

Is NCLB a Civil Rights Act?

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Summit for Courageous Conversation
September 29, 2008



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Who We Are

- West Wind Education Policy, Inc.
 - Mission: to build the capacity of state education leaders to overcome historic inequities in K-12 public education
 - Assumptions, Values, and Beliefs: Democracy, Equity, Critical Race Theory, Systemic Equity Leadership



Who You Are

- Introduce yourself to the person next to you—you'll be talking with them quite a lot today!



Agenda

- Warm Up (getting started and providing context)
- Presentation (some ways to answer the question)
- Interaction and Reflection (talking through our ideas and making meaning of it all)
- Brainstorming (imagining the future)

Taking Our Pulse

*Is NCLB a
Civil Rights Act?*

(Yes, No, or Maybe)

No Child Left Behind

Take 3 minutes to write down what are, in your mind, the best and worst aspects of NCLB:

Best

Worst

1. _____

1. _____

2. _____

2. _____

3. _____

3. _____

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Some criteria people use to answer the lead question

- It comes out of the Civil Rights Movement of the 1950s and 1960s in the United States.
- Traditional civil rights organizations/ leaders support it.
- It is a vehicle *designed* to improve equity.
- It is a vehicle that has the *effect* of improving equity.

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It comes out of the U.S. Civil Rights Movement

- NCLB is the Elementary and Secondary Act of 1965 (ESEA)
- Main educational component of the Great Society
- Signed into law on April 11, 1965 – between the Civil Rights Act (July 2, 1964) and the Voting Rights Act (August 6, 1965)

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It comes out of the U.S. Civil Rights Movement

- ESEA is reauthorized every 5 years and given a different moniker.
- “Improving America’s Schools Act” was the moniker given to the reauthorization signed by President Clinton in 1994.
- “No Child Left Behind” is the moniker given when President Bush signed the Act in 2002.

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Traditional civil rights organizations/leaders support it

- Leadership Conference on Civil Rights
- National Association for the Advancement of Colored People (NAACP)
- National Urban League
- Mexican American Legal Defense and Education Fund (MALDEF)
- National Council of La Raza (NCLR)
- Harvard Civil Rights Project
- Senator Edward Kennedy



It is a vehicle *designed* to improve equity

- Built on standards-based systemic reform (Smith & O'Day, 1990) (standards, assessments, systems response—all for the purpose of equity)
- Progression focused on the system, moving from the 1989 Summit, Goals 2000: Educate America Act, and the 1994 reauthorization (IASA)



It is a vehicle *designed* to improve equity

- Informed by state responses to equity lawsuits (e.g., the Kentucky Education Reform Act or KERA)
- Mandatory participation in NAEP
- Disaggregation of test scores by subgroup

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It is a vehicle *designed* to improve equity

- Applies to *all schools*, not just schools receiving federal funds
- Progressive sanctions
- Public reporting (district and state report cards)
- Equity plans required in teacher quality provisions

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It has the *effect* of improving equity

- A lot of teachers know at least some reading research and have changed their practice at least a little.
- We cannot disguise low expectations; we must do more than teach kids “to their fullest potential.”
- Predominantly white school districts are talking about their students of color (though often not well/from deficit perspectives).

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It has the *effect* of improving equity

- We are struggling with how (and where) to teach students with disabilities.
- We are working together on more appropriate assessment of English Language Learners.
- Formative assessment and differentiated instruction are receiving serious attention.

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What about other claims regarding NCLB's effects?

- Lowering of standards
- Narrowing of the curriculum
- Focusing on/teaching to the test
- Demoralizing teachers and students
- Focusing on “bubble kids”
- Cheating
- Drop outs

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And, what we have avoided or ignored?

- We continue to ignore opportunity-to-learn issues.
- We lost language of equal educational opportunity (focusing on achievement gaps instead).
- Policy has not dealt well with teacher support and effectiveness.

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What have we avoided or ignored?

- We have ignored the teacher quality equity provisions.
- We have ignored issues of capacity .
- Testing/publishing companies benefit:
 - GAO (2005) report estimated states would spend \$1.5 to \$5.3 billion on testing (development, scoring, reporting) from 2002 to 2008. Add indirect costs and figures could be 8-15 times higher.

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What have we avoided or ignored?

- We are treating the “challenge” of English Language Learners as if it is just about teaching and learning and not about political ideologies and attitudes toward immigration and the “other.”
- While we acknowledge major racial/ethnic subgroups, we rarely if ever acknowledge race in implementation.

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So is NCLB a Civil Rights Act? It's Complicated.

- | | |
|--|--|
| <ul style="list-style-type: none">• Discrediting of public schools• Ltd Knowledge• Ltd Capacity• Ltd Resources• Sanctions (competition, privatization) | <ul style="list-style-type: none">• Increased federal reach/role• Subgroups• Public reporting• Attendance• Graduation rate• Enforcement• ELL/SWD |
|--|--|

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Imaging the Future

- How should we determine how (and for what) schools should be held accountable?
- How do we encourage leadership around our racial equity goals?
- What are appropriate federal and state roles? *Can* we achieve racial equity through federal legislation/regulation/resources/support?

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Imaging the Future

- How do we infuse good teaching into the system?
- How do we get all educators to learn what we know about educating students of color?
- Might we get better at formative assessment and differentiated instruction?

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Imaging the Future

- Might we address race directly (rather than through proxies)?
- Might we change our language to reflect our commitments?

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Proxies?

- Our language matters:
 - “Disadvantaged”
 - “At-risk”
 - “Title kids”
 - “Urban”
 - “High poverty”
 - “High minority”
 - “Low-performing”
 - “Failing”

Imagining the Future

- **Do we work on reauthorization or do we work to defeat ESEA?**
 - What does it mean to have a federal “law of the land” that purports equity as a central goal?
 - ... even if the effects are mixed?
 - ... even if the effects are damaging to other aspects of education?

Please Contact Us!

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