

No Child Left Behind in Art?

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In June 2004, three out of four public schools in Florida failed to meet a new federal standard for school improvement, including one arts school that had earned "A" ratings on statewide tests for four consecutive years (Shanklin 2004). How can so many schools, including "A" schools, be failing?

The answer: the No Child Left Behind Act of 2001 (U.S. Congress 2001). The act is reshaping public education in the United States. In this article, I identify key terms and regulations in the law and indicate how it is related to the companion Education Sciences Reform Act of 2002 (U.S. Congress 2002). At the close, I consider the impact of NCLB on our schools, including our best ones.

Early reports about the NCLB law were confusing. In pursuit of more information, I downloaded the whole law and have since focused on understanding the vision of excellence that it promotes, the implications of this vision, and their relationship to larger political currents. The law also has many implications for arts education, but I find it difficult to see how these can be positive. Although I am not alone in that judgment, it is also important to recognize that NCLB earned substantial bipartisan support in Congress and that neither political party, at present, proposes major changes in it.

In theory, the law articulates the idea that all students can learn far more than teachers may currently expect of them. NCLB is intended to close achievement gaps among students. It requires that schools use teachers who are well qualified in the subjects that they teach and seeks greater engagement of parents in monitoring the quality of the schools that their children attend. Nevertheless, the thrust of the law is punitive. In seeking improvements, it deploys more sticks than carrots.

The Alphabet Soup: NCLB, ESRA, and AYP

According to the U.S. Department of Education Web site, NCLB is "based on four basic principles: stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on methods that have been proven to work."¹ NCLB has a parallel in other, less publicized legislation, the Education Sciences Reform Act of 2002 (ESRA 2002). The two laws are closely related. In funding educational research, ESRA says, federal officials will seek scientific proofs of effective, low-cost, user-friendly, and replicable "best practices" in education. The best practices, identified by ESRA's criteria, must be used for school improvements undertaken with funds from NCLB.

If NCLB stresses back-to-basics with a

vengeance under the guise of excellence, ESRA offers an image of scientific research as "secular, neutral, and non-ideological." This is a position at odds with the uses of research in human affairs and particularly at odds with No Child Left Behind (for example, Berliner and Biddle 1995, Ewen 1996).

In matters of school management, for example, both NCLB and ESRA use the idea of continuous improvement in organizations (Demming 1982), recasting it as "adequate yearly progress" (AYP). This means that schools must produce annual increments in test scores on statewide tests. The goal is to ensure that 95 to 100 percent of students score "proficient or above" in reading, mathematics, and science by 2014. As the humorist Garrison Keillor might put it, the goal is to ensure that "all the children are above average" (1985).

In subtle and not so subtle ways, NCLB creates the illusion of not intruding on local decisions about schools while using incentives and mandates to micromanage them. For example, the law says that "core academic subjects" include foreign languages; civics and government; economics; arts; history and geography; English/language arts, mathematics; and science. At the same time, only the last three subjects are treated as vital in many sections of the law. The law offers incentives for teach-

ing “traditional American history, apart from social studies,” and thus keeps at a distance multicultural and critical perspectives (Title II). In relation to foreign language, the law actually specifies minutes and days per week for instruction in elementary schools (Title V).

Although states are responsible for interpreting the law under guidance from USDE, federal control of public schools moves forward with NCLB and with an authoritative role for ESRA in deciding which practices may be used for school improvement (Manzo 2004a). Indeed, NCLB is the most comprehensive federal effort to micromanage public schools in United States history. Because every public school is likely to be affected by the draconian requirements of the law, arts educators should understand key provisions of it. (Figure 1 offers a brief history of trends bearing on NCLB and what the law requires until 2014).

Some Key Terms in NCLB

NCLB is a massive document filled with legalistic language and layers of parts, sections, and subparts. In a sidebar below (“Summary of Titles in NCLB”), I indicate the structure of the law and comment on selected topics. Some key terms in NCLB are delineated below.

Best practices. “Best practices” are defined as (a) aligned with national and state standards for achievement, (b) “scientifically proven” to be least costly and with best outcomes, and (c) “able to be applied, duplicated, and scaled-up” for wide use. Scientific proof means that evidence for best practices comes from experimental research, with random assignments of students to “interventions,” not qualitative research alone (ESRA Title I, Olson and Viadero 2002). The goal is a limited set of off-the-shelf teaching methods, guaranteed to work and available from a USDE affiliated Web site, “What Works,” at <http://www.w-w-c.org/>.

Standards. Each state is required to have the same achievement standards for students in public schools. The standards must identify what students should know and be able to do at four levels: below basic, basic, proficient,

1994. National and state standards for most subjects were established under the Goals 2000 project. These standards, in tandem with NAEP definitions of proficiency, become reference points for aligning tests, curricula, and instruction to the standards (Council of Chief State School Officers 2002). Under the Elementary and Secondary Act, schools receiving Title I funds administer statewide tests in mathematics and reading three times during a K–12 span. Compliance was uneven. Even so, these scores count as a baseline for NCLB compliance.

2001–02. NCLB is passed. Prior scores in reading and mathematics are used to sanction failing schools (now dubbed “in need of improvement” or “corrective action”). The immediate result is that 8,600 Title I schools must create a school improvement plan and make AYP in 2002–2003 or face additional sanctions. States begin to determine their targets for AYP. A charter school movement, taking root since the late 1970s, is given a major boost by NCLB.

2002–03. Statewide plans and targets for AYP in reading and mathematics are filed for USDE approval. Targets are calculated backward from 2014 according to various formulas, including not less than a 5 percent to 10 percent annual increase in test scores (Christie 2003). Students for whom English is a second language must be tested for English proficiency. States set targets for “highly qualified teachers” in every classroom within the next three years.

2005–06. States must have standards for science. Students must be tested in reading and mathematics annually in grades 3–8, and once more in grades 10–12. Middle and high school teachers must have a degree in the subject that they are assigned to teach.

2007–14. Annual statewide science tests are required in at least one of three grade spans (3–5, 6–9, 10–12) along with tests in reading and mathematics in grades 3–8. Some students also take NAEP reading and mathematics tests in grades 4 and 8. In 2014, 95 percent to 100 percent of students must score “proficient or above” in reading, mathematics, and science.

FIGURE 1. A brief time line bearing on NCLB.

and advanced. States must also identify, develop, and disseminate “high quality, effective” curricula aligned to national and state standards. These mandates are intended to reduce variability in educational aims, content, methods of teaching, and measures of achievement.

Assessments. All public schools are required to administer statewide tests. These state-approved tests must be “rigorous,” “demanding,” “academic,” “secular, neutral, and non-ideological.” Tests may be norm or criterion-referenced, uniquely developed for the state or in collaboration with other states. Tests from commercial vendors may be used for a school to receive any credit for making adequate yearly progress; 95 percent of enrolled students must take these mandated tests.

Only 1 percent of students, those with the most severe cognitive limitations, are exempt from tests. Students with limited proficiency in English are expected to pass statewide tests presented in English within three years after beginning studies of English. Nationally, nearly 20 per-

cent of students speak a language other than English at home, and these percentages double in some states (Rumberger and Gándara 2003).

States must also agree to participate in National Assessment of Educational Progress (NAEP) tests in reading and mathematics at grades 4 and 8. NAEP tests help to identify states where standards and tests in these subjects are not sufficiently rigorous (Porter 2002). Tests must include an itemized score analysis so that teaching can focus on “the needs indicated by the items” (Title I). Scores on specific items thus become part of a diagnostic-prescriptive method of teaching aimed at improving test scores. This is just shy of saying, “teach to the test.”

Adequate yearly progress. In NCLB and in ESRA, the centerpiece of reform is “adequate yearly progress” (AYP). AYP is a measurable target for improved test scores in reading (or English/language arts), mathematics, and science. There are rewards for schools that meet or exceed the target and penalties for schools that do not. Scores must be

sively to leverage additional funds from private-sector investors in an arrangement analogous to a bank or credit union underwriting loans for charter schools. In this pattern of funding, it is not clear where the line might be drawn between proportional investments from public and private sources and, therefore, whether a school initially chartered as "public" must remain public.

Subpart 3, "Voluntary Public School Choice Programs," provides funds for other programs that offer parental choice in schools, especially schools that prevent dropouts and focus on academic achievement in reading, math, and science. Among the "new opportunities" for choice are transfers across districts, with tuition reimbursements from the sending and receiving districts.

Title VI. Flexibility and Accountability. Most of the funds are for administrative oversight. Some flexibility in using funds is permitted if these arrangements are clearly related to academic achievement. In exchange for flexibility, SEAs (state education authorities) and LEAs must undergo rigorous "performance reviews" and face penalties if there are problems in (a) accountability for AYP or (b) equalized spending for private schools. A "Rural Education Initiative" for low-income schools is targeted for elimination.

Title VII. Indian, Native Hawaiian, and Alaska Native Education. Grants are for "integrated services" that improve educational opportunities for children and adults in these demographic groups. The use of funds is to be coordinated with programs offered through the Department of the Interior and other agencies.

Title VIII. Impact Aid. Funds are reserved for communities with schools that serve large numbers of children whose parents are in the Armed Forces or federal employees. Many of these schools are adjacent to military installations.

Title IX. General Provisions. This is a compendium of procedural rules indicating how SEAs and LEAs may apply for grants and meet federal requirements. Some rules are uniform for all federal agencies and some can be waived or modified at the discretion of the secretary of education. This title treats faith-based initiatives and school prayer permitted in accordance with state law. Limitations are placed on national testing and certification for teachers, "federally sponsored testing" of students (except for NAEP), and a national database traceable to individual students.

Title X. This is a compendium of minor amendments and technical corrections, with cross-references to federal legislation that bears on NCLB.

tracked in relation to race, ethnicity, gender, socioeconomic status, attendance, mobility, status in special education, limited English proficiency, qualifications of teachers and paraprofessionals, and more. In combination, these categories require 120 levels of analysis, creating a statistical quagmire for deciding on best practices (Harvey 2003).

Report cards. Report cards for students are based on test scores, which are also used to measure the effectiveness of teachers. Scores must be summarized for each subject, teacher, grade level or course, class, and subgroup of students. In order to track AYP, report cards also include retrospective data for one or more years.

These reports flow upward to the district and state level, then to USDE, allowing for comparisons among states. Federal officials report to Congress on degrees of compliance with forty key requirements of the law, including the success or failure of public schools in closing achievement gaps, employing well-qualified teachers, and other matters beyond the scope of this article (USDE 2003a). The data-gathering challenge is formidable and expensive. As of March 2004, only five states had met or were close to meeting these requirements (Education Commission of the States 2004).

This business model of educational excellence extends to a USDE partnership with Standard & Poor's (known for credit ratings and stock analysis). S&P's School Evaluation Service is compiling an online database for all public schools, including reports on AYP and a "return on resources" index. This S&P index reflects how well each school performs in relation to district spending (Clark and Gutierrez 2004).

Types of Schools and Education Service Providers

Within the maze of NCLB regulations, I found a typology of schools and services, not evident at first glance, but of use in tracking how the law works.

Traditional public schools. A "traditional public school" is one that students attend by virtue of living in a geographic zone that also forms a tax base for a school district. An elected school board governs the district. It receives and allocates funds in accordance with its mission while complying with regulations from federal and state agencies. Traditional public schools are classified in relation to (a) the percentage of economically disadvantaged students attending them and (b) the status of the school relative to AYP, irrespective of the income levels of the students attending them. Thus, a school that previously earned an

"academic award," or status as a "distinguished school" may be reclassified if it has a significant drop in test scores for any subgroup of students (Cook 2001; Hardy 2002, 20).

In any given year, a traditional public school that fails to make AYP is classified in one of two major ways, each with different consequences. The classifications are as follows.

Schools in need of improvement (INI). These schools have failed to make AYP for two consecutive years. Schools are notified of their status before the beginning of their third year of operation. During this third year of operation, they have three months to develop a two-year plan for improvement. The plan must identify the causes of failure and scientifically based strategies for improving AYP for each subgroup of students. The plan must be ready to implement at the start of the fourth year. The school must make AYP in this fourth year or face "corrective action." In the meantime, students may seek tutoring at district expense. It is worth noting that the "three months to plan" and "one year to improve" requirement leaves no time for staff development on what to improve or how. The schedule is analogous to the idea of rapid turnaround for corporations through a quick-fix process and

reveals the influence of business thinking on school reform.

Schools in need of corrective action (UCA). These schools have failed to make AYP after they have been under an "improvement plan" for one year. Four corrective options are available and may be combined: (a) replace the teachers of students who did not make AYP, (b) replace the entire curriculum with one scientifically based and require teachers to implement it, (c) reduce the management authority of the principal and teachers, or (d) hire outside experts to advise on corrective action. During corrective action, students have the option to transfer and qualify for tutoring and transportation at district expense, with priority given to students at the lowest level of achievement.²

Corrective action must result in AYP for two consecutive years. If not, the school must be closed or totally restructured through options that include (a) reopening as a charter school, (b) replacing all staff whose students failed to make AYP, (c) hiring a for-profit management company, or (d) yielding to a state takeover. In effect, local control of schools is lost by the intervention of the state, and the state intervenes because federal law requires intervention.

Schools engaged in school-wide reforms. Only traditional public schools engaged in a school-wide reform plan before NCLB can continue with the reform. The reform must strengthen the core academic program, use methods based on scientific research, and meet AYP targets. I conclude from this that arts-based and arts-magnet programs in place before NCLB may continue if these schools consistently make AYP.

Districts in need of corrective action. If all schools in a district are in need of corrective action, the district has one year to develop a new plan, and one additional year to make AYP under the new plan. In the meantime, students are eligible for transfer to another district with transportation paid. If AYP is not made for two consecutive years, the entire district must be abolished or reconstituted. The new plan may include (a) replacement of all district staff

responsible for inadequate AYP or (b) a new governance structure replacing the superintendent and school board.

Academic award and distinguished schools. States are required to fund an "Academic Award" program for schools that meet or exceed AYP for two consecutive years. "Distinguished Schools" are in the top statewide tier of AYP for two consecutive years. Five percent of funds may be awarded to distinguished staff in these schools. At least 75 percent of the

and managing these for their benefit (for example, providing loans for operation).

Charter schools survive by the level of demand for them and the satisfaction of their customers. They are market-driven. They are also free of making AYP and other NCLB requirements if (a) the state chartering laws and agencies provide waivers or (b) the secretary of education unilaterally makes exemptions.

Private schools. Private schools may be secular or religious, and operate as

Within this policy-formation matrix, advocates can manipulate public discontent with values that public schools have forwarded.

awarded funds must go to schools with the lowest socio economic status.

Schools of Choice

Although many districts offer magnet schools and other choices, the law promotes certain schools that bypass oversight by elected school boards and the requirements of NCLB. These include the following kinds of schools:

Public charter schools. These schools are open to all; they are tuition-free, secular, and authorized by independent chartering agencies established by state law. Charter schools typically have freedom to bypass teachers, unions in matters of seniority, salary, and benefits. They are eligible for a per-pupil tax subsidy, but they do not have assured funds for the construction and maintenance of buildings or a reliable source of funds for instructional materials, salaries, and so on.

Under Title V, NCLB pays for the cost of charter school construction or leasing along with salaries, materials, and other expenses for up to three years. Additional funds are earmarked to market the concept of charter schools and to establish bank-like entities, exclusively devoted to securing investments for charter schools

non-profit or for-profit entities. All NCLB funds allocated to "neutral, secular and non-ideological" programs in public schools must also be offered to private schools. The formula for distribution is based on private school students who are eligible for the same NCLB programs in public schools. Federal funds may not be used for religious instruction, but the definition of when a program does, or does not, support religious instruction is not clear (Zirkel 2001).

For-profit ventures. Since 1990, members of the Association of Education Practitioners and Providers (AEPP), an "education industry trade association," have actively pursued federal funds (Chapman 2001). With the passage of NCLB, they have more direct access to these sources of funding. AEPP includes corporations offering franchise-like schools and tutoring services along with educational management organizations (EMOs), marketers of online distance education, financial companies (for example, Merrill Lynch), and more traditional suppliers of tests, school supplies, and so forth.³ AEPP also includes individuals and think tanks active in promoting

vouchers and tax-credits and privatizing all public schools.

Faith-based Initiatives

In keeping with President Bush's agenda of channeling funds to faith-based organizations, some NCLB programs invite their participation and offer preferential treatment for "novice" applicants (see sidebar below, "USDE Programs Open to Faith-based Organizations"). Of these programs (funded at \$2.7 billion with \$190.5 million in discretionary grants in 2003), only one calls for scientifically based "best practices." It is not widely known that faith-based service providers are free to bypass laws bearing on non-discrimination in employment and services. Although funds may not be used for religious instruction, educational services may be offered in religious facilities.

On a related matter, NCLB requires each state to certify that no school policy "prevents, or otherwise denies participation in constitutionally allowed prayer in elementary and secondary public schools" and prayer-related complaints must be reported to federal officials (Title IX). Because the matter of school prayer is not fully resolved and is actually adjudicated in federal courts, not by the USDE, legal experts anticipate court cases over this aspect of NCLB (Walsh 2003).

In the view of some critics, these faith-based initiatives (including those in other federal agencies amounting to about \$65 billion in 2002) blur the line between church and state while rewarding the political support that President Bush has garnered from religious conservatives. That impression is amplified by a pattern of appointing a number of former operatives in Pat Robertson's Christian Coalition to oversee federal faith-based initiatives as well as a marked absence of forthrightness in documenting which faith-based groups are receiving funds (Moyers 2003a, 2003b).

AYP and the Status of Schools

Scores on statewide tests determine whether a public school achieves AYP or not. AYP functions as a pass-fail

measure for the whole school. Tests are usually administered in late March or early April. If all goes as planned, the outcome is known before classes are dismissed in late May or early June. In many schools, test preparation occurs throughout March. In effect, about seven months of a school year are available for teaching prior to test preparation and administration.

In addition to the inevitability of tests for AYP, every school has a particular history of prior performance on AYP. This history determines the conditions under which instruction occurs in any given year, and end-of-year success (or failure) determines the status of the school as it enters the following year. In any given year until 2014, a school may be one of the ten conditions presented in figure 2.

Even if schools escape being closed, many will be placed in a syndrome of what one might call "alarm-whew-

hope" as they anticipate their reports on AYP and take action on the outcome. Others will be trying to re-invent themselves. Few schools will be untouched.

Feasibility Issues

How feasible is the target of ensuring that 95 percent to 100 percent of students will score at the level of "proficient or above" by the year 2014? No firm answer can be given. Paradoxically, "proficient" is not explicitly defined in NCLB. States are permitted to have different standards, tests, and cut-off scores to determine AYP.

Even so, scores on the National Assessment of Educational Progress (NAEP) are the de facto standard for proficiency. Thus, if any state is tempted to lower its standards and cut-off scores, it is likely to receive "corrective guidance" from USDE, with help from Standard & Poor's database. In addition, there are think tanks devoted to

(The first four conditions are informal labels; they suggest the psychological effects on staff of mandated "adequate yearly progress" [AYP]. Later, the abbreviations INI and UCA refer to "in need of improvement" and "under corrective action" and are official designations of schools in NCLB.)

1. **"OK"**: The school has met or exceeded AYP for at least two consecutive years from the first administration of tests and has continued to make AYP.
2. **"Alarm"**: The school has a prior record of satisfactory AYP but fails in the current year. It is on alert status during the forthcoming year.
3. **"Whew"**: The school has succeeded in making AYP after the alarm of failing in the prior year.
4. **"Hope"**: The school has made AYP for two consecutive years after failing in one or more prior nonconsecutive years.
5. **"INI-one"**: The school is "in need of improvement," year one, because it failed to make AYP for two consecutive years. Although it has developed a two-year improvement plan, it must make AYP in the forthcoming year or face corrective action.
6. **"INI-two"**: The school is "in need of improvement," year two. Because it made AYP in the prior year, it continues its plan for improvement and must make AYP in this second year. If not, it faces corrective action.
7. **"UCA-one"**: The school is "under corrective action," year one, because it failed to make AYP under INI-one or INI-two. It is reconfigured under a new plan. If it fails to make AYP during year one of the new plan, it will be closed.
8. **"UCA-two"**: The school enters its second year of corrective action, because it has made AYP in the prior year. If it fails to make AYP during this year, it will be closed.
9. **"UCA-three"**: The school enters its third year of corrective action because it has made AYP in the two prior years. If it fails to make AYP this year, it will be closed.
10. **"Closed"**: The school has failed to make AYP for two consecutive years after exhausting its options for reform.

FIGURE 2. Ten possible conditions of a school, in a given year under NCLB.

ranking states by the rigor of their standards, tests, and so forth. On the horizon are further comparisons with international norms on tests in reading, mathematics, and science such as the Program for International Student Assessment sponsored by the Organisation for Economic Co-operation and Development (2002).⁴ Bad publicity is one price for hedging.

But how fair is the race? Clearly, states vary in the funds they can tap for K-12 education. NCLB funds are important, but they represent about 7 percent to 12 percent of state budgets for K-12 education (Richard and Hoff 2003). States differ in their demographics, with great variability in district wealth and proportions of students who qualify for free lunches, are learning English, and so forth. In effect, everyone enters the race at different starting points. Some schools, districts, and states therefore have to demonstrate a rate of annual improvement far greater than others.

Robert Linn, while president of the American Educational Research Association, concluded that the NCLB target for 2014 is unreasonable (2003). For example, if NAEP cut-off scores for "proficient or above" are used as the gold standard for improvement, no state can meet the target of 95 percent to 100 percent in all three core subjects by 2014. Even if the standard were lowered a notch, to "basic or above," one out of three states could not meet the federal target. Linn estimates that half of all public schools will be subject to AYP sanctions even if they make dramatic improvements.

Other issues are worth noting. First, in mandating plans for "scientific" remediation of learning problems, NCLB assumes that a school's population is relatively static: This year's fourth graders will be enough like last year's fourth graders to proceed with an intervention, even if many of those students are now in the fifth grade or have transferred to a different or higher performing school. Second, because students may transfer, better schools receive weak students, and this may lower the chances that better schools

can make AYP. Meanwhile, the worst schools, having lost their weakest students, may increase their chances of making AYP. Some students also receive tutoring. Even if all these changes are relatively small, they are likely to prevent teachers from making the well-targeted "scientifically based" interventions envisioned by the law. There are many other feasibility issues. Many are still unresolved, and some are unlikely to have any credible resolution, even with sophisticated number crunching. As these issues receive more attention in the research community (as well as in schools, statehouses, and the media), the blame game for achievement gaps is likely to escalate (Gardner 2003, Hess 2003).

Tests as Instruments of Reform

To date, relatively little attention has been given to the consequences of NCLB, perhaps because the full impact has yet to be felt. As I write this in the fall of 2004, USDE is still issuing regulatory guidelines, and my local school board is uncertain about key NCLB requirements.

In the meantime, problems with high-stakes tests are either making news or are hidden under the rug. In the latter category are fundamental problems in the assumptions behind NCLB. For example, no scientific evidence supports the idea that best or useful practices can be determined from a single test score or an item on a test. Among other critics, Popham (2003) notes that statewide tests often provide only a single summary score or sub-scores tied to multiple standards. Only a few items indicate achievement for any single standard. Moreover, some standards may not be represented on tests or with the intended proportional emphasis. The standards themselves are often vague, with multiple descriptors of knowledge and skills that defy the ingenuity of test makers (Chapman 1998, 1999). Few tests eliminate all items that depend on knowledge acquired by virtue of socioeconomic or inherited advantage (Burton 2001). Most statewide tests, by reason of cost, amount to no more than "fill-in-the-

bubble for the best answer" exercises, offering limited or no guidance for teaching (Pedulla 2003). There are also less obvious psychological effects from testing. The Stanford achievement test (SAT-9) from Harcourt Educational Measurement, taken by 15 million students every year, tells teachers what to do if students vomit on their tests (Abrams and Madaus 2003). In Texas, a principal posts in the hallway a chart showing the percentage of students in each teacher's class who pass the state test. The superintendent rationalizes this practice as a case of "leadership and having the courage to put a focus on teacher effectiveness" (Galley 2003).

Not under the rug, and making plenty of news, are flawed statewide assessments. These have large-scale effects, and these effects are magnified by the fact that three test-design companies dominate the market. An error on a CTB/McGraw Hill test in New York City unnecessarily sent thousands of students to summer school. Minnesota's test for high school graduation, scored by NCS Pearson Measurement Service, had an incorrect sheet for answers, resulting in eight thousand students being told they could not graduate (Ohanian 2003).

Finally, there are ethical issues in pay-for-performance schemes. For students, awards are being offered just for taking tests. Why? A school can fail to make AYP if more than 5 percent of students are absent on test days. Some California teachers refused to accept bonuses tied to test scores, while others did not qualify for bonuses because parents held their children out of state exams, following the lead of a school board member (Cook 2001).

Political Spin

The force of NCLB is far from the imagery of the temporary "little red schoolhouse" facades that have been added to several entrances at the Department of Education in Washington, DC. The publicity system of this logo-like image was matched by the 2003 addition of eight communications staff to the ten already in place in the Department. The eight additional staff, all political

appointees, function as spin doctors in charge of finding negative press reports about NCLB and offering “positive reports” with “accurate information” targeted for politicians, policymakers, and members of teachers’ unions. Coincidentally, these new hires for publicity, at a cost of \$500,000, began their work during an interval when (a) polls revealed that 67 percent of Americans would have preferred smaller tax cuts in order to increase federal aid to schools

own standards for the use of scientifically based research to formulate policy” (2002, 13). For example, only one of the forty-four sources cited in the secretary’s report had been peer-reviewed at the time of his recommendation, and only one was published after the secretary’s stance was made public. Further, the secretary’s interpretation of the data misrepresented the findings in the one peer-reviewed study. The remaining forty-three citations in the secretary’s

conduct by teachers, students, and administrators (People for the American Way 1996). Nevertheless, at the same time, polls show that support for public schools remains strong and that most parents are not, in fact, dissatisfied with the schools their children attend (Rose and Gallup 2001, 2002). Even so, many citizens do endorse improvements in teacher quality, achievement tests and other themes in NCLB (Rose and Gallup 2003).

The Larger Agenda

Less obvious to many citizens and educators is the place of NCLB in forwarding a broader agenda of dismantling public education as a major civic institution. NCLB is part of a longstanding critique of so-called government-run schools. The movement owes much to the economic theory of democracy, first articulated in the early 1960s by Nobel economist Milton Friedman (1962). Elsewhere I have summarized key points in this theory (Chapman 2001), but a few points are worth reemphasizing here.

The Economic Theory of Democracy

In a nutshell, theorists like Friedman equate political democracy with the freedom of citizens to seek profits and the freedom of customers to choose among goods and services that satisfy their needs or wants. In this economic matrix, government is seen as a monopoly that restricts competition, prevents innovation, limits the production of wealth, and restricts freedom of choice. Furthermore, it is argued, under free-market conditions, private enterprise can offer better public services at lower costs.

Free-market thinking is not unique to education or to the United States. It is the accepted doctrine of governments in many developed nations and promoted by various international organizations. It can be seen in efforts to deregulate public utilities (communications, energy, water, and so forth) and privatize many social services, extending even as far as for-profit prisons (Boyles 1998, Kohn 2004). In extending this concept to education, Friedman and Friedman (1980) proposed a system of socializing

There is no indisputable evidence that free-market education will reduce costs, increase achievement, and offer real choice to parents.

and (b) President Bush had requested \$1.6 billion less for Title I than Congress ultimately provided (Robelen 2003).

Since passage of NCLB, conservative think tanks have flooded the media with articles extolling the virtues of the law. For example, Frederick M. Hess, a resident scholar at the American Enterprise Institute, argues for “coercive accountability,” with an analogy to the turnaround of the automotive industry in the 1970s, as if producing “high performing” automobiles is no different from manufacturing high performing students and schools. Hess’s “The Case for Being Mean” appeared in *Educational Leadership* (2003).

Many reports and commentaries illustrate how the USDE fails to follow its own criteria for policy and practice in relation to scientifically based research. Of these, one will suffice. It centers on a report to Congress from the secretary of education advocating entry into teaching that is based only on test scores in an academic field (USDE 2003b). In offering a detailed analysis of that report, Darling-Hammond and Youngs concluded that “the Secretary’s report failed to meet the Department of Education’s

report were position papers issued by two conservative think tanks. Darling-Hammond and Youngs support their criticism with a review of studies that unequivocally support the importance of both pedagogical knowledge and content knowledge and the efficacy of particular forms of teacher preparation.

There is nothing new in USDE’s blatant use of data for a predetermined agenda. What is new is the positioning of scientifically based knowledge as the only warrant for policy and practice and the political posturing that surrounds that claim. There can be little doubt that NCLB is the result of political doctrine, with an agenda shaped in large measure by conservative think tanks, corporate leaders, and non-profits set up to represent their interests in education.⁵ Many have been active in shaping legislation and in organizing media campaigns that portray all schools as failing (Berliner and Biddle 1995, Bracey 1997).

Within this policy-formation matrix, advocates can manipulate considerable public discontent with particular subsets of values that public schools have forwarded. Complaints surface in controversies encompassing almost every subject, including the arts, as well as standards for

the costs of schooling while privatizing the profits and increasing consumer choice. In this approach, public education is construed as a "government-run monopoly" serving the interests of teachers' unions, politicians who want their votes, and all other education bureaucrats whose jobs depend on a monopolistic system.

These self-interested activities, Friedman contends, combined with laws for compulsory education and taxation for schools, limit parental choice in educating their children. They also represent an undemocratic intrusion of government into matters of culture through state-approved standards and curricula, often at odds with the views of parents. Public schools also require parents who want private schools to pay twice, once for "other people's children" and again for their own. In free-market schooling, by contrast, customers have freedom of choice among educational services. By definition, the best education satisfies parental wishes for their children.

In addition to these economic assumptions, moral values enter into the argument. For example, when parents pay the full cost of education, there is usually greater oversight of the value that they receive. Some parents may need to rearrange their priorities in order to pay for education. This encourages responsible parenting, fiscal self-discipline, and increases the likelihood that children will be diligent learners. For example, Myron Lieberman, who advocates total replacement of public schools with profit-centered schools, believes that *"Private schools of the future may foster some of the moral values associated with a religious point of view. This would seem especially likely if government schools are replaced by schools for profit"* (Lieberman 1994, xix, emphasis added).

Free-market thinking has earned political support from unlikely allies. For example, market-driven schools are often favored by fiscal conservatives who believe public schools are too expensive and mismanaged (Walsh 2001). Others, who align themselves with liberal values, believe that schools are democratic institutions only in theory, too much alike,

and too dominated by corporate thinking (Eisner 2003). Still others, who identify themselves as cultural or religious conservatives, are disenchanted with particular values forwarded in schools (People for the American Way 1996). For very different reasons, these views converge in considerable support for customer choice and market-based schooling. The consequences can be seen in bipartisan support for NCLB, as well as court cases testing when taxes for public schools may be directed to private schools.

Contradictions in the Free-Market Model of Education

Rhetoric about free-market education is noteworthy for some contradictions. Among many, I will here note only a few. First by its own logic, free-market education is a myth if compulsory education laws guarantee a flow of customers and subsidies are provided to any of the parties. Proponents of free-market education actually want compulsory attendance laws and school taxes to continue, the latter to flow to the private sector.

Second, the free-market model assumes that schools serve no public interest beyond that represented in the choices of parents for their own children. Adults who are not parents of school-age children are presumed to be indifferent to education and thus deprived of voice in how others invest their taxes for schooling.

Third, the model treats democratic governance as no different from a market, where people vote with their pocketbooks and the deepest pockets get the most perks. Not only is the role of money in political life aggrandized, but it is also conflated with freedom and democracy. Moreover, free markets have nothing necessarily to do with an ethic of caring or with a just, equitable, and civil society (Anderson 1993).

Fourth, the model assumes that, for every parent and child, the market will provide an affordable and desirable choice and that parents will make fully informed and rational choices about education. The irony is that not even leading economists believe that rational choice operates in the market (McCloskey

1990). In fact, when schools advertise for customers, funds are being diverted from the education of students.

Fifth, the model does not allow for the possibility that an excellent education may be one that allows students to transcend the horizons of parents. In this respect, the free market tends to ensure that differences in social and economic class are retained, along with deeply entrenched values in society, even if they are unjust.

Sixth, the most commonly cited precedent for choice is the GI Bill, initially designed for veterans of World War II who sought vocational training or a college education. This paradigm is misapplied to public education, where attendance is compulsory, where students are not yet of age and not usually screened for admission, and where failing students do not go away unless and until they are of dropout age. Further, the GI Bill was well funded. States have estimated that NCLB mandates are underfunded by about \$65 billion and that tests alone will cost from \$1.9 to \$5.3 billion annually, depending on their complexity (Harvey 2003).

Finally, a free market follows the logic of a zero-sum game. There are winners and losers along the way—from schools to teachers, to parents, to students. Contrary to the views of legislators who shaped NCLB, there is no indisputable evidence that free-market education will reduce costs, increase achievement, and offer real choice to parents, especially for those with children "at risk" (House 1998, Kohn 2004). Specifically, there is no compelling evidence that charter schools are more effective than traditional public schools in raising the test scores of "at-risk" students (Viadero 2004).

Prospects for Arts Education under NCLB

The arts were initially included in NCLB. In 2003, earmarked funds were cut on the grounds that the Bush Administration has a "policy of terminating small categorical programs with limited impact in order to fund higher priorities" (USDE 2003a). Funds were limited to \$30 million and focused on programs

that “integrate the arts into the curriculum” (one of several acknowledgments that the arts are not really part of the regular or core curriculum). The law also authorized arts education activities in research; model school-based arts education programs; development of statewide tests; in-service programs; and unspecified collaborations among federal agencies, arts and arts education associations.

However, from the outset, a “Special Rule” signaled that funding for these activities was not ensured. Unless the secretary of education had more than \$15 million available for arts education in a given year, all of the available money should flow to the “performing arts programs” offered through the Kennedy Center for the Performing Arts in Washington, DC, with particular emphasis on the Very Special Arts program for students who have disabilities (Title V).

Grants for arts education have been made for professional development, the development of “model” arts in education programs, and for their dissemination, as well as for afterschool programs intended to reduce dropouts and improve academic achievement. For existing arts magnet schools, the clear priorities are for improvements in reading, mathematics, and science (Title V). Similarly, support for advanced placement courses must focus on “the core academic subjects of English, mathematics, and science” (Title I).

Agile grant seekers in the arts have received about \$46 million for professional development and “model” programs since 2001. Of the 45 model program/dissemination grants between 2001 and 2004 (about \$35 million), 64 percent have artist-in-schools or artist residency components, while 46 percent were awarded to arts agencies. Many of the latter grants (along with those to educational agencies) were indistinguishable from grants under the Arts in Education program of the National Endowment for the Arts (NEA). In fact, during 2004, some model programs received grants from USDE and NEA, with substantial NCLB funds allocated to external evaluations of the success of artists as “teaching artists,” “art coaches,” and “artist-educators” or in roles

such as curriculum developers and teacher trainers. In some multiyear programs, dissemination efforts are planned on the assumption that evaluations will be positive and merit the elaborate publicity and replication plans in their proposals.⁶

Arts education grants from NCLB may strengthen some programs, but weighed against other considerations, the prospects for arts education in many other schools are far from bright. As the timeline for NCLB illustrates, the pressure to score high on tests is very high. In North Carolina, 80 percent of elementary teachers report they spend six to seven weeks preparing for end-of-year tests (Abrams and Madaus 2003). Statewide tests may preempt another full week because the time may be distributed over several days. Some tests take seventeen hours to complete (Meek 2003).

The proliferation of mandated tests in the next decade will likely mean that time for instruction in many subjects such as the arts is reduced. In elementary schools, test-prep and test taking may well exceed the twenty-six hours typically devoted to visual arts instruction in a year (NCES 2002). Although some statewide arts assessments are under development, the scores do not count as a measure of AYP. Further, I know of no state that guarantees sufficient continuity in arts instruction to warrant arts tests as measures of in-school learning (Arts Education Partnership 2003, Hatfield and Peeno 2002).

Arts programs are especially vulnerable to cuts in the many states already in financial trouble and in public schools where 35 percent or more of students are “at risk” for academic failure. In such contexts, it seems likely that several patterns of practice will emerge. The first may involve pressure for greater integration of the arts into the so-called regular curriculum. If this direction is to have integrity for learning in the arts, however, collaborative planning time is required. That condition is extremely rare, especially in elementary schools, and it is unlikely to improve as schools accelerate test prep activities (NCES 2002, Meek 2003).

The “art as recess” and “art as enrich-

ment” syndromes are likely to increase. In my home city, classroom teachers are required to plan their calendars so that everyone knows exactly when to teach which parts of the curriculum and precisely when to assess progress. Students who master the material on time earn “enrichment” classes, while the others engage in remedial work (Harden 2003). In this case, art functions as a bribe or reward. It is perceived as a hands-on, minds-off activity to be earned.

A third prospect is that art programs will be extracurricular or cut altogether (NAEA 2003a). In early 2004, a Council on Basic Education survey indicated that 25 percent of principals had cut arts education and 33 percent anticipated future reductions. In schools with high-minority populations, 36 percent reported decreases and 42 percent anticipated them in the near future. Only 10 percent reported increases or anticipated these. In states with high-stakes tests before NCLB, 43 percent of teachers reported that they had “decreased a great deal” the time spent teaching fine arts, with the greatest impact in elementary schools and then middle schools (Pedulla 2003).

Arts education is likely to survive in this academic regime, but it is vulnerable to cuts in the high-stakes climate of “test-‘em-‘til-they-drop” and the quest for standardized teaching methods. That does not include the unrelenting rhetoric of proponents of NCLB who argue “the case for being mean” in exercising educational leadership (Hess 2003, Robeln 2004). Nothing in NCLB supports teaching or teacher preparation from critically informed and artful perspectives. Traditions of teaching and learning in the visual arts are, in the main, contrary to the prevailing ethos of national policy at many levels (Chapman 2002, Eisner 2003, Greene 1988, Tillim 1999). Under NCLB, the students who are most likely to have sustained and coherent instruction are also likely to be advantaged in many ways. In the main, these are already the students who benefit from arts education in schools (Burton 2001).

The NCLB Act also has implications

for teacher education, research, and leadership in arts education. For example, I think it fair to say that most teacher education programs and professional associations of arts educators have been built around the assumption that public schools will be an enduring fixture in our society. NCLB actively promotes a weakening of this system and with ripple effects into higher education. Under NCLB, undergraduate teacher preparation can be bypassed. Underemployed artists with a college degree in an art form can be recruited as teachers with no pedagogical training beyond that provided by districts or by arts agencies already engaged in training "teaching artists." As a path for professional development and incubator for research, graduate education is less likely to thrive. Under ESRA, moreover, qualitative research is devalued and largely disqualified from federal support. Charter colleges of education are emerging, and some EMOs offer their own proprietary scripts for teaching, free of any pretense that teaching requires independent judgment (Wisniewski 1997). In all of this, the capacity for leadership from thoughtful and conscientious educators in the arts is diminished.

Concluding Observations

At this juncture, I hope most for a major backlash against NCLB, and there are signs that this may someday happen. In early 2004, twenty-one states were considering legislation to refuse all NCLB funds or funds for particular programs (Manzo 2004b). Some state officials are concerned about the "lost curriculum" of studies in the arts, humanities, and foreign languages (NAEA 2003b). The Council on Basic Education has expressed concerns about the "atrophied curriculum" (2004). A recent survey indicates that 82 percent of parents of public school students and 80 percent of the general public are concerned that an intense focus on tests in English and math "will mean less emphasis on art, music, history and other subjects" (Rose and Gallup 2003, 46).

In July 2004, the secretary of education, cognizant of these trends, issued a "key policy letter" on arts education to

superintendents stating that "it is both disturbing and just plain wrong" for people to infer that "arts education programs are endangered because of No Child Left Behind." The letter cites the intrinsic value of the arts and gives several examples of funded programs. Equal space is devoted to asserting the "value-added benefits of the arts" based on "research evidence" presented in *Critical Links: Learning in the Arts and Student Academic and Social Development* (Arts Education Partnership, 2002). Although it is politically useful to recycle the findings in *Critical Links*, the studies in this document do not, in fact, meet NCLB's criteria for research evidence (Title I, Gee 2003).

In the decade ahead, the nation's public schools will be transformed, but whether the effects are positive remains to be seen. NCLB does capitalize on a certain amount of disenchantment with public schools, but it is also designed to tip the balance point of public opinion toward a free-market system (Fordham Foundation 2000).

It is no small irony that, with all of its emphasis on policy and practice informed by scientific evidence, there is no persuasive evidence that the aims of NCLB are feasible. In this respect, NCLB is the most extensive and expensive reform in United States history, yet it is proceeding in the absence of rigorous scientific evidence in support of its provisions (Amrein and Berliner 2003, Darling-Hammond and Youngs 2002, Lauder and Hughes 1999).

In my judgment, NCLB embodies a philosophy of education that equates education with training. The law envisions schools as factories for learning, with no child left behind on the assembly line. The rhetorical thrust of NCLB is that of a stern parent who mandates compliance with a regimen of rigorous academic study, without any room for questioning that agenda. NCLB also capitalizes on several decades of unrelenting criticism of public schools, including crisis rhetoric unsupported by facts and designed to suppress attention to conditions beyond the world of schools that affect learning in schools (Berliner and Biddle 1995, Ohanian 2003).

The broad stroke of political rhetoric about "failing" American schools is misleading. What cannot be denied is the systematic relationship between student performance and indicators of social class advantage such as parental education and wealth. This hard fact applies to NAEP scores in the arts, but even more to sustained access to curriculum-based arts education in schools (NCES 2002). Although some people might support de-schooling arts education altogether, I am not among them. Public schools are the one institution most clearly positioned to offer all students instruction, irrespective of differences in social class and preconceptions about their talents, interests, or their aspirations for a career in art.

NCLB is unlikely to be put aside in the next decade. In the 2004 presidential campaign (whose outcome is unknown as I write this), neither political party has offered many suggestions for changing the law except tinkering with the funding. This indicator of political support for the law does not mean that changes are impossible, but it does indicate the need for far greater anticipatory policy wisdom and action from within our field, especially in preparation for major election cycles—local, state, and national.

I end by urging others who are committed to public schools to closely monitor, report on, and resist policies and practices that have the effect of demeaning the arts and studies of them. In my judgment, that is precisely what NCLB authorizes and promotes, as if that position were enlightened policy. It is not, but silence from within the profession becomes an unspoken assent to it.

If one agrees that NCLB is unworthy as a federal model for excellence in education, there are several steps to take in seeking changes in the law, including writing to your representatives in Congress and state legislatures and identifying problems in the law, suggesting changes, and enlisting others in that effort, especially parents. One can also engage the media in a community with reporting on the real impact of the law, well beyond the typical fare of league tables naming schools that pass or fail AYP.

One can also challenge the vision of “excellence” in the law. For example, I think the single most enduring and irrefutable hallmark of excellence is a balanced program of studies in the arts, sciences, and humanities. If the arts and humanities become the “lost curriculum,” substantive achievement gaps will be widened and inequities in opportunity to learn will be exacerbated.

One can also try to get one’s state to follow the lead of several states that have redefined “basic,” “adequate,” or “quality” education to include studies in the arts, which can also leverage time and funding for instruction (NAEA 2004). At the local level, one can press for a mission statement in each school that gives parity to studies in the arts, sciences, and humanities; in seeking parity for these three broad domains of study, learning in reading, writing, and mathematics is not subverted. After all, reading, writing, and mathematics are the true “tool subjects” for academic, book-based learning, and those skills should enhance learning in the arts, sciences, and humanities. One should recognize that the arts have academic content, but like the sciences and humanities, the arts are not merely aca-

demic in their import. One should be wary of justifying engagement in the arts as little more than a compelling strategy for improving test scores, reducing dropout rates, and the rest. Those claims are equally common in seeking support for hands-on math and science, field trips, competitive sports, and so forth. One should emphasize that public schools are the only venue well posed to guarantee an opportunity for all students, in a systematic and sustained program of study, to acquire knowledge and appreciation in the arts. Insofar as public schools undertake this mission, each generation is better prepared to appreciate the arts and contribute to the process of sustaining them as a major domain of human accomplishment.

As a practical matter, I also urge greater use of language that emphasizes the importance of studies in the arts and learning in them. Portrayals of the arts only as hands-on activities may reinforce stereotypes that the arts are mindless—a frill, bonus, or “enrichment.” An easy first step is to ensure that exhibitions/performances of student art include a written or oral narrative about what students have learned, preferably with contributions from students, and observations by par-

ents and school officials. A second and more difficult step is to contrive occasions for our colleagues in the arts and education to engage in sustained and intellectually informed conversations about arts education, in contrast to publicity-based advocacy.

Finally, in working on behalf of arts education in schools, one should avoid self-inflicted wounds. Consider the cumulative import of clichés such as the following:

- “Art speaks for itself.”
- “If you have to explain it, it isn’t art.”
- “Art is a universal language everyone can understand.”
- “You don’t have to know anything about art to know what you like.”
- “Anyone can create art and art can be anything.”
- “Art is anything you can get away with.”
- “Art is caught more than taught.”
- “Don’t teach art, let art teach.”

All of these sound-bites function as arguments against the efficacy of formal education in the arts; they get us nowhere. The arts deserve better rhetoric in the arenas where educational policies are made.

USDE Programs Open to Faith-based Organizations

Faith-based organizations are specifically recruited for seven NCLB programs. These are listed below with their fiscal year 2003 appropriations.

Parental Information and Resource Centers Program. Centers help parents understand the state accountability system, supplementary services, and school choice options. Novice applicants may be awarded from ten to thirty points as an incentive to design programs (\$20.5 million in grants with awards ranging from \$200,000 to \$700,000 for fiscal year 2003).

Safe and Drug Free Schools—Mentoring Programs. Mentoring programs for at-risk children to improve their academic achievement and prevent students from dropping out (\$17 million appropriated for fiscal year 2003).

Early Reading First. A discretionary grant program for the use of “scientific reading research-based instructional materials and literacy activities” in preschool programs, especially for low-income families (over \$73.7 million appropriated for fiscal year 2003). This is the only faith-based program requiring scientific evidence.

Migrant Education—Even Start. A discretionary grant program designed to improve literacy and break a cycle of poverty among migrant families through programs that integrate preschool, parenting education, adult literacy, and basic education (\$8.7 million appropriated for fiscal year 2003).

Carol M. White Physical Education Program. A discretionary grant program under the Safe and Drug Free Schools program, providing equipment, support, and staff training to improve physical education in grades K–12 (\$59.5 million appropriated for fiscal year 2003).

21st Century Community Learning Centers. A formula grant program to states. LEAs (local educational authorities) may apply if they “partner” with community organizations. Programs focus on academic enrichment, tutoring, drug and violence prevention, art, music, recreation, technology, character education, and family literacy (\$991.7 million appropriated in fiscal year 2003).

Supplemental Educational Services. LEAs must use funds to provide out-of-school academic assistance and other interventions for students enrolled in Title I schools that are in their second year of school improvement, in corrective action, or in restructuring. Organizations must be approved by the state as “qualified.” Lists of service providers must be broadly publicized so that parents have as many choices as possible (about \$1 billion appropriated in fiscal year 2003).

For more information, see <http://www.ed.gov/about/inits/fbci/grants.html>.

Notes

1. These four "principles" for NCLB reflect the inflow of briefing papers from prominent think tanks into the policy formation process. Many of these papers anticipated a Republican victory after the Clinton administration. An example is "Education 2001: Getting the Job Done, A memorandum for the President-elect and 107th Congress," offered by the Fordham Foundation. Four of the eight authors are former USDE officials in Republican administrations: Chester E. Finn, Jr. (a department counselor), William J. Bennett (Secretary of Education), Diane Ravitch (Assistant Secretary for Research and Improvement), William D. Hansen (Assistant Secretary for Management and Budget). Six of the eight authors are affiliated with well-known conservative think tanks: the Hoover Institution, Empower America, Manhattan Institute, Brookings Institution, the Anne E. Casey Foundation, and the Heritage Foundation.

2. Tutoring and other supplementary services must be provided at district expense if students are in schools "in need of improvement," or "under corrective action." Parents choose from a list of state-approved providers. Providers must offer a full academic year of service (thirty to forty hours) with content that is "secular, neutral, and non-ideological." At the same time, faith-based organizations may apply for state approval as service providers. For-profit rates for tutoring at school are about \$35–\$40 per hour per student, with one tutor for six students.

3. Among persons active in AEPP are Jack Clegg, CEO and chairman of Nobel Learning Communities, Inc. (an educational management company); Michael Milken, chair of Knowledge Universe (an online education venture) and cofounder of the Milken Family Foundation; Billie Orr, former associate superintendent of the Arizona State Department of Education (the state with the most charter schools); and Jeanne Allen, president of the Center for Educational Reform (a conservative think tank). Two other former USDE officials are involved in for-profit ventures. Chester E. Finn, Jr., is a partner in Edison Schools. William R. Bennett has an online school at <http://www.K12.com/>. (See also note 1)

4. For more information on the Organisation for Economic Co-operation and Development, see <http://www.oecd.org/>.

5. Among many conservative think tanks articulating ideas reflected in NCLB are the Milton and Rosa Friedman Foundation. Milton Friedman, a Nobel Laureate in Economics, developed the concept of vouchers. Prominent spokespersons include Lynn Cheney (former chair of the National Endowment for the Humanities, wife of

Vice President Cheney), as well as William Bennett and Chester E. Finn, Jr. (see also notes 1 and 3). Among the influential corporate entities in shaping NCLB are the Business Roundtable, the National Alliance of Business, and the five major testing companies who will profit from the requirements of NCLB, including McGraw-Hill (parent company of Standard & Poor's), Educational Testing Service (a nonprofit with for-profit coventures), and tutoring/test-prep companies (for example, Sylvan, Kaplan).

A sample of twenty-five politically influential conservative think tanks and organizations can be found at the People for the American Way (PFAW) Web site at <http://www.pfaw.org/> (a "liberal" organization). From my analysis of the PFAW list, only three of the conservative organizations predate the 1970s. During the 1970s and 1980s, fourteen came into existence, and six more during the 1990s. Some characteristics of these organizations are briefly noted here:

- *Funds in excess of \$100 million:* Bradley, Focus on the Family, Heritage Foundation, American Enterprise Institute
- *Large number of employees (more than 100, up to 1,300):* Focus on the Family, Alliance Defense Fund, Heritage Foundation, Cato Institute, Family Research Council
- *Active in providing a flow-through of funds from one conservative think tank to another:* Scaife Foundation, Bradley Foundation, Olin Foundation, Coors/Castle Rock Foundation, Devos Foundation
- *Relatively dependent on funds from conservative foundations:* American Legislative Exchange Council, National Center for Policy Analysis, Cato Institute, Institute for Justice, Mackinac Center for Public Policy
- *Highly dependent on corporate support:* Cato Institute, American Enterprise Institute, American Legislative Exchange Council, Heritage Foundation
- *Major source of G. W. Bush's senior officials:* American Enterprise Institute (over twelve), Cato Institute (six), Heritage Foundation (five), National Center for Policy Analysis (two)
- *Politically savvy with close ties to conservatives in Congress:* American Conservative Union, American Enterprise Institute, Cato Institute, Club for Growth, Heritage Foundation, Institute for Justice, Fordham Foundation, Leadership Institute, Madison Project (targeted issue ads), National Center for Policy Analysis, State Policy Network (links forty think tanks in thirty-seven states)
- *Active and media-savvy in criticizing public school curricula and American culture gone wrong (some with legal expertise):* Alliance Defense Fund, American Center for Law and Justice, American Renewal (lobby arm of Family Research Council), Christian Coalition, Eagle Forum, Family Research Council, Focus on the Family, Fordham Foundation, Free Congress

Research and Education Foundation, Manhattan Institute, Traditional Values Coalition

6. My analysis of these funding patterns is based on abstracts of awards for Arts in Education Model Development and Dissemination Grants (2002–04) posted at <http://www.ed.gov/>, and Arts in Education grants (2004) at <http://www.arts.endow.gov/>. Under NCLB, grants to "model" artist-in-schools and artist-residence programs must be systematically and professionally evaluated for educational outcomes. These conditions have not been typical of NEA Arts in Education grants.

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