

WASHINGTON'S CURE FOR FAILING SCHOOLS: MORE BUREAUCRACY

Congress will move in May to complete work on the reauthorization of the **Elementary and Secondary Education Act (ESEA)** of 1965. ESEA is reauthorized every five years. Each year, new funds are committed to its programs, including the Chapter 1 program for disadvantaged children. Chapter 1 makes up approximately half of the total appropriation for federal elementary and secondary education programs. Recent studies suggest that Chapter 1 has fallen far short of achieving its goals.

This year, the Clinton Administration proposed making state receipt of funds partially conditional on a state's adoption of achievement standards. Not only did Congress agree with this Clinton proposal to attach yet more federal strings to education dollars, but the House Education and Labor Committee developed its own additional requirements that observers predict will seriously impede the progress of education reform in the states.

The reauthorized ESEA all but mandates that states receiving federal Chapter 1 funds must create state standards that will be reviewed and approved by a newly created federal advisory committee. ESEA authorizes the use of so-called "opportunity-to-learn" standards as a criteria for whether or not a state is succeeding in educating its children. But opportunity-to-learn standards actually only measure system inputs — spending — rather than outputs — achievement.

For example, if the federal government is preparing to disburse Chapter 1 funds to New York City, the school district there must furnish information to the state as to whether or not all students had an opportunity-to-learn, i.e., whether their class sizes were small enough, whether all had equal access to textbooks, qualified teachers, suitable buildings, and so forth. Given that New York City spends over \$9,000 per year per student, one would expect these things to be well provided. However, an abundance of statistical analysis and research demonstrates that there is little or no correlation between spending — on everything from raising teacher salaries to reducing class sizes — and academic performance. In fact, in New York City, researchers found that less than 33% of education dollars spent ever reach the classroom.

The National Governors Association and several business groups have objected to the opportunity-to-learn standards, and compromises have apparently been made that would make compliance more voluntary.

Nevertheless, the current legislation requires states to develop the standards, thus increasing the likelihood that they will use them. States often feel compelled to comply with even non-mandatory provisions of federal law to ensure continued receipt of federal funds. And because the advisory panel that oversees state standard-making would carry the imprimatur of the federal government, it could exert significant pressure on states to comply with their "suggestions." With such an ever-shifting line between voluntary and mandatory, opportunity-to-learn standards could in fact become opportunities to sue districts for non-compliance. Such lawsuits would be based not on a district's success at educating students, but on spending mandates that have no bearing on how well children are actually being educated. This involvement by the federal government into state affairs is unmatched in recent history. It was not unexpected, however. As National Education Association President Keith Geiger bragged in a December, 1993, report to his board of directors: "During the First Session [of the 103rd Congress], NEA had unprecedented input into several key education issues including ... Reauthorization of the Elementary and Secondary Education Act."

High Standards Traded In

The other aspect of the ESEA that deserves attention is the fate of the National Assessment of Educational Progress (NAEP). NAEP is a yearly assessment of progress that is administered randomly to samples of students throughout the country in a number of academic subject areas. Reporting of NAEP results is the only state-by-state measure of U.S. progress that currently exists. NAEP was established in the early 1970s, but was not very effective until 1986 when then-Secretary of Education William J. Bennett created a blue-ribbon commission on NAEP reform. The panel was chaired by Lamar Alexander and included prominent people such as Hillary Rodham Clinton. The Commission recommended that an independent, non-partisan government board, the National Assessment Governing Board (NAGB), be established to set policy for NAEP. The House and Senate enacted the legislation in mid-1988. Bennett then appointed his first group of 24 board members, including two governors, two legislators, two chief state school officers, two business executives, several members of the general public, state and local superintendents, school board members, principals, teachers and testing experts. Each member serves a four-year term, and subsequent Secretaries have all appointed members.

NAGB is distinctive from any other education panel. It is a real policy-making board, with authority to determine, through consultation with experts, what should be tested, actual test items, and manners in which data is interpreted and reported. It provides strong representation of state interests and remains free from the political pressures of special interest groups and teacher unions. NAGB has accomplished much in its six years. It started the first state-by-state assessments, provided faster and clearer results of test data, has

integrated NAEP within the goals process (it is the main gauge of progress for two of the six goals), and has imposed controversial 'achievement levels,' which define how well students should perform, as opposed to how well they have done.

With NAEP expiring, the Clinton Administration submitted a bill to Congress to improve the program and renew NAGB. While Education Secretary Riley claims he still supports that bill, the Administration has done nothing to stop the House Education and Labor Committee from eliminating NAGB and transferring authority for NAEP to a U.S. Department of Education bureaucracy, the Commissioner of Education Statistics, and a new advisory committee appointed exclusively by the Secretary. While the House has now accepted an amendment to keep NAGB, it still has in effect abolished NAGB's capacity to exercise independent review and oversight of NAEP, and all authority for this once independent assessment of American education will now rest with special-interest-influenced bureaucrats.

One example of what is to come if this is not stopped is recent recommendations, approved by the Commissioner of Education, to make NAEP's test results race-normed and equalized among states. Race-norming test scores would result in higher reported test scores for poorly performing states with large concentrations of minorities, obscuring actual achievement levels and teaching performance. The Educational Testing Service (ETS) suggested that NAEP's scores could be reconstituted to reflect what scores would look like if state and national demographics matched. ETS said it could also "control for variables besides demographics, such as opportunity-to-learn standards or instructional factors." In other words, the testing experts would be willing to make the scores look like just about anything to serve anyone's agenda. NAEP currently does not report with regard to racial and gender differences, and any departure from reporting accurate scores would jeopardize the integrity and purpose of NAEP, and effectively hoodwink the public about the quality of education their children are receiving.

Action on the Elementary and Secondary Education Act now shifts to the Senate — the likely time-frame is May — where there is far less hostility to NAGB but no obvious opposition to the dissolution of NAGB or the objectionable provisions of the ESEA.

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