

ABSTRACT

No Child Left Behind and Closing the Achievement Gap

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To what extent was No Child Left Behind successful in its goal of narrowing the achievement gap between white and black students? To better evaluate the success of the legislation, this paper investigates the education policies leading up to the drafting of No Child Left Behind, the status of the achievement gap at the time that the bill was passed, and the results of the program at the end of George W. Bush's presidency. Focusing on No Child Left Behind's use of Adequate Yearly Progress as a measure to evaluate the performance of students, this paper concludes that No Child Left Behind was unable to meet its goal of narrowing the black-white achievement gap, in part because its policies focused on punishing a school's failure to meet performance standards were undermined by weak state implementation, as well as because it failed to address the root causes of the gap.

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NO CHILD LEFT BEHIND AND CLOSING THE ACHIEVEMENT GAP

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CHAPTER ONE

Introduction

Inequalities in education contribute to the inequalities in many other facets of American society. The disparities in black and white student academic achievement in grades K-12 have persisted over the last few decades, and as a result, have reinforced black-white gaps in college attainment and graduation rates, employment, and wealth. Noting this trend, and hoping to address it, No Child Left Behind was aimed at both improving general, overall academic achievement, as well as closing the gaps in academic achievement between wealthy white students and underperforming minority groups. Considering this with the knowledge that No Child Left Behind failed to close these gaps or improve any consequential inequalities, it is clear the provisions of the legislation must be reviewed.

In order to best present the scene in which No Child Left Behind was drafted and passed, I begin by presenting the history of federal educational policy in the decade leading up to No Child Left Behind, as well as discussing how No Child Left Behind was influenced by these preceding policies. I evaluate the two major standards-based reforms implemented by President Clinton, and the role that their successes and failures played. In addition to the evaluation of President Clinton's federal policies, I also discuss President Bush's educational initiatives from his time as Governor of Texas and how those influenced No Child Left Behind.

After evaluating the influence of previous educational policies and initiatives, I discuss the state of the black-white academic achievement gap in 2000. Data which

shows a rewidening of and stagnation in the gap will be the focus here, as well as data tracking the other inequalities contributed to by the education gap. In addition to the data reflected on here, I review literature on the achievement gap in order to present what research has shown the causes of the achievement gap to be.

Once I have presented a clear evaluation of preceding educational policies and developed a better understanding of the black-white achievement gap. I delve into the actual provisions of No Child Left Behind, in particular the use of Adequate Yearly Progress as an accountability mechanism. To better understand the shortcomings of using Adequate Yearly Progress, I assess how the inclusion of subgroups in No Child Left Behind, and the accountability pressure attached to meeting proficiency for said groups, failed to close the achievement gap. In order to best understand this, I evaluate the varying stringency within state application of the law and how that undermined the effectiveness.

Finally, in addition to discussing the measures of No Child Left Behind that failed to close the black-white academic achievement gap, I also look at what was not included in the legislation at all. I evaluate critiques on the legislation's failure to provide funding as well as implement sanctions, focusing mostly on the failure of states to generate the funding necessary to ensure that there isn't severe inequality simply as a result of vast differences in school funding. I also discuss the need for holistic academic reform, that takes into consideration the factors that affect academic performance that are outside of the control of teachers and schools. By better investigating and evaluating these factors, I

hope to present why No Child Left Behind was developed in the way that it was, and why it failed to create notable changes in the black-white academic achievement gap.

CHAPTER TWO

The Climate for Change

In the 2000 election, presidential candidate George W. Bush ran numerous political ads focused on the importance of instituting educational reforms.¹ Bush stressed the need to improve academic performance across the nation, putting a particular focus on closing the achievement gap between white students and minority students. In 2002, Bush identified this gap in academic achievement as “the greatest civil rights issue of our time.”² However, while many were surprised by the high priority that Bush placed on education reforms, which he highlighted in his inaugural address on January 20th, 2001³, there were many influences from the previous decade that led to his decision to focus on the issue.

The biggest factors that influenced Bush’s focus on education policy and reform came from the successes of Bill Clinton’s presidency. While Clinton faced several defeats as president, in regards to military and healthcare policies, he was able to successfully implement two major education reforms that were met with a great deal of public support: the Improving America’s Schools Act (IASA) and Goals 2000. These policies, much like the one that Bush would propose a decade later, were focused on improving dismal trends in academic achievement and creating a stronger role in school oversight for the federal government.

¹ Rosenbaum, David. "The 2000 Campaign: The Ad Campaign; Bush on Education." *The New York Times*, March 18, 2000.

² Rove, Karl. *Courage and Consequence: My Life as a Conservative in the Fight*. New York: Threshold Editions, 2010.

³ Bush, George W. "Inaugural Address," *The American Presidency Project*. January 20, 2001.

While the late 1970s and 1980s marked periods of substantial growth in the United States' academic performance, as well as a time at which the black-white achievement gap was narrowing rapidly, the 1990s marked a period of stagnation and regression. Studies done in the early 1990s found that educators often held disadvantaged students at lower standards, and that, as a result, these students were taught less-rigorous material and left less satisfied with themselves and their academic experiences.⁴ This information, coupled with reports from the National Assessment of Educational Progress's Long Term Trend Assessment, which indicated average student achievement in math and reading was relatively unchanged between 1988 and 1992⁵, raised public concern. These reports and studies led to a heightened public interest in education reform and policy, which in 1992, played a notable role in the presidential election.⁶

Both Clinton and George H.W. Bush used education reform as a major platform during their campaigns. In an appeal to the GOP base, H.W. Bush focused primarily on free choice in education, and proposed the "GI Bill for Children," which would have provided low-income families with vouchers to attend the school of their choice.⁷ Clinton on the other hand, chose an approach focused on standards-based reform, a decision which stemmed from policies he had enacted in Arkansas schools during his

⁴ Knapp, Michael et al. Interim Report. "What is taught, and how, to the children of poverty." US Department of Education, Office of Planning, Budget and Evaluation. March 1991.

⁵ Rhodes, Jesse H. *An Education in Politics: The Origins and Evolution of No Child Left Behind*. Ithaca, NY: Cornell University Press, 2012.

⁶ St. John, Edward P. *Education and the Public Interest: School Reform, Public Finance, and Access to Higher Education*. Dordrecht: Springer Science, 2006.

⁷ Alexander, Lamar, and Al Shanker. "Crossfire on GI Bill for Children." Debate between Lamar Alexander and Al Shanker, National, June 25, 1992.

time as the state's governor.⁸ However, while each candidate used different rhetoric to describe their policies, many felt that their proposed agendas were indistinguishable from each other.⁹ Still, while their policies may have echoed similar sentiments, Clinton's electoral victory in 1991 set American education policy on a course for standards-based reforms.

At the same time that education reform was getting a great deal of attention from presidential campaigns, business entrepreneurs were also beginning to recognize the need for change. Since the late 1980s, groups such as the Business Roundtable, the National Alliance for Business, the Committee for Economic Development, and the U.S. Chamber of Commerce had been working to implement standards-based reforms at the state level.¹⁰ America 2000 was an education strategy that emerged from the 1989 Education Summit, where politicians and business groups met together to discuss the future of education reform. President George H.W. Bush, along with a number of state governors, including then-Arkansas governor Clinton, worked to draft America 2000, which outlined a long-term strategy for meeting the education goals as defined by the 1989 Education Summit.¹¹

America 2000 offered a detailed plan of action for policy makers that included six main goals for any future education policies or programs (table 1). In order to effectively achieve these goals, America 2000 stressed the need for standards-based reform.

⁸ Ritter, Gary W. *Education Reform in Arkansas: Past and Present*. Report. Stanford University.

⁹ Rhodes, *An Education in Politics: The Origins and Evolution of No Child Left Behind*, 101.

¹⁰ Ibid., 102.

¹¹ *America 2000: An Education Strategy*. Washington, D.C. (400 Maryland Ave., S.W., Washington 20202): U.S. Department of Education, 1991.

Furthermore, America 2000 encouraged the involvement of the business community in implementing standards-based reform, stressing that they would be essential for providing the people and resources necessary for creating change in local schools, communities, and state policies.¹² Additionally, business stressed the need for their involvement in the implementation of America 2000, claiming that they would benefit from standards-based reform by being able to utilize standardized achievement test results in the hiring processes.¹³

The Goals of America 2000

1. All children in America will start school ready to learn
2. The high school graduation rate will increase to at least 90 percent
3. American students will leave grades four, eight, and twelve having demonstrated competency in challenging subject matter including:
 - English
 - Mathematics
 - Science
 - History
 - GeographyEvery school in America will ensure that all students learn to use their minds well, so they may be prepared for:
 - Responsible citizenship
 - Further learning
 - Productive employment in a modern economy
4. U.S. students will be first in the world in science and mathematics achievement
5. Every adult American will be literate
Every adult American will possess the knowledge and skills necessary to:
 - Compete in a global economy
 - Exercise the rights and responsibilities of citizenship
6. Every school in America will:
 - Be free of drugs and violence
 - Offer a disciplined environment conducive to learning

Table 1, Source: Whittaker, *America 2000: An Education Strategy*, 12.

Based off of the potential benefits of America 2000, business groups began actively working to promote the recommendations it made for improving education.

¹² *America 2000: An Education Strategy*, 33.

¹³ Rhodes, *An Education in Politics: The Origins and Evolution of No Child Left Behind*, 103.

However, by 1992, it was becoming clear that a state-by-state approach for implementing standards-based reform was making little progress. As a result, business groups began turning to the federal government, in hopes that they would implement standards-based reform at the national level.¹⁴ However, as expressed in a report from the Business Roundtable in 1993, there was still a great deal of work left for business to do if they hoped to implement change.¹⁵

The shared interests of these business groups and President Clinton, in regards to establishing standards-based reform, first took form in Goals 2000. From the framework and features included in the legislation, it was clear that business groups had exerted some level of influence in drafting of the act.¹⁶ Goals 2000, which utilized grant money for the purpose of encouraging schools to implement reforms, also created the National Education Standards and Assessment Council, which would work to establish voluntary performance standards, as well as conduct further research into standards-based reform.¹⁷ However, while these two features of Goals 2000 play an important role in later education policy, particularly in No Child Left Behind (NCLB), Clinton's major education reform goals took form in the IASA.

Passed in 1994, the IASA served as a reauthorization of the 1965 Elementary and Secondary Education Act (ESEA).¹⁸ The ESEA, which was implemented for the purpose

¹⁴ Rhodes, *An Education in Politics: The Origins and Evolution of No Child Left Behind*, 103.

¹⁵ Walsh, Mark, "Slow Pace of School Reform Worries Business Leaders," *Education Week*, November 20, 1991.

¹⁶ Rhodes, *An Education in Politics: The Origins and Evolution of No Child Left Behind*, 105.

¹⁷ H.R. 1804, 103 Cong. (1993) (enacted).

¹⁸ H.R. 6, 103 Cong. (1994) (enacted).

of providing funding for education and closing achievement gaps, was fundamental to improving the quality of education for low income communities.¹⁹ The most noteworthy component of the ESEA, Title I, was put in place to direct federal funds to both local educational agencies (LEAs) and school districts with high concentrations of low income families. Under the IASA reauthorization, the Clinton administration attempted to implement standards-based reform by tying Title I funding to state-selected content and performance standards.²⁰ For schools to be eligible for Title I funding under the IASA, states would have to adopt standards and assessments for both reading and math, for all students at certain grade levels.

Both Goals 2000 and the IASA, and the work they did to implement standards-based reform on a national level, influenced George W. Bush's focus on education reform in his 2000 election campaign. The biggest reason for this was that these reforms were relatively successful at the time of their implementation, meeting many of the goals Clinton had set, and receiving a great deal of support from both the public and business groups. In tandem, Goals 2000 and the IASA were able to facilitate the standard-based reform that Clinton had been hoping to institute since his time as governor of Arkansas. These programs were able to implement these reforms by establishing standards and mechanism to reinforce them.

Goals 2000 facilitated standards-based reform by providing the structure for creating standards, and the IASA's use of Title I, and the \$8 billion attached to it, is what

¹⁹ H.R. 2362, 81 Cong. (1965) (enacted).

²⁰ Skinner, Rebecca R. *Accountability Issues and Reauthorization of the Elementary and Secondary Education Act* (CRS Report No. R41533) Washington, DC: Congressional Research Service, 2010.

funded it.²¹ In regards to public support, Bush's focus on education reform stemmed from the issue's popularity with the general public, particularly business entrepreneurs, as well as its strong support from members of both the Democratic and Republican parties. The level of support for education reform from members of both parties is most strongly evidenced by the successful drafting and passing of both Goals 2000 and IASA.²²

While the success and popularity of the IASA and Goals 2000 influenced Bush's position on education reform, there were several components of the legislation that Bush pointed to as shortcomings, and used to argue for further reform. Much like Clinton's programs, Bush's NCLB was aimed at improving overall academic performance through standard-based reforms, though Bush also put a greater focus on closing the achievement gap between black and white students. Yet, while Bush had a similar main goal to Clinton, he claimed that the methods to achieve that goal needed to change. For example, Bush felt that yearly mandatory testing, as well as greater government accountability, would be important additions to NCLB.²³ Still, while some pushed for even more conservative changes like voucher programs, Bush didn't deviate far from the middle, primarily in order to guarantee that NCLB would pass. This decision to strive for bipartisan support proved to be successful, with the bill passing in the House of Representatives with a vote of 381 to 41 and in the Senate with a vote of 87 to 10.²⁴

²¹ Debray, Elizabeth H. *Politics, Ideology, & Education: Federal Policy during the Clinton and Bush Administrations*. New York: Teachers College Press, 2006, 31.

²² Rhodes, *An Education in Politics: The Origins and Evolution of No Child Left Behind*, 122.

²³ Ibid., 150.

²⁴ H.R. 1, 107 Cong. (2001) (enacted).

When signed into law in 2002, NCLB had two major goals. These were to close the achievement gap between advantaged and disadvantaged students²⁵ and to implement an assessment regime, with serious consequences for schools that fail to meet the standards.²⁶ Much like the legislation from Clinton's presidency, NCLB uses money as an incentive for meeting standards, and removal of Title I funding as a consequence for failing to do so. Similar to IASA before it, NCLB was able to do this because it served as a reauthorization of the ESEA. The decision to continue to use the removal of Title I funding as a consequence for failing to meet standards stemmed from the fact that it had proven to be a powerful motivation in the past decade, in part because federal funding represents 7 to 8 percent of total public school funding.²⁷

In order to frame the testing and sanctions regime of NCLB, Adequate Yearly Progress (AYP) standards were created. AYP was based on students' standardized test scores, and in order for schools to make AYP, either the schools must have met their state's proficiency requirements, or they must have made substantial academic improvement.²⁸ To measure AYP, NCLB required that several factors be taken into account. The first, proficiency of students, was assessed through standardized testing which was required to be administered on an annual basis. While states were given the power to establish the actual proficiency targets, they had to be approved by the US Department of Education if the state wanted to remain eligible for Title I funding. This

²⁵ Ibid., § 6301

²⁶ Ibid., § 6301.

²⁷ Abernathy, Scott Franklin. *No Child Left behind and the Public Schools*. Ann Arbor: University of Michigan Press, 2007, 4.

²⁸ H.R. 1, 107 Cong. (2001) (enacted) § 6311.

helped to establish an accountability system, which penalized states for failing to set and meet certain standards.²⁹ Along with requiring states to establish proficiency targets and calling for standardized testing to be administered, NCLB also outlined what subjects would be measured. While the original law only required proficiency to be assessed in math and reading, science was added in 2007.³⁰ In addition to proficiency in certain subjects, AYP also took into account both student attendance and graduation rates.

AYP was a concept that Bush had begun to develop during his time as Texas governor, when he helped facilitate the state labeled, “Texas Miracle,” in education reform.³¹ During this period the state saw an increase in standardized test scores, which Bush claimed were the direct result of the new testing programs implemented during his governorship. However, not everyone agreed that Bush’s testing programs in Texas had led to actual academic improvements, especially for black and Hispanic students. Some pointed to the increased drop-out rates during the “Texas Miracle” as the true cause of the increase in test scores.³² They claimed that schools were “pushing large numbers of kids out,” and that “if the poorest students drop out, you can expect that scores will improve.”³³ As a result of these criticisms, Bush knew that NCLB needed to include mechanisms that would ensure that schools met AYP for minority students as well, instead of pushing them to drop out.

²⁹ Abernathy, *No Child Left behind and the Public Schools*, 4.

³⁰ Cavanagh, Sean, “Federal Rule Yields Hope for Science,” *Education Week*, October 5, 2007.

³¹ Hayes, William. *No Child Left Behind: past, present, and future*. Lanham, Maryland: Rowman & Littlefield Education, 2008, 11.

³² Ibid., 11.

³³ Schuman, David. *American schools, American teachers*. Boston, MA: Pearson, 2004, 244.

In order to guarantee that schools improved the academic performance of minority students, an additional fundamental component of AYP was that, beyond assessing the achievement of the aggregate of all students in a grade, it also evaluated the performance of certain minority and disadvantaged groups at schools. These groups included, races and ethnicities (white, black, Hispanic, American Indian, and Asian or Pacific Islander), as well as students who were eligible for reduced-priced lunches, those who had limited English proficiency, and those in special education programs.³⁴ When evaluating a school's success at meeting student performance standards, not only did they have to meet the AYP standards set by the state for the aggregate of the entire grade level, they were also required to also meet the AYP standards for any minority or disadvantaged subgroups at the school. While NCLB did not mandate what the specific number of students necessary to trigger a subgroup evaluation, in practice, a school was typically required to have an AYP evaluation for a specific racial or ethnic group if the school had at least 10 to 50 students within the group. If the school failed to make AYP for either the overall class or any specific group, NCLB established consequences (table 1).³⁵ These consequences built on each other, and became increasingly more severe with each year a school failed to make their AYP. The intention behind these increasingly severe consequences was that they would put pressure on schools to meet their state's proficiency requirements and improve their students' overall academic achievement.

³⁴ Abernathy, *No Child Left behind and the Public Schools*, 4.

³⁵ Ibid., 7.

Increasingly Severe Consequences for Schools That Fail to Make Adequate Yearly Progress

Consecutive Years of AYP Failure	Consequences for Individual Schools That Receive Monies for Disadvantaged Children Under Title I
2 years	<p>Identified as “in need of improvement”</p> <p>School officials must...</p> <ul style="list-style-type: none"> Develop a school improvement plan Spend at least 10% of Title I funds on professional development Allow parents to transfer their children to successful schools in the district Notify parents of their options under this plan
3 years	<p>All consequences from previous years*</p> <p>School officials must...</p> <ul style="list-style-type: none"> Implement school improvement plan Provide supplemental educational services for students
4 years	<p>Corrective action</p> <p>This may include replacing staff, overhauling the curriculum, reducing management authority at the school level, hiring outside experts, or lengthening the school day and/or year</p>
5 years	<p>Plan for restructuring</p> <p>Either by restructuring school as a charter school, replacing all or most of the school personnel, contracting out for private management, state intervention, or other restructuring efforts</p>
6 years	Initiate restructuring

* each subsequent year continues consequences from all previous years

Table 2, Source: Abernathy, *No Child Left Behind and the Public Schools*, 9.

The growing severity of consequences for AYP failure put pressure on all schools to meet the standards set by the state, although some schools had more AYP standards to meet than others. Depending on the number of subgroups a school had, there were up to thirty-six different ways a school could fail to make AYP.³⁶ As a result, schools with large numbers of minority and low income students felt the pressures of making AYP standards more acutely than schools with fewer students who would be categorized into one of the subgroups evaluated by NCLB. While adding the evaluation of subgroups was intended to guarantee that schools couldn’t further widen the achievement gap—improving their aggregate AYP while allowing the scores of minority students to fall—the program also created new challenges for schools who triggered AYP evaluations for multiple

³⁶ Minnesota Office of the Legislative Auditor, “Evaluation Report: No Child Left Behind.” St. Paul: Program Evaluation Division, 2004, 30.

subgroups. These schools were at a disadvantage compared to majority white and high income schools because, with more subgroups that qualified for AYP evaluation, they had more chances to fail to meet standards (table 3).³⁷

The Relationship between Diversity and AYP failure in Minnesota, 2003

Subject	Number of Qualifying Subcategories (1)	Number of Schools (2)	Percentage Failing to Make AYP in 2003 (3)
Reading proficiency	1	234	<1%
	2	418	4%
	3	92	16%
	4	68	28%
	5	43	40%
	6	7	43%
Mathematics proficiency	1	236	<1%
	2	417	5%
	3	91	15%
	4	68	28%
	5	43	40%
	6	7	43%

Table 3, Source: Abernathy, *No Child Left behind and the Public Schools*, 151

However, while the evaluation of subgroup performance put some highly diverse schools at a disadvantage, the intent behind the policy was to further Bush's goal of closing the academic achievement gap.³⁸ In addition to this attempt to close the achievement gap, NCLB deviated from previous standards-based reform in that it required a specific percentage of minority participation in testing. Along with requiring that 95 percent of the aggregate student body participate in testing, NCLB also mandated that 95 percent of each qualifying subgroup at a school must also participate.³⁹ This provision of NCLB, in conjunction with increased focus on graduation rates and school attendance, as well as the evaluation of AYP for low performing subgroups, makes it

³⁷ Novak, John R. and Bruce Fuller. *Penalizing Diverse Schools? Similar Test Scores, but Different Students, Bring Federal Sanctions*. Stanford, CA: Pace Publications, 2003.

³⁸ Abernathy, *No Child Left behind and the Public Schools*, 8.

³⁹ H.R. 1, 107 Cong. (2001) (enacted) § 6311.

clear that closing the achievement gap is central to the policy.⁴⁰ Therefore, in order to best understand the specific provisions of NCLB and evaluate their success in addressing the achievement gap, one must look at disparities in black-white achievement when NCLB was passed.

⁴⁰ Abernathy, *No Child Left behind and the Public Schools*,

CHAPTER THREE

Understanding the Achievement Gap

At its inception, NCLB was acknowledged as an effort to combat the “growing ‘achievement gap’ between white and African American students … left unaddressed for far too long.”¹ Researchers at the time stressed the need to address the achievement gap, noting that at the rate the gap was closing, it would take between 30 and 50 years to close the black-white achievement gap in reading, and between 75 and 100 years to close the gap in science and math.² For this reason, while NCLB contained many provisions intended to improve overall academic achievement, including increased accountability for all students through AYP goals, there were also clear efforts aimed at lessening disparities between black and white student achievement. The attention given to closing the academic achievement gap stemmed from the government’s recognition that the gap was a major civil rights issue at the time³, leading to disparities in attendance at higher education institutions, as well disparities in employment and income. Reports of the achievement gap between white and black students began in an attempt to prevent the integration of Southern schools in the mid-1950s.⁴ Opponents to integration argued that

¹ "Executive Summary of the No Child Left Behind Act of 2001." *U.S. Department of Education*. U.S. Department of Education, 04 Feb. 2004.

² Hedges, Lany V. and Amy Nowell. “Changes in the Black-White Gap in Achievement Scores.” *Sociology of Education* 72 (1999): 111–35.

³ Rove, Karl. *Courage and Consequence: My Life as a Conservative in the Fight*. New York: Threshold Editions, 2010.

⁴ Ogbu, John U. "Black-American Students and the Academic Achievement Gap: What Else You Need to Know." *Journal of Thought* 37, no. 4 (2002), 9.

the achievement gap meant “black students were not as capable as white children to be educated in the same schools.”⁵ However, this conclusion was quickly proven invalid. During the most intense decades of school integration, the United States saw the “largest reductions in the Black-White achievement gap in the nation’s history.”⁶ Yet while the 1970s and 1980s saw rapid reductions in this gap, as integration efforts ebbed in the 1990s, the pace at which the gap was narrowed slowed. In fact, during the 1990s, gaps in achievement between white and black students widened in some subjects.⁷ In reading, the gap for thirteen-year-olds widened from 18 points in 1988 to 30 points at the end of 1990s.⁸

By 2000, the gap was at its widest since the late-1980s, and although there was evidence it was beginning to one again narrow, it did not return to its pre-1990s value.⁹ According to the National Assessment of Educational Progress, the 31-point gap between fifteen-year-old black and white students’ reading scores in 2000 was notably higher than the 20-point gap recorded in 1988.¹⁰ This increase in the achievement gap was also documented in math scores as well. In 1990, the gap between fifteen-year-old black and

⁵ Ogbu, "Black-American Students and the Academic Achievement Gap," 9.

⁶ Wells, Amy Stuart. "Seeing Past the "Colorblind" Myth of Education Policy." *NEPC Colorado*. National Education Policy Center, 1 Mar. 2013.

⁷ Hanushek, Eric A. "Why the federal government should be involved in school accountability." *Journal of Policy Analysis and Management* 24, no. 1 (Winter 2005).

⁸ Barton, Paul E., and Richard J. Coley. "The Black-White Achievement Gap." Educational Testing Service. July 2010, 7.

⁹ Ibid., 7.

¹⁰ Rampey, B.D., G.S. Dion, and P.L. Donahue, *NAEP 2008 Trends in Academic Progress* (NCES 2009-479), National Center for Education Statistics, Institute of Educational Sciences, U.S. Department of Education, Washington, D.C.

white students' scores had been reduced to 21 points, and yet, by 2000, the gap had widened to almost 31 points.¹¹ As figures 1 and 2 show, the drastic decreases in the black-white achievement gap in the 1980s saw a reversal in both math and reading, at all documented age levels, during the 1990s.

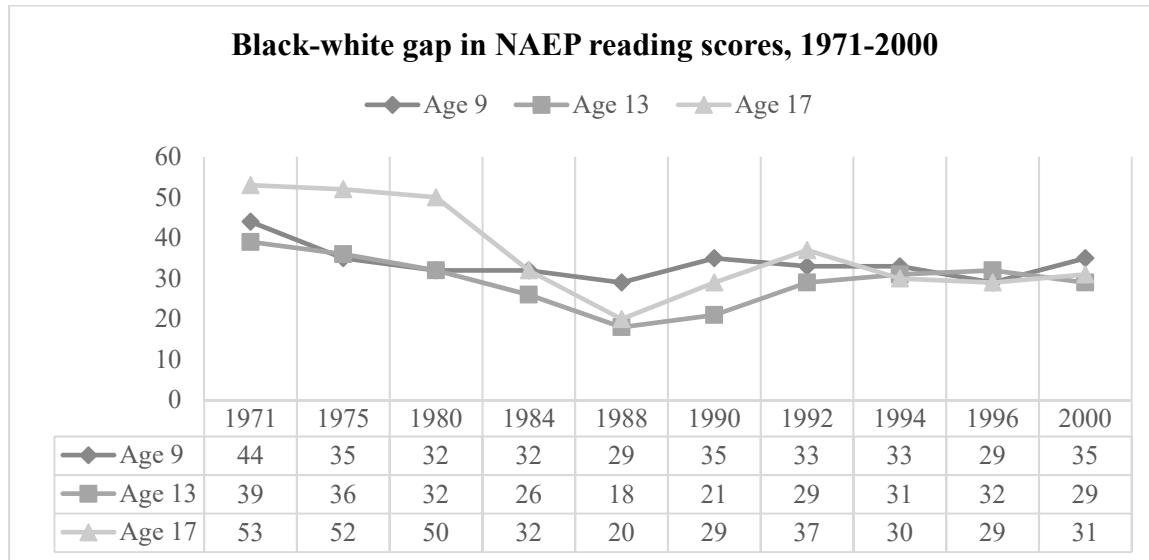


Figure 1, Source: Rampey, *NAEP 2008 Trends in Academic Progress*

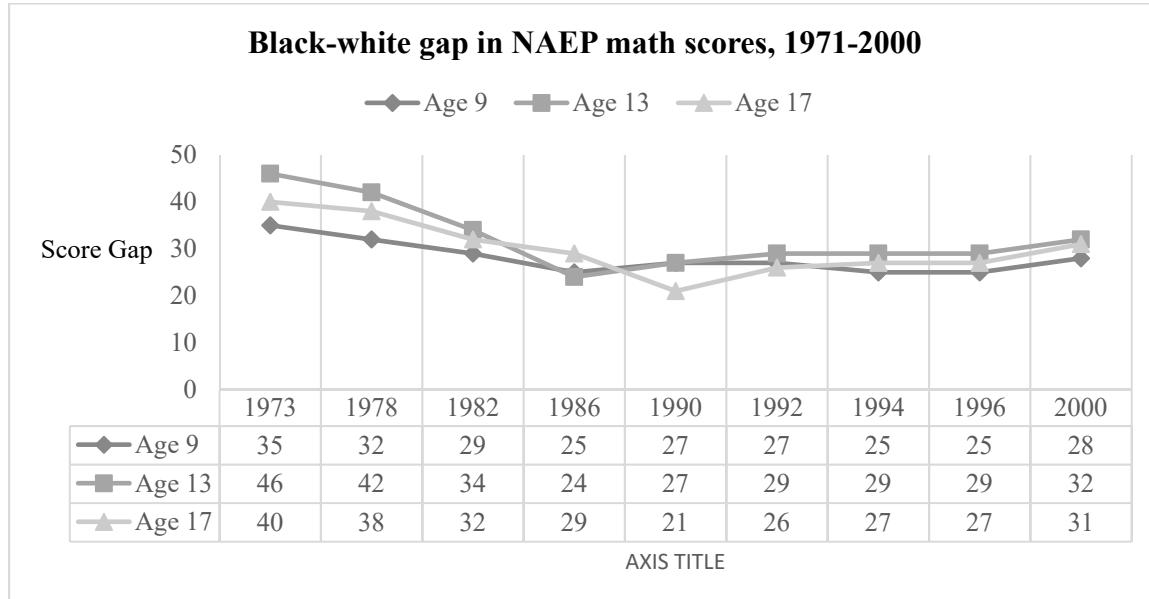


Figure 2, Source: Rampey, *NAEP 2008 Trends in Academic Progress*

¹¹ Rampey, *NAEP 2008 Trends in Academic Progress*.

There are several trends in education at this time that policy experts attribute to the widening of the achievement gap. Issues like school environment, as well as family and demographic changes, were found to play a role in the reversal of the progress made in closing the achievement gap. In regards to school environment, there were several key differences in the educational experiences of black and white students that widened the gap in the 1990s. One difference was that white students were more likely to attend a school with a higher teacher-student ratio.¹² This meant that white students were likely to have smaller class sizes than black students. Class size plays a role in the achievement gap because, as Helen Ladd concludes, there is “compelling evidence... that smaller class size generates higher achievement in the early grades.”¹³ In addition to smaller class sizes, white students were also more likely than black students to attend schools with fewer rules, a factor which was found to have an impact on test scores and the achievement gap.¹⁴ However, quality of schools alone cannot explain the achievement gap. For black students, “lower school performance occurs in good as well as in inferior schools.”¹⁵

Family and demographic changes during the 1990s were also connected to the black-white academic achievement gap. As noted in James Coleman’s report, *Equality of Educational Opportunity*, family conditions affect school performance, leading to

¹² Rowley, Rochelle L., and David W. Wright. "No "White" Child Left Behind: The Academic Achievement Gap between Black and White Students." *The Journal of Negro Education* 80, no. 2 (2011), 97.

¹³ Magnuson, Katherine and Waldfogel, Jane. *Steady Gains and Stalled Progress: Inequality and the Black-White Test Score Gap*. New York: Russell Sage Foundation, 2008, 299.

¹⁴ Rowley, "No "White" Child Left Behind," 97.

¹⁵ Ogbu, "Black-American Students and the Academic Achievement Gap," 13.

disparities in academic achievement.¹⁶ In the 1970s and 1980s, improvements in the education level of parents, family income, family stability helped to narrow the gap between white and black student achievement. In fact, during this time, these changes in family characteristics “accounted for about a third of the gap narrowing between Black and White students.”¹⁷ Yet while family factors matter, including a family’s socioeconomic status, it is important to note that poverty for black students is different than it is for white students.

While some argued that the achievement gap between black and white students was actually just a result of the differences in their socioeconomic status, that is not the case. Although a student’s socioeconomic status has some effect on their academic performance, black students are notably more affected by changes by their socioeconomic status than white students. For white students, an increase in their family’s socioeconomic status leads to an increase of over fourteen points in their test scores, and yet, for black students, the same increase in socioeconomic status only leads to an increase of eleven points.¹⁸ While it is true that students with from lower income levels do not attain the same achievement rates as their wealthier peers, at every income level white students outperform blacks (figure 3).¹⁹ As a result, black students with an income level of over \$75,000 perform at the same level as white students whose family

¹⁶ United States. Department of Health, Education & Welfare. Education. *Equality of educational opportunity*. By James S. Coleman. Washington: U.S. Government Printing Office, 1966, 28.

¹⁷ Barton, "The Black-White Achievement Gap", 8.

¹⁸ Rowley, "No "White" Child Left Behind," 101.

¹⁹ *The Economic Impact of the Achievement Gap in America's Schools*. New York City: McKinsey & Company, Social Sector Office, 2009, 13.

income is less than \$25,000.²⁰ In an analysis of the achievement gap, even when a control for poverty concentration is added, the “persistent, negative consequences of student race—or more precisely, being Black—remained.”²¹ Therefore, it is clear that the achievement gap between black and white students is not just the result of differences in household income and that there are other factors at work. In fact, almost all research on the issue concludes that when race is evaluated, socioeconomic status is a weak explanation for differences in academic achievement.²²

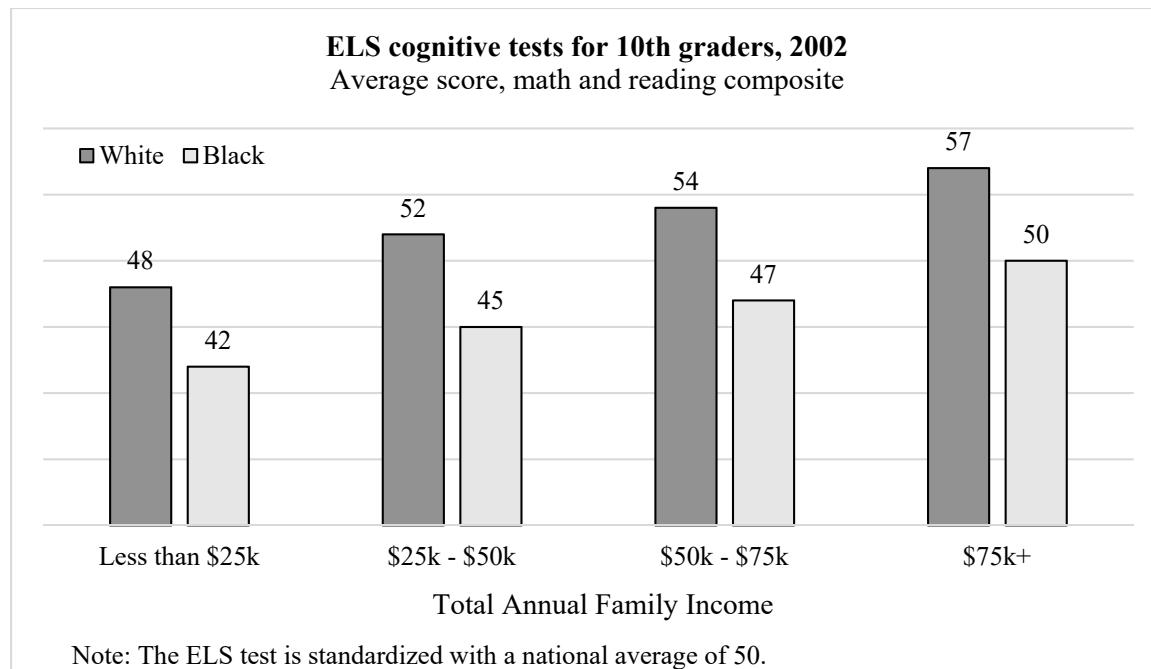


Figure 3, Source: *The Economic Impact of the Achievement Gap in America's Schools*, McKinsey & Company.

²⁰ *The Economic Impact of the Achievement Gap in America's*, 13.

²¹ Trent, William T. "Why the Gap Between Black and White Performance in School?: A Report on the Effects of Race on Student Achievement in the St. Louis Public Schools." *The Journal of Negro Education* 66, no. 3 (1997), 320.

²² Kim, Hak-Ju. "Family resources and children's academic performance." *Children and Youth Services Review* 26, no. 6 (June 2004), 535.

Knowing that socioeconomic status has little effect on the academic achievement gap between white and black students, and that family and demographic changes account for only one third of changes in the achievement gap, the federal government in 2000 was faced with the challenge of combatting an issue influenced by a multitude of factors.²³ While explanations such as socioeconomic status and school environment may offer some insight to the achievement gap, “when placed in cross-cultural perspective, none of [the conventional explanations] explains fully the reasons for... the persisting disproportionate low school performance of Black students.”²⁴

However, while it was clear that creating a policy that successfully narrowed the achievement gap would be challenging, George W. Bush was committed to closing the gap.²⁵ He described the fact that the average reading level of a thirteen-year-old white student was the same as a seventeen-year-old black student a national scandal and insisted on action.²⁶ In addition to addressing the gap because of the inherent issue of disproportionate academic achievement, Bush was also committed to closing the academic achievement gap because of the other gaps and disparities it affected.²⁷ His evaluation of the academic achievement gap as the biggest civil rights issue of the time stemmed, in part, from the fact during the late 1990s, as the number of jobs that paid a middle-class wage without requiring a college degree fell, access to college was

²³ United States. *Equality of educational opportunity*, 28.

²⁴ Ogbu, "Black-American Students and the Academic Achievement Gap," 12.

²⁵ Rove, *Courage and Consequence: My Life as a Conservative in the Fight*.

²⁶ Baker, Peter. "Bush Urges Effort to Close Black and White Students' Achievement Gap." *New York Times*, April 10, 2014.

²⁷ Ibid.

becoming more dependent on student test scores and academic achievement.²⁸ As a result, college degrees were becoming increasingly more essential to economic mobility and job market success, with academic achievement in elementary and secondary schools serving as a precursor to all three.²⁹

There is a clear connection between low academic achievement early in school and subsequent low college attendance and completion rates, low employment rates, and ultimately, lower earnings.³⁰ Considering the persistent gap in academic achievement between white and black students, this means that there are also disparities between black and white students' access to higher education and better paying jobs, which results in less social mobility for minority students.³¹ This in turn creates the sort of self-reinforcing inequality that Bush was determined to combat with NCLB. While there are other factors that influence the black-white gaps in these areas, the academic achievement gap is one notable contributor.³²

Disparities in the academic success of black and white students in elementary and secondary school has a clear correlation with the educational attainment gap. Aligning with the widening of the academic achievement gap in the 1990s, the black-white gap in the attainment of a bachelor's degree or higher widened from 20 to 27 percentage points

²⁸ Alon, Sigal, and Marta Tienda. "Diversity, Opportunity, and the Shifting Meritocracy in Higher Education." *American Sociological Review* 72, no. 4 (2007).

²⁹ Reardon, Sean F., et. al. *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*. Stanford, CA: Stanford University Press, 2013.

³⁰ *The Economic Impact of the Achievement Gap in America's Schools*, 18.

³¹ Greenstone, Michael, Adam Looney, Jeremy Patashnik, and Muxin Yu. *Thirteen Economic Facts about Social Mobility and the Role of Education*. Washington D.C.: Brookings Institution, 2003, 21.

³² *Ibid.*, 10.

between 1995 and 2015 (figure 4).³³ This gap in white and black student educational attainment is effected by both lower college enrollment rates for black students and lower rates of degree completion.

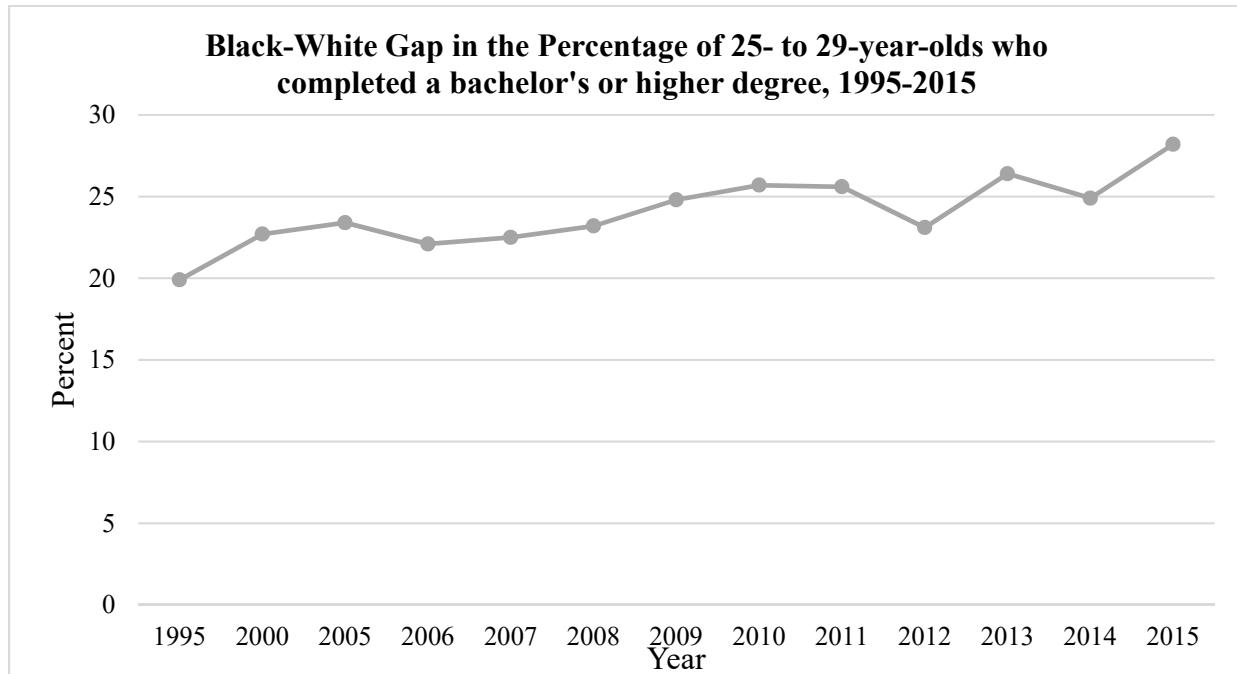


Figure 4, Source: Kena, *The Condition of Education 2015 (NCES 2015-144)*

In regards to enrollment rates, the gap between black and white attendance has remained relatively unchanged over the last 25 years; however, while the gap has not widened, it has remained quite large. Among adults between 25- and 30-years-old, “72 percent of whites have attended college compared to just 58 percent of blacks.”³⁴ Much like with the black-white academic achievement gap in elementary and secondary school, this gap in college attendance has little connection to a student’s socioeconomic

³³ Kena, G., Musu-Gillette, L., Robinson, J., Wang, X., Rathbun, A., Zhang, J., Wilkinson-Flicker, S., Barmer, A., and Dunlop Velez, E. *The Condition of Education 2015 (NCES 2015-144)*. Washington, DC: U.S. Department of Education, National Center for Education Statistics, 2015, 34.

³⁴ Rothwell, Jonathan. *The Stubborn Race and Class Gaps in College Quality*. Washington, DC: The Brookings Institution, 2015.

background.³⁵ Instead, the gap is directly correlated to the lower academic performance of blacks compared to whites in high school.³⁶ In a report assessing Chicago's public schools, evaluation of graduates' test scores and GPAs suggested that few black graduates "demonstrate the basic skills and content knowledge they need for college."³⁷ This, coupled with the fact that colleges are becoming increasingly more focused on tests scores and academic achievement as criteria for admittance, explains virtually all of the black-white gap in college enrollment today.³⁸ Looking back at Chicago schools, because of black graduates' low academic performance, almost half only have access to two-year or non-selective four year institutions, compared to just 26 percent of white graduates.³⁹

While there has not been much change in the black-white college enrollment gap over the last two decades, the gap in college graduation rates has been widening. In 2012, while white students made up only 58 percent of college-aged students, they accounted for 69 percent of young adults with bachelor degrees.⁴⁰ At the same time, black students, who accounted for 14 percent of college-aged students, represented only 9

³⁵ Bennett, Pamela, and Yu Xie. *Explaining the Black-White Gap in College Attendance: Racial Differences versus Socioeconomic Determinants*. Ann Arbor: Population Studies Center, University of Michigan, 2000, 19.

³⁶ Ibid., 19.

³⁷ Nagaoka, Jenny, Melissa Roderick, and Vanessa Coca. *Barriers to College Attainment: Lessons from Chicago*. Chicago: The University of Chicago, 2008, 9.

³⁸ Alon, "Diversity, Opportunity, and the Shifting Meritocracy in Higher Education."

³⁹ Nagaoka, Jenny, Melissa Roderick, and Vanessa Coca. *Barriers to College Attainment: Lessons from Chicago*. Chicago: The University of Chicago Press, 2008, 8.

⁴⁰ Krogstad, Jens Manuel, and Richard Fry. "More Hispanics, blacks enrolling in college, but lag in bachelor's degrees." Pew Research Center. April 24, 2014.

percent of young adults with bachelor degrees.⁴¹ In a report from the advocacy group the Education Trust, researchers found that of 232 public universities that reported increases in overall graduation rates, 53 percent saw the gaps between white and black student graduation rates stay the same or increase.⁴²

Although a number of the factors that lead to lower degree completion rates for black students stem from failures within higher education institutions, the black-white achievement gap in early education also plays an important role. For example, as a result of lower performances in high school, black college students are more likely to be put in remedial courses than their white peers.⁴³ These remedial courses do not provide students with credit towards their degrees and, as a result, they lead to high rates of attrition.⁴⁴ Black students are also more likely than white students to be put in multiple remedial courses, and as the number of remedial courses a student is required to take increases, so does the likelihood they will drop out before they are able to take credit-bearing classes.⁴⁵ In the end, disparities in high school academic achievement play a role in the differing college experiences of black and white students, which helps to explain

⁴¹ Krogstad, "More Hispanics, blacks enrolling in college, but lag in bachelor's degrees."

⁴² Nichols, Andrew Howard, Kimberlee Eberle-Sudre, and Meredith Welch. *Rising Tides II: Do Black Students Benefit as Grad Rates Increase?* Washington D.C.: The Education Trust, 2016, 4.

⁴³ Warburton, Edward C., Rosio Bugarin, and Anne-Marie Nunez. *Bridging the Gap: Academic Preparation and Postsecondary Success of First-Generation Students*. Washington: U.S. Department of Education, 2001, 21.

⁴⁴ Rodriguez, Olga, Marisol Cuellar Mejia, and Hans Johnson. *Determining College Readiness in California's Community Colleges*. San Francisco: Public Policy Institute of California, 2016.

⁴⁵ Ibid.

why black students fail to complete college at a rate of 28 percent compared to just 15 percent of white students.⁴⁶

In addition to impacting college attendance and completion rates for blacks, under performance in early education correlates with economic inequalities later in life. The median income for students who were in the bottom quartile of academic achievement in eighth grade is 40 percent lower than the income for those in the top quartile.⁴⁷ It is worth noting here that the bottom quartile of academic achievement in secondary education is predominately comprised of minority students, and that these disparities in income reinforce economic inequalities between blacks and whites. Because of this, the black-white academic achievement gap accounts for almost all of the disparity between black and white wages.⁴⁸ At the same time, the academic achievement gap also “has a clustering effect akin to economic dead zones.”⁴⁹ The educational underachievement of black students leads to communities that have a concentration of low skills and high unemployment, where poverty is persistent.⁵⁰ Because low academic achievement impacts employment rates and salaries, blacks are more vulnerable to changes in the economy. Between 2007 and 2009, as a result of the economic recession, black

⁴⁶ Scott-Clayton, Judith and Jing Li. *Black-white disparity in student loan debt more than triples after graduation*. Washington, DC: The Brookings Institution, 2016.

⁴⁷ *The Economic Impact of the Achievement Gap in America’s*, 18.

⁴⁸ Carneiro, Pedro, James J. Heckman and Dimitriy V. Masterov. "Labor Market Discrimination and Racial Differences in Premarket Factors." *Journal of Law and Economics* 48, (Apr 2005), 2.

⁴⁹ *The Economic Impact of the Achievement Gap in America’s Schools*, 17.

⁵⁰ American Psychological Association, Presidential Task Force on Educational Disparities. *Ethnic and racial disparities in education: Psychology’s contributions to understanding and reducing disparities*. Washington DC: 2012.

unemployment rose from 8.7 percent to 15.8 percent while white unemployment remained below 10 percent.⁵¹

Noting the impacts of the black-white academic achievement gap on college enrollment and completion rates, as well as subsequent employment and salaries, it is clear why Bush was motivated to directly address the widening achievement gap in 2000 as he campaigned for education reform. While improving test scores and academic achievement generally was also important, it was evident that if the black-white achievement gap in elementary and secondary education continued to persist, inequalities, not just higher education attainment and wealth, but also in incarceration rates, healthcare costs, and civic engagement would also remain. These issues, along with many others, are strongly correlated with academic performance and education level.⁵²

In order to lessen these social and economic inequalities, one of the main purpose of NCLB was to combat disparities in early academic achievement and hold schools accountable for failing to ensure the academic success of both white and black students.⁵³ In order to create an effective framework for states to do this, one that would include mechanisms for bolstering general academic achievement as well as provisions aimed specifically at closing the black-white academic achievement gap, NCLB created the requirement for states to measure and enforce AYP. By requiring schools to meet a set of AYP standards for not only the aggregate of their students, but also for individual

⁵¹ Reidenbach, Luke and Christian Weller. *The State of Minorities in 2010*. Washington D.C.: Center for American Progress, 2010, 2.

⁵² *The Economic Impact of the Achievement Gap in America's Schools*, 19.

⁵³ "Executive Summary of the No Child Left Behind Act of 2001." *U.S. Department of Education*. U.S. Department of Education, 04 Feb. 2004.

racial and ethnic minority subgroups, NCLB implemented measures intended to close the black-white achievement gap.⁵⁴ However, noting that today, many of the inequalities correlated with the black-white academic achievement gap endure, and that current evaluation of the gap indicates that it has been not narrowed as a result of NCLB, it is imperative to investigate the implementation of AYP in various states, in particular the subgroup-specific accountability measures.⁵⁵

⁵⁴ Abernathy, *No Child Left behind and the Public Schools*, 4.

⁵⁵ Reardon, *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*.

CHAPTER FOUR

The Role of Adequate Yearly Progress in Closing the Gap

As made clear in Title I of NCLB, the purpose of the act was to provide all children with fair and equal opportunities to receive a high-quality education, while at the least ensuring that they all met minimum state proficiency requirements.¹ In order to accomplish this goal, Title I notes that “closing the achievement gap between high- and low performing children, especially the achievement gaps between minority and nonminority students” is essential.² To enforce this stated purpose, NCLB required schools to report test scores, separated by the subgroups outlined in the legislation, and established sanctions for individual schools who failed to meet standards.

In addition to the standards-based reforms of NCLB, the legislation created several other mechanisms intended to address gaps in achievement. In response to data indicating that teachers who were less qualified or uncertified were predominately employed in schools with majority low-income and minority students, NCLB included the Highly-Qualified Teacher provision.³ This provision required teachers to be fully certified by the state, in addition to having a bachelor’s degree and documentation of knowledge of the material that they would be teaching.⁴ Although it is clear that unequal

¹ H.R. 1, 107 Cong. (2001) (enacted), § 1001.

² Ibid., § 1001 (3).

³ Clotfelter, C. T., H. F. Ladd, and J. Vigdor. “Who teaches whom? Race and the distribution of novice teachers.” *Economics of Education Review* 24, no. 4 (2005), 391.

⁴ Reardon, Sean F., et. al. *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*. Stanford: Stanford University, 2013.

distribution of novice teachers does not itself explain the black-white academic achievement gap, considering that black students in North Carolina are 54 percent more likely than white students to have a novice teacher in math and 38 percent more likely to have a novice teacher in English, it is likely that disparities in teacher quality affect the gap, at least marginally.⁵ Furthermore, as noted in Chapter Three, a good school environment is correlated with higher academic achievement and improving teacher quality would likely provide schools with the capacity to create better environments.

Along with the provision for improving teacher quality, NCLB also implemented measures to provide students with school choice options if they attend underperforming schools. However, the transfer option was quickly identified as a right that for many only existed on paper. While the transfer program was intended to provide poorer students and students of color with the ability to leave failing schools, research suggests that students of wealthier families were initially more likely to take advantage of school transfer opportunities than their minority peers.⁶ Furthermore, black students are often concentrated in densely populated, urban school districts, where neighboring schools are overcrowded and likely to be also lacking in the resources necessary to assist underperforming students.⁷ As a result, although the U.S. Department of Education maintained that denying school choice because of overcrowding was not acceptable, many states passed laws contradicting their stance. Illinois was one such state, passing a

⁵ Clotfelter, “Who teaches whom? Race and the distribution of novice teachers,” 391.

⁶ Fuller, Bruce F. and Richard Elmore. *Who chooses? Who loses? Culture, institutions, and the unequal effects of school choice*. New York: Teachers College Press, 1996.

⁷ Johnson, Tammy, et. al. *Reporting on Race, Education, & No Child Left Behind*. Oakland: Applied Research Center, Race and Public Policy Program, 2003, 24.

law that barred the overcrowding of schools, even to meet NCLB transfer requirements.⁸ This meant that in 2003, when about 19,000 students in Chicago applied to transfer, there were only 1,100 available spots.⁹ Because NCLB only mandated that students be allowed to transfer within their district, if a district was overcrowded, like Chicago's, and limited on the number of students they could transfer, there was no mechanism in place for students to transfer to schools outside of their district, meaning they would have to stay at their failing schools.

Many urban school districts faced these challenges with overcrowding, and as a result, many students in these areas who requested to transfer were unable to do so. It is also worth noting that the 19,000 students in Chicago that requested to transfer represented less than a quarter of all students eligible to transfer, meaning that with only 1,100 available spots, the city had the capacity to transfer just 1.4 percent of all eligible students.¹⁰ The limited space available in many school districts, as well as the increasing number of students attending schools in need of improvement, meant that NCLB's transfer option was largely ineffective in the closing the achievement gap, because it only had the capacity to serve a small percent of students attending underperforming schools. A December 2004 GAO report found that "fewer than 1 percent of the students eligible to transfer under the law did so in the 2003-2004 school year."¹¹ Considering then, that the Highly-Qualified Teacher provision dealt with an issue that did not serve as a main contributor to the black-white academic achievement gap, and that the school choice

⁸ Duncan, Arne. *Chicago Public Schools*. Washinton D.C.: Center for Education Policy, 2006, 7.

⁹ Ibid., 7.

¹⁰ Ibid., 8.

¹¹ Guisbond, Lisa, Monty Neill, and Bob Schaeffer. "NCLB's Lost Decade for Educational Progress: What Can We Learn from This Policy Failure?" *Counterpoints* 451 (2013), 14.

provision failed to enable any significant percentage of students at failing schools to transfer, it is clear that the only mechanism within NCLB that had the potential capacity to narrow the gap in achievement was the provision for AYP standards and subgroup accountability.

Although NCLB was implemented by the federal government, from its inception it was clear that the legislation gave significant leeway to states, allowing them to interpret the law as they determined was best, creating large variations among them in how the provisions of NCLB were applied.¹² As noted by Rod Paige, the U.S. Secretary of Education in 2002, “[NCLB] and subsequent regulations were intentionally written...to provide maximum flexibility to states” while still working to improve academic achievement for all students.¹³ As a result of this, instead of mandating a nationwide set of AYP requirements and a national standardized testing regime, NCLB required that each state submit an accountability plan that detailed their own methods for establishing 100 percent proficiency in English and math, the time frame in which they would do so, and how they planned to close the achievement gap between whites and racial minorities.¹⁴ Effectively, NCLB gave states almost full control over how the legislation would be implemented in their state. They were given the power to create their own tests to measure math and English proficiency, define what proficiency level schools would need to achieve on those tests in order to meet AYP, choose when the tests would be administered and what grade levels would be evaluated, as well as set the minimum

¹² Davidson, Elizabeth, et. al. “Fifty ways to leave a child behind: Idiosyncrasies and discrepancies in states' implementation of NCLB.” Cambridge: National Bureau of Economic Research, 2013, 2.

¹³ Hoff, David J. “Utah panel votes to quit No Child Left Behind Act.” *Education Week* 23, no. 22 (February 2004): 11.

¹⁴ H.R. 1, 107 Cong. (2001) (enacted), § 1111

number of students that must belong to a subgroup in order for that subgroup to be accountable under AYP.¹⁵

According to Xin Wei, within state accountability plans submitted to the federal government in 2003, there are six clear measures that influence state accountability stringency.¹⁶ Understanding how variations within these measures led to more or less stringent state accountability systems is essential to understanding how states' flexibility in interpreting NCLB and establishing AYP requirements led such an overall lack of change in the black-white achievement gap.¹⁷ As Wei explains, the specific measures that affected the strength of accountability systems were: (1) the stringency of annual measurable objectives (AMO), (2) the use of confidence intervals when evaluating whether or not a school has met the AYP requirements for that year, (3) the use of performance in indexing, (4) the evaluation of retesting, (5) the minimum subgroup size, and (6) state proficiency standards.¹⁸ In regards to assessing how NCLB failed to narrow the black-white achievement gap, measures 2, 3 and 5 provide the greatest insight into how NCLB's provision for subgroup accountability could have been rendered ineffective when applied by various states.¹⁹

As noted in Chapter One, NCLB created a series of increasingly severe consequences for schools that failed to make AYP, including sanctions for schools who relied on Title I funding. However, while NCLB established the consequences of failing

¹⁵ Davidson, "Fifty ways to leave a child behind," 3.

¹⁶ Wei, Xin. "Are more stringent NCLB state accountability systems associated with better student outcomes? An analysis of NAEP results across states." *Educational Policy* 26, no. 2 (2012), 270.

¹⁷ Davidson, "Fifty ways to leave a child behind," 1.

¹⁸ Ibid., 270-275.

¹⁹ Reardon. *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*.

to make AYP, states were given the power to determine whether or not schools made AYP and achieved the state's target proficiency rates. It is in this process of evaluating whether or not school's failed to make AYP that the use of confidence intervals can notably weaken the strength of NCLB's accountability regime. Similar to a margin of error, confidence intervals were "essentially a 'plus or minus' band around a proficiency goal."²⁰ In 2003, 31 states included confidence intervals in their accountability plans, and by 2005 almost all states had implemented them in some capacity.²¹ Furthermore while in most states, they initially began with a confidence interval of 95 percent, by 2005 many had increased to 99 percent.²² The increases in both the usage and value of confidence intervals serve to weaken the effectiveness of NCLB's consequences for failing to meet AYP, by essentially creating "wiggle room" around a state's proficiency standards, and allowing states that are not making AYP to continue on as if they are.²³ Higher confidences intervals, as well as lower group size, both help to widen the plus or minus band around a proficiency goal, allowing schools with proficiency rates well below the state's target to still make AYP (table 4).

²⁰ Wei, "Are more stringent NCLB state accountability systems associated with better student outcomes," 271.

²¹ Chudowsky, Naomi and Victor Chudowsky. *States test limits of federal AYP flexibility*. Washington, DC: Center on Education Policy, 2005, 6.

²² Wei, "Are more stringent NCLB state accountability systems associated with better student outcomes," 271.

²³ Chudowsky. *States test limits of federal AYP flexibility*, 5.

Effect of Confidence Interval with 50% Proficient Target for a Group of 25 vs. 250 Students

Level of Confidence	Percentage of students that must actually score proficient for group of 25 students to meet state target of 50% proficient	Percentage of students that must actually score proficient for group of 250 students to meet state target of 50% proficient
75%	39%	46%
95%	32%	44%
99%	27%	42%

Table 4, Source: Chudowsky, *States test limits of federal AYP flexibility*, 6.

This role that confidence intervals played in lowering the actual proficiency a school must achieve is most relevant for subgroup accountability, since subgroups tend to be smaller. As a result, when subgroup proficiency was evaluated in states that used high confidence intervals, schools could repeatedly achieve subgroup proficiency rates that were only half of the state target and still make AYP.²⁴ In fact, in Alaska in 2003 the English proficiency target was 64 percent, but due to the state's 99 percent confidence interval, a 20-student subgroup was able to make AYP with only a 39 percent proficiency.²⁵ As a result of these high confidence intervals, NCLB's efforts to close the black-white achievement gap were incredibly weakened. While confidence intervals would lower proficiency requirements for all students, because of their evaluation within a smaller subgroup, black students could maintain proficiency that was well below that of white students and the school could still easily make AYP in the eyes of the state.²⁶

²⁴ Chudowsky. *States test limits of federal AYP flexibility*, 5.

²⁵ Davidson, "Fifty ways to leave a child behind," 5.

²⁶ Reardon. *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*.

Much like confidence intervals, performance indexing was a state measure that, when added to NCLB accountability plans, lessened the burden of schools to meet proficiency targets for all students and subgroups. While a state that did not use performance indexing could only count students at or above the proficiency target towards a school's AYP, states with performance indexing could count students below the proficiency level but had to "assign them less weight in calculating the percentage meeting AYP."²⁷ This essentially allowed states that used performance indexing to provide schools with partial credit for students who did not meet proficiency standards. In addition to this, many of states who used performance indexing, including New York and Pennsylvania, then applied confidence intervals to the score before assessing whether or not a school made AYP.²⁸ The problem here, much like with confidence intervals, is that indexing allows schools who are not actually at the proficiency targets to pass, and undermines NCLB's efforts to close the black-white achievement gap. Without reporting the accurate proficiency of students in general, and more specifically the accurate proficiency of subgroups, it makes it more difficult for gaps in achievement to be addressed. Unless a school fails to make AYP, there is no incentive to work to address low performance and close the achievement gap.²⁹

The last important measure from Wei's assessment of state accountability plans that also undermined the effectiveness of NCLB's provisions for closing the black-white achievement gap was the minimum size requirement of subgroups. One reason that the

²⁷ Wei, "Are more stringent NCLB state accountability systems associated with better student outcomes," 271.

²⁸ Chudowsky. *States test limits of federal AYP flexibility*, 8.

²⁹ Reardon, *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*.

subgroup accountability pressure implemented under NCLB may have failed to narrow the black-white academic achievement gap was that it varied among states in its application.³⁰ Instead of setting a clear standard on the minimum number of students in a subgroup accountable under AYP, NCLB stated that in cases “in which the number of students in a category is insufficient to yield statistically reliable information” the school is not required to evaluate the proficiency of that individual subgroup.³¹ Because this failed to set a clear number, and instead allowed each individual state to determine the minimum size requirement of subgroups, the minimum size requirement for subgroup accountability ranged from as little as 5 to as many as 100 students.³² Because any school with a subgroup smaller than the minimum required size did not have to separately evaluate the proficiency of that group, if states set the minimum number of students required for a subgroup as a larger number, fewer schools had to meet separate proficiency targets for subgroups.³³

In general, when states raised their minimum required subgroup size, more schools were able to avoid being held accountable for subgroup proficiency, and the total number of schools making AYP increased.³⁴ As a result of this trend, in order to guarantee that fewer subgroups are counted for AYP purposes, 23 states raised but none

³⁰ Davidson, “Fifty ways to leave a child behind.”

³¹ H.R. 1, 107 Cong. (2001) (enacted), § 1111 [b][2][C][v][II].

³² Wei, “Are more stringent NCLB state accountability systems associated with better student outcomes,” 274.

³³ Reardon. *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*, 5.

³⁴ Porter, A., Linn, R. L., & Trimble C. S. The effects of the state decisions about NCLB adequate yearly progress targets. *Educational Measurement: Issues and Practice* 24 no. 4 (2005): 32-39

decreased their minimum subgroup size.³⁵ By creating larger minimum subgroup requirements in order to count fewer subgroups for AYP purpose, states are weakening the measure of NCLB that was most clearly intended to close the black-white achievement gap. Almost 2 million minorities were excluded from subgroup assessments in 2006 as a result of increases in the minimum subgroup size.³⁶ Without having to worry about meeting separate AYP requirements for these students, the incentives for schools to ensure that students within subgroups still met proficiency targets fell.³⁷ In fact, in terms of closing the black-white achievement gap, if a school did not have enough black students to be held accountable for their subgroup's performance, it is likely that the school would be incentivized to put greater effort into improving the scores of low-performing white students, further widening the achievement gap.³⁸

NCLB's escalating consequences and sanctions against schools that failed to make AYP not only for the whole of their student body, but also for any their subgroups, was intended to "pressure schools to improve the academic performance of student subgroups with low proficiency rates."³⁹ By incentivizing schools to focus on low performing groups, NCLB intended to place a greater focus on closing the black-white achievement gap.⁴⁰ However, the accountability pressure of NCLB was undermined by

³⁵ Chudowsky. *States test limits of federal AYP flexibility*, 13.

³⁶ Freudenberg, S. *2 million scores ignored in "No Child" loophole*. 2006, April 17.

³⁷ Reardon. *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*, 5.

³⁸ Ibid., 5.

³⁹ Ibid., 3.

⁴⁰ Rothstein, Richard. "A Wider Lens on the Black-White Achievement Gap." *Phi Delta Kappan* 82, no. 2 (October 1, 2004): 104-10.

the state implementation of the law. While states couldn't change the fundamental requirements of the law, in particular AYP and its inclusion of subgroups, they were able to use "administrative methods to lessen the numbers of schools and districts not making AYP—confidence intervals, indexing," and minimum subgroup size."⁴¹

⁴¹ Chudowsky. *States test limits of federal AYP flexibility*, 17.

CHAPTER FIVE

Evaluating Why the Achievement Gap Did Not Close

While NCLB had no average effect on narrowing the black-white achievement gap, its effects varied among states.¹ In a 2013 analysis of the black-white achievement gap, researchers concluded that in states where NCLB seemed to be more effective, there was higher subgroup accountability for schools as a result of greater reporting of minority student test scores.² This means that for states with a higher proportion of minority students whose test scores are held accountable under NCLB, there is greater influence on the black-white achievement gap. The subgroup-specific accountability pressure was more acute in states with more stringent application of NCLB and in these states, there were greater incentives to improve subgroup proficiency. Because state measures such as confidence intervals, performance indexing, and minimum subgroup size vastly altered how NCLB incentivizes schools to close the black-white achievement gap, it is clear that “these esoteric rules have substantive impacts on schools.”³ However, even in states where the accountability mechanisms of NCLB were more stringently applied, where the effects were the greatest, “NCLB [had] narrowed achievement gaps at a rate of only

¹ Reardon, Sean F., et. al. *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*. Stanford: Stanford University, 2013, 31.

² Ibid., 31.

³ Davidson, Elizabeth, Randall Reback, Jonah E. Rockoff, and Heather L. Schwartz. “Fifty ways to leave a child behind: Idiosyncrasies and discrepancies in states’ implementation of NCLB.” Cambridge: National Bureau of Economic Research, 2013, 3.

two-one-hundredths of a standard deviation per year.”⁴ Noting then, that NCLB, even when most effectively applied, failed to create any notable narrowing of the achievement gap, in addition to reviewing the provisions included within the act, it is essential to understand what the act failed to include.

One major critique of NCLB was that the legislation created accountability pressure for schools to improve student performance without including provisions to support them in doing so.⁵ NCLB established an incredibly ambitious goal of 100 percent proficiency in all states by 2014, and then mandated states and their schools to increase their student proficiency to meet this goal without providing them with any increases in funding or any instruction on how to accomplish the feat. Instead of investing in failing districts and bridging the gap between poor and higher performing districts, NCLB simply set restructuring requirements for schools who failed, which were proven to show no advantage.⁶

In attempting to increase their schools’ capacities to meet the proficiency requirements of NCLB, many states quickly recognized that they would need to increase the funds available to these schools. Yet while state spending per pupil increased by \$570 dollars during the course of the law, with the investment coming from increases in teacher salaries and funding for educational resources, there was no evidence of an

⁴ Reardon. *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*, 32.

⁵ Ladd, Helen. F., “No Child Left Behind: A Deeply Flawed Federal Policy.” *Journal of Policy Analysis and Management* 36, no.2 (2017).

⁶ Guisbond, Lisa, Monty Neill, and Bob Schaeffer. "NCLB's Lost Decade for Educational Progress: What Can We Learn from This Policy Failure?" *Counterpoints* 451 (2013), 14.

increase in federal funding for education.⁷ In a 2004 review of NCLB, the U.S. Commission on Civil Rights concluded that without sufficient funding from the federal government, states would not be able to “fully implement all the requirements and sanctions mandated by NCLB,” and would struggle to provide students with sufficient educational resources equitable to those available at wealthier schools.⁸ By failing to increase funding to support their increased pressure on schools, NCLB failed to offer the necessary support states needed to improve their schools educational capacity.

NCLB was intended to close achievement gaps, and in order to do so, needed to be most effective in the nation’s most underfunded schools, where the widest gaps and disparities exist.⁹ However, by failing to create provisions that account for funding while calling for improving proficiency in the most underfunded schools, NCLB creates an approach that is woefully inadequate.¹⁰ While proponents of NCLB had assumed that the law would force states to reallocate funding to ensure that schools would be able to make AYP, many simply did not have the capacity. Many states simply did not attempt to “reallocate or raise new funds to assist low-income, low-scoring school,” and as a result, struggling schools continued to struggle.¹¹ Furthermore, as a result of poor allocation of

⁷ Dee, Thomas. S., & Brian A. Jacob. “The impact of No Child Left Behind on students, teachers, and schools.” *Brookings Papers on Economic Activity* (2010).

⁸ *Closing the Achievement Gap: The Impact of Standards-Based Education Reform on Student Performance*. Washington, D.C.: U.S. Commission on Civil Rights, 2004.

⁹ Hanushek, Eric A. "Why the federal government should be involved in school accountability." *Journal of Policy Analysis and Management* 24, no. 1 (Winter 2005).

¹⁰ Mathis, William J. *NCLB's ultimate restructuring alternatives: Do they improve the quality of education?* Boulder and Tempe: Education and the Public Interest Research Center & Education Policy Research Unit, 2009, 17.

¹¹ Guisbond, "NCLB's Lost Decade for Educational Progress," 15.

funding during NCLB, schools remained seriously underfunded, and great funding inequalities remained in states, both within individual districts and between districts.¹²

Beyond funding, NCLB also failed to offer schools clear instruction on how to meet its high-performance standards. 100 percent proficiency in just 12 years would be challenging for any school, let alone “schools facing challenging fiscal, social, and academic contexts,” and to not offer those schools clear instruction on how to achieve such a feat created even greater challenges for closing the achievement gap.¹³ While there were a few provisions of NCLB that offered ideas on how to achieve high performance, such as the educator standards set in the Highly-Qualified Teacher provision and the option for public school choice, they “were implemented weakly and inconsistently.”¹⁴ Weaknesses in the few strategies offered by NCLB, as well as an overall lack fuller more comprehensive strategies, put heavily minority schools at a disadvantage.¹⁵ Because the academic performance of black students is more affected by conditions outside of the class room, including factors such as challenges with their home lives, the opportunities they have within their communities, and the schooling they received in previous years, teachers were facing many obstacles outside of their control, and without clear recommendations on how to address these complex issues, many teachers could not close the achievement gap.¹⁶

¹² Forum on Educational Accountability (FEA). FEA recommendations for improving ESEA/NCLB, 2011.

¹³ Gamoran, Adam. *Educational Inequality in the Wake of No Child Left Behind*. Washington D.C.: Association for Public Policy and Management, 2013, 9.

¹⁴ Ibid., 10.

¹⁵ Ibid., 10.

¹⁶ Rothstein, Richard. "A Wider Lens on the Black-White Achievement Gap." *Phi Delta Kappan* 82, no. 2 (October 1, 2004).

In addition to failing to provide teachers with strategies on how to alleviate effects the conditions outside of the classroom the influence the achievement gap, the federal government itself failed to remedy many of these issues. Without improved access to services that provide adequate health care, nutrition, community and family stability, things that have a proven correlation with how children learn in school, closing the achievement gap proved to be an unlikely feat.¹⁷ Expecting schools to not only counteract the factors that lead to lower black student performance, but to also accelerate their performance at such a rate that it closed the achievement gap, was to ignore the fact that there were clear factors outside of the classroom influencing black student performance.¹⁸

The outside conditions that influenced the academic achievement of many minority students, and were unaddressed by NCLB, were further exacerbated by the economic recession in the late 2000s. During the recession, child poverty rose to over 22%, with black children more likely to fall into poverty and lose access to medical care and housing.¹⁹ School resources and the social supports that children needed to achieve diminished notably during this period, leaving more children struggling to meet the proficiency targets of NCLB.²⁰ As a result of the disproportionate effects of the recession on black families, black students academic performance was more affected than white

¹⁷ Guisbond, "NCLB's Lost Decade for Educational Progress," 15.

¹⁸ Ibid., 15.

¹⁹ United States. Census Bureau. *Income, poverty and health insurance coverage in the United States: 2010*. Washington D.C.: U.S. Census Bureau, 2011.

²⁰ Guisbond, "NCLB's Lost Decade for Educational Progress," 15.

students during this period, and efforts from NCLB to close the black-white achievement gap were further undermined.

To address these outside conditions that influence academic achievement, Ogbu argues that the federal government needed to take a more holistic approach, addressing educational support as well as social services, in order to guarantee that the achievement gap could closed.²¹ He stresses that measures that combine the efforts of schools with community organizations, working to develop their students capacity to achieve as well as their community's ability to support them, is essential for closing the achievement gap.²² A successful example of the holistic approach that Ogbu discusses is the Harlem Children's Zone (HCZ). The HCZ is a program that "combines "No Excuses" charter schools with a web of community services designed to ensure the social environment outside of school is positive and supportive for children from birth to college graduation."²³ These community services include parenting support, health programs, and afterschool programs. And, as a result of these higher quality schools, working in conjunction with social services, students in HCZ make large enough gains in both English and math proficiency per year that the racial achievement gap is closed in both subjects by the third grade.²⁴

²¹ Ogbu, John U. "Black-American Students and the Academic Achievement Gap: What Else You Need to Know." *Journal of Thought* 37, no. 4 (2002).

²² Ibid.

²³ Dobbie, Will, and Roland G. Fryer. "Are High-Quality Schools Enough to Increase Achievement Among the Poor? Evidence from the Harlem Children's Zone." *American Economic Journal: Applied Economics* 3, no. 3 (2011), 159.

²⁴ Ibid., 160.

Noting the success of integrated approaches like the HCZ in closing the achievement gap, it is clear the Ogbu's criticism of NCLB has merit. Not including measures to improve the conditions outside of schools that contributed to the achievement gap hindered the success of the legislation. Even when NCLB's subgroup accountability pressure stringently applied to schools, without increased funding and provisions to address health and housing concerns, as well as family stability, schools could not meet the goals of NCLB. Simply creating a program that coupled high-stakes testing coupled with sanctions without providing better funding, resources, or outside support, failed to close the black-white achievement gap.

Since the start of NCLB, any narrowing of the black-white achievement gap has ceased, meaning that the legislation's goal of close this gap has failed.²⁵ While the legislation created specific measures aimed at closing the black-white achievement gap, primarily through AYP and its inclusion of subgroups, these were also largely ineffective. The subgroup accountability pressure of NCLB failed to close the gap as a result of variations in the stringency of state implementation, which allowed many schools who were failing to close the black-white achievement gap to still pass state requirements. By passing AYP without actually closing the gap, schools avoided the severe consequences of NCLB, and were not incentivized to improve black student achievement. In addition to this undermining of NCLB subgroup accountability pressure, NCLB also failed to create incentives to improve black student performance. Furthermore, without the funding and resources that many failing schools needed, as well as efforts to address the conditions outside of the classroom that influenced black student achievement, schools lacked support from the federal government to close the gap. As a result of these

²⁵ Guisbond, "NCLB's Lost Decade for Educational Progress," 9.

shortcomings, NCLB was unable to achieve its goal of closing the gap between black and white student achievement, and the gap today remains almost as wide as it was in 2001.²⁶

²⁶ Reardon. *Left Behind? The Effect of No Child Left Behind on Academic Achievement Gaps*, 2.

CHAPTER SIX

Conclusions

In conclusion, NCLB failed to close the achievement gap for two major reasons: one, it was not applied as stringently as initially intended, failing to force states to similar standards, and two, NCLB failed to take a more holistic approach, one that included both measures for increased funding as well as measures to address family, community, and health issues outside of the school. By failing to do either of things of these things, NCLB weakened its capacity to be effective in application.

In regards to the weak application at the state level, measures such as confidence intervals and performance indexing are at fault. These initiatives undermine any attempt from NCLB to put pressure on schools to improve their proficiency. By allowing schools to meet much lower standards and still pass, and in some cases, avoid subgroup evaluation entirely, how states decided to implement NCLB played an essential role in the how effective the law was. If states had weak accountability regimes that failed to hold schools for the scores of both black and white students, the likelihood of any narrowing in the achievement gap was much lower.

However, even when stringently applied, NCLB measures only made an almost negligible improvement in the black-white achievement gap. Therefore it is clear that some measures needed to close the achievement gap were not included in the legislation. The two largest issues that NCLB failed to consider within its provisions were funding and factors that affect achievement outside of the classroom. By requesting states and

their schools to improve their efforts to educate students, and by raising proficiency to such a high standard, NCLB knew that funding would need to be increased. However, proponents of the legislation thought that the consequences would force states to reallocate funds to schools, which failed to effectively happen within all fifty states. As a result, in most states low income schools continued to remain underfunded and their outcomes continued to be lower than those of wealthier schools.

In addition to this, by failing to create measures aimed at factors that affect academic performance that are outside of the direct control on teachers also hindered the success of NCLB. While the connection between family and community stability, nutrition, and health care is well documented, a more holistic approach that also addresses these issues was not taken in NCLB. As a result, these factors were left unaddressed, making the likelihood of teachers closing the gap and notably improving minority student achievement much lower.

By failing to create a more holistic approach to education reform and failing to improve funding, NCLB was asking schools to meet incredibly high proficiency targets with no assistance to do so. This coupled with the shortcomings of the application of the law, and the fact that many states were given the capacity to weaken NCLB's effectiveness, means that there was little room for the law to be successful in meeting its goals. It is for these reasons that NCLB failed to meet its goal of narrowing the black-white academic achievement gap and reducing the greatest civil rights issue of our time.

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