

Scratching the Surface of *No Child Left Behind*:  
How *No Child Left Behind* Unfairly Affects Schools with Significant Proportions of  
Disadvantaged Students

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## Abstract

Since the passage of Lyndon Johnson's 1965 Elementary and Secondary Education Act, standards-based testing has become a government initiative and part of a massive educational reform throughout the country. By January 8 2002, President Bush signed *No Child Left Behind* into law as the latest iteration of Johnson's early educational reform. Under NCLB legislation, school districts in all states must implement a standards-based test accountability program that ensures the adequate yearly progress (AYP) of all schools in every district. The two fundamental aims of NCLB require that a) all states, school districts, and schools work towards closing the achievement gaps that exist primarily between high and low performing, minority and non-minority students; and b) holding states, school districts, and schools accountable by imposing penalties and government sanctions if AYP is not attained and the achievement gap persists.

Currently in its fifth year, NCLB has generated much discussion, both positive and negative, as evidenced by the research literature. In this thesis I will analyze the impact of NCLB's subgroup provision – requirement for the separation of disadvantaged student test scores in the accountability systems – contrasting its intended purpose of closing achievement gaps and holding schools accountable with what it has actually created in practice. First I will provide a brief history of the origins of the educational accountability movement that NCLB exemplifies. Second, I will address the chief educational problem of the NCLB policy. Instead of helping schools in greatest need – low-income schools with a high population of variously disadvantaged students classified as subgroup students – NCLB places these schools at a greater disadvantage for closing the achievement gaps and further diminishes the quality of education they offer. Lastly, I

will discuss possible solutions to these problems and the larger issue of reforming NCLB based on the realities that have been presented since its implementation in 2002.

## Introduction

Since *No Child Left Behind* was passed with bipartisan support in 2002, it has generated a wealth of social and political controversy. I chose to conduct research on NCLB out of personal interest and intrigue, and to ultimately ask the question of why has a federal policy that appears to be highly contributory to the needs of the nation's schools been consistently attacked by both educators and politicians. Presumably, a federal policy that purports to assist learning in the nation's schools would be welcomed in the social and political arenas. This was not necessarily so.

As I delved into the research that analyzed the impact of NCLB on the nation's schools, I was perplexed at the range of arguments being waged against the policy. The arguments spanned across multiple issues that NCLB comprises, i.e., concerns over its increased use of standardized tests, a lack of flexibility in its implementation, and its methods of assessment. Sifting through these issues allowed me to realize the importance of one NCLB provision that seemed to be the most critical and counterintuitive to the intent of this policy, that is, the inclusion of disadvantaged students into annual school assessments. As the title of this thesis reflects, scratching the surface of NCLB reveals a deeper, more complex issue than what appears at first glance. This research is an effort to address what I feel is the primary problem that is plaguing NCLB.

Part one examines the historical context of *No Child Left Behind*. Since the second half of the twentieth century, educational reform has been shaped by various political processes and social interests. I will discuss two of the primary social influences on federal educational policy – public concerns over test scores on the Scholastic Aptitude Test (SAT) and the publication of *A Nation at Risk* – as a foundation for understanding *how* and *why* NCLB came to fruition.

Part two is a four-part analysis of NCLB's key principles and provisions. The 670-page document is effectively summarized in a discussion addressing NCLB's statement of purpose, school accountability, adequate yearly progress (AYP), and annual measurable objectives (AMO). These four points adequately define NCLB by addressing the policy's intentions and methodology (the theoretical rationale and practice of NCLB).

Part three examines how the subgroup provision of NCLB, and the status model that schools are required to employ have combined to unfairly affect schools with significant proportions of students classified as disadvantaged by race, socioeconomic status and learning disability.

In an effort to mitigate NCLB policy, part four examines two measures for the future of federal educational reform. Based on input from local teachers and administrators, I discuss an alternative methodological approach to NCLB so that it may be reworked into a more realistic effort to effectively resolve the needs of the nation's schools. This portion of the thesis will also suggest that an alternative model of assessment, the growth model, can potentially solve this problem and achieve greater fairness.

### Part One: A History of *No Child Left Behind*

Currently in its fifth year, *No Child Left Behind* is the latest iteration of Lyndon Johnson's 1965 educational reform measure known as the Elementary and Secondary Education Act (ESEA). Similar to the ESEA, NCLB has pushed forward and reified the notion that public education requires a federal presence to ensure academic progress and academic equality for all students. Since the passage of the ESEA, and every several years since 1965, the ESEA has been reformed and emended, with NCLB being the most current emendation to Johnson's early measure. While the federal government has played a prominent role in the reformation of public education since 1965, the impetuses for these reform measures were largely born out of social concerns for America's declining test scores (beginning with the SAT, and later rekindled with *A Nation at Risk*). In what follows I will discuss two of the primary social influences that have helped educational reform become a critical sociopolitical priority, and the federal reform measures that have come to fruition because of them. This discussion will provide a broad historical context for American educational reform, bringing us into the present with President Bush's landmark reform, *No Child Left Behind*.

#### *SAT Influence*

During World War I, psychometricians developed a methodology for mental testing and cognitive measurement as a way of identifying the best, most intelligent soldiers for the United States armed forces (West & Peterson, 2003, p. 2). Robert M. Yerkes, the most prominent psychometrician of the era, utilized mental tests to "predict performance in a variety of military related tasks" and, as well, proclaimed that his tests, "helped to win the (World) War (I)" (Gould, 1996, p. 224; West & Peterson, 2003, p. 2).



Following the war, the mental tests became integrated into American society as a means for identifying individuals with superior intellectual abilities, making them, “best suited for further education and higher-employment” (West & Peterson, 2003, p. 3; Ackerman, n.d., p. 295). By the 1950’s the Scholastic Aptitude Test (SAT), an adaptation of Yerkes’ army mental exams, was utilized by universities and colleges throughout the country as one part of their admissions requirements for new students. Eventually, the SAT was identified as a useful tool for “measuring the quality of public schooling,” by testing students in the public schools as a way of determining scholastic aptitude (West & Peterson, 2003, p. 3). Throughout this time, educators maintained the notion that “mental tests could further the schooling of lower-class children,” thus providing the initial benchmark for the assessment and reformation of educational quality by means of a standards-based test such as the SAT (Ackerman, n.d., p. 280).

Throughout the 1960’s, however, SAT scores began to decline, which raised public and political concerns about the perceived quality of the nation’s educational system and where it was headed. Prior to the decline, the American perception of public education was overwhelmingly positive. From a social perspective American education, it was thought, was “expected to solve problems associated with civil rights, hunger and malnutrition, immigration, crime, teenage drug use, (and) economic inequality” (West & Peterson, 2003, p. 4). From a political perspective, the United States was the first country to implement and expand elementary and secondary education, strive for the inclusion of students from diverse backgrounds into public education, and improve public school logistics, such as, the lowering pupil-instructor ratio, funding new buildings, and raising teacher salaries (West & Peterson, 2003, p. 4). However, as scores continually declined,

increased concern replaced a glossy perception of public education and the government sought to intervene by passing the Elementary and Secondary Education Act in 1965.

*Elementary and Secondary Education Act of 1965*

While there are many differing opinions as to *why* the ESEA legislation was proposed and subsequently passed, the preeminent explanations cite three important factors. One, the decline of SAT scores in the public schools raised public and governmental concerns about the quality of public education. Two, educational surveys continually placed the United States in the lowest percentile of overall academic proficiency when compared on an international level (West & Peterson, 2003, pp. 4-5; Nichols & Berliner, 2007, p. 4). And three, the persistent achievement gap that, to this day, separates minority and low-income students from students from more affluent backgrounds (Nichols & Berliner, 2007, p.4; Kantor, 1991, p. 51). All of the aforementioned factors contributed to Johnson's passage of the ESEA. Many theorists see its passage as a governmental "call to arms" for the improvement of public education. While the decline in SAT scores and the low academic proficiency ranking were indeed disconcerting, it was the persistent achievement gap that was perceived to be the predominant and most contributory factor of the decline in test scores.

One year prior to the passage of the ESEA, Walter Heller, chairman of the Council of Economic Advisers, advised Johnson of the root cause for the low performance of schools during that era. Heller cited surveys supporting the idea that there is a, "correlation between low educational attainment and poverty" (Kantor, 1991, p. 52). Although correlation does not prove causation, Heller's research, coupled with a quantitative decline in SAT scores in addition to student achievement gaps, helped

Johnson realize the need for increased academic support for those students who are most commonly poverty-stricken – lower class and minority students. With the ESEA, federal involvement in public education sought to “provide compensatory educational services for economically disadvantaged school districts” (Sunderman, Kim, Orfield, 2005, p. ix). Based on Heller’s research, Johnson and Heller developed a multi-tiered educational reform that identified the correlation between low-test scores and students living in poverty, provided funding to schools with high populations of economically disadvantaged students, and thus, intended to improve educational opportunities for minority and lower-class children. Schools receiving federal funding are referred to as “Title I” schools, as Title I of the ESEA legislation outlines the criteria for schools to receive federal funding (Feikens, 1967, p. 1186).

#### *A Nation at Risk*

Eighteen years after the passage of the ESEA, Secretary of Education Terrel H. Bell and the National Commission on Excellence in Education published a report in 1983 entitled, *A Nation At Risk: The Imperative for Education Reform in America* (West & Peterson, 2003, p. 5; Berry, 1993, p. 215). The report was founded on sociopolitical concerns regarding the nation’s low academic proficiency despite federal efforts to improve public schools by passing the ESEA. The report claimed that, “the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people” (Bell, 1983). Additionally, the United States’ low academic ranking, when compared on the international level was, according to the report, in need of crucial reform to reverse the downward spiral of an inadequate educational system. *A Nation at Risk* called for a series of reformative measures, namely,

increased parental and communal involvement in local schools, higher trained and motivated teachers, and increased commitments from the federal, state, and local governments to “foster key national educational goals” (West & Peterson, 2003, p. 6; Bell, 1983). While the report was important rhetoric concerning the need for educational reform, it never influenced any actual reform at the federal level.

Nevertheless, *A Nation at Risk* was an integral step towards a much needed educational reform. While the report was lost at the federal level, state governors saw the publication as a platform for making school reform a top priority which, subsequently provided them with national support (West & Peterson, 2003, p. 6). Most notably, ten years following the publication, presidential candidate H. Ross Perot, “called for tough requirements that would hold schools and students accountable” for increasing and maintaining academic proficiency (West & Peterson, 2003, p. 7; Dworkin, 2005, p. 170). Perot called for the use of standardized tests, namely the National Assessment of Educational Progress (NAEP), to “monitor the annual progress of students in each school” (West & Peterson, 2003, p. 7). Test results on the NAEP steadily increased in Texas and, as a result, demonstrated to the nation the efficacy of an accountability and standards-based testing program. Texas governor of the time George W. Bush embraced the idea of an accountability and testing regime that would prove to be an integral step towards improving the nation’s schools. Perot’s accountability program is regarded as the initial benchmark that inevitably led to, and influenced, the future of educational reform with President Bush’s *No Child Left Behind*.

*Federal Level: Goals 2000*

By March of 1994, the Clinton administration proposed and passed a reauthorization of the ESEA entitled *Goals 2000*. *Goals 2000* was a federal program based on the heightened sociopolitical interest that was generated by Perot's accountability program in Texas. Clinton's reform was a more ambitious effort as it provided monetary incentives for schools that developed annual testing practices similar to that of Perot's. During that time, Title I schools had the option to voluntarily "show, by means of tests, annual student progress toward...educational proficiency" (West & Peterson, 2003, p. 7). More simply, *Goals 2000* provided Title I schools with federal funding for developing "local reforms...the development of standards...enhanced professional development, improvements in technology, and changes in governance and accountability" with the hopes of increasing student proficiency in core subject areas, such as, reading and mathematics (Fuhrman, 1994, p. 84).

*Goals 2000* developed much of the framework for NCLB. It was during that time that accountability was introduced as an incentive for federal funding – an idea that was not lost one year later when NCLB was in its proposal stages. However, while *Goals 2000* and NCLB are indeed similar, President Bush extended the definition of accountability by strengthening the relationship between the federal, state, and local educational agencies.

*Summary*

While many sociopolitical factors have influenced the federal involvement in American education, one needs only to look to specific events leading up to 2001 to understand how the shaping of NCLB came to fruition. The SAT set the stage for the role of standards-based assessments by determining the quality of public schools and the

students attending them. Lyndon Johnson's passage of the ESEA, marked the period of time in which the federal government became involved in educational reform following a steady decline in SAT scores, as well as the research of Walter Heller on the achievement gaps separating low-income and minority students from their more advantaged peers.

With America's test scores on a continual decline, Terrel Bell issued his warning declaration about the ominous state of America's public education in his landmark paper, *A Nation at Risk*. Over a decade later, the Clinton administration provided the benchmark for the federal role in assuring increased proficiency in core academic subject areas. And most recently, NCLB as the next progression in educational reform that has, yet again, raised the bar for the improvement of the American educational system.

## Part Two: *No Child Left Behind* Explained

Since the 1950's, education and the quality of America's public schools has been a top sociopolitical priority. As we saw in the previous section of this paper, there have been many social factors that have influenced America's educational policy, including, the influence of the SAT and the Terrel Bell's publication of *A Nation at Risk*. In the current sociopolitical climate, education is still very much a top priority and President Bush's latest education policy, NCLB, intends to meet and effectively resolve some of the nations most troubling public school challenges. NCLB is a laudable effort to address, influence, and improve the state of public education in a myriad of ways. There are two primary aspects of the law that are emblematic of NCLB's intended purpose – 1) closing achievement gaps, and 2) holding schools accountable for student academic progress and achievement (Abernathy, 2007, p. 3; NCLB, 2002, 20 § 6301 (3), (4)). These two factors are at the core of NCLB and will provide an understanding of *why* the Act was proposed and subsequently passed with bipartisan support in 2002.

### *The Achievement Gap*

The statement of purpose of NCLB declares that its implementation, “is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education” (NCLB, 2002, 20 § 6301). This statement of purpose developed out of a concern for underrepresented subgroup students – groups of students whom, traditionally, have performed less adequately than predominantly upper and middle-class students – who are in need of increased academic support (David, 2007; Sunderman et al., 2005, p. 26). To ensure that all students, with special attention to subgroup students, receive the good education to which they are legally entitled, NCLB strives to “level the playing

field” for all students regardless of their socioeconomic background by striving towards a universal incremental progression in reading, language arts and mathematics proficiency.

*Accountability: School or District*

While the nation’s achievement gap explains the intended purpose of NCLB, the need for accountability explains *why* NCLB must be stringently enforced to ensure its effectiveness. To ensure the closing of the achievement gaps, Title I of NCLB (NCLB is composed of six “Titles,” each with parts and subparts to outline the law’s provisions) states that, “schools, local educational agencies, and States (are to be held) accountable for improving the academic achievement of all students” (NCLB, 2002, 20 § 6301 (4)). Accountability is a two-part process whereby, one, schools receiving federal funds are then, two, required to “commit themselves to implementing a detailed testing regime...resulting in the annual assessment” of children in grades 3 through 8 (Abernathy, 2007, p. 4). Therefore, in order for schools to continue receiving federal funds they must develop an annual assessment to test student proficiency levels in reading, language arts and mathematics. NCLB requires “Title I” schools (those schools receiving federal funding) to develop this testing curriculum with the hope that these schools will achieve incremental gains in Adequate Yearly Progress, and as a method for determining Annual Measurable Objectives (to be discussed in subsequent paragraphs) for all students. Schools, districts, and states have the option to opt out of NCLB, but federal funds would thereby be withheld (Abernathy, 2007, p. 4). While NCLB accountability is a controversial topic (as evidenced by the research literature), its intended purpose is to create an incentive for educators to ensure that no one student, or group of students, is left behind in their reading, language and mathematics abilities.



*Adequate Yearly Progress*

While there are a myriad of NCLB provisions that individual states and their local school districts must abide by, the cornerstone of the law is called “Adequate Yearly Progress” (AYP) (NCLB, 2002, 20 § 6311). AYP means that, each individual state must develop, and integrate into their curriculum, a standards-based accountability program that demonstrates student proficiency levels in the core subject areas of reading, language arts and mathematics. Student proficiency levels are assessed “based on the results of students’ scores on standardized tests administered once a year,” which are designed by each state and approved by the U.S. Department of Education (Abernathy, 2007, p. 5; Sunderman et al., 2005, p. 5). Testing students allows each state to monitor the progress, decline, or stagnation of their students’ scores in each district on an annual basis. States can then assess which schools, or entire districts, may need increased academic support if they are not making adequate yearly progress towards 100% proficiency in 2014.

Simply stated, schools or districts are either achieving AYP annually, or not achieving AYP annually. The determinative factor for achieving AYP is that a large percentage of students in a given school or district are, “meet(ing) the state’s standards for academic proficiency or that the school or district is demonstrating continuous and substantial academic improvement for all students” (NCLB, 2002, 20 § 6311 (C) (3); Abernathy, 2007, p. 5). Conversely, a school that is not achieving AYP has failed to “ensure that all students (have) met or exceed(ed) the proficient level on the academic assessments within the state’s timeline” (NCLB, 2002, 20 § 6311 (G) (3)). Additionally, school districts are required to publicly display the results of their students’ annual scores to demonstrate to the community whether a school or district is achieving, or failing to produce AYP (Popham, 2001, p. 17).

Calculating AYP is different for each state. However, all states must develop “AYP objectives” that are congruent with the following two requirements of the law: 1) developing a timeline for achieving AYP, and 2) determining “annual measurable objectives” for a school or district (NCLB, 2002, 20 § 6311(G); Linn, Baker, & Betebenner, 2002, p. 4).

The timeline is integral to the ultimate goal of NCLB, which is, that all students “will meet or exceed the State’s proficient level of academic achievement on the State assessments,” in both reading and mathematics “not later than twelve years after the end of the 2001-2002 school year” (ESEA, Department of Education; Abernathy, 2007, p. 6). More specifically, by 2014 each student in every school across the country must be 100% “proficient” in reading, language arts, and mathematics.

#### *Annual Measurable Objectives*

NCLB requires states to develop Annual Measurable Objectives (AMO) to assess whether AYP is being achieved and, if not, take necessary action to improve student scores (Sunderman et al., 2005, p. 23). AMO is the “target score” that is set each year by the individual states for their schools or districts. For example, if a school or district determines that their students are 60% proficient in reading one year, the objective for the following year is to increase the student’s reading proficiency levels by 5%. By steadily increasing the AMO’s, NCLB hopes to produce incremental gains in core subject areas that are of primary importance for all students. If the AMO target is achieved, the school or district has achieved AYP and is on track with NCLB’s objective of having all students reach 100% proficiency by 2014.

For those schools or districts that fail to reach their AMO targets – thereby failing to produce AYP – NCLB prescribes “a series of federally mandated sanctions” based on a five-year contingency plan (Sunderman et al., 2005, p. 25). NCLB’s five-year plan is implemented as a way of encouraging states, schools, districts, and educators to ensure that student progress is moving towards 100% proficiency. The following table describes the consequences for those schools failing to make AYP:

Years of AYP Failure	Consequences for Schools Failing to Make AYP
1 year	School is identified as, “in need of improvement.”
2 years	School remains, “in need of improvement.” Schools must improve their curriculum plans and inform parents of the school’s “improvement status” and allow for the option of transferring the child, and appropriate school funds to help facilitate that transfer, to a different school within the same district. This process is known as “inter-district transfer.”
3 years	Districts must provide supplemental educational services to students in “failing” schools, including, “tutoring, remedial, and other academic services.” Additionally, schools must improve their aforementioned “improvement plan” and are subject to the same consequences as they were after 2 years of failure.
4 years	Corrective action is taken, such as, replacing staff with higher qualified educators and an overhauling of the school or district’s curriculum.
5 years	School restructuring includes, but is not limited to, replacing all staff and contracting out for “private management, state intervention, or other restructuring efforts.”

(NCLB, 2002, 20 § 6311; Sunderman et al., 2005, p. 24; Abernathy, 2007, p. 8)

*Summary*

While there are many provisions spanning NCLB's 670 pages, the act is – at its core – intended to address and resolve the nation's chief educational problem. To reiterate, NCLB has addressed the nation's achievement gaps that demonstrates how underrepresented students (subgroup students), such as, low-income, limited English proficiency, disabled, and minority students, have performed less adequately than their more advantaged peers. NCLB has created an incentive to close the achievement gap by holding teachers, schools, districts, and states accountable for the academic progression of *all* students. To enforce the accountability of schools, NCLB requires Title I schools – schools receiving federal financial aid – to develop a detailed standards-based testing regime that sets the appropriate state designated goals for student proficiency levels (AMO), and to assess student progression in reading and mathematics (AYP). The ultimate goal of NCLB is for *all* students in every school across the country to be 100% proficient in reading and mathematics by 2014 – a laudable goal for the future of public education.

Part Three: How *No Child Left Behind* Unfairly Affects Schools with Significant Proportions of Disadvantaged Students

A provision of *No Child Left Behind* that has generated a wealth of controversy is the requirement for schools and districts to separate the scores of their subgroups – students classified as disadvantaged by race, socioeconomic status and learning disability. Proponents and opponents agree that the subgroup provision has important, even necessary, value for schools and districts that enroll significant proportions of subgroups because it is a concise method for monitoring their academic progress. By monitoring the academic progress of subgroups, schools and districts can determine whether the achievement gap between minority, disadvantaged students and non-minority, advantaged students is in fact narrowing. However, opponents of the subgroup provision argue that the combination of the subgroup provision and NCLB’s “status model” of assessment, which requires all schools within the same state to be held to a single mandated standard of proficiency, unfairly affects schools that enroll significant proportions of subgroups. This portion of the thesis will demonstrate how NCLB’s subgroup provision and its status model assessment combine to place schools and districts with significant proportions of subgroups at the highest risk of receiving federal sanctions.

*Status Model and Subgroup Provision*

As discussed in previous sections of this thesis (p. 16), NCLB requires each state to develop and implement an annual assessment for each school to determine student proficiency levels in reading, language arts, and mathematics. The model of assessment that NCLB requires each participating state to employ is entitled a “status model” (Abernathy, 2007, p. 18). The status model of NCLB addresses two primary factors.

First, it addresses whether a school has produced an increase in academic yearly progress (AYP). And second, it addresses whether a school attained their statewide annual measurable objective (AMO) – the target score that all schools in a state are expected to reach – that was determined prior to the beginning of the school year (AYP and AMO defined on pp. 17-19).

Federal sanctions are issued to the schools or districts that did not make enough academic progress (AYP) to reach their target score (AMO) in any given year between 2002 and 2014 (Sunderman et al., 2005, p. 23). Thus, the aptly titled “status” refers to the score received on the annual assessment that ultimately determines whether a school is sanctioned, or rewarded. For example, if an elementary school in San Francisco scores beneath California’s AMO, the school did not make enough academic progress throughout the year. Therefore their “status” demonstrates that they have fallen below California’s target score, and they enter into the first sanctioning phase of NCLB, referred to as, “AYP identification” (NCLB, 2002, 20 § 6311; Sunderman et al., 2005, p. 24; Abernathy, 2007, p. 8).

The subgroup provision of NCLB is, simply stated, the requirement for each state’s assessment system to separate the scores of their subgroups. In each state, “all subgroups must reach the state-defined proficiency level,” for their schools to be identified as having made adequate academic progress for any given year between 2002 and 2014 (Sunderman et al, 2005, p. 33).

The status model of assessment is a concise and demanding assessment and therefore fitting for the concise and demanding goals of NCLB, that is, for all students to become 100% proficient in reading, language arts, and mathematics by 2014. In

addition, the subgroup provision is necessary for monitoring the academic progress of disadvantaged students to ensure that the achievement gaps are in fact narrowing.

However, one size does not fit all and, as such, the status model and subgroup provision have combined to unfairly affect schools with significant proportions of disadvantaged students because they place these schools at the highest risk for federal sanctions (Sunderman et al., 2005, p. 35; Kane & Staiger, 2003, p. 153; Hochschild, 2003, p. 111).

Two primary factors – *proficiency gains* and *separation of subgroup scores* – will demonstrate in the subsequent paragraphs how the requirement for schools to separate the scores of their subgroups – the subgroup provision – and holding all subgroups in all schools to a single statewide standard of proficiency – the status model – have combined to unfairly affect schools that enroll significant proportions of disadvantaged students.

#### *Proficiency Gains*

First, as NCLB demonstrates, the nation's disparate achievement gap has traditionally separated the minority, disadvantaged student, from the non-minority, advantaged student. One portion of NCLB's overall solution to narrowing the achievement gap is to employ the status model, which requires all schools in a state to reach a single mandated standard of proficiency in core subject areas – the AMO (NCLB, 2002, 20 § 6311). Having a single standard of proficiency to attain will be the incentive for schools and districts to ensure that their subgroups will be brought up to the same proficiency levels as non-subgroups so that, each year, proficiency levels will rise in unison, and the achievement gaps will narrow (Sunderman et al., 2005, p. 24). However, this model unfairly affects schools with multiple subgroups – placing these schools at the highest risk for receiving federal sanctions – because they have the largest proficiency

gains to produce each year in the short amount of time leading up to 2014 (Sunderman et al., 2005, p. 37). This is because subgroup baseline proficiency scores in reading, language arts, and mathematics – assessed in the 2002-2003 school year – were inherently lower than non-subgroup students (Sunderman et al., 2005, p. 33). These schools must raise their subgroup test scores – the scores of students that, by NCLB’s own recognition, perform poorly on standardized assessments – faster, and more efficiently than ever-before, in order to avoid sanctions and the withholding of federal funding (NCLB, 2002, § 6301 (3)).

#### *Separation of Subgroup Scores*

Secondly, the status model requires each school to document scores for each individual subgroup that that school enrolls, and disaggregate the subgroup test scores from the collective school-wide score. For example, if a school in California is identified as having three different subgroups, i.e., a subgroup for learning disabled students, for students with limited English proficiency, and for students who are socioeconomically disadvantaged, then that school must document the scores of these subgroups separately. In doing so, a school can concisely monitor the performance of their subgroups to ensure that they are making academic progress, attaining their statewide AMO, and not being left behind academically (Sunderman et al., 2005, p. 34).

The separation of subgroup scores from non-subgroup scores so that annual subgroup scores may be separately evaluated – also referred to as, “disaggregation of scores” – unfairly affects schools with multiple subgroups because, “it only takes failure in one subgroup in one subject in one grade to trigger AYP identification (sanctions)” (Abernathy, 2007, p. 6). Simply, the more subgroups that a school enrolls, the more



opportunities the school has to fail to reach their statewide AMO, which may potentially lead towards increasingly severe federal sanctions. As stated previously, these multiple subgroup schools are at the highest risk for receiving federal sanctions because they have the highest proportions of disadvantaged students that must, separately, reach a statewide proficiency target. If one subgroup in a multiple subgroup school fails to reach their proficiency target, the school that enrolls them immediately enters into the “AYP identification” sanctioning phase that is prescribed by NCLB. Contrarily, a school identified as having one, or no subgroups, has the greatest chance of success in reaching their statewide AMO. This is simply because they enroll fewer disadvantaged students that, as NCLB demonstrates, perform better on standardized assessments. It is difficult to accept a policy that purports to help the students that are of greatest need, by placing the schools that enroll them at the greatest disadvantage for meeting what many feel are unfair proficiency targets.

#### *Addressing Foreseeable Objections*

In an effort to address a foreseeable objection to the subgroup provision and status model portion of this thesis, I will extend the discussion to include a response. Because NCLB policy is highly complex, its subgroup provision and status model are seemingly fair and irreproachable. Upon deeper analysis, however, a considerable degree of unfairness is revealed.

As Sunderman et al (2005) has demonstrated, the proponents of NCLB defend the fairness of the subgroup provision and status model as follows:

*If subgroups have performed less well than their counterparts, what is the problem with holding all schools, regardless of their demographic, accountable for their performance if they have not ensured the academic progression of these traditionally “left behind” students? Disadvantaged*

*students should be tested, and be held to the same standard as advantaged students, so that they may progress academically, and have the same academic skill set to help them succeed in a globally competitive world (p. 121).*

Certainly few people would disagree that subgroup students are equally deserving of a quality education that will help them succeed in life after school despite, for example, being limited in English proficiency or having a learning disability. However, two basic realities that affect the ability of multiple subgroup schools to prepare their subgroups for the assessments must be addressed. One, disproportionate local and federal economic resources; and two, over-crowding in the classroom. Disproportionate economic resources, and over-crowding in the classroom further demonstrate how the subgroup provision and status model of NCLB unfairly affect schools that enroll significant proportions of disadvantaged students. This portion of the thesis will also argue that federal sanctions will negatively impact effective education programs that are already in progress.

#### *Disproportionate Local and Federal Economic Resources*

One of the basic realities of the nations' public school system is that all schools within a state do not have parallel economic resources. According to a study by Sunderman et al (2005), multiple subgroup schools are most commonly located in lower income areas of the state where local budgets for education are stretched thin, and funding for test-preparation materials is limited (p. 61). The study goes on to state that multiple subgroup schools in low-income areas have a vast array of students with varied learning abilities, and capacities, that must be addressed accordingly. For example, a subgroup with a learning disability will learn differently, and at a different rate, than a subgroup with limited English proficiency (Jonathan Vasquez, Personal Communication,

Jan., 18, 2008; Sunderman et al, 2005, p. 61). If subgroups are to be held to a single statewide standard of proficiency, the schools that enroll them should be given an equal opportunity to access the appropriate test-preparation materials that will help them prepare their subgroups for the annual assessments. The reality, however, is that thinly stretched budgets for education in low-income areas have inhibited access to test-preparation materials that will ensure an equal opportunity for multiple subgroup schools to reach their statewide AMO, and avoid federal sanctions (Abernathy, 2007, p. 16; Kozol, 2005, p. 203).

To compound this economic problem at the local level, federal educational spending makes up a scarce 7-8% of total nationwide school revenue (Abernathy, 2007, pp. 4, 16-17). The amount of federal funding that is allocated to multiple subgroup schools in low-income areas has demonstrated that it is not equivalent to the appropriate test-preparation needs of these schools (Kozol, 2005, p. 203). Therefore, multiple subgroup schools are placed at the greatest disadvantage for attaining their statewide AMO prior to even participating in the annual assessments due to the lack of appropriate test-preparation materials. Holding all subgroups in every school within the same state to a single standard of proficiency, when all schools do not have parallel economic resources, runs counter to a policy that purports to equalize education, and support the academic progression of the subgroups that have been traditionally left behind.

#### *Over-Crowding in the Classroom*

An additional reality that affects the ability of multiple subgroup schools to prepare their subgroups for the annual assessments is over-crowding in the classroom. According to Ann Marie Padilla, fifth grade instructor at Rancho Santa Gertrudes

Elementary, multiple subgroup schools such as hers, correlate with a high student-to-teacher ratio. This high student-to-teacher ratio negatively affects the instructor's ability to ensure that all students – subgroup and non-subgroup – are universally prepared for the assessments. Padilla demonstrates that preparing her classroom of over thirty students for the annual assessments is an immensely challenging task when, for example, a vast majority of her students are limited English proficient. Padilla further states that it is a task made more difficult by virtue of the fact that, as NCLB sanctions prescribe, her job is at risk if the subgroups she is held accountable for do not perform well enough to attain California's AMO (Ann Marie Padilla, Personal Communication, Jan. 20, 2008; NCLB, 2002, 20 USC 6311).

*How Federal Sanctions Will Negatively Impact Effective Education Programs*

As mentioned in previous sections of this thesis (p. 19), schools failing to attain their statewide AMO will be federally sanctioned (NCLB, 2002, 20 USC 6311). One of the critical debates being waged against NCLB is that schools are sanctioned simply if one subgroup, in one grade, in one subject fails to attain their statewide AMO (Abernathy, 2007, p. 6). This is problematic for multiple subgroup schools because NCLB neglects to recognize the difference between, for example, "a school where only a single subgroup failed to meet the reading target and a school where every subgroup failed to meet the reading and mathematics (proficiency targets)" (Sunderman et al., 2005, p. 37). In either of the two aforementioned examples, the school would be sanctioned because the AMO is the dividing line between whether a school is sanctioned, or rewarded. For schools making continual progress in the proficiencies for the majority of their subgroups, yet are falling marginally short of their state's AMO dividing line,

federal sanctions will assuredly, “disrupt effective education programs rather than support the learning of students who are the intended beneficiaries of the NCLB subgroup policy” (Sunderman et al., 2005, p. 37). Educational policymakers at the federal level should take a closer look at the specific reasons that pertain to *why* a school failed to attain their AMO, prior to blindly issuing sanctions to schools that are, in fact, making academic progress over time.

### *Summary*

There is little disagreement between the proponents and opponents of NCLB that a subgroup provision is necessary for the ultimate goal of NCLB, that is, to narrow the achievement gap by striving towards 100% proficiency. This provision is, on the surface, a seemingly infallible method for resolving a nationwide educational dilemma that threatens the future of students that are classified as disadvantaged by race, socioeconomic status and learning disability. However, upon deeper analysis, the subgroup provision and status model assessment have, in combination, demonstrated how NCLB unfairly affects schools that enroll significant proportions of these disadvantaged students.

In practice, the status model of NCLB places multiple subgroup schools at the highest risk for receiving federal sanctions. To reiterate, these schools are required to produce the largest annual proficiency gains in the scores of their subgroups who, by NCLB’s own admission, perform less well on standardized assessments than their more advantaged peers (NCLB, 2002, § 6301 (3)). Compounding this high risk of federal sanctions for multiple subgroup schools is the fact that it merely takes a failure of one subgroup, in one grade on the reading, language arts, or mathematics assessment for a

school to undergo federal sanctions. Simply, the more subgroups that a school or district enrolls, the more opportunities for that school or district to fail to reach their statewide AMO which, inevitably leads to increasingly severe sanctions.

Disproportionate economic resources, and over-crowding in the classroom further explain how the subgroup provision and status model have worked in conjunction to unfairly affect multiple subgroup schools. A study by Sunderman et al (2005) showed that multiple subgroup schools are commonly located in lower income areas of the state where budgets for education are stretched thin, and access to local funding is limited (p. 61). This correlative factor unfairly affects multiple subgroup schools because access to test-preparation materials that will adequately prepare their subgroups for the assessments is limited, if not completely unavailable. Additionally, schools in low-income areas struggle with over-crowded classrooms, where a high student-to-teacher ratio negatively affects a school and instructor's ability to prepare their subgroups for the annual assessments.

#### Part Four: Reformatory Measures

NCLB clearly has laudable goals and ambitious intentions for narrowing the nationwide achievement gap. While few would disagree with a federal policy purporting to improve public education, many disagree with what they feel is NCLB's unrealistic subgroup provision and the way in which it came to fruition – without educator input. If NCLB is to succeed in narrowing the achievement gap, comprehensive reformatory measures must be implemented in coming years. In this portion of the thesis I will discuss two reformatory measures for the subgroup provision and status model of NCLB. The first reformatory measure addresses the interests of local educators and administrators – encouraging educator collaboration, and utilizing educator input in educational reform at the federal level. The second reformatory measure suggests that an alternative model of assessment, the growth model, can potentially solve the problem of unfairly affecting schools with significant proportions of disadvantaged students.

##### *From the Perspective of Educators*

Perhaps one of the most basic, yet most advantageous reformatory measures for NCLB would be to incorporate educator and administrator input into educational policymaking at the federal level. A critical battle being waged against NCLB is founded on the fact that the voices of those who are most affected by the policy's subgroup provision – educators and administrators – have largely been excluded from discussion about how to improve educational reform at the federal level (Nichols & Berliner, 2007, p. 147). Utilizing input from local and state educators may prove to be extremely useful for federal educational policymaking because it would address, at the local level, solutions to the greatest, most current problems facing the schools in a more specific and

realistic manner. The following segment of the thesis is a theoretical approach to understanding how the subgroup provision may be reformed and improved based on input from a local administrator currently operating in the California public school system.

One of the greatest challenges confronting school administrators is the requirement for all subgroups to be 100% proficient by 2014. At the federal level, this ambitious demand is a seemingly infallible method for narrowing the nationwide achievement gap. At the local level, however, school administrators view such a goal as unattainable and too far-reaching in the twelve years allotted for NCLB. As Jonathan Vasquez of the Los Nietos School District demonstrates, there is a high variability in different subgroup's capacities, and capabilities to learn. Requiring all subgroups in a school, and all schools within the state to attain equal standards of proficiency in the same amount of time is highly unrealistic practically speaking. While educators and administrators feel that a provision and policy aimed at narrowing the achievement gap is well intentioned, it still needs improvement (Jonathan Vasquez, Personal Communication, Jan., 18, 2008).

According to Vasquez, a better way for schools to work towards 100% proficiency is for NCLB to add to the existing 670 pages of legislation, an incentive for collaboration to occur among educators. In his theoretical approach, Vasquez demonstrates how experienced educators would serve as mentors for less experienced teachers and, as well, teachers responsible for the performance of large subgroup populations. Teachers working together would provide useful input to one another regarding how to alter classroom curriculum, in addition to offering techniques for



providing subgroups with an enriched learning environment that may be more conducive to the specific needs of these students. Furthermore, educator collaboration would be a forum for teachers to discuss what the specific needs of their schools subgroups are, so that those needs are addressed directly. In this collaborative format, educators may work towards a resolution for meeting the needs of multiple subgroups, as well as the educators that are held accountable for their performance, so that they may effectively and efficiently work towards 100% proficiency for all subgroups.

*An Alternative Approach: Growth Model*

The growth model is an effective and straightforward method of assessment that emphasizes the importance of an incremental progression – growth – in a school or districts core academic subject areas. The growth model utilizes “two parameters to define linear growth (in academic progress)...*initial* comprehension scores and the *slopes* describing comprehension over time,” whereas the status model utilizes one parameter – attainment of a specified score (AMO) – to measure annual academic growth (Beretavas, 2004, p. 97). Using the growth model, subgroup proficiency levels would be assessed at the beginning of a given school year, with their performance analyzed over time. This model would help resolve the sanctioning of schools that are making academic progress for the majority of their subgroups, yet are falling marginally short of their statewide proficiency targets. By utilizing a growth model, schools would be sanctioned or rewarded based solely on their academic *growth*, that is, their annual progression in the core subject areas of reading, language arts, and mathematics – something that NCLB does not do. NCLB rewards schools *only* for attaining a statewide proficiency target (AMO), and issues sanctions to schools *only* if they did not attain their statewide AMO

despite, for example, making academic progress outside of NCLB's authoritative definition of "academic progress."

### *Summary*

The success of NCLB in coming years will be largely dependent on what measures are taken to reform and improve it. Through the non-utilization of local educator and administrative input, NCLB policymakers have neglected to sufficiently address realistic solutions for narrowing the achievement gap. While many feel that a federal policy for narrowing the achievement gap is well intentioned, it is also highly unrealistic at the practical level.

According to school administrators such as Vasquez, one way to reform NCLB would be to add, to the existing policy, an incentive for educator collaboration to occur as a means for improving the academic progression, and performance, of all subgroups. In his theoretical approach, Vasquez demonstrates how the purpose of educator collaboration would be to 1) address the specific needs of a school's subgroups; and 2) find ways to improve subgroup-learning curriculum in a collaborative format. Educators would therefore be working towards the attainment of 100% proficiency together.

An additional reformative measure would be to require each participating state to implement a growth model, in replacement of NCLB's current status model assessment. A growth model would sanction or reward a school or district based solely upon the annual academic progress of their subgroups. Utilizing a growth model would resolve NCLB's misguided approach of sanctioning schools that are, in fact, making continual progress over time, yet have been unable to reach a statewide proficiency target for all subgroups, in all grades, in all core academic areas.

### Conclusion

The argumentative portion of this thesis focused on one critical aspect of *No Child Left Behind* – how its subgroup provision and status model assessment unfairly affect schools with significant proportions of disadvantaged students. First, I examined the theoretical rationale for NCLB by examining the policy’s statement of purpose, that is, “to close the achievement gap between high and low performing children, especially the achievement gaps between minority and non-minority students, and between disadvantaged children and their more advantaged peers” (NCLB, 2002, § 6301 (3)). Second, I examined the methodological approach for school accountability as a means for narrowing the achievement gap. Third, I discussed how the combination of the subgroup provision and status model of NCLB unfairly affects schools with significant proportions of disadvantaged students by placing these schools at the highest risk of failure to achieve their statewide AMO. Lastly, I examined reformative measures for the subgroup provision and status model of NCLB based on input from those who are most affected by the law’s provisions – local educators and administrators.

As the research indicates, there is a general agreement among the proponents and opponents of NCLB that some form of school accountability is needed to narrow the nationwide achievement gap. NCLB was designed to resolve this matter and, at first glance, it was a seemingly effective step towards doing so. Holding schools and districts accountable for the academic proficiency of subgroups that have been traditionally left behind is an ambitious and resolute way of addressing a nationwide educational dilemma. However, the appearance of NCLB has been deceiving, as its implementation in multiple subgroup schools has demonstrated how its subgroup provision in combination with the status model assessment have, and continue to negatively affect the schools that enroll the

intended beneficiaries of this federal educational policy. Unrealistic proficiency expectations, withholding of federal funds, and increasingly severe sanctions are just a few of the federal “carrot-sticks” that continue to threaten and punish the schools that enroll significant proportions of disadvantaged students.

Requiring all schools to compete in the same foot race when some schools do not have shoes, goes against the fundamental basis of what NCLB purports to do – that is, equalize the performance levels of all students so that the achievement gap will narrow in coming years. Critically, NCLB continues unchanged into the future, while neglecting to fully examine the specific reasons why multiple subgroup schools are losing out in the race towards 100% proficiency. So long as NCLB remains unchanged in the coming years, and input from local educators is excluded from educational policymaking at the federal level, so too will the achievement gaps persist, and the intended beneficiaries of NCLB remain, left behind.

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