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Justice Talking Radio Transcript

No Child Left Behind: A Mid-Term Exam—Air Date: 5/7/07

Congressional reauthorization of the No Child Left Behind law in 2007 raises a number of questions about whether this controversial federal law has improved education or unfairly tagged poor urban schools as failures. Does vigorous testing make teachers more accountable and ensure adoption of good curricula or has “teaching to the test” replaced reliable programs that encourage critical thinking? Has limited funding for education coupled with new requirements only exacerbated the difficulties teachers and administrators face? Join us for this edition of Justice Talking when we ask whether No Child Left Behind has passed the test.

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MARGOT ADLER: This is Justice Talking, from the University of Pennsylvania’s Annenberg Public Policy Center. I’m Margot Adler. When George W. Bush became President in 2001 one of his major initiatives was education reform. His landmark law, the No Child Left Behind Act, promised to close the achievement gap between white children and children of color. The act is up for reauthorization this summer. Here’s President Bush at a recent news conference.

PRESIDENT BUSH: I strongly condemn an achievement gap that has existed in this country. It’s a gap between Anglo students and Latino students or white students and black students, and it’s not in our country’s interest to allow an education system to continue to foster that difference in achievement. The No Child Left Behind Act is beginning to close that gap. It’s the impetus necessary to cause the reforms or curriculum changes necessary to make sure every child has a chance of realizing, you know, the great hopes of our country.

MARGOT ADLER: On today’s Justice Talking, the pros, cons, and politics of No Child Left Behind. The law requires testing for all students in reading and math, from grades three through eight. But what makes No Child Left Behind unique is how these test scores are reported. For each school the students’ scores are broken down based on ethnicity, income, race, or whether

the student has a disability. And each one of these groups has to meet the state's proficiency level or the school is deemed in need of improvement and faces possible sanctions.

Suzie White-Gomez is a fourth grade teacher at Victoria Elementary School in San Bernadino, a school that until recently did not meet the No Child Left Behind requirements. In California 24.4 percent of the students have to be proficient. Last year Victoria Elementary met that mark. The year before it didn't; one group of students was .4 percent below what the state requires. At Suzie's school, which goes up to fifth grade, 17 different languages are spoken and over 90 percent of the children get free or reduced lunch, a reflection of the poverty in the surrounding community. I asked Suzie, who has been teaching there for 13 years, to tell me how her school has changed since No Child Left Behind.

SUZIE WHITE-GOMEZ: You know, because we deal with so many different languages and because a lot of our children deal with issues away from school, we've always had to sort of be on the cutting edge of how we teach. And since No Child Left Behind has come in, there have been some positives because we became a program and improvement school; we did have to have a consultant come in and basically tell us what we could do to improve. And one of the advantages to that is that she did come in and we have a two-hour, two-and-a-half-hour block of language arts and we have about an hour and a half block of math every day. So that's a definite advantage. But I think the disadvantages to No Child Left Behind are you--your creativity has been taken away. You know, one of the other--we had a teacher here that said to me there are no teachable moments anymore. And I never thought about that but then when I was walking back to my room, I thought: That's really true, because sometimes when you teach children something they--you can see that light bulb go on and it's really hard when you're teaching to a script or you're teaching so much that they don't have those teachable moments.

MARGOT ADLER: So on a day-to-day level how does your work change?

SUZIE WHITE-GOMEZ: You had more creativity in your room. For example during language arts I used to be able to teach classroom novels. But now because of our scope and sequence I have to teach the reading book that we have and every component that goes with it. So I no longer get to read class novels with my class and talk about literature and talk about similes and metaphors and expose them to good writing. So it's constantly feeling like we're rushing, rushing, teach to the test, teach to the test, teach to the test.

MARGOT ADLER: What response have you gotten from parents to all of these changes?

SUZIE WHITE-GOMEZ: Some parents I don't think really understand the importance of their child being in school every day, the importance of their child doing homework. For me, not only as a teacher, because I'm an educator, but also as a parent, No Child Left Behind--I feel like to me the teachers are held accountable, the school is held accountable, the district is held accountable. But nowhere in No Child Left Behind is the child held accountable or the parent. For me the whole thing about No Child Left Behind is the pass or fail. It's just a pass or fail. It's not--it's all or nothing. You know, I'm in the trenches every day. I have children, they deal with poverty. I have children that deal with homelessness. They deal with hunger. They deal with drugs. They deal with gangs. They deal with absentee parents. And I get so frustrated

because, you know, when you have five sub-groups that make it and that one didn't make it by .4 percent, who cares? It's almost like they say, well, we don't really care that the other ones made it. Your one didn't make it so, you know, we're going to punish you for that. That's very hard for us.

MARGOT ADLER: Has your opinion of No Child Left Behind changed since it became law?

SUZIE WHITE-GOMEZ: Yes, it has changed. You're holding us accountable. That's fine. But it's more punishment. I now feel like it's an 800 pound gorilla that's sitting on my shoulders. But I love teaching. I love my kids. I love the kids here. You know, all the teachers I work with, we have the motto "it does take a village to raise a child," and these are our children and the community is our, you know, our community. And so we know these children. But it is very hard sometimes and it is disheartening when, you know, you get those scores and you see it in the paper. And, you know, the other disheartening thing is that sometimes when you meet teachers from other schools that are in our district and you tell them that you work at Victoria, they give you a look like oh, poor you. That's disheartening.

MARGOT ADLER: Suzie White-Gomez is a fourth grade teacher at Victoria Elementary School in San Bernadino, California. Thank you so much for talking with me on Justice Talking.

SUZIE WHITE-GOMEZ: Well you know what? Thank you so much. It's so nice to feel like I actually got to have a voice.

MARGOT ADLER: Later in the show I'll talk with a principal about what she likes about No Child Left Behind and the success of her school despite its location in a section of Philadelphia with the second-highest crime rate. Andrew Rotherham is co-founder and co-director of Education Sector, an education policy think tank in Washington, D.C. He served in the Clinton administration. He also writes the blog Eduwonk. He joins me to give us a better understanding of the No Child Left Behind Act. Welcome to Justice Talking.

ANDREW ROTHERHAM: Hi. Thank you for having me.

MARGOT ADLER: No Child Left Behind has been both praised and criticized for its reliance on standardized tests and school accountability. But states were testing students before No Child Left Behind and accountability and national standards aren't new concepts. So what makes it different from previous attempts at education reform?

ANDREW ROTHERHAM: What No Child Left Behind did in terms of testing is a couple of things. First of all, instead of just the periodic testing, it mandated annual testing in grades three through eight and then once in high school. So it was an increase in testing. In addition, what the law did is require states to hold schools accountable for making progress in a much more prescriptive way than had been done in the past. And this arose out of concerns particularly from the civil rights community that school accountability really wasn't helping low income students

and particularly minority students. And that you needed much more, uh, much more rigorous accountability metrics in the federal law.

MARGOT ADLER: And the goal of No Child Left Behind is to bring every student up to grade level by 2014. What does the law require schools to do to achieve that?

ANDREW ROTHERHAM: That's right. What the law requires is to have them proficient based on state tests by the year 2014, and states define proficiency differently and states use different tests, so there's really wide variance. And so what it expects schools to do and what the law really requires schools to do is start to focus on the achievement particularly of students who have not been doing well in school, and that's minority students and low-income students for whom their outcomes are much worse than we see for other students, and to really focus on those students and narrow the gaps between them. And so it expects schools to really pay a lot of attention to the instructional program, pay attention to giving extra help and tutoring and so forth for students who are struggling, and make sure, as the name of the law implies, that no child is left behind. Or more sort of appropriately considering the educational landscape so that no groups of students are left behind as is the case now where you sort of have systemic problems that impact poor students and minority students.

MARGOT ADLER: What happens to a school if its students don't meet the requirements of No Child Left Behind?

ANDREW ROTHERHAM: What happens to a school that doesn't get a set percentage of its students proficient in any given year for two years things start to happen for the school, and those include: You have to start offering parents the choice to transfer to other public schools in the community; if the school continues not to meet its targets for a third year, offer tutoring to students who are struggling; and then sort of as the years go on the interventions become more substantial, you know, overhauling the school's curriculum, possibly overhauling the school's staff; and finally, fundamentally real changes to the school including closing it and reopening it again as a new kind of school or something like that--so really a cascading series of interventions as a school continues not to meet these targets.

MARGOT ADLER: Let's talk about funding. There's been a lot of criticism that the mandates of No Child Left Behind weren't fully funded.

ANDREW ROTHERHAM: When the law was first passed in January of 2002, it was really a deal that was cut in 2001. There was a deal on how much money appropriators--the congressional appropriators who decide on spending--how much money they were going to put into it for that year. And everybody agrees that target was met and there was a substantial increase in funding. In fact, overall about \$8 billion of new money has gone into No Child Left Behind since it was passed. In the years since then what's happened is the appropriations at the federal level have not reached the level that the law allows in terms of what the law authorizes Congress to spend. Now, in practice this is a very common thing. Rarely do laws get funded at the level that they are authorized at. Whether or not No Child Left Behind is underfunded depends on what one thinks about how much money we're spending on education over all, how much money we're spending at the federal level, and whether or not that is sufficient, and

whether the law should be funded at its authorized level or not. It's very much a subjective debate. There's not--there is not an objective answer here about whether or not it's underfunded. It's a matter of perspective.

MARGOT ADLER: And give me some numbers. Who's responsible for paying for No Child Left Behind? How much federal? How much state?

ANDREW ROTHERHAM: In terms of No Child Left Behind specifically, the federal government is supposed to pay for the things that it requires. There's been a number of analyses done, some better quality than others, in terms of whether or not states are getting sufficient money. I think sort of what you can draw out of them is if there is some sort of a shortfall it is not a very significant shortfall, and the federal government is putting in a great deal of money. The real question is: Is it enough and should the federal government be paying more in terms of reaching these goals. And again that's a subjective question.

MARGOT ADLER: Do you think that the amount of money coming from the federal government, the percentage, is likely to change with the reauthorization?

ANDREW ROTHERHAM: It's clear that one of the keys to a deal this year is an infusion of resources. I mean basically there are sort of two ways you could see a No Child Left Behind reauthorization bill going through Congress, one of which is the bill just gets eviscerated and sort of all the accountability gets taken out. This would please its strongest critics on the left and its strongest critics on the right. The other deal involves a substantial influx in money. That seems like the more likely path and that is then incumbent on the President to really put some resources on the table. Then the Democratic supporters of the law in Congress, for instance Senator Ted Kennedy who chairs the Education Committee in the Senate and Representative George Miller who chairs the Education Committee in the House--with that kind of backdrop, with those sorts of resources, they could get to a deal and get a reauthorized version of No Child Left Behind through Congress.

MARGOT ADLER: Co-founder and co-director of Education Sector, Andrew Rotherham. He'll come back later in the show to talk about the politics of No Child Left Behind. It's not every day that Democratic Senator Edward Kennedy and President Bush find themselves on the same side of the aisle.

Also coming up on Justice Talking, many say No Child Left Behind threatens the creativity of teachers by making them into test-prep drill sergeants, but not everyone agrees.

UNIDENTIFIED FEMALE: For a great teacher, you know, they should teach through this test not to this test, you know. This test should be like sort of a bug on the windshield of a great teacher who's, you know, driving her kids fast forward.

MARGOT ADLER: A debate about the pros and cons of No Child Left Behind. Can it close our country's achievement gap? Stay with us.

MARGOT ADLER: This is Justice Talking, the public radio show about law and American life. I'm Margot Adler. Although No Child Left Behind sailed through Congress when it was proposed in 2001, the reauthorization won't be a slam-dunk for the President. The Education Reform Law is a major priority for President Bush, but now everyone from teachers to education advocates to members of Congress are voicing concern over some of the law's provisions. Joining me to talk about the pros and cons of No Child Left Behind are Amy Wilkins and Joel Packer. Amy Wilkins is the vice president for government affairs and communications for the Education Trust, a nonpartisan research and advocacy organization that works to close the achievement gap that separates low income students and students of color from other youth. Joel Packer is the director for education policy at the National Education Association, the country's largest teacher's union. Welcome both of you to Justice Talking.

JOEL PACKER: Thanks for having us.

AMY WILKINS: Hi Margot.

MARGOT ADLER: Joel, your organization is strongly advocating for major changes to the No Child Left Behind Act. But you'll agree that No Child Left Behind is a great idea in that it puts the achievement gap in the forefront of people's minds. That can't be a bad thing.

JOEL PACKER: No, absolutely. We totally agree that there is a big achievement gap in this country. It's unconscionable. We need to do a variety of things to help close that achievement gap. We agree with the goals of No Child Left Behind for raising achievement for all children and closing the achievement gap, insuring every child has a qualified teacher. We just think that the level of details, the overemphasis on testing, the overemphasis on sanctions, is not the way to accomplish those goals. But, yes, it's certainly put more emphasis and attention on the problems.

MARGOT ADLER: You argue that standardized test scores and the way they are interpreted aren't an adequate measure of whether students are making progress. Why?

JOEL PACKER: They shouldn't be the only measure of whether students are making progress because No Child Left Behind bases everything, all its accountability requirements, on two state-wide test scores in reading and math. So first of all, as I said, there is a result in a lot of narrowing of the curriculum. Schools are cutting back on music, art, social studies, foreign languages, other subjects, which we think is a bad thing for students overall. Secondly, no one test can really fully measure creativity of students, problem-solving skills, team-building skills, which are the kind of things that employers say they need for workers in the 21st century. So we think tests are going to be part of any accountability system but that states and schools should be able to look at both other measures of student learning and other measures of school quality.

MARGOT ADLER: Amy, a lot of people say the tests should track the progress of individual kids over time and not test a different group of kids each year. Is this a problem?

AMY WILKINS: Absolutely, and we agree that at the end of the day what you want to see is whether or not individual kids are making progress. That's what parents want to see. That's

what teachers need to see in order to get a full view of their own teaching practice. So moving to what people call a “growth-model system” is a wonderful idea. That said, you want to hold schools accountable and school districts accountable for growth toward an end, and substantial growth, especially for those kids who are furthest behind.

MARGOT ADLER: Talking about these things, how would either of you fix this if there is a reauthorization of No Child Left Behind?

JOEL PACKER: We think again as I said that states should be given some level of authority subject to federal approval to incorporate other measures into measuring school quality. States should be able to incorporate some kind of growth model so that schools get credit or acknowledged for moving, improving student achievement, you know, at all points on the achievement scale. Third, that the consequences of the law be less focused on sort of just labeling and punishing schools. And fourth, that there be some reasonable additional flexibility for house, schools, tests, and count test scores from students with disabilities and English language learner students. Those are two groups of students who need to be in the accountability system but it has to be done in a way that’s fair, valid, and reliable.

MARGOT ADLER: Amy, would you agree with those changes or would you have your own?

AMY WILKINS: We agree actually with a lot of what Joel said. Particularly in providing schools, particularly high-poverty schools that are struggling to improve, with more and better supports. And one of the supports that we think is absolutely key is their fair share of highly effective teachers. Joel is absolutely right. The tests of reading and mathematics don’t measure sort of everything that schools do for children. However, the federal government is not the primary entity that’s responsible for education. What NCLB seeks to get at is one very simple question: Are schools giving kids the reading and mathematics skills that they need to function not only well in school but beyond school? So we would argue that a simple, clean accountability and assessment system is what is required for the law.

MARGOT ADLER: Amy, under the current system of No Child Left Behind, the school’s tests results are broken up into a variety of sub-groups: race, income, disability, English as a second language. And every kid in every group must test proficient in order for the school to meet the requirements. Is it fair to judge a school as failing if it’s succeeding for all but, let’s say, disabled kids?

AMY WILKINS: Absolutely. You know, the school’s job is to educate all children to grade level, and what we’ve seen is that when attention is focused on kids they do achieve. What has happened for far too long is that there were some groups of kids who could have achieved at high levels but because their scores were hidden under the scores of other children, schools didn’t focus on them very well at all.

MARGOT ADLER: When I speak to parents of disabled kids they love this law. They say their child is getting real attention for the very first time. Joel, isn’t this important and if this provision is scrapped won’t schools just neglect special needs students once again?

JOEL PACKER: Sure. It's not an either/or. We agree special needs students, whether they are students with disabilities or English language learner students, need to be given the services they need to improve their achievement. But clearly there are some students with cognitive disabilities who are not going to be proficient on the same test on the same standards as all other students. We think that each student with disabilities' local, as it's called, "individual education plan" team, their IEP team, should determine what's the appropriate assessment for that child. And then the score from whatever that assessment is should count towards whether they're meeting their particular goals.

MARGOT ADLER: I know there have been some lawsuits about some of these issues. Virginia has filed a lawsuit against the U.S. Department of Education because they say it's fundamentally unfair to use the same test for a child who grew up speaking English and a child who just arrived in this country a year ago and is still learning the language. This is an issue that's come up in many parts of the country. Amy, do you think the law needs fixing here?

AMY WILKINS: Well I think our understanding of the issue is what needs fixing a little bit. There is data from the Urban Institute which shows that 56 percent, that means the majority, of children who are classified as English language learners in middle school and high school are native-born children. That means most of the children in this country who are ELL children have gone to school in the United States for their entire lives.

MARGOT ADLER: Joel?

JOEL PACKER: I think the issue with English language learner students--and I don't disagree with the data that Amy presented--is there just needs to be some basic levels of common-sense flexibility. So what we've said is for newly arrived immigrant English language learner students, if they're not given tests in their native language--and we think states should do a better job of that--then they should not have those test scores count towards measuring the school's accountability for up to three years.

MARGOT ADLER: That was Joel Packer, director for education policy at the National Education Association. Also with us is Amy Wilkins, vice president for government affairs and communications for the Education Trust. This is Justice Talking and we're talking about education and No Child Left Behind. I'd like both of you to talk about the effect of No Child Left Behind on teachers. I've heard some people describe No Child Left Behind as de-professionalizing teachers, narrowing the curriculum. While the law clearly requires highly qualified teachers, some say it limits a teacher's creativity and individuality. Amy, first, how do you respond to that?

AMY WILKINS: I think it's very sad if people believe that it has sort of either narrowed the curriculum or narrowed teachers' ability to be creative in the classroom. You know, one way I look at this--and I'm sorry Margot, you know, a lot of my analogies sort of have to do with food and eating--but you know, if one goes to their doctor and the doctor says lose 20 pounds, there are two ways to do that. You can go to the gym. You can eat more fruits and vegetables and lay off some of the fatty foods and lose that 20 pounds and get healthier. The other way you can do it is to go on a starvation diet and you'll lose the 20 pounds but you will get sick. Now it seems

to me that many schools have made the wrong choice here. It is not the law saying “raise achievement” and, you know, what Joel will tell you--and I think Joel and I agree on this--is too many of these tests only test low-level skills. For a great teacher, you know, they should teach through this test, not to this test. You know, this test should be like sort of a bug on the windshield of a great teacher who’s, you know, driving her kids fast forward.

MARGOT ADLER: Well, taking the starvation analogy just a little further, are we seeing this kind of starvation because essentially there isn’t a lot of food, in other words, a lot of funding?

AMY WILKINS: Certainly NCLB needs to be fully funded. Absolutely it needs to be fully funded. There’s no question about that. But we have to remember that even if NCLB were fully funded it would only bring the federal government’s contribution to education to 12 cents on the dollar.

MARGOT ADLER: Joel, teachers and NCLB?

JOEL PACKER: It’s absolutely been generally very demoralizing for teachers. The highly qualified teacher rules I think have largely resulted in just a lot of paperwork and bureaucracy of current teachers having to go back and dig up what their test score was when they passed their licensing exam. Amy’s right: Narrowing of the curriculum is not what should be happening, but the reality is that is what’s happening. There was a study done by the Center on Education Policy that found, I believe, 71 percent of all school districts said they had cut back on at least one subject that was not tested by No Child Left Behind. And that’s hurting not really teachers--it’s making them unhappy--but it’s hurting the children in those schools. And if No Child Left Behind’s sanctions were not so rigid, in some cases unrealistic, these negative things wouldn’t be happening, which is why we think we need to create some of these more reasonable accountability changes.

MARGOT ADLER: Amy, No Child Left Behind posits a goal of 100 percent proficiency in reading and math by all students by 2014. Is this achievable? Even if it isn’t, is it a useful ideal?

AMY WILKINS: Unfortunately, I think that it’s all too achievable. I think that part of the problem and one of the things our recommendations seek to change is that the state standards in too many states are too low. The Education Trust hopes that during this reauthorization Congress will provide states with incentives to raise their standards. And if states do raise their standards, they would get an extension on their timeline to get kids to truly high standards that would make them college- and career-ready.

MARGOT ADLER: Joel?

JOEL PACKER: I think it’s a great goal. I think it’s a great aspirational goal. I don’t think we’re going to get every single child to be at the exact same place because I think it ignores two things: One, it’s ignoring that there are at least some newly arrived immigrant children coming into the United States and they’re not going to be proficient exactly when they get into the country, which would be the case in 2014. There are students with disabilities who may need additional time to reach the same level, etc. Second, that we need to look more broadly at the

whole child and not only what their needs in school are and what schools can do, but what else do we need to do to get all children to the same place.

MARGOT ADLER: Joel Packer is the director for education policy at the National Education Association, the country's largest teachers' union. Amy Wilkins is the vice president for government affairs and communications for the Education Trust, a nonpartisan research and advocacy organization. Thank you both for talking with me today.

JOEL PACKER: Thank you Margot.

AMY WILKINS: Thank you.

MARGOT ADLER: Five years ago President Bush championed the No Child Left Behind Act and Congress passed it overwhelmingly, but now it's time for reauthorization and that support is slipping away. Andrew Rotherham is back to talk about the politics of No Child Left Behind. He is co-founder and co-director of the think tank Education Sector and he writes the blog Eduwonk. No Child Left Behind is a key element of President Bush's domestic agenda. Interestingly, one of the most vocal supporters of the law is Democratic Senator Edward Kennedy. We're seeing some pretty interesting coalitions and surprising divisions here.

ANDREW ROTHERHAM: Exactly. You know, in Congress people are all over the place. And you have conservatives who are openly opposed to the law. You know it's sort of, it's an irony that President Bush, who spent a lot of his term really trying to appeal to his conservative base on his number-one domestic policy accomplishment--really his only bipartisan domestic policy accomplishment--conservatives are abandoning him. Meanwhile liberals like Ted Kennedy and George Miller support the basic provisions of the law, support the accountability. They have concerns about--there are different aspects of it and there's disagreement over funding, but they are very much in the same place as the President on the need to really get serious about measuring student learning, holding schools accountable, and particularly holding schools accountable for educating kids who historically who have not been well served by the public schools.

MARGOT ADLER: Much of the dissent is right now coming from within the Republican Party and this is a party that has been very loyal to the President. What don't these Republicans like about the law as it stands--the fact that it's just government-controlled?

ANDREW ROTHERHAM: A lot of the Republicans never liked the law. And what the situation was when it was first passed is you have to remember President Bush had just been elected. This was a major priority of his. And then after 9/11 supporting the President in both parties became sort of even a greater priority. In the years that have passed the politics have changed. It's really important to remember what the political mood was at that time during 2001 and early 2002. And that explains a lot of the support from Republicans. They didn't want to undermine their President on a key priority but they really held their nose and voted for this law. In fact, Tom DeLay went on the Rush Limbaugh show, which I think is sort of maybe the Republican version

of going to confession, and said he really couldn't believe he supported this law and helped it get through. You know, he had come to Washington to dismantle the Department of Education, not expand its authority. It was a very difficult thing for him to do. He spoke for a lot of conservative Republicans when he said that.

MARGOT ADLER: And where are most Democrats coming out on this?

ANDREW ROTHERHAM: The Democratic Party is really split on this issue. You've got powerful committee chairs like Ted Kennedy and George Miller who support it. You also have a lot of Democrats who have concerns about it and think it's punitive. The party is really split and again sort of the circumstances for a deal and particularly the amount of resources that accompany a deal will probably decide where Democrats come down. The question is going to be can you get together enough votes from Republicans and Democrats to pass this law? Or will there be enough opposition on both the political left and the political right to sink it and not allow a bill to get out of Congress? That's an open question right now, and the President is starting to get out there more on education, talk more about it. He needs to show some leadership as well if he wants to see this bill get out of Congress. Traditionally when the left and the right line up against an education reform in Washington, it spells trouble.

MARGOT ADLER: So as you see the debate over reauthorization shaping up do you think there is any chance that No Child Left Behind won't be reauthorized?

ANDREW ROTHERHAM: I think if you were a betting person you would bet on it not being reauthorized before the presidential election. Now here's the thing. If it doesn't get reauthorized nothing happens. The federal funds continue to flow. The appropriators will still appropriate money for the law. And so if it goes until 2009, while that will exacerbate some of its problems, because when it was first passed in 2001 its designers sort of assumed a reauthorization around this time, then some problems that people knew were going to emerge could get addressed. Those problems will become more apparent. It'll get politicized through the presidential campaign process. But as a practical matter for schools, federal money will still flow. These regulations and so forth will still be there. And there will actually be little effect. And so that's the final sort of cause why Congress may not act is because the sky doesn't fall. And traditionally in politics if there's a difficult decision that can be put off, it gets put off.

MARGOT ADLER: Andrew Rotherham writes the blog Eduwonk. He's also co-founder and co-director of Education Sector, an education policy think tank in Washington, D.C. Thanks for talking with me.

ANDREW ROTHERHAM: Thank you for having me.

MARGOT ADLER: Coming up on Justice Talking a principal tells us why No Child Left Behind has made a difference for her school. And the Bush administration is proposing changes to the law that would include more accountability for high schools.

UNIDENTIFIED FEMALE: We have 1,500 high schools across this country which quite frankly are drop-out factories. Fewer than 60 percent of the students get out with a diploma on time.

MARGOT ADLER: Stay with us.

MARGOT ADLER: This is Justice Talking, where we make the connection between law and American life. I'm Margot Adler. Every public school in America has had to contend with the No Child Left Behind Act, the education reform law that has created new requirements for schools. While there has been a lot of criticism of the law among teachers, some educators, like Barbara Adderly, like the law.

BARBARA ADDERLY: What I can say about No Child Left Behind, which I believe in, is that we have become more accountable to all stakeholders, not only the children but the parents and the community and the teachers.

MARGOT ADLER: Barbara has been the principal of M. Hall Stanton Elementary School in Philadelphia, Pennsylvania for six years. Her school's neighborhood has the second-highest crime rate in the city. Unlike Victoria Elementary, the school we heard about earlier which has significant ethnic diversity, this kindergarten through sixth grade school is 99 percent African-American. I asked her how her school has performed since No Child Left Behind was implemented.

BARBARA ADDERLY: Well, when I came to Stanton the children here were scoring extremely low on the state test. They were scoring around the 20th percentile in reading and in mathematics, which is extremely low. In about a year and a half our students were outscoring the school district and the state on the state test, and that occurred because a lot of things were put into place: professional development, keeping the data in our conversations all the time, insuring that our teachers knew where every student was, and making sure that instructional practices were in place in the classroom.

MARGOT ADLER: As an administrator, what has No Child Left Behind meant for you?

BARBARA ADDERLY: I think that it has underpinned my belief system that all children can learn at a high level. It has helped me to share with the staff my vision for the school, and for the students, and for the community in general. I have always believed that. And I don't think that it would have been as easy if we did not have this law in place, because now you have a law that's stating from Washington that we're going to insure that all of our children achieve at high levels. And we have proved that here. Now there are some students who have not achieved and that's our major concern and our focus. And we look at that all the time because we can't get happy about most of the children achieving. We want all of them to achieve. And that's what the law states.

MARGOT ADLER: Barbara Adderly is principal of M. Hall Stanton Elementary School in Philadelphia, Pennsylvania. Thank you so much for joining us on Justice Talking.

BARBARA ADDERLY: Oh thank you. It was great talking to you.

MARGOT ADLER: David Keyes is a second grade teacher at Bel Pre Elementary School in Silver Spring, Maryland. He sees very different consequences coming from the No Child Left Behind Act.

DAVID KEYES: No Child Left Behind is leaving many children behind. The law claims to reduce the achievement gap. In fact it has created a new one: a skills gap. Poorer students are being taught to seek simple answers and wealthier students are learning to ask complex questions. I teach in an almost exclusively minority, high-poverty elementary school. Administrators require teachers to strictly adhere to a month-long test-prep program. My students recoil at the sight of their test-prep books. Last year some of my students cried, racked with anxiety over the tests. My students are seven and eight years old.

I did my student teaching in an almost exclusively white and wealthy school. There the students studied the Underground Railroad, brainstormed plans to save wolves from extinction, and performed dances based on retellings of Cinderella. My students learned to think and they loved it. Such students are far more likely to be raised in an environment that gives them the necessary skills to succeed on tests. Knowing this, these schools have the freedom to teach higher-level thinking skills.

Poor and minority children also come to school with rich backgrounds. Their backgrounds, however, often do not provide them with the specific academic skills covered on a standardized test. Fearful of poor test scores, schools spend an inordinate amount of time on test-prep programs that teach the skills covered on tests and only these skills. Every hour spent drilling basic skills is an hour not spent developing the higher-level thinking skills that are emphasized in wealthier school districts. At the end of the year, test results will come out for schools like the two where I've taught. Any reduction of the so-called achievement gap will be trumpeted. This misses the point. As one gap is being reduced a new gap is being created. While students in wealthy schools are learning to ask larger questions, students in poor schools are only being taught to answer smaller ones.

Students taught higher-level thinking skills will be able to compete for jobs at the upper echelon of the 21st century economy. Students who receive an impoverished education focused on basic skills will be stuck at the bottom. The No Child Left Behind Act is creating a caste-like system in which students future prospects are likely to be similar to those of their parents. This is at odds with our pride in being a meritocracy. Education reform should reduce gaps, not create new ones.

MARGOT ADLER: As we have discussed in today's show, No Child Left Behind requires disaggregating test scores, to report separate group results for economically disadvantaged

students, those with disabilities, English language learners, and racial and ethnic groups. And there's one more requirement: the results for each group have to be made public. So principals face a new dilemma: How do you do that without publicly humiliating those who are lagging behind? At Mt. Diablo High School in northern California, Principal Bev Hansen separated students by ethnicity and called individual assemblies to announce group test scores, Latinos in one, Asians in another, whites and blacks in their own. She claimed it would keep low-scoring ethnic groups from being embarrassed in front of those that were excelling and would keep ethnic tensions down. As Lonny Shavelson reports, this policy is stirring up heated debate on campus and in the community.

UNIDENTIFIED MALE: I went to the Filipino assembly.

UNIDENTIFIED MALE: I went to the Caucasian one.

UNIDENTIFIED FEMALE: I went to the Latino one.

UNIDENTIFIED MALE: I'm black and then I'm white, but they said to pick one.

LONNY SHAVELSON: Students Thad and Hailey Arasele-Valenzuela and Nick Cam had a range of opinions about separated assemblies.

UNIDENTIFIED MALE: I think it was good so that, so that we can see like how our own group is doing and try to improve.

UNIDENTIFIED FEMALE: A lot of cultures learn the same way so we can probably understand each other easier.

UNIDENTIFIED MALE: I think it feels kind of racist.

LONNY SHAVELSON: Mt. Diablo High School in the Bay Area suburb of Concord is the most ethnically diverse, impoverished, and low-scoring of the six high schools in the district. Since Diablo began testing, Asians consistently score highest, whites next, African-Americans and Latinos last. So Principal Hansen made a decision about how to release their test scores.

BEV HANSEN: I didn't decide to separate anybody by ethnicity and race. The state reports its scores to us that way, and so it was our decision a year ago to really look closely at the data, to include our students in a review of that data, and the safest, most thoughtful way to do it was indeed to do it by sub-groups.

LONNY SHAVELSON: Hansen asked each student to self-identify as one ethnicity and attend only that group's assembly to hear about test scores, get pep talks from their own community leaders, and connect as a group to work together. Critics say that sounds like segregation, a word Hansen strongly protests.

BEV HANSEN: In no way were they meant to segregate, anyway. It was to provide a comfortable place where they sometimes are very surprised how poor their performance is. The dilemma is do you share bad news in front of everybody, and as the leader I chose not to do that.

LONNY SHAVELSON: The decision brought down a firestorm of criticism from the community. Some question the legality of the assemblies. Professor Jesse Choper, who teaches constitutional law at the University of California at Berkeley says he's not so sure that because the No Child Left Behind law separates test scores based on ethnicity the principal can separate students.

JESSE CHOPER: The motivation here was by no means ugly, I wouldn't think. They thought they were doing the right thing for all. That doesn't make it right. But I think it's a close question.

LONNY SHAVELSON: The question isn't a legal one for Berkeley's education professor Jabari Mahiri. He says the separate assemblies contradict school's core goals.

JABARI MAHIRI: One of the biggest struggles in schools that have diverse populations is to create a sense of community across the different groups no matter, you know, what kind of group you're coming from. The things that contribute to high achievement are going to be the same. You know, it's doing your homework. It's taking notes in class. It's developing your writing skills. It's getting mentorship on issues that you have problems with. None of this is racially defined.

LONNY SHAVELSON: Mahiri says the individual assemblies are an inappropriate response to the reporting requirements of No Child Left Behind.

JABARI MAHIRI: Then why make this rather artificial separation at the moment of grades merely because that just happens to be the way that the No Child Left Behind has required grades to be reported? But the question I think with the separation issue is how far do we want to go, because this is already a racialized society.

LONNY SHAVELSON: Mahiri says he's willing to cut Hansen some slack in how she confronts the complexities of multi-ethnic teaching, but Ward Connerly, the political activist whose proposition ended affirmative action at California's universities, is critical of both separate assemblies and the provision requiring separate test reports for ethnic groups.

WARD CONNERLY: I think it's a flaw, personally, of the No Child Left Behind legislation that we're tracking these kids separately that way. It's my own view. I acknowledge that that's the way the law is crafted, but it doesn't follow that you have to segregate them or separate them even further when the good news or the bad news comes out. The law doesn't command that.

LONNY SHAVELSON: Connerly says if Hansen's goal in holding separate assemblies was to minimize racial tensions she has achieved just the opposite.

WARD CONNERLY: Get beyond race. And you don't get beyond race, you don't purge it out of the body politic by dividing these kids into these separate groups.

LONNY SHAVELSON: All this commotion puzzles Hansen. She held similar assemblies last year after every ethnic group including Asians and whites failed the exams. She says scores on this year's test were still below passing but rose for everyone. On a 1,000-point exam, Hispanics were up 50 points, whites 46, African-Americans 61. So Hansen says the fuss about the separate assemblies is a smoke screen for the real problem.

BEV HANSEN: Too many of our children of color are not succeeding. They're dropping out of the school. That's what this community should be upset about. That's what this principal is upset about, that our students are dropping out of school. I think this is a difficult conversation for this country to have. That's the real issue that we addressed, and I would do it again.

LONNY SHAVELSON: For Justice Talking, I'm Lonny Shavelson.

MARGOT ADLER: High schools are often left out of the debate that surrounds the No Child Left Behind Act. Currently the law requires high schools to test their students at least once. Schools must also report their graduation rates. As the law's reauthorization nears, President Bush and Education Secretary Margaret Spellings have laid out plans to beef up No Child Left Behind as it applies to high schools.

Kristin Conklin joined me to discuss what these changes would mean. She's a senior policy advisor to the undersecretary of the U.S. Department of Education. I asked her why high schools weren't included in the original No Child Left Behind Act in the way elementary schools were.

KRISTIN CONKLIN: You know, I think that there's been--really going back 25 years to when the governors first got together under the first President Bush down in Charlottesville--that if we just focused on those early grades, if kids would leave third grade, if they would leave eighth grade, and they read on grade level, and they had grade-level math skills, well then, they would stay in school, in high school, and they would graduate ready for life. But that has not been the case. We have really seen that without real accountability in the high school, real college-level standards in the high schools, we just don't have the support and the accountability that we need. And so we were wrong that focusing on the younger grades would be sufficient.

MARGOT ADLER: What areas do you think need to be addressed? Drop-out and retention? Not meeting grade level? The achievement gap between whites and minorities in high schools?

KRISTIN CONKLIN: All of it. We are focused like a laser on the fact that every year we are losing in this country--one million students have failed to graduate from high school. The rates are terrible, particularly in some communities. We have 1,500 high schools across this country, which quite frankly are drop-out factories. Fewer than 60 percent of the students get out with a diploma on time. And then we certainly know how poor our college readiness rates are, 40

percent of students needing college remediation in their freshman year. And all those rates are exacerbated when you look at our growing African-American and Hispanic populations.

MARGOT ADLER: The Bush administration is proposing changes that will include high schools. Tell me about some of these proposals.

KRISTIN CONKLIN: So we've got a recommendation that high school standards be upgraded. We give states a number of years, but we do expect that every state will have college- and work-ready standards and that the classes that students have in high school reflect that kind of rigor. We are asking that states have assessments in place that align to those standards so that we really know that you're taking a college- and work-ready class. Those are just a couple of the examples of what's in our proposal.

MARGOT ADLER: And what do you think, if these proposals are actually undertaken, what effect do you think this would have on high schools?

KRISTIN CONKLIN: I think fundamentally we hope what it's going to do is focus the states' and the schools' attention on our drop-out problem and on our college-readiness problem, that we have to focus on both problems at the exact same time, because right now almost every job that's being created, the new jobs, they're requiring some form of post-secondary education. We simply are not preparing our young adults for the work that they have--that they're going to have to do.

MARGOT ADLER: Let's talk a little about specialized high schools, music and art high schools, vocational schools like Automotive High, schools that focus on technology. Would this involve some kind of standardization that might pose a threat to these alternative schools or not?

KRISTIN CONKLIN: No. Those schools should thrive in this environment because really what we are doing is continuing the emphasis that all students need to graduate on time. We need to continue the emphasis that all students should meet grade-level proficiency and that their standards should be aligned to the expectations of college and work. In the best high schools that are specialized they do all of that. We have wonderful examples of high schools being replicated across this country that take entirely low-income, minority populations, graduate them in four years, and send them all on to post-secondary education. And those are the kinds of schools that can thrive in the NCLB reauthorization blueprint.

MARGOT ADLER: What are those schools doing that's working well?

KRISTIN CONKLIN: Well, they are indeed--they tend to be smaller. They tend to be highly focused on college readiness. That is something that really all high schools in America need to do. They have curriculum that is rigorous and engaging, relates to the real world of work, relates to things that interest the students. They're high schools with excellent teachers who care about the students. And often, quite frankly, they are schools that have extended learning time: time after school, time in the summer, real important to have bridge programs before the students start ninth grade to help them get caught up if they are not ready. So they are--they're schools that take the whole student and move them to a place where they graduate ready for, for their life.

MARGOT ADLER: Kristin Conklin is a senior policy advisor to the undersecretary of the U.S. Department of Education. Thank you so much for talking with me today.

KRISTIN CONKLIN: Oh, my pleasure.

MARGOT ADLER: On today's show we've heard a lot of different opinions about what No Child Left Behind means for students and teachers across America. But what are your thoughts on the law? We'd love to hear them. Log on to justicetalking.org. While there, post on our message boards, learn more about our guests, and sign up for our free podcasts. And don't forget to check out our blog, where many of the nation's leading commentators give their views on law and American life.

Thanks for listening. I hope you'll tune in next week. I'm Margot Adler.
