

# Stealing Our Schools

March 9, 2009

THE FEDERAL "NO CHILD LEFT BEHIND" law is in trouble. Critics and supporters alike predict that it will not be reauthorized in this legislative year. A growing chorus of voices from the grassroots and from major national organizations is calling for an overhaul of the law or even scrapping it altogether. Many teachers and parents hope that a newly elected Administration next year will examine the damage being done by the current law and take steps to change it. Corporate forces are pushing to take public education down the privatization path that has been paved by this law, but the real reform of our schools will come only from maintaining the public, democratic nature of education in this country while working to address its very real inequities. "No Child Left Behind" describes an important goal for our nation's educational system. Unfortunately, the current law accomplishes the opposite of what its catchy misnomer promises. It does, in fact, leave many children behind, especially those in urban, under-funded, and minority school districts, as well as students with special needs and limited English proficiency. A more appropriate title might be "No Child's Behind Left Untested," as educators and parents have noted bitterly.

## Test and Punish

WHAT DOES THIS LONG AND COMPLEX PIECE of legislation actually do? No Child Left Behind (NCLB) is the 2002 reauthorization of the Elementary and Secondary Education Act (ESEA), a 1965 federal law which funded the Title I program aimed at improving education for disadvantaged students.<sup>1</sup> The NCLB represents a dramatic break from the original version of ESEA. It requires that, in exchange for receiving Title I funds, states must set minimum "standards" in math, reading, and science. States must assess students annually in grades 3-8, and once in grades 10-12, to monitor their progress. Standardized, paper-and-pencil tests — usually designed by out-of-state, for-profit testing companies — are the sole means of assessment in almost all states. The law requires that states set a cut-off score at which students are considered proficient in tested areas. Schools have to make adequate yearly progress (AYP) in the percentage of all students — and subgroups of students broken down by race, income, disability, gender, and language — that reach proficiency in each subject. Failure of any subgroup to meet the goal means that the school "fails" that year. The AYP for each year is determined by a formula based on all students scoring at a "proficient" level by 2014. The rigid AYP formula sets up most public schools for failure, especially those schools with the most diverse student populations. Some studies suggest that more than 70 percent of the schools in the country will fail to reach AYP within several years. The National School Boards Association has estimated that most schools will fail eventually. Almost certainly, schools in low-income urban areas will not be able to jump this hurdle. Not only will these schools and districts be subject to drastic punishments, but the sheer number of such schools will send a clear message: public schools are a failure! Failure to reach AYP will render a school subject to an increasingly severe set of sanctions, year by year: the school must be placed on a "school improvement" list and forced to send a letter to all parents saying that the school is failing; students must be given the option to transfer to another school, with transportation at the district's expense; students must be offered tutoring services; the school must replace staff and/or implement new curriculum; the school must restructure, become a charter school, or face state takeover or privatization. None of these measures has a proven track record of actually improving schools, but many of them involve relinquishing the school to the private sector in some way. It should be noted that funding for NCLB is woefully inadequate. In 2004, Congress authorized an additional \$18 billion to help states pay for the increased costs associated with the law. But the Bush Administration asked for only a \$1 billion increase, saying that was "more than enough" money.<sup>2</sup> Since NCLB is an unfunded mandate, the states have to implement

it even without sufficient federal aid. The increased funding was one of the ways that many liberal Democrats were persuaded to go along with passage of the legislation.

## **Drill and Kill**

THE EFFECTS OF NCLB ON OUR NATION'S schools and students have been devastating.<sup>3</sup> In many school districts, high school graduation rates are declining; the curriculum is narrowing and schools are being turned into test prep centers; art, music, gym, recess, and field trips are being swept aside to make way for intensive drilling exercises in math and reading for several periods during a school day; hands-on, project-based teaching and learning are being replaced by rote memorization and cookie-cutter, "teacher-proof" methodologies; for those schools labeled "failing" by the law, money which should go to improve classroom instruction instead is being used to bus children to another school or to pay for expensive private tutoring companies often staffed by inexperienced providers. Talented young teachers are becoming demoralized, as they are no longer able to apply their creativity in the classroom, and many are leaving the profession. Nowhere are these changes more apparent than in the very schools and districts that NCLB supposedly was designed to help the most: those urban schools with a high proportion of students of color and students living in poverty.

## **The Disappeared**

PERHAPS THE MOST DISTURBING TREND is the rise in the dropout (or pushout) rate in many districts. These alarming statistics are gradually coming to light, despite the efforts by many state Education Departments to mask them. The hiding of accurate figures is accomplished in many ways. NCLB requires regular reports of how students perform on standardized tests and punishes schools that fail to progress, but does not require the same degree of rigor in tracking dropouts. States are allowed to set their own formula for calculating graduation rates; this has allowed many states to drastically undercount the number of dropouts.<sup>4</sup> For example, New Mexico defines its graduation rate as the percentage of enrolled 12th graders who receive a diploma, thus ignoring all the students who have left school in the earlier grades. Massachusetts has decided to count those students who drop out but later seek a GED as high school graduates. (The dropout rate has been increasing anyway.) Texas, the state that served as a model for NCLB, in the 1990s counted students who left school as "transients" rather than dropouts, because they might always decide to come back to school later. (Few made that choice.)<sup>5</sup> One has to wonder why the federal and state governments would not put collection of uniform, verifiable, public data about dropouts at the top of their list in designing education reform. What does reform mean in the context of so many students being pushed out of school? It doesn't take a rocket scientist: As struggling students drop out, a school's test scores go up. Many of these "dropouts" are eased out the door by school personnel. When I worked for the National Center for Fair and Open Testing (FairTest) from 2000 to 2004, we received hundreds of complaints from parents, teachers, and students about what the MCAS, the state's high-stakes test, was doing to their schools. Some of the more chilling stories were about students being pushed out in order to improve their school's MCAS scores. At a large district high school in Boston, one administrator (who would be subject to reprisal if identified) described how it worked at her school: "When the springtime comes around and the whole school is gearing up for the MCAS, we are told by the headmaster that we should just 'let some students go.' These are the ones who are scoring poorly on the test. Many are on the edge anyway, and if you just stop calling when they are absent, monitoring what they do in school, meeting with them to provide encouragement, they will often drift away. We were told, 'Don't worry, they can always come back later, or take the GED.' So, the students leave, our MCAS scores go up, and the headmaster gets profiled in the newspaper. It makes me heartsick. Some of my young teachers come to me almost every day, talking about leaving the profession." (As this article goes to press, the Bush Administration, for the first time is proposing regulations that will require states to use a uniform national standard in determining graduation

rates. It remains to be seen what the final version of the formula will entail and how long the process of approving it will take, but the proposal is a step in the right direction.)

## **Corporate Control Tightens**

NCLB IS PART OF A LARGE, LOOSELY orchestrated campaign by sectors of the corporate community to take control of our country's schools. Public education in America was not won without a fight, as Kenneth Goodman has noted in *Saving Our Schools*.<sup>6</sup> Child labor laws got young people out of factories and into schools; battles were waged state by state to make education compulsory. The American public came to believe that all children were entitled to a free education that would help them get ahead in life. But there have always been forces in society that resented the costs of the schools. Some groups, such as the religious right, have wanted to push their own agendas and curricula on the public schools. And some have wanted to make money. As other public services, such as electricity, health care, national parks, and water have become more privatized, some corporations are setting their sights on one of the last large sectors of the American economy in the public domain: its K-12 schools, a \$500 billion/year undertaking.<sup>7</sup> (The other sector, Social Security, is also under attack.) NCLB has played into the hands of those who want to privatize education. The law sets impossible goals for meeting its artificial "standards" through high-stakes tests. Most schools in the country will sooner or later fail to meet these goals and will be designated as failures. This sends a message that public education is "broken," that we are in the midst of a crisis, and that a radically new approach is called for. Waiting in the wings are the corporations and their conservative think tanks, who step forward with the solution: give the schools to us! We'll make them work! NCLB requires children in elementary, middle, and high schools to take over 65 million tests every year. This is a gold mine for privateers. Eduventures, Inc., a private education company in Boston, estimates that the U.S. market for tests, test prep materials, and related services was \$2.3 billion in 2006. The testing costs related solely to NCLB were at least \$517 million, most of them generated by a few large companies including Pearson Educational Measurement, Harcourt Assessment Inc., Riverside Publishing, and CTB/McGraw-Hill. Testing is just the tip of the iceberg of the education market. Other corporations are taking over and running entire schools and school systems.<sup>8</sup> Perhaps the clearest indication of corporate intentions with respect to public schools is contained in a December 2006 report by the National Commission on Skills in the Workplace, "Tough Choices or Tough Times."<sup>9</sup> The report, funded in large part by the Bill and Melinda Gates Foundation, calls for a series of draconian measures which would end public control of our schools: 1) make all public schools into "contract schools" (essentially charter schools, but with even less public input) 2) eliminate almost all powers of local elected schools boards 3) take away teacher pensions and slash health benefits, while providing the temporary solace of higher salaries at the front end 4) force all 10th graders to take an exam, and stop the education of all who don't pass, throwing 16-year-olds out of school. Many corporations are ready to step in and take over these "contract" schools. Billionaires Bill Gates and Eli Broad are pouring millions of dollars into funding charter schools in cities such as Houston and Los Angeles — basically establishing alternative school systems. Even conservative commentator Diane Ravitch has said that Bill Gates is setting himself up as the Superintendent of American Schools, able to promulgate whatever policies he wants. If ordinary people — parents, teachers, students, and other concerned citizens — do nothing to stop this privatizing juggernaut, our schools will slip out of the public sphere and into the hands of corporations whose primary motive is profit, not the education of our country's youth.<sup>10</sup>

## **Rising Resistance**

AS GRIM AS THE NATIONAL PICTURE MAY BE, there is reason for hope. A vigorous grassroots movement has sprung up to fight the high-stakes standardized testing movement in many states and to challenge NCLB at the federal level. More than 140 national groups representing millions of

Americans in education, civil rights, parents, labor, and religious communities have come together in a coalition known as the Forum on Educational Accountability (FEA). They have sent a Joint Statement to Congress calling for major changes in No Child Left Behind.<sup>11</sup> The statement calls for less emphasis on standardized testing and more on rich curriculum; for accountability that does not over-identify schools in need of improvement; for taking account of each child's growth over time, rather than simply in relation to a test score; for using multiple measures to track student and school progress, not just standardized tests; and for fully funding the law so that schools can be helped rather than punished. Central to the recommendations of the coalition is the concept of "authentic assessment." These groups want the law to reflect the fact that students learn in different ways, and express their achievements by various methods. An authentic assessment system picks up on this truth, adhering closely to what the student has learned in his or her classroom and how that can be assessed: whether through classroom paper and pencil tests, performances, portfolio reviews, or hands-on projects. Authentic assessments are school- and classroom-based and give teachers important information about what and how students are learning, in order to fine-tune their instruction. In addition to these grassroots efforts, a number of state legislatures are rebelling against the law. Resolutions and legislation have been considered in several states, including Virginia, Utah, and Arizona, that would "opt out" of NCLB by refusing to accept Title I funds and thus exempting themselves from the law's requirements. Many are coming to recognize that they spend far more money attempting to follow the law's arbitrary and unreasonable strictures than they receive in Title I funds. Schools do not exist in a vacuum. They cannot solve every problem in our society. In order to learn, students need schools with decent facilities, small classrooms, high-quality teachers, well-stocked libraries, modern laboratories, and many other important components. But they also need safe streets, good nutrition, decent and stable housing, quality health care, recreational facilities, after-school programs, and caring communities. If we demand "adequate yearly progress" from our schools, why do we not demand that society make progress in providing for the basic needs of children in the same way? The United States has one of the most unequal systems of education in the world. Children in wealthier communities receive a host of supports and opportunities to learn, both in and out of the classroom. Children living in poverty are taught in large classes in crumbling buildings, with few books. We need a massive investment of funds and other resources in our inner-city schools, not a test that punishes those students it was supposed to help. It's time to take back our schools.

## Footnotes

1. FairTest, The National Center for Fair and Open Testing. April 5, 2008. The FairTest website contains a wealth of background information, reports, and analysis on the "No Child Left Behind" act and the misuses of standardized testing in general.
2. Monty Neill and Lisa Guisbond. *Failing Our Children: How "No Child Left Behind" Undermines Quality and Equity in Education*. (Cambridge, MA: FairTest, 2004).
3. Sharon L. Nichols and David C. Berliner. *Collateral Damage: How High-Stakes Testing Corrupts America's Schools*. Cambridge: Harvard University Press, 2007). This book describes a host of problems caused by NCLB testing.
4. Sam Dillon. "States' Inflated Data Obscure Epidemic of School Dropouts." *New York Times*, March 20, 2008.
5. Kenneth Goodman, Patrick Shannon, Yetta Goodman, and Roger Rapaport, Editors. *Saving Our Schools: The Case for Public Education*. (Berkeley, CA: RDR Books, 2004), pp. 85-87.
6. *Ibid.*, p. 53.
7. "How Many Billionaires Does It Take to Fix a School System?" *New York Times Magazine, Money Issue*. March 9, 2008.
8. Wayne Au. "Teaching in Dystopia: Testing's stranglehold on education," p. 24 in *Rethinking*

*Schools*, Spring, 2008, Volume 22, Number 3.

9. *Tough Choices or Tough Times: The Report of the Commission on the Skills of the American Workforce*.
10. Jack Gerson and Steven Miller, "Exterminating Public Education," SLATE, National Council of Teachers of English.
11. Joint Organizational Statement on "No Child Left Behind" Act.