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No Child Left Behind leaves no school unscathed

The time has come to revisit the national law that has branded a high percentage of Maine schools as failing.

There's something wrong with a law that brands good schools with "failing" labels, places the heaviest burdens on states that were already striving to meet challenging education goals, imposes inflexible rules and fails to make good on promises to pay for programs that would help struggling schools meet the law's demands. This is the case with the federal "No Child Left Behind Act" (NCLB), passed with great fanfare and hope two years ago, but now mired in complexity and widespread concern.

Mainers were shocked to read recently that 143 of our schools had "flunked" NCLB performance targets this year. How can this happen in a state that ranks among the highest in math and reading scores on the well-respected National Assessment of Educational Progress test, and that was rated by *Forbes* magazine as getting the "biggest bang for its education bucks"? I have heard from many parents, students and educators who are angry and demoralized because they understand firsthand how unfair these judgments are. As Ken Kunin, principal of Portland's Reiche Elementary School — which made the infamous list — wrote: "I see evidence daily that years of hard work ... have resulted in significant student improvement."

NCLB's laudable goal is for every public school to make annual progress toward learning proficiency goals in math, reading and other subjects. The annual progress must be achieved both school-wide in each grade and within particularly vulnerable subgroups, including special education, low income or minority students. Progress is measured by tests and proficiency goals selected by each state. Before NCLB, many states had no system for holding schools accountable; others were using only standardized paper and pencil tests to determine whether students would go on to the next grade or graduate. But heavy reliance on these high-stakes

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tests forces schools to "teach to the test" at the expense of more creative learning. Some very capable students, moreover, have a style of learning that standardized tests miss.

For more than 15 years, Maine has sought to craft and use a more enlightened, accurate system for assessing the progress of students and schools. Maine's Learning Results requires a mastery of curriculum for each grade, gauged through local assessment of each student (a process that relies on portfolios, tests, projects, writing prompts and other tools) combined with the results of Maine Educational Assessment (MEA) standardized tests (currently taken only by 4th, 8th and 11th graders).

When NCLB was enacted, some hoped that the U.S. Department of Education would allow Maine to continue to use this multifaceted evaluation system. However, the department has indicated that local assessments can be part of the equation only if they are more standardized. Until Maine can demonstrate that a student's local assessment score would be identical whether she lives in, say, Falmouth or Skowhegan, only MEA results will count in the NCLB evaluation.

The MEA is a tough test, and Maine has set a high proficiency score. Because so many Maine schools are relatively small, average scores can fluctuate widely from year to year due to the presence of a few exceptionally strong or weak students in a grade or subgroup. In addition, the law provides dozens of technical ways to fail, such as having less than 95 percent of students in each group take the MEA. So it's not surprising that so many first-rate Maine schools made the list.

Where do we go from here? Do we continue on the same path, and risk imposition of NCLB sanctions? Such sanctions include losing federal education aid directed to low performing schools and allowing children to

transfer to other, purportedly better by NCLB standards, schools. Do we make it easier to reach our performance targets, as many other states have done, by lowering the proficiency score, altering the grading system, or administering an easier test? Should Maine try to reformulate local assessments, so they are deemed suitably "standardized"? Do we hold the administration accountable for the money President Bush promised but failed to deliver for low performing schools?

A law that punishes a state that strives for excellence is perverse. We should not have to lower our standards to succeed.

Certainly, lukewarm federal support is part of the problem. The House-passed Education Department appropriations bill (backed by the Republican leadership and the White House) contains \$8 billion less than was promised in NCLB. For Maine, that means \$37.5 million less to spend on teacher training, aid to schools with heavy concentrations of military or low income students, technology, and other programs to help schools reach NCLB targets. The failure to keep that promise explains why every single House Democrat voted against final passage of the GOP appropriations bill. To deal with this, I offered amendments, rejected by the leadership, to fully fund NCLB, and I have introduced legislation (HR 3341) to require the General Accounting Office to evaluate annually whether the federal government is meeting its obligations under NCLB.

But the problem goes beyond money. A law that punishes a state that strives for excellence is perverse. We should not have to lower our standards to succeed. When 97 percent of Alabama's schools are deemed to be performing adequately, but 17.5 percent of Maine's are not, the federal law is not operating rationally. It is time to take a good, hard look at NCLB again, and fix what's broken before the heavy hand of federal penalties damages Maine's schools.

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