Education as Right or Privilege:
The Question of Federal Policy and Student Access

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ABSTRACT

Public education in the United States has a long history of deeply flawed policies and practices that were greatly exacerbated by the introduction of the "No Child Left Behind" Act (NCLB) in 2001. This legislation has directly tied student success and achievement to funding on the basis of high stakes testing and unavoidable socio-economic circumstances. Further, NCLB has resulted in enormous pressures on schools and teachers to meet Adequate Yearly Progress (AYP). Although the 2015 passage of the "Every Student Succeeds Act" (ESSA) (2015) attempts to alleviate many of the issues shaped by NCLB, the literature shows clear inequalities and significant disadvantages on the basis of race of socioeconomic status continue to persist in the public education system. With the new discretion given to individual states to provide their own educational policy and implementation, a closer look must be taken at the state and local level to assess equitability and achievement. In what follow, I delve into the publicly available data New York State is mandated to publish about student success. As I will establish, access to an equitable education must be available without prejudice – and we are a far way off. To this end, I conclude with a set of policy proposals informed by my research into education equity.

Table of Contents

Table of Figures

1. Introduction

Public education policy and practices in the contemporary U.S. are deeply flawed. The introduction of the No Child Left Behind Act in 2002 – a policy advocated by President George W. Bush's administration on his third day in office – is widely described as an enormous failure for its lack of results, but nonetheless was approved with bipartisan support. Student access and achievement became even more inextricably tied to funding based on highly disputed and often poorly constructed tests and unavoidable socio-economic circumstances.

This is a problem. The policy of No Child Left Behind (2001), as well as its successor, Every Student Succeeds Act (2015), and their implications for public school children and post-graduation success will be discussed at length in this project. I analyze the racial, gendered, linguistic, and socioeconomic discrimination that result in inequalities which continue to persist in the American public school system. This project argues that access to an adequate education should be an undisputed right. Children who are most in need of support and assistance attend schools that have higher staff turnover, less challenging curricula, less access to appropriate materials and technology, and poorer facilities. The current tax structure (federal, and local) provides inadequate funding and assets. This is painfully true of geographic areas that have lower income rates, geographic disparities that are empirically linked with higher concentrations of racial minorities.

A number of steps must be taken to address racial inequality within K-12 education, extending, as well, to two and four-year colleges. Some steps may include, but are not limited to, improving institutional accountability for racial equality, budgeting that reflects this commitment, public leadership that works towards advancing racial equality, and macro-level policy changes to eliminate the historical racial disparities that persist today – some of which I will discuss below.

These public schools need additional resources to achieve various forms of student success. This is directly tied to teacher turnover, class size, and course availability, as well as access to technology.

The central questions this paper seeks to answer are: How can public education policy at the state, local and federal levels be assessed and altered to ensure equal access while increasing the overall graduation rate, post-graduation preparedness, and literacy among students? What is the impact of teachers on student Graduation and dropout rates? Further, to what extent has Every Student Succeeds Act (2015) corrected the flaws of NCLB? In answering these questions, I address how resources can be better allocated to benefit the public school system and its teachers, whose compensation must be improved to provide recruitment and retention.

2. Methodology

To answer my first question, regarding the equality of public education in New York State, I compare graduation and dropout rates by 8 demographic variables. The question of how to measure student success is hotly debated (Murnane, Papay, 2000; Davis,2016; Chapter 4). The question of how to measure student success is highly contested because graduation and dropout rates are directly linked to high stakes standardized testing. However, for my purposes, I follow the NCLB standard of graduation rates and dropout rates because it informs policy makers and advocates alike.

My data derives from publicly facing information mandated first by NCLB and then ESSA. This created a problem, since there are two different data sets for the years I am investigating. Through a comparative analysis of the available archive data in the New York State Education Database, I analyze graduation rates and dropout rates for available demographics with a particular focus on historically marginalized groups.

Laws mandated this collection. However, it does not require States to make these data explicit and readable, let alone to draw the conclusions the data supports. Therefore, I developed original datasets using these primary data from NYS. I then additionally visualized this data in charts and graphs to better communicate the stark inequalities that the data reveals.

NCLB provides my first data set, which can be collated by demographic variables, such as race, socio-economic status, language, and ability. In particular, I measure for: Black/African American, Hispanic/ Latinx, White, Native American/ Native Alaskan, Pacific Islander/ Asian/ Native Hawaiian, Economically Disadvantaged, Students With Disabilities, and Limited English

Proficiency/ English Language Learners. This allows tracking the differential graduation and dropout rates for 18 years of NYS students by these demographic variables.

The ESSA improves on this data, by adding more nuance to the picture of what contributes to graduation rate and dropout rate (suspensions, expulsions, etc. school to prison pipeline). The data sets I have analyzed show remarkably different variables based on what was being monitored. Where in the applicable years of NCLB, the "accountability" data is much more concerned with success on federally required testing, the data post-ESSA is much more robust. But, the main measures of student success remain graduation rate and dropout rate. This allows me to maintain some continuity across datasets for the years 2001 – 2019.

To answer my second question: I use this data to measure the following variables: rates of teacher turnover, teacher experience, as well as teacher qualifications. I supplement this threefold measure with a comparison between low and high poverty areas within New York. In addition, I have also created data charts/ visuals in order to gain a better understanding of the data and show the drastic inequalities that persist in the public education system. Again, the data mandated by NCLB and ESSA provides a range of variables that fluctuate based on the legislation. Nonetheless, the data provides a clear picture of the quality of education students are receiving.

To answer my third question: to what extent ESSA improves upon the NCLB. I have made a comparison between NCLB & ESSA. As I have mentioned, The data sets I have analyzed show remarkably different variables based on what was being monitored and reported. This comparison however, is made possible because of the continuity in data measuring graduation and dropout rates. Though there is much more data to draw from NCLB it is simply because the legislation was active for a longer period of time. That being said, ESSA improves upon what data is mandated to be collected and publicly shared. Regardless, I have collected 208 unique data points (Graduation

and Dropout Rate) from 2001- 2019 that have been put into a comparative analysis to measure the efficacy of both pieces of legislation in relation to one another.

Finally, to humanize this data, I draw from qualitative data: articles and news reports to give personal accounts about the impact of these laws on the everyday lives of people in NYS public schools. Further, through supplementing this original research with academic articles and news reports; I analyze the current state of education in New York as well as the country on a broader scale. In addition I address the inequalities that continue to persist and require intervention.

3. The Flagging Effects of NCLB

Intellectual Origins of NCLB

Jal Mehta explains that the substantial paradigm shift to federal control and accountability seen in No Child Left Behind (NCLB) through several factors. I will focus on the ramifications of the highly popularized report, *A Nation at Risk*, and the influence of private interest groups. Commissioned by Ronald Regan in 1983, the 36-page report sought to examine the state of the public education system. A quote that is referenced in numerous accounts of this report reads, "The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and as a people" (A Nation at Risk). The report presented an issue that the public could not ignore. Anya Kamenetz, education correspondent for NPR, says plainly, “the narrative established by *A Nation at Risk* still seems to be the one that dominates how we think of the data” (What ‘A Nation At Risk’ Got Wrong, And Right, About U.S. Schools). Regardless of its clear biases toward a narrative of failing schools, the report has clearly influenced

education policy on a tremendous scale, in particular, NCLB. As previously stated, Mehta also describes private interest groups as a direct cause of the overwhelming passing of NCLB:

Detailed studies of education politics have suggested that since 1980 the number of groups involved in educational reform has multiplied, with business being only one group among many that have sought to make a greater claim over education (Mawhinney & Lugg, 2001; Mazzoni, 1995). The most important of these groups are the teacher's unions: One study suggested that in 43 of 50 states they were the most powerful actors in educational politics (Thomas & Herbenar, 1991). The larger of these unions, the National Education Association (NEA), has consistently opposed efforts to introduce educational accountability. Yet despite its considerable financial resources and political power, it failed to block movements for accountability ("How Paradigms Create Politics: The Transformation of American Educational Policy, 1980-2001"). Regardless of how it happened, the legislation was passed with overwhelming majority, having clear ramifications across the board.

The No Child Left Behind legislation has had a number of unintended consequences that have negatively impacted the state of education in the United States. Student access and achievement have been tied to funding on the basis of highly disputed tests and meeting adequate yearly progress (AYP). Due to the NCLB legislation, teachers across the nation are constantly worried about making adequate yearly progress. Murnane and Papay (2000,) focus on the teachers' reactions to three important aspects of NCLB:

1) the testing requirements and the rules determining adequate yearly progress (AYP); 2) the sanctions imposed on schools that fail to meet AYP; and 3) the requirement that all teachers of core academic subjects be "highly qualified" in their areas of teaching assignment." (152). While these policies do not seem inherently negative, in areas with a significant number of students who

are economically disadvantaged, command limited English proficiency and bring special needs, teachers find it difficult to meet this required progress. To achieve this adequate yearly progress, teachers report shrinking curriculum, score inflation, as well as a focus on the students who do not meet AYP and a lack of attention to those who are skating by or already excelling. In short, "teaching to the test" brings serious deficits. An exceedingly important aspect of AYP is that it fails to provide a valid measure of the school's success in improving student achievement and skills. This causes enormous frustration in teachers who are unable to meet the sanctioned standards. Richard and Papay (2000), in their review of the literature, held that: "For example, Clotfelter, Ladd, Vigdor, and Diaz found that teachers were more likely to leave low-performing schools (but not high-performing schools) after the introduction of state-based accountability in 1996-1997" (p. 160).

Teacher Qualifications

In addition to test scores, teacher qualifications are also an important variable to consider.

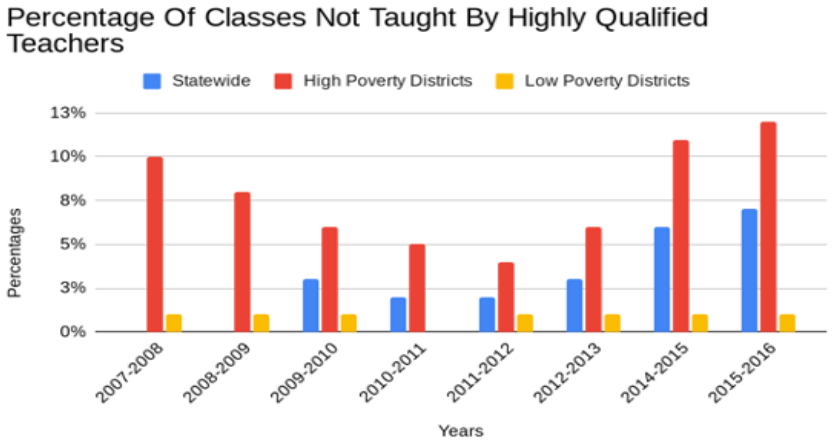

Figure 3.1 Percentage of Classes Not Taught by Highly Qualified Teachers (2007 - 2016)

When looking at teacher qualifications, we see that the wealth of a district matters. Figure 3.1. serves as a general snapshot of the enormous disparities in New York educational standards based on socioeconomic status. No Child Left Behind requires that all teachers of core academic subjects, as defined by NCLB ("English, reading; language arts; mathematics; science; history, geography, economics, civics and government, foreign languages ("languages other than English" in NYS), and the arts (SED defines the "arts" as art, dance, music, theater including public speaking, and drama") be highly qualified; the requirements for elementary school educators differs from that of middle and secondary education, as well as by "newness" to the profession.

Because my own data pertains to secondary education, I will be focusing on the requirements for teaching at this level, as defined by the State of New York. Being "new" to the profession categorizes those who are within their first year as educators/effective date of receiving their certificate. For those who are *not* new to the profession, NCLB requires that those teaching in New York:

> [teachers] are "highly qualified" if they: have a bachelor's or higher degree; and have a NYS certificate for their teaching assignments; and demonstrate subject matter competency for all core subjects they teach with one of the following:
>
> - a CST in the subjects; or
> - an undergraduate major in the subjects; or
> - coursework equivalent to a major (30 credits) in the subjects; or
> - a NYS permanent or professional certificate in the subjects; or
> - a graduate degree in the subjects. ("High Objective Uniform State Standard of Evaluation (HOUSSE) Fact Sheet").

Teachers that are considered highly qualified by these standards disproportionately serve communities with higher socioeconomic status and wealthier districts in general (Figure 3.1). Rune Müller Kristensen has provided "a growth analysis of teacher qualifications and students´global self- esteem" that uses Global Self Esteem (GSE) as a measurement of student's non-academic success (A growth analysis of teacher qualifications and students´global self-esteem). Kristensen uses data from the National Educational Longitudinal Study (NELS:88) which investigates how teacher qualifications in terms of certification, educational degree and employment status affect students' development in GSE. Findings from the study show that certain aspects of teacher certification, level of degree and employment status have what is defined as a small but significant effect on students' GSE. The results of the study show that students internalize behaviors differently based on demographic factors, but nonetheless show that the influence a teacher has on a student is significant. This is discussed in conjunction with other theories regarding the effects of teacher quality on academic outcomes, one of which shows that there is a significant relation between certified teachers and improved performance on mathematics. Though this article highlights mainly non- academic outcomes, it shows that teacher quality has a profound effect on students.

As argued by authors such as Linda Darling-Hammond, lower qualified teachers are less prepared to deal with the full range of needs that students today are bringing into the classroom. They state, "A number of studies have found that teachers who enter the teaching profession without full preparation are less able to plan and redirect instruction to meet students' needs (and less aware of the need to do so), less skilled in implementing instruction, less able to anticipate students' knowledge and potential difficulties, and less likely to see it as their job to do so, often blaming students if their teaching is not successful (Bledsoe, Cox, & Burnham, 1967; Copley,

1974; Gomez & Grobe, 1990; Grossman, 1989; 1990; Bents & Bents, 1990; Rottenberg & Berliner, 1990)"(Darling-Hammond).

As I will discuss further, teachers who are under qualified are often also less unprepared to deal with issues, such as, English as a second language, disabilities, also challenges associated with poverty, such as no afterschool help with homework because parent(s) are working. What the data demonstrates is that those in low poverty districts are disproportionately served by under-qualified educators. After a "noticeable" dip in unqualified teachers, there has been a resurge in unqualified teachers, with almost 13% of instructors in high poverty districts lacking qualifications. This is contrasted to the almost 1% of instructors who lack high qualifications in *low* poverty districts.

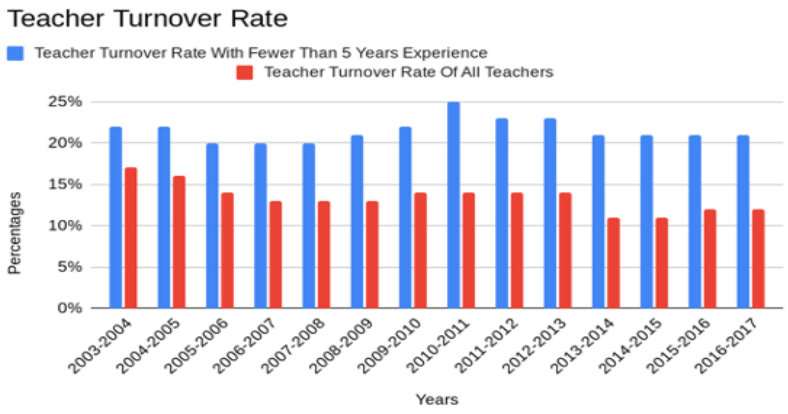

Figure 3.2 Teacher Turnover Rate (2003 - 2017)

Qualifications are not the only measure of whether a school district is providing quality instructors. Whether or not a teacher is retained by a district also shapes the experience for students. High turnover rates are more disruptive to students. The Learning Policy Institute discusses in depth why teacher turnover matters so much, especially to disadvantaged students. Most importantly is that research shows that high teacher turnover rates in schools negatively impacts all students, not exclusively those in the new teacher's classroom.

The authors show that the rates of teacher turnover are at their highest in districts serving economically disadvantaged students and students of color. “Constant churn exacerbates staffing difficulties that lead to shortages. Thus, students in these hard-to-staff schools disproportionately suffer the consequences of both turnover and shortages: substitute teachers, canceled classes, and inexperienced, underprepared teachers. Office for Civil Rights data show that districts serving children of color are about four times more likely to be assigned uncertified teachers.” (Darling-Hammond, Sutcher, Carver-Thomas). Constant teacher turnover is also awfully expensive for these school districts, as they must cover the expenses of recruitment, hiring, and training. All of which could be used instead for things like tutoring programs or updating the schools resources and technology.

Figure 3.2 shows that, regardless of the federal legislation in place, the rate of teacher turnover for inexperienced teachers is consistently higher than that of all teachers. Further, the data suggests that even with the mission statement of NCLB requiring all core subjects be taught by highly qualified teachers, there is still an overwhelming amount of teachers that are inexperienced, teaching without finishing their certification, or have no valid certification whatsoever.

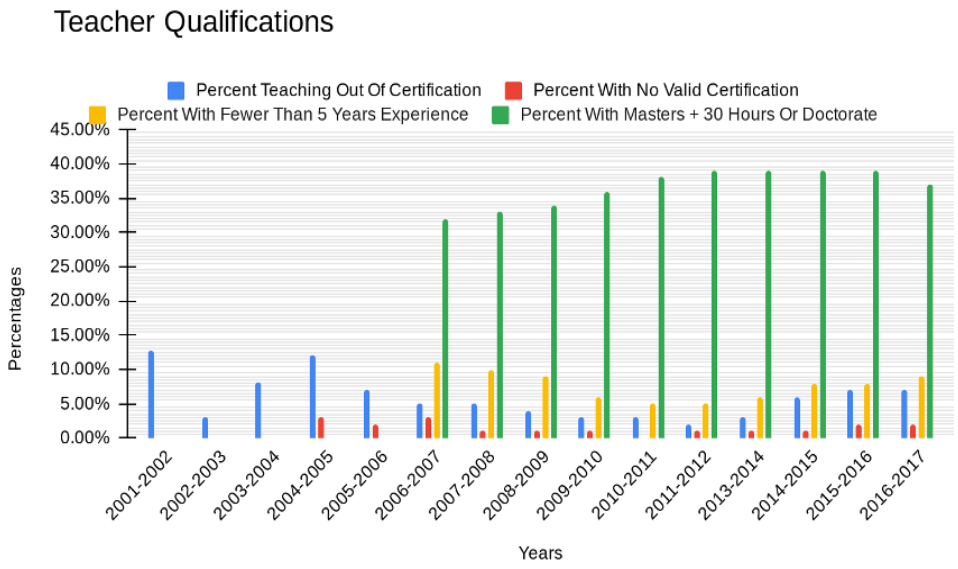

Figure 3.3Teacher Qualifications

My collection of data from the New York State Education Database supports these findings. As demonstrated in Figure 3.3, which measures the qualifications teachers, there is a serious failing on the part of New York State to provide appropriately qualified personnel and an equal education to all students regardless of socioeconomic status. This graph shows that though there is a general downtrend of teachers who are inexperienced, teaching out of or with no valid certification, there are still a significant number of students who are being taught at a lower standard than others. The fact that in any given year the percentage of classes not taught by highly qualified teachers in high poverty areas is anywhere from 4 – 12 times higher than that of low poverty districts is indicative of a clear negligence. Just because two districts show equivalent numbers of staff, does not make them equal in qualifications.

When considering teacher turnover rate and teacher qualification, the collected data shows that under experienced teachers leave schools at disproportionately higher rates than their more experienced colleagues. Further, that there are simply too many teachers who are under qualified

or not certified to be teaching their respective subjects. This has significant effects on student success and GSE as I have shown.

Prior to the enactment of the ESSA there were major concerns about whether or not the largest policy flaws in NCLB would be resolved. According to Abby Jackson in "3 big ways No Child Left Behind failed" (year), the most notable are high stakes testing, Annual Yearly Progress (AYP), and every student proficiency by 2014. The high stakes annual testing of NCLB requires all students to be tested with immeasurable consequences. For the schools that are not up to standard, they could expect less funding or school closures. Further, there is no decisive proof that the use of these standardized tests were conducive of closing the education gap. AYP is a highly disputed policy.

Recalling Papay and Murnanes's work, "Teachers Views on No Child Left Behind," AYP has enormous unintended ramifications. Jackson's (2015) work likewise summarizes the damage to education that a singular focus on AYP induces. Among these include the loss of funding if the school fails to meet the required standards, teacher accountability as opposed to the policy makers, and the diminished curriculum based on "teaching to the test". Jackson's article helps establish that during its time in action it was a failure. For all 50 states, standards of proficiency were subjective, which resulted in several states lowering their own standards to "catch up". With 2014 well past, states have not met the required standards of NCLB; instead of improving conditions, an overwhelming number of states have failed and been granted waivers. This proves that this aspect of the policy should never have been enacted in the first place.

Testing

Anya Kamanetz (2018) writes, in "What 'A Nation At Risk' Got Wrong, And Right, About U.S. Schools,"

> Recent work on the implementation of test-based accountability suggests that loosely coupled systems are giving way to more tightly coupled ones, as the attaching of significant stakes to testing has caused schools and teachers to direct their efforts towards improving student performance on those tests (Fuhrman, 1999, 2001). While a significant debate rages about whether these changes have been good (Peterson & West, 2003), bad (Meier, 2002), or mixed (Elmore, 2004), what matters for these purposes is that they clearly have been consequential in how the school system functions, so much so that even Rowan (2006) now argues that loosely coupled school systems are a thing of the past." (citation)

This is indicative of what other scholars have discussed in regard to the application of these high-stakes tests required by NCLB. "Teaching to the test" becomes the norm, fundamentally altering the core methods and material of teaching.

As previously mentioned, the high stakes testing required by NCLB has immeasurable consequences on all aspects of education. Since the introduction of NCLB, Pearson Education has become an enormous superpower in the education and testing industry. "Pearson hawks everything from student data trackers to online credit-recovery courses to ADHD diagnostic kits." (Davis). Because these tests have such a substantial impact on student success and more broadly, funding, it is important that these tests be flawless. Pearson had aggressively lobbied to win contracts with numerous states, including New York, which lasted until 2015. But across the board, Pearson had become the standard for standardized testing. A significant amount of major testing problems have been noted from 1998 to 2016, (Strauss, Valerie, Pearson's History of Testing Problems) that include scoring flaws, significant delays, errors in questions, sponsorship issues, and many others. Leading to the conclusion that these tests have perhaps been more trouble than they are worth.

Graduation Rates by Race/Ethnic

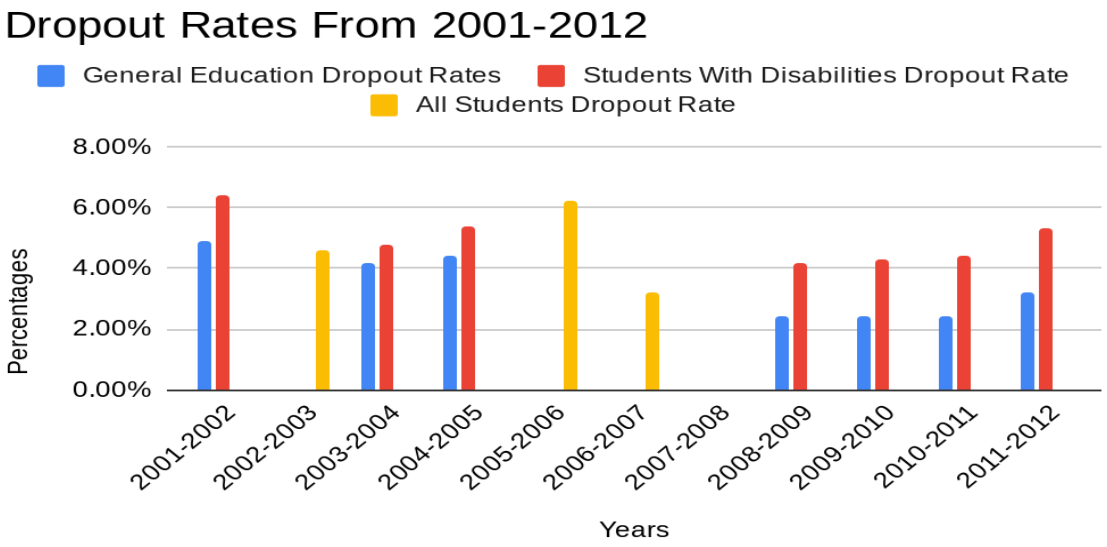

Figure 3.4 Dropout Rates, 2001 - 2012

The data provided by the New York State Education Department (NYSED), mandated by No Child Left Behind, vary by year (and by legislation), but nonetheless show an important snapshot of the dropout rates by general education, students with disabilities, and all students dropout rate (Figure 3.4). Although, as I mentioned the data in Figure 3.4 lacks uniformity, one can nevertheless observe a disproportionate trend in the numbers. The dropout rate for students with disabilities during the active years of NCLB is always substantially higher than that of general education students. The authors of "Students with Disabilities who Drop Out of School—Implications for Policy and Practice" write,

> Large numbers of students, however, are not faring well on these [NCLB mandated AYP testing] assessments. For youth with disabilities, several factors beyond academic achievement influence their ability to pass these assessments: accurate identification of the disability, provision of needed accommodations, and educational supports that make learning possible regardless of disability-related

> factors. In particular, the provision of accommodations assures that a student's true academic skills are measured in assessments, rather than elements of the disability (Johnson, Sinclair, Thurlow, 2002)

Expecting students with disabilities to perform well on tests without the proper preparation or necessary resources may account for the increased dropout rate. If students are actively engaged in academic work, and their specific needs are met it can be expected that these students will not only do better in school but successfully complete school and gain the necessary tools needed to be successful adults. When dropouts do occur, it is "the outcome of a long process of disengagement and alienation, preceded by less severe types of withdrawal such as truancy and course failures (Finn, 1989,1993)." The authors continue:

> Appreciation has grown for viewing the path to dropping out as complex and multidimensional, and for focusing on family and school variables in efforts to reduce dropout rates (Egyed, McIntosh, & Bull, 1998; Finn, 1993). Four broad intervention components are important in enhancing student motivation to stay in school and work hard: opportunities for success in schoolwork, a caring and supportive environment, clear communication of the relevance of education to future endeavors, and addressing students' personal problems (McPartland, 1994)." (Students with Disabilities who Drop Out of School—Implications for Policy and Practice).

Through no fault of their own, these students disproportionately experience higher dropout rates. And they are not alone. The extent of the problem will be further discussed momentarily, as will how well these problems have been resolved by subsequent legislation, such as the ESSA.

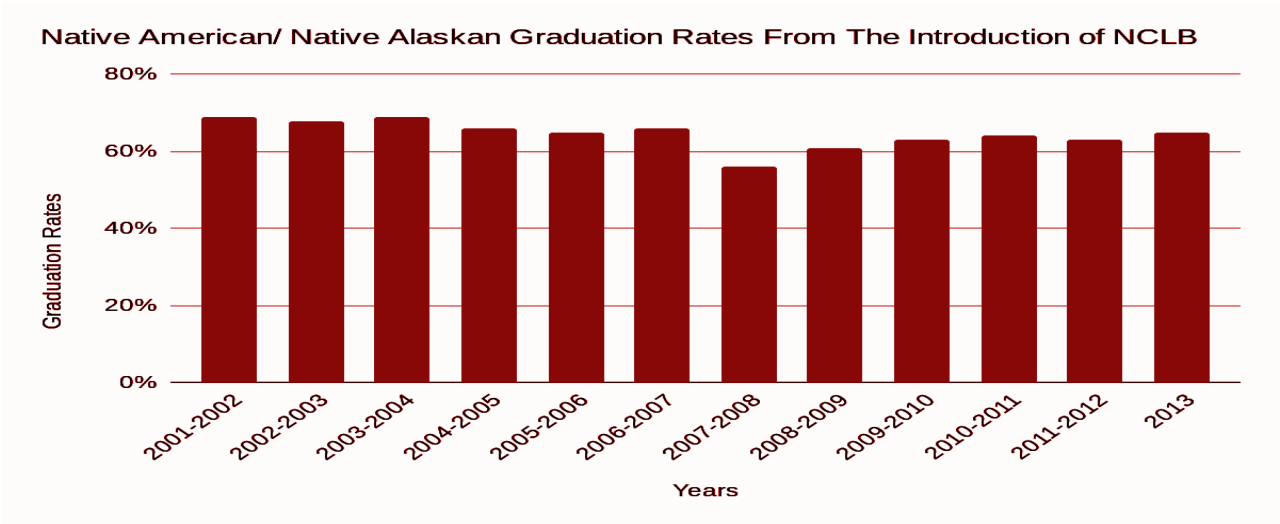

Figure 3.5 Indigenous Graduation Rates 2001 - 2013

Figure 3.5 shows what will be a consistently recurring pattern under NCLB. The graduation rates of Native American/ Native Alaskan Indigenous students teeter just above or below 60%. This data show another example of students being forgotten by the NYSED under a policy that works against them. The data on Native American and Native Alaskan students is somewhat hard to analyze. This is for a number of reasons, the first being because of the small relative size of the population in comparison to that of most students populations. This may lead to potential measurement difficulties when conducting statistical analysis. The next issue discussed by the article is that of how students choose to identify. As there are hundreds of tribes recognized nationally, it is hard to define one specific Native American/Native Alaskan demographic. These factors must be considered when analyzing the success of these demographics. In "The Condition Of Native American Students" (year), the issues confronting these students are addressed. "Every student deserves high-quality education. This certainly includes half a million American Indian and Alaska Native (AI/AN) students, who make up 1 percent of U.S. public school students. In 2007, the Education Committee of the National Caucus of Native American State Legislators

(NCNASL) reported, “The state of education in our nation’s K-12 schools for Native students is distressing.”. (Cai,2020).

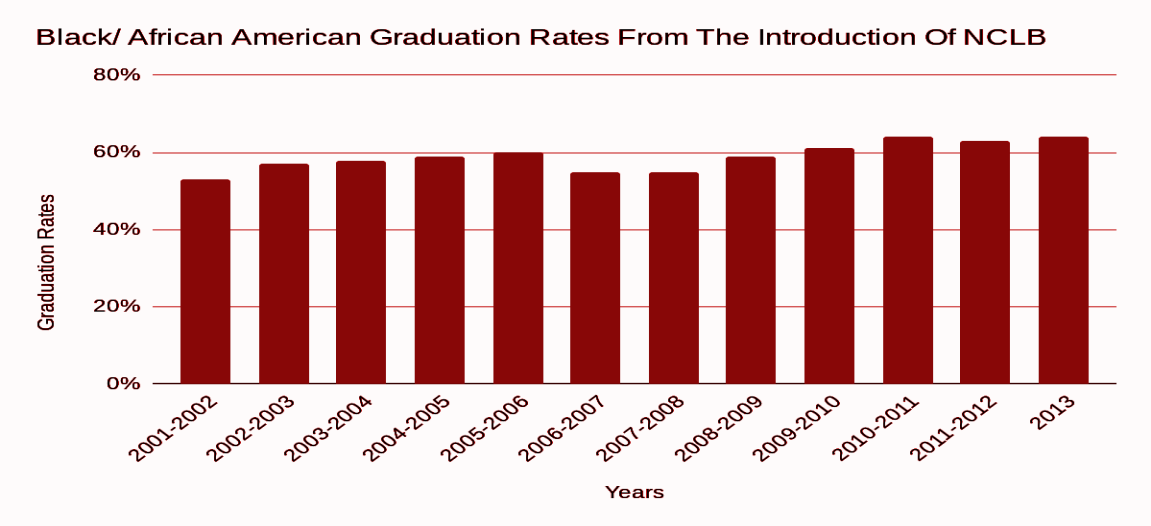

Figure 3.6 Black Graduation Rates

Figure 3.6 shows perhaps one of the most profound examples of institutional racism within education. According to the New York City Department of Education Black students make up around 25% of the student’s population. The fact that the graduation rates are profoundly lower than that of white students is indicative of a problem. Linda Darling- Hammond explains, “Recent analyses of data prepared for school finance cases in Alabama, New Jersey, New York, Louisiana, and Texas have found that on every tangible measure—from qualified teachers to curriculum offerings—schools serving greater numbers of students of color had significantly fewer resources than schools serving mostly white students” (Hammond, 209). This comes down to funding and the overwhelming segregation that exists in public education. Schools that disproportionately serve mostly Black students are underfunded and under-resourced. The data in Figure 3.6 shows that these students are falling behind in student achievement through no fault of their own. Whatever the intentions of NCLB, it has certainly exacerbated the racial inequality that persists in the United

States as a whole. I will be discussing the issues that pertain to Black and African American students specifically in later chapters.

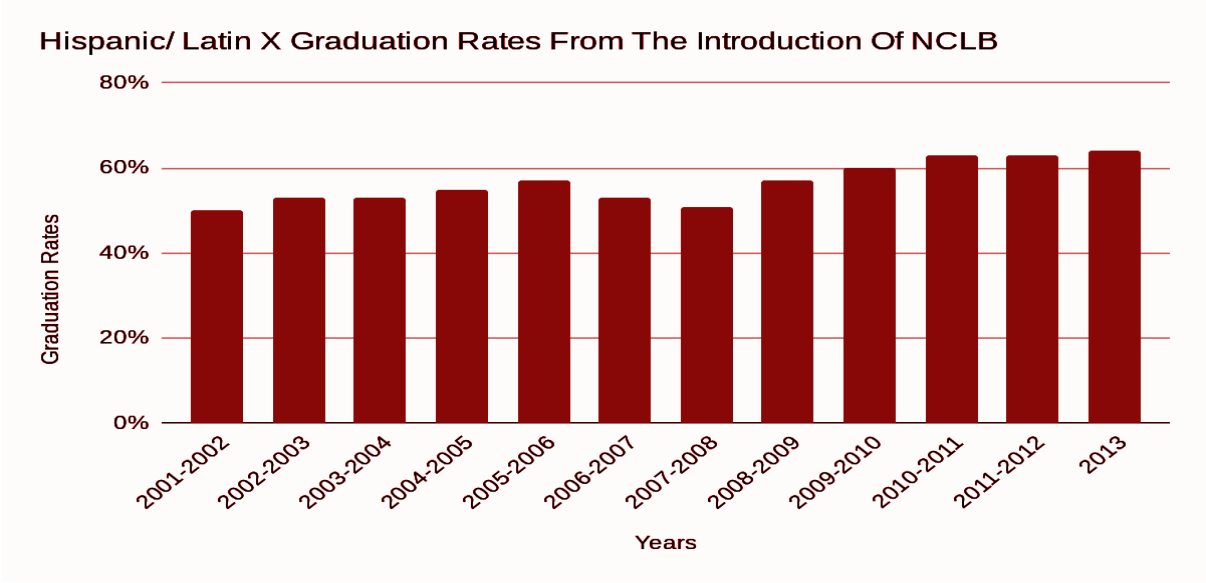

Figure 3.7 Latinx Graduation Rates 2001 – 2013

Figure 3.7 shows Hispanic/Latinx graduation rates since the introduction of NCLB through 2013. Again, we see another prominent case of institutionalized racism in NYS education. Hispanic/ Latinx student graduation rates fall between 50% and 60%, which are major indications of a problem. Nearly half of all of these students do not reach graduation through no fault of their own; this is especially troubling as the Latino population is the fastest growing population in the world. Policies must be put into place to aid these students. While one may look at this graph and notice a slight uptrend from 2001-2013, these students still fall far behind that of the rate of all students. No Child Left Behind has not been effective in closing the achievement gap; but has, through mandated data requirements, highlighted the enormous inequities that persist in the public education system.

Elena Rocha's "NCLB and Latinos: No Latino Child Left Behind Matters" (2008) argues, these statistics highlight the systemic failure of our public school system to properly address the needs of Latino students and English language learners over the last several decades. But preventing similar results for future students will require us to also go further than No Child Left Behind. It will mean training and hiring bilingual or multilingual teachers and staff, building cultural competency among school employees, understanding family expectations for learning, conducting ongoing and meaningful parent outreach, and remaining flexible to shifting student populations so that appropriate curriculum, assessments, interventions, and innovations can be implemented. Along with many others, have acknowledged an important aspect of NCLB; because it places a never-before-seen accountability system on schools, there is now a real way to assess achievement on a district and school level. All students deserve an equal education and access to the tools needed to improve academically (Rocha,2008).

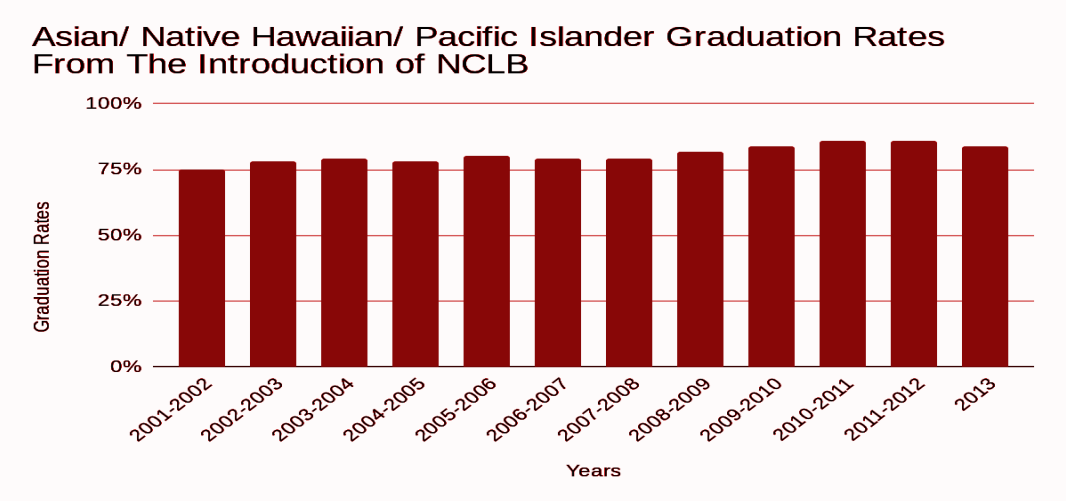

Figure 3.8 Asian American and Pacific Islander Graduation Rates 2001 - 2013

Figure 3.8 shows again a consistent trend with Asian/Native Hawaiian/Pacific Islander graduation rates being around 75%, showing a pattern of slow incline. To expand, the graduation rate of this demographic seems to be virtually unaffected by NCLB, but the mandated data required

by NCLB does not account for the multitude of Asian ethnic groups within the broad category given, in particular, NCLB does not account for the struggles of English-language learners within this demographic. While it simply may not be possible to account for very individual ethnic group in very district, ELL services must be expanded to provide adequate resources for all students.

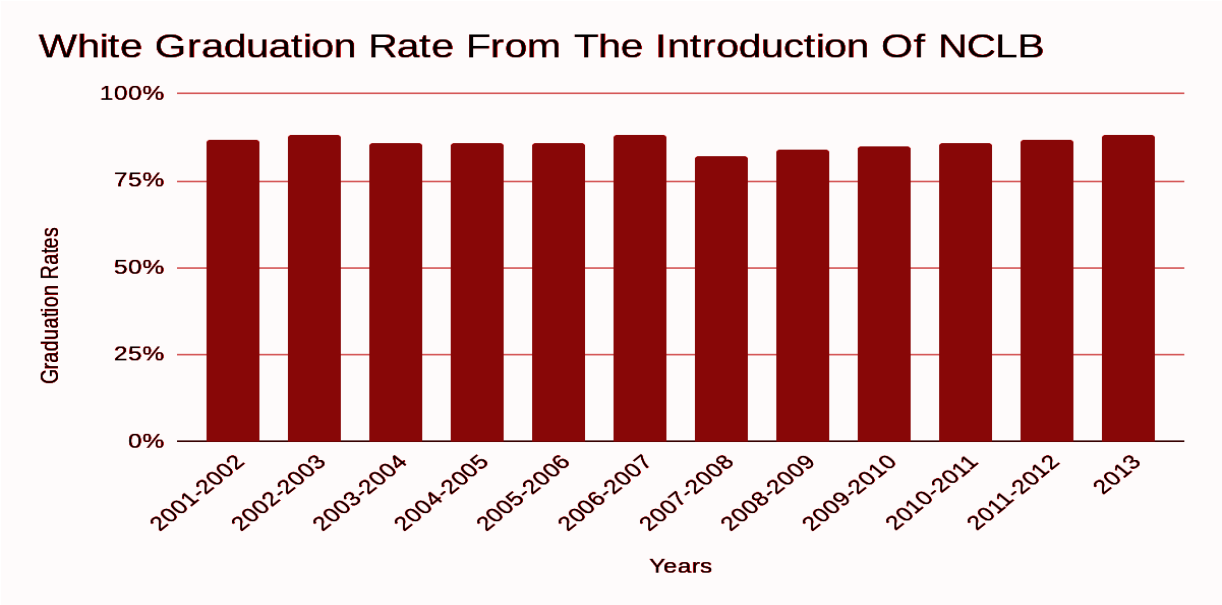

Figure 3.9 White Graduation Rates 2001 - 2013

Figure 3.9 shows something unsurprising. White students on average receive a higher standard of education, are less likely to be economically disadvantaged, and generally are provided better access to appropriate materials, technology and education in general. Graduation rates stay above 75% in all years during NCLB and after, suggesting that the system is simply working better for these students and providing a higher standard of access across the board.

Graduation Rates by Socioeconomic Status, English as a Second Language, and Disability

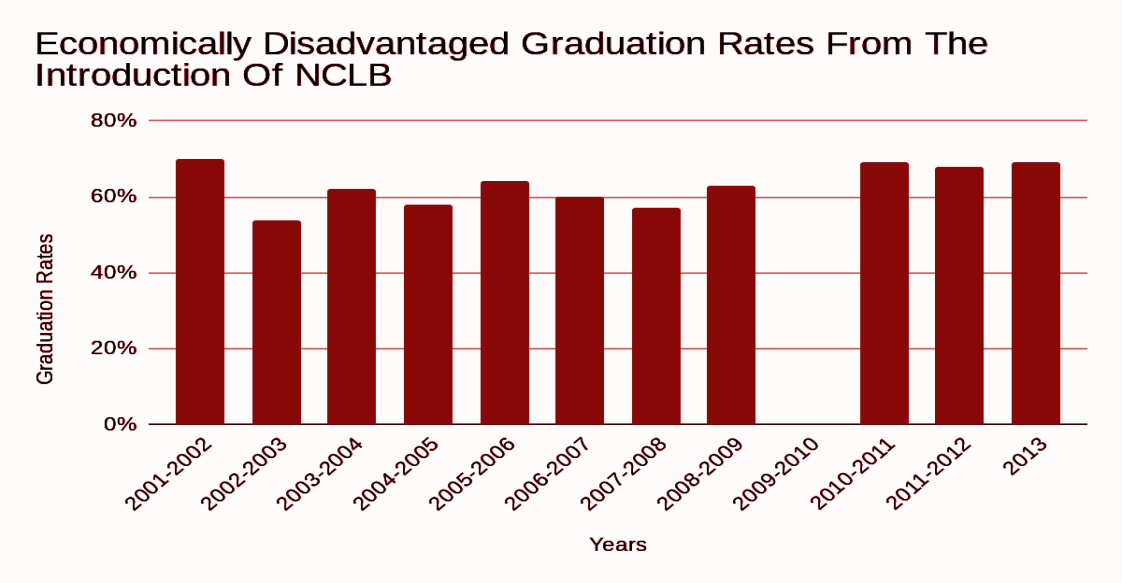

Figure 3.10 Graduation Rates of Economically Disadvantages Students 2001 - 2013

The graduation rates in Figure 3.10 reflect a deep lack of access to appropriate learning materials, technology, and high-quality educators. These students are being disproportionately served by under-qualified teachers, as previously mentioned, and a lack of access. Recall Figure 3.3 above, which demonstrates that students in high poverty areas are disproportionately served by under qualified teachers. Compounded over multiple years, these students on average fall behind students who attend schools that are more adequately funded. In addition, in these districts the teacher turnover rate is much higher than the average of teachers nationwide. All of which negatively impact the education these students receive. Through no fault of their own, these students are subjected to a lower standard, and so it is no wonder why the rates are what they are. An equitable education must be provided regardless of socioeconomic status. Further, the way these high poverty districts are funded must be changed, which I will address in Chapter 6.

Nicole Katz, writing for FutureEd.org, states,

> The relationship between student poverty and academic performance is well-established: On average, economically disadvantaged students have lower levels of achievement than their peers, a gap that has not narrowed in the past 50 years. What's more, when poverty is concentrated in a school—that is, when a significant portion of students in a school come from low-income households—the impact on performance is compounded. A body of research suggests that there is a 'tipping point,' somewhere between 50 to 60 percent of a school's students living in poverty, where performance for all students there drastically declines. Not surprisingly, schools and districts with high rates of poverty need more resources to educate their students; one recent study found that in some states it would cost three times more per pupil just to achieve average student performance in districts with higher poverty rates than in more affluent districts. This is no small problem. More than one-third of districts nationwide have schools with concentrated poverty, accounting for 44 percent of all students. Concentrated poverty in schools disproportionately impacts students of color. More money enables school districts to invest in what matters most. Yet when it comes to state funding, districts with concentrated poverty are still getting far less than they need, despite decades of efforts to improve funding disparities. ("State Education Funding: The Poverty Equation". FutureEd).

The issue of inequity in education based on socioeconomic status has long plagued the United States public education system, policies must be put in place to provide a truly equitable education, with equivalent resources, materials, and qualified staff.

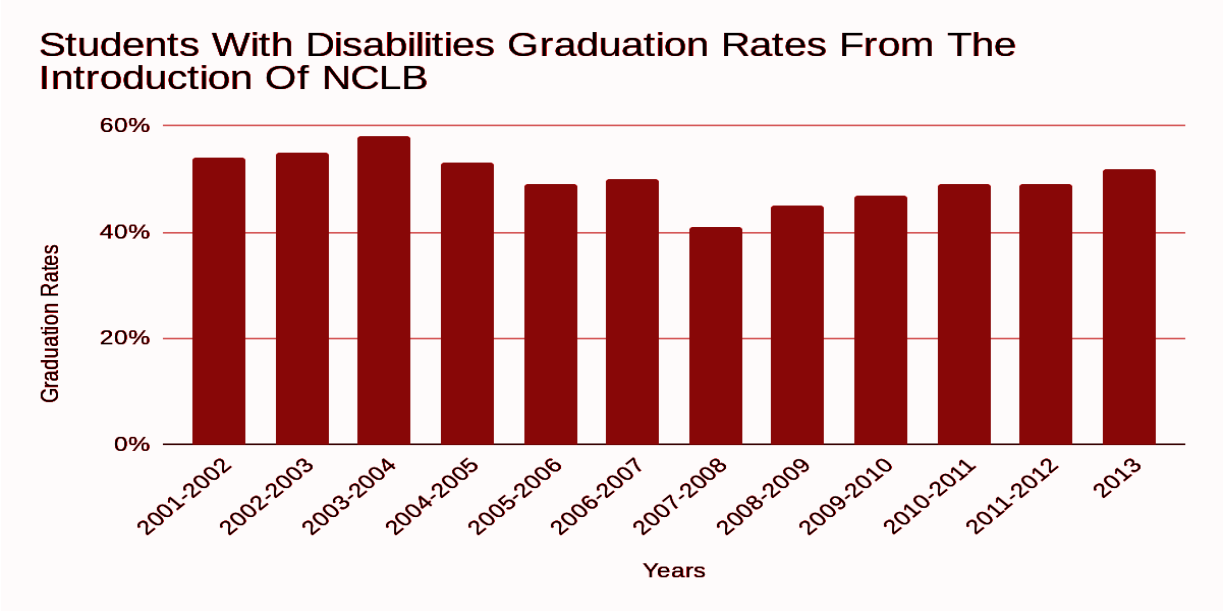

Figure 3.11 Graduation Rates for Students with Disabilities 2001 - 2013

Much like the previous data has demonstrated, especially Figure 3.1, Figure 3.11 shows a profound lack of access for students with disabilities. These students are subjected not only to poorer facilities than what is required, but also lack proper care within school. As my research suggests, NY schools are not up to the proper standard concerning their students with disabilities. The graduation rates once again show a trend of students reaching varying rates of success. When nearly half of all students fail to graduate, it is indicative of a systemic issue. In Chapter 5, "Inequalities under COVID," I further discuss issues relating to students with disabilities, in particular focusing on the abundant lack of access to necessary materials, technology, and teachers who can both handle any issues that the student may present as well as provide appropriate aid when needed.

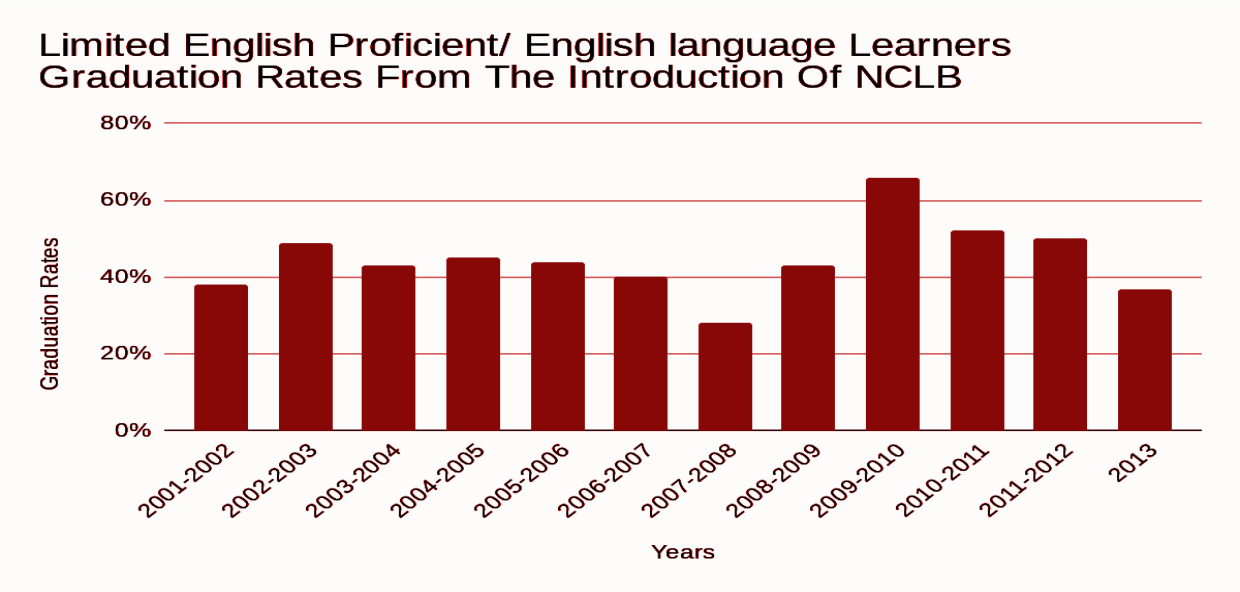

Figure 3.12 Graduation Rates for Students for whom English is a Second Language 2001 - 2013

The data presented in Figure 3.12 shows perhaps one of the greatest examples of inequality in education. Limited English Proficiency and English Language Learners are consistently being neglected by the New York State Education Department and NCLB more broadly. Until Obama took office, on any given year less than half of these students would graduate. It is important to note that this represents perhaps the largest demographic disparity in the groups I have discussed. NCLB has required the inclusion of English Language Learners in its testing mandates and standards of meeting AYP. These students are forced to take tests that are often poorly constructed and full of complex language that by definition these students have not yet mastered, which immediately presents an issue.

As previously mentioned, NCLB ties funding to performance on high stakes testing; if students repeatedly do not do well on these exams, the schools will be penalized and receive less funding. Writing about this achievement gap in New York City schools, __ explain:

> Although educational policies for emergent bilinguals in New York City schools have historically supported the provision of bilingual education, the past decade has borne witness to a dramatic loss of bilingual education programs in city schools. This study examines the factors that determine language education policies adopted by school principals, through qualitative research in 10 city schools that have eliminated their bilingual education programs in recent years and replaced them with English-only programs. Our findings draw a causal link between the pressures of test-based accountability imposed by *No Child Left Behind* and the adoption of English-only policies in city schools. Testing and accountability are used as the justification for dismantling bilingual education programs and create a disincentive to serve emergent bilingual students, as schools are far more likely to be labeled low performing and risk sanctions such as closure simply for admitting and educating these students." (://doi.org/10.1177%2F0895904812468228).

In summation, NCLB has simply provided higher stakes for English Language Learners than most other demographics with potentially harsher consequences. The enormous disparities can be seen in the data. To correct this disparity, there must be programs to provide these students with proper access to bilingual materials and teachers that can communicate with and aid these students.

Summary

Analysis of the data from 2001 through the end of NCLB in 2013 confirms the findings discussed at the outset raising criticism of the efficacy of the law. Across the board we see that students are at a serious disadvantage under this policy. Graduation rates for all but white students are much lower than what is acceptable even by the standards set by NCLB. As for dropout rates, following this pattern, all but white students show higher rates of dropouts and incompletions,

again not up to the standards of AYP. Time and time again students, particularly students of color students who are ELL, and students with disabilities fail to reach AYP in a number of areas, including English testing and graduation rates. These students fail to meet the standards set by NCLB through no fault of their own. With so many students falling behind year after year and failing to meet AYP, NCLB has failed in its mission to provide equal access and an equal education to all students. I will be discussing this subject more in depth in later chapters.

4. Every Student Succeeds Act Compared to NCLB

After a decade of critique from teachers and mounting social science data such as presented above, national consensus grew to acknowledge the failures of NCLB. As Owen Davis (2016) pointed out:

> the pendulum has begun swinging back on testing. From Texas to New York to California, state lawmakers have scaled back assessment policies, spurred on by parent and student protests. The policies have left little to cheer. Though standardized testing still inspires lively scholarly debate, the era of assessment has largely fallen short of its goals. Since NCLB passed, the U.S. has continued slipping in international education rankings. A thorough 2011 research review from the National Research Council found some minor successes, but concluded that for most test-based accountability programs, "the overall effects on achievement tend to be small and are effectively zero (Davis (2016).

Davis is illustrating the enduring flaws that attend a reliance on high stakes testing in addition to the issues of accountability that arise.

Indeed, NCLB legislation was widely noted as a failure that needed to be corrected. Every Student Succeeds Act (ESSA) was implemented in 2015 with bipartisan support as a correction to NCLB. The legislation sought to correct the unintended negative effects of NCLB, while maintaining the aspects that improved student achievement. In part, it did so by allotting significant discretion to states in creating educational plans and deciding how and when to test students.

According to Tamara Hiler and Lanae Erickson Hatalsky (2017) in "How The Every Student Succeeds Act Changes No Child Left Behind," there are five major policy areas that have

been altered from NCLB. The first is Statewide testing requirements. Under ESSA the states will have much more discretion in administering tests such as the ability to administer multiple tests each year to provide more data regarding yearly progress. There is a significant amount of flexibility as well as a small amount of new funding to administer comparable tests.

The next policy area is academic standards. Under NCLB all states were obligated to adopt one statewide test and submit education proposals to the Department of Education that met the required criteria. Under the new legislation, the states again would have much more discretion in deciding their own standards for education and the federal government could no longer intervene. Hiler and Hatalsky state, "This piece of the compromise rolls back the ability of the federal government to incentivize states to develop more challenging and cohesive state academic standards—presumably as part of a negotiation to preserve other critical federal guardrails" (p. 5).

Perhaps the most significant rollback is that of the accountability systems, especially concerning low performing schools. Under ESSA states have once again been granted substantial discretion concerning accountability of individual schools, teachers, and programs. While this could be viewed as negative or positive, it means definitively that individual states will have much more responsibility to aid the schools or districts that are faltering. This pattern follows when dealing with low performing schools: the individual states will have much more discretion in where they intervene. But without federal support, there is a lot of pressure on the states to uphold education standards and provide their own support.

The final aspect of ESSA discussed by Hiler and Hatalsky is teacher equity. The new legislation eliminates the requirement that all teachers be highly qualified and provide once again, full discretion to states to decide who should be teaching. However, teachers will still be mandated to provide teacher evaluations and report to what extent low- income students and students of color

are disproportionately served by ineffective or inexperienced teachers (p. 11). This is a significant step in the right direction. By mandating this data, the ESSA is acknowledging and attempting to alleviate racial and socio-economic disparities. In conclusion, this policy is well on its way to correcting the mistakes of No Child Left Behind, but delegates a significant amount of responsibility to the states which may cause issues down the road. So long as each state upholds the proper academic standards and supports low-performing schools, federal intervention should not be necessary.

Graduation Rates Under ESSA

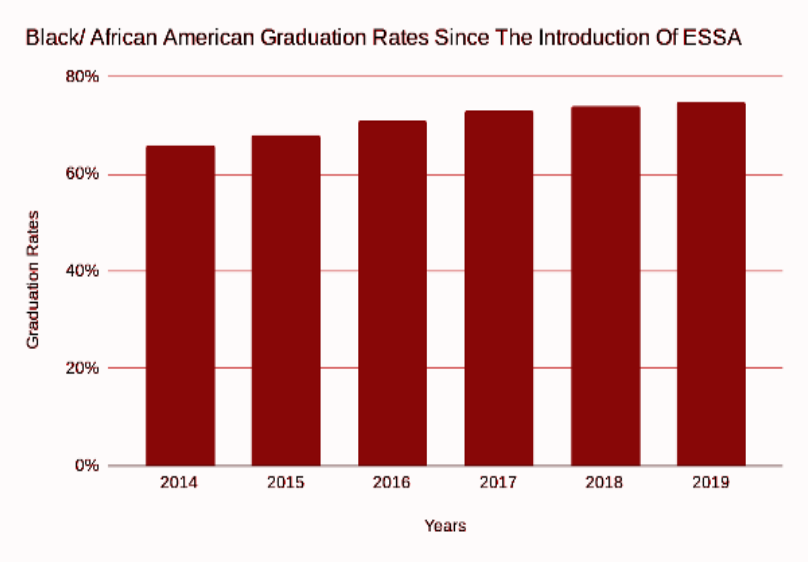

Figure 4.1 Black Graduation Rates 2014 - 2019

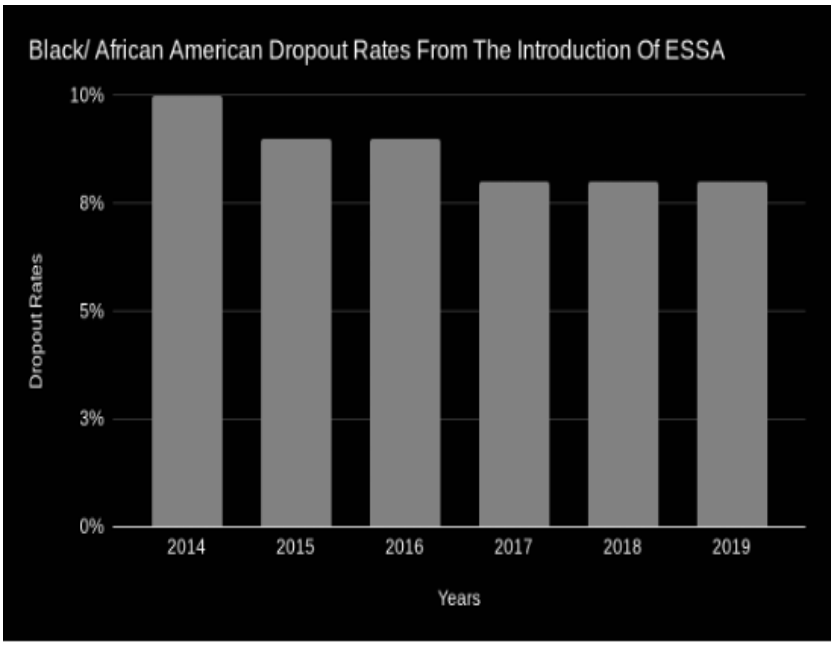

Figure 4.2 Black Dropout Rates 2014 - 2019

Figure 4.1 and Figure 4.2 show the Black/African American graduation rates and dropout rates, respectively, since the introduction of the Every Student Succeeds Act, The new policy mandated similar data to NCLB but provides a more in depth look at specific demographics. Figure 4.1 shows graduation rates slowly rising between 65% and 70%, which is a positive result, but does very little in closing the achievement gap that persists between white students and students of color. Similarly, Figure 4.2 shows the dropout rate slowly declining but remaining between 10% and 8%. Again, this may look like positive results, but the dropout rate for Black/African American students is much higher than that of white students. This is indicative of both a failing on the part of the NYSED to retain these students and provide them with an equal and complete education.

The authors of "Every Student Succeeds (Except For Black Males) Act" examine ESSA and its implications for Black boys. They argue, "In PreK-12 schools throughout the United States, Black male students are the most under-served and punished population" (Davis, Garraway, Burt, 1). Further, they argue that much like previous policies that have promised to provide equitable

education for all students regardless of race, gender, or socioeconomic status, ESSA ignores the long history and many facets of societal and systemic oppression as well as its effects on teaching and learning opportunities for students. In particular Black youth. But as the authors and my own collected data suggest, this policy had no real impact on improving the educational outcomes or retaining these students. With new discretion given at the state and local level, New York had the opportunity to do much more than we have seen.

> ESSA and its predecessors are touted as the federal government's long-standing commitment to providing equal educational opportunities for all students. However, Black male students continue to lag behind on all academic indicators and are at the top of all punitive discipline-focused indicators. More specifically, Black male students are consistently reported as having the lowest standardized test scores in reading and mathematics, are overrepresented in special education categories, and are disciplined, suspended, and expelled at higher rates than their White peers (Davis, 2014; Howard, 2008). They are reported as being underrepresented in gifted and talented, advanced placement, honors, and international baccalaureate courses and programs (Berry, 2008; Thompson & Davis, 2013; Thompson & Lewis, 2005). Black males are more likely to attend schools with a history of inadequate funding, resources, and teachers, yet there are no specific provisions in ESSA to address the specific issues, which are well documented, that Black males face in school settings. (7-8).

Under the conditions provided by ESSA, inequities such as these should not exist; there must be culturally inclusive, and social justice-oriented policies that positively affect the lives of Black/African American students in school districts, classrooms, and society more broadly (13).

Resources must be allocated equally to provide a higher standard of access and education to these students.

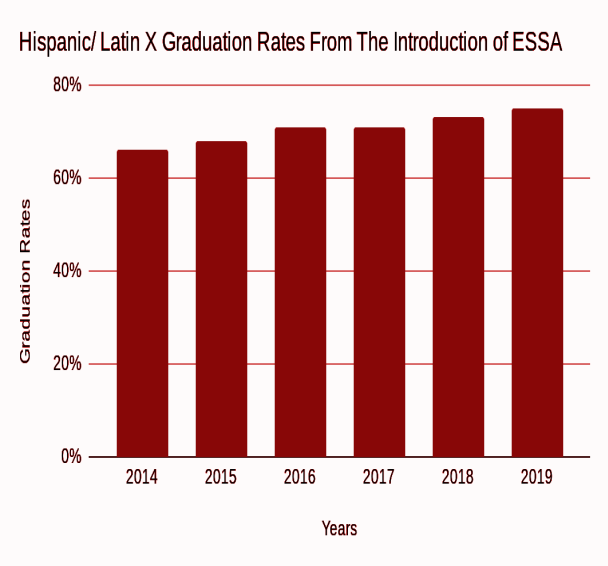

Figure 4.3 Latinx Graduation Rates 2014 - 2019

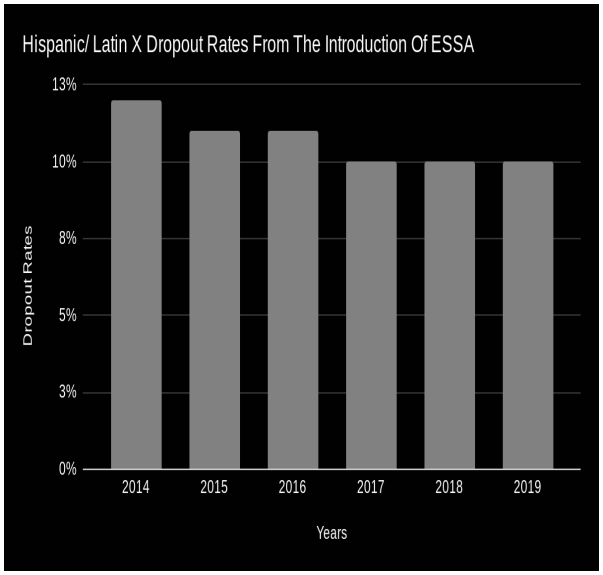

Figure 4.4 Latinx Dropout Rates 2014 - 2019

Figure 4.3 Shows the Hispanic/Latinx graduation rates from the introduction of ESSA and Figure 4.4 shows the Hispanic/Latin X dropout rates from the introduction of ESSA. Since the introduction of ESSA, we have seen a slow increase in graduation rate while dropout rate slopes downward. This indicates that the policy has certainly been effective, but only to a small degree;

especially when considering the already large academic achievement gap between Hispanic/Latin X students and white students. These students are a part of a quickly growing population and our nation is not doing enough to foster their education and future success. According to one recent study,

> Latino students represent one of four students in classrooms across the United States and are projected to represent about one in three students by 2030. There are nearly five million English learner (EL) students and 80 percent of them are Spanish speakers. Furthermore, in 2013 only about 61 percent of EL students graduated high school compared to an average of about 75 percent of Hispanic students and over 86 percent of White students. Clearly our Latino and EL populations are growing and we, as a nation, are not meeting their educational needs. If we do not do a better job educating these students to prepare them to succeed in college and life afterward, we will all suffer." (ESSA Implications for Latinos and English Learners, By Dr. Christopher R. McBride, Mariposa Academy of Language and Learning) (This is cross-posted from the National Institute for Latino School Leaders Blog.)).

The language barrier for many of these students is something that I will address more specifically below. For now, it is enough to observe that, contrary to the conclusions of many scholars, language does not stand as the only impediment to education for Latinx students. This belief has fostered a number of misguided attempts to increase English proficiency among these students and ELL in particular.

In fact, socioeconomic status stands as perhaps one of the largest impediments to closing the achievement gap in education between Hispanic/Latin students and white students and

improving educational outcomes overall. As I have mentioned in previous chapters, a school district's funding is inextricably linked to the wealth of its taxpayers. The author of "Potential And Promise Of Latino Students" Patricia Gándara says,

> The simplistic and misguided explanation that language is the primary impediment to academic achievement overlooks the much more powerful role of poverty. Nearly two-thirds (62 percent) of Latino children live in or near poverty, and less than 20 percent of low-income Latinos live in households where anyone has completed postsecondary education. Taken together, these circumstances almost inevitably result in children living in poor areas with few recreational resources and attending underperforming schools where other children like themselves are isolated from mainstream society." (subsection "Why Latino Students Fall Behind").

Already, many of these students are subjected to a lower quality of education with fewer resources than their wealthier counterparts, making it much more difficult to achieve an equivalent education and be taught by teachers who can handle their specific needs. Which is why again I would advocate for a more equal distribution of resources to provide for updated resources, technology and more access to bilingual programs and staff. Even though some progress can be seen because of ESSA, consistency is not the goal: efficacy and equity are.

Figure 4.5 Shows the graduation rates for economically disadvantaged and Figure 4.6 shows their dropout rates. Once again, we see graduation rates slowly rising while dropout rates slowly fall. Indicative of a failure to provide an equitable education to all students. What this data expresses is indicative of a long history of discrimination based on socioeconomic status and highlights the enormous wealth gap in our country and an educational achievement gap that has

not narrowed in the last 50 years. As I mentioned previously, funding is inextricably tied to the wealth of the school district; often students in this demographic come from underfunded districts with little access to updated materials and technology; they attend schools with higher rates of under qualified staff, teacher turnover, and core classes taught by teachers who are teaching out of certification.

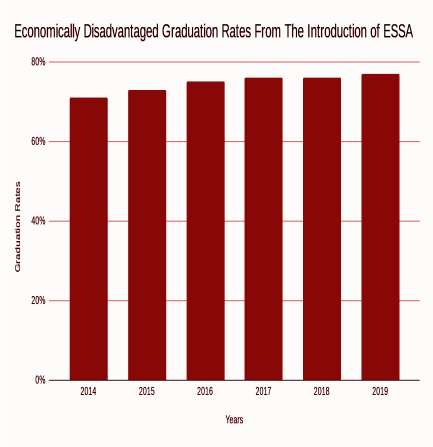

Figure 4.5 Graduation Rates of Economically Disadvantaged Students 2014 - 2019

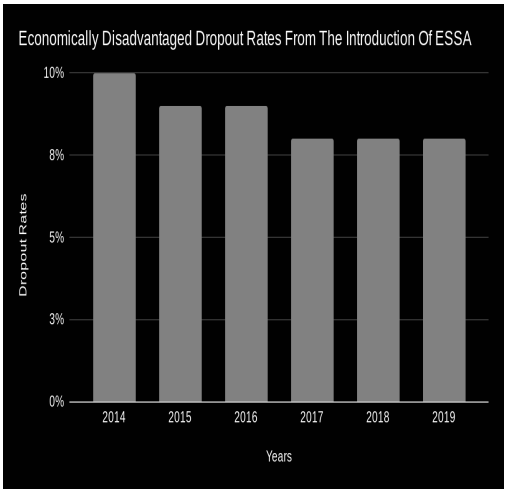

Figure 4.6 Dropout Rates of Economically Disadvantaged Students 2014 - 2019

Though as I will mention in chapter 5, New York State has created a number of programs to increase funding for high poverty districts and those deemed "in need of intervention" very little has changed to close the achievement gap in education. During the COVID pandemic, the issues

associated with being economically disadvantaged have only been exacerbated. Students must receive an equitable education with equal access to necessary technology and resources.

Summary

Year over year analysis of the data shows that there are significant inequalities in the New York Education system. Findings from 2001- 2019 show a substantial percentage gap in both graduation rate and dropout rates between the White and POC demographic. White graduation rates and dropout rates have stayed consistently between 75% and 90% (GR) for almost all other demographics a significant margin of difference can be seen. While there has been a slow and steady increase in graduation rates for Black and African Americans as well as Hispanic and Latin X students, even when considering just these numbers, true negligence and inequity can be seen. This is made even more clear by the amount of core classes taught by under qualified teachers in high poverty districts.

After analyzing the data mandated by ESSA from the New York State Education, I have found that even after the legislation was enacted, students are still receiving an unequal education. Available data between 2013 and 2019 show that Dropout rate for POC students is nearly double that of White students. This indicates a major failing on the part of the education department to retain students and create a space where success is fostered. And as previously stated, students in these districts can expect 4x-12x the rate of classes being taught by under qualified teachers. This is a clear injustice.

5. Inequalities Under Covid

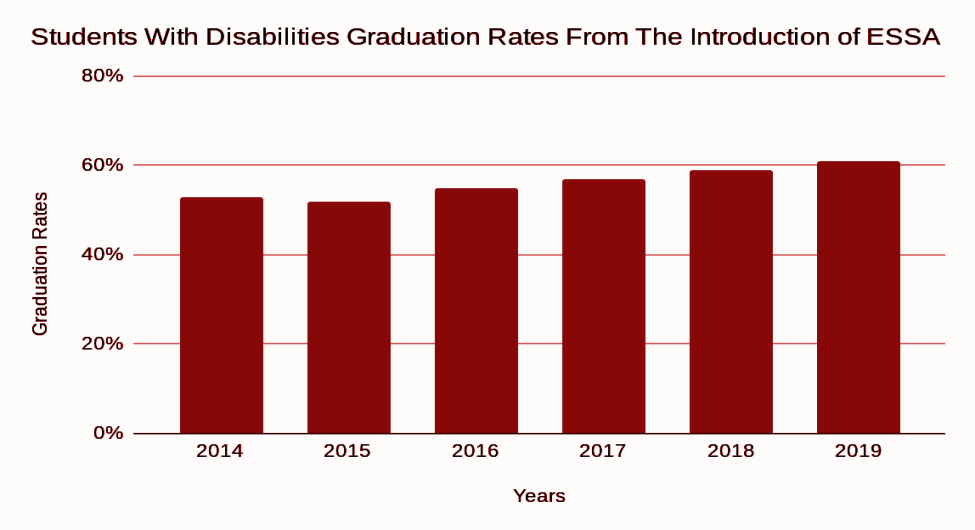

Figure 5.1 Graduation Rates for Students with Disabilities 2014 - 2019

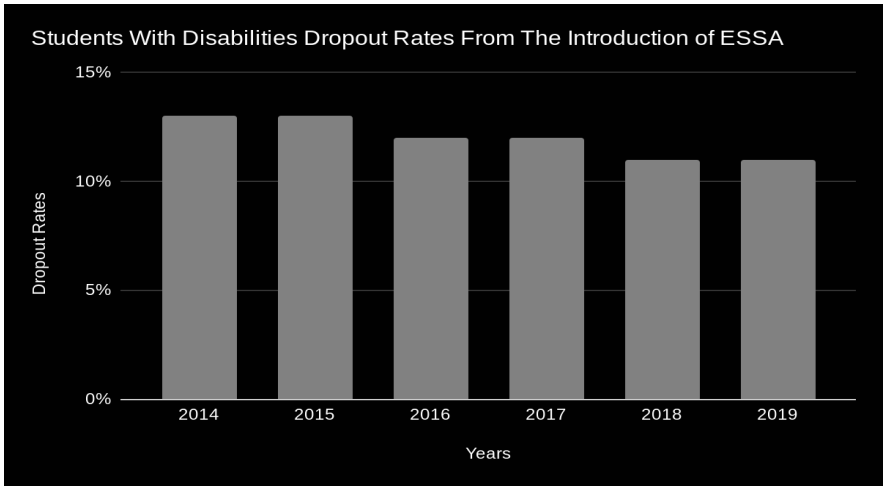

Figure 5.2 Droput Rates for Students with Disabilities 2014 - 2019

Figures 5.1 and 5.2, in line with the general trend my data is revealing, show the same steady incline in graduation rates and slow decline in dropout rates. Consistency is not the goal however, efficacy is. Even today we still see a number of NY districts with facilities that lack access and students who are in need of significant help.

In 2020 a study done by the Government Accountability Office reported that two thirds of the nation's schools lack proper accessibility for students and staff with disabilities. While a significant portion of these districts have planned renovations in upcoming years, a number have cited lack of funding as a barrier. “Despite the law and the report's findings that help is needed to fulfill its requirements, districts in the report cited a lack of federal-level guidance, technical assistance and outreach as obstacles to compliance. For example, the Department of Justice, which has the authority to interpret Americans with Disabilities Act (ADA) (1991), has done so for other public spaces, such as stadiums, but not for schools. Not surprisingly, many school districts cited difficulty and confusion in understanding the law's technical language” (Modan,2020). This lack of oversight and accountability highlights just one way that the current education system is failing to meet its obligations to its students.

This is made even more clear by a 2015 investigation into New York City public elementary schools, which reports that 83% were not fully accessible while some districts report not a single fully accessible school. The data for graduation rates and dropout rates for students with disabilities are innately appalling and show perhaps one of the most significant cases of inequality in New York's education system. Graduation rates teeter between 40% and 61% while dropout rates stay consistently higher than those in general education. This is even after the amendment to the ADA in 2008 (OCR Website). Protections should have been in place, but

overwhelmingly seem to fail. These numbers in conjunction with the data found on lack of accessibility in NYC public schools show a desperate need for intervention.

These failings are made even more clear when looking at the dramatic differences in graduation and dropout rates between students with disabilities and general education students. Students with disabilities have stayed consistently between 40% and 60% graduation rate while showing a dropout rate that is nearly double to that of general education students. This alone shows serious negligence on the part of the New York Education Department to cater to the students who arguably most need their aid. (Neoliberal Education Reform and the Perpetuation of Inequality/ Jessica Brathwaite, Temple University, USA)

Although Betsy Devos, as Secretary of Education for the Trump administration, did not have a part in NCLB or ESSA, the influence of the administration is far reaching and incredibly important when considering the handling of the pandemic. Sec. Devos has been widely noted as one of the most incompetent and divisive Secretary of Education in our nation's history. In what almost amounts to an excitement from the public (teachers and parents alike) regarding Devos's upcoming departure from her position, one can begin to see the negative influence of the Trump administration on education. In, "Bye, Bye Betsy: The Damage DeVos Has Done and the Challenges Facing the Next Secretary of Education," Stuart Emmrich states,

> 'But it was in 2020, as American schools faced arguably their biggest crisis since the civil rights era, that you really made your contempt for teachers and children plain,' Dan Kois recently wrote in a scathing analysis of DeVos's tenure for Slate. 'As schools across the country sought aid and advice to reopen safely in the fall, you holed up in your Michigan compound, protected by around-the-clock U.S. Marshals that have cost taxpayers as much as $25 million over four years. (You're

> the first Cabinet secretary ever to insist on such protection.) From your mansion, you joined Donald Trump's demands that schools reopen NOW—but offered no support or assistance. The end result: politicizing school reopening as an issue, making it more difficult for schools to open safely. You've overseen a slow-motion education disaster that will have lasting effects on an entire generation of children" (Emmrich, 2020)

The negligence and lack of support when our nation most needed it speaks to the administration's many faults even before the pandemic. While students should of course reap all benefits of education, safety must be the first consideration. This is something I believe DeVos has not made a priority. Prior to the pandemic, Betsy DeVos has put our nation's students at risk on a great scale in part through bogus deregulation.

Laura Jimenez and Antoinette Flores write, in "*3 ways Devos Has Put Students At Risk By Deregulating Education*":

> Secretary of Education Betsy DeVos has loosened accountability for US schools and colleges, putting millions of students at risk of civil rights abuses and fraudulent financial schemes. Through aggressive use of its regulatory authority—including what two judges have found to be misuse—the US Department of Education under DeVos has delayed, watered down, or outright eliminated crucial regulations and guidance in an effort to subvert federal laws that ensure students are treated fairly and receive a high-quality education (Jimenez, Flores,2019).

They further state, "The brief organizes these actions into three main categories: attempting to de-emphasize the federal government's role in oversight of education funding; eliminating key student protections; and weakening accountability for school and college performance."

In doing this, DeVos has had a direct hand in putting students a risk in numerous different ways. Furthermore, when considering the data collected for New York, there has been little to no improvement on student success. COVID-19 only made this lack of improvement worse:

> While the worst-case scenarios from the spring may have been averted, the cumulative learning loss could be substantial, especially in mathematics—with students on average likely to lose five to nine months of learning by the end of this school year. Students of color could be six to 12 months behind, compared with four to eight months for white students. While all students are suffering, those who came into the pandemic with the fewest academic opportunities are on track to exit with the greatest learning loss.

This gap can be attributed to the lack of appropriate resources and materials. Students who are most in need, especially those from low-income families, according to McKinsey & Company, are less likely to have access to devices, internet connection, and live contact with teachers. All of which are integral to the learning process.

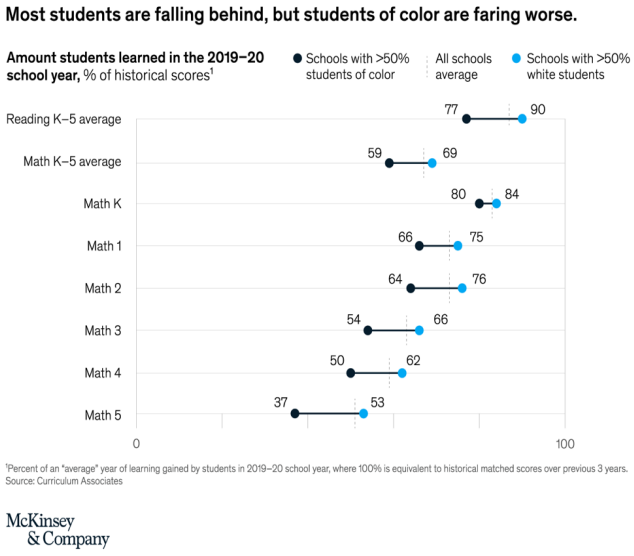

Figure 5.3 Achievement Gap Grows During COVID-19

It is incredibly important to figure out a way to safely reopen schools, minimize the damage done by the pandemic, and repair what has been lost. This must be done by first ensuring that all students have proper technology and access while learning is still remote. Because so much has been lost already, there must be programs in place to reinforce previously taught material. Further, adjustments may have to be made to the current course structure to give students more time with the material.

The pandemic has certainly been one of the biggest challenges our generation has had to overcome. It has both highlighted and exacerbated the enormous inequality that persists in the public education system. With a unique opportunity to completely alter the way we view education; we must now figure out a way to truly provide an equitable education for all students.

6. Addressing Inequalities in Education

Although the ESSA legislation has attempted to correct many of the disparities caused by NCLB, inequalities in education continue to persist. ESSA has the effect of devolving otherwise federal oversight to the several states. Thus, a number of state policies today have resulted in inequalities and significant disadvantages on the basis of race and socioeconomic status that continue to persist in the public education system. Economic disparities are abundantly present in today's education system- - those who suffer the most as a result are low- income students and students of color. For many, like Ulrich Boser (2015), "School funding reform should be at the top of the national education agenda. In too many areas, there are deep fiscal inequities between the schooling haves and the schooling have-nots. In Illinois, for instance, a recent research report by the Education Trust found that wealthy districts land over $2,500 more per student."

Although there have been several policies that attempt to alleviate these disparities, they still persist. Robert Hanna, Max Marchitello, and Catherine Brown, the authors of "Comparable but Unequal" are particularly critical of Title 1, Part A, of the Elementary and Secondary Education act (ESEA). The main criticism comes as a result of what the authors call the "comparability loophole". This refers to districts using measures of educators rather than expenditures to show comparable educational services. So by that logic, this piece of the ESEA says that two schools with the same amount of teachers must be comparable. This is problematic because in low- income districts, there are higher rates of inexperienced teachers as well as higher rates of teacher turnover. Resulting in incomparable education to that of a wealthier and better funded district. The comparability loophole, according to the authors of "Comparable but Unequal," "4.5 million low-income students attend inequitably funded schools. […] These inequitably funded schools receive

around $1,200 less per student than comparison schools in their district." Perhaps the most staggering number they share points to the fact that, "if the federal loophole were closed, high-poverty schools would receive around $8.5 billion in new funds each year." These numbers are indicative of a deeply flawed system and one that perpetuates unequal education. A study done by the National Bureau of Economic Research which was highlighted by the authors of "Comparable but Unequal" shows the profound impact that a simple increase in per-pupil spending could have. The results show significant increases in reported earnings as well as significant reductions in reported adulthood poverty. As previously mentioned, those who suffer the most as a result of economic disparities are low-income students and students of color.

Still, concrete policies to rectify these inequalities are being developed and implemented. Consider, for instance, the "2019 Title I School Improvement Section 1003 : New York State Integration Project - Professional Learning Community (NYSIP-PLC) Grant – Phase II" and the "2018 New York State Integration Project – Professional Learning Community (NYSIP-PLC) Grant – Phase II Application". Its purpose is stated as follows:

> "Purpose: New York State has been found by one measure to have the most racially and socioeconomically segregated school system in the nation.1 In light of this, the New York State Education Department (NYSED or "the Department") presented a proposed Diversity Statement to the Board of Regents in June 2017, outlining the positive impacts of socioeconomic, racial, and other types of integration on academic outcomes for elementary and secondary-school students.
>
> In an effort to support this renewed commitment to racial, socioeconomic, and other types of student integration in New York State, the NYSIP-PLC grant offers funds

> to assist LEAs to promote staff understanding of the benefits of integration and to assist staff to develop individualized district integration plans."

The purpose of the NYSIP program is to increase student achievement in New York State public schools by encouraging greater racial/ethnic, special education, English Language Learner/Multilingual Learner (ELL/MLL), and socioeconomic integration in Title I schools, particularly those identified as in need of improvement. This program has three phases that are intended to provide districts with the funding and support to: learn about the benefits of integration and develop a sustainable integration strategy for the district, refine said strategy and implement what is described as a limited pilot, and fully implement a district integration plan.

> "Title I School Improvement Grant funds under Section 1003 must be used to support Local Education Agencies (LEAs) that receive Title I funds and are identified as a Target District under the State's accountability system, serve the lowest achieving schools, demonstrate the greatest need for such funding, demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest achieving schools to meet the progress goals in their school improvement plans"

This identifies an issue that has long plagued both the United States as a collective and New York State in particular. It is a pledge to renew New York State's commitment to racial, socio-economic, and other types of integration in New York State. Further, it is intended to increase Student achievement on a large scale, but in districts that have been identified as needing particular intervention. Racial inequalities within K-12 public education extend well past economic disparities and are perpetuated due to racially biased policies and practices.

To begin, it is imperative to improve institutional accountability for racial equity. This can be done in a multitude of ways including re-examining the curricula and practices that may be unconsciously promoting systematic racism or excluding historically marginalized voices. As Richard Thomas states in "The Hate you give: A Critical Race Theory Analysis of the K-12 Education System", "in the aftermath of the landmark court case Brown V. Board of Education, racial barriers to education were supposed to be eliminated.". This was not the case, not only have inequalities persisted, in some areas they have increased. Thomas highlights in particular 'the school-to-prison pipeline and tracking/ability grouping through a critical race theory analysis. Thomas suggests that an influx of stricter disciplinary procedures and zero-tolerance has had a disproportionate effect on students of color. The term school-to-prison pipeline shows the correlation between educational policies, racial disparities in enforcement, and the link to the prison-industrial complex. Zero-tolerance policies allow school policy violations to be punished through the criminal justice system. In some cases, leading those school violations to become actual criminal violations. This ties directly into increased incarceration rates.

Thomas also discusses zero-tolerance policies as they relate to measures of accountability and scholastic achievement in schools. NCLB is noted as indirectly contributing to the problem. Because NCLB causally links student achievement to funding, there is enormous pressure on the schools to perform. Thomas states "This created an incentive for public school districts to strictly monitor the classroom" (144). Further, students who were problem-students were simply removed from the classroom, this was done to avoid losing funding. This practice has been directly related to increased youth incarceration rates. Thomas uses critical race theory to analyze tracking/ ability grouping. Further, it's relation to intra-school segregation. Which is "the process by which schools systematically separate students based on formal or informal criteria in the classroom" (146). The

result is classrooms across the United States having a disproportionate number of students of color in low-achievement classes. Before considering any other factors, this already leaves students at a disadvantage based solely on race and unavoidable circumstances.

Both formal and informal policies in K-12 education, whether intentional or not, have had a disproportionate effect on students of color. Tracking/ ability grouping as well as the school-to-prison pipeline are policies that clearly perpetuate educational inequality. Though the problem has been diagnosed, it has not been resolved. In a study by Emma Garciá and Elaine Weiss (2017), it is found that one of the most significant predictors of educational success is the students' social class. Further the performance gaps based on social class take root early in childhood and persist well after. Conclusions are found through examining the relationship between children's socioeconomic status and cognitive and non-cognitive skills when starting school. Using a case study of two academic cohorts between 1998 and 2010 from the National Center for Educational Statistics (NCES), Garciá and Weiss found that the gaps continue to persist, even if they have not increased. "Low educational achievement leads to lowered economic prospects later in life, perpetuating a lack of social mobility across generations. It is also a loss to society when children's talents are allowed to go fallow for lack of sufficient support" (Garciá, Weiss, 2019). Garciá and Weiss examine social-based-class gaps and how those gaps manifest themselves in cognitive and non-cognitive skills.

They also use a set of case studies of districts that have used comprehensive educational strategies to provide students with a strong academic foundation. Their findings are consistent with an earlier statement, that social class is a significant predictor of educational success. In order to increase equity, improve all aspects of childhood development, and improve overall understanding of childhood development, the authors provide two policy recommendations. The first, involves

direct support being given to low-income families. This is a result of the positive findings found between access to educational reading material, number of books, and center-based pre-K care. These are all less accessible to children with a low socioeconomic status, something that desperately needs to be remedied. The second policy recommendation is to design and implement strategies that compensate at the community level for children's lack of access to key foundational resources. This is in order to provide indirect support for families that are less-resourced. The latitude of these recommendations is shown through an analysis of data from initiatives in a dozen school districts across the country.

The first strategy discussed is providing high-quality early education and care which according to the authors, significantly narrowed the achievement gap at the kindergarten level as well as providing long term benefits. Further, "Programs that support students' physical and mental health and improve their nutrition are also known to reduce chronic absence and keep students focused and learning, and thus improve their academic performance" (CDC 2016). These are implemented through whole-child approaches which integrate these and other strategies into a set of aligned interventions. The research points to a correlation between these strategies and increased student achievement. Some further strategies used by the 12 districts to invest in early childhood education are as follows: one-on-one engagement with parents, which says that educating and engaging parents' early aids in preparing children for school and more broadly, healthy development.

The second strategy is implementing parenting classes, which provides comprehensive early childhood education and support to children and families. The next strategy involves big investments in pre-kindergarten programs. These programs vary greatly by state, but across the board, those districts that invest more have much higher rates of student success and academic

achievement. “A broad set of investments and activities can help sustain pre-K’s whole-child approach, including enhancing classroom experiences, aligning classroom lessons with out-of-school activities that expand children’s worldviews, and using targeted strategies to improve students’ readiness for college, careers, and civic engagement” (Garcia et al, 2017). Continued implementation of these practices has shown positive results across the board. Further, these practices have aided in closing the achievement gap. This study shows that there are very clear socio-economic class-based gaps in academic achievement. The report shows that the strategies implemented by those 12 districts, while somewhat effective, are not enough to fully remove the economic inequalities in education. Further the work highlights that there is still much to be done to close these gaps and tackle inequality.

It may further be potentially beneficial for New York to adopt a similar curriculum model to that of California’s new Ethnic Studies Guidance which was announced in a March 2021, providing funding and resources to “local high schools in developing ethnic studies courses, classes that researchers say can improve graduation and college-going rates among all students—and especially teens of color” (Thurmand, 2021). State Superintendent of Public Instruction Tony Thurmond expressed his hope that, “By fostering our understanding of the struggles and achievements of people of color, ethnic studies benefit students of all backgrounds—and that is why today’s work is so important.”

While this model has not quite had enough time to be tested on this scale, it does important work in the inclusion of historically marginalized and oppressed voices. Allowing students to see history in this way could have enormous potential on educational outcomes. It is important, as they note, to remember that this is simply a starting point; this type of curriculum must be expanded to

see its potential. ESSA did not do enough to close the achievement gap between students of color and white students or provide an equitable education that retains and encourages student success.

There is still much to be done (Mcintosh, Keisha & Davis, Julius & Garraway, Renee & Burt, Janeula. (2018). Every Student Succeeds (Except for Black Males) Act. Teachers College Record. 120. 20).

Additional steps to achieve education equity include making sure that students voices must be heard, whether this is through civic engagement, or class projects that highlight reflection of epistemic knowledge. A closer look must be taken at disciplinary policies that disproportionately affect students of color. There must be both budgeting that reflects a commitment to improving student equity as well as public leadership that works towards these goals and advancing racial equality. While these are policies that are intended to effect local change, there must be macro level policy changes to eliminate the historical disparities that persist today.

I believe that an increase in budgeting for after-school programs would be highly beneficially to students success as well as GSE. These may include extramural sports, STEM, and the arts; these students need to be seen and heard more directly. These programs may also aid in increasing student participation. Additional programs may include after-school tutoring for ELL students from bilingual teachers, parent volunteers, or higher education students. This could be particularly helpful for students whose parents may not be. Able to help reinforce material learned in school.

Regarding accessibility, there must be an increase in funding to provide more ramps, appropriate materials, and technology, as well as additional funding to hire staff that are prepared to deal with the specific needs of students with disabilities in particular. Further, disability labels often perpetuate false stereotypes where students who are disabled are not as capable as their peers.

It is important to both use and teach language that prioritizes students and facilitates an inclusive environment.

As I have mentioned, teacher turnover in high poverty areas is a significant problem, resources must be better allocated to improve teacher retention. High staff turnover rate as I mentioned in previous chapters is harmful both to students as well as school operations. It both disrupts school stability and costs a great deal to the district. The expenses that go toward hiring and training new teachers could be used to improve resources for students.

7. Conclusion

Public education in the United States has had a long history of deeply flawed policies and practices that were greatly exacerbated by the introduction of the NCLB legislation. This legislation has directly tied student success and achievement to funding on the basis of high stakes testing and unavoidable socio-economic circumstances. Further, NCLB has resulted in enormous pressures on schools and teachers to meet AYP. Although the introduction of the ESSA attempts to alleviate many of the issues shaped by NCLB, my own collection of the data mandated by these two policies in the New York State Education Database in conjunction with the literature reviewed shows clear inequalities and significant disadvantages on the basis of race/ethnicity, ability, and socioeconomic status continue to persist in the public education system. With the new discretion given to individual states to provide their own educational policy and implementation, a closer look must be taken at the state and local level to assess equitability and achievement. Access to an equitable education must be available without prejudice.

To that end, using New York as a case study, one can see a highly diverse state with above average per-pupil spending attempt to provide an equitable education for all students but fall short in a number of categories. Inequalities for most students within the United States public education system have been improved only to a small degree under ESSA, but nonetheless show better results than NCLB. That being said, there is still much work to be done in addressing and correcting these disparities.

Bibliography

- "2019 Title I School Improvement Section 1003 : New York State Integration Project - Professional Learning Community (NYSIP-PLC) Grant – Phase II" and the "2018 New York State Integration Project – Professional Learning Community (NYSIP-PLC) Grant – Phase II Application"

- Allen, K., Davis, J. U. L. I. U.S., Garraway, R., & Burt, R. (2018). Every student succeeds (except for Black males) act. *Teachers College Record*, *120*(13), 1-20.

- Boser, Ulrich. (May 14, 2015). "Education funding fails the test". Usnews.com.

- Brathwaite, Jessica (June 2016). "Neoliberal Education Reform and the Perpetuation of Inequality." Temple University, USA.

- Carver-Thomas, D., & Darling-Hammond, L. (2017). Teacher Turnover: Why It Matters and What We Can Do about It. *Learning Policy Institute*.

-Cau, Jinghong (December,2020). "The Condition of Native American Students." www.nsba.org/ASBJ/2020/December/condition-native-american-students. Accessed May 17, 2021.

- Clotfelter, Charles T., Helen F. Ladd, Jacob L. Vigdor, and Roger Aliaga Diaz. (2004). "Do School Accountability Systems Make It More Difficult for Low-Performing Schools to Attract and Retain High-Quality Teachers?" Journal of Policy Analysis and Management, 23(2): 251–71.

- Darling-Hammond, L. (2001). Inequality in teaching and schooling: How opportunity is rationed to students of color in America. *BD Smedley, AY Stith, L. Colburn, C. & H. Evans (Eds.), The right thing to do—The smart thing to do*, 208-233.

- Davis, Owen. Director. (2016). "No Test Left Behind. How Pearson Made a Killing on the US Testing Craze". TPM Features.

-Emmrich,Stuart (2020). "Bye, Bye Betsy: The Damage DeVos Has Done as Education Secretary and the Challenges Facing Her Successor." *Vogue*. Nov. 18, 2020. https://www.vogue.com/article/betsy-devos-education-secretary-damage-joe-biden-challenge. Accessed May 17, 2021.

- Erickson Hatalsky, and Tamara Lanae Hiler. (2017). " How The Every Student Succeeds Act Changes No Child Left Behind".

-Gándara, Patricia (2017)."Potential And Promise Of Latino Students". https://www.aft.org/ae/spring2017/gandara. Accessed May 17, 2021.

- García, Emma, and Elaine Weiss. (2017). “Education Inequalities at the School Starting Gate: Gaps, Trends, and Strategies to Address Them.” Economic Policy Institute, 27 Sept. 2017. Avaialble at www.epi.org/publication/education-inequalities-at-the-school-starting-gate/.

- Hanna, Robert, et al. “Comparable but Unequal.” Center for American Progress, 11 Mar. 2015. www.americanprogress.org/issues/education-k-12/reports/2015/03/11/107985/comparable-but-unequal/. Accessed May 17, 2021.

- "High Objective Uniform State Standard of Evaluation (HOUSSE) Fact Sheet" NYSUT (March, 2011) https://www.nysut.org/~/media/Files/NYSUT/Resources/2011/March/bulletins110328_housse.pdf. (Accessed May 17, 2021)

-

- Jackson, Abby. (2015). “3 Big Ways No Child Left Behind Failed”. Google, Buisnessinsider.com

- Jimenez, Laura. Flores, Antoinette (2019). “3 ways Devos Has Put Students At Risk By Deregulating Education”. Center For American Progress.

- Kamenetz, A. (2018). What ‘A Nation at Risk’got wrong, and right, about US schools. *National Public Radio*. https://www.npr.org/sections/ed/2018/04/29/604986823/what-a-nation-at-risk-got-wrong-and-right-about-u-s-schools. Accessed May 17, 2021.

-Katz, Nicole (March,2020). “State Education Funding: The Poverty Equation.”. FutureEd, www.future-ed.org/state-education-funding-concentration-matters/. Accessed May 17, 2021.

-McBride, Christopher (April 26,2016). “ESSA Implications for Latinos and English Learners”, Mariposa Academy of Language and Learning. Blog.Unidosus.org.

- Mcintosh, Keisha & Davis, Julius & Garraway, Renee & Burt, Janeula. (2018). Every Student Succeeds (Except for Black Males) Act. Teachers College Record. 120. 20).

- Mehta, J. (2013). How paradigms create politics: The transformation of American educational policy, 1980–2001. *American Educational Research Journal*, *50*(2), 285-324.

- Menken, K., & Solorza, C. (2014). “No Child Left Bilingual: Accountability and the Elimination of Bilingual Education Programs in New York City Schools.” *Educational Policy*, 28(1), 96–125. https://doi.org/10.1177/0895904812468228

- Modan, Naaz (27 July 2020). “GAO Report: Two-Thirds of Nation's Schools Lag on Accessibility”. www.k12dive.com/news/gao-report-two-thirds-of-nations-schools-lag-on-accessibility/582332/. Accessed May 17, 2021.

-Müller Kristensen, R. (2017). "A growth analysis of teacher qualifications and students´global self-esteem." *Journal for Educators, Teachers and Trainers*, Vol. 8(1). 181 – 198.

- Murnane, Richard, J, and John P. Papay. (2010). "Teachers view on No Child Left Behind, support for the principles, concerns about the practices." Journal of Economic Perspectives, 24 (3): 151-166.

- Rocha, Elena (11 Mar. 2008). "NCLB and Latinos: No Latino Child Left Behind Matters." Center for American Progress. www.americanprogress.org/issues/education-k-12/news/2008/02/19/3980/nclb-and-latinos-no-latino-child-left-behind-matters/. Accessed May 17, 2021.

- Strauss, Valerie (April 21, 2016). "Pearson's history of testing problems- a list". Washingtonpost.com.

- Thomas, Richard (no date, post 2014). "The Hate you give: A Critical Race Theory Analysis of the K-12 Education System". Texas Christian University.

- Thurlow, M. L., Sinclair, M. F., & Johnson, D. R. (2002). "Students with Disabilities Who Drop Out of School: Implications for Policy and Practice." Issue Brief: Examining Current Challenges in Secondary Education and Transition.

-Weeks, Janet. (2021). "State Board of Education Approves Historic Ethnic Studies Guidance for High Schools." CA Dept of Education. www.cde.ca.gov/nr/ne/yr21/yr211rel21.asp. Accessed May 17, 2021.