



## Contradictory Reforms: When NCLB Undermines Charter School Innovation

Peter Clyde Martin  
Ithaca College

The article discusses how instead of being parts of a concerted educational reform effort, No Child Left Behind (NCLB) and the development of charter schools are in fact contradictory initiatives. Basing itself on a theoretical framework that brings together issues inherent to outcome-based school reform and arguments supporting and criticizing both NCLB and charter schools, the article examines the case of a specific charter school whose program was significantly altered due to pressures imposed by NCLB. School reports, plans, programmatic descriptions, and other documents are reviewed to examine how the school responded over a three-year period to low test scores that may or may not have been a reflection of instructional quality and how NCLB requirements eventually led it to move far away from its original reform-minded mission. Implications regarding how NCLB can undermine the innovative possibilities of charter schools are discussed, along with more general entailments regarding wider public school reform efforts.

*Keywords:* No Child Left Behind; Charter Schools; Bilingual Education; High-Stakes Testing; Innovation

In the current context of attempts to change our country's public schools, one overarching problem has been reconciling what are in fact two separate efforts. On one hand there is, with the propagation of charter schools, an opportunity for innovation and invention that allows us to explore new possibilities for designing programs aimed at solving chronic problems that our educational system seems not to have adequate solutions for (Nathan, 1998). On the other hand, we have developed by means of the No Child Left Behind Act (NCLB) a reform effort that pushes for predefined outcomes as quickly as possible, insisting that the non-negotiable priority for every school be to receive satisfactory results on a specific type of assessment in math and reading. The more a school struggles in satisfying these demands for good results on high-stakes standardized tests, the less latitude it has in terms of pedagogical choice.

Each of these two reform efforts has a compelling logic of its own and strong support as well as vocal detractors. The problem, however, is that these approaches contradict each other in important ways, and

may represent a kind of schizophrenia in our educational thought. On one hand we want innovation. Instead of prescribing solutions we want local stakeholders to make decisions without too much outside interference. We have faith in our ingenuity and our spirit of entrepreneurship and we distrust efforts of government engineering. On the other hand, we also believe in accountability, checks and balances, and the presumed honesty of clear numerical results, and despite it when excuses are made. The effort on the part of NCLB to direct schools to concentrate on test results also limits the experimental possibilities of charter schools, which may, arguably, result in missed opportunities in regard to discovering new solutions and therefore opportunities for educational reform.

In order to explore how these two reform efforts can interact in practice, this article examines the case of the Bilingual Community Academy (ABC for its initials in Spanish), an innovative charter middle school whose program and practices had to respond to NCLB pressures due to low standardized test scores. The point of the

article is not to advocate for one reform effort over the other, or to question the logic of either, but to understand the altering effects that NCLB mechanisms can—and are perhaps meant to—have on a school that was explicitly designed to be innovative.

### **Conceptual Framework**

The conceptual framework draws on three areas that have been addressed in the research and theoretical literature. For one, the notion—central to much of the recent school reform movement—that improving students' educational attainment is a simple product of improved schooling is characterized as being overly simplistic (Galloway, 2007; Raudenbusch & Willms, 1995). With this as a background the two main reform drives of the last decade, NCLB and the development and proliferation of public charter schools, are examined as connected yet fundamentally divergent responses. These conceptual areas constitute a context in which to consider the conflicting reform drives ABC Public Charter School operated under as it sought to address the particular needs of its population.

### **Issues Related to the Promise of School Reform**

The current movement for school reform has, in many ways, responded to policy imperatives from outside the area of education per se and has followed the logic of reforms from other sectors (Finn, 2002). Indeed, both NCLB and the development of charter schools were responses to the Nation at Risk report (1983) that presented school failure not only as endemic but also, significantly, as a threat to the larger economic and geopolitical future of the country (Paris, 1997). Furthermore, it developed in response to what seemed to be widespread discontent with the state of public education (Zinsmeister, 1998). In addition to popular pressure and fear of the loss of national power, education reform has been presented as a possible solution to many of the country's social inequities, with the idea that conditions can only improve for inner-city minority children if parents are able to choose alternatives to their neighborhood public schools (Rees, 1998).

School choice has indeed been one of the themes of the current reform movement, in keeping with what is purported to have been successful in other, unrelated sectors. Indeed, NCLB was informed by the sense that improved efficiency and accountability in the corporate world had led to the resurgence of previously faltering businesses. Transferring the same basic mechanisms to the world of public schools was expected by some to inevitably result in comparable improvements (Finn, 2002). As a consequence of this link to perceived successes in the corporate sector, school reform initiatives on a policy level became marked by an emphasis on strong accountability for schools and districts, and a promotion of choice and competition as a catalyst for change (Hanushek & Raymond, 2005).

There is evidence that socioeconomic differences in the United States are widely connected to differences in quality of schooling (Lee & Burkam, 2002). Simply put, children from affluent backgrounds tend to go to higher-performing schools than students who have a lower socioeconomic status. An obvious conclusion has been drawn that effective reform of low-performing schools will inevitably lead to greater social equity (Noguera, 2003). If schools improve instruction, students' learning will improve, as will their socioeconomic prospects. This has led to the further conclusion that, conversely, inadequate student learning is attributable to ineffective schools (Teddlie, Kirby, & Springfield, 1989).

As logical and promising as this may sound—because it allows us to point to clear culprits and therefore to clear areas to address—it has also been questioned in the literature. Authors have pointed to the reality that schools serving low-income populations are consistently required to accomplish more instructionally than schools with more affluent students and that schools in this case receive conveniently and unfairly much of the blame for what is in fact part of a much more far-reaching socioeconomic situation (Galloway, 2007; Raudenbusch & Willms, 1995). Asking that we think of the effect of schooling on academic achievement as the difference between what a child can be expected to learn at school in terms of academic skills and what s/he can be expected to learn at home, Raudenbusch and Willms (1995) note that students from low income families tend to have more to learn at school, and their teachers therefore more to teach, than do their more affluent peers. The authors argue that schools that serve low-income neighborhoods are therefore operating at a disadvantage in terms of academic achievement even when the quality of instruction is the same as in more affluent districts. At the same time, Goldenberg, Kunz, Hamburger, and Stevenson (2003) point out that schools have traditionally been designated to carry the main responsibility for the achievement gap, as they may be the only social institution everyone thinks they are an expert about. The authors go on to argue that schools content with student poverty and mobility rates, neither of which they have control over but which have a significant impact on achievement test scores.

An underlying issue that is emphasized in the criticism of both NCLB and charter schools as catalysts for reform is that they do not address underlying social inequalities that impact educational success (Barr, Sadovnik, & Visconti 2006 ; Hess & Finn, 2007; Lashway, 2004). The social challenges faced by many communities are arguably of a magnitude far too great to be solved through mere efforts by educators (Davison, Seo, Davenport, Butterburgh, & Davison, 2004; Galloway, 2007). Mapping schools in North Carolina that are considered to be failing, Zhang and Cowen (2009) arrived at findings that confirm the connection between academic achievement and factors that are beyond the

schools' control. The authors found that regardless of region, schools with high rates of minority and economically disadvantaged students are more likely to fail than schools that do not. More generally the authors noted that poverty, teacher turnover rate, and neighborhood socioeconomic status were the clearest predictors of academic success. Galloway (2007) adds that there is in fact a danger of NCLB's tone simply alienating teachers by suggesting that the difficulties schools face are entirely the result of curriculum and instruction and ignoring the importance of factors beyond teachers' control.

This limitation to what schools can actually accomplish inevitably becomes a fundamental hurdle for any effort to significantly reform schools in the hope of eliminating the achievement gap between different socioeconomic groups. According to Hess and Finn (2007), this is compounded by the fact that the field of education tends to discourage the involvement of reform-minded entrepreneurs even though innovation and enterprise are precisely what educational reform call for. As a field, public education is described as inherently rule-bound, giving the government a quasi-monopoly in terms of decision-making, and beholden to the interests of long-term stakeholders (Hess & Finn, 2007). Raudenbusch and Willms (2006) propose that reforms are most effectively implemented from the bottom up, starting from a community vision to then lead to a fitting type of school that in turn suggests policies to support it.

In fact, however, recent educational reform efforts have simultaneously focused on both a top-down, policy driven effort through the implementation of No Child Left Behind (NCLB) and entrepreneurship through the development of charter schools.

#### **NCLB and School Reform**

Explaining the purpose of NCLB in terms of educational reform, the Federal Government has argued that the law is not to be understood as a reform in and of itself, but instead as a catalyst for it (The Education Trust, 2004). The contention is that it focuses the attention of schools where it should be, namely on math and literacy and on failing subgroups of students. Arguably, AYP mandates little in terms of specific reform strategies, but instead forces states, districts, and schools to assume the right and the responsibility to determine how students' needs are to be met. What NCLB does require, however, is that math and literacy be focused on above all else and that failing scores on standardized tests result in documented action. NCLB may not determine specific instructional designs, but it mandates a focus on specific subject matter and establishes standardized test results as the measure of success.

Both the intention and the consequences of NCLB have been quite controversial. A number of authors propose that NCLB has indeed been instrumental in forcing school systems to acknowledge the reality of

the achievement gap and to earnestly focus their resources on bridging it (Borkowski & Sneed, 2006; Cohen, 2002; Piche, 2007). When the law was first being implemented, Cohen (2002) pointed out that it showed recognition on the part of the Federal Government that previous state-led reforms had been insufficient and that the educational community in general had failed to establish clear, research-based goals for what schools should accomplish. The AYP mechanism was presented as a national remedy to this lack (Cohen, 2002). Furthermore, it is suggested that AYP measures are forcing schools and districts to come to terms with the achievement gap without leaving room for rationalization and therefore without providing options other than to design targeted interventions (Borkowski & Sneed, 2006). It is generally proposed that NCLB has in fact led struggling schools to improve the quality of their instruction and higher-achieving schools to focus on achieving proficiency for all their students (Piche, 2007).

NCLB has also been criticized on a number of fronts, especially with the view that reform can't simply be mandated without consideration of local circumstances and that the specifics of reform are in fact far more complicated than mere legal compliance (Burkowski & Sneed, 2006; Schul, 2011; Lashway, 2004). Lashway (2004) argues that turning around individual schools is a complicated process and that it is not possible to isolate clear cause-and-effect relationships related to student achievement. Demographics, insufficient resources, and ineffective practices have all been identified as possible factors (Lashway, 2004). Barkowski and Sneed (2006) add that there is also no clear indication that failure to make AYP in fact warrants any kind of change in how a school is managed and yet NCLB requires significant interventions on an organizational level. Here Schul (2011) argues that NCLB is based on a flawed use of accountability in that it may ensure compliance but not student learning. The AYP-directed use of standards and assessment as a way to control school behavior in fact contradicts what is viewed as best practices whereby what is taught should determine what is tested and not the reverse (Schul, 2011). In this view, NCLB brings together three different ambitions that do not work in concert, namely, to show all stakeholders what the academic performance of all students actually is, establish a behaviorist mechanism to force low-performing schools to improve, and to set 'shoot-the-moon' targets for all states (Hess & Finn, 2007).

#### **Charter Schools and School Reform**

On the opposite end of direct government control, the potential for charter schools as catalysts for educational reform is controversial as well. Among the arguments in favor of the development of charter schools is that they can be held easily accountable for student achievement and that they can give direct power to their staff and community stakeholders rather than being under

the sole jurisdiction of government agencies (Abbowitz, 2010; Grady, 2011). In a largely ideological promotion of the charter school movement, Grady (2011) connects it to the free market economic theories of Milton Friedman, explaining that giving parents a choice among schools is bound to result in the improvement of the school system overall. This, the author argues, will automatically establish accountability that will only provide for the survival of successful schools and thus allow the government to spend its resources more effectively by steering it toward those schools that are in fact improving the education of children (Grady, 2011). Nathan (1998) points out that charter schools were from the onset designed to be explicitly responsible for increased student achievement and were part of a movement to encourage local school agencies to improve the quality of instruction. It is thus argued that charter schools were originally meant to serve a very similar type of reform as NCLB.

Charter schools have fervent detractors as well for reasons that seem to be similarly fundamental. Although they may have been originally designed to provide more options within the public school system, their achievement as measured by standardized test scores mirrors many of the demographic inequalities among traditional public schools (Peebles, 2004; Barr et al., 2006). In a discussion of the problems involved in the organizational evolution of individual charter schools, Peebles (2004) explains that charter schools transition through predictable phases, none of which can be skipped simply for the sake of quick rises in test scores. The author describes how schools move over time from a preoperational fantasy stage to a translation of the original vision into measurable goals and outcomes, to a formal operational stage, to an eventual institutional stage four or five years after the school opens. During this evolution, explains Peebles (2004), it has been found that teachers are often frustrated by their inability to focus on instruction rather than on the organization as a whole. The lack of preexisting structures, traditions, and policies make it difficult for teachers to focus on developing their practice and their beliefs (Peebles, 2004).

#### **Study: Methodology and Research Questions**

In order to examine how the reform drive of NCLB may interact with or counter that of a charter school, several questions are asked in the context of ABC Public Charter School in Washington, D.C. In an era where schools are encouraged to find creative solutions and structures are in place to give schools freedom—conditionally and in some cases at least—how might NCLB's Adequate Yearly Progress (AYP) mechanism in fact impact what a school does and is? Specifically, how can AYP move a school away from trying to focus on certain areas and toward focusing on others?

In order to address these questions, every document that the administration of ABC produced

during its first three years in connection to the school's design and academic planning was reviewed. This includes public documents, such as the original charter application and mission statement, the school's accountability and improvement plans, and the yearly AYP reports. Most, however, are internal documents meant for staff and principal stakeholders. These included the academic curriculum and its revisions, strategic plans, all academic and behavior tracking information, protocols for teachers, schedules, all internal and external assessment results, and all internal reports. While these documents were authored by different staff, individually or collaboratively, they were all approved by the senior leadership of the school and included in the school's permanent records. The author of this article served on the school's administrative team and was one of the authors of the documents. As Director of Curriculum and Assessment of ABC during its first three years, the author has access to the full documentation from this time period.

As an initial step this information is used to describe the school and its rationale, as well as the ways its objectives were addressed and its program was put in place. This is followed by a brief review of the different assessment results in order to get a sense of some of the school's apparent failures and successes. Finally, the various documents are categorized by year (Years One, Two, and Three of ABC) and by programmatic aspect (Programmatic, Curricular, and Instructional Development; New Initiatives; and Assessment). Changes from one year to the next are noted and considered in the context of persistently low test scores, failure to make AYP, and therefore increasing pressure from the NCLB push for school reform on that of ABC as it had been originally designed. The overall picture that emerges is then regarded in terms of how the school and its objectives were effectively changed as a result of responding to the pressures to increase scores on NCLB-mandated assessments.

#### **Background: AYP in the context of Washington, DC and ABC Public Charter School**

In compliance with the NCLB mandate that in every school at least 95% of all students in grades 3 through 8 and once in high school be tested in Reading and Mathematics, the District of Columbia has been administering the DC Comprehensive Assessment System (DCCAS) every spring. Students' standard scores are reported as Below Basic, Basic, Proficient, and Advanced along single-score cut-off points. A predetermined percentage of students overall and in specific demographic subcategories are required to score Proficient or Advanced in order for the school to make AYP and therefore comply with NCLB.

Every school is then given a public 'AYP Report' featuring the percentage of students who scored Proficient overall as well as in subcategories defined by

ethnicity, special education and English language learner (ELL) classifications, and economic disadvantage. The report then announces to the school, to the state agencies, and to the wider public whether it made AYP in all categories or whether it is instead henceforth labeled as being a “school in need of improvement”. If the school continues not to make AYP over consecutive years, a series of remedial measures are imposed, including potential reconstitution.

Both the power and the limitation of the AYP report, which is disseminated through the local media, is the apparent simplicity and transparency of the numbers it presents. There is no analysis of the scores themselves, no discussion of their possible statistical significance or even validity. There is no description of the social or environmental factors impacting instruction. There is no accounting for how long the students have actually been attending the school, the quality of their previous schools, or of how many previous schools they attended and for how long. There is no mention of possible personal or family hardships that might have a greater impact on learning than any kind of school-based instruction. The numbers are to speak for themselves instead.

The Bilingual Community Academy Public Charter School opened in 2005 as DC’s only alone-standing bilingual middle school. It voluntarily relinquished its charter and closed in 2009 due to ongoing issues of under-enrollment and financial difficulties. Throughout its existence its student body was almost exclusively low-income, mostly from low-performing public schools, and almost evenly made up of Latino and African American students. According to a New York Times determination of school diversity, ABC ranked 6<sup>th</sup> of 50 among DC schools in 2006 (New York Times, January 2, 2012). Depending on the year, special education students made up between 21.3% and 29.5% of the total population. The school served grades 6 through 8 (grades 6 and 7 only during the first year), but enrolled new students in all grades every year. ABC did not have a feeder school and was never fully established as a true three-year program, with students instead enrolling and leaving on a regular and unpredictable basis. Every year its AYP report announced low test scores in both Reading and Math. ABC never got close to making AYP. Table 1 describes the student population over the first three years of the school’s existence (2005 through 2008).

Table 1

*ABC Student Population*

|                                   | Year 1 | Year 2  | Year 3  |
|-----------------------------------|--------|---------|---------|
| Grades served                     | 6, 7   | 6, 7, 8 | 6, 7, 8 |
| Total students                    | 48     | 94      | 88      |
| African-American students         | 45.8%  | 47.9%   | 50%     |
| Latino students                   | 54.2%  | 52.1%   | 50%     |
| Students from other ethnic groups | 0      | 0       | 0       |

|  |       |       |       |
|--|-------|-------|-------|
| Students qualifying for free and reduced lunch   | 92%   | 100%  | 88%   |
| Special Education students   | 22.9% | 21.3% | 29.5% |
| Non-English Proficient (NEP) students (lowest level on the state-mandated language proficiency test ACCESS for ELLs) | 6.3%  | 2.1%  | 6.8%  |
| Limited English Proficient (LEP) students (Levels 2-4 on the ACCESS for ELLs)  | 43.8% | 44.7% | 43.3% |

**Data Presentation**

**The School on Its Own Terms**

ABC Public Charter School’s Mission Statement:

ABC will graduate adept learners, effective communicators, and community leaders who are culturally aware and prepared to use their academic skills and bilingual proficiency to succeed in rigorous high schools, post-secondary education, and society.

- **Adept Learners.** ABC students will master the knowledge and skills they need to think critically, work collaboratively, and maintain focus on their goals.
- **Effective Communicators** in both Spanish and English. ABC students will be able to articulate their ideas through the written and spoken word, finding and exercising their “voices” in both Spanish and English.
- **Community Leaders.** ABC students will be actively engaged in their school and community, raising awareness of issues and contributing to resolutions. Our students will respect others and themselves and act as role models for their families and communities. (Bilingual Community Academy Public Charter School, 2005)

The programmatic center-piece of the school was its Spanish-English two-way bilingual immersion program. Bilingual education had recently come to some prominence on the elementary level in D.C., thanks largely to the much-publicized success of Oyster Elementary School, a dual language English-Spanish public school that had become one of the flagships for two-way bilingual immersion on a national level. Two-way bilingual immersion refers to programs where students are educated in and through two languages and where native speakers and learners of each of the two are taught together (Lindholm-Leary, 2001). As charter schools started to proliferate in the district, other elementary schools with similar programs were being developed. As stated in the original charter application of the school, however, the founders of ABC saw two significant gaps in the ways English-Spanish bilingual education was being provided. For one, public bilingual education at that point existed exclusively on the elementary school level, with some schools in the process

of expanding upward so they would extend through the middle school years as well. The problem remained that most of the students who graduated from Oyster or another bilingual elementary school at that time had nowhere to continue their education in both languages unless they enrolled in a private school. More significant, perhaps, was a second gap, namely, that Oyster and the wave of schools it inspired tended to serve students who were either Latino—and often from low-income homes—or White and mostly affluent from well-educated families (Bilingual Community Academy Public Charter School, 2004). Given that as of the school year 2010-2011 76.2% of DC public school children were African-American and that approximately 66% qualified for free and reduced lunch, this was viewed as an instance of inequity that needed to be addressed (Washington Lawyers' Committee, 2010).

In addition to bilingual education, ABC explicitly sought to provide quality education for students, setting high expectations by meeting them academically wherever their previous schooling had left them. Expectations would be high yet individualized given students' personal situation. Instruction and public discourse in the school would explicitly address Costa and Kallick's Habits of Mind to help students understand and promote their own learning process (Costa & Kallick, 2008). The point was to give every student a foundation of academic and metacognitive skills to build on, and the confidence that they could be successful learners. There was a clear emphasis on teaching the whole child and not limiting schooling to academics, focusing on physical health and artistic expression as well. Finally, a central purpose of the school—embodied in its name—was to establish a community that was truly nurturing and fostered leadership qualities in students (Bilingual Community Academy Public Charter School, 2004).

**Process of Program Implementation.** A commonly held assumption about two-way immersion programs is that they require a relative balance in numbers between students dominant in each of the two languages in order to ensure that all enjoy equal status, that all students are indeed both language learners and experts, and that students can learn from and model for each other (Calderon & Minaya-Rowe, 2003). Charter schools, however, are not legally allowed to choose their students, but are required to select them randomly by lottery (U.S. Department of Education, 2013). When ABC was founded, bilingual charter schools in DC were not permitted to take language background into consideration for student enrollment. ABC therefore relied heavily on advertising in both Spanish- and English-dominant communities to achieve the language balance recommended for a two-way immersion program.

The original conception of the school had students participate in a month-long Intensive Language Academy (ILA) prior to the school year, where students'

math, language, and literacy skills were assessed through the Public Charter School Board-approved diagnostic and developmentally-based ABC Assessment Program (ABCAP), and where they were taught foundational knowledge in their second language. Individual language learning profiles were created for each student based on these initial assessments to establish needs and strengths to address during the school year. In the second year this preliminary month was renamed Intensive Spanish Language Academy (ISLA) in response to the finding that basic Spanish (including literacy skills for native speakers of Spanish) needed to be focused on most urgently.

In keeping with the principles of a two-way language immersion program, the original design of ABC emphasized the equal status of the languages for social communication and academic learning. Thus half of the academic subjects (Language Arts and Science) were to be taught in English and the other half (Social Studies and Math) in Spanish. In order to make the material accessible to all students given the range of language proficiency and literacy levels, curricula were designed to be based on themes that were then explored through individualized student projects, thus explicitly establishing flexibility in terms of the literacy demands of content learning and student reflection.

Furthermore, in order to promote explicit language-learning, students took daily mixed-grade language development classes in both English and Spanish (ELD and SLD, respectively) that matched their proficiency level, ranging from basic English and Spanish as a Second Language to higher-level literature, and focusing on needs outlined in the individual language learning profiles. All school staff were bilingual and were strongly encouraged to interact socially with students in their language of instruction. All public communication was rigorously bilingual as well. Finally, the middle school experience would culminate in an 8<sup>th</sup> grade class trip to a Spanish-speaking country or region.

In terms of the school's goal to differentiate instruction so as to meet the needs of all students regardless of their academic level, the extensive diagnostic assessments and theme-and project-based curricula were to allow for individualized planning. Teachers who shared students were allocated scheduled co-planning time specifically so they could discuss and plan for individual students. The assumption on the part of teachers as well as the curriculum was that students would have very different academic levels and that every course, while being rigorous in terms of content area learning, would need to be strategic and flexible in regard to the skills it emphasized. The premise of the ELD and SLD courses was also that every student had different language and literacy levels irrespective of the grade they were in, and that it was the school's goal to meet everyone's needs where they happened to be. Finally,

from the onset the school was designed to remain small, with small classes, and a focus on individual attention.

This planning for school and classes to remain small, facilitating meaningful relationships among students and between students and staff, was also meant as a way to promote the community aspect of the school that had been emphasized in the mission statement. The plan was for every day to begin with a school-wide assembly before students went to their “Focus” classes. These had been designed as small communities where relationship-building, social-emotional priorities, and basic study skills would be emphasized before students attended their regular classes. One afternoon every week the entire school would engage in a community-building activity. Participation in school-based extra-curricular activities was to be strongly encouraged as well. From the onset parent involvement was talked about as a priority in order to build the kind of empowering bilingual community that had been envisioned (Bilingual Community Academy Public Charter School, 2004). In keeping with the spirit of reform that underlay the charter school movement as a whole, ABC was established in order to provide an idea of schooling that would be deliberately different.

**The School’s Successes.** Academically, the school was highly successful according to its own assessments. Indeed, while the state-mandated DCCAS high-stakes standardized test is an evaluative assessment tool meant to measure whether the student is able to use the totality of her or his academic skills to solve certain kinds of problems seen to be on grade level, internal ABCAP assessments were designed to be formative and test individually those requisite skills that, taken together, allow students access to the grade-level curriculum. Both types of tests are certainly relevant, but they are not interchangeable. ABCAP measured a continuum of skills ranging from a basic lower elementary school-level to middle school-level that were seen as prerequisite building blocks for problem solving on the DCCAS. If a student showed growth on the formative ABCAP but not on the evaluative DCCAS, then she or he was thought to be building in the right direction but needed more time. Students overall demonstrated significant success on the ABCAP in each of the three years. Table 2 shows the distribution of initial and final 7<sup>th</sup> grade math ABCAP scores for the second year. It is clear that most students began the year with skills far below grade level and made considerable progress across the continuum of skills. Given that students often enrolled without having mastered prerequisite elementary school skills, progress on the ABCAP measures certainly pointed to success that was not represented by DCCAS scores.

Table 2

*Student Score Distribution on 7<sup>th</sup> Grade ABCAP Math Pre- and Post-Tests*

| Number of correct answers    | Initial (Fall, Year 2) | Final (Spring, Year 2) |                   |
|------------------------------|------------------------|------------------------|-------------------|
| 71-74 (out of a total of 74) | 0                      | 0                      | Grade level       |
| 66-70                        | 0                      | 4                      |                   |
| 61-65                        | 0                      | 22                     |                   |
| 56-60                        | 0                      | 8                      |                   |
| 51-55                        | 0                      | 1                      |                   |
| 46-50                        | 2                      | 1                      |                   |
| 41-45                        | 4                      | 3                      |                   |
| 36-40                        | 9                      | 7                      | Below Grade Level |
| 31-35                        | 14                     | 1                      |                   |
| 26-30                        | 11                     | 1                      |                   |
| 20-25                        | 3                      | 2                      |                   |

**The School as Redirected by AYP**

**High Stakes Test Results.** Indeed—and in stark contrast—student scores on the DCCAS were extremely low in both Reading and Math in each of the three years (see Table 3). There is much debate around the extent to which high-stakes standardized tests actually measure instruction and not the demographic composition, socio-economic status, and educational history of the students—none of which are under the control of teachers and school administrators (Welner, 2005). Indeed, in the case of ABC in particular, test scores overall were connected to student mobility, poverty, and a high percentage of ELLs and students with disabilities (Martin, 2011).

Regardless of these doubts concerning the validity of measuring school quality through standardized test scores, the current reality of public education is that not making AYP is publicly announced as instructional failure. Persisting in not making AYP triggers remedial pressures and the threat of eventual reconstitution. For the life of a school, then, increasing test scores once they are low becomes the highest priority.

Table 3

*ABC’s DCCAS Scores—Total Population*

| School Year | % Proficient Total Population: Reading | % Proficient Required to make AYP: Reading | % Proficient Total Population: Math | % Proficient Required to make AYP: Math |
|-------------|--|--|-------------------------------------|---|
| Year 1      | 28.31%                                 | 43.58%                                     | 22.64%                              | 40.54%                                  |
| Year 2      | 26.04%                                 | 43.58%                                     | 11.46%                              | 40.54%                                  |
| Year 3      | 23.47%                                 | 57.69%                                     | 16.33%                              | 55.41%                                  |

**How testing changed the school.** Upon examining the documents that were created in each of the three years, one notices general trends in how the focus of the school changed over time. Overall, there seems to be a general shift from a developmental and process-oriented approach to learning and teaching, with a focus on bilingual education and an attempt to carefully balance

academic and non-academic educational needs, to a more explicitly results-oriented view and an increasingly single-minded focus on discrete skills in the tested subject areas.

*Year one.* The emphasis in the first year had been on establishing a comprehensive program that tried to balance academic and non-academic areas, prioritized bilingual education and critical thinking—in keeping with the original vision of the school—and that conceived of learning as developmental and teaching as process-oriented. Documents presenting the program as a whole emphasized the school mission, the Habits of Mind, and the totality of academic services, making a point of showing how the core academic and language development curricula, the social-emotional Focus program, and the bicultural emphasis of the special subjects established a vision of community-oriented bilingual education that addressed the whole child.

Documents specifically related to the curriculum explained how content instruction in Spanish would work even though half the students were not fluent in Spanish, and how the core content courses were standards-aligned while the language development courses were built around stages of language and literacy development that were not based on grades but on the individual needs of each student as determined on diagnostic assessments. Non-academic components of the school included arts and movement classes, a regular student support team that focused on students seen to be struggling academically, emotionally, or behaviorally, a life skills component of the Focus program, and the school's soccer team. Once a week students engaged in explicit community building activities at the end of the day.

Artifacts related to assessment focused on the ABCAP individual diagnostic assessments in math and in English and Spanish oral and written language development, the state-mandated assessment of English proficiency for ELLs, and the DCCAS. The different assessments were to be reported on in the required charter school accountability plan, which would be used by the local charter school board in its future determination of whether or not to renew the school's charter. All in all, the emphasis in this first year was on developing structures that would support the vision of the school in terms of bilingual, community-oriented, and whole-child focused education.

The year of course ended with the school's first administration of the DCCAS, yielding baseline data whereby only 28.31% of the students scored Proficient or Advanced in Reading, and 22.64% in Math. To make AYP, schools needed proficiency scores of 43.58% and 40.54%, respectively.

*Year two.* In the second year there appears to have been a shift in focus on discrete skills, in particular the area of vocabulary and reading development, with a more results-oriented approach and particular attention to

very targeted test practice. A new central curricular document described in detail how the different courses addressed the standards. The curriculum itself had been revised to emphasize and make explicit specific academic skills whereas the previous version had focused more on general concepts, themes, and rationales. New curricular alignments specifically emphasized language skills in both English and Spanish, with a new school-wide vocabulary list and new English-language Drop Everything and Read/Write (DEAR/W) classes that were to help students with vocabulary building and fluency in reading and writing. These efforts were compounded by the mandatory language development program during the month before the school year began, where students were given diagnostic assessments and received initial language instruction. The focus of the non-academic aspects of the school changed little, with the exception of a new Focus curriculum that made explicit what students were to learn in this area and also introduced a point system to reward positive community behavior within each class. The bi-weekly community building activities were further supplemented with a choice of additional elective dance, capoeira, and theater classes.

There were significant changes in the approach to assessment between the first two years. Whereas the first year had emphasized mandated and diagnostic assessment, the second year introduced considerable practice testing, the idea being that practice alone—even divorced from the learning of specific academic content—might provide for improved results. Students were periodically administered assessments that resembled the state tests they were to take in the spring. The progress of those students who had tested lowest on a diagnostic basic skills test in math and those who had been close to scoring Proficient on the previous year's DCCAS were monitored separately. Finally, an assessment calendar for the year was created and distributed to teachers, marking an evolution from a consideration of individual assessments as merely diagnostic or summative to one of an ongoing assessment program that became itself a focus of the school's program.

Again, the year ended with low standardized test scores and failure to make AYP. Reading scores were similar to those from the year before, with 26.04% of the students scoring Proficient or Advanced. Math scores were much lower than before, falling from 22.64% Proficient to 11.46% (see Table 3).

*Year three.* The trend away from the central goal of bilingualism and a whole-child, comprehensive view of a student's education toward one that was focused more explicitly on measurable progress in discrete skills in English and Math continued and became more defined in the third year. Whereas in the second year there had been a general shift from an integrated view of the school program as a whole to a more specific focus on standards and skills, documents created in the third year mark an

explicit focus on math and reading as the subjects tested on the DCCAS and explain how this change in attention could be reconciled with the existing focus of the school.

As a consequence of not making AYP, ABC was required to formulate a School Improvement Plan (SIP) that was submitted to overseeing agencies and shared with families and stakeholders. The SIP called for some initiatives in particular that were different from what had been in place previously. This plan was to identify areas of need that had contributed to the unsatisfactory DCCAS results and propose strategies to address the school's weaknesses, as well as implementation timelines and monitoring approaches. Given the very low DCCAS scores and the absolute imperative to find ways to improve on them, math was especially emphasized in academic planning. The SIP addressed math and reading by focusing on four general areas, namely, emphasizing specific sub-skills, promoting both guided and independent reading, generally improving instruction and making it more consistent, and, especially, emphasizing test preparation.

In terms of specific skill areas in Math, the SIP explained that ABC would from now on emphasize both grade-level and prerequisite discrete elementary-level math skills, ensuring that they were taught, reviewed, and/or retaught both during the regular school day and after school, with particular attention paid to the instruction of special education students and ELLs. Previously, math had been taught as a single course that was designed to reteach requisite elementary school skills and eventually address grade-level content once students had the necessary foundation—which ABCAP assessments very clearly showed students did not have upon entering (see Table 2). School leaders had initially refused this notion that one should pretend that students were ready to be taught on grade level simply because the curricula and benchmarks said so. Conversely, the SIP established a math program with several instructional components that were delivered side by side and that focused on different pieces of the elementary-to-grade level sequence of concepts and skills. Changes thus took away from the entirely developmental focus of the program to explicitly address the low DCCAS scores.

In addition, as a result of an in-depth analysis of the DCCAS scores in Reading, the SIP called for a review of the school's reading curriculum in order to place greater emphasis on informational texts. Opportunities were to be provided for teachers to share strategies to facilitate the study of informational texts and promote both independent and guided reading.

The SIP further stipulated that instruction emphasize small groups and differentiation. This, in turn, entailed that teachers be given adequate time to plan, both alone and collaboratively. These changes, while certainly welcome at first view, also had implications for the dual language model of the school. While math class in

particular had heretofore revolved mostly around whole-class instruction, the plan called for the establishment of cooperative groups and learning centers as the basic classroom structure, also to allow the targeting of skills based on student needs. This was certainly a departure from the whole class immersion that was to teach everyone Spanish by maximizing interaction among students with different levels. Essentially, Math was going to be less of a Spanish immersion class.

Finally, and perhaps most significantly, the SIP called for consistent and ongoing test preparation, explicitly in order to improve on the DCCAS. The DCCAS was therefore no longer regarded as a mere way of measuring the attainment of educational goals, but became an explicit educational goal in itself. This was a major departure from the basic orientation of the school. Indeed, test preparation had not been emphasized previously, as it went counter to the notion that all students should work based on where they were and not on a benchmark. It would now be a regular feature of the program in both subject areas, with monthly school-wide practice tests.

In the year following the design of the SIP a number of changes were implemented throughout the program. Artifacts and initiatives respective to ongoing curriculum development were a sequence of curriculum maps for each of the three grades that presented an overview of content in all subject areas, with an explicit focus on common skill areas. This attention to skill-centered curriculum cohesion and integration combined the cognitive, theme-based orientation that had been promoted for the school program and the discrete skills targeted for testing. Revisions of existing curriculum units and the renewed revision of the math curriculum as a whole also made discrete skills an area of emphasis.

This new explicit focus on discrete skills work in areas where test results had been poor also drove the design of new academic initiatives. Thus whereas in the second year there had been an emphasis on targeted reading, writing, and vocabulary building during the regular school day, new additions now targeted discrete skills work in math to address both the prerequisite elementary skills most students were lacking and those particular grade-level skills that would help DCCAS scores. Whereas the school year had up until now been preceded by an intensive language academy to establish a Spanish foundation for all students, instruction during this month was now split between language and math in order to try to ensure that all students had a foundation that would allow them to access the grade level curriculum. A new math study hall was instituted during the day when classes would practice basic skills during otherwise unscheduled time. Further math instruction was given during a daily after-school Math Academy that included tutoring services that were mandated after the school failed to make AYP. Instead of playing on the school

soccer team, which was discontinued, students would be studying math. Here students were essentially tracked into different levels of proficiency, with remedial and enrichment services provided by different groups of tutors. Students considered to be ‘on the bubble’ for scoring proficient on the DCCAS were identified and especially targeted. Finally, and significantly, students ‘on the bubble’ would be pulled out once a week from an elective class (taught in Spanish and tied to multicultural education) in order to take an on-line math tutorial on skills that matched their level.

One result of the low math scores on the DCCAS was that math skill development was now the one overriding objective of the math class, severely undermining its second purpose as a forum for Spanish immersion. The strategic plan for the year proposed that Spanish continue to be used for most rote communication, but that new math content be taught in English and translated into Spanish as needed for the English language learners who needed it.

As the school did more to explicitly target discrete academic skills, other non-academic services were pared down. Community-building activities, soccer, dance, capoeira, and theater classes were discontinued while the school sought to concentrate its resources on academics. One further difference was the establishment of new monitoring protocols for both students and teachers. A new tracking system was introduced for behavioral incidents to examine how individual students’ behavior connected with their academic success as measured by grades and results on interim assessments. A protocol was also established for collaborative meetings designed to make them more clearly outcome-oriented.

The school’s assessment program became a more pervasive version of what had been established the previous year, with a focus on interim assessments that were in alignment and ultimately targeted the culminating DCCAS. Monthly standardized tests were administered to the whole school in Reading and Math and homework was frequently given using the format and language of the DCCAS. Additional testing booklets were given as weekend homework and Focus class now also involved test preparation. The program of individual diagnostic assessments was continued as well, although it was reduced to focusing exclusively on basic math and reading and writing in both languages. One significant change was the explicit focus on students considered to be “on the bubble” for scoring Proficient on the DCCAS. These students’ interim test results were tracked more specifically and they were pulled out of art and movement classes to work on test preparation in math.

The transition from the second to the third year thus involved accepting—through persistent low test scores and the SIP—the reality of having to teach to the

test as the clear first priority, with trying to preserve the original vision of the program becoming a lesser concern.

### **Discussion of Findings**

Over the course of the three years and the persistence of low test scores, the school increasingly made achieving AYP its single priority and, in many ways, the guiding principle for programmatic development as though this were the overarching organizational mission. Not only did this bring about significant changes in the character and ambitions of the school, but the very point of focus represented a philosophical transformation in and of itself. The school began with an emphasis on bilingual education and community leadership that explicitly focused on the learning of students developmentally and based on their individual situations rather than on generalized benchmarks. By the third year the bilingual and community focus had been significantly reduced and the programmatic emphasis was on the development of specific pre-mapped skills with the expressed purpose of being successful on norm-referenced standardized tests. Those programmatic features that were meant to emphasize the whole child were stripped down in order to make room for very targeted work in areas emphasized by the test. From an emphasis on trying to address all students equally, the trend shifted to one of particular attentiveness to the progress of students with the clearest potential of scoring Proficient and possibly enabling the school to make AYP.

How, then, might the AYP mechanism impact what a school does and is? ABC had a very particular vision for the education it wanted to provide for its students, but the AYP evaluation system imposed a different set of educational goals—arguably stemming from a very different educational vision—that had to be met before anything else could be focused on. Depending on whether the school could meet these mandated educational goals, it would or wouldn’t be granted permission to focus on the vision it was established to follow. Furthermore, it can be argued that ABC’s failure to meet the AYP-mandated goals was in great part connected to the situation of the population it served and not simply a product of instruction (Welner, 2005). With the threat of eventual reconstitution or closure, a school such as ABC has no choice but to prioritize the goals of making AYP over the establishment of its own educational vision, which in turn dictates what areas of students’ school life it will and will not focus on. If one sees the school’s particular vision as valuable as is, this is a loss. If one agrees that the goals, benchmarks, and measurement criteria established to satisfy the AYP requirements are indeed what schools should focus on first and foremost, then this guiding pressure has to be seen as a positive way to ensure that a school does what it needs to do.

In other words, the issue becomes whether we do in fact want public schools to be reformed by allowing innovation, experimentation, and a forum for multiple educational visions—as charter schools were designed for—or whether, instead, reform comes from the central imposition of a single educational vision, with its own benchmarks and measurement systems. The ways ABC Public Charter School at first presented an original, creative vision, and then transformed itself to focus almost entirely on making AYP illustrates this central contradiction

#### References

- Abowitz, K. K. (2010). Qualifying my faith in the common school ideal: A normative framework for democratic justice. *Educational Theory*, 60(6), 683-702.
- Barr, J. M., Sadovnik, A. R., & Visconti, L. (2006). Charter schools and urban education improvement: A comparison of Newark's district and charter schools. *The Urban Review*, 38(4), 291-311.
- Bilingual Community Academy Public Charter School. (2004). Charter application. Unpublished document.
- Bilingual Community Academy Public Charter School. (2005). Mission statement. Unpublished document.
- Borkowski, J. W., & Sneed, M. (2006). Will NCLB improve or harm public education? *Harvard Educational Review*, 76(4), 503-525.
- Calderon, M., & Minaya-Rowe, L. (2003). *Designing and implementing two-way bilingual programs: A step-by-step guide for administrators, teachers, and parents*. Thousand Oaks, CA: Corwin Press.
- Cohen, M. (2002). Unruly crew: Accountability lessons from the Clinton administration's attempts to cajole the states into complying with federal mandates for standards-based reform. *Education Next*, 2(3). Retrieved from <http://educationnext.org/unrulycrew/>
- Costa, A. L., & Kallick, B. (2008). *Learning and leading with habits of mind: Sixteen essential characteristics for success*. Alexandria, VA: Association for Supervision and Curriculum Development.
- Davison, M. L., Seo, Y. S., Davenport, E. C., Butterbaugh, D., & Davison, L. J. (2004). When do children fall behind? What can be done? *Phi Delta Kappan*, 85(10), 752-761.
- Finn, C. E. (2002). Making school reform work. *Public Interest*, 148, 85-95.
- Galloway, D. L. (2007). A change management, systems thinking, or organizational development approach to the No Child Left Behind act. *Performance Improvement*, 46(5), 10-16.
- Goldenberg, I. I., Kunz, D., Hamburger, M., & Stevenson, J. M. (2003). Urban education: Connections between research, propaganda, and prevailing views of education. *Education*, 123(3), 628-635.
- Grady, D. P. (2011). Charter school revocation: A method for efficiency, accountability, and success. *Journal of Law and Education*, 41(3), 513-554.
- Hanushek, E. A., & Raymond, M. E. (2005). Does school accountability lead to improved student performance? *Journal of Policy Analysis and Management*, 24(2), 297-327.
- Hess, F. M., & Finn, C. E. (2007). *No remedy left behind: Lessons from a half-decade of NCLB*. Washington, DC: AEI Press.
- Lashway, L. (2003). The mandate to help low-performing schools. *ERIC Digest*. Retrieved from <http://files.eric.ed.gov/fulltext/ED478248.pdf>
- Lee, V. E., & Burkam, D. T. (2002). *Inequality at the starting gate: Social background differences in achievement as children begin school*. Washington, DC: Economic Policy Institute.
- Lindholm-Leary, K. J. (2001). *Dual Language Education*. Clevedon, England: Multilingual Matters.
- Martin, P. C. (2011). Selecting one story and hiding others: How AYP chooses the portrayal of a school. *Current Issues in Education*, 14(1). Retrieved from <http://cie.asu.edu/ojs/index.php/cieatasu/article/view/592>
- Nathan, J. (1998). *Charter schools: Creating hope and opportunity for American education*. San Francisco, CA: Jossey-Bass.
- New York Times. (2012, January 2). *Diversity in the classroom*. Retrieved from <http://projects.nytimes.com/immigration/enrollment/district-of-columbia/district-of-columbia/abc-bilingual-community-academy-agy>
- Noguera, P. (2003). *City schools and the American dream: Reclaiming the promise of public education*. New York, NY: Teachers College Press.
- Paris, D. C. (1997). School reform: Too much talk, too little action. *Forum for Applied Research and Public Policy*, 12(3), 46-56.
- Peebles, L. D. (2004). Curricular issues and charter schools: The case of Marblehead Charter School. *Curriculum and Teaching Dialogue*, 6(1), 1-11.
- Piché, D. (2007). Basically a good model: NCLB can be fixed. *Education Next*, 7(4). Retrieved from <http://educationnext.org/basically-a-good-model/>
- Raudenbush, S. W., & Willms, J. D. (1995). The estimation of school effects. *Journal of Educational and Behavioral Statistics*, 20(4), 307-335.
- Rees, N. S. (1998). School Reform. *The American Enterprise*, 9(6), 60-61.

- Schul, J. E. (2011). Unintended consequences: Fundamental flaws that plague the No Child Left Behind act. *JEP: EJournal of Education Policy*. Retrieved from <http://nau.edu/uploadedFiles/Academic/COE/About/Projects/Unintended%20Consequences.pdf>
- Teddlie, C., Kirby, P. C., & Springfield, S. (1989). Effective versus ineffective schools: Observable differences in the classroom. *American Journal of Education*, 97(3), 221-236.
- The Education Trust. (2004). The ABCs of “AYP”: Raising achievement for all students. Washington, D.C.: The Education Trust.
- Washington Lawyers’ Committee for Civil Rights and Urban Affairs. (2010). *The state of the District of Columbia Public Schools 2010: A five-year update*. Retrieved from <http://www.washlaw.org/pdf/DC%20Public%20Schools-5%20Year%20Update%20-%20Final.pdf>
- Welner, K. G. (2005). Can irrational become unconstitutional? NCLB’s 100% presuppositions. *Equity and Excellence in Education*, 38(3), 171-179.
- Zhang, H., & Cowen, D. J. (2009). Mapping academic achievement and public school choice under the No Child Left Behind legislation. *Southeastern Geographer*, 49(1), 24-40.
- Zinsmeister, K. (1998). Are Americans ready for dramatic school reform? *The American Enterprise*, 9(3), 19-20.

**Article Citation**

Martin, P. C. (2015). *Contradictory Reforms: When NCLB Undermines Charter School Innovation*. *Current Issues in Education*, 18(1). Retrieved from <http://cie.asu.edu/ojs/index.php/cieatasu/article/view/1346>

**Author Notes**

Peter Clyde Martin, Ed.D

Ithaca College

Phillips Hall 194C, 953 Danby Road, Ithaca, NY 14850

[pmartin@ithaca.edu](mailto:pmartin@ithaca.edu)

Peter Clyde Martin is on the faculty of the Education Department at Ithaca College. He holds a doctoral degree in Bilingual Special Education from The George Washington University. His research interests focus on the areas of teacher education and differentiated instruction, teacher collaboration, educational equity, vision-based and transformational schooling, and serving the needs of English language learners considered to be at risk of educational failure.



## **Current Issues in Education**

---

Mary Lou Fulton Teachers College • Arizona State University  
PO Box 37100, Phoenix, AZ 85069, USA

Manuscript received: 12/23/2013

Revisions received: 09/16/2014

Accepted: 09/06/2014



# **Current Issues in Education**

Mary Lou Fulton Teachers College • Arizona State University  
PO Box 37100, Phoenix, AZ 85069, USA

---

Volume 18, Number 1

March 22, 2015

ISSN 1099-839X

---

Authors hold the copyright to articles published in *Current Issues in Education*. Requests to reprint *CIE* articles in other journals should be addressed to the author. Reprints should credit *CIE* as the original publisher and include the URL of the *CIE* publication. Permission is hereby granted to copy any article, provided *CIE* is credited and copies are not sold.

---



## **Editorial Team**

### Executive Editor

**Constantin Schreiber**

### Assistant Executive Editor

**Anna Montana Cirell**

**Niels Piepgrass**

### Authentications Editors

**Tray J. Geiger**

### Layout Editor

**Constantin Schreiber**

### Copy Editors/Proofreaders

**Lucinda Watson**

**Earl Aguilera  
RikkyLynn Archibeque  
Evelyn Concepcion Baca  
Tray J. Geiger**

### Section Editors

**Darlene Michelle Gonzales  
Megan Hoelting  
Dani Kachorsky  
Laura Beth Kelly**

**Tome Martinez  
Priyanka Parekh  
Kevin J. Raso**

### Faculty Advisors

**Dr. Gustavo E. Fischman  
Dr. Jeanne M. Powers**

---