

NO CHILD LEFT BEHIND

The Final “Educational Katrina?”

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Following Katrina’s devastation of the Gulf Coast in 2005, many Americans wondered how government at all levels could be so inefficient.¹ In a very real sense, however, governmental ineptitude in responding to the natural disaster of Katrina resembles human-made federal educational initiatives over the past five decades: Of these, “No Child Left Behind” (NCLB) is the most recent.

“Educational Katrinas” have disrupted the lives of millions of students and families, created enormous stress in schools and communities, and wasted billions of dollars. Focusing on NCLB, this paper assesses the impact of federal and state educational undertakings. As occurred with the launching of earlier educational reforms, NCLB was initially greeted enthusiastically. Thus when President Bush 2002 reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), redesignated the NCLB Act of 2001, it promised to be his most important domestic policy achievement.

Broad public and legislative support marked NCLB passage: Persuaded that NCLB would boost academic achievement for all Americans and most specifically minority and poor children, more Democrats than Republicans endorsed the bill.¹ A review of voting patterns reveals that expanded spending appealed especially to Democrats; fundamental Republican support reflected endorsement of higher academic standards. But party differences vanished with respect to NCLB’s two central objectives: emphasis on boosting academic achievement of all public school students and, more specifically, closing the minority academic achievement gap by 2014.² Neither party officially acknowledged that the racial learning gap exists *before* children enter school.³ During congressional debates, one probable NCLB downside drew little attention: diversion of funds from programs designed to enhance learning of America’s most capable children of all races. In 2006, out of an annual budget of \$84 billion, the U.S. Department of Education designated only \$9.6 million, or one hundredth of 1 percent, for programs to improve education of individuals with IQs of 120 or more. Even this was zeroed out in President Bush’s 2007 budget.⁴

Placing NCLB in the context of earlier federally driven initiatives, this paper is divided into six parts. NCLB's objectives, enrichment provisions, cost outlays, and early claims of benefits are first examined. This is followed by a synopsis of goals and consequences of earlier federally sponsored educational undertakings that employed strategies now grafted onto NCLB. Resistance of federal officials to acknowledge the failure of NCLB is reviewed, and opposition to NCLB by states is surveyed, with focus on events in Iowa. Ongoing distortion of data derived from the most extensive assessment of efforts to close the racial achievement gap, through "racial balancing" of schools, is then reviewed. Finally, the paper concludes with evidence that political correctness, which David Horowitz attributes to fear of university faculty members to honestly express their views, explains why educational Katrinas have persisted for over six decades.⁵

WHAT IS NO CHILD LEFT BEHIND?

Like other federal schooling initiatives, NCLB is based on tabula rasa. This medieval perspective assumes that all people are born alike. Environmental influences alone therefore explain individual differences in mentality, which are attributable to societal inequities. Biophysical and home/community influences can be ignored.

Proceeding on the tabula rasa perspective, NCLB employs major templates from earlier and demonstrably failed schooling reforms. Emphasis is placed on academic objectives, accountability, more extensive testing, greater financial support for schools, parental choice, qualified teachers, and greater flexibility in distribution of funds.⁶ The uniqueness of NCLB lies not in proposed within-school changes and innovations implemented by earlier failed federal initiatives, but in two profoundly ambitious goals: closing the racial achievement gap and requiring schools to provide programs so that all students attain "proficiency" by the year 2014. If achieved, universal student "proficiency" would enable all students to perform at or above the 40th percentile. No student would be below "average."⁷

Enacted in 2002, NCLB has yet to even remotely promote educational benefits. The program originally required all school systems to have highly qualified teachers by 2005; states are free to define "highly qualified." Compounding the problem, NCLB mandates that schools employ "scientifically based" methodology and practices, but there is no template for teaching specific subject domains and no data exist to validate the longitudinal benefits of any existing methodology or practice which schools presently employ. Given differences across states, it is unsurprising that the General Accounting Office (GAO) has concluded there is little consensus as to what constitutes a highly qualified and effective teacher.⁸

Presumably, teachers' qualifications are judged primarily by how well they teach, and therefore NCLB requires periodic testing. NCLB's objectives

originally mandated school districts to initiate testing on student reading and math skills in grades 3 through 8 and at least once during grades 10 through 12 by 2005; science testing was to commence by 2007. However, states have the power to set course content, frame test questions, and employ different criteria in establishing the tests' statistical properties. By 2007, tests developed by the states varied in rigor, validity, and reliability. This created obstacles in acquiring valid national profiles concerning teacher qualifications, tests, and student "proficiency." Nonetheless, the disparate tests employed to report NCLB results, and thus presumably verify adequate Annual Yearly Progress (with states free to define "AYP" norms), satisfy federal mandates.

'Proficiency' and Punishment

Seeking to avoid loss of funds by failing to produce evidence of student academic bias, states have developed and employed different criteria for determining "proficiency."⁹ In some states less challenging tests were created, which was easily done since no NCLB guidelines require comparable test norms. Mississippi scored highest in the nation with its own easy test, but preformed lowest of all fifty states on the National Association of Education Programs (NAEP). Considered "successful", Mississippi received extensive NCLB fiscal support.¹⁰

Manipulated test scores proliferate under NCLB. When Missouri reduced the passing score on its state assessment tests, other states followed suit. Separately, North Carolina and Tennessee have been authorized to track individual student performance instead of using standard NCLB assessment procedures. Other states presently pursue similar accommodations to assure higher federal aid. Additionally, NCLB goals are likely to be modified by judicial obstacles. In California and without considering validity and reliability issues, Judge Robert Freeman ruled the state's high school exit exam unfair to poor and minority students. Remaining in high school for a fifth year, said Freeman, inflicts harm on students who might otherwise be accepted to a four-year college or university.¹¹ It is apparently legally irrelevant whether poorly prepared students proceed to colleges or universities.

Working within a framework of unaccountability, schools that fail to enable students to gain "proficiency" in a designated proportion of students are subject to progressively stronger penalties, based on Annual Yearly Progress (AYP). Those schools that meet or exceed standards secure additional funds. Students assigned to consistently low performing schools within the same district may transfer to higher performing schools within the same district at district expense. In 2006, 27 percent of the nation's schools fell short of NCLB standards. Florida scored lowest of all states, with failing performance in 72 percent of its schools.¹² Further, a 2004 GAO report concluded that of three million children not meeting NCLB criteria, and eligible for choice of school beyond their neighborhood in the same district, only about 1 percent employed

the transfer option, the rest staying on in their low performing but neighborhood schools.

Failure to meet NCLB “proficiency” criteria has created violations in Los Angeles, Baltimore, Chicago, Detroit, New York, and dozens of other districts. In some districts, strict adherence to NCLB requirements has produced remedies of unproven merit. In 2006 the Maryland State Board of Public Instruction reluctantly voted to take control of four Baltimore high schools and seven middle schools that fell short of NCLB requirements. In making this decision, the board acknowledged that no educational benefits were expected.¹³

Los Angeles and other school districts report that the number of students eligible for transfer far exceeds the number of seats available in “better” schools within the district. Further, school officials do not know where funds will be drawn for transfers, if and when parents exercise that option. These officials are puzzled by the absence of evidence that students will derive academic benefits from attending “better schools.”

Some federal legislators now complain that NCLB fails to consider and appropriately respond to the lower academic levels of poor and minority students. Bending to political pressures, U.S. Education Secretary Margaret Spellings announced exemptions in 2005 of “more students with disabilities from state testing programs.” Some states were granted more exemptions than others.¹⁴ Illinois received a waiver permitting exclusion of students representing designated groups from testing. This apparently small change reduced the number of special needs subgroups in Illinois from 535 to 394. Nationally, a 2006 Associated Press poll found 1.9 million students excluded from NCLB testing requirements. Minority student exclusion rates were seven times higher than those of whites.¹⁵

Where implemented, NCLB places inordinate burdens on the poor and minorities. The GAO has reported that 80 percent of children in failing schools are minority and 62 percent come from low-income families.¹⁶ By 2006 over half of the 26,000 schools failing to meet NCLB standards primarily served the poor and minorities. If the NCLB standard is applied, students falling below performance are encouraged to switch from “poor” to “good” schools.¹⁷ Consistent with tabula rasa assumptions, schools alone are presumably responsible if students fall short of “proficiency.” Students not performing at “proficiency” levels may transfer again, creating even more disruptions to themselves and their families. The ultimate outcome of NCLB becomes ever murkier given the absence of demonstrable benefits from switching schools, inadequate provisions for implementation of switches, and logistical obstacles if and when students repeatedly fail to gain “proficiency” after attending a number of schools. NCLB provisions also frustrate teachers, who are expected to bring vulnerable children up to academic par, regardless of home/community and biological influences – in the context of evidence that in many schools attended

by low performing students, fully 40 percent of teacher time is consumed by maintaining discipline.

To comply with NCLB regulations and secure federal funds, some local boards have been coerced into implementing policies they consider harmful. Thus in early 2007 Baltimore's board governing city neighborhood charter schools reluctantly consented to base teachers' assignments on whether they passed or did not pass a state test of dubious validity.¹⁸ Morale within schools declined as 150 Baltimore educators were required to switch schools. Teacher assistants who did poorly on tests were transferred to wealthier schools, whereas teacher assistants rated qualified were assigned to poor neighborhoods. Among the ripple effects: Some teachers quit, and some parents of the wealthier schools switched their children to private schools.

Financial Outlays

In the initial (2002) authorization, NCLB was allocated \$22.5 billion through the Elementary and Secondary Education Act (ESEA). This budget represented a 49 percent increase over 2000 levels of the federal government's education spending and a 27 percent increase over 2001 spending. Subsequent NCLB features included almost \$1 billion in increased funding for reading programs, providing more spending control to local districts, designating almost \$3 billion in federal funds to recruit and retain teachers and principals. Further mirroring Federal priorities on closing the racial gap, Title I is designed to promote learning of poor and minority children. Funded under Title I, educational reforms in high poverty schools provide a variety of supplemental services such as teacher aides, updated instructional materials, and special education services. Coordinated with NCLB programming, Title I assistance increased by 2005 to \$10.4 billion, which represents a 30% increase beyond 2000 levels. More recent budget analysis cites even high cost Title I outlay.¹⁹

As NCLB went forward, financial support increased. By 2003, state and local school districts were receiving more federal funding than ever before: \$23.7 billion was designated for the 2003-04 school year. This represents a 59.8 percent increase from 2000 to 2003. For fiscal year 2004, the authorization level was \$32.017 billion. A large proportion of those funds, an increase of 33 percent since passage of NCLB, is for grants to improve the academic achievement of poor and disadvantaged students who are academically struggling. However, Bush's budget cut \$9.4 billion from NCLB's general authorization and eliminated funding for thirty-eight education programs, including after-school care and certain teacher quality provisions.

Alleged Accomplishments

Ignoring evidence that NCLB failed to produce benefits during the initial years, and seeking further NCLB support, President Bush celebrated the

program's fourth anniversary by emphasizing increased expenditures. Since 2001, Bush stated, Title I educational spending had risen 45 percent; expenditures for Reading First had quadrupled and fiscal outlays for elementary and secondary programs had risen 41 percent. In endorsing increased expenditures President Bush provided no supportive evidence in declaring that NCLB has led to increase in national test scores, especially for African Americans and Hispanic Americans, a contention unsupported by research. In fact, no federal agency could summarize such empirical data.

As proceedings began concerning NCLB refunding for 2007, Senator Edward Kennedy, chairman of the Senate Education Committee, promised school board members that he would attempt to provide a "new surge of money and encouragement."²⁰ In the discussion that followed, Kennedy stated that NCLB "...had reduced the learning gap between whites and minorities, increased opportunities for migrant and homeless students and raised students' proficiency." The author of this article (hereafter, "Scott") unsuccessfully sought evidence from Kennedy's office that NCLB had narrowed the racial achievement gap. Virtually simultaneously with Kennedy's public NCLB remarks, the White House issued a statement on NCLB. Conflicting with Kennedy's remarks, this communiqué reported that "nearly 70 percent of inner city fourth graders are unable to read at the basic level on national reading tests...the academic gap between rich and poor, Anglo and minority, is not only wide but in some cases is growing wider..."²¹

WHAT HAVE EARLIER FEDERALLY DRIVEN REFORMS ACCOMPLISHED?

Consistent with previous Federal educational innovations based on tabula rasa, NCLB has channeled resources into within-school activities. The results of programs upon which NCLB is templated provide a fair prognosis of what NCLB is likely to accomplish. In late 2005 the American Institute of Research (AIR) examined the long-term academic skills of graduating students from public and private colleges and universities across the United States.² After collecting data from dozens of federally funded programs, the AIR reported three prominent findings: (1) a large proportion of college students graduate with only basic skills, (2) the literary skills of college students are heavily influenced by home-based factors, not by the within-school reforms integral to NCLB, and (3) there was no evidence that the literacy gap between minority and majority students had narrowed over the past several decades.²² Failure of successive efforts to close the racial gap, marked by generous expenditures of human and fiscal resources over six decades, reveals that the Supreme Court was misled during the landmark desegregation case *Brown v. Board of Education*. It was here that the nation's most influential social scientists confidently predicted that school segregation by itself largely explained the learning differentials of Anglo- and African-American students.

First NCLB Forerunner: Brown v. Board of Education

In the 1954 *Brown* ruling, relying on assumptions consistent with *tabula rasa*, the Supreme Court forged erroneous social science into law.²³ Although the Supreme Court under Earl Warren was among the nation's most liberal of high courts, it necessarily sought a legitimate basis for overturning an earlier Supreme Court decision, *Plessy v. Ferguson* (1896), which established a precedent that separate but equal facilities *were* constitutional. This called for "scientific evidence." Platoons of social scientists subsequently provided the Warren Court with an essentially unchallenged empirical basis for overturning *Plessy* on the grounds that "segregation had a tendency to reduce the educational and mental development of Negro children."²⁴

Even some justices were surprised about the imbalance of social science testimony offered the High Court. Justice Frankfurter asked Thurgood Marshall, the lead NAACP attorney, if the problem would be differently understood if the record also contained testimony contrary to that of NAACP experts.³ Marshall replied, "I do not believe that there are any experts in the country who would so testify...I know of no scientist...who does not admit that segregation harms the child." But previously Marshall had asked some of the nation's most respected social scientists to testify. Some of the scholars informed Marshall that they disagreed with the NAACP's premise but feared their careers would be damaged if they truthfully testified. Therefore the High Court was denied the "eyes" of science. The NAACP's central expert, Kenneth Clark, confidentially informed Marshall that his studies had failed to demonstrate damage from segregation. Nonetheless, Clark yielded to the persuasion of NAACP attorneys and vividly described presumed damage to black students from segregation, which brought tears to the eyes of two Supreme Court justices.²⁵

Guided by neither Constitutional findings nor empirically sound data, the High Court ruled that desegregation would enhance the self-esteem and academic progress of African-American students. This ruling rightfully mandated *de jure* desegregation, or assuring all students, irrespective of race, the right to attend neighborhood schools. Hidden within the ruling was the *tabula rasa* assumption, now embedded in NCLB, that all students are born with equal ability and, regardless of biophysical and ecological influences, can gain academic "proficiency" if provided appropriate support and instruction *within* schools. Fundamental errors in the virtually unanimous social science testimony provided in *Brown* were immediately apparent: Black children derived neither emotional nor academic benefits from neighborhood "color-blind" school assignments based on residence. Factors outside schools clearly warranted attention, but were ignored.

Rather than question "established law" rooted in fraudulent social science granted credibility by the Supreme Court during *Brown* proceedings, lower

courts uncritically assumed that the racial composition of schools was indeed central to closing the racial gap. But absence of benefits, and evidence of harmful effects, from de jure desegregation required face-saving explanations.²⁶ Tacitly discrediting expert witness statements offered in *Brown*, a new cadre of “experts” advanced a fresh theory which conflicted with “expert” opinion offered during *Brown*: de jure desegregation or “color-blind” school assignments were now proclaimed insufficient. Housing patterns and racially imbalanced schools essentially explained the persistent racial gap. Presumably, black academic achievement would increase if an appropriate number of black students attended schools with an appropriate number of white students. De facto school *desegregation*, or forced busing, was therefore mandated. Neighborhood schools were dramatically transformed or abolished. Students were bused from home to “racially balanced” schools; “middle-class flight” followed, as thousands of students from affluent families representing all ethnic groups departed neighborhood schools in which educational quality deteriorated under conditions of forced busing. High proportions of poor and minority students, whose parents could not afford private schools, were forced to attend school far from home; parents and school personnel had greater difficulty communicating; costs to taxpayers accelerated; and academic/social problems escalated.

As courts ordered de facto desegregation, which required some students to change schools annually to assure “racial balance,” a new form of segregation occurred. Within formally desegregated schools, more white children were placed in advanced classes, more minority children in less demanding courses. Yielding to claims that persistent lower academic achievement among blacks was linked to “tracking” or ability grouping, and disregarding polls of teachers that revealed overwhelming support for ability grouping, courts mandated “inclusion,” or mainstreaming, which required “racial balance” within classes such as reading and math. “Racial balancing” extended to special classes for the mentally challenged, behaviorally disordered, learning disabled, and gifted.²⁷ New problems arose in regular and special classes; the academic profiles of minority and majority students differed by group. Aptitude requirements for admission to gifted classes were therefore lowered for African American children; aptitude requirements for Caucasian children’s admission to classes for the mentally retarded were raised. Student academic needs were deprioritized. Within-classroom academic needs intensified stress on students and teachers.²⁸

“Expert” predictions offered during and after *Brown* are now dismissed as totally errant and simplistic: The black-white gap has not narrowed.²⁹ Across the country citizens wonder how influential social scientists and judges could have been so wrong. Nowhere is this incredulity more apparent than in Kansas, which figured prominently in the Supreme Court’s 1954 decision. Between 1993 and 2005, per pupil spending in Kansas rose 62 percent, while

enrollment remained flat. When Kansas released state test results in December 2006, black and Hispanic third grade readers trailed their white counterparts by more than 23 percentage points. “The achievement gap is so persistent,” said Betty Horton, a Topeka, Kansas school choice proponent, “...even when you infuse the kind of money Topeka has – millions of dollars – poor and minority children still underperform...”³⁰

Ongoing Reforms

The speciousness of “expert” social science testimony on racial issues was apparent as early as the late 1950s. Desegregatory reforms were nonetheless placed on life support, as the search continued for viable *within-school* tactics to enhance learning generally, and minority learning in particular.

Concluding that more vigorous federal action was needed, Congress passed the Elementary and Secondary Education Act of 1965 (ESEA).³¹ Mirrored here were familiar reforms: within-school initiatives which focused on “special needs of educationally deprived children.”³² For the first time, the federal government assumed a salient role in school funding. In signing the document, President Lyndon Johnson declared, “No law I have signed or ever will significantly means more to the history of America.” Four years later, in 1969, the National Assessment of Educational Progress (NAEP) authorized federal funds to conduct and utilize assessment of student learning at the state and national levels. This was followed by the 1975 Education for All Handicapped Students Act, soon dubbed IDEA (Individuals with Disabilities Education Act). IDEA designated funds to provide appropriate education for all special-needs students and, where possible, mainstreaming students regardless of academic skills.³³

‘A Nation at Risk’

Indirectly acknowledging the failure of earlier federally initiated programs and challenged to reverse a “rising tide of mediocrity” that marked American education, the National Commission on Excellence in Education launched A Nation at Risk (ANAR) in 1983.³⁴ In a related development, Title I of Improving America’s Schools Act (ISEA) mandated standard assessments for all states.

Fuhrman has illustrated how, following authorization of ANAR, the nation’s educators were once again provided financial and human resources to accomplish goals currently embedded in NCLB procedures.³⁵ Standards were raised, accountability emphasized, within-classroom activities restructured; more time was provided for teacher planning and for teaching certain subjects; school site management was encouraged. The 1988 reauthorization required more testing and accountability. In 1994, Title I of Improving America’s Schools required schools to align standards and assessments: By that time federal law had proliferated to include more than sixty programs.³⁶

Reforms continued, and annual tests were mandated by age, gender, and race to address minority concerns.

Each “reform wave” crested, moved onto the beach, and slowly drifted back to sea. When the standards movement failed to yield evidence of benefits, some reformers advocated expanding schools’ autonomy, especially in such areas as curriculum, personnel, and budget. Held accountable for meeting standards, charter schools were free to develop policies designated to meet those standards. After charters failed to produce demonstrable improvements, federal efforts were coordinated with periodically revised ESEAs and a myriad of governmental agencies. Voucher programs received fresh support but produced no demonstrable benefits; as enthusiasm for them waned, more dramatic reforms followed, such as Educational Management Organizations, including Edison Schools Incorporated. These undertakings, too, fell short of projections and some schools and school districts were taken over by state or city governments, again with no evidence of improved schooling outcomes.³⁷

Following disillusionment with ANAR and its various offshoots, the first President Bush and President Clinton advanced legislation to support state standards through Goals 2000. Signed into law by President Clinton on March 31, 1994, Goals 2000 extensively described ways for teachers to promote “high standards for all students” in their communities and schools. The 1996 budget bill significantly amended the law. Amendments included authorizing six additional “Ed Flex” which granted states unprecedented authority to waive federal rules and regulations; eliminating the National Education Standard and Improvement Council, which had never been established; and eliminating the opportunity – to learn standards or strategy requirements within state plans. These new objectives placed further restrictions on Title I schools which largely serve districts and schools serving low income students.³⁸

EFFORTS TO ESTABLISH NCLB’S CREDIBILITY

Initial NCLB credibility was based on miraculous reports from the Houston public schools, which catapulted Superintendent Rod Paige to head of the Department of Education and the first chief administrator of NCLB. Early Houston claims soon withered.³⁹ It was widely reported by the Bush administration that largely Hispanic Sharptown High School in Houston did not have a single dropout. But local television station KHOU, based on information from Robert Kimball, assistant principal at Sharptown High School, discovered that Sharptown’s freshman class of 1,000 had declined to fewer than 300. This revelation prompted a state audit that concluded that 3,000 of 5,500 teenagers surveyed who had left school should have been considered dropouts but had not been. Further, certain schools with performance ratings among the highest were classified among the lowest. Officials therefore downgraded fourteen audited schools whose reports of academic gains had led to increased federal funding to the state’s lowest rating. Other problems surfaced. Some school

administrators discovered creative ways to garner more Federal money. It was easy. Don't promote low achieving students. Then after this students repeat ninth grade, advance then directly to eleventh grade. This permitted bypassing the exam on which NCLB data were gathered.

At those Houston schools at which miraculous gains were reported, school personnel feared acknowledging unwelcome facts. Said Kimball: "People are afraid. The superintendent has frequent meetings with principals. Before they go in, the principals are really, really scared. Panicky. They have to make their numbers." That they did: The state's audit revealed that some principals received bonuses for reporting fictitious academic gains. During his superintendency from 1994 to 2001, Paige eliminated tenure for principals and ordered them to sign one-year contracts that permitted dismissal "without cause" and without a hearing. After he was identified as the KHOU's informant, Kimball was assigned a windowless room for four months with nothing to do, and later served as an unneeded second assistant principal at a primary school.

In 2002 the NAEP reported that most fourth and eighth graders in eleven Houston school districts made very modest and statistically insignificant progress in reading and math. Since then, NAEP data reveal that most students in those eleven school districts have performed well below the national average and that the racial gap has stayed the same or widened. Acknowledging that the nationwide achievement gap decreased in the 1970s but widened in the 1990s, despite claims by the Bush administration, Neal McCluskey, educational policy analyst for the Cato Institute, concluded, "The bottom line is that there's little evidence students are learning more as a result of NCLB."⁴⁰

Undeterred by the Houston debacle and by cumulative evidence that NCLB failed to meet projections, and drawing upon dubious 2004 NAEP findings, Margaret Spellings, Bush's secretary of education, declared that math scores in the early grades are at an all-time high and that the "achievement" gaps between white, Hispanic, and African-American nine-year-olds have reached historic lows. Spellings singled out results at Maury Elementary School, Alexandria, Virginia; here, she insisted, just two of five third-graders had earlier passed the state's reading test, whereas, as of 2006 the school, met its academic goals.⁴¹ But data released by Dr. Monte Dawson, executive director responsible for monitoring and evaluation of Alexandria's public schools, reveal that the percentages of students passing the state's test remained virtually the same from 2002 until the most recent scores, from 2004. Dawson additionally acknowledged that the AYP ratings were based on preliminary achievement data that are "subject to change."⁴²

After surveying the results of various NCLB undertakings, Claudia Sanchez, education correspondent for National Public Radio, concluded that NCLB failed to produce results that significantly differ from those of earlier federal educational undertakings. "Most worrisome," she reported, "is that the achievement between white and minority children has stayed the same

and may even be widening despite Bush administration claims that NCLB has been closing the gap."⁴³

As claims of NCLB benefits evaporated under statistical scrutiny, reports of program benefits puzzlingly proliferated. In July 2005 the Wisconsin Department of Public Instruction (WDI) issued a news release entitled "Third grade reading test results soar," citing results on the Wisconsin Reading Comprehension Test (WRCT).⁴⁴ When Scott wrote to the Wisconsin state educational statistician, however, he was informed that the WRCT had been retired – four years after NCLB was initiated – and was not used for accountability under NCLB. Further, each year the passages and questions on the WRCT were changed, rendering impossible any valid analysis of annual score changes.

Despite the acknowledged failures of prior federal undertakings, top administrative officials give short shrift to legitimate questions concerning projected NCLB benefits. Emory University's Don Campbell is one of many critics who question NCLB because it essentially ignores the impact of severe economic and social/emotional stressors on student learning. Responding to Campbell, Secretary Spellings decried "the soft bigotry of low expectations" and declared, "Campbell waited until the third to last paragraph [of his statement] to reveal his true feelings that, 'Not all children can perform at grade level because they live in such dysfunctional or impoverished environments.'" Later, when confronting other NCLB critics on PBS's *News Hour*, Spellings compared recalcitrant (largely state) educational officials to children who need to be disciplined. It is "un-American," said Spellings, "for states such as Connecticut to tolerate its black-white achievement gap."⁴⁵

Given the proliferation of teacher opposition to NCLB, Reg Weaver, president of the National Educational Association, declared "Children do not learn at the same rate, at the same speed, at the same time, but NCLB expects that to occur." In reply, Spellings disagreed and urged ongoing laws to examine teaching methods with poor, minority, and disabled students. "If these students don't succeed," said Spellings, "the entire school will be cited for inadequate progress."

THE STATES REBEL

NCLB has exacerbated historic tensions between the federal government and the states.⁴⁶ Although the former formulates goals, states retain considerable influence and must assume added fiscal responsibilities to gain federal fiscal support.⁴⁷ Thus NCLB authorized \$400 million to help states prepare and administer tests consistent with state standards for third through eighth grades. This falls short of the estimated \$7 billion over seven years required for such testing activities. Over 30 states, including Connecticut and Utah, have revolted against expenses linked to periodic testing and administrative requirements. In January 2004, Ohio officials estimated that NCLB federal support to the state would be \$44 million, whereas Ohio had to incur expenses

of \$1.5 billion to satisfy federal requirements. Despite cash outlays, as of early 2006 only 22 states had reported sufficient data to assess the learning gains of elementary school students. Opposition to NCLB has led 15 states, including Illinois, Minnesota, and North Dakota, to consider dropping out of NCLB. Says Minnesota State Senator Sharon Ropes, “[T]he law unduly punishes schools and teachers for diversity.”⁴⁸

Although accommodating states’ rights on educational matters, NCLB guidelines nonetheless require states wishing to obtain federal money through NCLB to comply with certain objectives and to implement empirically specious undertakings. It is therefore instructive to examine what transpires in one state, Iowa, and to assume that essentially similar circumstances prevail in other states.

Iowa: A Case Vignette

In late 2005, the Iowa Department of Education (IDE) informed the state’s educators that NCLB would be implemented throughout the state. Simultaneously, the IDE director informed Scott that it was “ridiculous” to expect attainment of such NCLB objectives as bringing all students up to or beyond the 41st percentile and closing the achievement gaps for minority and special needs students. Nonetheless, she urged her staff to comply with NCLB provisions in order to assure federal monies and please political constituents.

In 2006 the IDE convened a statewide conference to formulate plans for implementing NCLB.⁴⁹ Various speakers, methodically screened by IDE, proclaimed NCLB’s goals realistic because of academic gains realized in prior federal programs which employed strategies similar to those presently incorporated into NCLB. Several audience members unsuccessfully attempted to have those studies identified. Asked about the absence of NCLB provisions for equipping teachers with interviewing skills, knowledge of children’s developmental and health histories, and clinical skills to identify the needs of individual students, the IDE director replied that such information involves the “medical model,” which NCLB considers irrelevant. As the day progressed, virtually all educational administrators developed preliminary plans to submit to their respective superintendents and boards of education, in order to gain their districts’ shares of the \$1 billion allocated by the federal government for reading programs and the \$3 billion for retaining teachers and principals.

Dysfunctional Social Science: Bias and Intimidation

Not a new phenomenon, bias within social science has significantly contributed to a labyrinth of rewards and punishments which, in educational domains involving race, virtually prohibits serious consideration of any perspective other than *tabula rasa*.⁵⁰ Within both governmental and academic

circles, anyone publicly departing from sanitized social science can anticipate incivility and inflammatory charges: Since the *Brown* ruling the public rarely hears about the "Ivy Curtain" that has descended upon American colleges, universities, university student groups, governmental agencies, offices of professional journals and organizations, major media outlets, school boards, federal and state bureaucrats, and community and local organizations such as United Way and YWCA.

In 2007, more than five decades after leading scholars convinced the Supreme Court in *Brown* that the achievement gap would be significantly narrowed by de jure and later by de facto school desegregation, political correctness continues to coerce researchers either to remain silent on racial matters or to proclaim illusionary desegregatory benefits. In 1969, Arthur Jensen's 1969 article in the *Harvard Educational Review* ignited an academic firestorm by questioning tabula rasa assumptions that have governed official explanations for the persisting racial achievement gap.⁵¹

Laced with persuasive data-based medical/psychological evidence, Jensen's article outlined academic and social/emotional problems faced by minority and poor children, problems that could not be significantly ameliorated by within-school reforms. It is beyond the scope of this paper to document more than a few of Jensen's experiences. Following publication of his paper, police had to protect Jensen when he lectured, Jensen and his family were threatened, and Jensen's office was more like a San Quentin cell than a faculty workplace.⁵²

Jensen's experiences illustrate why educational Katrinas persist. Educational researchers and analysts realize that public endorsement of tabula rasa is essential if they are to survive and prosper in academia. Nonetheless some have spoken out, and been professionally and personally punished. Christopher Jencks authored a book which questioned academic benefits attributed to within-school reforms like forced busing. Attacked almost immediately by ten black scholars in the *Harvard Educational Review* and by Kenneth Clark, the pivotal witness in the *Brown* decision, Jencks rearranged his data, concluded that educational reforms and desegregation produced benefits, and regained professional acceptance.⁵³

James Mitchell also learned the price of reporting unconventional but empirically sound racial facts. As associate dean of graduate studies at the University of Rochester, Mitchell was asked to determine whether blacks benefited from busing. Guided by data, Mitchell concluded that, once bused, blacks experience extensive social and emotional problems that might exacerbate racial tensions. Without Mitchell's knowledge, the official report was rewritten to state that the bused children "seem to be making an excellent adjustment." Meanwhile, an official of the New York State Department of Public Instruction accused Mitchell of "reprehensibly separating statistical analysis of Black and White children in the study," although this was Mitchell's explicit charge. For Mitchell, there was more to come. He submitted an article for publication in

a scholarly journal and for the first time in his professional career received a rejection notice.⁵⁴ His paper was faulted for containing unspecified “research flaws” and because it “could easily be misunderstood.” Shortly after recounting his experience in a national journal, Mitchell was seeking another job.

Sternberg has identified some basic reasons why educational Katrinas persist and why the proportion of researchers committed to tabula rasa progressively increases.⁵⁵ These factors include bias in training within universities; preferential editorial decisions in professional journals, upon publication in which employment is contingent; bias in promotion and selection for tenure within academia; prizes awarded by professional organizations; book reviews slanted toward “correctness”; selection of the most capable graduate students to university professors who are “sensitive” and partial to “multiculturalism”; informal networks operating through funding organizations such as foundations; and infrastructural ideological commitment to desegregation manifested within schools, universities, and foundations as well as state and federal agencies.

The academic bias to which Sternberg refers can perhaps be illustrated most clearly through an examination of the “social science” applications of what is still the most extensive appraisal of what schools, and specifically reforms dependent on tabula rasa, can accomplish toward closing the racial gap.

The National Institute of Education Inquiry

Ronald Reagan’s election reflected broad public discontent with de facto desegregation or forced busing which, by requiring “racial balance” within educational attendance centers, negatively impacted students, families, school personnel, and neighborhood schools.⁴ Unpersuaded by “experts” that school desegregation had produced promising benefits, Reagan appointees on the National Council on Educational Research (NCER) examined past federal desegregatory projects. Results indicated that grants had typically gone to researchers whose predispositions precluded objectivity on desegregatory issues. A central question involved the actual consequences of forced busing. Did it, as the Supreme Court had been persuaded, create educational benefits for minority children and significantly close the black-white achievement gap? To answer this question a research team was formed, with Scott as academic advisor for the National Institute of Education (NIE), the research arm of the U.S. Office of Education.⁵⁶

To reduce if not eliminate ideological bias, Scott and NIE educational consultant Jeffrey Schneider selected six panelists whose research had provided different conclusions regarding desegregatory affects. Some of the selected researchers had reported desegregation academic gains, and others reported no evidence of desegregatory benefits. A statistical analyst was also designated to sharpen and refine statistical findings. Guided by Schneider and Scott, the panelists identified 159 of the presumably best published studies

on desegregation achievement effects. Of those, only 19 satisfied even broad empirical criteria.

Panelists were asked to ignore ideology and scrutinize data in appraising the remaining 19 studies; not one study yielded evidence of significant black academic benefits attributable to desegregation. Absence of evidence failed to change opinions of some panelists. Consistent with Festinger's theory of cognitive dissonance which considers thinking patterns "cognitively impermeable" and subject to little change especially on emotionally-laden topics,⁵⁷ social scientists who had previously reported that forced busing closed the racial gap continued to proclaim academic benefits from de facto desegregation.^{5, 58}

In December 1982, Scott moderated a forum at the National Press Club that summarized the panel's central findings. In answering audience questions, he explained in detail why the study had not yielded evidence of desegregatory academic benefits. Several government officials expressed concern that reports of the inefficacy of desegregation might restrict de facto desegregatory initiatives. Scott replied that if school busing is unhelpful or even harmful, it should be discontinued and more productive interventions formulated. The ensuing animated discussion contrasted educational reforms that draw from biophysical and ecological considerations with those based solely on *tabula rasa*, and on what occurs solely *within* schools.

Original NIE plans called for the April 1983 publication of a monograph that described project findings. In February of that year Scott received a call from NIE Associate Director Thomas Ascik urging accelerated completion of the monograph's first and concluding chapters. Scott told Ascik that key NIE people had failed to answer telephone calls and letters. On September 18, 1983, and in response to Scott's telephone calls, NIE program consultant Oscar Uribe informed Scott that "higher ups" no longer considered Scott an NIE consultant, that his fee for working with the NIE "no longer exists," and that he would not be paid for work he had already done.

In late 1983, the NIE disseminated a nationwide invitation for educators to contribute to a new NIE initiative: a set of papers which sought to clarify the relationship between effective schools and desegregation.⁵⁹ Separately, Schneider and Uribe published a paper claiming that the NIE study provided evidence for desegregatory benefits.⁶⁰ In 1984, the NIE released a 224-page monograph that summarized the results of the NIE study, failed to mention Scott, and claimed modest desegregatory benefits.⁶¹

DISTORTING THE NIE'S FINDINGS

Official responses to NIE findings affirm the adage that the only difference between a cat and a lie is that a cat has only nine lives. Since the mid-1980s, researchers have frequently cited the NIE study to justify de facto desegregation or forced busing. In 1999, *Education Week* featured a series of articles on

desegregation which praised experts who testified in *Brown*, "thus saving millions of Black children from an inferior education."⁶² Within academia, the *Education Week* series on school desegregation programs drew unchallenged praise. The series cited the NIE study, which reportedly demonstrated that the racial achievement gap is significantly narrowed through de facto desegregation. Surprised by claims in the *Education Week* series, Scott discussed NIE findings with the periodical's editor, M. S. Reeves. After examining empirical information, Reeves asked Scott to write a rejoinder. Several weeks later, Reeves rescinded the offer without explanation.

Writing in the prestigious *American Educational Research Journal* (AERJ) in 2001, Michelson claimed that the NIE inquiry increased reading levels of African-American students.⁶³ Scott unsuccessfully sought clarification of NIE findings from Michelson. Receiving no response, Scott wrote to the AERJ's editor, and was encouraged to submit an analysis of the Michelson article to AERJ reviewers. The responses of the unidentified reviewers are instructive to researchers who must "publish or perish." One reviewer provided no commentary but recommended rejection. Another was simply troubled by Scott's failure to cite a book authored by Gary Orfield, which contains no evidence for the academic benefits of school desegregation.⁶⁴ The third reviewer declared that "...the paper comes across as terribly one sided. It politicizes and even demonizes the left but fails to consider the politics of the right..." The final reviewer concluded that Scott's article reflected "a particular ax to grind."

Further obfuscation concerning the NIE study appeared in a late 2006 issue of *Time* magazine, which reported a case being argued before the Supreme Court that involved objections by Louisville and Seattle parents to a modified form of forced busing designed to perpetuate "racial balance within all schools of the districts."⁶⁵ Attendance assignments of approximately 116,000 children hinge on the High Court's ruling.⁶⁶ As during *Brown* proceedings a half-century earlier, the NAACP Legal Defense and Educational Fund argued that the case threatens "equal educational opportunity for all," as well as "the legacy of *Brown*."⁶⁷ In support of the NAACP's arguments, *Time's* writers cited evidence from the recent research of Doug Harris, assistant professor at Florida State University. Harris's findings, said *Time*, support the contention that the school districts' desegregation program produces academic gains and narrows the racial gap.

Resting as it does largely on findings from the NIE study, Harris's statement is hardly encouraging. Harris states, "In 1984, the National Institute of Education commissioned several extensive reviews on the effects of desegregation. All of the NIE commissioned reviews suggest that African American students had higher scores as a result of desegregation..."⁶⁸ Further, it is not irrelevant that Harris's report was funded by the Center for American Progress (CAP). Headed by John Podesta, former chief of staff for President Bill Clinton, CAP's stated mission is "...responding quickly and rapidly to conservative proposals

and rhetoric"; CAP is intended to "balance" think tanks such as the Heritage Foundation and the American Enterprise Institute.⁶⁹ Following his examination of Harris's data, Scott unsuccessfully sought further clarification from the editors of *Time* magazine.

THE RESILIENCE OF TABULA RASA

Despite its medieval and scientifically discredited history, *tabula rasa* dominates the contemporary landscape of American education and social science. As just one example of *tabula rasa* resilience Ted Stilwill, director the Iowa Department of Education, declared that racial imbalance in Iowa schools must be corrected. According to Stilwill, "[P]oor and minority children learn more effectively in racially balanced classrooms."⁷⁰ Scott wrote to Stilwill, requesting evidence of such benefits, but received no answer.

Coerced endorsement of *tabula rasa* by institutional leaders muzzles many teachers, accelerates teachers' exodus from classrooms into other professions, and provides the theoretical justification for educational Katrinas such as NCLB. At a recent open meeting of Iowa teachers, administrators, and school board members, some teachers expressed frustration with President Bush's No Child Left Behind initiative, which declares schools negligent if students do not perform at certain levels on standardized tests. Some teachers questioned whether schools alone can enable all children to learn effectively. They cited a variety of nonschool issues: some children are learning disabled or behaviorally disruptive, some are brain injured, some experience genetic impairments, some enter school with weak experiential backgrounds, some are abused, some have watched television all night, and some are on drugs. "Nonsense," replied the attending administrators and school board members, who reiterated a recurring message within the educational establishments and central to the NCLB: "Regardless of students' background experiences, teachers have a responsibility to bring all students up to academic par." Immediately the debate was closed; despite knowing better, all teachers present acquiesced, at least overtly, and expressed willingness to pursue unattainable objectives.

Quo Vadis, American Law and Social Science?

Since *Brown* (1954), and reflecting the priority most Americans place on providing quality education to poor and minority children, governmental schooling policies at local, state, and federal levels have expended unprecedented resources to narrow or close the racial/social class academic gap.⁷¹ Few researchers wish to publicly acknowledge, or even cite evidence, that human learning and development are powerfully influenced by biological and ecological correlates.⁷²

In 2005, recognizing the inordinately high price that poor and minority children have paid for schooling reforms based solely on tabula rasa, as well as the high hurdles researchers must scale in even proposing potentially productive reforms, the American Council on Education issued a "Statement of Academic Rights and Responsibilities."⁷³ Other professional organizations signed on, including the American Council on Education, the American Association of University Professors, the Association of American Law Schools, the Association for Governing Boards of Universities and Colleges, the Council for Higher Education Accreditation, and the Council of Independent Colleges.

Unfortunately, history reveals a wide gap between platitudes and applied practice. In the world of reality, institutions network with universities and typically dispense rewards to individuals with demonstrably conventionalized views. Given what transpired in *Brown* and thereafter, ideological impermeability within academia is illustrated in such power centers as the American Psychological Association (APA). In 2005 the APA published a tribute to Kenneth Clark and other social scientists who helped advance "equal educational opportunities" for minority children. In fact, no such benefits can be documented. Further, Clark himself misled the Supreme Court in *Brown*. The APA accolade highlights one of Clark's remarks, "We worked with the lawyers on the *Brown* decision without regard to color. To me that was a good example of how science and law cut across racial lines."⁷⁴

Actual facts are less comforting. A thorough reading of the *Brown* legal proceedings reveals that Clark often focused on race, to the point of perseveration. Consistently, Clark and his colleagues consciously testified falsely and ignored evidence that biophysical and ecological factors provide a significant, if incomplete, explanation for the stubborn racial achievement gap.⁷⁵ Especially troubling is Clark's historic knowledge of, and support for, egregious remarks of Thurgood Marshall, the lead NAACP attorney, who was later elevated to the U.S. Supreme Court. In one such statement (well known to Clark in 1954), Marshall stated: "But know one thing Alfred [a white colleague of Marshall's] – when we niggers take over the power, every time a white man takes a breath he's gonna have to pay a fine."⁷⁶

Judged not by lofty organizational statements issued far from the battlefield, but by what occurs "on the ground," the "assault on science" to which Mayer refers⁷⁷ can only be reversed, or even meaningfully modulated, through external pressure placed on those who control contemporary education, the media, and state and federal offices and facilities.⁷⁸ At least one ray of hope exists. Most parents, regardless of race, are deeply concerned about their children's education and future. These parents can speak out. Public outcries over inept governmental responses to Hurricane Katrina in the American South (primarily Mississippi and Louisiana) reveal that an energized and informed public might significantly limit, or even eliminate, educational Katrinas.

A professor at the University of Northern Iowa (UNI), Ralph Scott was the primary investigator and project director of Home Start, one of the two national programs for the U.S. Department of Education during the 1970s. Unlike Head Start, which at the time provided minority and majority children with enrichment activities outside the home, Home Start focused on parents as the primary teachers of children. As Iowa State Chair, U.S. Commission on Civil Rights during the 1980s, Scott advanced plans incorporating biophysical and ecological interventions, to promote learning and development of majority and minority children. Under the Reagan administration, he also served as Chair of the desegregation team of the National Institute of Education (NIE), research arm of the U.S. Department of Education (USDE).

ENDNOTES

1. "Places where the system breaks down," *Time*, September 19, 2005, 43.
2. The assessment of federally driven educational programs over the past five decades reveals a common thread: emphasis on the racial achievement gap. In her April 15, 2005, Baltimore address before the National Association of Education School Principals, Secretary of Education Margaret Spellings emphasized that NCLB is mandated to close the racial gap.
3. The preschool racial achievement gap has been well documented. See D. N. Harris, "Lost Learning: Forgotten Promises," Center for American Progress, 2006, 15; B. Hart & T. Risley, "The Early Catastrophe: The 30 Million Word Gap by Age 3," *American Educator* (2003); *Significant Event Childhood Trauma* (video) (Barrington, IL: Magna Systems, 2002); R. Scott, "Cross Cultural Preschool Readiness Profiles: An Examination of Research and Policy Options," paper, American Educational Research Association, Boston, April 20, 1990.
4. C. Murray, "Intelligence in the Classroom," *Wall Street Journal*, January 16, 2007, A21.
5. V. Richardson, "Academic Manifesto Takes Root," *Washington Times*, July 23, 2006.
6. R. C. Steffan, "Navigating the Difficult Waters of the 'No Child Left Behind Act' of 2001," *American Annals of the Deaf* 149 (2004): 46-50; S. H. Fuhrman, "Riding Waves, Trading Horses, the Twenty Year Effort to Reform Education," in D. T. Gordon, *American Education 20 years after A Nation at Risk* (Cambridge, MA: Harvard University Press, 2003), 7-22; *No Child Left Behind: A Parents Guide* (Washington D.C.: U.S. Department of Education, 2003).
7. D. Imig, "Contextual Scan," American Association of Colleges for Teacher Education (January 2003). 1.
8. *Ibid.*
9. "Flexibility Granted in 2 States in No Child Left Behind," *New York Times*, May 18, 2006.

10. J. Hand, "Education Bill Slammed by Local Officials," *Attleboro [MA] Sun Chronicle*, January 30, 2007.
11. "Judge Blocks California High School Exit Exam," Associated Press, May 12, 2006.
12. "27 Percent of Schools Fail to Meet NCLB Standards," *USA Today*, March 29, 2006.
13. J. Brumm, "Baltimore School Takeover First Order: "No Child Left Behind," April 6, 2006, http://headlinesagapa_press.org/archives/4152006.a
14. "Spellings Test," *Wall Street Journal*, March 24, 2006, A10.
15. N. Dizon & B. Feller, "States Omitting Minorities' Test Scores," Associated Press, April 18, 2006; "Iowa Schools Find Education Act Loopholes," *Waterloo Courier*, April 24, 2006, B1.
16. E. R. Delisio, "No Child Left Behind: What It Means to You," *Education World*, June 24, 2002; Imig, "Contextual Scan" ; *No Child Left Behind*.
17. "The Failed Promise to No Child Left Behind," <http://americanprograms.org/site>.
18. "'No Child' Forces 150+ Baltimore Educators to Switch Schools at Mid-year," *Wall Street Journal*, January 3, 2007.
19. W. J. Mathis, "Costs and Benefits," *Phi Delta Kappan* 84(9) (2003): 339-40; Jobling, (2004). "The March 2005 Guide to President Bush's FY 2006 Education Agenda Is Somewhat More Expensive." Here a 46 percent increase, \$8 billion, is cited for NCLB, and a 52 percent increase in Title I grants. www.ed.gov/about/overview/budget.
20. E. Lehmann, "Kennedy Vows Not to Soften No Child Left Behind," *Lowell [MA] Sun*, January 30, 2007.
21. <http://www.whitehouse.gov/news/reports/no-child-left-behind.html>. Also, <http://www.sswaa.org/members/sswaabell>.
22. air.org.news/documents/release200601pew.htm http://headlinesagapa_press.org/archives/4152006.a; J. P. Greene, "Education from the Bench," *Wall Street Journal*, April 27, 2006, A19.
23. *Brown v. Board of Education*, 349 U.S. 294 (1955), 298 n. 2, 300, 301.
24. Some of the nation's most knowledgeable social scientists feared personal and professional harm should they provide the high court with testimony that the black-white achievement gap could not be explained by school desegregation. See R. Wolters, "Constitutional History, Social Science, and *Brown v. Board of Education*, 1954-1964 (Part II)," *Occidental Quarterly* 5(2) (Summer 2005): 5-35; R. Kluger (1977, Paperback, 2004), *Simple Justice: The History of "Brown vs. Board of Education" and Black America's Struggle for Equality*. New York: Knopf, especially 331-356.
25. R. Scott, "Five Decades of Federal Initiatives concerning School Desegregatory Effects: What Have We Learned?," *Journal of Social, Political and Economic Studies* 28(2) (2003): 215.
26. *Ibid.*
27. D. Golden, "Testing Questions: Boosting Minorities in Gifted Programs Poses Dilemmas," *Wall Street Journal*, April 7, 2004, A1. See also Scott, "Five Decades of Federal Initiatives."
28. Wide ability ranges exist within and between races. In describing his tenth grade teaching conditions within segregated minority Chicago classrooms, Scott noted that

academic skills extended from second grade through college. By educational fiat, all students were necessarily given the same assignments. For an analysis of how mainstreaming increases within-class academic variance, see A. Thernstrom & S. Thernstrom, *No Excuses: Closing the Racial Gap* (New York: Simon and Schuster, 2003).

29. Scott, (2003). op. cit..

30. J. C. Riley, "What's the Matter with Kansas?," *Wall Street Journal*, January 3, 2007, A12.

31. Delisio, (2002). op. cit..

32. Fuhrman, (2003). op. cit..

33. T. Imms, "No Child Left Behind: An Analysis of the Controversy," <http://www.newfoundations.com/conanalysis/Imms>; Delisio, "No Child Left Behind."

34. *A Nation at Risk* (Washington, D.C.: National Commission on Excellence in Education, U.S. Department of Education, 1983).

35. Fuhrman, (2003). op. cit..

36. K. Kafer, No Child Left Behind: Where Do We Go from Here? Backgrounder No. 1775, The Heritage Foundation, Washington, D.C., July 6, 2004).

37. Fuhrman, (2003). op. cit..

38. Ibid; Achieved: Goals 2000 Legislation and related items.

39. P. M. Weiner, "Houston's 'Zero Dropout,'" *New York Times* Fall http://www.rethinkingschools.org/special_reports/bushplan/drop18.

40. W. Antle, "Report Card: Kinder, Gentler Education Bureaucrats, but Where Are the Results?," *American Conservative*, February 27, 2006, 14.

41. G. Klein, "NCLB Renewal Faces Battle," *McDougal Press*, December 28, 2006; M. Spellings, "No Child Left Behind Yields Positive Results," *USA Today*, March 1, 2006. Spellings's remarks reveal the emotional reaction of top educational officials when told that the minority-majority racial gap cannot be closed without fundamental attention to what happens to children before they enter school and what occurs beyond the school. Admittedly, any thorough analysis would necessarily deal with such uncomfortable facts as the disproportionate number of minority children exposed to illicit drugs before birth. Further, assessing racial disparities of children in trauma, *Physician's Weekly* (May 31, 2005) reported that black infant mortality rate is more than double the white rate. African-American children who survive infancy have more injuries than whites, are almost eight times more likely to be burned or shot, seven times more likely to be hit by a car, six times more likely to be intentionally injured, and twice as likely to die as a result of an injury.

42. M. Dawson, personal communication with R. Scott, March 15, 2006; Antle, "Report card."

43. C. Sanchez, (2005). "Poor Report Card for 'No Child Left Behind,'" *All Things Considered*, National Public Radio, December 1; C. Sanchez, *Talk of the Nation*, National Public Radio, January 11, 2006; Newman, "From Rhetoric to Reality: The Case for High Quality Compensatory Programs," *Phi Delta Kappan* 84(4)(2003): 286-291.

44. J. Donovan, (2005). "Third Grade Reading Results Soar," State of Wisconsin Department of Public Instruction, Madison, July 13.

45. Spellings (M. (2005). All things considered: Flexibility on "No Child Left Behind," April 7; Spellings, M. (2006). No Child Left Behind yields positive results. *USA Today*, March 2.
46. G. Klein, (2006). "NCLB Renewal Faces Tough Sledding." *timpanogos.worldpress.com*, December 28.
47. T. Richmond, "Wisconsin Joins Suit against No Child Left Behind," *Duluth News Tribune*, April 4, 2006; Phillip Olson, State of Wisconsin Department of Public Instruction, Office of Accountability, personal correspondence, R. Scott, January 29, 2006.
48. "State to Debate 'No Child's Fate," *Winona Daily News*, December 29, 2006.
49. Collaborative Conversations with Higher Education Faculty, Dissemination Workshop, Iowa Department of Education, Altoona, January 26, 2004.
50. Editors of major social science journals, who render decisions impacting on the lives of scholars whose world revolves around "publish or perish," have created a climate that virtually excludes favorable editorial judgments on articles questioning the tabula rasa perspective. Thus the late Kenneth Clark, former president of the American Psychological Association and chief NAACP witness during *Brown*, has asserted that researchers who doubt that schools alone are insufficient "infest" children with hostility. Such scholars, said Clark, "provide public officials with rationalizations for regressive policies...thus becoming 'active agents of injustice.'" Expanding on this theme, Clark urged "establishment of an apparatus to monitor scrupulously their own work and involvement affecting public policies." In a similar vein James Banks, former president of the American Educational Research Association, has characterized those who encourage ability grouping and standardized, especially IQ, tests "as those who seek to disempower marginal groups of color." Banks, J. (1998). The lives and values of researchers for educational citizens in a multicultural society. *Educational Researcher*, 27(7), 4-17., *Physician's Weekly*, May 31, 2005; R. Scott, & H. Walberg, "Schools Alone Are Insufficient," *Effective Schools and School Environments*, Association for Supervision and Curriculum Development, Alexandria, VA; R. Scott, "Effects of Forced Busing," testimony before U.S. Senate Subcommittee on Separation of Powers of the Senate Judiciary Committee, September 30, 1981, Washington, DC: U.S. Government Printing Office, 160-192. Cited in *Educational Daily*, October 1, 1981, and *Education USA*, October 12, 1981.
51. A. Jensen, "How Much Can We Boost IQ and Scholastic Achievement?," *Harvard Education Review* 39 (1969): 1-123.
52. S. Scarr, "On Arthur Jensen's Integrity," *Intelligence*, 26(3) (1998): 227-232.
53. C. Jencks, in N. Mills, *The Great School Bus Controversy* (New York: Teachers College Press, 1993). 20-21; C. Jencks, The Black-White Test Score Gap: Cause and Cures, presentation at the Research Institute of the Center for Comparative Studies in Race and Ethnicity, February 4, 1998. Here Jencks revised his position that had drawn wrath within academia. Offering no new data and having written that school desegregation and inclusive-school reforms produce few if any benefits, Jencks executed a sharp twist. His new arguments: the black-white test score gap *can* be significantly narrowed by such within-school reforms as reducing class size, raising standards for hiring new teachers, changing teachers' assumptions about slow learners' academic potential, and racial balancing within schools.
54. J. V. Mitchell, "On the Perils of Conducting Socially Significant Research," *Phi Delta Kappan* 52(3) (1990): 182-184.

55. R. J. Sternberg, "Costs and Benefits of Defying the Crowd in Science," *Intelligence* 26(3) (1998): 209–216.
56. "School Desegregation and Black Achievement," National Institute of Education, U.S. Department of Educational Research and Improvement, Washington, D.C., 1984.
57. Griffin, E. (1997). *A first look at communication theory*. New York: McGraw-Hill.
58. R. Scott, "Analysis of the 1982--84 National Institute of Education Inquiry on Desegregation Effects on Black Learning Profiles," unpublished paper, 1981. Here Scott cites analysis of cognitive impermeability as assessed by T. Cook (ed.), *School Desegregation and Black Achievement* (Washington, D.C.: National Institute of Education, U.S. Department of Education, 1984) (ERIC Document Reproduction Services No. ED 241671).
59. R. Lindsay, *Announcement of the National Institute of Education Commissioned Papers*, Washington, D.C.: U.S. Department of Education, National Institute of Education, September 1983.
60. J. M. Schneider & O. Uribe, *The Effects of School Desegregation on the Academic Achievement of Black Students* (Washington, D.C.: U.S. Department of Education, 1983) (ERIC Document Reproduction Services o. ED 241671).
61. T. Cook (ed.), *School Desegregation and Black Achievement* (Washington, D.C.: National Institute of Education, U.S. Department of Education (1984)) (ERIC Document Reproduction Services no. ED 241671); T. Cook, "What Have Black Children Gained Academically from School Integration?," in Cook, *School Desegregation*, , 61–68.
62. L. Hendrie, "Lessons of a Century: The Struggle for Integration," *Education Week*, March 24, 1999.
63. R. A. Michelson, "Subverting *Swann*: First and Second Segregation in the Charlotte-Mecklenburg Schools," *American Education Research Journal* 38:245–252.
64. G. Orfield, *Must We Bus? Segregated Schools and National Policy* (Washington, D.C.: Brookings Institute, 1978).
65. *Parents Involved in Community Schools v. Seattle School District. No. 1, et al.; Crystal, D. Meredith, Custodial Parent and Next Friend of Joshua Ryan McDonald v. Jefferson County Board of Education, et al.* Nos. 05-908 and 05-915.
66. J. Rawe, "When Public Schools Aren't Color Blind," *Time*, December 4, 2006, 54–56.
67. T.M. Shaw, "In Two Cities, a Threat to the *Legacy of Brown*," *Wall Street Journal*, January 5, 2007, A4.
68. Harris, D. (2006). "Lost Learning: Forgotten Promises: A national analysis of school racial segregation, student achievement and "controlled choice" plans. americanprogress.org/issues.
69. www.americanprogress.org
70. T. Stillwill, "Education Leader Cites Problems of Imbalance," *Waterloo Courier*, May 12, 2003.
71. Scott, (2003). op. cit.
72. C. Weiss, *Using Social Science in Public Policy* (Lexington, MA: Lexington Books, 1977). Weiss gathered responses from 60,000 social scientists. The overwhelming majority favored social changes such as forced busing and deemphasis on standardized testing; R. Russ, "Bias Revealed among Ivy League," *Campus Report* 18(6) (2001): 1–17; R. Cain, "Polls Confirm Ivy League Bias," *Washington Times*, February 14, 2002;

"One Faculty Indivisible" (editorial), *Wall Street Journal*, August 30, 2002; G. Jensen, "Professor in the Firing Line" (editorial), *The Daily Telegraph*, March 10, 1999; P. Jennings, *World News Tonight*, November 22, 1994; ; J. St. Francis & R. Delgado, *No Mercy* (Boulder: University of Colorado School of Law Press, 1990).

73. N. Hentoff, "Universities Must Ensure Intellectual Diversity," *Waterloo Courier*, August 16, 2005, B12.

74. H. Tomes, The Case — and the Research — That Forever Connected Psychology and Policy, www.apa.org/monitor/jun04/itpi.html. Here Tomes, American Psychological Association director for public interest, cites Clark's testimony before *Brown* as providing the foundation for central policy decisions over the past five decades. Further, Tomes focuses on Clark's *Brown* testimony concerning the famous "doll studies" that presumably demonstrated the damaging impact of racial segregation. In fact, academia has not yet acknowledged that the results of those studies were falsified. Clark's data actually demonstrated that the low self-esteem of African American children was almost entirely explained by him/community influences. Further, African-American children placed in "racially balanced" schools suffered greater emotional trauma than their counterparts in classrooms which, representing neighborhood demographics, were racially imbalanced (Scott, R. (1975), op. cit. 29-31); J. A. Banks, Presidential Address: American Education Research Association. The Lives and Values of Researchers: Implications for Educating Citizens in a Multiracial Society; *Time* lauded the role of Clark's doll cultural study, which contributed to the Supreme Court's 1954 *Brown* decision, in an obituary notice for Clark, May 16, 2005, 25; G. Philogene, *Racial Identity in Courts: The Legacy of Kenneth B. Clark* (Washington, D.C.: American Psychological Association, 2005); M. Adler, "Doll Cultural Study Had Impact on *Brown v. Board*," *National Public Radio*, December 11, 2003; R. Levant, "APA President Coleman: A Giant Has Fallen," *APA Online* 36(7) (July-August 2005).

75. Scott, (2003). op. cit.

76. Kluger, op. cit., 643

77. R. E. Mayer, "Resisting the Assault on Science," *Educational Researcher* 30(7) (2001): 29-30.

78. W. McClay, "Twilight of Sociology," *Wall Street Journal*, February 2, 2007, W13.

FOOTNOTES

1. Throughout this paper, references to minority and majority students refer to African-American and Caucasian Americans. It is recognized that recent demographic changes warrant inclusion of Hispanic Americans and others under the rubric "minority." Further, in appraising ethnic issues, focus is placed on between and within group differences. *Individuals* of all ethnic groups deserve equal treatment and justice.

2. In addition to new testing, the federal government commissioned the AIR, as an external agency, to collect data from all states into a single database, the School-Level State Assessment Score Database (NCLB database).

3. Frankfurter's seeming objectivity during *Brown* is puzzling. An article in the *Harvard Educational Review* documented "improper backroom machinations" between Frankfurter and Philip Elman of the Justice Department [See C. Greenberg (2006), *Troubling the Waters: Black Jewish Relations in the American Culture* Princeton University Press.]

4. One consequence of forced busing can easily be calculated. Virtually no judges, educational researchers, legislative members, or media leaders permitted their children to be forcibly bused.

5. For the past several decades, State and Federal rewards have been dispensed to panelists and their colleagues who persist in citing the NIE study as evidence of reporting desegregatory schooling gains. In 2007, Google cited approximately 353,000 studies, many Federally funded, linked to the NIE investigation. ■