

The No Child Left Behind Act (NCLB): Failing to Address the Inequalities in Education

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Abstract

Some believe that the unintended consequences of NCLB are a prelude to voucher systems and for-profit Education Management Organizations aimed at privatizing the education system (Darling-Hammond, 2011; Stoll, 2009). Admittedly, there are improvements to be made in our public schools; however, schools are a product of the society we have created. America's public schools need intelligent leadership and critical supports, and children need family supports that allow them to be ready to learn. The NCLB law does not provide those supports and as currently administered can undermine successful schools while failing to fix those that are actually failing.

The *No Child Left Behind Act* (NCLB) was heralded by many civil rights advocates initially as a step forward in bridging the “achievement gap” between black and white, rich and poor—in particular students of color and students living in poverty, new English language learners, and students with disabilities. It was presented as a way for all students, especially those in lower-performing schools to obtain a high-quality education. The broad goal of NCLB is to close the achievement gap that parallels race and class differences.

Despite its good intentions and admirable goals, NCLB as currently implemented is more likely to harm than to help the intended recipients of the bill—in particular, students of color and students living in poverty. And some would say NCLB is more likely to destroy the nation's public education system than to improve it (Darling-Hammond, 2011; Stoll, 2009). These outcomes are likely because of the inequality of funding public schools in the United States and the measures used to determine school progress.

There are at least four problems with NCLB as currently enacted (Linda Darling-Hammond, 2011; Stoll, 2009): There is enormous inequality of education offered in the United States; the means used to measure a school's progress is unreliable; schools are declared “failing” if they fail to meet AYP targets for each subgroup of designated students; and there are ramifications of the NCLB choice option students have for transferring out of failing schools. Each one will be discussed in turn.

There is Enormous Inequality of Education Offered in the United States

The first problem with NCLB is the enormous inequality of education offered in the United States. Unlike most countries that fund schools centrally and equally, the wealthiest U.S. public schools spend at least ten times more than the poorest schools - ranging from over

\$30,000 per pupil at the wealthy schools to \$3,000 at the poorest schools. These disparities in funding contribute to a wider achievement gap in this country than in virtually any other industrialized country in the world (Darling-Hammond, 2011). The school disparities documented in *Savage Inequalities* (1991) have not lessened in recent years (Kozol, 2011). Within states, the spending ratio between high- and low-spending schools is typically at least 4 to 1 (Lunenburg & Ornstein, 2012).

Schools serving large numbers of low-income students of color have larger class sizes, fewer and less qualified teachers, fewer and lower-quality academic courses, fewer extracurricular activities, books, materials, supplies, computers, libraries, and special services (Kozol, 1991, 2011). Spending is so severely inadequate in the growing number of re-segregated schools serving more than 90 percent “minority” students that legal action to challenge school funding systems is underway in nearly half the states (Alexander & Alexander, 2012).

The Means Used to Measure a School’s Progress is Unreliable

A second problem with the NCLB Act is that the means used to measure a school’s progress is unreliable (Stoll, 2009). The law sets annual test score targets for every school and for subgroups of students within schools—that constitute “Adequate Yearly Progress” (AYP). Schools that do not meet AYP are designated as needing improvement and may later be designated as “failing.” According to NCLB, students attending schools that do not meet AYP must be allowed to transfer out of “failing” schools at the failing school’s expense. Failing schools stand to be reconstituted or closed, and states and school districts stand to lose funds based on these designations.

The measure of whether a school is performing well according to NCLB is called Adequate Yearly Progress (AYP). Each state determines the parameters of adequate yearly progress within the federal guidelines. Every school is judged on the basis of whether it meets the established benchmarks.

“Adequate yearly progress” shall be defined by the State in a manner that

- (i) applies the same high standards of academic achievement to all public elementary school and secondary school students in the State;
- (ii) is statistically valid and reliable;
- (iii) results in continuous and substantial academic improvement for all students. [20 U.S.C. sec. 6311 (C) (2008)]

AYP data are collected by the state and distributed to the schools for their use in improving the educational services they deliver. The data collected will be used to determine the future of thousands of schoolchildren, teachers, and administrators. However, the data are collected in unreliable ways. Student cohort scores are not compared to each other; one year’s scores are compared to the following year. For example, sixth-grade data from 2013 is compared to sixth-grade data from 2012 and 2011. Such a comparison reveals how sixth-grade classes scored in these years, but these are different cohorts of students. AYP is based on the difference in scores (progress) of different groups of students from year to year without actually measuring the progress the students themselves have made. If states wanted to know how well the students

were progressing, they would compare the scores of eighth graders in 2013 with their scores from seventh grade in 2012 and sixth grade in 2011. What exactly is NCLB measuring? It is not progress of the same cohort.

Schools are Declared “Failing” If They Fail to Meet AYP Targets

A third problem with NCLB is that the act requires that schools be declared “failing” if they fail to meet AYP targets for each subgroup of designated students annually. It has become obvious that the NCLB Act will, in the next few years, label most of the nation’s schools “failing,” even when they are high performing and improving. According to one assessment, 26,000 of the nation’s 93,000 public schools failed to meet “average yearly progress” (AYP) (National Center for Education Statistics, 2013). Schools were designated as “failing” not because tests had revealed that their overall achievement levels were inadequate but because a single disaggregated group had failed to reach AYP. Yet some of the “failing” schools scored well above most other schools in the nation and the world.

Furthermore, those schools that serve large numbers of new English language learners (ELL) and “students with disabilities” are further penalized by the fact that students are assigned to these subgroups because they cannot meet the standard, and they are removed from the subgroup when they do meet the standard. Thus, these schools will never be able to meet the annual AYP which demands that schools advance yearly to 100 percent student proficiency. Two teams of researchers have referred to the situation as a “diversity penalty” (Novak & Fuller, 2003; Sunderman & Kim, 2004).

There Are Ramifications of the NCLB Choice Option for Students Transferring Out of Failing Schools

A fourth problem with NCLB are the ramifications of the choice option students have of transferring out of failing schools. It is predicted that more than half of all schools will fail to meet all of their AYP growth targets annually (Darling-Hammond, 2011). Nearly one third of all schools failed to meet their AYP growth targets in 2011. The result of the law will be a reduction in federal funds for these already under-resourced schools and sidetrack funds needed for improvement of failing schools to pay for students to transfer to other schools, which may offer no higher quality education.

These important arguments are part of the NCLB’s theory of action: that low quality schools will be motivated to change if they are identified and shamed, and that their students will be better served if given other educational options. The predominant “theory of action” that permeates the current version of NCLB is that “strong, external pressure on school systems, focused on student achievement, will produce a political dynamic that leads to school improvement” (Hess & Petrilli, 2006, p.23). Although accountability pressures can affect the motivation of school personnel and influence their performance to some degree, the critical goals of the act—elimination of the achievement gaps and sustained, high-level academic achievement by virtually all students—cannot be achieved unless mechanisms are also put into place that

recognize and overcome the severe opportunity gaps created by the condition of low-income minority students.

The magic (NCLB) bullet was enacted to close the achievement gap and to enhance equity. Part of the difficulty is that achievement gaps are deeply affected by forces beyond the classroom:

They are caused by powerful family characteristics that impact children long before they start school and continue to operate throughout their school years. It is possible that school programs can overcome family influences to close achievement gaps, but we have yet to discover how. (Diamond & Spillane, 2004, p. 1145)

Conclusion

Some believe that the unintended consequences of NCLB are a prelude to voucher systems and for-profit Education Management Organizations aimed at privatizing the education system (Darling-Hammond, 2011; Stoll, 2009). There are improvements to be made in our public schools; however, schools are a product of the society we have created. America's public schools need intelligent leadership and critical supports, and children need family supports that allow them to be ready to learn. The NCLB law does not provide those supports and as currently administered can undermine successful schools while failing to fix those that are actually failing.

References

- Alexander, K., & Alexander, M.D. (2012). *American public school law* (8th ed.). Belmont, CA: Wadsworth/Cengage Learning.
- Darling-Hammond, L. (2010). *The flat world and education: How America's commitment to equity will determine our future*. New York, NY: Teachers College Press.
- Darling-Hammond, L. (2011). From "Separate but equal" to "No Child Left Behind:" The collision of new standards and old inequalities. In E.B. Hilty (Ed.), *Thinking about schools* (pp. 419-437). Boulder, CO: Westview Press.
- Diamond, J.B., & Spillane, J. (2004). High-stakes accountability in urban elementary schools: Challenging or reproducing inequality? *Teachers College Record*, 106, 1145.
- Hess, F.M., & Petrilli, M.J. (2006). *No Child Left Behind primer*. New York, NY: Peter Lang.
- Kozol, J. (1991). *Savage inequalities*. New York, NY: Crown.
- Kozol, J. (2011). Still separate, still unequal: America's educational apartheid. In E.B. Hilty (Ed.), *Thinking about schools* (pp. 445-464). Boulder, CO: Westview Press.
- Lunenburg, F.C., & Ornstein, A.O. (2012). *Educational administration: Concepts and practices*. Belmont, CA: Wadsworth/Cengage Learning.
- National Center for Education Statistics. (2013). *The condition of education 2013* (NCES 2013-037). Washington, DC: U.S. Government Printing Office.
- Novak, J., & Fuller, B. (2003). *Penalizing diverse schools? Similar test scores but different students bring federal sanctions*. Berkeley, CA: Policy Analysis for California Education.

- Stoll, A.K. (2009). No Child Left Behind: Creating and sustaining a two-tiered system of education for the nation's youth. In M.R. Dyson & D.B. Weddle (Eds.), *Our promise: Achieving educational equality for America's children* (pp. 249-254). Durham, NC: Carolina Academic Press.
- Sunderman, G., & Kim, J. (2004). *Inspiring vision, disappointing results: Four studies on implementing the No Child Left Behind Act*. Cambridge, MA: Harvard Civil Rights Project.