

Three Fundamental Issues and Plenty to Do  
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Chairman Barnes, Thompson, and members of the commission, thank you for the opportunity to be here today and thank you for your service on this important commission. I wear several hats in education policy. I am co-director of the think tank Education Sector, senior fellow at the Progressive Policy Institute and a member of Virginia's Board of Education. However, the views I am sharing with you here today are my own and should not be ascribed to any of these institutions.

I'd like to start with some background. In all the back and forth about No Child Left Behind some basic contextual points are too often overlooked. For starters, at the time the law was passed, and still today a mere four years later, the nation faces staggering gaps between minority and white students in achievement and outcomes. On national assessments like the National Assessment of Educational Progress (NAEP), minority students trail white students by the equivalent of several grade levels. The Civil Rights Project at Harvard University, Urban Institute, Manhattan Institute and other researchers also report substantial gaps between graduation rates by race. There are also persistent gaps on a variety of other outcome measures.

Further, while we know these problems are especially severe in our urban centers, the data also show that these same gaps exist even in our affluent suburbs where there are pockets of low-income and minority students. In terms of how we educate our children, today we essentially allocate the ability to fully participate in American life by zip code but the problems are not limited by zip code. This makes a mockery of any reasonable notion of equality of opportunity. I raise this issue to remind you as you sort through the complaints about how No Child is unfairly labeling schools as needing improvement, that this is not a public relations issue, it is an issue of equality and fairness that goes beyond our cities. The students on the low end of these gaps attend schools not just in our cities, but in every corner of our country. No Child's accountability system, however crude, is calling attention to this too often obscured reality.

Second, No Child Left Behind is a far-ranging law and a significant shift in federal education policy. Consequently it would be surprising *if it did not* have some problems. It took several reauthorizations to begin to really work out the kinks in the original Elementary and Secondary Education Act. That's par for course with large federal programs across a range of policy issues. The Secretary of Education does the law no favors when she likens it to "Ivory Soap" and claims it's 99 percent pure. It's obviously not, nor should it be expected to be. Expecting perfection just leads to a pointless debate between the law's critics and its supporters. The question before you should not be

whether or not the law is perfect, but how it should be changed to make it more effective without reducing the emphasis on seriously addressing the problems I just outlined.

Finally, No Child is a general interest reform. It has wide-ranging benefits, but very selective costs. We will all benefit indirectly if it succeeds over time in driving improvement with disadvantaged students benefiting most tangibly. Yet many of its costs indisputably are borne by vested interests in public education today -- teachers, principals, administrators, school board members, and so forth. They are being held accountable in new ways, forced to change existing routines and structures, and in some cases have been divested of some authority or decision-making. In response, these groups are organized, vocal, and able and willing to access the political process to air their grievances, while those who benefit from the law lack the political muscle and organization to counter effectively. That does not mean every point these education groups raise is invalid; on the contrary they're an important part of the process. But it is vital that as a commission you separate the noise from the signal in terms of complaints about No Child and recognize the underlying political dynamic that is at play here.

### **Three Major Issues**

No Child is about four and a half years old now, and like any child that age, it's changing fast, learning a lot, in need of both discipline and plenty of room to run, and alternatively precocious and hesitant. And like a four-year-old, it is a work in progress. Is it working? It's too soon to tell, although advocates on both sides would say otherwise. But more to the point, it's the wrong question. Has Title I worked? Has IDEA? I'd argue an honest answer about those longstanding programs would be yes and no. This is a business of constant refinement and improvement and rarely lends itself to binary answers. Its framework is undoubtedly focusing attention on underserved students but some of its provisions are clumsy and problematic. Still, even at this point, there are some issues in No Child that demand attention going forward. But, rather than fundamentally revisiting the law, I submit to you that the challenge is more about how to use policy to put in place the support and changes that are necessary to move us closer to its noble vision and goals. Today I will discuss three primary ones: Human capital, the supply of good public schools, and NCLB's accountability requirements.

#### Human Capital

Though it's often uncomfortable to discuss, no one wants to seemingly demean hard working educators and public servants, we face a human capital problem in education. In our industry, people are key to our success, and we know teaching is an intellectually demanding profession. Yet, teachers are drawn disproportionately from among students with lower test scores on national exams like the SAT, ACT, and GRE. Moreover, according to U.S. Department of Education statistics, students with higher scores on the SAT and ACT are more likely to leave teaching within the first few years. There are obviously many individual exceptions to this picture, but positive anecdotes hardly refute aggregate data. This evidence indicates a serious adverse-selection problem that cannot be ignored no matter how uncomfortable it makes us.

Further complicating matters, is the fact that quality within the teaching pool is not equally distributed. Poor and minority students are much less likely than other students to have teachers with a college major in the subject they're teaching. Better teachers tend to migrate to more affluent schools. And, while there are plenty of candidates to teach in some disciplines, certain subjects particularly math, science, and special education, suffer from acute shortages. Consequently, rather than an overall teacher shortage, we face a targeted one.

Though No Child's high-quality teacher provisions were designed to help address the inequities that exist between affluent and low-income schools, they have proven insufficient to the task thus far and have little leverage to address these broader teacher quality problems. Currently, NCLB's \$2.8 billion teacher quality fund includes a variety of allowable uses to help states and school districts target the issues described above. These activities include recruitment, retention, alternative licensing initiatives, mentoring, induction, and differentiated salary plans. Instead, as a 2005 General Accountability Office analysis indicated, these funds are mostly supporting class size reduction, professional development, and in some cases districts are transferring the funding out of this title to support other efforts.

A reauthorized NCLB should better leverage improvements in the quality of the nation's teaching and school leadership force:

- By either refocusing this funding or adding substantial new funding conditioned on aggressive state efforts to directly address recruitment, teacher preparation and alternative licensure, retention, and differentiated salary for teachers;
- By streamlining any provisions defining "highly qualified teachers" in the law to focus on demonstrated content expertise based on rigorous and uniform criteria for *all* teachers; and
- By changing Title I's comparability provisions to include actual teacher salaries and aggressively enforcing NCLB provisions aimed at reducing inequities in teacher quality across schools.

The federal government cannot solve the nation's teacher quality problem alone, but a well-aligned carrot and stick approach will help focus and support state and local efforts.

### Increasing the Supply of High Quality Public Schools

At its core, No Child is a public school law. It is predicated on the idea that low-performing public schools can and must improve or that students in those schools must be given other publicly provided opportunities. But in practice we know two things. One, in some states and communities, the scale of the challenge is simply too great to address immediately, and two, no intervention has an unfailing record of success; in other words, there are no silver bullets.

As a result, while federal policy should not lessen its emphasis on "turning around" low-performing schools, a strong element of pragmatism is also necessary. Federal

policymakers should take steps now *to increase the supply of high quality public schools in currently underserved communities*. The most effective lever to accomplish this is already present in No Child Left Behind through the Public Charter School Program (CSP). This program, championed by President Clinton and Republicans in Congress, is credited by Republicans and Democrats alike for helping catalyze the growth of public charter schools around the country. Yet it should be changed to bring it more in-line with the goals of No Child Left Behind and lessons learned about charter schooling during the past decade.

It is, of course, vital to remember that "charter" is not a silver bullet. It's merely a license to extend the franchise on providing public education within a community.

Policymakers should use the CSP as a lever to ensure quality while expanding the supply of public schools in underserved communities, not simply create more schools. This can best be accomplished by at least doubling the annual appropriation for the CSP and focusing these resources on states and activities that promise to generate the most benefits for students. The CSP should not lose sight of its original role of helping charter school start-ups through funding for planning and early operations. However, the program will be better positioned to increase the supply of public schools in underserved communities by:

- Limiting funding to states with charter school laws that are rigorous about accountability and authorizing, allow for multiple authorizers of charter schools and ensure that charter school authorizers are held accountable;
- Supporting replicable schooling models and nonprofit educational management organizations as well as individual schools;
- Investing in support and training for charter school authorizers; and
- Investing in state and local capacity building activities sponsored by state charter school support organizations.

#### Supporting New Directions in Accountability and School Improvement

No Child makes a subtle but seismic shift in how schools are held accountable. In the past, schools were the primary unit of accountability; now federal policy is attempting to focus on students *within* schools. This new emphasis is technically and politically complicated and pitched against a system often ill-equipped to implement it. Nonetheless, to borrow from Churchill, it's the worst system, except for all the others.

As No Child is reauthorized policymakers must attend to the dual challenges of allowing states that are well-positioned to implement more textured accountability systems the ability to do so, while not opening loopholes for states that are not. It's worth noting that while 20 states sought approval to employ "growth models" under the Department of Education's pilot program, only eight even qualified for peer review, and just two were approved. In 2005, The National Data Quality Campaign found that only *seven* states had eight or more of what they consider the ten elements of a comprehensive student data system.

In practice, this likely means a tiered approach. Some states will qualify to implement systems that incorporate measures of school growth or student value added, while maintaining No Child's commitment to uniform standards and gap closing. Other states, in the near term almost all states, will remain in a default accountability system.

Such an approach raises two important questions that the law must engage. First, for states that are able to move forward, the law must include a rigorous and transparent process for ensuring the technical rigor of state assessment and accountability systems. Second, the law must be clear about how decisions about intermediate performance targets are made and who makes them. Technical issues aside, value-added and/or growth models hold a real risk of returning to policies that based achievement goals on demographics. The Department of Education's pilot program wisely precluded this as a formal matter, but it warrants the attention of this commission as you deliberate your recommendations.

As you know, there is considerable pressure to change NCLB's emphasis on holding schools accountable for the performance of disaggregated subgroups. Yet this "dashboard" approach is a key part of focusing on what happens to students within schools, rather than just on schools themselves. However, not all schools that are identified as "needing improvement" because they do not make adequate yearly progress are alike.

Consequently, rather than backing off the emphasis on reporting and holding schools accountable for disaggregated achievement, the commission should also consider the other side of NCLB's accountability coin: Timelines for school improvement. A reauthorized No Child should allow states to focus their efforts on their lowest performing schools, while maintaining the transparency and disaggregated approach to accountability that is its cornerstone. Although it would be counterproductive to reduce the pressure on low-performing schools to improve or the requirements that states and school districts help them do so, realism about the scale of the challenge is essential to effective policy and interventions that genuinely help students. States will soon be forced to target limited resources at an increasingly large number of schools. With modified timelines states could "triage" their schools for more substantial interventions *after* years one and two of school improvement (public school choice, SES, and early school improvement) using objective and uniform criteria, such as absolute performance, number of subgroups not making AYP, or a value-added measure. In other words, policymakers would allow states to trade breadth for depth by extending the improvement timeline for some schools while substantially compressing it for others after years one and two.

### Conclusion

There are a variety of other issues that bear on the No Child conversation and my testimony today is not intended to be exclusive. For instance, access to high quality pre-K education and its alignment with K-12 schools, the federal role in research and development, support for English-language learners, encouraging interstate collaboration

to take advantage of economies of scale and quality, and improving the ability of state departments of education to address today's problems are all vitally important issues for policymakers to consider.

However, while we should consider ideal solutions to these and other issues, policymaking is ultimately about choosing from among various practical and usually flawed alternatives. No Child needs changes and subsequent laws will as well. However, the framework it offers, tying federal resources clearly to reform and results, is the most promising avenue for education policymaking today and one we should improve and refine rather than jettison.