

Scrap NCLB? No. Reforming it Will Produce Competition and Quality Schools

Originally published online for the Reason Foundation's Reason Roundtable forum:
(http://reason.org/commentaries/dillon_20071213.shtml)

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December 13, 2007

Many school choice supporters were deeply disappointed when the No Child Left Behind Act passed in 2001. Instead of embracing market-based reforms, President Bush joined with Democrats like Sen. Ted Kennedy to enact a top-down law that greatly expanded the federal role in education but did not emphasize school choice.

To add insult to injury, the one specifically choice-related reform in NCLB—allowing students in low-performing schools to transfer to another, higher-performing traditional public or public charter school in the same district — has not been working very well. A meager 2 percent of eligible students—or students stuck in schools identified as “in need of improvement”—took advantage of this option in the 2005–06 school year—and that’s after rounding up.

But contrary to the claims of many school choice proponents, mandating more choice under No Child Left Behind is not going to help. Nor will getting rid of the law altogether as many of them recommend. Instead, the best way to set the stage for school choice is to use NCLB as a tool to arm parents with information on school performance and to create an adequate supply of quality school options in the neighborhoods that need them.

For markets to work, they need three things: information, demand, and supply. The demand for high-quality schools is undeniable. The long waiting

lists for charter schools, even those that are not very good, demonstrate the desperate need for alternatives in areas with few or no high-performing schools. What school choice currently lacks is information and supply. And NCLB can play a pivotal role in filling both of these deficits.

No Child Left Behind has arguably had the biggest positive impact in providing parents and the general public with more, and better, data on school performance. NCLB requires that states report detailed information on school performance and disaggregate the data by multiple student subgroups, including minority student groups and disabled students. This requirement greatly expands the data available on school performance and directs attention to the gaps in achievement between different racial groups and between low and high income students—gaps that are obscured by school-wide averages. But NCLB needs to do more to help states move from just reporting data to providing parents with meaningful information.

First, Congress needs to reform NCLB’s method of holding schools accountable. This method currently depends on measuring a school’s “adequate yearly progress,” or “AYP.” It is intended to summarize a school’s performance into one indicator of whether the school, and each subgroup within the school, is meeting state performance targets. NCLB requires schools to raise the percentage of kids every year

who are proficient in math and reading before these schools can be deemed as having made adequate progress. Every school's AYP benchmark is raised annually to ensure that 100 percent of students are proficient in both reading and math by 2014.

Theoretically, a school's AYP status should give parents information about both the school's overall performance and the performance of student subgroups. But states have used a series of loopholes to water down what it means to "make" AYP, rendering it essentially meaningless and nearly impossible to use as a tool to compare one school against another. States, for example, have established large minimum subgroup sizes—up to 100 in California—meaning that many schools will not be held accountable for the performance of smaller groups, often special education students or students who are learning English. They have also diluted the standards of proficiency. This essentially circumvents NCLB's requirement that schools be held accountable for student performance both overall and in each subgroup.

As Congress considers NCLB's reauthorization, it should, first, close the loopholes states currently exploit to undermine AYP and ensure that any state requests for changes to its AYP goals are carefully considered before approval.

Second, in order to make meaningful data available to parents to evaluate schools, Congress needs to include start-up funding in NCLB for states to build longitudinal data systems that track individual student performance from one grade to the next. These systems provide the most accurate information on school performance and allow states to establish growth models to measure the progress of individual students over time – as opposed to simply tracking group progress. Above all, these models ensure that schools are educating students at both the high and low ends of the academic performance spectrum. In short, these data provide all parents with the information they need to make good school choices.

Getting rid of NCLB would diminish the incentive for states to invest in this consumer-friendly information. The slow pace of data system development at the state-level prior to NCLB is an indication of what would happen if federal pressure, and funding, for this information were removed.

But information is only one third of the formula for an effective education market—to complete this formula, we need to build the supply of high-quality schools, particularly in communities desperate for better options.

This is where NCLB has done the least to date. But the answer to this problem is not to eliminate NCLB since it offers us the only tool we currently have to identify low-performing schools in the first place. NCLB established the principle that consistently low-performing schools need to be reconstituted. This creates an incentive for districts to try new reform mechanisms, such as bringing in private education providers. Michelle Rhee, the new chancellor of schools in Washington, D.C., for example, recently proposed asking charter school operators with an established record of success in urban schools to take over 27 public schools identified as "needing improvement" under NCLB.

This type of reform would not be possible without a mechanism to identify the schools that need help. But NCLB can do more to ensure that the reforms that schools undertake are effective by focusing on student outcomes. Currently, when a school is identified for reform, NCLB allows the school or district to select from a menu of reform options and that's the end of the reform process. It does not follow up to see if the reforms are actually working. Congress should establish clear expectations as to what benchmarks schools have to meet to demonstrate progress, while also allowing states and schools the flexibility to determine the most effective reform strategies.

A common argument against providing support under NCLB to so-called "failing" schools for reform efforts is that, by giving these schools more resources, NCLB is essentially rewarding failure. But NCLB can tie extra aid to schools that embrace outcome-based reforms and then produce results. This will create more quality schools in communities. Once more quality schools become available, school choice plans, either through NCLB or through the state, are more likely to be effective.

Some choice proponents suggest that a quick solution to the supply problem is to allow students to attend existing private schools through a voucher

program instead of building supply among public schools. But this is unrealistic: The capacity simply doesn't exist in the private sector to absorb enough students from low-performing schools—private schools currently enroll only slightly more than 10 percent of all students, many of whom are not low-income students. And, as demonstrated by the recent rejection of the voucher program in Utah, adding vouchers, easily the most controversial form of school choice, to the federal education agenda would slow any school choice efforts under NCLB to a halt by introducing a new and powerful target for criticism. Instead of spending time and effort bringing in successful providers willing to operate and build quality among existing public schools, resources would be spent in an uphill political battle.

A similar capacity problem exists with proposals to expand public school choice across school district boundaries—a popular plan for addressing the lack of quality school choices in low-performing school districts. Even with a lot of carrots, it is unlikely that NCLB could encourage a significant number of districts to participate in inter-district choice. The districts that would be sending students would see a decline in enrollments and a subsequent decline in funding, and districts that would receive these students are often resistant to accepting students who might be disruptive or cause school test scores to

decline. It is unclear whether expanding inter-district choice would dramatically increase participation in the public school choice initiative anyway. The demand, it seems, is for a good school in your own neighborhood, not in someone else's.

NCLB – or the federal government -- can't reform schools. That work needs to be done by the schools and districts themselves. But NCLB can apply the top-down pressure and generate information on school performance necessary to stimulate real changes in schools and districts. Throwing the law out completely would move us back into the dark ages on school performance. In order to have a functioning education marketplace, parents and students—consumers—need access to information about schools.

And before we can have a next-generation school system with a broader range of options, we need to invest in building high-quality schools in communities that currently don't have them. This is the only way to establish a choice-based school system that also preserves the public accountability and commitment to equity that are critical to the United States' public education system.

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