

Accountability for school quality in American education

It is important, first of all, to understand why standards are an issue, and why they are one of the keys to real reform in our schools. Standards come in several different forms:

Outcome standards – These describe what schools should seek to accomplish in terms of measurable skills and knowledge on the part of pupils and should be distinguished from two other sorts of standards. There are also *resource standards*, what goes into the educational process, above all (1) school funding (are school districts, states, or countries spending enough money for schools, and for the right things?) and (2) the selection and qualifications of teachers.

And there are *standards for educational practice*, standards for what schools and teachers do. Different systems differ on such dimensions as (1) the extent to which curriculum and materials are (a) prescribed in detail or (b) developed by each school, and (2) whether government impacts schools through (a) inspectors and/or (b) technical assistance and in-service training centers. Are students taught in heterogeneous or homogeneous groups? Is the school a safe and orderly and purposeful place? Are failing students held back or required to attend summer school? Do teachers share information regularly?

Sometimes these various aspects of what schools have and what they do are brought together under the concept of *delivery standards*. The phrase is used to describe everything which is made available for education, in contrast with the outcomes of that education. Democrats in the United States Congress (encouraged by the national teacher unions) sought to insist that such delivery standards be defined and then met by every state, every school system, every school, *before* students faced any consequences for doing poorly on tests or other measures. The logic is that it would be unfair to hold students accountable for performance if they had not benefitted from the same opportunity to achieve that performance. As a result, delivery standards are also sometimes called *opportunity-to-learn standards*. All of the conditions – primarily though not exclusively resources – that are necessary for at-risk students to achieve to their maximum potential, they argued, should be in place in every school before a system of national or state testing was required.

As mentioned, systems that focus on accountability through testing are primarily concerned with outcome standards. In that outcome standards represent a given set of skills or knowledge that students must know in order to succeed, they are the kinds of standards that are necessary for designing criterion-referenced standardized tests (tests that measure how students perform on a given criterion rather than in comparison to other pupils in their cohort). In some systems, outcome standards may be loosely defined goals or benchmarks that teachers should be aware of as they decide what material to present to students. In other places, outcome standards are clearly defined and easily translate into specific items on standardized tests.

Whether outcome standards are broad or specific, good or bad, they are almost always associated with standardized tests, and there are many arguments for and against this specific kind of accountability. Some claim that standardized tests are culturally biased toward certain groups of students and against others, though this argument has now been largely discredited. Tests that might have been biased thirty years ago are now painstakingly combed for any hint of cultural discrimination. Critics also claim that systems that rely upon educational standards and testing inevitably “teach to the test” and exclude content that is not tested. While this could

very well be true in some cases, if standards are appropriate, comprehensive, specific, and well-written, and the test effectively measures whether pupils have met those standards, it is difficult to see why anyone would not want to know whether pupils had learned what the school intended to teach them. As my colleague Cara Stillings Candal has written:

What does it mean to hold someone or something accountable? How does the concept of accountability apply to education? Generally speaking, systems of accountability are mechanisms by which to hold someone (or, in some cases, something) responsible for the outcome or result of an activity. In democratic societies, the populace can hold government to account for its actions through periodic elections. People can choose to keep a political figure or party in power or oust them from office if they fail to live up to campaign promises or the general expectations of the people. Likewise, many of us are held accountable in our jobs. If we don't produce, we may not receive a raise or promotion. Or, if we fail to put forth the effort to produce altogether, we may even be asked to leave our jobs.

Accountability is also an important concept in education. As societies and governments increasingly recognize that education is one of the keys to a good quality of life, parents, community members, and even government officials want to know not only how much children are learning, but also who is responsible if children fail to learn. Throughout the world education systems hold schools, teachers, and students responsible for the amount of knowledge that a student gains or the academic level that a student achieves over a period of time. While systems of accountability differ from country to country (and sometimes from state to state or region to region), in many educational systems accountability is dependent upon pre-defined ideas about what students should know to be successful in life and instruments for measuring whether or not students have attained that knowledge. In such systems accountability is often dependent upon educational standards and standardized tests.

According to Andrew Rudalevige, systems that rely upon standards and tests for accountability can be described as a "tripod." Clearly, two legs of the tripod are educational standards and testing. The third leg consists of penalties and rewards linked to student performance on standardized tests (Rudalevige in Peterson and West, 25). In some accountability systems those penalties and rewards are doled out to students, while in other places schools and teachers may be the actors that a governing entity (which, in most places is a state or national government) seeks to affect. In a student-based system of accountability, for example, a student who scores well on a test would be rewarded with a high school diploma, while a student who does not perform well would be forced to repeat a given level of schooling. A system that aims to target teachers or schools, on the other hand, might reward schools that have high average test scores with extra money and withhold certain resources from schools that do not have a high overall average. The No Child Left Behind (NCLB) act, signed into law in the United States in 2001, is an example of the latter kind of accountability. Under NCLB schools that do not make yearly progress in improving student test scores face sanctions such as the redistribution of management and teaching personnel and, in some cases, closure. Many of you will be interested to know that NCLB is in many ways based on England's Education Reform Act, which, in the 1980s implemented centralized standards and a system of standardized assessments in schools.

Whether they target student or teachers, both of these kinds of accountability are high stakes, or coercive, in that they aim to affect the behavior of those who are responsible for student learning. In this sense, High stakes accountability is different from the low-stakes

accountability that teachers and students practice in classrooms on a daily basis when teachers award students with high or low grades on their work, for example.

Why external (standardized) examinations?

External Examinations and Effort

There are many responses to this question, and most of them speak to the importance of a strong system of standards-based accountability. First, external examinations – or examinations that are created by an authority outside of the school setting, such as the state – can help to overcome what has become a very negative dynamic in some cultures, indifference toward academic *effort*. A careful and extensive study, carried out in the United States (which, at the time did not have a uniform system of external testing), concluded that “across the country, whether surrounded by suburban affluence or urban poverty, students’ commitment to school is at an all-time low” (Steinberg, 13). This obviously creates enormous problems for teachers, and tends to drain their morale. We want to devote some attention to this study, because we believe it shows why external standards—not just the grades that a teacher gives—are an important ally of teachers and that teachers should support them strongly.

Based on interviews and focus groups with thousands of students, the study found that “an extremely large proportion of students – somewhere around 40 percent – are just going through the motions...According to their own reports, between one-third and 40 percent of students say that when they are in class, they are neither trying very hard nor paying attention” (Steinberg, 67). Does that mean that teachers should engage in “edutainment,” constantly seeking to make school more interesting, more amusing? Well, some of what teachers teach students (or *should* be teaching) will not be intrinsically interesting. No teacher should *try* to be dull, but there is no question that any important subject has its dry patches which we simply have to slog our way through with the ultimate goal in view. But here’s the important point: students will make that effort only if they know that there is a reason which is personally important to them for doing so.

“Regardless of what parents and teachers *wish*,” the study points out, “intrinsic motivation plays a relatively small role in motivating student performance in adolescence and beyond...It is important that educators continue to search for ways of making learning intrinsically motivating, but...it’s equally important that students believe that success in school has extrinsic rewards as well...If students believe that . . . whether they succeed or fail in school is largely irrelevant to their future, they will invest little time or energy in the educational process (Steinberg, 74). In the interviews and focus groups, the researchers found that high school “students believe in the benefits associated with getting a diploma or a degree, but they are skeptical about the benefits associated with either learning or doing well in class...At the same time, however, they do not associate later success either with *doing well* in school (in terms of their grades or the evaluations of their teachers) or with *learning* what schools have to teach. In students’ eyes, then, what matters is only whether one graduates” (Steinberg, 75).

External Examinations and Achievement

But as we all know, life goes on far beyond graduation, and the amount of knowledge and skill that one attains in schools can greatly affect what one is able to achieve in life. One of the things that we do know about school systems with centralized standards and examinations is that students within those systems actually achieve more. In a very important study that

compared international test results on the PISA (Programme for International Student Assessment) and TIMSS (Trends in International Mathematics and Science Study), Lüdger Wößmann found that students in countries with Central Exit Examinations (CEEs), or examinations that students are required to pass before graduating, achieve markedly more than students in countries without CEEs. According to Wößmann (in Peterson and West, 317),

Student performance in math and science is substantially higher in systems with central exams than without central exams, and this is true for students from all performance quartiles and family backgrounds. Parents, administrators, schools, teachers, and students all appear to respond to the changed incentive environment created by central exams by placing additional emphasis on educational achievement. Parental involvement becomes more informed and more effective. The opportunistic behavior of schools and teachers is curbed, so that local autonomy in many decision-making areas becomes an attractive feature of a school system. And the efforts of teachers and students are better attuned with the goals of the education system as represented in the exam content.

Clearly, if external examinations have such a large impact on student achievement, they must be a form of accountability that, when properly employed, works!

Furthermore, because external examinations have proven an important factor in raising student achievement they have great implications for educational equity. Previously in this course you learned about the dramatic gap that often exists between majority and minority pupils—what if standards based accountability could work to close that gap? Indeed, Wößmann finds that it does. You can see that he points out that CEEs raise achievement for students “from all performance quartiles and family backgrounds.” In effect, this means that in countries with CEEs, the insidious achievement gap is less noticeable. Referring to students who come from disadvantaged family backgrounds, Wößmann (in Peterson and West, p. 303) tells us,

Central exams seem to dampen the effect on performance of the country of birth of students and their parents, so that immigrants seem to benefit more from central-exam systems than native-born students. Likewise, central exams decrease the effect of parental education, so that under a system of central exams, it seems to matter less from which parental background a student comes. Thus, especially in math, the disadvantage of coming from a less beneficial family background seems to be reduced by central exams, suggesting that central exam systems work toward equalizing opportunities for students from different family backgrounds.

For this reason and many more, it is ironical that many of those who express most concern about educational equity tend to be opposed to all kinds of standardized tests, which they see as discriminating against poor and minority children. To take one among numberless examples, a lawsuit was filed in October 1997 in the Federal District Court in San Antonio, Texas seeking to block the use of a test that Texas requires for earning a high school diploma. The suit was brought on behalf of seven minority students who had failed the test. The plaintiffs charged that the test was discriminatory because the rate at which black and Hispanic students passed the test was significantly below that of whites. Not because any specific aspect of the test was biased against minority students, but simply because of the *results* of the test.

Now it is true that tests literally “discriminate” between those who can demonstrate certain competencies and those who cannot – that is their primary purpose – and it is also true that poor and minority children on the average perform less well on standardized tests than do

middle-class and majority children. The reasons for this disproportionality, which affects some minority students even when social class is held constant, are poorly understood. There is good reason to be cautious in using standardized tests in ways which have serious consequences for the children who take them. On the other hand, as we have seen, tests are the most powerful means we possess to determine whether schools are succeeding or failing, and they also give unmistakable signals to the students themselves about the importance of their academic work. Thus the Texas Commissioner of Education insisted that the graduation test did not discriminate against minority students, saying "We cannot lower our expectations and our standards because of the ethnicity of a child" (Lawton, 3).

Hirsch points out that "fairness in schooling cannot be isolated from excellence in schooling. Fairness and excellence invariably go together in national systems of education because the educational principles and arrangements that elicit the best performances and highest competencies from advantaged students also elicit the best from disadvantaged students...The final irony of the anti-testing movement is that in the name of social fairness it opposes using high-stakes tests as gatekeepers, monitors, and incentives—functions that are essential to social fairness" (Hirsch, 213-14). Sociologist Christopher Jencks "parried the implicitly condescending view that tests are biased because the middle class places more value on cognitive skills than the lower class does."

While excusing students who are expected to do poorly on a test is often justified in the name of protecting their self-esteem and motivation to learn, it may in fact have the opposite effect: convincing them that there is no point in trying. Setting high expectations, of course, would make it inevitable that many students could not meet them, at least initially, and thus would be contrary to the "zero failure" principle expressed by self-esteem advocates. On a policy level, much of the opposition to national standards and standardized assessment is expressed in terms of their allegedly devastating effect upon the happiness of the world's youth. "Happy but dumb" isn't much of an ambition for our children! To the extent that educators come to see the development of self-esteem in children as a primary goal in itself, they risk neglecting their primary mission of "helping children achieve competence, perseverance, and optimism—the real contents of self-worth" through the achievement of the academic goals of schooling (Tavris).

External Examinations and the Economy

There is also solid research that standards and external examinations can benefit a nation's economy. In addition to providing students with incentives to work harder, and helping to close the achievement gap between minority and majority students, external examinations also give employers and universities important information about what students know. John Bishop points out that in many countries that rely upon external examinations, "...exam grades appear on resumes and are requested on job applications. Exam grades influence and (in some nations) completely determine whether a student can enter a university and what university or field of study a student is admitted to" (Bishop, p. 8). Arguably, when students have incentive to study harder, they learn more, and when students learn more, economies grow. Recently, economists have done important research on the ways in which high test scores on international examinations positively correlate to a productive labor force. Discussing the relatively weak performance of American students on international examinations of math and science (TIMSS) Erik Hanushek warns that test results signal something important:

Think of these assessments as early warning signals for later economic welfare. Performance on the international math and science assessments directly relates to labor force quality and has been closely related to national growth rates. Importantly, national growth rates determine economic well-being over time. To put it in perspective, if we could move U.S. achievement level up to that of the middle of the European achievement distribution, research indicates that we could expect growth rates to be one-half of one percent higher. One-half of one percent sounds like a small difference, but it is in fact a very large number. The U.S. currently has GDP per capita of \$38,000. A half-percent addition to annual growth would lift this by \$2,000 per person after just 10 years. In fact the United States has achieved its economic position by outstripping the rest of the world in growth over the 20th century (Hanushek, p. 1).

Standards and external examinations represent much more than an exercise to “catch” students or to rub their noses in their failures. Instead, standards and external examinations provide a consistent message about what students are expected to learn and why they should make the effort to learn it. Further, standards and external examinations give societies information about educational systems – they act as a check on student progress and can help to define whether or not a school and the teachers in it are *adding value* to an individual’s education. Indeed, the emphasis on a *value-added* approach to education is something that predominates in the relatively new law No Child Left Behind (NCLB), which judges the overall effectiveness of schools and teachers (and sanctions and rewards them) based on average student test scores.

The idea behind NCLB is that, to be able to say that a school is truly effective, the students attending it must either be meeting a certain standard or be making measurable progress toward that standard within a reasonable amount of time. Of course, as currently written, the law is flawed, since it fails to successfully track the value added to individual students’ educations in a year’s time. In the upcoming reauthorization of the law by Congress we are likely to see changes that mandate a different look at tests results; a look that seeks to truly determine the value that schools add to students’ education. It is increasingly apparent to observers that the federal “Education Department has learned, and Congress has quietly concurred, that growth models using robust computer systems that track student progress from year to year are far better mechanisms for gauging individual student growth and ensuring accountability for improvement” (Petri).

On the other hand, while there are powerful arguments for taking a “value added” approach to accountability – despite very considerable technical difficulties in doing so – there are also policy arguments against such an approach. Could it not lead to having lower expectations for groups of children because of their background, to settling for lower achievement from them, even of not trying to teach them the whole curriculum? Only with great care should an accountability structure be implemented which makes allowances on the basis of the social class – much less the race – of pupils. Making allowances translates very easily into low expectations, and thus into less effort on the part of teachers and students alike.

We might want to agree that a good set of standards sets performance objectives which everyone (apart from those with some preventing disability) *could* meet, if they work at it long enough and hard enough. That does not require lowering the standards, but raising the level of performance. It requires demanding a lot, and taking failure as a signal of the need to try again, and harder, not as an indication that it is unfair to expect such effort. We may not have such fair

but demanding standards yet, but American education will not improve until it has them . . . and educators stop complaining about being expected to meet them!

Traditionally, it has been the responsibility of the boards for each of more than 15,000 local school districts – accountable to parents and other voters – to ensure that the education provided was of adequate quality. Competition among school districts was more often centered upon their sports teams than on academic achievement, though the latter was also a matter of interest for prospective residents of suburban communities and thus for real estate agents.

The primary means of comparison – and thus of accountability – was the scores obtained by graduating students on the college-entrance examinations known as the SAT and the ACT, each developed and administered by a private non-profit organization rather than by government. Only New York State had its own examination at the end of secondary education, the so-called 'Regents Examination.'

Other commercially-available tests allowed school systems to assess the achievement of pupils in the lower grades. Typically these tests measure pupil achievement in relation to that of a sample of pupils nationwide, and not to fixed norms of knowledge and skill.

There is also an annual set of examinations, on a sampling basis, called the National Assessment of Educational Progress (NAEP), which is used to measure achievement in different states and school systems and changes over time. The NAEP is not designed to provide information about individual pupils.

It has only been over the last several decades that each state has developed a variety of forms of assessment of academic achievement, and in some cases examinations that must be passed in order to receive a secondary-school diploma from the local school system. These efforts have given rise to much controversy, both as to the content of the examinations and also to the very idea of high-stakes testing. Release of the results of state assessments have also increased demand for alternatives to under-performing public schools. Florida's voucher program allowed pupils who attended such schools to transfer, at public expense, to private or other public schools, and the defenders of Cleveland's voucher program point out that the local public school system satisfies only three of the state's 27 performance criteria.

Apart from academic outcomes as measures by standardized tests, most states have few means of holding local school systems accountable for the quality of instruction provided. The idea of regular school inspection on behalf of state education authorities has never taken hold in the United States, though monitoring visits may be carried out in relation to particular program requirements or in response to complaints. The closest parallel to a system of inspection is the mutual accreditation of secondary schools by regional associations, based upon site-visits every few years.

There are a variety of approaches to accountability for charter schools and voucher programs. In the Cleveland and Florida voucher programs and in the private voucher program supported by state tax deductions in Arizona, the 'market' of parental choice is the only form of outside accountability. The Milwaukee voucher program and the charter school programs in 40 states are subject to the general standards that pupils make an appropriate progress and show acceptable attendance rates. Massachusetts and California set specific standards for charter schools, including test-score outcomes, graduation and attendance rates, and provision for pupils with special needs. Charter schools in Georgia are subject to a high-stakes

accountability system (Gill, Timpane, Ross and Brewer, 41).

In general, accountability for results is of the essence of charter school programs.

First, they empower state and/or local agencies . . . to enter into school-specific performance agreements with schools eligible to receive public funds and to withdraw the charters from schools that do not operate or perform as promised. Second, charter school laws allow parents and teachers to choose whether to be part of one school community or another.

Private schools are in general subject to much less government oversight than are local public schools, though the states have the power to regulate them. The 1925 *Pierce* decision, while protecting the right to operate and to choose non-government schools, also noted

the power of the state reasonably to regulate all schools, to inspect, supervise, and examine them, their teachers and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught which is manifestly inimical to the public welfare (*Pierce v. Society of Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510).

Based on the “high responsibility for education of its citizens, [a state] may impose reasonable regulations for the control and duration of basic education” (*Wisconsin v. Yoder*, 406 U.S. 205, 213). The state's interest in an informed and self-sufficient citizenry capable of participating in a democratic society is generally cited to support the regulation of private schools.

The right to regulate is not without limitations, however. Nor may government, under the *Constitution*, seek to make nonpublic schools or social agencies its instruments in imposing particular viewpoints. While government has a general right to regulate in the public interest, there are limits, in any free society, upon how extensive this regulation may be; “the regulatory scheme [for schools] must not be so comprehensive, intrusive, and detailed as to eliminate the possibility of private schools offering a program of instruction that is distinguishable in important respects from the public school program.” As Van Geel points out, “the more the states attempt to regulate private schools the greater the likelihood they will stamp out the diversity these schools represent, and the promotion of diversity, the offering of alternative concepts and forms of education, is a central function served by private schools today” (Van Geel 1987, 23; 1976, 153).

An example of how the courts have placed limits upon state regulation of nonpublic schools is provided by an interesting case in Kentucky.

The Kentucky State Board for Elementary and Secondary Education attempted to exercise control over nonpublic schools by requiring their teachers to be [state-]certified and that textbooks used be from a state-approved list. These requirements were developed based on a legislative enactment directing private schools to teach the several branches of study that were required of the public schools. The State Supreme Court held in *Rudasill* [589 S.W. 2d 877 (Ky.179)] that these requirements were in violation of the state constitution which states “. . . nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed.” The textbook requirements would result in nonpublic schools being very similar to public schools. Parents with conscientious opposition to the

public schools would have no place to send their children to comply with the compulsory-education law (Furst and Russo, 116).

The principle of respecting the ways in which private schools differ from public schools is generally reflected in most, if not all, of the state education law codes. The various states take different approaches to regulating nonpublic schools, though none fund their core educational programs.

Massachusetts Education Reform Act of 1993

Until now, it has been the states which have taken the lead – as only they and local school authorities can do – in promoting education reform, and indeed some national political figures, including Bill Clinton in Arkansas, his former rival Republican Lamar Alexander in Tennessee, and George W. Bush in Texas became widely known as “education governors.” Clinton’s federal Secretary of Education Richard Riley gained his reputation as an education reformer as governor of South Carolina. It is characteristic of the American system of public policy that states copy successes in other states, encouraging innovation and improvement. During the 1990s and since, state after state has adopted far more systematic forms of external standards and means of assessing whether school districts are meeting those standards.

One state that has been notably successful with such reforms – it now has the top pupil achievement in the United States, at levels comparable with the highest-achieving countries internationally – is Massachusetts. On the 2007 TIMSS results, Massachusetts’ 4th graders, for example, scored 571 points on the science test, a score that was outdone only by Singapore, which scored 587. In mathematics, Massachusetts 4th graders scored 572, with only Hong Kong, Singapore, and Taiwan doing better. At the 8th grade level, only the top-performing Asian countries did better than Massachusetts in either subject.

It seems clear that policy reforms contributed significantly to these positive results. A state law enacted in 1993 included a wide range of reforms, including provisions for charter schools and for increasing the authority of the principals of regular public schools while removing their job tenure to make them more accountable for results. The three most important elements, however, were

- (1) a significant increase of state spending on education, with special emphasis on correcting inequities between wealthier and poorer communities;
- (2) creation over the next several years of a set of curriculum frameworks with high and explicit expectations for student learning; and
- (3) development of a means for assessing student performance that was in alignment with the curriculum frameworks.

Thus the new state-mandated tests (known as MCAS) were a measure of curriculum mastery, not – as with so many assessments – or generalized skills, and thus they created pressure to make instruction more content-rich and demanding.

Pupils in private schools are not required to take the MCAS, but those in charter and in regular public schools must pass it in order to graduate from high school. At first it was feared that this would lead to a large increase in the number of poor and minority pupils dropping out of school,

but in fact the great majority of pupils and their schools have risen to the challenge and the level of achievement in Massachusetts has risen substantially.

No Child Left Behind

At the national level, the federal government has sought to apply the same strategy of high and explicit expectations and systematic measurement of achievement to give an impulse to improvements at the local level, especially with respect to reducing the 'achievement gap' between identifiable groups of pupils. Unlike state government in Massachusetts, however, the federal government has no authority to require either states or local school districts (much less individual schools) to implement any changes. The strategy adopted was to attach new requirements to an existing program of federal aid to schools serving pupils from low-income families.

The No Child Left Behind Act of 2001 (Pub.L. 107-110, 115 Stat. 1425) was enacted by Congress with strong bipartisan support, though it has subsequently become widely unpopular, especially with the teacher unions which resent its accountability provisions. NCLB requires states to develop assessments (like the MCAS in Massachusetts, described above) to be given to all students in certain grades, if the states wish to continue to receive the federal funding.

NCLB does not establish national standard, which would be politically unpopular; standards are set by each individual state. There are recent developments, however, which seem to point in the direction of national curriculum standards, though this would be by consensus among the states (rather as in Germany) rather than by imposition on the part of the federal government. In June 2009 it was announced that "Forty-six states – representing 80 percent of the nation's K-12 student population – have formally agreed to join forces to create common academic standards in math and English language arts through an effort led by the National Governors Association and the Council of Chief State School Officers. . . . In each of the 46 states, both the governor and the chief education officer signed a memorandum of agreement committing to the process and development of voluntary, common standards . . . The groups plan to pursue their aggressive timeline of getting college- and career-readiness standards – those things students should know by the time they finish high school – in draft form for states and eventually the public to review in July. Grade-by-grade standards – which the organizers are also calling "learning progression standards" – are set to be done in December" (McNeil).

Along with the new requirements that NCLB attached to the receipt of the federal funds, there has been a significant increase in federal funding for the schools, from \$42.2 billion in 2001 to \$54.4 billion in 2007.

Here are some key provisions of this legislation:

Annual testing. By the 2005-06 school year, states were required to begin testing students in grades 3-8 annually in reading and mathematics. Science tests were phased in beginning in 2006-07. The tests must be aligned with academic standards designed by states. A sample of 4th and 8th graders in each state must also participate in the National Assessment of Educational Progress testing program in reading and math every other year to provide a point of comparison for state test results.

Academic progress. States are expected to bring all students up to the "proficient" level on

state tests within 12 years (i.e., by the 2013-14 school year). Individual schools must meet state “adequate yearly progress” targets toward this goal (based on a formula spelled out in the law) for both their student populations as a whole and for certain demographic subgroups. If a school receiving federal NCLB funding fails to meet the target two years in a row, its students must be offered the choice to go to a higher performing school in their district. Students in schools that fail to make adequate progress three years in a row must be offered supplemental services, including private tutoring (as this book is being updated, a pilot program is underway in some districts that reverses the order of these two sanctions). For continued failures, a school would be subject to outside corrective measures, including possible governance changes (meaning that school staff could be reorganized, and/or a school may opt to convert to charter school status).

Report cards. Starting with the 2002-03 school year, states were required to furnish annual report cards showing a range of information, including student-achievement data broken down by subgroup and information on the performance of school districts. Districts must provide similar report cards showing school-by-school data.

Teacher qualifications. By the end of the 2005-06 school year, every teacher in core content areas working in a public school was required to be “highly qualified” in each subject he or she teaches. Under the law, “highly qualified” generally means that a teacher is certified and demonstrably proficient in his or her subject matter. Unfortunately, most districts have already been deemed out of compliance with this highly controversial provision.

Funding changes. Through an alteration in the Title I funding formula, the No Child Left Behind Act—along with the accompanying education spending bill for 2002—has better targeted resources to school districts with high concentrations of poor children. The law also gives states and districts greater flexibility in how they spend a portion of their federal allotments.

No Child Left Behind has been bitterly resisted by the teacher unions and other elements of the public education establishment except, significantly, by school superintendents in the larger cities, who see it as a valuable ally in their efforts to focus more effectively on achievement.

It is very tempting for Congress and for the federal Administration to satisfy particular interest groups or to make a gesture toward meeting particular needs by making special funding available. Unfortunately, this sometimes fragments the efforts of schools to educate coherently. School systems constantly chase federal dollars for purposes that were often marginal to their fundamental educational mission. Teachers complain that students are constantly coming and going to take part in various programs, and that this made it difficult to provide an orderly sequence of instruction and to ensure that every student was having the opportunity to master all aspects of the curriculum.

As we have seen, the federal government has, in recent decades, acquired three significant roles with respect to education which were not anticipated in the *Constitution*. One is through the enforcement of a number of mandates, including civil rights laws and special education requirements. A second federal role involves gathering and publishing data of all kinds, data which often helps to guide policy decisions in the states, and commissioning studies which help to improve educational practice. A third federal role is in providing targeted funding to

encourage states and school districts to address particular needs more effectively.

The first two federal roles are now widely accepted. The federal government should always stand ready to intervene in the schools of any state which is failing to protect the rights of vulnerable students, whether they have special educational needs or are being discriminated against on the basis of race or other characteristics that should not affect how students are treated. The federal government should continue to commission large-scale research (though it must become more competent in doing so) and should collect and publish data enabling states and school systems to see how they are doing in comparison with others, and to consider adopting promising new practices.

It is the third role which has been and will continue to be much debated until No Child Left Behind is reauthorized, which should have occurred in 2007 but has been postponed repeatedly. It is clear that the federal government should not attempt to function as a super school board, deciding how school districts and individual schools should go about educating their students. Reborja wrote in 2006 that

Given its scope and detail, the No Child Left Behind Act has been the source of considerable controversy and debate in the education community. Much criticism has centered on the law's high-profile testing requirements, which many feel are overly broad and restrictive. Supporters say the law's outcomes-based approach is just what is needed to spur improvement in schools.

As the provisions in the law go into effect, meanwhile, education officials and advocates have grown increasingly concerned about the details – and challenges – of implementation. One theme of policy discussions has been apprehension about the heavy technical demands placed on states. A January 2003 report from the Center for Education Policy [aligned with the Democrats in Congress], for example, cited concern among state leaders about the “prescriptive nature of the requirements” under the law, suggesting that the states need greater flexibility to absorb the changes into their own systems. Echoing other observers, the CEP report also questioned whether funding for the law is commensurate with its magnitude, particularly at a time when many states are in fiscal crisis.

The Bush administration defended its approach, maintaining that funding for the No Child Left Behind Act was a priority and that the Department of Education's emphasis was on setting clear goals and holding states accountable for meeting them.

The Education Commission of the States has argued that implementation of NCLB should take into account the differences among the states and that the federal government has no business imposing a single model of educational accountability. It is clear that there are tremendous disparities among the states in the educational standards they have set and in the seriousness with which they have approached the improvement of the quality of their schools. The recent commitment by governors and education leaders from a majority of the states to develop common standards through discussion and consensus could be a tremendous step forward, and would avoid the political difficulties of standards developed and somehow (though that would be legally questionable) by the federal government.

While there is much that is admirable about this national effort at school reform and accountability, it has also generated masses of new paperwork and diverted energy from the day-to-day hard work of making schools effective. Even before this new and complex

legislation, a congressional committee found in 1998, "federal regulations accounted for more than half the paperwork load in Ohio schools, while only six percent of their funding comes from the federal level." In general, the closer decisions are made to those they will benefit, the better, and the constitutional authority for education continues to rest with the states. On the other hand, in such a highly mobile society, with an economy which is increasingly integrated, it seems inevitable that the national government will seek to orchestrate state efforts to produce a more effective educational system.

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NOTE: since Dr. Cara Stillings Candal has worked with me on these issues for a number of years, it is difficult to tell where her contribution leaves off and mine begins.

Charles L. Glenn, August 2009