

## The Answer Sheet

# Don't expect Congress to end test-and-punish core of NCLB

By Valerie Strauss, Updated: June 5, 2013

Democratic Sen. Tom Harkin just introduced a new bill that would [rewrite No Child Left Behind](#), which nearly all people in the education world believe to be fatally flawed. Here's a piece on why the Harkin bill and the likely Republican counterpart in the House won't fix the problems of NCLB. It was written by Monty Neill, executive director of the National Center for Fair & Open Testing, known as [FairTest](#), which works to eliminate the overuse of high-stakes standardized tests.

By Monty Neill

Both houses of Congress are starting to take another crack at rewriting the flawed No Child Left Behind law through the long-overdue reauthorization of the Elementary and Secondary Education Act. However, the Democratic bill released Tuesday by Senator Tom Harkin and likely bills from House Republicans will be so different that chances of final passage approach zero. Unfortunately, neither house is going to eliminate the test-and-punish core of NCLB – even though the growing [public demand](#) for fundamental change is backed by [volumes of research](#).

Far better alternatives to NCLB exist, and they could be readily implemented. For example, the [Forum on Educational Accountability](#), which I chair, has proposed comprehensive reforms to make improving schools that need help the new core of federal policy.

Under NCLB, gains on National Assessment of Educational Progress standardized tests slowed or halted in reading and math at all three grades for almost every demographic group. NCLB's threat of sanctions for low test scores pushed many schools, especially those serving low-income children (who are disproportionately children of color), into becoming little more than test-prep programs, with dreary, narrow curricula and lifeless rote instruction. It has also led to a wild proliferation of "interim" and "formative" tests as practice for the federally mandated high-stakes exams. These poisonous weeds crowd out time for engaging instruction. Until a recent modest retrenchment due to a [parent backlash](#), Chicago had 14 such tests for kindergarteners.

Legislation developed in both houses last Congress would have let all but the lowest-scoring schools – overwhelmingly serving the poorest youth – off the hook. Committee bills focused accountability actions on the lowest scoring five percent of "priority" schools (with the Senate

adding another 10% of “focus” schools in Tuesday’s bill), as do the administration’s NCLB waivers. The Senate Democrats retain the same four, arbitrary options for “turning around” persistently low-scoring schools required by the waivers (firings, closings, etc.), while House Republicans will again try to turn most responsibility for determining interventions back to the states. Both are ignoring better options.

Removing the threat of punitive policies from most schools is a good thing. But relying on sanctions first and assistance second, if at all, for the schools that most need help is not a recipe for educational improvement.

Nor is ignoring the needs of many other schools that need additional support. A healthy federal law would increase education funding while pressuring states and districts to provide equity and adequacy. However, funding cuts appear in the offing as Congress makes budget decisions. It’s as Billie Holiday sang, “Them that’s got shall get. Them that’s not shall lose.”

In the last Congress, the House – despite Republican leadership calls for “local control” — said states must use tests in teacher evaluations, laying sanctions primarily on educators, as does the Administration’s waivers. The Senate Democrats plan the same this year, but perhaps allowing states some leeway regarding use of student scores in firing decisions. Last year, Republican Sen. Lamar Alexander blocked that misuse of tests as Democrats sought a “bipartisan” bill.

The key question is this: Will a law replacing NCLB promote support or punishment? By retaining high-stakes school testing and adding mandates to judge teachers by student scores while likely cutting funding and still imposing harsh sanctions on schools in impoverished districts, Congress’s answer, sadly, appears to be punishment.

Across the nation, parents, students and teachers are [strongly protesting](#) the overuse and misuse of standardized tests. In some cases, such as Minnesota and Texas, legislators are already responding by dropping test-based school graduation requirements, while some districts are eliminating locally mandated tests. Activists in major cities are also battling efforts to close schools in their communities, more collateral damage from NCLB and waivers.

Though Capitol Hill and the White House are still not heeding their constituents’ concerns, the opposition to high-stakes testing and accountability shows every sign of growing, not abating. Perhaps the next Congress, which presumably will again have to take up ESEA, will get the message, before and during the 2014 elections. That will require strong and growing mobilization among teachers, parents and students, supported by wide sectors of the community, who collectively demand high-quality public schools for all, assistance not punishment, and [an end to high-stakes standardized testing](#).

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