

**NO CHILD LEFT BEHIND AND THE ACHIEVEMENT GAP:
Disadvantaged Students Are No Better Off Than Before. Now What?**

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April 6, 2008**

A common trend in the world today is to blame President Bush for everything bad that has happened, and this is no different with No Child Left Behind. A reform intended to increase the achievement of the lowest achievers has turned voters and legislators alike, in the past 6 years or so, from high hopes and praise to blame and criticism. Looking at the history of the act, however, we see that both sides of the political spectrum were pushing for the bill to pass. No Child Left Behind originally intended to address issues like the racial and socioeconomic achievement gaps, and while perhaps its greatest accomplishment has been directing the spotlight toward these issues, the law has been unable to reach its goals (and will be unable to meet its lofty goal of 100% proficiency by 2014) due to issues that cannot be addressed by mere reform measures. If the closing of the achievement gap is the ultimate aim, and if the principles of equity are the basis for this aim, then the reformation of institutions beyond the scope of NCLB, such as healthcare and early childhood education, must be pursued. This, like the passing of the NCLB Act, will require a bipartisan effort in Congress.

THE ACHIEVEMENT GAP

The “achievement gap” commonly refers to the differences among demographic groups on state and national academic tests. The achievement gap includes differences between minority versus non-minority students, poor versus non-poor students, students with disabilities versus those without disabilities, etc. (Anderson, Medrich, and Fowler, 547). Since one of the best predictors of a school’s achievement scores are the race and wealth of its student body, a complicating variable in the achievement gap equation is that minority students are overrepresented in the poor student category, so it is difficult to

separate and distinguish the two. In some sense, the groups “are really two overlapping test-score gaps: the one between black children and white children, and the one between poor children and better-off children” (Tough). Black children are three times as likely to grow up in poverty as white children, so the issue of race and class are invariably tied together. What we can be certain of, however, is that the achievement gap between black and white and rich and poor begins even before birth, due to prenatal care (Tough), and certainly before students enter school. In some sense, then, it seems that No Child Left Behind’s mandate to close the gap in schools plays against a stacked deck. At the same time, “[t]here are no genetic or other immutable traits that could conceivably be the cause of the gap. Thus the problem is manifestly one that can and should be solved” (Singham, 586). While the causes of the gap are not genetic, students come to school already behind their other peers, and educational reforms will have to do more to compensate. The causes, then, are malleable, but not entirely so, and not all causes are equally malleable. The question that we are left with, then, is whether No Child Left Behind can solve the problem of the achievement gap, and if not, what will?

HISTORY OF NO CHILD LEFT BEHIND

Measurement of the achievement gap is not a new phenomenon, but because of the gap’s growth, more attention has been focused on the issue. The achievement gap in the United States began to narrow in the 1970s and 1980s. 1970-1988 showed a definite improvement in reading and math achievement for African Americans, thus narrowing the black-white achievement gap, but in 1988, the gap began to increase again inexplicably, to the point where the achievement of minority students is actually lower

than that of ten years ago (Educational Research Service). Partially due to these statistics, President George W. Bush signed the No Child Left Behind Act of 2001 on January 8, 2002.

While No Child Left Behind may seem to be a unique, landmark piece of legislation, in reality there were quite a few pieces of similar legislation long before NCLB. President Lyndon B. Johnson passed his landmark Elementary and Secondary Education Act (ESEA) in 1965, and technically, NCLB is a reauthorization and revision of this legislation (PBS). The standards-based testing mechanism has roots in the Reagan Administration's *A Nation at Risk* report, and Clinton had already begun helping states develop their own academic standards with his "Goals 2000" law enacted in 1994. In the 1994 reauthorization of ESEA by Congress, the idea of Adequate Yearly Progress (AYP) began to be used, which is significant in NCLB and will be discussed briefly later (Rudalevige). Therefore, NCLB was born from decades of attempts by Congress to make ESEA's Title I funding more reflective of what low-income students actually needed in their schools just as much as it was a response to growing achievement inequality. States worked on developing content standards in the 1990s and by 2001 (when Bush's 'new' No Child Left Behind Act was on the table), 49 states already had standards in place. However, the system was rarely aligned so that tests reflected the content that was taught (Gamoran, 24). The stress on poverty was not even new for states: "many of the features of NCLB, particularly its emphasis on research-based curriculum methods and emphasis on student performance by ethnic and socioeconomic group, were already being done in some school districts" (Fusarelli, 82).

What *was* different about No Child Left Behind, however, was the increased level of federal involvement in education. Instead of sitting passively on the sidelines with the main purpose of funding state goals, the federal government created a role for itself as “being a major force in shaping the goals and outcomes of education” (Fusarelli, 71). At the same time, the bipartisan support for this act was a bit surprising: President Bush and Senator Ted Kennedy were actively involved in getting both Democrats and Republicans on board. In addition, the focus was no longer on general achievement, but on raising the scores of the lowest achievers: “for the first time the academic achievement of the major racial and ethnic groups, socio-economically disadvantaged students, English language learners, and children with disabilities, will be at the core of whether our schools are judged to be successful” (Edley, 3). This is a very unique standard for achievement, particularly for the United States (see Table 1 in the Appendix for a more comprehensive list of legislation leading up to NCLB).

The agreement that further action was needed by the federal government to hold states, districts, and schools accountable for increasing the educational outcomes of all children, not just a few, was solidified with the No Child Left Behind Act. No Child Left behind pledged to eliminate, by the 2013-2014 school year, the achievement gap between all students that historically have performed at lower levels, including: African-American and Hispanic students, students with disabilities, economically disadvantaged students, and English-language learners. The Act provided a framework for standards, testing and accountability that was new for federal legislation. Incentives for schools passing AYPs in reading in math (with science added in 2005) were created through federal funding, while a disincentive was created by withdrawing federal funding. Failing districts are

required to provide the option to transfer and supplemental services. In addition, if schools fail to meet AYP, federal money can be withheld (and the law does not specify a specific quantity, so all funding could be withheld: prior to NCLB, only up to 25% of funding could be refused) (Villavicencio). Within twelve years, NCLB requires 100% proficiency from each student in order to receive money. (Fusarelli, 72; Edley, 3)

Proficiency is determined through Adequate Yearly Progress, or AYP. AYP defines the minimum level of proficiency (supposed progress) that school districts must meet “with respect to the growth rate in the percentage of students who achieve the state’s definition of academic proficiency” (Fusarelli, 73). Progress is measured through end-of-the-year standardized testing, the results of which are then broken down into different groups and the AYP is applied to each subgroup so that if a school makes AYP but the African-American and Disadvantaged subgroups do not, the school is still considered failing.

Perhaps a distinction that is lost in the shuffle of trying to meet the high NCLB standards is that AYP is not really an end in itself, but “tracking AYP is a means to the dual ends of closing achievement gaps and improving the performance of all students” (Anderson, Medrich and Fowler). On a similar note, Edley, in his address to Congress, highlighted the differences between good and bad testing, and how this can affect achievement:

Good tests and test use can provide one measure that, combined with other measures such as graduation rates, can help focus constructive public attention, target interventions, and improve educational opportunity and achievement. But bad tests and test use can hinder education reform, undercut testing, and often harm individual students-especially poor and minority students (Edley, 7).

It is important that tests are careful in measuring real progress and are prepared correctly. AYP that measures results from a poorly organized test are useless, and can inflict negative consequences.

POSITIVE EFFECTS OF NCLB

Contrary to popular opinion, NCLB is not all bad. In fact, some aspects of the act have even proven to be quite successful. Achievement of subgroups is now in the spotlight and the race gap has narrowed somewhat, and poor students have the potential for better access to high quality resources (like teachers and educational policies). Because of these factors, No Child Left Behind cannot be dismissed as a total failure without highlighting these points.

Perhaps NCLB's most important achievement is the spotlight on subgroup student performance for the first time in US education policy. Prior to NCLB, the achievement of students with disabilities, poor students, and minority students was able to be hidden from the public's eye and attention (Haycock, 38). However, because subgroup data must be reported, the dark corners of underperforming groups have been lit. Highlighting subgroups allows for different benefits: additional resources can be focused on underserved students; greater equity will be required to address the achievement gap among different ethnic and socioeconomic groups; reporting of subgroup data can be used as a diagnostic tool to see where and how to improve schools; and data tracking and reporting systems will develop into more reliable patterns (Fusarelli, 70-72). These measures actually work together in accomplishing the common goal of greater equity

among students not only of different socioeconomic status or ethnicity, but also across different regions of the country.

NCLB may also be responsible for the narrowing of some gaps: namely, the race gap and gaps in elementary years. Due to greater equity within the educational system in general, it is logical that narrowing gaps should follow. While the poverty gap has not shown signs of shrinking at the school level, the race gap has shown some (albeit debated) signs of improvement (Gamoran, 3). Fourth-grade math results show the percentage of poor students at the proficient level have jumped from 8 percent in 2000 to 19 percent in 2005 (Tough). Haycock also asserts the gap is narrowing on state tests in elementary schools, although *which* gap she is referring to is unclear (Haycock, 40). Narrowing gaps in test scores is an important goal of NCLB, and at least in these cases, the act appears to be working.

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While gaps seem to be narrowing in schools and states, there is also the potential for better teacher access and educational policies. The ability to transfer to different schools and the requirement to offer supplemental services should give disadvantaged students better opportunities, while the “highly qualified teacher” requirement should certainly provide poor schools with better opportunities (Gamoran, 4). The development of a more integrated, aligned and coherent educational policy for students would be a push to link often-fragmented state policies into a coherent framework of accountability reform (Fusarelli), and because states have undeniably been transforming state policies since No Child Left Behind, the opportunity for improvement is vast. Research suggests reform initiatives, such as standards-based instructional and accountability frameworks, have a positive effect on student achievement (Fusarelli).

NCLB DEFICIENCIES

While NCLB has highlighted subgroup performance and shown the potential for more equity and opportunity for disadvantaged students, the true changes that should be seen in subgroup performance is still lacking, as NCLB suffers from funding and measurement problems. In addition, the United States' federalist government, while good for states' rights, limits NCLB. These three problems are NCLB's most overt deficiencies and deal most specifically with the goal of improving disadvantaged students' scores, but they are certainly not NCLB's only faults. What we see from the implementation of NCLB is that improper oversight and planning can lead to unintended consequences and other problems: "policies such as NCLB are imperfect instruments—much like using a sledgehammer to build a house" (89, Fusarelli).

Financial Issues

First, NCLB is beset with financial problems. The costs of fully implementing NCLB are much larger than federal policy makers suggest. Fusarelli estimates that the costs of compliance with NCLB range between \$84.5 billion and \$148 billion. These numbers are quite a bit more than the additional \$1 billion the Bush administration added to the Title I appropriations for fiscal year 2004 (Fusarelli, 83). Even the U.S. Department of Education highlights its lack of dedication in providing states with the proper means to implement its standards on the Department of Education's website devoted to NCLB: "No Child Left Behind is an unprecedented commitment that focuses *not* [italics added] on money but on results" (Fusarelli, 88).

While the federal government is not contributing even the amount the government set out for itself, this amount may be too small itself. Because the federal government only contributes about 7% of total spending on elementary and secondary schools and localized school funding produces regional inequalities in spending per pupil (Pinkerton), it would seem these statistics point towards the need for more and steadier federal funding in education. States spending the least per student are mostly southern and western states, where a disproportionate number of the nation's minority and disadvantaged students also reside (Pinkerton). Imbalanced spending increases the gap among disadvantaged students, and therefore federal funds have the potential to diminish the effect of unequal state/local spending. Additionally, the penalty for not making AYP or meeting NCLB regulations is taking away funds. This punishment seems counterintuitive when it seems failing schools are the schools most likely in need of proper, stable funding.

Finn discusses the fact that every act in DC is technically 'under funded,' in the sense that the funds every bill Congress passes defines resources that are never fully given out. He suggests that the amount of spending needed is exaggerated and proposes schools make do with what already have (Finn). Perhaps the way to reconcile Finn with other critics is to pose the question as more about the *equity* of money rather than the existence of money itself.

Measurement Issues

Second, NCLB's sole measure of success is limiting and misses true growth. Not only does No Child Left Behind treat a school that misses targets for many student groups the same as a school falling short by only one (Dillon), but having a kid move

from 10 to 99 is still considered failing, while a change from 99 to 100 is considered a success, even though the level of improvement is drastically different (Karp, 54). The limited perspective of reaching one specific target limits the ability of not only students but schools to succeed. By not distinguishing between schools barely missing one AYP target and schools that fail miserably on multiple measures does not allow schools to learn from each other and themselves, but punishes students and schools. One interesting measurement dilemma rests in the way districts report school data. Because most states separate data by district rather than individual schools, the state determines if the district as a whole and all subgroups meets targets. “A curious twist is that a district may fail to achieve AYP even though all of its schools achieve AYP because the district is held accountable for subgroups too small to be counted at the school level” (25, Gamoran). Thus, even schools that are potentially not failing NCLB requirements may be listed as failing due to NCLB’s limited measurement.

Problems with Federalism

Not only is the measure of success inadequate, but the federal system allows states to define proficiency themselves. In other words, there is a fundamental problem with federalism and creating a uniform educational system, then, in that federal mandates cannot be imposed federally if states are given the right to define federal mandates. By allowing states to define proficiency, a state is able to manipulate the standards for their specific state to meet proficiency, but it also means that standards are different in each state.

Almost a third of the states’ tests are based on weak standards (Fusarelli, 81). States have begun lowering their standards or are “creatively interpreting and evaluating school

performance,” which is an unintended policy consequence that has contradicted federal goals. However, without the power to force states to define a high standard level and yet creating monetary sanctions for NOT meeting national standards, federal policy has created a precarious situation for itself (Fusarelli, 85).

In addition, NCLB works on the assumption that all schools in all states can educate students at a relative standard level, and relies on six assumptions of state testing:

1. Tests assess the most appropriate content to be taught, learned and tested
2. Test content is included in the curriculum
3. School personnel understand what is to be tested
4. The test is not a minimum competency exam
5. Funding is equitable statewide so that poor districts have sufficient resources
6. Sufficient staff development is provided (Fusarelli, 84).

However, even if schools do meet “proficiency” everywhere, because proficiency differs by state, the achievement gap still exists, and the measure is useless (Holland, 56).

In addition, equity in schooling and opportunity is unable to be achieved without a national curriculum and with national testing aligned to this curriculum. It is possible that because of the handicaps NCLB has at the federal level that the act may produce a fundamental realignment of power and authority within the educational system in the United States, moving power away from school districts toward the federal level (Fusarelli, 83-4).

Other Problems

Of course money, measurement, and federalism are not NCLB’s only shortcomings. First, the successes that NCLB claims are more likely successes of earlier state interventions. For instance, attention on 4th grade math improvement since NCLB’s enactment may be overstated because gains really began in 1986 and therefore are “likely buoyed by earlier state-led, not necessarily federal, accountability reforms” (Fuller et al,

268). In addition, stagnant 8th grade reading levels show that even NCLB ‘successes’ are not really successes (Hirsch). The gap between economic classes isn’t disappearing, either: in 2002, 17 percent of poor eighth-grade students (measured by eligibility for free or reduced-price school lunches) were proficient in reading; in 2005, that number fell to 15 percent (Tough). On top of successes being overstated, NCLB is likely to narrow curriculum. No Child Left Behind requirements force teachers to spend more time on test-prep and drill exercises and less on authentic teaching and studying material that is not covered on state tests. Of course, “nothing is wrong with teaching to the test if the test covers the curriculum because by teaching the material covered in the test, teachers are following the curriculum. Unfortunately, studies demonstrate that state tests are seldom aligned with the actual curriculum in use” (Fusarelli, 79). Narrowing the curriculum also leads to nonacademic areas being marginalized or even eliminated, although these areas also increase school quality in the long run. The idea of a balanced curriculum has thus been lost, and schools now “ignore one of the primary goals of public education—the development of civically minded, democratic citizens” (Fusarelli, 80)

But perhaps NCLB’s biggest dearth is in its ability to accomplish its main goal. Can No Child Left Behind fulfill its promise to completely eliminate the achievement gap by 2014? Most scholars agree, schools can, and have proven, that they can do a lot in narrowing the gap, but none have completely closed the gap. These same scholars promote a multifaceted approach to dealing with the achievement gap: we cannot expect students that arrive at school at such a disadvantage to catch up without proper nutrition, health care, etc. “NCLB imposes a mandate on schools that is put on no other institution

in society: wipe out inequalities while the factors that help produce them remain in place”

(Karp, 54). At the same time, Kati Haycock makes an interesting point:

If you talk about the impossibility of getting poor kids or minority kids to high levels of achievement unless all these things take place in the outside world, you can, if you're not careful, convey a belief that you think the children's capacity is limited and that you think they are essentially worth less than other children. Language is very, very important (62, Holland).

This is an important consideration, and therefore something that needs to be addressed.

The deficiencies of No Child Left Behind show that policy cannot fix everything if the policy does not address the problem at its root, rather than its end product. The achievement gap does not begin merely when a student enters school; therefore, it does not make sense to wait until a child enters school to try to solve the problem that has grown for five to six years at that point. One comparison describes the situation particularly well:

If this sounds unfair and absurd, that's because it is. Imagine a federal law that declared that 100 percent of all citizens must have adequate health care in twelve years or sanctions will be imposed on doctors and hospitals. Or all crime must be eliminated in twelve years or the local police department will face privatization (60, Karp).

Without addressing the structural inequalities that pervade America today in the form of “ethnic and class bias, interest group pressure, and built-in structural and societal inequities all intertwined with longstanding, complex problems in families and communities, and with skewed economic opportunity structures” (Fusarelli, 89), the policy merely does not reach far enough. Perhaps Fusarelli says it best and most succinctly: “It is the cruelest illusion to promise far more than we will ever deliver” (87, Fusarelli).

HEALTH FACTORS RELATED TO THE GAP

If poor students enter school at a disadvantage, there must be certain traceable factors that we can point to. One of the most obvious and easily explained variables is the lower health quality for poor children and families, which then impair cognitive development. With lower levels of care in poverty, children start out at a disadvantage that has nothing to do with genetics, but has everything to do with poverty and poor health care.

From conception through age three, children's brain growth is particularly critical as it grows at its fastest rate in these years (183, Tanner et al). For the brain to develop normally, certain factors must be present, including "the availability of oxygen, protein, energy, and micronutrients as well as, after birth, sensory stimulation, activity, and social interaction" (183, Tanner et al). Because of the unavailability of some (or many) of these variables in a poor child's development, brain development may be stunted. The lack of adequate nutrition and health care for poor pregnant women has shown to result in poor birth outcomes, later resulting in cognitive delays (184, Tanner et al).

The impact of health on achievement cannot be underestimated; however, research has shown four different areas of deficiency that are related to poor achievement in school: Protein-Energy Malnutrition (PEM); iron deficiency; iodine deficiency; and zinc deficiency. PEM "increases the risk of neurological and psychiatric disorders in later childhood as well as physical growth delays" (187, Tanner et al). "Iron deficiency anemia affects as many as one quarter of low income children in the United States and is a significant cause of cognitive delays in young children. Specifically, it can cause

permanent damage to neurotransmission, affecting attention span, memory, and behavior” (187, Tanner et al). Iodine deficiency in early pregnancy “can impair the fetal central nervous system, resulting in severe mental disabilities and serious neuromotor and hearing impairments in the infant” (188, source 5). Research has also “established a link between zinc deficiency and growth delay, diarrhea, pneumonia, neuropsychological problems, and abnormalities in fetal development” (188, Tanner et al).

Somehow, however, the No Child Left Behind Act was meant to address the achievement gap without actually addressing the issues at all. If the Act was truly interested in boosting disadvantaged students’ scores, health status of these students should be the first place to look. As Adam Gamoran describes, “conditions associated with poverty were identified as major reasons for lower performance at school entry (for example, exposure to lead; alcohol and tobacco, low birth weight; poor nutrition; and lack of a stimulating and supportive home and child care environment)” (Gamoran, 23).

FAMILY/ HOME ENVIRONMENT

Gamoran alludes to the importance of not only health but of the home in the achievement gap. Tough describes a study by Betty Hart and Todd Risley, which found that the number of words spoken to their child closely correlated with the child’s vocabulary, and that vocabulary growth differed sharply by class. “By age 3, children whose parents were professionals had vocabularies of about 1,100 words, and children whose parents were on welfare had vocabularies of about 525 words. The children’s I.Q.’s correlated closely to their vocabularies. The average I.Q. among the professional children was 117, and the welfare children had an average I.Q. of 79... By age 3, the

average child of a professional heard about 500,000 encouragements and 80,000 discouragements. For the welfare children, the situation was reversed: they heard, on average, about 75,000 encouragements and 200,000 discouragements” (Tough).

While the IQ test is controversial, especially at such a young age, the gap in scores is still important to note, as it shows the differences in testing. While the test does not assess intelligence per se, it is a relatively good predictor of future test achievement, and at the heart of the matter, NCLB is interested in test achievement. In addition, it follows that if IQ tests are already showing significant gaps in future achievement, intervention must occur earlier or in higher amounts if we want to close this gap.

There is a direct link and negative correlation between poverty (family income) and student performance on standardized tests (Karp, 59). “Before even entering kindergarten, the average cognitive score of children in the highest SES (socioeconomic status) group are 60 percent above the scores of the lowest SES group” (Karp, 61, quoting EPI study) These gaps are due to preventable factors, and the fact that NCLB “allow[s] this kind of inequality to grow, while mandating 100 percent equality in standardized test scores...not only makes no sense educationally, is morally inexcusable” (Karp, 61).

POLICY PROPOSALS

As NCLB tries to reform itself, one major flaw that pops into focus is the overwhelming number of “failing” schools, according to its own criteria. Over the past six years, the standards of No Child Left Behind have deemed one in ten public schools as ‘in need of improvement.’ As these are not quite the results NCLB was intending to

enjoy, the federal government is planning on giving a few states permission to pilot a new reform program. The program will allow 10 states to distinguish between schools that are truly in need of reform and those that are weak on only a few issues (Dillon). The fact that NCLB has to weaken its own standards is a clear sign that a true reform is needed. The following describes five different policy proposals that could help No Child Left Behind attain its goal of closing the achievement gap.

First, in order to address the gaps that students enter school with, early and continued intervention is necessary for students from a low-SES background. What is the point of an intervention if, by 8th grade, students' scores drop again? Long-term results should be the goal, and the first way to address initial gaps is through early childhood intervention. Programs such as Headstart have had a decent amount of success, but are grossly under-funded, as the long wait list to enroll shows. Other programs, such as the Perry Preschool Project and the Abecedarian School, have shown longer, sustained results that affect more than just the student's academic achievement. However, as academic achievement should conceivably be an important part of educational reform, and early intervention programs have not shown sustained results, a continued intervention is necessary. Programs like KIPP have proven to increase low-SES students' achievement, graduation rates, and college entrance rates. Tough describes the poor performance of so many poor schools, but discusses a trend that could lead policymakers in the direction of success: "But the evidence is becoming difficult to ignore: when educators do succeed at educating poor minority students up to national standards of proficiency, they invariably use methods that are radically different and more intensive than those employed in most American public schools" (Tough). Implementing

programs such as Headstart, KIPP, and others nationwide in the poorest areas could go a long way in closing the achievement gap (Holland, 57).

Second, the problems revolving around federalism have already been discussed quite thoroughly; therefore, it does not need to be repeated here. Suffice it to say, with a more centralized system, standards would be the same nationwide, which would solve quite a few problems right there. Having the same federal standards would go a long way in “achieving some educational objectives—such as securing civil rights or equalizing school funding” (Fusarelli, 85), but without a greater degree of centralization, inequities will be able to continue without remedy.

Third, most of the focus on education in recent years has been centered on elementary education. More attention needs to be directed toward the high schools. Because of the stagnant and, in some cases, even declining achievement rates at the high school level, gaps are continuing to increase (Haycock, 40). In the same spirit of continuing intervention, we cannot bring students so far just to drop them again at the high school level. It is not fair to students, nor does it make sense for the community in the long run. With more focus on high school achievement, perhaps more students will graduate with their high school diploma, attend college, use less Welfare, and build up other public goods.

Multiple measures of achievement also need to be created. Test scores can only show so much, and do not show individual progress, on which there should be more emphasis. True gains in achievement for the individual, such as moving from a score of 18 to 88 should also be tested and rewarded (Gamoran, 3). This idea of an individual growth model is supported by both Hillary Clinton and Barack Obama, and bases its

concept on expecting increased performance at the individual level, established by their starting point.

Finally, the importance of teacher quality cannot be overlooked by policy. “Quite simply, we will not close gaps in achievement until we close gaps in teacher quality” (Haycock, 41). Research shows that a high quality teacher is perhaps the most important resource a student can have. While NCLB “requires that all teachers in core academic subjects be “highly qualified” by 2005-06,” the actuality of “highly qualified” is not truly the case in many areas, and poor and minority students still do not have equal access to highly qualified teachers (Edley, 10). The *Pygmalion in the Classroom* study proves the importance of teacher expectations on student achievement (Bognar even shows a correlation of over .5 between teacher expectations and students’ reading level), and also shows that the more educated the teacher, the less effect expectations have on children. Policies to ensure that teachers are highly qualified (not necessarily *certified*; these two concepts are different) are important to the future success of our students.

Haycock makes a solid point when she says that schools should focus on what they can control (Holland, 57). At the same time, however, *policy* should look at the bigger picture; indeed, it would be irresponsible to not do this. If we expect any of our policies to be successful, it is important to look at it in context, spanning across educational boundaries, as education is not just affected by what happens in the school building, five days a week, nine months a year.

EQUITY AND “FAIR PLAY”: JUSTIFICATION FOR POLICIES

The rationale behind Title I of NCLB is the notion of equity. Poor and rich students alike should have equal opportunity to attend a decent public school and receive

a solid education. The problem, however, lies in the notion of what equality truly is. Equity and “fair play” as discussed by Karns and Parker centers around the idea of leveling the playing field, because of the substantial benefits white, nonpoor students have as compared to their poor counterparts. There must be extra help for those that are not privileged. Only in this way will there truly be “equity,” which is not just giving everyone the “same” opportunity. Karns and Parker describe this notion of fair play quite simply:

Equity in education relies on equal access to learning experiences and fair play during those experiences...In the *Lau v. Nichols* case before the Supreme Court in 1974, the justices decided 9-0 in support of the premise that the ‘equal treatment of unequals’ makes a ‘mockery of education.’ ...This is ‘fair play’ and requires that all students get [a decent education] no matter what it takes: more time, more effort, more money. Indeed, some students need “ballast-like” support activities to make their educational sailing smooth and help them reach their destination... All students should expect a safe and productive educational experience aboard the best possible vessels with competent and caring people at the helm. It is only fair (Karns and Parker).

This is essentially the same point that Sen makes in his discussion of income: “*Relative deprivation in the space of incomes can yield absolute deprivation in the space of capabilities.* In a country that is generally rich, more income may be needed to buy enough commodities to achieve the *same social functioning*, such as ‘appearing in public without shame (Sen, 115).’ What Sen and Karns and Parker mean is, “equal” in the sense of *the same* is not always equal. For education truly to be equal, some additional features are needed to boost disadvantaged students’ levels up to the same starting point at which their advantaged peers are already privileged to be.

CONCLUSION

It is clear that students are entering school with gaps, but from factors that are somewhat malleable. There is a potential for recovery from coming in with gaps, particularly related to health and nutrition. Tanner et al claims that “recovery may be possible with improved nutrition, environmental stimulation, and emotional support even if intervention occurs after the period of maximum brain growth” (187, Tanner et al). Schools can focus on creating a nutritious school meal program which might help, especially if there was the possibility to enact the program year-round, as summer years can put disadvantaged students behind again for the following school year. It is important that NCLB realizes that without early and sustained intervention, as well as better health care for all children and pregnant women, the achievement gap will continue and make job of diminishing the gap more difficult. If NCLB tackles the problem at its heart, however, and connects issues together, real progress can be made.

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SOURCE INFO

- Anderson, Sharon; Medrich, Elliott; Fowler, Donna. "Which achievement gap?" Phi Delta Kappan. 88.7 (Mar 2007) 547-550.
- Dillon, Sam. "U.S. Eases 'No Child' Law as Applied to Some States" New York Times 19 March 2008.
<http://www.nytimes.com/2008/03/19/us/19child.html?_r=1&partner=rssnyt&emc=rss&oref=slogin>
- Edley, Christopher J. « Keeping the Promise of 'No Child Left Behind.' » Testimony before US House of Representatives Committee on Education 24 July 2002.
- Finn, Chester E. "5 Myths About No Child Left Behind." Washington Post 30 March 2008; B03.
<<http://www.washingtonpost.com/wp-dyn/content/article/2008/03/28/AR2008032802976.html>>
- Fusarelli, Lance D. "The Potential Impact of the No Child Left Behind Act on Equity and Diversity in American Education" Educational Policy, 18.1 (2004): 71-94.
- Gamoran, Adam, ed. Standards-Based Reform and the Poverty Gap: Lessons for No Child Left Behind. Washington, DC: Brookings Institution Press, 2007.
- Haycock, Kati. « No More Invisible Kids. » Educational Leadership. (Nov 2006) : 38-42.
- Hirsch, E.D. "The Knowledge Connection." Washington Post 16 February 16, 2008; A21. <<http://www.washingtonpost.com/wp-dyn/content/article/2008/02/15/AR2008021503008.html>>
- Holland, Holly. « Can educators close the achievement gap ? an interview with Richard Rothstein and Kati Haycock. » National Staff Development Council. 28.1 (2007) : 54-58.
- Karns, Michelle S. and Parker, Dennis R. "Fair play: accepting responsibility for student results: equity in education relies on equal access to learning experiences and fair play during those experiences." 01 Jan 2007.
<<http://www.thefreelibrary.com/Fair+play:+accepting+responsibility+for+student+results:+equity+in...-a0159487583>>
- Karp, Stan. "NCLB's Selective Vision of Equality: Some Gaps Count More Than Others." Many Children Left Behind: How the NCLB Act is Damaging Our Children and Our Schools. Eds. Deborah Meier and George Wood. Boston, MA: Beacon Press, 2004. 53-65.

- Mayer, Susan. "How Rich and Poor Children Differ." What Money Can't Buy. Cambridge, MA: Harvard University Press, 1997. 39-54.
- Pinkerton, James P. "A Grand Compromise." The Real State of the Union. Ted Halstead, ed. NY: Basic Books, 2004. Chapter 15.
- Rudalevige, Andrew. "The Politics of No Child Left Behind." Education Next. 3.4 (2003). <<http://www.hoover.org/publications/ednext/3346601.html>>
- Sen, Amartya. Inequality Reexamined. Cambridge, MA: Harvard University Press, 1992.
- Singham, Mano. "The Achievement Gap: Myth and Reality." Phi Delta Kappan. (April 2003): 586-591.
- Tanner, Emily M. and Finn-Stevenson, Matia. "Nutrition and Brain Development: Social Policy Implications." American Journal of Orthopsychiatry, 72.2 (2002).
- Villavicencio, Monica. "No Child Left Behind." PBS Online NewsHour. (21 August 2005). 13 Mar 2008.
<http://www.pbs.org/newshour/indepth_coverage/education/no_child/basics.html>

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APPENDIX

Table 1, *from hoover.org*

Federal Standards and Accountability Legislation Leading to the No Child Left Behind Act									
	STANDARDS			ASSESSMENT			SANCTIONS		
	Standards Established	Deadline for Proficiency	Disaggregation of Performance	State Testing	High-Stakes National	Adequate Yearly Progress	School Improvement Plans	Restructuring of Schools	Public School Choice
Reagan administration/ George H. W. Bush administration (1981-1992)	Yes, voluntary standards	No	No	No	Proposed, NAEP as benchmark (not passed)	No	No	No	Proposed, tuition tax credits and Title I vouchers (not passed)
103rd Congress (1993-1994)	Yes, for Title I students	No	No	Yes, three tests between grades 3 and 12	No	Yes, but vague	Yes	No	No
106th Congress (1999-2000)	Proposed, for all students (only passed the House)	Proposed, ten years (only passed the House)	Proposed (only passed the House)	Yes, three tests	Proposed, voluntary (implementation banned)	Proposed (only passed the House)	Proposed (only passed the House)	Proposed (only passed the House)	Proposed not passed
George W. Bush presidential campaign (2000)	Yes	No	Partial	Yes, annual tests for grades 3-8	Yes, NAEP as benchmark	Yes	Yes	Yes	Yes
No Child Left Behind Act (2001)	Yes, mandatory for all students	Yes, 12 years	Yes, by race/ethnicity, LEP, disability, and Title I students	Yes, annual tests for grades 3-8, one in 10-12	Partial, NAEP required but not linked to funding	Yes	Yes	Yes	Partial, plus supplemental services vouchers

SOURCE: Author