Rigid Rules Will Damage Schools

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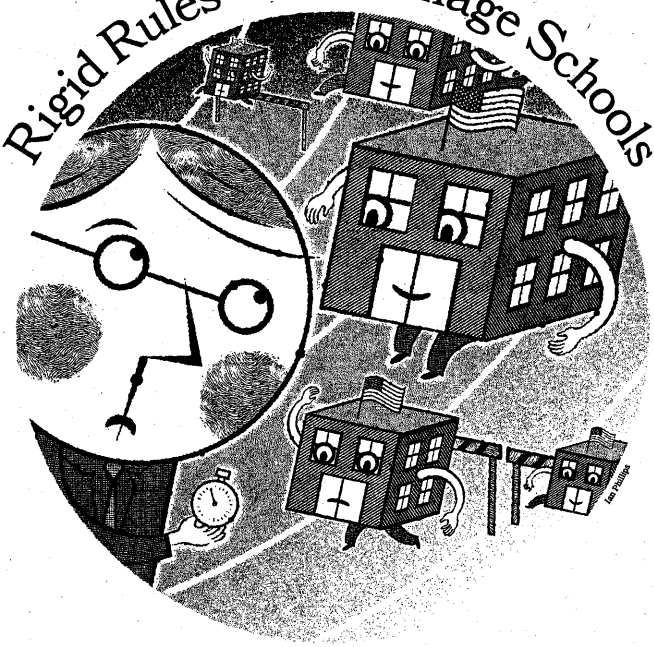

As school was about to let out this summer, both houses of Congress voted for a dramatic expansion of the federal role in the education of our children. A committee is at work now to bring the two bills together, but whatever the specific result, the center of the Elementary and Secondary Education Act will be identifying schools that are not raising test scores fast enough to satisfy the federal government and then penalizing or reorganizing them. Once a school has failed to clear the new federal hurdle, the local school district will be required to intervene.

Congress courts failure on education.

The trouble with this law in the making is that both the House and Senate versions would disrupt successful reforms that are already under way in many schools around the country. Unless Congress can agree to rewrite the formula for pinpointing a failing school, as some states and some members of Congress are now urging, this education bill — the most ambitious federal initiative in education in three decades and a centerpiece of President Bush's plans for his presidency — is likely to end as a fiasco.

The central flaw is that both versions of this bill place far too much emphasis on year-to-year changes in test scores. Under either, every school in America would have to generate an increase in test scores each and every year or face penalties like having to allow its students to transfer to another public school, being converted into a charter school or being taken over by a private contractor.

However, the path to improved performance is rarely a straight line. Because the average elementary school has only 68 children in each grade, a few bright kids one year or a group of rowdy friends the next can cause fluctuations in test performance even if a school is on the right track.

Chance fluctuations are a typical problem in tracking trends, as the federal government itself recognizes in gathering other kinds of statistics. The best way to keep them from causing misinterpretations of the overall picture is to use a large sample. The Department of Labor, for example, tracks the performance of the labor market with a phone survey of 60,000 households each month. Yet now Congress is proposing to track the performance of the typical American elementary school with a sample of students in each grade that is only a thousandth of that size.

With our colleague Jeffrey Geppert of Stanford, we studied the test scores in two states that have done well, investigating how their schools would have fared under the proposed legislation. Between 1994 and 1999, North Carolina and Texas were the envy of the educational world, achieving increases of 2 to 5 percentage points every year in the proportion of their students who were proficient in reading and math. However, the steady progress at the state level masked an uneven, zigzag pattern of improvement at the typical school. Indeed, we estimate that more than 98 percent of the schools in North Carolina and Texas would have failed to live up to the proposed federal expectation in at least one year between 1994 and 1999. At the typical school, two steps forward were often followed by one step back.

More than three-quarters of the schools in North Carolina and Texas would have been required to offer public school options to their students if either version of the new education bill had been in effect. Under the Senate bill a quarter of the schools in both states would have been required to restructure themselves sometime in those five years — by laying off most of their staffs, becoming public charter schools or turning themselves over to private operators. Under the more stringent House bill, roughly three-quarters of the schools would have been required to restructure themselves.

Both bills would be particularly harsh on racially diverse schools. Each school would be expected to achieve not only an increase in test scores for the school as a whole, but increases for each and every racial or ethnic group as well. Because each group's scores fluctuate depending upon the particular students being tested each year, it is rare to see every group's performance moving upward in the same year. Black and Latino students are more likely than white students to be enrolled in highly diverse schools, so their schools would be more likely than others to be arbitrarily disrupted by a poorly designed formula.

Over the past decade, many states have invested in their own systems for improving school performance — sometimes with incentives as well as penalties: for instance, California is expecting to spend $677 million this year on bonuses for schools and teachers showing the greatest improvement, as measured primarily through test scores. States have taken a wide variety of approaches to using test scores to rate schools: some look at changes in test scores from one year to the next, some adjust for entering students' test performance, some require schools to achieve a minimum percentage of proficiency in a given year. There is no agreement yet on which system is most effective in encouraging schools to focus on student performance. Until such a consensus develops, it would be foolish to cut short the state experimentation and impose a single federal formula.

Congress can still pass effective legislation to create more accountability in education. But the present bills need changing.

States should be allowed to continue to develop their own rating systems for schools, using school test scores, while being required to take specific actions within five years in some minimum percentage of schools. States with the lowest scores on a nationally comparable test, like the National Assessment of Educational Progress, should be required to take action in a higher percentage of their schools than the states with better performance.

Schools should have to report the test performance of students in each racial and ethnic group, but sanctions based on one group's performance should be withheld until there is real evidence that disadvantaged minority students are being allowed to lag behind. The secretary of education should develop a way to determine this with statistically justifiable methods.

In their current bills, the House and Senate have set a very high bar — so high that it is likely that virtually all school systems would be found to be inadequate, with many schools failing. And if that happens, the worst schools would be lost in the crowd. The resources and energy required to reform them would probably be dissipated. For these schools, a poorly designed federal rule can be worse than no rule at all. □

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