



HAWAI‘I EDUCATIONAL POLICY CENTER
Informing the Education Community

Perspectives #8
Act 51 and No Child Left Behind

August 30, 2005
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[Perspectives are quick takes on Reinventing Education (Act 51) issues that are in transition. These issues will be revisited periodically as new developments warrant.]

Today in Hawai‘i two forces drive education—the Reinventing Education Act of 2004 (Act 51) and the No Child Left Behind Act (NCLB) signed into law in 2002.

To explain NCLB, consider this statement. Hawai‘i’s school children are showing encouraging improvement in reading and math, but two-thirds of Hawai‘i’s schools are failing. This sentence seems to contradict itself, and that, precisely, is the paradox posed by NCLB.

Just as the launch of Sputnik by the Russians in 1957 forced U.S. schools to focus with a national determination on math and science, NCLB forces schools and school systems to focus with laser precision on improving test scores. Failure to abide by NCLB rules means states and local school districts risk losing federal education dollars. For Hawai‘i this amounts to more than \$350 million yearly.

Many states are becoming restive under the yearly testing requirements and other provisions of NCLB. The state of Connecticut has filed suit, arguing that states are being forced to use their own money to meet federal education mandates. Other school districts are considering action, and the National Council on State Legislatures has labeled NCLB “underfunded, coercive, and unconstitutional.”

It’s hard to argue with the goals of NCLB. We want all children to be academically capable. However, the devil is in the details, and the details of NCLB are puzzling. It’s all stick and no carrot. Rather than rewarding schools that improve their scores, it’s all about punishing schools that don’t.

In addition, even if the school as a whole meets yearly benchmarks, if just one student sub-population (i.e. special education students, limited English speaking students, economically disadvantaged students, etc.) fails to meet the benchmarks, then the school as a whole fails.

Spring 2005 testing results show that two-thirds of Hawai‘i’s public schools did not make adequate yearly progress in meeting benchmarks. Twenty additional schools face NCLB’s harshest penalty, restructuring. In more than half of these schools, the school as a whole achieved proficiency targets, but one or more student sub-groups fell short. Sadly, demoralized students, teachers, staff and parents at these schools see their hard work labeled a “failure.”

Do Hawai'i's Reinventing Education Act (Act 51) and the federal NCLB complement one another or clash?

Act 51 is all about shifting decision-making down to the school level. Rather than the state DOE deciding what's best for schools, principals and their School Community Councils will make these decisions. However, under NCLB if a school falls into "restructuring" status it will be taken over by the state DOE and must relinquish local governance.

Currently 24 schools are in restructuring with an additional 16–20 now facing this sanction. In these schools, unfortunately, the intent of Act 51 to empower the school is being cancelled out by the mandates of NCLB.

Further under Act 51 money will be distributed to schools using a weighted student formula (WSF) starting in 06–07. Over 65% of schools that are currently in restructuring, or will be soon, will lose money under WSF. Does it make sense to decrease funding to schools struggling under the threat of NCLB punishments? Does it make sense to take money away from schools that are managing, with huge effort, to meet yearly benchmarks? Both will happen under the current WSF formulation.

Clearly, Act 51 and NCLB seem on a collision course in some respects. Yet, the intent of both is to prepare children for a world that needs their best efforts. Hopefully the legislature, the Board of Education and the state DOE will continue to work on a WSF allocation system that supports schools as they face the challenges of NCLB. The winners will be Hawai'i's children.