



Reauthorizing NCLB:

A Summary of Recommendations

by Michael A. Rebell and Jessica R. Wolff

Campaign for Educational Equity
Teachers College, Columbia University

September 2007

Moving Every Child Ahead

From NCLB Hype to Meaningful Educational Opportunity

by Michael A. Rebell and Jessica R. Wolff

Summary of Recommendations

The following recommendations regarding the reauthorization of the federal No Child Left Behind Act draw heavily on data from a symposium held at Teachers College, Columbia University in November 2006, which presented a range of new data on the effectiveness to date of NCLB in achieving its stated goals. The views presented here do not necessarily reflect those of the symposium presenters. Their papers can be viewed at <http://www.tc.columbia.edu/centers/EquitySymposium/symposium06/symposium.asp>.

By enacting the No Child Left Behind Act, U.S. policymakers have reinvigorated America's egalitarian heritage with a pledge to implement—finally and fully—the vision of equal educational opportunity articulated more than half a century ago in *Brown v. Board of Education*. However, the current version of NCLB is riddled with political hype, such as calling minimally qualified teachers “highly qualified”; proclaiming that states will be held to high standards, but prohibiting enforcement of that requirement; and demanding miraculous progress in overcoming the barriers to learning in the lives of millions of low-performing students without providing the resources necessary to accomplish this end.

In its statement of purpose, NCLB sets its two primary goals as ensuring that “all children have a fair, equal and significant opportunity to obtain a high quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments.” Currently, attainment of the proficiency goal is stressed, with little attention to the opportunity goal. In our book, “Moving Every Child Ahead,” we argue that emphasis should be inverted. Greater immediate emphasis on the opportunity goal will lead to high, more rapid, and more sustained student achievement.

The mandate for 100% proficiency by 2014 that drives NCLB's accountability system is untenable and that adherence to this impossible scheme is undermining the credibility and the efficacy of the Act at an accelerating rate. To overcome the historical disadvantages that put a quality education out of reach of so many American children, NCLB should be revised to eliminate this mandate and require instead that the states provide all children with the essential elements of a meaningful educational opportunity, the indispensable prerequisite for significant improvements in student achievement and lasting progress toward proficiency. To achieve this, we make specific recommendations in eight areas.

Meaningful Educational Opportunity

The roots of America's achievement gaps are significant opportunity gaps endured by millions of low income and minority students. Because NCLB mainly concentrates on accountability for results but largely neglects the resources and supports that students need to achieve those results, it is falling far short of achieving its goals. States have felt no federal pressure or incentive to deliver any particular level of resources or school quality, and enormous inequities persist between schools that serve affluent, white communities and those that serve low-income and minority communities.

Recommendations

- ◆ To maximize student proficiency and minimize achievement gaps, Congress should revise NCLB to eliminate the mandate for 100% proficiency by 2014 and instead require that the states provide meaningful educational opportunity for all their public school children by that date.
- ◆ Drawing on the legislative history of NCLB, as well as the experiences of the state courts in the education adequacy litigations, Congress should define specific meaningful opportunity expectations.
- ◆ Specifically, requirements should be added to the law covering:

Seven categories of in-school educational essentials

1. Effective teachers, principals, and other personnel
2. Appropriate class sizes
3. Adequate school facilities
4. A full platform of services including guidance services, summer and weekend programming, tutoring, and additional time on task for students from poverty backgrounds
5. Appropriate programs and services for English language learners and students with disabilities
6. Instrumentalities of learning, including, but not limited to, up-to-date textbooks, libraries, laboratories, and computers
7. A safe, orderly learning environment

Five categories of out-of-school educational essentials

1. High-quality early childhood education
 2. Necessary levels of nutrition and physical activity
 3. Physical and mental health care and instruction
 4. Home, family, and community support for student academic achievement
 5. Access to arts, cultural, employment, community service, and civic experiences
- ◆ In their annual report cards, the states should be required to demonstrate that adequate and appropriate resources and opportunities for essential school-based and out-of school resource areas are being provided, including the extent to which equitable distribution of resources and quality of services has been achieved in each essential category. How these resources and opportunities are actually provided should be left to the states.

- ♦ The U.S. Department of Education (ED) should issue an annual report that highlights the levels of resources and educational practices of those states that have proven most effective in promoting improvement in the performance of all of their students and in narrowing achievement gaps.

Effective Teachers

Of the essential elements of a meaningful educational opportunity outlined above, teacher quality is the sole resource presently mandated by NCLB. Quality teaching is a sine qua non of meaningful educational opportunity, but this resource alone is not enough, especially for at-risk students. Students must be provided with the full range of school-based and out-of-school resources as described above.

NCLB has increased the number of state certified teachers in hard-to-staff schools; however, the law has not ensured that these children are being taught by teachers who are really highly qualified to meet their needs. By using hyperbole NCLB conveys the misleading impression that minimally qualified teachers are highly qualified.

Recommendations

- ♦ NCLB must be revised to requires states to identify the qualifications of their teaching corps accurately and to distinguish among three categories of teachers: “provisionally qualified teachers,” “qualified teachers,” and “highly effective teachers”:
- ♦ “Provisionally qualified teachers” should be defined as teachers in training who meet the state’s alternative certification requirements.
- ♦ “Qualified teachers” should be defined as those who have a college degree with a major in a field directly related to the subject area in which they are teaching, and who meet the state’s entry level certification requirements.
- ♦ Highly effective teachers” should be defined as teachers who have deep subject matter knowledge, a thorough understanding of state academic content standards and proficiency requirements, and a demonstrated ability to impart effectively the knowledge and skills required by state standards to students from diverse backgrounds and with diverse needs.
- ♦ NCLB’s current requirements for equitable distribution of “highly qualified” teachers should be applied to these categories; low-income and minority students should not be disproportionately assigned to teachers who are inexperienced or less than highly effective.
- ♦ States should be required to articulate methods for maximizing effective teachers and to provide relevant information on the rigor of their certification requirements, the accreditation standards for their schools of education, and their induction, mentoring, and professional development practices in their annual report cards to the public and in the state plans they submit to ED.

Adequate Funding

NCLB grossly neglects the need to ensure that adequate levels of funding are in place to allow students a meaningful opportunity to make solid academic progress, much less the unprecedented results demanded by the law. The current level of NCLB funding does not cover the costs of its own requirements.

Recommendations

- ◆ The federal government should be responsible for identifying the true costs of compliance with NCLB and determining a fair allocation of funding responsibility between the federal government and the states.
- ◆ To identify the actual costs of providing all students a meaningful educational opportunity, Congress should authorize comprehensive studies of the costs to states and local districts of complying with NCLB, achieving its goals, and closing achievement gaps.
- ◆ This analysis should consider the costs not only of school-based resources but also of the out-of-school resources most important for the academic success of at-risk students. The study should incorporate best practices to overcome achievement gaps in a cost-effective manner.
- ◆ States should be held responsible for ensuring that school districts with low tax bases and high needs receive sufficient state aid to meet the basic requirements for providing all of their students a meaningful educational opportunity. Federal aid to the states should, at a minimum, ensure that states that lack sufficient resources to ensure the availability of essential resources and services to all of their students receive sufficient federal assistance to meet these obligations.
- ◆ NCLB should require state plans to include information on present and projected funding levels and describe states' efforts to ensure equity in funding.

Challenging Standards

Challenging state standards that provide American students with the knowledge and skills they need to succeed in life in the 21st century are critical to efforts to provide all children meaningful educational opportunities and to secure our national welfare, both economically and socially. NCLB requires every state to adopt challenging content standards; however, it explicitly prevents ED from reviewing the standards adopted by each state to ensure their quality. For NCLB to be effective and for proficiency to have reliable, substantive content—the federal government must take a more proactive role to ensure the quality of all state academic content standards.

Recommendations

- ◆ Along with the Aspen Institute’s Commission on No Child Left Behind, we call for model national content and performance standards and tests to be created by a commissioned expert panel based on NAEP frameworks. With the Commission, we recommend that states be given a choice of (1) adopting the national model standards and tests as their own; (2) building their own assessment instruments based on the national model standards; or (3) keeping their existing standards or tests (or revamping them in response to the national model standards and tests).
- ◆ Departing from the Commission, we recommend that model standards extend beyond the core subjects of English language arts, math, and science. A basic consensus has emerged from the state court adequacy cases about the broad knowledge and skills that students need to be prepared for competitive employment and to function productively in a democratic society. NCLB should adopt this consensus to provide a solid floor of quality for the proficiency requirements and to guard against a narrow interpretation of the educational opportunities that schools need to provide.
- ◆ Standards and state exit examinations must also properly emphasize the higher order cognitive skills that students need to succeed in college and in the world of work. NCLB must rectify the current imbalance in subject matter emphases and between basic skills and advanced conceptual thinking by highlighting the importance of students gaining deep knowledge and skills in a broad range of subject areas by the time they graduate from high school.
- ◆ The U.S. Secretary of Education should periodically issue reports comparing the quality of all state standards with the national model and tests.
- ◆ States using low-grade standards or setting unreasonably low proficiency requirements should be required to adopt the model standards or bring their own standards up to a satisfactory level of quality.

Valid Assessments

Most state tests used to measure progress under NCLB are neither aligned with state content standards nor valid in accordance with applicable professional standards. In addition, there is rampant manipulation of cut scores to inflate the number of students designated as “proficient” and dramatic variation from state to state in cut scores used to define “proficiency.” An area of special concern is that virtually none of the subject matter tests being used to measure content knowledge of students with limited English proficiency has been validated for use with this population, with the result that there is almost no accurate data on the actual proficiency of these students.

Recommendations

- ◆ NCLB should be revised to require each state to undergo an external review of the validity of its tests and of its cut score procedures by an ED-approved independent agency with expertise in this area.
- ◆ Given that few valid tests for English language learners (ELLs) exist at present, ED should develop model tests in all mandated subjects and grade levels in Spanish and at least five other languages most commonly used in American schools. The costs involved in such an endeavor should be borne by the federal government. The states should be required to use these federally validated tests for assessing the content knowledge of their ELL students unless they can demonstrate that they have developed fully validated tests of their own.

Solid Progress Requirements

NCLB should be revised in the following ways to ensure fair and valid measurement of student progress.

Recommendations

- ◆ Ambitious but realistic progress requirements must be substituted for the present 100% proficiency by 2014 mandate.
- ◆ Given the importance of NAEP scores as national benchmarks for proficiency, NAEP's content and proficiency levels should be reconsidered and validated.
- ◆ NCLB should be revised to base AYP on a value-added growth model that gives schools credit for student improvement over time and provides a more accurate picture of school performance.
- ◆ States should be required to augment the capacity of their data systems to allow them to implement a value-added growth model and assess the adequacy of resources.
- ◆ Reform of the current AYP system should also include use of fair and consistent criteria for subgroup size, use of confidence intervals and standard errors of measurement, as well as a range of timeline factors. Additional consideration should be given to growth targets for special education students that challenge them to master the regular curriculum to the extent possible, but do not hold schools responsible for special education achievement goals that are simply not feasible.
- ◆ Once credible proficiency levels have been established and the data systems to support value-added growth models are in place, more precise and more strategic targets for annual progress can be established.

Local Capacity and School Improvement

NCLB requires states to impose an escalating cascade of consequences on schools that repeatedly fail to meet their AYP targets, but it puts little emphasis on providing capacity-building assistance to advance the schools’ improvement. Most of the schools that serve low-income and minority students do not have the material or human resources to provide a meaningful educational opportunity to their students, and many schools do not have the capacity to implement school improvement or corrective action plans, no matter how well conceived.

Recommendations

- ◆ NCLB’s current cascade of consequences and sanctions should be replaced with an effective system for providing technical assistance and accountability for capacity building in low-performing schools. NCLB should ensure that high quality, supportive state services are provided and are made available to all of the schools that need them.
- ◆ To help determine whether adequate funding is in place and resources are being distributed equitably, each state should carry out a “resource audit” to assess the degree to which a school in need of improvement has sufficient staff and basic tools such as up-to-date textbooks, computers, libraries, and laboratories, and the means to mount adequate in-school and out-of-school programs as needed to provide meaningful educational opportunities for all of their students.
- ◆ NCLB should ensure that productive state technical assistance is fully funded and actually put into effect at all schools in need of improvement. The specific forms of assistance that the state representatives provide should, however, be determined by each state and based on needs of the particular school community.
- ◆ The rigid timetables that now dictate in advance how quickly schools must progress through each stage of improvement should be replaced with flexible, long-term performance goals.

A New Federal-State Partnership

By establishing concrete national educational goals and imposing on the states detailed requirements for achieving them, NCLB has more than ever before defined education as a joint federal-state venture. If this new partnership is to work, the appropriate responsibilities of each level of government must be clarified and respected. NCLB, however, tilts too far in the direction of unwarranted federal intrusion in some areas and too far toward regulatory laxity in others. This imbalance needs to be rectified.

Recommendations

- ◆ A more proactive federal role is needed to ensure the integrity and quality of state academic content and performance standards, and to guarantee the validity of the assessments used to measure student performance, including the assessments used for limited English proficient students.
- ◆ The federal government should continue to require states to report annually on the progress of each school and each school district, in a disaggregated format that illustrates progress that being made by each racial and ethnic group, and by low income students, English language learners, and students with disabilities.
- ◆ The federal government should also require and support the expansion of state data systems that will allow annual progress measures to be based on value-added growth models, rather than static cohort performance statistics.
- ◆ Clear, uniform criteria for enforcing these requirements need to be articulated and applied fairly—and without politically motivated “waivers and accommodations.”
- ◆ Federal involvement in improvement directives to low-performing schools should be substantially reduced. These issues of technical assistance, incentives, and sanctions should be left to the states.
- ◆ This federal-state partnership should maximize the role of the states in devising effective methods for providing their students a meaningful educational opportunity. If these efforts prove unsuccessful, the federal government must take a more forceful stance in regard to standards and resource allocation.

“Moving Every Child Ahead” is a forthcoming book by Michael A. Rebell and Jessica R. Wolff, published by Teachers College Press (2008).

To purchase a copy, please visit www.teacherscollegepress.com.

Campaign for Educational Equity
Teachers College, Columbia University
525 W. 120th Street, Box 219
New York, NY 10027
Telephone: (212) 678-3291 | Fax: (212) 678-8364
www.equitycampaign.org