

Testing and Its Discontents: The Benefits of Individual Student Assessment in the Post-'No Child Left Behind' Era in Federal Education

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Five key constituency groups benefit from public school individual student assessment. Students, parents, educators, legislators and the public simply need to know more about what students are learning and at what time. Today more than ever the conversation is changing over what American students can learn. Parents in both public and private schools have enjoyed options and assurance under the data publication from NCLB assessments. Even despite increased media coverage, the education community is not shirking away from a more accountable public school system. Those who are drafting reforms, the policymakers, need more effective student achievement readouts more now than ever before. And the public, the critical space of debate and deliberation, requires a high level of civic knowledge. Individual student assessment must be addressed in a federal education policy moving forward.

In 2002, President George W. Bush signed into law an extension of the Elementary and Secondary Education Act (ESEA). The legislation, known as "No Child Left Behind" (NCLB), was the result of a bipartisan deal between President George W. Bush and Democrat Senator Ted Kennedy. The measure provided additional federal funding for schools, while at the same time putting into place a system of accountability measures that tied funding to classroom performance as measured by a series of high-stakes standardized tests.

NCLB calls for 100% proficiency in grade-level mathematics and English by the end of the 2013-2014 school year for all public school students, a lofty goal that most educational experts believe unachievable. As of 2011 only 32% of fourth-graders are at or above grade level English language comprehension and 40% of fourth-graders are at or above grade level in mathematics nationwide.¹

There is little doubt NCLB will fail to achieve its aforementioned goals, but it is unclear what federal education policy will be moving forward. One major issue to be resolved revolves around testing requirements, which have been the most controversial piece of the educational reform effort. Under the current legislation schools that perform, that is, schools that produce students that are reading English and completing mathematics at grade level in public schools, should be rewarded and those that are failing should be reformed--usually dramatically. For schools that do not perform, this translates into decreased funding, teacher reprimand, and loss of students and, in some cases, school closure.

Alternatives have emerged in light of all the criticism of No Child Left Behind. Critics have argued a more holistic approach should be taken. That is to say, evaluate the system, the teacher, the student, the parenting, and the legislators. Now, after nearly ten years there is sufficient data to examine the benefits and the drawbacks of nationwide standardized testing with significant federal penalties for underperformers.

With the end of NCLB in sight, this is the perfect time to assess where United States education is and where education has been. This paper reviews the arguments for NCLB assessment and examines the evidence to assess whether testing provisions in NCLB have helped or hindered

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¹ "The Nation's Report Card, Mathematics 2011." U.S. Department of Education, Institute of Educational Science, National Center for Education Statistics. (November 2011).

educational performance in the United States. Five major constituencies are affected: students, parents, educators, legislators and the public. Analyzing the impact of assessment from multiple perspectives clarifies policy alternatives and focuses attention on the challenges that education policymakers face in the post-No Child Left Behind era.

What is “No Child Left Behind?”

NCLB came out of widespread concern about the failure of American schools. It incorporates aspects of both Democrat and Republican, liberal and conservative ideas by providing additional funding for schools that Democrats argued were underfunded at the time, and by providing accountability measures, in response to Republican concerns about the unresponsiveness of the public education system. Amid Republican efficacy concerns, Republicans under George W. Bush provided extra emphasis on school and individual educator responsibility, ideas put in place by Bush as governor of Texas. Bush’s statewide reforms built off of already bipartisan work done by Bush’s predecessor President Bill Clinton, who championed broad education reform as head of the National Governor’s Association (NGA) and during his 8 years as President. The Democrats saw opportunity in improving educational outcomes, especially among disadvantaged members of society. Other Democrats welcomed a federal role in education as a means to stabilize outcomes across the nation through objective outcomes through a generally bipartisan principle of relying on nonpartisan numerical data. Finally, both sides sought to make their mark on an education system that was (and still is) in flux. Both sides desired a say in a new education policy during a time that was producing new teaching styles, new research-based studies on how students learn and radical new ideas concerning the future of education on a nationwide level.

In short, NCLB does four things:

- 1) Creates system of accountability based on results from standardized tests.
- 2) Requires states to implement the federal accountability measures.
- 3) Implements proven educational methods with a focus on data-driven experimental research in education programs.
- 4) Provides choices for parents in underperforming schools.

The actual bill, Public Act 107-110, is 2,094 pages passed by the 107th Congress with the specific goal of achieving nationwide 100% proficiency in mathematics and English by the end of the 2013-2014 school year. The major source of funding contained in NCLB is a program called ‘Title I,’ for the specific purpose of helping low-income families with other provisions to help children of legal immigrants and child-abuse victims.² This money comes in the form of federal basic, concentrated, targeted grants or education finance incentive grants based on formulas specified by the U.S. Department of Education (DOE). As an example, California receives \$2.8 billion in federal funding through Title I.³ The funding is distributed from the federal government through the Department of Education to State Educational Authorities (SEAs) and flow down into Local Educational Authorities (LEAs).

Stringent federal regulations accompany the enticing funding. To accept federal funds, states must agree to reach 100% mathematics and language arts proficiency by the end of the 2013-2014 school year. To achieve these goals, states are required to meet Adequate Yearly Progress (AYP). AYP in essence requires states to create a timeline based on standardized testing that show

² Title I Program, Part A. United States Department of Education.

³ Mills, Jack I, “A Legislative Overview of No Child Left Behind,” in *Consequences of No Child Left Behind for Educational Evaluation*, edited by Tiffany Berry and Rebecca M. Eddy. (San Francisco: Wiley Periodicals, Inc 2008), 10.

they will be able to meet the end goal of NCLB in the ten-year timeframe. Not meeting AYP carries stiff punishments, including imposing new scientifically based curriculum, reorganizing the school, reopening the school as a charter school and/or replacing teachers.

The definitions of 'proficient' are left to SEAs, however, the legislation specifies what needs to be covered under Annual Measurable Objectives (AMOs). While there is no national assessment that carries the penalty of AYP, every two years the National Assessment of Educational Progress (NAEP) administers a test for basic mathematics and language arts proficiency as a nationwide view, but is not linked to funding. In addition, the National Center of Education Statistics (NCES) has published state proficiency standard variance, showing how while NCLB does indeed mandate AMOs there can be significant differences in proficient knowledge.⁴

In addition to specifying performance objectives, NCLB calls for expanded scientific research in the public educational realm. The language of the legislation calls for 'scientifically based research' (SBR). While the phrase appears in the bill multiple times, the Department of Education later clarified federal research funding would receive priority based on either random assignment or quasi-experimental research designs⁵. The goal of this specific measure is to ensure the changes being made in local educational authorities has logical and peer-reviewed objective basis with the ultimate goal of improving student outcome as quickly as possible.

The final major change in the public education domain under NCLB involves educator credentials. To improve student outcomes, the legislation wanted to emphasize the importance of qualified teachers and staff. Each state was required to produce highly qualified teachers in core academic subjects by the end of the 2005-2006 school year⁶. The legal term 'highly qualified' translates into full state certification, a bachelor's degree and passing a test to prove subject matter competency for teachers⁷ and paraprofessionals to complete a 2-year associate's degree and passing a state assessment.⁸

Almost immediately, organized opposition formed. Quickly almost every major education constituency had one concern or another with the legislation. As will become evident within each constituency, different groups had different complaints. Students wrangled with the growing pressure of high-stakes standardized testing and its implications on everyone around them. Educators almost immediately voiced concern over test content, method and value. Of all the constituencies educators in the form of unions critiqued the law most vehemently, which in turn alarmed parents. Legislators began to see mounting criticism from voters, interest groups, local and state governments and educational agencies and started distancing themselves from the law. Lawmakers became especially wary when the end goals of 100% proficiency seemed less and less realistic.

In February of 2012, President Barack Obama began issuing waivers to circumvent No Child Left Behind mandates and restrictions⁹. According to the Obama administration, the waivers were an acknowledgment that the law is not working, and that in 2012 it had become obvious states would not be able to continue making AYP toward 100% proficiency in either mathematics or English. Congress began projects to edit and or possibly replace NCLB as early as 2007¹⁰; however, Republicans and Democrats have split on the issue of how best to reform education post-NCLB. Therefore, with widespread failure of AYP across the nation and harsh penalties becoming

⁴ U.S. Department of Education. *Mapping 2005 state proficiency standards onto the NAEP scales*. Washington, DC: U.S. Department of Education, National Center for Educational Studies.

⁵ Mills, 15.

⁶ NCLB, 2001.

⁷ NCLB, 2001, sect 9101.

⁸ NCLB, 2001, sect 1119.

⁹ Layton, Lyndsey, "Obama: 10 states to receive No Child Left Behind waivers" *The Washington Post*. February 29, 2012.

¹⁰ Layton.

realities across the board, the Obama administration DOE issued waivers to New Jersey, Colorado, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, Oklahoma, and Tennessee in early 2012 to free the states of sanctions for not meeting 100% proficiency in math and science with the caveat that the states implement DOE guidelines for new reforms, including principal and teacher evaluation systems and ensuring college readiness for all students. Even more states applied and received the waivers.

Today, the future of NCLB is uncertain. The original bill was slated for reauthorization in 2007¹¹. With the failure to pass the 2007 reauthorization, the advent of DOE waivers under the Obama administration and the growing reality of not realizing the 100% proficiency goals the future of the No Child Left Behind legislation and its effects are in limbo. Whether the current legislation stays in effect after the 2013-2014 is one possibility, as is the Obama administration waiver continue until a new president takes office, at which point the president dictates the extent of federal education principles until Congress approves new legislation.

This project aims to spell out the beneficial aspects of standardized testing on multiple constituencies in light of the greater reform movement. Among those affected are students, parents, educators, legislators and the public. Each constituency group has different viewpoints on NCLB assessment and each constituency benefits in multiple ways from it. In analyzing the advantages and disadvantages of standardized testing all constituencies affected by the education crisis can make a better decision on appropriate testing as part of a national policy on education moving past the 2013-2014 academic school year.

Consequences on Students

The legislation's nomenclature suggests the obvious focus: the child. When President George W. Bush signed the law in Hamilton High School near Cincinnati, Ohio he lauded the universal applicability of a revamped educational policy. He said, "We've got large challenges here in America. There's no greater challenge than to make sure that every child – and all of us on this stage mean every child, not just a few children – (applause) – every single child, regardless of where they live, how they're raised, the income level of their family, every child receive a first-class education in America."¹² Since the president confidently spoke those words at the original press conference, those sentiments have been hotly debated.

Students in public schools have benefitted from the federal legislation in number of ways. Secretary of the Department of Education in 2001 Margaret Spellings touted the efforts, "[f]or the first time ever, we are looking ourselves in the mirror and holding ourselves accountable for educating every child. That means all children, no matter of their race or income level or zip code."¹³ Secretary Spelling's quote manifested itself in two specific requirements, the disaggregation requirement and the AYP requirement.

No Child Left Behind mandated data disaggregation to spotlight chronically ignored student populations. The law specifies states must provide disaggregated data for subgroups including but not limited to: economically disadvantaged students, students with disabilities, students with limited English proficiency, races, ethnicities and gender groups.¹⁴ These subsets of population aim to expose gross inconsistencies among certain over and underperforming segments of population to close achievement gaps and allow different parties within the education community to target

¹¹ Strengthening No Child Left Behind Archived Information, (Department of Education: 2007).

¹² President George W. Bush, "President Signs Landmark No Child Left Behind Education Bill," (White House Archives: January 08, 2002).

¹³ "How *No Child Left Behind* Benefits African-Americans," (United States Department of Education: 2004).

¹⁴ Wenning, Richard, "No Child Left Behind: Testing, Reporting, and Accountability," in ERIC Digest (New York: ERIC Clearinghouse on Urban Education, Institute for Urban and Minority Education, Box 40, Teachers College, Columbia University).

specific reform efforts. In connection with data disaggregation, another element of NCLB stipulates certain disaggregates be considered when assessing AYP. These measures translated to data subsets enjoying above average gains in the early years of NCLB.¹⁵ The data provided under requirements of NCLB helped students indirectly by aiding teachers and education reformers.

Teacher accountability has greatly aided students in many case studies. Torch Middle School in California evidences the original intent of legislators who voted for NCLB. Torch, at the time of the case study by Meta Nelson and Rebecca Eddy, consisted of 94% Hispanic student body, and 80% of the student body was identified as educationally disadvantaged.¹⁶ California rates schools on a scale titled the Academic Performance Index (API) to measure school performance based on statewide testing. The scale ranges from a low of 200 to a high of 1,000. In 2001, prior to NCLB, Torch Middle School received a grade of 435 on the API, landing it in the bottom 20% of California middle schools. Five years after NCLB was passed in 2006 Torch received a score of 719.

Data from standardized testing changed student outcomes at Torch Middle School. Since NCLB mandated testing and data collection, teachers at Torch gained valuable insight into what lessons, material and structures were and more importantly, were not working. Specifically, Torch improved teacher collaboration and professional development, expanded assessment systems, benefitted from data reporting and organization and shared data.¹⁷ The wealth of assessment data provided teachers objective standards to tweak lessons and material and gain leverage within the school. While some in the education community cried teachers already knew their own classrooms, and that assessments dictated from higher authorities would only infringe on classroom instruction Torch demonstrated how teachers within an individual school incorporated a data driven restructuring that improved student outcomes by arming teachers with data, encouraging teachers and principals within an individual school to collaborate and creating a standardized test based evaluation criteria. As a result, disadvantaged students in an underperforming middle school saw substantially better results and received a better education.

Testing has defined student outcomes and responsibilities. While some critics have constructively criticized NCLB and the current educational testing overexpansion,¹⁸ some elements of testing have been extremely valuable for student goals. In terms of assessment one critic notes, "Students learn best when they monitor and take responsibility for their own learning. This means that teachers need to write learning targets in terms that students will understand."¹⁹ While high-stakes testing has been widely used in public schools prior to 2002²⁰ NCLB provided students with a framework to measure themselves, as well as teachers benchmarks for achieving acceptable student proficiency in concert with public opinion via state elected officials.

Measuring student achievement has become even more important due to changing scientific research and shifting economies. In the United States college graduates earned 46% more than high school graduates. In 2005, college graduates earned 74% more, and in that same time

¹⁵ "How No Child Left Behind Benefits African-Americans," (United States Department of Education: 2004).

¹⁶ Nelson & Eddy, "Evaluative thinking and action in the classroom," in *Consequences of No Child Left Behind for Educational Evaluation*, edited by Tiffany Berry and Rebecca M. Eddy. (San Francisco: Wiley Periodicals, Inc 2008), 38.

¹⁷ Nelson & Eddy, 40-43.

¹⁸ Critics have voiced legitimate and real concerns on over-testing. The author does not mean to undervalue these arguments nor does the author overlook these aspects. However, when compared to pre-NCLB federal legislation standardized testing under NCLB guidelines serve an important function to assess basic competency on a state-by-state level that can be extrapolated on the nation level to greater tailor education reform efforts.

¹⁹Chappuis Stephen, Jan Chappuis, Rick Stiggins, "The Quest for Quality," in *Educational Leadership*, 00131784, November 2009, Vol. 67, Issue 3.

²⁰ Chappuis.

period high school dropouts fell 16% on average after adjusting for inflation.²¹ This trend in earnings signifies the grave implications of underperforming while in the public education system. Failing to appropriately learn core cognitive skills as outlined as those tested under No Child Left Behind therefore not only has obvious disadvantages of living without a good education but will also cost the recipient of a bad public education in dollars and poses serious disadvantages for productive working in a shifting national economy that favors college degrees.

In addition to economic issues with lack of test-based accountability scientific research has demonstrated learning abilities early in life translate into predictable futures. Inequality in mathematics and readings skills, the skills measured by NCLB and NAEP nationwide testing, translate into inequality in educational attainment. Whereas Caucasians typically receive high school diplomas on schedule 75% of the time on average, black and Hispanic youth only receive high school diplomas on schedule is roughly 50%.²² Black and Hispanic students are also more often in statistically in poverty than their Caucasian counterparts. Thus, groups of students in minorities or students in poverty have seen the biggest attention under NCLB aggregate data requirements and AYP assessments.

Students have benefitted from the assessment portion of NCLB federal education reform. Setting goals, increasing accountability, arming teachers with aggregate data and providing urgency to education reform has transformed both the outcomes in core academic skills and provided students with clear and measurable learning objectives. As a student, the change from 2001 has been indirect, but definitely apparent. Through providing additional resources in the form of data to teachers and parents, students have seen a definitive increase in quality of education through the testing aspect of No Child Left Behind. While testing has potential downfalls as pointed out by some critics as criticisms of statewide assessment have mounted, the pre-NCLB nationwide education model has been proven irresponsible and unaccountable. While NCLB desperately needs reform and rethinking, the testing philosophy for students should be undisputed.

Parents

Parents have seen numerous improvements in public education as a result of the testing aspect of NCLB. The mandated assessments must translate into data collection with the end goal of providing data to multiple constituencies. One of the biggest benefactors of this data is a parent, who could now view objective core academic skill levels in aggregate form, in any school in the nation.²³ As a result, parents are able to make more informed choices when determining where to live and which school to send their child to. This both empowers parents and creates a need for underperforming schools to improve or face harsher penalties under NCLB. Depending on state school funding, some schools will also see a decrease in funding as a result of lower student population, threatening school quality and school existence in some cases.

As many states fund schools in relation to local residents parents in low-income areas have seen increased attention. As mentioned earlier, states are required to meet AYP and often-in order to improve statewide academic achievement the lowest-performers are the first subgroup to see increased reform attention. These underachievers are typically in poverty-stricken areas. As one educator noted, "There are no more invisible kids."²⁴ One example of this comes from

²¹ Data are from the Current Population Survey and were taken from the Economic Policy Institute Data Zone. www.epinet.org/datazone/05. Web.

²² Belfanz, Robert and Nettie Legters. "Locating the Dropout Crisis—Which High Schools Produce the Nation's Dropouts? Where Are They Located? Who Attends Them?" (Johns Hopkins University, September 2004).

²³ U.S. DOE mandates all states and LEAs receiving Title I, Part A funding must produce annual report cards. Guidance is provided by the DOE at www2.ed.gov/nclb.

²⁴ Haycock, Kati. 2006. "No More Invisible Kids." *Educational Leadership* 64, No. 3: 38-42.

Richmond, Virginia where data analysis assisted educators in improving the educational outcomes of students in economically disadvantaged areas where parents were unable to secure better schools for their children either due to money or lack of school options. Not only did educators enjoy more available data, but parents with traditionally ignored student populations with little mobility for their children saw drastic gains in educational skills,²⁵ but educators directly attributed individual school gains to mandated changes from NCLB.²⁶

NCLB opened more choices in what services or schools their child could receive or attend. Any school identified under NCLB regulations receiving Title I, Part A funding that fails to make AYP for two consecutive years receives corrective action and restructuring. During this time, parents can send their child to a school not under corrective action and the LEA is responsible for providing, or paying the provision of transportation necessary for the student(s) to attend new schools.²⁷ In addition to school choice, children in low-income families in schools in the second year of either school improvement, corrective action or restructuring can receive supplemental education services (SES).²⁸ The DOE defines SES as, “free tutoring and other academic enrichment services that are in addition to instruction provided during the school day and are of high quality, research-based, and specifically designed to increase the academic achievement of eligible students.”²⁹ As a result of the standardized testing parents possess more power in knowing more information when considering where to send their child to school as well as receiving increased attention in schools that previously did not have to actively work to improve academics for children of underprivileged families.

Student assessment under NCLB empowers parents in a variety of ways. Primarily, parents now have access to school accountability data schools were not mandated to provide previously. Secondly, parents have seen school choice and additional educational service options as a result of testing data. Without the information, parents would not necessarily realize the need for additional academic services nor would they be guaranteed supplemental instruction for the public school system. Even parents who were trapped within districts that hid low-performing schools now see local school districts fighting to better their children’s education level. All of this became possible because of student testing under No Child Left Behind.

Educators

No Child Left Behind has met criticism among the educational professional community. The standardized testing foundation of the law has caused great, and in many cases legitimate, concern. However, amidst a flawed law and imperfect federal role, the core of NCLB testing has had benefits for the educational community—administrators, educational reformers and teachers. Data has been increasingly important in assessing teacher and administrator accountability, system accountability and curriculum and lesson effectiveness. In addition, in a profession repeatedly dogged by issues of compensation and public support in the midst of increasing expectations, both local and global, the educational community stands to benefit from increased leveraged from legitimate student assessment.

Teachers gained professional development tools as a result of student assessment from NCLB. With a repository of standardized tests since the inception of data collection as mandated by NCLB, teachers and administrators are now seeing the full extent of statistical analysis over a

²⁵ Haycock.

²⁶ Glod, M, “Fairfax success masks gap for black students; test scores in county lag behind slates’ poorer areas,” in *The Washington Post*, April 14, 2006.

²⁷ No Child Left Behind [Sections 1116(b)(1)(E), 1116(b)(5)(A), 1116(b)(7)(C)(i), and 1116(b)(8)(A)(i); 34 C.F.R. §200.44(a)(1)].

²⁸ Ibid.

²⁹ DOE. “No Child Left Behind: Public School Choice, Non-Regulatory Guidance.” January 14, 2009.

period of time. With ten years of data teachers can eliminate statistical anomaly and hone practices through scientifically researched methods to not only develop themselves, but also help learn from other teachers. One evaluator noted,

When teachers examine student work and plan on the basis of that examination, they maximize their effectiveness as teachers. However, to do this work, they need an array of complex evaluative skills. Specifically, these skills include the ability to access a database to enter or retrieve raw data, create reports such as an item analysis, and align a course-pacing calendar with results from both state and local assessment systems. On when a collaborative teacher group has mastered these skills can they begin to develop meaningful interventions to improve AYP.³⁰

Without the necessary information supplied by standardized testing teaching professionals would not have the means to objectively analyze data and design classroom and local educational changes. Even despite imperfections in testing content and assessment methods the data collected provides numerous possibilities that have proven to improve student outcomes. Even as over-testing has manifested itself in the wake of the narrow focus of statewide assessments under NCLB, the original argument of student assessment has value in current form based on statistical comparison over time for the teaching profession.

Educators have struggled at times to grapple with the effects of No Child Left Behind. Administrators and state agencies have scrounged for funding for data collection entities, which can be deceptively expensive. Teachers adapted admirably to NCLB's new teaching certification practices. The teaching profession especially has begun voicing concerns over realistic expectations and compensation in an ever-demanding job. While NCLB has been controversial with the teaching community since its passage, the data collection aspect of NCLB has tantalizing potential for teachers who deliver results. As mentioned earlier, only as data enters its tenth year does the statistical value become substantial as scientifically based material is concerned. With this amount of time collected, teachers who have consistently delivered expectations or shown steady growth can leverage classroom teaching flexibility, job security and better compensation. While testing has potentially disastrous consequences in educational settings, when used moderately and effectively over time testing can greatly aid teachers professionally.

School districts have felt pressure along with their teachers. As many school administrators and bureaucrats have found school system improvement cannot occur on the individual level. While teachers are the single-most important public school individuals that make a difference in a student's measurable outcomes, a coordinated effort among all school system staff is required. As one assistant superintendent in a particularly bad district noted, "We were doing a lot but none of it coordinated or focused on what our student achievement data were telling us. We were functioning not as a focused system, but as a group of independent operators."³¹ Necessary for these systematic changes are student core academic skill data, aggregated and sorted. As a result of the data from NCLB assessments, several reforms have manifested into the school district level. One of the most promising is a concept called professional learning communities, or PLCs.³² PLCs foster collaborative environments where school administrators and teachers pore over and make sense of mountains of seemingly indiscernible data. These groups provide structure and conversation to the raw numbers for education professionals to make progress to improve student

³⁰ Nelson & Eddy, 40.

³¹ Smith, Richard W.. 2012. "Culture of Collaboration." *Education Digest* 77, no. 9: 23-27.

³² Smith.

outcomes. Without NCLB testing, these communities could still exist, but with little content. The testing data makes the improvement possible.

States have made educational system improvements along with teachers and school districts. South Carolina, for example, found that while their school districts often aligned curricula in accordance with state assessments, they did not seek additional help in using student assessment data to optimize lesson plans, homework and teacher-made assessment with state standards.³³ South Carolina learned using data is not only beneficial to improve state assessment scores but essential for maximizing efficiency of the school district and statewide school system. W.C. Howard and Mary Rice-Crenshaw are the two individuals responsible for reinventing South Carolina's educational model, which they call "Turning Good Teachers into Great Teachers: Turning Green Apples into Red Apples."³⁴ Their model has been scientifically researched and proven through the South Carolina Department of Education for external validity and reliability.³⁵ Their model concludes,

[The model] also focuses on **school districts'** ability to align curricula and lesson plans with State standards, ensure that students can perform critical thinking skills (Bloom's levels 4, 5 and 6), teachers' ability to assess State standards, teachers' ability to teach at grade and State standards-level, and teachers' ability to conduct leadership/teachers development, and to reinforce academic skills with remedial (non-productive) students. This system is applicable to any learning environment, where there is a true commitment to change from the production of inactive learners (as measured by State mandated tests and Report Card criteria) to active learners. With appropriate staff development for leaders and teachers, this system is applicable to small, medium, and large **school districts** [emphasis added].

Howard and Crenshaw's model evidence statewide system changes based on a foundation of student core skills assessment to raise student outcomes. While teaches and districts can and repeatedly make changes to how they educate students, true statewide system changes are necessary for states to maximize educational outcomes of their students. Just as school districts provide PLCs to structure and make sense of district level data, states create structure and space for collaborative state improvement. They then provide school districts with appropriate framework to educate students in a NCLB environment in accordance with statewide assessment. The South Carolina state model for education reform incorporates scientifically based research and student testing data to improve core academic skills.

NCLB testing can be extremely frustrating and controversial. This paper aims to emphasize that the specific form of assessment is less important than the concept of longitudinal and effective assessment. Under NCLB the NAEP is administered to survey the entire nation, and individual states determine tests with the national guidance of AMOs. Considering the national variation, it is important to reiterate assessment variation (both interval, content and method) can and should be up for debate (see section on the public & alternative testing) however, despite the effectiveness of any particular assessment, there is value in keeping the form of assessment in place in order to produce substantial statistical samples even despite devaluing the results of the given assessment. While there needs to be a fuller and more robust discussion of the future of NCLB in its entirety, this paper suffices to examine assessments for what they truly are regardless of what they

³³ Howard, W.C. and Mary Rice-Crenshaw. 2006. "No Child Left Behind: A Successful Implementation." *Education* 126, no. 3: 403-408.

³⁴ *Ibid.*

³⁵ *Ibid.*

originally aimed to measure and what they actually measure and instead place value upon statistically relevant data for constituency groups within the educational sphere. Assessments that provide inadequate perspectives can be abandoned but should be seriously debated as the statistical relevance is nonetheless helpful. New assessments should be endeavored upon only in moderation so as to not overload the public education system and further the 'teach to the test' complaint against NCLB.

Assessment provides assistance to multiple parties within the educational community. Education professionals on the individual teacher, individual district and individual state level are able to use assessment data called for under NCLB to measure and improve education. These byproducts of assessment make substantial reforms possible and serve as help to those working hard to make a good education possible in public education. While testing can undoubtedly hinder the educational professional community as noted by a multitude of NCLB critics, student assessment has legitimate value for education professionals. Teachers, school districts and SEAs now harness scientifically reliable data to improve student outcomes previously unavailable to them.

Legislators

No Child Left Behind has a complicated relationship with legislators. When President Bush signed the law in 2002, Republicans and Democrats rejoiced over increased school accountability and expanded funding for school improvement. As mentioned earlier, ESEA has a bipartisan history, beginning in 1965 with Democrat President Lyndon Johnson, tweaked under George H.W. Bush, reexamined at the state level and then again nationally under Governor and subsequently President Clinton, and finally repackaged and signed under President George W. Bush.³⁶ The bill aspired to ensure all students at all grade levels would be proficient in math and reading in ten years' time, a genuinely bipartisan goal. Republicans wanted more accountability in schools in line with their business-like efficiency mindset. Democrats wanted inner city and minority children that were previously viewed as ignored under the status quo to improve education skills, especially in the universally agreed upon disciplines of mathematics and language proficiency. Democrats further did not mind an increased federal government role and responsibility in public education. In 2002, both political parties celebrated a new future of public education in America.

To further illustrate the jubilation of NCLB, three prominent politicians said this about the legislation when it was signed:

"As of this hour, America's schools will be on a new path of reform, and a new path of results" – President George W. Bush.³⁷

"No Child Left Behind is about empowering parents and teachers with information about the progress being made in our schools" –Rep. John Boehner (R-OH, Chairman of the House Committee on Education and the Workforce).³⁸

"This is a defining issue about the future of our nation and about the future of democracy, the future of liberty, and the future of the United

³⁶ Meier, Deborah. 2004. "No Politician Left Behind." *Nation*, June 14. 6-8.

³⁷ Office of the White House Press Secretary, "Press release: President signs landmark education bill," (January 08, 2002).

³⁸ Holly, Josh. "Boehner, Castle Hail Launch of No Child Left Behind Information Partnership Website." (United States House of Representatives Committee on Education and the Workforce: January 29, 2004).

States in leading the free world. No piece of legislation will have a greater impact or influence on that” –Senator Ted Kennedy (D-MA).³⁹

Today, very few policymakers are as optimistic. In fact, NCLB has become a punching bag for most politicians. Former school superintendent and current Senator Michael Bennet said in 2012, “If you called a rally to keep No Child Left Behind as it is, not a single person would show up.”⁴⁰ Support for NCLB fell apart almost immediately after its passage, quite simply. The state governments objected to the strict regulations and dictations from the federal government. The teacher unions National Educators Association (NEA) and American Federation of Teachers (AFT) unabashedly critiqued the bill. Libertarians and small-government Republicans disagreed with federal intervention in local schools. And finally, when the failure of the law’s goal became visible almost every legislator (especially Democrats) trashed the bill as poorly thought out.

When the bill came up on the docket for reauthorization in 2007 Republicans and Democrats disagreed and nothing happened. While both sides wanted fixes to NCLB, neither could agree on what to fix, let alone how to fix it. Even still some legislators wanted to do away with the plan altogether. As of 2013, there has not been a vote in Congress to change the ESEA. Seeing ample support to alter the effects of NCLB President Barack Obama began dismantling the law’s harshest effects beginning in 2007 with waivers, in essence redesigning pieces of the law through his administration’s NCLB waivers and “Race to the Top”⁴¹ education program funding. With the 100% proficiency deadline approaching in 2014 the bipartisanship has soured in Washington.

Despite this negativity, legislators stand to gain from student assessment. Both nationally and on the state level, Republicans and Democrats can claim victory over the student assessment portion of NCLB. Nationally, Republican legislators can welcome previously untapped voting blocs in catering to inner city and minority children. And while the accountability measures that were touted at the bill’s signing are debated, the raw data from the local, state and NAEP assessments provide students, parents and educators with precise figures previously unavailable. These measures, while not the accountability the Republicans hoped for, at least better informs all other constituencies involved in the education community. National Democrats can claim victory for unearthing gross inequalities among inner city and minority students and an expanded federal

³⁹ Hess, Frederick M., and Michael J Petrilli. 2004. “The Politics of No Child Left Behind: Will the Coalition Hold?” *Journal of Education* 185, no. 3: 13-25.

⁴⁰ “Promise of No Child Left Behind Falls Short After 10 Years,” USA TODAY. (Associated Press. July 01 2012).

⁴¹ ‘Race to the Top’ refers to The Race to the Top Fund created on February 17th, 2009 as part of the American Recovery and Reinvestment Act of 2009 (ARRA). The bill includes a litany of programs, Race to the Top among them. ARRA allocates \$4.35 billion for the program. The Executive Summary states lays out the program very well, The ARRA provides \$4.35 billion for the Race to the Top Fund, a competitive grant program designed to encourage and reward States that are creating the conditions for education innovation and reform; achieving significant improvement in student outcomes, including making substantial gains in student achievement, closing achievement gaps, improving high school graduation rates, and ensuring student preparation for success in college and careers; and implementing ambitious plans in four core education reform areas:

- Adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy;
- Building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction;
- Recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most; and
- Turning around our lowest-achieving schools.

Race to the Top will reward States that have demonstrated success in raising student achievement and have the best plans to accelerate their reforms in the future. These States will offer models for others to follow and will spread the best reform ideas across their States, and across the country.

For more information, see: *Race to the Top Program Executive Summary*. U.S. Department of Education. Washington D.C. November 2009. Web.

government role in education and an expansion in Title I funding. On the state level, Republicans and Democrats could reassure their constituent's data systems catalogued the effectiveness of their school or district. Regardless of the classification of the lawmaker's district, constituents had more answers regarding effectiveness they did not have prior to NCLB. Further, state politicians could tailor local reforms based on a solid foundation of scientifically based data, as South Carolina did. While not everyone received exactly what they had hoped, the student assessment data from NCLB provided both parties on multiple jurisdictions with substance to satisfy their electors and interest groups.

The Public

The German philosopher Jurgen Habermas' notion of a public sphere is directly applicable to the educational system in America and the connection between the two demands available data to improve the education crisis in America.

Habermas' idea of clearly distinguishing and properly integrating public and private interests is crucial to the success of the American democratic experiment. As a democratic republic, the United States of America collectively rely on the will of the people as a whole to voice their concerns. However, as Habermas points out, there are individuals, with individual interests, that seem contradictory to the public interest. It is the hope of Habermas that a physical space exists in which citizens can set aside private interests and freely discuss and debate the public good, the will of the collective citizens regardless of personal interests.⁴² This "public sphere" as Habermas writes, serves as a place for all citizens to generate public opinion through deliberation and debate. This public sphere is the embodiment of a true democratic republic.

The subordination of the state to society is key when analyzing the public sphere. Habermas writes "The public sphere as a sphere which mediates between society and state, in which the public organizes itself as the bearer or public opinion, accords with the principle of the public sphere--that principle of public information which once had to be fought for against the arcane policies of monarchies and which since that time has made possible the democratic control of state activities."⁴³ The will of the people can be formed in a specific place and must be recognized. The government does not dictate bureaucratic institutions to aid the people, but rather acts at the behest of the people governed.

The public has the most to gain from student assessment from No Child Left Behind. The space to properly deliberate and debate the public good must have objective facts, statistics and assessments. With the United States fiercely debating the future of education policy going forward from NCLB's desired goal the need for information is paramount. The rich debate and deliberation of educational policy can and must be robust. Philosophically, the United States is built upon the relationship of the society to state, how should the people elect their representatives and how should their representatives pass policy. Today, education has evolved from the one room schoolhouse into gigantic high schools that educate massive amounts of students. Curricula are debated even more than ever. The achievement gap has greatly widened perplexingly, as students today evidence the enormous learning potential while public schools are producing entire cities with functionally illiterate adult populations.⁴⁴ The role of the federal government has become more vitriolic than ever, especially in the educational professional community. Therefore, the space of deliberation and argumentation must welcome student assessment data in order to stimulate a larger conversation regarding local, state and federal government educational reforms and a larger conversation on the future of education in America.

⁴² Jurgen Habermas, "The Public Sphere: An Encyclopedia." *The New German Critique*. No. 3 (1974): 49-50.

⁴³ Habermas 50.

⁴⁴Strachan, Maxwell. "Nearly Half Of Detroit's Adults Are Functionally Illiterate, Report Finds." *The Huffington Post*. (May 07 2011).

Alternative Assessment

Currently better evaluations are being developed, discussed and debated. Since NCLB called for greater information about today's students' new methods of accruing and storing data are arriving. Today public school officials can not only view what their students know but also see attendance, family history and mental and physical disabilities.⁴⁵ From the federal Department of Education to the state educational agencies to the local educational agencies those seeking to further educational achievement for today's American youth are working to design new evaluation techniques. Each new assessment aims to produce a new viewpoint of the individual student's current intellectual disposition using, as NCLB wrote, "rigorous scientifically based research methods."⁴⁶

One of the biggest criticisms of 'No Child Left Behind' is high-stakes annual standardized testing. This method, some argue, provides only a minimal look into what students know and restricts teachers to teach to the test. There is a rich conversation in the educational reform community over new methods of assessment. One of the leading alternatives in educational accountability today is something known as 'Value-Added Assessment.' Value-added data can show how effective teachers are in moving their classroom over a given amount of time, usually one year. Such testing is important because it can more effectively assess teachers given the nature of their particular class. The implication of value-added assessment can change the popular debate on education reform and make the American Dream possible for more children by giving parents, educators, administrators and policymakers a better picture of educational efficiency.

The beauty of value-added is that it places a greater emphasis on progress regardless of starting position. Currently, a teacher could receive students from varying backgrounds, with varying levels of proficiency in core areas. Under high-stakes testing, if the majority of the students are below grade level, the teacher could help the students make massive gains, only to see the same failure rating at the beginning and end of the term.⁴⁷ Under value-added, a teacher would be assessed by how much his or her class progresses. For example, if the class enters in the 30th percentile in reading proficiency and finishes the year in the 40th percentile in reading proficiency, that teacher is more valuable than a teacher whose class consistently ranks in the 50th percentile, because the latter teacher is showing no improvement. Value-added accountability measures class gains as a result of the instructor.

Value-added assessment has many benefits over the standards NCLB method. Incoming student achievement levels are outweighed by achievement gains over the year. This means where teachers would be discouraged in currently labeled 'failing' districts would face making up multiple grade levels in reading or math to simply garner a 'passing' grade, value-added would pinpoint and more accurately reward teachers making up the achievement gap. This method could also control a student's classmates and overall school system with the correct data systems.⁴⁸ Value-added assessment offers a plausible alternative to improving national educational accountability.

Value-added also has its shortcomings. To begin, compiling and interpreting this data requires time and human as well as monetary resources. It is also highly reliant on longitudinal data systems, which further leech state resources.⁴⁹ This method could also lead to devaluing the end goal of 100% proficiency by dismissing entry-level proficiency. Value-added also faces political

⁴⁵ Hoff, David J. 2005. "NCLB Focuses On Data Tools." *Education Week* 24, no. 35: 12-17.

⁴⁶ U.S. Department of Education. (2003). *Notice of proposed priority: Scientifically based evaluation methods* (RIN 1890-ZA00). Federal Register, 70 (15), 3586-3589.

⁴⁷ Holley, Mark. *Using Value-Added Assessment to Define Teacher Quality*. The Mackinac Institute, June 30, 2008.

⁴⁸ Ibid.

⁴⁹ Ibid.

struggles because annual tests would remain in place, looking very much like the old system. In addition Value Added assessment potentially endangers the long-term statistical models of NCLB as many states have already collected data since 2002-2003.

Conclusion

Today America's public school system is in flux. The heralded No Child Left Behind of 2002 that once stood as a beacon of modern day bipartisanship and educational accountability has deteriorated into a political hot potato and educational scapegoat. There have been controversies and even flat out error in philosophy, planning, implementation, execution and reform. As the country moves forward past the 2013-2014 deadline for 100% proficiency the future of federal education policy reform is uncertain. While NCLB legislation may be changed significantly scientifically based national individual student assessment must remain a key cog of a federal education policy moving forward.

Five key constituency groups benefit from public school individual student assessment. Students, parents, educators, legislators and the public simply need to know more about what students are learning and at what time. Today more than ever the conversation is changing over what American students can learn. Parents in both public and private schools have enjoyed options and assurance under the data publication from NCLB assessments. Even despite increased media coverage, the education community is not shirking away from a more accountable public school system. Those who are drafting reforms, the policymakers, need expanded student achievement readouts more now than ever before. And the public, the critical space of debate and deliberation, requires a high level of civic knowledge. Moving forward with an educational policy all five major constituencies must have the federal government address student assessment.

Sadly, modern reforms have caused more problems than answers. Groups within school systems are polarized against each other over what reforms are meaningful and which are not, who is to blame and who is not. Even today, as 100% proficiency is lofty and ambitious, few disagree with either the legislation's goals or potential success. In progressing with new data, educator feedback and a larger body of research a more refined educational policy can make the difference in nationwide student outcomes. Ten years ago, Americans did not know the extent of educational attainment across the nation. Today, we know that in any given school district in any given grade not even half of American students are proficient in mathematics or English reading comprehension. While the techniques used between 2002 and 2013 have been far from a success, the advent of student assessment as begun under No Child Left Behind enables a greater public school system and a smarter, more informed generation of Americans.

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