

Reauthorizing the No Child Left Behind Act

Recommendations by the Institute for Language and Education Policy

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Few would oppose the stated goals of No Child Left Behind (NCLB): developing an accountability system for public schools that (1) stresses a challenging curriculum and high expectations for all students, (2) strengthens the professional qualifications of teachers, and (3) overcomes persistent achievement gaps between racial and ethnic groups, children in poverty, special education students, and English language learners.

Yet NCLB is only one among many possible approaches to accountability. It has established a top-down, prescriptive, arbitrary, inequitable, and punitive system that blames underachievement on educators alone, while ignoring the effects of poverty, funding disparities, racial segregation, and other non-school factors known to have a major impact on educational attainment. *The key question that Congress must answer in reauthorizing NCLB is whether this approach is effectively advancing the law's stated goals or whether it is doing more harm than good for the children it purports to help.*

After nearly five years of implementation, there is considerable evidence – from scientific research, surveys of state and local officials, and educators' reports from the field – about the impact of NCLB. Based on this evidence, the Institute concludes that the law is failing to work as promised and needs a thorough overhaul.

Not only has NCLB failed to increase the achievement of “left behind” groups relative to other students. It has also had unintended consequences that have impoverished the school experience for the most vulnerable students. These perverse effects include:

- teaching to the test, stressing low-level, basic skills rather than enrichment programs that develop critical thinking and problem-solving abilities;
- narrowing the curriculum to two tested subjects, language arts and math, at the expense of science, social studies, art, music, physical education, and other features of an all-round education;
- basing decisions about school programs solely on standardized tests, which are in many cases – e.g., in the case of English language learners (ELLs) – neither valid nor reliable in measuring student progress;
- encouraging “educational triage” – that is, focusing attention on children perceived to have a chance to score at the “proficient” level on tests, while ignoring those deemed hopeless as well as those likely to pass;
- forcing schools to choose from a small group of politically favored reading programs, whose phonics-intensive approach is often ineffective in teaching comprehension, especially for ELLs;
- demoralizing educators – even encouraging some to leave the profession – by labeling their schools as failures and threatening punitive sanctions, despite the fact that children may be making significant progress; and
- failing to address formidable obstacles to school achievement, which for ELLs include poorly designed and poorly funded programs, opposition to research-based practices such as bilingual education, and inadequate training of teachers in how to serve students with limited English proficiency.

Principles of Authentic Accountability

The Institute strongly believes that schools should be held accountable for the education our children receive. For that matter, so should policymakers at all levels. But NCLB is not the accountability system that we need to improve American schools. In developing an improved approach to accountability, Congress should consider the following criteria:

- **Accuracy.** A single snapshot of student performance – one standardized test in language arts and math – provides a distorted picture of school quality. Thus it should never be used for high-stakes purposes. This is especially true when it comes to ELLs, for whom valid and reliable academic assessments are largely unavailable today and for the foreseeable future. *Multiple outcome measures should be used, including class grades, promotion and graduation rates, and alternate assessments.*
- **Reasonableness.** Demanding that all “subgroups” of students must reach arbitrarily determined levels of proficiency has no basis in scientific research. It becomes either a prescription for large-scale failure or an incentive to “dumb down” the curriculum. *Schools should be judged, among other things, on the academic growth of individual students over several years.*
- **Equity.** A one-size-fits-all approach, ignoring the greater challenges faced by some schools and some students, ensures that many children will be left behind. Requiring full proficiency for the ELL subgroup, which is by definition unable to meet proficiency targets because of language barriers, is not only absurd. It also threatens to dismantle all programs – whether good, bad, or indifferent – for these students. *Instead of penalizing schools for their diversity, accountability must be tailored to the needs of diverse students.*
- **Balance.** If our aim is truly to create an educational system in which all students enjoy equal opportunities, accountability cannot be based on educational outputs – test scores – alone. *Educational inputs, including appropriate program designs, adequate resources, and teacher qualifications are just as important, if not more so.*
- **Flexibility.** Supporting and disseminating research on effective educational practices is a proper and important role for the U.S. Department of Education. Mandating the use of particular methodologies and commercial instructional programs is not. *Pedagogical judgments should be left to local school districts, provided that school programs are demonstrably based on expert knowledge and classroom experience.*
- **Constructiveness.** There is no scientific evidence that “holding schools accountable” with negative incentives – the threat of labels and sanctions – can motivate educators to make the changes needed to improve instruction. Indeed, research on school reform shows that unless there’s a “buy in” by classroom teachers in particular, such efforts are doomed to fail. *Rather than taking a punitive approach, accountability must serve to build schools’ capacity to serve students, especially in areas where many schools are weak, such as educating ELLs.*
- **Decentralization.** Breaking with a longstanding tradition in this country, NCLB initiated an unprecedented degree of federal control over local schools, at the expense of state and district governance. Educators are now focusing on prescriptive mandates from Washington and answering to faraway bureaucrats, rather than responding to parents and communities. *Since effective schools require strong local input, accountability systems should be locally designed and administered under the supervision of state departments of education, with the federal government restored to its pre-NCLB roles, such as the enforcement of civil rights laws.*

Specific Recommendations for Overhauling NCLB

Accountability Systems

- Base accountability on both inputs and outputs. The *Castañeda v. Pickard* test, a civil-rights tool currently used to determine whether school districts are meeting their obligations to ELLs, could be generalized to all students and enforced by states:
 1. Programs must be grounded in an educational theory deemed to be sound by experts.
 2. Programs must be supported by adequate resources, qualified personnel, and appropriate materials, equipment, and facilities.
 3. Programs must be evaluated on the basis of student outcomes and, if necessary, restructured to ensure that children are learning.
- Encourage school districts to develop their own accountability systems – as currently allowed in Nebraska, for example – with accreditation and supervision by state officials.
- Leave decisions about “adequate yearly progress,” the selection of assessment instruments, minimum subgroup size, corrective action, and similar operational details in state and local hands.
- Monitor states at the federal level to ensure that accountability systems guarantee equal educational opportunities for all students.

Assessment

- Require the use of multiple measures, not a single standardized test, to determine whether students are making adequate progress.
- Track the academic growth of individual students and provide funding to enable school districts to upgrade data systems for this purpose.
- Allow states to assess students on alternate years and use sampling approaches rather than universal testing, so as to minimize lost learning time.
- Ensure that only valid and reliable assessments and accommodations are used for accountability purposes.
- Eliminate arbitrary and unscientific rules on when ELLs may be exempted from testing and allow school personnel to decide when students are ready.
- Expand funding for developing alternate assessments, including those in students’ native language.
- Encourage the use of locally designed assessments with teacher input, in order to make testing serve the goal of improving instruction.

Professional Qualifications

- Rely on state certifications and endorsements to determine whether teachers are “highly qualified” rather than adding additional course completion and testing requirements.
- Require states to ensure that all teachers with ELLs in their classrooms receive the specialized training, certifications, and/or endorsements necessary to serve these students’ needs.
- Expand support under Title III – which was cut severely by NCLB – for professional development programs for ELL educators, including preservice and inservice teacher training and graduate study.

English Language Learners

- Restore the goals of bilingualism and biliteracy (which were eliminated by NCLB) as major priorities of the Title III program.
- Restore competitive grant programs to develop innovative approaches in areas of need, including methodologies for teaching secondary and late-arriving ELLs.
- Restore programs to encourage parental involvement in the education of ELLs, such as family English literacy efforts.
- Restore research programs to study effective pedagogies for educating ELLs and make the findings widely available.
- Develop a comprehensive definition of limited English proficiency to enable states to set research-based benchmarks for second-language acquisition and to provide consistent data about ELL enrollments.
- Ensure that providers of supplemental educational services for ELLs are highly qualified in second-language acquisition and effective ELL pedagogies.
- Base Title III funding formulas on actual enrollments of ELLs and recently arrived immigrants rather than on census data, which is of poor quality in measuring language proficiency and may include children who are not being served.
- Restore the original purpose of the Bilingual Education Act: to develop schools' capacity – in particular, their staff resources and expertise – to address the needs of ELLs.

Funding

- Require states to ensure equity in school finance among districts so as to avoid the use of Title I funding to compensate for an unequal distribution of educational resources between rich and poor communities.
- Support research to determine the incremental cost of serving ELLs and other diverse populations and require that state funding formulas take these differences into account so as to promote equal educational opportunities.
- Double Title III authorization levels (to \$1.5 billion annually) to compensate for rapidly expanding populations of ELLs and recent immigrants, as well as added testing requirements; then index future funding to increasing enrollments and inflation.

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