agency, Educational Testing Services (ETS), and are still used today (Jost).

The early 1980’s saw harsh criticism of the state of public schools, and incidentally a rise in standards-based reform. Flaws in the nation’s educational system were summarized largely in part by the publication of then Education Secretary Terrel H.

Bell's *A Nation At Risk* in 1983. This work stressed the mediocrity of American school performance and called for reforms that would boost overall achievement, both nationally and globally. The text recalled the launching of *Sputnik*, and how, since then, academic achievement had made little ground, engaging the U.S. in "unthinking, unilateral educational disarmament" ("*A Nation At Risk*" 1983). The indicators of the overall poor academic standing included approximately 23 million illiterate adults, poor SAT test scores, and a general inability to make literary inferences or solve multiple-step math problems, among others. These inadequacies predicted a workforce unprepared for a future which would demand highly-skilled and trained technical and technological employees. Computers will dominate a society unable to use them (1993).

*A Nation at Risk* offers a critical and pessimistic view of public education, yet recognizes the importance of a good education and a confidence that it can be provided. Education is important to the well-being of citizens, as well as to the defense of the United States. It is therefore a federal interest that students receive adequate and extensive educations. Bell's document was an eye-opener during its time. It jump-started educational ideologies reflected in today's educational reforms, such as the importance of accountability.

It was not until 1994 ESEA reauthorization, however, under the Clinton Administration, that standardized testing first became integrated into the process of determining how to allocate Title 1 funds. Clinton's reform was called the "Improving America's School Act," or IASA, and it required states "to develop content and performance standards" in grades K-12. The notion of "adequate yearly progress" was introduced, but not implemented. Although this initiative broke considerable ground in

educational reform, it carried no deadlines for meeting achievement standards, and therefore left states that did not implement it largely free of consequences (Rudalevige 2003). In other words, states were encouraged to develop standardized tests, but were not held fiscally accountable for poor test scores.

In 1999, policymakers decided that doling out federal dollars to states with no obligations to meet standards was not effective and efficient policy. It became apparent that federal dollars had to be tied to some form of student achievement standards to determine what proper spending amounts should be given to each state. That April, Andrew Rotherham of the Democratic Leadership Council's Progressive Policy Institute devised in a white paper a reorganization plan for the ESEA's 50 plus individual categorical grants in order to better manage these funds and their destinations. Rotherham reduced these grants to "five, broad 'performance-based grants' funding the Title 1 compensatory-education program, teacher quality, English proficiency, public school choice, and innovation" (2003). This reduction of categories would be emulated in 2001 by George Bush in his initial proposal of the No Child Left Behind Act to Congress.

Partisan disagreement on funding delayed the subsequent reauthorization of the ESEA. Conservatives who favored state flexibility with performance goals, as well as broader grant blocs that gave states greater autonomy in allocating funds were opposed by Democrats who resisted large bloc grants that would diminish programs with specific purposes. This division along party lines blocked the last ESEA reauthorization under Clinton, allowing the first major accountability reforms to occur under subsequent president, George W. Bush.

## The No Child Left Behind Act and the Legislative Process in Congress

As mentioned earlier, the No Child Left Behind Act relied on strong bipartisan support to pass through Congress. According to Andrew Rudalevige of Dickinson College, the three legislative necessities during the NCLB approval process were “Alliance Politics in the Senate” (Rudalevige 2003;37), “Counting Heads in the House” (39), and “Conference Calls” (40). Upon presenting his proposal to Congress, Bush was challenged with opposing party and ideological views on education. Republicans were hesitant to support a national control over the state’s right to education. And Democrats, who according to a July 1999 Pew Research Center poll are trusted more to handle education, a “Democratic” issue, showed their skepticism as well, specifically in regard to the “adequate yearly progress” (AYP) component of the Act. Still determined, Bush, who had declared education as his number one priority upon entering office, boasted of the successful phenomenon of the “Texas Miracle” as evidence of his leadership.

President Bush saw the opportunity to make his mark in education by expanding the alleged success of the experiences in Houston with the Texas Assessment of Academic Skills (TAAS) standardized exams to a national scale. The new reform would include accountability measures that tested each and every student, regardless of race, class, school, external environment, etc., not to mention regardless of students’ English-reading and comprehension ability, their learning and/or mental disability, or their actual grade-level status, among other characteristics that would keep a student from passing a test. No child would be left behind; hence, no child would go untested, despite their lack of mental capacity to be tested equally and on the same level as other students without disabilities.

From the very beginning, Bush knew he had to court key members of Congress to create a bipartisan coalition in favor of his proposal. In a private meeting in Austin, Texas, he invited both key Republican members as well as New Democrats to feel out the members' sentiments and levels of support. Soon thereafter, in January of 2001, Bush submitted the No Child Left Behind proposal to Congress, a comprehensive "thirty-page legislative blueprint" of what he intended the act to be. The proposal included a revamping of the ESEA reduction of grant categories previously done by Democratic Progressive Andrew Rotherham under the Clinton Administration, into five inclusive bloc grants. The "new" grants included Title 1 funds, teacher enhancement funds, English proficiency funds, public school choice, and a grant covering other auxiliary programs. The blueprint also included annual testing of all students in grades three through eight, the release of state and school report cards documenting the students' performances (disaggregated by ethnic and economic subgroups), and state compliance with NAEP standards. What the blueprint did not include were the exact punitive measures that would be taken if a school and/or district failed to make its yearly progress, but it did stipulate that "schools and states that succeeded 'in closing the achievement gap' would receive funding bonuses from the federal government [and] those that did not would lose funding for administrative operations" (35).

The "blueprint" was proposed to a very polarized and partisan Congress. Strategic handling of certain House and Senate members by Bush and Alexander "Sandy" Kress, a former Texas attorney, Education Board member, and good friend of Bush, were successful in winning the appeal of critical members. Kress was also instrumental in



forming a three-way coalition comprised of Republicans, New Democrats, and regular Democrats.

One of the first problems encountered by the coalition arose due to the adequate yearly progress provision of the bill. Both governors and states pressured the White House to weaken its provision that causes a school or district to fail based on the failing of a single subgroup. Fearing that too many schools would be subject to fail because of AYP, states foresaw costly and embarrassing consequences. For similar reasons, governors also worried about the disaggregating of test scores, which would break down the test scores by grade, subgroup, and school, imposing a degree of vulnerability and exposure for the school districts.

Republicans held a strong interest in assuring that Bush would pass undisputed legislation after a disputed presidential election. Traditionally, Republicans prefer small national government and therefore would oppose nationalizing a state issue such as education. Yet in their support for Bush, key GOP members saw an advantage in passing the No Child Left Behind Act bill and thus cooperate with Democrats. In the Committee on Education and the Workforce, Chairman John Boehner knew he had to court Democrats who were willing to accept accountability measures, provided they were not overshadowed by vouchers and block grants (components favored by many Senate Republicans). The bill underwent over 150 amendments and months of floor debate.

The subsequent House committee floor debate dealt with the issue of vouchers, specifically concerning where standardized testing should be tied explicitly to accountability. Democrats saw no trace of accountability standards in public schools when transferring out of a school into another is so easily done, whereas Republicans

argued in favor of the vouchers. Bush was staunch on annual testing, including flexibility and accountability measures, but was willing to budge on vouchers. Ultimately, vouchers were left out of the bill as it passed successfully through the House.

As the bill passed through its final conference committee revisions in preparation for House and Senate approval, opposition could be felt from every angle, from teachers unions, local/statewide officials still concerned about AYP provisions, and Republicans who favored a bill with vouchers or no bill at all. The conference committee was responsible for nearly 2,750 differences between the House and Senate versions of the bill. The committee was not only responsible for equalizing these differences, but was allowed to “rewrite many provisions that had been pushed through with the promise of a later ‘fix,’ maximizing the remarkable degree of discretion delegated to congressional conferences” (1993). The final committee legislation, which was approved “numbingly” by both chambers in December of 2001, included additional funds for poor school districts, requirements for all students, tested annually in grades 4 and 8, to reach proficiency within 12 years; and a provision that poor NAEP test scores cannot be used to penalize a school, state, or district, rather solely provide for a comparative analysis of success on a nationally accepted test versus a unique state exam. By this time, an overwhelming majority supported the bill, discounting the several Far Right and Far Left dissenting members. “The process, said [Ted Roemer (D-IN)], had ‘brought the middle together, and held it’” (1993).

## The Provisions of NCLB

The No Child Left Behind Act grants flexibility to states to determine their own testing criteria and achievement standards. According to the official NCLB website, it consists of four pillars: “Stronger Accountability,” “More Freedom for States and Communities,” “Proven Education Methods,” and “More Choices for Parents” (“Four Pillars of NCLB” 2005).

A strong promoter of the Act is the House Committee on Education & the Workforce. The Committee oversees federal involvement in education, including the legislation of NCLB, and issues at every level of school including elementary, secondary, and college-related concerns. It is composed of 27 Republicans and 22 Democrats, and is led by Chairman is John Boehner, Vice Chairman is Thomas E. Petri, ranking Democrat George Miller. Several members of the Committee were influential contributors to the actual drafting of NCLB. For example Judy Biggert of Illinois (R-13<sup>th</sup> District) contributed an amendment to the bill in 2001 that nearly doubled annual funding for homeless education programs (“Meet Judy”).

The pillars, explained in further detail below, provide a framework for the many components of the Act. The following explanation of NCLB is a summary of the Committee of Education and the Workforce website’s Guide to Frequently Asked Questions, in step with the four pillars. According to the FAQ’s page, the requirements for a State to comply with under the law include:

- Testing students annually in grades 3-8, and once in grades 10-12 in reading and math by the 2005-2006 school year, using state-created tests,
- using state-set definitions, ensuring that every teacher is highly qualified by the end of the 2005-2006 school year,
- assessing students once in science during grades 3-5, 6-9, and 10-12 using state-designed tests,

- providing public choice and supplemental education for students in schools that have been unable to meet AYP for two consecutive years,
- “[Accepting] nothing short of 100 percent student proficiency by 2014”

The pillar that promises more freedom for states and communities under NCLB, is the “flexibility of states to write their own tests” (“Four Pillars” 2005). As of June 10, 2003, President Bush declared that all fifty states, as well as Washington, D.C., and Puerto Rico, had implemented accountability plans in compliance with the No Child Left Behind Act. In these states, schools are required by the end of the 2005-06 school year to have a state-designed test in place, using funds that have been available since the 1994 ESEA reauthorization. If a state is unable to produce a state-specific test by the designated time, an unspecified amount of federal dollars will be withheld from that state until they can do so. For now, in 2005, schools must administer the reading and math tests to students in grades 4 and 8. By the end of next year, (2005-2006) NCLB state tests will be required annually for student’s grades 3 through 8 to complete. Currently, President Bush is pushing for an extension of the Act to include high schools as well.

The pillar which declares stronger accountability is apparent in, but not limited to, the fact that the Act relies heavily on the AYP, or adequate yearly progress, mechanism. This component is also left up to the states to decide on. It is a system that relies on the disaggregating of test scores into subgroups, and targets specifically the disadvantaged groups of students. It hopes to close the achievement gap between Whites and minorities by making lower test scores more visible so that schools can better address the needs of disadvantaged students and increase their test averages by the NCLB-mandated time frame of 2014. By 2014, all students (100%) must meet a “proficient” level of achievement. A state need not set its goals at 100% during the first year, but it must

gradually increase its quota of proficient students year after year in order to meet the 2014 deadline.

The creation of subgroups is a major component of the NCLB. In order to see, via testing, who is improving rapidly, improving slowly, or stagnating, the NCLB implements a breakdown of test scores into subgroups based on race, income, (often categorized based on one's community, i.e., inner-city, rural, suburban, etc.), and English-proficiency. The Act specifies that at least 95% of that subgroup must take the test in order for the school to even be considered to meet the requirement. This requirement ensures that schools cannot discourage certain students to not attend class on test day and lower the average, yet it also can serve to hurt subgroups and grades who failed to pass, all because of a few absent students.

“Safe harbor” is a system that prevents a school whose disadvantaged subgroups are improving, but not quite meeting AYP, to be safe from making the “in need of improvement” list. It requires at least a 10% reduction of students in a subgroup that is not proficient every year, meaning that schools, despite qualifying for safe harbor, are still accountable for raising their test scores.

NCLB tests are supplemented by the National Assessment of Educational Progress, a biennial, nationally administered exam in reading and math for 4<sup>th</sup> and 8<sup>th</sup> graders. It is sponsored by the Department of Education, which is responsible for paying for the tests. NCLB explicitly bans the use of a national test for its personal assessments, so the NAEP is a useful tool for comparisons of test scores. NCLB uses these scores to determine whether, if there is a large discrepancy in the passing rates between the state-designed test and NAEP, the state is providing too easy or too hard of a test. To quote

the Committee on Education and the Workforce website, “There are no federal awards or sanctions based on a state’s NAEP scores. The purpose of state participation in NAEP is to provide a confirmation, or verification, of state assessment systems and data” (“NCLB Faqs”).

The corrective action of the No Child Left Behind Act is grounded in the aforementioned system of adequate yearly progress, which again is the annual goal a school required for all schools to at least a 95% passing rates across all subgroups. According to the NCLB Faqs page, the term “corrective action” is only utilized after a fourth year of failing to meet standards, yet schools still face punitive consequences for not achieving goals prior to that fourth year. NCLB stipulates that schools which fail to meet their AYP goals after two years will be labeled “in need of improvement” by their districts. They will immediately be placed on a two-year turnaround path to increase scores.

According to the website, the school will initially receive additional federal funding and/or technical support for this turnaround. But it also is compelled to offer its students the opportunity to transfer to another public school that is not labeled “in need of improvement” within the same district. All students attending Title I schools are allowed to change schools regardless capacity limitations, and the district must provide all necessary funds to make this move possible, including the reconfiguration of unused space in schools for new instruction areas, redrawing attendance zones, and/or providing long-distance, or “virtual” learning programs. This measure falls under the Fourth Pillar of the NCLB, which provides “More Choices for Parents.” Students are permitted to attend other higher-performing public schools, including charter schools, and are

provided with free transportation (courtesy of the district) to that new school. The second school will receive additional funding to compensate for acquiring new students. The original school will continue receiving funds, accompanied by specific instructions on how to spend them according to federal and statewide standards.

After the third consecutive year of not making AYP, a school will continue on its obligatory turnaround path, while offering further mobility and opportunity to students and parents to move to other schools and/or districts. In addition, schools are required to provide individualized student achievement programs and assistance for disadvantaged students, such as tutoring, after-school services, and even summer school. Individuals within subgroups that have consistently failed are expected to receive increased assistance from their school. After four years of not achieving adequate yearly progress, a school undergoes corrective action. This means that a school is compelled to overhaul certain members of its teaching staff and revise inefficient components of its curricula in order to achieve better results. After five years, a school is required to complete a total restructuring of its administration, and “implement significant alternative governance actions, state takeover, the hiring of a private management contractor, converting to a charter school, or significant staff restructuring” (2005).

The 3<sup>rd</sup> Pillar of the No Child Left Behind Act, “Proven Education Methods,” revolves around the popular concept of “Scientifically-Based Research” (SBR), which emphasizes the need for educational plans and programs to fit certain professionally-accepted criteria before implementation. Concerning early education programs such as Reading First, any proposals submitted by educators or administrators, under NCLB, must be considered and approved according to previous or current scientifically based

research. “The NCLB Act...defines *scientifically based research* as ‘research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs’” (Beghetto 2003) Programs are accepted because, “Research findings published in a peer-reviewed journal can be assumed to have undergone careful scrutiny, been considered in light of alternative explanations, and deemed sufficiently ‘persuasive’ by a panel of individuals with expertise in research methods” (2003).

The phrase, “Scientifically Based Research,” according to an article written by doctoral student Christina Pfister of the Teaching and Curriculum Department at Syracuse University’s School of Education, is mentioned over one hundred times in the text of the NCLB law (2004). This high volume indicates SBR’s importance to the federal role in education. All standardized tests and assessment tools for testing students in grades 4 and 8, (and in the next year, grades 3 through 8), are approved according to a scientific understanding of what methods and styles work best for students. The Act requires that each state compose its own individual test, which must meet a level of scientific approval in order to be administered. Once a scientifically based research program is in place in a school, that school receives funding for a certain period of time, and therefore cannot renege on its use of that specific program. Much controversy on behalf of teachers, parents, and administrators, surrounds the requirement of “proven” methods of education being the only permissible form of instructional material.



## Accountability in Texas: A Precursor to the No Child Left Behind Act

We see in the 2001 reauthorization of the ESEA the first successful attempt to attach sanctions to so-called “underperforming” schools that do not meet designated achievement standards. This idea became popular following the “Texas Miracle” that occurred in the Houston Independent School District (HISD) in the late 1990’s and early 21<sup>st</sup> century. This system focused on assessing students with standardized tests and using those scores to measure the success of the student, teacher, school, and district. Poor scores meant certain sanctions from HISD. A great deal of the push and support for the No Child Left Behind Act on behalf of Congress and voters can be attributed to the apparent success of Bush’s influence in Texas’s educational reform. Following is a description of how the “Miracle” fared. NCLB in theory is very similar to the Texas accountability system, so this should shed some light into the possible directions that the Act can head.

The major steps that led to the implementation of testing accountability and adequate yearly progress surfaced during George W. Bush’s presidential campaign in 2000. Bush outlined a proposal that established mandatory achievement standards, required a partial disaggregating of test scores for public access, designated tests as assessment tools, and called for sanctions on “failing” schools (“The “Texas Miracle”” 2004). This marked the first nationwide reform to utilize financial punishment for failure to achieve standards, in order to motivate schools to perform better. As governor of Texas, Bush had presided over an accountability system that tested middle-school and high-school students, called the Texas Assessment of Academic Skills, TAAS, which lasted until about 2000, when it was replaced by TAKS (Texas Assessment of

Knowledge and Skills). While Bush was governor, the reported results of the TAAS tests proved the accountability system successful in raising Houston's overall student achievement dramatically and comparatively throughout the state. Simultaneously, Houston experienced a decrease in overall high-school dropouts (2004).

A major influence on the successful Texas accountability program, aptly named the "Texas Miracle," was Houston School Superintendent Rod Paige. Paige, who later moved on to become the U.S. Secretary of Education under George W. Bush, was credited for much of the success of the Miracle, which greatly facilitated promoting NCLB to Congress at the start of the Bush Administration.

The "Texas Miracle" was just that. The Houston school district ranks among the country's largest, and poorest-performing districts, yet suddenly, as a result of a new accountability testing system, test scores skyrocketed and Houston was found competing with top-tiered districts. How was this possible? Principals and school administrators were awarded bonuses for every year of low drop-out rate reports, (some schools reported zero dropouts annually), and test scores seemed to be simultaneously rising. The "success" of the "Texas Miracle" prompted Texas governor George Bush to tout the system during his campaign for President, pledging to apply this scenario on a national scale. The "Texas Miracle" was evidence that an accountability system could succeed in urban public schools, sparking much of the enthusiasm over, and support for, the initial NCLB proposal.

The idea of a zero-percent dropout rate, however, was dubious at best. It was not until Richard Kimball, assistant principal at Sharpstown High School in Houston, took a closer look at his school's claim that not one student had dropped out in the year 2001.

After three years working with the students at Sharpstown, Kimball was certain that he knew of many students he had seen come and go, for typical reasons attributable to inner-city youth experience: family problems, teenage pregnancy, etc. Geographically, Houston is in an area that receives a high number of immigrants, causing a constant flow of students in and out of the public schools. Somehow, the claim that his school had experienced a year with no dropouts was implausible to Kimball. He suspected there were other factors at work (2004).

As it turns out, students who technically “dropped out” were classified under different code labels, such as “transferring to another school, or “returning to their native country” (2004). That way, no students were recorded or reported as having “dropped out;” rather they were listed as leaving for different, legitimate reasons. In an investigation of sixteen of Houston’s regular high schools, researchers reviewed the reasons and code labels for nearly 5,500 students who had left those schools, and discovered that about 3,000 of them should have been recorded as having dropped out. Eventually, fourteen of the audited schools were demoted to the state’s lowest rating (Winerip 2003).

The other aspect of the “Texas Miracle” was that Houston-area high schools were excelling on the annual 10<sup>th</sup> grade statewide achievement test. Average scores had increased dramatically, and again principals and administrators were reaping the benefits for their successful schools. According to Kimball the test scores may have been genuine, but did not accurately represent the population of students eligible for taking the test. Kimball explains, “principals taught addition by subtraction: they raised average test scores by keeping low-performing kids from taking the test” (“The ‘Texas Miracle’”

2004). This means that ninth-grade students who did not excel in math were habitually kept back a year or two, or even three, so that their potentially poor 10<sup>th</sup> grade test scores would not factor in to the aggregate school scores. In one case, a girl named Perla Arredondo, who repeated ninth grade three times because she could not pass algebra, was eventually promoted straight to the eleventh grade, bypassing the 10<sup>th</sup> grade test, and missing out on the necessary credits to graduate. Perla eventually dropped out of high school (2004).

In addition to holding students back to raise the test score averages, it was soon discovered that the TAAS tests were specifically designed and written to ensure student success. Many of the questions, although wrapped in flowery language and seemingly reflecting grade level knowledge, were in fact simple questions of subject matter learned in middle school. Students were excelling on the TAAS scores at higher rates because the questions were easy to answer and well below grade-level. The scores achieved on the TAAS tests elevated Houston, a district well known for its poor achieving students and low-success rates, to compete among the nation's top districts. In "Wrapping Up TAAS," Education News writer George Scott contends that Texas was able to use the faulty data from the TAAS tests because "[no outside] academic indicators other than those developed and controlled by the State of Texas" had challenged them (2002).

However on October 24, 2000, just two weeks before the Presidential election, the testing company Rand issued a report called "What do Test Scores in Texas Tell Us," in which it compared TAAS scores with NAEP (National Assessment of Educational Progress) examinations (national exams not controlled by Texas). This report exposed a clear discrepancy in the quality and success of results. Students able to excel on the

TAAS scores were not demonstrating the same ability on the NAEP in mathematics and reading for grade four, and mathematics for grade eight. Also, while TAAS exams showed a narrowing gap between the success of Caucasian and African American students, again the results from the NAEP tests showed the opposite, a widening gap. Researchers, although unsure of the source of differences, concluded that the construction of the tests could have been a large factor (Scott 2002). In addition, Texas' inflated test results could have been attributed to "the exclusion of students with disabilities and in the number of students dropping out or being held back" as previously discussed (Jost 2001).

Scott's article describes a study comparing test scores and progress throughout the 1990's, tracking the trends in success on TAAS, SAT, and AP tests. Since the 1993-94 academic year, it is apparent that hundreds of thousands of students performed extremely well on the 8<sup>th</sup> and 10<sup>th</sup> grade TAAS tests, exhibiting advanced college-readiness. Simultaneously, however, SAT scores remained stagnant, and scores on the Advanced Placement exams were less than stellar, indicating no apparent increased knowledge preparing students for college. Since the TAKS' succession to TAAS in 2002, aggregate test scores have fallen to their normal, average levels. With TAKS, according to George Scott, "Texas students do not have nearly the "grade-level or college-ready" academic skills" as they did with TAAS (Scott 2002).

### Closing

This background chapter has demonstrated the historical, legislative, and political process of the No Child Left Behind Act. It is by now very apparent that NCLB relies on standardized testing assessments for all of its achievement indicators, and is very

comprehensive in its national, federal scope. The previous narrative about the Texas Miracle demonstrated, on a much smaller scale, the sometimes dangerous consequences that an accountability system imposed on poor performing schools can entail.

The disastrous consequences that occurred in Houston public schools of administrators fudging numbers and withholding students from taking tests is sadly not the only example of cheating. Districts desperate to make AYP yet struggling with limited funds often find themselves taking drastic, and sometimes dishonest, measures to ensure AYP for a given year. The Texas Miracle was a misleading and fraudulent precursor for the NCLB to emulate. In the following chapters we will learn from other authors how patterns from the Texas Miracle can be detected in NCLB, and why there is such a controversy over the Act. Eventually we will hear testimonies from teachers from both suburban and urban teaching settings, tell their experience with the law, and how they cope with its powerful influence.

## Literature Review

The four critical components explored in this analysis over the debate on the No Child Left Behind Act are dichotomous. The first issue disputes the mechanism of standardized testing. Proponents argue that testing motivates teachers to instruct students along a structured framework, whereas opponents find preparation for standardized tests detracts from an otherwise rich and formative educational experience, and deprives teachers of their autonomy. The second dichotomy addresses the issue of sub-grouping students based on ethnicity, learning handicaps, and English-language proficiency. Proponents find this method of measuring achievement to be conducive to closing the achievement gap between the higher-achieving White majority students and the lower-achieving minority students. Opponents view sub-grouping as biased and castigatory of schools with greater diversity.

The next dichotomy illustrates that funding is a major issue of contention between federal politicians and ground-level educators. Supporters of NCLB concur that the Act is fully-funded and available for use to the states. Opponents claim just the opposite; schools and states cannot possibly keep up with the requirements of the law specifically because they are under-funded. The final issue addresses federalism. NCLB is a federal law, yet public education, because it is not explicitly assigned to the Federal government in the United States Constitution, is reserved as a responsibility of the State. This issue was described above in the Background section. Although the federal government has been involved in public education since the 1960's, many states today feel as though with NCLB, there is too much federal control. Some states see the "benefit" of regaining their

original individual public education systems to outweigh the “cost” of implementing NCLB.

According to the opinions and arguments of a diverse sampling of authors of literature on NCLB, it is apparent that these issues of how to best assess (or test) students, how students should be sub-grouped, how federal funding for NCLB is supplied, and the issue over states’ rights, are split between actors at the “top” of government, and the players at the “bottom.” Although arguments for both sides are made on behalf of strong political figures and voices within the American educational system, adamant proponents of the Act seem to be largely contained in the higher educational authorities of the federal government. This would include political policy-makers in the White House, the Department of Education, and Representatives in the House Committee on Education and the Work Force. To reiterate, NCLB is a federal law, which means that these government officials have incredible interest and incentive to preserve it.

Actors on the other side of the dichotomous debate are largely represented on the ground-level of education, actively educating American youth. These actors include teachers, school and district administrators, representatives of the National Education Association (NEA), and other education and testing experts. The NEA is America’s largest professional employee organization that represents millions of teachers, education support professionals, retired educators, and students preparing to become teachers. Also represented in the debate against NCLB are writers for the Phi Delta Kappa, an online journal of articles submitted by professional educators nationwide. Finally, state education officials and Congressmen are also heavily entrenched in opposition to the Act because of the implications it has on states’ rights and individual autonomy.



Chubb and Moe explain the origins for these differences in opinions by acknowledging a gradual “institutionalization” of public education. The authors blame “direct democratic control” as the catalyst for the downfall of public education in America. The transition from the traditional assumption of public (then considered local) schooling has been plagued by an increasing incorporation of democratic and governmental institutions, intended to strengthen education, into every political and social level of schooling. Labeled as “inevitable progress” by reformists during the early to mid-1900s, the authors viewed the transition as a triumph of “winners,” (social elites and haphazard political victories) over “losers,” or the lower classes, racial and ethnic minorities, and the politically unrepresented. This progression of change of education has persisted over time, arriving at the highly lucrative accountability system associated with public schools that exists today. The “lucrative accountability system” pertains to the high profits generated by testing agencies, research facilities, and private investors paid to create exams due to mandatory test requirements.

This consumerist description is thought of as an institutionalization of education, and has had a heavy impact on the traditional ideology of public education. It is argued that as more actors, institutions, and beneficiaries have become involved in every level of education, the basic concept of teaching American children has transformed into a bureaucratic business venture from which many private investors profit:

The specific kinds of democratic institutions by which the American public education has been governed for the last half century appear to be incompatible with effective schooling. Although everyone wants good schools, and although these institutions are highly sensitive and responsive to what people want, they naturally and routinely function to generate just the opposite—providing a context in which the organizational foundations of effective academic performance cannot flourish or take root. (1990)

Today this institutionalization could be viewed as the product of the increased role played by the federal government in a state's educational system. The Act mandates certain accountability requirements at every level of a state's educational administration, and has significantly reduced the traditional role of small community education systems by intending to standardize levels of assessments.

The aforementioned dichotomies to be explored in this section will be divided according to the arguments for and against each side, beginning with proponents of the No Child Left Behind Act.

During his first week in office, newly-elected President George W. Bush is quoted for advocating annual standardized testing because "without yearly testing, we don't know who is falling behind and who needs help...we don't find the failure until its too late to fix" (Jost 2001). This philosophy defines the Administration's defense of annual testing, indicating that without it, students will fall through the cracks of an unaccountable public education system. Annual testing therefore is essential and necessary to improve this system. Chester Finn, an assistant secretary of Education under Reagan, agrees. He describes yearly testing as diagnostic, equating tests to medicine; "[tests] help you find out what's actually going on, what problems are present, [and] what treatments are and are not working..." Finally, Presidential education advisor Sandy Kress equates schools to businesses, claiming that testing is the best way to judge results of the success of a school, and to see if that "enterprise is working" (2001).

John Boehner, Chairman of the House Committee on Education and the Workforce, (HCEW), also a strong advocate of NCLB, stands by the annual testing strategy. “Testing less frequently than every year does not provide enough information to make useful changes or for schools to make adjustments to meet their children’s educational needs” (2001). In a statement made before the legalization of NCLB in 2001, Boehner claims that only through tough accountability standards will the nationwide achievement gap close, and therefore must be included in any legislation that passes through Congress.

Current statements in Fact Sheets about No Child Left Behind by the Committee on Education applaud the effects of yearly testing, indicating that since 2003 test scores nationwide have increased significantly. Titled “Fact Sheet: No Child Left Behind is WORKING,” (2005) the report in part attributes the improvement of test scores for certain states to the implementation of annual standardized assessments and universal accountability measures.

Proponents of the subgroup category reflect attitudes similar to those of testing. It is argued that annually measuring (by testing) individual subgroups reassures that the progress of minority students is not omitted from nationwide attempts to raise the academic achievement bar. Currently in Utah there is debate surrounding the state’s desire to withdraw from NCLB requirements because it views sub-grouping and AYP requirements as discriminatory and counterproductive for excelling individual student achievement. But according to Ronnie Lynn of the Salt Lake Tribune, easing AYP provisions for minority subgroups will exempt schools from being held accountable for minority student improvement, and therefore allow schools to pass below the radar of

passing low-performing students (2005). Unaccountable to raise individual subgroup test scores, Utah would, in effect, “leave children behind.” She explains that this “easing” of requirements, specifically in Utah, means that there must be at least forty, no longer thirty, minority students in a school in order to create a specific subgroup accountable for NCLB AYP goals. Most Utah schools are primarily Anglo, meaning that the likelihood of there being forty or more minority students per school, creating more subgroups, is small. And because NCLB allows states to choose their own numbers per subgroup, Lynn suspects that Utah may be changing their minimum number in order to avoid raising the scores of its consistently failing subgroups. Critics argue that this is negligent of Utah educators, and that it evades the moral and obligatory responsibilities of the state to ensure universal academic improvement.

Concerning the contention over the funding of NCLB, it is the general consensus of its proponents that NCLB is fully funded. John Boehner in an address to the House Committee on Education, claims that the federal government has provided the states with more than enough funds to implement No Child Left Behind, and that it is the fault of the state that it cannot allocate those funds judiciously. He admonishes Democrats for basing their criticisms of the actual federal funding levels on “bogus information,” and claims that this is the highest education spending levels have reached in decades (2004). Boehner likens yearly federal financial assistance to states to “pumping gas into a flooded engine” because states are currently sitting on more than enough funds to enact NCLB requirements.

This information is confirmed in the HEWC “Fact Sheet: No Child Left Behind is FUNDED” webpage. As of January 2005, the nation has seen a 40% boost in federal K-

12 education funding. Specifically cited is the increase in Title 1 funding, which has “received a larger increase during the first two years of President George W. Bush’s administration alone than it did during the previous eight years combined under [Clinton]” (2005). *Transcending the Bush and Clinton Administrations*, the Fact Sheet explains that since they took control of Congress in 1996, Republicans have increased federal education spending by 150%, to the point at which “states are having trouble spending it all.” Not only are states funded, according to a major national cost study released in February 2004, but many states are actually profiting from NCLB. A \$787 million state surplus for the 2004-2005 school year, which might be increased by \$5 million in 2007-2008, will supply states additional funds to finance programs that accompany NCLB requirements. The FY 2005 projected federal budget for aid for elementary and secondary education aid is \$24.4 billion (2005).

In a testimony before the House Budget Committee Democratic Caucus and the Senate Democratic Policy Committee, Krista Kafer of The Heritage Foundation describes the current “discretionary funding for federal education [to be] the largest amount ever appropriated” by Congress. Since the 2002 enactment of NCLB, states have received \$771.5 billion to pay for annual testing requirements. Despite these large numbers, Kafer acknowledges that fiscal financing is not the ultimate cure for poor education. Reform, embodied in the overall framework of NCLB, will ultimately be what spurs improvement in American schools, teachers, and students (2003).

Contention within the issue of federalism resonates stronger with opponents of NCLB. The law’s proponents are obvious supporters of the extension of the federal government into state responsibilities because NCLB is a federal law. While most

educators are content with a degree of federal financial assistance to states, many find No Child Left Behind to be overly-intrusive. In an un-authored New York Times editorial, a critic of NCLB concedes that despite the problems he/she has with the Act, the federal government *should* take action to improve public education. Although traditionally known as a local issue, public education left exclusively in the hands of the states has failed “to educate large swaths of the population...[which] has left us with one of the weakest educational systems in the developed world.” The signing of NCLB has “marked a recognition by Congress that things had to change...[and] the reform effort will collapse if the Bush administration gives in to the state governments that are invoking the principle of states’ rights and embracing the bad old status quo” (2005).

In a final HEWC “Fact Sheet,” NCLB is described as FLEXIBLE towards states, and therefore does not impose unreasonable burdens that violate federal divisions. The page explains that states, not the federal government, are in charge of creating their own standardized tests, setting academic standards, defining what “highly qualified” teachers are, and how and where to allocate federal funds (2005). Through these allowances, the federal government is recognizing differences between states, and therefore granting them autonomy for NCLB implementation. The “Fact Sheet” describes “Additional Flexibility” that states and local governments can achieve, which allows for more discretionary spending of ESEA funds without a need for government approval.

David J. Hoff, a writer for *Education Week*, an online website for Education editorials, reports that state lawmakers are currently taking action against the federal government concerning NCLB’s control over state school systems. A 76-page report written by the National Conference of State Legislatures (NCSL) offers amendments to

make No Child Left Behind more compatible with state goals and capabilities. But so far federal officials are not receptive to suggested changes. Members of the House Committee on Education claim that the NCSL report is making it easier for states to accept federal funding without meeting standards, and in effect ignoring the accountability measures core to NCLB. Chairman John Boehner accuses NCSL of attempting to “water down the impact of the law” because “some lobbying groups...want the funding...but they don’t want to meet the high standards that come with it” (2005). In addition, Raymond J. Simon, assistant secretary in the Department of Education, asserts that the suggestions of the report would simply reverse any positive progress made in education under the NCLB thus far.

By now we have a better understanding of who NCLB proponents are, and why they support it. Following is a description of the other side of the same four dichotomies, argued largely by educators and writers for professional education journals.

Lowell C. Rose writes that NCLB as a law, deliberated, legislated, and approved by Congress, is not conducive to carrying out its goals of accountability and closing state- and nationwide academic achievement gaps. Rose criticizes the overemphasis and faith placed on test results, claiming that it does not take “rocket science” to understand that tests cannot and are not the sole indicators of student achievement. First, he denies that “a single statewide test can measure a school’s performance” (2004). A school in its entirety cannot always be held accountable for its students failing standardized tests for a variety of extenuating circumstances. The author also questions whether “a test based on only English and math [and Science for one year] can measure the full range of student

proficiency,” addressing the limited subject matter covered by standardized tests. He contends that testing is biased and therefore cannot and should not be the one indicator of how a school or a district and its teachers and students are evaluated.

HWEC Committee Member Robert C. Scott contends that, although tests are useful evaluation tools, administering them every year to students in grades 3 through 8 is inappropriate and unhelpful. Scott looks beyond the impact of the single physical test, to what measures (or lack thereof) are being taken to educate students after the test is over. He decides that “notwithstanding the issues of quality and quantity in testing, the real challenge for educational reform comes after the test. Schools already engage in testing, and the results are in...Simply measuring student performance will not change student performance” (Jost 2001). Andrew Rotherham of the Democratic Progressive Policy Institute echoes this concern; “It’s not enough simply to tell the states to test every year in grade 4 to 8. That’s a recipe for one thing: more testing. It’s not a recipe for more effective testing” (Jost 2001).

According to FairTest, an educational advocacy group, the testing requirements of NCLB will make the government responsible for “the overuse and misuse of standardized tests, with educationally harmful results” (Jost 2001). Minority African American and Hispanic advocacy groups argue that tests are racially and culturally biased and discriminatory, and therefore should not be the sole indicator of a student success. Similarly, Bob Chase, National Education Association president in 2001, agrees with the role of testing in education, but fears an “overuse or abuse of tests [by the Federal government] and the unintended consequences if they are used as a single measure of how schools are doing and how kids are doing” (2001).



Monty Neill, the executive director of FairTest, foresees that increased testing will transform classrooms into “test-prep” centers, testing much of what is not important and not testing much of what is important (Neill 2003). He rejects the idea that standardized testing (as well as punitive measures for poor test scores) is a productive means for assessing school quality. He promotes multiple forms of assessment accompanied by a more relaxed enforcement of adequate yearly progress requirements. Neill also criticizes the legislators and policy makers behind NCLB, saying, “NCLB stands accountability on its head; the people and institutions with the least connection to the realities of teaching and learning are given the most importance, as are the least educationally useful assessment instruments. Parents, students, and teachers—those most directly involved in education—are rendered relatively powerless and irrelevant” (2003; 227).

Neill also argues that the preparation required for readying (needy) students for excessive standardized testing has had the effect of detracting from traditional, diverse curricula. “In schools where children don’t perform well, there will be intense pressure to eliminate or reduce emphasis on such untested subjects as history, science, languages, and the arts; to cut such ‘frills’ as recess, and to reduce tested subjects to the form and content of the exams” (2003; 225). Although many educators claim they do not teach to the test, Neill’s statement reflects how the new emphasis on testing has pressured teachers to alter their daily agendas in order to prepare their students for test-taking.

As a result of increased, heavily-weighted testing, many teachers, under pressure to produce adequate test scores, have resorted to “cheat” during exams. This means that they are engaged in either actively or passively assisting their students during exams.

According to Kris Axtman of the Christian Science Monitor, teachers are feeling greater pressure to produce passing test scores because for the first time, “the tests have been tied to [their] job contracts and bonuses” (2005). Testing and cheating have come hand in hand for years, only the requirements under NCLB have created the difference that “teachers and administrators are heavily involved.” In response to the high volume of alleged cheating instances, “critics say [that] the idea of educators willing to go to such lengths to raise their schools’ scores, is further proof that high-stakes testing doesn’t work” (Axtman 2005).

In response to this nationwide cheating epidemic, local districts are taking action. For example, in the Houston Independent School District of Texas, a team of six hundred civil servants have been trained specifically to monitor students and teachers during the two hour TAKS test on test day. HISD was compelled to hire these monitors due to numerous allegations of cheating during exams, as well as uncharacteristically high scores on several Texas exams (Spencer 2005).

Moving on to the subgroups issue, author Terri Schwartzbeck argues that the strict interpretation of standardized testing required by NCLB disregards special cases, and therefore test scores are often not representative of the population tested. Even within the same grade, not all students are mentally on the same academic levels. In *Targeting Subgroups*, Schwartzbeck focuses on how special education students with disabilities, along with students of limited English proficiency (LEP) are the two main subgroups falling below AYP yearly. “By definition, LEP students are not proficient in English, and by definition, students with disabilities have special needs that caused them

to be labeled as such in the first place” (2003). NCLB is an all-inclusive law that tests all but 1% of special education students per school. How then, under the NCLB, shall the population of students who by definition require special attention, be calculated if their failure can mean failure for an entire school?

The author acknowledges that NCLB is not the first law to require students with special needs to be tested. This was first done by IDEA (Individuals with Disabilities Education Act), as an effort to hold all students, regardless of their differences, to at least some level of academic achievement. The assessment guidelines were specialized, students were tested according to their individual levels of capability, and then measured to see how well they could master that level. This is known as the individual education plan, or IEP, and was agreed upon by teachers and parents alike. Accommodations such as having questions read aloud, granting more time to an individual, and testing below grade level if necessary, are what distinguish programs like IDEA from NCLB.

The result of this restriction on the number of disabled students being given special accommodations has caused some schools to fail their AYP because one subgroup as a whole did not pass the test. Schwartzbeck discusses a school in Byng, Oklahoma, that failed AYP in 2003 because of its 38 fifth graders—17 were special education students, and 14 of them did not pass the Oklahoma NCLB test. Superintendent Steve Crawford said he worried less about the actual school failing, and more about the emotions of the students who may have blamed themselves for causing their school to fail making AYP; “We’ve got these 14 kids who will feel like it’s their fault the school failed. We’re telling these kids they’re failures” (Schwartzbeck 2003).

Schwartzbeck also discusses the dilemma of how to count LEP students, or “Limited-English Proficiency” students. In 1994, the reauthorization of the ESEA stipulated that “English language learners are expected to reach the highest standards” (2003). However, unlike the NCLB, this requirement did not specify whether the standards would be given at the same time and at the same level as native-English speaking students. The difficulty of measuring the academic success of the LEP subgroup is the constant exchange of students into and out of the subgroup. As students progress through school and learn English, they exit the LEP subgroup. This means that the progress made by the LEP subgroup students who leave the group after achieving language fluency is often lost during transition because they then are a member of a new subgroup, or simply a part of the “majority.” NCLB sub-grouping does not, therefore, always trace the progress of the individual over time (2003).

Revisiting the controversy in Utah, state legislators are seriously considering relinquishing the federal funds granted to them under the No Child Left Act because of its inflexibility in testing special education and English-learning students. The state, which receives \$116 million of the approximate \$13 billion federal Title 1 funds, is willing to renounce its share because of the rigorous AYP standards imposed on its 20,000+ students who do not read at grade level, as well as the “disproportionate number of special-education students and children whose primary language is not English” (Archibald 2005). Utah Governor Jon Huntsman, Jr., a former special-education educator, thinks that the subgroup requirements unfairly test special education students and are prejudice towards schools with high minority populations. The authors of the NCSL report described earlier which suggests modifications for the Act also recommend

“that states should be allowed to set separate AYP goals for students with severe disabilities,” as in the percentage of special education students tested at grade level, and the tests themselves (Hoff 2005). This would grant further flexibility to states and less pressure to test students who by no fault of their own, are not capable of testing well.

Paul Socolar, in a Philadelphia Public School Notebook article titled “Education law is tougher on diverse schools,” observes that bigger, more diverse schools are persistently failing to make AYP goals versus smaller, more homogenous ones (2004). The process of disaggregating subgroups designates different targets depending on the demographics of a school, and Socolar explains that in Pennsylvania, a subgroup is required to have forty students of that demographic in it in order to qualify as a separate subgroup. Consequently, smaller or less diverse schools with not enough people to comprise a subgroup do not face the same accountability measures and find it easier to meet AYP. Socolar explains that, “In Philadelphia, several large public schools had to meet the test score and participation targets for each of as many as six or seven subgroups, while some schools had no subgroups to report and only had to meet targets for the overall student population...of district schools...four or more subgroups reporting, only one-fifth (four schools out of twenty) made all their AYP targets...schools reporting one subgroup or none had...24 out of 25 [make] AYP” (2004).

Similar to instances of teachers cheating in order for their students to pass the tests, large and diverse schools and districts in order to pass AYP requirements have resorted to alternative means of reporting subgroups. Because these schools often feel the adverse effects of NCLB sub-grouping, Socolar explains that they experience a

“diversity penalty.” Therefore several schools have been known to “segregate their students, [and possibly] underreport or reclassify students [to] avoid having to count the data for a subgroup” (Socolar 2004).

William J. Mathis analyzes how NCLB funding is affecting school districts and per-pupil spending in ten different states, and how what was promised in writing at the signing of the law in 2002 has yet to be realized in full in the thousands of schools across the U.S. Mathis begins by explaining that federal education funding constitutes a mere fraction of public school funding around the country, and that under NCLB, local districts realistically only control “about 4.3% of its already-committed money” (Mathis 2003). The new standards and requirements (i.e., preparation for test-taking skills, reading programs, etc.) have incurred “massive costs of making sure all students pass the mandated NCLB tests” (2003). Separate studies of these states have indicated, for example, that in Indiana, schools have seen a 31% increase in per-pupil spending, in Montana an increase of anywhere between 34 and 80%, and in Nebraska, an increase of 45%. These percentages apply to students without learning disabilities or in special education programs, for whom spending is even costlier, and has risen just similarly under NCLB.

Lynn Olson further explains that due to the inexorable differences between the population demographics of every state, each state implement NCLB and its federal funding differently to cater to its specific needs. Because of this, levels of federal funding theoretically correspond with the needs for each state to reach its stated yearly goals. However, Olson explains that “the amount of money available [to reach these goals] varies widely by state and may bear little relation to the number of schools

identified for improvement” (Olson 2005). NCLB directs states to set aside two percent of its federal Title 1 Part A funds for school improvement during the fiscal years 2002 and 2003, and then increase that to four percent during the years 2004-2007. Of this percentage, 95% must be allocated to districts and schools in need of improvement, and the remaining 5% will go towards sustaining schools to reach full recovery. Olson argues that the problem is that states are consistently being under-funded and are not able to allocate their federal dollars as specified. For example in Texas, Olson writes, for the 2004-05 school year 197 schools were identified to be in need of improvement, and would have had \$44.4 million to spend on them after taking 4% of its Title 1 funds. Virginia, however, with 460 needy schools during 2004-05, received only \$7.8 million. Similarly in Minnesota, despite an increase in identified schools between the 2003-03 and 2004-05 school years, total funding went down, while in Georgia, federal funding doubled, even though its ‘in need’ school numbers decreased (2005).

Author Paul Houston agrees that shortfalls in funding have greatly discredited NCLB. He discusses how unrealistic the NCLB provisions are for ending poor school quality, and that despite it’s worthy, admirable goals, NCLB is flawed and poorly implemented. George Bush speaks of the “soft bigotry of low expectations” as what is keeping American students undereducated, yet Houston believes that before we can even reach those goals, “at some point, we need to discuss the hard bigotry of [these] high expectations without adequate resources. It is no accident that most of the children left behind are clustered in poor schools in poor neighborhoods” (2005). Houston advises that more attention and federal funding should be directed towards earlier stages of development in order to increase life chances for children who, inevitably, will be left

behind. In addition he advocates funding programs that focus on educating young parents, preparing both “caring” and “qualified” (and not just one or the other) teachers to educate, and that provide a variety of assessments, not just tests, to measure how a student is really progressing.

Mathis’ article describes the current economic conditions which could impede funding for NCLB from reaching its promised price value. He cites the current conflict in Iraq and a sluggish economy as two detriments to fully funding NCLB. He insists that educating our nation’s youth should carry precedence, and the federal government, if involved in carrying out this goal, should increase its funding. “However,” he writes, “if funding *remains* inadequate, then at best the law will represent the attenuated efforts of an over-promising government, which will leave behind our poorest and most needy children” (2003).

Reg Weaver, the President of the National Education Association, echoes Mr. Mathis’ criticism of the under-funding of NCLB, and describes that for the fiscal year 2005, funding was \$9.5 billion below what was promised when the bill was passed in 2002. Weaver describes a “triple whammy” facing American public school children today: “half of all school districts will have to do more with less money for disadvantaged students in 2004, important programs to advance the goals of [NCLB] law are under-funded or scheduled for elimination...[and] deeper cuts are proposed for fiscal year 2006” (2004). Weaver then calls for increased funding, resources, and responsibility on behalf of the NCLB legislators if, and only if, the law intends to succeed.

In order to portray the opponents of NCLB being a federal law, it is necessary to revisit the literature used for describing the proponents. In addition to the suggestions



made for reforming NCLB, the report compiled by the National Conference of State Legislatures, “takes a confrontational legal approach” by declaring NCLB to be unconstitutional. The NCSL claims that the federal government provides limited resources to aid states in forming their own NCLB implementation systems. What’s more, it refers to a 1987 Supreme Court decision that “forbids the federal government from being ‘coercive’ when implementing laws in areas where the Constitution doesn’t explicitly provide for a federal role,” such as with public education (Hoff 2005).

Lowell C. Rose continues discussing the role of the federal involvement, indicating that it is the public, and not Congress, who understands best the shortcomings of our public education system. They are on the ground level and understand the external factors and limitations involved with educating students for tests, and therefore see that the requirements of NCLB are not working. Yet while Rose acknowledges the importance of a federal role in education to provide a degree of financial assistance and support, he maintains his argument that NCLB is flawed and needs to be “fixed.” He cites 2003’s Gallup poll on education, which indicated that “one-fourth of Americans who claim to know something about NCLB reject its strategies by margins as great as or greater than those who claim little or no knowledge. In race track parlance, NCLB is a horse not ready for the race” (Rose 2004).

Next we revisit the controversy in Utah. Legislators there are looking for greater flexibility of the law, which they see as an overstepping of the federal government, and are ready to reject it if flexibility is not granted. According to Utah state Superintendent of Public Instruction Patti Harrington, “There’s beginning to be this broad realization that this is not just about how kids succeed...but about the federal takeover of schools”

(Samuels 2005). And despite federal efforts to delay Utah's determination to pull out, key political figures such as Utah Senator Tom Hatch and Utah Senate President John Valentine are ready to pass the 'House Bill 135' which would revoke Utah's commitment to NCLB in its entirety. Ms. Harrington proposes that in place of the strict accountability standards of NCLB, Utah would like to be able to use their own "Utah Performance Assessment System for Students", or UPASS, which "insists on a year's worth of progress for each student instead of the federal requirement that all students reach a certain level regardless of their starting level of knowledge." In a statement, Harrington explained, "Our state will determine how much involvement there will be in No Child Left Behind, not the other way around" (2005).

Finally in Connecticut, state attorney general Richard Blumenthal is planning to sue the U.S. Department of Education over the testing mandates imposed in the NCLB law. His dispute is not with the actual standardized tests, but over the imposition of the federal government on a state's right: "I'm not making a judgment about educational policy, whether testing is a good thing, or bad thing...the point is that the federal government is mandating it, and it's doing so without funding it" (Archer 2005). Archer claims that the law violates federal statute by forcing states to use their own money to carry out the federal testing requirements.

According to the Connecticut Department of Education, the state will have to spend \$8 million of its own money by 2008 to fulfill the testing requirements of the Act. Blumenthal explains that this directly contradicts a provision of the NCLB law which eliminates the burden of the state to pay for any requirements provided by the law. Similar to the rejection of Utah's UPASS, Connecticut has been denied the right by the

U.S. Department of Education to continue its own testing regime which evaluates students in grade 4, 6, 8, and 10 because it violates NCLB's mandate to test all students in grades 3-8. According to Connecticut's commissioner of education, Betty J. Sternberg, Connecticut has employed an "effective 20-year history of testing in alternate years...and [NCLB] will cost millions of dollars and tell us nothing that we do not already know about our students' achievement" (Dillon 2005).

Testing grades 3-8 and once in high school requirement is nonnegotiable, according to U.S. Secretary of Education Margaret Spellings, who is immobile on this issue despite efforts to increase state flexibility with the Act. Blumenthal claims that Connecticut has exhausted all other options to work with the federal government, and that legal action, the only route left, "is imminent" (Archer 2005).

This review has affirmed the dichotomous debate that divides policymakers from educators over the role of No Child Left Behind on public education. I wish to note, however, that not all members of the camps I have indicated are unanimous in their opinions. However here they are divided along these camps to demonstrate the general (but not exclusive) perspectives of both sides.

To reiterate the issues and questions of contention analyzed previously, first, there is much contention over the role of standardized testing. NCLB proponents see annual testing as necessary to indicate progressive student achievement, while opponents claim standardized testing is biased and prejudice towards minority and special education students. Arguments over sub-grouping follow a similar logic, with proponents claiming it increases visibility of poor-performing minority students while opponents claim it unfairly penalizes diverse schools while reinforcing social inequalities with segregation.

The double-sided debate over funding shows that politicians and policy-makers understand NCLB to be fully-, if not over-funded. Opponents see the law not only as under-funded, but as having imposed too many new requirements than it can fund. The additional testing under NCLB has increased the price of implementing the law, a burden which some states argue is being placed on their shoulders, and not supplied by the federal government. Again, the arguments over the issue of federalism are similar to the funding debate. Almost every side of the debate sees a degree of federal involvement in public education necessary to provide states with financial assistance. Adamant proponents of NCLB further this and see the Act and all it entails as the necessary cure for a poor American educational system. Yet opponents of NCLB see the Act as a gross over-stepping of the federal government into a state's rights, upsetting the historical and scared balance of federalism. Some states are faltering in their compliance to meet NCLB requirements, and consequently feel the heat of financial sanctions.

## Interviews/ Analysis Chapter

This section of my research paper describes the field work I conducted in local Syracuse schools to determine how teachers perceive NCLB. It intends to reinforce the research I have acquired from literature and resources that explain NCLB, as well as surface new areas of concern. I was most interested in gathering my own, original information, and expanding the readily available knowledge of the impact of federal public education policies.

To reiterate, the thesis statement of my paper is that the provisions and implementation strategies of the No Child Left Behind Act, for a variety of reasons, are not conducive for achieving its stated ends and improving American public education. To prove this, I decided that it would be best to interview teachers and educators, whose ideas I believed would resonate similarly with the perspectives of the educators in the dichotomous debates presented in the Literature Review above.

During the course of my interviews, I found that most of the opinions of the teachers did reflect the general ideas portrayed in the Literature Review. However interestingly enough, but not entirely unexpected, some of the teacher's responses transcended the two sides of the dichotomies, voicing favorable support for certain aspects of the Act. This demonstrates that the line that divides the competing perspectives on both sides of the debate over NCLB is permeable. Applicable to every debate, is not always safe to assume that distinct camps of individuals will all share the same views. In addition to these perspectives that reflect the sides of the dichotomies addressed in the Literature Review, the interview analysis will include a significant

portion of “new” information surfaced by the interviewees, relevant to their impression of the law.

Following is a description of the schools I interviewed in, the teachers I spoke with, and a general outline of the body of this section.

During my research process of selecting schools to interview in, I searched for schools based on several criteria. First and foremost I looked at location: above all, I wanted to interview in schools in both inner-city and suburban settings. My area of study is in Syracuse, New York, which is characteristically and definitively segregated by race and income in and outside of the city. Therefore selecting an inner-city school and a suburban school would most likely assure differences in the school’s surrounding and external community environments, and consequently yield differences in racial compositions. Pending the success of procuring schools with such differences, it was inevitable that the two schools would also differ in their number of NCLB-required subgroups, the final item on my list of criteria. This would mean that, having to fulfill different AYP and subgroup requirements, teachers from opposite schools would offer diverse opinions and perspectives regarding standardized testing, federal involvement, and more.

Ultimately, my search was successful. After contacting and corresponding with incredibly helpful connections in the Syracuse University Department of Education, I was able to consider working with two schools; one urban and one suburban, which fit almost perfectly the criteria I had initially established. For the purposes of this being a small study with considerable time constraints, I was content with sampling from only two schools. Regardless of the size of this study, however, I feel that the characteristics and

experiences of these two schools adequately represent approximately 80% of the nations' public schools. I speculate that the problems faced by the urban, inner-city school I chose are most likely felt similarly by inner-city schools and their students nationwide. The experiences of the suburban school I chose are also most likely experienced nationwide by other suburban schools. Therefore, while this study is small and confined only to two schools in Central New York, I believe that the opinions of these teachers and the experiences of these schools with NCLB can be applied to many schools across the nation and reflect a general consensus of educators.

### Entering the Syracuse Public Schools

The process of entering the schools for interviewing purposes differed greatly for each school. In the suburban school, I simply contacted the principal, established a relationship by explaining my topic and purpose, and set up a date to come in. Upon approval by the Syracuse University Institutional Review Board (IRB), I was cleared for conducting research. Upon my arrival, the principal had already created a schedule of teachers to speak with, and I was in and out in roughly two hours.

Entering the City Public School was not as straightforward. With only a few weeks left until the deadline of completion of for Thesis projects, I was informed that conducting research in a public school in the City district required a confirmation process via the Evaluation, Assessment, and Research Department of the Syracuse City Public School District, in addition to the permission of Syracuse University's IRB. Luckily, with cooperation from my contact within the school that I wished to interview in, the process was expedited and within a week I received confirmation from both review

boards. I was able to ask my questions sooner than later, and without changing them or modifying my intent of research. Overall, entering the schools, and the interviewing process itself, was smooth and largely hassle-free.

Following are descriptions of each school.

#### *Suburban School (SS1)*

On Wednesday, March 23, I visited the suburban school, just ten minutes outside of Syracuse, New York (hereafter to be referred to as “Suburban School,” or “SS1”).

That day I spoke with four teachers, grades 1, 2, 3, and 5, and returned the following day to speak with the 4<sup>th</sup> grade teacher. The principal was extremely cooperative with my needs, and I could tell that he had a good relationship with his fellow educators. Every conversation I had with a teacher was open, relaxed, and productive. On average I spent about 30 minutes speaking with each teacher, the longest interview lasting 55 minutes. The teachers here were able to speak with me while a substitute teacher watched over their class, or while their students were involved in extracurricular activities. I was able to ask every question in my interview with time for additional anecdotes.

According to its teachers, Suburban School is a high-ranking competitor among the other schools in its community. SS1 expects its teachers and students to reach high academic standards, and from what I could tell, experiences a high level of parent involvement as well. It has never experienced problems complying with state and the federal NCLB academic standards. SS1’s only real worry, according to its fifth grade teacher, is to compete within its own district and achieve the highest test scores compared to other local, competitive schools. This need to “be the best” in one’s district places



enormous pressures on these competitive schools, similar to the pressures felt by poor-performing schools struggling to at least make AYP for a year.

The surrounding area of SS1 is visibly wealthy, indicating higher property taxes which directly fund the school. The students in the school were almost entirely White and native-English speakers, thus limiting the number of subgroups accountable for AYP qualifications. The overall impression conveyed to me about how students score on standardized tests was that, at SS1, there is never a doubt that the necessary majority of students will always succeed on the tests. Teachers said they feel lucky and it makes their job that much easier, because they know that with their students, they will succeed year after year. The second grade teacher reflected this confidence by saying, “We don’t know a lot about [Title 1], because we don’t need it. But city school teachers [would] know more.” Title 1 funds are allocated to schools with high academic assistance, characterized by low-income communities and poor test performance. By indicating her lack of knowledge about Title 1 funds, the SS1 2<sup>nd</sup> grade teacher implied that her school is financially stable enough, and performs well enough on tests to never have to receive this type of funding.

#### *City School (CS2)*

The next school I visited was an urban, inner-city Syracuse public school, hereafter referred to as “City School,” or “CS2.” City School is situated in a lower-income neighborhood on the outskirts of Syracuse’s downtown district. The property values appeared to be lower than those of the neighborhood surrounding Suburban School, and from my understanding (following an incident during my two hours at the school), illegal drug traffickers are known to frequent the area. I mention these

characteristics of the surrounding area of the school because they provide a context in which to place the life experiences of its students. Due to home environments (and this is applicable at just about every school nationwide, yet pertains to my example), standardized testing is not always a number one priority for students raised in low-income homes.

Teaching life lessons and enforcing discipline often preoccupies teachers in inner-city schools, making attaining high test scores a secondary priority. This was called to my attention while interviewing the Reading Specialist at CS2, as we were accompanied by the yelling and crying of a student in detention just a room over. The Reading Specialist explained that this particular student was constantly in and out of detention, and thus had a hard time learning basic course materials, let alone how to master standardized tests. Although just about every school across the nation experiences troubled children, here at CS2, it is likely that these children act a certain way because of a misguided childhood or a poor quality of life at home. Regardless, the struggle to educate students seemed most apparent at CS2 than did SS1 due to external and fundamental qualities of the students, and not because of poor instruction within the school environment.

CS2 is classified as a “Reading First” school. As explained to me by the Reading Specialist, this means that it is a school that experiences a high poverty rate, defined by the numbers of free and reduced lunches provided to students, and receives additional funding to increase student progress. Reading First is an early-literacy program that targets students in grades K-2. CS2 has repeatedly scored below its AYP, and therefore has been placed on the “in need of improvement” list by NCLB. The school underwent a

school evaluation by New York State educational assessment team, for which it had to show evidence for a need of resources and assistance.

The Reading Specialist explained that when the team came to CS2 to evaluate, they saw a “well-run, organized school with a lack of funding” to meet the demands of its students. Ultimately it was recommended to CS2 to apply to their district for additional funding. CS2 was able to attain financial assistance, on the condition that it adopt a “Scientifically-Based Research” (SBR) program which would aid reading improvement and increase test scores—it now utilizes the Reading First program, as well as a literacy program for upper-elementary grade levels. The school was required to comply with these programs in order to receive the money for the three years it would last. The Reading First program, set to expire at the end of the coming year, requires new materials, and establishes new requirements for teachers to learn in addition to their other school work.

To retain anonymity of the school, I will refrain from directly naming the SBR program. However CS2 is one of nine schools in the Syracuse City school district that utilizes this program, and its teachers wonder if the extra time and effort put into developing the new requirements has substantially added to the success of the students. The Reading Specialist believes that SBR programs often detract from the autonomy of an experienced veteran teacher. They cause controversy, because a teacher, having worked with literacy programs for a long time, should know just as well what works and doesn't work, and need not rely on “scientifically proven” methods of teaching. “After a while, you get good at your craft...[for good education], there's more to it than just a book.”

These are the two schools I worked with. Despite the obvious differences between the students and the surrounding environment of the school, the basic fundamentals of education were well-represented in each. Hard-working, concerned teachers, and a well-run administration were present and obvious in both schools, as were visible opportunities for students to achieve.

### The Interview Process

The interview process included speaking to nine educators (seven teachers, one Reading Specialist, and one former principal) about the No Child Left Behind Act and the role of the standardized testing in the classroom, as well as the influence of the federal government in public education. I asked every teacher the same set of questions, provided there was sufficient time. For teachers who only had about five to ten minutes to spare to speak to me, I simply asked them to talk freely about their impressions of the Act. Both methods of questioning yielded sufficient information for me to gauge how they feel and what their position is. I conducted interviews at two schools, one located in the suburbs of Syracuse, and one in the Syracuse City School District.

Following is a series of themes that emerged from discussions structured by my interviews. Some themes occurred due to the interviewee's response to my direct questions, and some arose as the result of similar individual anecdotes. I have organized these themes similarly to how I organized my interview: I began by assessing the teacher's knowledge and overall impression of NCLB. I then inquired about their opinions concerning standardized tests, asking several questions that pertain directly to daily life in the classroom. This area of discussion is longer than the others, because so many areas of learning, accountability, and student development are implicated by the

actual test. I observed many similarities in perspectives on the use/overuse of standardized tests, and a common belief that there should be additional, more personal assessments, that judge a student more on his/her overall aptitude apart from their test-taking skills. I then moved on to the issue of the role that the federal government should and does play in directing education policy, and how the teachers perceive these policies to be closing the academic achievement gap between Whites and minorities.

The respondents to my interviews were all very well-spoken, and offered strong opinions about NCLB. At times this section may become excessively narrative, which is a result of the fact that my discussions with teachers were in-depth and covered many topics. If nothing else, I hope to convey my respondent's perspectives judiciously and accurately in the following synopsis.

### Knowledge of NCLB

The first theme I encountered was derived directly from the interview question, "What do you know about NCLB?" The general consensus of what every teacher knew about NCLB was that it is a legislation that calls for increased accountability for both teachers and students, and provides intervention for schools that do not meet expected standards. Every teacher spoke of the financial incentives for compliance with the law, and how the funding can be stripped with poor test results. One teacher criticized the Scientifically Based Research requirement of NCLB, claiming that because schools are so different from one another, no single "proven" method of teaching can fix the problems of schools in different contexts. Another teacher assumed that NCLB began as

an effort to bring up the averages of schools serving low-income communities in order to reach a minimum level of competency.

To my surprise, only one teacher, the 2<sup>nd</sup> Grade teacher at SS1, addressed the fact that NCLB is a federal law in response to this question. She also mentioned how Title 1, one of the grant blocs used for federal funding, is helpful because it provides additional money for schools, but that it seems contradictory because funds are susceptible to be taken away from already under-funded schools that cannot meet high standards. Finally, one teacher noted that along with change, comes *paperwork*. To provide evidence of progress to their district, schools must produce hard evidence of test scores and student/staff development.

The next theme I found relevant was also a question in the interview; “What types of teachers do you consider “highly qualified”? I listed the “high qualifying” requirements for teacher under NCLB, which are that teachers must be fully licensed for their state, have subject matter competency, and have received at least a bachelor’s degree in college. At SS1, teachers in general agreed that these requirements should be mandatory, and that the majority of teachers these days most likely fulfill all three. One teacher, however, relied on the assumption that it is experience that should “make” a teacher; an undergraduate student with a 4.0 grade level may be smart, but that does not make them a necessarily good candidate to teach in a classroom. This perspective was echoed in CS2. There, a third grade teacher stated that she has taught for 25 years, but has only been certified for 12 in this particular district. Her response to the interview question was, “Aren’t parents qualified to teach, despite their lack of qualification?” She

continued to explain that actual in-class experience ranks tantamount when compared to an inflexible definition of “certified.”

The Reading Specialist at CS1 opined that “experience is bigger than anything,” and that teachers should show evidence of classes taken in reading literacy, as well as progress along staff development courses to stay current with instructional updates. It is apparent that experience in the classroom is an important determinant of good teachers. Yet the majority of the interviewees believe that the requirements provided under NCLB are satisfactory and should be minimal at best.

#### The Impact of Standardized Tests in the Classroom

My next interview question asked about how the testing requirements of NCLB have changed one’s teaching jurisdiction, if at all. My responses varied. Most teachers agreed that their usual agendas have been modified to prepare students for the tests, and that they find ways to integrate knowledge needed for the tests in most lessons. While some find this beneficial, others find it intrusive and time consuming. The 5<sup>th</sup> grade teacher at SS1 explained that the experience she has had with test preparation has conditioned her to teach things that she knows are necessary to pass the tests, and exclude other items. For example, she acknowledges that students need to learn about the Revolutionary War, but instead of spending one month teaching about it, she now only spends a week or less. Another teacher explains that, positively, standardized testing promotes a level of accountability for teachers to teach and focus on the right subjects. This includes teaching abilities to read, write, and listen for information. Negatively, tests, and the preparation for them ultimately place undue stress on children and teachers

alike. Intense media publicity has hyped up the use of standardized tests and in turn has stigmatized failure.

Along the same lines, the CS2 Reading Specialist agrees that test preparation is good, but in certain contexts, many teachers put too much effort into getting ready for one “snapshot” of their student’s achievement. This snapshot is what ultimately reaches the media, and therefore defines education for the public. The 2<sup>nd</sup> grade teacher at SS1 explained how even she feels pressure to prepare students specifically for taking the tests in 4<sup>th</sup> grade. She focuses on subject areas in early literacy and listening skills that she claims she would otherwise not teach. Test preparation, therefore, has had both positive and negative effects on how teachers prepare their students. While it provides a framework for subject areas to teach, it also holds many teachers back from their personal agendas. A former principal and teacher from the Rochester school district that I was able to interview at CS2 argues that teachers “can’t just be matter-of-fact about teaching when they are [pressured to] prepare students for tests.” Students need to learn to apply education to real-life situations. “By knowing the mechanics of how to take a test...what are students truly learning?”

A third grade teacher at CS2 claims she has had to increase individualized instruction because of the many levels of learning that she now has to prepare for a test that measures one level of learning. She administers more personal assessments to gauge where her students are academically so that she can help them reach a level conducive for taking the tests. She has had to invest more work and time into planning, which has both its negative and positive effects.



One final point pertaining to this question of how testing has altered teaching agendas is the issue of timing. Currently, in 2005, students nationwide are tested in grades 4 and 8. For fourth graders in New York State, this means an English and Language Arts (ELA) test in January, and math and science tests in May. Fifth graders are tested in Social Studies in November. The fifth grade teacher at SS1 explained to me that as tests are staggered throughout the year, teachers feel compelled to teach students what they will need to know for that test, which means focusing primarily on a single subject up until that test is completed, then switching gears to prepare for the next exam. ELA is taken in January, which means that teachers may put aside worrying about teaching math and science until after the reading test is taken, then avert their attention to these other subjects which will be tested on in May. The teacher recommends administering end-of-the-year tests (similar to a “final exam”), which will a) allow teachers to teach all subjects all year long, not just one exclusively for three months at a time, and b) lessen the anxiety and pressure felt by both teachers and students to prepare for one major test, then immediately move on to the next. As of right now, this teacher prepares students for the fifth grade Social Studies exam, but next year that will change with the new 3-8 testing requirements. This is the same teacher who once spent a month at a time teaching on the Revolutionary War, but now spends less than a week in order to better organize time for the Social Studies exam. It will be interesting to see how she will condense even further her already reduced lesson plan when preparation for the ELA and math exams becomes necessary to add to her curriculum.

In a separate question, I asked if the focus on math, science, and reading has detracted from teaching other subject materials, such as history, social studies and

perhaps foreign languages. Like incorporating test preparation into daily agendas, teachers responded that they have been able to schedule other subjects into their days. But SS1 grade 4 teacher admits that at times she can neither elaborate on topics, nor complete the projects she'd like to, and is constantly moving forward. "Missing math for one day will put you behind...the key is balancing time wisely." Several teachers cited utilizing "parallel tasks," (teaching a subject while incorporating test-taking skills into a lesson). SS1 grade 3 teacher explained that she is in part responsible for preparing students for the tests they will be taking next year, therefore spends a lot of time teaching the format, i.e., short essay writing, how to handle multiple choice questions, and critical thinking skills. A 3<sup>rd</sup> grade teacher at CS2 concedes that requirements have taken a lot of time away from other subjects because "you're worried [the students] won't do well [without constantly focusing on what is to be tested]." The focus has displaced other lessons that she'd otherwise want to do, but she thinks she would be a poor teacher if she did not teach for the test.

Test preparation and the quantity of tests per year are two separate themes. Most teachers agreed that students are already being "over-tested," and that it will only get worse as soon as testing becomes mandatory for all students grades 3-8. Test preparation skills will begin at even earlier ages, such as first graders and even Kindergartners, thus placing pressure on all academic levels in elementary and middle schools. The SS1 first grade teacher explained that she already administers "bubbling-in" exercises for her students so that standardized test formats are not completely alien to them, but feels that she'll need to do even more to prepare children for tests because they'll be taking them a year earlier. Her main concern is that her students, at such young, formative ages, are

distracted from learning important social skills and early-life developmental behaviors. The increase in grades to be tested will place undue stress on teachers, students, and parents as well. The third grade teacher at the same school, who soon will be the earliest grade to give the NY State tests, replied that “personally, testing at the third grade level is too young...it suggests starting to teach [testing] skills as early as Kindergarten...”

The SS1 Grade 2 teacher questioned the need for annual testing for every grade 3-8, asking, “What are the tests screening for? [By fourth grade] you’ve already identified poor students, what’s the use in reestablishing this point? Would I want to teach a grade that had to take the tests? No. It’s added stress.” However, while the SS1 5<sup>th</sup> grade teacher may feel that testing grades 3-8 would be “overkill,” the one unique perspective came from the SS1 4<sup>th</sup> grade teacher, who currently is the only one teaching at a grade level that administers annual tests. Her response was that she is “happy” about the upcoming 3-8 testing requirements, because it is “something that *has* to happen.” She argues that there needs to be some measure of student achievement for the public eye, as well as a balance for students to consistently be assessed. Testing grades 3-8 will lessen the pressure felt by new fourth graders to take the “4<sup>th</sup> grade test,” thus lessening her duty to ease that pressure on her own. Consistent testing, she feels, will focus other grade levels on teaching the “right” subjects.

At CS2, the Reading Specialist summed up his overall opinion with a very useful and succinct quote: “a farmer doesn’t keep weighing a pig to get him fat...he has to feed him...well, students don’t get smarter with more testing, they have to be taught first.” He agrees that there must be some form of assessment to determine teacher/student achievement over time, but that he is not sure that testing all students at the same level

and at the same time for grades 3-8 annually is good “developmentally.” He suggests a portfolio assessment of work students have produced over the course of a year in order to pay attention to individual learning styles. Along the same lines, the 3<sup>rd</sup> grade CS2 teacher asked, “Is [more] testing the way to say no child will be left behind? Our new reading program is good...but for ESL students who are struggling to read....and then are still struggling...will they pass even more tests while they’re still simply trying to learn English? Where is the success for these children?”

From this point on, the debate over NCLB requirements will expand. So many aspects of a teacher’s day and career are directly affected by the federal law, which means that there is more to the debate than exploring the four dichotomies yields. Following are prescriptions for bettering the law to better prepare students for testing, arguments for why test scores should not be tied to a teacher’s career, and more.

At this point, we see a disagreement among teachers regarding standardized testing. Two arguments have thus far been presented, albeit the former supported by more teachers than the latter. The first is that annual testing for grades 3-8 are amounting to undue stress and preparation for teachers at all grade levels. Testing and retesting is perhaps not the best way to understand a student’s academic growth rate, and readying students for one single “snapshot” of their overall knowledge has detracted significantly from doing so. Yet on the other hand, it is important for teachers to be held accountable at every grade level to teach the “right” subjects and see how students have improved year to year. And again, although the teachers are not satisfied with annual standardized testing (for reasons explained in further detail shortly), as being the sole indicator of student progress, their alternative suggestions frequently settled on another form of a test.

In the words of the 3<sup>rd</sup> grade teacher at SS1, who encourages open discussion with her students to alleviate fears of taking the standardized tests, “I don’t like [3-8 testing] because I think it puts pressure on teachers, students, and parents...but at the same time, they *should* be accountable for standards...for students, what they learn, and for teachers, what they have to teach...but not necessarily on tests, but for some other assessment... such as...some sort of test, I guess. I guess it’s the only way.”

One common idea for how to limit the number of standardized tests students take, or at least to postpone the grade at which they start, was to allocate more funds into early learning programs. This way, when students reach the second, third, or fourth grades, they will be better prepared to comprehend and master high-level subject materials, and there will be no need for increased standardized testing measurements. At the risk of exhausting the analogy, “you’d be fattening the pig by feeding it, and not just by weighing it.” Several teachers promoted this idea of increasing early learning opportunities, which should extend in particular to reach students of low-income families and who attend low-performing schools.

Another issue that hits close to home with the teachers was whether or not the results of these tests should be able to determine a teacher’s “quality” and job competency. Are they a fair measure of a student’s aptitude, and therefore do the results truly reflect the teaching skills of their teacher, and more? Four teachers agreed that unrelated factors such as students having a bad day, or the fact that a student may just be a bad test-taker, can yield poor test scores and therefore reflect negatively and unfairly on the teacher. A bad test-taker, however, does not indicate a bad student. The third grade teachers at SS1 explained that “being a bad test-taker can give a bad picture of the kind of

student one is...and A student can easily get bad test grades.” The teacher further explains that teachers should be trusted due to their credentials, and not be judged and penalized on the basis of their student’s performance on standardized tests. She then described a paradox that I had not yet considered; “If a lot of your students don’t pass,” (which could be due to a high number of inclusion—special education—students, or the “bad test-taking” students), “then you’re *that* teacher that couldn’t produce good scores...but just as easily, if all of your students pass the test, you don’t want to be known as ‘the teacher who’s students all passed.’” There exists a stigma for both extremes.

Again, teachers concede that accountability standards must exist to some degree to assure that teachers are challenging their students, but they are not sure whether standardized test results are the most representative and accurate assessments. The 5<sup>th</sup> grade teacher at SS1 explains that so much goes into how a child performs, and that schools, teachers, and students vary. Studies have shown that standardized tests are often racially-biased, and place minority students at a disadvantage to White students. If this is true, then teachers with identical credentials may experience different success rates at separate schools depending on the demographic make-up of their school. Those teaching in schools with a majority of minority students could face lower test scores than teachers in majority-White schools. This example does not wish to affirm or comment on racial inequalities, nor does it imply that minority students are inherently subordinate test-takers compared to White students. It also does not pertain to every majority-minority school. However it serves demonstrate that characteristics beyond the control of a teacher can alter test results and ultimately reflect negatively and unfairly on that teacher.

The 4<sup>th</sup> grade teacher at SS1 put the question of measuring both teacher and student abilities into perspective: “[the tests boil down to] three days out of a student’s life. They are *one* measure [of assessment], and there needs to be several to determine a student’s actual knowledge...there needs to be less emphasis that a test can determine so much...numbers and test scores do not reflect the climate that you’re in.” This same teacher admits that she is not worried, although her students are at the grade level that is currently tested, that her students will fail the tests. She sympathizes, however, with teachers in other settings who do have to worry about how their students perform, because their job is at stake. Unrelated to the actual teaching ability of a teacher, yet influential to their job security all the same, the 4<sup>th</sup> grade instructor states, “Education is just not always on the minds of students in inner-city schools.” The 1<sup>st</sup> grade teacher at SS1, who experiences students at younger ages, notices that teaching students who, at home, are fed, have attentive parents, and are well-behaved is much easier. She however, “cannot speak for urban/poor schools, where conditions like these are not always present.”

At CS2, the Reading Specialist explained to me how the design of the tests is often a problem that prevents students from passing. On the fourth grade reading test, students have 45 minutes to complete a 28-question Reading Comprehension section. If they do not pass this first part, he explained, the student will have a very hard time passing the entire test based on the subsequent Writing section alone. This presents a problem with learning capabilities, and again, is not something that should necessarily reflect the skill of a teacher who worked tirelessly to prepare his or her students for the tests. Many students learn at different rates, and some are even categorized for special

education requirements, yet are administered the same test as students who learn at normal rates. This opens up a whole new topic of discussion.

Students with learning disabilities, or who are enrolled in special education courses are frequently expected to complete the same standardized tests, during the same allotted amount of time, and within the same academic subgroup as students with normal learning capabilities. NCLB law states that only 1% of students in special education per school are allowed special testing accommodations, such as having materials read allowed to them, or being given extra time. Apart from this contradicting why certain students are categorized as in need of special education in the first place, this requirement can serve to significantly lower a classes or school's overall average. This can reflect poorly on the teacher, the school, and ultimately can degrade the actual student. These students, known also as "inclusion students" because they are included in regular classroom learning exercises despite their academic handicap compared to other students, are not only given an unfair chance to excel on the tests, but are inadvertently lowering class averages. Again quoting the Reading Specialist, test scores represent only "snapshots" of overall academic performance, and upon reaching the media, do not, simply as numbers, explain the whole story of who took the test and why.

My next interview question asked specifically whether or not teachers agreed that ESL and special education students should be tested and held to the same standards as others, and whether all students, simply because they're at the same grade and age level, are able to succeed equally on exams. The responses were practically unanimous. Every teacher replied that this ideal, which is the NCLB ideal of having 100% proficiency by 2012, is unrealistic. Some agreed in their responses that with certain modifications, it is a



more attainable goal. Most of the teachers modify their instruction in class daily to assist the students with slower learning capacities, and therefore find it troubling that these same students are expected to perform at the same level as others on the tests. The 4<sup>th</sup> grade teacher at SS1 exclaims that it's "humorous that [policy makers] talk about learning, and expect all students to test at the same level...students labeled as "special needs, and therefore entitled to special instruction, receive my help daily, then do not get that help during the test." She describes IEPs, or Individualized Education Plans, which are specialized for certain students, but then are disregarded, come test-taking time.

A third grade teacher at CS2 believes tests should be given on a child's level, not just the grade level. And the Reading Specialist equates testing special education and non-special education alongside each other to comparing "apples and oranges." Yet the second grade teacher at SS1 acknowledges that not imposing at least some standard of achievement for every child has the potential to lower accountability standards for teachers, and soften expectations for students. Again we face the continued dilemma, if not with standardized tests, then how else can we assess our students? "It's a double-edged sword," she says.

The last theme I will discuss related to how testing affects the schools, its teachers, and above all its students, is the ability under NCLB to transfer schools when one's school becomes "in need of improvement." This opportunity was sharply criticized by the suburban and urban teachers alike. In SS1, teachers complained that this could potentially allow poor-performing students from poor-performing schools to transfer into their school and consequently lower their overall test averages. As explained by the second grade teacher here, "urban students coming to suburban schools?! Our scores will

go down. If No Child Left Behind is working to level schools, why should [students] move? Shouldn't they just improve?" From another, perhaps more cultural perspective, the educator from Rochester agrees that transferring may provide students with more opportunity to learn academically, but then there is no sense of continuity in the community. Students transferring to other districts can potentially deplete a community's level of pride, trust, and hope in their neighborhood school. Whether or not this is ultimately important and relevant to a student's individual education, it is significant to note that a sense of community is still revered today by educators. Federal laws such as NCLB may extend to even the most micro of education levels, but maintaining personal, intimate community ties and involvement is key to preserving the traditional role of education for our youth.

This concludes the testing section of this analysis. The teachers have made clear that some form of assessment needs to exist to hold all actors in the education arena accountable for academic achievement and instruction. However the jury is still out as to whether standardized testing is the best route to take. So many factors and components are implicated by the emphasis on testing, many beyond the control of our educators. Most teachers agree that there needs to be more funding provided for early education programs to increase literacy and development skills for students who may not receive such instruction in the home. By the time they take their first test, many students are already disadvantaged because they were not given the same life chances as others. This problem really reflects higher social and economic inequalities, but is elucidated in the classroom as minority and children of low-income families fall behind in test scores.

This leads into the next and final component of this paper, which addresses the role of the federal government in education policy, how it is perceived by teachers, and how it has served to close the education gap thus far.

### The Federal Role

The second to last question of the interview inquired about whether teachers felt it was the role of the federal government to impose such standards on the traditionally state-appropriated right to control public education. Most teachers replied that no, the government should stay away from this area. One of the third grade teachers at CS2 asked, “When was the last time the Department of Education was in a classroom? What makes *them* ‘Highly Qualified’ to pass this law?” The other 3<sup>rd</sup> grade teacher echoed this point, that the people on top making these laws are not in a classroom...they don’t know about the gaps, the differences, in the rooms, and what teachers have to do. “Teachers should have more input, because they see firsthand what happens, year after year.” The third grade teacher at SS1 agreed, claiming that “[the policy-makers of the federal government] are not teachers...I’d like them to walk a mile in my shoes. It’s best to leave education [policies] up to the states.”

The fourth grade teacher at SS1 had much to say. She agrees that the government has a special interest in educating the public, but that if it is going to take action, it needs to fulfill its promises and provide adequate funding for schools. Even then, funding could be better allocated towards other programs: “Individual school issues need to be addressed first, and testing should come second. We have invested billions of dollars to create tests, and to what end?” She explains that because states are so unique, and thus

create their own tests, it is unproductive to compare test scores across state lines. So if we're not comparing between states, how are we measuring improvement? "I think [the federal government] came up with a plan, and they don't have a back-up."

The Reading Specialist at CS2 feels that as a well-trained teacher, he feels very qualified, and that the Fed cannot make such drastic decisions based on test scores alone. He thinks that in order to bring credibility to their decisions, the government must make frequent visits to schools to see day to day activities and what teachers deal with. Otherwise, what looks good on paper and sounds good in the media, does not accurately reflect what occurs on the ground level, in the schools.

The second and fifth grade teachers at SS1 felt that there needs to be a federal involvement—states should be uniform in their standards, and it should be the job of the fed to align them. The fifth grade teacher, however, does not agree with the amount of testing that should take place, and that NCLB has the right goal in mind, but is supplying the wrong means. She would like to see more money allocated to communities of high poverty-rates for early childhood development as opposed to being put into "Scientifically-Based Research" testing strategies.

The final question asked whether or not teachers felt that NCLB has the capacity to close the White/minority achievement gap. One teacher replied that in theory, it does. However NCLB is still relatively new, and in its first stages. Hopefully, schools will improve to meet the minimal benchmarks of AYP. Another teacher expressed doubt for this optimistic outlook, claiming that the current assessment tools are not "meaningful," and do not address the spectrum of learning capacities of students nationwide. In order to close the gap, the needs of students on both ends of the continuum must be taken into

consideration when assessing them. This question realistically focuses on greater social problems nationwide. Social inequality inherently disadvantages many minority students from succeeding to the levels of advantaged White students. This is why many of my respondents over the course of the interviews answered that changes need to be made for students at earlier stages in life to ensure equal footholds come test-time. Assessments need to be varied, pertaining to the academic levels of students, and standards need to be set so they are rigorous, but attainable, for a student's learning capacity.

The purpose of interviewing teachers for this analysis was to see how macro, nationwide federal policies can trickle down to the most basic levels of government and society, and directly affect our youth. The No Child Left Behind reauthorization of the ESEA is by far the most intrusive and comprehensive educational policy to affect the nation's schools. Teachers are hit especially hard by it because they feel the pressure to guarantee students meet standards, while choosing between "teaching to the test," and sticking to their current curriculum.

NCLB is a worthy law that strives to account for every student and close the achievement gap. However it is poorly implemented because it needs to reach further in to the deeper causes of why some students are already at a disadvantage before even stepping foot in a classroom, and these problems will not disappear with increased standardized tests. Funding needs to first be fully supplied to meet the amounts designated in the yearly budget, and then directed towards more early-learning and development programs. It is the consensus of the educators I interviewed that they are adapting to the requirements of the tests, and in some cases have even improved as

educators because they have provided a framework for what to teach and what not to teach. However they are also adamant that the federal government is not “highly qualified” enough to determine the educational goals it is imposing, and needs to rely, somehow, more on teacher input and suggestions. Teachers are offended that they should work so hard to meet unrealistic goals and standards, when they feel no reciprocity from the policy makers at the top.

## Conclusion

My original thesis statement claimed that No Child Left Behind and its implementation strategies are not practical for closing the majority/minority achievement gap. Although over the duration of this project I have learned to embrace the perspectives of both sides of the debate, I still maintain my argument that NCLB is inherently flawed.

The evidence procured from published accounts as well as from original interviews in the bulk of this paper has verified that NCLB is an imperfect and controversial law which needs to be amended. Situating these accounts into a framework of the four dichotomous issues presented in the Introduction made for a comparative analysis of the supportive and opposing sides of NCLB.

To reiterate, these four dichotomies depicted the controversies over the yearly implementation of standardized testing for grades 3-8, the formation of subgroups, federal funding, and the balance of federalism. It was concluded that teachers and educators generally comprise the opposition side, and federal politicians and policymakers are representative of the supportive side. What enhanced this analysis, however, was that although generally unanimous in their line of support, each camp of debaters was nuanced with support for the other positions. The lack of unanimous consent over every single issue indicated that the debate is not as clear-cut and dichotomous as I originally thought it to be.

It is no surprise, therefore, that the true learning experience for me took place during the personal interviews with local Syracuse teachers. I formatted the interview questions so that I was unable to shape the teacher's responses and arguments with the

intent of promoting an honest and open discussion about the No Child Left Behind Act. As a result, (although for the most part the responses aligned with the perspectives found in the literature of NCLB opponents), the open discussions allowed for teachers to express their honest opinions, even if they deviated from mainstream views. Acquiring this new, unpublished data inspired me to reevaluate my thinking of the critical issues that are at stake under NCLB.

Every teacher I spoke with expressed a desire for teachers and educators to attain more visibility and voice in the legislation of federal education policies. They frequently echoed the fact that the policymakers at the top are not in a classroom day in and day out, therefore are not qualified to make the important decisions that they do. If they had this voice, the teachers would argue that more federal funding, instead of being allocated to the creation of more standardized tests or “scientifically-based research” programs, should be put into early learning and development programs so that all children are given the same chance to succeed later on. The majority/minority achievement gap would not exist without the presence of social inequality; targeting children in inner-cities and poor communities with early literacy programs would increase their life chances and learning capacities for the rest of their educational careers. Filling in bubbles on tests is simply not enough. NCLB fails to look at how by the time many children reach the 3<sup>rd</sup> or 4<sup>th</sup> grades to begin testing, that they are already way below grade level compared to their peers. I personally echo this frustration, and on behalf of the Syracuse teachers I interviewed, promote increased early-childhood learning programs in place of yearly testing for grades 3-8.



Currently President Bush and the Department of Education are pushing for NCLB requirements to apply to high schools as well. This would inevitably increase the cost of implementation, as well as effectively and unquestionably “over-test” students. States like Connecticut are already taking legal action against the Department of Education because it is too expensive and not effective. This example is a prophesizes more drastic measures to take place in the future if the scope of NCBL increases by including high schools. Students will transform into test-taking machines because by senior year of high school they will be so accustomed to taking tests that they’ll be able to do so with their eyes closed. Yet will this ultimately serve to educate students? To repeat the metaphor, imposing assessments year after year, “you’d be fattening the pig by weighing it, not by feeding it.”

No Child Left Behind is headed in an uncertain direction. The new Secretary of Education Margaret Spellings is already offering to increase flexibility for states in implementing the law, yet refuses to budge on certain issues, such as the 3-8 annual testing mandate. Utah and Connecticut are perhaps currently the most vocal in their determination to drop NCLB, however are not alone. Other states like Virginia and Vermont are also weighing the pros and cons of maintaining the law, but are still as of yet undecided. The Department of Education is not taking these changes lightly, and has already intervened in Utah to delay its course of action. Delaying efforts, however, may not prove effective to retain certain states, and only time will tell on how long it will take for states to drop out completely.

New articles are constantly in the media, which means that in a matter of months or even weeks, this entire thesis could be obsolete. Sub-grouping may become a thing of

the past if states get their way, and in a few years, with the change of Presidents, NCLB may be forced to adopt a more passive role in public education and yield its position to the state.

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