

THE NO CHILD LEFT BEHIND ACT
The Making and Remediating of Education and National Unity

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INTRODUCTION

The No Child Left Behind Act was signed into law by President George W. Bush in the beginning of his first term in 2001. At the heart of the Act is “standards based education,” wherein students are tested against a concrete standard set by the states. The Act gives school districts twelve years to make sure all of its students test at the state standard, and requires districts to make adequate yearly progress towards this goal. The Act also requires some students to take the National Assessment of Educational Progress in reading and mathematics at grades 4 and 8 every two years. Results of these tests must be publicly reported and broken down based on race, ethnicity, gender, socio-economic status and English proficiency.

Failure to make progress towards or ultimately meet the state standards puts a school’s federal funding at risk because it must use that money to bus children in the failing school to a non-failing school if their parents so elect, or provide private tutoring and summer school to underperforming students. If a school chronically fails to make progress, it is at risk of a complete replacement of the school’s administration, staff and faculty, or even complete restructuring that could result in a school being taken over by the state or converted into a charter school.

THESIS

In this paper, I will argue that the No Child Left Behind Act is basically sound in using standards based education and reporting requirements. However, the Act needs to be improved with more extensive reporting requirements that will increase transparency and also with a federally formulated testing regime to facilitate national unity. I will conclude with an argument that our reframe how we think of the Act, and perhaps education generally.

MAXIM: PRACTICAL CONSEQUENCES

“Grant an idea or belief to be true... what concrete difference will its being true make in any one’s actual life? How will the truth be realized? What experiences will be different from those which would obtain if the belief were false? What, in short, is the truth’s cash-value in experiential terms?”

William James, *Pragmatism’s Conception of Truth*.

The No Child Left Behind Act has been criticized for its focus on standards based education. Detractors allege that teachers will “teach to the test” and devote a large amount of instruction to the subjects on the test (reading and writing) and therefore neglect other material, like the arts or physical education. Even time spent on the math will involve “drill and kill” problems focusing on rote arithmetic rather than story problems. Teachers will also have to spend time on teaching students how to take multiple-choice tests, rather than teaching anything substantive. All of this focus on the test, rather than “real-life situations,” will supposedly result in a lower level of “critical thinking skills.”

While it is sad situation, some subjects may have to be neglected in order for students to reach basic competency of reading and math. These two subjects simply must have priority over others. In employment and in everyday life, individuals require math and reading skills much more than they require the ability to hit a baseball or express themselves with ceramics. What is taught in schools must reflect this reality, especially when funding is limited.

Overall, these complaints of “teaching to the test” and the neglect “critical thinking skills” strike me as a bourgeois problem that would probably never affect those doing the complaining. By even bringing up “critical thinking skills,” the detractors seem to indicate they do not really worry about basic math and reading skills in the first place. To have a conception of, let alone an appetite for, “critical thinking skills,” one must be in a comfortable enough situation where worrying about developing the reading and mathematical skills required for everyday life is not necessary.

A good analogy is a situation that takes place in the South Side of Chicago, where the police department has installed video cameras on light posts with microphones allowing them to triangulate and zoom in on the location of gunshots. While many privacy advocates might allege that these cameras violate the civil rights of South Siders, there have not been angry residents protesting losing their civil liberties to “Big Brother.” This is because the cameras are installed in gang-infested areas and have had a noticeable effect in reducing violence in the area. Thus, it seems like South Siders would rather have the security provided by “Big Brother” than the gang violence occurring when civil liberties are preserved absolutely without considering context. The “cash-value,” as James might say, of civil liberties is questionable in this environment, and a concrete difference is only made by cleaning the streets of gang violence.

Of course, these two interests are not mutually exclusive – one can live in gang- and camera-free Lincoln Park. However, you cannot “put the cart before the horse” and expect to have a functional environment where liberty interests are protected before security interests. People need to feel safe walking to the grocery store before they start concerning themselves with whether their government can or should prevent their children from wearing a black armband in order to protest something at their school.

Similarly, fussing over underdeveloped critical thinking skills is frivolous until a student has something to critically think about. If he does not have the ability to read or add at grade

level, how can we possibly expect him to appreciate symbolism in The Great Gatsby or figure out how many more miles his car can go on half a tank of fuel? Simply “having” critical thinking skills does not change a student’s experience without a situation in or means by which to deploy them. It also seems peculiar that while most everyone agrees on both the usefulness and underdevelopment of basic skills, some maintain that limited resources should be used to develop other things instead.

This strikes me as a “bourgeois problem” because ultimately it is a worry about whether children are receiving what they need in order to get ahead in life (viz., critical thinking skills and the like). The bourgeoisie have been so immersed in the utility of basic reading and math skills they forget it has “cash-value” at all, probably because for them having only these skills is almost as bad as not having them at all. This contrasts with the more proletariat concern of providing children with the basic skills they need to survive, with grade-level basic skills perhaps being an improvement over the status quo.

After all, school districts relying on “drill and kill” methods of “teaching to the test” are more than likely going to be lower class, since these are typically the communities where students are not performing at grade level. Middle class communities do not usually have the same deficiencies, and therefore it is unlikely that teachers in these districts will have to resort to “teaching to the test” while neglecting other subjects, since their students are more than likely already at grade level. However, the bourgeoisie hear about teaching to the test and become worried that their children might not develop the critical thinking skills necessary in order to get ahead under such a regime, or that funding will be diverted from their children in order to bring the proletariat up to the mandated standard. Meanwhile, the proletarians are happy that the “drill and kill” method is finally teaching their children the basic skills they need to be self-sufficient.

Another problem with the detractors’ position is that it is somewhat inconsistent. This inconsistency is drawn out in attempting to answer what was being taught before teachers were “teaching to the test.” If the answer is reading and math skills, then fewer students should have tested below grade level, while subsequent improvements in test performance since the Act became law clearly show the new methods yield better results. If critical thinking skills were being taught, then you would again have expected better test scores (since students can think through the problem, or whatever) and would almost be precluded from major deficiencies in the education system (since critical thinking, the end-all and be-all is being taught). While detractors might posit that critical thinking skills were simply not being taught *well*, they would then have the burden of explaining not only how to teach it well, but also showing that same previously bad teachers could in fact instruct it well. Finally, it might be the case that nothing was being taught, but again it must be shown why bad teachers could teach something as nuanced as critical thinking when then cannot teach basic arithmetic.

I do not mean to argue that narrowly focusing on reading and math is necessarily the optimal course of action over the long run. It is probably better for our nation’s children to have developed critical thinking skills and exposure to art, sports and other subjects. However, we must first address the basic deficiencies in the system. Making children competent in grade-level math and reading skills has undeniable practical consequences in any child’s life. These basics are concrete expediencies that must be focused on before we can worry about the comparative luxuries of critical thinking skills, art, music and sports where the practical consequences are murkier.

MAXIM: SUNLIGHT

Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.

Louis Brandeis, *Other People's Money - and How the Bankers Use It*.

An important part of The No Child Left Behind Act is the reporting requirement. By requiring districts to report about its schools and itself, the Act introduces a new level of transparency upon which parents and the general community can make better-informed decisions.

Without some kind of reporting requirement, there is great potential for asymmetric information and resulting suboptimal behavior. Before, a parent did not know if a deficiency in her son's performance lay in her son, his classroom, the school or the district. This kind of uncertainty chills the parent's motivation to complain or question school officials, lest she be shown the deficiency is her son's (and by proxy, hers, perhaps leading to a subconscious desire to be ignorant of the deficiency). Further, even if a parent was certain that deficiency did not lie in her son, she would be uncertain whether it was a problem with the teacher, the school's curriculum or some other district-wide problem and thus not know whom to complain to or what to complain about.

Parents and community members were thus left with informal social networks in order to glean information about teachers, schools and districts. However, these networks are not always unreliable. First, those who feel wronged or unhappy with a particular teacher / school / district are those most likely to be vocal about their feelings, even though their experience might not be reflective. Second, many "authorities" could give self-serving advice. For instance, a realtor has little motivation to speak badly about the neighborhood school when he is trying to make a sale. Third, information from teachers or school officials could be biased in an attempt to "cover their ass" or "protect their own kind."

Meanwhile, teachers and school officials have incentive to maintain the status quo and not disclose performance data. Widespread knowledge of classroom, school and district performance could leave teachers and school officials in the uncomfortable situation of explaining any deficiencies to parents, community members and even each other. While some schools might have incentive to signal their (high) performance, any signaling would be done on their terms, with results cast in a most favorable light.

By instituting a reporting requirement, the Act sidesteps these asymmetries, shining light on the situation and allowing honest, accurate discussions about school and district performance on many levels. Schools can no longer hide in the shade behind the high performance of a majority of their students, as data must be broken down across gender, racial, socio-economic and English language fluency lines. One of the most obvious beneficiaries of this requirement are a school's minorities, whose parents are more likely to forcefully demand that their children are provided with instruction now they are aware of a gap in performance. Indeed, since the Act has taken effect, minorities' performance on tests in reading and mathematics have increased (although it is uncertain whether this was a pre-existing trend).

Additionally, since performance results are standardized, schools and districts can be easily compared with one another. If superior curriculum or techniques result in quantifiably better results in one school or district, officials at another school or district is more likely to adopt these things in order to remain competitive. The reporting requirement of the Act

encourages innovation because it establishes a measurement and a method that innovation can be measured by. Before, schools and districts that chose to report data could slice and dice performance results on their own terms, inventing their own measuring sticks as they went along and casting results accordingly.

Schools also benefit from reporting because community members will feel more invested in the success of the school / district. Property values are affected by a school's performance, since potential buyers are more likely to utilize performance data in their purchasing decision, and are usually willing to pay a premium for better schools.

Community members also have a better idea as to the relative efficiency of their school system compared to other communities because of the reporting requirement. If the "bang for the buck" is high, they are more likely to support their school system even if it means higher taxes because they know the money is going to good use. If the "bang for the buck" is low, community members are more likely to get involved (even if they do not have children attending local schools) and demand reform given the disparity in relative value compared to other communities. While it is true these community members could demand less money spent on schools (and thus not directly demand improved performance), even this would benefit the education system as a whole because schools / districts would be forced to innovate in order to increase efficiencies and deliver more for less.

Given the beneficial outcomes the reporting requirement of the Act encourages, I propose expanding the required reports to include data on the classroom level. This would provide parents with additional invaluable information about the performance of their child and give school officials another tool to measure the performance of their employees and teaching methods. The data is already there; it is simply not being released. There would be no extra administrative burden preparing such data.

At the risk of engaging in rhetoric, we must remember that the importance of providing children with quality education trumps the protection of a teacher whose black students consistently receive lower test scores, even when controlling for other factors, from being called out on this fact by parents, community members and school officials.

While under the sunlight of increased reporting, bad teachers may be burned for the ineffective wastes of resources and hope that they are, good teachers will truly shine to get even brighter, since innovation will be encouraged, acknowledged and measured. The "Susan Boyles" of the teaching profession will be uncovered, revered and have the opportunity to share their talent with interested audiences. The potential reward of acknowledgement will draw more potential teachers to the profession. Sunlight is not only the best disinfectant – it's one of the best developers of growth.

MAXIM: NATIONAL UNITY

I conceive the education of our youth in this country to be peculiarly necessary in Pennsylvania, while our citizens are composed of the natives of so many different kingdoms in Europe. Our schools of learning, by producing one general, and uniform system of education, will render the mass of the people more homogeneous, and thereby fit them more easily for uniform and peaceable government.

Benjamin Rush, *Of the Mode of Education Proper in a Republic*.

In order to have a cohesive nation-state, citizens must share common experiences in order to bond them to one another and their country. While most countries share a long and common history spanning millennia, the citizens of the United States share at most a few hundred years, and more commonly about a century. United States citizens came and come from all over the world, speaking a variety of languages with unique cultural traditions. While it might be argued that the unique rights granted under the United State Constitution, or federalism or the “unique entrepreneurial spirit” unifies American citizens, these are not really positive forces in everyday life bringing about some type of behavior or experience. Indeed, these things indicate a distinct lack of (governmental) force.

Despite the lack of a longstanding shared experience, previous generations of Americans experienced events that served to unify people of all classes, races and religions. World War I brought new “white ethnic” Catholic and Jewish immigrants with Northern European Protestants who had arrived in the United States earlier together on the battlefields of Europe. The Great Depression’s economic hardships were a common experience regardless of social class, race or domicile and led to a massive migration of many families to new and unfamiliar places of America. World War II unified Americans against the Axis Powers and led the way towards the desegregated Armed Forces seen in the Korean and Vietnam Wars.

Save for September 11th, Americans have not had a similar unifying experience in many years.¹ In fact, today it is much easier to maintain an insular group. The advent of the Marketing Age means television shows, radio channels and products are targeted specifically to subsets of American society, making a common American experience less likely. The internet also enables group members to find each other, stay in contact and thus reinforces and perpetuates this separateness.

One of the few universal experiences American children have today is the opportunity to receive a public education. Public education can provide a reference point for people of all segments of society to relate to each other and feel proud of the fact that their country provided it to them and others. Beyond a common experience, public education also adds utility to the nation by producing a more competent workforce. Thus, the United States government has two undeniable interests in encouraging this experience to be effective as unifier and effective as a learning opportunity.

The No Child Left Behind Act as it currently stands recognizes the latter interest to some degree, and requires states formulate and test their students yearly. However, this leaves what is properly a national common experience to the whims of the individual states, which might decide to water down testing standards in order to lessen the risk of losing federal funding. This jeopardizes the effectiveness of the unifying experience at, and that is simply unacceptable. The

¹ Even the events of September 11th only served to unify the country for a short while and failed to span any notable social movements or changes in culture experienced across the segments of the American citizenry.

federal, state and local governments spend too much time and money on public education that it should not just be for the benefit of one interest (effective learning opportunity) and not the other (effective unifier).

When tests are formulated by each state individually, confusion and uncertainty are created since it is nearly impossible to compare the testing regime from state to state. Nowadays, families are more likely than ever to consider relocation across state lines, but efforts to compare present and prospective school systems are frustrated by a lack of information. Federal testing would facilitate comparison of state and local school systems for parents and consumers and allow people to make a more informed choice about moving from one state to another.

A federal test would save states administrative costs, which are a major complaint under the current regime. Every year, the states spend about \$600,000,000 formulating and administering tests. This money is better spent on students and not state-level bureaucrats. By creating one federal test, economies of scale emerge because each and every state does not need to re-invent the wheel by designing their own tests. The formulation of a federal test is also more likely to be insulated from local interests seeking to “dumb down” the test in order to serve their own interests of avoiding accountability.

Concerns about hampering state-level innovation are misplaced because states are free to come up with their own tests providing more extensive data or testing different subjects if they would like to. In fact, innovation would be encouraged because districts could “shop around” the entire nation for instruction methods that works on the national test rather than shopping around within the state for what works on the state test, just like trade flourished between the states when a federal currency was introduced to replace individual state currencies. The broader nationwide market created by federal standards would encourage teachers, schools, districts and states across the nation to work together (or even compete against each other) to find effective instruction methods.

The United States government must step up to the plate and accept its responsibility to foster a national unity by formulating a federal test and thus provide a uniform system of comparison for Americans. This is a situation analogous to each state having its own currency – even though states wanted to keep their currencies (because local currencies encouraged money to stay within the state), the economy of the United States as a whole was better served with the mandate of the federally issued dollar. Similarly, the American people as a whole will benefit from a uniform testing standard for their schools.

CONCLUSION

MAXIMS: MAKING AND REMEDIATING

Truth for us is simply a collective name for verification-processes, just as health, wealth, strength, etc., are names for other processes connected with life, and also pursued because it pays to pursue them. Truth is *made*, just as health, wealth and strength are made, in the course of experience.

... We know that wealth is but a name for concrete processes that certain men's lives play a part in, and not a natural excellence found in Messrs. Rockefeller and Carnegie, but not in the rest of us.

Like wealth, health also lives *in rebus*. It is a name for processes, as digestion, circulation, sleep, etc., that go on happily, though in this instance we are more inclined to think of it as a principle and to say the man digests and sleeps so well *because* he is so healthy.

William James, *Pragmatism's Conception of Truth*.

...there should be a further call upon publicity for service. That potent force must, in the impending struggle, be utilized in many ways as a continuous remedial measure.

Brandeis, Louis. *Other People's Money - and How the Bankers Use It* (1914)

The No Child Left Behind Act must be conceived of differently. Currently, many critics think of the Act as merely something used to measure educational attainment. These critics almost beg the question by formulating the Act in this way because the Act is framed as just another administrative burden placed on already overworked teachers and administrators. To the critics, the Act's testing and reporting requirements do not make education, they merely measure it.² If the critics are generous and concede the Act has some role in making education, they allege is the wrong kind of education (e.g., basic reading and math emphasized over critical thinking).

I submit that the Act does have a role in making education. By testing practical and necessary reading and mathematical skills, the Act "makes" education by pushing teachers and administrators to instruct students in a manner that students are able to demonstrate grade-level knowledge. This imperative to instruct students is enhanced with the reporting requirement. Reporting makes education because it identifies effective methods or techniques. It adds a mechanism making educational processes more visible and accountable to second and third parties. Since it publicizes successes and efficiencies along with failure and inefficiencies, it encourages reform and optimization, and in this sense is remedial.

Education does not cause students to answer a test question correctly anymore than some natural excellence makes man rich or good digestion makes him healthy. Rather, it is the testing requirement and the act of taking the test that allow us to say students are educated. Critics of the Act and standards based education in general seem to think of testing as separate and distinct from the processes that make someone educated. This view fails to acknowledge all of the positive consequences brought about through testing. It is these consequences, taken together with other educational processes, allow us to say a student is educated.

I also submit that the Act should have a role in making national unity as well. Replacing state-level tests with a federal test would make the United States more unified because children

² Or, to use James' examples, critics think that wealth is a natural excellence of Rockefeller or that health leads to good digestion, circulation, sleep, etc. But for James, Rockefeller's wealth is the product of hard work and prudent investment, just like a man's health is the product of good diet and exercise.

across the nation would be held to the same standard. This will cause a spark a demand for the most efficient solution to one problem that parents, teacher and administrators across the nation would unite to solve, instead of a fractured effort in each state to game their particular local testing regime. Americans would also become aware of testing disparities in other parts of the nation, and perhaps be more willing to take action in other remedial ways to produce a more uniform, national education system.

National unity and education have undeniable positive consequences, and it certainly pays to pursue them. National unity fosters trust among people, allowing them to have more satisfying interpersonal relationships with people of all backgrounds. It also fosters innovation on across the country because people have a common frame of reference to work with, increasing efficiencies and allowing economies of scale. Education, especially in the concrete expedencies of reading and mathematics, results to a more skilled and productive workforce. Both of these objective can and should be made and remediated through a slightly modified No Child Left Behind Act.