

Written Testimony before the Commission on No Child Left Behind
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Mr. Chairman and Members of the Commission, thank you for the opportunity to testify before you today. I and my colleagues at the Education Trust very much appreciate this opportunity to share with you what we have learned from our work with dedicated educators around the country who are working to meet the historic challenges of this law. We've learned a lot -- both about the impact that this law is having on the energies and priorities of America's educators and about the ways that the law's effectiveness could be improved.

Before I share some of our key findings and recommendations, though, it might be worth just a moment to step back and remember why this law was necessary in the first place.

Why NCLB Was Necessary

As most of you know, after some important gains during the '70s and -'80s, the achievement of American students mostly leveled off during the 1990s. Worse, though gaps separating poor children and children of color from other children had been narrowing in earlier years, those gaps widened during the nineties. By the end of high school, African-American and Latino youngsters had skills in both reading and mathematics exactly the same as White eighth graders.

From their perch in Washington, national leaders were growing increasingly alarmed by these numbers. They knew, as did many of their counterparts in the states, that young people with low basic skills would not be able to get a decent foothold in the knowledge economy. They knew, too, that in the Internet age, our young people were competing not just against each other but against their counterparts all around the globe.

Yet while our results were mostly stagnant, improvement efforts in other countries were bearing fruit. Indeed, by 1999—the year before NCLB was reauthorized—our young people were already substantially behind those in other developed countries.

- Among 15 year olds in 27 OECD countries, our 15 year-olds ranked 15th in Reading, 18th in Math, and 14th in Science.
- In an era when a high school diploma is the rock bottom requirement for a decent job, our high school completion rate had slipped to 14th in the developed world.

- Even at the higher education level, where the US had long led the world, our college entry rates had slipped to 9th.
- Perhaps most worrisome of all, we were the only nation where literacy and advanced education rates were lower among young adults than they were for adults a generation older.

Clearly something had to be done. Yes, education had long been considered primarily a state responsibility. But in the current environment, poor educational outcomes were a national problem.

Two Core Problems with 1994 Law and its Implementation

As members of Congress examined progress under the 1994 Improving America's Schools Act, they came quickly to two important conclusions:

- First, much of the state-level goal setting that had taken place under previous federal law had been, shall we say, rather anemic. Typically, states were asking schools to do only a little bit better than before, but even flat or declining results were often deemed adequate—so long as schools didn't fall backwards very far. Moreover, despite requests from Congress to the contrary, results for too many children—especially minorities and the poor—continued to be swept under the rug. In other words, our core signaling systems were signaling most schools that they were basically doing okay. Obviously, if we wanted more progress as a country, that needed to change. We needed more aggressive goals and we had to stop the practice of hiding children.
- Second, while states were at least beginning to ramp up their expectations for children, they had not yet made commensurate changes in their expectations for teachers. As a result, too many children—disproportionate numbers of poor and minority children among them—were being taught by teachers without the necessary education and experience. Given research showing that teachers are the most important determinant of student achievement, that too needed to change. To both raise achievement and close gaps between groups, we needed aggressive efforts to raise teacher quality and eliminate inequities in the distribution of teacher talent.

The No Child Left Behind Act took bold steps to attack both problems. It asked states to take their standards seriously—and to work hard to get all students to them. No longer were there to be hidden children: all children would count.

But Congress also asked states and districts to take teachers and teaching seriously—to clarify what teachers needed to know and be able to do to get their children to standards, and to provide lots of assistance to those who lacked that knowledge.

In neither area are the law's provisions perfect. Indeed, no law ever is. But at its core is a plea—even a demand—to America's schools to abandon time-honored but ineffective practices and *teach every child well*.

Response in the Field

Some have come before you with their polls suggesting that educators—or the American people more broadly—aren't all happy with the law.

Frankly, when Members of Congress adopted this law, I don't think they were mostly hoping to make people *happy*. They were trying, of course, to help young Americans get smarter and more productive and better prepared for a very competitive economy. That required them to push for big changes in the status quo, particularly in the way goals were set and educational resources divvied up—changes that would inevitably make those who benefit from the status quo, including some educators, very *unhappy*.

For me, of course, the important question isn't simply whether people are happy about every aspect of the law. The important question is whether the law is helping the teachers, administrators and citizen leaders who have been trying to improve their schools to move further, faster than they could have without it.

And the answer here is clear in the schools and districts I visit all over the country. Clear from ever better results—not far enough or fast enough, but better. And clear in the voices of educators and parents who no longer feel that they are battling alone: finally, they have the power of the federal government behind them.

I cannot emphasize enough how alone many of the real leaders in education felt before the passage of this law. Surrounded by people who told them that poor children could never achieve at high levels, they got little support and few resources for their efforts to turn around low-performing schools. Even when they succeeded, their results were dismissed, and nobody ever visited or said thanks.

Indeed, we had three such leaders in the Capitol just last week—Superintendent Al Harper, from Elmont Union Free School District in New York; Barbara Adderley, from M. Hall Stanton Elementary in Philadelphia; and Martha Barber a former Title 1 school principal and now a regional principal coach, from Birmingham, Alabama. All are African Americans; all serve schools and districts that are mostly poor and mostly African American; and all were unequivocal that, with the right kind of instruction—their children absolutely could achieve at high levels. And the schools they lead are living proof.

So, too, Richard Esparza, the principal of Granger High School in Washington's Yakima Valley, who was also in the Capitol last week. Through personal

experience, Esparza knows all too well the damage that low expectations do to the poor, mostly Latino students he serves. So he is determined to get every one of them to Washington State's high standards. Is he there yet? No, he is not. But federal pressure, while not always pleasant, puts the wind at his back.

These and hundreds of other educators we meet around the country are absolutely unequivocal: the law can and should be improved. But under no circumstances should its fundamental command be altered: teach all children to high standards.

Four Places for Improvement

- **Counting Growth, But to Higher Standards**

Two of the most important issues in the reauthorization should be addressed in tandem: First, we have to revisit the "hands-off" approach to the quality and rigor of state standards, because in most cases the expectations for proficiency are not high enough to ensure students are prepared for meaningful post-high school opportunities. Second, recognizing that many students still are not being educated up to the current standards, we need to craft growth models that create incentives for schools to focus on teaching students all along the achievement continuum.

There is a way to wed these issues by allowing a growth model that asks whether students' achievement is going up enough to put them on a path to proficiency within a certain number of years. But if we are going to give schools credit for students who are growing but still aren't proficient, that proficiency standard better mean something. To count student growth and not just proficiency, states should have to demonstrate that their standards are aligned with the demands of post-secondary education, jobs that pay a living wage, and military service.

In considering the addition of a growth model to NCLB accountability, it also is important to acknowledge that most states don't currently have the infrastructure to implement such a system. The infrastructure to collect and cross-reference the data has not been developed, nor do most states have the personnel capacity to analyze the data this way. The lack of reliable, longitudinal, actionable data makes it impossible to measure learning gains over time. (Lack of data also keeps us in the dark in terms of calculating accurate graduation rates and identifying effective--and ineffective--teachers.) The reauthorization should provide dedicated, formula funds for the development and implementation of longitudinal data systems, should set standards for quality and comparability of data collection and storage, and should require states to maintain such systems.

- **Better Help for Struggling Schools**

For too many communities, the school improvement process has felt like an exercise in labeling and public humiliation, without accompanying help or support. And while it is not wrong to expect school districts and states to take responsibility for helping in their struggling schools, there has not been adequate energy or resources dedicated to building capacity in this area. States, districts and schools desperately need more federal help—in the form of solid, widely disseminated research and financial support--about what it takes to turn around chronically low-performing schools, as well as what it takes to boost the academic achievement of students who enter school behind or fall behind over the course of their academic career. Especially high priority should be devoted to answering fundamental questions about best practice for teaching Limited English Proficient students.

State departments need to build capacity to provide technical assistance and learning opportunities for staff in struggling schools, need to be able to review school and district plans and progress in implementing them, and need to be able to step in with intensive interventions and supports when a school fails to educate its students over multiple years. In addition, there needs to be much more in the way of high-quality curriculum, instructional units, and assignments, so teachers – in these schools and others – have better materials on which to build. Federal law could help with more targeted resources for these efforts. But the federal government also needs to get better at identifying successful schools, supporting research into the practices and policies that distinguish these schools, and disseminating best-practice research that is non-political and is readily available to the many administrators who are willing to acknowledge their schools need to improve, and deserve better help in meeting the challenges.

It is worth noting that the National Education Association is directing its local affiliates to negotiate over the terms of school improvement efforts. For instance, local unions are encouraged to seek contract provisions that ensure union members will make a majority of school improvement committees, effectively giving teachers a veto over any improvement plans. No one disputes that teachers deserve to be important participants in crafting school improvement plans, but Congress should forbid the subversion of meaningful participation by parents, administrators, and advocates from business and civic organizations.

- **Teacher Quality**

The teacher quality provisions in NCLB represent a squandered opportunity of momentous proportions. In some ways, we are in a worse position to confront problems in teacher quality and distribution than we were in five years ago. Then, most education leaders would grudgingly acknowledge that high-poverty and high-minority schools were shortchanged when it came to teacher talent. Now, with states having gamed the definitions of who is a “highly qualified

teacher,” many states are telling their publics there’s hardly any problem with the supply of qualified teachers and no difference in the quality of educators between high-poverty and affluent schools, or between high-minority schools and those with few students of color.

Because the research is so clear that the teacher in the front of the classroom matters more than anything else we do in public education, and because the research is also so clear that students of color and students growing up in poverty are assigned disproportionately to our weakest teachers, these issues must be addressed in the reauthorization.

Recent research confirms that there are massive differences in the effectiveness of individual teachers, but the proxies that are currently most popular in measuring teacher quality are turning out to have only limited power to predict who will be effective. The evidence suggests that we should keep some quality control on those who enter the classroom, but we should focus much more attention on who *stays* in the classroom. Once teachers have been on the job for two to three years, they should have to demonstrate that students learn in their classrooms to earn tenure. In essence, we need to move from measuring teacher *qualities* to teacher *effectiveness*. Teachers who cannot demonstrate that they can boost student learning should get assistance, but then should not continue teaching if they do not improve.

Teachers whose students gain the most should be given significant incentives to stay in the classroom and to teach the most challenging students. Congress sought to seed innovations in teacher assignment and distribution with the creation of Title 2 in NCLB. Title 2 grants have provided almost \$3 billion per year since NCLB was enacted—close to \$15 billion—that was supposed to help states and districts to ensure students in high-poverty schools got their fair share of the best teachers. Instead, the money mostly was used for generic programs that weren’t targeted to the teachers or schools that need the most help. This \$3 billion should be re-purposed to provide well-designed support and innovative incentives to raise teaching quality in the highest poverty schools – and nothing else.

Finally, in terms of teacher quality, federal law must prod states and districts to be more equitable in the way they spend their own money. Part of the reason high-poverty and high-minority schools are so consistently shortchanged in teacher talent is because state and local policy fail to acknowledge that, all other things being equal, most teachers migrate away from the highest-poverty and highest-minority schools. We need for policies to take cognizance of these preferences and to provide conditions and incentives that give teachers more pay, more status, and more support if they are successful in schools where success has been all too rare.

One important aspect of the systemic inequality in public schools is that budgets are not aligned with the goal of closing achievement gap. In fact, high-poverty, Title 1 schools often get less money than schools with more affluent students in the very same school districts. This has to do with arcane budgeting rules that ignore differences in teacher salary across schools. Schools with all senior, high-paid teachers don't offset this expense elsewhere in their budget, and schools with novice teachers don't get extra money even though their salary budget is much lower than other schools.

Federal law actually provides cover for these unfair budgeting practices in its comparability provisions. To be eligible for Title 1, school districts must promise to provide "comparable" educational opportunities in both Title 1 and non-Title 1 schools. But the law actually says that differences in teacher salaries are not considered evidence in determining comparability. Indeed, NCLB includes an old provision stating that if a school district has a single-salary schedule for teachers, then it has demonstrated compliance with the comparability requirement. This is a hold-over from another era, and works to perpetuate disparate and lower-quality educational opportunities in high-poverty and high-minority schools. If Congress does nothing else to improve teaching and learning in Title 1 schools, it should withdraw its sanction from this harmful practice.

- **Graduation Rates**

We need to get very serious about improving high-school graduation rates, which will require more accurate counts and strengthening this measure in NCLB accountability.

A little over a year ago, all the governors agreed to a common graduation-rate definition and pledged to take immediate steps to improve the accuracy of their graduation data. The reauthorization of NCLB should codify the governors' commitment, and provide financial and technical resources to ensure graduation rates are accurately counted for high school accountability.

Graduation rates are also going to have to count in a different way. Congress left states discretion to set goals for improving graduation rates, but most states set meager goals that expected no more than glacial progress, even from schools where graduation rates are below 50%. When the law is reauthorized, this issue needs a more thorough treatment.

Conclusion

There are a lot of ways that NCLB can be improved, but there are also some fundamental ways in which it must not be watered down. There are still many who believe that accountability for student learning is an imposition, and an unrealistic one at that. One reason this critique garners so much support is the

pervasive belief that disparate outcomes for different groups of students are inevitable, or at least beyond the power of public schools to change.

We must not back down from the historic commitment to transform public education into an institution that responds effectively to the needs of all students. The reauthorization should send a strong signal that accountability for academic achievement is here to stay. This means aligning our resource allocation, data collection and reporting, and accountability goals with the imperative to educate every child.

Given the magnitude of the challenge, and the steady drumbeat of skeptics and conspiracy theorists, there are still a lot of people both within and outside education who are asking, "Can we do this?" There is ample evidence that we can, and we must. Educating more of our young people to higher levels is imperative to America's security and prosperity in the changing world, and essential and for realizing our democratic ideals.