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OVER THE FIRST HURDLE:
MICHIGAN'S IMPLEMENTATION OF THE
"NO CHILD LEFT BEHIND" ACT

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Over the First Hurdle:

Michigan’s Implementation of the “No Child Left Behind” Act

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INTRODUCTION

How can we make persistently ineffective schools effective? How can we create consistently successful schools for severely disadvantaged students? At present no one knows the answer to these questions. Policy initiatives aimed at raising achievement levels in low-performing schools have instead relied upon two competing sets of hypotheses. On the one hand, some scholars have argued that “turning around” schools where performance persistently fails to meet expectations depends on the provision of technical assistance: new knowledge and assistance aimed at translating new knowledge into practice. Improving performance therefore requires additional resources and support, backed up by research aimed at learning how to move schools from failure to success. On the other hand, a variety of critics have argued that the persistent failures of schools serving poor and minority youngsters originate in the perverse incentives and bureaucratic strictures that characterize urban school systems, and that fail to put children’s interests first. Improvement therefore requires the disruption of prevailing relationships and routines, and the introduction of more powerful sanctions and incentives.

Traditional approaches to the problem of persistently low-performing schools have been guided by the first set of hypotheses. Under previous versions of the Elementary and Secondary Education Act, for example, funds were allocated to individual schools to enable them to hire aides, purchase professional development services, and otherwise enhance the knowledge and skills of local educators. In contrast to the traditional ESEA approach (often construed by critics as “rewarding failure”), NCLB exhibits a preference for sanctions that originate in the second set of hypotheses, shifting resources away from “failing schools” and seeking to punish failure by dismissing ineffective staff and enhancing incentives for success in meeting performance expectations.
One way of evaluating the NCLB hypotheses is to ask whether the cascading sanctions have been implemented in good faith. After all, we will only know if the school reform strategy proposed in NCLB “works” if the cascading sanctions foreseen under the law are systematically put into practice. From this perspective, as we shall argue below, the implementation of NCLB in Michigan has fallen far short of expectations, and even of legal requirements.

In the absence of strong prior evidence about whether the NCLB sanctions will “work,” however, it might be argued that the critical question is not whether the sanctions prescribed under NCLB have been faithfully implemented in Michigan or elsewhere, but whether performance has improved in schools that are “in need of improvement” under NCLB criteria, regardless of the strategies adopted by state and local policymakers. Policy judgments from this point of view place Michigan in a more flattering light, as school districts across the state have successfully met the AYP standard and moved low-performing schools off the “critical list.”

In this paper we review the ways in which the Michigan Department of Education (MDE) and selected Michigan school districts have responded to NCLB sanctions, with a particular focus on their implementation of the mandate to restructure schools that have failed to meet AYP targets for five years or more. We conducted interviews with MDE officials, and with district and school administrators in the Flint and Grand Rapids school districts. We also examined the response to NCLB sanctions in a Michigan charter school (legally equivalent to a school district) that had failed to make AYP for five consecutive years, conducting interviews both with school officials and with senior administrators in the Charter School Office at Central Michigan University.

The Michigan story reflects an irony: weak implementation of NCLB has led to the accomplishment of NCLB’s central goals. The school improvement strategies adopted by MDE
officials and their district counterparts are at best a pale reflection of the robust sanctions prescribed under federal law. Officials have almost uniformly demonstrated a preference for gentle interventions, eschewing approaches that threaten staff, deprive schools of resources, or disrupt established routines. Preliminary evidence on the effectiveness of these approaches nevertheless suggests that they are working reasonably well, as many of the most troubled schools in Michigan have made AYP for two consecutive years and reset the sanctions clock to zero.

The question then becomes whether the implementation of the prescribed “sanctions cascade” matters in itself, or whether the implementation of alternative strategies that lead to positive outcomes reflects a sufficient level of compliance. The spotlight that NCLB shines on the performance of schools coupled with the threat of sanctions appears to have worked to persuade schools to systematically improve their own performance, despite the fact that only a handful of schools have been subjected to significant sanctions.

We argue in conclusion that the goals and expectations introduced by NCLB have begun to be institutionalized in Michigan’s education system, with positive consequences for the state’s schools and students. The breadth and depth of this institutionalization will be tested in the next few years, in two ways: first, by the challenge of getting middle and high schools over the AYP and other hurdles that still lie before them; and second, by the challenge of getting persistently low-performing schools over the next, significantly higher AYP hurdle that they must surpass as they move toward the goal of proficiency for all students.
NCLB IN MICHIGAN

Political Context

In contrast to the period immediately following the law’s adoption in 2001, NCLB has for the most part moved off the political and policy radars in Michigan. Despite the continued hostility of the state’s teachers’ unions, NCLB is now largely taken for granted as the central element in the state’s accountability system. Such controversies that arise emerge over technical issues including the implementation of confidence intervals on students’ and schools’ test scores, and the development of appropriate assessment instruments for English language learners and children with special needs. These engage the attention of officials in Lansing and in Washington, but they rarely rise to public attention, and attract no comment from the Governor or the Legislature.

In the recent electoral campaign, for example, Senator Stabenow endorsed the “good intentions” that motivated NCLB, while asserting that the law has been “poorly implemented,” both in terms of insufficient funding and “overemphasis on standardized tests.” In her endorsement interview with the Michigan Education Association (MEA) she pledged to seek full funding for the law. Governor Granholm has been supportive of NCLB from the beginning.iii She also was endorsed by the MEA, but was not even asked about NCLB in her endorsement interview.iv Unlike his predecessor, Michigan’s current Superintendent of Public Instruction has focused on effective implementation of NCLB, rather than public resistance to the law’s provisions.

The early conflict over NCLB in Michigan originated in part in the state’s simultaneous efforts to implement NCLB and its own accountability system (known as Education YES!).v The discrepancies between the two systems are no longer a matter of great concern, except
within the Michigan Department of Education (MDE) which is responsible for administering both. Education YES! determines whether Michigan schools are “accredited” or not, and awards letter grades to schools based on a number of different criteria including student progress and schools’ self-reports on local conditions for learning. In fact, however, most Michigan schools continue to seek accreditation from the North Central Association (who will, according to one MDE official, “accredit anyone”), with the result that most schools can claim to be “accredited” without regard to their grades under Education YES!

Beyond this, Education YES! has been plagued by conceptual and implementation problems from its inception. The problems include statistical and measurement issues related to the evaluation of change in the performance of schools and students, along with the opportunities that the system provides to schools and districts to “game the system” and avoid the lowest grades through their self-reports. According to a senior official in the MDE, “only a handful” of districts pay attention to the letter grades produced under Education YES!, and most of these are high-performing suburban districts anxious to ensure that all of their schools are graded “A”. As a result, judgments based on schools’ success or failure in making AYP under NCLB clearly take precedence over the “grades” produced by Education YES! in the perceptions of educators and parents. According to one parent: “I don't think parents understand what [the grades] are. I don't think Education Yes! is parent friendly, and I don't think a lot of parents pay attention to it.”

Despite their initial resistance to NCLB, many Michigan educators now acknowledge that the federal law has had a salutary effect on the state's schools. As one administrator in an urban school district stated, “Four years ago I couldn’t see anything good in NCLB. But it has forced
us to focus on what’s taught and learned in our schools, and it has supported our efforts to align teaching with our curriculum standards.”

How Many Michigan Schools Face Sanctions?

Michigan has had a statewide testing regime since the mid-1990s, well prior to the adoption of NCLB, and the state is consequently ahead of many others in the timeline of NCLB sanctions. When NCLB was initially implemented in 2002 Michigan had more than 200 schools that had failed to make AYP for as many as four years, and nearly 100 of these schools were immediately subjected to the full array of NCLB sanctions. For the same reason, Michigan now has more than 20 schools facing restructuring, including a significant number that are now in their sixth or seventh year of failure to meet AYP targets. These schools have been placed on the “critical list” maintained by the Michigan Department of Education, where they are subject to close scrutiny and supervision by state officials.

There are 345 Michigan schools currently “identified for improvement” under NCLB. This represents approximately 10 percent of all Michigan schools. Of these, 207 are in the first two phases of sanctions, obliged to provide transportation to students who wish to transfer to higher-performing schools (105 schools) or to fund transportation and supplementary educational services for their students (102). Of the remaining schools, more than half (79) are in Phase 3, in which they are required to take “corrective action” to improve the performance of their students.

As Table 1 shows, there are 57 Michigan middle and elementary schools that have failed to make AYP for five or more years. Thirteen of these schools are currently “in delay,” having successfully made AYP at least once since they were identified for improvement. The remaining 44 schools have failed to make AYP for at least five years; more than half (25 schools) are now on the “critical list,” having failed to make AYP for six or seven consecutive years. All but one
of these schools are in seven high-poverty urban school districts, with more than two-thirds located in Detroit. NCLB requires these schools to implement significant changes in their governance arrangements.

### Table 1
Comparison of Schools by AYP Phase 2006 and 2005

<table>
<thead>
<tr>
<th>School Phase 2006</th>
<th>School Phase 2005</th>
<th>Total Schools by 2005 Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Not Identified for Improvement</td>
<td>3,244</td>
<td>3,300</td>
</tr>
<tr>
<td>1 School Improvement - Choice</td>
<td>56</td>
<td>202</td>
</tr>
<tr>
<td>2 Choice and Supplemental Services</td>
<td>78</td>
<td>112</td>
</tr>
<tr>
<td>3 Corrective Action</td>
<td>49</td>
<td>31</td>
</tr>
<tr>
<td>4 Restructuring</td>
<td>75</td>
<td>45</td>
</tr>
<tr>
<td>5 Implement Restructuring Plan</td>
<td>11</td>
<td>55</td>
</tr>
<tr>
<td>6 Comprehensive School Audit</td>
<td>8</td>
<td>5</td>
</tr>
</tbody>
</table>

| Total Schools by 2006 Phase | 3,407 | 105 | 102 | 79 | 16 | 15 | 22 | 4 | 3,750 |

- 163 schools - no longer identified for Improvement - Off the List
- 92 schools - that have been in delay (met AYP) one or more years since initial identification
- 251 schools - progressing along NCLB sanctions path - No AYP since initial identification
An additional 55 schools that had reached the restructuring phase of NCLB sanctions are now off the list of schools facing NCLB sanctions. Having made AYP for two consecutive years, their sanctions clocks have been reset to zero.

**The Implementation of NCLB Sanctions in Michigan**

In Michigan the implementation of the sanctions cascade prescribed by NCLB has been half-hearted at best. There is no evidence that any child in Michigan has requested or received funding from a local school district to pay for transportation from a school subject to NCLB sanctions to a more successful school. The provision of supplementary educational services has been subject to a variety of administrative and other problems that prevent many children from receiving services and make it virtually impossible to assess program impact. At the same time, however, the significance attached to schools’ success or failure to make AYP combined with the threat of restructuring appears to have concentrated the minds of officials at both state and district levels, and focused their attention on the state’s lowest-performing schools. The strategies they have adopted have departed fairly dramatically from the expectations articulated in NCLB, but they nevertheless appear to have been effective in moving many schools off the MDE’s “critical list.”

**Choice and transportation.** There are two main reasons why the choice provisions of NCLB have proven inconsequential in Michigan. First, school choice is so pervasive in Michigan that the opportunities to switch schools provided under NCLB disappear into irrelevance. Michigan has one of the nation’s most permissive charter school laws. There are nearly 200 charter schools in operation, with most located in the state’s main metropolitan areas. Michigan has also adopted policies that allow virtually unrestricted inter-district choice. Michigan law permits students to transfer to any school that offers places in their own or any
contiguous Intermediate School District (ISD).ix In addition, most of Michigan’s urban school districts have adopted open enrollment policies that permit students to enroll in any school in the district that has space available. In consequence of these policies, students who wish to transfer to a different school already enjoy a wide variety of choices, and the transfer options offered under NCLB add little or nothing to the array.

Second, in Detroit, where publicly-funded opportunities to move might conceivably make a difference for some students, the number of places in schools that are not under NCLB sanctions is too small to accommodate eligible pupils. The problem is compounded by a weak public transportation system, by an intractable budget crisis (which has virtually eliminated the district’s ability to provide transportation to students under any circumstances), and by rules imposed by DPS that limit the number of schools to which eligible students might transfer.

Apart from these obstacles, school districts and charter schools have displayed little enthusiasm for the school choice provisions of NCLB. School officials are careful to comply with the law’s requirements, sending letters that inform parents of their options under the law, but the burden of subsequent action is clearly left to the households of children enrolled in low-performing schools.

**Supplementary educational services (SES).** The SES program was previously isolated from other offices concerned with NCLB, under the direction of an administrator who viewed SES as a compliance problem rather than as an opportunity to provide additional services to students in low-performing schools. As a result, according to a senior official in the MDE, the SES program was characterized by “a complete lack of clarity or responsibility.” The Department is just beginning to “get our [act] together,” and officials are currently searching for a short-term consultant to “get the SES provider chaos organized and evaluated.” As a result of
both inattention and incapacity at the state level, neither MDE nor local school districts has made much effort to ensure that eligible children have access to SES.

There are 117 approved providers of SES in Michigan, ranging from small “kitchen table” operations with only a single tutor to national corporations including Edison Schools and Sylvan Learning Systems. The list includes a dozen Michigan school districts, along with four Intermediate School Districts. According to current MDE data, 87 of these providers were actively engaged in offering SES to students in the 2005-06 school year.

As we have discussed in a previous paper, problems on both sides of the market continue to limit the number of Michigan students who take advantage of SES. Among students, there is a lack of information about SES opportunities. The MDE website supplies almost no information that would be useful to parents beyond phone numbers (and sometimes a web address) for the providers that the Department has approved. School districts are required to provide some additional information in the letters that they send to parents informing them of SES opportunities, but the primary burden of choosing a provider and enrolling a student continues to fall on parents. The number of children who enroll consequently remains small, relative to the number who are eligible for services.

Among providers, there is reportedly some disenchantment with SES. Though the numbers of children who are eligible to receive subsidies to participate in SES is large, the amounts of money available to provide subsidies are considerably smaller. In Detroit, for example, NCLB regulations require the district to set aside 20 percent of their Title 1 appropriation to pay for transportation and SES, which comes to approximately $13 million. Even if the district spends nothing at all on transportation (as appears to be the case), the funds that are set aside can support SES for many fewer than the number of eligible students,
supposing even minimal costs per student. The economics of SES are made even less attractive by requirements included in the contracts negotiated between SES providers and some districts that providers rent space in district schools or hire district employees to serve as SES tutors.

As a result of these problems, relatively few Michigan students are taking advantage of SES opportunities. In 2005-06 approximately 12,500 Michigan students received tutoring services funded with Title I resources. Nearly three-quarters of these students were in Detroit, with an additional twelve percent in Flint. Statewide, students participating in SES received an average of 32 hours of tutoring, with students in Detroit and Flint receiving approximately the average number of hours. Elsewhere the number of hours of tutoring received varied widely. Students in the Highland Park school district received less than ten hours of SES on average, while students in Albion received more than sixty. In some Michigan districts with schools in which students were eligible to receive SES in 2005-06, including Benton Harbor and Lansing, no students received tutoring services. This means that these districts spent none of their Title I funds on transportation or SES, despite the NCLB requirement that they set aside 20 percent of the funds for these purposes.

At the local level, one principal whose school offers SES to its students was dismissive of the program: “The Supplemental After School (SES) Programs directed by Bush and NCLB is really not doing anything to help us with our kids.” In her view, the idea that children who do poorly in school during the day will perform better in an after school program that resembles the day school program and that often features the same teachers is “simply misguided.”

NCLB requires states to evaluate SES in 2006, and MDE has contracted for an evaluation by a private-sector policy research firm in Lansing. Because there is no field for SES participation in Michigan’s student data system, however, the evaluation is unlikely to provide
any useful information on the question whether SES produces learning gains among students
who take advantage of these opportunities.

**Restructuring.** The sanctions imposed by MDE have for the most part been considerably
more “district-friendly” than the “tough love” foreseen by the framers of NCLB, relying on self-
diagnosis and self-medication rather than external intervention. They have for now converged
around a set of approaches that emphasize the acquisition of knowledge about “what works” by
current school personnel, and the development of local capacity to translate knowledge into
action.

The sanctions foreseen under NCLB have the potential to seriously disrupt the lives of
educators in low-performing schools, challenging the comfortable assumptions on which they
base their claims to professional authority or even costing them their livelihoods. Putting this
kind of “shock therapy” into practice is likely to generate widespread anxiety among educators,
and active opposition by their unions. As a result, both state and local officials in Michigan
have proven deeply reluctant to pull the trigger on the harsh changes in governance and
leadership proposed under NCLB, opting instead for a far gentler set of remedies.

Despite their general failure to comply with the “restructuring” requirements laid out
under NCLB, however, the gentle approaches adopted by MDE and district officials have
worked well enough that fully half of the schools engaged in the “restructuring” process have
made AYP for two consecutive years and removed themselves from the Department’s “critical
list.” Even in Detroit a number of elementary schools have significantly improved their
academic performance. In middle and high schools throughout the state, in contrast, the process
has yet to show similar results.
In the sections that follow we describe the key elements of the MDE strategy for restructuring low-performing schools, and describe the ways in which restructuring has been implemented in two urban school districts and one urban charter school. We conclude with a discussion of the ways in which NCLB is becoming institutionalized in Michigan’s education system.

STRATEGIES FOR RESTRUCTURING LOW-PERFORMING SCHOOLS

State-level Strategies (MDE)

The implementation strategies adopted by the Michigan Department of Education are attributable to two principal constraints. The first is institutional. As we noted in a previous paper, MDE has virtually no capacity to oversee what is happening in school districts and schools, or to ensure district compliance with federal or state policy directives. The Department has devoted substantial resources to in the state assessment program, and the reliability and timeliness of reports to schools have improved dramatically. The devotion of scarce resources to strengthening assessment has limited the resources available for other critical tasks, however, with the result that the Department has come to rely almost entirely on short-term consultants funded by “soft” money from federal grants in its efforts to fulfill critical obligations including the oversight of NCLB. As a result, oversight is generally weak and sporadic, even in schools on the “critical list” to which MDE devotes the most attention, and MDE is obliged to rely on the good faith of local officials to ensure policy implementation. The second constraint is political, and originates in a widespread disinclination at both state and local levels to confront Michigan’s teachers’ unions, or to significantly disrupt the professional lives of their members.
The Department’s strategy for implementing NCLB is therefore “district-friendly,” relying on exhortation and conceptual guidance for local school improvement efforts rather than direct interventions or the imposition of sanctions. In addition, the Department has found itself obliged to work with and through a variety of partners, including ISDs and charter school authorizers. Key elements of the strategy focus on enhancing knowledge and capacity at the local level, to enable school districts to diagnose their own weaknesses and adopt locally-devised measures to address them. At the same time, however, the Department has at least begun to explore the possibility that more rigorous sanctions will be required to “turn around” Michigan’s least successful schools.

Building knowledge and capacity. The foundation of the MDE’s school improvement strategy is the “Michigan School Improvement Framework.” The “Framework” is a relatively brief (20 pp.) document that summarizes “current research and best practice” on the school improvement process. To encourage local educators to consider alternative strategies to enhance the effectiveness of their schools, MDE has also developed a user-friendly “toolkit for school reform” known as MI-Map, which offers instruments for self-diagnosis at the school level, along with “ruthlessly practical strategies” for school improvement. A friendly cartoon character shaped like a map of Michigan encourages schools to begin their work with MI-Map by bringing all building personnel together to play the “fun and easy” MI-Map game, which structures opportunities to discuss a school’s strengths and weaknesses and identify areas in which improvement is needed. In 2004-05 MDE provided training in the use of MI-Map for all schools in the first two phases of NCLB sanctions, in the hope of encouraging these schools to improve student performance, make AYP, and avoid the obligation to restructure.
In keeping with the Department's focus on enhancing local knowledge and building local capacity, one strategy for turning around low-performing schools that has received particularly warm support is the provision of “coaches.” A consortium of educational organizations including the Michigan Education Association and Michigan State University has worked together to recruit and train coaches, and to place them in schools. Schools throughout the state have in turn used their ESEA funds to hire coaches to work with principals and school staffs to help focus their efforts and improve their schools’ performance. Some ISDs and school districts have also adopted the coaching model, putting their own resources into coaching and technical assistance for low-performing schools.

To date there has not been much systematic evaluation of the effectiveness of the “coaches network,” or of the strategy of relying on coaches, but officials at all levels of the education system remain enthusiastic about the program. The emerging consensus asserts that ex-principals make the best coaches; that coaches are most effective when they work directly with school principals rather than entire staffs; and that coaches must spend at least 100 days in a building to make an appreciable difference in school performance. According to an MDE official who generally subscribes to these conclusions, however, the consensus has its origins in a number of “great stories” about coaches who are making a difference and not in data on the performance of coaches or the schools in which they work.

*Contemplating sanctions.* Because Michigan inaugurated its state testing program well in advance of the adoption of NCLB, four schools (three middle schools and one elementary school, all in Detroit) now find themselves in “Phase 7” of NCLB sanctions. This means that they are in their seventh consecutive year of failure to make AYP, on the far side of the “restructuring” process. NCLB is silent on what is to be done with these schools.
According to officials in the MDE, the Department is considering two main approaches to schools in “Phase 7,” which depart fairly dramatically from the relatively gentle remedies that have been implemented to date. On the one hand, the Department’s current advice to districts is to “shut down” schools where the restructuring required by NCLB does not produce adequate progress toward the NCLB goal of proficiency for all students. MDE has not yet put this advice into practice, however.

On the other hand, MDE is considering the appointment of “takeover trustees” in schools that enter the “twilight zone.” These schools would reopen as “hybrid charters,” under the administrative authority of one of Michigan’s many charter school authorizers. Establishing such schools would require the Legislature to raise Michigan’s current “cap” on the number of charters that can be issued, or to create a separate “cap” for these new schools. It would also render existing labor agreements “null and void” for employees in these schools, as already happens in schools that receive an Education YES! grade of “not accredited” for three consecutive years. According to a senior figure in the charter school sector, however, the plan has met with considerable skepticism among charter school authorizers, who are not convinced that the Department will be able to overcome the opposition of unions and their political allies to transfer the discretionary authority that they would need to “break the bonds of dysfunction” in persistently low-performing schools.

District Implementation

The restructuring strategies adopted at the district level have relied on relatively gentle sanctions rather than the more disruptive governance changes foreseen under NCLB. As one senior administrator from Flint put it, “We never entertained the possibility of closing schools or replacing staff.” Instead districts have emphasized direct efforts to improve teaching and
learning, working for the most part with current personnel to focus their attention on key learning goals. The strategies adopted in different districts vary in the details of implementation, but they converge on four critical features:

1) Alignment of instruction with key learning objectives
2) Frequent assessments of student performance
3) Use of assessment data to target instruction
4) Employment of turnaround specialists or coaches, to provide guidance and advice to principals, and to help them focus their attention on the improvement of student achievement

These measures correspond weakly at best to the governance changes foreseen under NCLB, but they have proven surprisingly successful in improving performance in elementary schools across the state. Many of these schools, faced with the threat of restructuring, have made AYP targets for two consecutive years, thus resetting the NCLB clock to zero. The absolute level of student achievement in these schools often remains low, and it is too early to say whether these relatively modest accomplishments can be sustained as AYP requirements continue to rise.

_**Flint.**_ Because of the precipitous decline of the local auto industry, Flint has experienced a dramatic and continuing loss of population. This has produced a steady fall in enrollment and a permanent budget crisis in the school district. The Flint City School District now enrolls approximately 20,000 students, of whom 80 percent are African-American and nearly two-thirds are eligible for free and reduced-price lunch.

District officials in Flint based their restructuring strategy on two priorities: the “taught curriculum” that is delivered in classrooms, and school leadership. They defended their strategy against the governance changes identified in NCLB, which they characterized as “just moving
people around.” In both areas they gave primary attention to school principals, providing them with guidance and training aimed at shifting their focus from “administrivia” to instructional improvement. According to one district official, the message to principals was “We’re not here to beat you up, or take your job. We’re here to support you.” The district has also provided targeted professional development for both principals and teachers, and is considering opening schools that will be segregated by gender, having experienced some success with gender-segregated classrooms.

On their own initiative, The Flint City School District entered into a contract with a private-sector firm to provide coaches to work with principals, on the explicit argument that coaching would be more effective in changing principals’ behavior than closer supervision. Most of the coaches were retired educators, but some came from business and other backgrounds. The district has also organized several leadership forums each year, to offer guidance to building administrators on topics including parental involvement, data use, effective teaching strategies, and the conduct of administrator “walk-throughs” designed to assess teaching and learning in individual classrooms. Principals are required to participate in regular “peer review” meetings with their supervisor, a fellow principal, and a representative from the ISD, in which their plans for school improvement are presented and evaluated. Information from these meetings must be shared with teachers and parents in the school.

School improvement strategies have had to be negotiated with the teachers union in Flint. Administrators praise local educators for voluntarily adding minutes to the school day, along with additional work days dedicated to the discussion of student achievement. At the same time, however, the union has complicated the district’s strategy by demanding strict adherence to the
prerogatives of seniority. Efforts by the district to place excellent teachers where they are most needed, or to transfer ineffective teachers, have encountered resistance from the union.

At one time 21 Flint schools were subject to various levels of NCLB sanctions. The district’s middle and high schools continue to struggle, and two middle schools remain on MDE’s critical list. Among the district’s elementary schools, however, all but one have made AYP for two consecutive years and reset the sanctions clock to zero. District administrators acknowledge that “scores are not where we want them to be,” but they believe that these schools are now moving in the right direction.

**Grand Rapids.** Grand Rapids is the main city in southwest Michigan, where the local economy has remained relatively healthy. Despite generally favorable economic circumstances in the region, however, the Grand Rapids Public Schools (GRPS) have experienced a steady decline in enrollments, losing students to charter schools and suburban school districts. Like Flint, the district now enrolls approximately 20,000 students, more than three-quarters of whom are eligible for free and reduced-price lunch. More than a quarter of the students in GRPS are of Hispanic origin, and many are English-language learners.

District officials now acknowledge that their current strategies for improving student performance originated in the “urgency” imposed by NCLB, although a previous superintendent took a less benign view. Senior administrators characterize their approach to low-performing schools in these terms: “We’re here to help, but there will be consequences.” They have changed the leadership team in some schools, including the middle school that remains on MDE’s current critical list.

Frequent assessment of student performance and regular analysis of test score data are the core components of the GRPS response to NCLB sanctions. According to the district’s Chief
Academic Officer, there is some formal assessment “almost every day” in the city’s lowest-performing schools. Every six weeks, administrators in these buildings are required to conduct “data review meetings” that include the Chief Academic Officer himself, along with other senior officials including representatives from the ISD. The purpose of these meetings is to review student test scores, plan intervention strategies, adjust instruction, and assess the effectiveness of those adjustments.

Principals have found these meetings helpful. As one stated, “It helps us to reach our goals because we have people to examine data more closely. We have a person to help us with the data. If you know exactly know what kids need to focus on, you can move them in a direction that will address their specific needs…. This is one thing that really works for us.” According to another, the data review meetings have immediate consequences. “Fridays we look at progress…and move kids around to where they need to be. This has helped out a lot!”

In addition to their focus on assessment and data analysis, members of the central office staff also serve as “coaches” in troubled schools, with both advisory and supervisory responsibilities for turning these schools around. All schools are also required to convene annual meetings with parents, to present student performance data and explain the school’s AYP status.

Changes spurred by NCLB increasingly have been woven into the regular administrative and instructional practices of the school district. Though senior administrators continue to focus their attention on the most troubled schools, all schools in the GRPS are now required to administer a variety of standardized assessments and to conduct regular “data review meetings” with central office staff. The district is moving toward the implementation of a “defined instructional model” that includes explicit learning expectations, pacing guides, and assessment
tools in core areas of the curriculum. Teachers have received professional development aimed at ensuring their familiarity with the new instructional model, and the district is currently developing procedures to ensure that teachers deliver the prescribed curriculum to their students. In association with the district’s new emphasis on assessment and accountability, these changes have produced an unprecedented shift, focusing teachers’ attention on the performance of their students and their schools.

Grand Rapids has closed several persistently low-performing schools, or merged schools on MDE’s critical list with more successful schools nearby. As a result, only two schools in the district are currently engaged in restructuring, one middle school and one elementary school.\textsuperscript{xvi} The district’s middle and high schools continue to face difficulties in making AYP, but all but two of the other elementary schools in Grand Rapids have made AYP for at least two consecutive years and are no longer subject to NCLB sanctions. District officials acknowledge that NCLB has served to motivate positive changes in their schools, but they remain troubled by the “inconsistency” in the way their diverse, high-poverty district is treated when compared with wealthier and more homogeneous suburban districts.

\textit{Bayard Rustin Academy}\textsuperscript{xvii} The Bayard Rustin Academy is a charter school located in a mid-sized Michigan city, with a charter authorized by the Charter Schools Office at Central Michigan University. The school enrolls approximately 225 students in Grades K-6. Virtually all of the students at Bayard Rustin are African-American, and all are eligible for free and reduced-price lunch. The school has made AYP in each of the last two years, and is now off MDE’s critical list with the sanctions clock reset to zero.

According to the Charter Schools Office at CMU, their main concern is not with whether the schools they authorize are making AYP but rather with whether they are fulfilling the terms
of their charters. Schools that fail to do so may have their charters revoked by CMU, which gives the Charter Schools Office considerable leverage when performance falls below expectations. Federal and state accountability policies including NCLB and Education YES! provide additional leverage to their planning process, but the threat that a charter might be revoked is the more powerful inducement to change. After several years of failure to make AYP at Bayard Rustin, CMU’s “turnaround team” recommended a curriculum audit to the Bayard Rustin board, which was a key element in the school’s subsequent improvement.

According to the principal of Bayard Rustin, the school’s turnaround was attributable to three related changes. First, following the advice of CMU, they conducted a curriculum audit which established the foundation for more “systematic” instruction with a particular focus on reading and language arts. Individual teachers became more familiar with grade-level expectations for their students, and learned how to identify gaps and weaknesses in their students’ learning. They also made it possible for teachers to learn what their colleagues in earlier and subsequent grades were teaching, in order to better coordinate their instructional goals.

Second, the school used Title I money to hire coaches, who helped teachers focus on school improvement and take responsibility for success and failures in their school. The coaches hired from outside were not as helpful as the principal had hoped, but two stellar teachers on staff served as role models for the rest of the staff. “They (the teachers) showed everybody how it could be done,” by modeling appropriate teaching and focusing on the needs of children.

Finally, Bayard Rustin Academy greatly increased the amount of time spent preparing students to take the MEAP test. To this end they made use of a program called Edvisions (provided by CMU) that allowed students to take practice tests online. They brought in
consultants to train teachers on the knowledge and skills required for success on the MEAP. They required teachers to fulfill a provision in their contract obliging them to contribute time tutoring students in preparation for the MEAP. They also held several assemblies prior test administration in an effort to raise expectations and assure students that they would be successful on the exam.

The principal at Bayard Rustin also offered praise to her charter school board. The board “did not panic,” instead adopting a “hands-off” approach that allowed her to implement changes with due deliberation and care. She affirms that the lessons learned over the past two years “serve as a template for future years” as they seek to move all students toward the goal of proficiency.

INSTITUTIONALIZING NCLB

The Michigan case study provides an ambiguous account of NCLB implementation, featuring two contrasting stories. On the one hand, the Michigan story might be told as one of half-hearted implementation and outright non-compliance, rooted at the state level in a lack of capacity to effectively oversee what’s going on at the district or school level, and at the district level in unwillingness to upset educators and their unions by making harsh judgments about local schools and educators. The main consequences from this point of view include overt but superficial compliance with NCLB mandates accompanied by the adoption of “restructuring” strategies that only weakly reflect or even run counter to those prescribed under the law. The strategies adopted by MDE and by district officials have generally aimed to avoid tough choices or conflict with unions, and much of the guidance provided to schools seems “vapid and obvious” even to those sponsoring the programs.
A second, very different story also emerges from the Michigan case study, however. In this account, the state’s weak implementation of the cascading sanctions mandated by NCLB matters less than the fact that officials at both state and district levels have accepted the legitimacy of the AYP criterion for judging the success or failure of local schools, and have therefore begun to focus attention and resources on the schools that are most in need of improvement. In this view, the sanctions prescribed by NCLB should be viewed as one among several possible strategies for accomplishing the goal of academic proficiency for all children by 2014. The failure of Michigan educators to make a good-faith effort to implement NCLB sanctions is less important than their apparent success in encouraging persistently low-performing schools to reach their AYP targets.

We are inclined to the latter view, but we acknowledge the danger inherent in allowing states and districts to pick their own strategies when it comes to implementing NCLB. The success even of Michigan’s “district-friendly,” essentially hands-off strategy is ultimately dependent on the prospect of sanctions. Nevertheless, the Michigan case study suggests that the public “naming and shaming” that resides at the heart of NCLB, accompanied by the threat (however distant) of sanctions has brought about a meaningful change in education officials’ approach to persistently low-performing schools.

Regardless of which story is chosen, Michigan’s education system is increasingly oriented toward the task of meeting NCLB benchmarks, and MDE has incorporated tools and approaches closely tied to NCLB into their long-term strategies for managing the system. For example, Department officials have begun working with schools in their first year of failure to make AYP, in an effort to keep them out of the sanctions process, and they are working with
districts to design contracts that allow the necessary flexibility to implement effective
“restructuring” plans several years in the future.

Despite these positive developments, however, many of the educators we interviewed
continue to regard NCLB as a guarantee of failure for virtually all of the state’s schools. As
several noted, there are more than 50 ways to fail under NCLB, and only one way to succeed.
Their initial efforts have gotten them over the first hurdle and put many previously low-
performing schools on a trajectory of improvement. Achievement in these schools remains low,
however, and confidence that recent improvements can be sustained is not widespread. There are
also doubts that strategies that have proven effective in elementary schools will work in middle
and high schools. Administrators across the state continue to decry the law’s “unfairness” to
urban school districts, and to call for a less punitive and more “humane” approach to
accountability.

Still, outright rejection of NCLB has for now given way to skepticism about its long term
prospects for success, and significant numbers of previously low-performing schools have gotten
themselves over the first AYP hurdle. This must be accounted as progress.

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i e.g., Elmore, Cuban
ii e.g., Hill, Chubb and Moe, etc.
iv Stabenow and Granholm endorsement interviews on MEA website.
v Plank and Dunbar, op. cit. In Florida and other states with accountability systems that function reasonably well, in contrast, the conflict between NCLB and local systems remains controversial. See Peterson and Wolf, Education Next.
viii Plank and Dunbar, op. cit. Controversies between state and federal accountability systems remain lively in other states, including Florida. Peterson and West, Education Next.
ix The boundaries of Intermediate School Districts generally correspond to county boundaries. Outside Michigan’s metropolitan areas ISDs often comprise more than one county.
This faith is not always well-placed. To take a single notorious example, the Detroit Public Schools reported to MDE that they had replaced principals in all district schools required to “restructure” under NCLB. MDE subsequently discovered that many Detroit principals had not in fact been replaced, despite the district’s reports.

According to one official in the MDE, the Department is under pressure from the USDOE to “recreate” persistently failing schools as charters—“without closing the building or moving the kids.”

The number of schools receiving a grade of “not accredited” is relatively small, and many of these are alternative programs. None of the “Phase 7” schools received a grade of “not accredited” in 2005-06.

Some principals were in fact replaced as well, through retirement and “attrition.”

With a recent change in superintendents the responsibility for coaching has been assumed by a “lead principal” in each group of six schools, instead of central office staff.

MDE data show that the elementary school has now made AYP for two consecutive years, which resets the sanctions clock to zero, but in a recent meeting district officials confirmed that the school remains in Phase 5 and therefore subject to restructuring.

Per agreement, we have changed the name of this school.

MDE’s approach reflects this, as their attention to specific schools increases as the number of years “on the list” increases, and as they begin publicly to explore the possibility of abrogating union contracts and establishing “hybrid charters.”