Leaving Children Behind: How No Child Left Behind Will Fail Our Children

Mr. Neill presents a litany of perhaps fatal flaws in the No Child Left Behind Act. The law as passed, he argues, will have precisely the opposite effect of its name, with the most damage being done to low-income and minority students.

BY MONTY NEILL

NO CHILD Left Behind. What could be a more worthy goal for our nation’s schools? Unfortunately, the new federal Elementary and Secondary Education Act (ESEA), which is cleverly branded with that slogan, will exacerbate, not solve, the real problems that cause many children to be left behind.1

The “Statement of Purpose” in the No Child Left Behind (NCLB) Act claims that it is intended to ensure that all children reach “challenging” standards in reading and math and to close the academic achievement gap that exists by race and class. This implies that the nation will now move from ensuring access to school for all children (however inadequately that goal has been attained) to ensuring high achievement for all children.

If the law were designed to make significant progress toward this goal, every supporter of equity and excellence in education would applaud it. However, for multiple reasons, the actual provisions of NCLB, particularly Title I of the Act, contradict its professed aims. This leaves advocates for high-quality education for all children with the complex problem of opposing the law without giving support to those who will seize upon its inevitable failure as a way of promoting privatization and continuing the push for high-stakes testing.

All our children deserve a high-quality education, not classrooms transformed into test-prep centers. In most states, the law will make scores on standardized reading and math tests the sole measure of student progress. Test proponents claim that these exams measure what is most important, but any realistic assessment of state tests reveals that much of what is important is not tested and much of what is tested is not of major importance. Even the test-promoting organization Achieve, Inc., recognizes that most state exams are weak and acknowledges that much higher-order thinking (which ESEA is required to measure) cannot be adequately assessed through standardized paper-and-pencil tests.2 For example, one group of college admissions officers and another of published authors reviewed the highly touted New York State Regents Examinations. They found the exams were “insulting” to the literature and to the student and concluded, “If you want to know whether this test helps prepare students for college, the answer is no.”3

Under NCLB, education will be seriously damaged, especially in schools with large shares of low-income and minority children, as students are coached to pass tests rather than to learn a rich curriculum that prepares them for life in the 21st century. In schools where children don’t perform well, there will be intense pressure to eliminate or reduce emphasis on such untested subjects as history, science, languages, and the arts; to cut such “frills” as recess; and to reduce tested subjects to the form and content of the exams. Two recent research reports from the National Board on Educational Testing and Public Policy are the latest in a long series of studies that demonstrate that the higher the stakes, the more teaching to the test — often with harmful effects.4

Researchers agree that a majority of schools will fail to meet the unrealistic demands imposed by NCLB’s “adequate yearly progress” (AYP) provision. Virtually no schools

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serving large numbers of low-income children will clear these arbitrary hurdles. Moreover, the process of determining which schools are not making AYP is deeply flawed. Thomas Kane and Douglas Staiger concluded that, when there are fewer than about 67 students in a tested group, there is more “noise” than “signal” in yearly changes in test scores. Despite this, states are typically planning to base decisions on groups as small as 30 students. Kane and Staiger also found that the more diverse the school population, the more likely it is to fail to make AYP, so that schools will be punished for being more integrated.

As a result, many successful schools will be declared “failing” and may be forced to drop practices that work well. Already, highly regarded schools have been put on the “failing” list, including Vandenberg Elementary of Southfield, Michigan, which was visited and praised by President Bush to promote ESEA. USA Today found that 19 U.S. Department of Education (ED) Blue Ribbon schools had been placed on lists of low performers — leading ED to “solve” the problem by making test scores the criterion for a blue ribbon.

Sanctions intended to force gains in test scores, such as in-district transfers, tutoring, and school restructuring, will do the opposite. They will pit parent against teacher, parent against parent, and school against school. Already some parents have protested against having their schools accept students from schools with lower test scores. The protesters could be criticized for selfishness, but why should they allow their children’s educational programs to be disrupted and their class sizes to balloon when there is no evidence that transferring will help the incoming students?

Schools “in need of improvement” must use 20% of their Title I funds for tutoring and, if students elect to transfer, transportation to other schools. Since only small percentages of eligible children will receive tutoring, diverting the funds in this fashion will prevent schools from serving all students in need.

States are supposed to help schools that don’t make AYP, and estimates suggest that hundreds — if not thousands — of schools in each state will fall into this category and face severe sanctions. But ESEA does not provide funding that is even remotely adequate for states to work intensively with so many schools. The law’s ultimate sanctions — privatizing school management, firing staff, state takeovers, and similar measures — have no proven record of success.

States that don’t have high-stakes tests for students, such as graduation and grade-promotion exams, will face pressure to adopt them to focus student attention on the tests. (Fortunately, there is great countervailing pressure, which has led California to postpone its graduation exam for two years in the face of extensive grassroots organizing.) One consequence of poor test performance — grade retention — has been exhaustively studied and found not to improve academic achievement. However, the practice does reduce self-esteem and encourage dropping out. Not only do retention and graduation tests produce dropouts, but some schools and districts resort to pushing out low-scoring students in order to boost average scores.

Compounding the flaws of the law, the federal government has failed to provide adequate funding to implement its provisions. A growing number of studies conclude that enabling all children to attain proficiency will require perhaps doubling the per-capita spending for low-income students. As already noted, the sums appropriated for ESEA are completely inadequate, but the Bush Administration proposes no education spending increase. One theory behind NCLB was that the law would push states to provide adequate resources to all schools. Yet most states are cutting their education budgets in the face of lingering budget shortfalls. States are also having to spend more than ESEA provides to meet the new federal requirements. This has led to talk of litigation, as NCLB says that states do not have “to spend any funds or incur any costs not paid for under this Act.”

Perhaps most fundamentally, no one is addressing the
poverty that makes it difficult for so many children to learn in school. Housing, nutrition, and medical programs are being cut at both the state and federal levels. Combined with the failure to adequately fund schools, this means that many children will be left behind — even with a rational accountability structure instead of test-based AYP.

WHAT WOULD REALLY HELP CHILDREN?

Opponents of NCLB should not oppose all forms of accountability. Instead, they must press to develop genuine accountability that supports improved student learning and better schools and provides rich information to parents and communities. The federal law should be transformed from one based on threats and punishment to one that supports teachers, students, parents, and communities in their efforts to improve schools. Much is already known about how to create socially supportive and intellectually engaging environments for teachers and students, as well as helpful assessments.

Instruments such as the Learning Record, banks of performance tasks, and the rich literature on using portfolios, exhibitions, and other forms of assessment indicate that the knowledge is available to ensure that rich assessment information is produced and used in every classroom. Classroom-based, formative assessments have been proven to be powerful tools for improving learning for all students, even as they help lower-achieving students the most. Information from such assessments also can be accumulated and organized for public reporting and accountability.

NCLB focuses on large-scale testing, which is both useless for diagnosing the needs of students and a poor tool for assessing the higher-order learning they need. The law must change from one that relies primarily on standardized tests to one that encourages high-quality assessments. A number of states, led by Maine and Nebraska, are implementing assessment systems that are not limited to standardized tests. These include the use of classroom-based information as evidence of what students are learning. Unfortunately, most states are not following this lead. While the U.S. Department of Education appears to be doing nothing to ensure that state assessments meet the NCLB requirements for assessing higher-order thinking or providing useful diagnostic information, it does seem intent on ensuring that local assessments meet narrow technical criteria.

Even good assessments can be misused, and a good system in Maine or Nebraska would be undermined by NCLB accountability requirements. Congress should immediately amend NCLB to stop the destructive inflexibility of its “adequate yearly progress” provisions. In addition, Congress should cut back the amount of mandatory testing, prohibit the use of any single exam for high-stakes decisions, and encourage a focus on the use of multiple forms of assessment that improve teaching and learning.

Taking these steps would admittedly pose a problem: for justifiable reasons, some supporters of improved education for low-income and minority-group children fear that, if stringent goals are relaxed or accountability simply handed back to the states, many children will continue to be ignored. These advocates feel caught between the Scylla of high-stakes, test-based numerical accountability and the Charybdis of allowing states, districts, and the federal government to fail to educate many children. The only solution is to steer a course toward new thinking and new structures of assessment and accountability.

NCLB stands accountability on its head: the people and institutions with the least connection to the realities of teaching and learning are given the most importance, as are the least educationally useful assessment instruments. Parents, students, and teachers — those most directly involved in education — are rendered relatively powerless and irrelevant.

Genuine accountability requires that those most involved play a central role. The Massachusetts Coalition for Authentic Reform in Education (CARE), a FairTest Assessment Reform Network affiliate, has developed an assessment and accountability plan in which each school would use diverse data about academic outcomes and other attributes to evaluate itself. This information would be reported to the community and used as a basis for a dialogue about how well a school is doing, what it should do better, and how it can make those things happen. Community engagement through participatory democracy should be at the heart of accountability.

Many states and communities have failed to provide their students with adequate opportunities to learn, often creating unequal education systems based on class, race, language, and (dis)ability. Thus there must be a means to verify that schools are providing a high-quality education to all children. High-quality learning does not require exactly the same curriculum and assessments for every student, but different cannot be lesser. The means of verification can include independent reviews of randomly selected student portfolios, visits by school quality assessment teams, and limited standardized testing. Each school could also produce an opportunity-to-learn index, including such factors as per-pupil funding, class size, number of books in libraries, teacher qualifications, and school climate and satisfaction surveys.

States should investigate discrepancies in results. When
schools have adequate resources but fail to provide a good education, the district or state should intervene — recognizing this must be done with great care, as the majority of such interventions have not succeeded.

Across the nation, high-quality schools serving low-income children do exist, including those associated with the work of educators such as Deborah Meier and Ann Cook or the Met in Rhode Island. However, they are not cookie-cutter programs focused on boosting test scores. Creating thousands more schools of similarly high quality will take far more thought and effort than imposing accountability exams and standardized interventions.21

Real school improvement must be a cooperative endeavor involving educators, parents, and their communities. Accountability must mean support first — not punishment first. Thus the problem with the current version of ESEA is not only a specific set of policies but also a flawed and damaging approach toward schools and the humans who teach and learn in them.

Across the nation, parents, educators, students, community activists, school board members, and state legislators are beginning to recognize and denounce the misguided approach and damaging consequences of NCLB. All these people and more must unite to push Congress to amend ESEA into a law that will leave fewer, not more, children behind.

Doing so will not be easy. There is strong support for the law among policy makers of both major political parties. Those of us who have an alternative vision of assessment and accountability are not well organized. The incipient anger over NCLB could lead to the law’s implosion, but the results could be disastrous and could lead to privatization, ignoring those students who need help most, or both.

Creating a new federal law that truly promotes high-quality schooling supported by rich assessments and fair and helpful accountability for all schools will take years of hard work. Education, civil rights, parent, and community organizations must come together in campaigns at local, state, and national levels; engage in serious thinking; conduct extensive public education; provide effective advocacy; and win a new ESEA.24

1. The name of the law, the No Child Left Behind Act, was derived from the famous slogan of the Children’s Defense Fund, “Leave no child behind.” The CDF itself has a more wide-ranging conception of what this phrase means, as can be seen in the act it supports, The Act to Leave No Child Behind, available at www.cdfactioncouncil.org/act.htm.


10. Ibid.
23. Deborah Meier, In Schools We Trust (Boston: Beacon, 2002).