

THE NO CHILD LEFT BEHIND ACT: NEGATIVE IMPLICATIONS FOR LOW-
SOCIOECONOMIC SCHOOLS

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Abstract

This thesis examines the effects of The No Child Left Behind Act and its impact on low-socioeconomic schools and students. Accountability measured by adequate yearly progress (AYP) and high-stakes testing is closely investigated, along with negative results of curriculum narrowing and school restructuring sanctions. The current system of waivers is also closely reviewed. Data from government reports, literature reviews, case studies, and newspapers are used to argue that No Child Left Behind has hindered the nation's schools, especially those in low-income areas, and has done little to improve the achievement gap. With No Child Left Behind currently up for reauthorization, it is important to look closely at how the law has adversely impacted our nation's schools so that new legislation can be passed to better serve all schools, and guarantee that 'no child is really left behind.'

The No Child Left Behind Act:

Negative Implications for Low-Socioeconomic Schools

Education is important to every citizen because it is the foundation of the American dream. It is the building block for success for both individuals and the country as a whole, and it is the key to solving many of the country's most challenging problems. Therefore, education touches everyone, whether you are a student or not, a parent or not, an education professional or not. A healthy, quality public education system available equally to all children is vital to our future as a nation and to our freedom. If the quality of education a child receives is based on their economic status or ethnicity, the very fabric of our nation threatens to unravel through racial unrest, crime, an under-qualified work force and an under-ambitious population. While the federal No Child Left Behind Act may have begun with high aspirations and good intentions, in practice it led to an increase in high-stakes testing, and moved the U.S. education system further away from equality and accessibility and closer to a polarizing system that penalizes low-socioeconomic schools with alarming results.

When President George W. Bush signed the No Child Left Behind Act (NCLB) in 2002, the goal was to help low-achieving schools improve standards, raise test scores, and better serve low-income children in grades K-12. NCLB was a reauthorization of the Elementary and Secondary Act of 1965 (ESEA), which was part of Lyndon B. Johnson's War on Poverty campaign. The ESEA's original goal was to improve educational quality and equity for students from low-income families by providing federal funds to schools serving those students. The ESEA was reauthorized seven times before it evolved into the No Child Left Behind Act (Federal Education Budget, 2014). As stated in the policy, NCLB's goal is to "close the achievement gap with accountability, flexibility, and choice so that no child is left behind" (U.S.

Department of Education, 2014, Section 1 Short Title). The achievement gap refers to the disproportionate test scores between minority students and their White peers (National Education Association, 2015). While this was an admirable goal, and one aligned with the educational values of the nation, the measures to reach that goal were unsuccessful, and possibly even detrimental. Despite legislation and funding to close the gap, it has remained fairly stagnant.

In 2013, fewer than half of the nation's public school students scored at or above proficiency levels for reading and mathematics (National Center for Education Statistics, 2013a). In fact, the nation's fourth grade average for reading proficiency was a shocking 35 percent (National Center for Education Statistics, 2013b). Little or no improvement was made in reading proficiency between fourth and eighth grades, as the average eighth grader's proficiency was a dismal 36 percent (National Center for Education Statistics, 2013b). Math proficiency scores revealed similar statistics, with the nation's fourth grade students averaging a 42 percent proficiency level and eighth grade students averaging a 35 percent proficiency level (National Center for Education Statistics, 2103a).

Breaking down the proficiency scores by race and ethnicity reveals even more startling data. In fourth grade, 54 percent of White children scored at or above the mathematic proficiency level in 2013, while only 18 and 26 percent of Black and Hispanic children scored at or above proficiency level, respectively (National Center for Education Statistics, 2013a). In 2009, the achievement gap between White and Hispanic children in eighth grade was 26 points for mathematics, and 24 points for reading (National Center for Education Statistics, 2011a). The achievement gap between Black and White children was 31 points for math and 26 for reading (National Center for Education Statistics, 2011b). What may be most disturbing, however, is that the achievement gap has remained stubbornly consistent for well over a decade. Scores from

both 2000 and 2007 are nearly identical to those of 2009 (National Center for Education Statistics, 2011b). However, a recent study has shown that the achievement gap is more accurately measured by income rather than race (Reardon, 2011). Once income is controlled for the achievement gap has actually narrowed, but when comparing achievement between high and low-income students, the achievement gap has gotten larger over the years (Reardon, 2011). These findings are a cause for concern, because they reveal that the nation's high and low income students are not receiving the same quality education.

When President Bush signed NCLB into law, his goal was to reach 100 percent proficiency rates in reading and math by 2014 (U.S. Department of Education, 2014). Now, in 2015, not only has that goal not been reached, no measurable progress in proficiency has been noted, nor is there any indication that results will be any better in the future under the present policies. While NCLB was well intentioned, achievement gaps are still present and wide. The inevitable conclusion to be drawn from these statistics is that U.S public schools are not meeting the needs of children of color, particularly those in low-income schools. Failure to close the achievement gap will have devastating long-term consequences for the United States, including an under-qualified, less competitive work force and increasing racial tension as opportunities narrow for children of color. As a nation founded on equality, every citizen should be fighting for an education system that better serves the entire population. This paper will further examine the ways NCLB has failed to meet its goals specifically in four areas, namely, accountability measured by adequate yearly progress, sanction provisions, curriculum narrowing, and waiver implementation. Specific attention is given to how to these areas affect disadvantaged, low-socioeconomic schools.

I. Accountability through Adequate Yearly Progress

Ironically, the schools that NCLB aimed to help the most—those with high diversity and low-socioeconomic demographics—have suffered the worst as a result of unfair accountability standards and sanctions. Their progress toward achievement goals was measured with the same yardstick used at higher-performing schools, without regard for the unique challenges faced by the lower-performing schools. It was the lack of consistency in NCLB itself that was the catalyst for the setbacks and defeats that the low socioeconomic schools would suffer.

Inconsistency in AYP

NCLB aims to improve the achievement gap by making the nation's schools accountable for their performance. To track performance, NCLB requires states to annually test students in reading and mathematics in grades 3-8, and once in grades 10-12 (Federal Education Budget, 2014). In addition, states must also test students in science once in grades 3-5, 6-8, and 10-12 (Federal Education Budget, 2014). To ensure progress towards Bush's goal of 100 percent proficiency by 2014, NCLB requires each state to adopt an adequate yearly progress goal (AYP). AYP is a combination of a state's total student proficiency rate and the rate achieved by student subgroups. NCLB defines subgroups as students who are in special education, English-language learners, racial minorities, and/or disadvantaged children (Klein, 2014b). It was important for NCLB to mandate that scores be reported for these student subgroups, because often times these were scores that were "thrown out" or not reported in the past. Now, under AYP laws, each state is required to submit plans to the federal government detailing how it will increase the percentage of all students reaching proficiency each year. This system is highly controversial as no national standards were established. Instead of giving a basis for comparison of public schools across the country, AYP is 50 viewpoints of where to set the bar, 50 versions of

measuring the distance to the bar, and 50 different manipulations of statistics about how many students are above, at or below the bar.

NCLB intended for AYP to give the nation a view of how our public schools are performing, to be a basis of comparison for performance scores across states and districts, and to motivate and keep states accountable for high proficiency rates. However, without any national guidelines, the local biases and political agendas of each state led to the development of a misleading accountability system with large inconsistencies. Some states, fearing failure and federal reprisal, set standards that were very low, while other states, over-confident or seeking increased federal funding, set unrealistically high standards. The result is that 50 different educational measurement standards are implemented across the nation (Maleyko, 2011), making AYP not only inconsistent but completely unreliable as a measure of quality public schools from state to state.

Statistical Manipulation of AYP

There is also an issue of how states decide to statistically measure AYP. States widely differ in the type of statistical analysis methods they use to calculate AYP, and different statistical manipulations can have a dramatic impact on AYP scores. For example, in 2004 the state of Kentucky reported that 94 percent of schools met AYP requirements. However, when researchers manipulated the Kentucky data using a different statistical method, only 59 percent of schools met the AYP requirements (Maleyko, 2011). This large differentiation based solely on different statistical manipulations calls into question whether AYP scores accurately report the quality of schools in any state. Multiple statistical methods across states may give a false impression to both the public at large and to the individual schools, teachers, and students at the schools being measured. NCLB's intention for AYP was for it to be a clear indicator of which

schools are succeeding and which are failing. It intended that AYP scores would help families make relocation decisions and be advocates for their children's education by allowing accurate comparisons among schools district to district and state to state. In reality, however, the inconsistency of measurement means that even the schools themselves may be misguided on the true proficiency levels of their student bodies. Schools that believe they are meeting AYP may actually be failing, resulting in students who are not proficient in reading or mathematics. On the other hand, schools that believe they are failing, but in reality are meeting AYP, may be subjected to extreme sanctions that disrupt the school and the entire community unfairly and unnecessarily. In either case, AYP is highly subjective, unreliable and a disservice to both students and the general public. From that perspective, AYP goals appear to be more of an obstacle than a tool for closing the achievement gap. Combining those goals with high-stakes testing as a measurement turns the obstacle into a metaphorical boulder beginning its roll downhill toward the low-performing schools and students.

High-Stakes Testing as a Measure of Accountability

Critics of high-stakes testing argue that using a single test to assess an entire school or district is unreliable and produces inaccurate scores (Maleyko, 2011). For example, in one study researchers found that fluctuations in a school's test scores year to year may have little or no relationship to the school's actual performance in that time period (Kane as cited in Maleyko, 2011). Larger schools tend to have more stable student populations and, as a result, more stable test scores as well. Annual testing as a measure of performance favors these schools because there is more time to track individual student performance, pinpoint problem areas, make course corrections and benefit from consistent plans and policies. By contrast, low socioeconomic schools tend to have more fluid populations as students juggle staying in school with the

demands of family, financial obligations and other risk factors, including more frequent relocations. These schools have less time with individual students, and a wider range of background preparedness with which to work. Therefore, annual testing often shows higher score fluctuations and often punishes the schools for results that are beyond their control. Neither the NCLB law itself, nor the states' AYP goals, nor high-stakes test measurement takes into account the challenges and circumstances of low socioeconomic schools.

What AYP actually measures, some researchers say, is merely the social capital of a student body (Maleyko, 2011). Social capital is defined as the factors that students bring to the school from home, such as their parents' education level, the value a family places on education, and socioeconomic status. One researcher argues that the social capital of a student body is more responsible for a school's high performance on standardized testing than the school itself (Maleyko, 2011). Therefore, low-performing schools are penalized by high-stakes testing because their students bring less social capital from home than students from high-performing schools. In fact, Hursh (2007) notes that high-stakes testing scores correlate with a student's family income and thus are more likely to reflect that income rather than the teaching or curriculum of a school. AYP discriminates against low-socioeconomic schools because it does not take into account social capital or the disparity of student preparedness. As a result, even if individual low-performing schools are making large strides forward, they could still be penalized for not reaching their state-imposed AYP standards instead of being rewarded for their progress. Unfortunately for these schools, NCLB sanctions proposed as the cure for low performance ills can prove more deadly than the disease itself.

II. Sanction Provisions

When schools fail to meet AYP goals, NCLB stipulates that specific sanctions be put in place to help schools get back on track. If schools fail to meet AYP for two consecutive years, they are classified as “in need of improvement” (Hursh, 2007). Schools that fall into this category are required to give parents the option to transfer their student(s) to another public school that is not identified as in need of improvement (Hamilton, 2014). In addition, the school is required to give low-performing students the option for free tutorial services (Hamilton, 2014). With each successive year a school fails to meet AYP, more sanctions are imposed. Some of these provisions include offering after school programs and remedial classes, implementing a new curriculum, extending the school day or year, and reorganizing the school internally (Hursh 2007). If a school fails for five consecutive years, the school is required to undergo extensive restructuring. These restructuring requirements can include reopening the school as a charter, reconstitution (replacing all school staff including the principal), or turning the operation of the school over to the state education agency (Hamilton, 2014). Since the implementation of NCLB, the number of schools identified for restructuring and reconstitution has inevitably been rising. However, the schools marked for reconstitution—the most drastic of all the NCLB sanctions—have consistently been those with the most diverse student populations (Hamilton, 2014). The Center on Education Policy reported that schools high in diversity have to meet criteria in more categories, ‘thereby increasing the chances of the school not making progress and being categorized as in need of improvement’ (Hamilton, 2014, p. #186). Under these rules, low-socioeconomic schools with diverse populations are disproportionately affected by these sanctions compared to higher socioeconomic schools. To make matters worse, the extreme measures of reconstitution and school turnaround practices have not been found to improve either student achievement or success (Hamilton, 2014).

School Reconstitution/Restructuring

The negative effects of school restructuring have been clearly apparent and wide reaching. Restructuring is destructive to students, to faculty and staff members and to the wider community in which the school is located. The threat of reconstitution—complete faculty turnover—hangs over the heads of teachers in low-performing schools like the old-fashioned French guillotine, which at any time could sever them from their jobs in one swift blow. That tension results in what one Texas assistant principal dubbed as the “brain drain.” In a study of four Texas urban schools, “brain drain” was found to occur when the most experienced and qualified teachers leave low-performing schools for higher performing ones where they have increased job security and a lower threat of reconstitution (Hamilton 2014). To fill vacancies created by that phenomenon, principals in low-performing schools were forced to hire novice and less qualified teachers to fill vacancies because that was the only applicant pool available to them. Thus, the students who need the most help are being taught by the teachers who need the most help. The students suffer because the teachers are still learning. The teachers suffer for lack of experienced mentors to guide and encourage them. The entire school and its community suffer because high turnover is the enemy of both strong teambuilding and implementation of long-term goals. The Texas urban high school study found that after reconstitution, negligible student achievement was found in all of the four high schools. (Hamilton, 2014).

Many conclusions can be drawn about why no significant improvements were made in student achievement after reconstitution. However the “why” isn’t the most important question in this case. All findings to this point indicate that reconstitution is not a viable solution for our nation’s low-performing schools. Not only is it not improving school performance and student

achievement, it's actually detrimental on multiple levels. Reconstitution is not the solution to closing the achievement gap. In fact, it may actually be part of the problem that is widening it.

Teachers who have survived a reconstitution don't come out of the ordeal unscathed. Many report feeling stigmatized and demoralized (Hamilton, 2014) as they navigate a kind of education posttraumatic stress syndrome. In this low-morale environment, teachers may put their own needs and fears ahead of their students' best interests. In an effort to give themselves more job security, teachers have been found to "teach to the test"—that is, to teach students in a manner that focuses only on improving test scores in the short-term at the expense of long-term learning and mastery of higher order thinking skills. If our students are only being prepared to be test takers, but not life-long learners or independent thinkers, what does this mean for America's future? The greatest threat to our liberty may be right in front of our own eyes—our country's classrooms. That is where the realities of NCLB are creating tension, divisiveness and robotic thinking at the expense of creativity, life-long learning, a more qualified work force and the ambitious entrepreneurial spirit that made this country great.

III. Narrowing of Curriculum

The overwhelming pressure teachers are under to raise test scores, especially in low-performing schools, directly affects the quality of education our nation's students are receiving. Not only do teachers feel the need to raise student test scores so that their school will receive more federal funding, but many teachers feel that their students' performance is directly tied to their job security. Many teachers fear that their salaries, or even their jobs, are at risk if their students' test scores are low. As a result, many teachers and schools have started narrowing their curriculum in an effort to improve test scores. Curriculum narrowing refers to focusing instruction on the standards for assessment in reading and math—also known as "teaching to

test.” Research shows that narrowing curriculum has adversely affected schools, especially schools with low-income students, who already are most at risk (Berliner, 2011). Curriculum narrowing has negatively affected many areas of education, including less instruction in non-tested subjects, lower quality education for low-income students, and the future preparedness and college readiness of all students.

Non-tested Subjects

NCLB emphasizes proficiency in reading and mathematics, thus, schools with high performance in these areas receive higher federal funding. To receive more funding, and to avoid the sanctions associated with low-performance, many schools have increased instruction time in reading and mathematics, while decreasing the time spent in other subject areas such as social studies, science, physical education, art, and recess. Nationally, 53 percent of school districts have reduced instruction time by at least 75 minutes per week in social studies (Berliner, 2011). Science is down an average of an hour a week since NCLB became law (Berliner, 2011). By contrast, 80 percent of school districts have increased instruction time in reading by at least 75 minutes a week, with more than half of the districts increasing that time by 150 minutes (Berliner, 2011). In addition, 63 percent of districts have increased time in mathematics by 75 minutes a week (Berliner, 2011). However, it is important to note that lower-performing schools may have added much more time to reading and mathematics than these national averages, because of an even greater pressure to raise test scores. Curriculum narrowing appears to increase as the socioeconomic level of schools decreases.

Low-Income Students

A study of the arts in California revealed that 45 percent of children attending wealthy schools receive music instruction, while only 25 percent of children attending poor schools

receive music instruction (Berliner, 2011). This socioeconomic disparity between schools reveals the increased pressure teachers and administrators feel for poor children to test well. However, not only are poor children being instructed in fewer subjects than their wealthier peers, but the way they are being taught is quite different as well. A 2004 study by Lipman found that affluent students in Chicago received a much more expansive and intellectually challenging curriculum than did the poor children in Chicago (Lipman, 2004, as cited in Berliner, 2011). The poor, generally minority, children were more often taught by drill and rote methods—memorizing facts and repeating that information—rather than taught how to critically analyze and critique information (Berliner, 2011). In fact, a study of NCLB implementation in Illinois found that “teachers in schools that were not classified as in need of improvement were doing 100% more hands-on activities than were schools labeled as needing improvement” (Berliner, 2011, p. #295). In addition, students who were exposed to curriculum narrowing and “drill and kill” techniques in the early grades were found to perform worse on standardized testing in the upper grades (Berliner, 2011). A possible explanation for this finding is that standardized testing in higher grades focuses more on comprehension and reasoning, rather than the general test-taking skills that are commonly taught.

Future Preparedness and College Readiness

As students taught by memorization methods reach higher grades, their performance on standardized tests falls further behind their peers because they do not possess the higher order thinking skills required to perform well at those levels. Those skills, which ideally should be introduced in the elementary grades, become increasingly harder to acquire as students are repeatedly taught with simpler methods. Researchers hypothesize that curriculum narrowing will make it more difficult for students to acquire higher order thinking, pervasive writing skills, and

problem-solving skills—especially in low-income schools with fewer hands-on activities and more “drill and kill” techniques (Trolan, 2011). These findings have dire implications for the future of our nation’s low-income students. Poor students are being exposed to less curricular instruction that could help them be successful in college, and ultimately achieve higher-paying jobs. Therefore, the gap that NCLB set out to narrow may, instead, be widened by NCLB’s inequitable standards which force low-income schools to narrow curriculum just to keep their doors open. Instead of giving all students an equal chance at achieving the “American Dream,” NCLB further stratifies poor students, forcing them to remain in their social classes because of an unequal education.

Cheating

Not surprisingly, the immense pressure that principals, teachers, and students alike are under to produce high performance scores has led to many cheating scandals. Inevitably, cheating will always exist in society, but it has been shown that cheating “has escalated considerably” since the enactment of NCLB (Dessoiff, 2011). NCLB created a school environment that is unnecessarily competitive and goes to extremes to punish schools that do not live up to these competitive standards. In addition, value added-assessment—basing teacher pay on performance—adds to the existing pressure teachers and principals already feel to raise test scores. The surprise is not the rise of cheating, but that even more instances of it have not been uncovered. However, across the nation several major cheating scandals in schools have been exposed that further call into question the validity of high-stakes testing and NCLB. Acclaimed Atlanta, Georgia, Superintendent of Education Beverly Hall, who received the American Association of School Administrators Superintendent of the Year for her “amazing test score gains” in 2009, was later indicted for rewarding teachers who cheated and punishing or even

firing teachers who did not (Fox, 2013). 44 of Atlanta's 100 schools were found guilty of organized cheating under Hall's supervision (Starnes, 2011).

We see a similar example of cheating at the highest levels in the scandal associated with Michelle Rhee, the exalted chancellor of Washington, D.C., schools who raised proficiency scores from 10 percent to 58 percent in just two years. Rhee was investigated for a detection of high rates of erasures from wrong to right answers at 103 of the 168 schools in D.C. (Starnes, 2011). Although there was not enough evidence to indict Rhee, it was clear that some form of cheating had taken place. Cheating scandals like this, where students were directly given the correct answers or teachers changed students' answers from wrong to right, have occurred all over the nation. Large cheating incidences have also been reported in Texas, Maryland, Nevada, and Virginia, to name a few (Dessoiff, 2011). The inevitable conclusion to draw from this is that NCLB expectations are unattainable for some schools, especially low-performing ones, and put too much pressure on schools to succeed too quickly. One of the primary stated goals of NCLB—to keep schools accountable—is being undermined by the cheating that teachers and students feel compelled to commit as a result of NCLB's insistence upon results that schools cannot hope to produce in the narrow time frames the law provides. The unrealistic expectations of NCLB are unfair to our students, to our teachers, and to our country. To make matters worse, just as the practices under NCLB have started to be called into question, new “quick-fix” and temporary solutions (i.e. waivers) have been substituted that may prove equally detrimental to our nation's education system.

IV. Waivers

As the year 2014 came to an end and 2015 arrived, achievement scores revealed that no state reached, or had promise of reaching, 100 percent proficiency in reading or mathematics.

These results, along with the other countless problems and unattainable goals of NCLB, informed legislators and policymakers that NCLB is not working for our nation.

In 2011, to try and address the innumerable problems with NCLB, the federal government turned to waivers to chip away at key parts of the No Child Left Behind Act and provide states with relief from some of the more insurmountable goals tied to NCLB. However, waivers are arguably just as complex and inequitably implemented across states as the original NCLB law. Andy Smarik, who served as the deputy education commissioner in New Jersey in 2011, commented on the waiver system saying, “What’s left feels extremely messy. At this point, I couldn’t even begin to define what federal K-12 policy is in the age of waivers. It seems incoherent” (Klein, 2014a, p. #1).

The Obama Administration originally granted waivers in 2011 to help states gain more time on reaching the goal of 100 percent proficiency rates (Posey, 2014). In exchange for the extra time, states had to agree to implement several new standards. These standards included transitioning to college-and career-ready standards, developing an effective way to differentiate the performance of individual schools, holding low-performing schools accountable for improvements, and establishing teacher and principal evaluations based in part on student achievement (Posey, 2014). When the waivers were first granted, many states jumped at this opportunity, in hopes that the new waiver initiative would provide more flexibility and allow states to individualize their accountability systems. Principals from low-performing schools were especially excited by the waiver initiative because of the relief given to schools on proficiency rates. Many principals at low-performing schools hoped that the waivers would allow individual schools to set more reasonable proficiency rate goals (Posey, 2014). However, similar to the NCLB requirements, states found that waiver requirements have been harder to

meet than first expected. The federal government has been inconsistent about the flexibility given to states to receive or renew waivers, which has ultimately has created a messy and unbalanced educational system.

In November of 2011, eleven states—Colorado, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Jersey, New Mexico, Oklahoma and Tennessee—were the first states to be granted waivers (Klein, 2014a). By 2012, half of the states were granted a waiver, meaning that most of the nation was no longer operating under NCLB’s accountability system (Klein, 2014a). Since then, 43 states and the District of Columbia and Puerto Rico have received waivers (Posey, 2014). Confusingly, the standards that each state must follow differ, and depend on when a state initially applied for a waiver. The main reason for this is that the U.S. Department of Education changed its flexibility over the years on how they would address the controversial issue of teacher evaluations based on student performance. At first, the Department of Education only granted and renewed waivers to states who had strong plans in place for educator evaluations that incorporated student outcomes (Klein, 2014a). However, in May of 2014, when it was evident that most states were not incorporating their teacher evaluations plans, Secretary of Education Arne Duncan did an about-face, and allowed states to renew their waivers even if they were not meeting their teacher evaluation requirements (Klein, 2014a). The change in principles and requirements is not only troublesome because of the lack of consistency, but also because some states had their waivers revoked or not renewed for not meeting the requirements in place prior to the Department’s change in waiver renewal policy. For example, Washington was the first state to have its waiver revoked in April of 2014 because of a failure to adopt a teacher-evaluation system based on student performance (Posey, 2014). Washington Representative Sharon Tomiko Santos (D), chair of the House Education Committee, observed

that “the current state process already is rigorous and provides a fair and balanced way to measure student growth and support teacher improvement” (as cited in Posey, 2014, p. #27). Not surprisingly, then, state of Washington lawmakers were very frustrated that the U.S. Department of Education revoked the state’s waiver, even though it had a sufficient plan in place. Since its waiver was revoked, Washington will now have to follow the original NCLB laws and will lose control over how it uses \$40 million in federal Title I funding (Posey, 2014).

Washington is not the only state to have a waiver rejected. In June of 2012, Iowa was the first state to not be granted a waiver request, and in January of 2013, California was denied a waiver because it did not have plans that included teacher evaluations (Klein, 2014a). However, these states, along with other states that did not get approved, do not feel that their rejections have cost them much in terms of education quality (Klein, 2014a). Richard Zeiger, the chief deputy superintendent in California noted, “The absence of a waiver has enabled us to strike our own pathway. We’ve spent much less time looking over our shoulder and looking at what the federal government is doing” (Klein, 2014a, p. #22). In addition, Utah, which initially did not apply for a waiver, noted that waivers caused too much federal interference (Klein, 2014a).

Under the current system of waivers, and with some states still following the original NCLB law (i.e. Washington), it is apparent that a restructuring of NCLB is greatly needed. Critics of waivers argue that this was just a way for the Obama administration to “put its last stamp on the NCLB law” before leaving office in January of 2017 (Klein, 2014b). As a result, some states are reluctant to make changes or comply with their waivers, as waivers and everything else could become void under a new reauthorization or political administration. The waivers that the U.S. Department of Education granted were a “Band-Aid” fix, and not a good one at that. The current Congress will need considerable bipartisan compromise, new ideas, and

strong convictions to address the appreciable problems in our nation's educational system and return America to world-leader status.

V. Discussion and Future Recommendations

With the No Child Left Behind Act in place, the past decade has been marked by strong Federal oversight of education. States and local school districts have been forced to follow testing schedules, accountability programs, teacher evaluations, sanctions and countless other regulations from the Federal government. Despite this mountain of regulations, however, the nation's education system has remained unbalanced, unequal, and unfair—especially to low-income students and schools. As evidenced by low proficiency rates in reading and math, the current education system is struggling under a burdensome set of rules and regulations that are simply not working. Accountability measured through adequate yearly progress has branded certain schools as successful and others as unsuccessful, when in reality these results may be inaccurate. Schools branded as 'failing' are demoralized, with administrators, teachers and students alike made to feel inadequate, despite any progress the school has made under unique and pressing challenges. To make matters worse, 'failing' schools have been subjected to extreme and ineffective restructuring methods. In this environment, teachers and students feel enormous pressure to perform well on testing, and as a result, frequently have turned to teaching to the test, or worse—cheating. Teaching to the test methods promote students to be robotic, taking in information and spitting it back out on a test, but ignores critical skills, most notably higher order thinking, which allows students to actually use the information they receive.

With all these issues and pressures, it is no wonder that the U.S. education system continues to fall behind other nations in subjects like reading and math. In 2013, 29 other nations outperformed the U.S. in mathematics, and 19 other nations outperformed the U.S in reading

(Chappell, 2013). With the NCLB Act currently up for reform, it is critical for Congress to decide how much involvement the federal government should have in education in order to move forward and make real gains. Critics argue that too much federal interference has compromised the right of states to determine how education should look in their own communities. In addition, critics say that educational decisions have been taken from those most experienced in education (i.e. superintendents, principals, educators) and given to those with little hands-on experience (i.e. politicians). However, proponents of federal involvement in education argue that without federal guidelines, states will have no accountability, and subgroup populations (i.e. low-income students, racial minorities, ELL students, special needs students) will fall through the cracks. Proponents advise that federal regulations are needed so that the entire nation can be held to high standards.

Recently, members of both the U. S. House and Senate have proposed bills to restructure NCLB. Senators Lamar Alexander (R-Tenn) and Patty Murray (D-Wash) submitted the bipartisan Every Child Achieves Act of 2015 (ECAA), which the Senate Education Committee unanimously passed in April 2015. The ECAA strikes a balance between federal oversight and state control by allowing each state to create its own accountability system, but proposes the same amount of standardized testing for reading, math, and science. In addition, it requires states to report their data for subgroups of students and to identify low-performing schools. Allowing states to determine their own accountability systems and to examine the quality and quantity of testing, paves the way to eliminate testing that is not working. Federal sanctions or provisions, like school restructuring for lower performing schools, are prohibited by the bill. ECAA also requires states to adopt challenging academic standards, but prohibits government incentives for states that adopt any particular set of standards. Notably different from the current NCLB

requirements and the waiver system, this bill does not require states to implement teacher evaluation systems, and the secretary of education is prohibited from making additional requirements to federal law when granting waivers to states. The House of Representatives' Education and Workforce Committee passed the Student Success Act in February 2015 as its answer to NCLB reform. The bill passed with no Democratic support and focuses on allowing states to determine and have full control over their own accountability systems. The Student Success Act aims to give educational rights directly back to local districts, students and their parents. Most notably, the legislation would allow low-income students to use Title I money at any public school of their choice, including charter schools.

Considerable bipartisanship is essential to real change in the U.S. education system. Both Congressional bills must pass in their respective chambers before a compromise bill can be proposed. Considering the controversial nature of education reform, political reluctance to compromise on the matter, and the legislative backlog, it's possible that neither bill may reach the voting stage. As a result, NCLB reforms could be delayed until after the 2016 presidential election, while proficiency rates remain low, and students continue to be greatly underserved.

The evidence examined in this thesis logically leads to several legislative recommendations that support, rather than hinder, low-socioeconomic schools. First, I conclude that accountability, although controversial, is necessary to observe how *all* students are performing and to keep schools accountable for serving every student no matter his or her income, race, or gender. The core of the NCLB legislation recognized that fact—that every student deserves a quality education, and that accountability is crucial to ensuring that goal. Achieving that was the original intent of the legislation. However, NCLB failed to implement uniform accountability, and as a result, the nation does not have an accurate picture of how its

schools are truly performing. A possible solution to this problem is the creation of a standardized school progress measure across the country. By creating a uniform national benchmark, an accurate picture of which schools are failing and which schools are proficient will become much clearer. However, it is crucial that standardized progress is measured with great care, so as to not punish low-socioeconomic schools.

Research has shown that reliance on test scores from a single year to determine adequate yearly progress is statistically unreliable and has more to do with school population size than actual gains in achievement (Maleyko, 2011). As a result, many low-income schools are punished for circumstances beyond their control, such as unstable and fluctuating school populations. To combat this issue, I propose that adequate yearly progress not be “yearly” at all. Instead, progress should be measured every three years so that fluctuations in school population become statistically insignificant and actual gains become more meaningful. Assessing progress every three years would allow districts to assess individual schools over a significant time period that allows for change. Measuring students and schools over three years allows schools to set reasonable and achievable goals and make noticeable gains toward those goals. The longer review period helps ensure that low-income schools are not punished for failure to achieve unrealistic thresholds, and allows more time to reach attainable goals. Significantly, it would also allow schools to be rewarded for progress and gains they do achieve.

Lengthening the review period would also allow for broader measurement tools. As noted in Maleyko (2011), the use of a single measure to evaluate school effectiveness is not a reliable means of evaluation because it does not recognize the complexities of individual school populations and unique challenges. Therefore, I propose that adequate progress be measured not only by student test scores, but also by other indicators of high-quality schools, such as how

many AP classes the school offers, how many teachers hold advanced degrees, and the number of classes offered in enrichment subjects like art and music. Basing adequate progress on multiple measures could encourage low-income schools to hire more qualified teachers and to provide more non-core classes. With measurements like these, schools can be assessed on multiple dimensions, not just a single test score, and they can be appropriately rewarded for improvements made from individual baselines.

Establishing standardized adequate progress measures would require considerable federal regulation and oversight, which may be a concern to some. However, for the U.S. to establish high-quality and equal education, there must be a balance between federal and state control. To even the playing field, and give states appreciable control over their own schools, sanctions and provisions for schools that do not meet adequate progress measures should be decided on the local and state level. Federal sanctions under NCLB have proven to be ineffective and, in some cases, detrimental (Hamilton, 2014). A federal, one-size-fits-all prescription for state or local school district issues exacerbates problems rather than solving them. States should be allowed to draw up plans for improvement in low-performing schools so that individualized and precise strategies can be implemented across different communities. In addition, teacher evaluation programs should be reformulated or eliminated, as they either foster cheating on one end of the spectrum or unfairly ruin teacher careers and reputations without justification on the other end. Neither teachers nor students should be reduced to a number on a test.

Just as AYP measurement is currently too narrow, I argue that the scope of standardized testing is too narrow as well and should be broadened to cover more subject areas. Currently, the standardized tests associated with NCLB focus on reading, mathematics, and some science. Since federal funding is tied to test results, both teachers and students are burdened with

tremendous pressure to score well in this narrow range of subjects. To ensure funding to their schools and to protect their jobs, teachers have resorted to “teaching to the test,” drilling students almost solely on the skills or problems presented in the test. As a result, curriculum narrowing, especially in low-income schools, is chronic nationwide and is depriving our students of being instructed in the diverse skill set needed for success in college and careers. To counter these problems, I propose that standardized tests be expanded to include multiple subjects, including science and social studies, as well as reading, grammar, and mathematics. In addition, the tests should be reformatted to include essay writing and short answer questions that require students to use critical thinking and writing skills, rather than multiple choice questions alone. By incorporating these types of skills into the test, low-income schools may be encouraged to go beyond ‘drill and kill methods’ to teaching methods that develop higher order thinking and writing skills.

Critics argue that broadening standardized tests would increase the number and length of tests for already test-weary students. However, by decreasing the number of test questions in reading and math, room can be made for questions in other subjects without significantly increasing the time required to take the test. In essence, the test would be approximately the same length. As for the number of tests given, I argue that standardized testing should be dramatically decreased. Testing students once in grades 3-5 and 6-8, and twice in grades 9-12, would give teachers more leeway to present other lessons and give students a break from focusing solely on one critical test. Decreasing testing will help us move from the paralyzing standardized culture the U.S. struggles under now, to a culture focused on fully developing the student in all areas.

Considering the recommended changes listed in this study, the Senate ECAA bill aligns most closely with this thesis’ proposals. However, there are key differences that would be wise

for the ECAA to include to ensure that low-socioeconomic schools and students are being best served, such as standardized adequate progress measures, broadening the subject matter of standardized tests and decreasing the number of times tests are administered.

As indicated by its name, the No Child Left Behind Act had lofty goals and good intentions at its inception. Unfortunately, the measures that were actually implemented resulted in a reality that was the opposite of the intended goal: it left many millions of children behind. Now, with a messy and undefined education system, addressing our education deficit is as critical as addressing our financial deficit. If U.S. education is to return to world-leader status, we must ensure that, indeed, no child *is* left behind. Every student in every American school must have a fair and equal chance to receive high-quality education that will prepare them for building a successful future. When individuals succeed, our country grows and succeeds. Therefore, education is the responsibility of us all, because education is the key to our collective success.

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