

The 15th Bracey Report On the Condition Of Public Education

Mr. Bracey has once again tracked a year's worth of developments in education that run the gamut from atrocities to zaniness.

BY GERALD W. BRACEY

IT WAS A VERY full year. Several important topics had to be omitted from this year's report because of space limitations. One of those — school dropouts — I plan to return to in a forthcoming Research column. The space crunch also prevents me from giving full-fledged Golden Apple presentations to Sarah Carr and Alan Borsuk of the *Milwaukee Journal Sentinel* and Doug Oplinger and Dennis Willard of the *Akron Beacon Journal*. Their respective series reported on Milwaukee's voucher schools after 15 years and on home schooling.

An apt characterization for the past year might be "Testing Is Driving People Crazy." Unrelenting assessment pressure did seem to detach people from their psychological and moral moorings, and we begin this year's report with a few of the more atrocious test-related outrages.

ATROCITIES

Those who can make you
Believe absurdities
Can make you
Commit atrocities.

— Voltaire

- In Aberdeen, Washington, fourth-grader Tyler Stoken was clipping along on the WASL, the

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state test, when he hit a writing prompt: "You look out one day at school and see your principal flying by a window. In several paragraphs, write what happens next." Tyler couldn't think of what to write, so he didn't write anything. Tyler's teacher repeatedly urged him to finish the test. When he just sat there, she called in Olivia McCarthy, the principal. McCarthy tried, unsuccessfully, to induce Tyler to complete the story. She summoned his mother to the school, but the parent had no more luck than the teacher or principal.

McCarthy suspended Tyler for a week. Tyler was also banned from the after-WASL party, which included pancakes and the movie *Lemony Snicket's A Series of Unfortunate Events*. "They said I don't deserve to be at any party," he said, adding that he was told he ruined everything for everyone at the school.

McCarthy wrote Tyler's mother that, because Tyler would receive a zero on the writing section and because there were only 10 students in Tyler's class, his recalcitrance would lower the class score considerably. Tyler's action, she said, "impacts Tyler, his classmates, his grademates, and his school. As we have worked so hard this year to improve our writing skills, this is a particularly egregious wound. . . . The fact that Tyler chose to simply refuse to work on the WASL after many reasonable requests is none other than blatant defiance and insubordination. Therefore a reasonable consequence is a short-term suspension."

Aberdeen superintendent Martin Kay immediately apologized for the suspension and asked William Keim, superintendent of the relevant intermediate Educational Service District, to investigate. Keim in turn hired a private consultant who delivered a polite 30-page report in cautious bureaucratese that said, essentially, "The principal blew it." Cost: about \$4,000.

Tyler's mom joined Mothers Against WASL.¹

- Texas teacher Judith Bingham reported that four of her Hispanic students who attend bilingual classes failed the TAKS, the state test, for the second time. "They have tried. They missed the mark by one question. They are pulled from my class and taken to a sixth-grade teacher. He spends all morning teaching them 'new' strategies. The strategies are not new but are presented by yet one more person. . . . While they are tutored, they get no P.E., no music, and no library break. I'm asking the public, Can't we do something to stop this? Accountability is one thing; abuse is something else."²

- In Bennett, Colorado, teacher Frank Maes decided that CSAP, the state test, accomplished nothing more than to "label schools and kids. Pressure from administrators has reduced kids to test scores." Maes wanted his sixth-grade daughter exempted from the tests. Fine, said the district, but if she doesn't take the test, she doesn't get promoted to seventh grade. As with Tyler Stoken and the WASL, kids who don't sit for the CSAP become zeroes when the state tallies up the schools' grades. Superintendent George Sauter defended the policy, stating that Bennett is a small district and that 13 students had failed to show for an earlier administration of the test. "By students not taking [the test], it was a negative to the school district." Maes' daughter took the test.³

- In Athens, Ohio, John Wood failed to graduate from high school because he refused to take the Ohio Proficiency Tests. Writing in the *Athens News*, Wood said, "I did this because I believe these high-stakes tests are biased, irrelevant, and unnecessary. . . . In 13 years of testing, Ohio has failed to conduct any studies linking scores on the proficiency test to college acceptance rates, dropout rates, college grades, income levels, incarceration rates, scores on military recruiting tests, or any other similar statistic."⁴ For his intuitive understanding of the construct of "consequential validity," Wood earns a Golden Apple (see page 140). He also got accepted at several colleges.

- In Corpus Christi, a car crash killed 16-year-old Clydesa Coleman's younger brother and sent her to the hospital with broken bones and an impairment of her short-term memory. The district asked the Texas Education Agency for a TAKS waiver for Clydesa. The TEA refused, as it does "in virtually every case," according to *Corpus Christi Caller-Times* reporter Icess Fernandez. Fernandez recounted the story of Cynthia Sosa, who had spent the night before TAKS in the hospital with an infected stomach rash. Doctors administered antibiotics, told her not to wear anything on her stomach, and not to go to school. But at 8:30 that morning, Sosa received a call from her principal: come in and take the test. The principal said she "didn't want to call Sosa in, but she had to because it would affect Miller [High School] negatively if she didn't."

In Clydesa's case, the school dispatched assistant principal Claude Axel to the hospital, TAKS in hand. "I thought it was inhumane to administer the test to someone who earlier was fighting for her life. Even for me to ask the question didn't make sense." It made no sense to Clydesa either. She refused. She took the tests later.⁵

- The 14th Bracey Report lauded the Ohio Legislative Office of Education Oversight (LOEO) for its five annual hard-hitting reports on the low test scores of charter schools and their refusal to collect accountability data that Ohio law requires all schools to assemble. In its final report, the LOEO described necessary corrective actions and recommended that if the Ohio Department of Education and the charter school operators did not follow them, the legislature should terminate charter school funding.

So the legislature terminated the funding . . . of the LOEO.⁶ In a state where charter schools have been associated with greed and corruption and low test scores from the beginning, the legislature shifted all oversight of the state's \$426-million-a-year charter experiment from the Ohio Department of Education to, among others, an orphanage in Cincinnati, an apostolic church in Hamilton, a federal housing contractor in Columbus, an African Ameri-

The Golden Apple Awards

The Sam Messick Best Intuitive Understanding of Consequential Validity Award

goes to John Wood. In the 1980s Sam Messick brought forth the idea that the validity of a test rested in part on its consequences. The contention remains controversial. For some, validity still applies only to the accuracy of the inferences made from test scores, not to the things — grand or stupid — that people do as a consequence of those scores. In any case, few people have ever expressed as succinct an understanding of Messick's idea as high school non-graduate John Wood, whose story is told on p. 139.



can cultural center in Cleveland, and a county educational service center in Youngstown.⁷

State Sen. Teresa Fedor, a former teacher, has introduced a bill to restore LOEO's funding, but the *Cleveland Plain Dealer* says, "Fedor probably has an uphill fight on her hands."⁸

The carnage described in these stories illustrates Campbell's Law, formulated by educator Donald Campbell in 1975: "The more any quantitative social indicator is used for social decision making, the more subject it will be to corruption pressures, and the more apt it will be to distort and corrupt the social processes it is intended to monitor." Campbell's Law provides the leitmotif for a 182-page collection of atrocities uncovered by Sharon Nichols of the University of Texas, San Antonio, and David Berliner of Arizona State University.⁹ They organize evidence of the "inevitable corruption of indicators and educators" into 10 categories: 1) administrator and teacher cheating, 2) student cheating, 3) exclusion of low-performance students from testing, 4) misrepresentation of student dropouts, 5) teaching to the test, 6) narrowing the curriculum, 7) conflicting accountability ratings, 8) questions about the meaning of proficiency, 9) declining teacher morale, and 10) score-reporting errors.

GROUNDHOG DAY AND GLOBAL COMPETITIVENESS

You could call it crying wolf or claiming that the sky is falling. But I chose another metaphor, Groundhog Day.¹⁰ In the movie of the same name, the same day repeats itself over and over, and no one but Bill Murray's character can

notice. Ever since *A Nation at Risk* the media and business-people of various stripes have sounded the same alarm: if our schools don't shape up, we are lost, lost, lost. But the media, the businesspeople, and the public seem not to notice that it's Groundhog Day all over again: the same prediction is made, but it never comes true.

The latest chorus of we're-all-doomed-I-tell-you-doomed was occasioned by the release — appropriately enough on Pearl Harbor Day, 7 December 2004 — of the results of PISA 2003. (PISA stands for the Programme for International Student Assessment and is administered every three years by the Organisation for Economic Co-operation and Development.) "Economic Time Bomb" screeched the *Wall Street Journal*, while the *Christian Science Monitor* presented its gloomy scenario as an equation: "Math + Test = Trouble for the U.S. Economy." These headlines, which accurately reflected the stories that followed (they don't always), particularly disappointed because they appeared over front-page accounts by veteran and usually competent reporters, June Kronholz and Gail Chaddock, respectively. One would have hoped they would have known better.

Kronholz and Chaddock soon had lots of company. In the 2 February 2005 issue of *Education Week*, Anthony Carnevale of the National Center on Education and the Economy asked, "Are international results a cause for concern? You bet. You don't have to have the math scores of a rocket scientist to know that in the new high-tech economic world, math and science education is a key asset to global competition."¹¹ In the same issue, Eric Hanushek of the Hoover Institution offered, "The fact is that these [international results] signify something real. Think of these assessments as early-warning signals for later economic welfare."¹²

On February 26, Bill Gates addressed the governors' "summit" meeting and, referring to the PISA 2003 results, lamented, "When I compare our high schools to what I see when I'm traveling, I am terrified for our work force of tomorrow."¹³ One wonders how often Gates' hosts in other nations have escorted him to low-performing high schools.

At midyear, Kurt Landgraf, CEO of ETS, reported, "According to ETS' most recent nationwide survey . . . 76% of adults believe the U.S. will be less competitive 25 years from now if we don't fix our high schools today."¹⁴ Given the projected growth of the Chinese and Indian economies, that statement will probably prove true even if the high schools undertake whatever fixes Landgraf feels they need.

Finally, the cover of the July 25 issue of *Fortune* featured a parody of the old Charles Atlas comic-book body-building ads: at the beach, a brawny Chinese bully grabs a scrawny Uncle Sam, thrusts a fist at him, and says, "Listen here. I'd smash your face — only you're so skinny you

might dry up and blow away.” (I wonder if the Chinese are peeved that China’s flag has been used for the bully’s bathing suit?) The cover text read: “America: The 97-pound Weakling?” Inside, the essay said, in part, “Our primary and secondary schools are falling behind the rest of the world’s.” No evidence was offered, no doubt because none exists.¹⁵

So how did we actually do in PISA 2003 and in TIMSS 2003, released two weeks later?¹⁶ Table 1 shows the U.S. rank among the 40 nations that participated, along with the U.S. score and the OECD average.

	U.S. Rank	U.S. Score	OECD Average
Mathematics	24/40	483	500
Reading	12/40	495	494
Science	19/40	491	500

The mathematics test also yielded a six-level scale. Table 2 shows the percentage of 15-year-olds at each level. (A seventh “level” consisted of all scores below level 1; 10% of U.S. 15-year-olds fell into this category, compared to 8% for the OECD average.)

	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
	%	%	%	%	%	%
OECD Average	13	21	24	19	11	4
U.S.	16	24	24	17	8	2

These results are hardly ideal, but they are hardly worthy of the hysteria displayed by the commentators mentioned above.

The TIMSS 2003 results are shown in Table 3.

	4th Grade			8th Grade		
	U.S. Rank	U.S. Score	International Average	U.S. Rank	U.S. Score	International Average
Mathematics	12/25	518	495	15/45	504	466
Science	6/25	536	489	9/45	527	473

Naturally, the media and the school critics gave much less attention to the more positive TIMSS 2003 results than to the PISA 2003 results. That’s too bad, because no one really knows what PISA measures.

The less hysterical World Economic Forum, a think tank headquartered in Davos, Switzerland, takes a broader view than American reporters and school critics. The WEF ranks 104 nations for global competitiveness. In 2004, the United States was number one.¹⁷

It has been widely reported that the WEF ranks the Finnish economy number one. Not true. It does rank Finland first on its Growth Competitiveness Index, an assessment of a nation’s potential for sustained economic growth. On that index, the U.S. is number two. However, on the overall index, found on page 64 of the WEF’s full 2004-05 report, the U.S. is ranked number one, with a score of 5.21, and Finland is number two, with a score of 5.04.

How can we reconcile the WEF’s benign view of the American economy and our national fate with the dismal perceptions of others? The answer might not sit too well with educators because it can be taken as diminishing their importance. Education doesn’t have the life-and-death impact attributed to it by the authors cited above, because it is only one part of one factor among 12 factors that the WEF terms “The Twelve Pillars of Competitiveness.”

Education shows up in “Human Capital,” a factor it shares with health. If your people are malnourished or dying of AIDS or malaria or diarrhea, the nation cannot be competitive. In America, the average male today lives to be 77; his Russian counterpart makes it only to 58. Most Zimbabweans of either sex are dead before they’re 40. The U.S. ranks 23rd in “Basic Human Capital,” which contains health and elementary education. “Advanced Human Capital” includes secondary and tertiary education. In that category, the U.S. ranks fourth.

The only pillar for which we sink to a truly dismal position is “Macroeconomic Stability.” We rank a lowly 83rd, trailing such powerhouses as Malta, Tanzania, Bosnia, Mali, and Chad, but coming in ahead of Japan, which ranks 90th. We suffer this low ranking for our profligate deficit spending. Governments that run up huge deficits, something we’ve been astonishingly adept at doing since 2001, diminish economic stability and perhaps their political stability as well. Similarly, governments that have to spend enormous amounts of their GDP to service their debt cannot be competitive because they cannot spend that money to improve productivity. It will be interesting to see what rank the 2005-06 report will give the U.S., both in stability and in overall competitiveness.

It is our debt that worries most observers here and abroad, a debt growing at some \$2 billion dollars a day simply from the investment of mostly Asian nations in dollar-based securities. Should China and Japan ever decide to switch their investments into, say, Euro-based securities, they could truly destabilize the U.S. economy. In June, the mere *rumor* that Japan was *thinking about* such a transfer sent the Dow Jones down 150 points in a few hours. If the journalists and pundits I quoted above want something to worry about, I suggest the debt.

This report lacks the space to describe all 12 of the pillars in any detail, but for the sake of completeness, I outline the remaining 10 briefly: institutions (you must have institutions that function reliably, with integrity and without government interference); physical infrastructure (think roads, rails, shipping, airlines, and cheap and reliable phone and Internet service); security; technological readiness; business sophistication; and market openness. A trio of pillars — goods market efficiency, labor market efficiency, and financial market efficiency — represent the basic tenets of a free-market system. And then there is innovation, which the WEF appears to favor above all. It ranks the U.S. number one in innovation. Taking a test is the opposite of be-

The Golden Apple Awards

The Most Creative Use of Statistics Award

goes to David Figlio of the University of Florida. He asks interesting questions. One was, Do boys with feminine names get in trouble in school more often than boys with masculine names? Answer: Yes, but not until emerging sexuality gets caught up in the mix, some time around sixth grade (see Research, September 2005).



Do schools game high-stakes testing programs? Yes, and not always in the ways you might think. Figlio found that school districts with at least one school that was threatened with an accreditation-related sanction under the Virginia testing program served lunches with more calories than usual during the week of testing, but not during the week before or the week after (see Research, September 2003).

Another way states game the system is to suspend kids so they're not in school for the test.¹ Obviously, this wouldn't work in Colorado, where absent kids are assigned zeroes by the state. But it has worked in Florida. Figlio analyzed the length of suspensions given for incidents involving two students. He found that, for the same incident, schools gave longer suspensions to students who were predicted to score low on the Florida state test than to those predicted to do better (based on past performance). While this outcome holds year round, it increases in frequency during the testing window — but only in the grades tested.

1. David Figlio, "Crime, Punishment, and Testing," *Journal of Public Economics*, in press.

ing creative, and so No Child Left Behind could be the greatest innovation inhibitor in U.S. history.

America's for-the-most-part-middling rankings in international educational comparisons have not produced the calamitous economic results that some have predicted for many years, because schools are only one part of one pillar. Let's be clear about this: *education* is critical to a nation's welfare. *Given* education, though, test score differences between the developed nations are trivial. After all, by what criteria do countries get labeled as *developed*? One criterion is that they have a mature, universal, functioning education system that begins early and provides instruction through the postdoctoral level.

But, again, education is only one of a host of factors. Consider a terrorist strike that crippled a subway (the infrastructure pillar) or that induced widespread anxiety (the security pillar); a hacker attack that paralyzed most of the nation's computers; or the widely predicted H5N1 avian flu pandemic. Any of those events would wreak economic calamities that 13-year-olds bubbling in answer sheets on multiple-choice tests could only dream of.

NAEP TRENDS

In July 2005 Secretary of Education Margaret Spellings tried to credit NCLB for gains on the National Assessment of Educational Progress. I don't think so. NAEP had been easing upward for some years, and, while a few of the gains revealed by the 2004 results were larger than usual, five years had elapsed since the last assessment, and NCLB had been "in place" for only two. (In place is in quotes because considerable confusion marked the first year of NCLB.)

Before saying more about the NAEP results, let us note that there are two NAEPs. The "regular NAEP," which generates the results labeled The Nation's Report Card, changes over time to take into account what experts consider important curricular changes. By contrast, the NAEP trend analyses have used the same set of items since the 1970s, although the mathematics assessment no longer counts about a dozen items that require a calculator. In the 1980s the type of calculator used stopped being manufactured, and newer calculators produced anomalous results. The items are still administered to keep the context of the assessment constant, but they are not counted. Thus answers to mathematics questions can be influenced by factors other than mathematical knowledge.

The 2004 trend analysis showed a reading gain for black 9-year-olds of 14 points from 1999, from 186 to 200. However, the scores for black 9-year-olds had risen 16 points be-

tween 1971 and 1999, an upward swing that entirely predated NCLB. Similarly, reading scores for black 13-year-olds rose six points between 1999 and 2004 and another 16 points between 1971 and 1999. Math scores were marked by gains all around, except for white 17-year-olds.

A word here about analyzing NAEP results. The scores should be examined only by ethnicity, not in the aggregate. The reason is that, while blacks and Hispanics score lower than whites, they make greater gains than whites. Their lower scores attenuate the overall average, but that overall average obscures their gains — yet another instance of Simpson's Paradox. For example, for 13-year-olds, the aggregate gain in math from 1973 to 2004 was 15 points. For whites it was 14 points, but for blacks it was 34 points, and for Hispanics, 26 points. Given that an increase of 10 to 12 points represents a year's growth on NAEP, these are considerable differences. Someone should show these numbers to Bill Gates. The demography of the nation has changed greatly in the 33 years that NAEP has tracked trends. Hispanics, for example, did not constitute a large enough sample to form a separate group in the first trend analyses.

The NAEP results in various analyses can be viewed at www.nces.ed.gov/nationsreportcard.

CHARTER SCHOOLS AND THE RIGHT'S CHARTER SCHOOL MELTDOWN

In mid-August 2004 the charter school situation descended into a surreal haze, after a *New York Times* article reported that NAEP data on charters found them wanting. In what has to have been a frantic but coordinated effort, within two days Paul Peterson, William Howell, Martin West, Rod Paige, Floyd Flake, Jay Greene, Jeanne Allen, Howard Fuller, Caroline Hoxby, and Chester Finn, Jr., had saturated newspapers with op-eds attacking the NAEP results and the *New York Times* for publishing them. A few days later, they would take out a full-page ad in the *New York Times*. The Right seemed to have suffered a collective nervous breakdown. A chronicle of the madness appeared in my March 2005 Research column and need not be repeated here.

Finn labeled the analysis a "mischief-bearing grenade delivered by the charter-hating American Federation of Teachers."¹⁸ Surely he must have appreciated the twofold irony in his comment. First, if it hadn't been for Albert Shanker, longtime AFT president, there probably wouldn't be any charters. Conceived in the 1970s by teacher Ray Budde (who died in June of this year), charters failed to thrive until championed by Shanker (who soon distanced himself from them, finding them divisive).

The Golden Apple Awards



The Does Not Compute Award goes to Alec MacGillis of the *Baltimore Sun*. MacGillis' three-part series, "Poor Schools, Rich Targets," finds software companies using the pressures of No Child Left Behind to milk money from poor school districts. "For companies selling education software," writes MacGillis, "the poorer a place is, the better."¹

The companies, such as Plato, Pearson Digital Learning, Renaissance Learning, and Lightspan, entice school people with pathetically small goodies: cruises around the harbor in New Orleans or Baltimore during conventions, open bars, food tidbits, and so on. Said one technology director of the Baltimore cruise, "It was the lap of luxury. . . . They had these leather upholstered couches that you just sink back into. I'm telling you, I could live like this." The companies claim the favors have no bearing on purchasing decisions.

Company "success stories" don't hold up under scrutiny. For instance, Renaissance Learning reported a school making great progress over a four-year period, but MacGillis found the school using Renaissance software only in the fourth year. Pearson trumpets its SuccessMaker in an Arizona school that went from a D school to an A school in a single year, but the school had used SuccessMaker since 1994 with no improvement, and the turnaround year also saw a major curriculum overhaul.

MacGillis notes that NCLB requires the use of "scientifically based research" and then reports that "the software industry lobbied successfully for exempting the law's technology funding program from that standard." (It does apply to the general funding, such as Title I.)

Much of the software is used only for a short period, then ends up on shelves. MacGillis worries that the software creates a new "digital divide." Affluent districts invest more in people and make sophisticated technological use of the machines they do buy. Poor districts invest in programs that provide remedial "drill and kill" that might leave the poor children even farther behind. In Camden, New Jersey, MacGillis watches a student try to cope with a program. The teacher, who does not help him, says, "I enjoy [the computer time]. It gives [teachers] a break during the day. It's a little down time."

1. Alec MacGillis, "Poor Schools, Rich Targets," *Baltimore Sun*, 19-21 September 2004.

The Golden Apple Awards

The Top Brass Award. Could it be the “CSI” effect? “CSI” has reportedly made convictions in criminal cases harder because juries are more savvy and skeptical about the quality of trial evidence. Martin Gunderson, a professor of engineering at the University of Southern California, had an idea to get better science into movies, and the Pentagon is bankrolling it.¹ Worried, rightly or wrongly, that “fewer and fewer students are pursuing science and engineering,” the Army and the Air Force have put up \$150,000 a year for three years to teach scientists how to write screenplays. The American Film Institute has been engaged as the agency of instruction.

This year’s weeklong conclave of scientists and screenwriters included brainstorming ideas and three hours on agents and managers. One idea to emerge: a disaster movie in which Olympic athletes get a virus that makes them smarter. It was rejected on the grounds that the main character was the virus. But as one scientist-turned-screenwriter said of scientists in general, “They’re inherently creative and willing to take more risks than other people. They’re searching for the unknown, they’re compensated very minimally, they’re going on blind faith that what they’re searching for is going to pay off. And filmmaking is exactly the same.”

1. David M. Halbfinger, “Pentagon’s New Goal: Put Science into Scripts,” *New York Times*, 4 August 2005, p. B-1.



More deeply ironic is that Finn *himself* suggested using NAEP to determine charter performance. He proposed the analysis on behalf of the Charter School Leadership Council, an advocacy group “committed to advancing the charter school movement.” The Education Leaders Council, the Progressive Policy Institute, and the Black Alliance for Educational Options joined him in asking for a nationally representative sample of charter schools to be included in NAEP. These worthies, according to Finn, based their proposal on “an instinct: there are schools, we care about how they’re doing, we need to know how their kids are doing, and it’s been bloody hard to get comparable data from other sources.”¹⁹

Finn and company clearly expected the NAEP study to affirm the higher achievement of charter schools relative to regular public schools. When it didn’t, they rejected the study. This was sheer hypocrisy. While Finn complained

bitterly about the study’s limitations, it was he who had imposed those very limitations. He knew long ago that any NAEP analysis would be constrained by them. As head of the National Assessment Governing Board, Finn had vetoed the idea of adjusting NAEP scores for such variables as ethnicity, parental educational level, and income. He feared that the adjusted scores would mask and excuse poor performance. The charter advocates now fumed that charters served impoverished students but that the scores could not be adjusted for income. A limitation of the study, they said. Yes, but a limitation deliberately imposed by Finn.

So how come the AFT ended up conducting an analysis that was properly the responsibility of the U.S. Department of Education (ED)? Because it had become clear that ED, apparently sensing that charters would not show well, might never get around to it. The assessment occurred in the spring of 2003. By the early fall of 2003, ED had posted the regular NAEP results on its website. By the middle of the summer of 2004, though, it had still failed to touch the charter school data.

Of course, once it became public, the AFT report forced ED’s hand, and it red-facedly presented its own study in December 2004. Surprise, the results differed not a whit from the AFT analysis. Of the 22 reading and math comparisons, 20 favored regular public schools, one was a tie, and one favored charters by a single point.

Those who criticize the study persist in referring to it as “the AFT study,” as if the AFT had designed the project, collected the data, and cleverly molded them to further its own devious, anti-charter aims. For instance, in early 2005, Harvard’s William Howell and Martin West wrote, “Where do we begin to sort out the outlandish claims of the AFT study?”²⁰ But the only difference between the AFT report and ED’s was that ED’s press conference releasing the data corroborated a charge often leveled at the Bush Administration: it’s not interested in facts unless it can use them in the service of an ideological or political agenda. At the conference, Eugene Hickok, then-deputy secretary of education, said, “Charter schools that don’t work don’t stay open.” This statement was directly contradicted by a 2004 report on charters that had been commissioned by his own office and conducted largely by researchers at SRI International. That study, delivered five months earlier to Hickok’s office, also found charters underperforming regular public schools but, more to the point with regard to Hickok’s assertion, had this to say about charter school closures: “Charter schools rarely face sanctions (revocation or nonrenewal). Furthermore, authorizing bodies impose sanctions on charter schools because of problems related to *compliance with regulations* and *school finances*, rather than *student*

performance" (emphasis in original).²¹

Sadly, the *New York Times* was forced to use a Freedom of Information Act request to pry this report from Hickok's files. Sadly, too, this doesn't seem unusual these days. One hears over and over that ED is reviewing — and sometimes withholding — reports that used to merit only the disclaimer "the conclusions in this report do not necessarily reflect the position of the U.S. Department of Education." Certainly ED seems to take forever to conduct its reviews. A report on NCLB's supplemental educational services, first submitted in May 2004, has recently been returned for yet another revision.

Some additional light was shed on the ED/AFT reports by *The Charter School Dust-Up*, published in late March 2005. The authors — Martin Carnoy of Stanford University, Lawrence Mishel of the Economic Policy Institute, and Rebecca Jacobsen and Richard Rothstein of Columbia University — attach the label "charter school zealots" to those named above and a few others. The book contrasts them to the many charter school supporters who did not rush to the barricades to defend charters against "attack" by the AFT and the *New York Times*.

The authors review the "dust-up," critique the reactions to the AFT analysis, and then extensively examine studies at both the state and national levels. They declare that they are not opponents of charter schools. "The message of this book is not that charter schools have 'failed,' but only that there is no reason to be surprised that their average performance apparently falls below that of regular public schools." One reason for the low performance, though, is *not* that charters serve a more disadvantaged population that was scoring even lower before they entered the charters — an excuse invoked by such zealots as Jeanne Allen of the Center for Education Reform and William Howell and Martin West.²²

One of the most telling chapters in the book is Appendix A. There the authors show that some of the zealots held the AFT research and the *Times* reporting to a standard that their own research has failed to meet, something pointed out by Lawrence Mishel in "School House Schlock," an earlier critique of Caroline Hoxby's work.²³ The authors refer to the different standards merely as "different," although the standard for the zealots' own work is clearly a lower one.

Early in the book, the authors express hope that their analysis might lead to a more rational examination of charter schools. If the reaction of Chester Finn is representative, that hope was quickly dashed. Finn's bilious reaction seemed aimed at earning a place in the *Guinness Book of Records* for the most ad hominem arguments in the shortest space.

"Taking shots at choice-style education reforms is their [the authors'] vocation and possibly their greatest source of pleasure. . . . In short, EVERYBODY affiliated with this project yearns to dance on the grave of charter schools. . . . And they have the chutzpah to use the word 'zealots' to describe the supporters who shed doubt on the AFT's product? Shame on the handful of gullible journalists that took this screed seriously."²⁴ Note that it is still "the AFT's product," not NAEP's or ED's.

In fact, Martin Carnoy has written balanced articles about vouchers in Chile. Richard Rothstein's "Charter Conundrum" begins, "Charter schools probably will not settle the education wars, but they may provide an armistice." Its last paragraph says, "Letting many flowers bloom through chartering may, in the end, be the best thing that could happen to public schools."²⁵ This expresses a yearning to dance on charters' grave?

And ED's reaction to all of this? Make it harder to determine how well charter schools are performing. ED sharply cut back on the information it collects about charters. "There is nothing sinister or untoward about this," said ED spokesperson Susan Aspey.²⁶ Aspey's reassurance failed to satisfy editors at the *Albany Times Union*. The newspaper called the scaling back "indefensible." "To know what real-

ly works and what doesn't requires comprehensive data — the very data the Department of Education will deny the public."²⁷

In other charter school news around the country, a charter school operator in California, under investigation by the state, closed his 60 schools in mid-August 2004, dumping 10,000 kids on the street and leaving hundreds of teachers and administrators without jobs.²⁸ In Ohio, the Coalition for Public Education accused the Ohio Department of Education of inflating the grades of charter schools. Given LOEO's inability to find charter school data, one wonders how the schools received any grade at all.²⁹

A release from Citizens for Public Schools in Massachusetts charged that the much-ballyhooed "long waiting lists" to get into charter schools in that state were exaggerated. Comparing the enrollments reported to the department of education by charters to the enrollments reported by the department, CPS concluded, the "waiting lists appear to be little more than cooked up numbers served to the public for political gain."³⁰

Pointing to charter scandals, the *Palm Beach Post* editorialized against giving the schools more money. "The last thing charter schools need is more money and less accountability." Given the political clout of those in Florida who use charters as "another weapon in the relentless campaign to harass traditional schools," the *Post* worried that "charter students are more likely to be turned into surrogate guerrilla fighters against the public school system."³¹

In Texas, the *Austin American-Statesman* reported that "the average Texas charter school loses almost half its teachers every year and replaces the lost staff with teachers who are less experienced and have less college education than those working in other public schools."³² Eleven percent of charter teachers in Texas lacked college degrees, and 73% had five years of experience or less. In regular public schools, these numbers were 1% and 36% respectively.

In Ohio, fewer than 45% of the teachers in the state's 250 charters have full state certification. The lowest-performing schools have the highest percentage of under-qualified teachers.³³ And 60% of Ohio charters receive the state's lowest ranking, "Academic Emergency," up from 41% a year earlier. Given NCLB's requirement for 100% "highly qualified" teachers, how can Texas and Ohio use under-qualified personnel? NCLB cannot impose teacher qualification requirements for charter school teachers who meet state requirements.

Meanwhile, Michael Martin, research director for the Arizona School Boards Association, labeled an earlier charter study by the Goldwater Institute a hoax.³⁴ The study claimed gains for students who stayed in charters for three

years. But a number of Arizona charters had been affluent private schools before converting to charter status. Students arriving from public schools showed the smallest gains. Over the three years of the study, 43% of the students returned to public schools, and these students then showed the largest gains of all. Goldwater claimed this as a benefit of having attended a charter school. Martin calls it a "recovery" from having attended a charter. Given that these students had the smallest gains while they attended charter schools, Martin's conclusion seems more reasonable.

NO CHILD LEFT BEHIND: THE MONEY, THE ISSUES

Thanks to Mark Felt's emergence, we all got reminded that Deep Throat supposedly told Woodward and Bernstein, "Follow the money." Good advice, but when I tried it on No Child Left Behind, it didn't work too well.³⁵ A documented money trail is not there. I was not alone in my frustration. Jack Jennings, executive director of the Center on Education Policy, threw his hands in the air over the "supplemental educational services" (SES) provisions and said, "[The states] better put something in place pretty fast. Millions of dollars are being spent and no one knows what's happening."³⁶

The "what's happening" that we don't know about has two aspects. First, we have no idea how effective the providers of supplemental educational services are in general.

Second, we don't know which ones are effective and which ones are not. Nationally, there are over 1,800 approved providers, but the states have tiny staffs to monitor what is going on. Illinois, for example, has 75 approved providers and one person to oversee them; Michigan has 98 approved providers and a staff of 200 for all state department functions.

Not that ED seems to care what's happening. Before he returned from ED to the Thomas B. Fordham Foundation, Michael Petrilli said, "We want as little regulation as possible so the market can be as vibrant as possible."³⁷ ED is holding schools' feet to the fire of accountability, requiring scientifically based evidence for program adoption, but it is inviting providers of supplemental services to sit by that fire with a glass of cognac. NCLB is about the care and feeding of markets, not the education of children. Little wonder, then, that we are seeing headlines like "A Lucrative Brand of Tutoring Goes Unchecked" and "SES: Two Billion Reasons to Worry" (SES is worth \$2 billion a year).³⁸

As with a number of jobs, some tutoring has been outsourced to India, although so far none of it seems to have been specific to NCLB. Finn favors it: "If a Bangalore call center can help you troubleshoot your computer or toaster oven, why can't an English-speaking, Bangalore-based tutor help your child learn the parts of speech or principles of multiplication?"³⁹ I wonder what scientifically based research Finn might offer to support his contention.

ED's hands-off policy toward supplemental providers is doubly troubling in light of findings reported by Clive Belfield and Chad d'Entremont of the National Center for the Study of Privatization in Education, an organization not utterly opposed to privatizing efforts. Looking at a variety of experiments in privatization in the 1990s, they deduce:

- there are no easy administrative savings;
- for-profit providers do not offer instruction that is demonstrably superior to that of public schools;
- there are additional costs in marketing, establishing brand equity, politicking, and community building; and
- few economies of scale exist, making it difficult to franchise the operations.

They conclude, "Disadvantaged students may not benefit from a free market of choice."⁴⁰

It's easier to track the money going into new testing than into the coffers of the providers of supplemental services, although no one has even done this yet on a state-by-state basis. The U.S. General Accounting Office (GAO), noting that prior to NCLB few states had sufficiently large testing programs to meet its provisions, estimated that NCLB testing would cost between \$1.9 billion and \$5.3 billion over a six-year period from 2002 to 2008, depending on what type of tests states settled on.⁴¹ NCLB provided

sufficient funds to cover only the \$1.9-billion figure.

Of course, the \$1.9-billion figure underestimated costs significantly. To begin with, the GAO calculated only how much it would cost to meet the NCLB provision for the 46% of schools that receive Title I funds. But most districts test all schools. If universally true, this would roughly double even the lowest figure.

The GAO figures also didn't include "test-prep" spending. The GAO might have foreseen the amount of test-prep materials that would be used and estimated that cost, but neither it nor Eduventures, an education industry research and marketing firm, could have seen some future developments. For instance, in May 2005 Harcourt Assessment and McGraw-Hill both rolled out new, online testing programs that conduct so-called formative assessments. These are weekly "mini-tests" that teachers can use to see if the kids are progressing toward the Big Test that will determine their school's fate.

While a vice president at ETS, Sharon Robinson reportedly called NCLB the "Test Publishers Full Employment Act." And that was before ETS landed a \$55-million-a-year testing contract with California. An April 2005 examination of "Job Openings" at the ETS Career Center website found 98 professional positions available, *prima facie* evidence that Robinson was right.

In 2003 Eduventures estimated that spending on testing and test prep would rise from \$1.81 billion in 2003 to \$2.29 billion in 2006. If one extends the projection to cover the same six-year period as the GAO's study, then states will spend \$5.4 billion for testing and test prep between 2002 and 2008. (The extrapolation is reasonable because Eduventures' projections are linear.)

There is lots of money to go around, but FOGs — Friends of George — seem to benefit especially. The President signed NCLB into law on 8 January 2002. On 1 May 2002, NCLB architect and Bush advisor B. Alexander "Sandy" Kress registered as a D.C. lobbyist. His lobbying efforts have garnered \$4 million⁴² — with NCS Pearson, which has the \$57-million-a-year testing contract in Texas, being the most generous contributor. The \$4-million sum does not include money Kress received as a Texas lobbyist from McGraw-Hill, Kaplan Learning Centers, Kumon North America, Bill Bennett's K-12, Inc., and The Teaching Commission, former IBM CEO Lou Gerstner's latest venture.

Four years ago, Stephen Metcalf documented the tight ties between the Bush and McGraw families — they vacationed together; Harold McGraw, Jr., was on the board of Barbara Bush's foundation and received an award from George H. W. Bush; and Harold McGraw III served on the George W. Bush transition team and visited the President

in the White House the first day he occupied it.⁴³ A *New York Times* profile of McGraw III, who now heads the publishing empire, mentioned in passing that he had lobbied for NCLB.⁴⁴ What a surprise.

McGraw-Hill and CTB/McGraw-Hill have benefited mightily from the connection. When Bush was governor of Texas, most reading contracts landed in McGraw-Hill's lap. Most of the consultants brought in to advise on his reforms were McGraw-Hill authors. A small coterie of mostly McGraw-Hill authors also seem to control the \$1 billion a year that flows from the Reading First provisions of NCLB; *Education Week* has referred to them as both a "select group" and an "in group."⁴⁵ Elaine Garan of California State University, Fresno, once tried to connect the dots to link the members of this group:

For one of my presentations, I made an overhead transparency of some of the vested financial interests of the scientific researchers and their connections to government policy. I tried color-coding to make the links easier to follow. When I came to Edward Kame'enui, I ran out of colors. He has financial links at so many levels, I can't list them all here. . . . The bottom line is that we have a handful of researchers with financial links to their own research. They do the research

- that supports their programs,
- that supports their own professional development enterprises,
- that matches the assessments they designed,
- that supports their own learning programs,
- that align with government mandates,
- that are based on their own research.⁴⁶

INTERLOCKING DIRECTORATES ANYONE?

Kame'enui co-authored a "Consumer's Guide" to evaluating reading programs, a guide used in virtually all Reading First applications. He is now the commissioner of special education at ED.

Ask Cindy Cupp of Savannah how tough it is to break into the inner circle. On retiring as the reading director for the Georgia Department of Education, Cupp started publishing K-1 beginning reading texts. Several Georgia districts included her materials in their Reading First applications. All were rejected. The Georgia Department of Education has admitted that reviewers of the applications were supposed to simply review the application, not evaluate the programs the applicants planned to use, but evaluate they did. One reviewer who gave Cupp's materials a negative evaluation admitted later that *she had not actually seen them*.⁴⁷

Or ask Robert Slavin of Johns Hopkins University, who

in May filed a complaint with the inspector general of ED asking for an investigation of Reading First mismanagement. The number of schools using Slavin's Success for All has slipped by several hundred since Reading First appeared, and the Success for All Foundation has had to lay off over 300 employees. "We believe that the federal government enabled a small group of individuals to direct significant federal resources to a small group of companies, thus both restricting our ability to trade and subverting the explicit intent and language of the Reading First statute," read the complaint.⁴⁸

In late June, the Success for All Foundation filed a second complaint, this time with the Ethics Division of ED, asserting conflicts of interest at the Reading First technical assistance centers (TACs) because people staffing those centers have ties to products sold by SRA/McGraw-Hill, Voyager, and Pearson. The complaint then specifies eight conflicts existing at the Western Regional TAC at the University of Oregon — Kame'enui's university — four at the Central TAC at the University of Texas, and similar conflicts at the Eastern TAC at Florida State University.

On August 4, the Reading Recovery Council of North America, also excluded from the Reading First programs, filed a complaint with ED's inspector general. Its complaint alleges that the implementation of Reading First restricted state and local control in the selection of materials, in violation of a section of the NCLB law; that ED has excluded one-on-one instruction in the program, contradicting the statute, congressional intent, and research findings; that the application of "scientific research" findings has been selective; and that ED has supported a campaign against Reading Recovery. On August 7, the *USA Today* website reported that the inspector general had opened "a preliminary investigation into possible mismanagement" of the program.⁴⁹

The most visible clash between what a district wanted and what Washington insisted on occurred in New York City. The district tried to install Phonics Month by Month, a beginning reading program developed by Patricia Cunningham and Dorothy Hall of Wake Forest University. Not enough phonics, said Washington. The city hung tough for a while but eventually caved in and, in order to secure the \$34 million at risk, selected the Voyager Expanded Learning series, developed, in part, by Kame'enui.

Voyager's story also illustrates relationships that some people might consider a little too cozy. Voyager was founded by Randy Best, a Bush "Pioneer" with no prior experience in education except as a purveyor of cheerleading equipment. "Pioneers" are people who raised at least \$100,000 for Bush's first run for the Presidency. Best's senior vice

president was Jim Nelson, whom Bush had earlier appointed as the head of the Texas Education Agency.⁵⁰

Nelson left Voyager in 2004 to become superintendent of the Richardson, Texas, school district. His wife, Karen, remains a Voyager vice president. A month after Nelson's appointment in Richardson, the district began purchasing large quantities of Voyager materials. Total expenditures exceeded \$400,000, but no single purchase order ever exceeded \$250,000. Purchases under \$250,000 do not need the approval of the school board. An earlier Richardson superintendent, Vernon Johnson, also purchased Voyager curriculum materials for the district before taking a new job as Voyager's CEO.⁵¹

Outside of Texas, Voyager has also rewarded friends. It contributed \$56,750 to Georgia State Superintendent Linda Schrenko's failed gubernatorial campaign. The gift came shortly after Schrenko had awarded Voyager a \$1.1-million contract, apparently without apprising the state board of education. In 2004, the federal government charged Schren-

ko with 18 counts of conspiracy, wire fraud, and the theft of over \$500,000, \$9,300 of which was allegedly used for a face lift.⁵² As of mid-August 2005, no trial date had been set.

The widespread use of Voyager would be one thing if Voyager stood head and shoulders above the crowd as an effective reading program, but it does not. In a letter to New York City Schools Chancellor Joel Klein, New York City Public Advocate Betsy Gotbaum observed that Voyager had been called "the best example of the worst reading programs for children." Gotbaum had four questions for Klein:

1. During your selection process, did you see research that indicated Voyager's success? If so, I would like to have a copy.
2. Did you consult any reading experts when choosing Voyager?
3. There are many successful reading programs across the country. Which programs did you evalu-

The Golden Apple Awards

The Best Two-Word Repudiation of NCLB Award goes to Dennis Littky. "How do you know if you don't measure that you have a system that simply suckles kids through?" said President Bush in a speech in Beaufort, South Carolina, in 2000. "I believe you've got to measure in order to know," the President reiterated in a speech to the Knights of Columbus Convention in Dallas in 2004.

My one-word answer to Bush's comments is "Finland." Littky's two-word rejoinder is the "Met School." Formally, it's the Metropolitan Regional Career and Technical Center of Providence, Rhode Island, but it is universally tagged simply as "the Met."¹ But then not much is very formal about Principal Dennis Littky. He doesn't measure things the way the President wants us to, and he operates his high school with no formal curriculum, no classes, no grades, no tests. About half of the students are African American or Hispanic, and, depending on the year, 60% to 80% qualify for meal subsidies. Students often start out three years behind in reading. Nevertheless, the Met has only a 2% to 3% dropout rate, and last year 100% of its graduates were accepted into colleges. Of five graduating classes, 75% of the students either had some college degree or were still in school.

The Met is a public school and operates on the same per-pupil expenditure as other Rhode Island publics. Each student gets an "advisor," who stays with that student and maybe 12 to 14 others for their entire time at the school. To keep the ratio of students to advisors low, Littky and co-founder Elliot Washor don't have some of the staples found in most high schools — no gym teacher, no music teacher, no librarian. Most students are interned a couple of days a week to someone whose profession interests them.

The Met School has been around 10 years, but it is only recently that it and its offshoot, The Big Picture Company, have gotten sufficient recognition and support to take on that greatest of all challenges in education: replication. Bill Gates has donated \$40 million to establish 70 more Mets by the end of 2007.

In some states the new startups (there are now 24) have had to accommodate to harsh policies. In Colorado, for example, the state math test threw the students, so the school actually had to require a class for a half hour each morning, although they call it "quantitative reasoning." But Littky keeps it pure wherever he can. "I am fighting against standardized tests, and I am fighting No Child Left Behind," he says.



1. John Preston, "A Lesson for the Education System," *London Telegraph*, 5 April 2005, www.bigpicture.org/publications/2005archives/LondonTelegraph05.htm; Elizabeth Mehren, "Classes Are History at This High School," *Los Angeles Times*, 27 December 2004, p. A-18; and Caroline Hendrie, "One Student at a Time," *Education Week*, 22 September 2004, pp. 36-39.

ate and why did you select Voyager?

4. Why did you decide to implement Voyager city-wide instead of testing the program in a small number of schools?⁵³

Klein never responded.⁵⁴

No matter. In late 2004, Best sold Voyager to ProQuest for \$380 million. Soon thereafter, Reid Lyon, Bush's "reading czar," announced that he would leave the National Institutes of Health and join with Best to develop a private teacher preparation program. Lyon, it will be recalled, once said, "If there was any piece of legislation I could pass, it would be to blow up the colleges of education." (A video of Lyon expounding on the role of terror in education reform can be viewed at www.excelgov.org/displaycontent.asp?keyword=prppcevidence&NewsItemID=6261. Search on "Lyon," then click on "Policy Forum — November 2002.")

If we look at the Reading First programs, we find that none of the approved programs come close to meeting ED's criteria requiring support from "scientifically based research." Stephen Driesler, executive director of the School Division of the American Association of Publishers, complained to Martin Kaufman:

The process [of evaluating reading programs for NCLB], in our view, was not open and transparent. Evaluators of unknown credentials used a rating system for which no descriptors have been made available, and in some cases used criteria for which no research substantiation can be found. This apparent omission is particularly disturbing in light of the emphasis on research evidence within the No Child Left Behind law. . . .

We are also concerned about having the review done at the University of Oregon. . . . There is some appearance of conflict of interest, as the most highly rated program on the list was authored at the University of Oregon.⁵⁵

The authorship in question would be by Edward Kame'enui and another University of Oregon professor, Deborah Simmons. Martin Kaufman is the dean of the college of education at the University of Oregon. Dean Kaufman did not respond.

Similar but more general and effective criticism was leveled by *Education Week* reporter Kathleen Kennedy Manzo, who could not keep her frustration wholly in check while reporting about approved Reading First program materials: "They don't have randomized studies pitting their products against other methods or materials; the studies they have commissioned have not been published in scholarly journals; and the companies have not documented im-

provements in student achievement across the range of schools and students."⁵⁶

NO CHILD LEFT BEHIND: OTHER VOICES

In 2004 I was asked to guest-edit a special issue of *Equity and Excellence in Education* on the topic of "Social Justice Issues Raised by No Child Left Behind." I was pleasantly surprised at the range of issues covered by the manuscripts we received. First, Kevin Welner of the University of Colorado raised the question, Is NCLB even constitutional? Welner approached the issue from a different perspective than the one used by Ann McColl in the April *Kappan*. The constitutional issues arise for Welner from considering the "absolute" provisions for rendering 100% of students "proficient." NCLB makes no allowance for family, socioeconomic status, the preschool years, the K-2 years, or the community context. Schools alone must push the students to the 100% proficiency goal that the law requires by 2014. Welner feels that this heavy burden on the schools is so irrational that it might violate the Constitution's due process clause.

While not evoking a constitutional crisis, Eric Haas, Glen Wilson, Casey Cobb, and Sharon Rallis of the University of Connecticut also looked to NCLB's accountability requirements and saw "A Mission Impossible." Using theoretical models drawn from economics, they conclude that "the cost of ensuring perfect quality conformance becomes infinite before perfect quality is achieved."

Eric Freeman of Georgia State University and Rosa Furumoto of Sonoma State University took on large social issues surrounding the law. Freeman argued that NCLB perpetuates "color blind racism." If race is invisible, power differentials between races can be seen as a consequence of the natural order of things, not as a societal problem that needs fixing. But such an approach ignores the role that race plays in many other situations. Freeman argued that, even if 100% of students became "proficient," NCLB would come up short in its equity aims because it "relies on the notion that numerical gains in academic performance are sufficient to dissolve the raft of social encumbrances incurred by children in their everyday lives."

Furumoto discussed an aspect of NCLB that was little discussed at the time: the requirement that high schools provide the names, addresses, and phone numbers of juniors and seniors to military recruiters. Since Furumoto wrote her essay, recruiters have tried to improve their odds with "America's Army: The Official U.S. Army Game," sponsored by the Defense Department (www.Americasarmy.com). It features violent games that offer sanitized war scenarios

and streaming video of the “Frag Dolls,” a quartet of young women hired by the developer to promote the games.

Also subsequent to Furumoto’s manuscript came the *School Recruiting Program Handbook*, which offers recruiters a host of helpful hints: “cultivate coaches, librarians, administrative staff and teachers . . . deliver donuts and coffee for the faculty once a month . . . order personal presentation items (pens, bags, mousepads, mugs) as needed . . . coordinate with the homecoming committee to get involved with the parade,” and so on. Judging by the handbook-related items that pop up in a Google search, it has inspired even more counter-recruiting.

Furumoto also discussed an item that very few know about, the exhortatory joint “Dear Colleague” letter from then-Secretary of Education Rod Paige and Secretary of Defense Donald Rumsfeld, discussing the high schools’ recruitment requirement and presenting the military as “the best opportunity [some students] have to get a college education.” Not to mention the opportunity to be in “an environment that encourages the development of strong character and leadership skills.” Furumoto’s essay extended the arguments about the motives and consequences of state-directed, corporate- and military-backed globalization found in a number of recent books.⁵⁷

Many have written about the difficulties NCLB presents to urban districts. Fewer have said much about the hardships NCLB inflicts on small rural schools and districts. For instance, in some rural areas, using the “choice option” to attend a “successful” school requires a very long drive each way, and in some parts of Alaska and Hawaii, it means getting on an airplane. Lorna Jimerson of the Rural School and Community Trust coined the term “placism” in her article to describe how NCLB devalues positive aspects of small schools and distracts educators from their efforts to improve rural education.

Lynne Bejoian and Kim Reid of Columbia University described how NCLB reinforces “able-ist” conceptions of disabilities. NCLB’s perspective is that people “have” a disability. In contrast, Bejoian and Reid present disability as a part of human variation, not as “a problem that needs solving,” an approach “that lies in the attitudes and practices of a culture.”

Kevin Welner and Don Weitzman, a graduate student at the University of California at Berkeley, observed that NCLB has never enjoyed the funding that its Republican authors promised in order to obtain Democratic support. The law has never provided the funds authorized. Moreover, as secretary of education, Rod Paige played down the importance of money,⁵⁸ while Eugene Hickok, Paige’s undersecretary, declared that “the color of change is not always green.”⁵⁹ To Welner and Weitzman, NCLB therefore displays “The Soft Bigotry of Low Expenditures.”

Two papers dealt with conceptual issues and brought data to bear. Roslyn Mickelson of the University of North Carolina, Charlotte, examined the problems that arise when a program like NCLB is introduced into an ongoing system, a school district in this case, with a long history of attempts — some successful, some not — at ethnic integration and school reform. Cynthia Gerstl-Pepin and Haley Woodside-Jiron of the University of Vermont described the tensions that arise as teachers at a specific school try to cope with the imposition of “scientifically based instruction” on their literature-based reading program, which was designed to produce a love of learning and was a program that even ED had recognized as successful.

IS NCLB BECOMING FARCE?

At one point I imagined Margaret Spellings as King Canute. The difference, of course, is that Canute knew the sea would not retreat and was seeking to demonstrate the limitations of his powers to his fawning entourage. I’m not sure Spellings yet perceives the inevitable disaster of 100% proficiency. She’s trying to stave it off, though, through

"flexibility," which some might read as "loopholes."

Already half of Nebraska's school districts are unaffected by NCLB, and only Lincoln and Omaha have to report all subgroups. Virginia and several other states received permission to increase minimum subgroup size for reporting. Now, 47% of Virginia's schools do not have to report by ethnicity, 78% are exempt from reporting on English-language learners, and 11% are exempt from reporting on low-income students. Theoretically, Virginia could have almost 40,000 minority students in schools that don't have to report by ethnicity.

New rules this year allowed Georgia to report elementary and middle school grades separately from high schools and to consider a district as having failed only if both groups of grades in a school fail two consecutive years. For some states, all three grade spans (elementary, middle, and high) would have to fail in the same curriculum area for the school to be dinged with a "needs improvement" label. The Civil Rights Project at Harvard found that, under new rules, only 12 of Georgia's 181 school districts were labeled in need of improvement; the old rules would have tagged 115 districts as needing improvement.⁶⁰ Illinois was permitted to increase minimum subgroup size and add 14% to the scores of special education students.

Spellings permitted Florida to drop its proficiency target from 48% to 37% in reading and from 53% to 44% in math. ED also permitted Florida to change its group size for reporting from 30 students to 15% of the total school enrollment.⁶¹ Texas grossly violated the special education exemptions with impunity.⁶² Texas and Florida. Hmmm. Oh, okay, Spellings did fine Texas a paltry \$444,282 for having too many special education exemptions.

Spellings and other federal officials angered many states, however, by operating with each state individually and in secret meetings behind closed doors. A deal with a particular state might not generalize to other states, which can lead to delays, frustrations, and ill will. Virginia, for instance, had to wait many months for approval of a change already approved elsewhere.⁶³ This sly, deal-cutting approach "is not good policy," according to Jack Jennings of the Center on Education Policy. "It should be a transparent, open process."⁶⁴

Jennings speculates that the changes are attempts to blunt criticism and fend off lawsuits. I think they might be an attempt to fend off something else. Washington, D.C., was once a swamp, and it reverts to that state every summer. Foul odors and vile humors waft off the Potomac and Anacostia rivers. This summer, though, I think I detected a new aroma emanating from the U.S. Department of Education. It's the stench of panic.

1. Paula Horton, "Superintendent Calls Boy's Suspension a Mistake," *The Daily World*, 13 May 2005; Keith Eldredge, "Fourth-Grader Suspended for Not Answering a WASL Question," KOMO-TV, Seattle, 12 May 2005, <http://komotv.com/stories/36813.htm>; and Juanita Doyon, "Fourth-Grader Suspended for Failure to Finish WASL," press release, Mothers Against WASL, 11 May 2005.
2. Judith Bingham, "Texas Teacher Is Fed Up with Retention and TAKS," 12 May 2005, www.educationnews.org/texas-teacher-is-feedup-with.htm.
3. Karen Rouse, "Students Who Balk at CSAP Held Back," *Denver Post*, 30 March 2005, p. A-1; and Julie Poppen, "Repeat-a-Grade CSAP Policy 'Over the Edge,'" *Rocky Mountain News*, 30 March 2005, p. 1.
4. John Wood, "Here Are the Reasons Why I Didn't Graduate from Federal Hocking Last Weekend," *Athens (Ohio) News*, 2 June 2005, www.athensnews.com/issue/article.php3?story_id=20780.
5. Icess Fernandez, "Every Pupil Counts in Testing to Meet Federal Standards," *Corpus Christi Caller-Times*, 15 May 2005, www.caller.com/local_news/article/0,1641,cctt_811_3779884,00.html.
6. Michael Maurer, "Education Research Bureau Eliminated," 15 July 2005. Google on the title.
7. Doug Oplinger and Dennis J. Willard, "Charter School Oversight Shifts," *Akron Beacon Journal*, 23 July 2005, www.ohio.com/mld/ohio/news/local/12205676.htm.
8. Scott Stephens, "Teacher Turned Senator Fights to Save Education Research Office," *Cleveland Plain Dealer*, 26 July 2005, p. 2.
9. Sharon L. Nichols and David C. Berliner, *The Inevitable Corruption of Indicators and Educators Through High-Stakes Testing*, www.asu.edu/educ/eps/EPRU/documents/EPSSL-0503-101-EPRU.pdf, 2005.
10. Gerald W. Bracey, "Education's Groundhog Day," *Education Week*, 2 February 2005.
11. Anthony Carnevale, "Education and the Economy: If We're So Dumb, Why Are We So Rich?," *Education Week*, 2 February 2005, pp. 40-41, 52.
12. Eric Hanushek, "Education and the Economy: Our School Performance Matters," *Education Week*, 2 February 2005, pp. 40-41, 52.
13. Alicia Mundy, "Gates 'Appalled' by High Schools," *Seattle Times*, 27 February 2005, http://seattletimes.nwsource.com/html/education/2002191433_gates27m.html.
14. Educational Testing Service, "ETS Poll: Americans Say High Schools Aren't Challenging Our Students," www.ets.org/news/05062201.html, 22 June 2005. The actual quote appeared in an advertisement in the June 28 edition of the *Washington Post* and the June 29 edition of *Education Week*.
15. Geoffrey Colvin, "America Isn't Ready: Here's What to Do About It," *Fortune*, 25 July 2005, pp. 70-82.
16. Mariann Lemke et al., *International Outcomes of Learning in Mathematics and Problem Solving* (Washington, D.C.: National Center for Education Statistics, NCES 2005-003, 2004); and Patrick Gonzales et al., *Highlights from the Trends in International Mathematics and Science Study (TIMSS) 2003* (Washington, D.C.: National Center for Education Statistics, NCES 2005-005, 2004).
17. Michael E. Porter et al., *The Global Competitiveness Report, 2004-2005* (Geneva: World Economic Forum, 2004).
18. Chester E. Finn, Jr., "Defaming Charters," *New York Post*, 19 August 2004, www.wacharterschools.org/news/editorials/2004-08-19_NYP.htm.
19. Quoted in Martin Carnoy et al., *The Charter School Dust-Up* (Washington, D.C.: Economic Policy Council, 2005), p. 26.
20. William G. Howell and Martin R. West, "Grey Lady Wheezing: The AFT Hoodwinks the Times," *Education Next*, Winter 2005, www.educationnext.org/20051.html.
21. *Evaluation of the Public Charter Schools Program: Final Report* (Washington, D.C.: Office of the Deputy Secretary, U.S. Department of Education, Report no. 2004-08, 2004).
22. Center for Education Reform, "Decade of Data Shows True Charter Success," www.edreform.com/index.cfm?fuseaction=document&documentid=1797§ionid=127&newsyear=2004; and Howell and West, op. cit.
23. Lawrence Mishel, "School House Schlock," *The American Prospect*, 24 September 2004, www.prospect.org/web/page.wv?section=root&name=

viewweb&articleid=8638.

24. Chester E. Finn, Jr., "From Checker's Desk," *Education Gadfly*, 21 April 2005, www.edexcellence.net/foundation/gadfly/issue.cfm?Id=190.
25. Richard Rothstein, "Charter Conundrum," *The American Prospect*, July 1998, www.prospect.org/print/V9/39/rothstein-r.html.
26. Quoted in Diana Jean Schemo, "U.S. Cutting Back on Details in Data About Charter Schools," *New York Times*, 29 August 2004, p. A-1.
27. "Charter School Secrecy," Editorial, *Albany Times Union*, 5 September 2005, p. B-4.
28. Erika Hayasaki, "Charter Academy Shuts 60 Schools," *Los Angeles Times*, 16 August 2004, p. A-1.
29. Stephanie Warsmith, "Group Challenges School Data," *Akron Beacon Journal*, 9 September 2004.
30. "Charter Schools Under-Enrolled, Waiting Lists Exaggerated," news release, Citizens for Public Schools, Boston, 13 January 2005.
31. "No More Aid to Charters Without Accountability," Editorial, *Palm Beach Post*, 21 February 2005, p. A-16.
32. Jason Embry, "Charter Schools Struggle to Keep Staff," *Austin American-Statesman*, 17 April 2005.
33. Scott Stephens, "Charters Use Teachers Not Fully Certified," *Cleveland Plain Dealer*, 24 February 2005, p. A-1.
34. Michael Martin, "The Goldwater Institute's Charter School Hoax," www.azsba.org/hoaxauh2o.htm.
35. Gerald W. Bracey, "No Child Left Behind: Where Does the Money Go?," Educational Policy Studies Laboratory, Arizona State University, Tempe, June 2005.
36. Quoted in Karla Scoon Reid, "Federal Law Spurs Private Companies to Market Tutoring," *Education Week*, 8 December 2004, pp. 18-19.
37. Quoted in Susan Saulny, "A Lucrative Brand of Tutoring Goes Unchecked," *New York Times*, 4 April 2005, p. A-1.
38. *Ibid.*; and Corey Murray, "SES: Two Billion Reasons to Worry," *Eschool News*, June 2005, www.eschoolnews.com/news/showstory.cfm?articleid=5667.
39. Chester E. Finn, Jr., "Protectionism in the Education Industry," *Education Gadfly*, 21 April 2005, www.edexcellence.net/gadfly.
40. Clive R. Belfield and Chad d'Entremont, "Will Disadvantaged Students Benefit from a Free Market in Educational Services?," *American School Board Journal*, 7 April 2005, pp. 28-31.
41. *Characteristics of Tests Will Influence Expenses: Information Sharing May Help States Realize Efficiencies* (Washington, D.C.: General Accounting Office, May 2003, Report no. GAO-03-389).
42. Emily Pyle, "Te\$t Market," *Texas Observer*, May 2005, www.texasobserver.org/showarticle.asp?articleid=1947; and Scott Parks, "The Big Man on School Reform," *Dallas Morning News*, 6 March 2005, p. A-1.
43. Stephen Metcalf, "Reading Between the Lines," *The Nation*, 28 January 2002, www.thenation.com/doc.mhtml%3Fi=20020128&S=metcalf.
44. Geraldine Fabricant, "At McGraw-Hill, an Heir Takes Over and the Company Flourishes," *New York Times*, 27 June 2005, p. C-1.
45. Kathleen Kennedy Manzo, "Select Group Ushers in Reading Policy," *Education Week*, 8 September 2004, pp. 22-23; and *idem*, "In Crowd Gets Large Share of Contracting Work," *Education Week*, 8 September 2004, pp. 22-23.
46. Elaine Garan, "Scientific Flimflam: A Who's Who of Entrepreneurial Research," in Bess Altwerger, ed., *Reading for Profit: How the Bottom Line Leaves Kids Behind* (Portsmouth, N.H.: Heinemann, 2005), pp. 21-32.
47. Kathleen Kennedy Manzo, "Ga. Officials Admit Mistakes On 'Reading First' Rules," *Education Week*, 11 May 2005, pp. 21-22.
48. Kathleen Kennedy Manzo, "Complaint Filed Against Reading Initiative," *Education Week*, 22 June 2005, p. 3.
49. Greg Toppo, "Federally Funded Reading First Called into Question," *USA Today*, 8 August 2005.
50. See www.whitehouseforsale.org/ContributorsAndPaybacks/pioneer_search.cfm; and Texans for Public Justice, www.tpj.org/docs/pioneers/pioneers_view.jsp?id=524.
51. Kristin Hughes, "Purchases Raise Ethics Concerns," *Dallas Morning News*, 8 May 2005, p. S-1.
52. James Salzer, "U.S. Indicts Schrenko," *Atlanta Journal-Constitution*, 10 November 2004, www.ajc.com/metro/content/metro/1104/11schrenko.html.
53. Betsy Gotbaum, "Gotbaum Calls on Chancellor Klein to Justify Use of Untested Reading Curriculum: Letter to New York City Schools Chancellor, Joel Klein," press release, New York City Office of the Public Advocate for the City of New York, 6 May 2003, www.pubadvocate.nyc.gov/news/releases_5_6_03.html.
54. Betsy Gotbaum, personal communication, 1 June 2005.
55. Stephen Driesler, Letter to Martin Kaufman, 4 March 2005.
56. Kathleen Kennedy Manzo, "Leading Commercial Series Don't Satisfy 'Gold Standard,'" *Education Week*, 25 September 2004, pp. 16-17.
57. See Kenneth J. Saltman and David A. Gabbard, eds., *Education as Enforcement: The Militarization and Corporatization of Schools* (New York: Routledge, 2003); Kathy Emery and Susan Ohanian, *Why Is Corporate America Bashing Our Public Schools?* (Portsmouth, N.H.: Heinemann, 2004); and Altwerger, *op. cit.*
58. Rod Paige, "It's Not About the Money," *Wall Street Journal*, 29 October 2003, www.ed.gov/news/pressreleases/2003/10/10302003.html.
59. Diana Jean Schemo, "Critics Say Money for Schools Falls Short of Promises," *New York Times*, 5 February 2003, p. A-16.
60. Christopher A. Tracey, Gail L. Sunderman, and Gary Orfield, *Changing NCLB District Accountability Standards: Implications for Racial Equality* (Cambridge, Mass.: The Civil Rights Project, Harvard University, June 2005).
61. Lynn Olson, "Florida Gains Flexibility on NCLB Provisions," *Education Week*, 25 May 2005, pp. 18, 20.
62. Terence Stutz, "Texas Defies No Child Law on Special Ed," *Dallas Morning News*, 26 February 2005, www.dallasnews.com/sharedcontent/dws/dn/education/stories/022605dntexapp.3b2a1.html.
63. Virginia Board of Education, "Statement of Board of Education President Thomas M. Jackson, Jr., Regarding USED Response to Virginia's Request for NCLB Flexibility," www.pen.k12.va.us/VDOE/NewHome/pressreleases/2005/jun14b.html.
64. "Approving State NCLB Plans Is a Slow Process," *School Board News*, 2 August 2005, www.nsba.org/site/doc_sbn_issue.asp?TRACKID=&VID=55&CID=682&DID=36395. 

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