

updated for **2008**

Can Separate Be Equal?

The
Overlooked
Flaw at the
Center of No
Child Left Behind

A CENTURY FOUNDATION GUIDE TO THE ISSUES



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Reality Check

Can Separate Be Equal?

The Overlooked Flaw at the Center of the No Child Left Behind Act

A high percentage of U.S. public elementary and secondary schools are among the finest in the world. But for many of our children, especially those who live in low-income urban school districts, the nation's educational system is failing. Today, the reading level of the average, low-income twelfth grader is the same as that of the average, middle-class eighth grader—regardless of race.¹ The No Child Left Behind Act of 2001 (NCLB), enacted with broad bipartisan support, sought to address such inequities. The act, which employs a strict regimen of testing and accountability, requires that all children—poor or rich, black or white—be “proficient” in reading and math by 2014.

NCLB, which is due for reauthorization, has come under attack from both conservatives and liberals. Progressives point out that NCLB is severely underfunded—including figures from the 2009 federal budget, there is a cumulative funding gap that is \$80 billion² short of the level authorized by Congress. Conservative state legislators have attacked NCLB as a federal intrusion on local control—a perennial objection of dubious validity.³ But NCLB's biggest flaw has less to do with what it attempts to do—hold schools accountable—than what it does not attempt to do: address concentrations of poverty in our public schools.

1. National Center for Education Statistics, National Assessment of Educational Progress (NAEP), Data Explorer, 2005 Reading Assessment.

2. National Education Association, “Funding Gap: No Child Left Behind,” 2008, available at www.nea.org/lac/funding/images/fundinggap.pdf.

3. See Leo Casey, “Education and American Federalism,” *21st Century Schools Project Bulletin*, January 13, 2004.

As it turns out, a school's effectiveness has a lot to do with the share of its student population that lives in low-income households.

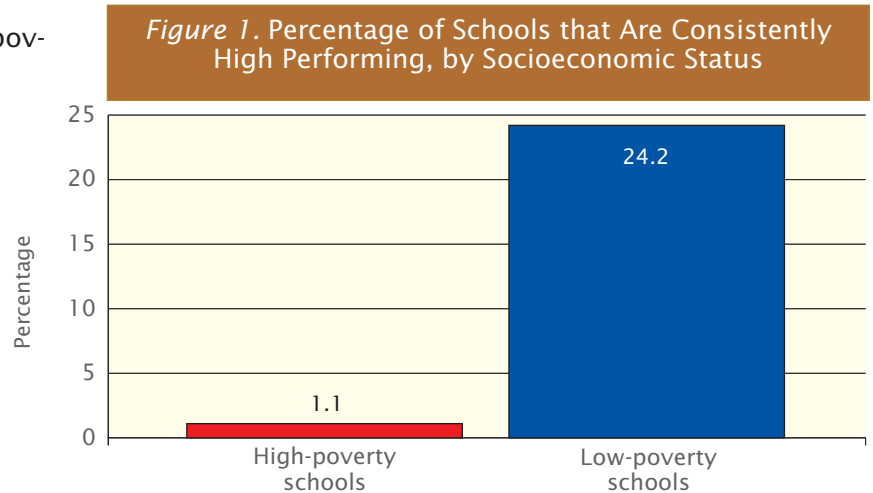
What the No Child Left Behind Act Attempts to Do

NCLB seeks both to raise all students' achievement levels and to reduce the achievement gaps among students of differing races and incomes. In return for federal funding, states are required to test each student in reading and math for grades 3–8. The testing is done to ensure that schools are held accountable for making mandated “adequate yearly progress” toward raising achievement. NCLB requires that schools failing to make such progress for two consecutive years provide students with public school choice—that is, allow them to transfer to a higher-performing school and cover the costs of transportation. After a third year of failure, schools are required to offer supplemental educational services, including private tutoring. After four consecutive years of failure, the school's district must take corrective action, which could include adopting a new curriculum or replacing staff. One of NCLB's other major provisions was a requirement that all public school teachers be “highly qualified” by the end of the 2005–06 school year.

What NCLB Neglects

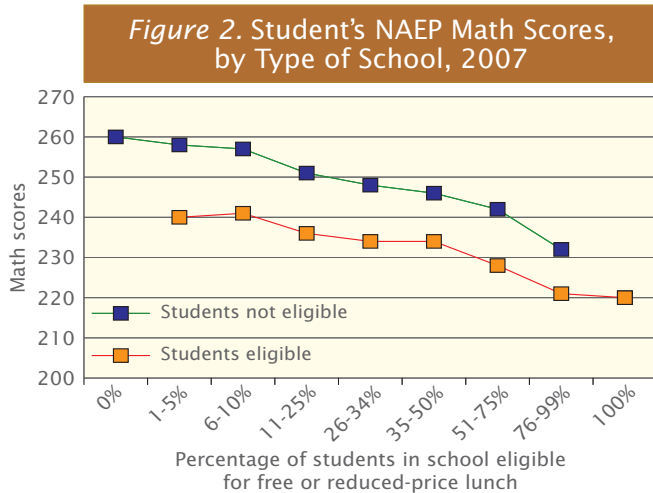
But NCLB does not address the central obstacle in the struggle to reduce the achievement gaps: the concentrations of poverty in American schools. High-poverty schools (schools in which at least 50 percent of students qualify for free or reduced-price lunch) are much less likely to be successful than middle-class (low-poverty) schools. As Figure 1 shows, a middle-class school is twenty-two times as likely to be consistently high performing as a high-poverty school.

The explanation for the achievement gap is complex and includes both home and school factors. Low-income students, on average, come to school less ready to learn. But the concentration of poverty in certain schools has an independent effect. While research finds that low-income students do worse than middle-class students, on average there is one exception to this rule: low-income students



Note: High poverty is defined as at least 50 percent of students eligible for free or reduced-price lunch; low poverty (middle class) is defined as fewer than 50 percent eligible. High performing is defined as being in the top third in the state in two subjects, in two grades, and over a two-year time period.

Source: Douglas Harris, "Ending the Blame Game on Educational Inequality: A Study of 'High Flying' Schools and NCLB," Education Policy Research Unit, Arizona State University, March 2006, Table 2, p. 20.



Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessments of Educational Progress (NAEP), 2007 Math Assessment, Grade 4.

attending middle-class schools perform higher, on average, than middle-class children attending high-poverty schools. Figure 2 demonstrates this phenomenon. The top line tracks the score of middle-class students on the fourth grade National Assessment of Education Progress (NAEP) in math, and the bottom line shows the scores of low-income students. Students from both groups do better on the left side of the figure (in middle-class schools) and do worse as they move to the right (in high-poverty schools). Strikingly, low-income students in middle-class schools score better than middle-class students in the highest-poverty schools.

NCLB does nothing directly to address America's long-standing problem of separately educating poor and middle-class children. More than fifty years after *Brown v. Board of Education*, NCLB is an effort, like most education reform, to make separate but equal work. The notion, in part, is that outside pressure and accountability will lead states to "fix" high-poverty schools.

But this approach is likely to fail because research finds that what all students need most is the good learning environment found in majority middle-class schools. Specifically:

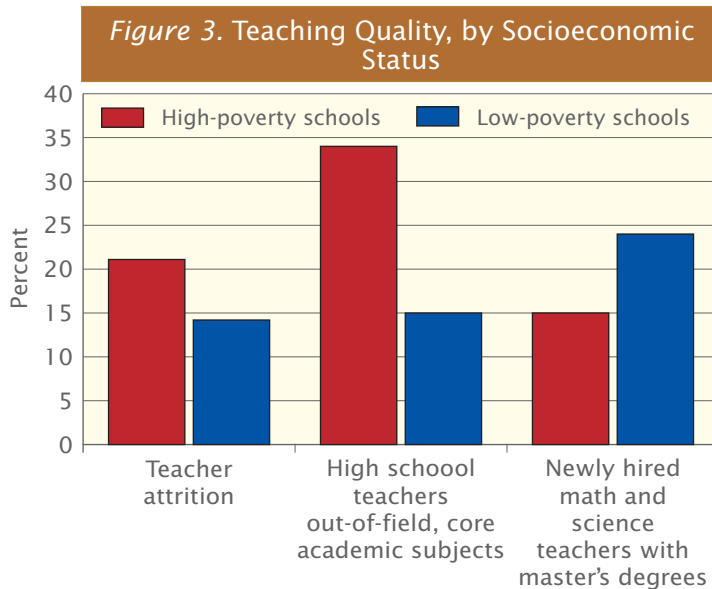
- ◆ *Middle-class schools have an adequate financial base (as measured against student needs) to provide small class size, modern equipment, and the like.* Most studies find that low-income students need considerably more spent on their education than middle-class students do in order to produce high levels of achievement, yet affluent districts spend a cost-adjusted \$938 more per pupil, compared to high-poverty districts.⁴
- ◆ *Middle-class schools are more likely to spend money on the classroom than on bureaucracy.* One reason for this difference is that there is less pressure in middle-class areas to make education a jobs program for adults in the community, because plenty of well-paying private sector jobs are available for middle-class parents.⁵
- ◆ *Middle-class schools provide an orderly environment.* Indeed, middle-class schools report disorder problems half as often as high-poverty schools, and low-income schools are about three times as likely to report the presence of street gangs as more affluent schools.⁶

4. Carmen G. Arroyo, "The Funding Gap," Education Trust, Washington, D.C., January 2008, Table 5, p. 6.

5. See Richard D. Kahlenberg, *All Together Now: Creating Middle-Class Schools through Public School Choice* (Washington, D.C.: Brookings Institution Press, 2001), pp. 65–66.

6. Rachel Dinkes, Emily Forrest Cataldi, and Wendy Lin-Kelly, *Indicators of School Crime and Safety: 2007*, National Center for Education Statistics, U.S. Department of Education and U.S. Department of Justice, Washington, D.C., December 2007, Table 6.2 and Table 7.2, p. 82.

- ◆ *Middle-class schools have a more stable student population, which makes it more likely that learning will occur.* For example, in one study the percentage of students who transferred two or more times between schools in a two-year period was 23 percent in high-poverty schools, compared with just 12 percent in affluent schools.⁷



- ◆ *Middle-class schools have strong principals and well-qualified teachers trained in the subjects they are teaching.* Research shows that teachers in middle-class schools are more likely to be licensed, less likely to teach out of their fields of expertise, less likely to have low teacher test scores, less likely to be inexperienced, and more likely to have greater formal education (see Figure 3).

Source: U.S. Department of Education, *The Condition of Education 2008* (Washington, D.C.: Government Printing Office, 2008), p. 51; Richard M. Ingersoll, cited in "Parsing the Achievement Gap," Educational Testing Service, 2003, p. 11; Linda Darling-Hammond, "Doing What Matters Most: Investing in Quality Teaching," National Commission on Teaching and America's Future, 1997, pp. 25–27.

7. National Center for Education Statistics, National Assessment of Educational Progress (NAEP), Data Explorer, 2000 Math Assessment.

8. Joshua Klugman, "The Political Economy of School Curricula: Inequalities in the Distribution of AP Courses in California," Paper presented at the annual meeting of the American Sociological Association, Marriott Hotel, Loews Philadelphia Hotel, Philadelphia, August 12, 2005.

- ◆ *Middle-class schools have a better curricula and higher expectations.* For example, middle-class schools also are more likely to offer Advanced Placement classes and high-level math.⁸
- ◆ *Middle-class schools have active parental involvement.* For example, middle-class parents are twice as likely to volunteer in the classroom or serve on a school committee and are much more likely to participate in fundraising.⁹
- ◆ *Middle-class schools have motivated peers who value achievement and can encourage excellence among classmates.* Peers in middle-class schools are more likely to do homework, less likely to watch television, less likely to cut class, and more likely to graduate—all of which have been found to influence the behavior of classmates.¹⁰ Moreover, high-achieving peers in middle-class schools share their knowledge informally with classmates all day long. For example, a child who attends a middle-class school is likely to be surrounded by peers who have a much richer vocabulary than students in high-poverty schools.¹¹

NCLB does seek to address some of these inequalities between middle-class and high-poverty schools, but it does so in a piecemeal fashion that accepts poverty concentrations as unalterable. For example, the act's requirement that every classroom was to have a "highly qualified" teacher by 2005–06 is essentially limited to a mandate that teachers teach in their fields of expertise. That is a necessary, but by no means sufficient, condition for good teaching. Likewise, NCLB's Title I funding is meant to provide extra money to high-poverty schools, making up for some of the

9. National Center for Education Statistics, "Parent and Family Involvement in Education, 2006–07 School Year," August 2008.

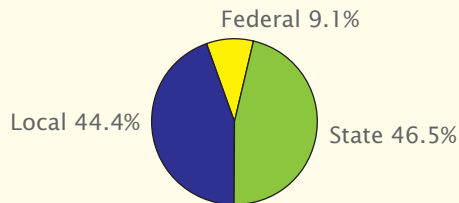
10. Kahlenberg, *All Together Now*, pp. 51–58.

11. *Ibid.*, pp. 50–51.

inequality in spending outlined above. But federal funds remain a small percentage of overall education spending (see Figure 4), and Title I would not bring schools to the levels of extra funding that experts say are required.

Ultimately, public policy must strike at the fountainhead of these various inequities: the practice of educating middle-class and low-income children in separate

Figure 4. Federal Money Is a Small Portion of Public Elementary and Secondary School Funding, 2005–06



schools.¹² In theory, the public school choice provisions of NCLB take us a step in the direction of more economically integrated schools by (1) allowing children trapped in failing schools—usually high-poverty schools—to transfer to better-performing public schools and (2) enabling low-income students to get priority for transfers. Although these provisions should encourage economic school integration, in fact, the early experience with NCLB suggests that very few families are taking advantage of the opportunity to transfer.

Source: National Center for Education Statistics, “Revenues and Expenditures for Public Elementary and Secondary Education: School Year 2005–06,” U.S. Department of Education, Washington, D.C., April 2008, Figure 1.

12. See The Century Foundation Task Force on the Common School, *Divided We Fail: Coming Together through Public School Choice* (New York: Century Foundation Press, 2002).

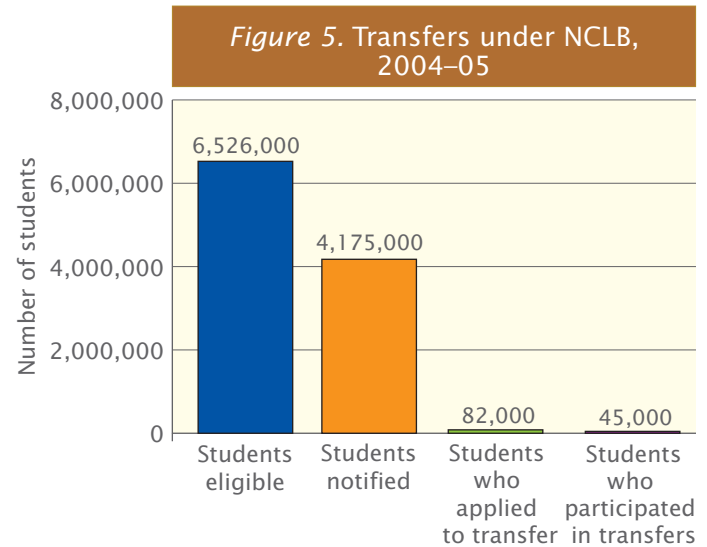
A 2008 U.S. Department of Education report found that fewer than 1 percent of eligible students in failing schools exercised the option of transferring to another school in 2004–05 (see Figure 5).¹³

Part of the problem is that NCLB does not require interdistrict choice.¹⁴ Thus parents in urban areas, faced with few good options, end up not asking for transfers for their children. Another part of the problem is that administrators sometimes actively discourage transfers.¹⁵

13. *State and Local Implementation of the No Child Left Behind Act, Volume IV—Title I School Choice and Supplemental Educational Services: Interim Report*, U.S. Department of Education, Washington, D.C., 2008.

14. See Richard D. Kahlenberg, ed., *Improving On No Child Left Behind: Getting Education Reform Back on Track* (New York: The Century Foundation Press, 2008).

15. For an example of this phenomenon in Montgomery County, Maryland, public schools, see Richard D. Kahlenberg, “A County’s Failing Policy,” *Washington Post*, June 24, 2002, p. A19.



Source: State and Local Implementation of the No Child Left Behind Act, Volume IV—Title I School Choice and Supplemental Educational Services: Interim Report, U.S. Department of Education, Washington, D.C., 2008.

Although NCLB fails to address the core problem of economic segregation, a growing number of local school districts have risen to this challenge. In Wake County, North Carolina, for example, the school board has adopted a policy that no school should have more than 40 percent of students eligible for free or reduced-price lunch and no more than 25 percent of students reading below grade level. The district, which includes the city of Raleigh and its surrounding suburbs, has nearly 90 percent of students reading at or above grade level. Today, an estimated 2.5 million students live in school districts that consider economic status in student assignment, a sharp increase from about 20,000 in 1999.¹⁶

16. See Richard D. Kahlenberg, "Socioeconomic School Integration," *North Carolina Law Review* 85, no. 5 (June 2007): 1551.

Reforming No Child Left Behind

NCLB undoubtedly has certain strengths—it sets out important goals, and it sets high standards for all students—but it needs mending. The public school transfer provisions should be strengthened, especially to allow interdistrict choice to suburban schools. And NCLB should provide districts with incentives to integrate their schools economically through universal public school choice, a system in which all families engage in choice rather than only the most motivated parents. In theory, states and localities might do this on their own, given the pressure of NCLB to raise achievement. Addressing school concentrations of poverty, however, is a politically difficult step. Expanding these programs to the more than 50 million students nationwide will require pressure from the federal government, which historically has played that role on behalf of disadvantaged and minority children. Otherwise, the noble goal of NCLB—bringing virtually all children up to academic proficiency—will prove to be yet another unfulfilled promise.

Prepared by Richard D. Kahlenberg, Century Foundation Senior Fellow.

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THE CENTURY FOUNDATION

HEADQUARTERS:

41 East 70th Street
New York, New York 10021
212-535-4441

WASHINGTON, D.C., OFFICE:

1333 H Street NW, 10th Floor
Washington, D.C. 20005
202-387-0400

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