

Setting the Record Straight

*Responses to Misconceptions About
Public Education in the U.S.*

Second Edition

Gerald W. Bracey

HEINEMANN ■ Portsmouth, NH

Heinemann

A division of Reed Elsevier Inc.
361 Hanover Street
Portsmouth, NH 03801-3912
www.heinemann.com

Offices and agents throughout the world

© 2004 by Gerald W. Bracey

All rights reserved. No part of this book may be reproduced in any form or by any electronic or mechanical means, including information storage and retrieval systems, without permission in writing from the publisher, except by a reviewer, who may quote brief passages in a review.

The first edition of this book was published in 1997 by the Association for Supervision and Curriculum Development.

The author and publisher wish to thank those who have generously given permission to reprint borrowed material:

Figure 10-1: "Iowa Tests of Basic Skills National Norming Data Trends, 1955-2000." Reprinted by permission of Iowa Testing Programs, University of Iowa.

Figure 15-2: "Unequal School Funding in the United States." Reprinted by permission of Bruce Biddle and David Berliner.

Library of Congress Cataloging-in-Publication Data

Bracey, Gerald W. (Gerald Watkins)

Setting the record straight : responses to misconceptions about public education in the U.S. / Gerald W. Bracey. — 2nd ed.

p. cm.

Includes bibliographical references.

ISBN 0-325-00594-X (alk. paper)

1. Public schools—United States. 2. Academic achievement—United States.
3. Education—United States—Finance. I. Title.

LA217.2.B73 2004
371.01'0973—dc22

2004010979

Editor: Lois Bridges
Production: Vicki Kasabian
Cover design: Jenny Jensen Greenleaf
Typesetter: Tom Allen, Pear Graphic Design
Manufacturing: Steve Bernier

Printed in the United States of America on acid-free paper
08 07 06 05 04 VP 1 2 3 4 5

*For Iris and Teddie, of course,
and Raki, the dog (not the liquor for which he is named),
whose long walks in the marina park allowed me
to think about the data in surroundings
other than the computer-staled air of my office.*

 **ontents**

<i>Acknowledgments</i>	ix
<i>Why People Need This Book</i>	xi
<i>Note About This Edition</i>	xvii
<i>Introduction</i>	I
1 More Years in School = Dumber Kids?	15
2 Lousy Schools = Lousy Workforce?	35
3 Poverty: Grinding Down Achievement	43
4 “Plummeting” SAT Scores	53
5 The Shrinking SAT Elite	60
6 No Child Left Behind: The Perfect Law—as in <i>The Perfect Storm</i>	67
7 Handing Over Schools to Business	85
8 Charter Schools Go Off Course	99
9 Vouchers: A Good Way to Destroy Public Schools	123
10 “Dumb” Teachers	142
11 Rising Costs, Flat Scores	147
12 International Comparisons	161
13 Knowledge Nostalgia: The Dumbing of America?	169
14 Hey, Big Spender	175
15 Throwing Money at the Schools	181

16	Public Versus Private Schools	191
17	Hanging In or Dropping Out?	203
	<i>Afterword</i>	209

Acknowledgments

Thanks to various members of the Education Policy Studies Laboratory at Arizona State University for counsel and encouragement and data. And thanks also to Heinemann editor Lois Bridges, whose unflagging enthusiasm helped me keep going.

Why People Need This Book

People in education need this book because of the War Against America's Public Schools, to borrow from the title of another book I authored. Various groups have various motives for engaging public schools in combat. Conservatives and free-market theorists push the privatization of public schools. Some people genuinely believe that vouchers children could use at any school, not just the one in their neighborhood, would induce competition among schools and this in turn would improve the system overall. Good schools would thrive, poor schools would close. The reality is more complicated and there is no evidence to date that events would play out as market theorists hope.

Some from the Christian Right would like a privatized system in which they could teach religion without crashing against the First Amendment wall separating church and state. Catholic educators, whose schools have been hemorrhaging students—Catholic schools contained 12 percent of all students forty years ago, 4 percent today—would no doubt favor such a system as well. They had maintained a discrete silence on the matter, but since the Supreme Court declared the Cleveland program constitutional, they have openly lobbied for vouchers (67 percent of the students using vouchers in Cleveland attend Catholic schools; 96 percent attend some church-affiliated school).

Liberals and some professors at research universities abet the war. Liberals usually support public schools and want more resources for them. To obtain these resources, they emphasize the problems, not the accomplishments, of schools. Indeed, I was once disinvented to speak at a state conference because the legislature was considering additional monies and educators worried that if I showed that schools were doing better than people thought, the legislature might vote no. Bill Clinton used to say

often that only 40 percent of our third graders could read independently. The basis for this claim is questionable, but he could have said instead that among students from twenty-seven nations, American third graders finished second in a study of reading skills. Instead, he focused on the negative.

The psychology of things-are-dire-so-we-need-more-money-for-the-schools also afflicts educational researchers. Many university appointments depend on soft money—money from grants. Professors increase their chances of liberating money from foundations and the federal and state governments by pointing to problems that need solving.

There are also those who would destroy public schools with a threefold political agenda: First, putting schools in private hands would benefit corporate America. Second, ending public education would shrink the public sector, a goal of some on the Right. Third, two organizations that contribute money and many votes for Democrats—the teachers unions—would also lose power and perhaps even fold. Vouchers and privatization, to some, are means to increase the power and control of the Republican party.

Finally, some people look at the \$800,000,000,000 a year (yes, that's eight hundred billion) that the United States spends on all types of education and want some of the pot. Elementary and secondary education, which account for about \$400 billion, constitute the last large existing markets mostly untapped by for-profits. Entrepreneurs have already privatized hospitals and jails. Of course, the state of our health and penal systems might give some people pause before inflicting the same “solution” on schools (in a 2003 Gallup confidence poll, people ranked HMOs as the least trusted of all institutions).

To date, efforts to operate public schools for a profit have largely failed.

To date, efforts to operate public schools for a profit have largely failed. The first firm to actively pursue money in schools, Tesseract (née, Educational Alternatives), went bankrupt in 2000, and at the time of writing, the largest such existing firm, Edison Schools, had lost money in all but one quarter in its twelve-year history. It went public in 1999 but was taken private again in 2003. Of the other firms that manage public schools, only two turn a profit (neither is a publicly held company). One, National Heritage Academies of Michigan, caters to a niche market and pays teachers

poorly. The other, White Hat Management in Ohio, also pays teachers poorly but seems to survive largely because its CEO has political clout rather than because its schools offer educational benefits.

People in schools need to arm themselves with the data in this book.

People not affiliated with the schools—parents, grandparents, concerned citizens—need to know what the data actually say about the health of the school system. This they certainly will not find in the national media. The old journalism saw “If it bleeds, it leads” applies double to stories about schools, even leading to the publication of erroneous data on occasion. Although most people do not have school-age children, schools affect everyone, not just parents. It is today’s eighteen-year-olds whose contributions to Social Security will support today’s fifty-year-olds. Or not. Children are the future.

The old journalism saw “If it bleeds, it leads” applies double to stories about schools, even leading to the publication of erroneous data on occasion.

The Media’s Role in the War on Public Schools

“Japanese Students Second, American Students Next to Last”

If American and Japanese students took a test and American kids scored higher, this is the headline I would predict. It is factually correct. With only two countries in the race, the first-place American kids would also rank next to last.

Sometimes I think all reporters must have had terrible experiences in school and are working through their early traumas in print or just using their jobs for payback. Media tend to accentuate the negative generally, but they overdo it for schools. When the National Assessment of Educational Progress (NAEP) geography results appeared, *Washington Post* reporter Michael Fletcher called them, for no good reason, “dismal.” When I complained to another *Post* reporter about that word, the other reporter said that modern journalism practice requires writers to call attention to articles by jazzing them up.

The media ignore good news and splash bad news across the

front page. In February 1992, an international study in mathematics and science found American students ranked mostly, but not entirely, low, although scores were average. The media gave the report a lot of attention. “An ‘F’ in World Competition” was the headline over the *Newsweek* story. In July 1992, an international study on reading found American students second in the world among twenty-seven nations. No coverage except for the Binghamton (New York) *Press and Sun-Bulletin*; the person who directed the U.S. portion of the study teaches at State University of New York at Binghamton and no doubt had called the newspaper.

The media have had help, of course. Under Ronald Reagan and Bush I and II, the U.S. Department of Education pushed vouchers and tuition tax credits. As one strategy for that agenda, it hyped bad news and ignored—or suppressed—good news.

More difficult to understand was the differential treatment the press gave the results of NAEP geography and history assessments in 1995. U.S. Department of Education officials Laurence Ogle and Patricia Dabbs attended press conferences on the release of both sets of data. They reported that the “mood of almost all speakers was clearly upbeat” at the geography press release.¹ The reporting in the press, however, was lackluster and negative at best. Few news agencies picked up the story. Maybe that’s a good thing: those that did blew it. Even *Education Week*, which bills itself as “American Education’s Newspaper of Record,” got the record wrong and confabulated bad news. It headlined the story as “Students Fall Short in NAEP Geography Test.”²

The *Washington Post* labeled the results of the history assessment “dismal” (*dismal* is a favorite term among education reporters), while *Harper’s* editor Lewis Lapham declared them a “coroner’s report.” The contrast between the geography and the history coverage startled Ogle and Dabbs. When they got back to their offices after the history press conference, “[they] found [their] voice-mail jam-packed with media accounts for additional information” (this was prior to heavy use of e-mail). Coverage was widespread. “Even television’s late night comedy king, Jay Leno, spoke about (and ridiculed) the results. Clearly, the coverage of the negative news (about history) eclipsed the relatively good news about geography.”

And then there’s PIRLS—Progress in International Reading Literacy Study—released in April 2003 and covered by virtually no

one. Only four papers had bylined stories and about fifteen carried an AP wire story.³ American students finished ninth overall among thirty-five nations and only three nations had significantly higher scores. PIRLS is discussed in more detail on pages 165–168.

As disturbing as the emphasis on the negative is the lack of analytic, critical reporting. Journalists, after all, are *supposed* to be skeptical. Too often, they aren't. The late Richard Harwood, ombudsman for the *Washington Post*, wrote that “between 70 and 90 percent of our [journalists’] content is at heart the voice of officials and their experts, translated by reporters into supposedly ‘objective’ news.”⁴ No wonder, then, that when Joseph Reaves of Arizona State University analyzed editorial coverage of George W. Bush’s No Child Left Behind legislation—which I have characterized as a weapon of mass destruction—he titled his report *Falling in Line*.⁵

Getting the Word Out to Parents

A 1994 survey by the American Association of School Administrators found that Americans get most of their news about the nation’s schools from television and newspapers. They get most of their information about local schools from local sources. Little wonder, then, that Americans simultaneously think that the local schools are OK and that the nation’s schools stink. If school folk want Americans to know that the nation’s schools are not in such dire straits, they should start putting the national and international statistics in this book in the newsletters schools send home. Given the media’s focus on the negative, that’s the only way people will find out what is the true condition of American education.

Two Excellent Additional Resources

Kaplan, George R. 1992. *Images of Education: The Mass Media’s Version of America’s Schools*. Washington, DC: Institute for Educational Leadership.

Maeroff, Gene I., ed. 1998. *Imaging Education: The Media and Schools in America*. New York: Teachers College Press. (See especially David C. Berliner and Bruce J. Biddle's "The Lamentable Alliance Between the Media and School Critics," 26–45.)

Notes

1. Ogle, Laurence, and Patricia Dabbs. 1996. "Good News, Bad News: Does Media Coverage of Schools Promote Scattershot Remedies?" *Education Week* (13 March): 46.
2. Lawton, Millicent. 1995. "Students Fall Short in NAEP Geography Test." *Education Week* (25 October).
3. Ogle, Laurence, and Patricia Dabbs. 1996. "Good News, Bad News: Does Media Coverage of Schools Promote Scattershot Remedies?" *Education Week* (13 March): 46.
4. Harwood, Richard. 1994. "Reporting On, By, and For an Elite." *Washington Post*, 28 May, A21.
5. Reaves, Joseph. 2002. *Falling in Line: An Examination of Editorials Appearing in Four Leading U.S. Newspapers from the Inauguration of George W. Bush to September 2001*. Tempe, AZ: Arizona State University, Educational Policy Research Unit, April. Available at www.asu.edu/educ/eps1.

ote About This Edition

I wrote the first edition of this book in 1996 and the Association for Supervision and Curriculum Development (ASCD) published it in early 1997. This revision of *Setting the Record Straight* puts in one place all of the current data that bear on the myths that the first edition debunked. The data still lead to the same conclusions reached in the first edition, but more recent studies have superseded much of what was in the 1997 book.

In terms of data replacement, the space given in the first edition to the Second International Assessment of Educational Progress in mathematics and science of 1992 has been reallocated to the more recent Third International Mathematics and Science Study of 1995 (reported in 1996, 1997, and 1998), the Third International Mathematics and Science Study–Repeat (1999, reported in 2001), the Program of International Student Assessment (1999, reported in 2001), and the Progress in Reading Literacy Study (2001, reported in 2003).

Similarly, when *Setting the Record Straight* was written in 1996, few data existed on an increasingly popular innovation, charter schools. Minnesota passed the first charter school law in 1991. By 1996, twenty-four other states had joined the movement, but advocates had created only four hundred schools and no researchers had evaluated the outcomes. In the ensuing years, the number of charters has grown to three thousand, and evaluators have conducted both state-level and national studies. In 2003 alone, three evaluations of California charters appeared, as did one quasi-national evaluation and one summary of other evaluations.

When *Setting the Record Straight* was written, the only evaluations of any voucher programs were those officially commissioned by the state of Wisconsin to look at the Milwaukee voucher program. The first edition reported the results of John Witte's fifth-year evaluation of the Milwaukee voucher project,¹ but Jay P. Greene and Paul E. Peterson's inflammatory op-ed in the

Wall Street Journal (it carried the title “Choice Data Rescued from Bad Science”²) rejecting Witte’s analysis had not yet appeared, nor had any evaluation data appeared on the Cleveland voucher program, which the Ohio legislature had authorized in 1995. Vouchers were very much in the political air but voucher data were yet to be unearthed. The data that have arrived in the ensuing years do not show vouchers as a viable, effective tool for education reform and these results are detailed in Chapter 9.

Finally, when the first edition of this book appeared, neither Sandy Kress, nor Karl Rove, nor George W. Bush had dreamed up No Child Left Behind. It is treated in Chapter 6.

Notes

1. Witte, John D., T. D. Sterr, and C. A. Thorn. 1995. *Fifth Year Evaluation Report: Milwaukee Choice Program*. Madison, WI: Department of Political Science, University of Wisconsin.
2. Greene, Jay P., Paul E. Peterson, and Jiangtao Du. 1996. “Choice Data Rescued from Bad Science.” *Wall Street Journal*, 14 August, A14.



No Child Left Behind The Perfect Law—as in The Perfect Storm

What do I say when people say, “President Bush’s No Child Left Behind law will force schools to shape up”?

You can say, “The No Child Left Behind law promises to leave even more children behind and to leave public education behind—replaced with a privatized system.”

We’re not backing down!” George W. Bush told an audience in Van Buren, Arkansas, on May 11, 2004.¹ He thereby refused to acknowledge criticism of his No Child Left Behind law (officially, the latest version of the Elementary and Secondary Education Act, first passed in 1964). This statement seems likely to become his educational equivalent of “Bring ‘em on” and “Mission Accomplished.” After all, as Figure 6–1 shows, California projects that by the witching year of 2014, when 100 percent of the nation’s students are supposed to be “proficient,” 99 percent of the state’s schools will be labeled as “failing” under No Child Left Behind (NCLB).

One might reply, “Yes, but that’s California, a state so educationally awful it merited a 2004 John Merrow PBS special, *First to Worst: The Rise and Fall of California’s Public Schools*.” To that the proper retort would be, “Well, then, consider Minnesota.” In an article titled “All Minnesota Left Behind?” the *St. Paul Pioneer Press* described a report from the state’s Legislative Auditor finding that 80 percent of Minnesota’s schools would be failing by 2014.² Minnesota is one of the highest scoring states in the country. In TIMSS, only six of forty-one countries outscored it in mathematics and only one in science.

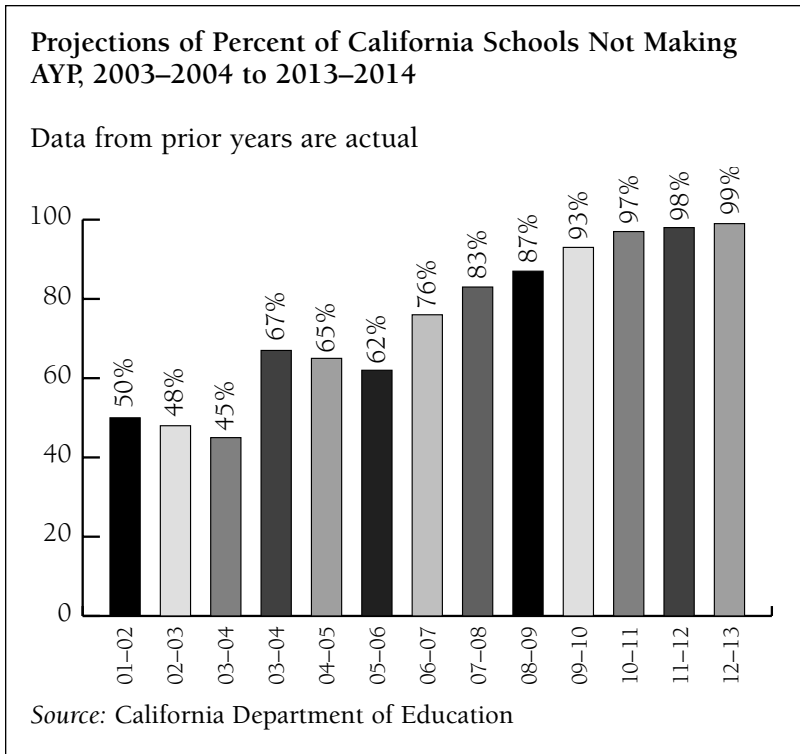


Figure 6–1. Projections of Percent of California Schools Not Making AYP

Why would anyone, much less a president, dream up a program that flunks everyone? After all, if everyone fails, the program provides no useful information.

At first glance, No Child Left Behind flies in the face of everything the Bush administration stands for, which is mostly deregulating everything and privatizing everything that's in the public sector. An early Bush proposal called for "outsourcing" 850,000 government jobs to the private sector. As this is written, soldiers are still doing most—but not all—of the shooting in Iraq, but Halliburton is doing the rest. One subsidiary alone, KBR, has 20,000 employees in Iraq. Bush rolled back the Clean Air Act using the doublespeak phrase "clear skies," proposed opening the Alaska Wildlife Refuge to drilling, shelved the national ban on the polluting gasoline additive, MBTE, and refused to reauthorize the Superfund tax on polluting industries, thus slowing the pace of polluted site cleanup.

Molly Ivins, the syndicated columnist who has known Bush since high school, and has written two books about him, *Shrub* and *Bushwhacked: Life in George W. Bush's America*, says he is a true Texan. Unlike his faux-Texan father, Bush really is comfortable on the ranch in jeans, cutting brush and exhibiting those three qualities that Ivins claims define Texas males: religiosity, anti-intellectualism, and machismo. Texans like Bush, said Ivins on National Public Radio's *Fresh Air*; think things will be OK if government creates a healthy business climate. In Texas, she contends, "a healthy business" climate means letting corporations do pretty much whatever they want. In fact, Ivins feels Bush's faith in the market is so strong that it is closer to a religious than a political belief.³

Yet, from the most antiregulatory administration since before the Great Depression, comes No Child Left Behind (NCLB), eleven hundred pages of straitjacket law, with reams of attendant rules and regulations from the U.S. Department of Education. Why would an antiregulatory administration impose tons of regulations on public schools? Because the goal of NCLB is the destruction of public schools, not their salvation. NCLB sets the schools up to fail and be privatized.

The goal of NCLB is the destruction of public schools, not their salvation.

How will the law lead to privatization? Let me count the ways.

To understand the agenda of NCLB, we must consider the history of the bill. In some drafts, the bill contained voucher provisions. When sent to Congress, though, these provisions had been removed. The White House then instigated voucher amendments, six altogether, introduced by John Boehner (R-Ohio). In this way, removal of the voucher amendments would not be seen as a personal defeat for the president. Congress, mindful that in the 2000 elections voucher referenda had suffered 70–30 defeats in both California and Michigan (despite voucher advocates having outspent opponents 2–1), rejected the amendments.

Congress reasoned, as did a number of others, that there was no widespread market for vouchers. Supporters now said that vouchers would be attractive to some few families trapped in bad urban schools, perhaps 5 percent of all families. "I think maybe the word is part of the problem," said then Senate Majority Leader Trent Lott.⁴ "Maybe the word should be *scholarship*." At his Senate hearings confirming him as Secretary of Education, Rod

Paige told the committee, “the word *voucher* has taken on a negative tone.”⁵

Negative tone or no, Bush brought vouchers back as a special program for the District of Columbia. The Senate defeated the measure on four occasions, but in January 2004, Bush managed to get the vouchers attached to a \$328 billion omnibus spending bill.⁶ The Senate was unwilling to scuttle that entire bill simply to keep vouchers out of D.C. During the debate, no one mentioned that an earlier three-year-long voucher program in D.C. had failed to either increase the achievement of students using them above a matched sample of public school students or to get the public schools to improve. Look for broader voucher proposals after the 2004 elections if Bush is successful in his quest for reelection. Bush made his strongest pitch for the program in a White House East Room speech to 250 Catholic educators. Given that Catholic schools will be the principal beneficiary of vouchers, one can see Bush’s insistence on getting the program established as a cynical ploy to buy the Catholic vote.

Thus, with the middle classes contentedly rejecting vouchers, to grease the skids for any widespread program, some means had to be found to alienate those middle classes from their schools. This is what NCLB is primed to do through the instrument of Adequate Yearly Progress (AYP). AYP is not a new concept, having been part of the reauthorization of the Elementary and Secondary Education Act in 1998 (which, technically, is what NCLB is, too). But NCLB throws two new curves: (1) schools that fail to make AYP for two or more consecutive years are subject to increasingly harsh sanctions, and (2) all children must score at the “proficient” level or better by 2014. And pigs will fly.

At the moment, each state defines *proficient* and chooses whatever test it wishes, but as we will see soon, there will be pressure to adopt a single definition using only one test, NAEP. Beginning in 2002–2003, NCLB required states to test children in at least one grade in grades 3–5, 6–9, and 10–12. Beginning in 2005–2006, states must test all children every year in grades 3 through 8 in reading and mathematics. In 2007–2008, states must add science in those grades. States must also test at least one high school grade.

Each school must report not only AYP for the school as a whole, but for various ethnic groups, economic categories, special education students, and English Language Learners. At least 95

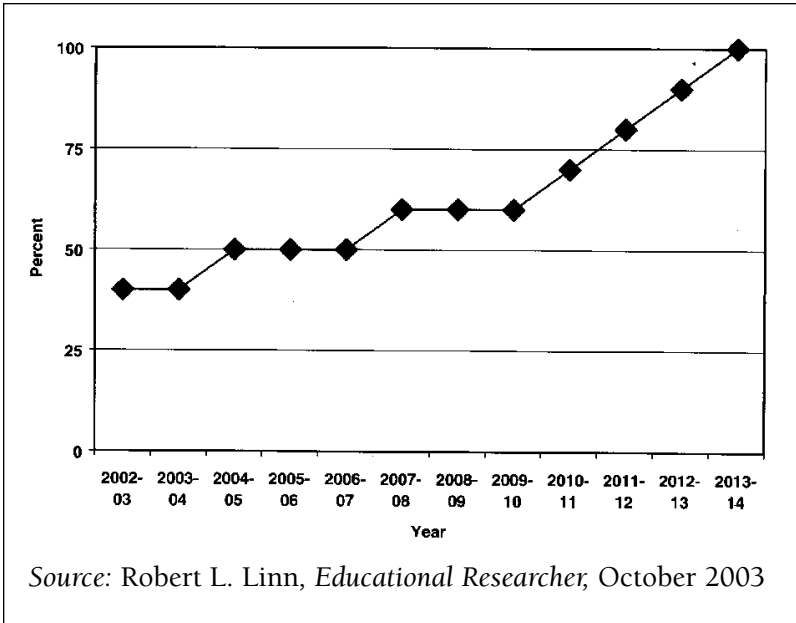


Figure 6–2. Ohio AYP Objectives

percent of each group must show up on test day and bubble in answer sheets. If only 93 percent of, say, special education students take the test, the whole school fails. For most schools, there are some 37 groups to report and if any one of them fails, the whole school fails (the official label is “needs improvement,” but no one outside of the Department of Education uses this term).

Each state has developed a plan to get it to the mirage-ical 100 percent proficient by 2014. Many states have opted for plans that require little of them initially, but greatly increased achievement as 2014 approaches, such the plan for Ohio shown in Figure 6–2.

From one perspective, a plan like this bespeaks insanity, from another, it makes perfect sense as a strategy. From the loony side, anyone in education knows that no reform program has ever shown accelerating improvement late in its life. It’s like taking out a mortgage with an enormous balloon payment in the final years and hoping the bank is defunct when crunch time actually rolls around.

From the sane perspective, a plan like Ohio’s buys the state some time in the early years. The state can then hope that Congress injects a modicum of rationality to the law or that it gets repealed.

As noted, each state defines *proficient*. This has produced a dizzying array of incomprehensible results. In the first estimate of the law's impact, Michigan was found to be home to 1,500 failing schools, while Arkansas had none. Most people didn't think this made any sense in terms of those two states' usual performances on tests. But with each state idiosyncratically defining *proficient*, no two states can be compared unless they happen to choose the same test and the same cutoff score to define that term. Unlikely. Thus, people will seek a common measure to compare states one to the other. They already have it: NAEP.

Prior to NCLB, state-level participation in NAEP testing was voluntary. Initially, state-level NAEP testing was illegal, but Congress revised the law in 1988, and in the assessments of the 1990s, about forty states participated and paid for the privilege from the states' coffers. NCLB made NAEP mandatory for all fifty states. Why would a law, any law, do that? Well, if all states take part in NAEP, all states have at least one assessment in common. NAEP reports scores on its tests and it also reports the percentage of students attaining each of its three achievement levels: basic, proficient, and advanced. NAEP already contains the magic word, *proficient*.

NAEP will come to replace the state tests. Indeed, a committee of members of the National Assessment Governing Board was formed in 1991—before the law was enacted—to examine the possibility of using NAEP to “confirm” state test results. The committee's report from March 2002 concludes that such confirmatory use of NAEP is possible.⁷ Secretary Paige has already said that he will use NAEP's revelations to “shame” the states into higher performance.⁸ Ironically, in a study conducted by the Princeton Review, Texas was found to have the highest discrepancy between NAEP and its state test, which, at the time, was the TAAS (now replaced by the TAKS). Texas claimed 91 percent of its eighth graders were proficient in mathematics, but NAEP awarded that status to only 24 percent of the students.⁹

Secretary Paige has already said that he will use NAEP's revelations to “shame” the states into higher performance.

The NAEP figure of 24 percent of Texas eighth graders proficient hints at a problem: If NAEP becomes the standard, virtually all states will find low percentages of students reaching

proficient. Swallowing such discouraging results would be difficult enough if the NAEP judgment were valid. But it is not. The NAEP achievement levels—basic, proficient, and advanced—have been rejected by everyone who has studied them: the General Accounting Office,¹⁰ the National Academy of Education,¹¹ the National Academy of Sciences,¹² and the Center for Research in Evaluation, Student Standards and Testing (CRESST, co-headquartered at UCLA and the University of Colorado, Boulder),¹³ as well as by individual psychometricians such as Lyle V. Jones of the University of North Carolina.

Jones, for instance, pointed out that in TIMSS, American fourth graders were well above the average score among the twenty-six participating nations, but only 18 percent reached proficient and a meager 2 percent attained the vaunted “advanced” status in the NAEP mathematics assessment of the very same year.¹⁴ Jones could have added that only 29 percent reached proficient in the 1996 NAEP science assessment, but American fourth graders were fourth in the world in TIMSS science using percent correct, and third in the world using the TIMSS scaled scores.

It makes no sense. Says Jones, “The average math performance for U.S. fourth graders is significantly above the international average. When U.S. fourth graders perform well in an international comparison, isn’t it unreasonable that only 20 percent are reported by [NAEP] to be ‘proficient or better?’” Yes.

Even the NAEP reports damn the NAEP achievement levels with citations from the various reports mentioned above. Consider this from the National Academy of Sciences as cited in the *NAEP 1998 Reading Report Card for the Nation and the States*:

NAEP’s current achievement level setting procedures remain fundamentally flawed. The judgment tasks are difficult and confusing; raters’ judgments of different item types are internally consistent; appropriate validity evidences for the cut scores is lacking; and the process has produced unreasonable results.¹⁵

Confusing tasks? Internally inconsistent judgments? No validity evidence? These failings would be sufficient to doom any test. Surely none of the for-profit test publishers would *dare* put a test with such properties on the market. So why are we still using the

achievement levels? Good question, one so far unanswered, and no one is working to produce anything better.

It gets worse. Recall that all subgroups must make AYP to keep a school from failing. In the 2003 recent NAEP reading assessment, 39 percent of white fourth graders scored proficient or better, while only 10 percent of blacks and 13 percent of Hispanics did so.¹⁶ In math, Asian eighth graders turned in the best performance with 48 percent proficient while only 5 percent of black eighth graders reached the proficient level.¹⁷ And all groups will be 100 percent proficient by 2014? Dream on.

CRESST's co-directors Robert Linn and Eva Baker along with Damian Betebenner observed that getting all students to NAEP's *basic* level would constitute an enormous challenge.¹⁸ In his 2003 AERA presidential address, Linn ventured to project how long it might take us to get 100 percent of our students to proficient and how hard it might be. If we assume, said Linn, that we will continue to make the same progress on NAEP in the future as in the previous decade, we can get 100 percent of our students to reach proficient in mathematics in 61 years at the fourth grade, 66 years at the sixth grade, and 166 years at the twelfth grade.

Supposedly, though, NCLB will accelerate our improvement. Thus Linn asked by how much we must speed up if we wish to reach 100 percent proficiency by 2014. He found that we must accelerate the rate of improvement by a factor of four at grades 4 and 8 and a factor of twelve at grade 12 (see Figure 6–3). The reader is left to judge how doable this is. For his part, Linn called the mandate “quite unreasonable.”¹⁹

As we have seen from the examples of California and Minnesota, even using state-developed tests, not NAEP, produces enormous quantities of school failures. Thus many of the schools parents now see as good will be labeled as failing. NCLB thus drives a wedge between parents and their schools. At the 2004 AERA convention, Colorado researchers reported that in the Boulder Valley School District that surrounds the University of Colorado, there were a number of surprise “failures” and that these failures caused parents a great deal of “dissonance.”²⁰ The parents thought the schools were good, but NCLB said they were failing. That's the idea.

In order to get middle-class parents to consider vouchers, EMOs, or other instruments of privatization, those parents must

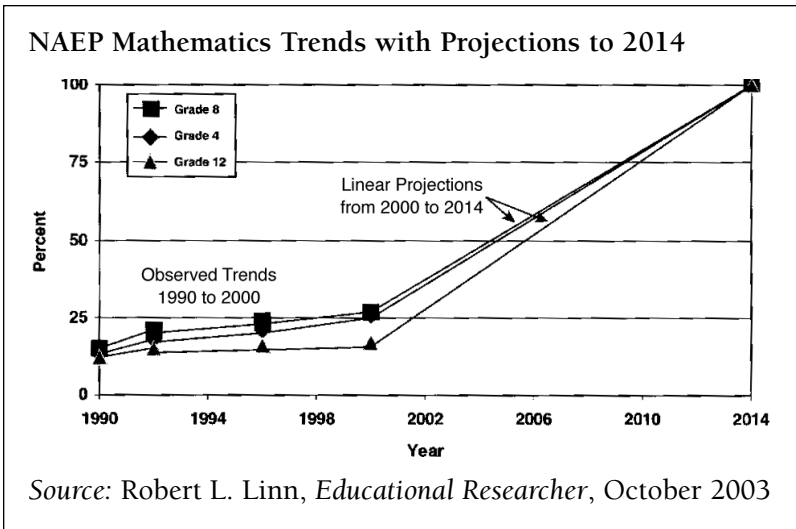


Figure 6–3. NAEP Mathematics Trends

be led to distrust their schools. NCLB is the perfect infernal machine for inculcating such distrust.

Schools that fail to make AYP are subject to increasingly severe penalties for each consecutive year they fail. One of the first penalties to kick in is the “choice option.” Children in failing schools must be offered the opportunity to attend a successful school. The district must pay for transportation.

I note elsewhere in this book that 36 percent of our schools already utilize portables to ameliorate overcrowding. Transfers could well exacerbate such crowding. Doesn’t matter. According to Eugene Hickok, Under Secretary of Education, the receiving school must “build capacity.” It must bring in portables, build new classrooms, hire more teachers, whatever it takes. Only if the arriving students would so pack the schools as to violate fire or health codes can they be refused admission.

This should get interesting. Chicago reported in spring 2004 that it was obligated to offer the choice option to nearly 200,000 students but it had only 500 spaces for them.²¹ Let us eagerly watch to see what Mr. Hickok does about this situation. In addition, because many failures will occur in urban areas, the choice option will collide with another provision of NCLB, the mandate for “highly

qualified” teachers. As everyone knows, cities already have much higher proportions of underqualified teachers than do the suburbs. Where will they then find additional teachers with qualifications that meet the law? Readers should call Mr. Hickok and inquire.

Aside from the basic impossibility of meeting the requirements of the law, there are some technical difficulties that no one in Congress or at the Department of Education seems to have thought about:

1. *What about mobility?* In some urban schools, the kids who are there in May are not the kids who were there in September. How, then, can the *school* be held accountable for their performance? If a regulation appears that says “test only those who were in attendance by October 1,” many students will simply fall through the cracks and won’t figure into anyone’s accountability program. Those who were in the same school in the fall and the spring might well constitute so small a group that it falls below the state’s threshold for minimal group size for reporting data.

2. *What about summer loss?* Research finds that poor children gain about the same amount as their middle class and affluent peers during the school year, but while middle class and affluent children either hold their own or gain over the summer, poor children do not sustain what they learned in school. Thus, a number of schools that do an adequate job between September and June will be held accountable for what occurs in the months that they are closed.

3. *What about the impact of choice transfers on test scores?* Supposedly, the choice option goes first to the neediest children, that is, those with the lowest test scores. If a group of these hardcore nonachievers departs, that automatically raises the test score average of the sending school, perhaps getting it off the failed-schools list. At the same time, the receiving school must take on these children who have proven more difficult than most to educate. This could well transform a successful school into a failing one through no fault of the school’s. And, incidentally, if the failing sending school does make AYP the next year, those who have transferred out do not have to return. Their parents, however, must then pay for transportation to the receiving school, turning NCLB into an unfunded mandate on mostly poor parents.

I was not alone in predicting high failure rates. In 2002, consultant and voucher advocate Denis Doyle wrote in his electronic newsletter, “the nation is about to be inundated in a sea of bad news” and that the public schools were going to get “poleaxed.”²² He sounded positively gleeful at the prospect.

Once the public schools got poleaxed, the door would be open to privatizers and vouchers. Privatizing the schools would give Bush three major victories.

1. It would establish a “healthy business climate” in education and would send much more money into the coffers of corporations as they take over the schools.
2. It would advance the agenda of the Business Roundtable, the principal organization advancing the high-standards, one-size-fits-all education for docility agenda represented by NCLB. (Ed Rust, CEO of State Farm Mutual and head of the BRT’s education committee, was part of the Bush education transition team.)
3. It would destroy or at least greatly weaken the power of the National Education Association and the American Federation of Teachers whose five-or-so million members represent a large pool of Democratic voters.

Thus, while NCLB initially creates the impression that it runs counter to the Bush agenda, in fact, it advances that agenda in many ways.

So far, I’m happy to report, Doyle and I have both been wrong. It’s hard to know what will happen if the Boulder Valley parents get year after year of “dissonance,” but many parents appear to have at least initially rejected the “failing school” label. A February 2004 survey by the Opinion Research Company was headlined “Parent Support for No Child Left Behind Is Thin, Three Quarters Opposed Fund Cut-Off If Their Child’s School ‘Fails.’”²³ Note the quotes around “Fails,” indicating that the parents don’t buy it.

On the other hand, a June 2004 survey by ETS found that from 2001 to 2004 the percent of parents awarding schools an A dropped from 8 percent to 2 percent, and the percent of Bs declined from 35 percent to 20 percent. There were no results from SAT, NAEP, or international comparisons that could have produced this shift.

Voices against NCLB were heard in full force in early 2004. The Virginia House of Delegates, calling NCLB an unfunded mandate and an unwarranted federal intrusion, demanded an exemption from it. Although Republicans control the Virginia House, the measure passed 98–1 and a Democrat cast the lone No vote.²⁴ If one enters the words “No Child Left Behind” and “criticism” into a Google search, as of mid May, one obtained more than 24,000 results (some of which, it should be said, were defenses against the criticism). A few headlines: “Critics Say the ‘No Child’ Program Is a Setup for Public School Failure (*Salt Lake Tribune*, 23 February); “More States Are Fighting ‘No Child Left Behind’ Law” (*Washington Post*, 19 February); “An Education Rebellion Is Stirring” (*Christian Science Monitor*, 18 February); “States Fight No Child Left Behind, Calling It Intrusive” (*USA Today*, 11 February). On NPR’s *Morning Edition*, host Bob Edwards called the criticism “ferocious,” and education reporter Claudio Sanchez said the criticism erupted because states found the law “unfunded, unrealistic, and intrusive.”²⁵

Utah received considerable publicity when its House education panel recommended that Utah not participate. However, “Utah’s shot across the bow at the No Child Left Behind Act went from that of a rifle to a pop gun” when the full House permitted districts to participate as long as federal monies fully covered the costs.²⁶ No state funds could be used. The Utah Senate, though, relegated the bill to “summer study.”

According to Wisconsin Attorney General Peggy A. Lautenschlager, the state legislatures don’t even need to get involved. In an eleven-page letter of constitutional analysis to State Senator Fred Risser, Lautenschlager pointed out that the Act itself restricts what federal agencies may require of states and localities:

§7907 Prohibitions on Federal government and use of Federal Funds

- a. **General Prohibition** Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this act.²⁷

In a visit to Milwaukee, Rod Paige said department lawyers were looking at Lautenschlager's analysis. "I'm very confident that the answer is going to be that the No Child Left Behind Act is sufficiently funded," he said.²⁸ Paige also repeated in Milwaukee something he has now come to say often: that NCLB requires children to perform at "grade level," not that it requires them to be "proficient."

One might wonder where, exactly, the criticism is coming from. Bruce Hunter, associate executive director of the American Association of School Administrators, thinks he can discern four discrete sources.

First come the state legislatures like Virginia that resent the federal intrusion. Hunter does allow that maybe this resentment would be tempered if the federal funds covered the expenses, but they don't. On the other hand, the resentment might be fueled because the federal government has never paid its proper share of special education costs. Estimates of how much NCLB will cost the states vary with assumptions made but the costs always exceed the federal funds, often by a great deal.²⁹

Second would be members of AASA as well as other organizations who perceive NCLB to be based on a flawed strategy for organizational change—punishment. Indeed, punishment, as behaviorist B. F. Skinner never tired of telling us, doesn't have a great track record in any aspect of behavioral or institutional change.

Third are teachers and experts in various fields of instruction who perceive that the educational assumptions about learning embedded in NCLB are all wrong.

Finally, there are independent scholars, such as myself, Paul Barton, Bruce Biddle, David Berliner, Richard Kahlenberg, and Richard Rothstein, who in various publications have called attention to the role of social class and poverty in producing the "achievement gap." No Child Left Behind fails to address any of these issues save to target more Title I money to urban areas (but hardly enough to produce large improvements). I deal with poverty in Chapter 3 and the Biddle-Berliner analysis is discussed in Chapter 15. Barton lays out his thought in *Parsing the Achievement Gap*,³⁰ while Kahlenberg's monograph is *Can Separate Be Equal? The Overlooked Flaw at the Center of No Child Left Behind*.³¹ Rothstein provides the most extensive treatment in *Class and Schools*.³²

The criticism doesn't mean that the private sector isn't drooling over NCLB. The law does for the testing industry what Iraq

The criticism doesn't mean that the private sector isn't drooling over NCLB. The law does for the testing industry what Iraq did for Halliburton.

did for Halliburton. And not just the testing industry. There are some \$24.3 billion for companies to lust after in aid to high-poverty schools, reading programs, technology improvements, and building and running charter schools.³³

Some of the amounts charged are obscene. Kaplan, best known for its SAT-prep courses, will offer a half-day course to help teachers understand testing for three thousand dollars. If they can get teachers (or anyone not knowledgeable about tests) to “understand testing” in a half-day program, they’ll earn every penny of it. My assessment course lasts fifteen weeks.

While AYP and the 2014 deadline have gotten most of the attention, the law’s provisions for teachers pose vexing problems as well. All teachers in schools receiving NCLB funds must be “highly qualified” by the school year 2005–2006 as must be all teachers hired after the start of the 2002–2003 school year. By “highly qualified,” NCLB means those who hold at least a bachelor’s degree, have full state certification (or have passed the state’s licensing exam), and have not had any certification requirements waived on “an emergency, provisional, or temporary basis.”

In his second report titled *Meeting the Highly Qualified Teacher Challenge*, Secretary of Education Rod Paige outlined what he called in the report a “high standards, low barriers” approach to teacher certification. Relying on a quite sloppy analysis from the Abell Foundation,³⁴ Paige and the department hold that the important qualities a teacher must have are high verbal skills (usually defined as high SAT scores, but sometimes not defined at all) and content knowledge. Actually knowing how to teach children counts for very little.³⁵

In working with this high standards, low barriers approach, the department has declared open season on colleges of education. At a conference, Bush reading czar Reid Lyon declared, “If there was any piece of legislation that I could pass, it would be to blow up colleges of education.” Given that Paige called the National Education Association a terrorist organization, one wonders how much war metaphors pervade the Bush team’s thinking about education (the video of Lyon’s performance has been pulled from the website of the sponsoring agency, the Council for

Excellence in Government, but the story about his comments can still be found at www.susanoonian.org/show_research.html?id=3).

But then, as noted earlier, NCLB can readily be considered a preemptive strike against the public schools.

A Trend Spotted?

The No Child Left Behind Act was signed in January 2002. I completed my first critique the next month. No publication would touch it. When I tried to discuss my logic at the American Educational Research Association convention in April, I got a feeling similar to that described by Arlo Guthrie in his song/story “Alice’s Restaurant.” Sitting on a bench in a jail with others who had committed unspeakable crimes, Guthrie was asked what offense he had been charged with. “Littering,” he replied. Then, he, said, “and they all moved away from me on the bench.” Another early critic, Jamie McKenzie of Bellingham, Washington, reported a similar feeling: “I felt very much alone. Shunned. Avoided.”³⁶

At the 2003 convention, though, I had a number of people come up to me, individually, and say they now agreed with me, including three career staffers from the U.S. Department of Education (one of whom also said she was ashamed to be working for the department).

By 2004, opposing NCLB had gained enough legitimacy that the conference offered several sessions with titles like “NCLB: Educational Reform or Trojan Horse?” “NCLB: A Tragedy in One Act,” and “NCLB: Were the First Year Outcomes as Dire as Predicted?” The answer to this last question was “yes,” but that answer paled in light of failures-to-be in the coming years.

What will next year’s convention bring?

Notes

1. Sanger, David E., and Jim Rutenberg. 2004. “Education Law Will Stand, Bush Tells Its Detractors.” *New York Times*, 12 May, A18.
2. Welsh, John. 2004. “All Minnesota Left Behind?” *St. Paul Pioneer Press*, 26 February, A1.

3. Ivins, Molly. 2003. *Fresh Air*. 3 October. The program can be heard at www.freshair.npr.org.
4. Walsh-Sarnecki, Peggy. 2000. "Analysts Foresaw Defeat." *Detroit Free Press*, 9 November.
5. Wilgoren, Jodie. 2000. "Vouchers' Fare May Hinge on Name." *New York Times*, 20 December.
6. Hsu, Spencer. 2004. "Voucher Program Gets Final Approval." *Washington Post*, 22 January, A1.
7. "Ad Hoc Committee on Confirming Test Results." 2002. *Using the National Assessment of Educational Progress to Confirm State Test Results*. Washington, DC: National Assessment Governing Board.
8. Will, George F. 2003. "Shame: School Reform's Weak Weapon." *Washington Post*, 2 March, A27.
9. Princeton Review. 2003. *Testing the Testers: A Ranking of State Accountability Systems*. New York: Princeton Review.
10. U.S. General Accounting Office. 1993. *Education Achievement Standards: NAGB's Approach Yields Misleading Interpretations*. Washington, DC: General Accounting Office, Report No. GAO/PEMD-93-12.
11. National Academy of Education. 1997. *Assessment in Transition: Monitoring the Nation's Educational Progress*. Mountain View, CA: National Academy of Education.
12. National Academy of Sciences. 1999. *Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress*. Washington, DC: National Academy of Sciences.
13. Linn, Robert L. 1998. *Standards-Based Accountability: Ten Suggestions*. Los Angeles, CA: Center for Research in Evaluation, Student Standards and Testing, University of California, Los Angeles.
14. Jones, Lyle V. 1997. *National Tests and Educational Reform: Are They Compatible?* Princeton, NJ: Policy Information Center, Educational Testing Service.
15. U.S. Department of Education. 1999. *NAEP 1998 Reading Report Card for the Nation and the States*. Washington DC: U.S. Department of Education, Report No. NCES 1999-500.
16. U.S. Department of Education. 2003. *NAEP 2003 Reading Report Card for the Nation and the States*. Washington, DC: U.S. Department of Education.
17. U.S. Department of Education. 2003. *NAEP 2003 Mathematics*

- Report Card for the National and the States*. Washington, DC: U.S. Department of Education.
18. Linn, Robert L., Eva L. Baker, and Damian W. Betebenner. 2002. "Accountability Systems: Implications of Requirements of the No Child Left Behind Act of 2001." *Educational Researcher* (August/September): 3–16.
 19. Linn, Robert L. 2003. "Accountability, Responsibility and Reasonable Expectations." *Educational Researcher* (October): 3–13.
 20. Dings, Jonathan, and Carolyn Haug. 2004. "Impact of NCLB Adequate Yearly Progress on District Accountability in Colorado." Paper delivered to the annual convention of the American Educational Research Association, San Diego, California, April 12–16.
 21. Rossi, Rosalind. 2004. "Student Transfers Face Tough Odds." *Chicago Sun-Times*, 20 April, A1.
 22. Doyle, Denis P. 2002. "AYP Revealed, Now What?" *The Doyle Report*, 4 June. "AYP Once More Once." *The Doyle Report*, 13 June. Accessed at www.thedoylereport.com.
 23. Opinion Research Company. 2004. "Parent Support for No Child Left Behind Is Thin, Three-Quarters Oppose Funds Cut-Off If Their Child's School 'Fails.'" www.resultsforamerica.org. Click on Results in Education.
 24. Becker, Jo, and Rosalind S. Helderman. 2004. "Va. Seeks to Leave Bush Law Behind." *Washington Post*, 24 January, A1.
 25. National Public Radio. 2004. "'No Child Left Behind' Criticism Widespread." *Morning Edition*, 19 April.
 26. Toomer-Cook, Jennifer. 2004. "No to Unfunded 'No Child' Act." *Deseret Morning News*, 11 February.
 27. Lautenschlager, Peggy A. 2004. Opinion delivered to State Senator Fred Risser, 12 May.
 28. Borsuk, Alan J. 2004. "Paige Make Case for Left Behind Law: He Says Program Adequately Funded." *Milwaukee Journal-Sentinel*, 24 May.
 29. Mathis, William J. 2003. "No Child Left Behind: Costs and Benefits." *Phi Delta Kappan* (May): 679–86.
 30. Barton, Paul. 2004. *Parsing the Achievement Gap*. Princeton, NJ: Policy Information Center, Educational Testing Service.
 31. Kahlenberg, Richard T. 2004. *Can Separate Be Equal? The Overlooked Flaw at the Center of No Child Left Behind*. New York: Century Foundation.

32. Rothstein, Richard. 2004. *Class and Schools: Using Social, Economic, and Educational Reform to Close the Black-White Achievement Gap*. Washington, DC: Economic Policy Institute.
33. Kronholz, June. 2003. "Education Firms See Money in Bush's School-Boost." *Wall Street Journal*, 24 December, A1.
34. Walsh, Kate. 2001. *Teacher Certification Reconsidered: Stumbling Towards Quality* (November). Baltimore, MD: Abell Foundation.
35. U.S. Department of Education. 2003. *Meeting the Highly Qualified Teacher Challenge*. Washington, DC: U.S. Department of Education.
36. McKenzie, Jamie. 2004. Personal communication (e-mail), 18 May.