

A Realistic Post-election Strategy to Modify NCLB

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THANK GOD FOR UTAH. The potential triumphalism of George Bush and his hold the course view of No Child Left Behind can be blunted. The Utah legislature set the tone in early 2004 with its frontal assault on the arrogance of the federal government in micromanaging the accountability standards of Utah's classrooms. The Utah legislature was on the verge of totally rejecting the federal funds following NCLB before the U.S. Department of Education sent emissaries to Salt Lake City to calm down the cry for state control.

Bush owes his election to conservative state power brokers who ironically have always been uncomfortable with the expansion of federal power into what they see as their birthright for local control over curriculum, teaching, and accountability. Within a few years these white middle class districts will face the threat of NCLB sanctions because their special education students will not be able to meet the increasing higher test score goals required by NCLB.

The congressional NCLB aficionados will be much more likely to respond to cries for NCLB modifications when the escalating attacks come from white prosperous school districts. Lawmakers representing conservative white districts possibly could make common cause with urban lawmakers already feeling tremendous pressure from teachers and school leaders. The strict accountability model of NCLB that classifies schools as "failing schools" when children with disabilities, children of color, low-income students, or second language learners do not pass the test goals could serve as the glue to bring together disparate constituencies to demand NCLB reform.

What would a progressive direction for modifying NCLB look like if conservatives could lead the fight for more statewide control of the accountability and test agenda?

With Kerry's defeat, the legitimate demand for increased funding falls flat. The Bush administration did in fact increase funding for Title I as it imposed the demand of 100 percent success on grade level tests. That increased funding did little to approach what it will really cost to make sure that all students, regardless of class or race background, reach the 100 percent passing goal. In Ohio alone, a legislative sponsored study estimated an additional cost of \$1.5 billion to provide the extra help and smaller classes for students to make significant improvements.

If conservatives open up the political space for the states, not the federal government, to control the accountability system, the most promising area for NCLB modification is the implementation of the Adequate Yearly Progress definition. NCLB requires states to set up accountability goals that measure the progress of students towards 100 percent success on math, reading, and science tests by the year 2013-2014. All students, as well as the identified subgroups of students with disabilities, students of poverty, second language students, and racial/ethnic groups of students must make this progress. The way in which AYP is defined presently leaves little room for flexibility.

However, the measurement does not measure the progress of individual students from one year to another. Instead, NCLB requires the progress to be in the whole school by group and subject. For teachers, this makes little sense because a teacher could boost the ability of all students but still not meet the NCLB goals.

Instead what is needed, for example, is to measure the progress of fourth grade students

compared to their learning in third grade. In addition, a student could move from being a nonreader to a weak reader in just one year but still not be able to reach the higher proficient category on the grade level test. Yet, AYP models today give little credit to that progress.

This change in AYP calculation would allow a realistic assessment of progress towards closing the achievement gap. Each teacher would be able to feel some control and ownership over what takes place in the classroom because the measurement would not be abstract but be directly tied to the incremental progress of each student. Presently, the in your face accountability system produces cynicism, anger, and frustration among classroom teachers because the accountability mechanism are so detached from what takes place in the classroom.

Another area for possible NCLB modification is the over reliance of standardized tests to determine grade level progress to close the achievement gap. Despite teachers' laments, there are some good reasons to use standardized tests rather than only relying on teacher professional judgment. Too often some teachers allowed their empathy for poor-performing students faced with economic obstacles to allow students to fall through the chasms in low-performing schools. Teacher subjectivity replaced any objective standard of progress.

The groundswell of legitimate parental opposition to standardized tests can be turned towards increasing the options for states, districts, schools, and classrooms. Teachers, schools, or districts that can demonstrate that their system of assessment is valid in determining grade level progress should have the option of using an alternative model of assessment. Once that system of validation is established by aligning one assessment model with the results on standardized tests that option may be used.

Yet it seems almost unrealistic to push for moves away from standardized tests when faced with so many other funding challenges for education. Standardized test are cheap compared to other assessment models. They do not require the level of labor to produce, evaluate, and administer. In Ohio, teachers demanded new assessments, won a variety of diagnostic measures that aimed at improving instruction in state law, not in punishing schools. When it came time to use these early grades assessments teachers rose up and refused to implement these assessments because they took too much time away from direct classroom instruction.

The most politically damaging aspect of NCLB is its plans to punish schools and districts that do not make their irrational AYP goals for at least two years. NCLB places the blame for low test score progress on the schools. What is remarkable about all the mandates is that they have shown they do not work. The changes are driven by an ideological commitment to competitive market forces as the only approach to school improvement.

After two years of not making AYP, NCLB requires the option of student transfer. Three years of AYP failure leads to student transfer and potential removal of significant district Title I federal funds to pay for individual tutoring by outside nonprofit or profit driven providers. After four and five years, NCLB demands the eventual removal of some of staff, or a state takeover, or conversion to a charter school.

MOVING THE BUSH administration away from their ideological commitment to the market will be much more difficult than modifying AYP or changing the overreliance on standardized testing. The timetable of schools requiring NCLB punishment will fall first on schools with students of color, low income, and second language learners. Not exactly the constituency that put Bush into his second term.

But the proposals for improvement are so self evidently stupid that there may be some political space to make changes. Very few students have used the public school transfer option to leave schools that did not make their AYP. At a time of remembering the fiftieth anniversary of the *Brown* decision, it makes sense to expand the transfer option to any school in the state. Real desegregation can only take place when students have expanded choice beyond their urban school district.

A more promising area for eliminating the irrational commitment to unproven mandates is with the NCLB punishments when schools have not made their AYP for four or five years. The pragmatic business elite lead by the Gates Foundation has at least recognized that improving urban schools will take major investment in changing teaching practice and school culture, personal attention for students, and heightened emphasis on cultural competency for teachers. Of course, investment in the knowledge and skills of teachers while respecting their professionalism costs much more money than the quick fix of conversion to a for profit charter school. But by accepting the willingness to change the structure of low performing schools but by rejecting models of change without a proven record of success, serious reformers may be able to make their case to lawmakers.

The short-term challenge for progressives is to expand and develop deep connections with parents whose children attend these schools poised for punishment after years of AYP failure. The Bush administration will surely manipulate the political landscape and parents' frustration to position private school vouchers and possibly even religious charter schools as the needed NCLB modifications for these schools.

Unless the same forces of labor and communities of color that dramatically increased the urban turnout against Bush in November in battleground states continue their mobilization, the opportunities for making some positive change in the implementation of NCLB will vanish. Bush plans to use the persistent achievement gap to break that coalition. Antipoor conservatives will promote a school privatization agenda as the device to attract parents of color and low-income parents.

The challenge for the anti-Bush forces is to do much more than oppose privatization. We must promote an alternative NCLB direction. Modifying the irrational AYP system, expanding public school choice to the suburbs, and promoting investment in teachers and students for schools on the cusp of punishment makes much more sense than funding religious private schools. That agenda is not sweeping, but given the November results it at least makes educational sense.

Footnotes