

## Main points of objections to the "No Child Left Behind" (NCLB) law

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## **DIALOGUE<sup>1</sup>**

### **Main Points of Objections to the “No Child Left Behind” (NCLB) Law**

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**&**

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*[Taken from testimony given in Congress by the AFT President in spring, 07]*

#### **Adequate Yearly Progress (AYP):**

- The guidelines fail to distinguish between successful schools and unsuccessful schools
- Between schools under-performing in just one area vs. schools likely to need a complete overhaul
- Does not give credit for student growth toward a high standard
- Need to establish AYP levels which make a distinction between struggling schools and those needing only limited assistance

Mike: I think that the most important of those points above is that credit for growth, no matter how incremental, is a rewardable goal, not just reward when reaching some plateau goal. As educators know, success in true learning is measured by positively sloped accomplishment, not attainment of some arbitrary goal.

Bettina: I would particularly like to address the third point as well as add to what Mike says above. I agree with this point. One of the purposes behind NCLB is for instance that all students should be able to read and do mathematics at or above grade level, closing for good the

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<sup>1</sup> The opinions expressed in this dialogue are those of the two authors and do not represent the views of the Montana Council of Teachers of Mathematics nor the position of the journal or its editorial board.

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achievement gap between disadvantaged and minority students and their peers. This is a very admirable goal but I would argue that there are even more important than closing the gap. Creating a school where each child has the possibility to reach his or her full potential, below, at or (far) above the given grade level is a better goal. All children can learn, but they are not going to achieve the same, learn at the same pace, in the same way or at the same time. There is also a danger that watering down standards would in itself create a smaller gap. In relation to achieving below the grade level, there ought to be different grades of failing so that failing students might still experience a progress and so that it becomes clearer how much below the student is. For instance the European ECTS (European Credit Transfer System) grading scale has two failing grades: 'Fx', meaning 'some more work required' and 'F' meaning 'considerable further work required'. Also the gifted students need to be able to take tests that shows how much ahead they are.

Mike: In thinking about Bettina's response on this question, I was impressed with two points made: [1] There should be more than one purpose for NCLB, namely, that of closing the gap between stated English and math norms and disadvantaged/minority children. We should also be matching each child to his/her potential, whatever level of achievement that is. [2] The European (ECTS) grades distinguish "mild F's" and "hard F's".

Based upon these observations, I propose the following 2 proposals to the heads of state with NCLB. [1] NCLB should consider going from one goal, that of closing the gap between math/English standards and disadvantaged and minority children, to 2 goals. The second goal is to simultaneously challenge all students of all ability levels to achieve their academic potential, and assess this challenge in a quantitative way. [2] We should change the grading system from the current A, B, C, D, F to a two dimensional rubric, as pictured in the table below.

Achievement	A	A-	B	B-	C	C-	D	D-	F	F-
Effort										
1										
2										
3										

**Effort** assessment would be a quantitative way we could evaluate how much the student is living up to his/her potential. The F would correspond to the "mild F" of the Europeans with the F- corresponding to the "hard F". The number 1 represents good to excellent effort, striving to potential, 2 represents average effort, with room to increase the striving, and 3 represents insufficient effort.

Students would now get grades like the following: an A-2 in English composition, A-1 in English Literature, and B- -- 1 in Algebra II. Students would take tests (pre and post) to show their potential. This would show how far ahead the gifted are, as well as where every student is, in the academic "scale". The pre and post testing would indicate effort and school system effectiveness.

**One size fits all:**

- The law recommends one size fits all solutions for schools needing intense multiple interventions as well as those needing only limited help
- “Assistance” given is punitive and based upon ideology rather than being based on evidence
- Lawmakers should provide resources and flexibility so schools and districts can implement research-based interventions
- Also change the law so interventions are targeted to the students who are not proficient

Mike: I think that “one size fits all” is not a solution to the problem, but only an ineffective “fix”. I agree that that approach should be purged from NCLB laws. I also agree that some specific (funded) provisions should be targeted for those students “not proficient” at various skills. However, providing resources/flexibility based on research is too monumental a task, and will only neutralize the NCLB movement, and should be left for another committee or time. I have no problem with assistance being given punitively or positively—my theory is that either approach will get targeted results. I do think some sort of flexibility should be given schools and districts, but that it should be simple and rudimentary to define/implement.

Bettina: I agree that a “one size fits all” is not a solution. Students and schools are very different with unique needs requiring different approaches. Individually tailored approaches are needed. A way to do this might be to allow states to use the educational funding for any educational purpose they wish. At the same time states, local communities, and schools should be free to implement whatever practice works best for their students while still receiving federal support. The state and local communities and schools should be accountable to the public and the parents for the academic achievement of the students. This would give less bureaucracy as well as free the initiative and inventiveness of the local teachers, principals, and parents in improving the learning of students who are not proficient as well as (hopefully) fostering and furthering talents in the students who are able to achieve above the grade level – even if the latter means an increasing achievement gap. As long as an increasing number of students perform at grade level, I do not see a problem in that at the same time, an increasing number of students perform (far) above grade level. A “gap” and a “gap” is not the same, and the USA needs highly education people

Mike: I especially like how Bettina described the benefits and overall value of local control, and “individualization” of student academic needs at the K-12 level. The writer is correct and eloquent on this. From a practical standpoint, however, I don’t believe that the Federal funds will be poured into educating our kids in a consistent basis, unless they retain some control over the uses of these funds. I don’t believe that tax payers will stand for “philanthropic financial offerings” from the federal govt. to local school systems without labeling these items as “special interest”, or “pork”. No elected federal official in these times wants to go through defending accusations of pork spending.

Therefore, I propose that the Feds. keep their stated goals for academic competency, as well as generate some for the gifted and high-end students. They will keep feeding sufficient federal funds to local school systems, as long as the locals are drifting toward those goals on a steady basis.

Now that I think about it, I **prefer** having the Feds. generate these goals—but not be so strict on enforcing them. I don't think they should cut funding because a school missed a goal in the federal time frame, but only if measurable progress is **not** displayed. I think local systems should be a bit more uniform in their learning outcomes, much more so than they are now. Note that I am **not** advocating only **one** set of goals nationwide, but rather proposing more consistency among local systems.

Finally, is it possible that school systems can be more easily accountable to the federal government and their demands than to the parents/public with their demands? I don't know. I just throw this question out for discussion.

### **Testing:**

- State tests must be aligned to state standards and curricula used in the classroom
- Only 11 states have tests aligned with strong content standards
- Instruction time is being replaced by “drill and kill” test preparation
- the added focus on math and reading has resulted in lessening of other important subjects
- the current law uses tests primarily to sort students and rate schools
- more emphasis should be to focus on providing teachers with specific timely test results so they can improve instruction

Mike: I strongly agree that tests must be aligned to state standards, otherwise the teachers and students won't have any chance of attaining NCLB goals and will be a setup for certain failure. I believe that some class time (not all) should be spent on “drill and kill” work. What percentage should go to this skills acquiring is up for debate in journal research. Test results should be an important, though not exclusive, way to sort students and rate schools. Refer to the “one size fits all” points above for more input factors. The best suggestion is the last one about emphasizing improved instruction with timely test results (and other dynamic classroom assessments).

Bettina: I would like to make four points: First, it is common that the format of a test has a “backwash” effect on the teaching, i.e. “teaching to the test”. This often means that if a test merely tests abilities to perform certain operations, this will usually be what the teacher will focus on in the classroom. One could certainly argue that this discourages creativity, curiosity, and thinking. However, it does not have to be this way – the individual teacher and school leadership can decide to also teach higher order thinking and creativity – even if these competencies are not directly being tested. I know several teachers and schools that do that. It is not an excuse to simply blame bad teaching on the tests. It is the responsibility of the teachers and principals to provide good teaching. Furthermore, it is the states that create both the state standards and the state tests, not NCLB. An approach might be to seek influence on the creation of the state test so that the tests not only test “drill” operations but also higher order thinking and creativity. I would argue that it would be useful for teachers

to be able perform formative assessment such as for instance diagnostic testing, which during the school year can help the teachers determine which concepts the students have developed properly as well as the ones they has not understood well enough.

Second, about “drill and kill”, I agree with Mike above that some portion of “drill and kill” is necessary. Actually I am not fun of the term “drill and kill” since both experienced teachers and well respected and established theorists argue for the necessity of automatic and routine manipulations for problem solving activity since it is otherwise not possible to concentrate successfully on the difficulties. Naturally, in for instance mathematics, automatic manipulation does not form the whole of mathematics. However, it is a necessary, but not sufficient, part of teaching and learning mathematics.

Third, if subjects other than mathematics and reading, such as history and music, are not receiving the attention they ought to, it is definitely not acceptable.

Fourth, I also agree to a certain extent that state tests should be aligned to state standards, if the goal is to achieve the NCLB goals. But perhaps this is here one of the problems lie. This is a contradiction to the benefits from flexibility and local control.

Mike: I agree with Bettina about tests/assessments including higher order thinking and creativity as well as the “drill”. Possibly, state standards and NCLB should both get on board with this dual assessment, and realize that **both** drill and creative/higher order skills are needed for mathematical literacy in today’s citizens. Much friction could be avoided and smoother “teaching to the test” could be accomplished by the states and federal entities having more of a “meeting of the minds” regarding academic mathematical goals.

Possibly a third dimension could be added to my aforementioned rubric, which would assess the math task as heavily skill oriented, heavily creative, or heavily higher order thinking.

I apologize for “drill and kill” and agree that it is too negative a term. I should simply call it “drill”.

A possible solution to the contradiction between NCLB and state standards mentioned in Bettina’s “fourth point” could be for the two governments (state and federal) to come more together in educational goals. Our 21<sup>st</sup> century school systems need both state and federal dollars, so we must have both as masters.

### **Private Tutoring For Hire:**

--Private tutoring firms are not cost efficient and are not held accountable for their results

--Money should be used to help students catch up, not make adults rich

Mike: I think that the second point, about making adults rich, is not called for an inappropriate in a discussion like this one. It resounds of unionism, cliques, and pettiness. I also believe that private tutoring firms must of necessity be cost efficient, or at least be effective and efficient, because they are under the survival of the fittest criteria which the public institutions are not

subject to. So, by the very nature of business competition, they must be relevant. In overview, I believe that the AFT president should have steered well clear of these 2 comments altogether.

Bettina: I think that the second comment is unserious, I agree completely with Mike.

Also I think that that these private firms in fact are held accountable. If they are not doing their job, parents, teachers and principals will soon discover this, and the firms will have to close down.

Mike: No comment on the comments!!

### **“Highly Qualified” Teachers:**

--“Highly qualified teacher status” is unfairly tied to student test results based upon statistically unreliable measures.

Mike: I believe this is an important point. What makes a good teacher? One who is liked by students, one who consistently remains true to the decided upon curriculum, one who empowers students the most, one who gets the best test scores out of students? Or some other qualities. I've heard of all of these. If I was pressed to decide which one, I would say it entails all of these items (and a few more) but the greatest of these is the one who empowers students most consistently in his/her career. This determination can only be accurately be made, I believe, at some time frame AFTER the student has left the teacher's classroom, and been removed from the particular influence of the teacher for a time. Only then can the student assess which instructors or teachers empowered him/her to the degree to be labeled as “highly qualified”.

Bettina: I agree to a certain extent. The real good teachers are not (always) the ones who are immediate popular, friendly and relaxed, which students sometimes realize many years after school. One could argue that the teachers do not determine their “material”; i.e. if a teacher has a class of students who were already good, motivated, disciplined, bright etc. at the beginning of the school year; the job is so much easier than if this is not the case. This is true. However, I would argue that if a teacher consistently over a number of years has students who do very well at the tests, s/he must be doing something right – nobody is that lucky with the quality of students. Generally I believe that the discussion about if we can ‘measure’ who is a good teacher rest on one's belief about whether or not the quality of teaching in some way can be quantified. This is a question of one's philosophy of methodology and social science. Regardless of one's views on this question I think that, firstly, if we can state what a good teacher is not, which we can, the opposite should not be that difficult, which for instance Mike gives good examples of. Perhaps it is worth the exercise to try to verbalise and explicitly state this into some qualitative and/or quantitative measures. Then we would be a long way. I would also like to add to what Mike above writes about the importance of the time span AFTER the students have left the school. Perhaps questionnaires could be sent out to students and their parents some years after graduation. I know that some university departments send out such questionnaires to their former students a year after graduation.

Mike: After reading Bettina's comments about “good teaching”, I sense that s/he is much wiser and

has done much more pondering on this subject than I have. I would challenge Bettina to next respond on **just this topic** alone, I, for one, would be very excited to read his/her words on this subject.

**Poignant Quote:**

“The entire reputation of our school hangs on one test. It’s not about balanced curriculum, enrichment, or learning any more. It’s all about avoiding the failing school label.”

Mike: This quote was made by a grammar school teacher, and its clarity, poignancy, and correctness to the de-facto NCLB movement to date is stunning.

Bettina: This is very sad.

***Other solutions to the NCLB testimony by the AFT President was located at***  
[www.aft.org/nclbrees.pdf](http://www.aft.org/nclbrees.pdf)<sup>4</sup>

Mike: Things forgotten, I believe, in this testimony. Include:  
--nothing was said about the bright/gifted students in this NCLB movement. Most of the discussion was about getting the underachievers up to par (both students and teachers). However, I believe that some of the flexibility mentioned previously should be targeted to the bright and gifted, those who will lead our society in the future. It seems that the bright and gifted, when noticing that most of the attention is given the poorer academic students, tend to “kick back” and coast with their natural ability, rather than motivate or challenge themselves to heights. They learn, it seems, not to work hard to attain something academically, but rather to just live off of their academic ability to quickly attain easier concepts. These people will be our leaders, and if they learn that coasting, quick fixes, and lack of elbow grease is fashionable or “cool”, they will take these attitudes into their leadership roles, and make a mess of our society in the future. Bottom line, I believe it is a fallacy to believe that it is OK to leave the bright and gifted unattended, because they will “teach themselves” the more advanced concepts and challenge themselves. These kids need our leadership (as teachers) at least as much as the under achievers.

--A comment about “drill and kill”. Values of doing this activity include: having kids experience the effort during boredom needed as part of the work ethic in the workplace; this is the mechanism where kids acquire the baseline skills to become problem solvers and “educated” citizens; this activity will guarantee attainment of the minimum level of academic competency; there seems to be some emotional satisfaction from all students when they accomplish the tasks involved in these drills (the success is starkly attained and quickly assessed).

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<sup>4</sup> For some apparent reason this testimony seems to have been moved from this webpage. Contact Mike O’Lear for a hard copy



Bettina: A thing that has surprised me is how little emphasis there is on free school choice. In

Denmark, where I am from and currently live and work, public money follows the child, also into private schools. Denmark has a tradition for private schools with a substantial government subsidy. On average public money pays for 75% of the cost of going to private school. There are also grants available. This means that most families have the financial means to send their children to private school, if they want. The Danish democratic Constitution adopted in 1849 stipulates general compulsory education - not compulsory school attendance. Around 13% of the Danish K10 students attend a private school. There are private schools within the entire religious, political and educational philosophy spectrum. The schools are run by a board elected by the parents. The board hires the teachers (who do not have to have the formal teacher education) and it organises the teaching according to their own beliefs. All that the law demands is that the teaching measures up to that of the municipal schools. The school can choose not to use the municipal schools' final examination. It is up to the parents of each private school to check that its performance measures up to the demands of the municipal schools. The free school choice also goes for the municipality schools. Parents are free to choose another municipality school than the one in their school district (provided it has space). Within a municipality, all public funds for children are the same per child no matter what school district they live in. Public money follows the child. I would argue that these very different (and often smaller) schools have a variety of approaches and pedagogies that other things equal will help reaching more children. I believe that flexibility in how the schools, and the teachers, teach produces the best educational results; students are different and individually tailored academic programs and policies are needed. If the money follows the children and the parents have a real free choice in deciding their children's school, the children are much more likely to receive an education tailored to their specific needs.

Mike: It seems that Europe may have "better ideas" than the United States on doing many things: e.g., in educational ideas, in economic structure (Euros) and possibly in approaches to health care cost structure!!