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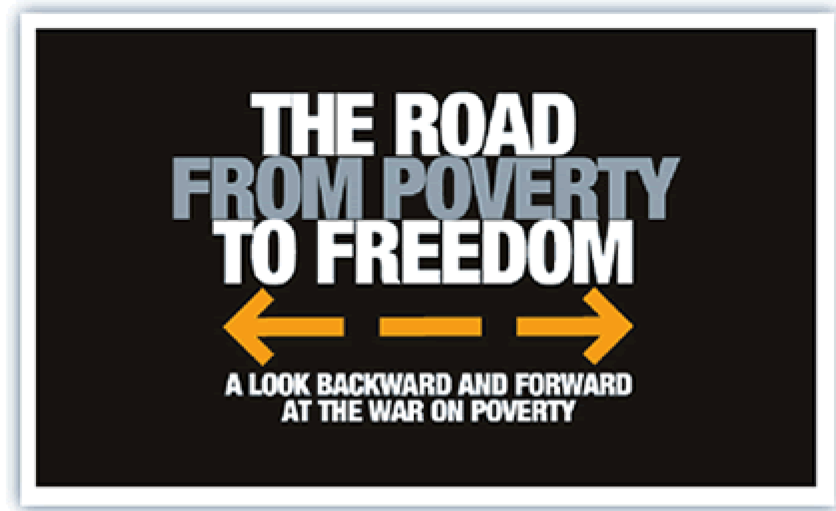

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“Education Means Emancipation”*
—Poverty and Schooling, the Hope and the Reality

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*Frederick Douglass “The Blessings of Liberty and Education” (1894).

Introduction

The Elementary and Secondary Education Act (ESEA) of 1965 was proudly hailed by President Lyndon Baines Johnson as a key piece of military hardware in his War on Poverty. LBJ said, "Poverty must not be a bar to learning, and learning must offer an escape from poverty."[1] Title I of the ESEA and Head Start, two War on Poverty programs, were together supposed to provide federal financial assistance to local school districts that served poor children so that learning would be provided and poverty overcome.

Almost forty years later U.S. Supreme Court Justice Clarence Thomas, in Zelman v. Simmons-Harris observed about K-12 schooling: "…Urban children have been forced into a system which continually fails them…The failure to provide education to poor urban children perpetuates a vicious cycle of poverty, dependence, criminality, and alienation that continues for the remainder of their lives. If society cannot end racial discrimination, at least it can arm minorities with the education to defend themselves from some of discrimination's effects."[2]

Is Justice Thomas right? Despite four decades of War on Poverty programs—Title I and Head Start—supplementing a gigantic system of free and available public education are poor urban children being denied a good education that would prevent them from spiraling downward into a cycle of poverty and despair?[3] That is the question this paper seeks to answer.

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[1] Lyndon B. Johnson "Remarks at the University of Michigan, May 22, 1964, Miller Center for Public Affairs, University of VA. millercenter.virginia.edu/Scripps/diglibrary/prezspeeches/lbj_1964_0522.html.
[2] Zelman v. Simmons-Harris 536 U.S. 639, (2002).
[3] The most recent figures (2001) show that across education groups, median and mean income rose most strongly for families headed by persons with a college degree. Ana W. Azcorbe, et al. "Recent changes in U.S. Family Finances: Evidence from the 1998 and 2001 Survey of Consumer Finances," Federal Reserve

The Learning Gap

The means of measurement available to educational policy analysts reveal that there is a substantial achievement gap between certain poor and minority children and most other students. Ten years ago Jonathan Kozol wrote about this differential in Savage Inequalities.[4] More recently Abigail and Stephan Thernstrom have described it as an unacceptable "learning gap" which puts twelfth grade African-American students typically four years behind white and Asian twelfth-grade students.[5] This means that in terms of actual education, though they are about to receive a high school diploma, African-American twelfth graders have, on average, only the skills and capabilities of white eighth graders.

What does such an achievement gap look like in more detail? The National Assessment of Educational Progress (NAEP) paints the disturbing picture. The NAEP tests students nationwide in 4th, 8th and 12th grades. NAEP results rank students as falling in one of four categories—"below basic", "basic", "proficient" or "advanced". Recent fourth grade reading results illustrate the achievement gap. While 26% of white fourth graders scored "below basic" (distressing enough), a shocking 61% of black test-takers were deemed to be "below basic." Similarly 57% of Latino fourth graders were "below basic" in reading.[6] If one then views the results according to two income groupings—

Bulletin, January, 2003 p. 5. There is a close relationship between poverty and low educational attainment. Recent figures show that the average median income for a family headed by a person with at least a college degree is $67,800, while the average level of earnings for a family whose head of the household possesses no more than a high school degree is a mere $33,900, over two times less. Households headed by persons who do not possess even a high school degree have average earnings of just $17,000. That is 4 times lower than the college-headed family.

[4] Jonathan Kozol, Savage Inequalities (Harper Perennial: New York, 1991).

[5] Abigail Thernstrom and Stephan Thernstrom, No Excuses: Closing the Racial Gap in Learning (New York: Simon and Schuster, 2003) p. 2.

[6] "4th Grade Reading 2003 by Race and Ethnicity" NAEP, (chart) National Center for Educational Statistics, (NCES) U.S. Department of Education.

"poor" and "not poor"—56% of the poor children score below basic in reading while only 25% of the children in the "not poor" category score that low.[7] At the high end of the scoring spectrum, only 12% of black fourth graders score in the proficient or advanced category (in reading) while 39% of white students read at that level—in other words, three times as many.[8] Again only 15% of "poor" fourth graders read at a proficient/advanced level while 41% of "not poor" children read that well.[9]

The results of the NAEP for 8th grade math show a similar learning gap in numeracy. Of black test-takers 61% are "below basic" compared to 21% of white test-takers.[10] And 51% of 8th grade children who are "poor" are called "below basic" while 22% of those "not poor" fall into this under achieving category.[11]

NAEP scores in major urban areas can only be described as appalling. In both Cleveland and Los Angeles (2003), 65% of 4th graders were rated "below basic" in reading, which is a polite way of saying that they were not even "on the radar screen." In those same two cities a paltry 9% and 11% respectively achieved proficient or advanced, three times lower than the national scores in those categories.[12]

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[7] "4th Grade Reading 2003 by Family Income" (chart) National Center for Educational Statistics, U.S. Department of Education.

[8] "4th Grade Reading 2003 by Race, Ethnicity" NAEP.

[9] "4th Grade Reading by Family Income 2003" NCES.

[10] "8th Grade Math 2003 by Race and Ethnicity, NAEP" (chart) National Center for Educational Statistics (NCES), U.S. Department of Education.

[11] "8th Grade Math 2003 by Family Income, NAEP" (chart) National Center for Educational Statistics (NCES), U.S. Department of Education.

[12] "Percentage of students in reading achievement, grades 4 and 8 public schools: By urban district, 2002 and 2003. National Center for Education Statistics (NCES), U.S. Department of Education, Institute of Education Sciences, NAEP. Washington DC. Ordinarily the NCES (National Center for Education Statistics) issues NAEP test results by states. However, as an experiment for 2002 and 2003 it has made available, scores of large urban school districts including those in Atlanta, Boston, Chicago, Cleveland, District of Columbia, New York, Los Angeles and others. This is known as "Trial Urban District Assessments" (TUDA). For a further discussion of the dynamics of the achievement gap see Roland G. Fryer and Steven D. Levitt, "Falling Behind, New Evidence on the Black-White Achievement Gap," Education Next, Vol. 4, No 4, pp. 64-71. They examined a new data set called "The Early Childhood Longitudinal Study of Kindergarten Cohort", composed of 20,000 children who started kindergarten in

It is clear from testing results (See Appendix A on "Testing") that disadvantaged non-white students, especially in our urban areas, are not receiving a good education, creating an achievement gap and a poverty trap.[13] How can it be, after forty years and the expenditure of billions of dollars by War on Poverty Programs —Title I and Head Start—whose target was supposedly the poor, urban student, that such an achievement gap remains?

Looking Back at Title I—Passport Out of Poverty?

The Elementary and Secondary Education Act (ESEA) of 1965 was the centerpiece of LBJ's effort to eradicate poverty by boosting educational attainment. The

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1,000 different U.S. schools in 1998. (p. 67) The students took standardized tests upon entry into kindergarten and then again in the Spring of first grade. There was a substantial raw score gap between black and white kindergarteners at entry level. White students scored 0.27 standard deviations above the average on math and black students scored .037 standard deviations below the average, making a white-black differential of 0.63 standard deviations. The black-white gap on reading was a smaller 0.4 standard deviations. (pp. 67-68) As could be expected, if those test results were adjusted statistically for socio-economic status, "the test-score gap in math and reading…essentially disappeared." (p. 66) What happened to the same students in the longitudinal study after two years of schooling? Even after adjusting for background characteristics identified above, black students fell "0.16 standard deviations in math and 0.19 standard deviations in reading relative to white students." (p. 70) The authors observe: "If black students in the sample continue to lose ground through 9th grade at the rate experienced in the first two years of school, they will lag behind white students on average by a full standard deviation in raw math and reading scores…" (p. 70)

[13] A personal and anecdotal note: I first became the achievement gap between minority and poor children on one hand and other children when I did a study of portions of the Wilkinsburg School District, a largely black school district in Pittsburgh. A private company had been retained by the school board to take over the running of one of the elementary schools in the District, Turner Elementary. The Allegheny Institute for which I did the study was interested in how this change would improve learning at Turner. The basic background information on the District and the school were troubling. In 1992 the Wilkinsburg High School valedictorian had a grade point average of only 2.667 (on a 4.0 scale). In the same class, ***half*** of the graduates had grade point averages of ***under*** 2.00. Three years later, results were not much better. The 1995 valedictorian and salutatorian carried averages of 3.125 and 3.00 respectively, but students in the top 10% other than the two honorees, maintained averages running from a high of 2.684 to a low of 2.562. Once again over half of the graduates had produced averages under 2.00. During the same general period of time (1993-1994), SAT (Scholastic Aptitude Test) scores were lamentably low. Of the 62 Wilkinsburg students who took SATs in 1993 and 1994, only 6 of them scored above the 1994 national SAT average of 902. (total verbal and math score). However, the remainder of the scores were so low that the average of all Wilkinsburg scores was a disheartening 690, over 200 points below the national average of 902 and 189 points below the Pennsylvania SAT average. 41 of the Wilkinsburg test takers mentioned above had scores of 400 or less on ***both*** the math and verbal components of the SAT. Source: John A. Sparks, "Educational Rebirth in Wilkinsburg: The Turner Elementary School Initiative," Allegheny Institute Report #96-20, Allegheny Institute for Public Policy, Pittsburgh, PA 1996 p. 5.

ESEA was to be reauthorized by Congress every five years. “Title I,” its most significant part, was intended to provide federal financial assistance to local school districts who were serving poor children. Title I was to be the poor child’s “passport out of poverty.”[14]

However, Title I has not lived up to expectations. There are at least two reasons. First, those who administered and designed Title I paid too much attention to making sure the federal funds were spent according to the “rules and regulations” while practically no attention was given to insisting upon a demonstration of educational results. Anyone who studies Title I’s history knows about the “prophetic” statement by Robert F. Kennedy in 1965 to the then U.S. Commissioner of Education. Kennedy referred to the final bill as not having “any way of measuring those damn educators like you…”[15] Although Kennedy managed to get some reporting language into what became the ESEA, it was very weak and amazingly produced no serious assessment of whether or not children were benefiting educationally from the federal expenditures.[16] One catches a glimpse of this lack of accountability over two decades later in 1988 when Title I of ESEA was due for another reauthorization. U.S. Congressman Augustus Hawkins, who represented a poor black district in Los Angeles, complained then that poor children within his district still remained well behind in educational achievement. He advocated a change to Title I which would identify those schools that were not meeting set achievement goals.[17] Tragic as it was, the idea of measuring results was still a novel

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[14] Hugh Graham Davis, The Uncertain Triumph: Federal Eduational Policy in the Kennedy and Johnson Years. (Chapel Hill: University of North Carolina Press, 1984) p. 208 cited in Thernstrom, No Excuses, p. 214.
[15] Graham, The Uncertain Triumph, p. 79 cited in Thernstrom and Thernstrom, p. 215.
[16] Thernstrom and Thernstrom, pp. 215-216.
[17] John F. Jennings “Title I: Its legislative History and Its Promise” in Title I, Compensatory Education at the Crossroads, Geoffrey P. Borman, et al, editors (Lawrence Erlbaum Associates, Publishers: Mahwah N.J., 2001) p. 15.

idea. Unfortunately, the administrators of Title I had become fixated on guaranteeing that funds "were spent in permissible ways"[18] and upon "fiscal accountability".[19] With the focus on entitlement calculations and funding formulas, the question of whether or not students were actually learning was neglected.

The second reason for the meager results of Title I is that it was basically more of a "funding mechanism than a specific program or policy for helping at-risk children."[20] Hess and Finn point out that "the original program nestled reasonably well into existing arrangements for governing and administering America's public schools."[21] In other words, there was nothing in ESEA, Title I to awaken the slumbering giant of American public education that was leaving many children behind.

What were the results of the few reliable attempts to study the effects of Title I between 1965 and 2001? One effort mandated by Congress and called "Prospects," studied third and seventh graders in Title I schools, approximately 30,000 in all, over six years in the 1990s. The discouraging conclusion: "In the period covered by this study, children in high-poverty schools began school academically behind their peers in low-poverty schools, and were unable to close their academic achievement gaps with students in the low-poverty schools….Chpt. 1[Title I] assistance was, on average, insufficient to close the gap in academic achievement between advantaged and disadvantaged

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[18] Frederick M. Hess and Chester E. Finn, Jr. ed. Leaving No Child Behind? (Palgrove MacMillan: New York; 2004) p. 3.
[19] Jennings, p. 14.
[20] Maris A. Vinovskis, "Do Federal Compensatory Education Programs Really Work? A Brief Historical Analysis of Title I and Head Start: American Journal of Education, May, 1999, p. 189.
[21] Hess and Finn, p. 3.

students."[22] The authors went on to say even more directly: "…Supplementary services…cannot compensate for five-and-a-half hours of low expectations, ineffective curricula and instructional practices, inadequately trained teachers and high rates of teacher and student turnover."[23] Another kind of study, a meta analysis, selected existing studies conducted between 1966 and 1999 (only 17 out of 150 studies reviewed were reliable). All focused on the achievement effects of Title I. The meta analysis confirmed that "The evidence from Title I evaluations indicates that the program has not fulfilled its original expectations: to close the achievement gap between at-risk students and their more advantaged peers…."[24] The best that the authors could say was that "The results do suggest that without the program, children served since the 1960s would have fallen further behind academically."[25] (my emphasis)

Looking Back at Head Start

The second Great Society program aimed at overcoming poverty by helping disadvantaged children of pre-school age was Head Start. Begun rather hastily in 1965 as an eight week summer pre-school program,[26] Head Start has grown to a year round program and from an annual budget (in constant 2002 dollars) of under $1 billion for its first full year of operation (1966) to an annual appropriation of nearly $6.8 billion

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[22] Michael J. Puma, Nancy Karweit, Christopher Price, Anne Riccuiti, William Thompson and Michael Vaden-Kierman. Prospects: Final Report on Student Outcomes, (Cambridge, Mass: Abt Associates, 1997) pp. iv and v.
[23] Ibid.
[24] Geoffrey D. Borman and Jerome V. D'Agostino "Title I and Student Achievement: A Quantitative Synthesis," in Borman et al. Title I, p. 49.
[25] Ibid.
[26] Vinovskis, p. 194.

2004).[27] It services approximately 980,000 children, making it more expensive than many private schools with an annual per pupil cost of nearly $7,000.[28]

From the beginning, Head Start was not "a strictly educational program."[29] It had "a multiplicity of goals."[30] Its "community action program" thrust emphasized providing health care and nutritional meals for children, distributing family and social services, and enlisting parents as participants in the programs.[31] After all, Head Start began as a program within the Office of Economic Opportunity (OEO), not the Department of Health Education and Welfare.[32] This part of the paper, however, concentrates on Head Start's efforts to improve the cognitive/intellectual status of at-risk children in order to better prepare them for formal schooling. Frankly, it is this focus on producing children who are ready for school that the general public most often identifies as the purpose of Head Start. How has the program done in this regard? Looking at the national statistics already provided about the poor achievement of at-risk children, one would have to answer that the program has not done well.

The specific studies of Head Start children confirm what the NAEP test data show. The first notable study of Head Start, the Westinghouse Learning Corporation Study of 1969, concluded that Head Start gains had been exaggerated and that, at any rate, they faded away by second or third grade, though that study has had its detractors.[33]

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[27] Ron Haskins, "Competing Visions", Education Next, Winter, 2004, p. 28.
[28] Head Start Program Information Report for Program Year 2003-2004, "Head Start and Early Congressional District Data 2002-2004 Program year. http://www.nhsa.org/download/research/2003-2004ProgramYearDatabyCongressionalDistrict.pdf
[29] Vinovskis, p. 194.
[30] Volora Washington and Ura Jean Oyemade Bailey, Project Head Start (Garland Publishing, Inc.: New York, 1995) p. 125.
[31] Commentary by Jule M. Sugarman, in The Head Start Debate edited by Edward, Zigler and Sally J. Styfco (Paul H. Brookes Pub. Co.: Baltimore, 2004, p. 108.
[32] Carolyn Harmon, "Was Head Start a Community Action Program?" in Zigler and Styfco, pp. 85-86.
[33] Thernstrom and Thernstrom, p. 222.

Brookings fellow, Ron Haskins, who has reviewed the recent assessment literature on Head Start, concludes that though Head Start seems to produce an "initial boost in children's test scores…these effects fade within a year or two after children enter school. By the 2nd or 3rd grade, there is no difference between the test scores of children who attended most pre-school programs, including Head Start and those who did not."[34]

Proponents of Head Start often talk favorably about the program but then immediately present as evidence one of two specialized pre-school studies—the Abecedarian Project in North Carolina and the Perry Pre-School Project in Michigan.[35] Space does not allow for consideration of both projects.

The Abecedarian Project was begun in 1971. The rather strange name comes from Latin which refers to "a person learning the alphabet; beginner."[36] The aim of the program was to provide very early intervention for children who came from low-income, high-risk families and was intended to improve their "school readiness and later school performance."[37] The project made statistically sound use of control groups and other efforts to produce reliable results.[38] Abecedarian "included 107 high-risk, low-income families whose children were at the greatest risk for low IQ and poor school achievement because of familial, economic and social circumstances."[39]

The results of this project for IQ, as measured by periodically administered tests, showed a large IQ difference (10-18 points) between the treatment group and the control

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[34] Ron Haskins, "Beyond Metaphor: The Efficacy of Early Childhood Education" American Psychologist 44 (1989) pp. 274-282; Ron Haskins, "Competing Visions", Education Next Winter, 2004, p. 30.
[35] An example is Craig T. Ramey and Sharon Landerman Ramey, "Early Educational Interventions and Intelligence, Implication for Head Start" in Zigler and Styfco, pp. 3-17.
[36] Webster's New World Dictionary (Cleveland: The World Publishing Co., 1960) p. 3.
[37] Ramey and Ramey, p. 9.
[38] Ibid. p. 10.
[39] John T. Bruer, The Myth of the First Three Years (The Free Press, New York: 1999) p. 161.

group early on which decreased with age.[40] By age 15 the difference was 4.6 points. "For these children a 4.6 point improvement was approximately a 5 percent increase in measured intelligence, an increase hardly noticeable in the classroom or on the job."[41]

On standardized achievement tests, treatment group members scored significantly higher in math and reading than members of the control group.[42] What the Abecedarian project appears to show is that an extremely high intensity early intervention program can produce modest improvement in cognitive/intellectual achievement.

Using Abecedarian results to buttress Head Start is unsuitable because there are so many significant differences between the two programs, that putting one along side the other is like comparing the proverbial apples with oranges. Note the differences: Abecedarian children entered the project at between three and six months.[43] Head Start children were usually three or four years old. The Abecedarian sessions were 6-10 hours per day five days a week for fifty weeks a year.[44] Head Start programs were usually half day, often fewer days per week and run for seven or eight months.[45] The Abecedarian project provided three years of support after the students entered school.[46] Head Start did not provide that kind of continuing support. The Abecedarian curriculum was carefully devised to promote, among other things, cognitive and language development.[47] Many Head Start curricula were unstructured and provide little language and literacy content.[48] All teachers and teacher's aids received considerable training and were closely

[40] Ibid. pp. 162-163.
[41] Ibid. p. 165.
[42] Ramey and Ramey, p. 12.
[43] Ibid. p. 9.
[44] Ibid.
[45] Ibid.
[46] Ibid.
[47] Ibid. pp. 9-10.
[48] Catherine E. Snow and Mariela M. Paez, "The Head Start Classroom as an Oral Language Environment" in Zigler and Styfco, p. 118.

supervised in the Abecedarian project.[49] Head Start staff was more varied in preparation. Some were well prepared; others were rank amateurs. The Abecedarian project cost $15,000 per pupil,[50] much more than Head Start, at around $7,000 per student.

So, although it may be argued that certain kinds of intense pre-school experiments of much longer duration produce some lasting effects on high-risk children, "When more typical Head Start programs have been evaluated…the evidence for long-term benefits is less clear…benefits that emerge upon completion of the program have all but faded away three or four years later…"[51]

The cognitive gains "may fade out more rapidly among black students than among whites, at least in part because black Head Start children are more likely to subsequently attend bad schools."[52] For poor students Head Start gains are meager and for these same students, poor elementary schools await them to produce an even greater learning gap.

Looking Forward—the Need for Change in American K-12 Education

The negative or paltry achievement results for poor urban students despite the Title I and Head Start programs, plus the seeming inability of many urban public schools to narrow or eliminate the achievement gap by means of regular instruction, together led to a chorus of demands for meaningful educational reform that would "arm minorities with … education…" to use the words of Justice Thomas. What attempts have been made to reform the War on Poverty programs—Title I and Head Start?

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[49] Ramey and Ramey, p. 10.
[50] Douglas J. Besharov, "Are There Better Ways to Spend Federal Child Care Funds to Improve Child Outcomes?" in Zigler and Styfco, p. 356.
[51] Janet Currie and Duncan Thomas, "School Quality and the Longer-Term Effects of Head Start: NBER Working Paper Series, Working Paper 6362, National Bureau of Economic Research, Washington D.C. January, 1998 p.2.
[52] Ibid. p. I (abstract).

No Child Left Behind—The Bush Administration's Reforms

The Bush reauthorization of ESEA, including Title I, which was passed in 2001, was called the "No Child Left Behind" Act (NCLB).[53] During the 2000 election campaign, Bush had proposed two radical changes in ESEA—accountability and choice. By accountability, Bush meant that states would have to implement a system of serious achievement testing for students in math and reading. If scores showed that certain schools were failing to provide a quality education, then Bush advocated a series of steps that began with increased funding but ended with an "exit voucher" of $1,500 which could be used at a private school. The testing was the means of accountability and the vouchers constituted choice.[54] If states simply ignored the NCLB, they risked losing Federal educational funding. (The Supreme Court, beginning with rulings during the New Deal and continuing to the present, had allowed the Federal government to attach strings to Federal monies as long as the states could avoid the strings by refusing the funds.)[55]

Following the 2000 election, political maneuvering between the new Bush administration and Senator Edward Kennedy resulted in Bush giving up the "exit voucher" idea in exchange for support from the Democrats and Kennedy for the rest of the new No Child Left Behind Act provisions which called for significant changes in Federal educational policy.[56]

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[53] Public Law 107 – 110 (2001) The Short Title is "No Child Left Behind Act of 2001."
[54] Siobhan Gorman, "The Invisible Hand of NCLB," in Hess and Finn, p. 39.
[55] Steward Machine v. Davis, 301 U.S. 548 (1937) and South Dakota v. Dole, 483 U.S. 203 (1987).
[56] Gorman, p. 39.

The NCLB—Basic Structure

There would be, according to NCLB, state achievement testing of students in math and reading, grades 3 through 8 and beyond,[57] the sharing of the test results with the public,[58] and the breaking down of the test results according to "ethnicity, gender and socioeconomic" groups.[59] Further, if schools did not make "adequate yearly progress" in educating their students,[60] certain kinds of alternatives would be required to be offered to their students and parents. The failing schools would have to provide the parents of their children with the names of other public schools to which they could transfer[61] and offer supplemental services,[62] in reality, tutoring. An outright refusal to comply with the provisions of NCLB could cause the state to forfeit Federal monies, a daunting prospect for most districts even though Uncle Sam's contribution to elementary and secondary education amounted to only about 7% of total school funds spent by local governments and states.[63]

There is no doubt that NCLB radically altered the educational landscape, but in this writer's view, not radically enough. Do the provisions of NCLB help improve education for poor students and reduce the achievement gap? First, as well known educational commentator John Chubb puts it, under NCLB, "schools are accountable not for *delivering* education to students…but for actually *educating* them—and to high

[57] W. James Popham, America's "Failing" Schools, (Rontledge Fakner: New York, 2004) pp. 15-16.
[58] Ibid., pp. 38-39.
[59] Hess and Finn, p. 4.
[60] Popham, pp. 21-35.
[61] Ibid., pp. 41-42.
[62] Ibid.
[63] Hess and Finn, p. 1.

academic standards."[64] The focus is on measurable educational results. The insistence on demonstrable educational progress, the absence of which triggers sanctions, should help the urban student. Second, the testing and the test reporting features by race and gender should be beneficial as well. These provisions do not allow school districts to mask the poor performance of disadvantaged groups by touting only acceptable school-wide scores.[65] In other words, more useful information is made available to parents and parent groups. Third, if a school continues to deliver poor quality education, parents need not wait for the reforms to bear fruit before taking action. They can disengage from the poor school and seek another public school within the district which offers a better educational product. This feature is very important because parents may only have a few precious elementary years to get their youngsters off on the right foot. It is fine for policy analysts to talk about reform taking hold over the next ten or fifteen years, but for parents of elementary students the time horizon is much shorter. Therefore, this aspect and the supplemental services (tutoring) provide some tangible solution to the parents' justifiable desire for immediate improvement. Finally, NCLB does have long range goals which require that all children be proficient, that is, above basic level, by 2014. Given current test scores, the goal is indeed ambitious and even "audacious" as educational analyst John Chubb calls the goal.[66] However, by including all children, the Act sends the message that schools cannot be content with creating proficiency in just a few students.

NCLB has its weaknesses however. Since it is a piece of legislation, it suffers from the same malady as do all legislative acts. It is the product of compromises.

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[64] John Chubb, Robert Linn, Kati Haycock and Ross Weiner, "Do We Need to Repair the Monument?" Education Next, Spring 2005, p. 10.
[65] Ibid. (Haycock and Weiner).
[66] Ibid. p. 13, (Chubb quoted).

One weakness of the NCLB is that the achievement tests administered to students are devised by each state itself. Under the act, the tests are to be "challenging" but commentators already note that there is a difference between what "proficient" means in one state compared to what "proficient" means in a neighboring state. Analysts point out that the nationally administered and very demanding National Assessment of Educational Progress (NAEP) test already contains a category called "proficient." However, its results, for example, for "State A" often show much less proficiency in "State A", than do State A's own achievement tests.[67] Of course since NAEP results are available to parents, they could monitor the test results produced in their own state and challenge the difficulty level of the state test if its results painted too rosy a picture of student performance.

The second weakness of NCLB for poor urban children is its meager choice provisions. There are two problems here. One is that if a public school is designated as "in need of improvement" it is the school (district) itself which is given the responsibility for notifying the parents and making them aware of the availability of a competitor to which the student can transfer. In most other areas of the law we would call this a "conflict of interest." Already, there are numerous examples of notification letters from failing districts which downplay their own deficiencies, which warn that other schools may not be all they promise to be and which establish complicated procedures for transferring.[68] Even with the resistance of some districts, students have transferred to

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[67] See Thernstrom and Thernstrom, pp. 63-88.
[68] Robert Maranto and April Gresham Maranto, "Options for Low-Income Students: Evidence from the States," in Hess and Finn, pp. 63-88.

other schools under the NCLB at the first available opportunity, but many more are eligible.[69]

The other problem, and it is the most serious one, is that the transfer choices are extremely limited for parents located in large failing urban school districts. Granted, the NCLB allows for transfers. However, for most inner city parents the "choice" is a mirage. It is illusory in many cases because a parent's transfer choice is limited to another public school in the same district under NCLB. In many cases there is no "better" public school available!

For this very reason one of the earliest fights for a voucher system that included private schools was fought by black state representative Polly Williams in inner city Milwaukee.[70] The quality of instruction in the public schools (her lawyer called them "hellholes")[71] in her district was so uniformly poor that only a program that would allow children to escape to private schools, holding a $2,500 voucher in their hands, would provide meaningful change. She managed to get a pilot voucher program passed. The program was immediately subjected to a lawsuit by the teachers' union, the NAACP and the state Superintendent of Public Instruction.[72] It is heartening to note that the parents who courageously joined in defending the lawsuit, which implored the court to let the Milwaukee voucher program survive, were "poor, overwhelmingly minority, mostly single moms, few high school graduates."[73] They knew two things well, according to their Attorney Clint Bolick, "They knew that the only way their children could escape

[69] Colvin, in Hess and Finn, pp. 20-23 and Michael Casserly, "Choice and Supplemental Services in America's Great City Schools," Hess and Finn pp. 189-211.
[70] Clint Bolick, Voucher Wars (Washington D.C.: Cato Institute, 2003), p. 15.
[71] Ibid. p. 19.
[72] Ibid. p. 20.
[73] Ibid. p. 22.

poverty was to obtain a good education. Second, they all knew where a good school was in their neighborhood and it was usually private."[74] This is why it was predominately the faces of black school children who pressed against the glass doors of the Court Room eager to see if the seven justices of the Wisconsin Supreme Court were going to send them back to failing public schools or uphold their escape route.[75] By a four to three decision, in Davis v. Grove the Milwaukee voucher program was upheld allowing the first urban school voucher program with private school choice in the country to take root in 1992.[76] The NCLB provisions allowing only the choice of other public schools within the Milwaukee district would have been no help to parents in Polly Williams' district.

Further, NCLB would not have aided the poor African American families battling for the protection of the Cleveland voucher system in the late 1990s. These parents had observed firsthand the harmful effects on their own children of the torpor, apathy and cynicism that pervaded the entire 75,000 student Cleveland City School District. This was an urban district which, as the Zelman case pointed out, had failed to meet "any of the 18 standards for minimal acceptable performance" imposed by the State of Ohio.[77] In this instance the NCLB-type choice would have been useless. Fortunately, that case was a successful one too, determining that the granting of vouchers to poor parents and allowing them to attend good schools of their choice, even religious schools, was not the establishment of religion in violation of the First Amendment to the U.S. Constitution.[78] The lack of meaningful "exit options," the lack of "escape routes" for poor urban children, is the most serious defect of NCLB.

[74] Ibid.
[75] Ibid. pp. 40-41.
[76] Ibid. p. 41.
[77] Zelman v. Simmons-Harris, 536 U.S. 639, (2002).
[78] Ibid.

Parental Duties According to the Scriptures

Most importantly, this lack of choice moves parents further from asserting their rightful place in the Godly order of things. That is to say that they, as parents, have the biblical duty and God-given right to see that their children are instructed and educated. According to the scriptures, parents have the obligation to see that a child is trained in the way he should go (Proverbs 22:6) to recognize that a child who is unguided and uninstructed is likely to end up in folly (Proverbs 22:15). Parents are not co-equal "partners" with teachers or schools as is commonly said by well-meaning educators. Parents are the principal, the primary parties, and those they choose to educate their children are mere agents.

Lack of real opportunities to exercise these parental rights and duties leads us to forget what the U.S. Supreme Court said in a unanimous opinion some 80 years ago in Pierce v. Society of Sisters: "the child is not a creature of the state; those who nurture him and direct his destiny have the right, coupled with the duty, to recognize and prepare him for additional obligations."[79]

Choice Beyond NCLB

Fortunately, despite the extremely weak choice options under NCLB, other pre-existing state-level choice programs of various sorts have provided real educational alternatives to disadvantaged students. What is more, these programs are expanding, even though they are often opposed by legal challenges.

All states now have laws allowing some kind of educational choice. There is, as mentioned above, public school choice which may help get students from a failing public

[79] Pierce v. Society of Sisters of The Holy Name of Jesus 268 U.S. 510 (1925) p. 535.

school to another better public school. Approximately 15 states have public school choice within or between districts.[80]

Other states and the District of Columbia, but fewer than those who allow public school choice, have established governmentally funded voucher programs.[81] Other programs like Florida's "A+ Scholarship Program" allow for escape from the public system with an exit voucher useable at a private school, only after the public school district has demonstrated that it cannot provide a good education to its pupils.[82]

Charter schools, which are publicly funded, but which have a separate board and different teachers from the public school district in which they are located, have been popular choices for poor parents looking for an alternative. They are legal in over forty states.[83] We know there is demand by poor parents for charters. When Wayne State University in Detroit first opened a charter school in 1994, 5300 poor applicants clamored for just 330 spots. Attendees had to be determined by a lottery.[84] Charters are on the rise with approximately 3000 schools nationwide.[85] Serious studies have shown their effectiveness, although they too have been subjected to considerable hostile scrutiny by the educational establishment.[86]

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[80] Krista Kafer, School Choice 2003 (Washington D.C.: The Heritage Foundation, 2003) p. ix.
[81] Ibid.
[82] Jane Hannaway and Kendra Bischoff, "Florida: Confusions, Constraints, and Cascading Scenarios," in Hess and Finn, pp. 87-111.
[83] Kafer, p. ix.
[84] "Charter Schools: Catalysts for Change" Free Congress Foundation, Washington D.C., Number 603, March 1994.
[85] Hess and Finn, p. 1.
[86] Caroline M. Hoxby "Achievement in Charter Schools and Regular Public Schools in the United States: Understanding the Differences," Washington D.C., National Bureau of Economic Research, December, 2004.

Homeschooling has grown in favor with the number of students being homeschooled estimated at between one and two million. Laws in all 50 states allow such home-learning centers.[87]

The growth of private vouchers, actually scholarships, for elementary and secondary students is attracting considerable attention. Cornerstone Schools in Detroit, Michigan developed a plan of corporate sponsors for poor urban families that has been very successful in this regard.[88] That families in urban areas desire such scholarship help is evident. A few years ago, when a private scholarship organization, the Children's Scholarship Fund, advertised across the U.S. the availability of partial scholarships which would allow approximately 40,000 students to attend good schools of their choice, it received 1,250,000 applications over a six-month period! One of its organizers, Theodore J. Forstmann observed: "The parents of 1.25 million children put an end to the debate over whether low-income families want choice in education. They passionately, desperately, unequivocally do."[89]

Private education management companies have been retained to take over and run public schools under contracts which link fee payments to the success of students on standardized tests and a host of other measured outcomes. This process, usually called "privatization", has produced some inspiring successes. For example, Edison Schools, one of the country's largest firms of this type, took over 20 of Philadelphia's lowest performing schools in 2002. Two years later, according to the Pennsylvania Department of Education, Edison Schools have averaged annual percentage gains on PSSA (Pa.

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[87] Kafer, p. ix.
[88] For information on Cornerstone Schools see http://www.cornerstoneschools.org
[89] Theodore J. Forstmann, "A Competition Vision for American Education," Clare Boothe Luce Policy Institute, Washington D.C. reprinting Imprims, Hillsdale College. 1999. www.cb/policyinstitute.org/forstmann.htm.

Systems of Schools Assessment) tests in reading and math several times what they were before Edison.[90]

Finally, tutoring is available from a variety of large, middle-sized and small learning companies such as Kaplan, Kumon Math and Reading Centers, Sylvan Learning (now Educate, Inc.), Huntington Learning, Princeton Review and Club Z.[91] They offer their services to parents who have children who are floundering in their school work. Other than tutoring paid for under NCLB, this choice is probably out of reach for most poor families.

Vouchers, Choice and Poor Schools

One common objection to increasing choices that allow urban students to exit poorly performing public schools, whether charters, private schools or home schooling, is that students who do not opt out are left in declining schools drifting even further downward. The view is that such underperforming public schools will be unable to make positive efforts to improve in the face of being listed as failing under NCLB, or losing students to charters or to private school voucher programs.

That concern does not seem to be supported by the facts in case after case. Take for example the Florida A+ program. Under that program parents can receive vouchers to exit the public system when a school is deemed chronically failing. Greene and Winters studied the Florida schools which were "voucher eligible" and "voucher threatened," that is, performing so poorly that students had left or were about to leave. The study found that these schools did respond positively to the threat of parents voting with their feet,

[90] See "Edison Schools: The Transformers" in The Education Innovator, Vol. II, No. 47, December 15, 2004, U.S. Department of Education, Office of Innovation and Improvement and "Joy Matthews, "The Philadelphia Experiment," Education Next, Winter 2003, pp. 51-56.
[91] Gorman in Hess and Finn, pp. 37-57.

vouchers in hand. There were test score gains among the voucher eligible schools of 15 points on average, higher than the Florida's public schools, and 9 point gains for the voucher threatened schools.[92] Another example is the Detroit public schools. Those schools have lost large numbers of students to charter and private schools. But Colvin reports signs of efforts to improve. He says, "the district has invested in a new reading curriculum, aligned its professional development to that curriculum, begun closely monitoring student progress, replaced 80 principals, tied principals' contracts to achieving school achievement goals, and focused on the lowest-achieving schools.[93] Reform is reported to be underway, set in motion by the new wind of competition.

Bush's Plans for Head Start

The statistics on the achievement gap also led the Bush Administration to attempt to change the direction of Head Start with a similar type of emphasis on accountability and choice which has redirected the ESEA. The new emphasis is called the Good Start, Grow Smart initiative.[94] Its basic themes are the themes of the NCLB. There must be measurement and assessment of results produced by Head Start. Second, the primary focus of the program must be on the cognitive/intellectual development of the child so that he or she is truly ready for school.[95] The new Bush initiative has disclosed a rift, and a large one, between the supporters of preschools that foster cognitive skills and school

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[92] Joy P. Greene and Marcus A. Winters, "Competition Passes the Test," Education Next, Summer, 2004, pp. 66-71.
[93] Colvin, in Hess and Finn, p. 18.
[94] "A Guide to Good Start, Grow Smart in Child Care," Child Care Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, Washington D.C., November, 2004.
[95] Haskins, p. 31-32.

readiness and those who view pre-schoolers as only developmentally ready for Piagetian play-type activities, but not academic skills.[96]

The Larger Question—No More Educational Fads

More importantly, these differences over instructional ideas reveal a much larger system-wide conflict over just which kind of instructional methods will be most likely to help at-risk students and, perhaps, all students.

Being taught by instructional ideas that produce learning is important to all students, but it is crucial to poor urban at-risk students. If white suburban children are subjected to ineffective methods, they can seek help at home, employ private tutors, or switch to private schools. Poor children have few alternatives at their disposal.

Unfortunately, American K-12 education has been afflicted by wave after wave of new instructional methods, many produced by the still powerful forces of "progressive education." It is a sad and destructive pattern. Instructional ideas usually burst onto the classroom teacher's horizon by means of conferences or workshops. They quickly become the "last word" in education and then fade, relinquishing their "star status" to some newer idea. Then the process starts all over again. One Texas teacher with thirty years of experience catalogued the new educational ideas that she was called upon to implement during her career. There were over 40, ranging from "new math" and "discovery learning" to "open classroom" and "whole language" from "activity education" to "multiple intelligences," from "inventive spelling" to "authentic testing."[97] In large measure, these instructional ideas, often with a romantic view of the child, have

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[96] Krista Kofer, "A Head Start for Poor Children?" Back grounder #1755, The Heritage Foundation, Washington D.C., May 4, 2004, p. 4, http://heritage.org/Research/Education/by 1755.cfm.
[97] John A. Sparks "Revolution in the Classroom—It's Time!" Center for Vision and Values, Faculty Op Ed, July 9, 2004.

proven to be what fireworks purveyors call "duds". They shine brightly in the workshops and in-service days for a time but they do not ignite true learning in the classroom. Then they fizzle out. From classrooms without walls to reading without sounds, the ideas have kept American elementary and secondary education in a state of hyper-novelty.

The poor and disadvantaged child and his parents trust that the educational methods used will be effective. Therefore, methods should be proven (that is well-tested)[98] and subjected to the skeptical critique of the experienced and successful classroom teacher. Finally, the intellectual opponents of the new proposed method should have been carefully read and considered.

An example of this kind of approach is illustrated by the writing of the late Jeanne Chall, Harvard education professor. Professor Chall engaged in various syntheses of research about phonics versus whole language instruction over the years, always testing reading methods with careful research. She also was an experienced teacher. She knew well the arguments of the opponents of phonics. Her conclusion about reading in a fine book, The Academic Achievement Challenge, was that "the classical approaches to beginning reading instruction (e.g., direct, systematic instruction in phonics—a code emphasis) were more effective than the various innovative approaches with which they were compared (e.g., a meaning emphasis, no phonics, incidental phonics, phonics only as needed, or a whole language approach). The classical approaches were found to result in higher achievement in both word recognition and reading comprehension. They were more effective for different kinds of children and particularly for children at risk—those from low-income families, those of different cultural and ethnic backgrounds, bilingual

[98] Frederick Mosteller and Robert Boruch, eds. Evidence Matters (Washington D.C.: Brookings Institute Press, 2002) pp. 1-14.

children, and those with learning disabilities."[99] This is the kind of certainty and care about adopting new methods that not only the poor, but all children deserve.

Conclusion

Greater parental choice must be one prong of the new educational era in which we live. As Dr. Rod Paige, former U.S. Secretary of Education recently remarked: "The idea of a public school monopoly is dead. It needs to be relegated to the Smithsonian…."[100] The second prong should be justifiable parental impatience with ill-tested, faddish educational ideas. This too is coming to pass. These two developments hold out hope for the poor, urban high-risk student, but there is much work to be done. If a good education is emancipation, as Frederick Douglass said, then these students still remain to be set free.

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Dr. Sparks received his B.A. in Economics from Grove City College and his Juris Doctor from the University of Michigan Law School. He has written on a variety of educational topics. He was awarded the George Washington Honor Medal from the Freedoms Foundation, Valley Forge for his article on "Increasing Educational Choice." He authored a study of the privatization efforts in the Wilkinsburg School District for the Allegheny Institute. Dr. Sparks served as President and board member of Grove City Christian Academy followed by two terms as a board member of the Grove City Area School Board. He also provided legal defense for scores of home schooling families in Pennsylvania in the 1980s. Articles by Sparks have appeared in the *Presbyterian Layman, Engage Social Action, The Freeman, The University Bookman, St. Croix Review* and others.

[99] Jeanne S. Chall, The Academic Achievement Challenge, (New York: the Guilford Press, 2000) p. 62.
[100] "Remarks of Rod Paige," Empower Conference, Santa Clara, California, February 28, 2001.

Appendix A – On testing

Since "achievement gap analysis" herein uses NAEP testing data, one could properly ask about the reliability of the NAEP. The NAEP is generally viewed as a high quality test with a "complex, well-honed design developed to measure the strength of our educational system." See Hansel Burley, "A Measure of Knowledge," American School Board Journal, February, 2002, p. 24. Achievement tests do not reveal all that a student learns, but they are reliable measures of basic "academic knowledge and skills children acquire largely in school…" See Williamson M. Evers and Herbert J. Walberg, Testing Student Learning, Evaluating Teacher Effectiveness (Stanford, CA: Hoover Institution Press, 2004) p. viii. If anything, the NAEP probably overstates educational achievement. For a discussion of this problem see Paul E. Peterson, "Ticket to Nowhere," Education Next, Spring 2003, p. 42. Basically, schools and students can decline to participate in the NAEP and have done so. One expects that low-performing schools are those most likely to refuse to participate and low-performing students are likely to be those most often excused. So falling participation rates, even after statistical adjustments, actually may have inflated NAEP scores.

Unfortunately an examination of "the testing wars," a clash between proponents of accountability testing and their opponents, is beyond the scope of this appendix. Suffice it to say that most of the criticisms of standardized tests leveled by the anti-testing forces, do not apply to the NAEP. The best single recent non-technical article which treats the anti-testing proponents fairly but which provides responses to their objections is: Richard P. Phelps "Why Testing Experts Hate Testing" in Testing Student Learning, Evaluating Teaching Effectiveness, edited by Williamson M. Evers and Herbert J. Walberg (Stanford, CA: Hoover Institution Press, 2004) pp. 27-78. There is ample criticism of standardized tests. Some of it is a mild preference for so called "authentic testing;" others are a shrill opposition to all tests. For the flavor of the less tolerant anti-testing advocates visit The National Center for Fair and Open Testing (FairTest), www.fairtest.org. Other testing policy organizations include the Center for Research on Evaluation Standards and Student Testing (CRESST), the Center for Testing Evaluation, and Educational Policy (CSTEEP), now renamed the National Board on Educational Testing and Public Policy (NBETPP).