

**ENSURING EQUITABLE ACCESS TO TEACHING QUALITY  
A TENTATIVE PROPOSAL FOR IMPROVING NCLB**

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**I. INTRODUCTION AND CAVEAT**

The equitable distribution of qualified, experienced teachers is a prime concern for the Campaign for Educational Equity at Teachers College. In New York, we are still embroiled in the fight for adequate funding for essential educational resources for our public school children. We are acutely aware that all children need high quality teaching and that teaching quality is distributed inequitably to poor and minority children. In New York City, as in many other parts of the country, there is an inverse relationship between teaching quality and student need: Schools with the highest need are the least likely to have high quality, experienced teachers capable of effectively teaching students with added educational needs. Until we get many more truly qualified teachers into urban school systems, the teacher quality distribution problem will not be solved.

The No Child Left Behind Act (NCLB) contains provisions to address this tragedy. It requires states to ensure that all teachers are “highly qualified” and to demonstrate that “poor and minority students are not being taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.” To accomplish this, NCLB calls on state education agencies to assess inequities and draw up a plan for eliminating them. Local education agencies are also required to detail their strategies for closing their teacher quality equity gaps. Unfortunately, since the equitable distribution requirement has only begun to be enforced, the effectiveness of these measures has not yet been tested. Nevertheless, in preparation for the upcoming reauthorization debates, it is crucial to consider how this requirement can be improved.

The Campaign for Educational Equity will be focusing on NCLB in our second annual Equity Symposium entitled: “Examining America’s Commitment to Closing Achievement Gap: NCLB and Its Alternatives” on November 13-14, 2006. Researchers from Teachers College and around the country will present papers on the core challenges of NCLB. The symposium will be followed by a day of policy discussion with our national advisory board and other invited guests. The Equity Campaign’s proposals and recommendations for improving NCLB will be based in large part on the research and discussions occasioned by this symposium. The following proposal, therefore, is a work in progress and represents our very preliminary ideas on how to improve NCLB’s requirement for the equitable distribution of teaching quality.

**THE ADEQUACY MOVEMENT’S LESSONS FOR NCLB**

We come to national and federal policy conversations from our experience with the education adequacy movement in state courts around the country. This movement to ensure adequate funding for a quality education began more than 30 years ago. Tying

together and advancing a century of equity-oriented reforms, it has developed into the most vital present-day education rights movement. The courts' rulings, based on their states' constitutions, have revived and enhanced the principles of the American public school tradition and established education as a child's inviolable right.

These school-funding cases provide broad and balanced data on a wide range of educational policy issues; they test opposing views among experts in the crucible of trial; and they constitute a practical laboratory for implementing remedies in a sustained manner, with extensive oversight and evaluation. These pragmatic analyses have shown that meeting higher proficiency goals requires states, localities, and the federal government to sustain a comprehensive educational enterprise. This enterprise must include adequate systemic funding based on actual costs and an accountability system to ensure effective spending that includes rigorous standards, accurate data from multiple measures of school quality and student achievement, and the capacity to use test results and other school quality data for school improvement. We believe that role of state and federal education policy should be to support and "incentivize" this full agenda.

The enactment of NCLB attempts a new and significant step toward meaningful educational opportunity for all American students. NCLB has created a sense of urgency by setting a deadline for closing the achievement gaps between poor and rich, and minority and white, students. It holds states and school districts accountable for measurable progress in accordance with objective standards, and it appropriately requires disaggregation of data to report separately on the progress of students from distinct racial, socioeconomic, and special needs groups. Leading up to 2007, Congress should, however, closely examine the efficacy of the implementation of the law's important principles and reassess the specific means NCLB sets out to meet its aims. The positive aspects of the law should be retained, but the law's current shortcomings must be addressed.

#### **POSITIVE ASPECTS OF NCLB'S TEACHER EQUITY REQUIREMENT**

Through its requirement for equitable distribution of teaching quality, NCLB highlights a real and critical failing of our state and local educational policies. While the highly qualified teacher provision seeks to raise teaching quality generally, the teaching quality equity requirement more effectively targets the source of teaching inequities than other teacher quality requirements in the law. It designates inexperience and out-of-field teaching as factors that affect the quality of teaching, in addition to lack of certification and subject-matter competence. It requires an analysis of teacher equity for minorities as well as low-income children.

NCLB requires states to tackle and solve this longstanding, intractable problem but does not dictate solutions. In giving states the latitude to construct their own solutions, it provides the opportunity for many solutions to be tried, tested, and, ultimately, perfected and shared.

## RECOMMENDATIONS FOR IMPROVEMENT

While the current requirement is a first step, to guarantee the equitable distribution of teaching quality, NCLB must be strengthened in several ways. NCLB must ensure adequate funding to meet its goals; see that all states set meaningful standards for teachers; and help to build state and district capacity to improve teacher equity. Without these changes, states will continue to lack the means to ensure the equitable distribution of teaching quality or meet NCLB's other ambitious goals, which are the legacy of *Brown v. Board of Education* and common to NCLB and the education adequacy movement.

### *I. Ensure Adequate Resources*

A potentially fatal flaw of NCLB is its failure to address the severe resource deficiencies that are the root cause of the failure of many schools and school districts to provide all of their students a high-quality education. The extensive evidence compiled during the trials of over two dozen education adequacy litigations has made clear that by and large the explanation for poor academic performance, especially in urban and rural schools, is the severe resource deficiencies that plague most of these school systems. The research community overwhelmingly agrees that money, *if well spent*, will make an enormous positive difference in educational opportunity.

High poverty and high minority districts frequently receive less funding than other districts, in spite of their students' often greater needs. The lack of adequate funding contributes to low teacher salaries, poor working conditions, a lack of sufficient high quality professional development, mentoring, and high quality induction practices that are among the factors that create subject area shortages and low teacher retention rates. In fact, funding inequities and inadequacies appear to play such a large role in the equitable access to teaching quality it is likely that many fewer additional reforms would be necessary were adequate resources actually provided.

The indispensable first step toward providing schools with adequate funding is assessing the actual costs of reaching student performance goals: it is necessary to determine what resources and conditions schools need to enable their students to meet the state's learning standards and how much funding is required to build and maintain those necessary resources and conditions. The federal government should *immediately* undertake a comprehensive national study that goes beyond efforts to date to gauge the administrative costs of NCLB's new mandates and assesses the costs nationwide of enabling all students to meet NCLB's goals. Such a comprehensive study is eminently feasible and it should be done prior to January 1, 2007, so that Congress and the public have accurate information on the true costs of meeting NCLB's goals to use in their deliberations on the 2007 reauthorization. The study should include the cost of what Linda Darling-Hammond (Darling-Hammond & Sykes, 2003) calls "a federal education manpower act" that would boost the supply of high quality teachers for currently hard-to-staff schools.

States that have not done so should commission an objective assessment of the true costs of providing a high quality teaching workforce for all students and distributing quality and experience equitably--and then ensure that adequate funding is dedicated to this mission. In addition, states must provide adequate funding to ensure state departments of education the capacity to collect the data necessary to monitor teacher quality distribution and to aid districts in achieving it.

## *II. Ensure Rigorous Standards for Teachers*

Only if states have truly high standards for all teachers will the equitable distribution requirement have meaning. While “highly qualified” teachers under NCLB must be state certified, the law allows states to set their own certification standards and to create their own assessments of teacher competence. Certification criteria in many states are inadequate for ensuring that teachers are high quality, and few state teacher-licensing examinations are linked to specific areas of knowledge that students are required to know under state learning standards. The same is true of the “high objective uniform state standard of evaluation” (HOUSSE) standards that NCLB requires to determine the qualification of veteran teachers. NCLB should add substance to its abstract rigor requirements without imposing uniform national requirements by emphasizing that state teacher certification standards be based not on “minimum” competency but on (1) proficiency in regard to rigorous state academic standards<sup>1</sup> and (2) the ability effectively

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<sup>1</sup>NCLB requires each state to adopt “challenging academic content standards in academic subjects that (1) specify what children are expected to know and be able to do; (2) contain coherent and rigorous content; (3) encourage the teaching of advanced skills.” However, the U.S. Department of Education has not defined “rigorous” in any substantive detail, and, in practice, states have implemented academic content standards that vary markedly in rigor. The education adequacy cases provide a way for NCLB to add teeth to its requirements for rigor without mandating uniform national standards. The many state courts that have dealt with this issue have arrived at a general consensus regarding the constitutional concept of a basic quality education that provides students with the essential skills they need to function productively in contemporary society:

- The constitutional standard for a basic quality education is one that provides students with the essential skills they need to function productively as capable voters, jurors, and civic participants in a democratic society and compete effectively in the 21<sup>st</sup>-century global economy.
- The types of knowledge and skills that students need to be effective citizens and workers are sufficient ability to read, write and speak the English language and sufficient knowledge of fundamental mathematics and physical science to enable them to function in a complex and rapidly changing society; sufficient fundamental knowledge of social studies, that is, geography, history, and basic economic and political systems, to enable them to make informed choices with regard to issues that affect them personally or affect their communities, states and nation; sufficient intellectual tools to evaluate complex issues and sufficient social and communication skills to work well with others and communicate ideas to a group; and sufficient academic and vocational skills to enable them to compete on an equal basis with others in further formal education or gainful employment in contemporary society.
- The essential resources students need to acquire this knowledge and these skills are qualified teachers, principals and other personnel; appropriate class sizes; high-quality early childhood and preschool services; adequate school facilities; supplemental programs and services, including summer and after school programs, for students from high-poverty backgrounds; appropriate programs and services for English language learners and students with disabilities; instrumentalities of learning, including, but not limited to, textbooks, libraries, laboratories and computers; and a safe, orderly learning environment.

to instruct students from diverse backgrounds including English language learners, minority children, and children from poverty backgrounds. Existing loopholes in alternative certification procedures should also be plugged to ensure that all teachers entering the profession through this route are equally highly qualified.

### *III. Ensure State and District Capacity to Improve Teacher Equity*

A lack of capacity at the state and district level also contributes to teaching quality maldistribution, including a lack of knowledge and information about how to solve the problem, lack of manpower and expertise, lack of adequate data systems to assess and monitor equity, and the lack of conducive rules governing school system staffing and budgeting. NCLB must promote these capacities at the state and district level.

#### **a. Provide better guidance for state plans.**

NCLB needs to provide better guidance to aid states in creating meaningful teacher equity plans. States must measure teacher quality effectively and consistently. For example, states need to use a consistent, research-based definition of what constitutes an “inexperienced” teacher. States’ measures of teaching quality must go beyond simple certification. Evidence from the CFE trial showed that students in low-income, high needs schools were more likely have teachers who failed the certification exam at least once. They were also more likely to have teachers who went to less competitive colleges. States must develop robust measures of teaching quality and apply them when assessing equity.

#### **b. Provide federal support for research on best practices for reforming distributional inequities.**

The best practices for improving teacher quality across the board do not always effectively address teacher distribution problems. NCLB should provide incentive grants to states to pilot innovative methods for hastening the equitable distribution of teaching talent. For example, federal funding should support the type of promising “lead teacher” effort currently being piloted in New York City, in which experienced teachers are placed in low-performing schools and receive extra compensation for duties that include both teaching and mentoring; it should also support well-targeted efforts to provide ongoing high-quality on-site professional development.

#### **d. Ensure state capacity to monitor and regulate district policies that contribute to distributional inequities.**

The New Teacher Project has documented a number of long-recognized ways that district policies and contractual requirements contribute to the inequitable distribution of teacher quality and experience (Levin & Quinn, 2003; Levin, Mulhern & Schunck, 2005). NCLB

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This definition should be incorporated into NCLB. It is sufficiently substantive that it will (1) provide a solid floor of educational rigor to the proficiency requirements of NCLB and (2) broaden what is covered by the law. At the same time, it is sufficiently flexible so that, within a reasonable range, each state, in accordance with its own constitutional traditions and legislative priorities, can apply the concept in its own way and can chose to adopt proficiency standards that exceed the adequacy floor.

must bolster states' abilities to discourage district policies and contractual arrangements that contribute to distribution inequities including

- Vacancy notification and other policies, including budget timetables, that affect districts' ability to compete effectively in hiring new teachers
- Staffing rules and seniority transfer provisions that push novice and ineffective teachers into high needs schools
- Tenure rules that do not include a rigorous comprehensive assessment of teachers to ensure that only well-qualified ones stay in system
- "Per-position" budgeting and accounting policies that contribute to and cover up teaching distribution inequities

**e. Ensure public accountability for improving teaching quality distribution.**

States and districts should regularly report publicly on teacher quality distribution. Data on percentages of inexperienced teachers, out-of-field teaching, and teachers lacking full certification should be reported in a clear, consistent, and accessible way down to the school level.

### References

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