

Posted at 03:00 AM ET, 01/21/2012

## NCLB waivers: The devil is in the details

By [Valerie Strauss](#)

*This was written by Jack Hassard, professor emeritus of science education at Georgia State University and a former high school teacher. He is the author of these books: [The Whole Cosmos Catalog of Science](#), [Science Experiences](#), [Adventures in Geology](#), [The Art of Teaching Science](#) (2009), and most recently, [Science As Inquiry](#). Specialities include science teaching & learning, global thinking & education, geology, web publishing, blogging, writing, and antiquing. This essay was originally posted at his blog, [The Art of Teaching Science](#), and on [Anthony Cody's Living in Dialogue blog at Education Week Teacher](#).*

By Jack Hassard

The U.S. Department of Education wants to insure that every teacher in the United States is evaluated on the basis of student progress on high-stakes achievement tests. To achieve this, the DOE will issue waivers on some aspects of [No Child Left Behind](#) in exchange for a state-wide system to evaluate teachers using tests.

In this post I provide details and opinions on this development.

### Waivers In the News

The NCLB waivers have become a newsworthy item. Here are links to a few articles published recently.

[Waiver ties teacher evaluation to test scores](#), was the title of an article in Atlanta Journal-Constitution on January 10.

In Education Week, James Cavanagh wrote a piece entitled [Some States Skeptical of NCLB Waivers](#).

Will NCLB Waivers Reverse Narrowing of the Curriculum? [an article in Education Week](#)

[Huffington Post reported](#): No Child Left Behind Waivers may be too expensive, State officials say

### ESEA Flexibility Requests

This all started when 11 states had asked for waivers, after the DOE announced they would offer a "[flexibility package](#)" from some provisions of No Child Left Behind, especially ones the states felt they couldn't reach by the target dates set by NCLB. States submitted what is called an [ESEA Flexibility Request](#). This link will take you to a Word document which spells out exactly what should be in the request, and how it should be organized. It's really a template that all states must use to get the waiver.

Here are links to ESEA Flexibility Requests received so far:

[Colorado](#), [Florida](#), [Georgia](#), [Indiana](#), [Kentucky](#), [Massachusetts](#), [Minnesota](#), [New Jersey](#), [New Mexico](#), [Oklahoma](#) and [Tennessee](#) each submitted a request for ESEA Flexibility on November 14, 2011. You can read the entire request for each of these states by following the links to the states.

Flexibility is asking and spelling out the waivers that each state requests, and then assuring that they will meet the principles identified by the DOE.

### **Principles Exchanged for Waivers**

I downloaded the 249 page Georgia Flexibility Report to find out what really is in these reports, and why some states are all for them, and why some states are very skeptical of the NCLB waivers. My comments in this section are based on an examination of the Georgia report. I live in Georgia, and am professor emeritus of science education at Georgia State University, and have had more than 30 years of experience in education in Georgia.

Georgia was a [Race to the Top](#) (RttT) winner, and has had a head start on the principles that are described below that they must implement and meet in order to get waivers on NCLB.

There are three principles that all states who request a waiver must adopt. They must detail how they will develop, and implement each of these principles in all schools by 2017. Examination of the principles exposes the sheer weight of bureaucratic rules, high-stakes tests, teacher evaluation measures, and the inordinate number of officials controlling public education far from the day-to-day lives of students and teachers.

#### **Principle 1: Adopt College and Career Ready Standards**

College and career ready standards means that the state will adopt the Common Core State Standards in mathematics and reading/language arts. In Georgia's case the [GaDOE](#) is partnering with [Bill and Melinda Gates Foundation](#) to support the "transition" to the Common Core State Standards. The state agrees to develop and administer annual, statewide, aligned, high-quality assessments that measure student growth.

The Common Core State Standards, which were written by Achieve, Inc., have been adopted by most states. Achieve is busy at work writing the new Science Standards, and they no doubt will be adopted by all states. But, keep in mind that Achieve is also writing the tests based on these sets of national standards, and so down the road, we will see a set of national tests. And, it doesn't matter where students live, they all must live up to this single of standards in each curriculum area.

#### **Principle 2: State-Developed Differentiated Recognition, Accountability and Support**

This is a big one. The state agrees to provide meaningful information

about school performance, student achievement and graduation rates, closes gaps for all schools across the state, and targets schools that need help. Priority schools (the lowest performing), and Focus schools (schools that contribute to the achievement gap) will be targeted. Reward school — you guessed it, a school that has exceptional performance. There is even a plan to compensate high performing schools.

One of the sub-principles driving each state is setting performance standards for high school and elementary/middle schools. To do this, the states (at least as shown in the [Georgia proposal](#)) use a prescribed formula to get to the Performance Targets in 2017. Here is the formula or algorithm that Georgia uses to determine annual growth that school must meet in each subject area.

### **Annual Growth = (100% - 2011 Proficiency Rate)/6**

As an example in high school biology in Georgia, the annual growth would be:  $100\% - 69.1 = 30.9/6 = 5.15$ . 69.1 was the 2011 proficiency rate. So, if you are teaching biology in Georgia, proficiency rates must increase by 5.15 so that by 2017, the rate will be 84. It seems to me that this kind of thinking urges teachers to teach to the test to make sure that their students can answer correctly the questions on the high-stakes bubble tests. There is no theory underlying the notion of annual growth, and how these scores relate to the research in the [learning sciences](#).

Go to any state department of education website in the United States and you will find a [treasure trove of data on student test scores](#) by year, content area, grade level and school. At the [Assessment page on the Georgia Department of Education website](#) you will find endless Excel data tables by grade level, subject area, and school which you can download.

### **Principle 3: Supporting Effective Instruction and Leadership (Guidelines for Principal and Teacher Evaluation)**

This principle is the one that is being picked up in newspapers, and on blogs around the country. Fundamentally, it means that teacher and administrator evaluation will be tied in some way to student progress on achievement tests. Using student progress on achievement test scores as a measure of teacher effectiveness is riddled with problems, and inconsistencies. The tests themselves are developed by testing corporations that have little or no vested interest in the local school and its curriculum, students, teachers, or parents. The decisions being made are far removed from communities that make up the school districts, and collectively are the building blocks of the state education system. Everything that is being done is from the top-down by bureaucrats who once were part of local schools, but have moved to central command centers in the state capitals of the U.S., and from their vantage points, look out, and make decisions for thousands of students and teachers.

Here is a multiple choice question for you to consider: DEM, LEM, and TEM are:

- a. Nicknames for the latest X-Box game superheroes
- b. Abbreviations for newly discovered planets outside the solar system
- c. Names of three new political parties in the State of Georgia
- d. Acronyms for Georgia's system wide approach to effectiveness and accountability

Well. How did you do? The answer is "d," and you can find these terms in charts and discussions in the [State of Georgia's first proposal](#) for the [Race to the Top competition](#) and in the Georgia ESEA Flexibility Request. A DEM is the acronym for District Effectiveness Measure; LEM is the acronym for Leader Effectiveness Measure; and TEM — you guessed it, is the acronym for Teacher Effectiveness Measure. All of these measures will have a significant student growth component, and of course the state will develop a "establish a clear and transparent approach to measuring student growth." Now, if you believe this, I'll sell you a bridge! You can read more about this [here](#).

### Summing Up

I have read Georgia's Race to the Top grant proposal and the Flexibility Request. What have we done? We've lost our way in the world of reform led by people who know very little about the lived world of students and teachers. To improve schooling, reform has to be led from the ground up by educators working at local levels.

I rigorously object to the Race to the Top, to the notion of college and career ready standards, and the use of high-stakes tests for making life changing decisions about students, teachers and administrators. I've written much on this, and I have summarized research and analysis in two eBooks that are available here:

[Achieving a New Generation of Science Standards](#)  
[The Enigma of High-Stakes Testing in Science](#)