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NO CHILD LEFT BEHIND 3 YEARS AND COUNTING

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Three years ago, President Bush signed the No Child Left Behind Act (NCLB) into law. Nearly everybody agreed with the bill's purpose—"to ensure that all children have a fair, equal, and significant opportunity to attain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments" (U.S. Congress, 2001), which was to be accomplished by shifting funding formulas and sending more federal resources to high-poverty and struggling schools.

Despite its lofty goals, there was criticism of NCLB from the beginning, which was reflected in wordplays on its name, borrowed in the first place (some would say co-opted) from children's rights work. Robert Schaeffer of Fair test, for example, suggested the "no child left untested act" (Toppo, 2002), and some academics quipped that the bill should be labeled "no psychometrician left unemployed." In other circles, where there was concern that the emphasis on testing would narrow the curriculum and deprofessionalize teachers' work, the bill was referred to as "no teacher left standing," and many social justice advocates feared the bottom line would be "same children left behind." Underneath the wit and cynicism of these wordplays were serious concerns about the enduring impact NCLB would have on schools, teachers, students, families, and, in a larger sense, the American system of public education.

This editorial focuses on how NCLB is being assessed 3 years later, contrasting the public conclusion that all is well with the conclusion of

a number of other individuals and groups who, for very different reasons, assert that all is decidedly not well. The editorial suggests that three aspects of NCLB are particularly relevant to teacher education—stipulations regarding "highly qualified teachers" (HQT) and "adequate yearly progress" (AYP) and the bill's emerging consequences for minority students. Each of these has troubling—even dangerous—ramifications.

3 YEARS AND COUNTING

At the time of this writing, NCLB was about to celebrate its third anniversary. It is an understatement to say that assessments of its legitimacy and success are conflicting. In testimony to the House Education and the Workforce Committee (*Hearings on NCLB*, 2004), for example, Republican chairman John Boehner announced that as a result of NCLB, test scores all across the country are rising and the achievement gap is closing. The assessment of the most recent report from the Education Commission of the States (ECS; 2004) was somewhat more modest and mixed, although the report concluded that "the overall picture is encouraging" (p. vi). The ECS report found that although all 50 states are on track to meet at least half of NCLB's requirements, only five states are likely to meet all of them. Similarly, the commission found that although many states are improving student achievement, few will be able to meet requirements concerning highly qualified teachers.

Along similar lines, *Education Week's* survey of state education departments (Olson, 2004b), titled "Taking Root," concluded that despite problems and complaints from various groups, NCLB has "become implanted in the culture" (p. S1) of the American public school system. The *Education Week* survey indicated that nearly half the states now have testing programs in place in reading and math for third through eighth graders and high schoolers, as required by NCLB, and all states are now using test results to determine AYP. On the other hand, the report also indicated that the number of schools identified as needing improvement has doubled since last year, and some states now have both AYP annual reports and, at the same time, yearly report cards based on statewide systems for assessing the performance of their schools. It is an understatement to say that these dual accountability systems, with different criteria and sometimes conflicting conclusions, are engendering confusion among education professionals, parents, and the broader public.

Meanwhile, many state and local leaders have objected that NCLB is one more unfunded educational mandate. More than 20 states and school districts across the country have officially protested NCLB regulations (Darling-Hammond, 2004), and several groups of federal legislators and education-related organizations have proposed changes in how the law is implemented (Olson, 2004a). Many of the proposed revisions have to do with how annual progress is defined and measured and whether annual goals are even remotely reachable. Perhaps in response to these and other concerns, some flexibility—particularly in how highly qualified teachers are defined in rural areas and how the test scores of disabled and other student subgroups are calculated in determinations of whether schools are meeting AYP requirements—has been introduced.

A number of groups and organizations have assessed particular aspects of NCLB in keeping with specific political and/or professional agendas. For example, a report from the libertarian-oriented CATO Institute (McCluskey, 2004) concludes both that the unprecedented authority

NCLB gives the federal government over K-12 education is an unconstitutional intrusion into state matters that has not produced significant results. In contrast, researchers assessing the school choice provisions of NCLB (Hess & Finn, 2004) suggest that NCLB's choice option is serving too few students due in part to the bill's insufficient "muscle" (p. 295) to overcome administrators' resistance as well as practical implementation issues and schools' preferences for supplemental services rather than school choice. Along completely different lines, a status report from the Southeast Center for Teacher Quality (2004), a strong advocate of teacher professionalization, concludes that NCLB's narrow emphasis on content knowledge coupled with lack of funding have resulted in many states lowering rather than raising their standards for teachers. In a book sponsored by the Forum for Education and Democracy (Meier & Wood, 2004), a number of prominent progressive educators argue that NCLB is not simply failing to fulfill its promise of higher quality and more equitable and accountable schools for poor and minority students. Rather, the authors assert that under NCLB many poor and minority students actually have more limited learning opportunities than before, they are being pushed out of schools in order to raise test scores, and schools are becoming less rather than more accountable to the local communities they serve.

NCLB AND TEACHER EDUCATION

Just before this editorial went to press, George W. Bush was reelected president. It is impossible at this time to comment on the long-term ramifications of NCLB as sweeping educational policy or for teacher education in particular. It seems reasonable, however, to assume that the federal government—and thus the states—will continue to implement NCLB for at least the next 4 years with even greater intensity. Although many aspects of the law are important, as noted above, three are particularly relevant for the preparation of teachers and are of particular concern to the teacher education community.

Highly qualified teachers. NCLB requires that all students have teachers with at least a bachelor's degree, full state certification (including through alternate routes) or a passing score on a state teacher licensing exam, and demonstrated competence in the subjects they teach. Unfortunately, although NCLB's HQT regulations have the potential to drive improvement in teacher preparation, professional development, teacher recruitment and retention, and teacher professionalism, these promises are not being fulfilled (Southeast Center for Teaching Quality, 2004).

The HQT definition focuses almost exclusively on subject matter knowledge and ignores pedagogy and other professional knowledge and skills, a definition reinforced by the Secretary of Education's reports to Congress on teacher quality (U.S. Department of Education, 2002, 2003, 2004). These reports assert that in order to produce the teachers required by NCLB, states should get rid of teacher preparation requirements not based on scientific research, recruit candidates from other fields, and widely implement alternate route programs. Despite their lack of preparation as teachers, then, anyone enrolled in an alternative program is automatically deemed highly qualified. Furthermore, there is growing evidence that despite the fact that NCLB is designed to improve the achievement of disadvantaged students, these are the very students who are least likely to get well-qualified and experienced teachers (Education Commission of the States, 2004; Oakes, 2004), a situation exacerbated by the increased difficulty schools labeled "failing" have in attracting qualified teachers.

As noted above, recent assessments indicate that NCLB's requirements concerning HQT and high-quality professional development for experienced teachers are among those that states are finding most difficult to meet (Education Commission of the States, 2004). But the HQT requirements also have the most loopholes, and little attention from the Bush administration is being given to which schools and students do and do not have qualified teachers (Olson, 2004b). Rather, the HQT agenda obfuscates the acute and chronic problem of unequal distribution of resources to high-poverty

schools. At worst, it defines the problem away, reducing the disparities in teacher qualifications between low- and high-poverty schools by simply changing the definition. The painful irony of NCLB is that its long-term legacy may be to decrease rather than increase the quality of the teaching force available to students in the neediest schools.

AYP. The centerpiece of NCLB is the AYP requirement, which is currently driving (and plaguing) efforts in many schools across the nation. AYP is the rate of improvement schools (and all subgroups within schools) must make each year on tests given by their states toward the goal of 100% competence by 2013. Schools that miss any of these multiple targets for 2 years are deemed "needs improvement" and must provide students the option to move to another school. Schools that miss targets for several years are eventually considered "failing" and are subject to progressive sanctions, including mandatory provision of vouchers for supplemental educational services, withdrawal of federal funds, reconstitution (replacing faculty), and restructuring (state takeover or imposed private management).

To a very great extent, NCLB equates teaching quality and students' learning with high-stakes test scores, which Elmore (2002) has referred to as the "worst trend of the current accountability movement" (p. 35). This equation precludes the use of multiple measures of progress toward goals and multiple assessments of learning (such as performance and other alternative assessments), which provide a more complex picture of both students' learning and effective teaching. In addition, AYP requirements are unrealistic, and given different tests and different standards, comparisons across states mean very little (e.g., Linn, 2004; Packer, 2004). Warning that almost all schools will fall short of AYP targets for the next few years, Linn (2004) has demonstrated statistically that students would have to improve at 10 to 15 times the current rate in order for schools and districts to meet AYP goals. The relatively small number of schools currently failing is a function of what Packer (2004) calls "the balloon payment" approach many states used to establish initial

accountability targets—small goals at first with the promise of huge gains later. As the balloon payments become due, more and more schools will be deemed failing. Some researchers predict that in the next few years, most of the nation's public schools will be labeled "failing" according to AYP regulations, even if students' achievement scores are improving, with the likelihood of failing increasing in direct proportion to the diversity of the school population (Darling-Hammond, 2004). Some critics have even speculated that part of the point of the AYP accountability system may be to discredit public education and thus pave the way for increased school privatization through the voucher system (Meier & Wood, 2004).

NCLB defines teacher quality and student learning solely in terms of students' test scores as gauged by whether schools are or are not meeting AYP goals. It is only a small leap to defining the success of teacher preparation in terms of how the pupils of graduates score on tests, and indeed, teacher education programs across the nation are being urged not only to demonstrate their impact on pupils' learning but also to provide direct evidence of impact on test scores (The Teaching Commission, 2004). The slope here is exceedingly slippery, and the dangers involved in inventing a new kind of teacher education where pupils' test scores are not just the bottom line but the only line are enormous.

Consequences for minority students. NCLB's accountability goals must be met not only at the school level but also for all subgroups of students. There are separate AYP target goals for various subgroups of students (e.g., special education students, English language learners, African American students), each of which must have at least 95% of students take the test and each of which must make its yearly target goal toward 100% proficiency. On its face, the requirement that schools disaggregate and publicize achievement data for minority and other groups of students promises new attention to the inequities in quality of education provided for poor, immigrant, and minority students, and many civil rights group applaud this. In practice, however, what is developing is a "diversity

penalty" for schools (Novak & Fuller, 2003), or the disproportionate labeling as needing improvement of those schools with the greatest diversity (and thus the largest number of AYP targets that must be met; Darling-Hammond, 2004).

A new study from the Harvard Civil Rights Project (Orfield, Losen, & Wald, 2004) adds another dimension to the consequences of NCLB for minority students. The report proclaims a "national crisis" in graduation rates of minority students, revealing that Black and Latino students are graduating from high school at rates far lower than Whites in even those states with the worst overall graduation rates. With reference to NCLB, the report suggests that even though there could be positive outcomes from a "sound system" of subgroup accountability for school achievement, case studies are exposing what appears to be a pattern: New regulations requiring that graduation rates be included in NCLB accountability provisions are not being enforced, whereas incentives for removing low-scoring students are rigidly followed. This means that there may now be "perverse incentives in many states to push low-performing students out the back door" (Orfield et al., 2004, p. 3) so districts can avoid test-driven sanctions.

WHAT'S BEHIND NCLB?

The stated goals of NCLB—to ensure that all children attain an equal and high-quality education and meet challenging academic standards—are unassailable. But the operating assumptions behind NCLB are not. As many critics have pointed out (e.g., Cuban, 2004; Darling-Hammond, 2004; Earley, 2004; Elmore, 2002), a fundamental flaw of NCLB is the set of assumptions behind it: A highly coercive accountability system, based on competitive pressure and including public shaming and punishments for failure, will improve schooling for disadvantaged students without the improvement of school capacity, increases in resources, and major investments in programs to improve the quality of professional teachers. As Cuban (2004) concludes quite succinctly,

The No Child Left Behind law has foundered on trying to improve the nation's worst schools with pennies and sledge-hammer tactics, as if dispirited schools could, alone, transform their students through a combination of sheer will and good intentions. They cannot.

They cannot. Neither schools nor teacher education programs alone can fix the nation's worst schools and improve the life chances of the most disadvantaged students without simultaneous investment in resources, capacity building, and enhancing teachers' professional growth. This is neither an excuse for schools and teacher preparation programs or a statement that should in any way be construed to mean that certain students are not capable of learning to high standards. Rather, it is a categorical acceptance of the goal of equal and high-quality education for all students and a flat-out rejection of NCLB's flawed assumptions about how to attain that goal.

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