

Introduction

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Who could object to a law that promises no child left behind when it comes to our schools? After all, isn't this the great promise of our public school system—that all children, regardless of race, socioeconomic status, gender, creed, color, or disability will have equal access to an education that allows them to enjoy the freedoms and exercise the responsibilities of citizenship in our democracy?

As proposed, the federal No Child Left Behind (NCLB) legislation stood as a continuation of this historic promise. It is a promise that began with Thomas Jefferson's proposal for the first free system of public education in Virginia; a promise offered as the balance wheel of society by the first state superintendent of education, Horace Mann; a promise put forward as the most basic of human rights by W. E. B. DuBois.

Great strides were made to fulfill this promise in the second half of the twentieth century in terms of access. The landmark Supreme Court decision, *Brown v. Board of Education*, which celebrated its fiftieth anniversary in May of 2004 led this push, insisting that all children, regardless of color, should go to school together in order to ensure equality. For young women the landmark was the Title 9 legislation. And for children with handicaps and learning disabilities, the Education for All Handicapped Children Act in 1975 shoved open the

schoolhouse doors to full and free access. It is a hard-won tradition of which America should be proud.

But beyond access there was a growing concern with the quality of the school experience for every child. As Ted Sizer points out in his “Preamble” to this volume, the forerunner of NCLB was the landmark Elementary and Secondary Education Act (ESEA) of 1965. For the first time as a nation we acknowledged that access alone was not enough. Rather, some children, given the condition of their childhood, would require more help if access to schooling was to be translated into success at school. ESEA and its multiple titles (Title I reading programs, for example) targeted dollars to communities with the greatest need. ESEA, together with Head Start, also established in 1965, staked out the earliest claims that the achievement gap between rich and poor students could be closed in schools with the right support and interventions.

As we learned four decades later it has not been an easy job. Today, children of color and children of the poor still do not fare as well in school as their wealthier, white counterparts. Of course, this should come as no surprise to us when, as Stan Karp points out in his essay in this book, we only attempt to change one part of the equation for these groups. While efforts have been focused on school improvement, almost nothing has changed during these years for the poor or minorities in terms of a host of other gaps—from health care to housing.

And yet, our faith in public schools as the great equalizer remains, and frustration with our failures led to the most recent attempt to live up to our democratic aspirations—No Child Left Behind.

It is important to remember that NCLB, the 2002 reauthorization of ESEA, was born in bipartisan spirit to do something positive in the wake of the terrorist attacks of September 11,

2001. As the nation continued to rediscover its footing the time seemed right to do something together for our children. Motives are hard to decipher. As Alfie Kohn's essay points out, NCLB was a Trojan horse for those who would challenge the very notion of a public school system. A tool not to strengthen our schools but a ticking time bomb set to destroy them as the punitive sanctions of the law kicked in.

But other proponents of NCLB undoubtedly felt they were doing the right thing for our children and our public schools. The right thing included increasing funding for schools that serve the poor; ensuring that every child would be taught by highly qualified teachers; and holding schools that take federal funds accountable for raising achievement of every student by "disaggregating" their achievement data. The last of these new mandates was, for many, the most important. No longer would school districts be able to disguise the failure of those the federal funds were meant to target (children of color, the poor, and the handicapped), since the achievement scores of those children would be sorted out and reported separately.

Of course, as with most federal legislation, the nearly 1,000-page bill included plenty of special interest pleading and ideological agendas. For example, schools are now mandated to turn over student contact information to the military for recruiting purposes. The Department of Education must certify Title 1 reading programs as "scientifically based"; districts must certify that no policy prevents the participation in "constitutionally protected prayer in public schools"; and no district or school can prohibit the Boy Scouts or any other group listed as a "patriotic society" under U. S. code access to school facilities. But the most ideologically and politically charged tactic—the inclusion of school vouchers to be used for private school attendance—was pulled by the White

House from the legislation in order to maintain a bipartisan spirit to the law.

With this background, why is it that only two years later educators, legislators, and even entire states are in open revolt over NCLB? One does not have to look further than the daily papers to see the news. In Utah and Virginia the legislative bodies have voted nearly unanimously not to comply with NCLB. The roll call of states rejecting some or all of NCLB's provisions includes Hawaii, Arizona, New Mexico, and Vermont. New Hampshire's tack was to reduce state funding for standardized testing to just \$1. The nation's largest teachers' union has come out four-square against the legislation, this time joined by administrators in the form of anti-NCLB resolutions passed by the Connecticut Association of Public School Superintendents, the Illinois Association of School Administrators, and Montana South Central Administrators, among many others. Opinion polls show that while parents want their schools to be accountable, the more they know about NCLB the more they oppose it. For the first time in recent memory a single piece of educational legislation has landed front and center in the campaign for the presidency of the United States.

Most of these concerns have been expressed over technical issues with NCLB, and most certainly these should be addressed. Among those immediate concerns are the following:

UNDERFUNDING. By some estimates the current requests for funding NLCB from the administration fall as much as \$12 billion short of the requirements of the legislation. William Mathis, a superintendent in Vermont and professor of educational finance found in his review of state assessments of NCLB costs that on average the funding would have to be increased by 28 percent per state in order to be adequate.

RESTRICTIVE DEFINITIONS OF TEACHER QUALIFICATIONS. *Many lawmakers in states with large rural populations are finding that the mandates on teacher quality, which focus almost solely on subject matter expertise, make it impossible to hire teachers in some subject areas for schools that need teachers who can teach in multiple areas.*

EFFECTS ON SUBGROUPS. *Demands that disabled and limited English proficient students reach proficiency set those students and their teachers up for failure. Clearly some students simply cannot pass the tests required to demonstrate proficiency and yet no provision is made for alternatives.*

The premise of this book is that *even if these technical problems are fixed, NCLB cannot, will not, and perhaps was even not intended to deliver on its promises.*

Americans were promised that as a result of the targets, incentives, and punishments associated with NCLB we would have higher-quality, more equitable, and more accountable public schools. All of these are laudable goals. And many of those who supported NCLB believed that this legislation would finally fulfill our promises to educate all children. By placing high-quality teachers in schools and identifying 2014 as a target date for every child to be competent as measured by standardized tests, quality schools would be mandated. Focusing on hidden failures in districts by disaggregating data would no longer allow districts to claim unwarranted success, and something would actually be done about the inequality of school outcomes. Schools would be accountable to their communities on a wide range of publicly accessible measures. Quality, equity, community, the cornerstones of a strong public school system, were promised to all by NCLB.

The problem is that regardless of the tinkering around the

edges that may go on with NCLB, it simply cannot deliver the goods.

Start with school quality. NCLB is premised on the notion that schools will be made better by following a yearly testing regime that leads to every child being proficient in reading, math, and science by 2014. The problem is that by limiting all school success measures to one test score *the quality of schools will actually decline*. We continue to confuse test scores with quality schooling, even though there is no evidence that high scores on these tests predict anything about a child's success in life after school. Drawing on our experiences working in schools and researching school change, the pieces in this book by Linda Darling-Hammond and myself illustrate what happens when one measure of school quality, a standardized test, is used. Simply put, with a focus on testing the curriculum is narrowed, leading to the most ineffective teaching practices becoming the norm. As non-tested areas (art, music, social studies) and "frills" (field trips, naps, even recess) are eliminated, the school experience becomes limited, and everyone—children, parents, and communities—reports less satisfaction with the school.

To make matters worse, these effects of the reliance on one test are disproportionately felt in schools that serve the poor. Drawing from our experience in the field it seems clear that *under NCLB the children of the poor will receive even more limited instruction, curriculum, and school experiences because their schools will be the first to be reported in need of improvement*. Schools that serve affluent populations will continue to find ways to fine-tune their work to move test scores up, with some of that fine-tuning coming in the form of pushing out students who are not expected to test well. Further exacerbating this problem for schools that serve the poor are the NCLB sanctions if a school does not succeed in meeting competency targets. These include having to pay to bus students

who choose to transfer to another school, mandated funding of after-school tutoring, and similar unproven strategies that will stretch already limited resources even thinner. It is a cruel irony that legislation designed to help the poorest of schools and students will hurt those schools and children the most.

Finally, *NCLB will make public schools even less accountable to the publics they serve*. Much has been said about accountability in the debates about our schools, but little of the rhetoric has been focused on those our schools are accountable to. Historically, we have relied on a system of local accountability and local trust. Schools are primarily funded by local taxes, run by a local school board, and serve local children who are taught by those who live among them. As Deborah Meier points out in her essay, this local bond has been steadily eroded, undercutting much support for our schools. NCLB with its mandates will only further extend this erosion of public trust and control as schools are first forced to meet testing standards set by state bureaucrats and, if they fail to meet standards, are ultimately taken over and run from the state capital.

What is to be done? If NCLB cannot deliver on its promises but they are promises nonetheless that Americans want kept, what alternatives are there? In several of the essays here the author suggests other ways to improve our schools, because opposing NCLB is not to oppose school reform. In fact, every one of the individuals who volunteered their time and expertise for this book project work daily as teachers, administrators, consultants, policy makers, or in other roles working for better schools. None of us needed another series of tests to show us that our schools, especially those serving the most vulnerable of our children, need improvement. For us, opposing NCLB is not about “turning back the clock” or succumbing to a “tyranny of low expectations,” as some politicians accuse those who raise questions about NCLB of doing. Rather, it is

about, as Stan Karp puts it, transforming NCLB from a “test-and-punish law to a school improvement law.”

Monty Neill’s piece concludes this book and sets forth an outline of how that transformation could occur. He begins with a look at principles that should guide genuine accountability and moves on to the real work of how to support and assess schools. Additionally, in several of the other essays here proposals are offered for ways to support schools and teachers who are working to make a difference for our kids in the most difficult of conditions. In each case the recommendations are based on an awareness that schools cannot do this alone and that more targeted resources for the needs of the growing number of poor children in our country must be forthcoming if, as the slogan of the Children’s Defense Fund says, we are to “leave no child behind.” But these proposals also point out the things schools can do, which, based on the authors’ experiences, do work for all of our children. Together the essays in this book demonstrate the counterproductive and destructive effects of NCLB. They also provide us with an agenda for change. An agenda that builds on a growing public dissatisfaction with a law that mandates a one-size-fits-all testing program, unfairly judges schools based on those tests, hurts quality school programs, unequally impacts children, hinders the professional judgment of our teachers, and limits the accountability schools have to those they serve—parents and their children. It is an agenda that focuses attention on how good schools came to be, not through testing mandates but through sensitivity to local communities and their needs. An agenda that includes smaller schools where children are better known; high standards of demonstrated achievement, not just test scores; well-prepared, well-supported, and well-paid teachers; clean, safe, and well-supplied schoolhouses; community and parent input into school goals; and equitable school resources for every child.

This is an agenda that takes the intent of “no child left behind” from a slogan to reality. An agenda that pulls together the civil rights organizations that applaud no longer hiding our schools’ failure to educate poor and minority children, the educators who work for school reform, the parents and civic groups that want better schools, and the legislators who work hard for what is best for their constituents. A movement that springs not from mandates and measurement, punishment and penalties, sanctions and closures, but rather, a movement that grows from hope and wisdom—hope that we can have the public schools our democracy requires, based on the wisdom that we have gained from schools that serve our children well regardless of race, class, gender, handicaps, or geography.

The authors of this book aim to add to this movement, as they agree with the premise that no child should be left behind, yet recognize that in NCLB many children will not only be left behind, but will be damaged as well—in ways we are just now beginning to understand.

Preamble: A Reminder for Americans

THEODORE R. SIZER

The measure of the worth of a society is how it treats its weakest and most vulnerable citizens.

By this standard, America—the richest nation in the history of the world—falls visibly short. We are long on rhetoric and short on resolute action. The gap between our articulated ideals and our practice is an international embarrassment.

It does not have to be so. Government in a responsible democracy has the tools to narrow the gap between our ideals and our actions. Accomplishing this narrowing, however, will not be easy. We are short on the habit of seeing our community as a *commonwealth*, one which at once honors individual's entrepreneurial energy, protects our private lives, and provides the means for those who are weak today to be secure and productive tomorrow. Those of us who are secure in life have too often been loath to put our secure condition at any risk by sharing with those who are insecure.

In a healthy democracy, however, principled politics are the means equitably and wisely to address this difficult task—one of remembering our democratic duties and acting upon them—as soon as possible.

Free public schooling has long been the primary engine for social and economic health and for individual social mobility. America's economic, social, and moral strength still depends

on it. As the culture changes, the shape of “public education” should change with it, but in a way that always keeps the public in “public education” secure.

Americans, and especially their elected leaders, do well to ponder the principles of a truly public education in a free society. Some of these are venerable, icons of this nation. Most are obvious:

The People will provide for thorough and efficient schooling for all children.

The People will tax themselves for this purpose.

While education is to be the constitutional responsibility of each of the states, the schools will remain close to the citizens served. *Ours never was to be either a national system or a centrally directed state system, with a few exceptions, largely due to geography.*

All citizens will have access to these schools. *Since their inception, they were public; up to a certain age young citizens were required to attend; and the People, close to those young citizens particularly served, would, with certain exceptions, govern the shape of their local schools.*

The schools’ professionals would be “trained” privately in autonomous teacher education institutions (public and private), hired locally, and certified at the state level.

Most of these conditions emerged when America’s population was small. Paradoxically, as the nation grew, authority gradually moved upward to the federal level, usually when state and local communities had so egregiously abused these

principles that national constitutional remedies were required. Well-known examples are *Brown v. Board of Education of Topeka, Kansas*, in 1954, on the matter of access limited by race; the Elementary and Secondary Education Act of 1965, on the matter of discrimination by economic class; and the Education for All Handicapped Children Act in 1975, on the matter of inadequate services provided for children with special needs.

What is today emerging is a new balance between governmental levels, federal, state, and local. A rebalancing may be necessary, but the need to redistribute some governmental responsibility in education should not trump the traditional principles of public education articulated above.

Emerging today are trends that threaten the historic promise of public education and we need to address them:

- *Inadequately funded or equipped schools, however efficient, rarely provide a thorough education.*
- *In poor communities, local taxation cannot support minimally acceptable schooling. State and federal equalization formulas rarely cover the cost differences between poor districts and wealthy districts.*
- *Argued on the basis of local incompetence, state and federal detailed direction of school routines has abruptly grown over the last decade.*
- *In most states, access to public education is limited by one's neighborhood. The effect is that wealthier families have access to schools with more robust funding than do their poorer neighbors. Segregation by social class is the rule, not the exception.*

- *Again argued on the basis of incompetence, the authority of teachers and principals has increasingly been narrowed.*

These trends deserve vigorous challenge. Ironically, the major piece of recent relevant federal legislation, the so-called No Child Left Behind Act (NCLB), takes us in the opposite direction from the one in which we need to move.

The sad irony is that NCLB is, in fact, primarily the most recent reauthorization of the historic Elementary and Secondary Education Act of 1965 (ESEA, Public Law 89–10), “An Act to strengthen and improve educational quality and educational opportunities in the Nation’s elementary and secondary schools.” At that time, some forty years ago, the U.S. Office of Education summarized Title I, the central part of the act: “The Office of Education would allocate the money to state educational agencies, which have full responsibility to see that the purposes of the Act are carried out. . . . Each local education agency must come up with its own plan for upgrading the education of deprived children. . . . Needs and requirements would vary from State to State and district to district. The type of programs that would best meet these needs and requirements would be left to the discretion and judgment of the State and local educational agencies. . . . The new legislation encourages local school districts to use imaginative thinking and new approaches.”¹

NCLB radically centralizes, by means of federal approval of state plans, one key element of school operation—the definition of “standards” in several key areas and the ways and means of assessing them. Members of the 89th Congress in 1965, especially its Republicans, would have had heart failure if presented with this current reauthorization of ESEA and the way it places substantial power and direction in the hands of the federal government. The penalties imposed on districts that “underperform” on the basis of the NCLB are specific and

standardized. By contrast, the 89th Congress wanted detailed decisions about educational matters left unequivocally in state and local hands. Wisdom was never especially felt to reside in Washington.

NCLB reflects most citizens' justified impatience with the efforts of some states and school districts in addressing the needs of "disadvantaged" children, but the remedies it imposes are ultimately driven by a single kind of instrument, the standardized test. The educational need is defined as a narrowing of the (test score) gap between rich and poor students. While worthy standardized tests do provide teachers with much good data, they hardly provide either enough information or the balance of information necessary to assess accurately either a student's mastery or a district's or school's effort. NCLB narrows, and thus profoundly distorts, the problem.

NCLB ignores many of the reasons for schools' and children's failures, thus leaving the financing of these to state and local governments. The 89th and succeeding Congresses provided federal money and incentives for research, training, and recruitment of teachers and administrators. The current Congress exhibits little, save rhetorical interest in teacher training and development.

While NCLB was accompanied by much rhetorical emphasis on "research-based" education policy, the breath of this research is narrow, largely settled on specific pedagogies and curricula that are "measurable." Compelling research on larger themes—the social reasons for school dropouts, the weakness of social capital in regions with apparently "low-performing" schools, the misdesign of many schools, the evidence of growing inequities among population groups and communities, the impact of now ubiquitous media on the basic learning of children and adolescents, for example—find no place in the act. By contrast, the Congresses of the late

1960s supported major independent research initiatives, most famously the massive, controversial and still provocative “Equal Educational Opportunity Study,” led by Professor James S. Coleman.

NCLB places, without remuneration, financially and bureaucratically onerous reporting duties on states, districts, and schools. By contrast, Title V of ESEA of the 89th Congress in 1965 added funds directly to assist state departments of education to carry out and extend the purposes of the Act.

Of course, 2004 is not 1965. And, of course, thoughtful Americans are no less concerned today than forty years ago about the failure of many of our schools to provide for their students a powerful and relevant education. The inequities, all of our making, are a public embarrassment in a serious democracy.

And so we agree on most of the ends. Where we disagree is on many of the means, including many of those embedded in NCLB. Some of us believe that these not only dodge today's major problems of educational excellence and democratic fairness, but, perversely, make them worse.

Thus are this book's stark arguments. No Child Left Behind is its immediate target, but beyond is a larger and positive vision, the creation of a truly fair and powerful system of public schools in America. We argue here not only to make an immediate point about one misdirected act, but to keep alive an educational debate that can lead us toward a system of schooling which is worthy of Americans and the democracy of which its people for generations have dreamed.