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# How Well Has NCLB Worked? How Do We Get the Revisions We Want?

PDK's 2006 Summit on Public Education opened with a stimulating panel discussion on the hottest topic in education: NCLB. Ms. Lewis reports on the panel's views and how they were received by the conferees in the subsequent breakout sessions.

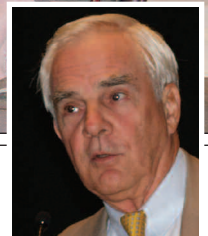
BY ANNE C. LEWIS

**L**OOK south from the corner of the Capitol Hilton in Washington, D.C., and the front door of the White House is squarely in the center of your view. Look north, and you can see a corner of the National Education Association building on 16th Street. Around the corner is the entrance to the offices of the *Washington Post*. Glance from side to side, and you see a stretch of the infamous K Street, the land of the lobbyists. One block west and one south is a stop for the Blue Line Metro, which can take you directly to the middle of the House of Representatives buildings.

This hotel has always been a strategic and sometimes history-making place. In one of its ballrooms, the late Terry Sanford, then governor of and later senator from North Carolina, announced an unusual compact for education: the agreement to form the Education Commission of the States. Before other venues closer to the Capitol were built, this was a favorite site for the confer-

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ANNE C. LEWIS writes the *Washington Commentary* column for the *Kappan* every month and covers issues in national education policy (e-mail: [anneclewis@earthlink.net](mailto:anneclewis@earthlink.net)).



*John Merrow, education correspondent for "The NewsHour with Jim Lehrer" on PBS, moderated the 2006 Summit on Public Education panel discussion on No Child Left Behind. Panel members included (from left) Michael Casserly, executive director, Council of the Great City Schools; Susan Gendron, commissioner of education, Maine; Sandy Kress, partner, Akin Gump Strauss Hauer and Feld, LLP; Bill Sanders, senior research fellow, University of North Carolina; Wendy Puriefoy, president, Public Education Network; and Virginia McLaughlin, dean, School of Education, College of William & Mary.*

ences of education groups, the release of major reports, and no doubt some deal making in the lobby bar.

It was a fitting place for Phi Delta Kappa International to hold its 2006 Summit on Public Education, the formal culmination of a year of events celebrating

the centennial of PDK, the professional association in education. In this cradle of policy making, politics, and media, PDK appropriately turned its attention to one of the most extraordinary happenings in education policy of the last century — the No Child Left Behind Act. The law was conceived by the White House and passed by Congress on a nonpartisan basis. Since it first took effect in 2002, it has been the focus of intense lobbying by many groups wanting to change it. Now, after more than four years, it stands accused of not doing very much, very fast, for the children attending schools just a few blocks from the hotel, the kind of struggling and often neglected students the law is intended to help the most.

This juxtaposition of good intentions and stark realities characterized much of the discussion, both formal and informal, at the Summit. A panel of national policy experts, prodded and kept on track by questions from John Merrow, education correspondent for PBS'

## The Chattanooga Story

Originally an agricultural statistician, Bill Sanders became interested in following the academic growth of individual students in Tennessee. Years ago, that state's legislature required annual testing, which gave Sanders a database for his analyses.

Moderator John Merrow mentioned a school improvement initiative in Chattanooga that targeted eight very low-performing schools. This five-year reform effort was partially supported by local foundations and included the replacement of staff members and principals. The teachers who volunteered to participate in changing the schools "knew they were going to be part of a select team," Sanders said.

By any measure, the schools in that project were some of the worst in Tennessee, but Sanders' data demonstrate that the value-added score (a measure of students' academic growth) over the five years placed them mostly in the top 5% to 10% for the state. "The children didn't change. The demographics didn't change. The adults were changed," Sanders said. Merrow, who featured the Chattanooga story in one of his broadcasting segments, found it interesting that, "if you ask the people there why this happened, No Child Left Behind is not part of the conversation." — ACL

"NewsHour," opened the conversations with a mixture of praise, some misgivings, and a few suggestions for changes in a law that is not going to go away. The panelists were a lot nicer than many in the audience wanted them to be. In breakout sessions focused on what the panelists had said, PDK members and others voiced frustration at how the law is playing out in their classrooms, school districts, and higher education institutions.

The panelists, for example, counted the greater attention paid to children in special education as a plus in the law. That's true, participants said in the small-group discussions, but the law's accountability provisions work against the best interests of these children. Panel member Sandy Kress, an architect of the legislation for President Bush and former school board president in Dallas, said passionately that the law allows no excuses for the achievement gap. "I think part of what gets No Child Left Behind into trouble is, it means [what it says]. There are teeth to it, more teeth to it than anywhere in any previous act of legislation." Those in the small-group discussions agreed but argued that the accountability provisions are in need of a good cleaning.

The panelists welcomed the fact that ensuring good teachers for classrooms in high-poverty schools was on the table. But even the panelists did not equate the law's definition of "highly qualified" with real competence, and Summit participants, many of them teachers, decried the law's effect on excellent teachers who had been made to feel that they are failures because of NCLB's statistical definition of adequate yearly progress (AYP).

The panelists and Summit participants certainly agreed that NCLB has provoked a national discussion about public education and has made public the significant achievement gap among the nation's students. Yet many worried that the conversation was too narrowly focused on test scores. Missing from all the attention to student outcomes are a number of equally important roles for schools, such as developing critical thinkers and future citizens.

The Summit's emphasis on NCLB had a clear purpose — to stimulate PDK members to become involved in the reauthorization process. Although final passage of a revised NCLB may be delayed because of politics, Congress will surely begin its discussions in 2007. The new committee leadership in the House and Senate anticipates little change in the core provisions of NCLB, but it should be pointed out that the law, itself a reauthorization of the 40-year-old Elementary and Secondary Education Act, practically "sneaked" onto the

books late in 2001. The public had scarcely any opportunity to help shape it.

Even if the panel discussion of NCLB at the PDK Summit lacked controversy, it did cover issues that might never have surfaced in such a forum without the law's

viewed the law. Maine's state commissioner of education, Susan Gendron, confirmed that the law had furthered the standards movement, as state chiefs have moved to align standards and accountability and to create longitudinal data systems. Wendy Puriefoy, head of

“You have people calling their state education department to try to find out why their school is on a list, and no one is answering the phone.”

— Wendy Puriefoy



provoking attention to them. In that sense, the panel began an important process for PDK members and for all Americans.

#### WHAT'S GOOD, WHAT NEEDS CHANGING

There has been meaningful progress in improving the academic scores of children of color since NCLB was passed, Kress pointed out. It was the importance of understanding the educational plight of these children that convinced the Council of the Great City Schools to support NCLB when “a lot of people didn't expect that a group like ours . . . would actually stand up and be in favor of a piece of legislation like this,” according to panelist Michael Casserly, the Council's president. Even though most of the schools designated as “needing improvement” under the law are in urban districts, the Council would support the legislation again if it came up for another vote tomorrow, he said, explaining:

We thought the law, at the time and even still, was important because it focused on student achievement, on closing achievement gaps, on being accountable for results, on trying to get qualified teachers into classrooms for the poorest kids, on providing good data and good assessments on where students were and how those assessments formed instructional practice. . . . We thought in general No Child Left Behind was the next step up in the standards movement.

Others on the panel pointed to different positive effects, depending on the vantage point from which they

the Public Education Network, saw significant, structured dialogues about public education occurring in communities because of the law and a stronger emphasis on making parents and communities partners in improving achievement. Virginia McLaughlin, dean of the School of Education at the College of William & Mary, welcomed the law's effort to open up the issue of teacher quality, although she preferred to use the term “competent” rather than “highly qualified.” And the “numbers guy” on the panel, Bill Sanders, a statistician who has developed procedures for tracking individual student growth, confirmed that the scores of the lowest-achieving students are moving up, something that he can document because more and more states now have annual data on class cohorts.

Once the niceties were over with, and everyone had said what was good about the law, the panel turned to a number of troubling unintended consequences that have arisen from NCLB. And therein lies the tale of why the law is controversial and unsettling to educators whose careers have been built on a different set of values from those that have taken precedence under the implementation of NCLB.

First, educators in schools deemed “in need of improvement” see no alternatives for meeting the strict timetables and performance levels of NCLB other than to limit the curriculum to the subjects tested and to drill students on test-taking skills. The reason is simply that the law rests on a foundation of regulations and sanctions. Kress believes the issue of sanctions is less important than critics contend, but, as Casserly pointed out, a basic psychology course teaches that punishment does not motivate people to do better. He continued:

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The main problem, to my mind, is that the law and its accountability system have been overly focused on . . . sanctions, on compliance with the sanctions, without the added focus in the law about good instruction, good instructional systems, and technical assistance in research that will help schools actually attain the goals. . . . It has created all kinds of unintended, weird, and perverse side effects, including some narrowing of curriculum, teaching to the test, and all of that. That's something that can be fixed. What the law conceptually needs to do, however, is to put more emphasis on good instruction with interventions.

Later in the discussion, Casserly agreed with Kress that the sanctions in NCLB are not terribly onerous. His view was that "they are stupid." Most of them involve writing a plan, replacing some staff members, reorganizing the school, bringing in a team, hiring outside advisors, or transferring students. "None of this stuff has anything to do with actually raising student achievement," he argued. "I just defy anybody to actually find any research that would suggest that those are successful strategies."

Sanders said that his data reveal two troubling outcomes that are tied to NCLB's emphasis on penalties. One he called "teaching to the bubble kids." In schools with the greatest likelihood of failing to meet AYP targets, the understandable strategy is to identify the students closest to meeting higher proficiency levels and intensify their instruction, while neglecting the children who are truly far behind, "so that you're actually putting more children at risk of not being proficient in the future." A second problem Sanders has uncovered in his data is that higher-performing students, including minority and low-income students, are regressing toward the mean because all of the attention and resources have been directed toward getting low-performing students up to standard.

While NCLB mentions parents hundreds of times and guarantees them greater involvement in decisions about their children, the law has not delivered on its promises, Wendy Puriefoy of the Public Education Network contended. This has led to frustration in many communities. "You can't tell people that you're going to change their lives and change the outcomes of their children's lives in school," she said, "without telling them what and how and consistently engaging them." Low-income parents like having higher goals for their children, according to Puriefoy, but the accountability provisions of the law have been poorly communicated, and

families have no understanding of how to get better results or how to obtain the resources needed, mostly from the state level.

Just as Puriefoy doubts that the school systems have the necessary infrastructure to deliver on the goals of NCLB, William & Mary's Virginia McLaughlin finds the law's promises of a "highly qualified teacher" in every core-subject classroom highly questionable. In the first place, she said, the law fails to address the issue of teacher competency, which is different from certification. Another issue is the unequal distribution of well-prepared teachers, a problem that undermines the capacity of schools serving minority and low-income children to meet the law's goals. This is not a problem that can be solved simply with more money — although that might help to attract more good teachers, such as those certified by the National Board for Professional Teaching Standards, to these schools. Rather, McLaughlin said, teachers want to work with strong principals, high-quality professional colleagues, adequate resources, and support from parents and community members.

Interestingly, the panelists did not address inadequate funding for NCLB, although that was a major concern in the small-group discussions that followed and has been a frequent complaint of national education groups. The panelists did discuss the issue of supporting students with broader resources locally, such as health, housing, and employment services. Of course, these services need their own set of reforms, mainly better coordination among them. While Casserly noted that his urban districts willingly accepted responsibility for improving what schools can do to raise student achievement and Sanders downplayed socioeconomic factors in student progress, McLaughlin called for equal responsibility: "I'm not suggesting any dilution of that expectation [of raising student achievement]. I'm just saying that if education is being held to no excuses, then let's get the health care system in place. Let's get the other strategies in place to deal with the major underlying issue, which is poverty."

## HOW TO MAKE CHANGES

Kress, whose views of NCLB were the most positive among the panelists, mostly wanted to see its accountability provisions applied more forcefully to secondary schools. Maine Commissioner Gendron agreed that more effort should be expended on improving secondary schools but disagreed on adopting the NCLB model. The standard she proposed was adequate preparation for college

or the workplace, and test-based accountability may not be sufficient for such purposes.

What fire there was in the panel discussion flick-

The fact that schools that have shown great improvement have failed to meet AYP goals while other schools that have slipped in performance have stayed off the

“When you talk about setting accountability standards, quite candidly you’re not talking about education standards. You’re talking about political decisions. As a statistician, if you tell me what percentage of kids you want to fail, I can tell you exactly where to put the cut scores.”

— Bill Sanders



ered brightest on the issue of national standards. This issue was “the elephant in the room,” as Merrow described it. Puriefey said that the students headed for highly competitive colleges had already met high national standards:

We already have national standards. Look at all the kids who are going to the . . . Ivy League schools [and] . . . the high schools that they’re coming from and the graduation rate for those students and what they learn. It’s pretty consistent across the country. Those kids that end up in those elite situations are already participating in a set of national standards.

Cassery argued that other students still needed national standards. But Kress said the notion of adopting a set of national standards was politically unfeasible, at least in the near future.

However the NCLB reauthorization deals with the matter of national standards, no one wanted the federal government to impose them. On the other hand, there was general agreement that the current structure, which allows each state to set its own standards, is nonsensical for a country that wants to remain competitive in the global economy. That’s not how we build our interstate highway system or run our banking system. One answer may be bubbling up from the America Diploma Project, in which 13 states are reaching agreement on common assessments of core subjects. “That’s going to drive expectations,” said Gendron. The sentiment among members of the audience was for standards to include those subjects now neglected because of NCLB’s narrow focus, especially science, the social sciences, and the arts.

list of schools needing improvement is a vexing paradox. However, Kress believes it can be easily fixed in the reauthorization.

## Two Ideas on Standards

- Sandy Kress suggested that, instead of opting for national standards, the NCLB reauthorization should provide for a small study that would offer incentives to states to develop standards that reflect the knowledge and skills required for entry into college or the workplace. Higher education and the business sector would need to be partners in such an initiative. Furthermore, the secretary of education would not approve standards; rather, the secretary would simply verify that there was an alignment between the standards and the expectations of colleges and the work force.

- If Bill Sanders could be education czar for a day, he would expect all children to go up the same academic ramp but would acknowledge that, at any given time, they would not all be at the same place. Adults should be held responsible for the speed at which children go up the ramp. For a low-achieving student, the standard would be to get him or her on the ramp and ready to move to meet the next proficiency level. For higher-achieving students, the goal would be postsecondary attainment, with standards set at all the steps along the way. The standards would be tailored to each student individually and would extend up to the top of the ramp. — ACL

The panelists generally agreed that it would be better to redesign the idea of adequate yearly progress so that it would consider growth in student achievement rather than expecting schools to meet fixed levels of proficiency. Sanders, who is regarded as the “father” of the growth model, noted that not all growth models are of equal quality. Some are just simplistic, he said. Preferring to call them “projection models,” he suggested that a provision of the reauthorization might offer incentives for schools to encourage the academic growth of all students — not just those in danger of being left behind, but also those who are already at the proficient level, “because you want to get them on trajectories

that move them up the ramp as fast as possible.”

Moderators always get the last words. For Mellow, the opportunity came at a debriefing session for the Summit, which was held the following day. There, he summarized the panel discussion and wondered why the panelists had shown so little anger about the unintended consequences of NCLB. Based on what he has seen in schools serving poor children, he finds that NCLB “is training kids for jobs that won’t exist and is drilling the joy out of learning. [Secretary of Education] Spellings likens it to Ivory Soap, but to me it’s more like a candy bar — M&M’s — as in more and more children left behind.”

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## How to Be Heard on the Reauthorization of NCLB

Each small group that discussed the panel’s debate took up the matter of how individuals and PDK itself can advocate for revising NCLB so that it avoids bad consequences and serves broad purposes for public education. The groups agreed that it is at the local level that the input of individuals and of such organizations as PDK chapters is most needed and potentially most effective. Among the priorities cited:

- ◆ Be well informed.
- ◆ Make sure all constituencies, including parents and community leaders, are informed regularly of the impact of the law.
- ◆ Convene local meetings, workshops, and community discussion groups to focus on the changes needed, and include legislators in these conversations.
- ◆ Use associations such as PDK for advocacy by relying on them for accurate, pertinent information and by enlisting their aid in creating local forums on the reauthorization.
- ◆ Gather data on the local impact of the law to share at the forums and with the media.
- ◆ Make speeches, write letters, and generate interest in discussions of the law on college and university campuses.

At a session on advocacy and policy strategies to benefit children, John Wilson, executive director of the National Education Association, advised PDK on seven habits of advocacy that can maximize effectiveness.

- ◆ Have a good message. NEA embeds one message in every speech by its officials — “Great Public Schools: A Basic Right for Every Child.”
- ◆ Be a good messenger: remember that, because you are an educator, people are listening to you.
- ◆ Know your policy makers: know both their background and the issues that trigger their interest.
- ◆ Be an asset: educate policy makers and bring others to the table.
- ◆ Be low maintenance: know when to bother legislative staff at state and federal levels and when not to.
- ◆ Volunteer in political campaigns: that way, you can get the politicians you want.
- ◆ Put your money where your mouth is: contributions are the mother’s milk of politics.

This is the American way, Wilson said. “This is how we are going to get revisions of NCLB. You would be surprised at what we can do collectively.”

— ACL

File Name and Bibliographic Information

**k0701le1.pdf**

**Anne C. Lewis, How Well Has NCLB Worked? How Do We Get the Revisions We Want?, Phi Delta Kappan, Vol. 88, No. 05, January 2007, pp. 353-358.**

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For further information, contact:

Phi Delta Kappa International, Inc.  
408 N. Union St.  
P.O. Box 789  
Bloomington, Indiana 47402-0789  
812/339-1156 Phone  
800/766-1156 Tollfree  
812/339-0018 Fax

<http://www.pdkintl.org>