

No Child Left Behind and the Future of State-Run K-12 Public Education

Shelly Bennett

Writer's comment: For my final assignment in English 104D, I chose to write about President Bush's No Child Left Behind (NCLB) legislation. Since I was considering becoming a high school English teacher, I had a vested interest in examining what the effects of this legislation have been in public K-12 education. I quickly realized that one of the major issues with the NCLB legislation is that it involves many contradictions between its stated intentions and the effects of its implementation. Sorting it all out was quite a task, but I actually enjoyed the process of research and writing that it involved. I am so pleased that through this publication, the lifetime of my essay will be extended beyond my English 104D class, and I would like to thank Dr. Dragona since it was under her tutelage that the essay was created. I would also like to thank my family for their love and support throughout my education.

— *Shelly Bennett*

Instructor's comment: For the last assignment for my ENL 104D course (Writing for Education), I ask students to pick a topic that a) they would most like to research for the whole quarter; b) they would most benefit from; and c) they would like to teach to their classmates, also future teachers.

Shelly Bennett chose the No Child Left Behind mandate of 2002 and spent the entire quarter reading about it and submitting the 12 steps I require for this project. Her excellent paper is a product of thorough research, careful analysis, and thoughtful critique of a much-discussed law. Her thesis, which takes on the accountability aspect of this educational reform strategy, questions this one-size-fits-all approach to education reform and finds that [m]any aspects of this legislation come across as punishment, where in many cases there should be rewards. This piece of writing demonstrates not only Shelly's outstanding research and writing skills but mostly her maturity and preparation for the field of teaching.

— *Aliki Dragona, English Department*

ON JANUARY 8TH, 2002, President Bush signed The *No Child Left Behind* (NCLB) Act of 2001 into law. President Bush's plan to reform public education reflects the most extensive changes to the Elementary and Secondary Education Act since its enactment in 1965 (U.S. "Introduction"). The main components of this reform strategy are accountability, increased flexibility, and local control, expanded options for parents, and an emphasis on teaching methods that have been proven to work (U.S. "Introduction"). While all of these components have drawn much attention, the one that affects all the others the most, and has thus been the most controversial, is accountability.

Under NCLB, accountability is implemented on a state level and then overseen by the federal government. This means that each state is required to set its own standards for what a child should know and learn for all grades. Beyond this, however, each state must then test every student's progress toward those standards. Reform strategists behind NCLB believe that setting these standards, and testing to them, will reflect whether or not K-12 students are proficient in the targeted subject matters. The ultimate goal behind NCLB is for every child to be proficient in math and reading by the year 2014 ("III. Education" 8). What is unclear is whether NCLB's expectation for state-run K-12 public education is reform or extinction. Instead of helping to reform public schools, NCLB is limiting their options. Curiously, at the same time that NCLB is battering down the hatches on state-run K-12 public education, it is simultaneously opening up the avenues for alternative types of institutions, such as charter schools, to meet the goals it has laid out. While the goals that NCLB has set for K-12 students in state-run public schools across America are noble, the reality that public education, as we know it, will be able to meet them is pretty slim.

The NCLB legislation went into effect in January, 2002, and state standards, along with methods of testing to those standards, had to be established for math and reading by the 2002-03 school year. The legislation does not require standards for and testing in science until the 2005-06 school year (U.S. "Introduction"). This rush to immediately implement NCLB led many states on a mad dash for standardized tests without regard to whether or not they were designed to assess the particular learning standards that they would be assessing (Lewis 179). This constitutes the first failure of NCLB, because standardized tests do not accurately portray what students have learned in their classrooms, nor do they allow for the consideration of whether students have improved upon their math and reading skills from one year to the next.

Ronald J. Newell, Learning Program Director for the Gates-EdVisions Project and adjunct professor at Capella University, says, "The tests usually measure only a limited part of a subject area [and] do not cover a broad range of abilities" (208). Moreover, Newell says that score increases don't necessarily reflect that there has been an improvement in student achievement: if "teachers and schools 'teach to the test,' scores can go up," which doesn't say anything about what students actually know (208).

Beyond setting standards, and testing to see if they are met, NCLB stipulates that every year each state, school district, and school must publicly report the status of its progress, or lack thereof, toward the state standards (U.S. "Introduction"). If after two consecutive years a school fails to make adequate yearly progress, it will be identified as being "in need of improvement" (U.S. "Questions"). Such schools must then develop a two-year plan for improving the school. If after four consecutive years, the school still fails to make adequate yearly progress, the district must intervene and "implement corrective actions to improve the school, such as replacing certain staff and implementing a new curriculum" (U.S. "Questions"). After five consecutive years of failing to meet adequate yearly progress, the school will be "identified for restructuring"

(U.S. "Questions"). This means that it will undergo "significant alternative governance actions, state takeover, the hiring of a private management contractor, conversion to a charter school, or significant staff restructuring" (U.S. "Questions"). Additionally, after two consecutive years of failure to make adequate yearly progress, schools are required to offer their students the option to transfer to better schools within their districts (U.S. "Questions"). According to Chester E. Finn Jr., president of the Thomas B. Fordham Foundation, "In January 2002, there were more than 8,000 schools that had lingered for two years or more on their states' list of education failures" (67). NCLB stipulated that students in these schools were immediately eligible to transfer to better schools within their districts. This meant that many school districts across America were expected to make room for the millions of eligible students as early as the 2002-03 school year (Finn 67).

The second major problem with NCLB is that it completely disregards the real issues, such as overcrowding, that many school districts are faced with. In Los Angeles, the nation's second-largest school district with 783,000 students, Roy Romer, the superintendent of schools, simply said that the district could not possibly comply with the new regulations:

As it is, schools in Los Angeles are 200,000 seats short of the need, compelling children to attend on staggered, year-round schedules, with the number of school days reduced to 163 from 180. For us to have an aggravation of that would just be counterproductive. You just can't write a rule in Washington for this particular circumstance. (qtd. in Schemo, "Rule" A33)

Los Angeles is not the only school district to face such challenges in complying with this part of the legislation. Many urban school districts, unable to comply, have not offered parents the choice to transfer their children out of low performing schools. In response to these school districts, the Education Department said that while school districts cannot deny children in failing schools the opportunity to attend better schools simply because there is no room, parents may not demand that their children be transferred to specific schools; however, they must be given a choice of at least two other schools in their district that are not failing (Schemo, "Rule" A33).

The Education Department's response doesn't offer much help in dealing with issues of overcrowding. Thus, there have been some interesting attempts to skirt the mandate to offer transfer options. For example, "Ohio narrowed its list of failing schools from 760 to 212 by adjusting test scores and standards" (Finn 67). Kentucky, hoping that fewer families would actually move their children if the school year had already started, waited "until mid-September to finalize its list of eligible schools" (Finn 67). Secretary of Education Rod Paige, disturbed by this, commended the few states who have made the biggest strides toward compliance, while using such terms as "'defenders of the status quo,' 'enemies of equal justice,' and 'apologists for failure' in a scathing denunciation of those [states] that have 'lowered the bar' to hide the low performance of their schools" (Rose 338). Lowell C. Rose, executive director emeritus of Phi Delta Kappa International, claims that the secretary is missing the point if he fails to "see the problems stemming from flaws in the act itself, from a rush to implementation, and from the clear intent to impose a single program on states without regard to school improvement efforts already under way" (338). The one-size-fits-all approach to education reform that has been passed down from Washington demonstrates a complete lack of understanding of and desire to work with educators. Many aspects of this legislation come across as punishment, where in many cases there should be rewards. As a result, there is a lot of resentment involved in complying with the mandates of NCLB.

On the state level, those states with the highest standards are the ones that are suffering the most under NCLB. New York Times journalist Diana Jean Schemo reports, "In a tally of underperforming schools that the federal government released in July, Michigan, which had the toughest standards in the nation, produced more than 1,500 schools" ("Rule" A33). Some states predict that most of their public schools will fail. Reg Weaver, president of the National Education Association says, "current standardized, high-stakes testing narrows the whole enterprise of education and could halt the development of truly significant improvements in teaching and learning" ("Critics" 7). This is an allusion to the fact that the NCLB legislation has backed state run education into such a corner that for many the only way out is to lower their standards. Ohio and Louisiana lowered their standards, because, if they had not, virtually all of their schools would not have met the proficiency requirements set by NCLB (Lewis 179). California is now in the same position but has yet to make the move to lower its standards (Lewis 179). New York Times columnist Richard Rothstein suggests that the "federal government should back off immediately and grant waivers to states that have good plans for improving schools the way they want to, instead of using the 'one best system' approach approved by Washington" (qtd. in Lewis 179).

For school districts, one of the major ways that the NCLB legislation feels like a punishment is in the rigidity of the accountability policy. Keeping with the slogan, NCLB mandates that students from all subgroups (racial/ethnic minority, low SES status, English Language Learners, and special education) are required to meet minimum state standards; therefore, their test results weigh just as heavily in determining whether or not a school is failing as every other student's (Boser 44). For a school like Highland Park High School just outside of Chicago, this means that they are dangerously close to being labeled a failure, because only 5 percent of Hispanic students met the state math standards last year, as compared to 82 percent of White students (Boser 44). While this demonstrates that there is a definite disparity between the White and Hispanic student populations, labeling the entire school a failure isn't going to help the Hispanic students catch up. In fact, it may make their situation worse. If these students fail to make adequate yearly progress in math for two consecutive years, they will be responsible for the failure of their entire school. According to Susan Fread Albrecht, Director of Special Services for Marion Community Schools in Marion, Indiana and doctoral student Candace Joles, failing high-stakes tests has negative effects on students' self-esteem:

Students consider their test scores to reflect their personal knowledge and intellectual abilities.... Failure to meet the criteria for passing the tests results in an increased number of students being labeled as disabled, grade retention, school dropouts, and low self-esteem." (88, 89)

Proponents of NCLB argue that the legislation helps students from disadvantaged backgrounds to escape failing schools; therefore, if Highland Park High School is labeled a failure, the idea is that the Hispanic students who are failing in Math will get the help they need by transferring to better schools within their districts. However, due to issues of overcrowding, schools are not likely to advertise that students have this right. Therefore, for students to transfer, their parents must be familiar with NCLB and their rights under it. Students with parents who are new to the country, or who don't have command of the English language, are less likely to know about their options. Thus, these students are likely to be "left behind" in failing schools. According to a survey commissioned by the Annenberg Institute for School Reform at Brown University "nearly half the parents of children attending schools in poor urban areas have never heard of No Child Left Behind" (Schemo, "New" A21). This suggests that NCLB's goal of closing the achievement gap is not being met, because subgroups of the general student population are still being "left behind." Chester E. Finn Jr. concludes, "when all is said and done... it was a few thousand poor children, not millions, who were able to escape bad schools for better ones" (67).

It is a travesty that the NCLB legislation is forcing state-run schools into such a tight spot, and that students from disadvantaged backgrounds aren't receiving the benefits that the legislation claims it will provide. However, one interesting alternative that has arisen for teachers, parents, and students, who are fed up with such a system, is the charter school. Charter schools have been promoted as an opportunity for families and teachers to be involved in more effective public schools, because they are free to set their working conditions, academic focal points, and governance systems (WestEd "Overview").

Charter schools are nonsectarian and are usually created and organized by a group of teachers, parents, and community leaders, or a community-based organization (St. Hope, "Charter"). In order to form a charter school, charter organizers must develop a charter that explains both their management and teaching methods. They then take their charter to the state department of education, the existing local public school board, or the county board of education, depending on

which state they are in, for consideration. If the charter is approved, specific goals and operating procedures for the charter school are detailed in an agreement between the sponsoring board and charter organizers. The agreement typically lasts for a period of five years, at which point the entity granting the charter may renew, or revoke, the school's contract (WestEd "Overview"). The legislation governing charter schools is determined on a state level; therefore, some states allow charter schools the freedom to operate independently from local school districts, while other states allow them hardly any freedom to do so (WestEd "Overview").

Surprisingly, or perhaps, suspiciously, President Bush has been very supportive of charter schools. His *No Child Left Behind* legislation authorizes a new program called the Charter School Facility Demonstration Project, which provides important "seed funding for charter school infrastructure and construction needs" (Bush 736). It also continues the Charter School Grants program, which supports the planning and development of new public charter schools. Bush asserts that these programs provide valuable tools to American education, and he commends the states that support charter schools (Bush 736).

Bush's support and promotion of charter schools is wonderful in that he acknowledges the benefits of and hard work that goes into successful charter schools. At the same time, however, many hard-working students and educators in state-run public schools have undeservedly been labeled "failures" due to aspects of his legislation that are just impossible for every school to comply with; therefore, Bush's promotion of charter schools and simultaneous crack down on their traditional counterparts has created a lot of resentment toward charter schools for many traditional educators.

The American Federation of Teachers (AFT), a unionized group of teachers, initially supported charter schools, but they have since become one of the largest opposing forces to charter schools. Based on their study, "Do Charter Schools Measure Up? The Charter School Experiment After 10 Years," the AFT has called for a "moratorium on further charter school expansion 'until more convincing evidence of their effectiveness and viability is presented'" (Maranto 80). They claim that such evidence is necessary because their study proves that charter schools

fail to raise student achievement more than traditional district schools do; they aren't innovative and don't pass innovations along to district schools; they exacerbate the racial and ethnic isolation of students;

they provide a worse environment for teachers than district schools, and they spend more money on administration and less on instruction than public schools. (Maranto 80)

Robert Maranto, assistant professor of political science at Villanova University and associate scholar at the Goldwater Institute, argues that charter schools spend less public money than most district schools. He also says that charter schools are incredibly innovative, and he highlights several things that support this conclusion: “small size, untenured teachers, contracts with parents, outcome based accreditation, split sessions and extended school days and years...” (Maranto 82). He cites peer-reviewed research, which finds that in Arizona districts do, in fact, respond to competition from charter schools by working to improve. In response to the allegation that charter schools perpetuate racial and socioeconomic segregation, Maranto asserts, “In most charter schools white and minority kids take the same courses, while in many district schools minority kids are placed into nonacademic tracks” (Maranto 85). A 2002 California State University, Los Angeles study supports Maranto’s findings. The study found that charter schools promote a more ethnically and socio-economically integrated environment (Slovacek, et al. 1). The study also shows that charter schools actually help students from such backgrounds (Slovacek, et al. 1). Specifically, California charter schools are doing a better job of improving the academic performance of California’s low-income students than non-charter schools (Slovacek, et al. 1). California charter schools are also serving a larger percentage of low-income students than their non-charter counterparts (Slovacek, et al. 1).

In light of research that finds that charter schools are proving to be beneficial for students, opponents argue that charter schools are not held to the same standards of accountability as traditional public schools; however, as of August, 2002, the Department of Education claims that charter schools are, in fact, subject to the states’ accountability systems (“charter” 4). They also suggest that charter schools are subject to the sanctions mandated under NCLB if they fail to make adequate yearly progress (“charter” 4). Finally, the DOE says that charter schools must also “be prepared to receive students who wish to transfer out of failing schools in their districts,” and teachers of core subjects in charter schools “must meet the same qualifications as public school teachers” (“charter” 4). In California, however, it is clear that charter schools aren’t necessarily being held accountable on the same level as state-run schools.

California state auditor, Elaine Howle writes that California state auditors have concluded, “charter schools are not held accountable for improving student learning, meeting their agreed-upon academic goals, or the taxpayer funds that support their operations,” because most districts don’t have “policies or guidelines to monitor student progress at charter schools” (qtd. in Rubin 1). Further, St. Hope charter schools, which hopes to “reinvent Sacramento High School” in Sacramento, CA, admits, “charter schools are free to develop [school accountability] report cards that reflect their own accountability and communication needs” (St. Hope, “Charter”). This suggests that while in name charter schools may be required to meet some of the same standards as state-run public schools, in fact, they are not necessarily held to them.

A final argument against charter schools is actually more directly related to the fact that NCLB has enabled the privatization of public K-12 education in America through the corporate sponsorship of charter schools. Considering that charter schools are publicly funded but can be run by private companies, this is an interesting argument to consider. H. Christopher Whittle, CEO of Edison Schools Inc., the largest for-profit schools operator says, “there’s no question that passage of President Bush’s education bill will propel growth among for-profit companies in the Kindergarten-to-12th grade sector” (qtd. in “A New” 123). It seems, however, that this influence is more apparent in state-run public schools rather than in charter schools. One of the main ways that we have seen this influence in state-run public schools is in the arena of standardized testing, and in the aftermath of state takeovers when private management companies are commonly hired and sent in to oversee the schools (“A NEW” 123). For example, in Pennsylvania, the state took over the Philadelphia school system, and Whittle’s company, Edison Schools Inc., stands to receive the contract to manage 45 of the city’s schools (“A NEW” 123).

With the growth of charter schools has come much debate over the impact they may be having on state-run public education. Adding fuel to the fire, President Bush publicly commends charter schools, and his *No Child Left Behind* legislation allows more federal funding to aid their growth. Many valid questions have been raised as to the true aims of the NCLB legislation and the equity provided under the legislation between state-run K-12 public education and charter schools; however, more and more charter schools are opening and students are filling them up. This attests to the fact that parents are satisfied with the results they are seeing. If students in charter schools continue to do well, the

true intent of the NCLB legislation might become irrelevant, and charter schools might just become the new face of “public” education across America.

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