



DOCUMENT REVIEWED:	“End It, Don’t Mend It: What to Do with No Child Left Behind.”
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### **Summary of Review**

This new report from the Cato Institute begins with a solid analysis of No Child Left Behind’s difficult-to-discern effects on student achievement, concluding that the law has narrowed the curriculum while failing to boost test scores. The report also includes a useful, though one-sided review of current debates on Capitol Hill, focusing on proposals that the authors believe offer little more than tinkering with the current law. This prompts the question of why major players have yet to back out of this short-term policy quagmire and ask, *what would an effective federal role look like?* Despite this provocative thinking, the authors ultimately fall back on the Cato creed: shrink the central state and expand market-choice in every sector of human activity. The report suffers from two key weaknesses. First, the authors ignore historical evidence showing that state-led accountability efforts, extending through the late 1990s, were associated with significant gains in achievement and narrower racial gaps. Rather than asking how Washington might learn from the states’ apparent success, the authors infer from NCLB’s limitations that any federal education policy will fail. Second, the authors’ failure to subject market-based approaches to the same critical analysis applied to NCLB leads them to endorse a very narrow range of policy alternatives.

## Review

### I. INTRODUCTION

The authors of the Cato Institute's policy analysis, *End It, Don't Mend It: What to Do with No Child Left Behind*,<sup>1</sup> lead with the radical conclusion that Washington should fully abdicate its role in the nation's perennial struggle to improve the schools. Instead, full authority should be held by the states and tax dollars should go back to parents (or at least to those parents who earn enough to benefit from tuition tax credits).

This conclusion proceeds, via a dramatic inferential leap, from a more tightly reasoned examination of No Child Left Behind (NCLB). In all, the Cato authors do the following: (1) usefully review evidence on whether students are doing better, post-NCLB; (2) examine what the authors believe are self-serving political interests that led to NCLB's initial enactment and continue to shape the widening debate on Capitol Hill over reauthorization; (3) review the Congress' constitutionally bounded role in education; and (4) conclude that after scrapping the federal government's role, the nation should organize school finance solely through tax credits or vouchers, shifting to a market system.

Cato's entry into the debate of what to do with No Child Left Behind comes as congressional Democrats begin to float compromise proposals aimed at striking a balance between supporters and critics of the current NCLB regime. To editorialize briefly, the rising clamor inside the Washington Beltway over how to fix NCLB is reminiscent of the dysfunctional family portrayed in *The Royal Tannenbaums*. Surface-

level symptoms drive heated debates, ignoring underlying dynamics. Family members, somehow drawn to shared commitments, keep talking past each other.

Rep. George Miller of California — the principal House architect of NCLB in 2001 — has advanced alternative forms of student assessment, a shift to tracking children's growth rather than relying exclusively on static benchmarks, and shaking teacher salary schedules to pay teachers based more on the pressing needs of inner-city schools, or based on the performance of their charges.<sup>2</sup>

Miller and his coauthors, including liberal House Speaker Nancy Pelosi, are feeling sharp resistance from the teacher unions and others who see leading Democrats as largely staying the course on NCLB, siding largely with the White House. At the same time, odd bedfellows — civil rights groups and conservative organizations — are blasting Miller for trying to allow alternative forms of testing and identifying fewer perennially low-performing schools.<sup>3</sup>

"We are ready in California to go to war," declared Dean Vogel, vice president of the California Teachers Association, outside the Capitol Hill conference room where Miller's bill was getting its inaugural hearing.<sup>4</sup> By mid-September Vogel's group was mailing colorful posters throughout California featuring photos of the Democratic leaders and reading, "Pelosi and Miller are getting it wrong."<sup>5</sup> So, at the very moment Democratic leaders are trying to rally middle-class voters around their policy agenda, labor is countering with pointed, quite public criticism.

## II. FINDINGS, CONCLUSIONS, AND RATIONALES OF THE REPORT

It's against this stormy backdrop that the conservative Cato Institute weighs in, with *End It, Don't Mend It*, by Neal McCluskey and Andrew J. Coulson. It offers a refreshingly blunt assessment of NCLB's weaknesses, leading to radical recommendations. The authors begin with negative answers to the questions of whether the law has worked (an empirical issue) and whether Washington should be aggressively engaged in school reform (a matter of political philosophy). From these two starting points, they arrive at a crisp recommendation: Congress should simply kill NCLB. The authors would return us to the states' rights of the early 1950s, limiting the federal government's role "to its constitutional bounds by ending its involvement in elementary and secondary education" (p.1). In addition, they argue, a universal system of tax credits or school vouchers should replace the current system of public funding and governmental oversight of schools.

The Cato authors start with a pivotal question. Has NCLB made any difference on the ground, raising students' test scores? Without much in the way of evidence, President Bush began declaring that the federal reform strategy was "working" in January 2004, just two years after signing "No Child."<sup>6</sup> The Bush administration's optimistic drumbeat has quickened in recent months as the White House pushes Congress to renew No Child Left Behind.<sup>7</sup>

The Cato authors detail how the evidence remains uneven at best for the claim that NCLB has, since the time when the federal law was enacted in 2002, raised achievement beyond the effects stemming from states' own accountability programs. The National Assessment of Educational

Progress (NAEP) tracks student performance in reading and mathematics among fourth, eighth, and twelfth graders. Just one of these six barometers showed continued growth over the initial four years of NCLB implementation: fourth-grade students continued to progress in math, a trend that began in the late 1980s (p. 3-5).

Soon after the Cato brief appeared, encouraging news did arrive, based on the spring 2007 NAEP assessments. Progress in math was sustained at the fourth-grade level, and eighth-graders showed signs of progress along with stronger math performance. The magnitude of gain equaled up to two scale-score points between 2005 and 2007 (one point equals about one-tenth of a grade level or three weeks of instructional time).

But eighth-graders showed no gains in reading, and the fourth-grade reading uptick centered largely in southern states and the Midwest, where state accountability programs have been historically weaker and where larger concentrations of poor children reside. So, it remains difficult to attribute these uneven gains to No Child Left Behind — after five years of implementation and over \$90 billion in Title I spending. It is doubtful that these results would have led the Cato authors to rethink their critique or conclusions.<sup>8</sup>

Given NCLB's mandate that all children will be grade-level proficient by 2014, the report describes how governors and state school chiefs have found inventive ways to show progress. Many states have lowered the bar defining "proficient" achievement, the exact opposite intent of "No Child," which promises high standards, as the Cato authors point out (pp. 6, 7). This is the so-called "race to the bottom."<sup>9</sup> The Cato authors also detail how officials in several states have admitted to simply making their

assessments easier, or re-weighting item scores to artificially inflate total test scores.

Another consequence of NCLB, say the Cato authors, is a narrowing of what is taught (p. 7). Proponents of improved science and social studies instruction complain that these subjects have shrunk in many schools, along with music and the arts.<sup>10</sup> Even health officials worry that the rise of childhood obesity might stem from reduction in time that kids spend in physical education. As an empirical matter, this narrowing of the curriculum may have stemmed from “No Child,” or it may have resulted from states’ own accountability programs. Yet this historical perspective is lacking throughout the Cato brief. From these authors’ perspective, states are almost always to be trusted, but Washington’s actions are presumptively harmful.

In sum, the authors offer three conclusions regarding NCLB’s effects: (1) it has failed to raise performance standards, instead encouraging states to lower the proficiency bar, (2) evidence that “No Child” has boosted achievement remains weak at best, and (3) unintended effects may not be healthy for the enterprise of liberal education. This may help to explain NCLB’s uneven support among suburban parents.

The authors then examine current efforts to simply tinker with “No Child,” essentially placing Cato alongside the teacher unions in rejecting the Pelosi-Miller attempts at incremental fixes. They recount education secretary Margaret Spelling’s comparison of NCLB to Ivory Soap: “It’s 99.9 percent pure... there’s not much needed in the way of change” (p. 7). The White House, like the House Democrats to a great extent, has tried to postulate that “No Child” is working and has argued against fixing something that’s not broken. The new NAEP results — five years and \$90 billion into NCLB implemen-

tation — do show a smattering of progress. But attributing this to federal action, as opposed to long-running state efforts, remains a pivotal question. This wider recognition of state and federal reform efforts would better inform Cato’s readers.

The Cato report then dissects the modest changes proposed by Spellings, House Democrats, and the Aspen Institute’s bipartisan study group. Such proposals include narrowing confidence intervals around mean test scores to make it tougher for schools to make growth targets; raising licensing requirements for school principals; and requiring states to test students in the twelfth grade. The authors ask whether such tweaks would do anything beyond adding more rules and sanctioning additional schools (pp. 7-10).

The Cato authors go after other proposed fixes, such as Democratic Senator Chris Dodd’s proposal to set national curricular standards and a common definition of what proficient achievement means at each grade level. This idea strikes them as too centralized and likely to open the door to various education groups that would have little interest in maintaining the NAEP’s higher performance standards (pp. 9, 10).

Instead, the authors conclude that a radical market model of school finance should take the place of federal involvement in the education sector. They endorse a Republican bill introduced in Congress that would take all federal education dollars and dole them back to IRS-filers through tax credits. How millions of Americans who earn too little to pay federal income taxes would be served remains unclear. The authors also support the nation’s smattering of publicly and privately funded voucher programs, pulling selectively on evaluation studies while failing to mention others that show no achieve-

ment effects (pp. 12-15). (This point is further discussed below.)

### **III. THE REPORT'S USE OF RESEARCH LITERATURE**

To back their contentions regarding NCLB's limited benefits, the Cato authors draw heavily on analyses conducted by Harvard and Berkeley scholars, which they accurately detail. Jaekyung Lee, working with Gary Orfield's Civil Rights Project, has conducted the most sophisticated analysis thus far into the question of whether NAEP achievement trends, going back to the early 1990s, were bumped upward on a new trajectory in the wake of NCLB. Lee's statistical analysis concluded that they have not — that NCLB is associated with no such positive trends.<sup>11</sup>

My Berkeley research group came to similar conclusions after tracking changes in both state and federal NAEP scores for 12 states from 1992 forward, as the Cato authors summarize.<sup>12</sup> On the other hand, the Center on Education Policy in Washington tracked state test score trends from 1999 forward and found that in nine of 12 states that could provide time series data, growth in state scores had accelerated slightly post-NCLB.<sup>13</sup> But the pre-NCLB period only included two years of data for some states, and has been criticized for additional flaws.<sup>14</sup>

As they move deeper into their argument, the authors use earlier empirical work in highly selective, even misleading ways. They fail to mention the work of Hoover Institution Fellow Eric Hanushek, for example, which has shown that NAEP scores rose more steeply in the 1990s for students in states that mounted aggressive accountability programs. Progress was slower or absent in states with weak accountability regimes.<sup>15</sup> When the authors close with their pitch for a

market model of school finance, they lean heavily on a single study of Chile's nationwide voucher program conducted by a pro-school-choice economist, Caroline Minter Hoxby (pp.12-13). But that program has been the subject of considerable additional research, reaching substantially more troubling results.<sup>16</sup>

Also ignored is the large body of work studying domestic programs, including that conducted by pro-voucher researcher Paul Peterson and his colleagues — studies that have yielded mixed findings conditioned by local situations, the supply of private and Catholic schools, and the ethnicity and grade level of students receiving vouchers.<sup>17</sup>

### **IV. REVIEW OF THE REPORT'S METHODS AND OF THE VALIDITY OF ITS FINDINGS AND CONCLUSIONS**

Notwithstanding their review of evidence on NCLB's lack of success, the Cato authors are skeptical that a serious recrafting of the federal role is in the cards, given the unflagging optimism about NCLB inside the Washington Beltway. Even if the teacher unions, state leaders, and local school boards are fed up, congressional leaders and the White House will, the Cato authors believe, hold together the odd coalition of civil rights groups (focused on such elements as disaggregated results and an increased federal role in funding and in regulating local decision-making) and moderate business groups, who are invested in stiff accountability measures.

This result, though, is far from their ideal. The Cato authors conclude that NCLB should be thrown on the rising heap of old school reforms and replaced by a national voucher or tax credit system. Since Cato has long advocated a pro-voucher position, this report's preference for that alternative is not

a surprise, but neither does it necessarily follow from the authors' critique of NCLB. Left out are other policy options, such as thoroughly rethinking the federal role, or devising better ways for Washington to strengthen state governments' capacity to hold schools accountable.

Instead of NCLB, the authors praise vouchers and a Republican proposal to convert federal spending into tax credits, and they urge "more effective structural [i.e., choice and market-based] reforms" (p. 12). They argue that NCLB is a naïve attempt at centralized control, implicitly representative of all collective forms of action aimed at improving the schools — approaches that should be abandoned. Yet the report's inferential leap toward its blanket support of market remedies ignores the inconclusive evidence on school choice. The critical eye that the Cato authors have successfully brought to their analysis of NCLB is quickly lost when they faithfully turn to vouchers.

### **Logical and Methodological Gaps**

Authors McCluskey and Coulson squarely confront the tightly constrained debate over No Child Left Behind currently unfolding on Capitol Hill. Three of the act's key original authors — Bush, Kennedy, and Miller — define the task of salvaging core elements. Their shrinking count of allies wants to mend it. A rising count of conservatives and others want to end it.<sup>18</sup>

Yet the authors ignore key empirical facts and prematurely set aside the question of whether a more effective federal role might be recrafted. Both federal and state test scores rose rather dramatically during much of the 1990s, and racial gaps in achievement narrowed markedly. After dipping in the early 1990s, the mean NAEP score for blacks rose more than one grade level be-

tween 1994 and 2002, before leveling-off. Average performance of Latinos rose at a similar clip. The performance of whites also grew, but at a slower rate, equaling about half a grade level.<sup>19</sup>

But given the authors' lack of interest in historical dynamics, we learn nothing about the policy mixes or demographic shifts that could inform a stronger federal role. Instead, the Cato authors generalize from the NCLB era to claim that Washington is ill-equipped to devise a more efficacious presence in school reform. This is like arguing that government should never have intervened in the public health field in the nineteenth century because early collective efforts hadn't worked.

Some readers might credit Cato's McCluskey and Coulson for breaking with other conservative positions. For example, they criticize the narrowing of school curriculum, which they believe stems from NCLB (p. 7). Nor do the authors hold any faith in state governments' ability to boost the public schools, inadvertently discarding Jeffersonian political theory.

Where the authors more typically reflect the ideological right in the field of education is that they make no mention of the vast inequalities that continue to mark our public schools, from gross interstate disparities in spending per pupil to the abominable conditions of many urban schools. These scholars — reminiscent of Ronald Reagan — see government excess as the problem. That is, the naiveté of NCLB's architects and their penchant to regulate and sanction behavior is seen a major distraction from other policy remedies.

In doing so, they fail to question or investigate the political economies of metropolitan areas and grossly unequal forms of school-

ing that still persist. How market remedies would address the structural stratification that marks schooling in America is not considered by this Cato report. And with their affection for school choice, they fail to mention that even pro-voucher scholars like Harvard's Paul Peterson have found quite uneven benefits for children of color.<sup>20</sup>

## V. USEFULNESS OF THE REPORT FOR GUIDANCE OF POLICY AND PRACTICE

The first two-thirds of the Cato brief provide a revealing analysis of how “No Child” has failed to deliver on its promise of raising student achievement, while yielding inadvertent effects inside states and schools. It offers a classic case study of how well-intentioned policy, built on a simple, rather mechanical theory of how to motivate new behavior locally, can spur counterproductive results. This part of the brief also illustrates how some libertarian-conservatives are trying to make sense of Washington's unprecedented entanglement with local schools.

But this analysis of NCLB's shortcomings fails to advance careful thinking about a

range of exit strategies. Market approaches are presented as an almost magical solution — a more resourceful and surgical way of helping states on the accountability front. Over the past generation, Washington has seriously reshaped how collective action delivers welfare and family support for poor households; how public health care is provided via local organizations; and how voucher-like Pell Grants can support college students. In each case, Washington did not abandon its commitment to the sector because prior policy or institutions were proving inadequate. Instead, new policy tools were invented, or new forms of local institution-building were created.

These policies include market elements, thus illustrating the value of conservative scholars who think inventively and honestly confront the persisting disparities that characterize American society and the poor quality of some mass institutions that reproduce class inequalities. Critical analysis of policy strategies is sorely needed, including studies that build from principles of local empowerment and market relations. This Cato report offers such a critical analysis, but only when considering “No Child.” When attention is turned to market proposals, the report offers only the party line.

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