

January 27, 2004

1 in 4 Schools Fall Short Under Bush Law

By SAM DILLON

President Bush's signature education law has already put more than a quarter of the nation's public schools on academic probation, and thousands more are likely to face federal sanctions in the coming years, according to the most comprehensive study to date of the law's impact.

The law, known as No Child Left Behind, seeks to raise achievement by meting out sanctions to schools that fail to reach achievement targets on standardized tests. It has succeeded in focusing educators' energies on closing the achievement gap between disadvantaged students and others, said the study, by the Center on Education Policy, a nonpartisan group.

But requirements that many educators consider unworkable are stirring resentment and could undermine commitment to the law's goals, the study said. Among the most disputed passages are those that penalize schools whose disabled students or non-English-speaking students fail to score as highly as other students, the study found.

About 26,000 of the nation's 91,400 public schools are on probation because they failed to make "adequate yearly progress" on tests administered last spring, according to the study. Under the law, schools that miss their targets for two consecutive years must provide transportation for students to transfer to higher-scoring schools, and if they miss targets for a third year they must pay for tutoring. Continued shortfalls lead to sanctions that can result in removal of the staff.

"States and districts are trying hard to comply, but many educators fear the future because many more schools are going to face sanctions and need help, and the states don't think they'll have any way to give it," said Jack Jennings, director of the Center on Education Policy.

The study is based on a survey completed by officials in 47 states and in 274 districts that were selected as a representative sample of the nation's 15,000 local school districts. It is also based on case studies in 33 districts and interviews with Congressional leaders and Bush administration officials.

One unnamed official cited in the study ridiculed the law's tendency to label thousands of public schools as "needing improvement," a legal euphemism for failing.

"Too many schools identified," the official wrote. "Does not pass the straight-face test."

Mr. Bush signed the law in January 2002. In his State of the Union address last week, he said the law was bringing "progress toward excellence for every child in America," but he acknowledged that it had aroused opposition. He characterized its critics as defenders of the status quo intent on "weakening standards and accountability."

Eugene Hickok, the acting deputy secretary of education, said in an interview that he was not surprised

that school officials were complaining about the law's accountability provisions.

"Not everybody is happy about this law, but this study shows that people are committed to its purposes," Mr. Hickok said. "Human nature being what it is, when one's shortcomings are made visible, it's easy to understand somebody being bothered. And this law is all about exposing shortcomings."

Many policy makers who are criticizing the law, as recounted in the study, are Republicans. Gov. Judy Martz of Montana, a Republican, said in a letter to the Department of Education that the law created hardships for rural schools. Mark C. Christie, president of the Virginia Board of Education, said the law's formula for determining adequate yearly progress was "irrational and lacks common sense" and would inflict negative results on a state that had been a leader in standards and accountability, the study reported.

"The law has focused the nation's attention on raising student achievement, closing achievement gaps between different groups of students, and improving qualifications of teachers," the report said. "But we also found that many school districts are having difficulty with some N.C.L.B. requirements — not in most cases because they fear accountability or reject the act's goals, but because the requirements are too stringent or are not workable."

So far, the study found, relatively few eligible students have chosen to transfer to higher-scoring schools. A far higher proportion of parents have used the law's after-school tutoring option, the study said.

In the 2002-03 school year, 2 percent of students who were eligible to transfer to better-performing schools took advantage of that opportunity, while 46 percent of the students eligible for tutoring received it, the study said.

The study does not offer definitive new findings about a major dispute surrounding the law: whether it is sufficiently financed. Most Democrats say that it is not. The administration and Congressional Republicans insist that it is.