

The AGENDA

Fixing No Child Left Behind

By Richard D. Kahlenberg

Introduction

The No Child Left Behind Act (NCLB) was passed in 2001 with broad bipartisan support, but in the years since its enactment it has come under sharp attack from many quarters. The controversial legislation, which requires states receiving federal funding to test students in reading and math in grades 3 through 8 and to hold schools accountable for making adequate yearly progress in raising student achievement, is now widely acknowledged to need a major overhaul when it is reauthorized.

The sound idea of standards-based education reform—that states should establish clear content standards that define what students should know and be able to do at each grade level; that students should take rigorous and sophisticated tests to see whether they have mastered the material; and that students, teachers, and school administrators should be held accountable for results—is now threatened by major flaws in the way that NCLB embodies such reform. NCLB is being criticized not only by those on the far left and far right who never liked standards-based reform in the first place, but also by moderates who find several elements of NCLB untenable. In particular, critics rightly object to three central features of the act: the underfunding of NCLB; the flawed implementation of the standards, testing, and accountability provisions; and major difficulties with the provisions that are designed to allow students to transfer out of failing public schools.

This issue brief proceeds in five parts. Part I lays out the original ideas behind standards-based reform as outlined by proponents in the 1980s and 1990s. Part II examines the flawed funding mechanism of NCLB, which broke the broad bargain envisioned by early reformers: more generous funding in return for higher standards and greater accountability. In order to uphold the bargain set out, the brief suggests NCLB funding should be substantially increased to reduce the shortfall between authorization and appropriation and, ideally, to fund the ambitious goal of moving many more children to high levels of academic proficiency.

Part III outlines the flawed system of standards, testing, and accountability contained in NCLB, including the unrealistic requirement of 100 percent student proficiency, the varying state-by-state

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standards, and the way in which teachers, but not students, are held accountable. In order to fix these problems, clear content standards should be set, ideally by a national entity, to guide testing and accountability. Rather than setting an arbitrary single performance standard for all students, measures should be set to move all students to greater heights of learning. And students should be held accountable as well as adults.

Part IV discusses the broken promise of the student-transfers provision: because transfers normally are limited to schools within a district, many students in failing districts are given no real option of choosing a better public school. This limitation undermines the potential of NCLB to reduce concentrations of poverty, a promising strategy for increasing student achievement. To remedy this, genuine opportunity should be provided for low-income students in failing schools to transfer to better-performing public schools. Lines between urban and suburban districts should be made more malleable, allowing low-income urban students to attend good suburban schools and drawing more affluent suburban students into urban magnet schools. To make this happen, middle-class schools must be provided with financial incentives to educate low-income students, and the disincentives must be removed by making reasonable accommodations on NCLB's strict accountability requirements for transfer students. No one has figured out how to make high-poverty schools work well on a system-wide basis, and so NCLB's transfer provisions should be harnessed to reduce economic school segregation.

In Part V, the paper concludes with thoughts about the ways in which NCLB's flawed implementation of standards-based reform affirms the fears of reform opponents: that if NCLB is not fixed, it actually will strengthen the case for private-school vouchers and undercut the viability of public education. If overhauled, however, NCLB could recapture the early hopes for standards-based reform and promote both equity and excellence in K–12 schooling. Rather than junking the standards movement, or leaving NCLB as it is, we must go back to the origins and resurrect the early promise of the reform.

I. THE ORIGINAL IDEA OF STANDARDS-BASED REFORM

Standards-based reform, as envisioned by leading educators such as Albert Shanker, Marshall “Mike” Smith, Diane Ravitch, Lauren Resnick, and Chester Finn, as well as governors and business leaders from outside of education, would provide a sound way of promoting higher educational achievement and greater equality of educational opportunity. These educators believed that there was a big hole at the center of American education: a lack of agreement on what skills and knowledge students should master. Teachers had textbooks, but no real guidance on what to prioritize, so they were, essentially, asked to create their own curricula. Teachers ended up choosing very different topics to pursue, based on personal interests, which created confusion and incoherence.¹

There was also little outside pressure for anyone in the system to work very hard. Shanker noted that, when he was a teacher and gave an assignment or quiz, all the student hands would go up,

and they would ask, “Does it count?”² For the small number of students applying to selective colleges, doing well academically mattered a great deal, but not so for the vast majority of students going on to non-selective colleges or going straight into the workforce, where employers rarely looked at grades achieved.

In an influential paper, Smith and his coauthor Jennifer O’Day suggested an alternative to this chaos: standards-based reform. They outlined a systemic reform in which all horses—standards, curriculum, textbooks, tests, teacher training, and teacher development—pulled the cart in the same direction. States would establish clear content standards, which would direct the curriculum, teacher training, and assessments.³ Looking abroad at what successful competitors did, some, like Shanker, argued for national standards to provide even greater coherence.⁴ Those systems made life predictable for both teachers and students. Everyone knew in advance what was expected of them, and the systems turned teachers and students from adversaries into allies. “It’s like the Olympics,” Shanker said. “There’s an external standard that students need to meet, and the teacher is there to help the student make it.”⁵

Likewise, standards-based reform also envisioned consequences for students and for teachers and principals whose students failed their assessments. Other countries had systems of accountability in place, and standards-based reform advocates saw this feature as critical. The key insight was that achievement is fueled by effort, as well as innate ability, and new ways were needed to create greater efforts by both students and teachers.

Early advocates of standards-based reform recognized that they were asking schools to do what had never been done before—educate all students to high levels. In the past, under a manufacturing economy, it was acceptable to hold a small group of students to high standards and let the majority slip by. But in the new, knowledge-based economy, educators needed genuinely to educate far more students, and advocates realized that in order to reach new performance standards, more funding would be required. The essential bargain, then, was more funding for greater accountability.

A final piece of the larger standards-based reform scheme was providing a mechanism so that children stuck in failing schools had the opportunity to transfer to better-performing public schools. This provision was a part of the accountability structure, to the extent that poor-performing schools would be “punished” by losing students, with the ultimate threat of being closed down. Providing the ability to transfer was also an acknowledgment that standards-based reform was a long-term strategy and that, even as schools slowly improved, families whose children were trapped in bad schools deserved a form of immediate relief.

Although the No Child Left Behind Act was an outgrowth of the standards-based reform movement, it departs in significant ways from the movement’s early ideals. Furthermore, there are technical problems with NCLB that need fixing. As outlined below, there are significant shortfalls in funding; major flaws in the standards, testing, and accountability scheme; and serious limitations in the student transfer provisions.

Not surprisingly, most researchers have found that NCLB has failed to live up to its goal of substantially increasing academic achievement and closing the achievement gap between racial, ethnic, and income groups. While there have been some achievement gains since the beginning of the standards-based reform movement, most of those gains occurred prior to the enactment of NCLB.⁶ A widely cited June 2007 study by the Center on Education Policy found gains in state test scores under NCLB, but a July 2007 study by Bruce Fuller at the University of California at Berkeley and others found that, on the more reliable National Assessment of Educational Progress, in twelve states studied, test score gains actually slowed with the enactment of NCLB.⁷

As a result of the significant departures from the model, and the mixed academic results, NCLB is under enormous attack, and some are heralding its demise.⁸ I believe that NCLB urgently needs mending, not ending. Rather than abandoning standards-based reform, we should endeavor to improve upon NCLB. The sections that follow outline the shortcomings of NCLB, and make suggestions for fixing these problems.

II. FLAWS IN NCLB'S FUNDING

NCLB's grand bargain—greater federal funding in exchange for stricter accountability for results—has broken down in two respects. The first problem is the obvious mismatch between authorization and appropriation. The legislation authorized substantial increases in federal funding of K–12 education, but actual appropriations have fallen many billions of dollars below the authorized levels.

In FY 2002, the Congress authorized \$26.4 billion, but appropriated only \$22.2 billion, a \$4.2 billion shortfall. Over time, in general the shortfall grew progressively worse: from \$5.4 billion in FY 2003 to \$7.6 billion in FY 2004, \$9.8 billion in FY 2005, \$13.4 billion in FY 2006, \$15.8 billion in FY 2007, and \$14.8 billion in FY 2008. Between FY 2002 and FY 2008, the accumulated gap between authorization and appropriations was \$70.9 billion. Taking into account the FY 2009 Bush administration budget request, the total gap rises to \$85.7 billion.⁹

In fact, however, the shortfall goes even deeper than that in a second respect, according to a new study of how much it would cost actually to reach some of the goals of No Child Left Behind. In a forthcoming Century Foundation paper, William Duncombe and John Yinger of Syracuse University and Anna Lukemeyer of the University of Nevada at Las Vegas find that federal funding would have to multiply many times over to help districts succeed in meeting even the intermediate goals of NCLB (short of the act's ultimate goal of 100 percent student proficiency). In their paper, the authors note that there are three basic ways to raise levels of academic proficiency: increase federal funding (to reduce class size, increase teacher pay, enhance the use of technology, and so on), increase state and local education funding (to accomplish some of these same goals), and increase efficiency—get more bang for the buck (through the adoption of best education reform practices).

While some commentators have argued that “money doesn’t matter” in education, Duncombe, Yinger, and Lukemeyer’s research is based on a careful review of the difference that resources can make in raising student achievement based on past efforts. Using “cost function” analysis, the authors look at historical data on the relationship between spending and performance to estimate the amount of funding required to produce a given level of performance.

In seeking to estimate the costs of reaching the goals of NCLB, the authors note that the per-pupil cost would vary from state to state, depending upon the level of standards adopted (higher standards are more expensive to meet), the local cost of living (teacher salaries must be higher in more expensive areas), and the makeup of the student population (students from low-income backgrounds and students for whom English is not the first language are generally more expensive to educate). Duncombe, Yinger, and Lukemeyer then look at four representative states, two of which (California and New York) tilt urban and two of which (Missouri and Kansas) tilt rural. Of these states, California and Missouri had low rates of student proficiency when NCLB began in 2002 (because of high standards and general levels of student performance), and New York and Kansas had high rates of student proficiency (because of low standards and general levels of student performance).

The authors do not even estimate the extraordinary cost of trying to reach NCLB’s ultimate goal of 100 percent student proficiency, which they flatly reject as “unattainable.”¹⁰ Rather, they estimate the cost of an intermediate goal of getting 90 percent of students to proficiency. Even assuming that states increase funding by 15 percent and that districts become 15 percent more efficient at spending resources (ambitious goals), the authors conclude that federal Title I aid would have to be increased by 18 percent in Kansas, 129 percent in New York, 547 percent in California, and 1077 percent in Missouri.¹¹ Because NCLB’s stated goal is to have children reach high performance standards—of the type adopted by California and Missouri—current federal funding increases clearly fail to come anywhere near meeting the necessary investment.

Fixing the Problem

The federal government needs to meet its end of the bargain: more resources in exchange for higher standards and more accountability. The reauthorization of No Child Left Behind should reflect the real costs of trying to increase achievement significantly and close the achievement gap. These costs, as Duncombe, Yinger, and Lukemeyer note, are substantial. In addition, in years to come, appropriations should be much closer to the level authorized than has been true during the Bush Administration.

III. Flaws in NCLB’s System of Standards, Testing, and Accountability

NCLB’s three-part system of standards, testing, and accountability is deeply flawed and needs revision.

Standards

Most fundamentally, NCLB has failed to spur states to develop clear content standards, the lynchpin necessary to inform teacher development, the curriculum, assessments, and the ultimate system for accountability. Content standards, which are supposed to drive the rest of the system, are often ill-defined, so teachers have to intuit the standards from previous tests. “In many places,” Lauren Resnick of the University of Pittsburgh notes, we have seen “the virtual hijacking of standards and education by narrow tests.”¹² The existence of fifty different state standards also introduces chaos and confusion. As Shanker asked, “Should children in Alabama learn a different kind of math or science from children in New York?”¹³

NCLB not only fails to encourage states to set rich and consistent content standards, it also allows them to set wildly different performance standards for what constitutes “proficiency.” According to a 2007 study by Northwest Evaluation Associates and the Thomas B. Fordham Institute, passing scores vary from the sixth to the seventy-seventh percentile.¹⁴ Worse, by requiring 100 percent proficiency, NCLB actually provides a perverse incentive for states to lower performance standards of proficiency in order to avoid districts being sanctioned.¹⁵

Testing

As the standards are poorly constructed, so too are the tests. In part, perhaps, because of the large number of tests required (tests in math and reading for grades 3 to 8 as well as one grade in high school), states have adopted inexpensive, low-quality tests that rely on students answering multiple-choice questions by filling in bubbles. The quality of the assessment is critical because under any system in which teachers are judged based on test scores they will inevitably “teach to the test.” As Albert Shanker noted, “Teaching to the test is something positive when you have really good tests.”¹⁶ But when the tests are poor quality, teaching to the test devolves into rote memorization and mastery of test-taking techniques rather than rich learning.

The assessments not only tend to be of low quality, their timing also tends to make them fairly unhelpful in diagnosing problems of individual students. Tests generally are given at the end of the year, and results do not come back until after the students have moved on to another grade. The timing and nature of the tests robs them of their diagnostic function, as Paul Barton notes, and reduces their value to teachers and students alike.¹⁷

Accountability

The third prong of the standards-based system of reform, accountability, is equally problematic under NCLB. Weaknesses in the standards and weaknesses in the assessments naturally create fairness problems in the accountability system, but there are several other issues as well.

- NCLB requires states to set a single cut-point for proficiency and mandates that 100 percent of students meet the performance standard in math and reading by 2014. Most serious educators believe this goal to be a fantasy because it denies the reality of human variability. No society throughout history has ever achieved 100 percent proficiency in education. To suggest that all students, including those who are severely disabled, will reach a meaningful standard of proficiency is a nice political slogan, but it is absurd to punish schools, principals, and teachers—and ultimately, students and their families—for failing to reach an impossible goal. Moreover, as Lauren Resnick and her coauthors point out in a forthcoming Century Foundation paper, a single performance standard that is impossibly high for certain special education students to meet may at the same time be too low for the vast majority of students who will not be challenged sufficiently.¹⁸ The problem, therefore, is not that the performance standard is set too high or too low—it is that a single standard will be both. Finally, a single performance standard necessarily will lead to an emphasis on helping children who are on the cusp of being proficient. Teachers will “concentrate on the students who are *almost* proficient and ignore those judged to be well above the proficiency mark, and those who are so far below it that there is little chance of helping them to reach the mark in time for the test.”¹⁹
- NCLB does not separate out the effects of family and the effects of school on student achievement, thereby holding teachers in high-poverty schools responsible for factors outside their control. Research going back four decades has found that the socioeconomic status of the family is the most important predictor of student achievement, yet NCLB requires all schools to reach the same exact standard, irrespective of the number of low-income students being educated. Ironically, defenders of charter schools have underlined the importance of family influence by complaining that it is unfair to hold charter schools to the same performance standard as public schools because charter schools tend to educate more low-income students. But NCLB says that public schools with large numbers of poor students will be graded on the same scale as those in which students enjoy numerous advantages.
- NCLB holds teachers and principals accountable, but not students. NCLB contains no sanctions for students who fail to achieve proficiency on standardized tests. Some states have adopted, on their own, incentives for students to work hard (to be promoted to the next grade or to receive a graduation diploma), but NCLB itself does not contain such sanctions. Most European nations have a system of incentives and outcomes for their students, Shanker noted, recognizing that academic performance represents a combination of good teaching and hard work by students. “Imagine saying we should shut down a hospital and fire its staff,” Shanker wrote, “because not all its patients became healthy—but never demanding that the patients also look out for themselves by eating properly, exercising, and laying off cigarettes, alcohol, and drugs.”²⁰
- NCLB lacks what former Educational Testing Service researcher Paul Barton calls a “rule of reason,” lumping all those schools which barely miss making adequate yearly progress (AYP) with a single subgroup of students together with schools that fail by a wide margin with all

groups. NCLB's provision requiring that schools make AYP with all subgroups of students—disaggregated by race, income, special education status, and so on—is generally thought to be a good provision because it does not allow schools to hide the failure of various subgroups of students behind generally good average achievement scores. But the law does not distinguish between a school that fails to make adequate progress with one group and a school that is generally failing with all of its students; either way, the school publicly is branded as a failure.²¹

Unlike the original vision for standards-based reform, NCLB contains only “sticks” and no “carrots.” As Resnick points out, a reliance on sticks alone (coupled with the goal of 100 percent proficiency) can lead to a “compliance mentality” and disillusionment and cynicism among teachers.²² We may, she says, be losing some of our best teachers because of the heavy punitive sanctions applied under a system that many view as unfair.

Fixing the Problem

What is to be done? Return to the original vision of standards-based reform. Establish clear and well-defined standards, set at the national level if possible, or the state level if necessary. (As a political compromise, a small number of state consortia could adopt agreed upon standards.) Produce high-quality tests that are linked to these standards. (Federal money may be required for both to occur.) Abolish the ludicrous goal of 100 percent proficiency to a single standard, and instead, set multiple standards with the goal of moving all segments of the distribution up at least one notch. Use well-constructed, value-added models of achievement that better measure what children are learning in school, as opposed to what they have learned at home, before kindergarten, or during summers. Ideally, similar assessments should be given at the beginning and end of a school year, so that we know what actual third graders learned in third grade, not how well one year's cohort of third graders does compared to the previous year's cohort.²³ Apply accountability requirements to students, as well as teachers. Adopt a graduated scale of compliance that recognizes the different degrees of school failure. Finally, use carrots as well as sticks as incentives for students and teachers.

IV. FLAWS IN NCLB'S STUDENT TRANSFER PROVISIONS

NCLB provides that when Title I (high poverty) schools fail to make AYP for two years in a row, the school district must allow students to transfer to better-performing public schools within the district. The provision is meant to accomplish three goals: to serve as a sanction and form of accountability for low-performing schools, hopefully pressuring them to improve; to provide immediate relief for students stuck in failing schools; and (in the minds of some progressive reformers) to provide an opportunity for low-income students to escape high-poverty schools, thereby reducing concentrations of school poverty.²⁴

In practice, however, the student transfer provisions have been one of the most disappointing features of NCLB. Various studies and surveys have found that about 1 percent of students eligible to transfer actually do so.²⁵ Some argue that the minute number of transfers suggest parents simply like neighborhood schools and do not want to get out of failing schools, or that districts are not providing enough information to parents about transfer options, and there is probably some truth to both of those.²⁶ But there is another likely cause: many parents may not even apply to have their children transfer because there are so few good options within many urban school districts. Lacking the chance to send their children to demonstrably better schools in the suburbs, many urban parents may fail to see much comparative advantage to transferring from a failing segregated school to an almost-failing segregated school.²⁷ In some school districts, such as Providence, Rhode Island, there have been literally no non-failing schools to transfer into at particular grade levels.²⁸ It is not surprising, then, that the U.S. Department of Education found that, in a survey of nine urban districts, participation in Title I school choice was about 0.5 percent, even lower than the national average of 1 percent.²⁹ While NCLB encourages urban and suburban districts to set up “cooperative agreements” to allow student transfers, virtually none of the country’s suburban districts has voluntarily agreed to do this.³⁰

It is little wonder why suburban middle-class schools do not welcome low-income transfer students: all the incentives align against their doing so. As the University of Virginia’s James Ryan notes, a receiving school that takes in low-income students faces a double risk. Because low-income students, on average, score lower than middle-class children, an influx of low-income transfer students initially is likely to depress aggregate school scores, increasing the chances that the receiving school will itself fail to make AYP. The other risk stems from a laudable feature of the legislation: the requirement that schools do a good job of raising proficiency in general, but also of raising the scores of groups of students, disaggregated by race and income. Homogenous schools with few poor or minority students are exempt from this requirement, because a critical mass of students is required to make disaggregation valid statistically. But an influx of poor and/or minority students might push a school over the threshold number triggering disaggregation, thus increasing the number of targets the school has to hit to make AYP and thereby increasing the risk of failing. This proves, says Ryan, “an incentive to minimize the number of African-American or poor students in a school or district.”³¹

These disincentives to cross-district transfers are problematic not only because they undercut the accountability rationale of NCLB and fail to provide immediate relief to students trapped in failing schools, but more importantly because they undermine NCLB’s potential to break down economic segregation in our schools.

A wide body of research has found that concentrations of poverty create enormous difficulties for schools. On average, low-income fourth-grade American students given a chance to attend more-affluent schools scored almost two years ahead of low-income students stuck in high-poverty schools on the National Assessment of Educational Progress (NAEP) in math. Indeed, low-income students in middle-class schools performed better, on average, than middle-class students attending high-poverty schools.³² Likewise, data from the 2006 Program for International Student Assessment (PISA) for fifteen-year-olds in science showed a “clear advantage in attending a school whose students are, on

average, from more advantaged socio-economic backgrounds.” The report continued, “Regardless of their own socio-economic background, students attending schools in which the average socio-economic background is high tend to perform better than when they are enrolled in a school with a below-average socio-economic intake.”³³ Middle-class schools provide not only more financial resources on average, but also a more positive peer environment, better teachers, and more actively involved parents.³⁴

More than forty school districts across the country now use socioeconomic status of student families as a factor in student assignment.³⁵ In Wake County (Raleigh), North Carolina, for example, in 2000, the school board adopted a policy goal that no school should have more than 40 percent of students eligible for free and reduced price lunch or more than 25 percent performing below grade level. The program has been successful: low-income and minority students are performing better than comparable students in other large North Carolina districts, and middle-class students are excelling as well.³⁶

The Wake County socioeconomic school integration plan works well in part because the school district encompasses both the city of Raleigh and its surrounding suburbs. In much of the country, however, urban and suburban areas are cut into separate school districts, so it is imperative that creative efforts be made to provide meaningful choice extending across school district lines.

Fixing the Problem

As indicated in a forthcoming Century Foundation study by Amy Stuart Wells of Teachers College, Columbia University, and Jennifer Jellison Holme of the University of Texas at Austin, there are eight highly successful inter-district programs that consciously seek to promote increased racial and economic school integration. These programs—in Boston, St. Louis, Hartford, Milwaukee, Rochester, Indianapolis, Minneapolis, and East Palo Alto—have led to greater opportunities for the low-income and minority students who have transferred, and they have broad societal benefits.³⁷

Holme and Wells, in what appears to be the most comprehensive review of inter-district programs to date, find that after an initial adjustment period, students generally see large test score achievement gains in suburban schools. In St. Louis, transfer students not only scored higher, they also were twice as likely to go on to two-year or four-year colleges than graduates of the schools they left behind.³⁸ Over the longer term, students in these programs benefit from the widely established fact that white employers prefer African American graduates of predominantly white suburban schools over similar graduates of racially segregated inner city schools.³⁹ In all the jurisdictions reviewed, there are substantial waiting lists to participate in transfer programs. In St. Louis, for example, 3,662 black students applied for 1,163 available suburban seats in the 2007–08 school year. In Milwaukee, 2,000 students applied for transfers to suburban schools, where there were only 370 slots available in 2006–07. Meanwhile, Boston’s urban-suburban transfer program, known as Metco, has a waiting list of 12,000.⁴⁰

The authors cite several key provisions of these successful programs, which could serve as models for transfers under NCLB. The programs do not allow receiving districts to reject students for academic reasons; they provide centers for information and outreach to transferring students; they provide free transportation to students; and they provide incentives for suburban districts to participate.⁴¹

Holme and Wells note that outreach programs have been important in St. Louis, Boston, Indianapolis, Milwaukee, and Minneapolis, to help ease the transition of students from city to suburban schools.⁴² In each of the eight districts, states provide all or a very large portion of the costs of transportation, which can run more than \$2,000 a year per pupil.⁴³ And one of the key reasons for the political success of these programs is the financial incentives provided to middle-class receiving districts. According to Holme and Wells, programs in St. Louis, Milwaukee, and Indianapolis have provided receiving districts the equivalent of their average per pupil expenditure for resident students, while in Rochester, the suburban districts receive the city's per pupil funding, which is close to or greater than the amount spent per pupil in the suburbs. East Palo Alto, Minneapolis, Hartford, and Boston have less-generous programs.⁴⁴ While there was strong political resistance to many of these programs initially, over time suburban legislators have often come to support continuation of the programs, Holme and Wells report. And new suburban districts have asked to be added to programs in Boston, Minneapolis, and Rochester.⁴⁵ The authors attribute the political success of the programs not only to the financial incentives provided, but also to salutary effects that the programs themselves have on the racial attitudes of students and parents in the suburbs over time.⁴⁶

NCLB could use these inter-district programs as a model. Under the U.S. Supreme Court's June 2007 decision striking down racial integration plans in Louisville and Seattle, inter-district programs may not be able to use race as a primary factor, but it still remains perfectly legal to give priority to low-income students of all races, as NCLB currently does for intra-district public school choice. As is true of NCLB's intra-district transfer policy, free transportation should be provided to children in failing schools for inter-district travel.

Former North Carolina Senator John Edwards has proposed a promising two-way inter-district public school choice program to encourage socioeconomic school integration. He called for \$100 million in federal bonuses to middle-class schools enrolling low-income students and an additional \$100 million to expand funding of magnet schools dedicated to economic integration that draw students from suburbs to low-income areas.⁴⁷ The money could be used on a small scale to test the amount of financial incentive required to entice middle-class suburban schools to open their doors to low-income children; and the amount required to create attractive magnet schools that will draw in middle-class suburban students into urban schools. Experience suggests that, given the right program, magnet schools can attract middle-class suburban students to schools located in some of the toughest urban neighborhoods. In Hartford, for example, a Montessori magnet school, located near boarded-up buildings, has a long waiting list of white middle-class suburban children because the program offered at the end of the bus ride is excellent.⁴⁸ Nationally, an estimated 150,000 students are on waiting lists for magnet schools. Some 1.2 million students attend an estimated 2,400 magnet schools across the

country.⁴⁹ Holme and Wells also suggest that for suburban districts lacking classroom space, the federal government should provide capital funds to increase capacity for low-income transfer students.⁵⁰

In addition, NCLB should be amended to eliminate existing disincentives to accepting low-income students. Senator Joe Lieberman has proposed legislation under which receiving suburban districts would receive a one-year AYP “safe harbor” for transfer students. These students’ progress would be monitored for five years, after which time they would be merged into the accountability provisions for the school as a whole.⁵¹

V. CONCLUSION

Fixing No Child Left Behind will require addressing the three key problems outlined above: the underfunding of NCLB; the problems with the standards, testing, and accountability provisions; and the need to provide a meaningful right for students to transfer to better-performing public schools, including ones outside their own districts.

Failure to fix these problems could undermine the entire standards-based reform movement, and, indeed, our entire system of American public education. As currently structured, NCLB is in many ways a setup for privatization. By taking standards-based reform off-course—failing to provide adequate resources, failing to establish a coherent and sophisticated set of standards and assessments, and failing to provide children stuck in underperforming schools with appropriate remedies—NCLB could fuel the argument for moving toward a system of privatized education in the United States.

The decision by Congress and the Bush administration to underfund NCLB helps make it more likely that public schools will fail to meet new standards, undercutting the case for public education generally. In addition, because the accountability provisions in the law are written in a way that over-identifies failure, and because the law allows states to skip over the hard work of establishing well thought-out standards and sophisticated assessments, it sets up teachers, students, and public schools for failure. Finally, because the transfer provisions in the law do not require that urban students be allowed to transfer to suburban schools, the resulting lack of supply of good receiving schools has been used as an argument by conservatives that private school vouchers are necessary to meet the demand.⁵²

On the other hand, if standards-based reform is put back on track, it would drown out the wrong-headed calls for privatization.⁵³ As Resnick has observed, the standards movement is in its adolescence, but we should not “give up on our unruly teen.”⁵⁴ When Congress reauthorizes NCLB, it should:

- Raise the level of funding to meet the enormous task at hand: raising student proficiency and closing achievement gaps between groups. Careful research suggests this will require increasing federal funding dramatically (from modest increases for states with more affluent students and low standards to ten times current levels for high-needs states with rigorous performance standards).
- Modify the standards, accountability, and testing provisions of NCLB by requiring states (or a national body) to set clear and well defined content standards of what students should know and be able to do; produce high-quality tests; set multiple performance standards to encourage students at all levels to improve; measure what students are actually learning in school, not outside of it; provide similar assessments at the beginning and ends of the school year to better capture student gains and provide better diagnostic aid to teachers; hold students accountable as well as teachers; employ a graduated scale of compliance with performance standards; and use carrots as well as sanctions for teachers as well as students.
- Alter the transfer provisions in NCLB to encourage socioeconomic integration by providing incentives for middle-class schools in suburban areas to accept transfer of low-income students across district lines; increase magnet school funding to encourage suburban middle-class families to send their children to schools in urban settings; eliminate the disincentive of middle-class schools to accept low-income students by providing a safe harbor on accountability for such students; provide free transportation for NCLB transfers, including across school district lines; and fund information centers to educate low-income families about their rights to seek a better education for their children.

A well-constructed bill—one that fully funds the ambitious goals of NCLB; provides coherent national standards, tied to high-quality assessments, and reasonable stakes for students and teachers alike; and provides a genuine transfer option for low-income students to attend high-quality middle-class suburban schools—would not pave the way for private school vouchers. Quite the opposite, it would strengthen our public education system immeasurably.

1 Richard D. Kahlenberg, *Tough Liberal: Albert Shanker and the Battles Over Schools, Unions, Race, and Democracy* (New York: Columbia University Press, 2007), p. 320.

2 Kahlenberg, *Tough Liberal*, p. 6.

3 Jennifer O'Day and Marshall S. Smith, "Systemic Reform and Educational Opportunity" in *Designing Coherent Education Policy*, Susan Fuhman, ed. (San Francisco, Calif.: Jossey-Bass, 1993); Marshall S. Smith and Jennifer O'Day, "Systemic School Reform," in *The Politics of Curriculum and Testing*, Susan Fuhrman and Betty Malen, eds. (Bristol, Penn.: The Falmer Press, 1990).

4 Kahlenberg, *Tough Liberal*, pp. 326–27.

- 5 Ibid., p. 322.
- 6 Lauren Resnick, Mary Kay Stein, and Sarah Coon, “Going Back to Basics on Standards-Based Reform,” draft of a forthcoming paper from The Century Foundation, p. 15.
- 7 See “Answering the Question That Matters Most: Has Student Achievement Increased Since No Child Left Behind?” Center on Education Policy, June 2007; Bruce Fuller, Joseph Wright, Kathryn Gesicki, and Erin Kang, “Gauging Growth: How to Judge No Child Left Behind?” *Educational Researcher* 36, no. 5 (2007): 268–78. See also Scott J. Cech, “12-State Study Finds Falloff in Testing Gains After NCLB,” *Education Week*, August 1, 2007, p. 9.
- 8 Writing in the *American Prospect*, for example, Richard Rothstein declared: “NCLB is dead. It will not be reauthorized—not this year, not ever.” Richard Rothstein, “Leaving ‘No Child Left Behind’ Behind,” *American Prospect*, January-February 2008, p. 50.
- 9 “Funding Gap: No Child Left Behind,” National Education Association, 2008, available online at <http://www.nea.org/lac/funding/images/fundinggap.pdf>. The NEA relies on appropriations funding information from the U.S. Department of Education. See “Department of Education Budget Tables,” U.S. Department of Education, available online at <http://www.ed.gov/about/overview/budget/tables.html?src=rt>. The authorization levels are from The No Child Left Behind Act of 2001, 107th Congress, 1st session, 2001, H.R. 1, available online at <http://www.ed.gov/policy/elsec/leg/esea02/107-110.pdf>. According to the NEA, their NCLB totals differ slightly from the department’s because the NEA includes programs such as Education for Homeless Children and Youths, since this program is amended by NCLB, while the department does not. A handful of programs account for the difference.
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- 11 Duncombe, Lukemeyer, and Yinger, “Dollars without Sense,” p. 2 and Table 13.
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- 13 Kahlenberg, *Tough Liberal*, p. 326.
- 14 John Cronin, Michael Dahlin, Deborah Adkins, and G. Gage Kingsbury, “The Proficiency Illusion,” Thomas B. Fordham Institute, October 2007, available online at http://vcwww.edexcellence.net/doc/The_Proficiency_Illusion.pdf. See also Chester E. Finn Jr., “Dumbing Education Down,” *Wall Street Journal*, October 5, 2007, p. A16.
- 15 Duncombe, Lukemeyer, and Yinger, “Dollars Without Sense,” p. 43.
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- 17 Paul Barton, “Staying the Course in Education Reform,” Educational Testing Service, April 2002, p. 14. See also Paul Barton, “Unfinished Business: More Measured Approaches in Standards-Based Reform,” Educational Testing Service, December 2004, p. 4.
- 18 Resnick et al., “Going Back to Basics,” p. 27.
- 19 Ibid., p. 21. See also Barton, “Unfinished Business,” p. 3.
- 20 Kahlenberg, *Tough Liberal*, pp. 338–39.
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- 22 Resnick, “Going Back to Basics,” p. 19.
- 23 Lynn Olson, “A Better Measure of Student Growth?” *Education Week*, November 8, 2006, p. 17; and Barton, “‘Failing’ or ‘Succeeding Schools,’” p. 13.
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- 25 “State and Local Implementation of the No Child Left Behind Act: Volume I — Title I School Choice, Supplemental Educational Services and Student Achievement,” U.S. Department of Education, Office of Planning, Evaluation and Development, Policy and Program Studies Service, Washington D.C., 2007, p. xi. See also “No Child Left Behind Act: Education Needs to Provide Additional Technical Assistance and Conduct Implementation Studies for School Choice Provision,” Government Accountability Office, December 2004, p. 15; Brown, “Choosing Better Schools,” p. 6.
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- 29 “State and Local Implementation of the No Child Left Behind Act,” p. xi.
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