The NEA Supports Substantial Overhaul, Not Repeal, of NCLB

The NEA agrees that NCLB is flawed but believes it can be salvaged. Mr. Packer outlines the positive changes that would retain the law’s original good intentions but correct the strategies that have proved to be unworkable.

BY JOEL PACKER

T HE National Education Association (NEA) has been asked whether we endorse the petition (see page 273) being circulated by the Educator Roundtable that calls on members of the U.S. Congress to vote against reauthorization of the No Child Left Behind (NCLB) Act.

The short answer? Absolutely not.

While the initiators of the petition are well meaning and share many of the same concerns the NEA has about NCLB, the petition does not represent our views. For example, it calls for the dismantling of NCLB and does not propose any positive changes or alternatives, such as those articulated in our own document, ESEA: It’s Time for a Change: NEA’s Positive Agenda for the ESEA Reauthorization.

The NEA agrees with many of the 16 reasons articulated in the petition that argue why the law cannot be salvaged. However, the association disagrees with the petition’s conclusion — that NCLB should be repealed. Instead, we believe that several substantive changes that overhaul the statute would produce a far better result.

In addition, there is no chance that Congress will repeal NCLB. Those who do not articulate a positive set of changes to the law will simply not be at the table in negotiating any improvements to it. Furthermore, NCLB is the current version of the Elementary and Secondary Education Act (ESEA), so it’s not clear what

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repealing NCLB would actually mean. Eliminating ESEA and its important programs such as Title I? Reverting back to the 1994 version of ESEA, which would eliminate key provisions added in 2002, such as strengthened rights for homeless children? Or eliminating the law’s negative features, such as adequate yearly progress (AYP) and the annual testing provisions?

Among the positive provisions mandated by NCLB is the disaggregation of student data. That requirement alone has highlighted deficiencies in educational opportunities for several groups of students. In addition, NCLB has good intentions — closing achievement gaps between various groups of students, raising overall student achievement (at least as measured on statewide tests in reading and math), and ensuring that all students have highly qualified teachers. However, the NEA has long argued that the law’s good intentions have gone seriously awry. While Secretary of Education Margaret Spellings has said that NCLB is “like Ivory Soap; it’s 99.9% pure or something . . . there’s not much needed in the way of change,” the reality is that it is not working.

Among its myriad flaws and negative outcomes are a narrowing of curricula and the projection that virtually all schools will eventually fail to meet its one-size-fits-all, all-or-nothing AYP mandate. There is also little evidence that NCLB has directly contributed to its own major goal — raising student test scores.

In addition, the law has significant flaws in how it tests and “counts” the test scores earned by both English-language learners and students with disabilities. And its regimen of consequences, sanctions, and punishments has no research base and has not been shown to help close achievement gaps. Finally, NCLB is seriously underfunded — with the cumulative shortfall between the amounts actually appropriated and the amounts authorized in the law exceeding $56 billion over six years.

The NEA is not alone in calling for fundamental changes in the law. A coalition of more than 129 national groups — including the NAACP (National Association for the Advancement of Colored People), the Children’s Defense Fund, the National PTA, the National Council of Churches, and the National Alliance of Black School Educators — has called for 14 changes to the law, noting that “the law’s emphasis needs to shift from applying sanctions for failing to raise test scores to holding states and localities accountable for making the systemic changes that improve student achievement.”

Let’s take a look at some of these flaws and failures in more depth.

Is NCLB raising test scores? The Bush Administration consistently claims that NCLB is working because NAEP reading scores for 9-year-olds have increased more in the last five years than in the previous 28. The reality is that most of that five-year period occurred before NCLB took effect and all of it occurred prior to the mandated testing for grades 3-8. Looking at the results for grade 4 in reading on the main NAEP test, we see that reading scores went up 9 points between 2000 and 2002 (before NCLB) and were unchanged between 2002 and 2005 (post-NCLB). Looking at math scores for grade 4 between 2002 and 2003, we see that the scores did indeed increase by 9 points. However, between 2003 and 2005 (post-NCLB), they rose only 3 points.

Is NCLB closing achievement gaps? The respected Civil Rights Project at Harvard University, in a June 2006 report, found that “federal accountability rules have little to no impact on racial and poverty gaps. The NCLB act ends up leaving many minority and poor students, even with additional educational support, far behind with little opportunity to meet the 2014 target.”

Is NCLB narrowing the curriculum? According to school superintendents, the answer is a resounding yes. Two reports from the Center on Education Policy, “NCLB: Narrowing the Curriculum” and From the Capital to the Classroom: Year 4 of the No Child Left Behind Act, found that since the passage of NCLB, 71% of the nation’s 15,000 school districts have reduced the hours of instructional time spent on history, music, and other subjects to make more time for reading/language arts and math. Twenty-seven percent of the districts reported reduced instructional time in social studies, 22% reported cuts in science, and 20% reported similar cuts in art and music. Other studies, including one by Harcourt Assessment, have reached similar conclusions.

Will most schools eventually fail to make AYP? Several studies by a mix of researchers, think tanks, and foundations have all reached the same conclusion — between 75% and 99% of all schools eventually will fail to make AYP. A study of AYP in Louisiana found: “Labeling a vast majority of schools as failing would render the accountability system of rewards and sanctions meaningless.” A similar study issued by a coalition of Massachusetts education groups projected a 74% failure rate, while the California Department of Education projected a 99% failure rate by 2014. Even the most vocal critics of public schools would not claim that 99% of public schools are low-performing.

Does the public think that NCLB is working? William Bushaw, executive director of PDK Interna-
He further notes that “six of 10 Americans say NCLB is either hurting or making no difference in their community’s schools. That this reality is being ignored makes it likely that NCLB, for all its bright promise, will lead to limited gains and may actually do harm to our schools.”

**What do classroom teachers and other educators think?** A major part of the problem with NCLB is that it was developed with little input from frontline educators — teachers, paraprofessionals, and local school administrators. Its numerous federal mandates (an audit by the U.S. Department of Education Inspector General found “588 . . . compliance requirements within Title I, Part A of the NCLB Act”) are a command and control mechanism that fails to recognize the diversity of our 90,000 plus public schools and nearly 50 million students. According to the U.S. Department of Education, states and schools are expected to spend $6,688,814 burden hours and $135.9 million to comply with the paperwork requirements of NCLB.

In June 2006, the NEA surveyed 1,000 of its members and found that their feelings about NCLB were in sync with those of the public. The survey showed that NEA members believe that NCLB has not improved public education because of inadequate funding, the punitive nature of the law, and its sole reliance on standardized testing to measure student learning.

If you want to hear the voices of classroom educators expressing their frustrations, anger, and sorrow at NCLB and its impact, read through their stories on the NEA’s website. There you’ll find hundreds of observations and stories from educators who have been affected by this law. The bottom line: NCLB is presenting real obstacles to achieving the original purpose of ESEA.

**STRATEGIES FOR POSITIVE CHANGE**

NEA members and leaders have spent more than two years developing a framework of positive changes to the law that would vastly improve its effect on students, educators, parents, and communities. Without exception, NEA members and leaders decided to focus on what works for children — in their schools as well as in their neighborhoods and communities.

The NEA believes all children deserve a great public school. That’s why we have proposed a set of criteria to define such a school. Great public schools should have high-quality programs and services that meet the full range of all children’s needs so that they come to school every day ready and able to learn. Students must have access to such offerings as public school pre-K and kindergarten programs; after-school enrichment and intervention programs; school breakfast and lunch programs; school-based health care and related services; counseling and mentoring programs for students and families; safe and efficient transportation; and safe and drug-free schools programs.

Furthermore, Congress should double Title I funding so that the more than three million children now denied the full range of services get the help they need. Let’s see if full funding for Title I works. In the 2005-06 school year, 62% of all school districts received less Title I money than they did in the previous year. Almost 90% had their Title I funds either cut or frozen.

NCLB promised that schools labeled “in need of improvement” and subject to “corrective action” or “restructuring” for their failure to make AYP would receive funds to put programs in place to address their supposed shortcomings. NCLB authorized $500 million per year in school improvement funds for this purpose. For the first five years of NCLB, the total amount actually appropriated to school improvement funds is exactly zero. Nada. Zilch.

Some may say that 4% comes off the top of every state’s Title I allocation for distribution to districts that have schools that have failed to make AYP. However, because of the way the law is worded (taking this 4% cannot reduce any district’s Title I allocation below the level it received in the previous year) and the fact that Title I funding was cut in fiscal year 2006 and had less than a 1% increase in the previous year, little money is available through this route. In a February 2006 report titled “A Shell Game: Federal Funds to Improve Schools,” the Center on Education Policy said:

Complying with the school improvement reservation has become a shell game. To meet the reservation without violating the hold harmless clause, states must take money away from school districts that were slated to receive increased Title I allocations because of their larger numbers of low-income children. Then states must give the reserved funds to other districts that may or may not have as much poverty. So the very districts that were supposed to get more Title I money due to greater poverty are actually receiving smaller or no increases due to the improvement reservation.

In addition to providing more resources, the federal government, instead of labeling and punishing schools, should help them build capacity to improve. The next
iteration of ESEA should focus on helping these schools build the capacity to implement research-based, instructionally sound strategies and programs to close achievement gaps. Such measures would include expanded high-quality professional development for teachers and other educators, an intensive effort to strengthen parent and community involvement in schools, and improved working conditions so that teachers are treated like professionals and empowered to work collaboratively with strong school leaders to improve student learning.

Furthermore, the NEA believes that ensuring that all teachers are fully licensed and certified is an important component of a policy with regard to teacher quality. An April 2005 study issued by several researchers at Stanford University’s School Redesign Network found that “certified teachers consistently produce significantly stronger student achievement gains than do uncertified teachers.” That’s why we have opposed the loophole in the current law that allows some charter school teachers to be deemed highly qualified even if they are not licensed or certified.

The NCLB provision regarding highly qualified teachers is flawed in several respects: it fails to distinguish between minimally and highly qualified teachers, it prescribes a rapid implementation schedule, and it expects results with limited resources. Together, these failings pose serious challenges to efforts to build a profession of teaching that is characterized by a coherent teacher development system of standards, assessments, and incentives. Thus we believe that NCLB must be amended to focus not only on teachers’ content knowledge, but also on their ability to teach content. And we believe that the best way to ensure that teachers have these skills is to require preparation and performance-based assessment before a teacher is deemed highly qualified.

Specifically, the loophole instituted by the U.S. Department of Education that allows teachers in “alternate route” programs to be considered highly qualified for up to three years before they complete their program should be repealed. Would anyone say with a straight face that an individual is a highly qualified doctor three years before he or she completes training?

Another key to success in schools is the quality of the leadership that is in place. The NEA believes that a critical step in creating a great public school for every student is ensuring that every school has a highly qualified educational leader. This is a leader who

- believes all students can learn higher-level content and, to that end, sets high expectations for teaching and learning;
- facilitates instruction by having strong curricular knowledge that enables him or her to speak to the broad scope of student learning — the overall elements of a high-quality school and the curriculum and instructional practices that make higher achievement possible;
- understands the implementation of effective organizational processes and creates a school organization in which the faculty and staff understand that every student counts and in which every student has the support of qualified, caring adults;
- has developed the management competence to analyze and use data in a manner that leads to continual school improvement, enhances classroom practices, and advances student achievement;
- understands the use of instructional technologies and effectively organizes resources to meet the goals of the school’s improvement activities;
- promotes a culture of collegiality and community and creates structures that allow teachers to provide input regarding the design and organization of the school;
- values parents as partners in their children’s education and creates structures that promote parent and educator collaboration;
- is knowledgeable about research and recognizes that the change process demands extraordinary leadership and facilitation skills; and
- understands the value and usefulness of professional development for the entire school staff, from top to bottom, and recognizes the time needed to form professional learning communities.

In addition, the NEA believes that all education support professionals (ESPs) are critical to each student’s support team and play an integral part in promoting students’ academic development, career development, and personal/social/emotional development, as well as school safety. As part of this student support team, a school needs ESPs who

- understand the importance of providing high-quality services in the education of all students;
- believe structured professional development opportunities for ESPs affect everyone’s success in an educational setting; and
- believe that every student can be successful and do what is necessary to ensure that every student gets the support he or she needs to achieve at the highest level possible.

We know that top-down programs and mandates developed by those far removed from the classroom don’t work. Programs that actively involve educators and parents in shared decision making with their school leadership and that include support from the federal government — through technical assistance and useful
educator-friendly guides to best practice — should be the focus of the next ESEA.

OVERCOMING BROADER SOCIETAL PROBLEMS

In addition to improving the many struggling public schools, we must address a broader set of issues. The NEA believes that education is a key factor in overcoming the other societal problems we face. However, it is simply absurd to pretend that schools, by themselves, can overcome all of the other challenges faced by too many children and their families: poverty, racism, crime, homelessness, lack of health care, inadequate nutrition, and more.

Perhaps it makes sense to focus on programs that provide the services and resources children need to be successful in school. Perhaps investing in high-quality early childhood education and pre-K programs will do more to close the achievement gap than additional federally mandated tests and private school voucher schemes.

As Richard Rothstein of the Economic Policy Institute points out in his August 2006 response to Chester Finn, president of the Thomas B. Fordham Foundation and the Thomas B. Fordham Institute:

If we truly believe that school improvement alone can close (or even come reasonably close to closing) the achievement gap, then, as Mayor Bloomberg suggested, we need not worry terribly much about the serious social problems facing American society. All these problems — racial discrimination, economic inequality, inequitable access to health care, dysfunctional families and neighborhoods — will take care of themselves. But if school improvement alone cannot close (or come close to closing) the achievement gap, then assertions to the contrary have the effect of undermining public and political pressure to take action to reform other social and economic institutions, making a significant narrowing of the achievement gap less likely. In this sense, the rhetoric of school reform is counter-productive and dangerous.17

CONCLUSION

During congressional consideration of NCLB in 2001, the NEA said that reform without resources would fail to produce results. Mandates without money are the same. However, bad reforms without money are the worst combination of all!

Our nation’s educators will not be duped again. We will not be satisfied with the reauthorization process unless it improves the fundamentally flawed policies of AYP, adds to the incomplete policies by providing such proven programs as class-size reduction, and provides a substantial increase in resources. Our schools and students need an accountability system that combines commonsense flexibility with shared responsibility and also provides the resources to actually help schools close the achievement gap. Otherwise, NCLB will remain an unfunded, unfair, and unattainable mandate that largely labels and punishes schools and denies all children their basic right to a great public school.
