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Wondering about NCLB

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Now I get it! While reading the quarterly *Bulletin* from our son's school, it dawned on me why anyone would want to set impossible goals for public schools. The federal law called No Child Left Behind (NCLB) is expected to identify the "many" in the Richard Herrnstein and Charles Murray (1994) statement, "for many people, there is nothing they can learn that will repay the cost of the teaching" (p. 520). When I read that sentence in *The Bell Curve* during 1994, I considered that statement to be among the coldest remarks on human potential ever written in a democracy. Up to that point, I imagined everyone shared, at least rhetorically, the liberal optimism of American schooling – the notion that it's never too late to learn and everyone deserves a second, and even a third, chance. Such sentiment was a motivation behind the GI Bill after World War II, the desegregation of schools in the 1960s, and inclusion of exceptional students during the 1970s. Given a chance, everyone could learn more at school, and it was worth it socially, economically, and politically to fund him or her to do so. This commitment to universal schooling for all ages has distinguished the U. S. from all other countries. But reading the school bulletin, I recognized that some representatives in the federal government have lost that vision, despite their rhetoric to the contrary.

As several others have remarked (e.g., Bracey, 2005; Meier & Wood 2004; Rethinking Schools, 2005), NCLB is organized to promote school failure and reorganization. But now I understand that NCLB has darker social possibilities – the "scientific" identification of human waste in America. In what follows, I review the school district's values about education and community, explain how NCLB will eventually position the district as a failure, describe how adequate yearly progress (AYP) and disaggregated test scores (DTS) provide a scientific rationale for bias in schooling, tie that bias to the conservative political value of social hierarchies, theorize that value within globalization, and discuss a counter-argument to NCLB and its agenda to provide empirical evidence for Herrnstein and Murray's anti-democratic position. Working from a single "successful" school district, I attempt to demonstrate the clear and present danger in following the logic of NCLB to its necessary consequences and the recent resistance to exempt groups from testing. In order to prevent the official re-inscription of social hierarchies in school and society, progressives must push beyond the rhetoric:

1. to reveal the basic premise of NCLB – that the role of American education is to deliver standardized knowledge according to an arbitrary schedule in order to produce a predictable workforce;
2. to make public the various political readings of the NCLB policy; and

3. to act on this new knowledge in local, state and national venues.

The Bulletin

The photograph on the first page of the Fall 2004 *Bulletin* presents three children of different races: Asian, Latino, and White kids mugging for the camera. Page three presents verbal “snapshots” of the school curriculum. Kindergarteners began their schooling by studying the school environment. Sixth graders are beating on African drums in the Passports to Understanding unit. High school biology and journalism students are using new wireless laptops in their workrooms. Between pages 4 and 13 of the *Bulletin*, parents and community members learn about a Japanese educational exchange, a peace garden, clubs and organizations during and after school, nutrition advice, community fund raising, a diversity banner, special ceremonies for retired teachers, and home owner tax relief. *The Bulletin* represents our public schools as vital parts of our community, worthy of our continued emotional, political and financial support. These pages were meant to convey the district values of caring, diversity, inquiry, civic involvement, and respect. On pages 14 and 15, however, the focus of *The Bulletin* changed sharply with the DISTRICT REPORT CARD:

We are pleased to present the 2003-04 Academic Achievement report. As required by federal No Child Left Behind legislation, this report is designed to communicate our performance on key indicators: achievement in reading and mathematics, attendance, graduation rate, the performance of subgroups, and teacher qualifications. The report is based on 2004 Adequate Yearly Progress (AYP) reports, as measured by the Pennsylvania System of School Assessment tests, recently released by the Pennsylvania Department of Education. By 2014, all students are expected to achieve at the proficient or advanced level. Our report card contains good news for our community about the overall performance of our students and schools. As before, we will use standardized test results such as these in our continuous effort to improve the academic success of our students.

NCLB in our school district

The district was pleased to report its results to the community because its only visible blemish was that one school did not reach the 95 percent plateau for taking the tests (only 94.4 percent of the students took the tests when scheduled). The district’s graduation rate is 97.9 percent; its attendance rate is 95.93 percent; and 79 percent of the seniors plan to attend four year colleges. The high school averaged 14 National Merit Finalists annually over the last six years. Out of 613 teachers only four have emergency credentials from the state (a high school gym teacher, middle school Spanish and reading teachers, and an elementary school reading teacher). Four hundred and thirty-eight teachers have graduate degrees. It’s not on this *Bulletin* page, but a leading business magazine named the school district “the best in the country” last year. Many schools across America might not be as happy to report their results from state testing.

So why did I have the epiphany? The numbers in the tables on page 14 don’t bode well for the school district over the next decade. Yes, the school district’s students are 15 to 25 percentage points ahead of the state average depending on which grade level and which subject area was tested by the Pennsylvania Department of Education. And yes, the state average on tests (e.g., SAT) is above the national average. By pre-NCLB

standards, the district is a great success. But NCLB demands that every school accomplish what no school has ever accomplished before. NCLB requires that every student must score at or above the proficient level on state tests of reading, writing, math and soon, science by 2014. Pennsylvania allows school districts to define the speed with which they will work toward that final goal. Pennsylvania tests reading and math at the end of fifth, eighth and eleventh grades, and scores students' performances according to four categories: advanced, proficient, basic, and below basic. At the beginning of NCLB testing in 2002, Pennsylvania required that only 45 percent of all students must score above proficient in reading and 35 percent for math in order for a school district to be considered successful.

The District's Performance

At all levels and in all subjects, three quarters of the students in this district met the criterion. Fifth graders overall exceeded the proficient cutoff score seventy-five percent of the time for reading and seventy-six percent for math. Eighth graders peaked at eighty-seven percent above proficiency in reading and seventy-nine percent in math. Eleventh grade students flatten their performance slightly with seventy-five and seventy-four percent respectively. Most students jumped much higher than the bar that the Feds set through the Pennsylvania Department of Education (the mode for each test and level fell in the advanced range). The school district has a large cushion before it is in jeopardy of running afoul of the NCLB Adequate Yearly Progress system.

But that's the rub. A full twenty-five percent of the students were characterized as Basic or Below Basic in 2004. In order to qualify as a successful school during the next decade, the school district must steadily reduce that twenty-five percent to absolute zero. This year's first graders are the ones who must all score at the proficient levels in all subjects on their eleventh grade tests or their school district will be labeled as "in need of improvement." During their school careers, they will be tested annually between third and eighth grades, and then, once during high school. As they move through the grades, greater percentages of students must score proficient or the school district will be in violation of the NCLB Adequate Yearly Progress statute. Two consecutive years of failure to make the required progress bring sanctions against the district—open enrollment in which students may choose any school in the district and private tutoring for any student who fails to reach proficiency on any test. Five years of failure results in the restructuring of the school's staff and curriculum. In Pennsylvania, restructuring has led to privatization of public schools in Philadelphia, Harrisburg, and elsewhere.

The make-up of that failing twenty-five percent complicates matters for the district. Although the students in the district are predominantly white (>90%), able (>93%), native English speaking (>98%), and not officially poor (>94%), the students in the bottom twenty-five percent are disproportionately, non-white, disabled, English learners, or poor. Using the language of the school district, African Americans' proficient-or-above rates ranged from forty-seven percent to sixty-two percent depending on the subject and grade level; special education students (IEP) were successful twenty-seven percent to fifty percent of the time; English language learners (LEP) passed the test between thirty percent of third graders on the reading test to seventy-eight percent on the eleventh grade math; and poor students (low SES) ranged from forty-two to sixty-three percent who reached proficient or above scores. At the third grade level, half of the Basic

and below students were assigned to at least one of these non-mainstream demographic categories. That figure dropped to forty-two percent for the eleventh grade students in reading.

These results expose America's not-so-well-guarded secret – not every student is successful in our schools (for all types of reasons) and some social groups are served less well than others – even in the best school districts. NCLB policy demands that schools address these inequalities by raising the test scores of these students. Translating this rhetoric into reality, however, is not easy or perhaps even reasonable. *The Bulletin* offered examples of these problems in a microcosm. Two-year trends among the scores suggest uneven progress toward full proficiency and even regression among individuals in some groups. For example, fifth grade trends were mixed – with student scores up 2.6 percent in math, but down -.7 in reading. Eighth grade enjoyed a boom year with students' score: up 7.7 percent in math and 4.2 in reading. However, eleventh graders slipped in both math and reading - 3.1 and -1.8 respectively. The number of students scoring in the lowest rank, below basic, actually grew for fifth grade math scores and high school students in both subjects on the 2004 test.

Reason for Concern

A closer look at the disaggregated scores indicates that decline is not spread equally across demographic groups. Apparently, the performances of some groups threaten more than others the district's overall chance of ever reaching full proficiency. For example, special education students failed to reach the state's cutoff score in reading; English language learners failed in both subjects; and the poor students' scores declined (but did not fall enough below the cutoff to warrant official sanctions). Despite these declines, the district used loopholes in the state's regular provisions of NCLB in order to stave off violation of adequate yearly progress for this year. The future, however, does not look as promising. For example, the modal scores for special education students and English language learners were in the below basic category across grade levels. More special education students, English language learners, poor, and African American high school students were in the below basic category in 2004 than in 2003. They are headed in the wrong direction. Punctuating this point, the elementary school with the greatest racial and linguistic diversity had the lowest average scores in the district.

In a recent newspaper editorial, the district's superintendent announced that four hundred Pennsylvania school superintendents recently signed a petition to have special education students and English language learners exempt from NCLB testing. Our superintendent reasoned that the PSSA tests are not fair assessments of what these students know and have learned. For example, she argued that the NCLB system ignores the fact that previous diagnostic tests were used to classify special education students as exceptions who needed special assistance in order to make progress. Some of these students are severely hindered in their learning; yet, NCLB requires them to take the same tests at the same time as regular students. Our superintendent questioned the logic of holding special education students to the same standards after already determining that they will not make the same progress. In a parallel argument, the superintendent sought to withhold English language learners from testing unless they had been in the country for four years – the time that experts estimate is necessary for children to learn a language sufficiently well to compete equally with native speakers on academic tests. The

superintendent concluded her letter with the prediction that the continued testing of special education students and English language learners would certainly assure that eventually all schools will be sanctioned for not making adequate yearly progress, and then, ultimately be reconstituted without any evidence that alternative programs would be more successful. Echoing the position of many critics of NCLB, she argued that both groups could be better served outside NCLB and that their inclusion threatens the good results the districts were accomplishing for other groups.

Insights

In their appeal, the Pennsylvania superintendents imply that the NCLB law forces school failure by design. By requiring all students to reach a score that some students by definition cannot be reasonably expected to reach, the law causes school failure by how it defines success. In order to correct this problem, the superintendents implore the federal government to exempt special education students and English language learners from yearly testing. With this request, the superintendents admit that it will be impossible for schools to ensure that all students within these groups will exceed the passing score, regardless of how low or high the Pennsylvania Department of Education might set the threshold. According to the superintendents, this admission is a logical deduction given the educational science that created these educational categories in the first place. But that deduction springs the trap of NCLB—which simply assumes that tested standard proficiency is the only acceptable outcome of schooling.

If successful in their petition, the superintendents might regret the consequences. Without special education students and English language learners being tested, district proficiency rates will undoubtedly rise. However if our district can serve as an example, these exemptions will not ensure that the district will ultimately be considered successful by 2014 because the special education students and English language learners do not comprise the entire percentage of students who currently are considered basic or below. Whites, minorities and poor students comprise the remainder of basic and below ranks. Therefore, the exemptions will not solve the district's ultimate problem of reaching total proficiency among all students. Moreover, while the exemption removes special education students and English language learners from testing and arguably keeping them out of harm's way, it also identifies them as groups who are incapable of learning what the government has deemed necessary and valuable skills for all school graduates.

Perhaps, then, a likely conclusion of this line of reasoning is apparent. If schools cannot teach special education students and English language learners to be proficient on what the government values, then why should taxpayers continue to fund the educations of such students beyond a certain point? Herrnstein and Murray's (1994) comment starts ringing more clearly under these circumstances: "Many children cannot learn enough to compensate for the expense of their instruction" (p. 520). While it might seem hard-hearted to think this way, who can argue with the facts? The test scores demonstrate empirically that these groups, and therefore schools, are not successful, arguing loudly in favor of the discontinuation of special education students and English language learners from school rolls when they first begin to falter. After that point, the amount they learn cannot justify the expense under the light of cost/benefit analysis. Such high stakes testing and exiting strategy parallels the educational policies of many competing

countries in the global economy. In those countries—most based on European models—tests determine which types of schooling or training are open to students.

I admit that this likely outcome runs contrary to the official rationale for disaggregated scores in NCLB. Federal officials state that the separation of scores by race, class, ability, and English proficiency is necessary to monitor schools' treatment of these underserved groups. However, the official rationale is not convincing. If every student is expected to become proficient on schedule, then an aggregated score would suffice to demonstrate progress. For example in our district, the *Bulletin* acknowledged that the district is not perfect according to the PSSA scores and NCLB's basic premise. They know, and so does the community, that every student in the district does not test as proficient or advanced. If every learner is to be held to the same standards, then why separate them into demographic groups for reporting? The inevitability of every district's ultimate failure might be postponed without disaggregation and the requirement that every sub-group meet the state schedule, but as *The Bulletin* demonstrated eventually the number of basic and below basic students will trip the "needs improvement" threshold, even in the "best" districts. When that occurs, the putative recovery processes begin and students' educational needs would be met. So, it cannot be argued successfully that the disaggregated scores are necessary for the NCLB system to work. And it cannot be argued successfully that the framers of NCLB have the best interests at heart of the groups that are identified. If they did, then Head Start would be funded to enroll all eligible students; child poverty would be less than twenty percent; and all children would have health insurance, enough to eat and a place to live. There must be another reason for the NCLB policy.

Wasted Lives

Similar to some other readers of the NCLB policy, I interpreted it as primarily a neoliberal policy, designed to force competition into the public education system by demonstrating the inability of schools in their current forms to meet the needs of individuals and business. In that reading of NCLB, I focused on the authoritative allocation of neoliberal values within the policy - competition, markets, and human capital development in order to help individuals and American businesses thrive in a global economy (Goodman, Shannon, Goodman, and Rappaport, 2004). In that analysis, adequate yearly progress and disaggregated test scores were tools to force innovation in schools either through self-reform or reconstitution. From those ruins, neoliberals would fashion a hybrid public and private education system, which would mirror the practices of successful multinational corporations by being focused on results, flexible to market demand, and remarkably efficient. I felt secure with that reading because the neoliberal Clinton administration proposed all of the components of NCLB in its 1998 version of the Elementary and Secondary Education Act (which they failed to push through Congress). I think his administration assumed that under President Gore's control, AYP and DTS would end public education "as we know it" as the Clinton Administration had done to economic welfare. Through these moves, neoliberals would save democracy as they define it.

When President George W. Bush cobbled together neo-conservative values (discipline for students and teachers through high standards and testing), neoliberal values (emphasis on results and efficiency) and liberal values (more money for schools

and equity in opportunity) in order to pass NCLB in 2002, I considered the law to be an anomaly. The law's new name stole liberal thunder concerning the powers of schooling to bring about equality through opportunity. Moreover, the law increased the federal presence in public school decision-making by tying compliance with continued federal funding. On its face, NCLB seem to neglect the educational values of Bush's conservative political base—state and local control, traditional patriotic and Christian curricula, individualism, and hierarchies of authority (These were President Reagan's themes before he was ambushed by the neoliberal *A Nation At Risk* report). I wondered, why would President Bush and his advisors push a neoliberal policy that would use liberal means to reach its stated objective? NCLB was a paradox to me until I read *The Bulletin* and focused on the trends for disaggregated scores.

Those scores and the expectation that all students will reach proficiency in reading, writing, math and science by 2014 are meant to identify groups – the poor, minorities, immigrants (and migrants), and physically and mentally disabled - who conservatives have historically found to be drains on American prosperity. Through AYP and DTS, conservatives will gain the empirical evidence to confirm what they have argued for decades - the liberal experiments to educate poor, minority, disabled, and English-learning students are doomed to failure because those groups are inferior and incapable of learning what should be taught at higher levels of schooling. If they cannot learn, then there is no point in teaching them. NCLB is designed to make that point emphatically. Even when teachers' attention and school resources are directed toward these groups, many still fail. By framing public schooling through means/ends analysis based on test scores, no one can claim systemic bias when the pool of failing students is comprised primarily of members from these groups. According to conservative logic clearly expressed in *The Bell Curve*, the individuals in these groups have had their chance to prove themselves and have made the most of their abilities. Those demonstrated abilities are basic and below basic and disqualify them from further academic support. They will take the service jobs that the global economy is so good at generating, and leave the high skill/high wage jobs for those who are able.

A survey of recent conservative literature on public schooling points toward this project. Consider Jay Green and Marcus Winters' study of the Florida program to end social promotion (2004). They argued that their evidence suggests it is to the individuals' advantage to be held back in school if they do not score at the proficient level on the state exams. Backed by the Manhattan Institute's Education Research Office, their summary of their study appeared under Green and Winters' byline in the *New York Post*, *Chicago Sun Times*, *San Diego Union Tribune*, and *Washington Times* within a three-day period (December 10-13, 2004). In *Education Next*, Alan Russo (2005) described Chicago's complex experiment in ending social promotion by reporting the paradox that individuals may be hurt by grade retention while overall the district has raised students' test scores. Quoting G. Alfred Hess, Russo wondered publicly whether sacrificing some individuals for the greater good is not warranted. Martin West and Paul Peterson (2003) lauded the curriculum-based exit examination system of Europe as a workable means to discipline both schools and students, directing the most able toward more education and the less able to apprenticeships and work. Finally, Texas public school teacher Paul Zook (2004) claims that NCLB does not go far enough to convey to individuals that they are solely and ultimately responsible for their learning, and they will get what they earn from their

efforts at school despite any advantages or limits of their teaching. In each of these and other conservative arguments, advocates acknowledged that some children will and should be left behind.

In “The Human Capital Century,” Claudia Goldin (2003) attributed the US economic advantage over the rest of the world to the American investment in universal secondary education. She noted that many developing nations are now following that model. She characterized the first half of the 20th century as a time when “education ran faster than technology,” enabling workers to innovate and the possibility of full employment. In this way, universal secondary education in the US closed the income gap between classes and invented a middle class. Since 1970, however, Goldin suggested that technology has run faster than education, shifting work from humans to machines and quelling the need for universal education. Since that time, Goldin observed that the virtues of universal secondary education in the US—publicly funded, managed by numerous small fiscally independent districts, open and forgiving, academic, yet practical curricula, and secular in control—have now become vices, and that under NCLB, American education will soon return to a European model—quasi-public or privately funded, tiered and directed by high standards in an unforgiving system, with a unity of church and state.

Previously when education ran ahead of technology, tests sorted students into different life tracks and sent many to work and to technical training, allowing some to continue an academic focus. Now as technology runs ahead of education and all parts of the world are modernizing, those students cut from the academic tracks have fewer options. Fewer workers are needed for businesses to be productive, and there are few, if any, new worlds to which the academically unproficient can emigrate to start over. In *Wasted Lives: Modernity and its Outcasts*, Zygmunt Bauman (2004) concluded that these citizens are considered superfluous in the current economy – unnecessary for work and drains on the wealth of a nation to support. They have not and cannot learn enough to be considered productive. Bauman understands this phenomenon as the necessary consequence of globalization through unregulated capitalism, in which the “perfect” design requires the efficient identification and elimination of waste.

Like all policy, NCLB projects a vision of an ideal school system. To liberals it offered the possibility of ultimately providing an equal opportunity for every student to prosper through adequately funded public schools. For neoliberals, NCLB would lead to flexible schooling which would enable each student to acquire enough cultural capital to flow seamlessly from opportunity to opportunity around the world. Neoconservatives believed NCLB would discipline public schools, infusing them with moral character, ideas, and a sense of dedication to hard work. NCLB designers sought a school system based on results, which set regulations in order to eliminate those parts identified as not productive. Defining “results” only as tested proficiency on world class academic standards, the designers declared a deadline, and then, developed AYP and DTS as the means to identify weak parts. The policy provides explicit directives for states, districts, schools, administrators, and teachers, allowing variation within centralized oversight. Schools, teachers, and students deliver proficiency or it’s lights out. From that darkness, market forces will take over. Private entrepreneurs will design new educational options to address the problem of educating Americans. This is the market ideal vision for present

and future schools. Although NCLB does not constitute the most efficient system of waste identification, it is poised, as I have argued, to be very effective.

Yet it's not just public schools that will be left in the wake of this creative destruction. The NCLB system also identifies students who are considered unproductive, by marshalling scientific research to first address and then confirm the fact that not everyone will pass standardized tests based on abstract and arbitrary knowledge and skills. Even advocates of NCLB admit as much (Torgeson, 2002). It appears that we shall descend into chaos. However my new reading of NCLB suggests that once the numbers of failing schools begins to reach a saturation point (when school districts like my son's start to "earn" the needs improvement label for lack of sufficient test scores), the official NCLB rhetoric will switch from the neoliberal rhetoric on break-the-mold schooling to that which is already apparent within conservative discourse, namely that it's the students who are not capable of reaching proficiency despite all efforts from good governments, schools, and teachers. At that point, educators will acknowledge that AYP and DTS have identified the human waste before it seeped into the productive system. Of course, they might not use Bauman's terms, but once identified, that waste must be removed from the system.

Districts in our region have already started on such a plan. The technical secondary schools in our area are independent of school districts, being administered by the state through intermediate regional units. School superintendents contract services, sending students who seek vocational skill training to technical school campuses. In most cases, these students complete required academic subjects in their "home" schools, and then, attend skill classes away from home. The technical school in our county is highly successful in helping students learn those work skills. The majority score within the advanced range on their national and state technical certifications examinations. According to technical school administrators, a high percentage of these students struggle with required academic classes at the home school. Recently, area school principals proposed to change its status from technical to a comprehensive school, allowing it to provide the academic as well as the vocational training for students who attend. The potential of this proposal has not been lost on a local technical school administrator, who stated in a university class discussion:

Principals are trying to export their problems to us. In the past, they sent us behavior problems. But now it's the academics that count. At the moment, superintendents are lukewarm about the possibilities because it will cost more per student, but as their scores fall below the adequate yearly progress standard and the expensive penalties kick in, then they will see what the principals already see. These students won't pass because the skills are embedded in poetry and not plumbing. We can probably do a better job with some, but some of our best welding students struggle with reading comprehension of essays and abstract geometry. We are not going to change that easily and the tests don't seem to value reading blueprints and figuring angles for bending pipe. So the districts want to make decisions about kids' futures based on the eighth grade PSSAs. That's not right. I can't imagine what I'd be doing now, if schools had made decisions about my future based on my performance in eighth grade.

It's Not Right

This is a remarkably savvy statement. Although the technical school administrator believes that his teachers can help some of these students develop academic skills within the context of their vocational interests, he acknowledges that not all his students will climb over the AYP wall even with the leg up from his teachers. He implies with his personal confession that some freshman will be sent to his new comprehensive (technical) school against their wills. Of course, the decision to transform his school through status is not his alone to make. The school advisory board, intermediate advisors, and state officials will have the last words on the matter. But, his assessment is clear: “it’s not right” to make decisions for students which will limit their life choices and chances. What the administrators understand as a problem for individuals is really a problem for social groups as the district statistics demonstrated.

Although we never discussed it explicitly, the technical school administrator and I seem to agree that it’s the reliance on conservative values in a globalized world that is wrong. We do not accept Herrnstein and Murray’s conclusion that there are students who cannot be helped through education. Each might not ever pass the proficiency thresholds in all subjects, but everyone can be helped through continued education. To make this statement, we reject both the neoliberal premise for NCLB and the conservative possibilities of NCLB scientifically sanctioning social hierarchies in a democracy. Although he says that he can’t imagine what he’d be doing if his potential had been determined at age 14, he implied that he would not be an educator or person in authority. Note that he could not bring himself to speculate on what would happen to those students who cannot pass the PSSA in eleventh grade after being identified as academically superfluous after eighth grade, sent to the new projected comprehensive school after the eighth grade battery of exams. The technically superfluous will fall beneath the social radar, if they are lucky, and into the prison system, if they are not. Consulting the writing on school dropouts and Zero Tolerance policies suggests these life trajectories (e.g., Dohrn, 2001; Noguera, 2003, and Robbins, 2005).

No Child Left Behind expresses a noble democratic egalitarian goal – all children should be supported in their development of their human capacities. This sentiment should direct our actions in a free society, and we should seek social institutions which will encourage and facilitate that development for all people, and not just children. The design and performance of the NCLB law, however, do and can not begin to approach that goal because the political values which underlie NCLB do not permit human welfare and development to be the determining criteria for acting in the world. NCLB is not the plan for innovation and empowerment that it is touted to be; rather it is a plan which limits both human capacity to tested skills and schooling to the delivery of those skills. This realization has led many to reject the neoliberal definitions of human capital and its production in American classrooms.

When in conservative hands, I think the problems go further and lie deeper within NCLB. The cost/benefit analysis of business and scientific testing can be and is being used to justify a conservative social goal—to reinforce and reinstitute social hierarchies based upon group membership. Herrnstein and Murray stated this boldly, but the statistics and actions in my local school district demonstrate that many pursue this goal, perhaps without conscious recognition. Business and science serve as beards for political ideology. If left unchecked, we will be left with “human waste” in an economy, and perhaps a society, which have little use for them. Our inability to identify the face of

conservatism behind these beards suggests that we have been alienated from our fellow citizens and our historical commitments to the vital democratic values of freedom and equality.

Citizens in a democracy should understand the pursuit of happiness as freedom of continuous development ourselves with the responsibility to ensure that our development does not interfere with the development of others. Such freedom and responsibility require that each citizen participate in the construction and maintenance of social institutions which promote this understanding. Not only are such structures nonhierarchical and social, they must be open (allowing second, third and fourth chances) and self-reflexive. These structures cannot be standardized and consumed in order to rein in our diversity, rather they must embrace diversity as the engine of democracy, changing across time and place and cultures.

In a democracy, the structure of education cannot be about knowledge consumption and the assignment of identities. It must be about the fostering of citizenships which recognize and accept the challenges of the narrow neoliberal and conservative definitions in a world that is erasing national boundaries. As we say in central Pennsylvania, schools “need changed” in order to make human welfare and development their central criteria for operation. That verb construct connotes that this should have happened in the past and that now there is urgency for action. That urgency begins with the recognition that in each local school bulletin there is the opportunity for us to recognize the likely outcomes of the NCLB project. By making public our recognition we can demonstrate that this is a national issue not a personal problem. Although we may choose only to act locally in order to contest the mismeasurement of students, we must recognize that it is not NCLB that is the problem. Rather it is the political ideologies being realized through the law that is the threat. It is neoliberal and conservative conceptions of the world and our places in it that must be defeated. As the editors of *The Bulletin* and the administrator from the local technical school demonstrated, NCLB is a step in the wrong direction. But we must walk farther if we hope to revitalize our democratic values at home.

References

- Bauman, Z. (2004). *Wasted Lives: Modernity and Its Outcasts*. Cambridge ENG: Polity Press.
- Bracey, G. (2005). No Child Left Behind: Just Say No. Available: geraldbracey.org.
- Dohrn, B. (2001). Look Out Kid; It’s Something You Did. In W. Ayers, B. Dohrn & R. Ayers. Eds. *Zero Tolerance: Resisting the Drive to Punishment in Our Schools*. 89-113. New York: Basic Books.
- Green, J. & M. Winters (November, 2004). *Study of the Florida Program to End Social Promotion*. Report published by Education Research Office, Manhattan Institute.
- Goldin, C. (2003, Winter). The Human Capital Century. *Education Next*, 4, 73-79.
- Goodman, K,P Shannon, Y Goodman & R. Rappaport (Eds.) (2004). *Saving Our Schools: Saying No to No Child Left Behind*. Berkeley, CA: RJR Books.
- Hernstein, R. & C. Murray. (1994). *The Bell Curve: The Intelligence and Class Structure in American Life*. New York: Free Press.
- Meier, D. & Wood, G. (2004). *Many Child Left Behind*. Boston: Beacon Press.

- Noguera, P. (2003). Schools, Prisons, and Social Implications of Punishment: Rethinking Disciplinary Practices. *Theory Into Practice*, 42, 341-350.
- Rethinking Schools. (2005). Available: Rethinkingschools.org.
- Robbins, C. (2005). *Expelling Hope: zero Tolerance and the Attack on Youth, Schooling and Democracy*. Unpublished dissertation. Penn State University.
- Russo, A. (2005, Winter). Social Promotion in Chicago. *Education Next*, 6, 41-45.
- Torgeson, J. K. (2002). The Prevention of Reading Difficulties. *Journal of School Psychology*, 40, 7-26.
- West, M. & P. Peterson (2003). The Politics and Practice of Accountability. In Peterson & West (eds.) *No Child Left Behind? The Politics and Practice of School Accountability*. Washington D. C. Brookings Institution.
- Zook, P. (2004). *Doomed to Failure: The Built In Defects of American Education*. Chicago: Ian R. Dee.