

## **Neoliberalism and schooling in the U.S.**

### **How state and federal government education policies perpetuate inequality**

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#### **Abstract**

*In this paper we will undertake a critical policy analysis in which we place education reform within the context of the social structure and examine its implications for social inequality. In particular, we situate our analysis within the rise of increased global economic competition and neo-liberal policies in which the government seeks to retain legitimacy by instituting reforms to improve education while, at the same time, reducing education funding as part of the overall plan to reduce governmental expenditures on social services and, if possible, to privatize them. As evidence we will draw primarily on New York State*

The United States, like many countries, is transforming its educational system within the context of the changing global economic system. Internationally, education increasingly focuses on those subjects and dispositions that increase citizens' economic productivity. Susan Robertson describes the changing mandate as requiring "educational systems, through creating appropriately skilled and entrepreneurial citizens and workers able to generate new and added economic values, will enable nations to be responsive to changing conditions within the international marketplace" (Robertson, 2000, p. 187). In the U.S. policy makers have initiated accountability systems in which standardized tests are used to determine whether students are to graduate or be promoted from one grade to another and to evaluate schools and school districts. Further, the federal government and some states are transforming education into a market system through charter (publicly funded private governed) schools, vouchers (public funding that students can use for private school tuition) and school

choice (permitted students to choose between schools within and across school districts<sup>1</sup>). Jill Blackmore (2000) describes these changes as shifting “from the liberal to the vocational, from education’s intrinsic value to its instrumental value, and from qualitative to quantitative measures of success” (p. 134). Schools are decreasingly concerned with developing thoughtful informed citizens and more concerned with raising test scores and preparing economically productive employees.

In this paper we will undertake a critical policy analysis in which we place educational reform within the context of the social structure and examine its implications for social inequality. In particular, we situate our analysis within the rise of increased global economic competition and neo-liberal policies in which the government seeks to retain legitimacy by instituting reforms to improve education while, at the same time, reducing education funding as part of the overall plan to reduce governmental expenditures on social services and, if possible, to privatize them. As evidence we will draw primarily on the federal government’s implementation of No Child Left Behind Act and New York State’s new testing and graduation requirements.

Over the last decade education in the U.S. has undergone the largest transformation within its history. While the federal government provides less than ten percent of public school funding, it has intervened to an unprecedented degree, through the No Child Left Behind Act (NCLB), in elementary and secondary education. Previous to the passage of NCLB, elementary and secondary school education policies were the responsibility of the state and local governments. However, with NCLB the federal government has determined which subject areas take precedence, limits the ways in which they may be taught, and designates what reform options are available to schools and districts that fail to improve sufficiently their aggregated test scores. The federal government now requires standardized testing in math and reading (and later science), which are to be used to determine whether schools or districts are making “adequate yearly progress” (AYP). Students in schools that a designated as failing for two consecutive years (and in some states this is ninety percent of the schools) are given the option of enrolling in a successful school in their district or, if there are no successful schools in their district, in another district. NCLB, along with charter schools and voucher systems, introduces markets into education, therefore introducing

a market system in public education. While previous to NCLB, some states (Amrein & Berliner, December 2002) were using standardized tests to hold students, teachers, and schools accountable, NCLB extends testing and accountability to all states.

One state that had already initiated a system of testing and accountability is New York. The State Education Department (SED) and the Board of Regents have created standards for all the subject areas and have instituted standardized tests in a variety of subject areas and grade levels. Elementary students are required to take standardized tests in grades four, five, six, and eight.<sup>2</sup> High school students take standardized Regents exams at the culmination of most courses but must pass the exams in five subject areas in order to earn a high-school diploma.<sup>3</sup> Because these exams are used to compare teachers, students, schools, and school districts; and passing the exams is required for high school graduation, these have become high-stakes exams.

A variety of data indicates that the emphasis on testing and accountability has not resulted in improved education. Numerous reports reveal that the emphasis on raising test scores is leading to students being pushed out of schools so that their low or failing score will not harm the school's passing rate or aggregate score (Haney, August 19, 2000; Winerip, August 13, 2003; Lewin & Medina, July 31, 2003; Medina & Lewin, August 1, 2003). In New York, the new requirements have resulted in an increased dropout rate, especially for students of color, students for whom English is a second language, students living in poverty, and students with disabilities (Monk, Sipple & Killeen 2001). Elementary teachers report that they are pressured to spend more time preparing students for the tests given at their own or subsequent grade levels and less time teaching those subject areas not tested. For example, fourth grade teachers are pressured to prepare students not only to do well on the English Language Arts exam, the first standardized exam given to elementary students, but also to prepare fourth graders for the social studies exam given in the fall of fifth grade. The pressure placed on fourth grade teachers is causing many of them to request transfers to other grades or to resign from teaching. (Goodnough, June 14, 2001; Monk, Sipple and Killeen 2002). Furthermore, secondary teachers report that they devote increased time to teaching toward the test.<sup>4</sup>

One group of students, in particular, has been harmed by the standardized testing requirements. Previous to this year, many English as a second language (ESL)

students excelled in their courses and were accepted to university, but did not graduate because they could pass all but their English Regents exam. This year the ESL students face an additional problem. Because the ESL exam, an exam that they must pass to be waived from ESL courses, was made significantly more difficult, few have been able to pass the exam, even though they could pass the English Regents exam required for graduation! While no statewide figures are available, schools reported that fewer than 10 percent of students passed the ESL test, essentially relegating them to less academic courses (Winerip, Sept. 17, 2003). Students of color, living in poverty, and for whom English is a second language are facing more not fewer education barriers. The exams are exacerbating, not lessening, inequality

High-stakes testing and accountability has had a negative effect on teachers and students by narrowing the curriculum and increasing the number of students dropping out and teachers leaving schools. How is it, then, that the tests have received such widespread support and are only recently receiving public resistance and critical commentary?

In order to answer that question we need to place the rise of high-stakes tests and accountability systems within the context of the changing economic, political, and cultural policies (Dale, Fall 2000) of the last three decades. In particular, we will situate schooling within the demise of Keynesian and the rise of neo-liberal policies, the denigration of collective social responsibility and the rise of individualism, and the implementation of systems of auditing and accountability.

Beginning in the 1970s, neo-liberal policies began replacing Keynesian policies in North American, Europe and much of the rest of the world. Post World War II Keynesian economic policies focused on providing a stable and growing economy through government intervention in the economic cycle and support of social services such as education, health and welfare. In contrast, neo-liberal policies focus on reducing tax revenues and, consequently, social spending. The federal government, particularly under the current Bush administration, has vastly increased military spending and reduced corporate and individual taxes, creating a budget deficit that forces social service cuts (The Nation, Sept. 18, 2003). As the federal government has shifted social spending to states, states, which also compete with one another to

reduce taxes and thus create a “favorable business climate,” spend the least that is politically feasible on social services.<sup>5</sup>

In order to reduce resistance to cuts in social services, neo-liberal governments have attempted to retain legitimacy by shifting social responsibility from society to the individual and using auditing and accounting procedures to improve education efficiency. Conservative leaders in both the U.S. and Britain have embarked on an ideological crusade to shift social responsibility from the community to the individual, thereby transforming the relationship between the individual and society. Margaret Thatcher portrayed this ideology most succinctly when she stated “there is no such thing as society... There are individual men and women, and there are families. And no government can do anything except through people, and people must look to themselves first” (Thatcher, 1993: 626-7 cited in Gillborn & Youdell, 2000). Thatcher’s statement shifts responsibility for success or failure entirely onto the individual and family. Thatcher, Gillborn and Youdell (2000) note, “perfectly encapsulated an ideological drive that reduced everything to individualized relationships between providers and consumers, and understood inequality variously as a sign of personal/community deficit or part of the necessary spur to achievement in a meritocracy” (Gillborn & Youdell, 39).

By reducing success to individual merit, schooling becomes one more consumer choice where one benefits by choosing wisely. Consequently, both Britain’s and the U.S.’s educational policies increasingly focus on developing educational markets in which schools compete for students and families. In Britain each school’s students’ aggregated performance on a variety of exams is published yearly in what are commonly referred to as “league tables.” Gillborn and Youdell (2000) state that “according to the rhetoric of the market place, the tables are meant to provide ‘objective’ indicators of quality so that consumers can discriminate between the competing institutions” (p. 26). Similarly, in the US NCLB legislation requires that states post the test results for each school and identify schools as either achieving or failing to achieve “adequate yearly progress,” (AYP) with students given the option to leave failing for passing schools. (However, given the high percentage of schools designated as failing in a district and state, the number of openings for students is a small percentage of the students eligible to transfer.)

While collective responsibility is denigrated and education is reduced to a system where everyone competes for the best schools, government must still be seen as supporting education. As neo-liberal governments reduce social welfare expenditures, they must be careful to retain the legitimacy of the economic system and policies. While inequality is exacerbated and funding for education is reduced, neo-liberal governments must develop strategies that legitimate its policy making (Bonal 2003, p. 160). Therefore, governments need to appear to be concerned with and supporting education even as they reduce funding.

Further, because neo-liberals have condemned previous liberal governments for their intervention into the everyday lives of citizens either through welfare programs or regulations, neo-liberals must implement these reforms without direct intervention. Consequently, governments in many countries have resolved this dilemma by “steering at a distance” (Ball, 1994, p. 54). Rather than enacting coercive or prescriptive control, governments replace constraints with incentives. Auditing and accountability replace intervention, therefore lessening resistance. “Prescription is replaced by ex post accountability based on quality or outcome assessments. Coercion is replaced by self-steering- the appearance of autonomy. Opposition or resistance is side-stepped, displaced” (Ball, 1994, p. 54).

Lastly, neo-liberal governments must adopt discourses that convince the public of the necessity of these reforms. They, therefore, embed their educational policies within a discourse of fairness and objectivity. As we will show, in the U.S. the state and federal governments claim that the reforms will result in improved education for all. Further, NCLB’s assessment of AYP is intended to “give them [parents and communities] objective data” through standardized testing (U.S. Department of Education, April 2002, p. 12). In the UK the “league tables” are meant to provide “objective indicators” of quality.

In the remainder of this paper we will first briefly describe the shift from Keynesian to neo-liberal economic policies and demonstrate that the state, in order to retain legitimacy while reducing social services such as education, implements educational policies that indirectly controls education “from a distance” which they justify as improving education for all and providing objective assessments. We will then

critique the policy claims of promoting fairness and objectivity and argue that, in fact, the outcomes are the opposite of the claims.

### **The rise of neo-liberalism and education's role in developing productive workers and legitimating the government**

Neo-liberalism arose as a corporate and political response to the Keynesian accommodation that existed to different degrees in Europe and North America after World War II. In contrast to the years preceding the war, an unusual level of agreement between corporations and workers marked the first two decades after the war. During this period workers consented to capital's right not only to control the workplace but to allow capitalist control of investment and growth, primarily through the growth of multinational corporations. In exchange, workers, women, and people of color struggled for and were able to extend their personal and political rights for education, housing, health, workplace safety and to vote (Bowles & Gintis 1986, pp. 57-59). This same period was marked by unusually rapid and stable economic growth, fueled in large part because of the growing wages of workers. However, while workers were earning and spending more, businesses' net rate of profit fell by more than fifty percent between 1965 and 1974 (Parenti, 1999, p. 118). Profits fell primarily because cost pressures from labor could not be passed on to consumers in the increasingly competitive and open world economy (Bowles & Gintis, 1986, p. 60).

In order to restore higher rates of profit, the U.S. and other developed countries implemented monetarist and neo-liberal policies (Gill, 2003, p. 7) that would support corporations over workers. In the US monetarist policies restored the power of capital by inducing a recession to deflate wage demands, escalate the scarcity of jobs and reverse the growth of social spending. Such policies were instituted with the intent of reducing the living standards of all but wealthy Americans. In 1979 Paul Volcker, Federal Reserve Board Chairman, provided the following rationale for the recession: "The standard of living of the average American has to decline. I don't think you can escape that" (Parenti, 1999, p. 119).

Such monetarist policies were soon linked with neo-liberal policies that emphasize "the deregulation of the economy, trade liberalization, the dismantling of the public sector [such as education, health, and social welfare], and the predominance of the

financial sector of the economy over production and commerce" (Vilas, 1996). In particular, the consequences for education are similar to that for all public goods and services. Tabb (2002) writes that neo-liberalism stresses

the privatization of the public provision of goods and services—moving their provision from the public sector to the private—along with deregulating how private producers can behave, giving greater scope to the single-minded pursuit of profit and showing significantly less regard for the need to limit social costs or for redistribution based on nonmarket criteria. The aim of neoliberalism is to put into question all collective structures capable of obstructing the logic of the pure market. (p. 7)

Efforts to privatize public services, then, are occurring worldwide, partly in response to the U.S. dominated World Bank and International Monetary Fund requirement that national governments develop economic policies that emphasize economic growth and property rights over social welfare and personal rights. In some countries, such as Chile, social security, health care, higher education and, to some extent, elementary and secondary education have been highly privatized (Collins and Lear, 1995). Such global changes led Stephen Gill to conclude that “[t]he social settlements and forms of state created after World War II have been transformed and in some respects destroyed” (Gill, 2003, p. 9).

Efforts to dismantle the public sector have significant implications for educational policy. While some policy makers may desire to reduce funding for education, education remains significant as a means of developing productive workers and legitimizing current inequalities. As Roger Dale (Fall, 2000) notes, government policies need to support continued economic expansion while “providing a basis for legitimation of the system as a whole” (437).

### **Increasing educational opportunity or reifying inequality?**

A system of standards, high-stakes testing and accountability has been implemented partly because it draws on continuing frustrations over public schools. Progressives have criticized schools for reproducing inequality through tracking working-class students and students of color into academically inferior courses and unequal funding (Apple 1982). Conservatives have criticized schools for their lack of standards and rigor and economic inefficiency (Apple 2001). Critics continually point out that the



U.S. spends more per student than other countries but is not highly ranked when its academic results are compared with other countries. For example, Secretary of Education Paige recently used the newly released Organization of Economic Cooperation and Development report “Education at a Glance” to note that “[T]his report documents how little we receive in return for our national investment. This report also reminds us that we are battling two achievement gaps. One is between those being served well by our system and those being left behind. The other is between the U.S. and many of our higher achieving friends around the world. By closing the first gap, we will also close the second” (Ed Review, Sept. 26, 2003).

Consequently, US policy makers at the state and federal levels have called for reforms such as standards, standardized testing, and accountability as a way to improve educational efficiency and ensure all students learn. Secretary of Education Paige describes NCLB as striving “to provide every boy and girl in America with a high quality of education—regardless of his or her income, ability or background” (US Dept of Ed, September 2002, p. 3). In this section we will examine the official claims that testing and accountability are improving education and argue that the evidence shows that the quality of schooling for most students is declining.

The first rationale—that these reforms are necessary to ensure that all students learn—is reflected in policy statements at the state and federal levels. In New York, the state’s educational policy makers, including the past Chancellor, Carl Hayden, and present Commissioner of Education, Richard Mills, justify the testing and accountability regime on the grounds that standards and standardized testing are the only way to ensure that all students, including students of color and those living in poverty, have an opportunity to learn. They argue that it is these same students who, because of the end of industrialization and the rise of globalization, can no longer be permitted to fail. All students must succeed educationally to ensure that the individual and the nation succeed economically.

They also point out, as progressives have, that our educational system has better served those students who are already advantaged. In New York State, the Regents exams originated in the mid-1800s as both a college entrance exam and as one means of standardizing the curriculum (New York State Education Department, 2002). However, over the last century the New York State educational system evolved into a

two-track system, with Regents exams and curricula for college bound students and non-Regents courses for non-college bound students, with the latter courses dominated by working-class students and students of color.

In order ostensibly to reduce the disparity between working-class and middle-class students, the State Education Department eliminated the non-Regents or local diplomas. Students can only be in the Regents track and if they fail to earn a Regents diploma, which requires passing the five Regents exams, they cannot receive a high school degree. Carl Hayden, the New York Chancellor of Education from 1996-2002, draws on the discourse of fairness to justify this development:

The requirement that *every* child be brought to a Regents level of performance is revolutionary. It is a powerful lever for education equity. It is changing for the better the life prospects of millions of young people, particularly poor and minority children who in the past would have been relegated to a low standards path. Too often, these children emerged from school without the skills and knowledge needed for success in an increasingly complex economy. (May 7 2001: 1, original emphasis)

Similarly, the Federal government has promoted NCLB as improving the education for all children. Secretary of Education Rod Paige recently argued that NCLB is especially important for African-American students.

We have an educational emergency in the United States of America. Nationally, blacks score lower on reading and math tests than their white peers. But it doesn't have to be that way. We need to collectively focus our attention on the problem.... We have to make sure that every single child gets our best attention. We also need to help African-American parents understand how this historic new education law can specifically help them and their children. (Education Department, August 26, 2003)

The second rationale—that we can improve education efficiency through standards and standardized testing—is also reflected at both the state and federal levels. In New York State, proponents of standards and standardized testing argued that the curriculum standards have been objectively determined and that standardized tests provide a valid and reliable means of assessing student learning. Such objective methods are required, they state, because teachers and administrators cannot be

trusted to assess student learning objectively and accurately. Therefore, teacher generated assessment protocols and instruments are dismissed, within this discourse, as subjective and unreliable. However, testing proponents ignore that the standardized tests assess only a small percentage of the State's standards and have questionable validity and reliability. Testing proponents imply that to adopt other means of assessment results automatically in a lowering of standards, as can be seen in Chancellor Hayden's response to the possibility of retaining performance assessment:

there is an even greater danger. The least rigorous, the least valid, the least reliable approved alternative [assessment] is then available to any school. Which schools will be first in the race to the lowest common denominator? Those having the most trouble bringing all children to a Regents level of performance. Those keen to reacquire the low standard option lost when the RCT [Regents Competency Test for those in the non-Regents track] and the local diploma were abolished. Those that never believed that all children can reach high standards. Were this to occur, it is all too apparent that poor and minority children would disproportionately bear the burden of diminished expectations. (May 7 2001: 2)

Similarly, NCLB claims that the standards have been objectively determined, that standardized tests provide a valid and reliable means of assessing student learning, and this approach improves on teacher generated assessments. The *Parents' Guide to No Child Left Behind* informs parents that NCLB "will give them objective data" through standardized testing (U.S. Department of Education, April 2002, p. 12). Further, objective data from tests are necessary because in the past "[m]any parents have children who are getting straight A's, but find out too late that their child is not prepared for college. That's just one reason why NCLB give parents objective data about how their children are doing" (U.S. Department of Education, April 2002, p. 12). Teachers, they imply, have not rigorously enforced standards nor accurately assessed students, therefore covering up their own and their students' failures. Further, test scores will be useful to parents because "[p]arents will know how well learning is occurring in their child's class. They will know information on how their child is progressing compared to other children" (U.S. Department of Education, April 2002, p. 9).

Because teachers, NCLB claims, have relied too often on their own assessments, test scores will also benefit teachers. NCLB “provides teachers with independent information about each child’s strengths and weaknesses. With this knowledge, teachers can craft lessons to make sure each student meets or exceeds the standards” (U.S Department of Education, April 2002, p. 9). Moreover, not only have teachers relied on subjective assessments, they have relied on “education fads,” “bad ideas,” and “untested curricula.” Therefore, NCLB “puts a special focus on doing what works,” as demonstrated by “scientifically based research” using the “medical model” (U.S. Department of Education, April 2002, p. 19).

However, we can question whether the tests increase fairness or are objective. What have been the consequences of eliminating the non-Regents track and diploma on the quality of courses and student graduation rates? Do students’ test scores on the Regents exams lead us to believe that the assessments are more objective than teacher evaluations?

While the stated goal of eliminating the non-Regents track and diploma was to bring “every child...to a Regents level of performance” (Hayden, May 7, 2001, 1, emphasis in original), the reality has been somewhat different. First, the Regents courses and some of the standardized exams have been made easier to reduce the number of students dropping out who would otherwise not pass the courses required for graduation. This has led to a lowering rather than raising of standards. Second, many of the students who have typically been in the Regents courses have opted for enrolling in Honors and Advanced Placement courses (courses that are sometimes accepted as course credit by universities) and International Baccalaureate Programme as a way of maintaining academic distinction from the average students. Therefore, the two-track system has been maintained with former non-Regents students enrolling in the easier Regents courses, and former Regents students enrolling in Honors and other advanced courses. Students are still receiving unequal opportunities to learn.

While some of the Regents courses and exams have been made easier, some students are failing to pass all five of the exams required for graduation and dropping out of school. Students for whom English is a second language have difficulties with the English exam and students with disabilities are having difficulties with all the exams. Further, as we shall expand on below, some of the exams are constructed so poorly

that many students fail them. Sixty-three percent of high-school students failed the recent Math A exam (the math exam most students take to meet the Regents requirements) Arenson, August 27, 2003). Consequently, in New York, the gap in performance between the advantaged White middle-class students and disadvantaged working-class students and students of color has increased, as has the dropout rate for students in the poorer urban schools.

In 2001, students for whom English is a second language left school at a 12% higher rate than the previous year (Monk, Sipple, and Killeen 2001). This year, because of the increased difficulty of the ESL exam, as stated earlier, students for whom English is a second language are *more* rather than *less* likely to be retained in English as a Second Language (ESL) and relegated to less academic courses. The passing rates on the ESL exam are only a small fraction of what they have been in the past (Winerip, September 17, 2003, p. A23).

Further, we should ask whether the effort placed on improving schools through testing and accountability is intended to cover up inequalities in funding between school districts and the increasing poverty rate which negatively affect student learning. Currently, New York state's schools are the most segregated and the second most unequally funded in the United States. Because of the current economic slowdown, the State's urban schools have received significant reductions in revenue. In the 2001-2002 school year the New York City public schools received one billion dollars less than the previous year (Kozol June 10, 2002). New York State's highest court, the Court of Appeals, recently (June 26, 2003) "ordered reform of the entire statewide funding formula to ensure that all schools have sufficient resources to give their students the opportunity to meet the Regents Learning Standards" (Campaign for Fiscal Equity, 2003, p.2). The remedy was ordered in part because the Court observed "tens of thousands of students placed on overcrowded classrooms, taught by unqualified teachers, and provided with inadequate facilities and equipment. The number of children in these straits is large enough to represent a systemic failure" (Court of Appeals, June 26 2003 cited in CFE, 2003). The Court rules that the state cannot require students to achieve certain standards without providing the means to do so.

The most recent census report reveals that the percentage of children living in poverty has increased for the second straight year (Associated Press, Sept. 24, 2003). Further, “the gap between the rich and the poor more than doubled from 1979 to 2000” which is the “greatest economic disparity between the rich and the poor of any year since 1979, the year the budget office began collecting this data” and probably since 1929 (Browning, Sept. 25, 2003, C2). While the U.S. may spend the most per student (while it spends a smaller percentage of its gross domestic product than many countries), the inequalities in family income and high rates of child poverty are likely to explain the discrepancy between education spending and academic results.

Not only might a system of high-stakes exams and accountability lead to a higher student failure rate and not remedy the underlying causes of academic failure, standardized exams may provide less, not more, accurate information about student learning. We have already suggested through the sharp increase in the failure rate for the Math A and ESL exams that questions can be raised regarding the exams’ construction, objectivity, validity, and reliability. Such inconsistency between exams spells trouble not only for the claims of New York’s education policy makers that the exams provide evaluations that can be used to improve students’ education, but also negatively impacts NCLB, which relies on state exams to measure Adequate Yearly Progress. Therefore, if New York’s exams fail as assessment measures for the state, they also fail as measures for the federal government.

### **Smoke and mirrors: providing objective evaluation or manipulating achievement data?**

First, the average score on various exams vary so greatly that passing or failing an exam tells us little about the student’s learning. As stated earlier, students in New York are currently required to pass five Regents exams (one each in English, math, and science and two in social studies) to earn a high school diploma. The degree of difficulty for these exams has varied, critics argue, depending on whether the State Education Department (SED) wants to increase the graduation rate and therefore makes the exam easier or wants to appear rigorous and tough and therefore makes the exam more difficult. Exam passing rates can be increased or decreased simply by adjusting the cut score. Such manipulation can turn a low percentage of correct answers into a pass and a high percentage of correct answers into a failure. For

example, in the recent “Living environments” exam, the science exam most often used to satisfy the Regents science requirement, students only needed to answer 39% of the questions correctly to earn a passing grade of 55%. Conversely, the exams for the advanced, non-required courses such as physics and chemistry have been made more difficult. 39% of students failed the most recent physics exam (Winerip, March 12, 2003), in order, critics charge, to make Regents testing appear more rigorous. Moreover, for no apparent reason other than incompetence, the most recent (June 2003) Regents Math A exam (also, the one students are most likely to take to meet the Regents requirement) was so poorly constructed that the test scores had to be discarded. Only 37% of the students passed statewide (Arenson, August 27, 2003, p. C-12). At Rochester’s Wilson Magnet High School, a school ranked 49<sup>th</sup> in the nation by *Newsweek*, all 300 students who took the exam failed. A panel convened by the SED to examine the test concluded that the test poorly matched the standards teachers were directed to address in their courses and that early field tests indicated that there would be a high failure rate. NCLB’s claim that standardized testing provides the objective assessment that teachers have lacked does not stand up to scrutiny. The best predictor of students’ future academic success continues to be that resulting from teacher constructed assessments.

Second, it is unlikely to be the case that, as NCLB claims, the exams will provide “independent information about each child’s strengths and weaknesses” (U.S. Department of Education, April 2002, p. 9) to either teachers or parents. In New York state teachers are not even permitted to see the test questions for the exams given in grades four through eight. Teachers do receive their students’ test scores but not how they did on each question. Further, while, NCLB claims that it will “give parents objective data about how their children are doing” (p. 12), parents are not provided with their child’s test score except on the high school Regents exams, a score that was already available to them.

Third, the determination of whether a school is making AYP tells us little about whether a school is succeeding or not. Not only can we question the test scores on which the determination is made, but the determination of success or failure may have little to do with whether the school is improving or not. Schools and districts are to measure whether students are learning through standardized tests with the scores

indicating whether the student is or is not achieving proficiency in subject area standards. Students' aggregated scores need to improve each year and all students are required to achieve proficiency by the year 2014. In the U.S., state education commissioners set, with the approval of the federal Department of Education, what counts as proficiency in each subject area and the minimal level of improvement schools and districts must achieve each year to attain "adequate yearly progress." Each school and district is required to both aggregate student test scores and disaggregate test results "into groups of students who are economically disadvantaged, from racial and ethnic minority groups, have disabilities or have limited English proficiency" (U.S. Department of Education, September 2002, p. 29). The aggregated and disaggregated test scores must all demonstrate adequate yearly progress for the school to be labeled successful. Because states develop their own tests and determine what counts as proficiency and the minimal standard or rate of improvement schools must achieve in order to demonstrate that they are making AYP, states' results can vary greatly.

For example, contrary to a common sense interpretation of AYP, in New York schools are *not* evaluated based on whether their test scores are improving but whether their aggregated and disaggregated test scores exceed a minimum yearly threshold that gradually increases over the next decade. Consequently, a school is considered to be passing as long as their scores exceed the threshold, *even if their scores fall*. Similarly, schools that begin with initially low test scores *may be considered failing even if they significantly increase their test scores*, as long as those scores remain below the threshold. Therefore, achieving AYP has nothing to do with whether a school's test scores rise or fall, only whether their scores for that year exceed or fail to meet the minimum threshold.

Because test scores strongly correlate to a student's family income, a school's score is likely to reflect their students' average family income, not teaching practices or curriculum. Consequently, the largest percentage of failing schools in New York is found in urban and poor school districts. Almost all (83%) of the failing schools are located in the big five urban districts: NYC, Buffalo, Rochester, Syracuse, and Yonkers (NYSSBA, March 19, 2003).



To NCLB's testing requirements that schools demonstrate improvement for all disaggregated groups of students on all the tests, Florida added the further draconian stipulation that no school that has been assigned a grade of a D or F (per the annual rating of A through F) could meet AYP requirements. Not surprisingly, 90% of Florida's public schools were designated as failing to meet AYP, and 100% of districts failed (Pinzur, August 8, 2003).

In New York state, where urban schools with rising scores are likely to be "failing" to make AYP and suburban schools with falling scores are likely to be "succeeding" to make AYP, urban teachers working hard at improving their schools and demonstrating success are likely to be discouraged if not defeated. In Florida, with 100% of the districts failing, we might conclude that this is meant as a condemnation of the public school system.

Historically, US public schools have not served well students who are not White or middle to upper class. Schools in wealthier communities typically receive substantially more funding to educate students than schools in poorer urban (i.e. non-White) and rural communities. Students in urban schools are much more likely to be in overcrowded classrooms with inadequate supplies and unprepared teachers. Consequently, in most urban districts fewer than half the students graduate from high school. Further, even when students from different backgrounds are in the same school, the school is likely to track wealthier students into more challenging and advanced courses.

However, the educational reforms of the last decade focus not on improving the classroom conditions but increasing teacher and classroom accountability through standardized testing and increasing competition between schools through school choice (charters, vouchers, and, in NCLB, transferring students from "failing" to "passing" schools). Such efforts, we have argued, are a consequence of globalization and the dominant neo-liberal policies in which education is to prepare skilled workers able to generate economic value. Further, education is not only required to further economic productivity but to be economically efficient. Schools must do more with less.

State and federal governments have succeeded in adopting these reforms because they situate them within the discourses of objectivity and fairness. Moreover, they have not directly intervened into the lives of teachers and students but “steer at a distance” (Ball, 1994, p. 54). By giving educators the appearance of autonomy, resistance from teachers, parents, and students has been reduced.

Education systems in the US and elsewhere are being transformed without widespread public debate. Yet, as we have shown, the system of testing and accountability is even less objective and fair than the present system. It is crucial that questions be raised about the future of schooling for all citizens.

## Notes

1 In the U.S., a community school board governs schools within a village or city. Depending on the fiscal arrangements within each state, almost all of the funding for schools comes from taxes collected within the school district and from state allocations. A very small percentage comes from the federal government. Unless by special cross-district agreement, students can only attend schools within their district. As we will show, in order to increase competition between schools, new federal legislation promotes students transferring from “falling” to “passing” schools within and across school districts.

2 Standardized tests are given in the fourth grade for English Language Arts, science, and math, fifth grade for social studies, and eighth grade for English Language Arts, science, social studies and math.

3 The five exams are English in grade 11, mathematics in grade 10, social studies (global studies) in grade 10 and United States history in grade 11; and any one of earth science, living environments, physics or chemistry.

4 The state exams have also undermined 30 successful innovative public schools that previously were not required to give the exams. See Hursh, D. and Martina, C. (April 2002).

5 Other analyses of the effect of neo-liberalism are in Hursh (2000, 2003). A specific Marxist analysis is in Hursh (October 2001).

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