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Brookings Briefing

NO CHILD LEFT BEHIND?
THE POLITICS AND PRACTICE OF ACCOUNTABILITY

Moderator: Tom Loveless

Presenters: Paul E. Peterson, Martin R. West
and Rick Hess

Closing Remarks: Secretary Rod Paige
U.S. Department of Education

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P R O C E E D I N G S

MR. LOVELESS: [In progress]-- Tom Loveless. I'm delighted to welcome you to the Brookings Institution and to the Brown Center on Education Policy for the event today on the book, "No Child Left Behind? The Politics and Practice of School Accountability."

I'm going to introduce our speakers first--and let me explain to you how we're going to conduct today's event. I'm going to introduce Paul Peterson and Marty West first, and they will be summarizing the book for you, and its major arguments. Then we will have Rick Hess join us. Rick is a scholar at AEI. He had an overlapping commitment this morning, but we really wanted to hear from Rick, so he's going to arrive sometime around 12:30. And he'll join us at that time, which, if everything works well, will be exactly the right time for Rick to join us. And then we'll hear Rick's comments on the book as well.

After that, we will begin a discussion that will last until approximately 1 o'clock. At 1 o'clock, I'll introduce Secretary Rod Paige, secretary of education for the United States, who will offer a few comments about the progress of No Child Left Behind and give us an update on the legislation.

At that time, we will either adjourn, if it looks like our discussion that we had begun has pretty much run its course, or, if there are a number of people who still would like to make comments and ask questions, we will resume our discussion. Secretary Paige is on a very tight schedule today, and so we have about 10 or 15 minutes of his time, is all. But we look forward to hearing from him at that time.

So let me begin by introducing our speakers. First of all, Paul Peterson is the Henry Lee Shattuck professor of government and director of the program on education policy and governance at Harvard University. He's also a senior fellow at the Hoover Institution at Stanford University, and editor in chief of Education Next, a journal of opinion and research on education policy. Paul is the author and editor of over 100 articles and 22 books, three of which--three of the books--received major awards from the American Political Science Association. Paul holds a Ph.D. in political science from the University of Chicago, where he also served as a professor in political science and in the education department there as well.

Martin West is a Ph.D. candidate in government and social policy at Harvard University and a research associate at Harvard's program on education policy and governance. Martin holds a master's in philosophy and economic and social history from the University of Oxford, and a B.A. in history from Williams College.

I'm going to tell you a little bit about Rick Hess. Again, he will join us later. Rick is a resident scholar at the American Enterprise Institute and executive editor

of Education Next. He's a former professor of education at the University of Virginia and a former high school social studies teacher. Rick holds a master's in education and a Ph.D. in government, both from Harvard University.

With that, let's begin with Paul Peterson.

MR. PETERSON: Thank you all for turning out. Maybe--I guess the lights are going to come down a bit, so you can see the PowerPoint as we go along here.

After that rainy day yesterday, it was nice to see that there was at least some sunshine breaking through the clouds today. Because that's sort of the story we're going to tell, that No Child Left Behind has a sunnier story than the clouds that the news media have identified in recent months. But that doesn't mean there aren't clouds out there. So we're going to talk about some of the promises of the legislation and some of the problems that we have identified thus far.

Now, the way we're going to proceed this noon is to begin with the basic point that No Child Left Behind is not a brand-new idea. There are some predecessors that are worth taking a look at. And that's what we're going to be doing, is looking at the predecessors to No Child Left Behind because they're providing us clues what happens when you put into place an accountability system.

When you look at these predecessor programs, you discover that accountability systems tend to soften over time. They may be legislated like lions, but they get implemented like lambs. The surprise that we have for you today is that even soft accountability systems, lamb-like ones, if you please, even soft accountability systems work. But we are recommending that states forge ahead by putting into place school accountability systems because those may prove to be more effective than any alternative.

That's the overall argument. Many of you know what the key provisions of No Child Left Behind are, but just to remind you all and those of you who don't follow this on a daily basis, some of the key provisions that we're going to talk about today are annual testing in math and reading for grades 3 through 8, and also, once in high school, the schools must ensure that all students become proficient in the designated subjects by the year 2014, and that before that time, schools and each significant ethnic subgroup within the school must make adequate yearly progress towards that objective. If they do not, then students after two years are to be given their choice of a public school within the district; after three years, students are to be provided with supplemental services; and after five years, the school is to be restructured. We lay out these and other provisions in great detail in the opening chapter to the book.

In that same chapter, Andrew Rudalevige, who's the author, points out that states and districts are the key to implementation. This is not a piece of top-down legislation simply.

States are to set their own standards. That is to say, they are the ones to determine what it is that a student is supposed to know. And that can vary from state to state.

States define proficiency. That is to say, of what it is that you need to know, what is the indication that you know enough of it that we're going to call you proficient? And that can vary over time, and that can vary from state to state.

States also define what adequate yearly progress is going to mean, subject to certain federal guidelines. States define where their students are to be held accountable, or their teachers are to be held accountable. There's nothing in the legislation that requires this. It's up to the states to decide whether they want to hold students accountable as part of their overall strategy for reform and improvement in order to ensure adequate yearly progress towards their defined standards and proficiency levels.

Districts administer their own choice provisions, except that the law says that you cannot have a choice of a school outside your district, and it must be a public school, it must be a non-failing public school--which can greatly restrict the choice. And it can be further restricted in implementation by local districts, if they choose to do so.

So all of these state policy options are worth exploring in detail. We don't have time today to do this in our presentation. But let me just emphasize one, which is the proficiency threshold and how that can change over time. You could have a tough standard--that is to say, you could say this is what we want students to know, and unless they get 80 percent of the questions right, we're not going to say that they have reached a proficient level. So a state could be tough in terms of proficiency standards, but it could also have a soft standard that says, well, if you know half of it, that's good enough for us. And states are going to be tempted over time to shift from tough to soft standards if students aren't making adequate yearly progress that will bring them up to the tough standard. So one of the dangers of No Child Left Behind is that states may decide that the best way to ensure that no child be left behind is to have a standard that's not too demanding.

Well, in trying to figure out what's going to happen under this legislation, we felt the best thing to do is take advantage of the fact that there is a lot of accountability experience out there in the country. And by bringing together all the best research on this subject and putting it into one volume, you can get an assessment of what accountability systems do, what impact do they have on student performance.

As many of you know, the first major piece of accountability legislation was passed under the Clinton administration in 1994. It set state standards; it set up levels of proficiency that states had to identify; it initiated testing--it called for testing in three grades by the year 2000-2001; and it called on schools to make adequate yearly progress.

Compliance by states was not perfect, however. Only 16 states were in full compliance by the year 2000-2001, although it is the case that 37 states had some form of accountability. Now, this may have been unfortunate from the point of view of the accountability movement, which would have preferred to have seen full implementation of this legislation, but from the point of view of the research community, this was an advantage because it gave us a chance to take a look at what happens in those states that put into place an accountability system; those states that put into place a tough accountability system; and those states that put into place a weak one, or none at all. So we're going to look at what happens when you compare one type of state to another.

It also gave us a chance to look at whether or not accountability changes over time. So by "changes over time," we mean movement from a tough accountability system to a soft accountability system, from rigorous standards to weak standards, from high performance thresholds, high proficiency levels to lower performance thresholds, lower levels of proficiency expected on the part of students. And whether the consequences for schools and teachers and students are clear and demanding, or whether relatively few penalties are applied.

Now, when you look at this question, Are there going to be tough or soft accountability provisions over time, the experience in many states has been a movement toward softer forms of accountability. And this is a topic that Rick Hess is going to talk about more when he joins us later, in the next few minutes.

One of the points that he makes in his article that's included in the volume is that there's plenty of opposition out there to accountability provisions. Probably the least important are the advocates for minorities and economically disadvantaged groups, simply because there's an enthusiasm at the parental level for higher expectations on the part of schools for those who have been traditionally disadvantaged groups. But one of the unexpected sources of opposition to accountability has come from the high-performing school districts and high-performing schools and high-performing students who tend to see accountability systems that focus on minimum standards irrelevant to their situation and they're wondering exactly why they're being subjected to these rules and regulations.

And then we know that teacher organizations have been increasingly opposed to the legislation, calling it an unfunded mandate, asking for a softening of the accountability provisions, saying that it's unfair to hold teachers accountable for student performance when so many factors outside the school can affect how well a child performs on these examinations.

Well, the softening is likely to occur. It has occurred in many states. So Rick explains in the volume. But you can nonetheless compare states with accountability systems, states that put into place accountability systems after 1996 and before the year 2000, and see what happens when you've got systems that have been put into place. And that's something that Mackie Raymond and Eric Hanushek have done in

their essay, where they look at the impact of accountability systems on student performance on the National Assessment of Education Progress.

Now, this is a particularly interesting study because it doesn't look at what the impact is on accountability systems on the state exams; it looks at the impact on another exam that taps into general knowledge that the student has, and it's the official exam of the United States government. The nation's report card, it's often called. It's now being required of all states that they administer the NAEP to a sample of their students.

We now have quite a bit of information from many states as to what happens on the NAEP test when you put into place an accountability system. The best information we have is on the math exam between 1996 and 2000. And what Hanushek and Raymond do is they look at the scores that students got in 4th grade in '96 and then, four years later, the scores they got in 8th grade, standardize them by their age level, to see whether or not the gains are greater in the accountability states, in the non-accountability states. And this is the best evidence we have as to what the impact has been of these precursors to No Child Left Behind.

Now, in the states that had no accountability system at all, you got an up-tick in math performance of about a half a percent, when you standardize by grade level. If you look at the states that have soft accountability systems, you double the gains over that same period of time. And if you have tougher accountability systems, you get a further up-tick, though the difference between these two should not be exaggerated simply for statistical reasons.

The bottom line is, accountability, even the soft forms of accountability are giving you twice as much of a gain on the NAEP as if you have no accountability system. There's good reason to think that accountability will move student performance forward even if it takes the soft form. Nonetheless, that's a school accountability system. How about student accountability? This is a topic that Marty West is now going to develop. And I'm pleased to see that Rick Hess has just joined us here and will be able to comment as soon as Marty finishes his share of the presentation.

So, Marty, would you like to discuss student accountability at this time?

MR. WEST: Well, thanks, Paul.

Paul made the point several times that one thing that's missing from the federal legislation, one thing that's not included at all, is any sort of accountability provisions for students. And what we mean by that are policies that provide explicit performance incentives for individual students. States are free to experiment with policies of this type, but they're not required to put such policies into place.

Now, we don't want to say that all student accountability provisions are alike. And I want to distinguish right away between two approaches. There are two main approaches to designing accountability policies that may target individual students.

One would be to set a single threshold, generally at a low level, above which students need to perform to get some sort of reward, typically a high school graduation. This obviously is very effective in creating goals and incentives for low-performing students, but the consequences for students who are comfortably above whatever threshold is set may be quite different. Then there are policies that are successful in creating multiple thresholds for performance and may be more effective in creating positive goals and incentives for good performance among all students.

I want to explore the difference between those two types of policies by looking at three--presenting the results from three of the chapters in the volume that look at three different sets of policies. The first is the minimum competency testing movement of the 1980s. And this is summarizing a chapter by Tom Dee in the volume. Then we have two chapters in the volume that look at the accountability reforms in Chicago in the 1990s. And then we have a chapter by Ludger Woessmann, who is an economist in Germany, who looks at a system of accountability for students that is actually quite unusual in the United States, and that's external exit exams for students upon leaving high school.

So I'm going to go through each of those and talk about how they difference a little bit, and what we can try and learn from those.

So first, an early attempt at student accountability. The minimum competency test movement originated in the 1970s and proceeded through the 1980s, when a lot of states decided--virtually all states decided to administer a test at some point for high school students, to find out just what high school students knew. A lot of this was initially used just for diagnostic purposes, but by 1992, a certain performance level on this exam had become a graduation requirement, had become something students needed to do in order to receive a high school diploma in 15 states.

Generally, if accountability policies tend to be lion-like when legislated but lamb-ish in their implementation, I think that description captures what happened with the minimum competency movement. These were generally very low performance thresholds and they weren't binding on all but the bottom performers.

One thing that's interesting about these policies is, as distinct from the ones that Paul just talked about, the school accountability policies in the late '90s that we've been able to look at, is that we can actually provide some evidence on longer-term outcomes; that is, we can look at students' employment prospects later in life, when they were subjected to this type of requirement as opposed to when they were not. And that's what Tom Dee does in his chapter. And here's what he finds.

As you might expect, when he looks at the results for all students--and he does this, I should say first, by using data from the 1990 Census that allows him to have over a million observations and to compare students from the same state who were subjected to the graduation requirements and ones who were not. And taking that approach, he looks first at all students. And what you see is, the effects on graduation rates, as you might expect, were very marginal. These were set at such a low level that they're really only binding for a few students.

And they actually had some small adverse effects on employment prospects. That is, students were slightly less likely to be employed later in life when they were subjected to these requirements. Now, that's sort of a counter-intuitive finding, but one way to think about that is that, by setting a particularly low goal for what it means to be a high school graduate, you can sort of lower expectations throughout the whole school system.

An interesting aspect of his findings, though, is that if you look separately at the population of black males, who obviously in our society at this point tend to be concentrated among the lower-performing end of the spectrum, as you might expect, the effects on graduation were considerably larger-- negative 1.3 percentage points was the impact on the likelihood of a black male graduating from college. But on the other hand, the employment prospects of these students, this same group of students, were actually improved considerably, by 1.6 percentage points.

So students at the bottom end of the distribution appear to have had some negative impacts on their educational attainment, because less of them were able to meet the standard, but perhaps by raising expectations for this group as a whole, you're able to achieve some benefits later in life.

Moving on to a series of reforms that were adopted in Chicago in the 1990s, the School Reform Act of 1995 established tough thresholds for grade promotion, for promotion to the next grade, for students in grade 3, grade 6, and grade 8. Students who were unable to meet those thresholds were required to attend summer school. And this actually was a binding requirement for a substantial proportion, up to 20 percent of students in some grades. So this is different from the minimum competency exams in that they really appear to be setting a performance standard that was binding for a substantial group of the population.

And then there was a No Child Left Behind-like accountability system for schools, with eventual threat of restructuring, as in No Child Left Behind. What's interesting to note, though, because we've been able to watch how this policy's evolved over the past seven years or so now, is that no elementary school has yet to be subject to this restructuring requirement. So we think we're justified in saying that the core element of the Chicago school reforms of the mid-'90s were their provisions for students. That's really what made them distinct. It's been widely reported in the popular media both in Chicago and nationally that scores in Chicago did indeed take off when these policies were adopted in the 1990s. Substantial gains were observed.

Now, both of the chapters in our volume that take a closer look at these gains and say how real were they, are they really meaningful -- and that's important to do because scores could fluctuate for any number of reasons, as many of you know, from changes in the composition of the students taking the exams, changes in their levels of preparation upon entering, other changes that have been implemented at the same time. And what Brian Jacob, one of the authors of one of the chapters on the reforms in Chicago has done, is he's been able to separate--to predict what you would have observed on the basis of changes in the student population, the population of students taking the exams in Chicago, their preparation, and then see what you actually observed.

And the red line is what you actually observed. This is where the high-stakes requirement, the requirement for grade promotion, was implement. And you see a large jump in performance--this is math performance here--most of which is achieved in the first two years. And then the performance tends to level off. And the difference between what you observe and what you would have expected to observe based only on changes in the student population is roughly a third of a standard deviation.

Now, just to give you a sense of the magnitude of that effect, a full standard deviation is roughly the difference in performance between a typical 4th grader and a typical 8th grader in the United States. So a third of a standard deviation is about a third of that difference between 4th and 8th grades, and it's generally considered to be a quite large, quite substantial effect in terms of an educational intervention. You see similar effects for reading, though they ultimately level off at about a fifth of a standard deviation, as opposed to a third.

So that's the story for Chicago. We see significant jumps in the performance of students when they're held accountable. I want to move on to talk to one last system of accountability, and that is external exams upon leaving high school. And this is something that is quite rare in the United States.

What we mean by these types of exams are state- or nationwide exams, based on curricular standards, that are set external to the school. They are conducted at the completion of secondary school, and generally they contain incentives to meet multiple performance thresholds.

Now, some states have started to move in this direction. There's the Hope Scholarship Program in Georgia, the Merit Exam system in Michigan. New York has long had a Regents Exam that is somewhat of this type of policy, where students are provided incentives to do well on a curricular-based exam in order to qualify for additional aid for higher education. But generally it's something that we have not relied on heavily in the United States.

So in order to find evidence on this, you have to rely on international variation. What's interesting is that these types of systems are in place in roughly about two-thirds of the 54 countries that participated in either the TIMSS or the TIMSS-Repeat

studies. These were studies of mathematics and science achievement that were conducted around the world in 1995 and 1999.

And in the final chapter in our volume, Ludger Woessmann looks at the results from those exams and compares countries that have these exams to ones that don't. And to be very careful that he's not picking up just other differences that might be responsible for any differences in performance that he observes, he compares only those countries within the same region. So he compares Asian countries with other Asian countries, European countries with other European countries. And that really lets him be careful that he's really picking up the effects of this type of exam system.

What he finds is, again, considerable impacts for policies that hold students accountable--of about two-fifths of a standard deviation in science and about three-tenths of a standard deviation in math. So these are considerable impacts, and they suggest that this may be a policy direction to consider in the future.

So let me just sum up our conclusions. Our conclusions are as follows. Judging from the experiences of previous accountability systems in the states, there's an expectation that the requirements that states place on schools under NCLB are likely to soften over time; but soft accountability may yet be effective. One thing that's missing from the law is that there's no requirement for states to implement policies that will hold individual students accountable, nor is there anything that prevents them from doing so. And I think it's fair to say that one of our findings is that, as Paul mentioned right at the outset, there was accountability before the No Child Left Behind Act of 2001, that it was really a bottom-up process, that a lot of states had developed these systems of their own, and what No Child Left Behind Act did was, really, attempt to codify the best practices in a number of states.

I think that states that take the lead in exploring policies that may hold students accountable may position themselves to be leaders in the next generation of accountability. And adopting such policies that really establish multiple performance thresholds for individual students may be a way to address one of the dangers in the legislation, and that's the goal of full proficiency, the goal of universal proficiency, the goal of--and that's embodied in the very title of the legislation, leaving no child behind.

And the danger is that that goal, noble as it is, will produce a return to minimum competency requirements and lower expectations more generally, and the best may become the enemy of the good. And student accountability may be one way to address that danger.

And I think we'll hand it over to Rick Hess.

MR. HESS: Well, we know something strange is going on in education policy when you can walk straight over from American Enterprise Institute to Brookings and feel like you're in a seamless conversation. I'm not sure how to interpret that.

What I'm going to talk about a bit is kind of going back and elaborating Chapter 2, after you've already kind of read your way through the entire book. What I want to talk about is the split between what I call tough-minded or coercive accountability and nice, or soft, accountability and a bit about why tough-minded accountability almost always winds up being softened.

Marty referred to the minimum competency testing movement, of course started in Oregon in 1973. By 1979, you had 36 states that had minimum competency testing. I believe 19 states in 1979 required students to pass minimum competency tests for graduation.

When these tests were first administered to students in the 8th or 9th grade, failure rates generally exceeded 30 percent. See if this sounds familiar: There was an outcry, there were organizations, there were claims of disparate impact, there were a raft of suits primarily based on concerns about equal protection. And by the time these 8th and 9th graders were being tested in 1977 and '78 and '79, by the time they were 12th graders and their failure of the test would have mattered, failure rates in every state were under 5 percent and in all but one state were under 1 percent.

Of course, the minimum competency testing proponents saw this as a tremendous success and lauded the effectiveness of their intervention. In the larger scheme of things, I think, the contribution of minimum competency testing cannot be assessed, because when Nation At Risk was written in 1983, four years after kind of the high water mark of the minimum competency testing movement, the authors essentially ignored minimum competency testing.

There are two ways that accountability can drive changes in student success and student performance. One is by forcing everybody involved in the educational endeavor to do better. And the second, of course, is by simply softening and watering down the accountability standards themselves until we can pat ourselves on the back in the knowledge that every student is being well served, although nothing has changed before the introduction of the accountability regime.

So there's two basic visions of accountability which permit everybody in the educational conversation to claim that they support accountability. One vision, as Paul mentioned, is nice accountability. This often gets called capacity building by folks around the school districts. This has to do with professional development, it has to do with targeting district support, it has to do with all those nice, reaffirming things that we all support and that, so long as educators, teachers or principals, run with them, are good.

Then there's this other bleak, miserable vision of accountability: coercive accountability, tough-minded accountability, where the purpose of accountability is not to help educators necessarily, but to demand more of educators and to demand more of students--to change the expectations and to change the definition of what's acceptable.

Now, the benefits of coercive accountability, I've argued, are several. One, you actually force an agreement on goals. Nice accountability, you hope for agreement--and we have consensual decision-making at the schools and we invest in professional--

Coercive accountability forces you to establish priorities. Coercive accountability enables administrators to gauge teacher effectiveness and respond appropriately. It's no longer a matter of, gee, I don't want to hurt your feelings; but it's a matter of, look, my hands are tied.

Third, it requires that hard-to-educate students be served. Excuses are no longer permissible. It can enhance professionalism and public support by holding educators to clear standards of performance and, because both the public and the folks in charge know what you're responsible for doing, it can actually increase professional autonomy of educators in the schools.

Now, there's two faces of coercion. So I'm painting a picture which suggests that tough-minded accountability is generally a good thing. I've just laid out the good case. Of course, there's a whole bunch of unpleasant consequences that flow along with it. Some students, teachers, and schools will fail to meet performance standards. Bad stuff will happen to them if they do. Some content and some skills will be marginalized because they're not included in the regime. And the culture of schools will be changed both in ways that we like, but also, let's be honest, in ways that we're not as comfortable with, in ways that we dislike. And to suggest that tough-minded accountability is good does not mean that one should ignore the negative consequences; it simply means that one needs to be a thinking, rational adult and decide that the benefits outweigh the negative consequences.

Now, there's a central political tension that occurs when we pursue accountability. The good outcomes, the benefits of tough-minded accountability are broadly disseminated, they show up downstream, and they don't accrue to particular groups. On the other hand, the bad outcomes of accountability are concentrated. They're experienced by particular students and teachers, who know where they are. They tend to be in particular identifiable communities and they suffer visible and immediate costs. The result--and this is an old kind of political dilemma--is that this is a kind of situation where you're unlikely to see sustained change.

What are the challenges for policy makers in tough-minded accountability? There are, really, five. One, they've got to designate the required content and skills. Two, they've got to decide what they're going to test and how to do so. Three, they've got to specify what kind of assessed performance constitutes mastery. Fourth, they've got to decide what you're going to do with students and teachers who fail. And five, they've got to decide whether and how they're going to reward or sanction educators on the basis of outcomes.

Paul already spoke previously about the four groups who emerge out of this as losers. The losers are distinct, they're upset, and they're motivated. They demand reasonable accommodations. The fact, of course, is that simple systems are easier to keep intact. The simpler your high-stakes accountability system, the easier it is to stand up and explain to people and defend it. The problem, of course, is that simple systems are also always unfair, because children of different needs, and educators, face different challenges. So we start complicating these things with wrinkles. And of course what happens is, once you introduce some wrinkles, it becomes much easier for folks to suggest that they also deserve appropriate accommodations. So systems become increasingly sophisticated and comprehensive and coercion eventually becomes suggestion as we keep tinkering with these things.

What are the ways in which we soften accountability, from tough-minded accountability to nice accountability? There's a bunch. We make assessment instruments easier. We lower or eliminate the stakes of failure. We reduce or dilute the required performance. We permit some students to sidestep the assessments. Or the favorite, of course, is we simply delay implementation.

Now, the problem, of course, for folks who are making policy in this arena is that all the complaints by the losers are reasonable. Accountability is inherently a subjective performance, because what we're doing is we're making decisions about what students need to know, when they should know it, and how well they need to know it. And so long as we have a system of public schooling in this country, these are going to be ambiguous, value-laden decisions. There's no right answer. No psychometrician can tell you what a student should know at age 18 to be an educated adult. It's a judgment call. So the problem is that specific judgments, of course, are hard to justify. And they're particularly hard to justify because the structure of our education system means we have to impose these judgments statewide. So what happens? We weaken, we wind up with suggestive systems, and the students who are in schools that are ineffective wind up being ill-served.

Two interesting wrinkles on this issue are, one, that resistance tends to weaken after institutionalization. Once accountability becomes part of the grammar of schooling--you need look no further than Europe or Japan to see how this plays out--it becomes part of what's expected. The diffuse benefits become more evident and salient. The accountability assessments become the gold standard for measuring performance. The critics are seen as opposing a system which ensures that students learn and teachers teach. And clear outcomes can help educators cultivate public support and reassure their public that they're doing their jobs.

There are several techniques that have been used to institutionalize [inaudible] of accountability. There's four favorites. One, of course, is compromise. One compromise, and tough accountability becomes nice accountability. It's a judgment call. There's a method they used in Texas when the secretary was down there. The superintendent was to use low thresholds and ratchet them up over time. A third strategy favored in Virginia, for instance, was to try to create an atmosphere of crisis so

that folks understood this as the necessary alternative. And a fourth approach has been to re-shape the ranks of educators in such a way that you've changed the folks involved in the debate and they become more comfortable with the notions of accountability.

At the end of the day, standards are a useful artifice. Accountability is a useful artifice. That's the simple truth, unpleasant as it may be. The question is, given the costs and challenges of coercion, do we want to do what is necessary to make standards an effective artifice? And that's an open question.

Thanks.

MR. LOVELESS: Thank you.

It's my distinct honor at this time to introduce Rod Paige. Rod Paige was confirmed by the United States Senate as the seventh secretary of education on January 30, 2001. I recall on the day that Secretary Paige was nominated, my own thought was one of, well, finally someone who chose education as his career--or her career--has been nominated as secretary of education. Rod Paige is the first secretary of education to have an extensive background in the field. First, he served for a decade as the dean of the College of Education at Texas Southern University. As a trustee and an officer of the Board of Education of the Houston Independent School District, Rod served from 1989 to 1994. And he became superintendent of the Houston Public Schools in 1994. In 2000, Secretary Paige received the Harold W. McGraw, Jr. Prize in Education for his commitment to the improvement of education, and the National Association of Black School Educators Superintendent of the Year Award. In 2001, Rod Paige was named the National Superintendent of the Year by the American Association of School Administrators.

Please join me in welcoming Rod Paige.

SECRETARY PAIGE: Thank you, Tom, and good afternoon, everyone. Thank you for this opportunity. It's a pleasure to be here today.

Paul Peterson and Martin West have turned a volume of essays into a public service. Thank you. These papers are timely and they're valuable as we move into a new phase of implementation of the No Child Left Behind Act. I want to compliment both of you gentlemen on the excellence of this publication.

The question and answer session was stimulating as well. I'm glad I got a chance to catch some of the discussion.

No Child Left Behind is about openness and it's about partnership. It's about a willingness to push forward. The president and I want it to be transparent. We want transparency and we want forums and we want discussions and we want examinations. The panel discussion revealed the importance of such input.

This law has revolutionized the American landscape. We have much to learn from the processes that we're putting in place now. We need as much data as possible, we need as much discussion as possible, and we need as many eyeballs on this as we can find. We need impressions and points of view and stories and facts; research, statistics, and studies. Have at it. We'll be helped by it all.

We've now reached a point in this implementation process where we need to work more closely with individual schools and school districts to complete the implementation. The states have kind of been our go-to units up until this point. Well, in a sense, they still are. But now we're focusing quite a bit on what happens between the state and school district and the schools.

This means that the two years of implementation of the No Child Left Behind law will move into a kind of second-generational implementation situation. The initial battle for passage of the law and for constructing a regulatory framework for the law is primarily over. In part because of strong bipartisan support for the law, we'll be able to get this accomplished and, I think, accomplished in a different way than it has been heretofore.

For context, the Improving America's Schools Act, enacted in 1994, required much of the accountability framework that's in the No Child Left Behind Act. In fact, each state was required to have an approved accountability plan in place back in 1994. When we arrived in 2001, there were, I think, maybe 14 states that were in compliance. Most other states had just kind of passed it by, hoping that the implementation process would not take place.

In this law, the states were required to have their plans in place by June 10, 2003. At that time, all 50 states, the District of Columbia, and Puerto Rico had their plans in on time. So there's a whole different attitude about how it goes. Now that we've got all these plans in, our process now requires a lot of work with the individual states and their school districts and their schools.

In order to do this, we've got to listen a lot because we know we're going to learn a lot about the law as we go forward. We have to understand the nuances that have been created by the law. We have to understand the way that it's impacting the people who are actually doing the implementation at the school level. This means we have to listen as well as talk, to utilize the flexibility in the law to make the regulatory adjustments that are necessary to make the law work right, while at the same time making sure that every state understands it is our full intention to force compliance with this law. There is going to be very, very little consideration of waivers. We'll take the regulatory process and squeeze every ounce out of the law that we can find.

But because of the culture that we find of just waiting it out or asking for waivers or continually being in process of fixing it, that culture has to shift in order for us to get on down the road with the implementation process. And so we've adopted a policy of, first, enabling success with every fiber of our being--making sure that we go

down and work with the states and work with the school districts and work with the individual superintendents.

But when the end of the day comes, we're going to make sure that the law, as thought by the framers of the law, is carried out, and that when states and school districts are not in compliance, we won't have any hesitation whatsoever in exercising the sanctions that are available to us in the law. When we researched this in the department, we found that that had very rarely been done. But we've already made the point that we will. On two different occasions we've had to withhold funds from states because of their reluctance to move forward. That sent a pretty clear message downstream, and we're beginning to get rapid implementation as we go around. We intend to be--both enable success, but, in the final analysis, we want to make sure that the implementation of the law takes place.

Under the final rule, state school districts--well, here's an example of the kind of flexibility we're talking about. Just Tuesday, we published a new regulation for the No Child Left Behind Act in the Federal Register, dealing with special education. It gives now local school districts greater flexibility in meeting the act's requirements for students with disabilities. I asked some of the people in ESEA to develop a paper dealing with what I call the soft underbelly points of the law, places where we really were getting a lot of heartburn either because the law was really tough there, sometimes a little bit unreasonable, or--whatever this case was, it was presenting really difficult points for people to implement. I wanted to know where all those places were in the law so that we can be able to see what authority the law provides me, as secretary, to make the necessary adjustments that we need in order to relieve some of the pressure on the people who were really implementing the law; but, at the same time, making sure that they understand that we want the law implemented.

This is an example of that. We found that the special education situation was really a difficult situation. We looked into the regulations and we thought that we could be helpful there. Under the final rule, state school districts and schools can assess students with the most significant cognitive disabilities using standards appropriate for their intellectual development. The number of students in this category may not exceed 1 percent of all students in that grade tested, however. But this constitutes about 9 percent of the students served by special ed.

Alternative achievement standards can be tied to state standards. We want to make sure here that when we're saying no child left behind, we mean students who are in special education as well. We'll allow states and school districts to exceed the 1 percent limit if they can demonstrate that they have a larger population of students with the most significant cognitive disabilities. And if they can make that case, we'll be willing to listen to them.

When I announced these regulations on Tuesday, Mark Howard, the parent of a child with autism, joined me. His son Nicholas is in the 2nd grade in a school in Stafford County, Virginia. Because of the attention he'd received, Nicholas

had been able to spend about half of his day in the mainstream with his other 2nd grade classmates. Mr. Howard remarked that No Child Left Behind would allow the school district to determine how well students like Nicholas are doing in their own right, measured against standards that are appropriate for Nicholas. He added that this effort to assess individual student progress means that children will not be buried by the details and ultimately left behind.

I agree. This new addition to the law is about meeting individual needs and assuring quality at the same time. It is accountability in action for all students, including those with disabilities. When we say no child left behind, we mean that literally.

Flexibility is a demonstration of the give-and-take necessary to make the law work for all students while holding firm with the intent of the law and to the letter of the law. Therefore, our test is to convince superintendents now, and teachers, that the law is really working and that we are partners with them. Unlike heretofore, where we just served as regulatory people and people who provided resources, we now consider ourselves partners with the states and with the school districts, and we want to be there with them when we're needed.

Now, there still remains a lot of resistance, stern opposition in many quarters. In my view, much of the opposition is due to a misunderstanding of the law, although there is some opposition fueled by guardians of the status quo who simply don't want to change. Conferences like this help clear up the confusion. The essays in this book help evaluate our progress. But part of the problem is simply that some people just don't like to change. There is still some inertia built into the public education system in the United States.

Here we're discussing accountability. What other enterprise in the United States or even in the world, where we need to get something done, is accountability mentioned, considered to be something revolutionary or creative? The accountability we're discussing is just something that is an outside thing. But it is necessary for any type of enterprise when there is effectiveness needed. That's been clear to us for many, many years. But here we are in education now discussing whether or not accountability is important. That gives us some idea of where we are and how far we have to go.

I'm very interested in your predictions on a movement towards softer accountability. I know that several authors of the book and many of you have made that prediction. I have a prediction of my own. And that prediction is that we're going to hold the line against softer accountability. Now, the law provides some limitations for me. And I have a wonderful staff of lawyers that I speak to all the time, and I asked them to make sure I understand all the authority that's been granted to me in this law, because I intend for every bit of that to be exercised. And if there is someplace where it's needed and it's not contained in the law, then I'm going to be talking to some of my friends on the Hill to see if we can't get that fixed because I think that we're in kind of a sense of urgency now. And when you go back and read the history of this law, you can

see that soft implementation all the way down the line has caused us, I think in many ways, to be where we are now.

I realize that some states may soften their standards some, and there are some points in the law that kind of place a barrier between us and them in terms of making that difference. But where that exists, I'm going to use the bully pulpit to make sure that the community and the voters and everybody in that neighborhood is aware of that. And I understand the power of that, and it should not be underestimated. I think one of the most powerful things I met when I was in Houston as superintendent is the visibility of the accountability and testing because of what showed up in the newspapers the following day after the test. And I can promise you, the phone rings a lot. When individual schools, parents called about how their students performed in the individual school, that's a force to be reckoned with.

Remember that accountability is a movement that started in the grass roots many, many years ago. You've already made that point several times. It's an essential part of the education reform initiative. No Child Left Behind is just the latest version of that. And the difference that we're going to make here is to make sure that the regulations required by the law are carried out. We don't want there to be any softness in the implementation process, nor do we want to come off as wardens. So we will enable success, and then we'll require compliance.

It means that we should make the education system more just and fair and equitable when we do it this way. It means that students will not be left behind because of their income status, because of their ethnicity, their English-language deficiencies, their special needs, their culture differences, or their address. Now every student will have the same chance to learn in our education system--rich or poor, rural or urban, English-speaking or not, African American or Asian, Latino or white, easy-learner or learning-challenged. Every student. We intend to make this work for every student.

Under the No Child Left Behind Act parents now will have powerful information because of accountability. And some people have told me that, well, parents don't understand the complicated psychometric measures we're putting out there. Maybe not. But a parent knows that 20 is not as good as 80, and so they'll be concerned about that once they get this information.

Under No Child Left Behind parents will have a powerful tool to join us and become partners in this effort to make sure that we create in this nation an education system that is worthy of a great nation, one that educates every child. After all, accountability's about creating a culture of responsibility, about performance and about quality.

Thank you for your examination of our progress towards creating a culture of accountability. Thank you for your thoughts and your ideas. And I'd like to express my openness to hear from you anytime that you have some information or some

ideas that might move us further down the road in creating in this nation an education system that's worthy of a nation as great as ours.

Thank you so much.

MR. LOVELESS: Thank you again, Secretary Paige, for taking these moments out of your very busy schedule.

At this time, I'd like to invite the panel up to the front of the room. Give us just a second to get set up, and then we will take questions and discuss "No Child Left Behind?" in greater detail. We're going to leave the slides up just in case there's some reference to one of the slides.

Does anybody want to kick it off? Yes.

QUESTION: Michael Cardman, with Education Daily. I had a question for Rick Hess regarding one of the key slides that you guys had--Hanushek, I think, was the name of his study--about tough accountability versus soft accountability. It says right in there that there's no statistical difference between the two of them, so given that you acknowledge that there's real human costs to tough accountability, how would you justify it given this most recent study?

MR. HESS: Oh, I mean, I--yeah. First, on the empirical question, of course, as Rick and Mackie will be the first to say, it's actually tough to get your hands around--empirically around this because there's a lot of disputes as to what constitutes on this continuum tough and soft. And it seems to me it's really a question of common sense. The degree to which one is comfortable embracing tough-minded accountability really depends on whether you believe the proposition that education is like all the other things we do in this world where, when performance is demanded, when excellence is rewarded, when incompetence or failure are punished, that people do better. If you believe that proposition, then it seems to me that we owe our children tough-minded accountability. And if you don't think that proposition is true in life or in education, then tough-minded accountability is unnecessary carnage.

MR. LOVELESS: Another question? Yes.

QUESTION: I'm Juliette Palaris [sp] with Johns Hopkins University. I had a question as far as funding for the law was concerned, and do you think a lack of funding will lead to a softening of standards and a softening of the law?

MR. LOVELESS: Marty, do you want to start with that?

MR. WEST: Let me--I'm not even sure I'm plugged in here.

MR. LOVELESS: We're getting plugged in.

MR. WEST: All right. On the funding issue, that's obviously been one of the key sources of opposition to the law as it's being implemented now. I think asking the question whether the funding for NCLB is sufficient requires you to ask what the additional expenses required by the new law are. And obviously, the specific expenses that are required are those for additional tests that are required under the law. And even in asking that question, you need to ask what the right baseline, what additional funding--additional tests does NCLB require over what was required by the 1994 law. And it turns out that the additional tests that are required are not all that expensive, first of all. They're well within the funding--the increase in funding that is accompanying the No Child Left Behind legislation has more than met the additional costs that states faces in implementing these tests.

Now, states obviously are also held responsible under the new law to bring all students to a proficient level of performance. Now, it may be the case that you want to attribute some of the costs of that to the legislation. But making that argument requires you to say that the states did not previously have an obligation to get their students up to that level of performance.

So the funding issue, I think--I'm comfortable saying we both feel is somewhat of a distraction from the key struggles over the core of the law, which is what the standards are going to be and how we're going to evaluate student performance.

MR. PETERSON: Testing and accountability is probably the cheapest school reform one can imagine. There's about--the cost of education per pupil in the United States today is around $8,000 a year on average. The cost of testing is about $15 a student, on average. Fifteen dollars. Eight thousand dollars. If you're going to spend $8,000 on your educational system per pupil, why not spend $15 to find out whether or not it's being effective? The amount of money that the federal government is currently providing for testing virtually covers this additional cost. Though many states are -- been in place, at least in part, before the legislation was passed. The point we made several times here is that this is just codifying practice that was already out there in the real world. I think that's why Marty says, you know, this is really a greatly exaggerated issue in public debate at the present time.

MR. LOVELESS: Just to follow up--as the moderator, I want to do something up here--a lot of the people who are criticizing the current levels of funding are making the argument that everything you said is true in terms of the relatively low cost, inexpensiveness of providing tests. But if the goal is to get everybody up to proficiency, then interventions that will do that are expensive. The interventions that would get everybody up to snuff, those things are the things that cost money. So the question I would like one of you to grapple with is, does that kind of argument get traction in terms of the politics of No Child Left Behind?

MR. PETERSON: There are lots of reasons why one would like to spend more money on our educational system. If you look at how much we're spending on education in the United States today as a percentage of our gross national product, it's

about the same as we were spending back in 1960. In medical care, that has more than doubled, the percentage of our gross national product spent on medical services. So we have chosen to spend our nation's wealth more on the last years of life than the early years of life. And that, really, is a question that we should revisit. But we shouldn't revisit that question until we've created an educational system that can take the money that's available to it and use it effectively.

Now, we have actually doubled the amount of dollars spent on education, in real-dollar terms, in the last 20 years. But in terms of effectiveness, the outcomes, the performance on the National Assessment of Education Progress, we've made less progress than we've made in the states where we've had accountability systems in the last five years. So accountability by itself, as cheap as it is, is doing as much or more as all of the expenditures that we've put in education over the last 20 years, over and above what we had done previously.

So just throwing more money at the problem doesn't provide an answer. You've got to have money thrown at a problem through an effective system in order to achieve the kind of quality education and ensure that no child is left behind.

MR. LOVELESS: Another question. Yes.

QUESTION: Hi, my name is Joe Gray. And I'm of a mind that accountability and high standards are obviously something that is very important. But I would say that it's something that is--when you have, you know, sort of high-stakes testing and standardized teaching that you run the risk of. What is your feeling on states that implement a two-tiered system, one with a specific test, such as--you know, these are states like California, Massachusetts, where you'll have a specifics test and then you'll be able to have another, a secondary test, if you do poorly on the first one, where you test perhaps the essential skills. And what are your feelings on that in terms of being a possible solution to merging kind of a high standard as well as a low standard challenge or issue?

MR. WEST: Yeah, that's a very useful strategy for trying to create what I was talking about, these multiple thresholds for performance, so--not at the same time setting a--not letting the goal of leaving no child behind reduce expectations for all students. And that's one very useful way of going about doing that. Though I think you need to--those thresholds, the higher thresholds then need to have incentives associated with them as well, that will get students involved. And it could just be the reporting of scores on this more challenging assessment, but states may want to experiment with linking that to aid for higher education, scholarships, such things as that. But I think that's exactly right.

MR. PETERSON: One of the characteristics of the examination systems in the countries that have exit exams when you leave high school is that the student's performance on that exam becomes part of their record, becomes part of the case that they make to employers and universities. And if we're going to have an effective system

of accountability, then we need to really move towards an arrangement that the majority of the nations of the world already have in place.

MR. LOVELESS: I would just add, too, the bifurcated accountability systems usually provide that division for student accountability, not school accountability. I'm not aware of any bifurcated school accountability systems. But to have a system like New York has done for over a century with the Regents, to have a system that has both a high level and a lower basic level has been around with student accountability.

Yes, in the back?

QUESTION: [Inaudible] from GAO. One of the main goals of the No Child Left Behind Act is to reduce the achievement gap. Is there anything about accountability systems that help reduce the achievement gap?

MR. PETERSON: Well, the data on that in our volume is limited. The Chicago study focuses mainly on minority students and shows that the accountability system there was very effective. The National Assessment analysis that we reported doesn't break it out that way. So we don't have, with this particular set of studies available to us, clear enough evidence to be able to say that the gains that you're going to get under an accountability system will be greater for those who are the bottom of the distribution of performance than those at the top. Minimum accountability systems are likely to produce that. If those who are scoring high have no incentives to improve and schools have no incentives to concentrate on those students, then you could say, okay, so the accountability system is really only going to have an impact on low-performing students. Well, that, I guess, would close the education gap. You know, what you really would like to do is to see our educational system improving the performance of all students and also contribute to a closing of the education gap at the same time.

MR. WEST: The law does require schools to improve the performance not just of the student body as a whole, but of all subgroups of significant size. So if all of those subgroups are moving towards proficiency in a way that's compliant with the standards for adequate yearly progress, that will, by definition, narrow the achievement gaps. Whether--but there's very little evidence on whether that strategy has been successful. And actually, one of the studies in our volume actually shows how there can be some perverse consequences of that type of provision, because it increases the school's chance for failure. And so you may actually end up penalizing more diverse schools. And that's the type of technical issue that I think the Department of Education is in the process of dealing with in the regulatory process. But assuming those provisions end up working as intended, they will by definition have an impact on the achievement gap.

QUESTION: Joel Packer with the National Education Association. Just to follow up, for a typical grade there's essentially 37 different categories a school has to meet to make adequate yearly progress if they measure it for each of the subgroups--by

reading, by math, 95 percent participation in the reading and the math test, et cetera. If they measure it by grade, as opposed to aggregating across grades, it's over a hundred categories for a school. No Child Left Behind makes no distinction between a school which meets 99 of 100 categories and a school which meets 0 of 100 categories. The same consequences or actions occur--school choice, supplemental services, and eventually replacing staff or restructuring the whole school.

We've looked as some initial data. There's about 25,000 schools that have not made adequate yearly progress, at least for the first year. What's your sense of A) how realistic is it that schools are going to meet these criteria? Are most schools are going to end up not meeting adequate yearly progress? And should there be perhaps categorization or distinctions so that we can target resources, assistance, as well as perhaps sanctions to schools which really are not performing well versus schools that fail maybe because three kids don't show up to take the test in one category and they have 94 percent participation rate?

MR. PETERSON: The states actually have a lot of--they have considerable flexibility in defining adequate yearly progress. You also have--the subgroups have to be of a certain size both numerically and in percentage terms before you're going to break it out by subgroup. So there's a lot of specifics of the legislation and its implementation that are still being unpacked.

You know, I just heard the secretary say that, you know, he wants this law to work. And so if you've got complexities to the law that need to be ironed out in the course of implementation, I'm sure, with the help of your association, that this is the kind of thing that will happen.

So hypothetical possibilities may not turn out to be actually what happens on the ground as we move forward. I don't know, Rick probably has something to say on this.

MR. HESS: Yeah, actually I think the question's an excellent on. I mean, this is, I think, a real problem, that a district school--I believe it's 44 categories some of the schools can have. And it seems to--I mean, most folks, I think, it strikes as intuitively problematic that a school which is failing to meet, kind of, goals for 25 subgroups is treated identically to a school that's meeting 1 out of 24 or 36. I mean, this makes intuitive sense.

Now, the problem is--I find the lingo, the harsh, kind of, dichotomy of "tough-minded" or "coercive" accountability and "nice" accountability useful, because one of the problems in the education discourse is we're all for accountability, and then everybody kind of throws themselves under an umbrella and it winds up not meaning anything. However, as I hope I made clear, it strikes me that there are accommodations that one can make under tough-minded accountability which gut the fundamental purpose of accountability and those which do not. And it seems to me, at least, that recognizing that schools in which a subgroup--4th grade Anglo girls--are not making the

targets but everybody else is, recognizing that that's a different school from a D.C. or L.A. school which is failing to educate half its subgroups, strikes me that there's certainly-- Now unfortunately, of course, the statute itself doesn't create any room for the department to take account of this. But I think that is certainly a reasonable and valid concern.

MR. LOVELESS: Let me just add, too, to that last point. In the Brown Center we've been monitoring states' lists of schools in need of improvement. Those are not static. They're a continually shifting body. And the numbers--I don't know of a single state where the numbers have gone up since the initial release in the summer. The numbers of schools on the failing schools lists--and that's my term, no one else's--the number of schools on those lists has gone down steadily since the summer.

QUESTION: I'm Brian Douge [sp] from the International Reading Association. I have a question about soft accountability versus tough accountability, especially in light of employment prospects. A lot of our members are teachers, and they talk sometimes about having to teach to the test. Is there such a thing as too much standardized testing, in the sense that teachers have to really spend the entire academic year teaching to the test? And then, in terms of employment prospects over time, maybe students haven't developed the level of critical thinking skills necessary because they can perform well within the limited context of standardized testing, but it may not translate well to their future.

MR. HESS: Yeah, I think there's a couple of excellent points you make there. And I think, one, I--you know, this is [inaudible]--you know, what does it mean to teach to the test? I mean, most of us in this room have gone to college. I know I've personally been offended by a college course where the professor taught the course and then said, I didn't want this to have been teaching to the test so I'm going to test you in astrophysics and biology, just because, that way, I didn't guide the-- Of course you want to teach to the test, right? The whole purpose of testing is to assess what you have, hopefully, developed by way of skills and knowledge. So in some sense, you know, the notion that teaching to the test is a bad thing is a nonsensical concern.

On the other hand, there is this legitimate concern about are we parameterizing the test so narrowly, or is the skill set so narrow or so weak, in a sense, that teaching to the test winds up squeezing out a lot of useful and important material? Well, I think that's always a danger, obviously, with poorly constructed tests, and it's equally a danger with tests that are developed without attention to what we're actually trying to ensure that students are learning in a class.

Paul made the excellent point that there's this wildly over-stated notion out there of what good accountability costs--or what acceptable accountability costs. There's also a--there are legitimate concerns about some of these testing systems. Reasonable enough. The problem is not the testing systems, of course, it's the way we design them. The Brits have what everybody would agree are outstanding sets of tests for about 50 to 60 bucks a kid per subject. To me, $250, which is actually an upper

limit, then, of reasonable test development, is well spent. There's not a corporate head in America who doesn't think 5 percent of expenditures for excellent accountability is a hell of a deal.

So this notion that even if we're spending 10 or 20 times what Paul's talking about, that that's too much, I'm not sure I buy it. I think we need to think much more creatively and efficiently about how we're spending resources on the other end of the table.

Just a final point here. What I would argue is a lot of the problems in the high-accountability states with concerns about narrowing of pedagogy are actually not problems of accountability. They're problems with leadership and with skill sets. If you go into any organization that has [inaudible] itself out under effective accountability, you find higher morale, higher line autonomy, and fewer degrees of bureaucratic compliance and oversight. The way they've done that, of course, is they've brought in managers and overseers who were skilled and effective and don't try to micromanage the personnel.

In Dan Duke's book on the Virginia accountability experience, Linda McNeill--while I disagree with Linda on many things--has pointed this out, certainly in some Texas districts, there are concerns that the people we have in the principal office in particular, and frequently in the central office, have neither the skills nor the training to effectively lead in an accountability regime.

MR. LOVELESS: Any other comments on that? Okay, another question? Yes, right on the aisle.

QUESTION: Yes, Miriam Rollin with Fight Crime: Invest In Kids. Our members, who are police chiefs, sheriffs, and DAs, are a little concerned about the potential impact of dropouts, push-outs, et cetera, on the crime rates in our communities. And I was wondering whether there were research-proven approaches that you all have followed to try and ensure, number one, that the numbers aren't being gamed to mask those effects on dropouts or lower graduation rates; and secondly, what can be done to actually prevent those problems.

MR. PETERSON: Yeah, one of the secrets in American education is that the high school graduation rate is a lot lower than has been conventionally reported in Department of Education statistics. If you work with the national surveys, you can say that maybe about 85 percent of the kids have a high school diploma. But that includes all of those who get past the equivalency exam. And once you take them out and you correct for other over-estimations, you're getting more in the 70 percent range and actually high school graduation rates have been declining. And that's before these accountability systems came into place.

So the problem of having an effective high school that meets the needs of adolescents today is a very serious one that goes well beyond accountability systems.

And you couldn't--now, what you don't know about an accountability system is will it create an atmosphere within the schools that will be more educationally focused than we've had in the past and therefore enhance the graduation rates and future employment prospects of students in general; or whether or not, by setting a standard that some students cannot pass, whether or not you're going to increase the dropout rate.

So we don't know at this point what the balance between these two possibilities might be. And much depends on the effectiveness and the commitment that's made to implementing this legislation and enhancing the quality of secondary education more generally. It is certainly the case that this is something that one wants to track.

We found it really interesting that the minimum competency tests of the 1980s, when you look back on it later, accidentally enhanced the employment prospects of African American males, the most needy segment of the population, the segment of the population at greatest risk of not graduating from high school, at greatest risk of not getting a job downstream. So even those accountability systems, as imperfect as they were, increased employment prospects for black males as a whole, despite the fact that they had negative effects on graduation rates.

MR. WEST: It's worth noting that there's nothing in No Child Left Behind that is really--would be expected to affect high school graduation rates. You know, there's no requirement that there be tests set up as a standard for high school graduation. A number of states have moved in that direction and are now trying to sort of beef up their--what were once minimum competency requirements. And a lot of states have come under a lot of pressure. But it's very difficult to--this is all very recent, so they're--to answer your question about whether there is good research on this, it's very hard to say. And some states have already, under pressure, rolled back what the standard will be because they saw that large numbers were going to be prevented from taking their diploma. Other states have stuck with it and tried to adopt just the types of policies that you're talking about--targeted interventions in low-performing districts, multiple test opportunities, summer school programs, you know, starting the test in 10th grade and following up. And Massachusetts, actually, has been successful in bringing down the number of kids that are expected to fail as a result of this more difficult test being made a graduation requirement. But there's just very little evidence, authoritative evidence, on the subject.

MR. LOVELESS: Question over here?

QUESTION: Hi. Sherry Newton with the National Urban League. I was wondering if anyone on the panel could just briefly talk about the charter school accountability phenomenon. Were there any lessons learned, good or bad? What did you find out?

MR. WEST: Actually, our moderator has a chapter in our volume that provides the first real evidence of how charter schools are doing in accountability systems.

MR. LOVELESS: The thing about charter schools is that when you look at their test scores, the charters begin at a low level. Their initial test scores are below average. That's even after you statistically adjust for racial composition and the percentage of kids in poverty at those schools. The probable reason for that is that the charter schools attract an initially low-achieving population to begin with. So if you have a child, for instance, who is doing terrific in school, has a great experience going, has friends and loves school, it's just doubtful that you're going to pull the kid out and put him in a charter school. The kinds of kids who go to charter schools are usually kids who are struggling and want a different--the parents want a different situation.

Over time, the results are mixed in terms of what happens to charters. We've studied this the last two years in the Brown Center. Last year we found that the gains that charter schools made over a three-year period were about the same as regular public schools that had a similar demographic profile. This year we found that charter schools were making significantly greater progress over the last three years than regular public schools that have the same demographic profile. And just to add a little twist to that, we looked at charter schools that were managed by EMOs, educational management organizations, and we found that they had the biggest gains of all. They had really quite large achievement gains over three years. They also started at a much lower level.

So the evidence is mixed on charter schools. When you look at the--again, this is my term--the failing schools list, the schools that are in need of improvement in each state, the charters are slightly over-represented. And you would expect that, given the fact that they have slightly lower-than-average test scores.

Yes, right here.

QUESTION: A slightly similar question. Stephanie Saroki from the Philanthropy Roundtable. How would you evaluate the choice provisions in No Child Left Behind as part of the accountability system, given the lack of choices in many low-performing urban districts? Chicago is one example; there are many others.

MR. HESS: Yeah, funny you should actually ask the question. We've got a conference on this in three weeks at AEI on the supplemental service and public choice provisions. Of course, there's this cascade of effects which NCLB specifies for schools which don't meet adequate yearly progress, and the implementation and design of these is obviously a subject of great concern. Most of what's come out to date has been kind of anecdotal media coverage, concerns about the letters being issued by the districts, concerns about supplemental services availability lists and provider lists. There's a whole shelf of concerns.

And I think--I mean, this volume obviously wasn't designed to tackle any of these particular questions, but it's certainly an area where we really need to start to think systematically and rigorously. And hopefully, this thing in a couple of weeks--we've got 10 new papers on it. I've seen the early versions of them, and there's a lot of interesting material to consider.

MR. PETERSON: The major problem with the legislation as written is that you may not move to another failing school and you must move to a public school within the district, and that may limit the number of options. And secondly, the implementation of the law is left to local school districts who, in many parts of the country, do not encourage this particular feature of the legislation. So the provision as written was drafted in this way in order to win the votes necessary to win bipartisan support. But it certainly is a provision of the law that might well be looked at a second time when the legislation comes up for reauthorization.

MR. LOVELESS: We have time just for one more question. Right here on the aisle, in the middle.

QUESTION: Hi. Catherine Kravitz [sp] from American University. I'm a product of high testing and high accountability standards. But--and I thought it was a great thing. But I went to a school that was able to attract very good teachers and had highly prepared students coming into the school.

And when you think about hard accountability, tough accountability versus soft accountability, when you see this legislation time and time again moving into soft accountability, have you asked yourselves why everybody wants to move to soft accountability in the districts where the students come to school unprepared and the districts that have the hardest time attracting quality teachers, and whether there's something we can do about looking at the "why" we go to soft accountability? Because I'm afraid otherwise we're just going to go right back to soft accountability again.

MR. HESS: Actually, I'm not sure I even actually entirely accept the premise, Catherine. I mean, for instance, if we look at the groups which are taking the point on asking the department to hold firm on NCLB, I mean, it's the ed trusts of the world who are saying no compromise. It's actually the folks out of the suburban districts who are frustrated by the way this is interacting with their school system. When you talk to urban reform board members, to urban superintendents, they actually are enthused about this.

They like--because it takes the burden of being mean off of their shoulders. In any highly effective organization, somebody at the end of the day has to be the person who says incompetence is not acceptable, mediocrity is not acceptable. Traditionally, absent high-stakes accountability systems, we ask board members and the superintendents and the principals to be this, to embody this. They have to say, look, I know I don't have to do this, but I'm going to threaten to fire you anyway because.

That's a tough position to be in. It's not unique to educators. Nobody in any line of work likes to force confrontation or hard choices with people in their employ or people they work with every day. It's just not human nature. One of the nice things that hard systems do, with accountability, market competition, whatever, is they permit leaders to say, look, you know what, I don't want to do this but my hands are tied.

So I would actually argue that it's particularly the folks who are really try--the Alan Bersons [sp] and the Tom Paysants [sp] and the [inaudible] Duncans of the world, who are actually the folks who, when you get them alone kind of at night off of office hours, are oftentimes the most enthused about the hard provisions of NCLB.

MR. LOVELESS: Okay, with that, let me thank Marty, Paul, and Rick for a wonderful presentation and a great discussion. And thank all of you for coming today.

[End of briefing.]