

The Faceless Mandates of NCLB

by **Barry L. Newbold**



nearly every day I respond to myriad issues related to the implementation of No Child Left Behind (NCLB). I try to remain positive as we work through the minutiae found in federal and local educational mandates. Increasingly, however, I find my mind escaping to a place where the focus of the conversation is



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on real students—Amanda, Juan, Taylor, Emily, Lailani—rather than nameless, faceless regulations. I sigh from heart-ache, having considered the potential negative impact of these regulations on students and the excellent staff members who serve them.

What am I thinking about? I'm not thinking about whether all children can and should learn,

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nor am I thinking about whether all children should be proficient in literacy and numeracy. I'm not contemplating whether all children should graduate from high school, nor am I considering whether children should feel safe at school. All of these issues, intended to be addressed by NCLB, were resolved resolutely in my mind decades ago. Of course, all children should be given the best opportunities to succeed. No, what I am pondering is NCLB's potential disenfranchisement of our most at-risk students.

The National Network of Educational Renewal (NNER), of which my district is a member, has been committed for many years to ensuring that all students learn and feel a part of the democracy established in our nation. We are committed to ensuring that access to knowledge and a nurturing pedagogy are part of every student's daily school experience; and the NNER affiliate districts are committed to increasing the academic performance of students of color and culturally diverse groups within our schools. Unfortunately, NCLB shines a light on individuals and groups of students in a way that potentially widens these differences and gaps in academic achievement rather than narrows them.

Effects on Designated Subgroups

NCLB requires schools to meet yearly benchmarks, referred to cumulatively as "adequate yearly progress" or AYP. In simple terms, AYP requires increasing the percentage of students within designated student subgroups who are able to demonstrate

proficient levels of mastery on state language arts and mathematics tests until the NCLB goal of 100 percent proficiency is reached by the end of the 2013–2014 school year.

For a school to make AYP, every student subgroup must meet the year's benchmark. This information is reported publicly for each subgroup in the school. Among these subgroups are students who are economically disadvantaged, are members of major racial and ethnic groups, have disabilities, and are limited-English proficient. Schools that fail to make AYP two years in a row are identified for "school improvement" and receive sanctions under the rules of NCLB. It's a plan that looks good on paper, but one that raises serious questions when analyzed in terms of the effects on real students.

Reaching Academic Benchmarks

I recently participated in a closed-door meeting regarding NCLB with Utah legislative leadership, state office of education officials, and representatives of the U.S. Department of Education and the White House. The focus of the meeting was the flexibility given to states to implement NCLB, including the setting of academic benchmarks. Federal officials emphasized that states and districts are free to provide any additional funding needed to meet national educational goals. I left the meeting disappointed by the lack of sensitivity to the children whose lives the NCLB legislation will negatively affect. Ironically, these are the same students the law

intends to help. I agree that many of them will be helped, but I also insist that some will not. It's them I worry about.

In this recent legislative meeting, I listened intently to a passionate plea on behalf of students who are not succeeding academically. I listened as a typically stoic state school official spoke in a breaking voice with tears running down her face about what the public disaggregation of data was doing to the emotional well-being of children and their acceptance and assimilation into the culture of our schools. "Isn't there room for considering other ways of using the data (which in and of themselves are very valuable) and reporting academic performance of students?" she asked. "Isn't there a way to use the data in

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such a way that doesn't disenfranchise students?" "No," was the response.

The Issue of Funding

In this same meeting, the issue of funding was raised. Providing assistance to students who are struggling academically is primarily a function of available resources. We had estimated that \$182 million would be

needed to implement the various research-based strategies identified by NCLB that would be required to ensure that our district could meet the statute's academic goals by 2013–2014. We currently receive \$5 million in federal funding. We were reminded of the flexibility given to states to accomplish the NCLB goals in any way they choose. Again, I was left without any tangible way of bridging the gap between expectations created through NCLB and our ability to meet those expectations without additional funding.

Shortly after these meetings, Michael Dobbs, a reporter for *The Washington Post*, asked me to summarize the challenges associated with implementing NCLB in my district. I compared it to the building of a new home.

Imagine yourself building a new home. You would design a floor plan and amenities that would provide maximum benefit and enjoyment to you and your family. You would select only the best materials and identify an experienced, successful contractor. You would do everything possible within your available resources. Once you had made all these decisions and developed your building strategy, you would begin construction with enthusiasm and determination. You would ensure strict adherence to timelines, deadlines, and work schedules.

Now, imagine that early into construction, an individual with statutory authority comes to you and says, "By the way, you will be making five new additions and changes to your home. I have the revised plans right here. We know that you have a kitchen, bath-

rooms, living rooms, exercise rooms, etc.; however, we think they are all inadequately designed. Oh, and by the way, I thought you would like to know that you won't be getting any additional funds to do any of this; but unless you agree to add these changes, we'll take away your building permit. There's one more thing. Here's your new completion timeline." So goes NCLB.

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Who Suffers?

In Utah, which has the lowest per-pupil expenditure in the nation, there is so great a difference between educational expectations created by federal, state, and local officials and our capacity to accomplish them that we feel much like the homeowner just described. Though we receive acknowledgments of our circumstance, we receive no other consideration. So who suffers the consequences? Who suffers when a school does not make adequate yearly progress? I believe that it is the children who suffer.

Those who suffer most are the children who do not meet levels of proficiency, despite

their best efforts, their family's best efforts, and the best efforts of their schools. They, along with their schools, are labeled "failing" by the media. They suffer doubly if they are children of poverty. They suffer yet again if they are members of an ethnic minority; are English language learners; or have some form of disability, whether it is a cognitive or physical impairment. Caring teachers and administrators never would allow this kind of targeted negative attention to happen to a child. They understand well the social and emotional impact this kind of labeling has on real people, in real schools, and in real communities.

Schools are complex social organizations. There are learning and instructional issues, and there are cultural dynamics which affect all that is and can be accomplished in school settings. Unfortunately, by overemphasizing our differences rather than celebrating our successes, NCLB mandates promote a disconnect, consciously or unconsciously, with our desire to create an accepting, nurturing, democratic culture. It would be refreshing if the Department of Education would be more willing to acknowledge these realities openly and work to mitigate them without compromising the ambitious academic goals embedded in NCLB. As part of the NNER, members of my school district believe that we are part of an effort to make nurturing pedagogy and equitable access to knowledge part of the ways in which we do not leave children behind.