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Subject: MAAR - Elaine Garan in Ed Week.

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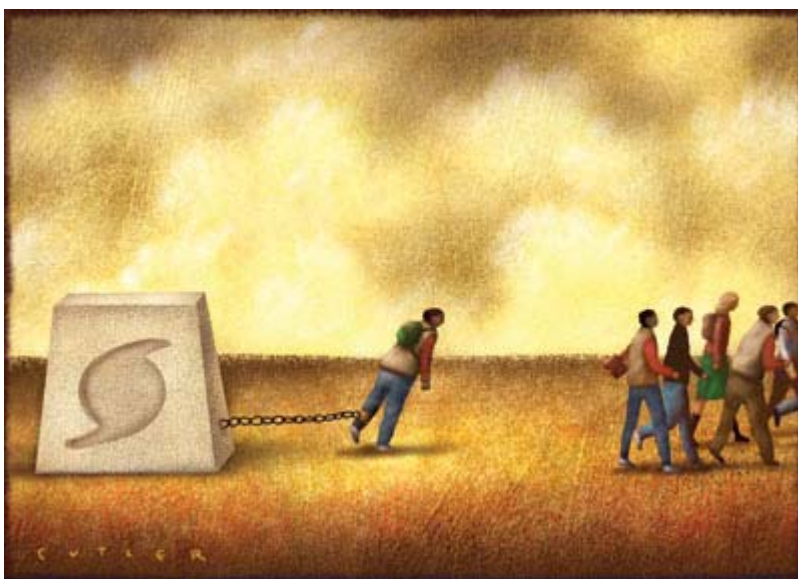
EDUCATION WEEK

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Commentary

Will Katrina Topple the No Child Left Behind Law?

By Elaine M. Garan



—David Cutler

The support that greeted the federal No Child Left Behind Act when it was signed into law almost four years ago is eroding exponentially. Even before the nation was buffeted by Hurricane Katrina in late August, a backlash against the law had erupted from a number of sectors, addressing a variety of issues.

In the past year alone, the revolt has included suits filed by the state of Connecticut and the National Education Association, as well as state legislation in Utah that seeks to trump the federal law. Dissatisfaction with the No Child Left Behind Act covers a wide range of issues, from complaints that it is underfunded to allegations that it is unconstitutional. There are objections to the inequities of standardized testing and its restrictions on the curriculum, and to the unfair penalization of teachers and schools for factors outside their control. There also have been questions about flaws in the scientific research determining the programs schools can use, as well as alleged conflicts of interest surrounding the awarding of grants, for the law's Reading First initiative.

In this chaotic year for the No Child Left Behind law, the Bush administration has expended enormous time and energy scrambling to put out brush fires of resistance and keep angry states and districts under control. Then, on top of the already burgeoning rebellion, along came Katrina, bearing with it nearly insurmountable problems in enforcing accountability standards. These challenges may well signal the end of No Child Left Behind.

There should no debate about whether or not to grant waivers from federal accountability requirements for schools and states affected by Hurricanes Katrina, Rita, and now Wilma. The No Child Left Behind legislation provides for one-year waivers in the event of natural disasters. Section 1111(b)(3)(C)(vii) of the law states:

“...the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of the academic assessments by that deadline and that the State will complete implementation within the additional 1-year period.”

The No Child Left Behind law was in trouble and facing a popular rebellion from angry states and districts even before Katrina.

Despite this language in the statute, U.S. Secretary of Education Margaret Spellings initially expressed unwillingness to grant waivers to schools affected by Katrina. For weeks, schools waited in limbo until she reluctantly agreed to allow automatic one-year waivers from accountability standards—but only for those Gulf Coast schools that were completely destroyed or severely damaged. In effect, the secretary's compassionate flexibility amounted to this: Schools that no longer exist and have no students to teach, much less test, will not be punished by the federal government for failure to meet their adequate-yearly-progress targets.

In spite of the exemptions for some Gulf Coast schools, Secretary Spellings insists that students who are victims of Katrina—no matter where they are, no matter how disrupted their lives may be, and regardless of how they have suffered—will still be forced to take high-stakes, standardized tests. Moreover, those schools that have taken in student evacuees, thereby straining their own fiscal resources and jeopardizing their own AYP ratings, will not receive automatic exemptions from federal punishment. Rather, Ms. Spellings has said that she will decide on a case-by-case basis whether or not to waive requirements. It is yet another empty concession, since there are more than 370,000 student evacuees, who could be in any of hundreds or even thousands of schools, scattered across all 50 states.

The Bush administration has been severely criticized for its slow and inadequate response to Katrina. It could, perhaps, regain credibility by exhibiting an understanding of the hardships children and schools are experiencing as a result of the disaster. Why then, given that the law itself allows waivers for “unforeseen declines in the financial resources of States,” is the administration so reluctant to grant them? Why the dogged insistence on testing all displaced and traumatized children and the relentless advance of the “No Child” law in the face of an unprecedented catastrophe?

The answer, I believe, is this: To acknowledge that Katrina can and will affect the validity of the law's accountability criteria is to admit that the law itself is inequitable.

Consider that the No Child Left Behind law is based on three central assumptions: (1) Teachers and schools are responsible for 100 percent of student learning, regardless of individual differences in children's cognitive abilities or their emotional problems; (2) the standardized tests that determine a school's passing or “needs improvement” status are 100 percent valid as indicators of student learning and of school and teacher performance; and (3) the goals of the law are about closing achievement gaps and improving public education.

The aftermath of Hurricane Katrina assails each of these assumptions. Before Katrina, the law did not acknowledge, much less forgive, any extenuating, outside factors such as poverty, physical or emotional abuse, motivation, or even the ability to speak and read English—all factors that could compromise student performance on standardized tests. Consequently, the Bush administration cannot afford to concede that personal trauma can confound the validity of test scores for Katrina's victims, because to do so is to concede that the same factors can affect any student in any school, albeit less visibly and with a less resounding outcry from the public than we've witnessed for the evacuees.

If the federal government agreed to exempt from testing those children who lost a family member as a result of Katrina, wouldn't it also be pressured to exempt children not affected by Katrina who have suffered a similar life-altering trauma—or others who have suffered from abuse or the challenges of a physical or mental disability?

And if the administration agreed that being ripped from a familiar setting and put into a strange school is an extenuating factor for the victims of Katrina, wouldn't it also be pressured to apply the same standard to the children of migrant workers, or children who have been moved from one foster home to another, or, for that matter, children who are homeless? Then, by logical extension, wouldn't the federal government be forced to admit that schools with large numbers of transient and homeless students cannot be held to the same standards that more-affluent suburban schools with relatively stable populations are?

Katrina has put federal policy squarely between a rock and a hard place. The government cannot appear to be compassionate, and yet adhere to a rigid policy of standardizing education. Compassion is personal. Standardization is not.

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If the Bush administration exempted Katrina victims from the additional pressures of testing, consider another policy conundrum it would face: Since the No Child Left Behind law is premised on standardization, how would the government standardize compassion? How would it quantify degrees of trauma in order to legislate a timeline for the emotional, academic, and economic recovery of children and for schools?

Would a child who has lost two parents have a longer reprieve from the extra pressure of standardized testing than a child who has lost only one? Would the death of a grandparent count for less than that of a parent? Should a child who has lost a beloved pet merit only a quarter of the sympathy that we extend to one who has lost a family member and a home? A tenth of the sympathy? None at all? And if a student lost her home and all her belongings, what degree of compassionate dispensation would be legislated for her? The same as for those who have lost family members? Less? None at all?

While we're at it, who would explain to students exactly how long federal policy would allow them to "get over it" before a return to the important business of taking tests? Such decisions truly can only be made on a case-by-case basis. They cannot be standardized, decided, and enforced by remote federal bureaucrats. So for Katrina's victims, as for all students, the administration must continue to ignore the problems that consistently confound the validity of test results for many American children, including those not directly affected by the Gulf Coast hurricanes.

For the administration to do otherwise would be to negate its own policy by conceding the fundamental flaws in two assumptions at the very heart of the No Child Left Behind Act: that teachers are 100 percent responsible for student learning, and that AYP figures and the standardized-test scores on which they are based are 100 percent accurate.

Education is part of a system. That system is based on the relationship and the respective roles of

local, state, and federal agencies that should all work together to do what's best for children. Within that system, there must be at least some degree of cohesiveness and some measure of trust among the constituents—between the districts and the states and between the states and our federal government.

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The No Child Left Behind law has blown apart those fundamental relationships as relentlessly as a Category 5 hurricane, shattering what little trust remained. But this federal legislation is not an act of nature, it is the result of deliberate acts of incredible arrogance.

Because of Hurricane Katrina and its aftermath, it is now clear that the callous, remote imposition of impossible standards on traumatized children and overburdened schools promises nothing but the withdrawal of financial and emotional support from the very schools and children that need it most. And thus, we see the challenge to the third basic premise of No Child Left Behind: that the law's goals are to close achievement gaps and help public schools.

The No Child Left Behind law was in trouble and facing a popular rebellion from angry states and districts even before Katrina. What that massive natural disaster has done is to sharpen our focus. It has forced us to look at the inequities schools all over the country must deal with on a daily basis, with or without a hurricane. These are inequities that the law simply ignores. Katrina has reminded us that schools are made up of students who are unique and who have very human problems—every last one of them.

The obvious inequities within the system and the unimaginable suffering of so many have converged into the perfect storm and may well deliver the death blow to the already critically wounded policy of No Child Left Behind.

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