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# *Introduction*

## *Rethinking the Challenge of NCLB*

*"Many of the ideas in NCLB are wonderful. You know, when you have kids who are struggling, you want to provide them . . . with different kinds of opportunities to learn. You want to bring in these outside resources because they supposedly have a proven track record. You know, you want to allow kids who are in really the worst performing schools to have an opportunity. The devil is in the details. It's actually implementing this stuff that becomes a nightmare."*

Personal interview, Chicago Public Schools, July 28, 2004

*"Teachers want to do a good job. The trick is to get them the right kinds of resources and to reward their progress in the right direction."*

Personal interview, Chicago Public Schools, July 28, 2004

**T**he words of these teachers articulate both the aspiration of the No Child Left Behind (NCLB) Act of 2001, to provide better educational opportunities to all children, and the challenge that comes with trying to achieve that goal. The goals of the law are compelling and are shared by many Americans who want to see that all children receive a high-quality education. By demanding high standards for all students, NCLB promises to close the achievement gap and bring all students up to proficiency by 2014. And the act proposes specific remedies, from test-based accountability to market-driven reforms, to reach these goals. Yet, as noted, when it comes to attaining those goals with the tools and requirements specified in the law, the devil is in the details.

The language of high standards, accountability, and equity that characterizes the discourse on NCLB often means that the very real challenges of implementing its requirements are downplayed, masked, or simply ignored. NCLB relies on test-based accountability and operates on the theory

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that measuring performance, identifying schools and districts that fail to meet an expected performance level and applying a series of sanctions is what is needed to induce schools—and teachers—to work harder to improve student achievement. But when considered from the perspective of those charged with implementing the law—educators—the challenge is how to connect the goals of the legislation with real change in the classroom, genuine improvement in educational achievement, and a significant narrowing of the achievement gap. It means developing the capacity of states and districts to implement the law’s requirements and designing better accountability systems that will improve the achievement of historically low-scoring groups while generating fewer negative side effects. It requires recognizing that lasting school reform involves intensive capacity building and providing schools with the right mix of incentives, support, and resources if struggling schools are to reach high performance goals.

The book is organized around four themes. Three of these—accountability, capacity, and school reform—provide the framework for the chapters. A fourth theme—the implications of the law for low-income and minority students—is carried throughout the book. The law proclaims its goal is to “close the achievement gap between high- and low-performing children, especially the achievement gap between minority and nonminority students, and between disadvantaged children and their more advantaged peers,” and lays out a theory of school reform that is intended to achieve that goal. This book considers the limits of the NCLB performance-based system when it comes to improving the achievement of these targeted groups of students and the capacity requirements necessary for achieving successful school reform.

From a civil rights perspective, the law’s emphasis on improving the achievement of low-income and minority students, those learning English, and students with disabilities is crucial. Advocates argue for improving the law rather than dismantling it. Since this will require that the law be changed in ways that support thoughtful and innovative responses to accountability, school improvement, and student achievement that are based on research, the authors in this book propose changes to NCLB that will mitigate the negative aspects of the law and promote the conditions necessary for meaningful student learning.

### **A CIVIL RIGHTS PERSPECTIVE ON NCLB**

For those concerned with educational equity, NCLB represents a shift in the public discourse on how to improve school performance and the causes of the achievement gaps between minority and majority students,

and low-income students and their more affluent peers. While the law is framed in the language of educational equity, it rejects any connection between racial isolation, economic inequities, unequal resources, or concentrated poverty and school achievement. Instead it frames the debate as one where all students can learn if the teachers and schools responsible for educating them work harder and are held accountable for results (Kantor & Lowe, 2006; Rothstein, 2004; Sunderman, Kim, & Orfield, 2005). For example, the statement of purpose to the Act says that it aims to identify schools “that have failed to provide a high-quality education to their students” and that resources should be distributed and target to districts and schools “to make a difference” (NCLB, Section 1001). This shift helped generate bipartisan support for the law when it was passed in 2001 because it freed lawmakers on both sides of the aisle from confronting the social context of present-day schooling and its effect on educational opportunities. At the same time, it made education policy the primary vehicle for improving the life chances of poor and minority students, and it removed pressure on policymakers to address broader social policy issues that affect differences in student performance.

For many in the civil rights community, NCLB represented an opportunity to focus on how public education has failed minority students. Skeptical that decisions made by state and local educators would result in tangible benefits for minority students, many civil rights advocates favored a stronger role for the federal government. That federal power had been successfully used to enforce civil rights and expand access to education for minorities, women, and students with disabilities led many to believe that federal power could be used to change educational practices and student learning. The subgroup rules, the reliance on “objective” measures of student achievement, and public reporting requirements would show how minority students were performing and provide the impetus needed to address their concerns.

To achieve its goals, the law’s accountability provisions put pressure on schools and teachers to improve school performance. However, as the authors in this book show, the current design of the accountability system has serious limitations that are as likely to harm as to help schools serving low-income and minority students, the very students it was intended to help. These issues are examined in the first two sections of the book.

NCLB is also premised on the theory that school reform can be accomplished quickly, with little additional resources, and that there are known ways to improve schools and student performance. Existing resources are considered to be sufficient to improve poorly performing schools and, rather than needing additional resources, the incentive structure of the accountability system will cause states, districts, and schools to reallocate

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resources in productive ways. When it comes to how to reform schools, the law is very clear. It outlines a set of initiatives—many of them based on the idea that competition and privatization of schooling will provide the impetus for schools to improve—that schools must implement depending on how long they are identified as underperforming. The idea that the capacity of states charged with helping schools improve would need to be expanded or that poorly performing schools may need additional resources and support that develops their internal capacity, is not part of the NCLB formula. The last two sections of the book address issues about how states are meeting the NCLB requirements and whether they are reallocating resources in the ways envisioned by reformers.

### Overview of the Chapters

*Part I. NCLB and Accountability.* Accountability is at the heart of NCLB, specifically, test-based accountability for specific educational outcomes with very high stakes attached for schools not reaching those goals. This section includes four chapters that examine the NCLB accountability measures, the challenges of measuring progress for accountability purposes, and the complexities of developing tests to assess English language learners.

The section begins with *The Pending Reauthorization of NCLB: An Opportunity to Rethink the Basic Strategy*, in which Daniel Koretz clearly and concisely lays out what we know and don't know about educational accountability and its effects. He moves beyond the debate about the specifics of NCLB (such as the problems with the adequate yearly progress (AYP) provisions) to talk about the broader issue of what we know about holding schools accountable and what empirical evidence is available to support or refute the claims of NCLB and accountability advocates. Rather than ask whether high-stakes testing *works*, Koretz asks what *types* of accountability systems will most improve opportunities for low-performing students while minimizing the negative side effects.

Focusing in on the specifics of the NCLB law, *Toward a More Effective Definition of Adequate Yearly Progress* examines the AYP provisions of the law, which are the primary mechanism used to hold schools and districts accountable under NCLB. Robert L. Linn delineates the limitations of AYP, particularly as they relate to achieving equity, and provides suggestions for improving AYP.

Recognizing the constraints of accountability systems that rely primarily on a single indicator in, *Beyond Standardization in School Accountability* Mindy L. Kornhaber considers whether accountability systems can be developed that combine multiple indicators of student achievement, educational inputs, and other variables of school performance. She argues that

any educational accountability system should be informative (allow the public to know the status and progress of students' knowledge, skills, and understanding within and across schools) and be cognitively constructive (advance students' learning and enable educators to improve instruction). Using these two aims, she provides the groundwork for developing a non-standardized system of school review that would lead to a more comprehensive picture of school performance and discusses the implications of this type of system for low-income and minority students.

English language learners are one of the subgroups identified by NCLB for special attention to their achievement and academic needs. The chapter by Michael J. Kieffer, Nonie K. Lesaux, and Catherine E. Snow, *Promises and Pitfalls: Implications of NCLB for Identifying, Assessing, and Educating English Language Learners*, examines how NCLB policies affect this subgroup. They focus on two areas where English language learners experience the impact of NCLB: (1) how the English language learner is identified and categorized for purposes of disaggregation and academic monitoring and (2) how language development and academic progress of language minority students is assessed. They argue that while the NCLB policies raised awareness of the academic needs of language minority learners, they fall short of benefiting this subgroup because they overlook the complexity of second language development.

*Part II. Evidence on How NCLB Is Working.* Some in the research and policy community argue that it is too early to assess the impact of NCLB on student achievement because the law has only been in effect a short time, and measuring educational change requires a longer time frame. However, the law, by definition, requires schools to make rapid progress towards improving the achievement of low-performing students. Indeed, its 100 percent proficiency requirement by 2013–2014 implies a steep improvement trajectory if the goal is to be met. Since the law attaches very strong sanctions for not reaching state proficiency goals, assessing whether the federal rules are promoting gains in student achievement is essential. The two chapters in this section ask whether NCLB is contributing to increasing student achievement and narrowing the achievement gap and consider the challenges of determining school quality using test scores.

Jaekyung Lee provides evidence that achieving NCLB's aims to increase student achievement and close the racial and socioeconomic achievement gap may prove elusive. *Two Takes on the Impact of NCLB on Academic Improvement: Tracking State Proficiency Trends Through NAEP versus State Assessments* provides a systematic trend analysis of the National Assessment of Educational Progress (NAEP) national and state-level achievement results during pre-NCLB (1990–2001) and post-NCLB (2002–2005)

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periods. Lee compares post-NCLB trends with pre-NCLB trends to examine whether states and the nation are making progress towards improving student achievement. He also examines the discrepancies between NAEP and state assessment results.

NCLB has brought increased attention to the rating of school quality based on students' performance on state math and reading tests. Because of the uneven quality of state tests, the emphasis of test-based accountability has focused more attention on NAEP as a check on state test results. In *Evidence on Education Under NCLB (and How Florida Boosted NAEP Scores and Reduced the Race Gap)* Walter M. Haney discusses why NAEP results are a dubious basis for reaching summary judgments on school quality. Using data from Florida, he shows how NAEP results are misleading when the progression of students through the grades are examined.

*Part III. State Capacity to Implement NCLB.* NCLB expanded state authority for education and gave state education agencies primary responsibility for implementing its requirements. This is not surprising given their historic role in governing education, but if the responsibilities are new and broader than they had been before, then understanding the feasibility of that role and the resources necessary to carry it out is vital to the success of NCLB. These three chapters provide insights into understanding state capacity needs under NCLB from different perspectives.

In *Interstate Inequality and the Federal Role in School Finance*, Goodwin Liu takes a detailed look at educational inequality across states. NCLB imposes the same accountability provisions on all states, but allows states to set standards and allocate resources to achieve its goals. Often overlooked in debates about educational inequality is not the inequality *within* states but *between* states. By examining state fiscal capacity and effort, Liu shows that interstate disparities in education resources have more to do with the capacity of states to finance education than with their willingness to do so. He also demonstrates how Title I reinforces rather than reduces interstate inequality in school funding and proposes recommendations for reforming the federal role in school finance to be more responsive to state effort and capacity.

Under NCLB, state education agencies play a crucial role in supporting and monitoring the implementation of the federal mandates. Using data collected from six states, *Massive Responsibilities and Limited Resources: The State Response to NCLB* by Gail L. Sunderman and Gary Orfield examines the state response to meeting the law's requirements. They identify significant changes in NCLB from previous legislation that alter the state role and examine whether states have the resources, knowledge, and organizational capacity to implement the law and intervene in low-performing schools on the scale demanded by NCLB. The authors found that states

focused on aspects of the law where they had expertise, but for the more ambitious goals of improving school performance, the law provided few resources and state experience was limited.

Using data from states that began experimenting with outcome-based accountability systems some ten years prior to the passage of NCLB, the chapter by Heinrich Mintrop, *Low-Performing Schools' Programs and State Capacity Requirements: Meeting the NCLB Educational Goals*, gauges the scope of low-performing schools' programs and the required state capacities to implement them. Mintrop shows that while outcome-based accountability systems seem to introduce a greater degree of rationality into school improvement and thus simplify the school improvement task, the successes of these systems are limited and require substantial capacity building. In his research, Mintrop found that the adoption of rigorous performance goals created a huge intervention burden on states, which they sought to minimize by limiting the scope of improvement programs. He discusses the implications of these earlier experiences for school improvement under NCLB.

*Part IV. NCLB Impact on School Reform.* Undoubtedly, if NCLB is to reach its goals, schools are going to have to improve. Yet there is a huge disconnect between what is known about successful school reform and the mechanisms in the law used to promote school improvement. These four chapters explore what we know about successful school reform and how NCLB might help or hinder those efforts.

*Improving High Schools and the Role of NCLB* by Linda Darling-Hammond looks at how various aspects of NCLB accountability provisions support or undermine a national movement to reform large, comprehensive high schools. She identifies areas that research suggests are critical elements of high-performing urban high schools and shows how two areas of the law—the definition and development of highly qualified teachers and the design of testing and accountability regulations—have made it more difficult for high schools in low-income neighborhoods to do their work. Darling-Hammond proposes specific amendments to NCLB that would address these concerns.

The theory of reform embedded in NCLB is that holding schools accountable for increased student performance will drive school reform (schools will reallocate resources in ways that will improve student achievement) and create the conditions for continuous improvement (accelerate and sustain school improvement that results in high levels of learning for all students). The chapter by Willis D. Hawley, *NCLB and Continuous School Improvement*, contrasts what is known about implementing school reform initiatives that accomplish meaningful change in schools

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with the potential of NCLB to develop school and district capacity to foster continuous and meaningful change. Hawley recommends changes in NCLB that would strengthen the law's effects on long-term improvements in student learning.

Robert Balfanz and Nettie Legters examine the relationship between the 12 percent of high schools that produce about half of the nation's dropouts and whether these are the schools being identified for improvement under NCLB in *NCLB and Reforming the Nation's Lowest-Performing High Schools: Help, Hindrance, or Unrealized Potential?* Finding that about 40 percent of these low-performing high schools made AYP, they look at what differentiates these schools from those that failed to make AYP. They identify core weaknesses in the NCLB accountability measures that work against effectively and consistently identifying low-performing high schools and offer proposals to address these shortcomings.

The challenge for many high schools is finding ways to reduce the dropout rate. The chapter by Russell W. Rumberger, *Can NCLB Improve High School Graduation Rates?*, reviews the research on how high schools contribute to students dropping out and effective strategies to reduce dropout rates. Rumberger explores NCLB as a strategy for improving schools in general and graduation rates specifically, and why performance-based accountability systems are limited when it comes to achieving these goals.

## CONCLUSION

The chapters in this volume elucidate the challenges of improving NCLB by showing what needs to be changed in order to meet the goals of the law. While the chapters take on different aspects of NCLB and its implementation, they underscore some important and related points, and they offer broad recommendations that could improve the act. These recommendations converge on two key points. To develop a more realistic accountability system, Congress needs to amend the law to lessen its negative impact and support a serious program of research, development, and evaluation to facilitate the design of better educational accountability systems. To give low-performing schools a chance to improve, Congress needs to consider what it will take in human and financial resources to meet the law's requirements, both at the state level and in the schools.