

Leaving NO CHILD BEHIND?

OPTIONS FOR KIDS IN FAILING SCHOOLS

AEI POLICY SUMMARY

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No Child Left Behind is one of the defining pieces of domestic legislation of our time. It commits the nation to ensuring that all children are given an opportunity to pursue the American dream. Aiming to make the law more than a noble aspiration, lawmakers sought to sanction schools, districts, and states that fail to meet their obligations and to provide recourse for students trapped in ineffective schools. The first remedies prescribed by NCLB for children in schools identified as “needing improvement” are the law’s provisions for “public school choice” (PSC) and “supplemental educational services” (SES). These choice provisions are limited but crucial elements of NCLB. They are the life rafts that Congress is throwing to children in our most troubled schools.

For NCLB to do better, it will not be enough to offer rousing speeches and calls to action. It is also necessary to reflect soberly on how the law is working. Less than three years after NCLB’s enactment, we asked whether these remedies are being conscientiously implemented and appear likely to work as intended.

Lessons learned

Six lessons have emerged regarding the NCLB choice provisions.

- Local school systems perceive NCLB’s choice provisions as requiring unfamiliar actions and clashing with their own interests.
- SES provisions are working unexpectedly well. In fact, local school systems are more troubled by the challenges of PSC than by the supplemental services mandate.
- Statutory constraints built into the PSC provision create options that are too limited. In many communities, the constraints prevent children from availing themselves of better education opportunities.
- NCLB choice provisions have not provided local school administrators with sufficient incentives to improve their schools.
- State officials are reluctant to use NCLB’s choice provisions as levers to drive school improvement.
- Conflicting federal and state rules confuse parents and educators as to which children and schools are eligible for benefits and what school ratings mean.

Recommendations

What to do? The law’s design and implementation should be modified. We offer the following suggestions.

Ensure Available Choices

- States and districts should take steps to expand the supply of alternatives through interdistrict choice and charter schooling and to ensure the presence of viable tutorial providers.
- Some states and districts have long made school choice a central tenet of their improvement efforts. Congress should give them the flexibility to blend NCLB’s provisions with their own and allow them to demonstrate new, effective approaches.

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- School districts need to function *either* as SES providers or as regulators of other providers, not both. In districts that wish to provide supplemental services, the state ought to be charged with identifying another entity to screen, negotiate with, and oversee all local SES providers, including the school system.

Harmonize Accountability Systems

- Lawmakers should reverse the order in which SES and PSC are provided. Districts are more comfortable with the tutoring provision, and it makes sense to help children improve their performance within a school before exiting that school.
- The evaluation system should be amended so that schools are not penalized for enrolling students transferring from low-performing schools. The manner in which adequate yearly progress (AYP) is calculated discourages principals from wanting to attract students via NCLB-mandated school choice. Because transferring students are coming from low-performing schools, principals are justly fearful that they will pull down the performance of their new school.
- Lawmakers should target SES and PSC on pupils in clearly inadequate schools, ensuring opportunities for those most in need. The current system does not distinguish crisis schools from those that barely miss AYP cutoffs, which inflates the number of “needs improvement” schools and understates the number of reasonably “successful” schools.

“Lawmakers should reverse the order in which supplemental educational services and public school choice are provided.”

- States should revamp testing and reporting cycles to identify targeted schools well in advance of the opening of the new school year. Only in that way can districts sensibly prepare programs and families make intelligent choices.

Inform Parents and Policymakers

- States should take steps to prod districts to notify parents of their options early, often, and in clear terms. Most parents of children in schools that do not make AYP are unaware of their school’s status due to halting efforts by districts to inform parents.
- The National Center for Education Statistics should compile data on how many students are SES-eligible and which providers are serving how many students. There is an acute need for better federal data on how choice options are being used and how they are working.
- Where a district wants no part of school choice or supplemental services, families must have a viable “bypass” mechanism. It is imperative that families be provided with both information and options, whether or not a district wishes to cooperate.

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Book Ordering Information:

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