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## Who's Being Punished?

*By John R. LaPlante*

Under the federal law known as No Child Left Behind (NCLB), schools and districts must make "annual yearly progress" (called AYP) towards the goal of 100 percent of students scoring proficient on certain tests. Though the law calls for this goal to be achieved by 2014, states are to set their own standards of what counts as proficient. They are also free to determine the intermediate goals for proficiency, that is, what percentages schools should achieve in the years leading up to 2014. For example, in the 2005-06 school year, Kansas's AYP target for reading was 63.4 percent of students proficient in grades K-8, and 58 percent in grades 9-12. The State Board of Education (SBOE) sets the targets for each school year. In September, the Kansas Department of Education (KSDE) released its annual list of schools that did not meet the standards. According to the preliminary data, 11 districts and 26 schools in the state are on the list. All but five of the schools are in Kansas City and Wichita. Schools that don't meet the target for a given year are put on a watch list of "schools in need of improvement." During the first year that a school is on the list, it must offer its students the right to transfer to another school in the district. If the school fails to make AYP the next year, it must offer students supplemental tutoring, which could include tutoring through private organizations. If the school still fails to make AYP in the following years, further measures are called for. The school may even be subject to restructuring, which could include turning the school over to the state, making it into a charter school, or firing the staff and hiring new employees. While NCLB has faced opposition from many teachers, administrators, and others since its inception, this year there was increased concern. That's because the state assessments had changed, and more students than ever before were taking the proficiency tests. Further, the state board was set to ratchet up its goals. Rather than set the targets higher, the SBOE decided, just prior to the release of the watch list, to keep the goals that were already in place. The fact that the tests used for NCLB had changed was cited as a major reason for the delay. That may have been the best path to take. What is less understandable, however, is the logic used to favor the delay. One member of the SBOE said "I don't want to be a part of punishing schools that have been working so hard." Doubtless this was a widely shared belief. But the sentiment bears examination. Just who is being punished, and what does that punishment mean? Underlying the sentiment is a concern for fairness: changing the rules is unfair to a school's staff. Perhaps. Then again, for whose benefit do we have schools-the staff, or the students? If a hospital has an exceptionally high level of poor performance (say, deaths by malpractice), our first concern will not be how to avoid disturbing the status quo. Right now, our laws governing schools emphasize the staff over the students. "We're sorry that your child attends a school that is doing so poorly that two out of every five students can't read at grade level," they say. "Don't worry; we're working on it. In a few years, districts will have this figured out. We know that things are going better at this other school a few miles away, but no, you can't send your child there. After all, it would hurt the school he is at right now." When a child's educational success has a strong impact on the rest of his life, is it right to deny him additional tutoring, or even the choice of another public school in

the same district? Tell me again: who should we be concerned about being unfairly punished?.

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