

students at these schools are not eligible for supplemental services. Further, because NCLB authorizes districts to direct supplemental services to the lowest-scoring students in each school, the district in 2002–2003 aimed supplemental services at approximately 5,000 of 24,957 students in eligible schools.

25. Thomas J. Kane and Douglas O. Staiger, "Volatility in School Test Scores: Implications for Test-Based Accountability Systems," in *Brookings Papers on Education Policy 2002*, ed. Diane Ravitch (Washington, D.C.: Brookings Institution Press, 2002).

## Worcester: Thunderous Clouds, No Rain

William Howell

James Caradonio is furious. Indeed, he can hardly contain his odium for the federal government's latest efforts at education reform. It takes little prodding to get him going. Just mention No Child Left Behind (NCLB), stand back, and watch: "*Reductio ad absurdum*, you know. But this is what we're dealing with in terms of this insanity. Oh, it's numbers and it looks great. We've got numbers. Simple. And it all looks great and it's just killing, killing teachers and killing principals."<sup>1</sup> He should know. As the superintendent of public schools in the third-largest school district in Massachusetts, and the only superintendent to serve on the inaugural statewide NCLB Implementation Team, Caradonio possesses intimate knowledge of, and influence over, the act's local successes and failures.

When asked whether NCLB was right to set basic achievement objectives and hold schools accountable for realizing them, Caradonio shoots back, "That cockamamie approach is based on the insanity that you're saying we want to get all kids to 100 percent [proficiency], but you're not tracking the trajectory of individual kids towards proficiency." Instead, Caradonio notes, the accountability system considers the test scores of successive cohorts of students, without adjusting for the fact that the pool of students being tested within a school changes markedly from year to year. The result? "Well intentions gone awry. Absolutely insane . . . [This law] violates a lot of just simple things about testing and statistics and sampling and all that. [But] people [in Washington] just kind of get that wild cowboy look in their eye, they just don't give a God-damned."

Caradonio has plenty more to say about the law's additional stipulation that schools demonstrate adequate yearly progress (AYP) not just for students as a whole, but also for subgroups of students defined by ethnicity, English proficiency, and special needs. "There is a lot of fallacy [in this accountability system], a lot of *ex unus disce omnes*, from one learn all. And that is in operation here in the state of Massachusetts for NCLB. From one, learn all. From one, condemn all. Hang the scarlet letter over the entire school because one group" doesn't make AYP.

NCLB, which Caradonio refers to as the No Teacher Left Standing Act, was supposed to introduce choice and accountability into public education. By demanding that schools demonstrate proficiency not just for students as a whole, but for different subgroups as well, the act was supposed to ensure that districts attend to the interests and needs of all students. Moreover, it was supposed to provide meaningful educational alternatives for kids trapped in failing schools. And its effect was supposed to have been greatest in urban centers with large minority and socially disadvantaged populations—places, frankly, just like Worcester, Massachusetts.

Instead, during its first two years, NCLB ran into a buzz saw.

As of June 2003, 12 of Worcester's 46 public schools had been deemed in need of improvement for two consecutive years, as had five schools for three years in a row.<sup>2</sup> Under the new federal law, a total of 4,689 students in the 2002–2003 school year were entitled to switch out of underperforming public schools and into higher performing schools elsewhere in the district. Among these students, 1,769 had the option of using Title I funds to obtain supplemental services from qualified private providers.

Thus far, one child has taken advantage of NCLB's choice provisions to switch schools. One other child has jumped at the opportunity to obtain supplemental services from a provider outside of the public school system. Though billed as the most important federal education legislation since the original authorization of the 1965 Elementary and Secondary Education Act, NCLB has hardly affected the ways in which Worcester's children are educated. As John Monfredo, principal of Belmont Elementary School, notes: "We're not doing much different now than what we were doing before."<sup>3</sup> Though Belmont Elementary has made AYP, Monfredo's sentiments appear common stock throughout the Worcester district. Indeed, local officials generally have taken the fact that so few parents have switched schools or demanded free supplemental services from a private provider as confirmation of the district's educational excellence. Reflecting on the apparent lack of interest in NCLB's choice provisions, Worcester mayor and school committee chair Timothy Murray suggested that "generally speaking, the public

schools in Worcester compared to cities with the same demographics and roughly the same size, I think you would see that over time we've enjoyed a high level of support [and] of confidence among the population of parents and families and the business community. And that, I would suggest, probably doesn't exist in other communities."<sup>4</sup>

Why aren't more parents jumping at the opportunity to switch out of underperforming public schools or obtain free supplemental services from a private provider for their children? And why aren't Worcester public schools scrambling to retain their students, and the federal monies attached to them? This chapter highlights five contributing factors:

1. Worcester public schools already face alarming student mobility rates, and hence have good cause to restrict additional enrollment changes.
2. The district oversees a state-mandated desegregation plan that has objectives that can conflict with NCLB's.
3. The district, which stands to lose students and monies, has few incentives to aggressively promote NCLB's choice and supplemental services provisions.
4. Parents know very little about NCLB's new educational opportunities, and the information they do have is often erroneous.
5. Private providers of supplemental services have few means by which to communicate directly with potential customers.

Obviously, the implementation of any major law proceeds in fits and starts, making it much too early to proclaim NCLB an unmitigated success or failure. Still, for reasons inherent in the writing of the law, the district's disincentives to implement it, and parents' minimal awareness of its provisions, NCLB is not likely to revolutionize public education in Worcester any time soon. Indeed, if anything, the act may only encourage bureaucratic entrenchment and reinforce local opposition against federal regulations of the city's public schools.<sup>5</sup>

### **Preexisting School Mobility**

Worcester serves roughly 25,000 students in 46 public schools (36 elementary, 4 middle, 5 high, and one preschool–12 schools).<sup>6</sup> Per-pupil funding has increased rather dramatically in the past decade, from approximately \$5,900 per child in the 1992–1993 school year to almost \$8,000 in 2002–2003. The federal government provides just 10 percent of the district's \$265 million annual budget, with state appropriations, local contributions, grants, and revolving funds covering the balance.

According to a wide variety of indicators, Worcester public schools accommodate an increasingly diverse and disadvantaged population of students. During the past 20 years, the percentage of non-white students in the Worcester public schools has more than doubled, from roughly 20 percent in 1980 to just over 50 percent in 2002. The district supplies English as a Second Language (ESL) tutorial programs to 7 percent of its students who represent no less than 60 different language groups. More than 50 percent of students qualify for free or reduced-price lunch. On the Massachusetts Comprehensive Assessment System (MCAS)—the state's standardized test, first administered in the spring of 1998—Worcester public school students in different grade levels were 8 to 20 percentage points less likely to score at or above proficiency than were students statewide.<sup>7</sup>

The roughly 175,000 residents of Worcester are no more advantaged than the students who fill the public schools. As of 1999, roughly 57 percent of housing units were renter occupied, with a median monthly rent of \$580. The median value of owner-occupied housing units, meanwhile, was \$118,400.<sup>8</sup> Among renters, the median household income was \$25,500; among owners, it was \$52,100. Approximately 15 percent of families and 17 percent of households had incomes at or below the federal poverty level.<sup>9</sup> Almost 65 percent of women, and 75 percent of men, had no more than a high school education.<sup>10</sup>

Worcester public schools serve extremely mobile families. During the 1999–2000, 2000–2001, and 2001–2002 school years, the average mobility rates in Worcester elementary schools ranged from 22.7 to 37.4 percent; among middle schools, mobility rates ranged from 24.4 to 32.4 percent; and for high schools, they ranged from 24.0 to 28.1 percent. During any given academic year, roughly one-quarter to one-third of Worcester students transferred schools. And much of this turnover occurred across district lines. In 2001–2002 academic year, for instance, within-district mobility rates among elementary schools averaged 12.2 percent, as compared to 21.0 percent across districts. That such a high proportion of Worcester families are transitioning in and out of the district as a whole only exacerbates the problems of tracking students and delivering a consistent, coherent educational program.<sup>11</sup>

Worcester schools that failed to make AYP serve some of the most mobile student populations. For those elementary schools that were deemed in need of improvement between 1999 and 2001, mobility rates reached as high as 50.9 percent. Rates rose even higher when further restricting the sample to schools with high proportions of minority students and students who qualify for free or reduced-price lunch. When determining whether a school has

made AYP, the state does not account for these mobility rates—a fact that almost every public official in the district is quick to point out. Mayor Murray explains: “You really can only determine whether you’re making progress or not if you’re testing the same kids, year after year. And that’s something that is not lost, I think, on parents or the school committee.”

The causes of mobility vary widely, though by all accounts, few have much to do with parents seeking better schools. As Brian O’Connell, vice chair of the school committee, notes: “Parents are moving from one apartment to another or husband and wife separate, mother and boyfriend separate, evictions take place, friends go off, parents move, parents are homeless, parents leave in November to go back to Puerto Rico and come back in the spring and come back to a different school.”<sup>12</sup> Rather than contribute to student mobility by encouraging families to take advantage of new choice opportunities under NCLB, principals and teachers, for the most part, are trying to contain it. And for good reason. Every time a parent moves across town, at least two classrooms and two school administrations must adjust, further disrupting possibilities for student learning.

With such a mobile population, it may make little sense to conceive of individual students being trapped in failing public schools—a condition that the public school choice provisions of NCLB intend to correct. Schools may be failing. And students may well benefit from switching schools. But wholly divorced from NCLB, a tremendous amount of moving is already going on—so much, in fact, that schools struggle just to keep track of who passes in and out of their doors each year.

### **Preexisting Choice**

More than one-third of students move in and out of Worcester’s public schools during any given academic year, and more still exploit educational options outside their immediate neighborhoods. During the 2002–2003 school year, only 61.3 percent of students attended their neighborhood public school. The rest attended one of two charter schools or six citywide magnet schools, participated in the interdistrict choice program,<sup>13</sup> or joined in the district’s desegregation plan. As Robert Vartanian, the school choice coordinator at the Parent Information Center, notes: “We’re already giving parents choice, regardless of test scores.”<sup>14</sup> (The Parent Information Center assigns new students to schools and processes all transfer requests.)

The district’s most concerted relocation efforts revolve around its “deisolation” plan. The race-based program—one of 22 in the state of

Massachusetts<sup>15</sup>—relies entirely on the voluntary participation of parents who are interested in sending their child to a school outside of their immediate neighborhood. Instituted in January 1990, the Worcester program requires that every school maintain a minority population within 15 percentage points of the district mean. For the better part of a decade, the state offered districts financial inducements for achieving these objectives. Though monies are no longer available, the mayor, superintendent, and school committee all continue to support the program.

To apply, parents submit their school preferences to the Parent Information Center, which then matches students with schools in ways that advance its desegregation mandate. In three ways, though, choice under this program is highly constrained. First, parents can select among only those public schools located within one of four residential attendance zones: North, South, Burncoat, and Doherty. Second, because each of the residential attendance zones offers just one middle school and one high school, as a practical matter choice is restricted to elementary schools. And finally, not all parental requests are honored. Though grievance procedures exist, the Parent Information Center ultimately can assign students when and where it pleases.

At first blush, NCLB and de-isolation plans appear to complement one another—both expand the array of school choices that parents can pursue. Deeper tensions, however, underlie the state and federal laws, for each offers choice in service of a different objective. NCLB intends to free students stuck in failing public schools; the de-isolation plan intends to improve the racial balance of student bodies. What happens when a white child attending a predominantly minority, underperforming public school demands a transfer? Should the student's right to attend a higher-performing school supercede the district's interest in desegregation? Put differently, should the district obey the state before the federal government, or the federal before the state government?

The choice provisions of NCLB are not implemented in isolation. In every school district, they play against a different backdrop of previously established state regulations and mandates, some of which conflict with those laid out in the federal law. Until the federal government demonstrates that it takes noncompliance seriously and cuts Title I funding when districts skirt NCLB's provisions—an eventuality about which local school officials in Worcester remain quite skeptical—the federal government's is just one of many voices trying to influence how students are taught.

How does this play out at the local level? In the short term, of course, conflicts between state and federal laws can create headaches, as administrators scramble to try and figure out what is required of them. In the longer term,

though, the regulations can be liberating. Rather than being tied to the mandates of any single state or federal law, superintendents and school board members can simply choose among them. With his usual flair, Superintendent Caradonio explains,

What happens when the state and the federal government give you conflicting [laws]? . . . You figure as an administrator, well, you [the state] are going to set the cattle prod at 50 volts and you [the federal government] are going to set it at 150 and you [the state] are going to put it in this part of my anatomy and you [the federal government] are going to put it in this part of my anatomy. So, I think I'll go with you [the state]. I like where you're going to put it and it's a lower voltage. And that's what you do. And we've been doing that for . . . Here we are again, you know.

Ironically, as state and federal education mandates accumulate, control may resort back to local school boards and administrators. For as the menu of local, state, and federal regulations expands, so rises the probability that a district can find a prescribed course of action that suits its own independent interests and complies with the wishes of at least one higher authority. State and federal governments, as such, suffocate under the weight of their own largesse; their zeal to regulate may ultimately undermine their influence.

### **Districts Defining Options**

The job of introducing and advertising NCLB's public school choice provisions ultimately falls on public schools—the very schools, in fact, that stand to lose students and money if parents pursue the act's new educational opportunities, and the very schools that already are struggling with astronomical school mobility rates. Plainly, such schools have every incentive to present the act as muddled and misinformed, to highlight new and innovative programs being initiated within the public school system, and to make the process of switching schools and securing supplemental services from private providers as cumbersome as possible. At least in the short term, the strength of NCLB's accountability system depends on the willingness and ability of parents to exercise choice. To undercut the act, districts need only explain to parents (again and again) why it is such a bad idea to change schools or to entrust private companies with their children's educational welfare.

In the late spring of 2003, the Worcester district notified families at underperforming schools of their rights to NCLB's choice provisions.<sup>16</sup> The designation "in need of improvement," the letter explained, "means that although these schools are succeeding in some areas, there is still room for growth."<sup>17</sup>

After highlighting limitations of the NCLB grading system, the letter underscored unattractive features of the act's choice provisions. For example, "In most instances, because of space limitations, we may not be able to transfer every child in a family to the same school." Further, the letter noted, NCLB stipulates that families with children at underperforming schools who switch schools forfeit their rights to supplemental services. But not to worry, the letter intoned, because exciting things are happening in Worcester public schools. "We believe that your child's school is on its way towards achieving the NCLB goals. The principal and teachers at your child's school have implemented new programs and services during the school day as well as after school. These include: a proven literacy approach designed to meet the individual needs of the students; the Everyday Mathematics program for students in grades K-6; an after-school program to help students improve MCAS scores; and other special programs."

The district then set up a multistage procedure for parents to exercise their rights under NCLB. The first step involves a meeting between a parent and her child's principal, wherein the parent has an opportunity to explain why she is unhappy with her child's school, and the principal can clarify the problems with NCLB and the reasons why the family ought to stay put. According to principals and district officials, parents are informed about public school improvements, new programs that are being introduced, and problems and misperceptions of NCLB—all themes of the original letter notifying parents that their school was underperforming. Principals also explain why students are best served by receiving supplemental services within their schools. (The district offers an academically based after-school program for Title I students that qualifies as supplemental services under NCLB. Currently, over 800 students are enrolled in the program.) They highlight the importance of maintaining continuity between the teaching that occurs during the school day and the tutoring that occurs in an after-school program—continuity that can only be preserved when parents turn to their child's public school for supplemental services. In addition to reviewing the academic strengths of the district's after-school program, principals can advertise their own programs' special amenities. When presenting parents with options for supplemental services, principals "cannot tell them which one would be best for their child because that's against the law," notes Joan Fitton, who is in charge of overseeing the district's Title I funding. "So what we said is, 'You can suggest a program. You can tell parents what you are offering.' And, again, these are going to sound like little petty things but, in most instances, we do provide snacks for the kids. That's not offered in other places for the kids."<sup>18</sup>

Very few parents requested to meet with their principal. According to Elaine de Araujo, principal of Harlow Street Elementary School, "Nobody has wanted to change. Not one parent has come forward. If you were here, you would see why. You would see what a nurturing, wonderful place this is."<sup>19</sup> Ruthann Melancon, the principal of Elm Park Elementary School, notes that "a couple of parents came to me thinking that the school was going to close. I sat down with these sets of parents and reassured them. They've been here since preschool and they have liked what they've seen."<sup>20</sup>

It is not difficult to ascertain why so few parents are requesting meetings with their principals. Notes Roberta Schaefer, a member of the state board of education and executive director of the Worcester Regional Research Bureau,

If you told me I had to go to the principal [if I wanted to switch school], that's the first issue. Because if you [as a parent] think there's a problem, that's the source of the problem. Why would you go there? You have to have some kind of independent agency, a third party you can speak to. Why would I go to the principal? I'm in effect saying, principal, you're not serving my kid well. You set up a confrontation right there. So I can imagine, if that's the first step, how many parents are going to go? . . . It's designed to fail, right away. Nobody is going to do that.<sup>21</sup>

The process of switching out of underperforming schools, however, extends beyond this initial meeting. If after consulting with the school principal parents still want to change schools, they must schedule yet another meeting at the Parent Information Center. Robert Vartanian claims that he has met with just two families interested in NCLB choice, and only one of the families ended up switching their child to a different school. Each time, Vartanian takes the opportunity to reiterate many of the points that principals made during their meetings with parents. He notes that parents who switch schools forfeit their rights to free supplemental services; that their neighborhood public school is implementing any number of reforms to improve itself; and that additional disruptions to students' educational lives may not be in their best interests. Perhaps most importantly, though, Vartanian informs parents that the district may not be able to accommodate their request to attend any specific school. Indeed, as the district is obligated only to offer parents a choice of two schools that made AYP, that is all they can expect to receive. Further, there are no guarantees that either of these schools will be near the family's home or that transportation will be provided over the longer term of a child's education. As Fitton explains, "The feds told us we had to offer a choice—not the parent's choice, but a choice."

## What Parents Know and Want

Because the district controls much of the information flow, and because the law is still relatively new, many parents in Worcester simply do not know about NCLB's choice and supplemental services provisions. Here, I draw upon the results from a telephone survey administered during the summer of 2003 to a stratified random sample of a thousand public school parents in the ten largest Massachusetts districts.<sup>22</sup> Chapter 8 explains in greater detail how these data were collected; because it considers observations collected across the state, chapter 8 presents findings from analyses that are not possible to conduct for the subsample of 250 Worcester respondents.<sup>23</sup> Nonetheless, some simple descriptive statistics reveal additional reasons why NCLB has not caught on in Worcester. Specifically, those parents who were most likely to qualify for NCLB's choice and supplemental services provisions were least likely to know the status of their child's school; and parents generally expressed ambivalence about the new schooling options that the law provides.

At first blush, parents in Worcester appear to know a fair amount about NCLB. Consider the results presented in table 11.1. Among those surveyed, 68 percent claimed to have heard of the act; 50 percent claimed to know about the option of switching from an underperforming school to one that

made AYP; and 39 percent claimed to have heard about the availability of supplemental services. Of those who claimed to have heard about NCLB, 54 percent received their information from the media, 26 percent from the school district, 5 percent from other parents, 5 percent from their place of employment, and the rest from other assorted sources.

Overall, 25 percent of parents surveyed in Worcester had children who attended underperforming schools. When asked whether their child's school was on the list of underperforming schools, however, only 6 percent of parents responded affirmatively; 54 percent claimed that their school made AYP, and 41 percent said that they did not know. Among those who claimed to know whether their child's school was on the list of underperforming schools, 32 percent received their information from the newspaper or television news, 21 percent directly from the school, 9 percent from the district, 5 percent from other parents, 2 percent from the internet, 1 percent from a friend, and the rest did not know the source of the information.

Considerable confusion persists about some basic points of fact. Because the survey asked for the name of the school that each child attended, I was able to check parents' responses. The results are alarming. Only 49 percent of surveyed parents in Worcester correctly identified whether their child's school made AYP. Among those who claimed to know, 18 percent of parents incorrectly identified the status of their school. Curiously, parents who received their information directly from the school district were 9 percentage points less likely to identify the status of their school correctly than were parents who received their information from other outlets.

Though parents of children at performing and underperforming schools were equally likely to claim that they knew about the choice and supplemental services provisions of NCLB, they were not equally likely to know whether in fact they qualified for them. Indeed, as table 11.2 shows, 62 percent of parents with children in schools that made AYP correctly identified their school's status, as compared with just 7 percent of parents with children in schools deemed in need of improvement. *Fully 93 percent of parents of children in Worcester public schools that failed to make AYP either did not know that their school was deemed in need of improvement, or incorrectly thought that their child in fact attended a school that made AYP.* Plainly, when hazarding a guess, many parents probably presumed that their child's school was not on the list of underperforming schools; as such, parents in schools that made AYP may have been more likely to guess correctly than parents in schools that did not.<sup>24</sup> Still, the sheer magnitude of the observed differences raises serious concerns about the quality of the information disseminated to parents in underperforming schools.<sup>25</sup>

Table 11.1. Knowledge of NCLB in Worcester

	Percent responding affirmatively	
<i>Parents claimed to have heard of:</i>		
No Child Left Behind act	68.0	[250]
Act's choice provisions	50.0	[250]
Act's supplemental services provisions	38.8	[250]
<i>Source of information about act (in order asked):</i>		
Friend/family	2.9	
PTA/other parents	5.3	
School district	26.5	
Newspaper/television/radio	54.1	
Internet	1.2	
Work	4.7	
Community organization	1.8	
Church	0.6	
Other	3.0	
Total	100.0	[170]

Number of observations reported in brackets. Source question asked only of those parents who claimed to have heard of NCLB.

Table 11.2. Parents who correctly identified whether their child's school made AYP

	Percent Correct
<i>School status</i>	
Parents of child attending performing school	62.0 [179]
Parents of child attending underperforming school	7.3 [55]
<i>Ethnicity</i>	
Whites	53.6 [196]
African Americans + Hispanics	28.0 [25]
<i>Place of Birth</i>	
Born U.S.	52.4 [206]
Foreign born	25.9 [27]
<i>English</i>	
Primary language	50.9 [222]
Secondary language	16.7 [12]
<i>Education</i>	
Graduated from 4-year college	58.5 [106]
Some college or less	41.4 [128]
<i>Home ownership</i>	
Home owner	54.4 [182]
Renter	30.4 [46]
<i>Marital status</i>	
Married	51.3 [187]
Single	41.5 [41]

Number of observations reported in brackets.

As one might expect, informational disparities often broke down along socio-demographic lines. Again, look at table 11.2. Whereas 54 percent of whites knew whether their child attended an underperforming school, just 28 percent of African Americans and Hispanics did. Only 26 percent of parents born outside of the United States and 17 percent of parents of children who receive instruction in English as a second language knew whether their school was underperforming. Just 41 percent of parents who did not graduate from a four-year college correctly identified their schools' status, as compared with 58 percent of parents who had. Startlingly, only 30 percent of renters correctly identified their school's status under NCLB, as compared with 54 percent of homeowners. For single and married adults, the figures were 41 and 51 percent respectively.

If NCLB is to liberate students trapped in failing schools, it is not enough for parents simply to know about the options available to them. Parents also must want them. Relative to parents in Worcester's performing schools, parents in underperforming schools express slightly more interest in leaving. But

in absolute terms, both populations appear fairly content in their current schools. Table 11.3 presents the relevant survey findings. When asked whether there was another public school in the district that they would rather their child attend, 8 percent of parents with children in schools that made AYP responded affirmatively, as compared with 13 percent of students in underperforming schools. Eleven percent of both groups claimed that they would prefer to send their child to a public school in another district; and 6 and 4 percent claimed that they would rather send their child to a charter school in the district. Consistent with these responses, parents generally appear to be satisfied with their public schools. Eighty-seven percent of parents with children in schools that made AYP gave their school an "A" or a "B," as did 80 percent of parents with children in underperforming schools.

Interest in alternative educational settings, however, spikes when the conversation turns to private schools, a schooling option NCLB does not afford. Fully 58 percent of parents with children in underperforming schools claim that they would rather send their child to a private school, as compared with 39 percent of parents with children in schools that made AYP. When asked "if costs were not an obstacle, which type of school would you most like your child to attend," 49 percent of parents with children in underperforming schools picked a private school, 44 percent a public school in their district, 4 percent a public school outside of the district, and just 2 percent a charter school. By comparison, 37 percent of parents with children in schools

Table 11.3. Parental interest in alternative schooling options

	Parent with child currently attending . . .			
	an underperforming school		a performing school	
	(percent)		(percent)	
<i>Would prefer that child attends:</i>				
Different public school in same district	12.7	[55]	7.8	[179]
Different public school in different district	10.9	[55]	11.2	[179]
Charter school	4.0	[50]	6.1	[163]
Private school	58.2	[55]	38.6	[179]
<i>Most preferred type of school for child:</i>				
Public school in same district	43.6		50.3	
Public school in different district	3.6		5.0	
Charter school	1.8		2.2	
Private school	49.1		37.4	
Don't know	1.8		5.0	
Total	100.0	[55]	100.0	[179]
Give current school an "A" or a "B"	80.0	[55]	87.2	[179]

Number of observations reported in brackets.

that made AYP preferred to send their child to a private school, 50 percent a public school in their district, 5 percent a public school in another district, and just 2 percent a charter school.

The clause "if costs were not an obstacle" apparently freed up some parents' imaginations to consider elite (read expensive) private schools. When asked to name a preferred private school, roughly half named independent private schools (the most popular being Worcester Academy and Milton Academy) with tuitions that eclipse the monetary values of even the most generous school vouchers offered in public and private programs around the country. The rest identified a Catholic or Protestant day school, most of which were located within the city of Worcester.

Misalignments of information with eligible families and interests with schooling options have effectively limited NCLB's influence in Worcester. Those parents who qualify for public school choice and supplemental services are least likely to know it—unbelievably, less than one in ten parents with children in schools that failed to make AYP could correctly identify their school's status. Meanwhile, Worcester parents are most interested in pursuing schooling alternatives that NCLB does not furnish. Though parents with children in underperforming schools are slightly more likely to want to switch to another public school in the district than parents with children in performing schools, the vast majority would much prefer an area private school.

### **Private Providers Standing on the Sidelines**

The state government in Massachusetts generates lists of approved supplemental service providers for each district and monitors the quality of services they render. As of November 2003, the state had contracted with nine for-profit companies and three not-for-profit organizations; nine of these operate in Worcester.<sup>26</sup> In addition, the state has also authorized six districts, including Worcester, to compete with these private providers; because the relevant portion of Title I funding flows through the district, and not the school, supplemental services can be provided at the same underperforming schools that qualifying students attend.

The job of placing students in individual programs, meanwhile, falls on districts. Though the state approves providers and maintains information about each on its website, districts retain the responsibility of notifying parents at least once a year of the available services. If requested by parents, districts must also assist them in choosing a provider and "apply fair

and equitable procedures if requests exceed provider spaces or funding requirements."<sup>27</sup> Though the state does collect some basic information about the progress of students receiving supplemental services, it has not instituted a formal review process to ensure that districts are cooperating with private providers and relaying information about their services to parents.

Given minimal state oversight, districts hold captive their clientele. They can wax eloquent about the benefits of their own programs directly (and repeatedly) to parents while giving short shrift to private providers, who have few opportunities to interject. As Seppy Basili, the vice president of Kaplan K12 Learning Services, notes: "The school district is the owner of the relationship between provider and the parent. And I can't get in."<sup>28</sup> Private providers do not even know who in the public school population receives Title I funding. Companies, as such, must rely on the district and its representatives to present their services to parents in a favorable light, which is akin to asking a BMW dealer to extol the benefits of buying a Volvo.

Curiously, though, private providers are not complaining. At least not publicly, and at least not yet. For some companies that provide private tutoring, the money involved (\$1,238 per year per student in Worcester) simply is not sufficient to warrant serious investment. Huntington Learning Centers, which has the distinct honor of serving the only Worcester student to receive supplemental education services outside the public school system,<sup>29</sup> typically contracts with families for 100 to 150 hours of individual tutoring. The Title I money allotted by the state for supplemental services, however, covers only 30 to 40 hours of tutoring, which would require either an abbreviated or an entirely restructured program. Notes Mark Shobin, the owner of three Huntington franchises in Massachusetts:

"From a financial perspective, it doesn't make sense for us to try to corral these students into our program. We are happy to work with and develop programs for those students who seek us out. But I am not going to seek them out . . . Also, ethically, this isn't something I'm very comfortable with. In 30 hours, I can help a student improve his reading by one full grade level, but at Huntington we are committed to doing much more than that. I feel uncomfortable putting together a program that doesn't meet our usual standards."<sup>30</sup>

With few vacancies in their existing programs, other private providers do not appear bothered by the district's efforts to cordon off Title I students at underperforming schools. For the most part, providers lack the staff and building facilities required to accommodate a major influx of new students. Without assurances that the law will be strengthened so that providers can communicate directly with parents, few appear willing to devote the resources required to lure students away from their public school programs. Says Basili: "Right now,



I can't handle more than a couple thousand students nationwide. If a district did not get back to us, then I didn't follow up. Cambridge, Somerville, they got back to us early, and we are there as a result. If we can't find a way to get in easy, we're just not going to bother. It's not because we're a bad provider, it's just an awfully big boulder to roll uphill." Providers' short-term strategy, as such, is to work with those families and districts that come forward, and to ignore the rest.

As previously indicated, the state government in Massachusetts oversees the approval process of private providers. While this procedure obviously alleviates some of the related hassles of negotiating separate contracts with separate districts, it also inhibits local market penetration. Having not chosen them, school committee members, superintendents, and principals are unlikely to promote private providers' services enthusiastically. As NCLB's choice provisions are currently constituted, the best chances for private providers to make inroads are via cooperative endeavors with districts—wherein, in exchange for Title I funding, companies boost student test scores so as to ward off more draconian penalties (corrective action and restructuring) that await schools that fail to reach AYP for four and five years. As long as state governments retain sole discretion to determine who can, and who cannot, offer supplemental services that satisfy NCLB, private providers will lose much of the flexibility required to forge relationships with districts and develop strategies for addressing the particular needs of a public school's population.

Two final problems are worth recognizing. First, private providers are paid only for those sessions that a student attends. Unlike many dentists and doctors, private providers are not remunerated when a client skips an appointment. To acquire the full sum of the Title I funds, therefore, providers typically must schedule more hours than the contract stipulates. Many also rely upon bribes. Kaplan, for instance, gives its students in New York City two movie tickets after they attend 15 hours of after-school services; two more after 20 hours; and a gift certificate to a record store after 25 hours. Plainly, such enticements eat away at profit margins, discouraging providers from aggressively pursuing students at underperforming schools who qualify for supplemental services. But without offering incentives that boost attendance, providers cannot be sure that the state will pay them the full amount of a student's Title I funding.

Transportation problems further inhibit parental interest in private providers. Those students who receive supplemental services from the Worcester public school district remain at their home institution throughout the entire school day; students who receive supplemental services from

private providers, meanwhile, must find a way to travel across town. "We don't provide transportation for supplemental services," explains Joan Fitton. "And neither do the supplemental service providers provide transportation. So, there, right away, is a big glitch in the whole program. We're not required to provide transportation. And, to be honest, to send money out of the district, I'm not sure that we would even offer to do that." As long as a child continues with her own school's program, the parent does not need to worry about transporting her across town to receive services, just as the district does not need to worry about losing the money attached to her.

Over time, of course, much can change. The state has recommended, but not mandated, that districts offer mailing services to those private providers that wish to contact parents whose children are eligible for supplemental services, a move that might enhance the range of educational possibilities that are presented to children attending schools deemed in need of improvement.<sup>31</sup> As has already occurred in a few Massachusetts districts, local public school officials may enlist the aid of select private providers in an effort to boost student test scores. (In Boston and Springfield, for instance, 771 and 723 students receive supplemental services from such private providers as Catapult (formerly Sylvan), Kaplan, Citizens Schools, and the Bell Foundation.) And in time, capacity and transportation difficulties may ease, as private providers make the investments required to hire new staff and bus children after school to their sessions. Up until now, though, each of these factors has discouraged providers from entering Worcester and deterred public school parents from pursuing after-school educational programs outside of their public schools.

### **The Road Ahead**

Thus far, high mobility rates, local political opposition, and lack of information have all conspired to mute the effects of NCLB's choice provisions in Worcester. Assuredly, some of these problems will work themselves out in time. As private providers advertise their services and as media outlets continue to report on school performance rankings, information about and interest in NCLB's choice options may spread. Eventually, parents may even conceive of new rights to select schools, a development that should accelerate the process of change. But a basic challenge confronts the federal government and will continue to do so as long as demands for state oversight and accountability butt up against the realities of local school control. Districts, in short, have few incentives to fully implement and faithfully execute

NCLB—and absent wholesale changes in the federal government's involvement in public education, little can be done about it.

In our system of separated and federated powers, as scholars have long recognized, few laws are self-executing. Congress and the president may mandate change, but ultimately both depend on others to implement the law, to interpret its meanings, and to redirect the doings of government. Unfortunately, rarely do the intentions of those who write laws perfectly match the interests of those who implement them. To ensure compliance among departments and agencies within the executive branch, therefore, Congress and the president must occasionally fire officials, slash budgets, relocate operations to others parts of the federal government, and restructure lines of authority. The challenges of ensuring that the Environmental Protection Agency or the State Department stays on track, however, pale in comparison to those that arise when 50 states, and almost fifteen thousand school districts, are charged with implementing NCLB. For here, the law plainly offends many of those charged with implementation, and the only leverage the federal government has to demand change comes with the modest education funds it willingly distributes.

It is sheer folly to expect districts to implement vigorously an accountability scheme that disrupts their school assignment procedures, draws money away from their coffers, and threatens to eradicate schools' administrative autonomy. Facing penalties, schools, like all bureaucratic entities, will resist. Many will do the absolute minimum that the law requires of them. If NCLB requires that parents at underperforming schools be offered at least two options, two is all they will get. When communicating with parents, districts will downplay the new education options created under the law, just as they celebrate every positive development within their own schools. And though they may introduce new policies and personnel that create impressions of reform, districts reliably will fight on behalf of their fundamental interests, foremost among them being the preservation of their financial resources and their institutional autonomy.

In Worcester, distrust of NCLB runs rampant. Though many principals freely extol the benefits of using student achievement data as diagnostic tools, officials downtown remain deeply suspicious of the longer-term consequences that accompany repeated failures to make AYP. Notes Caradonio: "We're screwed. This whole thing has been set up to make sure it looks bad so we can bring in the miracle drugs, the vouchers, and all this is very clear." School committee member Kathleen Toomey expressed much the same sentiment to the city newspaper, though she saw a different cavalry of education reformers on the horizon. "[NCLB] is one way to promote flight out of city

schools. Proponents of charter schools will be able to say, 'Look, see, those public schools are not working.'"<sup>32</sup> Many local officials have assumed a defensive posture, poised to circumvent a law that they perceive as designed to set them up for failure.

Given such widespread distrust, it is hardly surprising that Worcester offers the minimally required number of options to parents, sets tight deadlines for parents applying to switch schools, creates onerous procedures for interested parents to follow, and offers few (if any) guarantees that students will attend a preferred public school. Moreover, none of these actions violate state or federal NCLB requirements. So far as I can tell, the district has done nothing that explicitly violates the law. Indeed, to hold on to its students and the money that is attached to them, the district has not had to. There remain ample opportunities for blunting NCLB's local effects while still operating well within the letter of the law.

The future, meanwhile, does not look especially bright. As increasing numbers of schools are deemed in need of improvement (as inevitably will occur, given that schools in 2003 will be held accountable for the performance not just of students as a whole, but also all qualifying subgroups of students), and as penalties become stiffer (which will occur as well, given that some schools are approaching their fourth year of failing to reach AYP), efforts to deflect the law will only intensify. James Peyser, former Massachusetts board of education chair, anticipates that "districts may redefine the meaning of a school, making failing schools 'off campuses' of successful schools. They may start to create schools within schools, substituting intraschool choice for district choice. . . . And if we really have volume issues, where demand far exceeds physical capacity, then you can expect real avoidance strategies. Schools might close temporarily and then reopen under a new name, giving them a clean slate to work off of."<sup>33</sup> The detail and care put into NCLB, which currently runs in excess of a thousand pages, may only be matched by the creativity with which districts try to disassemble it.

Some short-term solutions may reduce shirking. For starters, it is nonsensical to make the district the messenger of NCLB's choice provisions. Without an independent organization disseminating information and assisting public school parents in matching the needs of their children with available educational opportunities, parents are not likely to leave failing schools in droves. Notes Roberta Schaefer: "I don't know of a parent advisory committee that is providing information about underperforming schools and the options that parents have. The Parent Information Center is supposed to provide information to parents, but based on incidents on which I'm familiar, it seems that it advocates on behalf of the district."<sup>34</sup> Until an independent organization is

established that disseminates information about which schools are underperforming, which students qualify for choice and supplemental services, and which providers are available, there is little reason to expect that NCLB will induce an exodus of students from underperforming schools and an outpouring of demand for private supplemental services.

In addition, the state department of education needs to do a better job of meeting federal guidelines for identifying underperforming public schools. Up until now, the state has released its lists of underperforming public schools during the middle of an academic calendar, precisely the time when parents are least likely to pull their child out of her current school, and schools are least equipped to accommodate student transfers. Unless lists are released during the summer months, transfer rates, which currently are less than one percent among the statewide eligible population, will remain extremely low.

Even if an independent agency assumes the responsibilities of disseminating information to Worcester parents, and even if lists of underperforming schools are released during the summer months, we are not likely to witness a massive reallocation of students and resources. The district will continue to pursue its strategies of blame avoidance. If the survey results are any indication, few qualifying families appear likely to switch to a different public school. And as the number of schools that fail to make AYP rises, so in direct proportion will the number of remaining educational options that families can choose among dwindle. Ironically, attempts to erect strict standards and to protect the interests of various ethnic minorities and students with special needs may undermine their opportunities for genuine school choice. There is little reason to expect this round of education reform to look much different from past efforts: namely, considerable fuss and funds in the service of marginal change.

Having begun with Superintendent Caradonio, it only seems appropriate that we end with him. Reflecting on what lies ahead for NCLB, he wondered:

"Will there be a learning curve? Will there be a feedback loop? Will we learn? Implementation is a learning experience. So, will we learn? We didn't learn before. We just legislated. Shot an arrow in the air. 'Well, I think it should be blue. Well I think it should be white. I think it should be black. Well, we'll make it gray.' Now we found out that the real thing, it should have been purple. Will we make it purple? I don't know."

If they are to make more headway in the next two years than they have in the last, proponents of NCLB will either have to convince the likes of Caradonio that they have remade the law purple, or they will need to restructure its implementation so that his views on the matter become less influential.

## Notes

1. Personal interview with Joseph Caradonio, August 19, 2003.
2. Massachusetts evaluates schools in two-year cycles, under an accountability system that predates NCLB. Hence, students attending schools identified in Cycle I have the option of switching to a different public school in the district, and students who qualify for federal Title I funding and who attend schools identified in Cycle II have access to supplemental services. Statewide, 209 out of 1,571 rated schools failed to make AYP for two years, 194 of which have a sufficiently high proportion of low income students to qualify as Title I schools. Four of the 12 public schools that failed to make AYP in Worcester—Forest Grove Middle School, Worcester East Middle School, Burncoat Middle, and Sullivan Middle—were not Title I schools.
3. Telephone interview with John Monfredo, September 18, 2003.
4. Personal interview with Timothy Murray, August 19, 2003.
5. Mindy Spencer provided invaluable research and administrative assistance on this project. The American Enterprise Institute provided financial assistance. Joseph Caradonio, Rachele Engler, Joan Fitton, Judith Reardon, and Roberta Schaefer stand out among the many cooperative public officials who were consulted. Standard disclaimers apply.
6. By comparison, 26,594 students were enrolled in Springfield public schools in the 2002–2003 school year, and 61,522 were enrolled in Boston's. Because of budget constraints, three elementary schools—Greendale, Granite Street, and Adams Street—were closed in Worcester for the 2003–2004 school year.
7. All demographic data supplied by the Massachusetts Department of Education.
8. Since 1999, the cost of housing in Worcester has increased markedly. By some accounts, as of 2003 median single-family home sales jumped to \$180,000. See [www.thewarrencgroup.com](http://www.thewarrencgroup.com).
9. Twenty-one percent of families with children under 18 years of age are below the poverty level, as are 24 percent of families with children under age 5.
10. Sources: National Center for Education Statistics, U.S. Department of Education, Bureau of the Census, and U.S. Department of Commerce.
11. All data on mobility rates provided by the Worcester public school district.
12. Personal interview with Bryan O'Connell, August 26, 2003.
13. During the 2001–2002 academic year, Worcester sent 154 of its students to surrounding school districts; Worcester does not currently receive students from these districts. See "Mapping School Choice in Massachusetts: Data and Findings 2003," Center for Education Research and Policy at MassINC, The Boston Foundation, Boston, Massachusetts.
14. Personal interview with Robert Vartanian, July 30, 2003.
15. Other districts with "deisolation" plans include Boston, Brockton, Cambridge, Chelsea, Fall River, Fitchburg, Framingham, Holyoke, Lawrence, Lowell, Lynn, Malden, Medford, Methuen, New Bedford, Northampton, Revere, Salem,

- Somerville, Springfield, and Waltham. See <http://list.terc.edu/pipermail/masspip/2000-March/000017.html>.
16. The last several years, the state of Massachusetts announced the list of underperforming school in the winter or early spring, forcing students to either forestall choice until the summer or to pick up and move in the middle of the school year.
  17. Letter to parents/guardians of students in Worcester public schools in need of improvement, dated June 2003, from Dr. Stephen E. Mills, deputy superintendent for teaching accountability and learning.
  18. Personal interview with Joan Fitton, August 19, 2003.
  19. Telephone interview with Elaine de Araujo, September 15, 2003.
  20. Telephone interview with Ruthann Melancon, September 15, 2003. Under NCLB, both Harlow Street and Elm Park have failed to reach AYP every single year that the schools have been evaluated.
  21. Telephone interview with Robert Schafer, May 12, 2003.
  22. The author gratefully recognizes the financial and administrative support of the Pioneer Institute in Boston, Massachusetts, for making it possible to conduct the survey. Stephen Adams, Kathryn Ciffolillo, Elena Llaudet, and Kit Nichols provided especially helpful feedback and support. Opinion Dynamics in Cambridge, Massachusetts, administered the survey.
  23. Some of the findings presented in this section rest upon relatively small numbers of observations. Except where noted, however, all are consistent with those found for the larger Massachusetts population.
  24. See chapter 8 for a longer discussion of this and related issues.
  25. Differences in information levels of parents in Worcester's performing and underperforming schools extend beyond their knowledge of their child's school's status under NCLB. Whereas 63 percent of parents at public schools that made AYP were able to correctly name their child's principal, only 45 percent of parents with children at underperforming schools could do so. Similarly, when asked about the size of their child's school, 43 percent of parents of children at performing schools picked the right population range, compared with 34 percent of parents of children in underperforming schools. (Again, to determine whether parents answered these questions correctly, survey responses were compared with administrative records.) And as they did with knowledge about whether a school made AYP, differences tended to break down along the lines of ethnicity, education, home ownership, and involvement in a child's school. The one exception concerns gender. Whereas men and women were about equally likely to know if their child's school was underperforming and the size of their child's school, women were fully 20 percentage points more likely to know the name of their child's principal.
  26. Brainfuse (The Trustforte Corporation), EdSolutions, Kaplan K12 Learning Services, Knowledge Connection, Kumon North America, Platform Learning, Princeton Review, and the Summit Educational Group are available to serve Worcester public school students.

27. See <http://www.doe.mass.edu/ses/>.
28. Telephone Interview with Seppi Basili, September 15, 2003.
29. This child received supplemental services from Huntington Learning Centers during the summer of 2003. Because Huntington is not an approved provider in Worcester, however, the district has notified this child's family that he must select an alternative provider.
30. Personal interview with Mark Shobin, August 19, 2003.
31. Thus far, no private providers have requested this assistance in Worcester.
32. As quoted in Clive McFarlane, "New Statute May Swell School-Transfer Ranks." *Worcester Telegram and Gazette*, December 22, 2002, p. A1.
33. Personal interview with James Peyser, May 15, 2003.
34. Telephone interview with Roberta Schaefer, April 7, 2004.