

Standards and Assessment: Why Race to the Top is the Preeminent Alternative to No Child Left Behind

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“America’s noble experiment – universal education for all citizens – is a cornerstone of our democracy.”¹

I. INTRODUCTION

An aphorism commonly attributed to Mark Twain reads, “I never let my schooling interfere with my education.”² Yet, at a time when comprehensive content standards and traditional, high-stakes standardized examinations dictate public school curriculum, perhaps Mr. Twain’s notion has even more credence in contemporary American public education.³

Indeed, standards-based education and traditional standardized examinations have played a role in American public education for over 50 years.⁴ However, since the No Child Left Behind (NCLB) Act of 2001, their impacts are more “pressure-packed and ubiquitous” than ever before.⁵

However, with the Race to the Top (RTTT) fund’s enactment in 2009, states are gradually adopting the common standards approach and de-emphasizing traditional high-stakes

¹ *School: the Story of American Education*, PBS, 2001, available at <http://www.pbs.org/kcet/publicschool>.

² Elizabeth J. Samuels, *Stories Out of School: Teaching the Case of Brown v. Voss*, 16 Cardozo L. Rev. 1445, 1510 (1995); see Everyone’s Mark Twain 553 (Caroline T. Harnsberger ed., A.S. Barnes & Co. 1972); see also John Powell, *Segregation and Educational Inadequacy in Twin Cities Public Schools*, 17 Hamline J. Pub. L. & Pol’y 337, 402 (1996).

³ *Why More Standardized Tests Won’t Improve Education*, PARENTS ACROSS AMERICA, Sept. 2, 2011, available at <http://parentsacrossamerica.org/why-more-standardized-tests-wont-improve-education>; see also Jessica Calefati, *Time Spent on Standardized Tests Set to Increase in 2014-2015 School Year*, NJ.COM, Mar. 17, 2013, available at http://www.nj.com/news/index.ssf/2013/03/time_spent_on_standardized_tes.html. Illustrating the increased standardized test use in American public school classrooms, New Jersey recently announced “public school students will spend eight to 10 hours taking standardized tests - an increase of up to four hours per year for each child depending on grade level, according to guidelines released by state education officials earlier this month.” *Id.*

⁴ *History of Standards-Based Reform*, STANFORD UNIV., 2000, available at http://www.stanford.edu/~hakuta/www/archives/syllabi/CalTex_SBR/historysbr.html (“The history of standards-based reform goes back to the educational philosophies of Benjamin Bloom, through his 1956 work “Taxonomy of Educational Objectives.”); Dan Fletcher, *Standardized Testing*, TIME, Dec. 11, 2009, available at <http://www.time.com/time/nation/article/0,8599,1947019,00.html> (“Standardized tests have been a scourge of student life in America for more than 50 years . . .”).

⁵ No Child Left Behind (NCLB) Act of 2001, 20 U.S.C.A. § 6301 et seq. (West 2003); Fletcher, *supra* note 4.

standardized examinations in the classroom.⁶ Accordingly, RTTT is the preeminent alternative to NCLB because it: (1) establishes common content standards across the United States; and (2) de-emphasizes traditional standardized examinations in the classroom. Thus, RTTT is best suited to counterpoise Mr. Twain's notion and prevent schools from interfering with education.⁷

This article will explore the role standards and standardized examinations play in both NCLB and RTTT. Section II will provide NCLB context, whereas Section III will provide identical RTTT context. Finally, section IV will illustrate why RTTT's common standard model and de-emphasis of traditional, high-stakes standardized examinations make it the preeminent alternative to restore educational excellence throughout American public education.⁸

II. THE NO CHILD LEFT BEHIND ACT'S STATE STANDARDS APPROACH AND THE RISE OF TRADITIONAL, HIGH-STAKES STANDARDIZED EXAMINATIONS

NCLB and RTTT share a common goal: establishing a foundation for public education reform.⁹ However, each approach goes about achieving this goal in a distinct manner.¹⁰ This article will focus on two such distinctions: (1) standards; and (2) assessment.

The No Child Left Behind Act's State Standards Approach

NCLB *mandates* states adopt their own content standards as a precondition for receiving federal Title I funds.¹¹ States are free to adopt their own comprehensive standards in math,

⁶ American Recovery and Reinvestment Act (ARRA) of 2009, Pub.L 111-5. 111-5; Stacy Teicher Khadaroo, *Race to the Top Promises New Era of Standardized Testing*, THE CHRISTIAN SCIENCE MONITOR, Sept. 2, 2010, available at <http://www.csmonitor.com/USA/Education/2010/0902/Race-to-the-Top-promises-new-era-of-standardized-testing>.

⁷ RACE TO THE TOP PROGRAM EXECUTIVE SUMMARY, U.S. DEP'T. OF EDUC., 7-8 (2009).

⁸ Following the Organization for Economic Cooperation and Development's 2009 Program for International Student Assessment (PISA), U.S. public schools slipped from 18th in the world in math to 31st, with similar declines in reading and science. *Shanghai Tops International Test Scores*, WASH. POST, Dec. 7, 2010, available at <http://www.washingtonpost.com/wp-dyn/content/graphic/2010/12/06/GR2010120607984.html>.

⁹ *Id.* at 7; THE NO CHILD LEFT BEHIND ACT OF 2001, EXECUTIVE SUMMARY, U.S. DEP'T. OF EDUC., 1 (2002).

¹⁰ Judith Lohman, COMPARING NO CHILD LEFT BEHIND AND RACE TO THE TOP, OLR RESEARCH REPORT 2 (2010).

¹¹ Scott, Conroy, "*No Child Left Behind*": *State Tests Vary*, CBS EVENING NEWS, June 30, 2009, available at http://www.cbsnews.com/8301-500564_162-2867441.html; Bradley Blackburn and Mary Bruce, *Proposals for Standard Curriculum Released, But Will Local PTAs Resist?*, ABC NEWS, Mar. 10, 2010, available at <http://abcnews.go.com/wn/governors-state-education-officials-propose-national-education->

reading, and science, but must apply such standards to all public schools within the state.¹² In other words, NCLB rests on the notion public school curriculum is a state issue.¹³ Accordingly, it is up to each state to design standards so long as such standards are applied uniformly.¹⁴

The No Child Left Behind Act's Emphasis on Traditional Standardized Examinations

To determine whether students meet the state's comprehensive content standards, NCLB predominantly collects data from traditional, high-stakes standardized examinations.¹⁵ Once a year, states must test students in grades three through eight and once during grade ten utilizing traditional multiple-choice standardized examinations.¹⁶ The results are compared year-over-year, viewing student-groups as a whole.¹⁷ Schools meeting benchmarks have made adequate yearly progress (AYP).¹⁸ Schools achieving AYP receive federal Title I funds.¹⁹

standards/story?id=10063270# ("While the No Child Left Behind law introduced under President George W. Bush calls for testing and progress toward proficiency, it left it up to the states to determine specific classroom standards and test criteria.").

¹² *Id.*; Lohman, *supra* note 10.

¹³ *The New Rules an Overview of the Testing and Accountability Provisions of the No Child Left Behind Act*, PBS FRONTLINE, 2002, available at <http://www.pbs.org/wgbh/pages/frontline/shows/schools/nochild/nclb.html>.

¹⁴ *Id.* ("The bill specifically prohibits any "national testing" or "federally controlled curriculum."); see also MARGARET A. JORGENSEN, HISTORY OF THE NO CHILD LEFT BEHIND ACT OF 2001 (NCLB) 7 (Pearson Education, Inc. 2003).

¹⁵ Leah Clapman, *No Child Left Behind*, PBS ONLINE NEWSHOUR, Aug. 21, 2005, available at http://www.pbs.org/newshour/indepth_coverage/education/no_child/testing.html; Lohman, *supra* note 9.

¹⁶ Lohman, *supra* note 10.

¹⁷ *Id.* ("For example, under the NCLB, schools compare the performance of the last year's third grade class with this year's to determine if the school made adequate progress in improving achievement of third graders."). Moreover, NCLB compares year-over-year test data of student groups including: (1) economically disadvantaged students; (2) students from major racial and ethnic groups; (3) students with disabilities; and (4) students with limited English proficiency. *Id.*

¹⁸ *Id.*; *Adequate Yearly Progress*, U.S. DEP'T OF EDUC., Apr. 2, 2009, available at http://www2.ed.gov/policy/elsec/guid/standardsassessment/guidance_pg5.html ("The definition of adequate yearly progress will vary from State to State. The definition must result in continuous and substantial yearly improvement of each LEA and school receiving Title I funds which is sufficient to achieve the goal of all children served under Title I, particularly economically disadvantaged and limited-English proficient children, meeting the State's proficient and advanced levels of performance."); Bradley Blackburn and Mary Bruce, *supra* note 11 ("schools and districts will be required to show "adequate yearly progress" [A.Y.P.] toward their statewide objectives -- that is, they must demonstrate (through their test scores) that they are on course to reach 100 percent proficiency for all groups of students within 12 years. The states themselves decide what is proficient and what is an adequate rate of progress for each group.)".

¹⁹ *Id.*

III. THE RACE TO THE TOP FUND'S COMMON STANDARDS APPROACH
AND THE DE-EMPHASIS OF TRADITIONAL, HIGH-STAKES STANDARDIZED EXAMINATIONS

The Race to the Top Fund's Common Standards Approach

Whereas NCLB *mandates* states to adopt their own standards, RTTT's model *incentivizes* states to implement common-standards.²⁰ Essentially, states are encouraged to work together with other states to adopt standards uniformly used throughout American public school education.²¹ In other words, RTTT rests on the notion public school curriculum remains a state-level issue, but benefits from national uniformity.²² Accordingly, RTTT encourages each state to collaborate with other states to adopt a common, uniform set of standards.²³

The Race to the Top Fund's De-Emphasis on High-Stakes Standardized Examinations

Unlike NCLB, the RTTT framework assesses the common standards beyond traditional, high-stakes standardized examinations.²⁴ In fact, RTTT assessments include, *inter alia*, examinations via computer, testing students' abilities in digital media, classroom speaking, and real-world problems.²⁵ Moreover, whereas NCLB compared traditional examination results year-over-year for student-groups, the RTTT model incentivizes schools to dig deeper.²⁶ That is, it encourages schools to track individual student data, essentially creating a data system for each

²⁰ RACE TO THE TOP PROGRAM EXECUTIVE SUMMARY, *supra* note 9 at 2; 7. Because RTTT simply incentivizes schools to adopt such changes, it is not a precondition for federal Title I funds, but a precondition for "extra" funds the federal government has set aside in its RTTT fund, totaling over \$4 billion. *Id.*

²¹ Lohman, *supra* note 10; see also *Mission Statement*, COMMON CORE STATE STANDARDS INITIATIVE, 2012, available at <http://www.corestandards.org/> ("The Common Core State Standards provide a consistent, clear understanding of what students are expected to learn, so teachers and parents know what they need to do to help them.").

²² RACE TO THE TOP PROGRAM EXECUTIVE SUMMARY, *supra* note 9 at 2.

²³ Lohman, *supra* note 10.

²⁴ Stacy Teicher Khadaroo, *supra* note 6.

²⁵ *Id.*

²⁶ Lohman, *supra* note 10 ("The RTTT grant program requires that, to achieve a winning score, states use data in a more sophisticated way to follow individual students and determine the growth in each individual student's academic achievement as he or she moves through school.").

student.²⁷ This “longitudinal” data system “inform[s] teachers and principals about how they can improve instruction” and prepares students for secondary education.²⁸

IV. WHY THE RACE TO THE TOP FUND IS THE PREEMINENT ALTERNATIVE TO THE NO CHILD LEFT BEHIND ACT

RTTT is the preeminent alternative to NCLB because it: (1) establishes common content standards; and (2) de-emphasizes traditional, high-stakes standardized examinations. Accordingly, while NCLB and RTTT delineate similar objectives, only RTTT truly resolves Mr. Twain’s notion and prevents school from interfering with education.

Why Race to the Top’s Common Standards Approach make it the Preeminent Alternative

RTTT’s uniform standards methodology restores educational excellence to American public education because it: (1) aligns disparities in state standards; (2) encourages tough educational benchmarks; and (3) dictates clear expectations for students and teachers.²⁹ All of which verify students have the same access to education regardless of where they live.³⁰

First, RTTT’s common standards framework addresses NCLB critics’ foremost concern: state-by-state standard variations impair students’ ability to learn.³¹ Because each state under NCLB is free to create their own standards, there are considerable standard variations between states, making it challenging for some schools to close the achievement gap.³² In addressing this

²⁷ *Id.* A “longitudinal” data system is a data system following individual students to determine whether that student has progressed through his or her education. *Id.* Information that is often collected includes: (1) a unique identifier number for the student; (2) the student’s general demographic information; (3) the student’s school transfer rate [exits, transfers, drop outs, etc.]; (4) the student’s transcript information; and (5) information on the student not tested by grade or subject. *Id.*

²⁸ *Id.*; RACE TO THE TOP PROGRAM EXECUTIVE SUMMARY, *supra* note 9 at 2.

²⁹ Tamar Lewin, *Many States Adopt National Standards for Their Schools*, N.Y. TIMES, July 21, 2010, available at http://www.nytimes.com/2010/07/21/education/21standards.html?_r=0.

³⁰ MELANIE RHOADS, EXAMINING NATIONAL STANDARDS, HORIZON SITE 1 (Univ. of North Carolina Chapel Hill 2005).

³¹ Melissa Kelly, *State Versus National Standards*, ABOUT.COM SECONDARY EDUCATION, 2012, available at <http://712educators.about.com/od/curriculumandlessonplans/a/standards.htm>.

³² *Id.* (“The situation is further complicated by the periodic changes that occur to standards. When a particular curriculum area meets to change their standards, teachers are handed and expected to teach to a new group of

issue, RTTT's common standards framework essentially eliminates these variations and ensures students will learn the same content irrespective of where they live or if they move.³³

RTTT's standards alignment is particularly important in the United States, as families are frequently on the move.³⁴ In fact, a 2008 Pew Research survey found most Americans move to a new community at least once in their lives.³⁵ Naturally, such moves often require children to transfer geographically dictated public school districts.³⁶ Under NCLB, a switch from a low standards state to one with higher benchmarks could result in a student being lost in the shuffle.³⁷ Yet, under RTTT, this no longer becomes an issue.³⁸

For example, under NCLB, Johnny, a tenth-grader moving from Houston, Texas to Orlando, Florida during the middle of the school year, will face a different set of standards at his new school, potentially making it hard for him to catch up with other students.³⁹ Under RTTT, however, Johnny will not have to adapt to an entirely new set of standards because a common standard system will be in place.⁴⁰ Thus, by replacing the current "hodgepodge" of state

standards from that point on. This can cause problems when drastic changes occur and teachers are still using textbooks based on the older standards.").

³³ RHOADS, *supra* note 30.

³⁴ D'Vera Cohn and Rich Morin, *Who Moves? Who Stays Put? Where's Home?*, PEW RESEARCH SOCIAL DEMOGRAPHIC, Dec. 29, 2008, available at <http://www.pewsocialtrends.org/2008/12/17/who-moves-who-stays-put-wheres-home/>.

³⁵ *Id.* Moreover, both the Pew Research survey and U.S. census data find one of the most common reasons Americans move revolves around education. *Id.*

³⁶ Matthew Cate et al., *A Primer on Illinois School Boundaries and District Reorganization*, 19 Ill. State Law Quarterly 41, 41-58 (1998) (discussing how a school district may elect to its geographic boundaries, implying school districts are, in fact, dictated by geography).

³⁷ Clapman, *supra* note 15 (Illustrating how state-by-state variations pose an important issue for transferring students). "For example, in Louisiana, 20 percent of a sample of fourth graders scored proficient on the NAEP reading test, but only about 15 percent scored proficient on the state test. In the neighboring state of Mississippi about 18 percent of a sample of fourth graders scored proficient on the same NAEP reading test, but almost 90 percent scored proficient on the state test." *Id.*

³⁸ Lewin, *supra* note 29.

³⁹ Kelly, *supra* 31. Bradley Blackburn and Mary Bruce *supra* note 11. President Obama affirmed the notion that differing state standards pose a real challenge for students stating, "Today's system of 50 different sets of benchmarks for academic success means fourth grade readers in Mississippi are scoring nearly 70 points lower than students in Wyoming – and they're getting the same grade." *Id.*

⁴⁰ Lewin, *supra* note 29.

standards with a uniform system, RTTT verifies students, like Johnny, are able to learn on day-one rather than adapt to new standards – directly counterpoising Mr. Twain’s notion.⁴¹

Second, RTTT’s common standards framework addresses yet another NCLB criticism: certain states artificially lower standards to avoid penalties.⁴² Because NCLB predominantly measures achievement through traditional standardized examinations, states have artificially lowered standards to create the illusion of high student performance.⁴³ Yet, RTTT quashes artificial standard lowering by establishing a unified system – preventing states from even conceptualizing low standards.⁴⁴ Thus, RTTT’s approach prevents states from artificially lowering standards.⁴⁵

Finally, RTTT’s common standards framework addresses a third NCLB criticism: student and teacher performance expectations must be clear and realistic.⁴⁶ A frequent NCLB complaint notes the unrealistic expectations NCLB places on teachers discouraging high-quality teachers from the profession.⁴⁷ RTTT’s approach addresses this by establishing specific, uniform expectations for students and teachers in each subject and grade level.⁴⁸

For example, second-grade readers under RTTT are expected to “[u]se an apostrophe to form contractions and frequent occurring possessives.”⁴⁹ Conversely, RTTT expects fifth-grade

⁴¹ *Id.*

⁴² Scott Conroy, *supra* note 11.

⁴³ *Id.* (“It [artificially lowering standards] is an issue, we learned, that is debated sharply in education circles – with some states accusing others of lowering the bar by using easier tests and lowering standards to make their schools look more successful.”).

⁴⁴ Lewin, *supra* note 29.

⁴⁵ *Id.*

⁴⁶ Deborah White, *Pros & Cons of the No Child Left Behind Act*, ABOUT.COM, 2013, available at <http://usliberals.about.com/od/education/i/NCLBProsCons.htm>.

⁴⁷ Rhys Saunders, *After 10 Years, Educators Say No Child Left Behind is Unrealistic*, THE STATE JOURNAL-REGISTER, Jan. 16, 2012, available at <http://www.sj-r.com/top-stories/x1987745594/After-10-years-educators-say-No-Child-Left-Behind-is-unrealistic>.

⁴⁸ Lewin, *supra* note 29.

⁴⁹ *Common Core State Standard ELA-Literacy.L.2.2c*, COMMON CORE STATE STANDARDS INITIATIVE, 2012, available at <http://www.corestandards.org/ELA-Literacy/L/2/2/c>.

readers to “[u]se punctuation to separate items in a series.”⁵⁰ Thus, RTTT outlines clear and reasonable expectations for students and teachers- further counterpoising Mr. Twain’s notion.⁵¹

Nonetheless, RTTT critics argue public education is a state issue and through common standards implementation, the federal government interferes with states’ rights.⁵² However, RTTT operates in the reverse – preserving states’ rights to control curriculum.⁵³ In fact, “States that adopt the [RTTT] standards are allowed to have additional standards, as long as the common core represents at least 85 percent of their English and mathematics standards.”⁵⁴ Moreover, the U.S. Department of Education agrees with RTTT critics that curriculum remains a state issue:

“Education is primarily a State and local responsibility in the United States. It is States and communities, as well as public and private organizations of all kinds, that establish schools and colleges, develop curricula, and determine requirements for enrollment and graduation.”⁵⁵

RTTT critics also argue the common standards approach forces states to spend resources in a fragile economy.⁵⁶ Specifically, the president of the American Federation of Teachers believes states will not implement common standards because they do not have the money to do so.⁵⁷ “If states adopt these thoughtful new standards and don’t implement them, teachers won’t know how to meet them, yet they will be the basis on which kids are judged.”⁵⁸ However,

⁵⁰ *Common Core State Standard ELA-Literacy.L.5.2a*, COMMON CORE STATE STANDARDS INITIATIVE, 2012, available at <http://www.corestandards.org/ELA-Literacy/L/5/2/a>.

⁵¹ Lewin, *supra* note 29.

⁵² *Id.* (discussing how the push for national standards has surprised many education circles because states have long held the tradition of preserving control over public school education); see also Titus Singeltary, Jr., *What is the Status of State-Federal Relationships in Schooling?*, EDUC. LEADERSHIP, 374 (Assoc. for Supervision and Curriculum Dev. 1978). “The most common description of the appropriate relationship among federal, state, and local education agencies is that it is a national concern and a state responsibility, but a local function.”)

⁵³ Lewin, *supra* note 29.

⁵⁴ *Id.*

⁵⁵ *The Federal Role in Education*, U.S. DEP’T. OF EDUC., Feb. 13, 2012, available at <http://www2.ed.gov/about/overview/fed/role.html>.

⁵⁶ Lewin, *supra* note 29.

⁵⁷ *Id.*

⁵⁸ *Id.*

RTTT's approach will again operate in the reverse, saving schools financial resources.⁵⁹ With a unified standard, state school systems will no longer have to spend valuable resources on developing their own standards.⁶⁰ U.S. Secretary of Education Arne Duncan stated, "We'll have states working together for the first time on curriculum, textbooks, assessment. This will save the country billions of dollars."⁶¹

Therefore, because RTTT's common standards approach: (1) addresses state-by-state variations; (2) encourages states to set tougher educational benchmarks; and (3) dictates clear expectations for students and teachers, it is the preeminent alternative to NCLB and ensures schooling does not interfere with one's education.⁶²

Why Race to the Top's De-Emphasis of Standardized Tests make it the Preeminent Alternative

RTTT's de-emphasis of traditional, high-stakes standardized examinations will further restore educational excellence to American public education because it: (1) expands curriculum preventing "teaching to the test"; and (2) increases assessment reliability.⁶³

First, RTTT's de-emphasis expands public curriculum preventing "teaching to the test," a practice NCLB critics commonly deride.⁶⁴ Generally, "teaching to the test" occurs when teachers replace instruction on a wide array of subjects with "drill n' kit" mechanisms aimed at helping students raise test scores.⁶⁵ In other words, "Teaching to the test involves a narrow focus on the specific skills and content covered by the test, as well as considerable time spent on

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ Linda R. Valli, *No Child Left Behind's Emphasis on 'Teaching to the Test' Undermines Quality Teaching*, UNIV. OF MARYLAND, Jan. 8, 2008, available at <http://www.newsdesk.umd.edu/sociss/release.cfm?ArticleID=1576>; *Survey Finds Teaching to the Test has Negative Impact on use of News in Classrooms: Carnegie-Knight Task Force Urges More Emphasis on Civics Education*, KNIGHT FOUNDATION, Jan. 12, 2007, available at <http://www.knightfoundation.org/press-room/press-release/survey-finds-teaching-to-the-test-has-negative/>; Marcy Martinez, *TAKS Test Taking a Bite Out of Budget?*, VALLEYCENTRAL.COM, Apr. 28, 2011, available at <http://www.valleycentral.com/news/story.aspx?id=611612#.UWbpaLV-i68>.

⁶⁴ Valli, *supra* note 63.

⁶⁵ *Standardized Tests*, PROCON.ORG, available at <http://standardizedtests.procon.org/>.

practice tests and test-taking strategies.”⁶⁶ Naturally, since NCLB’s mandated traditional standardized examinations consider a limited subject set, NCLB fosters “teaching to the test.”⁶⁷

In fact, a 2007 University of Maryland study affirmed this notion:

. . . what we found during the study was the shift to high-stakes testing actually undermined the quality of teaching in reading and math . . . There were declines in teaching higher-order thinking, in the amount of time spent on complex assignments, and in the actual amount of high cognitive content in the curriculum. We believe these declines are related to the pressure teachers were feeling to “teach to the test.”⁶⁸

However, because RTTT reduces traditional examinations’ role, it essentially compels schools to expand curriculum and avoid “teaching to the test.”⁶⁹ For example, unlike NCLB’s approach testing students on select subjects, RTTT assesses students via computer, testing abilities in digital media, classroom speaking, and real-world problems.⁷⁰ This practice compels teachers to expand curriculum beyond the four-corners of a traditional multiple-choice examination.⁷¹ Thus, by de-emphasizing the role traditional, high-stakes examinations play in assessing its common standards, RTTT reduces the need to “teach to the test” all together⁷²

Second, RTTT’s de-emphasis increases assessment reliability, another NCLB criticism. Specifically, a 2001 Brookings Institution report found at least fifty percent of year-over-year examination result improvements were only temporary and were “caused by fluctuations that had

⁶⁶ *Limits of Standardized Scores*, PARENTS ACROSS AMERICA, available at <http://parentsacrossamerica.org/why-more-standardized-tests-wont-improve-education/>.

⁶⁷ Valli, *supra* note 63.

⁶⁸ *Id.*; see also *Limits of Standardized Scores*, *supra* note 66 (“Teaching to the test involves a narrow focus on the specific skills and content covered by the test, as well as considerable time spent on practice tests and test-taking strategies. Such strategies have often produced significant gains on specific state tests. But when the same students are tested with different tests that cover similar subjects, such as the National Assessment of Educational Progress, most of these gains evaporate.”).

⁶⁹ Khadaroo, *supra* note 6.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

nothing to do with long term changes in learning.”⁷³ However, RTTT’s de-emphasis of traditional standardized tests improves assessment reliability. Specifically, RTTT assesses students throughout the year, rather than simply analyzing results from a test taken annually at the end of each school year.⁷⁴ In affirming RTTT’s increased reliability, U.S. Secretary of Education Arne Duncan stated, “These new tests will be an absolute game-changer in public education. They’ll be better, smarter assessments -- the kind of tests our teachers want and our students need.” Thus, RTTT’s de-emphasis of traditional, high stakes examination will increase the reliability of performance evaluations.⁷⁵

Nonetheless, RTTT’s critics argue “teaching to the test” is a reliable testing method and, in the process, preserves states’ valuable financial resources. However, following NCLB’s enactment, states’ annual standardized tests expenses rose from \$432 million in 2002 to roughly \$1.1 billion in 2008.⁷⁶ Moreover, a November 2012 report by the Brookings Institution found states spend roughly \$1.7 billion on standardized assessments each year.⁷⁷ Naturally, by reducing standardized testing, states will actually save valuable resources.

Thus, RTTT’s critics’ argument is unfounded and RTTT is the preeminent alternative to NCLB because it: (1) prevents “teaching to the test” by expanding curriculum; and (2) increases assessment reliability.⁷⁸

⁷³ Lynn Olson, *Study Questions Reliability of Single-Year Test-Score Gains*, EDUC. WEEK, May 23, 2001, available at <http://www.edweek.org/ew/articles/2001/05/23/37brookings.h20.html>.

⁷⁴ Khadaroo, *supra* note 6.

⁷⁵ *Id.*

⁷⁶ *Id.* This was a 160 percent increase compared to just a 19.2 percent increase in inflation. *Id.*

⁷⁷ MATTHEW M. CHINGOS, STRENGTH IN NUMBERS STATE SPENDING ON K-12 ASSESSMENT SYSTEMS 20 (Brown Center on Education Policy at Brookings 2012).

⁷⁸ Valli, *supra* note 63; *Survey Finds Teaching to the Test has Negative Impact on use of News in Classrooms*, *supra* note 63.

V. CONCLUSION

At a time when content standards and traditional standardized examinations often dictate American public school curriculum, Mr. Twain's notion schooling interferes with education has been realized in more ways than one. However, with RTTT's enactment, schools are gradually adopting the common standards approach and de-emphasizing traditional high-stakes standardized examinations in the classroom.⁷⁹

RTTT is the preeminent alternative to NCLB because it: (1) emphasizes the importance of common content standards; and (2) de-emphasizes traditional, high-stakes standardized examinations as a means of evaluating achievement. Accordingly, RTTT is best suited to counterpoise Mr. Twain's notion schooling often interferes with one's education and is poised to restore educational excellence throughout American public education.⁸⁰

⁷⁹ American Recovery and Reinvestment Act (ARRA) of 2009, Pub.L. 111-5; Khadaroo, *supra* note 6.

⁸⁰ RACE TO THE TOP PROGRAM EXECUTIVE SUMMARY, *supra* note 9.