

# WITHIN OUR REACH

## How America Can Educate Every Child

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# A Highly Qualified Teacher in Every Classroom

Terry M. Moe

The No Child Left Behind (NCLB) Act is best known as a landmark effort by the federal government to hold the public schools accountable for their performance through rigorous standards and tests. But it does much more than that. In a move just as unprecedented as its new accountability system, NCLB requires that all academic courses in every public school be taught by "highly qualified" teachers—and it specifies what "highly qualified" means. For the first time in American history, the federal government is telling the states who can teach in the public schools.

In a culture that prizes local democracy, such a move raises all kinds of issues. But judged purely by its goal of improving student achievement, NCLB would appear to be on solid ground in pushing for higher quality teachers. A good deal of research now shows that, among all the factors that policymakers can arguably hope to influence, teacher quality is probably the single most important determinant of how much students learn.<sup>1</sup> This being so, a successful effort to raise teacher quality could have big payoffs in raising the academic achievement of the nation's children. And more than that, were such a reform to bring high quality teachers to the most disadvantaged districts, as NCLB fully intends, it could help narrow the achievement gaps that have long plagued American education.

Good ideas don't automatically translate into good policy, however, and the question remains whether the requirements written into NCLB will actually work on the ground. Will the states respond by putting teachers into the classroom who are truly well qualified? And will disadvantaged districts come to have teachers who are just as qualified as those in districts that are well off? The answers can't be known with any certainty at this point, but there are good reasons for believing that the act—if unmodified—will promote only modest improvements in these respects and fall short of its goals.

In this chapter I explain why this is so and discuss some of the problems involved in NCLB's attempt to mandate better teachers. I go on to suggest some midcourse corrections that, if adopted, may allow the act to achieve its goals more effectively.

### The Mandate

NCLB requires that all teachers of core academic subjects be highly qualified by the 2005–2006 school year, and that in programs receiving Title I money (targeted at disadvantaged children) all newly hired teachers of core academic subjects be highly qualified by 2002–2003.<sup>2</sup> Teachers are regarded as highly qualified when they

- have a bachelor's degree from a four-year institution
- have full state certification
- demonstrate competence in the subject matter that they teach.

The requirement of subject-matter competence is the great innovation of this mandate. The states already require certification and bachelor's degrees, but they often do not require demonstrations of substantive competence; when they do, as I discuss later, the demonstrations don't amount to much.<sup>3</sup> NCLB is an explicit attempt to get the states to do a better job of assuring that teachers know what they are teaching. Toward this end,

it sets out new rules specifying how teacher competence must be demonstrated:

- New elementary school teachers must demonstrate competence by taking rigorous tests in math, reading, writing, and other components of the elementary curriculum.
- New middle school and high school teachers must demonstrate competence by passing rigorous exams in the subjects they teach, by having undergraduate or graduate degrees in those fields, by earning course credits equivalent to a college major, or by getting an advanced certificate or credential.
- Veteran teachers can demonstrate competence in the same ways that new teachers do. Or they can do it by meeting a "high, objective, uniform state standard of evaluation" (HOUSSE), which the states devise on their own. Whatever specific methods and criteria the states decide to use, their new HOUSSE systems must: be grade-appropriate, be aligned with state academic standards, be developed in consultation with educators, provide objective and coherent information about teacher competence, and be applied uniformly to all teachers in the same subjects and grade levels. HOUSSE systems may also take into consideration (but not be primarily based on) the number of years the teacher has been teaching.<sup>4</sup>

### Problems of Top-Down Control

This might seem to be a simple mandate that is well suited to effective implementation by the states. But it actually isn't. Fundamental problems get in the way—problems that could have been anticipated before the legislation was even written.

#### Measurability

Teacher quality is difficult to measure. What the architects of NCLB want the states to do, of course, is to fill their classrooms

with good teachers who can succeed at getting students to learn. But there is no objective method for identifying which people are good teachers and which are not.

One possibility, at least in principle, is that teacher quality be evaluated by reference to student test scores. But achievement tests can measure only part of what students are expected to know; they measure it with error; and their outcomes are influenced by all sorts of other factors—especially the social backgrounds of the kids—that make it difficult to partial out how much learning can be attributed to a given teacher.<sup>5</sup> This approach is also anathema to teachers and their unions, who oppose using test scores to evaluate teacher quality.<sup>6</sup>

A much easier alternative, both practically and politically, is to focus on characteristics of the teachers themselves: whether they are certified, how long they have been teaching, their college majors and degrees, their ability to pass tests of competence, their SAT scores, and the like. These proxies for teacher quality are even more removed from the learning outcomes that good teaching is supposed to produce, and they do an imperfect job of measuring true quality. But they are readily observed, they provide an objective basis for making judgments about quality—and the authors of NCLB really didn't have much choice but to go this route, assuming they wanted to be in the business of telling the states which teachers are good enough to hire. They are in good company, at any rate, because virtually all policy-makers, researchers, and educators use these proxies as well.

Some proxies are better than others, though. The standard measure of teacher quality employed by the states is certification, and the fact that almost all teachers are certified is supposed to give Americans confidence that teachers are of high quality. Another standard measure is the advanced college degree: 52 percent of teachers now have at least a master's degree, and these teachers are paid more than those with bachelor's degrees because they are alleged to be of higher quality.<sup>7</sup> Academic research has never shown, however, that these teacher characteristics have an appreciable affect on how much students learn.<sup>8</sup> Research does show, on the other hand, that the cognitive abilities (as measured by objective tests) and substantive knowledge

of teachers (as measured by either college majors or by tests) are determinants of student achievement.<sup>9</sup>

Judging by these research-supported proxies, there is reason to worry about the current level of teacher quality in this nation. It is clear, for example, that the people who go into public school teaching are themselves not among the best students, at least on average, and that their cognitive abilities are not what a quality school system requires. On the SAT and ACT tests, the nation's most widely used measures of cognitive ability at the college level, most students who plan to go into teaching are drawn from the lower end of the distribution.<sup>10</sup> By contrast, private school teachers—who typically don't have to be certified at all—are considerably higher in average cognitive ability. Thirty-three percent of them score in the top quartile on these tests, compared to just 14 percent of those certified to teach in the public schools.<sup>11</sup>

The evidence also suggests that, all too often, public school teachers are not sufficiently competent in the subjects they teach. A reasonable proxy for substantive knowledge is whether teachers have academic majors in the fields they teach, and by this measure there is clearly a problem. Some 78 percent of elementary school teachers do not have an academic major, with most simply majoring in education, where programs typically emphasize pedagogy and other topics that have no demonstrated impact on student performance. Even in secondary schools, the percentage of teachers who don't have majors in the fields they teach is quite high: approximately 50 percent of teachers in English, 53 percent in math, 45 percent in science, and 45 percent in social studies.<sup>12</sup>

Of course, some of these teachers without majors may well be competent. Indeed, at the time NCLB was passed, thirty-two states required a test of substantive competence as one of the requirements for certification, and a fair portion of the teachers without majors in their subjects have presumably passed such tests and thereby "demonstrated" competence.<sup>13</sup> But the problem is that these tests, much like the general certification tests that teachers typically take—and that 93 percent currently pass—are often pitched at a very low academic level and are not

rigorous enough to measure true competence. To make matters worse, the passing bar may be set so low that even a poor score on an easy test is sufficient, ensuring that many people who are quite mediocre can make it through and gain certification to teach those subjects, especially after taking the tests multiple times.<sup>14</sup> When the tests are rigorous and the passing bars set at a reasonable level, some teachers do miserably. In Philadelphia, for instance, where veteran middle school teachers were recently required to take tests of substantive competence, almost two-thirds of the math teachers failed the math test and 53 percent of the science teachers failed the science test.<sup>15</sup>

A good case can be made, then, that America's teachers are not of sufficiently high quality on average and that NCLB is attacking a problem that is both real and important. We have to recognize, however, that the true quality of the nation's teachers has not been measured with great accuracy and that the depth and breadth of the problem are not well understood. We are judging on the basis of proxies, and the proxies are quite imperfect. Clearly, many teachers without a college major in math can do an excellent job of teaching algebra or geometry. And many who can pass an exam in English or history may be incapable of communicating the material to students or inspiring them to learn. Proxies for good teaching are *not the same* as good teaching. They can give only an approximation—a measure with error—of any given teacher's true quality. And they can give only an approximation of the overall quality of the teaching pool.

NCLB inherits these same problems. Its mandate is an attempt to require high-quality teachers in every classroom. But because it can't require this in concrete terms, it requires it in terms of proxies: teachers must have college majors or be able to pass certain exams. Even if the act is carried out faithfully and effectively by the states, therefore, they won't necessarily be putting good teachers into classrooms. They will be relying on teachers who have college majors or can pass exams, and these people may or may not be good teachers. Presumably, given the research literature, the quality of the entire pool of teachers would increase were these proxies seriously adhered to, and stu-

dent achievement would improve as well. But there will still be many other, unaccounted-for factors that influence whether teachers are really doing a good job, and there will still be plenty of people who meet the formal criteria but are lousy teachers—which can only limit the achievement gains. And this, sad to say, is pretty much the best-case scenario, for it assumes that the act is faithfully and effectively executed.

### Politics

State policymakers could have designed rigorous tests of teacher competence if they had wanted to years ago, but most states simply didn't do it. They purposely designed tests that were too easy, knowing full well what they were doing. Similarly, they could have required that teachers have an academic major, but most states didn't do that either. Instead, they have largely relied on education schools to determine what teachers ought to know in preparation for jobs in the classroom; and the ed schools, which are firmly in the grip of "progressive" pedagogical ideas (in which learning is child-centered and teachers are "facilitators"), have never regarded the subject matter knowledge of teachers as a top priority.<sup>16</sup>

Why would state policymakers go this route? Why wouldn't they do whatever it took, on their own, to create systems that produce the highest quality teachers possible? The answers are fundamentally political, and they have a lot to tell us about what we can expect when the states are relied on to implement NCLB.

The states are not lackeys of the federal government, eager to follow its mandates. They are political systems in their own right, governed by elected public officials who are concerned about their own reelection and responsive to powerful groups in their constituencies. When it comes to education policy, the groups that often have the greatest clout with public officials are those with vested interests in public education—notably the teachers unions, but also the education schools and associations of administrators and school boards.

These are precisely the groups whose interests are most threatened by NCLB, including its provisions for highly qualified

teachers. The teachers unions are in the business of protecting member jobs, and they would like to ensure that *all* of their members are deemed highly qualified—and remain employed. The education schools stay in business by certifying teachers, so they oppose policies by which teachers could become certified without graduating from an ed school, and they oppose rigorous tests that large numbers of their graduates might fail. Administrators and school board members are responsible for finding teachers to fill their classrooms, and they oppose new requirements that make it more difficult to do that, especially when many districts are already complaining of teacher shortages.<sup>17</sup>

There is also political pressure in support of NCLB, of course, often coming from business groups that favor accountability and want to see the act administered effectively. But these groups have a broad array of political concerns, and they are not nearly as focused on NCLB—or as willing to invest political resources doing battle over it—as the teachers unions and other vested interests are. So at the end of the day, state officials often have political incentives to depart from faithful execution of the mandate, and to resist making major (threatening) changes to established rules and institutions. Because implementation is costly, moreover, they may have financial reasons for holding back as well.

Reformers have two rays of hope, however. The first is that accountability is popular with the electorate at large, and politicians—even many Democrats allied with the education establishment—have incentives to show that they support it. This goes a long way toward explaining why NCLB was adopted in the first place, despite the opposition of powerful education groups, and why so many states have been able to adopt their own accountability systems.<sup>18</sup> The second ray of hope arises from the first. Now that NCLB and many state accountability systems have actually been adopted, the public spotlight on school performance—and thus test scores—may give public officials stronger electoral incentives to put teachers who are truly well qualified in every classroom.

It's all a matter of degree, of course, and the balance of pressures and incentives will vary from state to state. The bottom

line, nonetheless, is that the federal government cannot count on having NCLB implemented faithfully and aggressively by state-level agents who are fully on board. State officials are products of their own political systems, responsive to political pressures, and to some extent—perhaps a very great extent—likely to resist the kinds of changes NCLB calls for.

Finally, it is important to add that the federal government cannot even count on *itself* to push for effective implementation of the law, because its own motivations are sensitive to politics too. The Department of Education, which is in charge of administering NCLB, is the target of heavy political pressures from congressional critics, education groups, and state and local officials to go easy on the states, to grant them flexibility, to put up with delays, and not to apply sanctions (like withholding money) when the states fail to act. These pressures have only intensified since the act's adoption, as important Democrats—many of whom voted for NCLB—have swung back into line with their longtime establishment allies and are now portraying the act as overly burdensome and intrusive.<sup>19</sup> For the department to act aggressively under these circumstances is to invite a firestorm, so there is good political reason for them to hold back and be nice.

### Information

If NCLB is to be well implemented, good information is essential. State officials must have sufficient information to do their jobs effectively, assuming this is what they want to do. And because they may *not* want to do it, good information about what state officials are actually doing must be available to the federal government, so that compliance can be monitored and capabilities assessed. Poor information on either count can seriously undermine the prospects for effective implementation. And we have every reason to expect problems on both.<sup>20</sup>

With so much of public education concentrated at the local level, most information is local. State governments require reports from their school districts, especially on how money gets spent and how categorical programs are operated. But this is

only a partial remedy, and most information about schools, students, and teachers remains highly decentralized and unavailable to state officials. It is not even clear, moreover, that the districts are in any position to provide it. Historically, they have been organized to manage schools and educate kids, not to create vast data banks on every aspect of their operations. So even if they wanted to help out, most districts would have limited information to pass on, and different districts would have different types and amounts. There is no comprehensive information system that state officials can tie into, and certainly not one that is uniform across the states.<sup>21</sup>

The lack of information clearly hinders their capacity for effective action. How are the states supposed to put a highly qualified teacher in every classroom if they don't even know how many of their current teachers are highly qualified, or which ones? Lacking this kind of basic information, they can't know what kinds of problems they face or what kinds of resources or strategies are most appropriate for solving them. Even if politics were not an issue, therefore, and state officials were purely dedicated to the implementation of NCLB, they would hardly be in a position to do it well.

A second information problem arises because much of what the states actually do in implementing the act—or not—may be difficult or impossible for the Department of Education to observe. It can try to remedy this by requiring detailed reports. But reports are filled with information that the states themselves provide. And not only is the states' information likely to be spotty and unreliable, but they also have incentives to manipulate the information they provide in ways that promote their own self-interest—by giving the impression, for example, that they are trying hard to comply when they are really not. The numbers in a report may have the look of hard, objective data. But they can be also meaningless or misleading. Even if they aren't, the information in reports is just the tip of a very large iceberg and cannot tell the department everything it needs to know.

Because information is likely to be such a large problem for the department, states that want to resist NCLB's mandates needn't do anything so provocative as refusing to comply with

the law. They can give the appearance of acting in good faith, and the department may have no good way of knowing what they are actually doing or how well they are doing it. Moreover, the fact that the states themselves are likely to have poor information means that they can claim that some of what NCLB requires simply isn't possible given current capabilities. In some cases, this may be legitimate. But because the department does not have full access to the states' own information, it can't know whether the states are truly incapable, or to what extent and in what areas, and so will have a hard time judging why the states are not doing an effective job.

As this discussion only begins to suggest, when the information problem is combined with the political problem, the implications for NCLB are troubling. The states have political incentives not to carry out the law faithfully and effectively; but they also have access to key information that the federal government does not have, and they can put this asymmetry to use in failing to carry out the law. Information is necessary if the states are to do a good job, but it is also a weapon they can employ to *avoid* doing a good job; and the federal government will have a difficult time doing anything about it—or even telling the difference between the two.

### The Reality of Top-Down Control

NCLB went into effect in January 2002, and at this writing has been on the books for almost three years. During this time, all fifty states have been busy responding and reacting to the countless new requirements of the act, including the requirements for teacher quality, and the Department of Education has been busy monitoring them, collecting reports, issuing clarifying regulations, and giving advice. The sheer level of activity has been extraordinarily high. But what really seems to be going on? And how effectively are the teacher-quality provisions of the act being implemented?

This is what Senators Edward Kennedy and Jeff Bingaman were wondering when, in an early attempt to get feedback on

implementation, they asked the General Accounting Office (GAO) to conduct a study on what the states were doing to put high quality teachers in the classroom. When the GAO reported back in July 2003, a year and a half after implementation had begun, its lead finding pointed to precisely the sort of information problem that an astute observer should have expected from the outset.

We could not develop reliable data on the number of highly qualified teachers because states did not have the information needed to determine whether all teachers met the criteria. . . . Also, states did not have the information they needed to develop methods to evaluate subject area knowledge of their current teachers. . . . [Additionally] they did not have the data systems that could track teacher qualification by subject, which they needed to determine if a highly qualified teacher taught each core subject.<sup>22</sup>

In other words, the information problem was so severe that the states did not know enough to be able to carry out their jobs. And because the states lacked this information, the GAO itself did not have enough information to figure out what was going on, and how well the goals of the act were being realized. Everyone was basically in the dark.

A few months after the GAO report appeared, the states were faced with a deadline for filing reports with the Department of Education. In these reports, they were to provide data on the percentage of classrooms (statewide, as well as in low-performing districts) being taught by high-quality teachers. If the GAO is correct, states lack the information to provide accurate figures on these scores. Nonetheless, all but seven states submitted their reports as required. Here is an overview of the results:<sup>23</sup>

1. The figures that most states supplied were remarkably upbeat and positive. Thirty-one states claimed that more than 80 percent of their core classes were taught by highly qualified teachers, and twenty of these states put the figure at over 90 percent. For Wisconsin, it was 98.6 percent.

2. In thirty-one of forty-one states with data on low-performing districts, the percentage of classes taught by high-quality teachers in these districts was within just 5 percent of the statewide average. And in sixteen of these states, the percentage for low-performing districts was actually greater than or equal to the statewide average.
3. The numbers supplied by some states (a distinct minority) were starkly different on both these dimensions. Alaska, for instance, claimed that only 16 percent of its classrooms had high-quality teachers, Alabama put its figure at 35 percent, California at 48 percent. Similarly, some states claimed that their low-performing districts were well below the state average in having high-quality teachers in the classroom. Maryland reported that its low-performing districts were nearly 20 percent below the average, and California reported a 13 percent difference.

What are we to make of these figures? Are most states really so well stocked with highly qualified teachers that they come close to meeting the NCLB mandate out of the starting blocks? Is Alaska really so bad and Wisconsin so good when it comes to the quality of their teachers? Are teachers in California and Maryland really so inequitably distributed across districts by comparison to other states? And are we really prepared to believe that, in many states, low-performing districts have better teachers in the classroom than other districts do?

The Education Trust, a nonprofit organization dedicated to improving education for disadvantaged children, has been actively monitoring the implementation of NCLB, and it was quick to point out that these figures are not to be believed, and indeed that some have been manipulated to put states in a good light.

Some states appear to have taken the reporting provisions to heart. . . . But others took a different track. Some states simply didn't report any data, citing an inability to gather even this most basic information. And some states seem to have used their discretion in interpreting the law to cross the line that separates fact from fiction, to paint a rosy picture that is simply

at odds with reality. In this last group of states, the numbers reported on September 1 border on farce and veer into tragedy.<sup>24</sup>

The fact is, much of the information provided by state officials is meaningless and can't be taken at face value. In part, this is because the states suffer from major information problems. But even if they didn't, they would still be unable to provide meaningful responses. This is because large percentages of veteran teachers do not have majors in the fields they are teaching or have not passed an exam that NCLB would consider adequate, and they can only be categorized as highly qualified if they meet the HOUSSE standards that the states are supposed to devise for evaluating them.<sup>25</sup> But at the time of the reports, many states had not even formulated these standards, so they couldn't possibly have had any idea how many of their veterans might be qualified. And even in states that had formulated their HOUSSE standards, veteran teachers had yet to be evaluated, and there was no way of knowing how the evaluations would come out. So where did the figures in their reports come from? They were essentially discretionary numbers, and state officials made their own determinations—different in different states—about how to calculate them.

In most cases, given the rosy picture that predominates in these reports, the underlying presumption of state officials seems to have been that *all* veteran teachers are already highly qualified—based on their majors or on existing certification requirements—or that they will eventually be highly qualified, once the new rules and criteria are in place. In other words, there is no indication that state officials expect any veteran teachers to lose their jobs for reasons of competence. This is consistent, of course, with the political pressures they are under from the teachers unions and other education groups, which want to ensure that no one loses a job, that everyone is labeled highly qualified, and that life goes on with as few disruptions as possible.

Grandfathering in all veteran teachers would obviously violate the most fundamental intentions of NCLB. But the opportunities for such grandfathering are contained within NCLB itself, for its HOUSSE provisions create a loophole big enough to drive

three million teachers through. NCLB gives the states a great deal of flexibility in designing their own standards for evaluating veteran teachers, and the states have strong political incentives to use this flexibility to create standards that all veterans can satisfy, even if some portion of them are not knowledgeable enough to be in the classroom.

Since the state reports were submitted, more states have firmed up their HOUSSE standards, and we now have a reasonable picture of what they are doing on this score. The picture isn't a pretty one. As *Education Week* noted, "States have fashioned wildly different ways of judging whether teachers already in the classroom meet the federal standard,"<sup>26</sup> so what highly qualified means in one state may have nothing to do with what it means in another state. What most of them have in common, however, is that they put the emphasis on criteria that do *not* demonstrate substantive competence, but guarantee that veteran teachers will be labeled highly qualified. Depending on the state, teachers can meet the new standards through some combination of teacher experience, classroom evaluations, portfolios, professional development, college coursework, and the states' existing credentialing criteria. Consider the following examples:<sup>27</sup>

- In Arkansas, teachers with five years' experience automatically satisfy the standard.
- In California, Florida, Washington, and West Virginia, teachers are classified as highly qualified if they receive satisfactory evaluations of their classroom performance based on observations by supervisors (or submit acceptable portfolios)—the usual way teachers are evaluated anyway. The criteria for these evaluations include the usual laundry list—communication skills, class climate, and the like—and do not put a premium on substantive knowledge.
- In New Hampshire, teachers can meet the standard if they engage in a "self-assessment" with a competent "partner" and put together evidence (via portfolios and the like) showing their supervisors that they have the necessary substantive knowledge.

- In Ohio and Massachusetts, teachers can become highly qualified by racking up enough hours in professional development activities.
- In Indiana, Montana, Nebraska, South Dakota, and Wisconsin, the existing systems for licensing teachers in the relevant subjects are taken as the HOUSSE standards, which means that all teachers with the appropriate licenses are automatically highly qualified.
- In Alabama, California, New York, Ohio, and a number of other states, HOUSSE standards are met through a system that allocates points for various criteria, such as classroom performance, experience, portfolios, and the like. In most cases, experience counts heavily. In almost all cases, any teacher can easily accumulate the required number of points. New York, for example, requires 100 points to meet the standard, but it awards 30 points just for a bachelor's degree with a general education component, up to 50 points for experience (10 points a year), and points for professional development and related activities.

As these examples suggest, the problem is pervasive and not confined to a few wayward states. The National Council on Teacher Quality, a reform group that seeks to promote better teaching, carried out an in-depth study of the HOUSSE standards of twenty randomly selected states and gave each state a grade based upon how well their standards met even the most basic NCLB criteria—for example, that the standards provide rigorous, objective evidence of teacher knowledge and help identify teachers who are not competent. Only Illinois received an A. The vast majority of states received a C, D, or F, yielding an average grade of D+ across all twenty states. The situation the report describes is a sorry one indeed.

States getting low marks appear unwilling to address a problem that plagues the nation as a whole and seem to believe that "business as usual" is an appropriate response. States have also proved wildly inventive at coming up with an array of activities that are supposed indicators of teaching subject matter

knowledge, but which can at best be said to bear only slight relation to such knowledge.<sup>26</sup>

The HOUSSE provisions are perhaps the most critical component of NCLB's implementation because they determine whether the three million teachers who currently occupy the nation's public school classrooms will be held to a high standard of substantive knowledge. With the states using the HOUSSE provisions as a loophole to safeguard jobs, however, even the most incompetent teachers will remain in the system for years to come, many of them for decades, and NCLB's goal of upgrading the teaching force will be seriously compromised. For the foreseeable future, the act cannot succeed if the states insist on a charade in which every veteran teacher is highly qualified.

In the longer term, though, there are grounds for hope in the requirements NCLB sets out for *new* teachers. People who want to enter the teaching force must have college majors in the subjects they teach or be able to pass rigorous tests that demonstrate their substantive knowledge. For now these requirements are not as critical as the HOUSSE requirements because they apply to a much smaller number of people. But over time these (formerly) new teachers will constitute an increasing proportion of the teaching pool, and eventually they will make up all of it. So if the NCLB standards for new recruits are truly rigorous and effectively imposed—and if we are willing to wait long enough—the average quality of U.S. teachers could well be raised in significant fashion, as the act intends.

But are the standards for new teachers being designed and implemented in ways that would generate a future surge in quality? There is a good deal of confusion about what the states are doing on this score. The Education Commission of the States, which keeps a running tally of state activities related to NCLB, says that forty-three states have authorized tests for new elementary teachers, that four appear to be in the process of doing so, and that four are not. On the surface, these numbers seem promising—although there is no justification, after two years, for not getting 100 percent compliance. Yet the numbers on what the states are doing with regard to subject matter tests, which are

especially relevant for middle and high school teachers, are not even promising on the surface: only eleven have authorized such tests, thirty-eight appear to be in the process of doing so, and two aren't.<sup>29</sup>

What do these numbers really mean? In the first place, they don't mean that the states actually have real tests in place and are using them—only that they have authorized such tests. The numbers also don't indicate whether the states are developing new tests specifically for NCLB or just using tests that they have used in the past; indeed, as I pointed out in the HOUSSE analysis above, a number of states are just using their preexisting tests. More important, though, the numbers say nothing about the *content* of the tests or the level of performance required to get a passing score—and thus say nothing about whether the tests are well suited for ensuring that prospective teachers actually know their subject matter. There is good reason, given the states' past experiences with the design and adoption of tests, to worry that these new tests and passing bars will *not* in fact be rigorous and that they will fall short of NCLB's goals. There are political pressures from the education community to make these tests easy to pass, and there is no reason to think that state officials are suddenly going to require rigorous tests that large numbers of prospective teachers fail.

There are clearly some serious problems, then, with the way the act is being implemented by the states. It is the Department of Education's job to deal with these problems and to see that NCLB is implemented as effectively as possible. This is a difficult challenge, and many of the difficulties—which are due to the design of the act and to the vicissitudes of top-down control—have been thrust on the department from without and are obviously not its fault. Even so, the department has fallen short in certain respects.<sup>30</sup>

First, it has been slow in issuing clarifying regulations and other sorts of guidance. This is important, because NCLB is not sufficiently detailed for the states to know exactly what is expected of them. The states were already supposed to have put a highly qualified teacher in every Title 1 classroom by the fall of 2002—and the department didn't even issue its "final" clarifying

regulations until November 2002, after the deadline had come and gone.<sup>31</sup>

Second, the department has not been proactive enough in dealing with data problems. It was obvious from the outset that the states didn't have the data systems to be able to file meaningful reports on their percentages of highly qualified teachers—and it certainly became apparent once the process was underway. Why allow them to file figures that are totally meaningless? At the very least, states could have been provided with clear guidelines as to how highly qualified teachers were to be identified and counted, and all states could have filed figures that had the same meaning. The fact that HOUSSE standards were not in place, and that veteran teachers could not be fully evaluated, should have been dealt with openly and clearly, so that all states could follow the same game plan in making their counts. As the Education Trust put it:<sup>32</sup>

The federal government has a critical responsibility to serve as more than just a conduit for state-reported data of dubious value. It needs to provide clear guidance on what is required. It also needs to insist that the data meet basic standards of validity and reliability, and show a good-faith compliance with the letter and clear intent of the law. If states are unwilling to comply, the Department must take action. So far, the Department has simply refused to do so.

Third, the department has allowed states to eviscerate NCLB's requirements for highly qualified teachers by letting them adopt HOUSSE standards that make a mockery of the act's intentions and are even in clear violation of the wording of the law. The law requires that the HOUSSE standards be objective; but as we have seen, in many states they are not—they are based on subjective assessments of classroom performance, for example, or portfolios. The law says that the purpose of HOUSSE standards is to demonstrate subject matter competence, yet in most states a teacher can satisfy the adopted standards without demonstrating competence at all. And the law clearly does not want HOUSSE standards to put heavy emphasis on mere experience in the classroom, but in many states experience counts

very heavily indeed, often 50 percent and sometimes more. The department could have stepped in, told states clearly and forcefully that such approaches were unacceptable, and *required* HOUSSSE standards that really do demonstrate substantive competence. But instead it allowed the states to go their own ways.

Fourth, the department has done much the same when it comes to testing new teachers. There is no indication thus far that the department is in the business of evaluating state tests to determine if they are sufficiently rigorous or their passing bars sufficiently high. At this point, the mere fact that states *have* tests of substantive competence (or even just authorized them), and that teachers are required to take them, appears to be taken as *prima facie* evidence that they are on their way toward meeting the provisions of the act.

No one outside the department can know for sure why it has been so tolerant of state departures from the act's intent. But one factor is surely that the department, like the states, is subject to political pressure and sensitive to political hostility and criticism—and thus has good reason to resist imposing requirements on states that they don't want to meet. This doesn't explain why the department was slow in providing guidance or why it wasn't more proactive in regard to the collection and presentation of data. These may have been administrative failures that can be corrected. But the political incentives, and the deference to the states that goes along with them, are more serious. Politics is here to stay, and it seems to be preventing the department from taking the kind of leadership role that is necessary if the act is to be implemented effectively.

### Recommendations

In two annual reports on what it calls the "highly qualified teachers challenge," the department outlines its own ideas on where reforms under NCLB ought to be headed. These ideas are genuinely impressive. The department is deeply critical of how the states have traditionally certified, tested, and prepared their

teachers; it recognizes that the states are under political pressure from established education groups to keep doing things as they always have; and it does not expect reform to come easily. It also has a vision, a "new model" of how certification, testing, and teacher preparation might be reconstituted. And it has a plan for how to get there.<sup>33</sup>

The new model would allow teachers to get certified without graduating from an education school, thus breaking the ed school monopoly. Teachers could get certified by having the relevant college majors or passing challenging tests with sufficiently high scores. The states might have additional requirements, such as streamlined training programs or on-the-job mentoring, but the bureaucratic hurdles would be kept to a minimum. The idea is to maintain high standards but to radically reduce the current barriers to entry that now discourage many talented people from getting into the field.

The department's plan for getting states to move toward the new model turns on the not-coincidental fact that NCLB and its surrounding regulations *do not say* what the requirements for full certification are. The idea is that the states will find it difficult, given the size and quality of the current pool of candidates, to fulfill the NCLB mandate of a highly qualified teacher in every classroom—and will thus have incentives to take new approaches to certification that solve the problem. The states will have incentives, in other words, to *use* the flexibility built into the law to circumvent the education schools, to reduce bureaucratic hurdles, and to embrace something akin to the new model. As the department puts it:

States have flexibility, then, to use this opportunity to think anew about their certification systems, and to consider major revisions to existing systems. If states want to, they can dramatically streamline their processes and create alternative routes to full state certification that target talented people who would be turned off by traditional preparation and certification programs. In other words, NCLB gives the green light to states that want to lower barriers to the teaching profession.<sup>34</sup>

The model the department is proposing here has also been proposed by others—notably Hess,<sup>35</sup> who has developed the ideas in some detail—and it does indeed represent a major improvement over the model that now prevails in the states. But the department is probably wrong in thinking that the states will use their flexibility to move toward the new model on their own. The existing model is not well entrenched by accident. It is protected by powerful interests, and state officials have strong political reasons for *not* using the flexibility built into NCLB to pursue serious reform. Moreover, the department has so far taken an indulgent approach toward the states in its enforcement of the act, and as a result the states are not going to find it difficult to put a teacher who is nominally qualified in every classroom. Almost any teacher who is alive and kicking will meet the standards.

What can be done, then, to get the states to fill their classrooms with teachers who really are highly qualified—and more generally, to get states to adopt reforms that conform in broad outline to the new model? If we assume, in all practicality, that the basic top-down framework of NCLB is going to be kept, the issue is one of how it can be modified so that the underlying intentions of the act can be realized more effectively. Here are some modifications that seem reasonable, given the goals of the act and the problems that need to be addressed.

1. Teachers should only be regarded as highly qualified if they have a bachelor's degree and meet one of the following criteria: they have a college major in their teaching field, they can pass rigorous tests of substantive competence in that field, or their ability to raise student performance on high-stakes tests can be demonstrated in the classroom through a statistically sound, value-added methodology.
2. The HOUSSSE provisions of the current act should be dropped. If veteran teachers are unable to meet the above standards, no other "qualifications"—such as classroom experience, satisfactory course evaluations, professional development—should be allowed to serve as substitutes.

These teachers should simply not be allowed to teach the corresponding subjects—or to teach at all, as the case may be.

3. Any teacher who is highly qualified by the above standards should automatically be granted certification. This means, among other things, that graduation from an education school should not be necessary for certification.
4. Tests of substantive competence must be truly rigorous and demanding, examine the proper content, and set the passing bar at a level that represents mastery of the material. To ensure as much, there should be an external assessment of all state tests. The department, for example, might set up an independent body of experts (from universities, say) who are equipped to do the job. Or the states could use tests developed by certain private organizations, such as the American Board for Certification of Teacher Excellence, that in the department's view have met these high standards.
5. Funding, expertise, and guidance should be provided to the states in an aggressive effort to help them develop the kinds of data systems required to implement the act effectively. To some extent, these systems need to be uniform from state to state, so that all are collecting, using, and reporting the same information.

Again, these proposals assume that the top-down approach of NCLB is to be retained, and that the challenge is to modify its rules so that the federal government's goal of high-quality teaching—and establishing the new model—can be more effectively pursued. This is not to say, however, that the top-down approach itself is the best way to go in the grander scheme of things. After all, no central authority in the Silicon Valley dictates to technology firms exactly how they ought to be organized or whom they ought to be hiring, yet they manage—on their own—to be extraordinarily successful and productive, often by following very different organizational paths. The explanation for their success is that they operate in a highly competitive environment, which gives the leaders of each firm strong incentives to hire the very

best employees, to weed out employees who don't perform, and in general to organize as efficiently as possible. Indeed, if any central authority tried to force them into a single organizational mold, they would be far less productive.

The same sort of logic applies to the public schools. If they were highly competitive—due, let's say, to a major expansion of charter schools and vouchers—then their leaders would have strong incentives to hire competent teachers and organize efficiently on their own, and any top-down effort by the federal government to force them to hire and organize in particular ways would tend to undermine rather than enhance their performance. In the long run, then, the best prescription for getting high-quality teachers and high performing schools is not to figure out a better set of rules for controlling the schools from above, but rather to move toward a more competitive system that gets the incentives right and relies on lower-level officials to make their own decisions based on their own needs, judgments, and specific situations.

As Keynes so appropriately remarked, however, in the long run we are all dead. We live in the short run, and for the foreseeable future the school system is not going to be competitive and the incentives are not going to be right. This being so, the federal government cannot decentralize decisions to the state and local levels—by letting them make their own HOUSSE standards, for example—and assume that the desired, performance-enhancing decisions will be made. They won't. The poor performance of states and districts over the last few decades, and the political pressures that reinforce it, already demonstrate as much. Under these conditions, some measure of top-down control makes good sense—and a modification of NCLB, along the lines set out here, seems a reasonable way to move forward.

### Notes

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3. Ibid. See also U.S. Department of Education, "Meeting the Highly Qualified Teachers Challenge: The Secretary's Annual Report on Teacher Quality" (Washington, D.C., 2002).

4. The act also has provisions that, among other things, require "high quality professional development" and outline the conditions under which individuals who are not fully certified—but who are in the process of becoming certified and meeting the standards of substantive competence—can teach. I will not focus on these aspects of the act here.

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