
Preface

Every U.S. public school is now subject to the controversial mandates contained in the federal No Child Left Behind Act of 2001 (NCLB, 2002). This book is intended to help educators and policymakers understand the issues raised by NCLB and what the law means for local districts and schools. Since NCLB represents a profound change in the relationship between the federal government and state and local educational agencies, it raises questions about the implications of this changed relationship for other branches of state government and for local districts. By expanding the federal role in education, the law altered federal–state relationships and engaged educators and policymakers in a deep controversy over the direction of federal Title I policy. Under NCLB, federal control of education is being expanded, reaching far more deeply into core local and state educational operations. NCLB affects all levels of the educational system, from state departments of education and their relationship with the federal government, to local districts and what goes on in the classroom.

NCLB has direct implications for what happens educationally in the classroom. For the first time, by requiring that schools achieve a specified rate of progress in two subjects, the tests used to assess these subjects—and by extension, federal education policy—will drive curriculum and instruction in the classroom. Finally, since the regulations governing NCLB may be modified and Congress must reauthorize it in 2007, it is important that educators and policymakers understand the issues so they can be part of the debate.

The Elementary and Secondary Education Act (ESEA) embodies the federal government’s commitment to providing compensatory educational services for economically disadvantaged school districts. Since its inception in 1965, Title I of ESEA has typically been reauthorized by Congress every several years and has served as the primary vehicle for improving educational opportunities for low-income students. The most recent reauthorization of ESEA, NCLB differs from previous ESEAs by requiring all schools and districts to implement a single statewide accountability system for ensuring equal educational outcomes (NCLB, 2002, § 6311 (2) (a)). Under NCLB, performance on state reading and mathematics tests determines

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whether schools make adequate yearly progress (AYP). Schools failing to meet these achievement goals are subject to an escalating series of severe sanctions over time, ranging from mandatory school choice options and supplemental services to school reconstitution and restructuring. For the first time in the history of Title I, the federal government is dictating the pace of progress required of all schools, regardless of the students they serve and the resources they have, and requires prescriptive sanctions for low-performing schools that fail to improve scores on standardized reading and math tests.

We hope this book will provide guidance on what educators and policymakers should know about NCLB. When NCLB was enacted, educational groups and researchers were largely excluded from the process of designing the law (DeBray, 2005). When the policies are modified, local, state, and federal officials must work together to find ways to clarify and modify the law that will produce a set of policies that makes sense to educators and offers some promise of progress. Clearly, it is in the interest of educators and state and local officials to be a part of this debate. It is the aim of this book to insure that they understand the issues and the broader policy framework of NCLB so they can be informed partners in the debate.

STUDY DESIGN

This book is based on original research conducted by researchers at The Civil Rights Project at Harvard University on the implementation of NCLB. The research looks across levels of government—federal, state, district, and school—to examine how NCLB is being implemented, the issues it raises, and the implications of the law for minority and low-income students. The study includes six states—Arizona, California, Georgia, Illinois, New York, and Virginia—and within each state, two school districts (except in Illinois, where we selected only the Chicago Public Schools). In the section below, we explain the criteria we used to select the six states and 11 districts, and the data sources we used to conduct this research. Details on the administration of the teacher survey are reported in Chapter 5 and the methodology used to examine graduation rate accountability is described in Chapter 6.

STATE SELECTION CRITERIA

We purposefully chose six states—Arizona, California, Georgia, Illinois, New York, and Virginia—to study the implementation of NCLB. Each state offers a unique opportunity for understanding how the federal law affects schools with large minority enrollments. Four criteria guided the selection process. First, the six states are geographically and politically

Table P1 Racial/Ethnic Breakdown of K–12 Enrollment (2001–02) in Arizona, California, Illinois, New York, Georgia, and Virginia

<i>State</i>	<i>% of Native American</i>	<i>% of Asian</i>	<i>% of Black</i>	<i>% of Latino</i>	<i>% of White</i>
Arizona	7	2	5	35	51
California	1	11	8	44	35
Illinois	<1	3	21	16	59
New York	<1	6	20	19	55
Georgia	<1	2	38	5	54
Virginia	<1	4	27	5	63

SOURCE: "Common Core Data (2001–02)," National Center for Education Statistics, <http://nces.ed.gov/ccd/districtsearch/>

diverse. At least one state is located in each geographical region, including the West (Arizona and California), Central (Illinois), Northeast (New York), and Southeast (Georgia and Virginia). Second, each state has a large proportion of minority students. Minority students in California are the numerical majority, since Asian, Black, and Latino students comprise over half of the K–12 enrollment. Arizona has large Native American and Latino enrollments, New York and Illinois have large Black and Latino enrollments, and Georgia and Virginia have large Black enrollments (Table P1).

Third, the degree of state control over local education policy varies across the six states (Wirt, 1977). Some state governance systems are highly centralized (Virginia), some are highly decentralized (Arizona), and others are in between (California, Georgia, Illinois, and New York). In addition to each state's unique governance structure, there are important differences in each state's approach to improving student achievement, underscoring the different state policy contexts in which federal policies are being implemented. For example, Virginia has been cited as a leader in adopting state-mandated standards and testing requirements (Ravitch, 2002). Arizona, on the other hand, has relied more heavily on local districts to improve achievement through choice mechanisms and charter schools (Keegan, 1999).

Fourth, we selected states based on where they were in the reform process as it relates to the new federal requirements. To compare states with different starting points, we included states where some elements of the state policy aligned with NCLB's accountability requirements and other states where few policies met the requirements. We used state compliance

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with the 1994 Improving America's Schools Act (IASA) as a measure of the status of state accountability policy. Two states in our sample—Virginia and New York—fully complied with the 1994 IASA mandate that assessments be aligned with content standards. The other four states received waivers from the federal government, allowing them extra time to comply with the 1994 requirements.¹

DISTRICT SELECTION CRITERIA

The district sample included 11 districts located in one of the six states. As shown in Table P2, our sample is diverse with respect to geography and size. It includes the nation's three largest public school districts: Los Angeles Unified School District, the Chicago Public Schools, and the New York City Public Schools. Together, these three districts enroll over 2 million students in 1,807 schools. Three districts—Mesa, AZ; Fresno, CA; and DeKalb County, GA—are among the nation's 50 largest school districts (Sable & Young, 2003). The five remaining districts are located in the "central-city" portion of the Metropolitan Statistical Area (MSA) in Phoenix, AZ (Washington Elementary); Buffalo, NY; Washington, D.C. (Arlington County, VA); Richmond, VA; and Atlanta, GA.

These districts enroll a large percentage of low-income and minority students. Minority students make up over 90% of the total enrollment in Los Angeles, Chicago, Richmond, and Atlanta and over 80% in Fresno, New York City, and DeKalb County (Table P2). Buffalo enrolls 72% minority students. Over half of all students in these districts receive a federal meal subsidy. The two Arizona districts (Mesa and Washington) and Arlington County, Virginia, have comparatively lower poverty rates and a smaller proportion of minority students. But since they do have a diverse student population, they are representative of many districts across the nation undergoing racial and socioeconomic changes in K–12 enrollment.

DATA SOURCES

We relied on both qualitative and quantitative data sources to conduct this study. Our analysis of federal-state relations is based on multiple sources of information. Between November 2002 and March 2003, we conducted semistructured interviews with federal policymakers and administrators in the U.S. Department of Education, staff for key Republican and Democratic lawmakers who were instrumental in drafting NCLB, and leaders of several national advocacy organizations with an interest in education and state government. In addition to the interview data, we examined regulatory guidance on NCLB, policy letters issued by the secretary of education, speeches by the president and the secretary of education, reports issued by

Table P2 Total Enrollment and Percentage of Minority and Low-Income Students in 11-District Sample, 2001–02

<i>District</i>	<i>Total Enrollment</i>	<i>% of Minority</i>	<i>% of Low-Income^a</i>
Mesa Unified, AZ ^b	74,808	36	36
Washington Elementary District, AZ	24,811	42	49
Fresno Unified, CA	81,058	81	75
Los Angeles Unified, CA	735,058	90	73
City of Chicago Public Schools, IL	437,418	91	84
Buffalo Public Schools, NY	44,849	72	82
New York City Public Schools, NY	1,049,831	85	76
Arlington County Public Schools, VA	19,109	58	41
Richmond City Public Schools, VA	24,840	93	64
Atlanta Public Schools, GA	56,586	93	80
DeKalb County School District, GA	97,501	89	56

SOURCE: "Common Core Data (2001–02)" National Center for Education Statistics, <http://nces.ed.gov/ccd/districtsearch/>

^aWe defined "low-income" students as those receiving free or reduced-price lunch.

^bData on free and reduced-price lunch for Mesa were provided by the district.

the U.S. General Accounting Office (General Accounting Office, 2002, 2003a, 2003b) and other organizations, and newspaper articles from all across the country. We also reviewed the NCLB legislation and the final regulations governing NCLB implementation.

To study NCLB implementation at the state level, we conducted interviews during the 2002–03 and 2003–04 school years with (1) state superintendents; (2) state administrators responsible for assessment, accountability, and information technology; (3) directors of federal programs, research and evaluation, and teacher staffing; and (4) members of the state boards of education. In addition to interview data, we reviewed the state consolidated applications for federal funding under NCLB, state accountability workbooks submitted to the U.S. Department of Education, and state policy documents and legislation developed in response to the NCLB requirements. We also made site visits to the 11 districts and conducted interviews with superintendents, associate superintendents, Title I program coordinators, human resource directors, and other officials responsible for implementing the NCLB requirements. We reviewed district documents and policies related to NCLB. We augmented our state and district interview data and documents with local and national newspaper articles. The

triangulation of qualitative data sources enabled us to verify information from individuals and institutions with different perspectives.

We collected quantitative data for all public schools in each state and constructed six state databases that included data for two consecutive school years (2002–03 and 2003–04).² These databases contain information on each school's Title I program status (schoolwide vs. targeted assistance), the percentage of students receiving free- and reduced-price lunch, and the percentage of students meeting proficiency in reading and mathematics. They also include information on the number of schools identified as needing improvement under NCLB. We used multiple sources to verify our lists of schools in need of improvement, including data obtained through district documents, interviews with district Title I directors, and national and regional newspapers. We extracted information for the 11 districts from this larger database to conduct our analyses.

OVERVIEW

The following chapters outline the major challenges introduced by NCLB. Our focus is not on whether states have successfully implemented the requirements, but rather on what the major changes in the law mean for state and local policymakers and educators. The introductory chapter lays the groundwork for understanding the issues, challenges, and opportunities posed by the NCLB requirements and explains how the law reorients educational policy and practice.

Chapter 1 examines what happens when power is realigned within the federal system and what this realignment of power means for federal, state, and district relations and for the educational process. We show that the lack of flexibility by federal officials on some of the law's requirements and the administration's approach to implementation created a highly contentious implementation process and eroded public and political support for the law.

At the heart of NCLB are the accountability and AYP provisions. Chapter 2 examines the implications of the AYP requirements for schools serving minority and low-income students. Since failing to make AYP triggers a series of increasingly intrusive sanctions, the AYP requirements have generated deep controversy over the merits of applying a single performance expectation on schools that start well below proficiency expectations in reading and mathematics. We explain how these policies put predominantly minority schools and multiracial schools at greater risk of failing AYP than predominantly White and middle-class schools.

One of the major principles of NCLB is that competition will produce better educational opportunities for disadvantaged students and improve the performance of low-performing schools. This principle is embodied in the requirement that low-performing schools offer their students the

option to transfer to another school or provide them with supplemental educational services (tutoring). Chapter 3 examines the NCLB transfer option. We describe transfer rates in the first two years of the program, examine whether the policy is creating better schooling options for disadvantaged families, and highlight the constraints to implementing an effective transfer policy. Chapter 4 examines the ability of districts to implement supplemental educational services. It highlights the enormous administrative burden of implementing supplemental services as well as the difficulties in assessing the effect of this policy on student achievement and Title I schools.

NCLB emphasizes accountability as a tool of educational change and relies on the key *agents* of change—teachers—to respond to the framework of incentives outlined in the law. Yet teachers' views are rarely considered when policy is made or changed. Chapter 5, written in collaboration with Christopher Tracey, presents survey data on teacher perceptions of NCLB, how it affects their motivation and instructional practices, and whether they believe that external accountability and the application of sanctions will lead to instructional change. We found teachers do accept the need for accountability, but they question the efficacy of many of the NCLB reforms.

To mitigate the potential of test-driven accountability systems to push low-achieving students out of school, lawmakers added graduation rate accountability to NCLB. Chapter 6, written by Daniel Losen, reports on the widespread graduation rate crisis in our nation and reviews the NCLB requirements for graduation rate accountability. He examines how the federal government, through regulation, watered down graduation rate accountability and, as a result, how most states do not have meaningful goals for improving graduation rates.

In the concluding chapter, we highlight the need for an open and honest debate about how NCLB is working and what we need in order to achieve the law's goals of insuring that all students learn.

RESOURCE

Data Sources for School-Level Data:

Title I Information and School Demographics

Table R1 includes the sources for school-level data obtained for 2002–03. Columns 2 and 3 list the relevant divisions and Web sites where we obtained Title I school information (improvement status, years in improvement, schoolwide program, targeted assistance program) and school demographic characteristics (race/ethnicity, free lunch status, English language learners, students with disabilities). We obtained missing information through personal contacts in each of the six state departments of education.

Table R1 Description of Title I Information and School Demographics in Six-State Sample

<i>State</i>	<i>Title I Information</i>	<i>School Demographics</i>
Arizona	Academic Achievement Division (personal communication)	Academic Achievement Division (personal communication)
California	Policy and Evaluation Division http://api.cde.ca.gov/datafiles.html	Educational Demographics Office http://data1.cde.ca.gov/dataquest/
Illinois	Data Analysis and Progress Reporting http://www.isbe.net/research/htmls/report_card.htm	Data Analysis and Progress Reporting http://www.isbe.net/research/htmls/report_card.htm
New York	Information and Reporting Services (personal communication)	Information and Reporting Services http://www.emsc.nysed.gov/reprcd2003/database/guide.html
Georgia	Policy Division—Title I Programs http://www.doe.k12.ga.us/support/plan/nclb.asp	Administrative Technology http://techservices.doe.k12.ga.us/reportcard/default.htm
Virginia	Office of Information Technology (personal communication)	Office of Information Technology http://www.pen.k12.va.us/VDOE/Publications/rep_page.htm

Data Sources for School-Level Data: Achievement Outcomes

We obtained 2002–03 achievement outcomes for all public schools in each of the six states through contacts in the state department of education and from their Web site (Table R2).

Table R2 Description of Achievement Outcomes in Six-State Sample

<i>State</i>	<i>Achievement Outcomes</i>
Arizona	Research and Policy http://www.ade.state.az.us/researchpolicy/
California	Standards and Assessment Division http://star.cde.ca.gov/star2002/help/ResearchMDB.asp
Illinois	Data Analysis and Progress Reporting http://www.isbe.net/research/htmls/report_card.htm
New York	Information and Reporting Services http://www.emsc.nysed.gov/reprcd2003/database/guide.html
Georgia	Administrative Technology http://techservices.doe.k12.ga.us/reportcard/default.htm
Virginia	Virginia Report Card http://www.pen.k12.va.us/VDOE/Assessment/2002SOLpassrates.html

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University of California, Berkeley, completed a case study of Los Angeles Unified School District.

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Founded in 1996 by Christopher Edley, Jr., and Gary Orfield, The Civil Rights Project at Harvard University (CRP) is a multidisciplinary research and policy center. Its mission is to help renew the Civil Rights Movement by bridging the worlds of ideas and action and by becoming a source of intellectual capital through commissioning to date more than 300 original research studies. CRP is attentive to the dissemination of research for multiple audiences and committed to building a network of collaborating legal and social science scholars across Harvard and around the nation. Its work can be found at www.civilrightsproject.harvard.edu

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