

Transforming No Child Left Behind: National Council of Churches Conference Names Opportunity to Learn, Improving Struggling Schools, and Reducing Testing as Priorities in Reauthorization of Federal Education Law

“The National Council of Churches’ policy statement on ‘The Churches and the Public Schools,’ adopted in 1999, (tells us)... ‘At a time when public education has become a political battleground, we call on our member churches and nation to remember first and foremost our children. The well-being of children, all children, is our central concern.’ And we who have gathered here today know that quality education, quality public education, is a major way of contributing to the well-being of children.” —Rev. Dr. Michael Kinnamon, March 13, 2009

At **Transforming No Child Left Behind**, a faith-based, March 13, 2009 conference sponsored by the National Council of Churches Committee on Public Education and Literacy, speakers collectively proclaimed seven goals for the pending reauthorization of the Elementary and Secondary Education Act (currently named No Child Left Behind):

- recognize that it is unfair and immoral to demand equal outcomes on standardized tests without equalizing the resources at federal and state levels that create the opportunity for children to learn;
- address with resources the generational educational debt of poverty and segregation;
- improve the most vulnerable public schools and turn away from blaming teachers and punishing the schools that serve poor children;
- develop the unique gifts of each child, created in the image of God, rather than worshipping standardization;
- test children only in ways that improve instruction, measure real performance, and encourage exploration, imagination, and critical thinking;
- set a visionary and at the same time workable school improvement time line to replace the utopian 2014 deadline;
- address economic and social issues outside the school day that impair learning.

Keynotes Proclaim Opportunity to Learn as a Moral Imperative

“With a 3 to 1 ratio between high-and low-spending schools in most states, multiplied further by large inequalities across states, international studies repeatedly find that the U.S. has one of the most inequitable education systems in the industrialized world.”
—The Forum for Education and Democracy, *Democracy at Risk: The Need for a New Federal Policy in Education*, April 2008, p. 17.

Keynote addresses by Dr. John H. Jackson and Congressman Chaka Fattah began and ended the day with a call to equalize the resources that create an opportunity to learn, especially in the context of a federal law that for seven years has been demanding equal outcomes as measured by standardized tests.

Dr. John H. Jackson, President and Chief Executive Officer of the Schott Foundation for Public Education, called participants to demand for all children the resources that afford the opportunity to learn. “While occasionally individual schools can succeed even without adequate resources, public school districts that serve low income students and students of color systemically fail to provide them with the quality education they need and deserve.”

Reflecting on the biblical story of the feeding of the 5000 from *John: 6*, Jackson challenged the faithful advocates gathered to act together to create a miracle for under-served children. “Just as Jesus found a way to feed all in the crowd, so we are all responsible for ensuring that public education feeds all children... for the sake of the future of the United States, because education is a human right, and because providing for excellent schools in the poorest neighborhoods is morally right.”

In the debate about the reauthorization of the Elementary and Secondary Education Act, looming after years of delay, and at this time when our new President Obama has challenged that by 2020 all children will be equipped for global leadership, Jackson challenged conference participants to practice message discipline: demanding ample and equitably distributed resources and refusing to accept the current No Child Left Behind mandate that focuses primarily on test score outcomes while remaining silent on resource inputs.

Jackson invited participants to proclaim the goals of the Schott Foundation's Opportunity to Learn Campaign: access to early childhood education, highly effective teachers, college preparatory curriculum and equitable distribution of instructional resources. "Students in school districts providing the core Opportunity to Learn resources are more likely to achieve their states' proficiency standards and to graduate from high school." Schott Foundation philanthropy will support research and data collection, community organizing, public policy advocacy, leadership development and voter engagement to promote these ends to make states accountable not only for test score outcomes but also for provision of resources.

Just as the five loaves and two fishes were multiplied to become a miracle, so we can multiply our force by joining with others, being public with our views, and getting our Congressional representatives to listen. Faithful advocates are needed to help create a movement outside Washington, DC to increase the public will for public school equity as a moral imperative. "Legislators would rather do what is politically feasible instead of what is morally right. We need to make what's morally right politically feasible."

The story of the feeding of the 5,000 appears in all four Gospels. "None of the versions, however, emphasizes Jesus' words. The doing matters more than the talking. Our actions will matter as we organize, discipline our message, connect with others, and work with Congress. 5,000 people were fed with five loaves and two fish, with twelve baskets of scraps left over."

Congressman Chaka Fattah, eight-term Congressman from the Second Congressional District of Pennsylvania and member of the House Appropriations Committee, called No Child Left Behind's "high stakes accountability intellectually dishonest because it holds children accountable for test scores when their schools lack resources." "With this new Administration the time has come finally to address the challenge of helping all children to live up to their God-given potential."

Noting that this year India has set aside a significant percent of school seats for children who have previously been shut out by caste, Rep. Fattah charged that the United States has made little progress since a 1972, Nixon Administration report identified reliance on local property taxes for funding schools as a guarantee of failure for children in property-poor school districts. Rep. Fattah noted that in many parts of South Carolina, there has been little progress since the pre-*Brown* days when the *Briggs v. Elliott* case was filed in Clarendon County.

With No Child Left Behind, the federal government has moved to the sidelines, away from guaranteeing equal opportunity to learn because the 2002 federal law is silent about equalizing resources. However, "we have proof that we know what we need to do to educate children, because these are the things we practice regularly in the suburban schools for the students we expect to do well."

Fattah is the recognized expert in Congress on the articulation of state and local school funding patterns with federal policy. For many years, he has sponsored the Student Bill of Rights Act to call attention

to egregious inequities in educational opportunity across states and school districts. The Student Bill of Rights would require each state to certify with the U.S. Secretary of Education that its public school system provides students with equal access to qualified teachers, the opportunity to learn from up-to-date textbooks and access to computers, libraries, and qualified professional personnel.

No Child Left Behind exacerbates the injustice because it overlays punishments for schools that cannot quickly raise scores on top of resource inequity across the states.

In February, on behalf of the Congressional Black Caucus, Rep. Fattah called President Obama to establish a National Commission on the Opportunity to Learn, “to identify longstanding disparities in resource allocation and to work with the states to combat these disparities.” “States would have to quantify disparities that exist today and thereby confess their sins.”

The Church Speaks for Educating the Whole Child; Eschews Standardization

Archbishop Vicken Aykazian, President of the National Council of Churches and a leader in the Diocese of the Armenian Church of America, welcomed participants to the conference with prayer and a reflection on the importance of our work to lift up teaching. “The word ‘teach’ appears 30 times in the gospel, twice as frequently as ‘justice’ and ‘compassion’.” Archbishop Vicken reflected on his life as an Armenian immigrant child whose life depended on not only the strength of his family and his cultural heritage but also the opportunities afforded by his public school. Knowing from personal experience that each child brings unique needs along with particular gifts, Archbishop Aykazian worries about our national education law that operates punitively through an inside-the-school management strategy of increased productivity based on test scores rather than providing resources and support for the individuals who shape children’s lives.

Calling the church to work for reform in the federal education law, **Rev. Dr. Michael Kinnamon, General Secretary of the National Council of Churches and a respected Christian Church (Disciples of Christ) theologian**, reminded participants of Jesus’ radical notion (in the Roman society of Jesus’ times) that, “Each and every child, is the earth’s most precious resource, an amazing gift from God.” Kinnamon set his remarks in the context of Mark: 9, “Then Jesus took a little child and put it among them. And taking the child in his arms, he said to them, ‘whoever welcomes one such child in my name welcomes me—and whoever welcomes me, welcomes the One who sent me.’” Kinnamon continued, “The lesson is not about imitating children, it is about receiving them. Little children... are to be welcomed, cared for, because of their special relationship with our Lord... This is part of the eschatological reversal of scripture: Greatness is redefined as caring for, as receiving, the most vulnerable among us.... Not because they are ‘good children’ or ‘bright children’ or ‘cute children’ because they are children. Not because they are ‘our children’ but because they are God’s.”

Kinnamon enumerated five principles from policy statements of the NCC’s General Assembly that speak to the pending reauthorization of the federal education law:

1. Because each child is a sacred person with special gifts, “we are opposed to standardization which treats children more as products to be tested and managed than as unique expressions of God.”
2. “While each child is unique, all children are precious—which means that an education system in which some children have access to excellent instruction while others do not is simply unacceptable.”

3. Education's goal is not simply basic proficiency in reading and math, but instead "the nurture of the whole child."
4. "Education cannot be viewed in isolation but must be seen in its wider social context." Hence Kinnamon lifted up the Broader, BOLDER Approach to Education initiative of which he was one of the original signers. The Broader, BOLDER Approach combines an aggressive school improvement strategy with universal high-quality early childhood education, health care for all children, and cultural, athletic and academic enrichments outside the school day, especially for poor children whose schools cannot afford the kind of programs many families take for granted.
5. We need to ensure that teachers are paid well in all settings and that the poorest school districts can afford excellent teachers.

Kinnamon warned that fearfulness often accompanies school reform because we worry that addressing resource inequity will mess up the schools the rest of us enjoy. He called Christian advocates to reject fear and embrace justice.

Expert Panel Enumerates Specific Reforms Needed in ESEA Reauthorization

Policy experts on school improvement, civil rights, school finance, and design and implementation of standardized testing defined particular issues Congress needs to address in the upcoming reauthorization of the Elementary and Secondary Education Act (ESEA). Because the 2002 ESEA reauthorization, called No Child Left Behind (NCLB), covers a mass of issues in its 1100 pages, it is hard to define and hold onto particular problems in the law. Before we can speak together effectively to help shape the debate around the reauthorization, we must first be able to diagnose the law's problems and then come to consensus about what set of changes will begin to ameliorate the damage. In a law that remains silent about equalizing opportunity to learn but that is named "No Child Left Behind," who are the children being left behind? What is it about this law that leaves so many behind? What changes are called for?

Joel Packer, Director of Educational Policy and Practice for the National Education Association and public education policy advocate for 33 years, delineated the intersection of the pending reauthorization of the Elementary and Secondary Education Act (NCLB) and the American Recovery and Reinvestment Act that will invest over \$100 billion into public education over the next two years. The stimulus package, allocated primarily on the basis of the distribution of population across the 50 states, will provide significant money for the Individuals with Disabilities Education Act, for Title I to support schools serving poor children, for college loan increases and a special "race to the top fund" under the control of Secretary of Education, Arne Duncan, to support innovation. No one can be sure where this infusion of money, with the purpose of stimulating the economy, will merely replace state and local funds being cut due to budget crises, how much will further the priorities within the mandates of NCLB, or to what degree these funds might be used to remedy some of the seriously unfunded mandates in NCLB.

Packer reported that, to qualify for stimulus funds, states will have to provide evidence they are using high-quality assessments (standardized tests), they have set standards to assure that high school graduates are ready, they have achieved equity in teacher distribution, they are designing longitudinal data systems to track individual student progress, and they are complying with the progressive sanctions of NCLB to punish schools failing to make Adequate Yearly Progress. It will be important to watch how President Obama's new Department of Education interprets these rules as an indicator of how the new Administration intends to move forward.

According to Packer, we are beginning to learn President Obama's priorities for the reauthorization later this year. The President has expressed disapproval of too much fill-the-bubble multiple choice testing and concern about the law's impact on English language learners and children with disabilities. The President has prioritized expanding early childhood education, improving teacher quality, intervening in low-performing schools, innovation, and extending the length of the school day and school year, although many of these concepts remain vaguely defined at this time.

Packer condemned NCLB's system of ever-increasing benchmarks for Adequate Yearly Progress until all children are proficient by 2014 as perhaps the law's most serious flaw. "Forty percent of America's schools have failed to make Adequate Yearly Progress at least once and the number will continue to grow. These schools are being punished and not improved, and the system of Adequate Yearly Progress has undermined confidence in American public education."

Judith A. Browne, Co-Director of Advancement Project, brought her perspective as a civil rights attorney and a researcher who has published significant reports on the school to prison pipeline, including research on dropout rates, the role of punitive discipline and police in schools, the impact of overcrowding, and the role of standardized testing for pushing adolescents out of school.

While her research has focused on high school dropouts, Browne also referenced her own experience as a mother of a first grader in the Prince Georges County (Maryland) Public Schools. Browne grieves about poor conditions in a school district that remains racially segregated, conditions that include too many portable classrooms crowding out the playgrounds and even a lack of amenities like toilet paper in lavatories. Brown asked us all to keep in mind a long-standing question: How can our society make schools parent-friendly places?

Browne regrets that today there is no longer a "movement" working for expansion of civil rights in public education. "The momentum that once accompanied implementing the vision of *Brown v. Board of Education* has been hijacked by the politics of the accountability movement."

Browne identified five goals for the reauthorization of NCLB:

- Move away from test-and-punish and educate the whole child.
- Move away from test-and-punish and build the capacity of schools that struggle.
- Move away from test-and-punish to keep kids in school. "NCLB's testing regime has incentivized pushing students out of school to raise the overall scores of the school."
- Develop a system to recruit and train excellent teachers.
- Find a way to encourage excellent teachers to work in struggling schools and school districts.

Equalize resources (opportunity to learn) at a time when schools have become less equal. Today there is a 3:1 disparity in most states between what school districts can spend, because school districts continue to be overly dependent on local property taxes. Students' academic progress is, therefore, not shared from place to place. "We must pay off the educational debt that has accumulated over centuries of denied access to education and employment, reinforced by deepening poverty and resource inequality in schools that continue to leave behind children of color and the poor."

Browne is a convener of the Forum for Education and Democracy, and referenced the Forum's excellent 2008 report, *Democracy at Risk*.

Molly Hunter, Director of Education Justice at the Education Law Center, is nationally recognized on issues of school finance litigation and education reform. As an expert on statewide school finance inequity as well as federal issues in NCLB, Molly explored the implications of the federal law that not only under-funds federal requirements but also makes assumptions that states have the fiscal, regulatory, and technical capacity to implement federal mandates that states, in fact, lack capacity to manage.

Hunter demonstrated massive funding inequities through examples from evidence presented in state court testimony. “When injustice is defined by school resources, its meaning becomes very concrete.”

- *From Williams v. California*: Many high schools in California do not offer a curriculum that meets the entrance requirements of the University of California system.
- *From Campaign for Fiscal Equity v. New York*: Lab sciences are required for graduation in New York, but 31 high schools in New York City were shown in court testimony not to have science labs.
- *From the remedy in Abbott v. Burke*: New Jersey has actually begun to close achievement gaps with significant extra dollars driven to the poorest school districts for early childhood education and better teachers and curriculum.

Reading from state court decisions in Ohio and New Jersey, Hunter pointed out that judges have been moved in case after case to describe grievous inequities in moral language familiar to the church. “The state court decisions are very important and relevant to the reauthorization of NCLB, because officials in Washington, DC may be unfamiliar with the severity of these inequities.” The Elementary and Secondary Education Act was passed in 1965 as a part of the War on Poverty. Federal education funding, primarily through Title I, has helped to some degree although its impact has been undermined because federal funds provide less than ten percent of all funding, and the state and local share is so inequitably distributed.

Monty Neill, Deputy Director of the National Center for Fair & Open Testing (FairTest) has also convened and led the Forum on Educational Accountability, which has developed and organized around the Joint Organizational Statement on No Child Left Behind, now signed by 149 national organizations including the National Council of Churches and a number of its member communions. A national expert on the construction and uses of standardized assessments, Neill judges the consequences of No Child Left Behind’s reliance on standardized testing as dangerous for children when we lose touch with the need to educate the whole child, dangerous for democracy when students are not well prepared for citizenship, and dangerous for our understanding of public schools as the center of community, when community is defined more broadly than merely a marketplace.

Reminding participants that NCLB requires annual standardized testing in grades 3-8 and once in high school, Neill reported that some Los Angeles teachers have been boycotting some of the tests because they have calculated that they now spend 43 days of the 180 day school year on testing, including all the benchmark assessments that districts use to prepare children for the federally required tests. NCLB’s standardized testing requirements have caused schools to narrow the curriculum to the tested subjects and too often to time spent on test preparation. NCLB’s mandated testing has also removed control of each public school from the professionals who are working directly with children to distant bureaucrats who prescribe and regulate and the corporations that produce tests and related curricula and textbooks.

In these very concrete but often unnoticed ways, standardized testing replaces the democratic community once thought to be responsible for the community’s children and drives education into the marketplace where privatization is justified by low test scores and also where school districts are incentivized to turn to the market for off-the-shelf test prep materials and programs.

Not only has NCLB over tested, it has also attached punishments for schools that cannot raise scores quickly. The whole-school consequences as Adequate Yearly Progress failures add up after several years are transformation of the school to a charter school or to private management.

“As long as we believe we can test our way to high quality education, we instead block needed improvements and we will leave many students behind.” Here are particular problems Neill attributes to the standardized testing agenda of NCLB:

- NCLB creates a powerful incentive to narrow the curriculum to the tested subjects of basic reading and math.
- There are very serious civil rights implications as this incentive is strongest in the poorest schools where poor children and children of color too often spend time drilling and practicing for multiple choice tests.
- When states have attached high stakes to test scores, the testing regime puts the consequences on children who may be held back in grade or denied graduation or a full diploma based only on the test score. In many cases the attachment of high stakes to standardized testing has contributed significantly to the dropout rate and the school to prison pipeline.

It is not clear yet exactly where the new Administration will go with standardized testing, since the President has criticized narrow standardized tests but seemed to call for national standards, and the Secretary of Education has called for a national test. Both the President and the Secretary of Education have advocated for performance rewards for teachers, which might or might not mean paying teachers for students' test scores.

Specifically Neill advocates:

- Reduce the amount of required testing.
- Support multiple kinds of assessments including performance assessments and development of local assessments by teachers as one way to improve teaching. These should count as innovations that can qualify for American Recovery and Reinvestment Act stimulus funds. "Driving a car to get a driver's license is the clearest example of a "performance assessment," an authentic test that demonstrates mastery of a set of skills. |
- End the 2014 deadline when all students must test "proficient." Instead hold schools accountable for demonstrating improvement on a range of outcomes.
- Help schools; stop punishing them. Build the capacity of struggling public schools by involving parents more deeply and by involving teachers in ongoing professional collaboration and development.
- Develop assistance and support for schools that must be improved and intervene in schools that can't improve even with assistance.
- Insist on opportunity to learn by holding government accountable for ensuring that all schools have access to adequate resources for quality programs and well-qualified teachers.

David Johns, Senior Education Advisor to the Senate Health, Education, Labor and Pensions (HELP) Committee, shared that he is privileged to bring experience as a Kindergarten and third grade teacher with him as he works in a policy position on the Hill. The Senate HELP Committee staff will be actively involved in drafting the actual language of the Elementary and Secondary Education Act reauthorization. The HELP Committee works on a range of bills and several in the area of children

and education will come ahead of the reauthorization of ESEA: national service for middle and high school students, the reauthorization of the child abuse act, and the workforce investment act. The ESEA reauthorization will see action much later this year, but committee members will be working on it all year long, which means that members of the HELP Committee and their staffs need to hear from advocates all year long.

Johns challenged faithful advocates to incorporate three strategies:

1. Make it real.
2. Quantify with data whenever possible.
3. Be steadfast by staying in touch again and again and holding members of Congress responsible.

Participants Pledge to Create Momentum for Reform

The NCC Committee on Public Education and Literacy convened the *Transforming No Child Left Behind* conference for the purpose of equipping advocates to speak for an ESEA reauthorization that leaves behind the strategy that for the past eight years has over-tested children and then blamed and punished schools, teachers, and children; prescribed school reconstitution and privatization as though they alone can improve academic achievement; and undermined confidence in public education itself.

Represented among the conference's nearly 100 participants were the African Methodist Episcopal Church; African Methodist Episcopal Zion Church; American Baptist Churches USA; Armenian Orthodox Church of America; Christian Church (Disciples of Christ); Christian Methodist Episcopal Church; Episcopal Church; Evangelical Lutheran Church in America; Presbyterian Church, USA; Progressive National Baptist Convention; United Church of Christ; United Methodist Church; United Methodist Women and a number of secular agencies concerned about public education. The Justice and Advocacy Commission of the National Council of Churches, as part of its spring meeting, also joined the conference for part of the morning and the luncheon conversation.

Participants pledged to stay in touch with each other, ecumenically and by region; share information; lead discussions within congregations and in regional judicatories; partner with others in their communities; contact members of Congress and their staffs both during Hill visits and when leaders are back in the districts; share stories of good news about public schools and public school teachers in these times when public education has been undermined; preach on concerns raised at the *Transforming No Child Left Behind* conference; develop a denomination-wide policy statement, in one communion, that will underpin more pointed public policy advocacy; and creatively seek ways to lift the church's voice about the importance of public education.

Participants asked the NCC Committee on Public Education and Literacy to share up-to-date information as the reauthorization is developed, including bulletin inserts that can be shared on Sunday morning. The Committee pledged to create an e-mail list of all participants and to send regular updates. Participants are asked to share stories of their activities to support justice in the NCLB reauthorization for posting on the Committee's page at the National Council of Churches website.

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