

9 April 2003

Dear Conference Participants,

We are excited that you are able to participate in today's conference, Implementing the No Child Left Behind Act. The National Center on Education and the Economy, the Thomas B. Fordham Foundation, and the Progressive Policy Institute are pleased to bring together leading educators and policymakers to explore ways to help local, state, and federal education officials implement the new federal No Child Left Behind law effectively.

Today's event features panel discussions on accountability, fixing failing schools, public school choice, and teacher quality moderated by prominent national journalists. Rep. George Miller, a leading congressional sponsor of the No Child Left Behind Act, and U.S. Under Secretary of Education Eugene Hickok, who is heading the federal government's effort to implement the new law, will discuss the implementation of the law during lunch. And many of the conference panelists have written essays that are included in this conference program.

We look forward to your contribution to what we expect to be a stimulating day's discussion of the new federal education initiative.

Sincerely,



Marc S. Tucker
President,
National Center on
Education and
the Economy



Chester E. Finn, Jr.
President,
Thomas B. Fordham
Foundation



Andrew J. Rotherham
Director
21st Century Schools Project
Progressive Policy Institute

TABLE OF CONTENTS

Agenda	5
Conference Papers	9
Introduction	11
Marc Tucker	13
Creating Strong Accountability Systems	17
James A. Peyser	19
J.B. Buxton	23
Kati Haycock and Ross Wiener	27
Thomas J. Kane	32
Fixing Failing Schools	39
Sandy Kress	41
Davis Nelson	44
Strengthening Public School Choice	47
Andrew Rotherham	49
Greg Richmond	52
Ensuring Teacher Quality	55
Judith Rizzo	57
Bryan C. Hassel	61
Frederick Hess	64
Leo Klagholz	68
Conference Co-Sponsors	71
National Center on Education and the Economy	73
Thomas B. Fordham Foundation	75
Progressive Policy Institute	77
Conference Participants	79

AGENDA

IMPLEMENTING THE NO CHILD LEFT BEHIND ACT

Introduction

8:30 A.M.–8:55 A.M.

Panel One: Building Dependable Accountability Systems

9:00–10:15

Moderator: **Paul Glastris**, Editor, Washington Monthly

Denzel McGuire, Education Advisor to Sen. Judd Gregg

James A. Peyser, Chairman, Massachusetts Board of Education

J.B. Buxton, Senior Education Advisor to Governor Michael Easley of North Carolina

Thomas J. Kane, Professor of Policy Studies and Economics, UCLA

Break

10:15–10:25

Panel Two: Resuscitating Failing Schools

10:25–11:40

Moderator: **June Kronholz**, Wall Street Journal

Sandy Kress, Partner, Akin, Gump, Strauss, Hauer & Feld LLP

Davis Nelson, Executive Director, Georgia Office of Education Accountability

John C. Fryer, Jr., Superintendent, Duval County Public Schools, Jacksonville, FL

Paul Kimmelman, Special Advisor to the CEO and Executive Director of the North Central Regional Educational Laboratory

Moderated Luncheon Discussion

11:55 A.M.–1:00 P.M.

Moderator: **Lynn Olson**, Education Week

Representative George Miller, US House of Representatives

Eugene Hickok, U.S. Under Secretary of Education

Panel Three: Public School Choice

1:10–2:25

Moderator: **Claudio Sanchez**, National Public Radio

Lawrence Patrick III, President and CEO, Black Alliance for Educational Options

Greg Richmond, Director, Chicago Public Schools, Charter Schools Office;
President, National Association of Charter School Authorizers

Jessica Hafer, Legislative Assistant to Senator Tom Carper

Erik Robelen, Staff Writer, Education Week

Break

2:25–2:35

Panel Four: Teacher Quality

2:35–3:50

Moderator: **Richard Whitmire**, USA Today

Leo Klagholz, Former New Jersey Commissioner of Education

Frederick Hess, Resident Scholar, American Enterprise Institute

Kati Haycock, Director, Education Trust

Judith Rizzo, Executive Director, James B. Hunt Jr. Institute for Educational
Leadership and Policy and former deputy chancellor, New York City Public Schools

Closing

3:50–4:00

CONFERENCE PAPERS

INTRODUCTION

We extended an invitation to each of the distinguished panelists at the conference to write a short essay addressing what policymakers might do to improve the capacity of states and school systems to successfully implement key parts of the sweeping new federal No Child Left Behind Act. We are pleased to present their responses on the following pages. These ideas and opinions represent the views of the authors and not necessarily those of the National Center on Education and the Economy, the Progressive Policy Institute, or the Thomas B. Fordham Foundation.

THE ISSUE OF STATE CAPACITY

By Marc Tucker

The culmination of 13 years of policy development during Republican and Democratic administrations, the No Child Left Behind Act represents a dramatic transformation in the role of the federal government in the governance and management of elementary and secondary education.

This is true in two respects. First, the federal government with this law has created a policy framework for what amounts to a national system of standards-based education for the entire United States. Right up to the time this legislation was passed, such a shift in power in education decision-making from the district to the state and from the state to the federal government would have been unimaginable. The federal government is now the senior partner in the intergovernmental system of education.

The other transformation is no less important. Until now, the federal government has addressed the problems of poor and minority students largely by providing more funds to schools to help such students. Now, the government is saying that it expects to see results and is going to hold schools, districts and states responsible for producing them, with draconian consequences for those that do not. This is an enormous victory for poor and minority children and, therefore, for the country.

The new federal law is not without its faults. It creates, for example, incentives for states to buy cheap, very low-quality tests that narrow and dumb down the curriculum in ways that may further alienate teachers from the standards and accountability agenda, something that the law's creators surely did not intend.

Still, the agenda embodied in this legislation is absolutely the right agenda. So the most important question on the table is whether the education system has the capacity to improve its performance at a literally unprecedented rate.

I do not think so. The issue of capacity arises in many ways and at many levels of the system, but I would like to concentrate here on one, the level of the state. The legislation calls on the states to organize and direct an aggressive process of school improvement. The National Center on Education and the Economy has been researching best education

Marc Tucker is president of the National Center on Education and the Economy.

practices in two dozen of the best-performing foreign countries over the last 15 years. What characterizes the nations on every continent with the best education records is a ministry of education that has organized a highly coherent instructional system and provides the services needed to make that system work on the ground. No state department of education in this country has the staff, legitimacy and expertise to do what they have done. Our state education agencies were not created for this purpose. In most states, they were created to funnel money to the schools and districts and enforce certain regulations. Compliance, not school improvement, has been their business. Powerful districts often made sure that it stayed this way.

Consider California. The state department of education there, with 1,600 employees, is responsible for 41 percent of the state budget. The California Water Board and Agency, with one half of one percent of the state budget, has a staff of 4,800. Sixty percent of the California State Department of Education staff are paid for by the federal government to monitor compliance of schools and districts with the requirements of federal categorical programs (in California, for example, 200 of its 1,600 people are responsible for assuring compliance with the provisions of the federal school lunch program).

In many, probably most, states, the size of the department of education staff is substantially smaller than that of the central office staff of the largest districts in the state. I know of one northern state department of education that has a staff of 40 people all told. Another has 60 professionals, of whom 20 are allowed to work only on the federal school lunch program.

In almost all of the states, the idea that the state will take over a substantial number of schools or the management of entire school districts (this being one of the sanctions mandated by No Child Left Behind) is problematic at best, because no one is available to do it, nor is anyone available to advise and mentor schools that are one step short of being taken over. In many states, no state officials are available to read the applications now coming from the schools that are mandated by No Child Left Behind. The act calls for a monumental expansion in state testing, but the few testing experts that the states can attract with their meager salaries are being stolen by the testing companies, which are desperate for the professionals they need to supply the states with the tests mandated by the act.

The goals envisioned by the framers of No Child Left Behind, goals I wholly support, require the states to construct highly sophisticated, well-thought through, sound, comprehensive and coherent plans and then execute those plans in a very volatile

environment. The reality is that the states are now facing the worst financial crisis they have faced since the Great Depression. So the state departments of education, which were understaffed and largely inexperienced for the challenges posed by No Child Left Behind in any case, will now have to face those challenges in an environment of downsizing. Far from being able to hire and train the kind of staff they need to do the job ahead, they will have to do it with fewer staff than they had when the act was passed.

My own organization is putting together a group of people who will be able to help the states take advantage of what other countries have learned about how to do the job ahead. But it behooves the federal government to ask what capacity is needed by the states to do that job and to provide the resources to do it. If that is not done, if the capacity to manage the revolution is not there at the state level, the revolution will fail. If it is done, and done well, the state departments of education will take on the roles and functions that competent ministries of education have played in the most successful nations and this country will have the leadership capacity it needs to duplicate their record of achievement.

BUILDING STRONG ACCOUNTABILITY SYSTEMS

The No Child Left Behind Act requires every state receiving federal funding for disadvantaged students to establish a comprehensive system of measuring student performance, reporting results to the public, and improving under-performing schools. Beginning in 2005–06, states must test students in grades 3 through 8 in reading and math every year and every high school student at least once during their high school careers. The results of the assessments are to be used to generate annual statewide report cards of student achievement and to determine whether schools and school systems have met state expectations for “adequate yearly progress” toward “proficiency” in math and reading. The law requires all students to be achieving at the state-designated proficient level within 12 years. The same is true of several groups of students — white, Hispanic, Asian, and African-American students; disadvantaged students; English-language learners; and special education students. Failure of a single group of students at any grade level within a school to make progress is tantamount to failure by the school as a whole. Schools that do not make AYP for two consecutive years receive state-funded support and face the prospect of increasingly severe sanctions if they do not improve.

COMPLYING WITH NCLB IS NOT ENOUGH

By James A. Peyser

The No Child Left Behind (NCLB) Act establishes a framework within which states must construct their own comprehensive accountability systems. Although this accountability framework is quite broad and prescriptive, especially compared to past federal education reform mandates, it allows substantial room for variation from state to state. Most of this flexibility relates to the content and quality of standards and assessments and the methods for determining and implementing appropriate corrective actions. State-level flexibility in these areas is essential to maintaining a decentralized educational system, but it will likely produce vastly different accountability systems with equally disparate educational results. If states want high-quality accountability systems, systems likely to make a real difference in student achievement, they must invest time and money — on a large scale and on a continuing basis — in their educational standards, student assessments and school evaluation systems. Failure to do so will result in education reform that complies with the letter of federal law but has little or no impact on student achievement.

Academically weak standards make even the best assessment instruments pointless. Assessments that are poorly aligned with published curriculum guides, that fail to engage students across a broad range of cognitive skills, or that are technically unsound, undermine even the best educational standards. And school evaluation systems that are narrowly focused on test results can fail to diagnose underlying causes of poor performance and provide little guidance in developing turn-around strategies.

Educational Standards

Establishing educationally sound curriculum standards is challenging, time-consuming and controversial work. Although it is difficult to decide what all children should learn, it is equally difficult to decide what is not essential to a well-rounded education. These choices are plentiful in content-based subjects, like history and the social sciences, but they are also present in skill-based subjects, like math and English. Of particular note are the continuing debates over the teaching of grammar and standard algorithms.

James A. Peyser is chairman of the Massachusetts Board of Education.

Sequence is as important as content. Should advanced concepts be introduced early and revisited periodically as students advance through the grades, or should students focus on mastering fundamental skills before engaging more complex topics? Should subdisciplines (such as algebra and geometry) be taught separately or as part of an integrated cross-disciplinary curriculum?

Grappling with these issues is not easy, especially for laymen. Experts and practitioners line up on all sides, with passionate arguments and classroom success stories. Trying to mediate a compromise is usually impossible politically and inappropriate educationally. In addition, the complexity of integrating curriculum across the entire K–12 grade span — within and across subject areas — cannot be exaggerated. In the end, choices have to be made by policymakers, not educators. To ensure that standards have credibility and broad acceptance, a prolonged public process of consultation and deliberation is necessary. In the case of Massachusetts, this process took years and suffered through several false starts and blind alleys.

Student Assessments

Constructing assessments is a much less difficult problem for policymakers, because so much of the work is the domain of technical specialists and outside contractors. Nevertheless, the policymakers must make some decisions about the overall design of the assessments and the standards that differentiate the various (usually four) performance categories. In addition, policymakers must make a long-term resource commitment to sustained development and administration of assessments, along with the data systems necessary to generate useable information and reports.

In Massachusetts, we began piloting our first MCAS tests in 1997. The first official administration for grades 4, 8 and 10 occurred in 1998. In the spring of 2001, the Commonwealth began administering the 10th-grade test as a graduation requirement. Today, administration of various subject exams to approximately 500,000 students (half the total enrollment) in nine grades (including re-tests in grades 11 and 12) costs the state about \$20 million annually. As more subject areas and grade levels are added to the testing program, this figure will undoubtedly rise. Much of these costs are due to the fact that MCAS questions are published after each administration. The transparency of MCAS has been essential for providing meaningful diagnostic data to educators and for helping to build public confidence in the quality and fairness of the tests.

School Evaluations

The final piece of a comprehensive accountability system involves evaluating schools and districts to identify which ones require state intervention and to determine what type of corrective action is most appropriate. Some states rely on test data alone to make these judgments. While such approaches are objective and inexpensive, they are not particularly helpful in identifying possible sources of and solutions to poor student performance. By not providing corroborating evidence — gathered by professional educators — of dysfunction or incompetence, they also compound the political problem of declaring a school or district underperforming.

Test data alone do not tell the whole story of what is going on in a school or district. For example, a district may be in the throes of a major restructuring or leadership change, which is moving the district in a positive direction but is not yet yielding positive test results. Alternatively, a district may be experiencing a significant demographic shift, resulting in high levels of student mobility, both in and out, which negatively affect test results, even as the quality of instruction is improving. Such information should not be interpreted as excuses for low student achievement; rather, it is essential information for developing an accurate picture of school performance and for crafting effective intervention strategies.

Developing an evaluation protocol is a painstaking, iterative process, requiring a continuing dialogue among educators and policymakers. Assembling a critical mass of qualified and trained examiners is time consuming. And committing to a comprehensive system of evaluation is expensive. Massachusetts' current annual evaluation budget is a little over \$2 million, which supports only a handful of school-level evaluations and the development and piloting of district-level evaluations. Full-scale implementation of an evaluation system that encompasses all of the Commonwealth's school districts would likely cost \$5–\$10 million.

Conclusion

Developing a comprehensive accountability system that not only complies with NCLB, but is also educationally sound and politically palatable, requires a long-term commitment — not only of money but also of purpose. In the end, the latter may be more difficult to achieve than the former.

Massachusetts has been fortunate in that during its 10-year experience with education reform, there has been remarkable consistency in political leadership. For the

past 12 years, the Governor, who appoints the Board of Education, has been a Republican. The long-standing Speaker of the House has been a steadfast supporter of administration education policy. And one of the authors of Massachusetts' 1993 education reform law only recently stepped down as Senate President. Even with this level of stability at the top, education reform in Massachusetts has suffered several fits and starts. Without the leadership consensus for reform — and the particular kind of reform pursued by the Board of Education and the Department of Education — whatever success we have experienced would have been impossible.

EIGHT LESSONS FROM NORTH CAROLINA

By J.B. Buxton

One of the stories in North Carolina’s educational lore features the late Dr. Jay Robinson, former chairman of the State Board of Education and the individual most responsible for the state’s present day program of accountability. When North Carolina first began its efforts in testing, Dr. Robinson was serving as superintendent of the Charlotte-Mecklenburg schools. Early in his tenure, test scores dropped for students in Charlotte-Mecklenburg. When asked by a reporter, in a live interview, why scores had dropped, Dr. Robinson answered, “Well, it appears that the schoolchildren just put down the wrong darn answers.”

The business of building dependable accountability systems appears at first blush like Jay Robinson’s tongue-in-cheek answer to the question about student performance: deceptively simple. In fact, the goal of accountability systems is relatively simple: Raise student achievement by assessing student learning and holding schools accountable for those results. However, as North Carolina has found since it implemented its ABCs of Public Education in 1995, designing an accountability system to accomplish this goal is quite complex.

The State of North Carolina has been designing accountability systems for more than a decade. In 1989, the North Carolina General Assembly enacted legislation that called for district-level accountability based partly on annual exams for grades 3–12 in a variety of subjects. In the mid-1990s, the State developed its ABCs of Public Education program, which moved accountability to the school level and instituted annual testing in reading and math in grades 3–8 and annual testing in high schools in 10 subject areas (biology, Algebra I and II, physics, English I and II, etc.).

Since the implementation of the ABCs in 1995, the state has learned a few things about accountability. Crafting accountability systems goes well beyond testing students and reporting their performance. To reach the endgame of improved student performance, good accountability systems must deal with a broad range of issues. Here are eight that North Carolina has found critical in the design of its system. I urge you to treat each of them seriously for we have found that a state cannot design a system of

J.B. Buxton is the senior education advisor to Governor Michael Easley of North Carolina.

accountability that is dependable, defensible, understandable, and spurs improved performance for all children if it tackles just one or two of them.

1. Set clear content and performance standards.

Content and performance standards are the twin anchors of a dependable accountability system. An accountability system determines whether schools are helping students to meet the performance and content standards for grade levels or specific subjects. These standards should be clear to parents, practitioners and policymakers. It is also important to involve practitioners in the setting of content and performance standards to create buy-in among educators and to ensure that standard-setting does not occur in a vacuum.

2. Align your tests with your curriculum.

Teachers and schools need to be held accountable for meeting a state’s content and performance standards. The curriculum is the driver for meeting those standards. If your tests do not align with your curriculum, then there is little incentive for educators to cover that curriculum — the surest way to turn schools into test prep factories. States do not need to become test developers and publishers — as North Carolina has done — but they must ensure that test development is built on the state’s curriculum.

3. Build in a process for test revision.

Content changes. Soviet Unions break up, and scientific or mathematical discoveries are made. While some subjects change less than others, all state curricula or standard courses of study will need to be revised over time. When testing is aligned with curriculum, curriculum revisions will, by necessity, drive testing revisions. The process of revising tests and ensuring that new results are reliable and comparable from year to year are major tasks. This involves field testing, standard-setting and other important processes that do not exactly light your hair on fire. But the role of these processes in ensuring dependable, defensible and understandable accountability systems cannot be understated.

4. Track students over time and build in a mixture of growth and performance expectations for schools.

Perhaps the most important feature of the North Carolina testing program is its focus on student “growth.” Growth refers to how much a student has progressed over a school year in a given grade or subject. In North Carolina, the goal is a year’s worth of growth for a year’s worth of schooling. The state’s accountability system

tracks students over time and holds its schools accountable for meeting growth targets (set through a statistical formula) that reflect how much progress a school should make in student performance. Schools should also be held accountable and recognized for achieving certain performance standards. The No Child Left Behind (NCLB) Act defines how states must set those performance standards. North Carolina's experience would caution states against only relying on absolute performance standards. Growth builds equity into the system. Done right, growth models give no advantage to different types of schools (e.g., high-poverty versus low-poverty schools) in meeting standards. Growth also provides incentives to meet the needs of all students, not just those below grade level. A robust student information system is an absolute requirement for states that are going to build growth into their systems and track student performance from year to year.

5. Understandable ratings and public reporting are critical.

How states rate and report the performance of schools is important to public understanding and the goals of the accountability system. A quick story: North Carolina recently changed its rating of schools that exceed their growth targets by 10 percent from "Exemplary Growth" to "High Growth." Why? Schools were dropping the "growth" part of the moniker and advertising themselves as "exemplary schools." Ratings need to provide educators, policymakers and the public with a sense of the direction schools are headed, what schools have accomplished, and what they have yet to achieve. While a state should avoid too many categories, so should it reject "all or nothing" designations. A well-crafted rating systems can drive assistance and funding decisions.

6. Develop sanctions and incentives to support improvement.

When schools are held accountable for results, it is important to reward success and sanction failure. They are spurs for the goal of higher student achievement. NCLB builds in some very clear sanctions for the failure of schools to make adequate yearly progress. But, schools also deserve incentives. In North Carolina, educators are rewarded financially when their schools make their growth targets. Incentives can take forms other than money. Schools might receive greater flexibility with their dollars, for instance.

7. Provide assistance.

No accountability system is worth its salt if it does not provide assistance to schools or districts that are struggling. Accountability systems provide clear

messages about schools that are in need of assistance. Careful thinking needs to be done about what kind of assistance to provide, the role of the state in providing it, and where assistance is best located — at the school or district level, for instance. States are beginning to take this on in different ways. And NCLB will likely accelerate more state involvement with districts as the sheer numbers of schools identified as needing improvement dwarf states' abilities to support them.

8. Maintain up-front and ongoing communication with the public.

Accountability systems require communication — lots of it. North Carolina's entrance into the era of school accountability was preceded by a massive public relations campaign. Briefings across the state in school board meetings, editorial boardrooms, town meetings, chambers of commerce, legislative committees, and schools occurred in an effort to ensure that stakeholders understood the goals of accountability and how it worked. Policymakers, parents and the business community are especially critical in this effort.

You cannot overstate the importance of the design phase of the accountability process. Done right, accountability systems define progress, identify challenges, create momentum and incentives for improvement, and rationalize policy and budgetary choices in education. Done poorly, they can undermine confidence in schools or the role of assessment in improving outcomes for children.

These eight elements are not the only components of dependable accountability systems. Others might suggest that transparency, the diagnostic capacity of tests, and the alignment of testing and accountability with funding systems are critical components as well. But the eight elements have proven critical to North Carolina's successful implementation of a comprehensive accountability model that has led to unmatched gains in student achievement over the past decade.

ADEQUATE YEARLY PROGRESS UNDER NCLB

By Kati Haycock and Ross Wiener

If you ask state-level K–12 leaders how many of their public schools need to improve results for at least one of the groups of students that they serve, most would answer that nearly all do. They would also confide serious worries about alarming increases in the gaps separating poor and minority students from other students in their states.

Yet, when asked by the Congress under the 1994 reauthorization of the Elementary and Secondary Education Act (ESEA) to set goals and adopt accountability systems that would ensure academic progress, especially for low-income students, many states fell down on the job. Some set goals so modest that it would have taken more than a hundred years to see meaningful improvements in student achievement; one even defined “progress” as not falling backward very far. And many failed even to report the achievement of low-income and minority students.

It is hardly surprising, then, that when the Congress came back around to this issue in 2001, in the most recent reauthorization of ESEA, it formed an early bi-partisan consensus on the need to tighten up the accountability requirements. The No Child Left Behind (NCLB) Act that emerged is not perfect — no law ever is. But much of the criticism of it is fueled by misunderstandings of what it actually requires and driven more by the interests of adults who work in the system than by concerns about what is right for kids.

We want to explain as clearly as we can what the adequate yearly progress (AYP) sections of the law actually require, and we want to address some of the myths that have formed around these provisions. By the end of this essay, readers may not agree with our conclusion that, if implemented conscientiously and in good faith, the systems that result will help make sure that we put into place the changed practices necessary to make much-needed progress in raising achievement and closing gaps. However, at least some of the myths about AYP will be put to rest.

How AYP Works

The concept behind AYP is simple: Establish clear goals for student learning,

Kati Haycock is the director of the Education Trust. Ross Wiener is the policy director of the Washington, D.C.-based organization.

measure whether students are reaching them, and hold educators accountable for raising student achievement. Where schools consistently fail to meet expectations, states must take increasingly strong action to ensure improvement.

To measure student success, states administer assessments to determine whether each student is proficient in language arts and math. Each state sets steadily increasing goals for student achievement, with the ultimate goal of all students meeting the state's standard for "proficient" in language arts and math by 2014. If a school's actual achievement is at or above the state goal in a given year, the school is designated as making AYP. If achievement is below the goal *for two consecutive years*, the school is designated as needing improvement.

AYP is not only based on overall averages but also on the performance of low-income students, racial and ethnic minorities, students with limited English proficiency, and students with disabilities. If a school does not make AYP for one of these subgroups, it does not make AYP. By basing the decision of whether a school needs to improve on the performance of its least-advantaged students, AYP promises to move achievement gaps front and center in our conversations about whether schools are making the grade.

The initial starting point for determining whether schools have made AYP is either the passing rate for the lowest performing subgroup of students in the state or the passing rate for the school at the 20th percentile of overall performance in the state, whichever is higher. By setting the initial goals at what could be considered a relatively low level, the AYP system focuses immediate attention on those schools and groups of students within schools that are currently far behind their state peers in academic achievement.

The AYP process allows some flexibility: NCLB includes a "safe harbor" provision for schools that are making real progress but have not met their state's goals. If any school or subgroup within a school does not meet the statewide performance targets, but the number of students below proficient is reduced by 10 percent from the previous year, the school still makes AYP. In other words, the law gives credit to low-performing schools that make significant progress, even if they do not meet the statewide performance goals.

Nor, to date, has the U.S. Department of Education been rigid in its approval of state accountability plans. For example, it has already approved two state accountability plans (Massachusetts and New York) that build on the "safe harbor" concept by giving

additional credit to schools that significantly improve the performance of very low-performing students, even if those students do not quite meet a state’s standard of proficiency.

The authors of the NCLB also put a number of safeguards into the law to ensure that AYP determinations are valid and fair:

- Schools are only accountable for the academic achievement of students who have been enrolled in the school for at least *one full academic year*.
- With respect to the performance of student subgroups, schools are only accountable for groups that are large enough to reveal “statistically valid and reliable” data; each state has discretion to set the minimum number of students required for subgroup accountability.
- To account for fluctuations in test scores, schools can average test scores for up to three years and can combine student achievement data from multiple grades.

What AYP Does Not Mean For States, Schools and Students

Unfortunately, the AYP provisions of NCLB have generated a number of misconceptions regarding what the law does and does not mean. Here is our attempt to separate the myths from the realities of AYP:

***Myth:** The AYP process will stigmatize schools as “failing.”*

Reality: Nothing in NCLB requires states to label any school as “failing.” The law requires that schools be “identified for improvement.” “Needs improvement” does not mean “failing.” Instead, it means that a school needs to improve in certain areas.

Think of student who brings home this report card: An “A” in math, science, and social studies, and a “C-” in reading. This is not a “failing” student, but this is a student that definitely “needs improvement.” Most parents wouldn’t be satisfied with a “C-” in reading — *particularly if the student had struggled in reading for years and showed no signs of getting better.*

AYP works the same way. A school that is succeeding in some areas but has persistent problems in others is identified as such — “needing improvement.” This is not the same as being labeled “failing.” NCLB says that it is not enough for schools to simply get by on averages, as was allowed under the old system. Educators also have to be concerned about schools where certain groups of students persistently fall short, year after year, and take specific, meaningful actions to better serve them.

Myth: *Too many schools are making AYP in some states, and too many schools are failing to make AYP in other states.*

Reality: Because each state develops its own standards and assessments (and then sets its own cut-score for what constitutes “proficient”), there will always be differences in the numbers of schools identified in different states. However, it is important to note here that the wild variations among states in last year’s report identifying schools in need of improvement were largely a vestige of the previous federal law, under which states defined their own accountability systems. For example, it was AYP formulas implemented *prior to the enactment of NCLB* that led to more than 1,500 schools failing to make AYP in Michigan, and no schools failing to make AYP in Arkansas, after the 2001–02 school year.

As each state now moves to bring all groups of students to proficiency under a common timetable, such differences should diminish somewhat over time.

Myths: *Schools that do not make AYP will be penalized by losing federal funding.*

Reality: There are no financial penalties in NCLB for schools that fail to make AYP. In fact, the law requires states to set aside a portion of funds received under the federal “Title I” program to provide *additional* assistance to schools that have been identified for improvement. In 2003, \$234 million dollars will be given to states to assist schools in the improvement process. Because of a formula in the law, that amount will at least double for 2004 and succeeding years.

NCLB does contain provisions that reduce administrative funds granted to state Departments of Education if states fail to comply with the provisions of the *previous* version of ESEA, which was enacted almost 10 years ago (funds that go to schools would not be reduced). And a state could jeopardize federal funding for its schools and children if it categorically rejects the goals embodied in NCLB by refusing to implement a system of high standards and ongoing improvement for all children. But NCLB does not penalize schools for lack of student achievement — it penalizes states that refuse to *measure* the lack of student achievement, hold schools accountable, or help them improve.

Myth: *AYP means that schools must improve test scores in every single year to avoid being labeled as needing improvement.*

Reality: AYP stands for *adequate* yearly progress, not *annual* yearly progress. If a school makes great gains in one year, only to fall back slightly in the next year, it will still make AYP requirements as long as it stays above the target performance level.

For example, take a school in which 40 percent of students are proficient in 2002. Assume that the state improvement plan specifies that 50 percent of students must be proficient in 2004. The school makes great improvement in 2003, increasing the number of students who are proficient from 40 to 55 percent. In 2004, however, performance declines somewhat, to 52 percent. Does this drop in test scores from 2003 to 2004 mean that the school will be labeled as needing improvement? No, because the school's 52 percent score in 2004 remains above the state target of 50 percent. Remember, also, that states may make AYP determinations based on test results averaged over three school years.

In addition, it takes **two consecutive years** of failing to make AYP for a school to be identified as needing to improve. No consequences apply to a school that misses AYP for one year.

***Myth:** An unreasonably large number of successful schools will be identified as needing improvement.*

Reality: NCLB raises the bar for what it means to be a successful school. NCLB will undoubtedly shed new light on the performance of many schools. Some schools that have traditionally been considered to be successful based on the average level of performance among all students will find themselves labeled as “needing improvement” because they are not making progress with particular groups of students. This is not an unintended consequence of NCLB — it is one of the main reasons the law was passed in the first place. Defining success based on *average student progress* — across student groups — has masked achievement gaps between groups and left the most vulnerable students behind.

In the end, the greatest threat to finally making much-needed progress in both raising overall achievement and closing gaps between groups is not a too-rigid law or an overreaching federal government. Rather, it is the widespread belief that low achievement is the inevitable result of societal inequality.

However, abundant evidence indicates that NCLB goals are attainable. Some schools, school districts and even some whole states are pointing the way. The challenge is to make educational excellence the rule.

Accountability and AYP will tell us a lot about how our public schools are doing in meeting that challenge. How we respond to that information will say a lot about our own beliefs and commitments.

THE NEED FOR TRIAGE

By Thomas J. Kane

The centerpiece of the No Child Left Behind (NCLB) Act of 2001 is a formula defining the “adequate yearly progress” that public schools must achieve in improving student performance. It is the fulcrum upon which all the law’s most serious levers for promoting school improvement — including public school choice, supplemental education vouchers and school restructuring — will rest.

Because it implies a judgement of improvement over time, the term adequate yearly progress (AYP) is a misnomer. In fact, AYP hinges primarily on the percentage of a school’s students that are proficient at a point in time. Lacking a national curriculum, Congress chose to leave it up to the states themselves to define what their students need to know to be proficient in math and reading at each grade level. However, once a state settles on a definition of proficiency, the minimum acceptable proficiency rate in the state will be set at the proficiency rate of the 20th percentile school. In other words, schools will be required to achieve a higher rate of proficiency in reading and math than did the bottom 20 percent of schools in their state in 2001–02. States are required to ratchet up that minimum proficiency rate at uniform intervals every few years to ensure that within 12 years, 100 percent of their students meet the states’ minimum proficiency standard.

With this definition, Congress has ensured that states cannot exempt themselves by choosing a lenient definition of proficiency. At least initially, states that choose to define proficiency leniently will simply be required to achieve a *higher* minimum rate of proficiency, since the 20th percentile school would have a higher proficiency rate. However, laxness in the definition of proficiency will have its rewards, as it *will* be much easier to achieve 100 percent proficiency if a state starts out with, say, 80 percent of its students already proficient, as is the case in Texas.

Under such a system, we would expect about 20 percent of the schools in every state to fail on the basis of their schoolwide scores, at least initially. Why then have newspapers around the country published alarming stories warning of much higher failure rates under NCLB? The reason is that the law requires states to *apply* the same

Thomas J. Kane is professor of policy studies and economics in the School of Public Policy and Social Research at the University of California, Los Angeles.

minimum proficiency rate to each subgroup of students (racial and ethnic groups, socio-economically disadvantaged students, disabled students, and English-language learners), and not just to a school's body as a whole.

That is significant because the difference in student performance between racial and ethnic groups tends to be much greater than the difference in student performance from school to school. Although we tend to focus on very high-achieving and very low-achieving schools and infer from that a wide dispersion in performance among schools, many schools are actually in the middle. My colleague Douglas O. Staiger and I have found that the 20th percentile school in most states will have a mean test score only about one-third of a student-level standard deviation below the mean.¹ In contrast, in most states, the black-white differential in performance is usually more than three-quarters of a standard deviation. As a result, a large share of the schools that contain a disadvantaged minority subgroup will fail to achieve AYP as defined by Congress.

The subgroup rules will generate failure rates of more than 50 percent in many states. Staiger and I have used data on math scores for 3rd- through 5th-grade students in North Carolina elementary schools to illustrate this point. An awful lot of overlap exists in test scores at the individual student level: Thirty percent of individual African-American students have test scores above the statewide mean. However, in North Carolina, as in many other states, despite the overlap in the distribution in performance at the individual student level, the difference in *mean performance* within schools remains quite substantial. Whereas 30 percent of individual African-American students scored above the overall mean statewide, only 2 percent of African-American students were in schools where the *mean* performance of African-American students in the school exceeded the statewide mean. As a result, a large fraction of those schools that contain an African-American or economically disadvantaged subgroup would fail to achieve AYP, even if their school-wide rates of proficiency exceed the minimum required.

Flawed Rules

The subgroup rules were intended to shine a harsh light on schools that have allowed the performance of minority youth to lag for decades and to provide incentives to schools to focus their efforts on closing those gaps. However, the subgroup rule suffers from several serious shortcomings, which will blunt the law's impact.

First, the law requires states to define how many minority students it takes to "count" as a separate subgroup. Wisely, the NCLB does not define subgroup status

beyond stating that a group counts as a separate subgroup when the number of students in a category is sufficient to yield “statistically reliable information.” No such magical sample size exists, thus states will define the minimum sizes differently.

But wherever the threshold is drawn, the stakes will be very high for schools on either side of what must be an arbitrary threshold. For instance, in the academic year 1999–2000 in Texas, to count as a separate subgroup, a racial or ethnic subgroup was required to represent at least 10 percent of the student body and 30 students (or at least 200 students regardless of the percentage).² Yet, to achieve “exemplary” status, a school in Texas was required to have a 90 percent proficiency rate for each group that met the minimum size requirements. Given the differences in performance by race and ethnicity, the stakes were quite high for schools with a percentage of minority students near the 10 percent minimum. Among the schools that did not also have an African-American subgroup, 42 percent of schools where exactly 9 percent of all students were Latino (where Latino students did not count as a separate subgroup) were rated exemplary, while less than 20 percent of the schools where exactly 10 percent of all students were Latino were rated exemplary.

In other words, despite the fact that the mean performance overall was quite similar and the mean performance of the minority students was quite similar, a one-percentage point difference in the percentage of students in a particular racial/ethnic group meant a more than doubling of a school’s chance of being recognized as “exemplary,” because schools with 10 percent Latino students were held accountable for Latino scores separately and schools with 9 percent Latino students were not. Given the large racial differences in performance, the designation of minimum size requirements for subgroups of students will determine the fates of schools near the thresholds. Unfortunately, they will do so arbitrarily.

Second, the subgroup rules will lead to very uneven failure rates in different parts of the country, depending upon the percentage of disadvantaged minorities in their schools and the degree of integration.

In our study, Staiger and I use data on individual schools in every state in 1999–2000 and applied the definition of subgroup status used by California, which required a minority group to contain at least 30 students and 15 percent of the students in a school or greater than 100 students to constitute an official subgroup. The proportion of schools containing an African-American or Latino subgroup varied widely by state, depending upon the representation of African-American and Latino youth in the resident population

and the degree of integration. While a majority of the public schools nationwide (54 percent) contain an African-American or Latino subgroup, the percentages were much higher in the South and West. More than 80 percent of the public schools in seven states (Texas, Mississippi, New Mexico, California, Louisiana, and South Carolina) and the District of Columbia contain an African-American or Latino subgroup. An additional seven states (Virginia, North Carolina, Nevada, Florida, Georgia, Alabama, and Arizona) contain African-American or Latino subgroups in more than 60 percent of their public schools. A large share of these schools are likely to fail, simply due to their demographics.

Moreover, the more integrated a state's schools are, the higher proportion of their schools are likely to be affected by the NCLB. North Carolina and Illinois have similar percentages of black or Latino youth overall, yet white students in North Carolina are nearly *three times* as likely as white students in Illinois to attend schools containing an African-American or Latino subgroup — 62 versus 23 percent. Third, in those states where failure rates are high, there may be little shame in failing. A statement by Neil Pedersen, superintendent of the Chapel-Hill-Carrboro school district, in the *Raleigh News and Observer* is particularly striking: "I shudder to think what people are going to say when they see this....I would have thought that at least one school in our district would meet the mark."

Home to North Carolina's flagship university, Chapel Hill is typically considered a better-than-average school district in the state. If virtually all the schools in that district are failing, the stigma attached to being a failing school would be lessened.

The Need for Triage

At least in the short term, states will have some flexibility to impose tougher requirements on some schools than on others. For instance, although all schools failing to achieve AYP for three years will be subject to "corrective action," local school districts will be able to tailor the severity of the consequences. For instance, remedies for schools under "corrective action" can range from costly solutions such as implementing a new curriculum to less costly solutions such as replacing some school staff (which could probably be done by natural attrition in many schools), appointing an outside expert to advise the school on its progress or reorganizing a school internally.

During these first years of implementation, states will face two main dangers. First, the law will lead to an unprecedented amount of wasteful paper shuffling. Any school failing to achieve AYP will be required to draw up a school improvement plan. The law

allows no flexibility. In some states, this will be a majority of the schools in the state. When so many schools are submitting school improvement plans at the same time, few states will have the resources to review those plans credibly, and they are likely to become a purely bureaucratic exercise.

Second, failing schools will also be required to make supplemental educational services available to students. States will be expected to publish a list of acceptable providers of such services. Yet any time public funds are available for private use, there is always a danger of fraud and abuse. We are likely to see a number of providers spring up, eager to accept those vouchers for non-productive uses while claiming an educational benefit. Particularly when the demand for those services blossoms in two years' time, states will be hard pressed to distinguish worthwhile services from not-so-worthwhile services.

States should take all the flexibility the laws allow in tailoring the severity of sanctions to schools depending upon the magnitude of their failings. However, after four years of failure, the consequences become more grave and the options afforded to states and local districts in dealing with failing schools much more restricted. States will be required to take one of several more dramatic actions in failing schools: re-open the school as a charter school, replace the principal and/or a majority of the school staff, contract with a private agency to operate the school, or have the state take over the school. Although the actual number of schools facing these options remains to be seen, many of the schools that start out failing are likely to face restructuring.

Four years is a short time in which to close longstanding racial differences in performance. Moreover, the threshold will be rising and the stock of failing schools is likely to grow. The federal government is currently playing a game of "chicken" with state governments, with the credibility of the federal Department of Education on the line. It is probably unrealistic to expect states to convert a large share of their schools to charter schools, or turn them over to private contractors for operation, or to fire a large share of their staffs. The federal government has ample time to find a way to swerve, although it may require statutory change.

Meanwhile, many states will be faced with a large number of failing schools. In the ensuing scramble for resources, states will need to be sure that the worst schools in the state get the attention they need to improve, rather than allow the worst schools to hide amidst the crowd.

^{1,2} Thomas J. Kane and Douglas O. Staiger, "Racial Subgroup Rules in School Accountability Systems" in Paul E. Peterson and Martin R. West, eds. *No Child Left Behind? The Politics and Practice of Accountability*, Brookings Institution Press, (forthcoming 2003). An Adobe PDF file containing that paper can be found at <http://www.sppsrl.ucla.edu/faculty/kane/kanestaigerracialsubgroupsrevision.pdf>

FIXING FAILING SCHOOLS

The No Child Left Behind Act requires states to designate schools as “needing improvement” if they make insufficient adequate yearly progress for two consecutive years. The law requires states to use at least 4 percent of their federal Title I aid to disadvantaged students for school-improvement grants. The funds may be used for a wide range of “capacity-building” and “technical-assistance” efforts, including curricular changes, changes to the school’s staff, or even closing the school and reopening it under new leadership.

MEMORANDUM ON STRUGGLING SCHOOLS

TO: SUPERINTENDENTS
FROM: SANDY KRESS
RE: SCHOOLS THAT ARE NOT MAKING ADEQUATE YEARLY PROGRESS

Introduction

Times are hard. Budgets are stretched. You have to make do with less just to stay even. If that were not hard enough, here comes the No Child Left Behind Act. Under the law, as many as 40 percent of your schools will be identified as not making adequate yearly progress. Further, you will be required to take serious steps to improve student achievement in these schools or be forced to use precious resources to give the parents of students in these schools options for other services or schooling.

The business of running schools in the days ahead will clearly not be business as usual. While the federal dollars for education have increased, the total dollars for education in this economy will not be up. Simply, that means that the practice of effecting reform by layering on additional spending is not possible. Rather, all of the work of running schools must be re-examined and reconfigured.

This memorandum consists of some basic questions designed to provoke new thinking and changes in the management of schools not making adequate yearly progress. Underlying the questions is the strong view that implementing certain practices in these schools can lead to dramatic improvement in the achievement of students enrolled in them.

This view is not borne entirely in the minds of mere idealists. It is held, for example, by the parents and teachers of children in Kelso Elementary School in Los Angeles, California. Ninety percent of the students in this school receive a free/reduced lunch, yet 70 percent are proficient or advanced in math, and 49 percent are proficient or advanced in reading. In 2002, 2nd-grade students scored at the 68th percentile in

Sandy Kress is a partner in the law firm of Akin, Gump in Austin, Texas. A former president of the Dallas school board, he served as a senior education advisor to President George W. Bush and was the principal architect of the No Child Left Behind Act of 2001.

reading, far above national and state averages. This optimistic view that high achievement is possible in high poverty schools is also held at the Roosevelt Elementary School in Houston, Texas. According to Just For The Kids, more than 80 percent of this school's 5th graders score at the proficient level on the state tests in reading and mathematics. These two schools are illustrative of so many others across the country where the following questions have been asked and answered.

I. Living By Standards, Tests and Data

1. Do you and your principals know why their schools are not making adequate yearly progress?
2. Do you know which subgroups are below the bar in each subject?
3. Do you administer tests aligned with state standards and have items analyzed from the tests showing precisely where against the state standards there is subpar performance?
4. Most important, do you and your principals have a clear understanding of how each student stacks up against state standards?

These questions are intended simply to say that without sophisticated data on individual student achievement against specific state standards, principals and their teachers are flying blind in any kind of school improvement effort. Flying blind is not safe for pilots, nor is it appropriate for fixing schools and teaching kids. The states must upgrade data systems to provide this information. If they do not, or until they do, superintendents and principals must find ways to generate it and make it available.

II. The Business: The Teaching and Learning of Content Aligned to Standards

1. Do you know whether the curriculum in the school is aligned with state standards?
2. Is there a written curriculum for each grade? If not, why not? If so, does it conform to state standards, and is it actually taught?
3. Are the strategies actually used in the classroom to teach the curriculum research-based?
4. Do you and your principals know exactly where the taught curriculum is aligned and not aligned with state standards?
5. Are the materials actually used in the classroom aligned closely with state standards and effective for teaching to them?

6. Are the professional development activities of the district principally, if not exclusively, devoted to making teachers more knowledgeable of the content they teach and effective in their teaching of such content?
7. Do you hire and place teachers largely on the basis of their proven competence in teaching the content of the subject they are assigned to teach?

These questions are intended simply to say that when adults have the requisite intention, commitment and capacity to teach children a certain set body of knowledge, they almost universally can and will do so successfully. The Heritage Foundation's "No Excuses" schools surely prove the point.

III. Ultimately, Good Management Makes All the Difference in the World

1. If your principals receive entering students who are below grade level, what consequences do you impose on the sending school, if there is one?
2. If students are below grade level, what array of funding and programming do you and your principals organize to bring these students to grade level in the shortest time possible?
3. Specifically, how do you use school improvement funds, Title I funds, 21st Century Learning Center funds, and the many other sources of public and private funds for before school, after school and summer school to catch students up whenever they fall off track?
4. Do you know the effectiveness of such programs? Are they scientifically proven? What is the quality of the proof of their effectiveness? Who told you of their effectiveness and how credibly?

These questions are intended simply to say that in an accountably run system, the vast majority of students should never fall off course. If any students do, there must be a student-specific, research-proven, effective response until they get back. Spending for programming of dubious value must be re-oriented specifically to this task. Running a rigorous and ongoing school management plan with your principals is a must.

Conclusion

While there is more to learn, we now know a great deal about the common characteristics of high performing schools with high poverty. As a first step in the next school year, let us endeavor to make these the characteristics of all schools not making adequate yearly progress.

RESUSCITATING FAILING SCHOOLS IN GEORGIA

By Davis Nelson

Georgia's approach to reviving failing schools, the Georgia's Choice School Improvement Initiative, springs from private, federal, and state sources: the National Center on Education and the Economy's America's Choice[®] School Design, the federal Comprehensive School Reform program, and Georgia's recent education reform legislation.

Beginning in 1989, the National Center analyzed schooling in those nations that lead the world in educating their children. The common element in these countries turned out to be a unified, standards-based educational system. Standards drive curriculum and assessments, supported by school organization and management, on-site teacher training and instructional support, and capped by clear and high expectations for all students — with all elements integrated toward the goal of high achievement. That analysis is the foundation of the America's Choice program.

Washington subsequently reached similar conclusions. In 1997, Congress created the Comprehensive School Reform Demonstration (CSR D) program to implement and fund comprehensive reform programs in low-income schools. The America's Choice design met the detailed criteria set forth by Congress and the U.S. Department of Education, and it became a leading program within CSR D. In 2001, the Comprehensive School Reform program was expanded into a state formula grant program, Title I.F. of the No Child Left Behind (NCLB) Act, with additional funds for schools that are not low-income schools.

Schools and districts wishing to participate in Comprehensive School Reform are required to work with an outside entity with proven expertise in school improvement, and they must choose or develop a model with characteristics very similar to those of the America's Choice School Design. Comprehensive School Reform requires proven, replicable strategies for learning, teaching and school management, based on scientific research and effective practices; a comprehensive design aligning standards to instruction and assessment, school and classroom management, professional development, and parental involvement, all designed to enable all students to meet state

Davis Nelson is executive director of the Georgia Office of Education Accountability .

standards; and goals for academic achievement and benchmarks for meeting those goals.¹

Meanwhile, Georgia's Education Reform Act of 2000 required the Georgia Department of Education to offer intensive assistance to low-performing schools, and 223 schools had requested such help by the fall of 2001. Consequently, the state needed to develop a model school support team that could deliver high-quality reform to more than 200 schools immediately, with an additional 300 schools expected within two years. The initial selection process, conducted in 2001, evaluated 21 comprehensive school reform designs against 25 criteria. Among other things, we wanted a design that was research-based, supportive of Georgia's academic content and achievement standards, and replicable in diverse schools. We also required that Georgia's Choice be affordable in both the short and long terms and be eligible for significant federal funding. We then narrowed the field to seven finalists, of which America's Choice emerged as the most closely aligned to our selection criteria. These criteria included the requirement that Georgia assume full responsibility for the initiative. Because Georgia lacked the capacity to develop its own model, it used America's Choice as a prototype.

We began implementing the Georgia's Choice program in schools at the start of the 2001–02 school year. America's Choice initially provided all of the school-level training, but the staff of Georgia's Choice, all of whom are Georgia state employees, will train all school staff that adopt the program in 2003–04. Developing trained and experienced staff within Georgia will provide capacity for further expansion of the program. About 145 schools now participate in Georgia's Choice.

The primary lesson we learned in the program's first year was about means rather than ends: all involved faculty and staff need to be thoroughly briefed on the big picture, the overall design philosophy, the changes in schools required by a chosen school model, and the expected results. Scores on Georgia's Criterion-Referenced Competency Tests in reading, English language arts and mathematics, as well as on the grades 5 and 8 writing assessments, show Georgia's Choice schools, all of them identified as low-performing, narrowing the achievement gap in all subjects compared to the state as a whole. As these results reflect only two years of testing, they can hardly be considered conclusive, but the trend is positive.

¹ NCLB section 1606(a)(1)–(4) and (8).

Georgia's Choice costs the state approximately \$300 per student per year for three years in participating schools, plus a lesser amount for two further years, for a total of about \$1,000 per student. In contrast, Georgia spends more than \$6,500 per year per student in non-participating schools. The figures for Georgia's Choice work out to about \$150,000 per school per year. Georgia's NCLB allotment for Comprehensive School Reform is slightly less than \$9 million in 2003–04, while Georgia will receive over \$7 million in Title I.A school improvement funds in the same year.² These two sources could, therefore, cover the costs of Georgia's Choice for more than 100 schools.

We in Georgia have learned that working with comprehensive school reform programs at the state level is one successful strategy for relatively quickly and cost effectively building the capacity we need to implement the ambitious requirement of the NCLB Act.

²The amount of Title I.A. school improvement funds will at least double in the four subsequent years. Also, these funds may be substantially augmented under the provisions of NCLB sections 6123(a) and 9102.

STRENGTHENING PUBLIC SCHOOL CHOICE

Under the No Child Left Behind Act, schools receiving federal aid to disadvantaged students (“Title I schools”) that fail to meet their state’s definition of adequate yearly progress for two or more years must give students the option of transferring to another public school in the same district that is not under sanctions. Districts must set aside an amount equal to 10 percent of their combined Title I allocations to pay for the transportation costs associated with such transfers. The U.S. Department of Education has declared that a lack of space for transfer students is not a sufficient reason to refuse public school choice. As a result, states and school districts are struggling to find creative ways to offer public school choice options to students in low-performing schools. The public school choice provisions are the first in a series of improvement steps and corrective actions intended to prevent children from languishing in low-performing schools.

A “SUPPLY-SIDE” SOLUTION

By Andrew Rotherham

One of the most valuable aspects of the No Child Left Behind (NCLB) Act is its emphasis on expanding public school choice options for students in low-performing schools. Although the public school choice provisions of the law are already proving challenging for school districts to implement, they offer immediate help for families with children in low-performing schools and are harbingers of a modernized public education system premised on standards, choice and accountability for results.

While passage of NCLB called attention to the issue of low-performing schools, states had already identified more than 8,000 public schools around the country as needing improvement prior to the law’s passage. Now that NCLB requires public school choice options for students in these schools, the lack of high-quality public options in some areas is quickly becoming apparent.

In some communities, there simply are not enough good public schools to meet the demand, and affluent communities are often notoriously reluctant to accept poor and minority transfer students. Therefore, in addition to demanding more public school choice, policymakers must also expand the *supply* of good public schools, particularly in underserved communities.

One of the most promising strategies to accomplish this is through expansion of public charter schools. Charter schools are publicly funded schools that are open to all students and publicly accountable. But unlike traditional public schools, parents, teachers, community organizations, and even museums and universities can open and operate public charter schools. The “publicness” of charter schools is measured not by ownership and governance, but by the fact that the schools serve the public’s children and are publicly accountable.

A decade after the first charter school opened in Minnesota, there are more than 2,700 of the schools in 30 states. About three-quarters of a million students attend charter schools and 7-in-10 charter schools have waiting lists.

Andrew J. Rotherham is the director of the 21st Century School’s Project at the Progressive Policy Institute <www.ppionline.org>.

By creating space for parents, teachers, local organizations, colleges and universities, and even national groups like the National Council of La Raza to open and operate public schools, charter schooling expands educational choice and customization. Although most students can master challenging academic material, it is unrealistic to expect them all to do it at the same pace or in the same way. Charter schools address this reality by providing options for students. In fact, many charter schools have opened precisely to serve “at-risk” students. Unlike voucher programs, they do so in a publicly accountable way.

Yet the charter school reform is itself in need of some mid-course reforms. While the majority of charter schools are doing a good job, too many are failing to make the grade. This has happened for several reasons.

Some charter operators clearly underestimated the difficulties and challenges of running good schools, particularly schools serving a high percentage of low-income students. The shortcomings of urban public school systems and other schools serving concentrations of low-income students are well documented, but noticeably less attention is paid to the dearth of demonstrably successful models. It takes more than just a change in school governance to solve the thorny problems that vex urban education.

Second, in too many communities, political opposition hinders charter schools every step of the way. Whether the issue is access to facilities, equitable funding, or simply fighting off unfair characterizations and political attacks, too many charters have their backs to the wall and are forced to pour their energy into these fights rather than their primary educational mission. Glaring fiscal inequities doom many charter schools from the start.

Finally, oversight and support for charter schools is decidedly mixed. States like Minnesota put a premium on the balance between school autonomy and public oversight and accountability. These states have struck a pretty good balance. Not coincidentally, Minnesota’s law and its authors were honored in 2000 with a prestigious Innovations In American Government award from Harvard University. Unfortunately, other states decided to emphasize the ease of obtaining charters or raw numbers of charters, at the expense of accountability. This is in part why 1-in-5 charter schools in Texas have been identified by the state as low-performing and also why negative headlines from states like Arizona continue to give the charter movement a black eye nationwide.

All of these issues must be addressed to sustain and build support for public charter schools and for charter schooling to realize its potential as a progressive modernizing

reform. Yet while one of the great strengths of the charter school “movement” is its grassroots nature, tackling these challenges head-on requires national leadership, too.

There is a clear precedent for federal help for charters. As charter schooling matures, a new kind of federal leadership is necessary. The federal government provides more than \$220 million to help charter schools start up and obtain facilities. To meet the NCLB challenge, this funding must be at least tripled and used more strategically. States that have weak charter laws — for example, by not allowing entities other than local school boards to authorize charter schools — should not receive federal charter school funds. Likewise, states not meeting clear standards for oversight and accountability, perhaps based on the Minnesota model, should also not receive funding.

Charter schools must also have more leeway in using funds to obtain facilities. Charter operators consistently rank facilities as the number one obstacle they face.

By putting substantially greater funding for charter schools and public school choice on the table and targeting the resources to states with charter laws that promote innovation and educational excellence, Washington can strengthen the hand of state-level charter advocates trying to pass charter laws in states that still do not have them and strengthen existing but weak laws. Charter school opponents routinely raise the specter of school system fiscal shortfalls in their efforts to block charter school expansion.

By emphasizing accountability and quality, national leaders can also check the excesses of a minority of charter schools that threaten to imperil support for the charter concept overall.

As a rhetorical matter, it is important that national leaders and the Bush Administration not conflate charter schools and school vouchers. Those who favor more choice in education have sincere and principled disagreements over vouchers. Linking charters and vouchers might make good politics on a state and national level, but it plays right into the hands of those fighting against any increase in educational choice. Charter schools can play an important role in the expansion of public school choice, but only if their most zealous proponents and opponents are reined in and only with strong national leadership.

MEANINGFUL SCHOOL CHOICE? NOT WITHOUT BOLD FEDERAL ACTION

By Greg Richmond

Of the bold reforms laid out in the No Child Left Behind (NCLB) Act, school choice may be the most difficult to achieve in a meaningful manner. Our public education system generally supports NCLB's goals of improved teacher quality, additional supplemental services for students, improved assessment systems, and accountability for results, although there may be differences regarding the means to these ends. Meaningful school choice, on the other hand, runs contrary to many of the foundations of our public education system as it exists today.

America's public school districts were built around the concept of standardized and centralized control of all schools within a district. The school district central administration determines curriculum, sets operating procedures and assigns students to attend neighborhood schools. For the past 100 years, this system of centralized control by a school district headed by "experts" was believed to create efficient and effective schools. Yet, we know that a standardized school system may work for some students but does not work for all students, particularly in large urban systems. Our school systems still operate around philosophies of centralization and standardization — philosophies that leave many children behind.

School choice provides the opportunity for all children to find a school that works well for them *if* they are able to choose from schools that are truly unique, autonomous and accountable for results. The problem confronting NCLB is that school districts often, but not always, have difficulty creating these types of schools.

My city of Chicago offers an excellent case study of different ways to provide school choice. Since 1997, the leadership of the Chicago Public Schools has actively supported the creation of autonomous charter schools. Because they are created *outside* the administrative rules and constraints of the existing system, charter schools have empowered educators to create dynamic, successful schools. Our recent two-year analysis indicates that Chicago's charter schools are performing at higher levels than

Greg Richmond is director of the Chicago Public Schools' charter school office and president of the National Association of Charter School Authorizers.

district-operated schools on 75 percent of a broad range of student performance measures. They are achieving these results with students that are comparable to the district's demographics: 98 percent African-American and Hispanic and 80 percent low-income. Parents of inner-city children are flocking to these schools, enrolling more than 9,000 students. Chicago's 15 charter schools have experienced more enrollment growth since 1997 than all 550 other public schools in Chicago *combined*.

Last summer, however, when the same school system attempted to provide choice *within* its traditional schools in response to NCLB, the results were less successful. The traditional school system was overwhelmed by the possibility of providing choice to the more than 120,000 Chicago students who were found to be eligible for choice under the law. The central administration responded by creating rules that had the effect of limiting choice. For example, no transfers were allowed to magnet schools or to overcrowded schools or to schools more than three miles away. The end result of these and other administrative restrictions was that fewer than 1,000 children exercised their right to choose a better school.

America's existing school districts simply were not designed to provide families with a significant amount of choices among high-quality, autonomous schools. Therefore, without bold leadership by the federal government, the legacy of NCLB will be limited to school choices that fit within the existing constraints of school districts.

To create high-quality and high-quantity choice, Congress and the U.S. Department of Education must become forceful advocates for new models of public schools, including, most significantly, charter schools. The evidence is clear that charter schools are the most powerful engine for school choice operating in the country today. Experience has also shown there are considerable political and practical challenges that prevent more charter schools from opening or that jeopardize their effectiveness by weakening either their autonomy or accountability. To help overcome these challenges while maintaining a focus on quality, federal action is key in three areas:

Require states to extend charter school authorizing functions from local school districts to independent or statewide boards, and eliminate state caps on the number of charter schools. While Chicago has strongly supported the creation of charter schools, many other local school boards around the country have blocked the creation of hundreds of charter schools. Yet places like Massachusetts, New York, Michigan, Indianapolis, and Milwaukee have shown that other public bodies, such as state boards, universities and municipalities, can implement fair and thorough charter school

evaluation systems that produce dozens of quality schools for thousands of children. If districts are failing to produce enough school choices for all of the students in their failing schools, Congress and the Department of Education should require states to establish these alternatives.

Provide federal assistance for charter school facilities. The greatest challenge facing most charter schools is a lack of adequate, affordable facilities. Quite simply, new school choices cannot be provided if new schools cannot exist due to a lack of facilities. To date, the Department of Education has supported a handful of pilot projects for charter school facility funding. Bold, meaningful school choice under NCLB requires bold, meaningful facility funding — not pilot projects.

Require states to use objective, measurable student performance data for the purpose of determining whether charter schools merit renewal. Charter schools are based on a trade-off of increased autonomy from regulations in exchange for increased accountability for results. Schools that are not working are supposed to be closed. In Chicago, we have closed low-performing charter schools and low-performing traditional schools. Yet, in some places, no charter school has ever been closed due to low academic performance. The Department of Education must require charter school accountability to be focused on clear, objective student performance measures — including those focusing on growth in student achievement — and must require consequences for charter schools that fail to achieve those measures.

These recommendations require unprecedented federal action in support of school choice, changing deep-rooted assumptions and providing new infrastructure for independently run, performance-based schools. But without such changes, “school choice” will mean very little in our standardized, centralized school districts.

The school-choice provisions of the No Child Left Behind Act signal the intent of our national leaders to provide a lifeline to the millions of children now attending failing schools. Constructing that lifeline and ensuring that it reaches all children will require strong national leadership.

ENSURING TEACHER QUALITY

Under the No Child Left Behind Act, the federal government has established minimum qualifications for all teachers, not just those hired with federal funds. The law requires states to ensure that all public school teachers in core academic subjects are highly qualified by the end of the 2005–06 school year. Although there are specific exceptions for teachers coming to teaching through alternative routes, overall the law defines a fully qualified teacher as one who has a bachelor's degree, is fully state certified, and has demonstrated competence in the subject that he or she teaches. A teacher may demonstrate subject-matter competence by completing sufficient academic coursework, passing a state subject-matter examination, or successfully completing a rigorous evaluation. The federal requirements have already taken effect for Title I teachers newly hired after the first day of the 2002–03 school year.

TEACHING FELLOWS AND OTHER SOLUTIONS FOR HARD-TO-STAFF SCHOOLS

By Judith Rizzo

Practitioners and parents have always known what research now shows: Highly effective teachers make a difference. Students simply learn more when taught by caring and competent teachers. Schools and districts, for a host of reasons, have had difficulty in consistently securing the very best teachers for every child's classroom.

The federal government, under the No Child Left Behind (NCLB) Act, now requires that states provide qualified teachers in all classrooms in core academic subjects by the end of the 2005 academic year. The federal legislation defines a highly qualified teacher as one who is fully certified or licensed, has at least a bachelor's degree, and who demonstrates competence in subject area knowledge and in teaching skills as measured by passing a state exam. The legislation leaves to each state the responsibility and authority to set certification and licensing requirements and to design the competency test. States must submit a report to the U.S. Department of Education outlining their plans to accomplish this. The Education Commission of the States recently identified states' progress in meeting quality teacher requirements on NCLB: Only one state has come close to meeting most of the criteria defined by the legislation.

Most states define teacher quality through their certification and licensing requirements, the majority of which are met through prescribed university courses. Very few practitioners believe that every certified teacher is a highly qualified one. Even if we accept certification as a proxy for the purposes of discussion, we see that states' success in providing certified teachers in their classrooms vary; the variability is most dramatic between more affluent districts and their less wealthy counterparts.

A number of credible research studies have demonstrated that as a nation we produce sufficient numbers of new teachers annually to meet our teaching needs, to replace retiring teachers, and to offset natural attrition. Some shortages continue to

Judith Rizzo is executive director of the James B. Hunt Jr. Institute for Educational Leadership and Policy at the University of North Carolina and a former deputy chancellor of the New York City public schools.

persist in hard-to-staff areas, such as special education and bilingual education, and in some geographical areas — inner-city schools and in some rural schools and districts.

The National Commission on Teaching and America's Future (NCTAF) 2003 report provides evidence that we are losing new teachers before they even get to the schoolhouse door, or within the first five years of teaching. High-need schools, especially those in poor urban districts, often lose as many teachers as they hire each year. New teachers are simply not staying in the profession. This means that the students most in need of the most qualified teachers exist in a revolving door environment. Addressing these issues is critical not only for the long-term viability of public education in meeting the learning needs of all children but also in terms of compliance with the NCLB Act. We need to find ways to recruit the very best teachers into the schools in which they have been traditionally underrepresented and we have to improve the conditions of teaching and learning in those schools to retain the most promising and talented staff.

New York City is an example of a school system that has faced the issue of attracting and retaining qualified teachers for many years. While some neighborhoods and districts have had few problems staffing their schools with certified teachers, others have faced serious challenges. During my first year as deputy chancellor in New York City, we focused on improving the lowest performing schools. As we investigated the conditions that contributed to the low levels of student achievement, it quickly became apparent that the percentages of uncertified and junior teachers exceeded those of the city average. At the middle- and high-school levels, high numbers of staff were teaching out of their license areas. Low-performing schools had a poor track record of attracting and retaining fully licensed teachers. When the state commissioner of education mandated that all newly hired certified teachers be assigned on a priority basis to these schools, the number of applicants dropped and some recent graduates delayed applying for their certification. Consequently, we had to introduce a number of incentives to attract certified teachers to these schools.

A number of initiatives were put in place for low performing schools. They were accomplished through a state/district partnership that could be a model for other states. Through a Teachers of Tomorrow grant, the New York State Education Department awarded \$15 million to New York City to recruit brand new teachers to its low-performing schools. Each candidate was eligible for an additional \$3,400 annually for up to four years to teach in a low performing, hard-to-staff school. For school year 2001–02,

this effort resulted in 3,300 new teacher assignments to these schools. The city matched the state funds with \$10 million in tax levy dollars to extend this stipend to currently employed teachers in low performing schools as an incentive to remain in the school. These teachers could also earn \$3,400 for up to four years to apply either toward their outstanding student loan obligation or to use as tuition reimbursement.

Through the combined state and local Teachers of Tomorrow funds, we also initiated a Summer in the City program aimed at attracting college juniors and seniors to teach in the city. This program provided paid internships during the summer with a \$2,000 stipend and housing for those students to work alongside veteran teachers who were teaching summer school. The cooperating teachers were paid a stipend for the additional time they spent mentoring their student interns. The internship also included a weekly seminar.

In addition to these efforts, in summer 2000, New York City began its Teaching Fellows program. This was designed as a lateral entry, alternative licensing program to recruit career changers or non-traditionally trained teacher candidates to teach in the city's schools. The program is a collaboration between the school system and the City University of New York (CUNY). This effort resulted in close to 3,000 new teachers assigned to New York City schools over two years.

The Teaching Fellows program of study and coursework was designed, necessarily, to meet state licensing requirements. The results of the first year's efforts were very mixed. What we found was successful completion of coursework was not sufficient to equip teachers for the realities of the classroom. Many new Fellows left both during and at the conclusion of their first year. Several factors contributed to the loss of these new teachers. First, because of the overwhelming need for teachers in the low-performing schools and the hardest-to-staff districts, the majority of the Fellows were assigned to places that lacked the basic infrastructure to support effective teaching and learning. Second, the system failed to ensure that high-quality mentoring and coaching was provided for the Fellows in every district and school. Third, the preparation program did not have a clinical dimension; too many teachers did not have real school experience prior to entering the classroom in September. No coursework can ever compete with on-the-job training in a real classroom. Fourth, the coursework did not have sufficient emphasis on practical knowledge; content and pedagogy need to include a classroom management dimension.

These weaknesses were addressed during the second and third years of the program. Working in close collaboration with CUNY, improvements in the preparation

coursework were introduced: Fellows interned alongside veteran teachers in the summer school program — for the most part in the same schools where they were assigned to teach in September. Quality mentors and coaches were assigned to the Fellows and districts had to submit a plan that outlined the additional support that Fellows would receive.

These steps have helped New York City hire the strong teachers it needs. To determine what steps work best for them, state and local policymakers must carefully examine their data to determine whether they are producing sufficient numbers of teachers to replace those who leave, assess whether mentors and coaches are available to beginning teachers, and determine whether effective strategies are in place to attract and retain teachers in high-need schools and districts. In collaboration with higher education, each state must determine whether the required course of study for teachers actually produces high-quality teachers. Finally, the conditions that drive teachers to leave the profession must be corrected. Only by addressing a comprehensive set of strategies for improving teacher quality can we retain the best and the brightest, especially where they are most needed.

THE CASE FOR DIFFERENTIAL PAY

By Bryan C. Hassel

If there ever was a time to scrap the single salary schedule for schoolteachers, it is now.

For the first time in history, we are asking all of our schools to bring all students up to a high level of achievement. No one would dispute that meeting this lofty goal will require substantial, thorough changes in the way schools work, especially in their classrooms. That means changing teaching, and that in turn means changing teacher pay.

Among the federal No Child Left Behind Act's sweeping mandates is a requirement that schools put a "highly qualified" teacher in *every* classroom by the end of the 2005–06 school year. A highly qualified teacher, under the law, is one with full certification, at least a bachelor's degree, and demonstrated competence in the subject area to be taught.

Meeting that requirement is not going to be easy, especially for schools with high poverty, known in the law as "high-need schools." Because of the challenges these schools' students bring to the classroom, they are in dire need of great teachers. Currently, these schools are much, much less likely to have qualified teachers in their classrooms. When *Education Week* compared high-poverty secondary schools to low-poverty schools, it found that students in high-poverty schools were 77 percent more likely to be taught by at least one core subject teacher who did not even minor in that subject.

To make matters worse, high-need schools have trouble retaining the good teachers they manage to snare. The National Commission on Teaching and America's Future reported that between 1999–2000 and 2000–01, 20 percent of teachers in high-poverty schools left to pursue other opportunities, compared to just 12.6 percent in low-poverty schools. According to data from the Schools and Staffing Survey, about a quarter of teachers nationally leave the profession within the first five years. But the rate reaches as high as 50 percent in some high-poverty areas.

What can be done to change these numbers? There is no silver bullet. Improving the quality of teaching in high-need schools will require a whole host of strategies — changes in the way we recruit, train, develop, organize, and evaluate teachers.

Bryan C. Hassel is president of Public Impact, an education policy consulting firm in Chapel Hill, N.C.

There is one approach that we ought to try in earnest: a serious program of “differential pay” to attract top-notch teachers to the toughest schools.

What would such an effort look like? In essence, it would provide high-need schools with the resources to pay highly qualified teachers *substantially* more than they would earn in less disadvantaged schools. This extra pay could take numerous forms — signing bonuses, benefits like housing, increases in salary, retention bonuses, extra pay for demonstrated knowledge and skills or student performance, and added compensation for hard-to-fill specialties, to name the most common.

Whatever its form, a viable differential pay plan would need to:

- **Be substantial.** It is not enough to offer a couple thousand bucks and expect teachers to come flocking to high-need schools. Economist Eric Hanushek and his colleagues have estimated that high-need schools might need to offer compensation that is 20, 30 or even 50 percent higher to compete.
- **Be long-term.** It is vital that high-need keep excellent teachers over time. So plans that offer signing bonuses only or that last only a year or two offer little help.
- **Be tailored to the needs of the school.** A generic plan devised in Washington or a state capitol is unlikely to “work” for every high-need school. Leaders at the school level need fungible resources they can use to design differential pay plans that help them meet the particular staffing challenges they have.
- **Deal sensibly with incumbent staff.** It makes sense to design systems that recognize the contributions existing staff are already making. At the same time, high-need schools need the flexibility to let go teachers who are not adding value. A pay plan that forces schools to use scarce resources to boost the salaries of these teachers is a waste of money.

No one knows whether such programs would successfully attract great teachers to high-need schools. Few, if any, such initiatives have been tried. In *Education Week's* 50-state survey, only seven states targeted education assistance to teachers committing to teach in high-need schools. Only five targeted high-need schools for retention bonuses; only three did so for housing assistance; only two did so for signing bonuses. Only one state, California, targeted all four types of assistance to high-need schools.

In addition, all of the existing state plans run counter to at least one of the design

principles suggested above. Almost none are substantial enough, and few give schools flexibility to shape incentives to meet their own needs.

Why are these inducements so rare? Expense is one excuse, but not a very good one. Take retention bonuses. Thirty-five states offer some form of them, so states are willing to spend money on this kind of incentive. But only five of the states target high-need schools with these bonuses. Across the board incentives may or may not be helpful for a state, but they do nothing to make high-need schools *relatively* attractive.

A more likely explanation: Differential pay for high-need schools falls flat because it is opposed by teacher's unions, which cling to the single salary schedule. Teachers, by the way, do not agree with their unions' position on this issue. According to a national Public Agenda survey of teachers, 84 percent support paying more to teachers who take the toughest assignments.

What can be done to jumpstart more experimentation with differential pay? State and federal policymakers should consider creating incentives for more districts to try it. Here is one way such an incentive could work. High-need schools or districts would be invited to apply for funds to create differential pay systems. To be eligible, they would have to meet some threshold of viability, including a reasonable plan for differential pay, and a commitment to broader strategies than just pay-reform to boost teacher quality.

From the pool meeting this threshold, the federal or state funding source would choose winners *randomly*. Random assignment is essential to set the stage for an experimental study of the effect of the funding on teacher recruitment and retention and student achievement. Without it, we cannot know whether apparent advantages of the strategy are really due the funding influx.

If we launch such experiments and stay the course to see how they turn out, we would know whether this kind of investment was worth it or not. If we do not, we will miss an opportunity to change a decades-old institution for the better.

EXPIRED LICENSES

By Frederick Hess

The states' efforts to comply with the No Child Left Behind (NCLB) Act's mandate that there soon be a qualified teacher in every classroom are impeded by outdated teacher licensure requirements that block the entrance of potentially qualified candidates into the teaching profession while doing nothing to safeguard teacher quality. These requirements have kept thousands of capable, committed adults out of the nation's classrooms and forced many school systems to staff their classrooms with ill-qualified substitutes. We should replace the system responsible for this state of affairs with one that opens the profession to a much broader range of talent, screens out ineffective applicants and practitioners, and provides effective teacher training.

State systems of teacher licensure today rely primarily on procedural rules requiring teacher candidates to graduate from training programs with requisite course credits and internship requirements. The systems are built on three assumptions: that they ensure prospective teachers' mastery of essential skills and knowledge, that they weed unsuitable applicants, and that they engender public respect for the teaching profession. In fact, they do none of these things.

The teacher licensing exams that teacher candidates take after graduating from education schools are simplistic and the passing scores on the tests are generally so low that the Washington, D.C.-based Education Trust has concluded that the tests bar only the "weakest of the weak" from the nation's classrooms. As a 2001 report for the National School Boards Association observed, "It would appear that traditional certification routes provide no guarantee of teacher quality."

Moreover, the opportunity cost of preparation programs significantly reduces the real pay of teachers. Aspiring teachers have to forego opportunities for work and pay tuition and fees to fulfill their licensure requirements, routinely sacrificing tens of thousands of dollars in educational expenses and foregone earnings. In effect, teacher preparation is quietly funded by a massive invisible tariff on aspiring teachers, a tariff that creates a significant disincentive to enter teaching.

Frederick Hess is a resident scholar at the American Enterprise Institute and author, most recently, of Revolution at the Margins: The Impact of Competition on Urban School Systems.

The issue is *not* the quality of existing teacher education. The question is whether we ought to bar from teaching those who have not completed an approved program of preparation. After all, allowing someone to apply for a job is not a promise of employment; it simply permits an applicant to be hired *if deemed superior to other candidates*. Journalism schools teach many useful skills, but a journalism degree is not a requirement for employment at a newspaper or magazine. Rather, we assume that employers factor training into the hiring process, along with considerations like experience, aptitude, diligence, and energy.

Licensure is most effective when it ensures mastery of essential skills or knowledge. In fields such as law, medicine and engineering there is general agreement about what essential skills and knowledge that new lawyers, doctors and engineers should have in those fields.

In education, to date, despite the best efforts of many groups, we have been unwilling or unable to establish a specific, agreed-upon, measurable body of skills or knowledge that teachers must master.

If standards are unclear, we normally hesitate to prohibit some individuals from practicing a profession. This is not because we think incompetence acceptable, but because outcome measures and employer evaluations are better ways to fully assess performance and to foster innovation.

Our existing teacher certification model is more akin to that of cosmetology than of law or medicine. In a field like the former, certification does not screen out the unskilled or provide an assurance of specialized mastery so much as it provides assurance that the aspirant has completed a prescribed course of study and logged mandatory practice hours.

Even in professions with clear standards, licensure is not imagined to ensure competence in ambiguous, subtle skills like comforting a patient or swaying a jury. The skills that teacher educators deem most important — listening, caring and motivating — are not readily susceptible to standardized quality control.

To make teaching licensure more akin to that in law or medicine, it would be necessary to ensure that aspirants master a core of essential knowledge. The obvious candidate is content knowledge, even as we recognize that such knowledge is necessary, but not sufficient, to be a good teacher — just as knowledge of case law is necessary, but not sufficient, to be a good attorney.

Is there some way to address these problems, without throwing classrooms open to the dangerous or the incompetent? Happily, there is.

Competitive Certification

We should embrace a system of “competitive certification” that includes only three barriers to entry into the profession. Aspiring teachers must:

- pass rigorous criminal background checks;
- hold at least a bachelor’s degree from a recognized university or college; and
- demonstrate competency of essential knowledge or skills.

That is it. Whoever meets these criteria, should be able to apply to teach.

Does this mean that anyone should be free to walk into a school and teach? Absolutely not. It only means that they ought to be permitted to compete for a job against all other applicants, including those with specialized pedagogical training.

Under competitive certification, school districts might choose to adopt a model where new teachers train under the supervision of veteran practitioners. Districts could provide new hires some formal instruction in key areas prior to the beginning of the school year, pay new teachers a lower wage in their first year or two, and use the additional resources to assign the teacher a reduced course load, provide mentoring and training, and require them to observe colleagues. Such a model would improve current practice by permitting teachers to be trained in the environment where they will actually teach and by creating sustained support mechanisms.

Under competitive certification, little might change in high-performing districts where administrators already have a raft of fully trained candidates. But in troubled districts — especially those struggling to find qualified teachers — a new supply of teachers could provide exhausted administrators with a wealth of welcome alternatives.

Competitive certification also would encourage states to shift their focus from inputs to outcomes — from seeking cookie-cutter compliance to supporting flexible training programs and meaningful accountability. Because teachers, unlike doctors or psychologists, always work for institutions, they would be monitored by managers who must themselves be held accountable.

Teacher Training

What happens when a district hires a new teacher who has not studied education or student-taught? Today, systems across the nation annually hire thousands of such untrained teachers in a haphazard fashion and with no meaningful on-the-job training programs.

Competitive certification would create new opportunities to enhance the quality and relevance of professional development. Today, teacher development is financed by requiring aspiring teachers to take time out of the workforce and to pay for professional training. These costs weigh heavily on their future earnings.

Districts could contract with the nation's best training programs, without regard to state boundaries or regulations. New approaches could create additional rewards for effective teachers, incentives for teacher educators to improve their services, and opportunities for the best programs to expand. For instance, districts could pay outstanding veterans for teaching summer seminars for new hires or to mentor novice teachers. Exemplary teacher education programs could partner with districts to develop locally appropriate induction programs or could provide web-based supplemental training. The opportunities for productive innovation are immense once we tear down the barriers imposed by existing rules.

Reformers hesitant to embrace such a radical overhaul might consider a number of smaller steps, including:

- creating “competitive certification” zones in districts that particularly need more competent teachers;
- expanding alternative certification programs and making them more accessible;
- directing resources to develop appropriate training programs;
- re-evaluating the content of licensure tests; and
- supporting the development of a body of knowledge that aspiring teachers ought to master.

It is time to abandon paper-heavy licensure systems that keep potentially talented teachers out of classrooms and that focus hiring decisions on bureaucratic regulations rather than teacher performance.

RETHINKING TEACHER LICENSING

By Leo Klagholz

States are hard at work trying to raise student mastery of academic subjects. Not just a little bit for some students but substantially for virtually all. That ideal cannot be realized without improving teacher quality. That is why the No Child Left Behind Act requires that every classroom be staffed with a highly qualified teacher.

Yet public schools have never filled all their classrooms with teachers who are even minimally, let alone highly, qualified. They have always had to depend on loopholes like “emergency certification” to legalize the employment of unqualified instructors, some lacking college degrees and many lacking serious study of the subjects they are assigned to teach.

The new federal law confronts this long-standing problem directly. Are we going to insist firmly that each and every new teacher be qualified? Or will we adhere to traditional practice? And, if the latter, what about “enabling all students to achieve at high levels?” Is that to be just public relations rhetoric?

A few states sorted through those questions long ago and concluded that the basic problem lay with their own certification laws, which typically require teaching candidates to study education as undergraduates to be considered for employment. Such requirements have not produced a sufficient supply of strong teachers. To the contrary, they have produced artificial teacher shortages by driving talented candidates uninterested in education courses away from the profession, requiring states to hand out emergency licenses to staff their classrooms.

Education schools date to the late 1800s, when few individuals in society had university degrees. States established special training schools to educate new teachers in the Three R’s and basic teaching methods. As college degrees became more commonplace, these training schools were converted to specialized “state teachers colleges” and then evolved into today’s teacher education departments within liberal arts universities. Yet teacher training tended to be less substantive and less challenging

Dr. Leo Klagholz is former New Jersey commissioner of education and currently special advisor to the Regional Institute for Professional Development based at Stockton College in Pomona, N. J.

than other college offerings, and they had a reputation as such on many campuses. Increasingly, top college students shunned the profession.

Over the past 20 years, a few states have committed to a fundamentally different model of teacher certification. They have decided to look for new teachers in the larger pool of college graduates of colleges and universities across the nation. States have adopted new policies that encourage schools to recruit talented people with degrees in school subjects like history and physics, regardless of whether they studied education in college. Typically, the policies require school leaders to provide the novice teacher with a supervised job induction — including training, mentoring, supervision, and evaluation — resulting in state certification at the end of a probationary employment period.

The approach creates a large, competitive candidate pool, one containing more diversity, greater depth of subject knowledge, and more raw talent than the previous pool. It thus gives schools a better chance of finding teachers with qualities critical to success in the classroom: intelligence, compassion, perseverance, patience, and dedication. And by permitting states to demand that teacher candidates have mastered the subjects that they teach, the strategy has dramatically reduced the need for emergency certificates.

Such an approach also offers opportunities to improve teacher training. Teaching theory can be more meaningful to someone who is employed and immersed in classroom practice. The notion of supporting new teachers in their jobs, helping them to survive and then thrive, has greater potential payoff on several levels than the concept of offering academic courses to undergraduates who think they might want eventually to teach. That shift in perspective also encourages schools to recognize that all new teachers need training, guidance and supervision.

Deferring state certification and basing it on job performance also helps to keep principals and veteran teachers at the top of their games, because performance-based certification puts them in positions of responsibility for novice teachers' job success.

If public schools really want to enable all students to achieve greater subject mastery, they must come up with ways to dramatically increase the supply of qualified teachers. Relatively small measures, like extra workshops, are not going to do the job. And no plan will be effective in the long run unless it addresses the ground-floor issue of the capabilities of those entering teaching.

Crucial to that task is giving individual schools both the authority and the responsibility for building effective organizations around highly talented staffs. State

officials must resist the temptation to impose simplistic dictums that mainly absolve schools from responsibility while producing hiring crises. School leaders, in turn, must embrace the opportunity to recruit their own teachers, to make thoughtful hiring choices, and to recognize and accept their obligation to provide whatever supervision, training and support the novice requires for success. They must resist any temptation to dodge accountability by retreating to the position, “I did my job; I hired someone certified by the state.”

The federal government needs to stick firmly by the principle of a “highly qualified teacher in every classroom.” It, too, should resist pressures to translate that principle into bureaucratic definitions to reconcile it with existing state certification policies and terminology. Above all, it should not accept hiring policies or practices that states reluctantly deem appropriate when they face shortages.

CONFERENCE CO-SPONSORS

NCEE POLICY FORUMS

NCEE® Policy Forums is a new program of the National Center on Education and Economy that highlights thoughtful analysis and the latest research on a wide range of issues involving standards-based school reform. The program brings together leading educators, policymakers, researchers, journalists, and opinion-makers at events in Washington, D.C., designed to enrich the national conversation on school reform.

Founded in 1988, the National Center on Education and the Economy is dedicated to providing the tools and technical assistance the nation needs to lead the world in education and training. NCEE believes that education should be standards-based; that expectations for students should be clearly defined; and that standards, assessments, curriculum frameworks, instructional materials, school organization, school management, and the way teachers are trained should fit together into systems designed to enable students to reach high standards.

NCEE sponsors the **America's Choice® School Design**, a comprehensive school reform program that provides schools, school systems and states with the designs, materials and assistance they need to ensure that all students leave high school ready to do rigorous college-level work. ACSD is one of the nation's leading comprehensive K–12 standards-based school reform programs. More than 500 schools in 15 states have implemented the proven, research-based program since 1998. Schools, districts and states that have implemented the design value its comprehensiveness, the power of its instructional program, the quality of professional development and technical assistance they receive, and the extensive support that is provided to low-performing students and schools.

The organization's **Workforce Development Program** provides the federal government, states and localities designs, assistance and policy guidance to implement world-class workforce development systems.

NCEE's **National Institute for School Leadership** draws on the best leadership-training practices in education, business and the military to provide state-of-the-art training for principals and other school leaders.

The common goal of these programs is to build the capacity of the people and organizations we work with to create powerful, coherent, standards-based education and training systems.

Visit <http://www.ncee.org> or call 202-783-3668 to learn more about NCEE and its programs.

THOMAS B. FORDHAM FOUNDATION

The Thomas B. Fordham Foundation is a 44-year-old private foundation that supports research, publications and action projects of national significance in elementary and secondary education reform, as well as significant education reform projects in Dayton, Ohio. It has assumed the work of the Educational Excellence Network and is affiliated with the Hoover Institution at Stanford University. (The Foundation is neither connected with nor sponsored by Fordham University.)

THE FOUNDATION'S EDUCATION REFORM PRINCIPLES

The Foundation seeks to advance understanding and acceptance of effective education reform strategies that incorporate these principles:

- the need for dramatically higher standards;
- an education system designed for and responsive to the needs of its users;
- verifiable outcomes and accountability;
- equality of opportunity;
- a solid core curriculum taught by knowledgeable, expert instructors; and
- educational diversity, competition and choice.

MAJOR THEMES (2003)

- Federal education policy, including special education
- State academic standards, tests and accountability
- Teacher quality
- Charter schools and school choice
- Philanthropy and education reform

The Foundation is located at 1627 K Street, N.W., Suite 600 Washington, D.C. 20006. It may be contacted at telephone 202-223-5452 or fax 202-223-9226.

For information on publications, call 888-823-7474 or visit its website at <http://www.edexcellence.net>.

THE PROGRESSIVE POLICY INSTITUTE'S 21ST CENTURY SCHOOLS PROJECT

The 21st Century Schools Project at the Progressive Policy Institute works to develop education policy and foster innovation to ensure that America's public schools are an engine of equal opportunity in the knowledge economy. Through research, publications, a regular electronic newsletter, and work with policymakers and practitioners, the Project supports initiatives to strengthen accountability, improve teacher quality, and expand choice and innovation within public education.

American schools are based on an industrial-era model matched to an economy that is disappearing. The information-based economy requires greater skills and knowledge and demands that students reach higher levels of education. This means that systemic change at all levels of education is required to move from a factory model public monopoly to a public education system premised on standards, choice and publicly accountable schools. At the national level, the Project is at the forefront of reshaping federal education policy and redefining the federal-state-local partnership in education to reflect the realities of the knowledge economy. Around the country, the Project works with state and local policymakers to help them meet the challenges of improving their schools.

The key principles guiding the Project's work include:

- American schools must dramatically change to meet challenges presented by the Knowledge Economy; we can no longer tolerate a school system that fails to prepare a substantial percentage of students to succeed.
- Neither the purely market-based model advocated by those on the political right nor the traditional hierarchal top-down structure defended by those on the political left will ensure that **all** students obtain the knowledge and skills they need in the 21st century.
- Governments must at once demand more from our public schools through meaningful standards and accountability for results, and also must support greater innovation and diversity among public schools through choice and competition.
- Archaic regulatory and programmatic infrastructure at the state and federal levels should be replaced by more flexible approaches that target resources to the areas of greatest need while devolving decision-making responsibility to practitioners rather than bureaucrats.

- Governments at all levels must be catalysts for success and innovation by investing in research and dissemination of effective practices and supporting promising approaches.
- America cannot spend its way to more equitable public schools; however, adequate resources are essential to educational success.

The goals of the 21st Century Schools Project are a natural extension of the mission of the Progressive Policy Institute, which is to define and promote new progressive politics for the 21st century. The Institute's core philosophy stems from the belief that America is ill-served by an obsolete left-right debate that is out of step with the powerful forces reshaping our society and economy. The Institute believes in adapting the progressive tradition in American politics to the realities of the Information Age by advocating a Third Way approach beyond the liberal impulse to defend the bureaucratic status quo and the conservative bid to dismantle government.

The Institute is a project of the Third Way Foundation.

For further information please contact us at 202-547-0001, visit the PPI website at <http://www.ppionline.org>, or write to us at 600 Pennsylvania Ave., S.E., Suite 400, Washington, D.C. 20003.