

NO CHILD LEFT BEHIND:

HOW THE POLICY WORKS TO FURTHER ENTRENCH EDUCATIONAL INEQUALITY IN TEXAS

THE NO CHILD LEFT BEHIND (NCLB) ACT seeks to improve the quality of education for students of all backgrounds and rekindle hope for our “neediest” children.¹ The passionate political rhetoric and promise of \$200 billion in funding that accompanied the passage of NCLB in 2001 seemed like an ideal solution for the long-entrenched problem of inequality in America’s education system.² Indeed, many academics have examined and applauded the strides made by NCLB in dealing with the perplexing issue. Their claims are often well documented, and to a certain extent, it would be ludicrous to argue that NCLB does nothing to reduce inequality in education. I contend, however, that on balance NCLB does much more to reinforce educational inequality by obfuscating the detrimental outcomes of the policy behind a well-designed mirage of political rhetoric.

Much debate surrounds the No Child Left Behind Act as a policy. Critics argue that poor implementation and insufficient funding of NCLB actually work to exacerbate inequality, but this critique alone lacks the incriminating strength of an attack on the design and approach of NCLB. If NCLB was genuinely intended and appropriately designed to reduce educational inequality and failed to do so because of technical missteps in the implementation or inadequate funding, then every argument could be rebutted by simply improving the process or fully funding the program. Instead, I assert that NCLB is fundamentally misguided and so poorly designed in its current form that it could never achieve the principle implicit in its name. This paper is aimed at discrediting the ill-conceived ideology and flawed methodology of NCLB in the hopes that new policy approaches, which could play a serious role in reducing educational inequality in the United States, will emerge in the near future.

BY KEN FLIPPIN

Ken Flippin received his bachelor’s degree in communication and government from Angelo State University in 1995, and will receive a master’s degree from the LBJ School of Public Affairs in May 2005. His work experience includes blood and stem cell drive recruitment, political campaign management, policy research and analysis with a Texas legislative committee, and administrative management training with the Texas Education Agency.

THE RIGHT NAME FOR THE WRONG POLICY

H. L. Mencken, an early 20th century newspaper editor and writer, said, "For every complex problem there is an answer that is clear, simple, and wrong."³ Neither the clear ideology nor the simple methodology of NCLB is capable of solving the complex quagmire of educational inequality.

The design of NCLB is flawed at its core. Most critically, it requires the federal government to intervene heavily in education policy, which has historically been the responsibility of states. It does so by using fiscal influence to press for major structural changes while simultaneously devolving the power and application of the programs back to the states and local governments.⁴

NCLB aims to achieve "stronger accountability for results" throughout the various levels of federal, state, and local authorities by imposing a strict system of fiscal rewards and punishments based on student performance and by placing high stakes on success.⁵ However, NCLB permits local entities enormous latitude to define "success" for their programs. It is analogous to allowing gamblers to change the rules of a high-dollar blackjack game to suit the hand they have been dealt. The structure of the policy presents a contradiction of interests that leads to visible problems throughout the entire education system.

NCLB requires that states reach a 100 percent proficiency target in 12 years.⁶ This means that all students and all subgroups of students must make progress each year toward that goal.⁷ Each state can decide where to set the initial percentage of how many students must pass in order for a school to be judged acceptable.⁸ Schools that set low passing rates initially will have to make more progress in later years.⁹ This flexibility creates some inconsistency, but it is not the major problem. The larger issue is that each state is given broad discretion to define what constitutes "proficient" on tests for each grade.¹⁰ Furthermore, each year states can choose to alter the number of questions that students must answer correctly in order to be judged proficient.¹¹

As they tackle these requirements, states, including Texas, have faced numerous problems. First, the variance of standards between states is so broad that the concept of proficiency has become

meaningless.¹² Kingsbury and coauthors found that the variance among students of the same grade level between 12 selected states was vast in every subject.¹³ In third grade, reading proficiency ranged from the 67th percentile to the 13th percentile.¹⁴ Texas was one of the states that set the cut score at the 13th percentile.¹⁵ In eighth grade reading, the cut scores ranged from the 74th to the 12th percentile.¹⁶ The implications of such a wide variance cannot be overstated. Telling a school, parent, teacher, or student that a certain score is proficient has become almost meaningless, yet the consequences can be enormous for the future of everyone involved. The vast disparity in passing rates across the country is a natural result of the disparity of cut scores.

Second, the wide range of passing rates makes state-to-state comparisons impossible. What does

it mean for a school to be judged as passing by a large margin in one state, when that same school would be deemed a clear failure in another? It is true that states are at different levels of education quality and should have some flexibility to define success in their own systems. However, the pressure to set cut scores is clearly more influenced by the high stakes outcomes

of the tests than by the true variance of educational opportunity. For example, in Arkansas no schools have failed to meet the proficiency standard, while over 1500 have failed in Michigan.¹⁷ The lack of consistency exposes an administrative design flaw in NCLB.

Third, the United States Department of Education has tried to enforce reasonable standards, but it has no authority under the current law to force changes on state education departments. In some states, education departments have even joined with the U.S. Department of Education in asking other state legislatures to change the proficiency standards to more accurately reflect the true quality of education.¹⁸ However, states have to weigh the possibility of decreased funding if they raise cut scores. In the end, a lack of administrative oversight ensures that states will continue to use inconsistent and inadequate measures of proficiency.

Fourth, the system of rewards and punishments has been reversed. States that set high standards are much more likely to find the majority of their schools under sanction.¹⁹ Meanwhile, schools that

NCLB does much...to reinforce educational inequality by obfuscating the detrimental outcomes of the policy behind a well-designed mirage of political rhetoric.

set low standards are celebrated and their politicians can proclaim that they are meeting the needs of their students.²⁰ Naturally, states that initially set high standards are going to feel pressure to realign their standards to join what has become a race to the bottom. While the Department of Education is lobbying state legislatures to raise standards, many states are actually lowering their standards to compete with the “successful” states.²¹ The poorly designed policy leads to incentives that move in direct opposition to the stated values of “stronger accountability.”²²

The situation in Texas illustrates how powerful this perverse incentive can be.²³ The Texas State Board of Education significantly lowered the proficiency standard for the third grade reading tests so that students only have to answer 20 out of 36 questions, or 55 percent, correctly.²⁴ Like many other states Texas did so to avoid the possibility of NCLB sanctions.²⁵ States at the lower ends of the proficiency spectrum have more motivation to lower their standards than they do to lobby for national standards. The problem is nothing short of an administrative quagmire, yet the Education Department lacks the authority to correct it.

Furthermore, there is limited correlation between what it means for a school to be passing and whether that school is truly succeeding, another design flaw woven into the NCLB program that is unlikely to change anytime soon. Even when the test scores are properly aligned across states, they only test attainment of a particular standard; they do not measure success based on improvement.²⁶ NCLB requires schools to make Adequate Yearly Progress (AYP), which implies some type of growth measure, but in actuality it only gauges whether an increasing number of students actually cross the proficient line each year.²⁷ This can lead to a complete misdiagnosis of how strong a school is performing.²⁸ Schools with a high number of low-performing students who fall far below the proficient mark may be able to bring those students a long distance, but they are still considered failing if they do not cross that threshold.²⁹ Conversely, schools with high-performing students who are falling behind, but who do not cross into the failing range, are labeled successful.³⁰ The design lacks any true growth measure and thus has major potential for inequality.

Fifth, NCLB adds to educational inequality by giving new strength to the old problem of linking funds to success determined by demographics. Historically, statistics of students who graduate, who go to college, who fail, and who drop out have been the central method of evaluating quality in

America’s educational system.³¹ Schools that tend to have high drop-out rates and a small percentage of students going on to college are deemed failing.³² These failing schools have historically struggled for equal resources and appropriate recognition in a system in which schools with large populations of poor minorities and limited English proficiency learners are already chronically underfunded. Efforts to equalize funding have been pursued through state court systems, but because of passive resistance from state agencies, legislatures, and wealthy schools districts, they have experienced limited success.³³

Under the current system, even a well-designed test standardized across states will reinforce inequality by using a status standard instead of a growth standard.³⁴ The reason is because schools with high numbers of low-performing students will find it much more difficult to meet NCLB standards than schools that bring in high-performing students.³⁵ Kim and Sunderman found that reliance on the NCLB status test reflects more accurately differences in student backgrounds than school quality.³⁶ Alternative tests gauged progress over time and found similarities in achievement between groups of schools that both met and failed to meet AYP standards.³⁷ NCLB further perpetuates the equality problem by mandating that funds be linked directly to success that is defined more by student demographics than by quality pedagogy.

The implications of these issues indicate a troublesome outlook for educational equality. Schools that are succeeding in the toughest of educational environments are being labeled failures by NCLB because of low relative test scores.³⁸ The high-stakes consequences of NCLB tests and their effects on funding for these schools will be devastating.³⁹ Successful approaches will be labeled as failures; funding will be diverted; the perception of students, teachers, parents, and the public will further diverge from reality; and consequently, inequality will deepen.⁴⁰

Advocates for educational equality and state leaders such as Governor Bill Richardson of New Mexico have actively lobbied the Education Department to allow the use of a growth model to meet NCLB requirements.⁴¹ However, this type of change seems unlikely considering the radical transformation it would require to move to a growth model system.

Texas recently took on the problem of testing and accountability. In the spring of 2004, the Texas Joint Select Committee on Education Finance was asked to look into the possibility of applying a growth

model to the current testing system in Texas. It looked at the academic and professional literature on the subject, researched growth models in the few other states that have them, and conducted interviews with growth model experts. It became clear very quickly that a growth model would yield unreliable results if applied to current standardized tests in Texas. The tests, which had been rewritten the previous year to align with NCLB standards, would have had to be rewritten again because growth-model tests must measure a broader range of skills than status-based tests. Students would need to be tested on two to three years of material instead of on the current one year. Unfortunately, growth-based exams take longer to produce data since they look at progress from one test to the next. Further, the NCLB model in place is fundamentally different, and states would be forced to completely scrap their current system or run growth tests in conjunction with the status-based exams.⁴² Ultimately, as the California Department of Education concludes, a growth model is so incompatible with NCLB standards that adoption would be unlikely.⁴³ With limited prospects for reform, it seems likely that states will be locked into the current NCLB model well into the future.

Ultimately, the NCLB accountability system is flawed by its very nature and design, and these flaws will lead to a further entrenchment of inequality in the education system of the United States and Texas. However, the implementation of a policy is equally important as policy design. The arguments outlined from this point will focus on missteps in policy execution and misguided distribution of resources. On the one hand, the negative consequences are more injurious because they deepen the wounds inflicted by the design of the system; on the other hand, these implementation and funding blunders could be more easily righted than the design flaws.

IMPLEMENTATION

The implementation of No Child Left Behind has received much more critical press than the overall design issues. The attacks come from politicians on the left and right, state policymakers who have to design accountability systems to meet federal law, and numerous academics, administrators, parents, teachers, and students frustrated by its far-reaching rules and restrictions. Instead of giving a laundry list of complaints, this section focuses more narrowly on analyzing the missteps that meet

three important standards. First, they must be well documented in academic literature. Second, the mistakes should have some negative impact on educational equality. Third, the impacts should be seen in Texas. These standards sharpen the focus to more accurately document the impacts of NCLB policy on education inequality in Texas.

The previous section laid the groundwork for how poor policy design can hasten and even expand inequality. Its broad focus was necessary in order to demonstrate how the design of NCLB deepens the already ingrained problem. This section and the following one look at how a misguided implementation of NCLB has already made those outcomes a painful reality for many, and together the sections paint a bleak picture of how an unreformed system could lead to a cycle of escalating inequality in Texas.

As mentioned earlier, Texas deliberately sets low test proficiency standards in order to avoid NCLB sanctions, a problem that, in Texas and many other states, is the likely result of poor application of NCLB in three ways. First, NCLB requires that schools must make Adequate Yearly Progress (AYP) overall and for several subgroups.⁴⁴ These groups include minority, economically disadvantaged, disabled, and limited English proficient students.⁴⁵ In theory, this approach has the potential to actually narrow the achievement gap, but the broader design problems have largely overshadowed any potential gains in equality.⁴⁶ In practice, the misapplication of these standards has actually magnified the misalignment of proficiency ratings and quality education.⁴⁷ Kim and Sunderman found that "subgroup accountability rules put disadvantaged schools segregated by race and poverty and multiracial schools at a higher risk of failing AYP than white and middle-class schools."⁴⁸ One reason is because a single student can be counted in several subgroups.⁴⁹ Schools with a higher number of minorities will have more subgroups and thereby more opportunities to fail than schools with few or no minorities.⁵⁰ Schools that otherwise have outstanding scores are designated as failing if even one subgroup fails to meet the cut score or if the school does not get 95 percent participation from that group.⁵¹ Many school officials in Texas have claimed that their unsatisfactory designation was due to this exact problem.⁵² Further, many schools fail because students in the limited English proficiency (LEP) subgroup perform poorly.⁵³ Students who master English quickly leave these groups and increase the likelihood that the remaining subgroup will fail.⁵⁴ The Texas accountability system contributes to the

increasing inequality as these misaligned designations unfairly disparage schools based solely on their demographic responsibility to serve more students in challenging circumstances.

The second major implementation issue is that the Texas system is miscalibrated across grades.⁵⁵ First, Texas requires students to take reading tests in both the third and seventh grades.⁵⁶ Theoretically, students who are proficient on the third grade test and progress normally to the seventh grade should also score in the proficient range.⁵⁷ However, in Texas, the reading scores for the seventh grade are overestimated by 12 percent when compared to scores in the third grade.⁵⁸ The misalignment of scores between grades therefore makes it possible for a student who was designated as passing at one point in the system to be later designated as failing, though at no fault of the school, parent, teacher, or student.⁵⁹ Even a small variance can make the difference for many students and could easily push schools into the failing category.⁶⁰

The third implementation issue is that the system is miscalibrated between subject matters.⁶¹ In other words, students' ability is tested more rigorously in some subjects than in others, leading to much higher rates of failure in some subjects than in others. Once again, the Texas accountability system is guilty of writing its tests with this type of misalignment.⁶² The seventh grade math exam's cut score makes it significantly harder than the seventh grade reading test.⁶³

Other technical problems with NCLB accountability are worth mentioning. The safe harbor mechanism is designed to give schools with low-performing students a shot at overcoming a "failing" designation if they can show that they were successful in reducing the number of failing students by 10 percent.⁶⁴ However, operationally it has a crucial flaw: the mechanism is much more useful if cut scores are set low, which gives states another reason to lower their standards.⁶⁵

It is important to remember that in the larger framework, NCLB is tilted heavily against students who suffer from education inequalities.⁶⁶ Schools close to the edge of failing are much more likely to be pushed back across that line by testing errors. The effect of any of these problems on the scores

of a few students who are members of subgroups could cause the whole school to fail.

Further, the system places enormous pressure on administrators to focus on receiving a proficient rating, even if it does not help serve the larger educational needs of their students. For example, the dropout problem in Texas has grown considerably, and many believe that administrators have shifted their focus from keeping kids in school to passing tests.⁶⁷ In fact, under poorly designed NCLB standards, schools have a perverse incentive to allow underachieving students to drop out in order to show inflated graduation rates.⁶⁸

It should be clear at this point that despite the best efforts of many schools to meet the flawed accountability system, some will be designated as failing despite having a system that is good at advancing the education of students.⁶⁹ It is difficult to predict all of the problems that could result, since schools are just now beginning to feel the sting of the failing label. It is clear, however, that most

of the consequences will only exacerbate the challenges faced by disadvantaged students.

Outlined below are probable consequences of NCLB that can already be observed in some parts of Texas. Growing inequality is not an irreversible trend, but the extent to which Texas students endure the escalating consequences will be determined by whether or not, and how quickly, the state deals with the problems outlined above.

First, failing designations may lead to more blame being placed on the victims.⁷⁰ Poor communities that have been isolated for years due to a perception of hopelessly failing schools and inadequate social service systems will have one more mark of failure painted on them.⁷¹ Schools will feel increased pressure to narrow their curriculum and teach to the test.⁷² The effect could contribute to a current trend of abandoning educational techniques that teach students the importance of being civic-minded members of a democratic society.⁷³ Further, teachers who focus on drilling tests develop less creativity in the classroom.⁷⁴ And students who learn under a test-focused system are less likely to develop critical thinking skills or increase cultural competency.⁷⁵ The changes in curriculum also focus attention away from alternative learning styles and traditional course subjects like art, music, or

The system of rewards and punishments has been reversed. States that set high standards are much more likely to find the majority of their schools under sanction.

speech.⁷⁶ These changes may be especially difficult for disadvantaged students, who are more likely to drop out when they are not taught in their best learning environment or who lose interest when their favorite class is not offered.⁷⁷ The best teachers may leave or avoid applying at school districts labeled as failing.⁷⁸ Quality teachers, who already tend to choose well-funded, predominately white schools, will have one more reason to avoid the schools that need them the most.

Poorly calibrated standards also lead to misallocation of funds.⁷⁹ Programs that worked previously may be judged as failures and replaced with less effective programs. Schools that are doing more with less but are improperly designated as failing may lose funds, followed by the departure of their strongest students and a diminishing of public support.⁸⁰ State administrators and the public may misconstrue what works in certain subjects and at certain grades because of misalignments between grades and subjects.⁸¹ They may even reward failure and punish success because of these misalignments. All of these problems will likely grow and fuel the cruel realities of inequality. If demographics continue to define success under NCLB more than education quality, then it is inevitable that the gap of inequality will only widen.

FUNDING

Next, I will touch briefly on the levels of funding and focus more closely on where those funds are going. I compiled data on seven school districts, ranging from wealthy to poor, in Texas over four years. These data will show that while NCLB has increased funding overall, it has slowly shifted monies to wealthier schools. This point is crucial. Many academics argue vigorously for the accountability mechanism employed by NCLB, because, they say, despite its flaws, it does at least put significantly more money into our poorest schools. I contend that, unfortunately, much of that extra funding has already been diverted away from the neediest public schools and that the trend will continue.

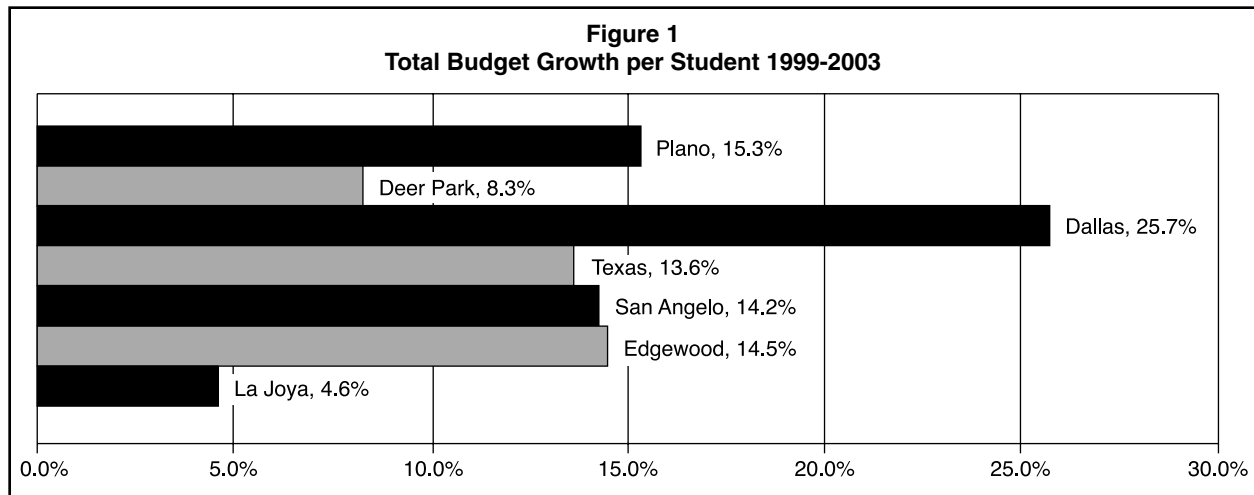
The first question is how much additional money has flowed to education spending because of NCLB. The figure of \$200 billion offered by the Bush administration naturally includes money that has been spent previously and money for projects well into the future.⁸² More realistically, NCLB is projected to add an additional \$8 billion to schools each year.⁸³ It is hard to argue that such a substantial increase

in the federal contribution would not reduce educational inequality in the United States. However, there are many ways to look at the amount of real money that NCLB has added to the system. First, because it has so many testing mandates, many have argued that it is largely underfunded; it requires schools to meet higher standards without giving them the tools to do so.⁸⁴ Texas alone would require an additional \$1.7 to \$6.2 billion to fully fund the requirements of NCLB.⁸⁵ Obviously, some of this responsibility should belong to states and local school districts; however, NCLB has begun at a time when every state is suffering budget crises, which greatly limits their abilities to compensate for the lack of federal funding.⁸⁶

Under these circumstances, the issue of funding has become highly politicized. The debate over how much is spent on schools rages at every level of government. Some point out that increased funding to education through NCLB would be more precisely accounted for by counting offsetting cuts made in other areas of education spending. For example, the increase in federal spending was largely offset by budget cuts to programs like dropout prevention, childhood literacy, and after-school activities.⁸⁷

My approach in this research is to ask whether NCLB funding is actually increasing spending on poor schools in Texas. Traditionally, federal funds go largely to poor schools. Federal education policy has long been focused on filling in the gap for students with the greatest needs, and the largest concentration of these students attend poorer schools. I suspected that NCLB might work to reduce the funds allotted to the poorest students by diverting funds to wealthier schools through changes in the accountability system.

I looked at a four-year history of funding to schools in Texas, and I selected eight school districts to examine: Austin, San Angelo, Edgewood, Deer Park, Dallas, La Joya, Alamo Heights, and Plano. I chose these school districts because they represented a variety of property wealth. I chose property wealth because in Texas property taxes make up the largest source of funds for public education. Plano, Alamo Heights, Deer Park, and Austin are considered wealthy districts because they each contribute to the state's recapture funding system. Dallas and San Angelo are considered midwealth districts because they do not contribute to the redistribution system, but they also receive very little from it. Lastly, Edgewood and La Joya are considered low-wealth districts. They receive the majority of their funding from the state because their local property values do not generate enough



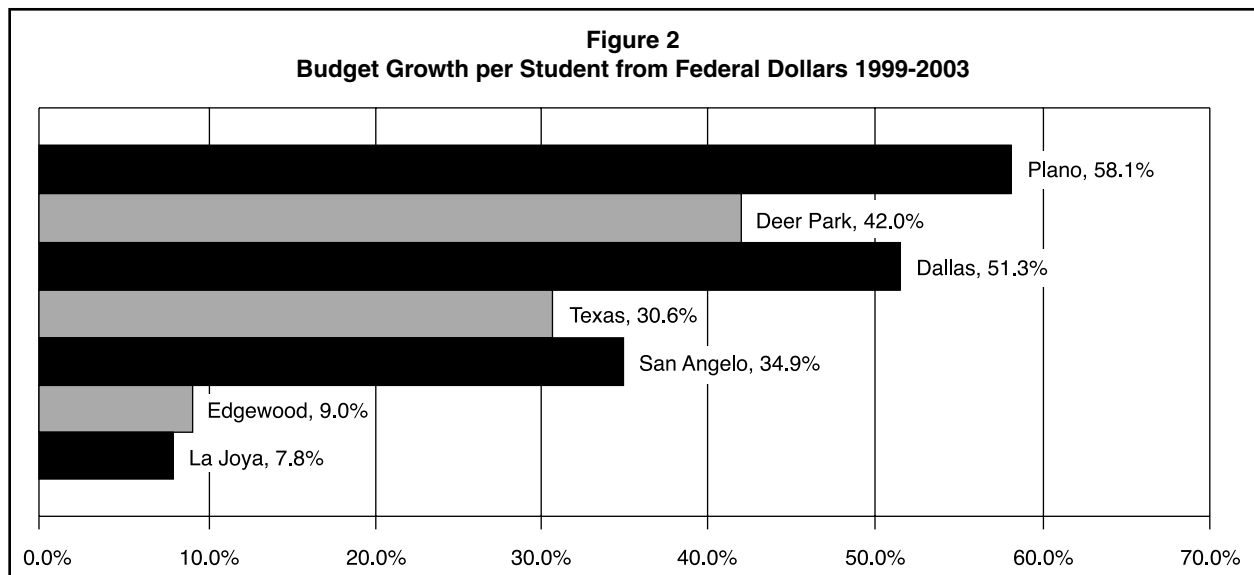
taxes to support the local school system, and they are under average state spending levels.

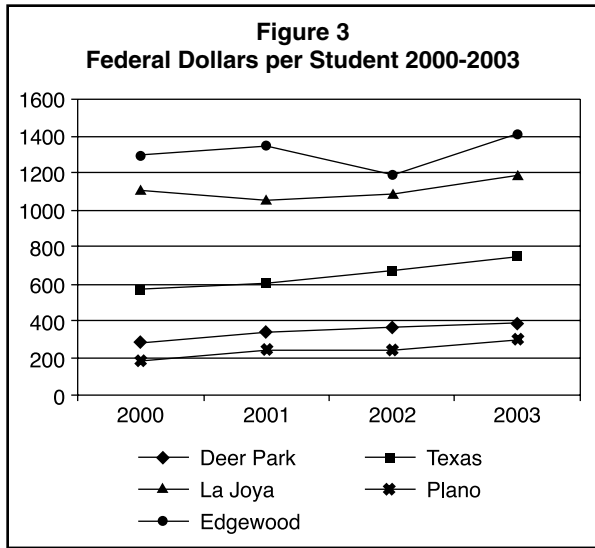
I also looked at spending for the state of Texas as a whole. I collected four years of data starting in the 1999-2000 school year and ending in 2002-2003. I compared incomes for each district from four potential sources: local taxes, other local revenue, state contributions, and federal contributions. I then compared the funding sources of each district to one another in four ways: by actual dollars, by dollars per student, by dollars per average daily attendance, and by dollars per weighted average daily attendance. All of these data were collected from the Texas Education Agency Web site.⁸⁸

My analysis led to four conclusions. First, there is no question that almost all schools receive additional funds because of the implementation of NCLB. As shown in Figure 1, all districts received additional

funding per student. While it should be noted that La Joya, a low-wealth district, grew its funds at a much slower pace than the rest of the districts, another low-wealth district, Edgewood, actually surpassed almost every other district in the survey. Second, low-wealth districts are falling behind the rest of the districts with regard to the amount of federal funding they receive. This is apparent in Figure 2. The two poorest districts had the smallest increases in federal funding over the four-year span. Meanwhile, wealthier districts managed to significantly increase their federal funding after NCLB was implemented.

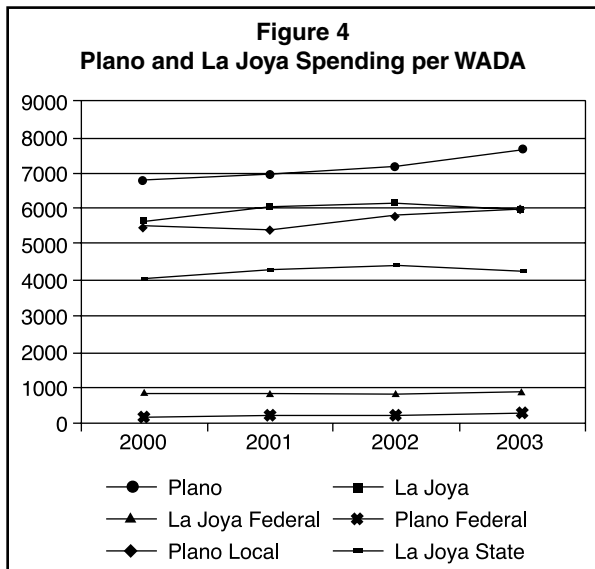
Third, low-wealth districts still get more funds per pupil than midwealth and high-wealth districts, but their rate of growth in federal funds is slower than the state average and that of the high-wealth districts. This finding could have long-term implica-





tions if these trends continue. It is also interesting to note that in Figure 3 there is only one point at which any school suffered from a cut in federal funds per student under NCLB. It occurred for Edgewood in the first fiscal year that federal funds were distributed under NCLB.

Finally, La Joya, a low-wealth district, received the majority of its funds from the state, while Plano, a high-wealth district, received the majority of its funds from local taxes. Even though La Joya received significantly more federal funding than Plano, federal monies did not make up a significant part of its budget. Further, Plano in 2004 brought in more from local taxes than La Joya received from all sources. Lastly, La Joya was heavily dependent on both the State of Texas and the federal government to fund its schools, yet its funding trends over the



four years were less reliable than the funding trends of local property taxes that largely support Plano. If funding trends from all three sources continue at their current course, funding inequality will increase each year.

This analysis confirms, to some extent, my hypothesis. The additional resources from NCLB are helping all schools, but additional funds seem to flow more heavily toward wealthier districts and away from poorer districts. Clearly, America's most disadvantaged students are not the primary recipients of the additional funds from NCLB, and NCLB funds frequently show up as cuts in other education programs. The funds that do go to schools are being spread more evenly among all schools, a phenomenon that is effectively leaving poorer schools further behind their wealthy counterparts. Simply, NCLB funding has done almost nothing to reduce the educational inequality gap in America and may actually serve to increase the gap if current trends continue.

CONCLUSION

The No Child Left Behind Act has had a deleterious impact on educational inequality in the state of Texas. The design of NCLB is critically flawed and has led to a definition of success that is meaningless. The flaws in the standardized testing system punish schools that succeed and reward schools that fail, which further entrenches inequality in the United States schooling system. The implementation of NCLB is riddled with mistakes and perverse incentives, and unfortunately the most vulnerable students pay the price for these mistakes when the gap of inequality between them and their peers widens ever further.

Sadly, it appears that much of the increased funds from NCLB may be diverting funding from poorer districts to wealthier districts. In summary, NCLB works to widen an ever-increasing gap of inequality in this country. It actually distances our most vulnerable and worthy population from the dream that its rhetoric falsely promises.

LBJ

NOTES

1. U.S. Department of Education, "Executive Summary of No Child Left Behind." Online. Available: <http://www.ed.gov/nclb/overview/intro/execsumm.html>. Accessed: December 10, 2004.

2. Ibid.
3. Brainy Quote, "H.L. Mencken." Online. Available: http://www.brainyquote.com/quotes/authors/h/h_l_mencken.html. Accessed: December 10, 2004.
4. David Hursch and Camille Anne Martina, "Neoliberalism and Schooling in the U.S.: How State and Federal Education Policy Perpetrate Inequality," *Journal of Critical Education Policy Studies*, vol. 1, no. 2 (October 2003), pp. 1-3.
5. U.S. Department of Education, "Four Pillars of No Child Left Behind." Online. Available: <http://www.ed.gov/nclb/overview/intro/execsumm.html>. Accessed: December 10, 2004.
6. Jimmy Kim and Gail L. Sunderman, "Large Mandates and Limited Resources: State Responses to No Child Left Behind Act and Implications for Accountability" (Cambridge: The Civil Rights Project at Harvard University, 2004), pp. 8-9.
7. Ibid.
8. Ibid., p. 9.
9. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
13. G. Gage Kingsbury, et al., "The State of State Standards: Research Investigating Proficiency Levels in Fourteen States." Northwest Evaluation Association, pp. 11-12.
14. Ibid., p.12.
15. Ibid.
16. Ibid.
17. A. C. Lewis, "A Horse Called NCLB," *Phi Beta Kappa*. Online. Available: <http://www.pdkintl.org/kappan/k0211lew.htm>. Accessed: December 10, 2004.
18. California Department of Education, "The Implementation of Accountability Provisions of the No Child Left Behind Act: A State Perspective" (2004), p. 7.
19. Kingsbury, et al., pp. 22-23.
20. Ibid., p. 23.
21. Lance D. Fusarelli, "The Potential Impact of the No Child Left Behind Act on Equity and Diversity in American Education," *Education Policy*, vol. 8 no. 1 (January and March 2004), pp. 11-12.
22. Ibid., p. 12.
23. Ibid.
24. S. Dillion, "States Cut Test Standards to Avoid Sanctions," *The New York Times* (May 22, 2003). Online. Available: <http://www.nytimes.com/2003/05/22/education/22educ.html>. Accessed: December 10, 2004.
25. Ibid.
26. Hursch and Martina, p. 27.
27. Ibid., p. 28.
28. Ibid.
29. Ibid.
30. Ibid., pp. 28-30.
31. Ibid.
32. Ibid.
33. Matthew Bosworth, *Courts at Catalyst: State Supreme Courts and Public School Finance Equity* (Albany: State University New York Press, 2001), pp. 2070-2214.
34. Ibid.
35. Kim and Sunderman, p. 9.
36. Ibid.
37. Ibid.
38. Ibid.
39. Hursch and Martina, pp. 1-2.
40. Hursch and Martina, pp. 1-4; and Fusarelli, pp. 18-20.
41. G. C. Guzman, "Governor, Group Wants U.S. Education Policy Revised," *Albuquerque Journal* (September 11, 2004), p. 1.
42. Ibid.
43. California Department of Education, pp. 4-5.
44. "The ABC's of NCLB," *Desert Morning News* (November 2, 2004).
45. Texas Education Agency, Policy Guide for No Child Left Behind (September 30, 2002), pp. 61-65.
46. Hursch and Martina, pp. 1-4; Fusarelli, pp. 18-20.
47. Kim and Sunderman, pp. 7-8.
48. Ibid., p. 7.
49. Ibid.
50. Ibid.
51. Ibid., pp. 7-8.
52. Cynthia L. Garza, "Few Transferring from 'Failing' Schools," *Fort Worth Star Telegram* (November 13, 2004).
53. Fusarelli, p. 8.
54. Ibid.
55. Kingsbury, et al., pp. 15-19.
56. Ibid., p. 16.
57. Ibid.
58. Ibid., p. 17.
59. Ibid.
60. Ibid.
61. Ibid., pp. 15-19.
62. Ibid., p. 19.

63. Ibid.
64. California Department of Education, p. 4.
65. Ibid.
66. Fusarelli, pp. 18-20.
67. Swanson, pp. 34-35.
68. Ibid.
69. Fusarelli, pp. 18-20.
70. Ibid., p. 9.
71. Hursch and Martina, p. 23.
72. Fusarelli, p. 9.
73. Ibid.
74. Ibid.
75. Ibid., p. 10.
76. Ibid.
77. Ibid.
78. Ibid., p. 16.
79. Kingsbury, et al., p. 24.
80. Ibid.
81. Ibid.
82. U.S. Department of Education, "Executive Summary of No Child Left Behind."
83. Gail Sunderman, "Federal State Relationships and the Implementation of No Child Left Behind—First Impressions," *Politics of Education Association*, vol. 28, no. 1 (Fall 2003), p. 2.
84. Jennifer Imazeki and Andrew Reschovsky, "Estimating the Costs of Meeting the Texas Educational Accountability Standards." Prepared for *West Orange Cove v. Neely* (July 9, 2004), pp. 1-4.
85. Ibid., p. 22.
86. Ibid., pp. 1-2.
87. Jack Jennings and Nancy Kober, "Talk Tough: But Put The Money Where Your Mouth Is," *The Washington Post* (October 3, 2004), p. B03.
88. Texas Education Agency, *School Finance Web Site, 2000-2001 to 2003-2004 Actual Financial Data*. Online. Available: <http://www.tea.state.tx.us/school.finance/index.html>. Accessed: November 23, 2004.
- h/h_1_mencken.html. Accessed: December 10, 2004.
- California Department of Education. "The Implementation of Accountability Provisions of the No Child Left Behind Act: A State Perspective." 2004.
- Dillion, S. "States Cut Test Standards to Avoid Sanctions." *The New York Times* (May 22, 2003). Online. Available: <http://www.nytimes.com/2003/05/22/education/22educ.html>. Accessed: December 10, 2004.
- Fusarelli, Lance D. "The Potential Impact of the No Child Left Behind Act on Equity and Diversity in American Education." *Education Policy*, vol. 8, no. 1 (January and March 2004).
- Garza, Cynthia L. "Few Transferring from 'Failing' Schools." *Fort Worth Star Telegram* (November 13, 2004).
- Guzman, G. C. "Governor, Group Want U.S. Education Policy Revised." *Albuquerque Journal* (September 11, 2004).
- Hursch, David, and Camille Anne Martina. "Neoliberalism and Schooling in the U.S.: How State and Federal Education Policy Perpetrate Inequality." *Journal of Critical Education Policy Studies*, vol. 1, no. 2 (October 2003).
- Imazeki, Jennifer, and Andrew Reschovsky. "Estimating the Costs of Meeting the Texas Educational Accountability Standards." Prepared for *West Orange Cove v. Neely* (July 9, 2004).
- Jennings, Jack, and Nancy Kober. "Talk Tough: But Put the Money Where Your Mouth Is." *The Washington Post* (October 3, 2004).
- Kim, Jimmy, and Gail L. Sunderman. *Large Mandates and Limited Resources: State Responses to No Child Left Behind Act and Implications for Accountability*. Cambridge: The Civil Rights Project at Harvard University, 2004.
- Kingsbury, G. Gage, et al. "The State of State Standards: Research Investigating Proficiency Levels in Fourteen States." Northwest Evaluation Association. Online. Available: <http://nwea.org/research/getreport.asp?reportID=5>. Accessed: November 2004.
- Lewis, A.C. "A Horse Called NCLB." Phi Beta Kappa. Online. Available: <http://www.pdkintl.org/kapan/k0211lew.htm>. Accessed: December 10, 2004.
- Sunderman, Gail. "Federal State Relationships and the Implementation of No Child Left Behind: First Impressions." *Politics of Education Association*, vol. 28, no. 1 (Fall 2003).
- Texas Education Agency. Chapter 41 Districts & Partner Districts, 1993-1994 through 2003-2004. Online. Available: <http://www.tea.state.tx.us/school.finance/index.html>. Accessed: November 12, 2003.
- . 1994-95 PEIMS Fall Collection of 1994-95 Actual Financial Data. Online. Available: <http://www.tea.state.tx.us/school.finance/index.html>. Online. Accessed: November 10, 2003.

WORKS CITED

- "The ABC's of NCLB." *Desert Morning News* (November 2, 2004).
- Bosworth, Matthew. *Courts at Catalyst: State Supreme Courts and Public School Finance Equity*. Albany: State University of New York Press, 2001.
- Brainy Quote. "H.L. Mencken." Online. Available: <http://www.brainyquote.com/quotes/authors/>

- . CPTD Tax Final: Tax Year 2000 and School Funding Year 2001-2002. Online. Available: www.tea.state.tx.us/school.finance/index.html. Accessed: November 10, 2003.
- . CPTD Tax Final: Tax Year 2003 and School Funding Year 2004-2005. Online. Available: www.tea.state.tx.us/school.finance/index.html. Accessed: November 25, 2004.
- . CPTD Tax Preliminary: Tax Year 2002 and School Funding Year 2003-2004. Online. Available: www.tea.state.tx.us/school.finance/index.html. Accessed: November 10, 2003.
- . "Policy Guide for No Child Left Behind." September 30, 2002.
- . School Finance Web site. 1989-1990 Actual Financial Data. Available: <http://www.tea.state.tx.us/school.finance/index.html>. Online. Accessed: November 10, 2003.
- U.S. Department of Education. "Executive Summary of No Child Left Behind." Online. Available: <http://www.ed.gov/nclb/overview/intro/execsumm.html>. Accessed: December 10, 2004.
- . "Four pillars of No Child Left Behind". Online. Available: <http://www.ed.gov/nclb/overview/intro/execsumm.html>. Accessed: December 10, 2004.