

Reauthorizing NCLB: Beyond Compliance and Toward Innovation for a 21st Century Education System

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Some political observers were surprised when a flurry of No Child Left Behind (NCLB) reauthorization activity began this year. The U.S. Congress has held numerous hearings in both the Senate and House and members have conducted their own hearings and town meetings in their districts. On behalf of Learning Point Associates and the comprehensive centers, I have testified at a House Education Committee hearing in Chicago, participated in a district meeting for a member of Congress, assisted a member with a NCLB Advisory Committee, helped write a NCLB bill for a member, and was invited to a panel of experts meeting of the Democrats' Senate Outreach Committee.

Most prognosticators were looking at 2009 as the "best guess" for reauthorizing the law. So what has changed? The most obvious change was that the Democrats became the majority party in both the U.S. Senate and House of Representatives. That change alone set in motion a new legislative agenda. Both Representative George Miller (D-CA) and Senator Edward Kennedy (D-MA), who were key participants in the original NCLB negotiations, are now the chairmen of their respective education committees. This time, however, they are in the majority and will be able to exert more influence on what will be in the law. Because there will be a presidential election in 2008, there is a sense of urgency to get things done quickly. Most of 2008 will focus on that campaign and congressional elections, and it will be more difficult to pass a major bill like NCLB during the year.

If NCLB is not reauthorized this year, it normally means the law as currently written is just extended. For those concerned about the sanctions provisions of NCLB, it should be apparent why there is a sense of urgency to get the reauthorization done this year. For example, without some changes to adequate yearly progress (AYP) provisions, the number of schools falling under more severe sanctions in their states will grow significantly as they approach increasing benchmarks to meet the 100 percent goal for all schools to be proficient. This example is probably the most serious situation, but there are a number of other provisions that should be fixed as well. Congress has heard about them during the hearings, and almost every organization impacted by the law has submitted a paper to the committees with its recommendations.

The Comprehensive Center staff has been asked by a number of its clients whether NCLB will simply go away. I seriously doubt it. While there are some needed changes to the law, most people believe that the fundamental underpinnings of it are laudable and that it has had a positive impact on the recognition for the need to improve student achievement and teacher quality. Some recent reports from the Center on Education Policy, Rand Corporation, and American Institutes for Research have supported the claims that NCLB is having a positive effect on states and districts. Reform efforts, such as standards-based accountability, seem to be gaining in acceptance. Most observers believe there has been more attention paid to students in high-

poverty, high-need schools and that more effort is being made to use programs that have been proven to be effective for their contextual settings. In addition, there is a recognition that the quality and qualifications of teachers of students in high-need classrooms is critically important, and efforts are being made to ensure that these students have equal access to highly qualified teachers.

I think there is a “perfect storm” for reauthorizing NCLB this year. First, it is important for President Bush to gain a legislative success and build a legacy around it. NCLB is a “best opportunity” to do this. It is a bipartisan law and has the support of a broad range of constituencies. Second, for Democrats it is an opportunity to prove that they can get things done in Congress, and reauthorizing NCLB would be evidence that a controversial law could be negotiated and passed successfully. Finally, and perhaps most importantly, if the law is not reauthorized this year, not only do the chances of success for passing it in 2008 diminish, but the AYP provisions that were set by states will become considerably more challenging and many more schools will begin facing the serious sanctions of the law. When some of the higher achieving school districts begin facing consequences, such as revamping their curricula or reconstituting, members of Congress will be hearing an overwhelming number of complaints from constituents, and the implementation of the law could suffer serious setbacks.

So 2007 appears to be the right time for getting it done. And if it does get done, there are some lessons we can or have learned from working under NCLB for five years that might apply to our work going forward. From my perspective there has been a significant change in the way education practitioners have approached student achievement and teacher quality issues as a result of NCLB:

- There is more sensitivity to the needs of students who traditionally have not done well in school. Even the highest achieving schools have gained more knowledge about these students by using data that disaggregate the results by subgroups. When teachers and administrators realize that some groups of students are not benefiting as much as others, the need for improvement becomes even clearer. Knowing who needs the most remediation can result in providing the appropriate interventions that ultimately help these students achieve academic proficiency.
- There also has been considerable interest in teachers and teaching. While the highly qualified teacher provisions of NCLB have stimulated controversy, the fact is that there is increased attention to making sure that all students have teachers who meet the fundamental provisions of the law. It was apparent that many students in some rural and urban school districts were being taught by teachers who did not have the appropriate credentials to be assigned to their classes. While there are changes needed to accommodate some situations, it seems reasonable to expect a teacher to have a bachelor’s degree and full state certification and to be able to demonstrate subject matter competency.
- There is new interest in learning more about what makes a teacher effective. While the issue is controversial, it is opening new discussions on this topic that inevitably will lead to a better understanding of what instructional strategies actually work in the classroom. This issue is more than just focusing on a single teacher; it transcends teacher preparation, classroom teaching, and professional development.

- A fourth lesson is that educators are now articulating their concerns about NCLB with evidence about what has worked well along with what has not worked well and why. In 2002, the discussion was mostly that NCLB would not work. Offering the anecdotal evidence supports the very essence of NCLB by supporting arguments with more than just intuitive comments. It is incumbent on those of us in education to educate policymakers regarding the unintended consequences of their actions. There is far more recognition now that education research is important and should be used to inform decision making.

There are other provisions of the law that need revision. The issues with special education and limited-English-proficient students are well known. The use of additional measures to determine AYP appear to be gaining momentum, particularly growth models. My best guess is that these concerns will be addressed by Congress during reauthorization.

It is my hope, however, that as Congress considers NCLB, it keeps in mind that the law will be in effect until 2012 if it is reauthorized this year. The concerns that have been raised are basically technical fixes to what is becoming an old law. It is important for educators to begin thinking about more than just compliance and recognize the need for innovation in education to help America keep pace with 21st century trends.

Congress has devoted a great deal of time and attention to American competitiveness in the 21st century. Those initiatives include STEM (science, technology, engineering and mathematics) and innovation, competitiveness legislation, and calls for expanding our knowledge workforce. It will be very important during the reauthorization of NCLB to include incentives for educators to incorporate innovation concepts into their work as well. America must compete successfully in the knowledge industry, and to do that requires all students to be proficient in their academic programs. Having that as the target goal is no different than all sports teams at the beginning of every season aspiring to win the championship.

Finally, congress should provide incentives for states and schools to develop research-based innovative practices that will be so compelling that other educators will want to replicate them in their schools. This year is turning out to be—unexpectedly—a possible opportunity to reauthorize NCLB.

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