

What Mandates?

School districts have little to gripe about

It's been said, more than once, that the No Child Left Behind Act (NCLB) is a mandate that the federal government has failed to fund. Not true, in either respect. The law is neither unfunded nor, with one exception, much of a mandate.

The funding question was put to rest by James Peyser and Robert Costrell in the Spring 2004 issue ("Exploring the Costs of Accountability," *Feature*). They showed that it costs but \$20 to test a student, the only new activity NCLB requires all schools to do. Meanwhile, federal dollars have risen steadily since the law's passage; the average district now receives \$300 more per pupil from Washington than it did in 2000.

Nor is NCLB, apart from its testing requirement, much of a mandate. To be sure, schools are expected to show adequate yearly progress toward state-determined goals, as measured by state-developed tests. If progress is not made, the school is said to be failing or, in the polite language of the federal Department of Education, "in need of improvement."

But what are the consequences of failing? Not much. If a school fails for two years running, the only requirement is to let its students transfer to one of the district's nonfailing schools.

Students are not given the option of transferring to a private school or to a charter school outside the district's boundaries. Inner-city children are not given the choice of attending a suburban school. Students cannot move to a better school if it too is "in need of improvement." If every school in a district is failing, or if the district has only one school, children have no choices whatsoever.

According to the Council of Great City Schools, roughly 20 percent of big-city schools have been deemed "failing" (see the article by Michael Casserly on p. 32). This percentage is almost certain to increase, because the "adequate yearly progress" rule becomes more demanding each year. Unless schools improve—or states ease their academic standards—most big-city schools will soon be defined as failing. If every school is so designated, the choice mandate vanishes.

William Howell reports that over a fifth of the parents

in failing schools would like to consider an alternative (see the article on p. 26). Since his data are from Massachusetts, a relatively high-scoring state, the parental demand could well be greater elsewhere.

Yet less than 1 percent of all students in failing schools have sought a transfer. Some hurdles (transportation costs, timing, and so forth) are practical. But many school districts appear to be obstructing the process by restricting the number of available choices and discouraging parents when they apply. As one Worcester, Massachusetts, official put it, "The feds told us we had to offer a choice, not the parents' choice, but a choice."

After three years of making inadequate progress, schools face another so-called mandate: Students must then be given the option of receiving free tutoring or other supplemental educational services. For this, the federal government is providing more than enough funds to pay current costs—and still more money is on its way.

Local districts can contract with outside vendors or provide these tutoring services themselves. At present the system is designed so that districts can keep the motivated students with supportive families who initially apply for services, leaving the less motivated students to be served by outside providers.

Where, in all of this, is there a tough mandate? Admittedly, schools are to be "reconstituted" by their districts if they fail five years in a row. Will this mandate have a bite? Though it's too soon to tell, the reconstitution concept remains ill defined, leaving plenty of wiggle room for local school officials—the very same people who let these schools "fail" in the first place.

So is NCLB too weak to succeed? Not as long as test results continue to be reported to the public. Because of NCLB, parents and taxpayers are being told, more clearly than ever, how much students are learning at school.

This, it seems, is the excruciating mandate that many school officials and union leaders detest most. The feds are making them squirm under a bright light of public information about the schools' performance. What's so bad about that?

- PAUL E. PETERSON

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of failing?
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MISSION STATEMENT In the stormy seas of school reform, this journal will steer a steady course, presenting the facts as best they can be determined, giving voice (without fear or favor) to worthy research, sound ideas, and responsible arguments. Bold change is needed in American K-12 education, but *Education Next* partakes of no program, campaign, or ideology. It goes where the evidence points.
