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## NCLB Waivers: Instructions for Secretary Arne Duncan and State Education Bureaucrats

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## NCLB Waivers: Instructions for Secretary Arne Duncan and State Education Bureaucrats

by Christopher H. Tienken  
 Academic Editor

The United States Department of Education (USED) granted 11 states waivers (eight full waivers and three conditional waivers) to provide what the USED termed “flexibility” from meeting some of the requirements in the No Child Left Behind Act (NCLB). Much of the flexibility relieves schools from the Adequate Yearly Progress mandate that requires all students to demonstrate 100 percent proficiency on state-mandated standardized tests in grades 3–8 and 11.

There are significant strings attached to the purported flexibility. State education agency (SEA) bureaucrats must develop plans that lead to the adoption of college and career-ready curriculum standards in language arts and mathematics by 2013. (Should we think this sounds like Common Core State Standards [CCSS]?) SEA bureaucrats also must continue testing students in grades 3–8 and one time in high school with a mandated test aligned to the college and career-ready curriculum. (Is this a “national standardized test”?)

Bureaucrats also must develop teacher and principal evaluation systems that link to student achievement on those state-mandated tests. (If you have kept up on such issues, you will know there is no empirical evidence.) It seems that the flexibility is geared more toward *how state bureaucrats measure*

*student achievement and monitor teachers* than how schools actually educate students to be contributing, creative, unique, and responsible members of the global community.

### Instructions for Waivers

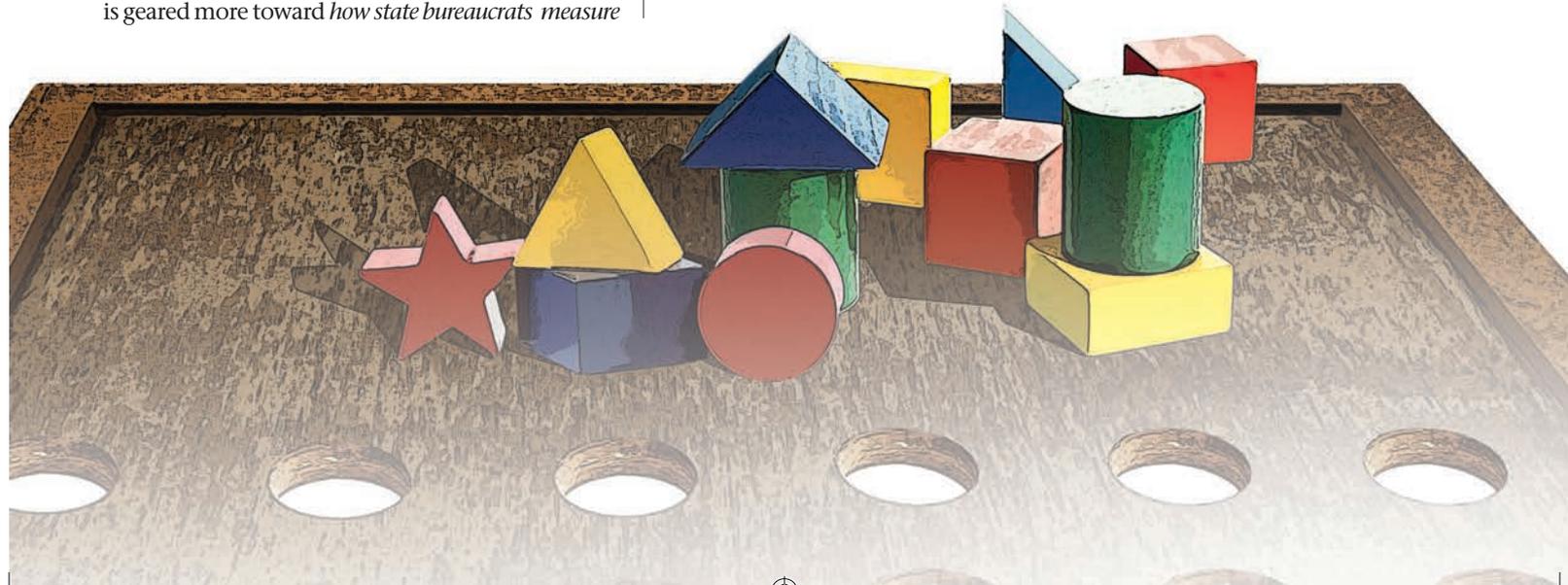
I submit three suggestions for the Secretary and state education bureaucrats to consider as they move forward with the waiver process.

#### 1. *Reject standardization to provide honest flexibility.*

Reject standardization of knowledge and human beings through the use of a one-size-fits-all curriculum. As I and others have documented, no evidence exists that the CCSS will improve education for all students. Curriculum has the greatest influence on achievement and human development when it is deliberated, designed, and developed locally, using a democratic process that includes administrators, teachers, students, and parents (Wang, Haertel, and Walberg 1993; Tienken and Tramaglino 2011). Anyone who travels (even a couple of hours by car) recognizes that the United States is a diverse country. It has the third largest population in the world, spans multiple time



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zones and various climates, and includes numerous geographic regions and subregions, each with its own customs, concerns, specialties, and aspirations.

Mr. Duncan and state education bureaucrats should acknowledge the evidence against standardization and homogenization of children and instead promote innovation, customization, creativity, and progress. One way to provide flexibility is to allow districts to design their own curricular programs. To think that one program, the CCSS, can prepare all students for life after school is empirically unsound. Thorndike (1924), and later the evaluators of the Eight-Year Study (Aikin 1942), demolished the idea that just one path will lead to postsecondary education or careers. How could there be *one* best path to thousands of colleges and tens of thousands of possible careers? The CCSS are simply a rehashed version of curricular recommendations proposed by the Committee of 10 in 1893 and Committee of 15 in 1895; they are hardly a 21st century innovation.

Curricular flexibility might work like this: school district administrators could choose to use all, some, or none of the evidence-less CCSS as a skeleton from which to build a customized curriculum sequence for their students. They also should consult the recommendations from the various national subject area organizations for ideas about what students should know and be able to do. They can infuse the latest information from the fields of psychology, sociology, anthropology, education, medicine, and other sciences to inform their curricular decisions. School district administrators should be given three to five years to develop a comprehensive curricular program that addresses the cognitive, social, and moral stages of their students and provide the SEA with yearly updates on progress as they implement it piece by piece.

School district administrators should be asked to demonstrate to their stakeholders that their curricular sequences both challenge and engage students while being developmentally respectful of the students they serve. School administrators should demonstrate that their programs acknowledge students as active constructors of meaning who bring prior experiences to the learning environment.

In essence, any curricular program should (a) account for the actual children who will experience it; (b) address the organization of curriculum as a fusion of subject-centered knowledge (e.g., mathematics,

history, biology) and personal student experiences; and (c) acknowledge the various social forces that exist, especially because one of the goals of a public school education is to develop critically thinking, participative citizens who question democracy in order to improve it. More innovating, creating, strategizing, and problem-solving will come from releasing the chains, not tightening them.

## 2. Refuse standardized tests for high-stakes decisions.

Jettison the worn out, empirically baseless idea that standardized tests can be used to make high-stakes decisions about student knowledge and skills or the quality of a teacher or principal. All standardized tests used in education have technical issues that should preclude them from being high-stakes indicators of anything. If these were drugs used in the medical profession, doctors would have called for them to be banned a long time ago. The results from all statewide tests of academic skills are imprecise. The reported scale-scores for individual students can be inaccurate by as many as 50 scale-score points (Tienken 2011). That is because all test results from standardized tests have error. None are precise. For example, the Florida grade 8 mathematics test results can be off by as much as 9 scale-score points; New Jersey's grade 8 mathematics results have approximately 10 points of error; and California's mathematics test results have approximately 17 scale-score points of error.

The results are not reliable indicators of what a student knows or can do. Too few questions are asked on the tests to get an accurate measurement of student achievement in any one skill. It takes at least 25 questions per skill to get a statistically reliable measurement of an individual student's achievement of that skill. Consider the hundreds of standards in each content domain and multiply that by 25 to imagine the immediate issue with the continued reliance on statewide testing to monitor standards—regardless of how the test quality improves.

Also, the test results do not fully capture what students from poverty know and are able to do or how much they grow academically, socially, and morally during the school year. Students from poverty, as a group, never score higher than their non-poverty peers on any state tests, in any grade,

in any state (Anderson 2002; Tienken and Rodriguez 2010; Tienken 2011). The standardized test results for more than half the districts in any state can be predicted by simply knowing three to five non-school demographic factors (Maylone 2002; Turnamian 2012). If the results can be predicted by knowing only a handful of factors related to a community's wealth factors, then what use are the tests?

School district leaders should have the flexibility to develop a comprehensive assessment system that uses quantitative and qualitative measures to inform administrators, teachers, students, and parents of students' academic, social, and moral growth. Multiple measures such as free reading inventories, student engagement surveys, social-consciousness questionnaires, school climate surveys, social policy analysis projects, original interpretations of data, analyses of propaganda writing, art appreciation surveys and interviews, surveys of social and personal adjustment, evaluations of social attitudes and democratic values, beliefs on economic issues, applications of facts, and generalizations to social problems, along with the usual array of ongoing classroom assessments of subject matter that teachers do so well, should play the primary role in assessment.

Of course, the state bureaucrats could mandate a few standard writing prompts or a short mathematical computation test to gather some helpful low-stakes information, but the local district personnel would be allowed to design their system and demonstrate to the public that it is appropriate. There is recent history of allowing local control of assessment systems. The Nebraska STARS program was very successful . . . until NCLB killed its creative aspects (Dappen and Isernhagen 2005).

### 3. Invest in traditional public schools.

The traditional public school is the ultimate tool to unify, yet specialize, a society. It is the only social institution through which all students progress—regardless of race, ethnicity, color, creed, citizenship status, academic ability, or sexual orientation. Therefore, it is the only social institution that can unify a diverse population around the tenets of a participative democracy while simultaneously helping students to discover and develop their individual talents. The Jeffersonian view of public education was one of diverse students, learning and working

together in the classroom just as they will have to do in society.

The support of nontraditional specialty schools and private schools with public money will cause long-term balkanization and create segregation of the population. It is already happening in the charter movement (Frankenberg 2011). Eventually those balkanized students become the adults that run the country.

### Use Waivers Carefully

NCLB waivers should provide school administrators and their communities the flexibility to reject the outdated ideas put forth by the current batch of self-proclaimed reformers. Waivers should provide school administrators and communities the flexibility to pursue evidence-based programs instead of follies based on unsubstantiated rhetoric and ideology.

In some ways, this seems to be a case of false flexibility. Yes, school administrators will have some flexibility to move away from some of the NCLB provisions, but they must move deeper into standardization and homogenization of the population within the context of also increasing alternative delivery systems like online schooling and charter schools. In essence, the flexibility seems geared to creating a dual system of education—a standardized “sit and get” public system and a semi-private, corporatized one masquerading as public schooling. That does not seem very flexible or evidence-based to me. ■

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