

## Paying the Price of Public Education

Just when *No Child Left Behind* is raising the bar on public school performance, the worst state budget crises in 50 years are making it difficult for schools to meet federal demands for improvement. School districts are laying off teachers, shortening school years, and postponing or eliminating early childhood education, after-school programs, and summer school courses. ■ Many schools are jumping into the breach generated by these budget cuts by mounting fundraising campaigns and asking individual parents to pay teacher salaries and support extracurricular programs. But low-income parents

BY WENDY D. PURIEFOY  
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and low-income school districts don't have the resources to fund these shortfalls. Nor should they be expected to. ■ In a democratic society, public education cannot depend on acts of charity for survival. Public schools should not have to rely on private sources of funding to accomplish a federally mandated mission to leave no child behind. Yet the federal government is cutting taxes, states are slashing education budgets, and our most disadvantaged students and schools are paying the price—expected to know more, expected to do more, but not given any extra help to achieve more.

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As the 50th anniversary of *Brown v. Board of Education* approaches, and state budget shortfalls continue, Wendy D. Puriefoy calls for “no child left behind” to become a sacred national commitment.

## 3 Senator Kennedy on the Vision of Public Education

Sen. Edward M. Kennedy argues that the funding made available for school reform must be aligned with the goals set by NCLB.

## 6 Making It Happen

Legal Defense Fund President Elaine R. Jones says courts must advance the cause of equity in schools to banish remnants of segregation that linger long after *Brown*.

## 8 Viewpoint

Jack Jennings, director of the Center on Education Policy, played a role in implementing the *Elementary and Secondary Education Act* in the 1960s. Today he examines the policy and funding parallels between the original act and NCLB.

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## NCLB: Promises and Challenges

BY SENATOR EDWARD M. KENNEDY



Senator Edward M. Kennedy (D-Mass.) has represented Massachusetts in the United States Senate since 1962, when he was elected to finish the term of his brother, President John F. Kennedy. Re-elected to seven full terms, he is now the third most senior member of the Senate. He is the ranking member on the Senate Health, Education, Labor, and Pensions Committee and is a leader in education reform.

Let the Common School be expanded to its capabilities, let it be worked with the efficiency of which it is susceptible, and nine tenths of the crimes in the penal code would become obsolete; the long catalogue of human ills would be abridged; men would walk more safely by day; every pillow would be more inviolate by night; property, life, and character held by a stronger tenure; all rational hopes respecting the future brightened.

— Horace Mann, January 1841, *Common School Journal*

More than a century and a half ago, Horace Mann had the extraordinary foresight to see that public schools could become the cornerstone of a better America and the best hope of future generations.

His 19th century vision holds true in our 21st century world. Education remains the key to the golden door of opportunity. With a good education, children can dream, achieve, and lead productive lives. Without one, children will suffer a lifelong disadvantage—and our economy, our national security, even democracy itself will suffer as well.

From its beginning, the public education system in America has had to overcome many challenges. In the past 10 years, public education has been under attack for lack of progress: Forty percent of our nation's fourth-graders can't read. Students from 20 other

countries outperform our eighth-graders in math. At the twelfth-grade level, the United States placed third to last of 21 countries surveyed.

Parents, teachers, community leaders, and policy-makers have responded by demanding better-qualified teachers, smaller classes, higher student achievement, safer schools, and more after-school programs. Last year, Congress and the Bush administration worked together to pass the *No Child Left Behind Act*, a guide to federal investment in public schools that gives students the support they need to succeed.

The law requires all states to set high academic standards in reading, math, and science, and outlines what students should know and be able to do in those subject areas. Each state is charged with developing a curriculum that helps teachers translate standards into day-to-day learning for their students, and with setting performance standards for how much students should know in each grade about those subjects.

Each state must also develop tests, based on those standards, to help teachers and parents understand how well a child knows the subject matter. Tests are an important element of school reform, but they should not be punitive. They should serve as a stethoscope, not a hammer, to ensure that every child's performance is assessed—not hidden, not overlooked, and not ignored.

Standards and tests, however, are only assessments of reform, not actual reform itself. The law, therefore, also provides students with greater support and more opportunities to do well, teachers with more opportunities for professional development, and parents with more opportunities to become involved in their children's education.

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NCLB: PROMISES AND CHALLENGES CONTINUED FROM PAGE 3

The act also expands support for early reading, so that all children can learn to read by the end of the third grade. More books will be available for school libraries. Support will be available to strengthen programs to make schools safe and drug free. Additional resources are being provided for the neediest students, especially those from low-income families, those with limited proficiency in English, those who are homeless, and those who are children of migrant workers and immigrants.

The nation is at a crossroads on school reform. We—parents, teachers, local and state leaders, federal officials, members of Congress, and the president—have set our sights high and are working together to achieve genuine reform that combines accountability with proven, effective change.

But our most serious challenge still lies before us. We must provide resources to make these reforms work and, so far, we have failed to do so. In April, Congress proposed to fund school reform at a level \$8.9 billion below that promised in *No Child Left Behind*. This means we will leave 6 million children behind; that we can provide no additional funding for class size reduction or teacher training and support; that we will have to slash after-school funding by almost half. And it means that states facing their own education crises because of a faltering national economy will receive no help from Washington.

Funding school reform is common sense. Businesses that want better workers invest in training. Athletes who want to be top competitors invest in training. Public schools that want to educate all children to high standards must invest in education reform.

Shortchanging education shortchanges the nation. The promise of Horace Mann has to be our promise. We can't afford to break it. ■

### BOSTON PLAN FOR EXCELLENCE IN THE PUBLIC SCHOOLS

In Boston, concern that the arbitrary NCLB gradient used to denote adequate yearly progress (AYP) will unjustly label many good schools “under performing” has spurred the Boston Plan for Excellence in the Public Schools to create a complementary internal planning tool. Developed with the district, the tool uses AYP and five additional indicators, including the percentage of students passing the state MCAS tests. This fine-grained analysis, paired with observations by deputy superintendents on instruction in each school, gives principals and teachers a more complete picture of school progress—and an incentive to concentrate on instruction rather than just test scores.

### NEW VISIONS FOR PUBLIC SCHOOLS

New York City is grappling with the daunting task of fulfilling NCLB choice and supplemental service provisions for students attending 331 schools identified as “in need of improvement.” New Visions for Public Schools is helping the district address choice issues through a \$30 million initiative to replace large high schools—some designated as failing by NCLB—with smaller, more effective schools. By fall 2003, 14,000 students had applied for the 3,000 spaces in New Century High Schools in the Bronx. New Visions anticipates having 42 schools and programs open citywide during the 2003–2004 school year.

# [president's message] · M I S S I O N

P R E S I D E N T ' S M E S S A G E C O N T I N U E D F R O M P A G E 1

If we truly expect greater levels of achievement from every child, then we must demand focused and sustained investment in the financial equity and human capital of every school.

This issue of adequate funding for public education is not new: May 2004 will mark the 50th anniversary of the *Brown v. Board of Education* decision in which Chief Justice Earl Warren and a unanimous Supreme Court ruled that "separate but equal" education violated the Constitution's 14th Amendment. But, according to Elaine Jones, president of the NAACP's Legal Defense and Educational Fund, our courts, our government, and many of our citizens still behave as if they subscribe to that discredited "separate but equal" theory. While segregation based on race has been declared unlawful, segregation in educational quality based on poverty continues to be sanctioned.

Senator Edward M. Kennedy (D-Mass.) argues that NCLB can be a catalyst for real progress in our public school system. But he cautions that the law will not live up to its promise if the federal government does not commit the necessary resources.

Jack Jennings, director of the Center on Education Policy, sees parallels between NCLB and the original

*Elementary and Secondary Education Act* signed into law by President Johnson in 1965. At that time, the Vietnam War was draining the nation's coffers and leaving education budgets high and dry.

Ted Sanders, president of the Education Commission of the States; Oklahoma Senator Angela Monson, president of the National Conference of State Legislatures; and Rhode Island education commissioner Peter McWalters explore the challenges states are confronting as they struggle to make sure *No Child Left Behind* lives up to its name.

Richard Navarro, chief of UNICEF's education program in Afghanistan, reminds us that the desire to give children a quality education knows no boundaries. In describing efforts to rebuild the education system in that war-torn country, Dr. Navarro powerfully affirms the important role of education in building peace and prosperity for all nations.

No matter where we live, or what the circumstances, we cannot sit by and allow a quality public education to remain a dream deferred for millions of children. "No child left behind" must be a sacred national commitment, not just a glib political slogan.

*Wendy D. Puriefoy*

Wendy D. Puriefoy  
President, Public Education Network

Below: Wendy D. Puriefoy

Photo by Tyler Malloy, © 2002



## Unequal Education: HOW THE LEGAL SYSTEM SHORTCHANGES MINORITY STUDENTS

BY ELAINE R. JONES

Elaine R. Jones is president and director-counsel of the NAACP Legal Defense and Educational Fund, Inc. This article is adapted from a speech presented at PEN's 2002 annual conference.

Fifty years after *Brown v. Board of Education* called for integration of schools with all deliberate speed, our courts, our governments, and many of our citizens still behave as if they subscribe to the discredited "separate but equal" theory. The courts may have declared that segregation based on race is unlawful, but segregation in educational quality based on poverty continues to be sanctioned by law.

Nowhere in the US Constitution is there an explicit right to a free, quality, public education. As a result, lawyers must demonstrate that inequities in funding are due to racial or ethnic discrimination, not poverty. The *Brown* decision continues to govern legal efforts largely because it is the only permissible avenue into the federal courts for cases involving the quality of education provided to poor and disadvantaged children.

Alternative rationales for suits have been tried and rejected. In 1973, in *San Antonio Independent School District v. Rodriguez*, the Supreme Court was asked to look at how wealth determines the quality of our public schools. The Legal Defense Fund filed an amicus brief, arguing that the use of property taxes to fund schools unfairly discriminates against students in high-poverty areas. We asserted that there ought to be a floor beneath which school funding could not fall and that floor should not be based on the property taxes of poor school districts.

The Court ruled that poverty is not a suspect classification, thus eliminating equal protection remedies under the 14th Amendment and setting a precedent that we still suffer from today. Because of that decision, it is constitutional to give African-American and Latino students an inferior education as long as that inferior education is a result of poverty, not race...as if the cause of the disparity somehow legitimizes the inferior education.

Regrettably, even the *Brown* decision is not the powerful talisman it used to be. In the 1980s and 1990s, the courts grew tired of desegregation suits and began phasing out desegregation plans, ending busing, and ruling that efforts to move students around for desegregation purposes must stop at the district line. As a result, whites fled to the suburbs and the number of African-American students attending predominantly minority schools now approaches 1968 levels.

### ADVANCING EQUITY IN STATE COURTS

Although the federal courts have declared equity related to race to be a nonissue, many state constitutions do mention the state's responsibility for delivering education to all young people, thus allowing attorneys to go into state courts to demand funding equity. This, however, leads to two problems.

First, even if a state court rules against a funding system, it often lacks the means to enforce the decision and ends up sending the problem back to the same legislature that created the unequal system in the first place. In Connecticut, the Supreme Court ruled in *Sheff v. O'Neill* that the state has an obligation to do something about school funding inequities in Hartford. In 1996, the state sent the issue back to the legislature. Only recently were we able to reach a settlement with the state and begin providing the kind of relief the State Supreme Court had ordered years ago. In an Arkansas case, *Tucker v. LakeView School District No. 25*, the state courts have declared the school finance system unconstitutional twice in the past 20 years, yet Arkansas students continue to wait for a better system to emerge.

Second, these cases depend on the definition of "adequate education." In New York, the courts came down with a wonderful decision in *Campaign for Fiscal Equity v. State of New York*, only to have the Court of

Appeals decide that an eighth-grade education meets the criteria for “adequate.” How can anyone believe that an eighth-grade education is sufficient for future voters and future employees?

### THE IMPACT OF STANDARDS

We need new ways to use the courts to advance the struggle for equity in schools. Standards-based reform can help us measure what constitutes an adequate education. Once a state sets standards for what students must be able to do to be promoted or to graduate, lawyers can claim the state incurs an obligation to ensure that schools have the resources they need to educate students to meet those standards.

In negotiations over the *No Child Left Behind Act*, the Legal Defense Fund worked for mandated increases in teacher quality in predominantly poor and minority schools, mandatory curricular alignment of testing instruments, fair-testing guidelines, and sufficient resources for all students to meet the standards. The results are mixed: more funding for poor and minority students, yet woefully inadequate appropriations to fund the legislation’s newest proposals.

The law’s focus on mandatory testing for all elementary students in reading and math is also a problem. Testing itself is neither a panacea nor a problem solver; it is only a tool for identifying problems. It can help determine what reforms are needed and what we have to put in place to help disadvantaged students. Too often, however, standards and assessments are used to punish students who fall short rather than to determine where more resources are needed to help them. When used inappropriately, testing can have a drastic impact on individual students’ educational outcomes. States and jurisdictions must implement

standards-based reform according to research and recommendations set forth by the nation’s leading experts on standards and testing. Otherwise, the most vulnerable children, typically minority and poor, will suffer great consequences.

In Chicago, we entered into a joint investigation with the Chicago Lawyers Committee on an Illinois testing program that required automatic retention for students who did not achieve a previously designated cut-score on a standardized test. We showed that Latino and African-American students were much more likely to be retained and that this retention did not increase their chances of passing the exam. The court ruled that this retention was illegal because of the disparate impact exit exams have on minorities. Similarly, we convinced North Carolina to change the requirement that students pass a standardized exam before being promoted to the next level.

The standards movement is having a disparate impact on minorities in other places as well. In New York, too often schools serving minority students have fewer resources, less qualified teachers, and less than adequate facilities—but their students are expected to perform at the same levels as other students throughout the state. As a result, low-achieving students are being encouraged to drop out and get a GED so that their scores are not included in district averages. California gives financial rewards to districts that have already improved their test scores and have demonstrated they do not need additional funds to succeed. Meanwhile, schools serving high percentages of minority students are located in high-poverty communities, are typically underfinanced and considered inferior, and are less likely to improve test scores and receive bonuses.

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Below: Elaine R. Jones

Photo by Tyler Mallory, © 2002



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## [viewpoint]

*Déjà Vu All Over Again?*

BY JACK JENNINGS

Jack Jennings is director of the Washington, DC-based Center on Education Policy (CEP). Mr. Jennings was a US House of Representatives Education and Labor Committee staffer, responsible for monitoring implementation of the original ESEA. CEP has released a comprehensive report on NCLB implementation, *From the Capital to the Classroom*. The report is available at [www.cep-dc.org](http://www.cep-dc.org).

More than a year after passage of *No Child Left Behind* (NCLB), most states remain committed to the law's principles, and many have made significant progress toward complying with the law's rigorous testing and accountability provisions. Yet, virtually every state is trying to implement NCLB in the face of record budget deficits.

Flash back to 1965 when President Johnson ushered in the original *Elementary and Secondary Education Act* (ESEA). States scrambled to create compensatory education programs and introduce innovative approaches to teaching and learning. But hopes were dashed when the Vietnam War and economic sluggishness at home drained funding and halted ESEA's momentum.

Even the most casual observer can see striking parallels between the policy priorities that threaten NCLB's success and the foreign and domestic complications that crippled its not-so-distant ancestor.

President Bush supported a moderate increase in appropriations for NCLB in 2002 as part of the political compromise he needed to get the measure enacted. His budget for fiscal year 2004, however, basically freezes spending—this despite the fact that states must invest in new tests, new teacher quality standards, new systems for evaluating school performance, and new public school choice options for students attending low-performing schools.

Critics of ESEA say it failed because it offered money without asking for accountability. In contrast, NCLB goes too far in demanding accountability without offering adequate federal funding, which is why many governors and mayors are accusing the president and Congress of passing the buck on education. In the face of the worst state budget deficits since World War II,

Washington's contribution to public schools is leveling off. With the federal contribution to public education averaging just 7 percent of total spending, many states are left wondering how they can afford NCLB.

**OVERIDENTIFYING SCHOOLS**

But perhaps the biggest NCLB worry is the large number of schools—even highly regarded suburban schools—likely to be designated as “failing” under the federally mandated measures of adequate yearly progress.

State officials predict that NCLB's detailed evaluation criteria will lead to a dramatic increase in the number of schools identified as needing improvement. This overidentification, state education leaders say, will spread resources too thinly across too many schools and subvert the law's intent to target additional funds to the schools that most need them.

There is also concern that NCLB's penchant for labeling will unfairly damage the reputations of otherwise reputable schools. NCLB allows an entire school to be designated as “needing improvement” if any one student subgroup, in any of grades 3 through 8, fails to demonstrate adequate yearly progress in reading and math for two years. A report by the Council of Chief State School Officers projects that anywhere from 49 to 88 percent of public schools nationwide could be identified as needing improvement under this criterion.

**WIELDING A BLUNT INSTRUMENT**

Another point of debate is the quality and accuracy of the annual tests underpinning NCLB's accountability system. Despite recent advances in measuring knowledge, most annual assessments remain relatively blunt instruments for measuring proficiency. Studies indicate



that 70 percent of test score fluctuations can be attributed to outside factors rather than to student learning. This strongly suggests that annual assessment may not yet be reliable or consistent enough to accurately reflect student progress. Given these problems, it remains to be seen how well states and districts will carry out NCLB's accountability requirements or how readily the public will accept them.

By spotlighting the performance of low-income students, students with disabilities, and students from all

major racial and ethnic groups, NCLB reasserts the national commitment to disadvantaged children that began in 1965. But if NCLB is to be successful, the federal government will have to help states develop flexible methods of implementation, be willing to change the law to accommodate the individual needs of schools and teachers, and fully fund the law's provisions. A federal government offering a 7 percent solution may find it impossible to demand 100 percent accountability. ■

Below: Jack Jennings



## 2003 PEN ANNUAL CONFERENCE NOVEMBER 9-11, 2003

This year, Public Education Network celebrates 20 years of achievement by local education funds—intermediary organizations that have made a difference in the lives of millions of children by supporting and advancing quality public education in communities across the country. Throughout American history, intermediary organizations have been instrumental in shaping, defining, and building our democracy, and in building connections between citizens and the public institutions that serve them.

Join educators, community leaders, and policymakers at the Fairmont Hotel in Washington, DC, for an exploration of the history, role, and practices of intermediary organizations and their relationship to democracy and to public education. Expand your understanding of intermediaries and their role in American society and build your knowledge, skills, and capacity to work with and in intermediary organizations.

### REGISTRATION & INFORMATION

For more information on the conference, or to register online, go to [www.PublicEducation.org/AC2003.asp](http://www.PublicEducation.org/AC2003.asp) or call 202 628 7460.

### KEYNOTE SPEAKERS

**Susan Berresford**, President, Ford Foundation

**Lani Guinier**, Bennett Boskey Professor of Law, Harvard Law School

**Lester Salamon**, Founding Director & Principal Research Scientist, Johns Hopkins Institute for Policy Studies

### PLENARY SPEAKERS

**Martin Blank**, Director, Community Collaboration, Institute for Educational Leadership

**Elizabeth Boris**, Director, Center on Nonprofits and Philanthropy

**Michele Cahill**, Senior counselor to the Chancellor for Education Policy, New York City Department of Education

**Bonnie Copeland**, Interim CEO, Baltimore City Public School System

**Norman Fruchter**, Executive Director, Institute for Education and Social Policy, New York University

**Janice Petrovich**, Director, Education, Sexuality, Religion Unit, Ford Foundation

# conversations

## Protecting Education IN TOUGH ECONOMIC TIMES

A CONVERSATION WITH PETER MCWALTERS, ANGELA MONSON, AND TED SANDERS

Although states face budget deficits, there is a groundswell of support for protecting education funding. Can states find the resources to meet the requirements of *No Child Left Behind*? Three education reformers draw on their experience at the state level to discuss the challenges of implementing NCLB in the current economy.

Peter McWalters was appointed Rhode Island Commissioner of Elementary and Secondary Education in 1992, and is president-elect of the Council of Chief State School Officers. Mr. McWalters spent over 20 years in educational leadership and teaching positions, including superintendent of schools, in Rochester, NY.

Senator Angela Z. Monson has been a member of the Oklahoma State Senate since 1993, where she currently serves as first assistant majority floor leader. Senator Monson is also president of the National Conference of State Legislatures, a bipartisan organization serving the lawmakers and staffs of our nation's states, commonwealths, and territories.

Ted Sanders is the president of the Education Commission of the States (ECS). He has had wide experience as an educator, including classroom teacher, chief state school officer in three states, acting US secretary of education, and, most recently, university president. Dr. Sanders joined ECS in February 2000, leaving Southern Illinois University, where he had served as president since 1995.

**CONNECTIONS:** *State budgets are probably in worse shape today than at any time in the past 50 years. What are states doing to ensure adequate funding for education in this economy? Can they support education and still balance the books?*

**SENATOR MONSON:** State legislators individually, and legislatures collectively, know and value the importance of education. But these are not normal times: states are being forced to cut education budgets. In most states, there's simply no way we can balance the budget without making some cuts in education.

**MR. SANDERS:** This isn't the first time we've been here, although, in my experience, this is the worst financial situation the states have ever faced. In the past, states would leave appropriations for elementary, secondary, and higher education to the end of the legislative appropriations process. Whatever was left would be divided among those sectors. That's no longer true. In this downturn, most states are trying from the front end to hold elementary and secondary education funding harmless.

Oregon is the poster child for how extreme the situation is. Statewide, they are closing schools 9 days early this year, while the city of Portland is shutting down 15 days early. But something else is going on as well. A good number of states are trying revenue enhancements. Riverboat gambling is following the lottery as the fundraiser of choice—it seems just about every state wants to use riverboat gambling revenues to help close some revenue gap. Sin taxes on cigarettes, alcohol, and beer are also on the table for discussion. And several states have legislation to increase sales and income taxes.

**MR. MCWALTERS:** Like so many other states, Rhode Island has a budget shortfall. Even so, education has surfaced as a clear priority. The governor is placing edu-

cation at the top of the preservation list, as opposed to making it an afterthought. He does a very good job of saying, "Listen folks. These are a hard couple of years. My strategy is to invest in areas that will have the greatest leverage as we come out of this."

**CONNECTIONS:** *National polls, including the annual PEN/Education Week poll, indicate that there seems to be more unanimity in supporting funding and increased taxes for schools from all political parties and across demographic categories.*

**MR. SANDERS:** There's not much debate about the link between an educated citizenry and a state's economy. I think everyone now believes that education is important from the perspective of building a state's economy. Education is seen as a real investment in the future.

**SENATOR MONSON:** What's really driving this train for increased funding is not politicians with a bully pulpit, but regular folks out there—moms and dads who want their kids to have a quality education. They don't want 35 first-graders in a classroom with one teacher. They understand the relationship between the quality of education a child receives and the funding available for that education, and they're willing to make sacrifices to get there.

In Oklahoma, there is a huge push for a penny sales tax for education, and it's coming from regular citizens who say I'm willing to pay for a quality education for my children. This is a regressive tax, but I suspect the mom who's making \$25,000 a year and can't afford private education is willing to pay an additional penny in sales tax so that her child can receive a quality education. I still wonder if elected officials are going to bite the bullet and vote for tax increases for education. I hope we do.

**MR. SANDERS:** It's pretty clear that the sin tax and those kinds of things are pretty easy to do. But when you start talking about increasing sales taxes or income taxes, that gets far, far more difficult politically. But it's happening in some places, and those efforts are being led by both Republican and Democratic governors.

**CONNECTIONS:** *Given the state of the economy and the level of federal help available, can you afford to implement No Child Left Behind?*

**MR. MCWALTERS:** The whole environment has changed. We put a priority on all kids, high standards, accountability, and intervention. Now there's this catch-22 with *No Child Left Behind*. We think states are moving in the right direction. We have plans, standards and assessments, and intervention strategies. But because of the state budget crisis, we can't intensify our support for teachers, and the federal government's budget proposal in '04 doesn't provide this support either.

In the old days, when states had to implement federal policies, the only thing states paid for were the salaries of the finance people who passed out the checks. Now, there is federal support for schools, but states have to take the leadership role in developing standards, curricula, and assessments, and in supporting district leaders. And many states are still struggling with that dynamic; my department is being downsized at a time when we are being asked to provide more help than ever.

Having said that, the teacher quality requirement in *No Child Left Behind* is a godsend to those of us battling the fact that the least experienced teachers are often in front of the neediest kids.

**MR. SANDERS:** The levers shaping *No Child Left Behind*—setting standards, building accountability systems that inform instruction, strengthening the quality of teaching—are exactly right. There's plenty of room to debate the specifics, but those focal points, along with using scientific evidence to discover what works most effectively, are absolutely crucial.

The thing I fear most is not whether we will have enough money to do the job, but whether this is simply a compliance exercise that will not fundamentally change the way we do business. We need to embrace the spirit of this legislation so that not one single child gets left behind. Yes, we have to worry whether there's enough federal and state money to do this and, yes, we have to make sure those resources are there. But we've got to be equally committed to rethinking how we use our current resources to get the job done.

**SENATOR MONSON:** No one disagrees that every single child in this country deserves a quality education. But we are concerned that, once again, states are going to be left holding the bag for addressing a federal commitment, much as we have for special education. The other concern I hear from state legislators is how can we draw more highly qualified people into teaching? How can we recruit people who want to teach but can make more money as a Wal-Mart floor manager than as a teacher? Do we have the resources, and will we commit those resources? And if we commit those resources, do we have the appropriate assessment instruments to determine whether schools and students are making progress?

In order for *No Child Left Behind* to truly work for all children, the partnership between the federal government and state governments needs to include not only the funding piece but also an open and valid discussion in which we ask: What do we know about

Below: Peter McWalters



Below: Angela Z. Monson



Below: Ted Sanders



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learning? What do we know about the education of children? What don't we know? Can we measure learning appropriately? What are the appropriate roles for the federal government, the state government, and local boards of education? We need a conversation between policymakers and all the other players involved.

**CONNECTIONS:** *Are states worried about the number of schools that could be designated low performing? What effect might that have on confidence in public education?*

**MR. MCWALTERS:** I'm not worried in that sense yet. The US Department of Education has approved our approach and I will continue to identify a bunch of schools. We will meet the reasonableness test since people already know these are low-performing schools. They are not meeting the needs of all children, so let's not act like they are. The real question is whether the system can provide schools the support they need to improve capacity, practice, and student outcomes.

**MR. SANDERS:** We know from a couple of decades of polling that, while the public is generally skeptical about the quality of public schools overall, people make exceptions for the schools where they send their kids. This is particularly true in urban inner cities, so in a lot of ways the reaction to schools being identified as needing improvement is going to be a ho-hum/nothing new here reaction. We knew that all along.

However, there is going to be a tremendous disconnection when a school with an overall stellar performance gets labeled as needing improvement for failing to meet performance expectations for a subgroup population. I don't know how to predict that debate.

I hope it produces the kind of discussion that ought to take place in a lot of affluent communities in America that are not serving the needs of all their children and that these communities get serious about educating every child.

But it could also result in outright rejection of the law with political backlash from Mr. Bush's constituency. In an ideal world, I would hope the term "needs improvement" would urge communities to look at the data and ask what's going on and how they might change the profile. If that turns out to be the case, then a little public hand-wringing will be for the good.

**SENATOR MONSON:** A real concern for some of us is what legal repercussions might occur. There are legal rights to a quality, equal education in this country. If schools fail, particularly schools with a high number of minority students or specific populations, do we set ourselves up for legal battles in the future?

**MR. MCWALTERS:** I haven't run into any public backlash yet. If a district is not doing enough to help a specific subgroup, we need to ask, is this because the kids are highly mobile and the system never had a chance to work with them? Are programs effective? Having disaggregated data will give us this information.

**CONNECTIONS:** *Are you saying it will be difficult for urban districts with highly transient, low-income populations to demonstrate improvement given the fact that they're not dealing with the same student population from year to year?*

**MR. MCWALTERS:** Exactly. I like the idea of the feds saying to the states, "Economic security, and the quality of life depend on having every kid hit the target in 12 to 14 years." So we have to solve the problem of transience, solve the problem of stability, solve access to daycare and quality healthcare. That's the part of the challenge that I like. It isn't just about whether that teacher on this day is performing well, even though we have to solve that problem as well.

**CONNECTIONS:** *About half the states have exit examinations. Given the funding situation, is there concern that the extra help some kids might need to graduate will not be forthcoming? Does this make exit exams inherently inequitable?*

**MR. MCWALTERS:** I will not impose high stakes testing until I can come up with a system where I can hold the adults responsible for organizing themselves and getting resources and programs to every kid in a reasonable fashion. Our accountability system must land on districts and schools. It shouldn't land on individual children. I'm sending ninth-graders on to high school when I know they haven't had adequate preparation since the fourth grade, and now all of a sudden it's their fault when they don't perform well. I'm all for the high stakes part of NCLB, but it's got to be high stakes for public policy, not for individual kids.

**SENATOR MONSON:** You're absolutely right. It's not the kids' fault that they can't pass an exit exam. In our state, you receive a standard diploma if you meet minimum standards and then get a certificate of distinction if you meet high standards, and that includes taking four years of math. The point is, there are many disparities and inequitable situations that cause students to fall behind. We cannot place responsibility on the kids unless we put responsibility on ourselves to ensure that kids have an equitable opportunity to achieve. ■

## SCHOOLS OF THE 21ST CENTURY

In Detroit, Schools of the 21st Century is "Detroitizing" NCLB—helping parents understand the new law by developing a parent-friendly publication and hosting meetings throughout the city. The local education fund is also collaborating with other community-based organizations to support Michigan's low-performing schools. Transition to NCLB is expected to go smoothly despite the 131 schools in the district that require corrective action. Michigan protected education funding from the recent round of budget cuts, the school district's leadership is stable and capable, and the Detroit community is focused on education and enjoys the support of a strong community foundation.

"UNEQUAL EDUCATION" CONTINUED FROM PAGE 7

### MORE NEEDS TO BE DONE

The courts need to do a better job of protecting the rights of citizens. It is not right to give the children of Harlem lesser educational quality than the children of Scarsdale. It is not right to demand that all students pass the same test despite wide disparity in teacher quality and student needs. It is not right to assert that an eighth-grade education is all some children need. Courts must assert their power as arbiters of American justice, acknowledge that discrimination against the poor is wrong, and give children of the poor a level playing field upon which to compete with children of the rich.

We need to bolster the *Brown* decision. Virtually no one would dare justify segregation today, yet segregation has been quietly increasing beneath our collective radar screens. School district boundaries should not stop desegregation efforts, and inner city students

should not be treated differently than their white suburban counterparts. We need to raise the quality of teaching, the quality of curriculum, and the quality of support services in our neediest schools so all students get a fair chance to pass high-stakes exams.

Americans would instantly recognize unfairness if the post office charged more for delivering mail to urban America, if the police refused to patrol inner city neighborhoods, or if we had different voting rules for minority polling places. So why do we tolerate a double standard for our public schools? It is the job of the courts to end disparate impacts and unequal distribution of funds. It is the job of the public to make sure the courts act on behalf of fairness and equity. ■

## URBAN EDUCATION PARTNERSHIP

In the Los Angeles Unified School District, NCLB implementation is putting many schools—including some in which more than 50 percent of the teachers have emergency teaching permits—under the microscope. The Urban Education Partnership (UEP) is helping districts and institutions of higher education meet NCLB teacher quality requirements through field-based credentialing programs, and is helping LA teachers develop standards-based lessons. UEP was also recently appointed by the state to serve as a project manager/mediator for Proposition 10 funding to grantee schools in the unified school district.

## NATION BUILDING BEGINS WITH EDUCATION

BY RICHARD NAVARRO



Richard Navarro currently serves as chief of education for UNICEF in Afghanistan, where he is based in Kabul and travels widely across the country. Dr. Navarro has worked on education policy issues in the United States, Mexico, and Sri Lanka for the past 20 years. He recently chaired a California commission on integrating technology into K–12 education. He is on leave from his position as dean of the College of Education and Integrative Studies at California State Polytechnic University, Pomona.

As happened to many Americans, September 11 changed my perspective on the world—in my case, quite literally. Two years ago, I was preparing for another year as a college dean in California. Today, I find myself 8,000 miles from home and family, directing efforts to help the people of Afghanistan rebuild their nation’s war-ravaged public education system.

My parents, immigrants from Mexico, taught me that education offers opportunities for personal achievement, as well as the responsibility to ensure that others are given the same chance. In Afghanistan, educational opportunities—along with 90 percent of the school buildings—have been shattered by decades of violent conflict.

Two-thirds of the nation’s 77,000 public school teachers have less than a twelfth-grade education. Only one-quarter graduated from a teacher-training institute. Teacher salaries average \$36 per month, covering less than a third of the estimated cost of living. Many schools lack facilities; children attend “schools” in which they sit around blackboards propped up in culverts, even in relatively prosperous areas. And only 30 percent of the students attending public school are girls.

Nonetheless, my visits to schools found Afghans deeply committed to rebuilding their country through education. Children are excited to be in school, even if class is held in the shade of a tree. Though many

teachers have not been paid for months, their dedication remains undiminished. These students and teachers are the hope of Afghanistan’s future, and they affirm my belief that public education is an essential catalyst for fueling economic growth and social change in that country.

Between 1952 and 1977, USAID provided Teachers College, Columbia University, with funding to help the Afghanistan government build a national network of primary and secondary schools and a higher-education system to support them. Now, the same players and UNICEF are working to help the new transitional government of Afghanistan create the National Academy of Education in Kabul, which will be the focal point for rebuilding the nation’s teaching force and education system.

Afghanistan’s citizens will be the most important agents in revitalizing their nation’s education system but, to serve its 5.8 million students, Afghans must have the sustained and coordinated assistance of other nations. Yet, of the \$4.5 billion that world leaders pledged to Afghanistan for its education system, only one-quarter has been received—a situation that threatens to derail efforts to reach Afghanistan’s politically alienated regions by providing them with a strong public school infrastructure.

The events of September 11 should serve to remind all of us just how essential education is to nurturing peace, prosperity, and democracy. I hope the United States and its allies will remember the lessons of their own development and will commit to rebuilding Afghanistan through public education. If we fail, hope will turn to despair, and Afghanistan could become an even more dangerous place in the future than it has been in the past. ■

## N E T W O R K M E M B E R S

### ALABAMA

- Mobile Area Education Foundation

### ALASKA

- Citizens for the Educational Advancement of Alaska's Children (Tok)

### ARKANSAS

- El Dorado Education Foundation
- Public Education Foundation of Little Rock

### CALIFORNIA

- Alliance for Student Achievement (Los Angeles)
- Berkeley Public Education Foundation
- The Galef Institute (Los Angeles)
- Linking Education and Economic Development (Sacramento)
- Marcus A. Foster Educational Institute (Oakland)
- San Francisco Education Fund
- Urban Education Partnership (Los Angeles)

### COLORADO

- Public Education & Business Coalition (Denver)

### CONNECTICUT

- Bridgeport Public Education Fund
- Hartford Education Foundation
- New Haven Public Education Fund
- Norwalk Education Foundation
- Stamford Public Education Foundation

### DISTRICT OF COLUMBIA

- DC VOICE
- In2Books
- Parents United for the DC Public Schools

### FLORIDA

- The Alliance for World Class Education (Jacksonville)
- Education Foundation of Collier County (Naples)
- Education Foundation of Palm Beach County (West Palm Beach)
- The Education Fund (Miami)
- Foundation for Orange County Public Schools (Orlando)
- Hillsborough Education Foundation (Tampa)

### GEORGIA

- APPLE Corps, Inc. (Atlanta)

### ILLINOIS

- The Chicago Public Education Fund

### INDIANA

- Allen County Local Education Fund (Fort Wayne)
- Public Education Foundation...Serving South Bend

### KENTUCKY

- Forward in the Fifth (Berea)

### LOUISIANA

- Academic Distinction Fund (Baton Rouge)
- Greater New Orleans Education Foundation

### MARYLAND

- Fund for Educational Excellence (Baltimore)

### MASSACHUSETTS

- Boston Plan for Excellence in the Public Schools
- The Cambridge Partnership for Public Education
- Lynn Business/Education Foundation
- Mary Lyon Education Fund (Shelburne Falls)

### MICHIGAN

- Kalamazoo Communities in Schools Foundation
- Schools of the 21st Century (Detroit)

### MINNESOTA

- Achieve!Minneapolis

### MISSISSIPPI

- Area Education Foundation (Hattiesburg)
- Association for Excellence in Education (Laurel)

### NEBRASKA

- Foundation for Lincoln Public Schools

### NEW JERSEY

- East Orange Education Foundation
- Englewood Community Foundation
- Montclair Fund for Educational Excellence
- Paterson Education Fund
- Public Education Foundation of Plainfield

### NEW YORK

- Good Schools for All (Buffalo)
- Greater Syracuse Education Fund
- New Visions for Public Schools (New York)

### NORTH CAROLINA

- Charlotte Advocates for Education
- Chatham Education Foundation (Pittsboro)
- Durham Public Education Network
- Guilford County Education Network (Greensboro)
- Public School Forum of North Carolina (statewide)
- Wake Education Partnership (Raleigh)

### OHIO

- Center for Leadership in Education (Elyria)
- Cleveland Initiative for Education
- KnowledgeWorks Foundation (Cincinnati)
- Stark Education Partnership (Canton)

### OKLAHOMA

- Oklahoma City Public Schools Foundation

### OREGON

- Portland Schools Foundation

### PENNSYLVANIA

- Lancaster Foundation for Educational Enrichment
- Mon Valley Education Consortium (McKeesport)
- Philadelphia Education Fund
- Pittsburgh Council on Public Education

### RHODE ISLAND

- The Education Partnership (Providence)

### SOUTH CAROLINA

- The Alliance for Quality Education (Greenville)
- The Charleston Education Network
- The Education Foundation (Charleston)
- Pee Dee Education Foundation (Florence)
- Public Education Partners (Aiken)

### TENNESSEE

- HC\*EXCELL – The Education Foundation (Morristown)
- Nashville Public Education Foundation
- Partners in Public Education (Memphis)
- Public Education Foundation (Chattanooga)

### TEXAS

- Austin Voices for Education and Youth
- Houston A+ Challenge
- Richardson Independent School District Tomorrow
- San Antonio Education Partnership

### WASHINGTON

- Alliance for Education (Seattle)

### WEST VIRGINIA

- The Education Alliance (statewide)

### WISCONSIN

- Foundation for Madison's Public Schools

## N E T W O R K F U N D E R S

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The Sulzberger Foundation

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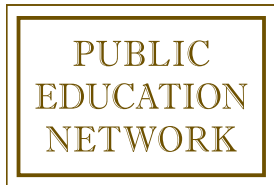
US Department of Education, Office of Educational Research and Improvement

US Department of Health & Human Services

Washington Mutual Foundation

William & Flora Hewlett Foundation

Working Assets Youth Focus Fund



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## **Public involvement. Public education. Public benefit.**

Public Education Network (PEN) is a national association of local education funds (LEFs) and individuals working to advance public school reform in low-income communities across our country.

PEN seeks to build public demand and mobilize resources for quality public education for all children through a national constituency of local education funds and individuals. PEN believes community engagement is the missing ingredient in school reform, and that the level of public involvement ultimately determines the quality of education provided by public schools.

PEN and its LEF members work to bring the community voice to the debate on quality public education in 32 states and the District of Columbia. Serving almost 11 million students in 16,500 schools, LEFs are helping their communities adopt action plans for standards and accountability, schools and community services, and teacher quality.