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A State Perspective on the Past and Future of No Child Left Behind

The Honorable Tom Horne

EUGENE HICKOK: It is a particular pleasure for me to be able to host today's presentation, for a couple of reasons. One, I first came to know the Superintendent of Public Instruction in Arizona when I was at the U.S. Department of Education and I had a number of conversations, via phone and in person, with Tom as he took over the important responsibilities of the Arizona Department of Education. I was struck by a couple of things: one, his imposing stature; two, his agile mind; three, his credentials; and four, his attitude.

His mind is agile. He is an academic, an intellectual—a graduate of Harvard and Harvard Law School. But I was most impressed, frankly, with his attitude, which is to pursue whatever he has to pursue to ensure that all of Arizona's kids are successful.

I should also mention that he used to be a school board member. If any of you have served on a school board or thought about it, it's important work. It might be the last true vestige of democracy and self-government; and there are many individuals who volunteer their time and their efforts in sometimes thankless work to try to improve education for the community's kids.

He then went on to serve in the Arizona state legislature and then was elected to the job of Superintendent of Public Instruction in 2002 and was just reelected last year. It is a great pleasure for me to introduce to you the Superintendent of Public Instruction for the great state of Arizona, Tom Horne.

—Eugene Hickok is Bradley Fellow in Education Policy at The Heritage Foundation and a former Deputy Secretary in the U.S. Department of Education.

Talking Points

- No Child Left Behind represents a prescriptive, complex, one-size-fits-all federal policy that has harmed state and local efforts in education.
- The principles of standards, assessments, and accountability are undermined rather than strengthened by trying to implement them from Washington, D.C.
- Rigid federal testing policies have led to a number of unintended consequences and harmful results; rather than using the blunt instrument of "proficiency" testing, states should be free to use innovative measures of academic progress over time.
- The A-PLUS Act, which would return state and local control to education, would be a valuable step toward improving student learning by allowing for meaningful standards, assessment, and accountability at the state level.

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THE HONORABLE TOM HORNE: Some people appear before you touting their books. I'm going to tout someone else's book. I don't know the author, and it will seem at first that the book is unrelated to my topic, but at the deepest level, it is at the philosophical heart of my topic.

The book is *Lenin's Tomb*. It describes the implosion of the Soviet Union because a small centralized bureaucracy in Moscow was unable effectively to manage a complex continent-wide economy. The author visited a fishing port on the Pacific Ocean, where the docks were piled high with fish. The fishermen had done a good job, but someone in the bureaucracy forgot to market the fish, and they were rotting on the dock. The author visited a coal mine area, where the bureaucracy had failed to supply soap. Imagine working in the mines, coming out covered with dirt, and having to take a shower with no soap.

What we have here is not a national characteristic of Russians as opposed to Americans. Rather, we have a law of nature that applies to all nationalities: When a central bureaucracy attempts to manage a complex continent-wide system, extreme dysfunction results.

My theme today is that this is as true of No Child Left Behind, with an 1,100-page bill, and an intrusive federal department of education. It is as dysfunctional in attempting to micromanage a complex continent-wide education system, as was true of the Soviet bureaucracy trying to micromanage the Soviet economy.

First, I want to say that there are three principles of No Child Left Behind with which I passionately agree. These three principles are standards, assessment, and accountability.

- We must have standards because we want to be sure that essential knowledge is taught in all classrooms. We can't have some teachers deciding that they will teach addition, subtraction, and multiplication but skip division because the teacher never liked math or thinks that division is not important in everyday life. Teachers should be able to be creative in areas that interest them, but there must also be an agreed-upon set of minimum standards of what all stu-

dents should know and be able to do at a given grade level.

- If you have standards without assessment, then the standards will go into teachers' drawers and be ignored. Standards are only effective if we test for them. Then we are able to determine the extent to which they have been mastered.
- Finally, there must be accountability of schools, teachers, and students. We must help schools that are not achieving and, ultimately, intervene in schools that cannot improve. Students play a role in their own education. A student who blows off school must experience a consequence of that, or there will be an inadequate motivation for students in general. We must have the courage to fail a school that does not properly teach the standards or a student who will not learn what the school is teaching.

Because I do believe so passionately in these principles, I am especially frustrated that the federal government has made such a mess of them.

Let's start with the ways schools are evaluated. Arizona, like many other states, has a fair and accurate system for evaluating schools. The federal system is unfair, inaccurate, and completely dysfunctional. I am constantly telling parents, reporters, and audiences that in judging schools one should focus on the state achievement profile and ignore the federal.

The federal system divides the world into nine ethnic and other subgroups and tests two subjects, in seven grades, with two measures: percent proficient and whether or not at least 95 percent were tested. If a school falls below standard on any one measure, the entire school fails, no matter how well the school did on all of the other measures.

With all of these categories, how many combinations and permutations are there? How many ways are there to fail? To pass the Arizona high school high-stakes math exam, you would have to know the formula for that. You multiply the numbers together: $9 \times 7 \times 2 \times 2 = 252$. There is an additional measure that varies by states. That makes a total of 253.

I call this the 253 ways to fail system. If a school falls short on one (let's say it tests 94 percent rather

than 95 percent of fourth grade special education students) and succeeds spectacularly on the other 252 (the highest test scores in the state), the entire school still fails.

We have a school in the Tucson area, Catalina Foothills High School, that is an excelling school under the state system. Its test scores are extremely high: 95 percent of its 10th graders are proficient in reading, and the students are in the 96th percentile on the nationally normed test. But the individual education plans of some of its students require non-standard accommodations on the test. The federal Department of Education has ruled that a student being given a non-standard accommodation not only cannot be counted as proficient, but is counted as not having taken the test at all. That means that less than 95 percent of the special education students are counted as taking the test, and therefore the school must fail, regardless of how well it does on everything else.

The parents know how good their school is. The fact that the federal government fails it for an irrational reason brings the concept of accountability into disrepute.

Now let me give you an example that is the equivalent of huge piles of fish rotting on the dock because someone in the bureaucracy did not provide for it to be marketed. There has been a tidal wave of illegal immigration into Arizona, and we have over 100,000 students that are English Language Learners. (Parenthetically, despite this, and a comparatively high poverty rate, the average for Arizona students is about five points above the national average on the nationally normed Terra-Nova test, in part due to our statewide emphasis on academic rigor in the classroom.)

Under the Arizona system of accountability, which predated No Child Left Behind, schools had three years to bring English Language Learners up to speed: first to proficiency in English so that they could learn in English and then to academic proficiency so that they could pass the academic tests in English. An initiative passed by the voters prevented us from testing them in Spanish. This system provided more than sufficient incentive for schools to begin working hard with these students in the

first year. They knew that by the fourth year, the students would have to pass their academic tests in English or face the possibility of state takeover.

The state wanted its No Child Left Behind agreement to provide the same system: three years to become proficient in English and in academics in English, and then the schools would be responsible in the fourth year. The federal negotiators wanted the schools to be responsible for having the students pass the tests in one year. There is no person in the education community anywhere who believes this is possible.

The ultimate compromise was that the test scores would be counted in the first year, but any schools not making adequate yearly progress could appeal, and those appeals would be granted with respect to students in their first three years of being English Language Learners.

Last year, the federal government reneged on that agreement. I sued the government, but I am not talking to you today about my lawsuit. I'm talking about the policy the federal Department of Education has promulgated.

Rather than give the three years' grace period that is in the Arizona system and that federal government had agreed to, it imposed a one-year grace period, which is now the federal nationwide policy. There is no recognized expert in the country—not one in the country—who would say that it is possible to bring a significant percentage of students coming here from Mexico, or any other country where English is not the native language, to academic proficiency in English and able to pass reading and math tests in English after only one or two years. High standards are desirable. Requiring something that is impossible is insane.

The impact of this varies from state to state. Each state has what is referred to as an "N number" which must be reached before a school will be responsible for a given subgroup. A common N number is 40. That means that if there are less than 40 English Language Learners at a given grade level, the fact that they are not passing the test does not hurt the school. Therefore, for many states, and many schools, this irrational rule has no practical impact. However, for schools where there are over 40

English Language Learners at a given grade level, the impact is devastating.

What the federal department is saying is: “No matter how hard you work, and no matter how smart you work, you are doomed to failure. This is because you have committed the sin of having more than 40 English Language Learners in a given grade level.” This makes a mockery of what accountability should be. When the federal government reneged on its agreement, 150 schools in Arizona that had been succeeding immediately failed as a result.

There is a school in northeast Phoenix called the Palomino School whose student population consists almost entirely of English Language Learners. Historically, their academic performance was poor, but recently, they have had a dynamic principal and very dedicated teachers, and their test scores have soared. They have done well under the Arizona accountability system, and I went to the school to congratulate them. What I found was very low morale because they had failed under the federal system, because every school with more than 40 English Language Learners in any grade level is doomed to failure.

When the people at a school perform well, they need to be encouraged. To punch them in the gut and knock the wind out of their sails is extremely dysfunctional from the standpoint of the education of the students at the school. That is exactly what the federal government does to every school that has more than 40 English Language Learners at any grade level, even if the staff is doing a terrific job.

Why would anyone in the federal government do anything as irrational and dysfunctional as what I have described? For the same reason that someone in the Soviet bureaucracy would neglect to market the fish that are caught in the Pacific Ocean. They are not evil people as individuals. They are simply following a universal law of nature: If you give a centralized bureaucracy the power to micromanage a continent-wide, complex system, extreme dysfunction will result.

Now let me give you an example to parallel the coal miners that had no soap for their showers. No Child Left Behind has a characteristic that I referred to as proficiency obsession. Consider two schools.

They both have the same percentage of students rated as proficient, but the first school drives every student to his or her maximum performance level above proficiency, whereas the second school leaves the students at proficient once they arrive at that benchmark. It doesn't bother to educate them above proficiency.

Under the federal system, both schools are treated precisely the same. If you put a lot of pressure on the schools, as we are doing, and focus on only one thing, there will be a temptation for the schools to ignore other things. In the case of No Child Left Behind, they are forced to focus on the “golden band” of students just below proficiency.

If schools begin to neglect the average and brightest students, as I have heard has happened in some states, that is an educational catastrophe. In Arizona, we focus not only on how many students reach proficiency, but on how many students exceed proficiency. Consequently, the schools have an incentive to work with all of their students, not just the “golden band” right below proficiency.

I believe the national focus, if unchanged, will bring a national train wreck. At Arizona State University, we have a Chinese exchange student. He was quoted in the paper as saying: “We put 80 percent of our energy into our top 20 percent of students, and you put 80 percent of your energy into your bottom 20 percent of students. Who do you think will win that contest?” Anyone who thinks the United States will win the contest under those circumstances, please raise your hand. I don't think so either.

This is one of about 1,100 examples that I can give you of how state systems are far more rational than the federal system, but here we are talking about something much more important than irrationality or unfairness. We are talking about huge federal pressures against schools doing everything they can to develop the abilities of the brightest students. That is crazy.

Another negative consequence of proficiency obsession is that it is unfair to excellent schools in poor neighborhoods. They might move their students two education years in one calendar year but still not bring them to the same absolute percentage of proficiency as even a mediocre school in a rich

neighborhood, where the students bring so much more from home. What needs to be measured is the value added: where the students were when they started school, where the students were when they finished that year, and how much value was added by the school. This is the only fair way to measure how well the schools are doing. In Arizona, we call this the “Measure of Academic Progress.”

The federal department is beginning to experiment with “growth models,” which can be similar to a measure of academic progress, but they require that the measurement be of growth toward proficiency, whereas in the Arizona model, we measure the growth of all students, including those who have already achieved proficiency.

Let’s talk about another way in which No Child Left Behind creates significant dysfunction in the educational system. It requires states to test reading, math, and science but not social studies. By social studies, I refer primarily to history, but also geography, government, and economics.

Because of the extreme pressures to achieve proficiency in the subjects that are tested, many schools teach only what is tested. This means that the knowledge of history among American students, which has been abysmally low for many years, has declined precipitously from even that abysmally low level. Many elementary schools teach no history at all. Students arrive in middle school not having heard of Christopher Columbus or George Washington.

A country that does not know its history is like an individual who has lost his memory: He does not know where he has been; he does not know where he is going; and he does not know how to deal with problems. If we are going to be able to preserve our free institutions, our citizens must understand their history. If they are going to have pride in our institutions and want to preserve them, they must know our history in depth.

I am a proponent of a curriculum developed by E. D. Hirsch, called Core Knowledge. Students get a content-rich curriculum in American history, the Greco-Roman basis for Western civilization, and science beginning in kindergarten, first and second grades. As they get older, they can learn history in much greater depth because they have been exposed to it when they are young.

In the district where I served on the school board for 24 years prior to becoming Arizona’s Superintendent of Public Instruction, we introduced the Core Knowledge curriculum for some of our schools beginning in 1996. Students who began school then are now in high school. The high school teachers are ecstatic that the students have so much knowledge, that the high school teachers can teach in much greater depth.

I am now, in my current job, working hard to bring this kind of content-rich curriculum to the entire state. The Chief Historian for The History Channel held a news conference in which she stated that it had reviewed the history standards for all 50 states, and Arizona’s were head and shoulders above the other 49. But I am having difficulty persuading the Arizona legislature to require that we test history when No Child Left Behind specifies that we must test reading, math, and science.

If we don’t test it, these content-rich standards will go into the drawer and be ignored by many schools. A standard is meaningless unless it is tested and there is accountability for the results of the test. Congress deludes itself into thinking it is promoting the teaching of history by providing some money for history teachers to take trips. The big issue is this: By requiring testing in reading, math, and science, but not history, Congress has delivered a body blow to efforts to teach our students history. The same is true of the arts.

The last point I want to make about No Child Left Behind concerns its focus on race as a defining characteristic of students. I thought that identity politics of race was a Democratic philosophy and was surprised to see that come out of a Republican Administration.

I am profoundly opposed to it philosophically. What matters about a student is what he can do, what he knows, his character, his ability to appreciate beauty, and so on, not what race he happens to have been born into.

Let’s say a school makes Adequate Yearly Progress in all categories, except the African-American students in a given grade level. This may single them out in a way that is destructive. In the eyes of the other students and the community, it is their fault that the school failed.

What is the principal supposed to do? Go into every classroom and pull out the African-American students, even though some of them may have done well academically, for extra work so the school won't fail in that subgroup the following year? I have heard that this is the type of thing that happens. I think it is profoundly un-American to single out students based on their race.

The proponents of No Child Left Behind say that this categorization is necessary because in some schools the average is fine, but it hides the fact that one or another ethnic group is not doing well. But this can be corrected with nonracial solutions. For example, one could require that the bottom 20 percent of the school's population make a certain amount of progress for the school to pass. English

Language Learners is a valid classification. Latino should not be. The classification should be educational, not racial.

What, then, is the solution? Maintain the three principles—standards, assessment, and accountability—but do it in an 11-page bill, not an 1,100-page bill. The House version of the A-PLUS Act¹ may be a valuable step in this direction.

And let us finally learn our lesson. There is an iron law of nature that transcends all nationalities. You can call it Horne's Law if you wish. If you permit a bureaucracy to micromanage a continent-wide, complex system, extreme dysfunction will result. Just ask the Russians.

1. The Academic Partnerships Lead Us to Success Act of 2007 (H.R. 1539), introduced by Representative Pete Hoekstra (R-MI) on March 15, 2007.