

A STUDY OF THE EFFECTS OF SCHOOL CHOICE ON STUDENT
ACHIEVEMENT

by

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ABSTRACT

JAMAL ANTHONY CRAWFORD. A study of the effects of school choice on student achievement. (Under the direction of DR. COREY R. LOCK)

No Child Left Behind (NCLB), the 2002 reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965, was the signature education legislation of the George W. Bush administration. NCLB was but the latest evolution of at least two previous reauthorizations of the ESEA. In 1988 continued receipt of Title I funds to schools was first linked to increased student achievement scores (LeTendre, 1991). The 1994 ESEA reauthorization under Bill Clinton saw the federal government go further by tying Title I funds to standards-based curriculum reform (DeBray, 2005). What has made NCLB so different was the punitive approach it took toward Title I schools. The law guaranteed that parents would have the option of opting out of schools that were deemed failing under the law. Failing was defined as a school that had not reached its annual yearly progress goals or, AYP, for two consecutive years.

This study compared two sets of Title I middle school students: students who remained in their home school, and a matching group of students who chose to opt out of their Title I school and into another school that was not under federal sanctions. Results indicated that students who chose to opt out of their home school did show academic growth. However that growth was similar to their peers who remained in their home school with regard to reading. However, growth was significantly less than their peers with regard to mathematics; thus casting doubt as to whether the federal mandate of using school choice as means of improving student achievement was having its intended effect. Implications for future research and practice will also be provided.

DEDICATION

I would like to dedicate this dissertation to my parents James and Stephanie Gaddy. Thank you for all of your support, advice, and patience. Thank you also for the example of family that you have faithfully lived for over twenty five years and I wish you both one hundred more years of happiness. To S.D.H: thank you for sharing and suffering through this journey with me. I look forward to seeing you through the successful completion of your own journey very, very soon. To my brothers Ty and Aaron, thank you and keep fighting the good fight. To my sister Shaela, I have admired your strength and am glad you have found purpose, wisdom, and meaning for your life. To Mr. Calvin Wallace, you have seemingly been a fixture in my life since our days at Harry P. Harding High School. In the intervening years, you have become a professional mentor and dear confidant. Finally, I would like to dedicate this dissertation to two amazing young men: Jarel and Christopher Williams. Watching the both of you grow into young men has been a true blessing and I am glad to be able to share this with you. I can only hope to inspire you to do great things with your own lives as watching you has often inspired me.

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CHAPTER 1: INTRODUCTION

One of the most significant and controversial subjects in education during the past two decades has been the issue of school choice. In recent years, as more and more school districts moved to comply with suburban demands of providing “neighborhood school” options, and as school districts across the nation became more economically and ethnically re-segregated as a result of neighborhood school assignment options, school choice has become a flash point of contention. Adding to this volatile mix of local school assignment and school choice issues are the federal mandates that must be enforced because of provisions written into the 2002 reauthorization of the Elementary and Secondary Education Act (ESEA), known as No Child Left Behind (NCLB). Part of these provisions enact sanctions against public schools, specifically Title I schools, that do not make adequate yearly progress. Title I schools are schools that have an economically disadvantaged population of at least 75% as measured by the percentage of students who qualify for free and reduced lunch. Annual Yearly Progress (AYP) is the measure used to determine whether or not students are meeting proficiency, or predetermined pass rates, on reading, mathematics, and science examinations.

Part of then-governor George W. Bush’s education platform was the promise of increasing accountability of public schools by ensuring that schools could no longer pass students who were not meeting academic standards from one grade to the

next. In a speech to the Republican National Convention in Tampa, Florida, then

Governor Bush related:

Too many American children are segregated into schools without standards, shuffled from grade to grade because of their age, regardless of their knowledge. This is discrimination, pure and simple -- the soft bigotry of low expectations. And our nation should treat it like other forms of discrimination: We should end it. (Republican National Convention, January, 2000).

When No Child Left Behind was signed into law in January 8, 2002, now President Bush, took the opportunity to address those inequities he recounted to the Republican Convention just a year and a half before. One of the provisions of the law mandated that local school districts provide a “choice” option for parents who have children in “failing” schools. “Failing” was defined under the law as a school that does not make AYP for two consecutive years. This particular provision of the law applied only to Title I schools, and was the beginning of a series of sanctions that could be applied to Title I schools that continued to miss the federally mandated AYP measures.

While there has been an abundance of research surrounding issues of school choice, there has yet been a comprehensive look at this particular requirement of NCLB. About the only definitive information research has gleaned about the law is that nationally, approximately only one percent of the eligible students who could transfer out of a Title I school in sanctions actually choose to do so.

Research Questions

For purposes of this study, four essential research questions were posed.

1. What percentage of eligible Title I middle school students in the school system in question actually chose to “opt out” of their home school and attend a new school?
2. Were there differences in the demographic data of the students who chose to “opt out” and those who did not?

3. Were there differences by academic achievement levels in the percentage of eligible students who chose to “opt out” and those that did not?
4. To what extent and how do students who choose to “opt out” differ from a comparison group of similar students who were eligible to “opt out” and choose not to do so, with respect to their end of grade test scores ?

There have been a number of studies completed on other forms of school choice such as vouchers, magnet schools, and charter schools. Furthermore, every spring public schools and school districts across the United States go through the annual testing mantra where student performance is examined and reexamined. NCLB required all public schools to report the performance of various subgroups within a school, but no such reporting is required of Title I students who may have opted into another school as a result of the No Child Left Behind legislation—unless those students are part of an already established subgroup within the new school. This then begs the question whether or not the students who chose to attend a different school under the auspices of NCLB, were more successful than their peers who chose to continue attending the Title I school. This study was designed to determine whether federally mandated “choice,” as a means of action against Title I schools, has been a successful school improvement effort.

Study Significance

The 1983 publication of *A Nation At Risk* began a new age of accountability in public education. Simply put, public schools were now under enormous pressures to reform and produce “better” results by way of increasing student test scores. These reform efforts took many different forms. There has been middle school reform, high school reform, school zoning reform, single-sex classrooms, small schools, specialized schools and dozens if not hundreds of other school reform efforts. Those schools that

could not produce higher test scores (associated with having smarter students) ran the risk of increasing levels of sanctions being levied upon them. These sanctions ranged from state level takeovers of the schools where the entire school staff was replaced, to choice-out options mandated by the federal government under NCLB. While the sanctions receive lots of fanfare and political scrutiny, there is little in the way of hard evidence that the sanctions have had the desired effect of improving conditions or raising test scores at the school. This study examined one of those sanctions, namely the federally mandated choice option to determine whether such sanctions had the desired effect of increasing student achievement.

Research Design

In order to examine whether this mandate has been successful, the researcher conducted a descriptive study using archived end of grade examination data on two sets of middle school students in North Carolina. It should be noted that this was not a true experiment because students were not randomly chosen for the study, nor were they randomly assigned the treatment, which was opting out of an eligible Title I school. No Child Left Behind required that students be tested in reading, mathematics and science in grades 3-8. These were the primary data that were analyzed. Based on the criteria set by the local education authority from which the data were collected, Title I schools were elementary and middle schools that had at least 75% of the students receiving free and or reduced lunch. The Title I schools from which data were collected were schools that were under sanctions by the federal government for not meeting annual yearly progress goals (AYP) for at least two consecutive years. Under NCLB, this was the threshold by which this level of sanctions was implemented and when students were eligible to transfer out of

the Title I school to which they have been assigned and into another school not under sanctions according to the law.

Limitations

1. There is a lack of information concerning the characteristics of the parents who are making the decision whether or not to opt out of their home school, even if it is a school from which their child is eligible for transfer.
2. Lack of information on specific instructional programs within individual schools. Instructional programs between schools differ greatly with no one school implementing the state curriculum exactly the same.
3. In addition to variations among the instructional programs of schools, variations in the make-up of the staff of schools may affect results as no two schools are staffed the same way.
4. Statistically, only one percent of students nationally choose opt out of their home school (Hendrie, 2005, p. 2).
5. The researcher had no control over which students chose to opt out of their school.

Delimitations

1. Local educational agencies (LEA's) interpret federal law differently, therefore no two LEA's enact the tenets of No Child Left Behind the same. As a result, interpreting result beyond where the data were collected could prove problematic.
2. Data were collected from students who have spent at least one year in a Title I middle school and then chose to opt out of that school. As a result, the researcher

has no way of determining if changes in assessment scores are due to other factors, such as age or maturity of the students.

Assumptions

There were several assumptions that underscored this research that needed to be addressed. First, the data collected could provide insight into whether students who choose to opt into affluent schools are more successful than their peers who chose to remain in their home Title I schools. Furthermore, there was the assumption that national school reform mandates, such as NCLB have the potential to affect change, and increase student achievement at the local level of education. The results of this study could challenge the validity of those assumptions.

North Carolina end of grade examinations in reading and mathematics were given to all public school students, regardless of the school they attended. It could be assumed that the assessment instrument was both reliable and valid and, therefore, the data were reliable and valid and allowed the researcher to draw some conclusions based on the assessment data. Also, since all students received the same year end assessments, it was possible to compare student data across schools.

Definitions

1. Title I: The federal legislation that provides additional funding to school districts and schools that have high concentrations of students who live in poverty. The standard for receiving these funds is decided by individual school districts, but the generally accepted threshold is typically set when a minimum of seventy five percent of the students in a school receive free or reduced lunch.

2. End of grade test: This is the examination given by the state of North Carolina to students in all grades 3-8. The test is given in the spring and it measures proficiency in reading and mathematics.
3. NCLB: No Child Left Behind was the common name of the 2002 reauthorization of the Elementary and Secondary Education Act signed into law by President George W. Bush. The legislation mandated that all public schools reach 100% proficiency by the year 2014. From the law's inception, states were allowed to set their own proficiency targets. These targets increased every three years, until the 2014 goal of 100% proficient was reached. In North Carolina where the study data were collected, the expected proficiency target for all students on the state reading assessment was 73% on grade level. For the mathematics assessment the expected proficiency target for all students was 83.7% on grade level.
4. AYP: Annual yearly progress; is the measure used to determine whether schools are meeting federally mandated proficiency levels identified tested areas. For purposes of the study, reading and mathematics scores were data points examined.
5. School reform: Efforts to increase the success of school students.
6. School Choice: The name given to efforts to provide families more options and control over where their children go to school.
7. Middle School: is defined as students attending a school with a grade configuration typically consisting of grades 6-8. Students in these schools range in age from 11 years old to 14 years old.
8. Education Value Added Assessment System (EVAAS): A state database used to warehouse student assessment information.

Summary

School reform has been part of the public debate at all levels since the release of *A Nation at Risk* in 1983. This report has sparked action from all levels of government from the federal government down through individual school districts. Since the release of this report, it is the federal government that has seen its role in American education change the most drastically. While the 10th Amendment to the US Constitution gives the states control over education, the federal government has slowly and more definitively attempted to take control of education through legislation and how it disseminates federal funds to the states (Martin. 2012, p. 80). A key portion of this strategy has centered on increasing the amount of choice given to parents over where their children go to school. As the federal government has instituted more of these mandates, particularly those mandated under NCLB, states as well as school districts have been forced to respond. However, a search of the literature has not revealed research concerning whether or not these federal efforts have produced results that warrant their continuation.

CHAPTER 2: LITERATURE REVIEW

The era of public school accountability has generated intense discussion as to the most efficient manner to increase American students' reading and mathematics scores on both state and federal standardized assessments. No Child Left Behind (NCLB), President George W. Bush's landmark school reform effort, enacted in January, 2002 was hailed as the most comprehensive overhaul of K-12 education in the United States. The legislation was designed to give parents the option of transferring students out of schools that were labeled as failures, as well as force schools to test and show improvement in all categories of students. A review of the literature was conducted in order to ascertain the extent this 2002 legislation has succeeded in its stated intent. Specifically, how states and local school districts responded to the opt-out mandate in NCLB and to what extent have these efforts been successful. This chapter will describe the search process in reviewing the available literature on school choice as a means of raising students' assessment scores. Research will be presented on specific means of providing school choice such as the use of vouchers and charter schools, and whether there is empirical evidence to suggest that one is more successful than the other in raising the mathematics and/or reading scores of students who use them.

Search Process

The research with regard to student achievement data, parental choice options, and local education agencies (LEA's) efforts to provide educational choice options were plentiful. Mathematics and reading data were disaggregated by economically disadvantaged students, students of color, suburban students and inner-city students. Furthermore the research has been conducted and gathered by nearly every non-governmental agency, advocacy group, government agency and educational publication imaginable. The United States Department of Education (USED), The Broad Foundation, The Council of Chief State School Officers (CSSO), individual state departments of education, are just some of the many agencies and organizations from which data has been compiled. However, with such an abundance of information available, there was a real danger that the literature could focus only on whatever position a researcher should decide to assume. For purposes of this review, a wide net was cast to ascertain the extent of the information available. That wide net led to four main areas of study that were examined as it related to issues of school choice as a means of increasing student achievement. First was a general discussion of No Child Left Behind (NCLB) as this federal law is the catalyst for the research to be conducted. Second, was a review of the literature surrounding school choice. NCLB requires that Title I schools that fail to meet Adequate Yearly Progress (AYP) for two consecutive years provide opportunities for students in the school to transfer to another school within the district. Examining the concept of school choice as a means increasing students' assessment scores, particularly on middle school mathematics and reading, provided a perspective as to why it is such a driving issue in public education. Third, there was a review of two specific means of

providing school choice. First, the literature on charter schools was presented. There was evidence to suggest that students who leave traditional public schools in order to attend a charter school performed both better and more poorly on standardized assessments as compared to their non-charter school counterparts. This was followed by a section on school vouchers. Vouchers allow families to take public funds to send their students to private and even parochial schools. The use of vouchers is a contentious issue, and like charter schools, there was research to suggest that students who used vouchers to attend non-public schools were both as successful and not as successful as their non-voucher counterparts in public schools. The fourth and final section presented a summary and conclusions drawn from the literature

No Child Left Behind

The federal role in education has rapidly and inexorably increased over the last three decades (Martin, 2012, p. 83). This increased involvement has blurred the line established by the 10th Amendment of the U.S. Constitution that grants all powers not explicitly granted to the federal government be granted to the individual states. Public education until recently had been run under the contention that it was primarily individual states' responsibility. However because of specific national and global events, the federal government throughout history had taken the opportunity to increase its hand in public education. No Child Left Behind (NCLB) was in fact a remnant of then-President Lyndon Johnson's War on Poverty. Prior to the 1994 reauthorization of the ESEA, the Congressional Research Service (1993) issued a brief on the Elementary Secondary Education Act (ESEA) that reminded readers the ESEA was initially passed in 1965 and was the educational portion of the War on Poverty. One of the major sub-titles of this

historic legislation was the creation of Title I, which set aside billions of federal dollars for schools that specifically served poor children. However, as Congress was set to reauthorize the ESEA in 1994, there had been a major shift in the national debate on education. Nine years after the publication and release of the landmark *A Nation at Risk* report, education was fully engaged in the accountability era. Congress was then forced to reframe the national education debate, and subsequently, national funding priorities surrounding public education. What was being framed was the most comprehensive increase in federal involvement in public K-12 education since the Soviet Union launched Sputnik in October of 1957 (Johanningmeier, 2010, p. 348). According to the Congressional Research Service, some of the stated goals of the 1994 reauthorization of the ESEA were that all children in America should begin school with the ability to read and write, a high school graduation rate of 90%, being the best in the world in mathematics and science, and having all schools being drug and violence free (1993).

Furthermore, the report included the following:

Finally, we have seen in recent years the emergence of a potential new Federal role. This would involve the establishment of national curriculum standards, and State or regional assessments based on these, through organizations and processes that are supported by the Federal Government, although not governed or substantially controlled by it (Congressional Research Service, 1993, p. 6).

This last sentence is curious even in 1993 terminology. As seen in both Martin (2012) and Johanningmeier (2010), the federal government has long been comfortable with flexing its muscle or imposing its will on the states by pulling on the federal purse strings. A large portion of the debate surrounding the 1994 reauthorization of the ESEA was the discussion surrounding the education of high needs students. This included

everything from dealing with the increasing numbers of limited English proficient or LEP students, to the increasing levels of poverty of all students.

Finally, the 103rd Congress also undertook the debate surrounding educational innovation and school restructuring. Central to this debate was providing parents with increased options for school choice. There was considerable opposition to the inclusion of private sectarian schools. In fact, a version of the bill, S.2 of President Bush's America 2000 did not make it out of the Senate. The report stated, "Supporters assert that choice empowers parents and involves them more in their children's education. Parents, by choosing one school over another, will be wielding a strong accountability weapon against inferior schools (Congressional Research Service, 1992). The opposition was just as vocal. The report went on to include, "Opponents focus on threats to education equity posed by choice. They argued that greater segregation of pupils by race, ethnicity, and socioeconomic status is likely to arise because choice programs generally do not provide the required attention to, and financing of, information dissemination, transportation, and monitoring of the effects of choice" (Congressional Research Service, 1992).

It was clear that the debate over the merits of NCLB did not begin after the passage of the legislation. Many of the divisions that are in the present-day debate in fact had their origins while the bill was being written.

No Child Left Behind Analysis

The 2002 reauthorization of the Elementary and Secondary Education Act was entitled No Child Left Behind and signed into law by George W. Bush in January 2002. In the current context, this law has been the driving force in education now for nearly a decade. The law has sparked fierce debate along many fronts as to its success or failure.

Writing in the *Phi Delta Kappan*, law professor Ann McColl (2005) captured this sentiment when she wrote:

There is little dispute over whether NCLB represents an unprecedented level of federal involvement in the affairs of our public schools. However, there is disagreement between the law's supporters, who hail this federal intrusion into state and local education as effective national reform, and its detractors, who argue that the intrusion consists of a set of politically motivated mandates that are detrimental to our schools (*Phi Delta Kappan*, 2005, p. 605).

One of the first analyses of the effectiveness of No Child Left Behind can be found in a report commissioned by the United States Department of Education and written by Grady and Bielick (2010), examined forced school choice for schools not making Adequate Yearly Progress (AYP). The authors found a shift in student assignment patterns. The authors reported:

From 1993 to 2007, the percentage of students enrolled in assigned public schools decreased (table 1 and figure 1). With some exceptions, the overall trend away from enrollment in assigned public schools between 1993 and 2007 was evident across student and household characteristics. The trend away from attending assigned public schools was evident for White students; Black students; and non-poor students¹⁰ students whose parents' highest level of education¹¹ was some college or graduate or professional school; students in two-parent households; and students living in all regions of the country. No measurable difference was found in the percentage enrollment in assigned public schools from 1993 to 2007 for the following students: Hispanic students, near-poor and poor students, students in one-parent households, and students whose parents' highest level of education was less than a high school diploma or GED (Grady and Bielick, 2010, p.8).

This suggested that the higher the education level and the more stable the household family, the more likely a family is to avail themselves of school choice options.

Under the guidelines of NCLB legislation, schools receiving federal funds under Title I who do not meet Annual Yearly Progress (AYP) targets set by the states begin sanctions. Among these sanctions is that these schools must offer parents the choice to transfer out of these schools not making growth targets into other schools. With regard to this portion of the legislation Bathon and Spradlin (2007), note: "A 2004 survey by The

Council of Great City Schools, found that only two percent of children moved to another school” (Bathon & Spradlin, 2007, p.3).

Similarly, Howell (2006) in an article penned for the Peabody Journal of Education found that in 2003-04 school year, of the 46 urban school districts that make up the Council of Great City Schools, an statistically small number of eligible students neither applied nor received a transfer under the auspices of NCLB. Howell wrote:

During the 2003–04 school year, 983,313 students enrolled in Massachusetts public schools, of whom 95,458 qualified for NCLB’s public school choice provisions. To date, just 298 students, or 0.3% of the eligible population, seized on the opportunity to switch to a higher performing public school. And in this regard, Massachusetts does not appear exceptional. Among 46 urban school districts that are members of the Council of the Great City Schools, 11,162,695 students qualified for NCLB’s choice provisions during the 2003–04 school year, of whom only 44,372 students (or 3.8% of the eligible population) requested a transfer, and only 7,878 students (or 0.1% of the eligible population) actually received one (Casserly, 2004). Although participation rates were up from the 2002–03 school year, the practice of school choice still does not appear to be meeting its promise. As the federal government has not yet determined why a portion of this landmark legislation is not operating as envisioned, it suggests further area of study (Howell, 2006, p 141).

Noted educational researcher Bracey (2005), in a brief written for the Education Policy Research Unit examined the fiscal breakdown of the law. With regard to school choice Bracey wrote, “Costs are incurred after a school fails to make AYP for two consecutive years because all students must be offered the opportunity to transfer to a successful school and the sending school must pay for transportation. The choice option to date has not worked as envisioned. Few eligible students have changed schools” (Bracey, 2005, p. ii.).

The transfer option provided under the No Child Left Behind received further scrutiny by Hendrie (2005). Hendrie also addressed the issue of the lack of students who engage the transfer option of the legislation. She reported the two sides of the debate:

Advocates of the policy are calling for providing schools with incentives to accept transfers and for giving parents more time, information, and options, among other changes. States need to hold districts' feet to the fire, those proponents argue, and the federal government needs to lean harder on states and collect better data. Skeptics about the provision argue that offering transfers should be only one of several options for underperforming schools, and certainly not the first sanction schools face. They also say that transfers should be restricted to certain students, and that Washington needs to send districts more money to carry out the policy (Hendrie, 2005, p. 13).

There have been other analyses conducted as to whether or not NCLB has lived up to its stated purpose of ensuring success for all students, particularly those who are economically disadvantaged. In his 2008 senior thesis at the Dominican University of California, Schmidt (2008) discusses this very issue. He lays out a very detailed analysis of the root cause of what he felt was a major flaw in the NCLB legislation. The NCLB legislation can be traced back to the crafting of the legislation that was to be the Elementary and Secondary Education Act. This was part of then President Lyndon Johnson's War on Poverty. In his thesis Schmidt cites Walter Heller who at the time was chairman of the Council of Economic Advisors for President Johnson. It was Heller who cited for President Johnson a study that showed a, "correlation between low educational attainment and poverty." Schmidt then went on to say:

Although correlation does not prove causation, Heller's research, coupled with a quantitative decline in SAT scores in addition to student achievement gaps, helped Johnson realize the need for increased academic support for those students who are most commonly poverty-stricken—lower class and minority students. With ESEA, federal involvement in public education sought to "provide compensatory educational services for economically disadvantaged school districts" (Schmidt, 2008, p. 19).

Using this historical backdrop, Schmidt argued that NCLB does a disservice to today's disadvantaged students. Under the law, in order for a school or school districts to be judged as successful, they must meet Annual Yearly Progress (AYP). States are required to set proficiency goals in reading and mathematics for students in grades 3-8.

All students and students in specific sub-groups (i.e., black, white, special education, etc.) must meet these targets. If even one subgroup fails to meet the target, despite the success of every other subgroup or the school as a whole, the school is judged to have failed.

After just two consecutive years of not making AYP, the school begins to fall into federal sanctions according to the law. Schmidt argues this is problematic because, "...one size does not fit all and, as such, the status model and subgroup provision have combined to unfairly affect schools with significant proportions of disadvantage students because they place these schools at the highest risk for federal sanction" (Schmidt, 2008, p. 21).

Schmidt's argument is simple. Disadvantaged students have further to go than their middle and upper class peers. Schools with high percentages of economically disadvantaged, LEP or even special education students are often the same schools where there are going to be fewer resources, more inexperienced teachers, higher rates of teacher turn over, and classroom overcrowding (Schmidt, 2008). This simple but sound argument seems to run contrary to the stated goal of NCLB to assist these very students and schools.

State Responses To NCLB

The notion of how the states are coping with the "all or nothing" aspect of schools and school districts making AYP under NCLB was reported by Wong (2011).

Wong explored how many states have responded to the law. She conducted a regression-discontinuity analysis in order to assess threats to her research design (Wong, 2011).

Using 2006-2007 Pennsylvania test data, Wong concluded:

This study shows that in at least one state, Pennsylvania, the vast majority of schools that make AYP do so with the aid of exemption rules...On their own, these findings do not indicate any type of illegal "gaming" occurring at the school level. Rather it shows that

majority of Pennsylvania schools benefit from the state policies that effectively reduce performance standards for proficiency under NCLB (Wong, 2011, p.5).

Rather than face the failure of not making AYP, it would seem that schools and states, are finding loopholes with which to show some measure of success to avoid sanctions.

The attempt to avoid sanctions was further underscored by a research brief written by Dietz (2010) for The Center on Education Policy. The CEP, using 2008-2009 data found about one-third of U.S. public schools did not make AYP. Furthermore the range of school not making AYP varied greatly by state from a low 6% of schools in Wisconsin not making AYP to as many as 77% of schools in Florida not making AYP. Because of the large range of AYP results, the CEP recommended eliminating this provision of NCLB.

While Pennsylvania and other states are using “confidence intervals” and “safe harbor” as means to show success under NCLB, others have conducted research as to whether or not NCLB is interfering with successful state level reform. In an Executive Summary written for The Heritage Foundation’s Ladner and Lips (2009) say early in the summary, “After seven years, evidence suggests that No Child Left Behind, like previous federal interventions, has failed to yield meaningful improvements in students’ learning. NCLB has also highlighted the limits and unintended consequences of federal intervention”(Ladner and Lips, 2009, p. 6). Ladner and Lips go on to argue that beginning in 1999, Florida under then-Governor Jeb Bush initiated statewide school reform efforts long before No Child Left Behind was enacted. Some of these reforms included a statewide testing model, school accountability, school choice, private school choice, creation of charter schools, and new compensation models for teachers based on

the success of students on newly created state assessments (2009). The results of Florida's reform were clear. Ladner and Lips reported:

The scope of Florida's progress becomes clear by comparing its students' performance on the NAEP exam with that of children in other states. As the chart demonstrates, Florida's low-income students now outperform the statewide average of all students in California (Ladner and Lips, 2009, p.7).

The conclusions drawn from that report are all the more remarkable as NEAP has often been referred to as "the nation's report card." The data gathered from NAEP allow policy makers and pundits alike to draw conclusions across grade levels, ethnicities, and states from one nationally norm-referenced assessment, as opposed to culling through fifty different sets of results from the individual states. However, under the NCLB rules concerning AYP, based on 2008 test data, none of Florida's school districts would ever meet the adequate yearly progress (AYP) required by NCLB. It is this type of disparity between what states use to measure success of students, and NCLB that has caused lingering frustration with policy makers at the state and local level with the law.

Hemelt (2011) took a different approach when he examined the subject AYP and sanctions when he completed an analysis of Maryland state assessment scores from grades 3-8. Using elementary and middle school achievement data from the Maryland State Report Card from the 2003-2009 school years, Hemelt completed a regression discontinuity design when he examined end of year reading and mathematics scores of schools that were placed in sanctions for failing to make AYP. He wanted to determine whether schools that failed to make AYP and were placed in sanctions were able to improve their academic performance as a result of being placed in those very sanctions. He reported, "Taken together, these findings suggest that schools which fail to make

AYP due to poor school-wide performance in a particular subject perform worse in the following year, relative to if no sanctions were in place.” (Hemelt, 2010, p. 711).

From a public policy perspective, this section illustrates there are many varying views concerning No Child Left Behind. While there is research to suggest the law has worked as intended (Wong, 2009), there are contravening studies, such as Ladner and Lips (2009), and Hemelt (2011) to suggest otherwise. These often contradictory research results unfortunately give fodder to both sides of what has been a very contentious debate. As such, this lack of clarity makes the ability to make and implement solid educational policy that much more difficult at all levels of governance.

School Choice

Giving parents and students choices in the public schools they will attend has been one of the most consistent and contentious of educational reform for some time. School choice is at the heart of NCLB and dominates the political conversation at every level from school board to presidential elections. Grappling with what educational choice works, and how it can be best implemented are issues that will be at the forefront of the discussion for the immediate future.

The Heritage Foundation weighed in on school choice as an option for parents when authors Lips and Feinberg (2006) stated that since 2006, there has been a proliferation of school choice options. They note that seven states and the District of Columbia have taxpayer funded scholarships. Seven states have tax credits or deductions for educational expenses and forty states have enacted charter school laws (Lips and Feinberg, 2006). The authors go on to explain that school choice is clearly a successful venture. Lips and Feinberg point out that whenever tuition scholarships have been made

available, the demand has always exceeded supply. They cite as an example data from the 1998 Children's Scholarship Fund, which was offered to 40 thousand low income students in New York City that drew nearly 1.2 million applicants. They also reported that the implementation of the D.C. Opportunity Scholarship in 2004 drew two applicants for each scholarship. The authors surmised that parental satisfaction is on the rise where choice has been introduced. As would be expected, the authors also introduce evidence that student achievement has also been positively affected. Using research gathered by Greene (2002) the authors made the claim that, "all but one of these studies found that students using scholarships to attend private schools performed significantly better academically, and every study found some positive effect" (Greene, 2002, p.6). Finally Lips and Feinberg stated that the infusion of competition into public education has forced public schools to become better stewards of tax dollars, as well as make significant program improvements or else risk losing more students (Lips and Feinberg, 2006).

The previous claims made by researchers working for the Heritage Foundation, that public schools improve because of the introduction of private school competition is somewhat supported by research conducted by West and Peterson (2005) who studied Florida as the state implemented its A+ Accountability program in which individual schools within the state were given letter grades ranging from A to F. Parents of students in schools with a grade of 'F' and in the bottom two percent of performing schools would have the opportunity to receive vouchers to attend another school. They concluded:

The Florida A+ Plan, by giving 'D's and 'F's to the lowest 10 percent of all schools, then combing the stigma of the low grade with the threat of vouchers for the lowest 2 percent of all schools, stimulated higher levels of student performance at these schools relative to similarly situated schools not so sanctioned. Notably, the improvements made by 'F' schools came on top of gains registered by 'D' schools,

suggesting that the voucher threat may have an additional impact over and above that of stigma alone (West and Peterson 2005, p.13).

Part of what President George W. Bush heralded when NCLB was signed into law was the option for parents to have the right to remove their children from schools that were deemed failing. A school was considered failing if it did not meet Annual Yearly Progress (AYP). Kim and Sunderman (2004) find that while choice may exist, for many students, the choice is not effective and may leave some students worse off. In their conclusions they noted, “Schools that were chosen to accept transfers did not have substantially higher achievement levels or lower poverty rates, on average, than schools required to offer the NCLB transfer option. As a result, many students who transferred went from one school with low achievement levels to another with similarly low achievement levels” (Kim & Sunderman, 2004, p.11).

Smrekar (2009) examined the sociological aspect of a study of parental choice in Nashville, Tennessee, which was granted unitary status by the federal courts. Southern cities are unique to study in this aspect because so many had been placed under mandatory desegregation orders by the federal courts during the height of the civil rights movement. Being given unitary status is a legal distinction that is particular to school districts that followed de jure segregation in the South. During the height of the civil rights movement the federal courts and Congress aggressively pursued integration options such as busing (for predominately of African American students) and the creation of magnet schools, or schools with specialized programs or curricula. These student placement options were used by many southern school districts as a means of integrating schools as they attempted to either place African-American children into suburban white schools, or lure White suburban parents into inner city schools. As challenges to the

forced busing policies of southern school districts mounted, federal judges and other governmental agencies then began granting unitary status to southern school districts—that is, declaring that there were no longer the vestiges of separate school systems for white and black students that were initially challenged under *Brown v. Board of Education*. As a result, school districts had to find a way to provide increased school choice options and provide neighborhood schools. Smrekar sought to examine why African-American families were selecting largely African-American thematic magnet schools in Nashville, Tennessee. Consequently, Caucasian parents then developed a negative view of the school and often expressed trepidation about their children being the only white students in the class (Smrekar, 2009). What is interesting about this research is that it addressed the notion of creating racially identifiable schools through neighborhood school choice student assignment policies. Magnet schools then became an attempt to maintain certain racial groups in specific schools. As a result, Smrekar posed an interesting question; “Does the racial composition of schools (and other student demographic characteristics) influence the patterns of parental choices?” (Smrekar, 2009, p. 213). Smrekar explained that once Nashville was granted unitary status, the school board responded by creating proximity zones where parents had choices of schools closest to their homes. It was what the school board did with magnet schools in Nashville that was particularly interesting. Smrekar explained:

All new magnet schools were established in predominately African-American, low-income neighborhoods, based on the assumption by the board that middle-class White parents from other areas would be drawn to the inner-city magnet schools by the array of the new instructional choices. However, parents would have to rely on their own transportation or public buses (Smrekar, 2009, p 215).

In all cases, the magnet schools saw an increase in free and reduced lunch rates, and increases in their percentages of African-American students—far and beyond the rates of district averages. Key to Smrekar’s findings was the powerful role of parental social networks in disseminating information about particular magnet schools. Furthermore, for many African-American families the magnet school was the closet home school and many white parents were simply unwilling to transport their children more than forty five minutes away to be the sole white child in the class. This article clearly underscored the regional impacts school choice may have and why there cannot be one answer that fits all schools or school districts.

No Child Left Behind did not provide specificity to states or school districts as to how the law’s mandates were to be implemented. In the case of providing choice for parents to leave failing schools, there was no uniform method created in order to comply with the mandate. What could be concluded is that in certain cases, such as Florida's A+ Program, there were some successes. However, as reported by Smrekar, the results in Nashville resulted in a school district divided along racial lines and no evidence to suggest success of the NCLB mandate.

School Choice and Local Issues

With the current state of the economy and housing markets, issues of parental choice of schools and their relationship to housing markets is also appropriate to examine. Dougherty, Harrelson, Maloney, Murphy, Smith, Snow, and Zannoni (2009), examined parental choice. The authors posed three questions: how much more were suburban home buyers willing to pay to live on the higher-scoring side of an elementary school attendance line; to what extent did school racial composition influence home

buyers willingness to pay; and finally how has the relationship between test scores, race and house price changed over the past decade. Given the examination of low income students, and their performance under NCLB in high performing schools, this article provided another contextual element for the subject. Their results, based on a study of the affluent West Hartford, CT, were both astonishing as well as disturbing. The authors found:

Our findings from the suburb of West Hartford, Connecticut, indicate that elementary school test scores are significantly and positively correlated with single-family home prices, controlling for house characteristics, neighborhood effects, and school racial composition. For homes located in geographically similar neighborhoods and very close to school attendance boundaries, a 1 standard deviation increase in the number of fourth graders meeting the state achievement test goal is associated with a 1.9 percent (or \$3824 increase) in the price of an average home in 2000 dollars. Furthermore, in the pre-2001 period, buyers were willing to pay \$2641 more for a 1 standard deviation increase (12 percentage point) in test scores and \$435 more for a 1 standard deviation (13.8 percentage point) reduction in school minority composition (Dougherty, et. al 2009, p. 524).

Clearly there was a strong correlation between what a potential homebuyer believed made a good school and the corresponding neighborhood in which the school rested.

Keeping with the theme of geography as a factor in the issue of school choice, Bell (2009) completed a longitudinal, prospective, comparative case study of forty eight Detroit, Michigan families living in the city proper and in the inner suburbs of the city. She noted that, “Research into parental preferences generally rests on the assumption that parents are rational actors who-given the information-weigh their preferences and constraints in order to arrive at a final school selection” (Bell, 2009, p. 494). What Bell found was that parents can be much more nuanced when choosing schools for their children. She wrote, “Across the continuum, parents’ consideration of geography went beyond the well-documented preferences for convenient schools. Parents assigned

meaning to both the neighborhood and the school, and those meanings shaped the schools parents were willing to consider” (Bell, 2009, p.515). This should have informed any reader of parental choice literature that rarely could the issues involved be classified as merely “black and white” as parents are both savvy and rational as it related to choosing the best educational experiences for their children.

In a February 2000 Idea Brief for *The Century Foundation*, Kahleberg proposed, “Using a system of public school choice, school officials should ensure that in all public schools, a majority of students come from middle-class households” (Kahleberg, 2000, p. 3). Kahlenberg found in his research that the use of private school vouchers would lead to greater economic stratification in schools. He argued that since private schools can choose their students, poor, disadvantaged and unmotivated students would be worse off than ever (Kahlenberg, 2000). Under his plan, school districts would implement a system of controlled public school choice that would in effect make all schools magnet schools, created and crafted from information learned from parental survey as to what types of schools they (parents) would want to see implemented. Kahlenberg’s overall goal was to create middle-class schools across an entire school system. He cited Cambridge, MA and Montclair, NJ as examples of school districts that created student assignment policies that had economic integration and racial balance as their core and had been successful. Furthermore he noted the benefits of such a system would have included higher parental participation, classmates would become more of a positive influence on each other, and increased teacher efficacy (Kahlenberg, 2000).

Finally, Berkman (2009) took a unique view in his defense of school choice for parents. Berkman was the Head of Boston University Academy, a small (156 students)

secondary school located in the heart of the Boston University campus. Berkman took a sociological and historical view in his support of school choice. He hearkened back to Horace Mann, the great champion of the democratic school house. Berkman reminded readers Horace Mann envisioned a common school that would "unite all citizens—of varied religions, ethnic backgrounds, socioeconomic levels, and professions—into one community, educated in the values of a basically white Protestant society" (Berkman, 2009, p. 253). Given this view, Berkman surmised that offering school choice, which ran a very high possibility of creating schools that were less integrated and less "common" was counterintuitive to how Horace Mann viewed education. Berkman disagreed with this assessment. Berkman offered the following analysis:

I would argue that they are not prerequisites and that Mann's goals, while noble, can be achieved via many meandering paths. I will even argue, below, that a single path is more dangerous—to pursue the metaphor, that having only one route over this mountain, which might be blocked by an avalanche or a rock fall, is foolhardy, and so having alternative routes is not only desirable but vital to success (Berkman, 2009, p.253).

Berkman had a unique perspective. He wrote that he had been head of the Hawken School in Cleveland, Ohio. The physical plant was some ninety years old spread over two campuses and housed one thousand students ranging in age from three to eighteen. There were 225 faculty and approximately 400 graduates. He then went on to explain why he took the head position at Boston University Academy. The physical plant was only sixteen years old with a reserved dining room that overlooked the Charles River and had only one hundred fifty six students, a faculty of thirty and only 300 hundred graduates. Furthermore, students got the opportunity to cross-enroll in courses on the Boston University campus and Berkman did not report to a school board but directly to the University Provost. (Berkman, 2009) Clearly Berkman's change in circumstances

allowed him to see education that was conducted differently in two vastly different settings. As such, it was no wonder that Berkman saw the possibility in educational experimentation—particularly since he was taking part in an experiment that by all indications was successful. He justified his position thusly:

Critics of school choice might rightly raise concerns about demands on public funds across more options, or the siphoning off of more able students from public schools, or limited good teachers being ‘stolen’ from public schools. All of these risks have some merit. But the alternatives to enforce Mann’s vision of a single common school model, have proven untenable in today’s complex society, and too many children have been “sacrificed” to that single experiment in recent years, no matter its efficacy in the nineteenth and part of the twentieth centuries (Berkman, 2009, p.255).

As this overview demonstrates, there were many competing views when it comes to school choice options. Furthermore, there were often multiple and competing public policy implications as well. The next two sections on charter schools and school vouchers delved into literature and research surrounding *how* school choice has been implemented at the local and state level. Furthermore, these next sections will give the reader an indication on the research data surrounding these alternative choices.

Charter Schools

The charter school debate has continued to gain political steam. President Barack Obama has called for an increase in the number of charter schools as a means to increase public school competition and thus increase public school performance (Knoester, 2011). Charter schools have been hailed as a way to offer parents choice in the schools their children attend. Many states have raised the cap on the number of charter schools allowed under state law. Within the larger context of school choice, charter schools are squarely in the center of the debate for supporters and detractors alike. There have been as many conclusions drawn about the effectiveness of charter schools as there have been studies

conducted about them. Because the primary means of determining a school's effectiveness is the examination of assessment scores, primarily in reading and mathematics, it is appropriate to sample some of the literature surrounding this issue.

In a report released in January of 2010, The Civil Rights Project released a report on charter schools in the United States. Frakenberg, Siegel-Hawley, and Wang (2010), presented a brief account of the history of charter schools in the United States. Charter schools have been championed, particularly in recent years, as a means of improving education by the creation of schools where parents have a greater degree of control and schools have a great deal more flexibility in how the schools operate. The authors took exception to this notion and examined how charter schools were actually fairing. What they found is described below:

While segregation for blacks among all public schools has been increasing for nearly two decades, black students in charter schools are far more likely than their traditional public school counterparts to be educated in intensely segregated settings. At the national level, seventy percent of black charter school students attend intensely segregated minority charter schools (which enroll 90-100% of students from under-represented minority backgrounds), or *twice* as many as the share of intensely segregated black students in traditional public schools (Frakenberg, Siegel-Hawley, and Wang, 2010, p. 4).

The authors' conclusions were clear, the charter school movement came at the expense of gains made for African-Americans during the Civil Rights Movement where social and educational integration was a national call to arms.

This sentiment was echoed by Hill and Lake (2010). They observed that charter schools serve overwhelmingly or even exclusively minority and poor students (Hill and Lake, 2010). However, the authors here took a different approach to the notion of charter schools and believed that at some point, charter schools would begin to attract more white and Asian students. Their argument was that court-ordered busing and the creation

of magnet schools have been ineffective remedies to traditional public schools and as charter school laws improve, so will charter schools (Hill & Lake, 2010).

Frankenberg (2011) took issue with the conclusions drawn by Hill & Lake. She wrote:

Segregation in all public schools is growing, and has been for two decades (Orfield 2009)...The percentage of white public school students has steadily declined, and is currently 56 percent of all students. The share of charter school students who are white is less than two in five (39 percent) (Hill & Lake, 2011, p.103).

Frankenberg concluded that charter schools segregated students by both race and class.

While it was less likely that an African-American, or Latino student would see a white student in a charter school, white students who attend charter schools, one out of six, would attend a charter school that is 90-100 percent *white* (Frankenberg, 2011). The issue of increased segregation of students in schools, charter or public, is an issue worthy of further study.

Loveless (2002) prepared a paper for the Program on Education Policy and Governance, John F. Kennedy School of Government. He reminded readers of two basic and important facts concerning charter schools. First, their funding was directly tied to enrollment. If students do not enroll in the school, or if they un-enroll in large numbers, the school's main source of funding disappears. Second, charters must renew their authorization to operate. If the reauthorization is not successful, then the school's permission to operate can be revoked (Loveless, 2002). It should be noted that when Loveless undertook this research, there were only ten states with charter school laws on the books. That number had increased to forty by 2010. Loveless analyzed two years' worth of charter school data and found:

Achievement is significantly lower in charters than in regular public schools, by about one-half standard deviation on raw test scores and one-fourth deviation when adjusted for students' racial and socio-economic backgrounds. Charters serving at-risk students achieve at significantly lower levels than open admission charters. New charter schools achieve at lower levels than existing charters for the first two years, but catch up with older charters by the third year. Charter achievement is stronger in reading and math and stronger in eighth grade than in fourth and tenth grades. Charters were apparently narrowing the gap during this period by producing larger learning gains than public schools (Loveless, 2002, p.22).

These results raised several questions. First, the appeal of charter schools was that they were allowed to operate in such a fashion as to accomplish what traditional public schools purportedly could not seem to accomplish. Yet the preceding data did not suggest that this was the case. It begs the question, why do charter schools remain such a popular option? The second question was does a charter school actually operate in a way that was significantly different from a traditional public school? These would certainly be areas of further study in order to more completely answer the charter school question.

The number of charter schools continues to increase. Politicians call for their increase and parents clamor for more choice options (Hubbard and Kulkarni, 2009). Washington, D.C. has had charter schools operating for over a decade. Buckley and Schneider (2006) examined if parents were actually happy with their choice of school. The authors made a simple argument. Parents who got to choose their child's school should be more satisfied with their choice of schools. Indeed, they found that in general, parents in Washington, D.C. charter schools gave their schools higher grades (49% gave their school an 'A') versus Washington, D.C. Public Schools on school satisfaction surveys where parents had the opportunity to grade their schools from a high of A, which would have been considered positive to a grade of F which would have been considered negative (Buckley and Schneider, 2006). The authors went a step further and conducted

analyses of Washington, D.C. charter school parents versus Washington, D.C. public school parents in other aspects of school operations. They reported that while charter school parents were generally more satisfied with school values and class size, there was no evidence that charter school parents were happier with classroom discipline (Buckley and Schneider, 2006). Most striking in the study was that Buckley and Schneider also reported charter school parents' overall satisfaction with the school tends to decrease over time when compared to non-charter school parents (Buckley & Schneider, 2006). Determining whether this trend was also true outside of Washington, D.C. and mirrored in other cities with larger numbers of charter schools would add great value to the charter school debate as well as the debate on school choice in general.

Student achievement is another issue that continues to generate discussion as it is the chief measure as to whether or not schools of any type, public or charter, were perceived as successful. The National Center for Educational Evaluation and Regional Assistance published data from middle school students who attended charter schools that were at least two years old were reviewed. The conclusions reached were that charter schools did not statistically increase student achievement. Furthermore, there were no significant increases in any other outcomes, save parent and student satisfaction (Gleason, Clark, Tuttle, and Dwoyer, 2010). The findings also revealed that charter schools were more effective for lower income lower achieving students, and less effective for higher income higher achieving students (Gleason, et. al., 2010).

Wolfram (2008) took a different approach to examining charter school student achievement in Michigan operated by the National Heritage Foundation (NHF). The NHF has a standard curriculum and operational procedures for all of its schools and also has

enough schools in Michigan, thirty three, from which to draw data. Wolfram conducted an analysis of 4th, 5th, 7th and 8th grade charter school scores on the Michigan Educational Assessment Program (MEAP). The results of his study seemed to indicate that in the case of NHF charter schools, there has been a positive and significant impact on student achievement. He also pointed out that these NHF schools also had waiting lists and increasing enrollment numbers, which indicated that the consumer (parents and students) responded to the success of these charter schools (Wolfram, 2008). It should be noted that these results may be difficult to generalize because of the specific nature of the schools that were studied. For instance, the curriculum was not the Michigan state curriculum, but rather the curriculum created and implemented by the NHF.

While Wolfram found evidence of successful charter schools operating in Michigan, Plucker, Makel and Rapp (2007) conducted a study on the impact charter schools have on mathematics scores in Georgia. Using data compiled from Georgia's Criterion Referenced Competency Test (CRCT), the authors moved beyond the question of whether charter schools work and examined the question for whom do charter schools work. Compiling data from Georgia charter school students in grades 1-8, the authors found that when mathematics scores from Georgia charter schools were compared to the nearest non-charter school, there were no statistically significant increases in assessment scores. However, when comparing the top performing Black and White students, there was a significant find. The authors reported that in comparison to their public school counterparts, Black students in charter schools were more likely to drop out of the top 10 percent of students as it related to mathematics scores. Black students in Georgia's public schools were more likely to rise into the top 10 percent of students scoring in

mathematics. The results for white students was the exact opposite with White students more likely to score in the top 10 percent of students in mathematics while in a charter school and more likely to fall out of the top 10 percent of students scoring in mathematics while in public schools (Plucker, Makel and Rapp, 2007). Clearly the study of charter schools, public schools, and the interaction and intersection between the two needs to move beyond general comparisons and researchers need to take a more nuanced examination of all the data so as to make more informed decisions.

Supporters of vouchers

Perhaps no other issue in public education has raised as much controversy as the use of school vouchers as a means of offering school choice (Viteritti, 1996). One of the primary reasons vouchers remain such a controversial means of offering school choice is that it involves the use of public money for students to attend non-public or even parochial schools. From a political perspective, those with conservative political views tend to favor the use of vouchers as a means to offer parents choice and increase competition in the public schools. Those with more liberal political view tend to be against the use of vouchers, preferring instead that public money remain with public schools.

The concept of school vouchers is not a new one. In fact, several New England states provided vouchers for students who lived in sparsely populated areas where there were no public high schools. The vouchers were allotted to parents for their children to attend school in a neighboring county, or a secular private school if it were their choice (McCarthy, 2006). McCarthy went on to examine the legality of school vouchers. The pivotal legal decision was handed down in 2002 by the United States Supreme Court in

Zelman v. Simmons-Harris. In that decision, the High Court ruled that a voucher program designed for low-income children in Cleveland, Ohio was constitutional. The program was challenged on the constitutional grounds that it violated the Establishment Clause of the First Amendment. The fear was parents would use the vouchers and send their children to parochial schools. Since the funds for the vouchers came from public coffers, this violated the long established separation between church and state. The High Court disagreed and ruled in part:

We believe that the program challenged here is a program of true private choice, consistent with *Mueller*, *Witters*, and *Zobrest*, and thus constitutional. As was true in those cases, the Ohio program is neutral in all respects toward religion. It is part of a general and multifaceted undertaking by the State of Ohio to provide educational opportunities to the children of a failed school district. It confers educational assistance directly to a broad class of individuals defined without reference to religion, *i. e.*, any parent of a school-age child who resides in the Cleveland City School District. The program permits the participation of *all* schools within the district, religious or nonreligious. Adjacent public schools also may participate and have a financial incentive to do so. Program benefits are available to participating families on neutral terms, with no reference to religion. The only preference stated anywhere in the program is a preference for low-income families, who receive greater assistance and are given priority for admission at participating schools (p. 19). *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).

The essence of the Supreme Court ruling was clear, since it was parents and not government making the choice, the program did not promote or inhibit religion and was in fact constitutional and not a violation of The Establishment Clause of the First Amendment of the Constitution.

While the *Zelman* ruling seemed to clarify the basic issue of the constitutionality of vouchers, the issue is far from legally clear. In fact, opponents of vouchers have been quite successful in challenging vouchers in court at the state level. One of the most recent cases came from Florida. In 1999, the state of Florida created the Opportunity Scholarship Program, which allowed students in failing schools to receive vouchers to

attend private schools. In 2006 the Florida Supreme Court struck down the program. The Florida high court ruled the program unconstitutionally diverted public funds into separate, non-uniform, private systems that compete with and reduce funds for state's free public schools (McCarthy, 2006). Since the court ruled based on state constitutional issues, there were no federal issues to resolve and thus there was no appeal to the US Supreme Court. Colorado also had a voucher program that met a similar fate in 2004 (McCarthy, 2006).

That is not to say that the issue of vouchers at the state level is dead. In fact, the voucher issue is alive and well and seemingly growing in number and stature. Ohio expanded the program that began in Cleveland and led to the *Zelman* challenge to include 14,000 students state wide. In 2006, Utah established a voucher program for students with special needs and in 2005 expanded it to include all public schools and low-income private students (McCarthy, 2006). Milwaukee expanded its well-established voucher program from 15,000 students to 22,500 in the 2006-2007 school year. Even the federal government entered the voucher arena and created vouchers for low-income students in Washington, D.C., as well as vouchers for students and families displaced by Hurricane Katrina (McCarthy, 2006).

The one aspect that most voucher programs seem to have in common is that they target a specific population of students; most often, low-income students in failing schools. It is worth mentioning that there is another population of students that have long had voucher programs. Taylor (2006) examined vouchers from the standpoint of special education students. Taylor reported through the passage of such legislation as the Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities

Act (ADA), Americans with disabilities have gained protection from discriminatory practices. As it related to public schools, some states have passed voucher programs to ensure that these students received proper services. Florida, which had a universal voucher program struck down in 2006, was able to enact the McKay Scholarship Program. Under this program:

Parents of a child with a disability who currently has an Individual Education Plan (IEP) from a public School may request a voucher if they are dissatisfied with the progress their child has made in the public school at any private school, secular or non-secular, and a payment equal to the amount of state-generated funding that the student would have received or the cost of the private school's tuition, whichever is less, will be sent to the school, made payable to the parents. This amount also includes the amount of funding that the district would have received for the student's special education, making the total amount vary by child (Taylor, 2006, p. 44).

Utah followed suit in 2005 with a special education student voucher with a maximum amount of \$6,042. Ohio had the "Autism Scholarship" where parents could receive up to \$20,000 for students with autism to be educated at a private school. Arizona and Virginia had voucher programs in varying stages of development. The Arizona program has been challenged in court and the Virginia program was still in legislative committee (Taylor, 2006).

Clowes (2008) offered an analysis of the Milwaukee Parental Choice Program (MPCP) and the transformation of the Milwaukee Public Schools (MPS). Clowes presented several factors in his analysis. He cited a 2002 qualitative study of MPS. In that study, John Gardner, a member of the Milwaukee Public School Board identified several improvements the he attributed to the competition that vouchers brought to the public schools. Among the improvements were the creation of more Montessori Schools, a new collective bargaining agreement with the teacher's union that allowed teachers to be interviewed and selected rather than use a pure seniority system, which in turn gave

principals more budgetary flexibility, and the creation of a new technical high school (Clowes, 2008). In the same study, another Milwaukee Public Schools board member, Bruce Thompson was quoted, “Without the competitive pressure from choice, the technical high school would never have gone through” (Clowes, 2008, p. 373). Clowes cited other data sources, such as a reduced the 12th grade dropout rate, as well as a larger graduating class, that also demonstrated that the Milwaukee voucher program had been successful. Clowes reported:

While there was a steady and significant increase in MPS graduation rates during the past decade, graduation rates at the state level were virtually unchanged during that period, and school districts in other major cities in Wisconsin do not exhibit the same improvement in graduation rate as MPS (see Figure 4). This comparison shows that MPS’s decade-long improvement in graduation rates is not part of a statewide trend but an improvement unique to Milwaukee, suggesting that competitive pressure from MPCP may have played a role in producing these gains. (Clowes, 2008, p.370).

The data collected from Milwaukee and presented in this study would seem to suggest the use of vouchers had a positive effect on student achievement, and positively impacted how a school district, in this case Milwaukee, operated and responded to competitive pressure.

Johnson and Kafer (2002) continued with the positive notion that implementation of school vouchers had a positive effect on student achievement. The authors collected three years of data from the New York City Schools. They reported the use of vouchers had statistically significant positive effects for low-income African-American students. Part of their findings indicated standardized reading and mathematics scores increased by 9.2 percentage points and overall test scores increased 7.6 percentage points. Parental satisfaction with their children’s schools was also higher for students who used vouchers

as 42% of parents gave their school a grade of 'A' as opposed to only 10 percent for non-voucher parents (Johnson and Kafer, 2002.).

Voucher Critics

Critics of vouchers have often argued that public schools are held to a much higher standard and are under greater scrutiny than their private and parochial school counterparts. Finn, Hentges, Petrilli, and Winkler (2009), addressed this very issue. Finn, et. al, in consultation with educational experts ranging from private school administrators to scholars arrived at an interesting solution. They suggested that private school institutions be judged on a sliding scale. Meaning, the amount of funding a school received from vouchers would ultimately be determined by how much accountability or government over-sight the school received. The argument being, private schools that received little if any funding from vouchers were in fact still very much private schools and should be allowed to operate under preexisting rules. However, private schools that received the majority of their funding from vouchers are in fact operating as public schools and should be held to the same standard as public schools (Finn, et, al, 2009). To date, there has been no evidence put forth that such an arrangement has ever been enacted.

Dickman, Schmidt and Henken, (2010) completed a research brief on the Milwaukee Public Schools. The Milwaukee Public School System was one of the largest school districts in the nation that offered educational choice for parents through the use of vouchers. The city of Milwaukee was an early supporter in this area and by all accounts could be considered a fairly accurate barometer with these types of research studies. The authors examined the number of schools that participated in the Milwaukee Parental

Choice Program (MPCP). They noted that approximately 30% of students participated in Milwaukee's voucher program. With regard to student achievement however the researchers noted, "While school-by-school data on student achievement is not made available for MPCP schools, analyses of the achievement of voucher users on the aggregate has found their performance on standardize tests to be similar to that of MPS students" (Dickman, Schmidt and Henken, 2010, p.5). Since the stated purpose of the use of vouchers was to allow students a better education, and by extension, increased student achievement, this study would suggest otherwise.

Vouchers: Local Implementations

While the Milwaukee Public Schools have long used vouchers as a means of providing school choice, there have been other examples of school choice by use of vouchers. Washington, D.C. has a long and documented history of failing, and in some cases, unsafe public schools. In response, President George W. Bush signed into law the D.C. School Choice Incentive Act (OSP) on January 23, 2004. This act was the first federally funded K-12 scholarship program in the country, aimed at approximately 1700 low-income students. Wolf, Eissa, and Gutmann (2006), researched which families actually chose to participate in the program. The authors sought to answer a similar question which was what was the primary motivator for low-income parents to choose to participate in such programs? What the authors found were that parents more likely to have used the scholarship if they had a child in grades K-3 (Wolf, et. al, 2006). This was in keeping with generally higher levels of parental participation and involvement in their children's education in the early grades. The authors also found that parents were less likely to use the scholarship if they had a child with an identified learning disability, or

were in grades 6-12 (Wolf, et. al, 2006). Furthermore, while there was little distinction in the income level of the participants and non-participants in the scholarship because the scholarship was specifically aimed at low-income parents, there was a slight difference in the education level of the mothers of those that participated in the OSP and those that did not. Mothers who chose to participate in the program had slightly higher education levels (two-tenths of a year) (Wolf, et. al, 2006). Furthermore, the researchers found that if students were regularly exposed to a dangerous or disorderly environment at their previous school, they were more inclined to use the scholarship. While these facts were interesting, just as interesting are some of the reasons the researchers found that families chose not to participate in the program. The authors wrote:

Scholarship non-users consistently reported that their child's previous school contained more extensive facilities and specialized programs than scholarship users. For example, 17 percent more non-users than users reported that their child's previous school had a special program for non-English speakers, 15 percent more said that special education programs were offered, 2 percent more reported that the school included a special program for advanced learners, and eight percent more said that individual tutors were available to students. The parents of scholarship non-users were more likely than those of scholarship users to report that their previous school had a gym, nurse's office, cafeteria, prepared lunches, child counselors, and library (Wolf, et.al, 2006, p. 28).

It would seem that parents of non-scholarship users deemed the loss of auxiliary services many schools provide as more harmful than the opportunity to attend a different school.

It should not been surprising to see multiple studies of Milwaukee's voucher program. The US Department of Education commissioned a study through the Institute of Education Science. The institute completed and released a "quick review" of the MPS voucher system. Using data from the 2010 school year, the institute conducted analyses of more than two thousand elementary and middle school students in both public and private schools in Milwaukee. The researchers used data gathered from the Wisconsin

Knowledge and Concepts Examinations in reading and mathematics. The researchers then matched a voucher student with a MPS student for a comparison. There were no significant differences between reading and mathematics achievement levels Witte, Cowen, Fleming, Wolf, Condon, and Lucas-McLean (2010). The authors noted that some data, such as whether or not the students were initially equivalent in reading and mathematics could not be verified. What was most significant about this study was the notion of a one-to-one student comparison with regard to the achievement data between two comparable groups of students.

Vouchers: Conflicting Data

Greene and Forster (2002) examined school choice effects from two cities. The authors sought to determine whether public schools actually improved when faced with the loss of dwindling public dollars through the use of vouchers. What they found was that in an effort to keep top students in local schools, school districts responded and improved their educational programs. Citing the Edgewood School District in San Antonio, TX, which was a small suburb that served a largely low-income and Hispanic population, Greene & Forster noted that once vouchers were introduced as a means of competition, the district performed better than 85% of school districts across Texas, when controlling for demographics and resources. They also studied the Milwaukee Public Schools. The results here were equally compelling. Again, they reported that there were significant gains in students' assessment scores, particularly in fourth and ninth grade (Greene & Forster, 2002).

Figlio and Hart (2010) also researched the effectiveness of vouchers. Specifically the authors wanted to understand how public schools responded to competition from

private schools in light of Florida's Tax Credit Scholarship Program. The Florida program is the largest of the country and offers students who spent a least a year in a public school a scholarship of up to \$4,100 to attend a private or parochial school beginning in the 2002-2003 school year. Furthermore, the vouchers were intended to be issued to low-income families. Low income was defined by Florida as a family having an annual income of at least 185% below the federal poverty line. In this study, the authors sought to ascertain whether or not public schools that were now faced with the possibility of losing students to private schools under Florida's new voucher system, were actually able to show increased student achievement that would stave off students transferring from the school. The researchers surmised that because there were no previous voucher programs in place, if there was a sudden increase in the competition from private schools that increase in competition could be attributed to the new voucher program. What they found was that public schools would potentially be affected by losing students to private schools had no apparent increase in their student achievement data (Figlio & Hart 2010). While this data did not look specifically at individual students, it did allow for an examination of other aspects of school choice on public school institutions.

There may be an explanation as to why there seemed to be a consistent back-and-forth of data as it related to school vouchers and whether they were successful or not.

Metcalf and Legan (2006) made a reasoned argument and pointed out:

Drawing from a common set of data on the Milwaukee parental Choice Program, three different teams of researchers produced three different results (see Witte, 1991; Greene, Peterson, & Du, 1998; Rouse, 1998). One team of researchers (Witte) found no significant impact on students' achievement after four years, a second team (Greene, Peterson, & Du) found significant positive program impacts in reading and mathematics after four years, and the third (Rouse) found no significant impacts in reading, but a significant impact in mathematics after four years (Metcalf & Legan, 2006, p. 49)

Metcalf and Legan proffered the decision of families to use school vouchers was a much more nuanced exercise than most researchers have accounted for and as a result, the research data does not accurately account for certain factors. This led to data that were often confusing and contradictory. In order to compensate they argued that data need to be specifically categorized (Metcalf & Legan, 2006). For example, analyzing data from students who used vouchers versus those who did not, many researchers did not account for the fact that students receiving vouchers may not be a homogeneous group. An examination of 5th grade data yielded a range of students that have used vouchers for five years or students that may have used vouchers for a single school year (Metcalf & Legan, 2006). Other factors such as the availability of choice, whether a family actually received a voucher if they wanted one, and the level of involvement in the child's education by the parents were other factors that must be accounted for when making determinations about the success, or lack thereof, of voucher programs. In other words, voucher data need to be sufficiently categorized such that more accurate and nuanced student comparisons of the data could be determined.

Wolfe and Hoople (2006), suggested while studies may indicate students who use vouchers did show academic improvement, there was no definitive explanation as to *why* the students improved. Using randomized field trials, the authors attempted to narrow those specific school effects that may have caused student achievement gains with those students that used vouchers. The authors stated that using randomized field trials controlled for all other factors aside from treatment and mere chance. Controlling for such factors gave researchers more accurate information so as to make decisions ranging from curriculum, resource allocation, to the design of the voucher program.

The review of literature did not suggest a definitive answer to the question of whether or not mandating school choice, as required by No Child Left Behind, positively impacted student achievement. Unfortunately, there was also little in the way of concrete evidence to suggest otherwise. In other words, for nearly every study that suggested some form of school choice, such as the use of vouchers to attend private or parochial schools; or the research that has been completed on charter schools, which suggested that school choice had indeed been successful in that they produced higher student achievement scores, there could be found a study using data from the same school district that suggested that choice was indeed not successful. Because the law did not specify how it was to be enacted, states and local school districts across the nation have responded differently and with varying degrees of success. Furthermore, since no two studies were conducted in the same manner, there were bound to be as many different interpretations to the data as there were completed studies, thus leaving as many unanswered questions as there were answered ones. The one thing that can be definitely stated about the literature with regard to No Child Left Behind is that there is sufficient literature to support any position on the success, or lack thereof of the law as it relates to using school choice as a means of increasing student achievement.

CHAPTER 3: METHODOLOGY

There has been an abundance of research conducted surrounding issues of public school choice in the United States. In the current context, the 2001 reauthorization of the Elementary and Secondary Education Act, or No Child Left Behind (NCLB), has been the driving force behind one aspect of school choice for nearly ten years. Specifically, the law requires that school districts allow parents of students in Title I schools that have failed to meet Annual Yearly Progress (AYP) goals for two consecutive years to transfer to other schools within the district, at the school districts' expense. There has yet been a comprehensive look at this particular requirement of NCLB. The only definitive information a review of the research has gleaned about this aspect of the law is that nationally, approximately one percent of the eligible students who could transfer out of a Title I school in sanctions actually chose to do so. This phenomenon itself is worthy of additional study and there is research that would lay the foundation for such a study. For purposes of this study, four essential questions were posed.

1. What percentage of eligible Title I middle school students in the school system in question actually choose to "opt out" of their home school and attend a new school?
2. Are there differences in the demographic data between the students who choose to "opt out" and those who do not?
3. Are there differences by academic achievement levels in the percentage of eligible students who choose to "opt out"?

4. To what extent and how do students who choose to “opt out” differ from a comparison group of similar students who were eligible to “opt out” and choose not to do so, with respect to their end of grade test scores?

Research Setting

The setting of this study was a large urban school district in the southeastern United States. The district was the second largest school district in the state. The school district operated a data dashboard that is accessible to any member of the public with Internet access. This dashboard was designed as a means to offer the general public immediate and convenient access to general statistical, demographic, and assessment data about the district. According to information found on the data dashboard, the district had approximately one hundred and thirty five thousand students and had seen a steady increase in student enrollment, at one point adding at least three thousand students per year for three consecutive school years. The district operated 178 schools that are generally in a pre-K-5; 6-8; 9-12 grade configuration; however there are several schools that may have a 6-12 grade configuration in order to accommodate a particular program. There were five pre-K centers, one hundred elementary schools, thirty six middle schools, thirty three high schools and four alternative schools in this district.

Demographically, the student breakdown was as follows: 32.8% of the students were white, 41.2% were African-American, 16.4% were Hispanic/Latino, and 5% were identified as Asian. Approximately 10% of the students were identified as limited English proficient, and 53.4% of the students in the school district were identified as being economically disadvantaged, thus qualifying them for free or reduced priced meals. With regard to target population for the study, there were 32,228 middle school students in this school district when the data were collected.

During the 2005-2006 school year, under the direction of a new superintendent, the school district undertook a form of decentralization and the district was reorganized into seven areas, mostly by geography. Each area had an area superintendent who reported to the district's chief academic officer, and the school principals within an area reported to the area superintendent. This was done in response to community concerns over a perceived lack of responsiveness from the central office. At the time of the study, there were five zones with geography being the primary means by which the district was organized. As before, each zone has a superintendent to which the individual principals directly reported. One of the zones was a compilation of all of the Title I schools in the district. Furthermore, under the latest reorganization, the Title I office, which oversaw the district's disbursement of all Title I dollars, as well as approved individual schools Title I purchases, was placed under the direction of the Central Zone, which was the zone in which the Title I elementary and middle schools fell. This was done as a way to streamline services to all Title I schools.

No Child Left Behind required states to test students in grades 3-8 in reading, mathematics and science. The data examined was archived student achievement data in the area of reading, mathematics. The district also published its student achievement data by district, by zone, and by individual school. This study focused on Title I middle school data. For purposes of the study, middle school was defined as a school having a grade configuration of 6-8. Students in this grade configuration ranged in age from eleven to fourteen. During the 2007-2008 school year, the state department of public instruction (NCDPI) reported the grades 3-8 district performance on the state reading assessment was 55.2% on grade level. The mathematics assessment for that same year was reported

as 67.7% of students being on grade level. During the 2008-2009 school year, performance on the state reading assessment rose to 67.3% on grade level, while the mathematics assessment rose to 78.6%, again as reported on the NCDPI assessment website.

Participants

The research participants in this study were middle school students who were assigned to a Title I middle school. Middle school students were chosen for two reasons. First, while conducting the study, the author was working as an administrator in a middle school. Second, middle schools have received much attention as a precursor to high schools. It is thought that the way to improve the nation's high schools is to be certain that students are better prepared while in middle school. Since one of the stated purposes of NCLB is to increase student achievement as well increase school improvement, it is appropriate to have examined whether or not improvement has actually occurred as a result of the law and its mandates. The population will further be narrowed to include only Title I middle school students who spent a year in their home school and then chose to opt out of their Title I home school and transfer to a new school under the NCLB provision. Based on current data, there were approximately 1200 students who fit this description. Title I refers to the federal dollars allotted by the US Department of Education to schools with high numbers of low income students. In order to have been classified as a Title I school, a school must have had at least 75% of its students who qualified for free or reduced priced lunch, which was the typical standard indicator of poverty for a public school or school district. Because the data focused on students who spent at least one school year in a Title I middle school, by definition, rising 6th grade

students were not be part of the study, unless the student repeated the 6th grade, and then chose to transfer to another school as a 7th grade student, in which case the student's assessment data would then have met the research criteria. These students, according to state and federal mandates took the state reading and mathematics assessment administered in the spring, usually in May of the school year.

Because of the nature of the schools that were being studied, the majority of the students could also be classified as Title I students who were economically disadvantaged. Title I middle schools were middle schools where at least 75% of the students in the school qualify for free or reduced priced lunches. This school district had a total of thirty six middle schools and of those thirty six schools, eleven, or one third were identified as Title I. The poverty levels in these schools ranged from a high in one Title I school that has of 93.7% of 478 students who qualified for free or reduced priced lunch to 77.1% of 895 students in another Title I school. Because of city demographics, many of the students and schools were located on either the west side of town, or in an area commonly referred to as the "inner ring." The "inner ring" largely followed a highway by-pass which separates the inner-city from the suburbs. Non-Title I middle schools in this district have poverty ranges from low of 16.3% to a high of 76.9%.

Procedure

The data to be examined was end of grade (EOG) reading and mathematics assessment scores. These scores were used because all students across the state are given the same assessment and the reading and mathematics assessment were deemed both reliable and valid based on information provided from the state department testing website. Since the researcher did not create the assessment from which the data were

gathered, the researcher deemed that the information provided by the state department of public instruction website regarding the reliability and validity of the assessment instruments was sufficient and acceptable. Additionally, the state used a data warehouse called the Education Value Added Assessment System (EVASS) in which these data are stored and reported to schools and school districts. Contact was made with the school district's student placement office in order to determine the number of eligible students who meet the qualifications and whose data were analyzed. The district generated a master list of all Title I students in the district that who fit general eligibility requirements for the study. That list was then analyzed to determine which students did change schools and which students did not. Using SPSS, students who had the same school number from one year to the next were given a value of '0', for having not moved, or chosen to opt out of their home school. Students who had a different school number from one year to the next were given a value of '1' in SPSS as having chosen to move, or opt out of their home school. This list was further reduced by ensuring there were both reading and mathematics data for all students. Any student that was missing either of the data points was removed from the study. This ensured that there even data points for both lists of students. Reading and mathematics student achievement data for the 2007-2008 and 2008-2009 school years were the target years. It should be noted here that North Carolina renormed the mathematics assessment beginning in the 2008 school year. The state adjusted scoring on the mathematics assessment due to changes implemented in the state mathematics standard course of study (NCSCOS). The changes were explained in a technical report released by the North Carolina Department of Public Instruction. In the report it was explained:

The third edition scales were statistically moderated to the second edition scales using equipercentile equating methods. While the term “equating” is used throughout this section, the term used is technically inadequate as it should only be applied to tests with parallel content (Mislevy, 1992); strictly speaking, the procedure is “statistical moderating.” The third-edition and second-edition tests assess slightly different subdomains of the content area because they reflect revisions to the academic content standards. However, the equipercentile method is an equating process, and therefore it is referred to as “equating” throughout this document and should be understood to be “shorthand” for “the application of equating techniques to a statistical moderation of tests of different content (Bazemore, Kramer, Gallagher, Englehart, and Brown, 2008, pg. 38).

Renorming of scores, for whatever reason can alone have an effect on achievement scores by either raising or lowering the scores needed to meet proficiency standards. In the study conducted herein, there was an increase in the score needed for proficiency from the 2007-2008 and 2008-2009 school year. Because this could have also impacted schools and school districts across the state from meeting federal AYP mandates, the report went to explain:

At that time, each state was required under NCLB to provide an empirical baseline for showing Adequate Yearly Progress (AYP) toward the goal of 100% proficiency in 2014. Any school or district that fails to meet its AYP target each year faces serious penalties. The risk of these sanctions led to this research to see if the scaled scores could be reasonably equated for the purposes of assigning achievement level cut scores, or if completely new standards would need to be set—in effect, starting over from scratch in terms of AYP (Bazemore, Kramer, Gallagher, Englehart, & Brown, 2008, pg. 39).

To ensure confidentiality, the district removed any authentic identifying names or student numbers. All data were kept on a secure, password protected computer to which only the researcher had access.

Data Analysis

Once the data were collected, SPSS was used to enter the data and a series of analyses performed. The first research question, “what percentage of eligible Title I middle school students in the school system in question actually chose to opt out of their home school and attend a new school” was addressed by examining the percentages that resulted from the descriptive statistics from SPSS as the researcher matched a student who opted out of his or her home school with a student who was eligible to opt out of his or her own school but chose not to do so. Both the second and third research questions, “were there differences in the demographic data of the students who chose to “opt out” and those who do not,” and, “were there differences by academic achievement levels in the percentage of eligible students who chose to opt out and those who did not” were resolved by implementing a Chi-Square contingency analysis was performed comparing students in the two groups on several demographic measures such as gender, exceptional children status, limited English proficiency status, and ethnicity. Finally, in order to address research question four, “did students who chose to opt out differ from a comparison group of similar students who were eligible to opt out and chose not to do so, as measured by their end of grade assessment scores,” a T-test was used to analyze mean differences in reading and mathematics assessment data from one year to the next. The data were reported in table form as well as graphically for ease of view and analysis.

CHAPTER 4: RESULTS

As stated in chapter 1, the study was organized around four central questions surrounding the practice of students in Title I schools opting out of their home Title I school, and transferring into a new school under the auspices of No Child Left Behind. Under this federally mandated rule, any student in a failing Title I school must be given the option of transferring into another school considered to not be failing. Under the law, failing has been defined as a Title I school not making annual yearly progress (AYP) for two consecutive years. Not meeting this threshold triggered a series of sanctions for the Title I school, the first of which was offering parents the choice of opting out of the school at school district expense. Since this sanction was unique to Title I schools, examining whether students who opted to transfer out of their home Title I school performed better on standardized achievement tests than students who chose to stay at their home school was the basis for this study. This section was organized around the four central questions the study sought to answer. They were as follows:

1. What percentage of eligible Title I middle school students in the school system in question actually chose to “opt out” of their home school and attend a new school?
2. Were there differences in the demographic data of the students who chose to “opt out” and those who did not?
3. Were there differences by academic achievement levels in the percentage of eligible students who chose to “opt out” and those that did not?

4. Did students who chose to “opt out” differ from a comparison group of similar students who were eligible to “opt out” and chose not to do so, as measured by their end of grade assessment scores?

Data were gathered from a large urban school district located in the southeastern United States. The district was the second largest district in the state in which is located, and one of the twenty five largest in the country. The data were from the 2007-2008 and 2008-2009 school years and was comprised of middle school (grades 6-8) end of year assessment data in mathematics and reading. Assessment data was only provided for the 7th grade and 8th grade students. These data were further delineated into achievement levels (I-IV) on the assessment, as well as specific scale scores on the individual assessments. Furthermore, demographic information was also collected which consisted of students’ ethnicity, limited English proficiency (LEP) status, exceptional children (EC) status, and gender. In all, the total sample size consisted of 7, 541 students.

Addressing the question of what percentage of eligible Title I middle school students chose to opt out of their home school, of the 7, 541 students who were eligible, the school district data indicated that 976, or 12.94% of those students had an application on file to transfer. However, of those students with an application on file, only 425, or 5.6% of those students with an application on file actually moved to a new school. By grade level, 271 6th grade students chose to transfer, and 154 7th grade students chose to transfer to new schools. Eighth grade students would not be included as that grade is the terminal year for middle school and those students would move onto high school.

There were significant statistical differences between the ethnic makeup of the students who transferred into new schools and those who did not, $\chi^2(5)=11.556, p=.041$.

Specifically, the data reveal that Hispanic and Asian students with an application to transfer on file were less likely to transfer out (table 1).

Table 1: Distribution of students who transferred schools by ethnicity

Ethnicity	Count	%	Count	%	Total
	Yes		No		
African-American	273	59.7	184	40.3	100
American Indian	3	42.9	4	57.1	100
Multi-Racial	12	48	13	52.0	100
Asian	28	75.7	9	24.3	100
Hispanic	99	64.7	54	35.3	100
White	30	63.8	17	36.2	100
Total	526	58	381	42.0	100

Gender did not play as significant a role with regard to whether students opted to change schools. Of the students with an application on file to transfer ($N=907$), 457 were female and 450 were male. Of those numbers, 184, or 40.3% of female students transferred and 43.8% of male students chose to transfer. Pearson Chi-Square tests produced a value of $\chi^2(1)= 1.150^a$, $p=.284$ which was not statistically significant. The EC status of students was also not statistically significant with regard to whether the student opted to transfer or not. It should be noted that EC status encompassed not only students with learning disabilities, but students who are academically gifted as well. Pearson Chi-Square test produced an $\chi^2(3)= 4.074^a$, $p=.254$, which was not statistically significant.

The data also revealed that students who were designated as LEP were statistically less likely, $\chi^2(1)= 19.186$, $p=.000$, to move as compared to other students in the sample (Table 2).

Table 2: Distribution of students who changed schools by LEP status

LEP	No	Yes	Total
No	452	390	842
%	53.70	46.3	100
Yes	99	35	134
%	73.9	26.1	100
Total	551	425	976
	56.5	43.5	100

Moving to the question of whether there was variance in the academic achievement level of students who chose to transfer versus those that did not revealed no statistically significant difference in the data in either 7th grade or 8th grade students and in neither the reading or mathematics assessment data. Beginning with 7th grade reading achievement level data, the data show that there were a total of 532 students ($N=532$) in the sample. Of those, 6 (2.0%) students were level I, 64 (21.6%) were level II, 167 (56.4%) were level III, and 59 (19.9%) were level IV for a total of 296 (55.6%) of 7th grade students who did not transfer. Conversely, 7 (3.0%) level I, 53 (22.5%) level II, 139 (58.9%) level III, and 37 (15.7%) of level IV students for a total of 236 (44.4%) of eligible 7th grade students did choose the transfer option (Table 3).

Table 3: Reading achievement level of students of students who transferred versus those that did not transfer 7th grade

Achievement level	level I	level II	level III	level IV	Total
No	6	64	167	59	296
%	2.0	21.6	56.4	19.9	100
Yes	7	53	139	37	236
%	3.0	22.5	58.9	15.7	100
Total	13	117	306	96	532
Total %	2.4	22.0	57.5	18.0	100

Eighth grade reading achievement level had a sample size of 512 ($N=512$). Of the students who chose not to transfer, 85 (29.8%) were level I, 103 (36.1) were level II, 78 (27.4%) were level III, and 19 (6.7%) were level IV students for a total of 285 ($n=285$, 55.7%). Conversely, for the students who did choose to transfer there were 78 (34.4%) level I students, 74 (32.6%) level II students, 66 (29.1%) level III students, and 9 (4.0%) level IV students for a total of 227 ($n=227$, 44.3%) of eligible 8th grade students. (Table 4).

Table 4: Reading achievement level of students of students who transferred versus those that did not transfer 8th grade

Achievement level	level I	level II	level III	level IV	Total
No	85	103	78	19	285
%	29.8	36.7	27.4	6.7	100
Yes	78	74	66	9	227
%	34.4	32.6	29.1	4.0	100
Total	163	177	144	28	512
Total %	31.8	34.6	28.1	5.5	100

Mathematics achievement level produced similar results. Beginning with 7th grade students who chose not to transfer, there 532 eligible students ($N=532$). Of those students, 39 (13.2%) were level I, 111 (37.5%) were level II, 129 (43.6%) were level III, and 17 (5.7) were level IV for a total of 296 ($n=296$, 55.6%) of eligible 7th grade students. For 7th grade students who did choose to transfer, the mathematics achievement level data was as follows, 32 (13.6%) students were level I, 108 (45.8%) were level II, 88 (37.3%) were level III, and 8 (3.4%) were level IV for a total of 236 students ($n=236$, 44.4%) of eligible 7th grade students (Table 5).

Achievement level	level I	level II	level III	level IV	Total
No	39	111	129	17	296
%	13.2	37.5	43.6	5.7	100
Yes	32	108	88	8	236
%	13.6	45.8	37.3	3.4	100
Total	71	219	217	25	532
Total %	13.3	41.2	40.8	3.4	100

Eighth grade mathematics achievement level data produced statistically significant data. Of the 8th grade students who chose not to transfer 32 (11.2%) were level I, 97 (34.0%) were level II, 131 (46.0%) were level III, and 25 (8.8%) were level IV for a total of 285 students (n=285, 55.7%). The data for students who chose the transfer option was as follows: 38 (16.7%) were level I, 97 (42.7%) were level II, 87 (38.3%) were level III, and 5 (2.2%) were level IV for a total of 227 students (n=227, 44.3%). The data showed that for 8th grade students, students that chose to transfer had a lower achievement level than those students who chose to stay in their home school (Table 6).

Table 6: Mathematics achievement level of students of students who transferred versus those that did not transfer 8th grade

Achievement level	level I	level II	level III	level IV	Total
No	32	97	131	25	285
%	11.2	34.0	46.0	8.8	100
Yes	38	97	87	5	227
%	16.7	42.7	38.3	2.2	100
Total	70	194	218	30	512
Total %	13.7	37.9	42.6	5.9	100

The data analysis of the mathematics scale scores over time produced statistically significant results. The data showed that all students showed growth over time from the

7th grade year to the 8th grade year, $F(1, 86.415)$, $p = 000$. However, while all students grew over time, students that did not transfer grew at a statistically higher rate than their peers who chose to transfer into another school $F(1, 9.505)$, $p = 002$. Finally, Students that did not transfer schools performed statistically higher in both 7th and 8th grade, $F(1, 1265.951) = 12.474$, $p = 000$. In summary, the data showed that students who remained in their home school were able to perform at a statistically higher rate, than their peers who chose the transfer option. The data were expressed in Table 7 as well as graphically in Figure1.

Table 7: Mathematics scale scores of 7th and 8th grade students who transferred versus those that did not transfer

		Mean	Std. Deviation	N
7th grade	NO	352.41	7.888	282
	YES	350.94	7.308	225
	Total	351.76	7.664	507
8th grade	NO	355.53	7.997	282
	YES	352.51	7.272	225
	Total	354.19	7.823	507

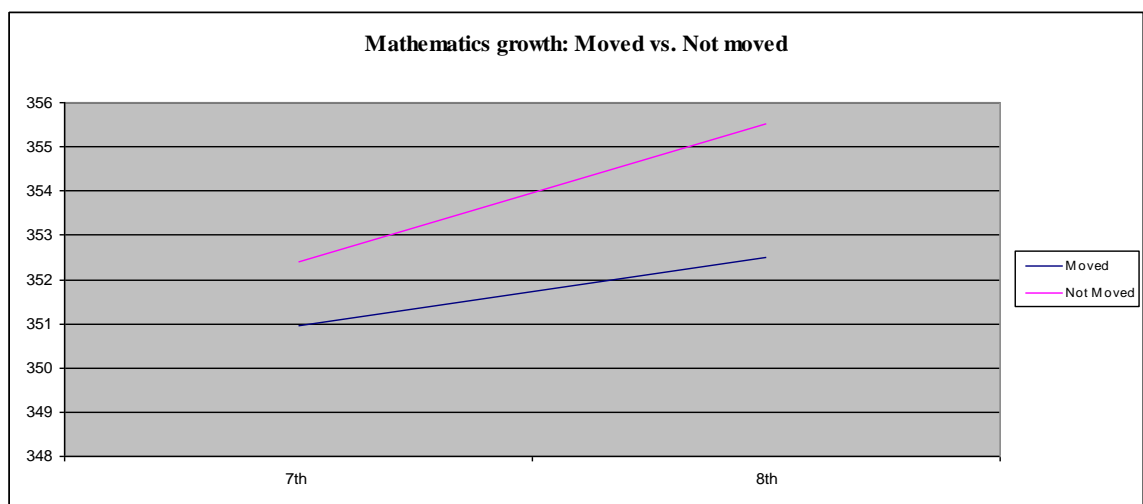


Figure 1: Mathematics Growth

Reading data also produced statistically significant results as well. The data showed that all students grew over time $F(1, 154279.173)$, $p = .000$. However, there was no statistical difference in the rate of growth between students that transferred and students that remained in their home school, $F(1, .307)$, $p = .58$. Finally, though slight, there was a statistical advantage in reading growth for students who remained in their home school, $F(1, 6.703) = 658.104$, $p = .010$. In summary, all students showed some growth in reading over time, though the rates of growth were nearly identical. However, statistically, the students who did not transfer did grow at a slightly smaller, though statistically higher rate. These data were expressed in Table 8 as well as Figure 2.

Table 8: Reading Scales scores of 7th and 8th grade students who transferred versus those that did not transfer

		Mean	Std. Deviation	N
7th grade	NO	256.2	7.486	282
	YES	254.72	6.943	225
	Total	255.54	7.28	507
8th grade	NO	352.00	7.651	282
	YES	350.24	7.93	225
	Total	351.22	7.817	507

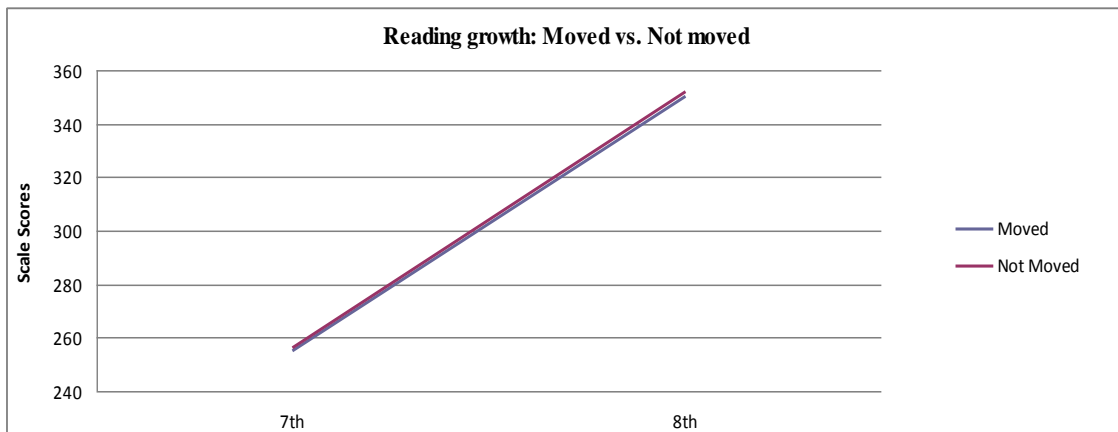


Figure 2: Reading Growth

CHAPTER 5: SUMMARY AND DISCUSSION

So as to further aid the reader, this final chapter of the dissertation restates the research problem as well as reviews the methods used to gather the resulting data. Furthermore, the results are summarized and the implications of the data are discussed in detail.

As outlined in chapter 1, a portion of presidential candidate George W. Bush's education platform was the promise of increasing accountability of public schools by ensuring schools no longer promoted students who were not meeting academic standards from one grade to the next. At a speech to the Republican National Convention, then-governor George W. Bush stated to the Republican National Convention in Tampa, Florida:

Too many American children are segregated into schools without standards, shuffled from grade-to-grade because of their age, regardless of their knowledge. This is discrimination, pure and simple -- the soft bigotry of low expectations. And our nation should treat it like other forms of discrimination: We should end it. (Republican National Convention, January, 2000).

When the reauthorization of the Elementary and Secondary Education Act (ESEA) was passed by Congress, it was given the designation No Child Left Behind (NCLB) and was signed into law in January 8, 2002. Now, President Bush took the opportunity to address those inequities he recounted to the Republican Convention just a year and a half before. One of the provisions of the law mandated that local school districts provide a "choice" option for parents who had children attending "failing"

schools. Failing was defined under the law as a school that did not make annual yearly progress (AYP) for two consecutive years. This particular provision of the law applies only to Title I schools, and was the beginning of a series of sanctions that could be applied to Title I schools that continued to miss federally mandated AYP measures.

While there has been an abundance of research surrounding issues of school choice, there has yet been a comprehensive look at this particular requirement of NCLB. About the only definitive information research has gleaned about the law to-date, is that nationally, approximately only one percent of the eligible students who could transfer out of a Title I school in sanctions actually choose to do so.

As recounted in chapter 2, middle school year end of grade assessment data in reading and mathematics were collected from a large urban school district located in the southeast United States for the 2006-2007 and 2007-2008 school years. Data collected included basic demographic data, scale scores as well as achievement levels of identified students. Using SPSS, frequency analyses were conducted to determine if there were statistical differences among the type of students, based on demographic data, who chose to transfer out of their home Title I school and into a different school. Furthermore, while sixth grade assessment data was not provided by the school district, the researcher was to ensure that for seventh and eighth grade students for every child that opted into a new school, that corresponding data for a child who did not opt out was also present. That allowed for a true pre-test and posttest comparison of the assessment data to determine whether there were differences in the assessment performance of the students who chose to opt out of their home school versus those that chose to stay in their home school. The data were reported in tabular as well as graph form for ease of view and analysis.

Results Summary

For purposes of this study, four essential questions were posed:

1. What percentage of eligible Title I middle school students in the school system in question actually choose to “opt out” of their home school and attend a new school?
2. Are there differences in the demographic data of the students who choose to “opt out”?
3. Are there differences by academic achievement levels in the percentage of eligible students who choose to “opt out”?
4. Do students who choose to “opt out” differ from a comparison group of similar students who were eligible to “opt out” and choose not to do so, with respect to their end of grade test scores?

Addressing the question of what percentage of eligible Title I middle school students chose to opt out of their home school, of the 7, 541 students who were eligible, the school district data indicated that 976, or 12.94% of those eligible students had an application on file to transfer out of their home school. However, of those students with an application on file, 425, or 5.6% of those students with an application on file actually completed the transfer to a new school. Examining this data by grade level, 271 6th grade students chose to transfer and 154 7th grade students chose to transfer into new schools. 8th grade students would not be included as that grade is the terminal year for middle school and those students would move onto high school.

An examination of the demographic data revealed that the ethnic makeup of the students who chose to transfer did see some significant differences in students who transferred into new schools. Specifically, the data reveal that Hispanic students with an application to transfer on file were less likely to transfer out of their home school. Gender did not play as significant a role with regards to whether students opted to change

schools. Of the students with an application on file to transfer 457 were female and 450 were male. Of those numbers, 184, or 40.3% of female students transferred and 43.8% of male students chose to transfer. Furthermore the data reveal statistical differences in students who were designated limited English proficient (LEP) as the data revealed that students who were designated as LEP were less likely to opt out as compared to other students in the sample.

Moving to the question of whether there was variance in the academic achievement level of students who chose to transfer versus those that did not revealed no statistically significant difference in the data in either 7th grade or 8th grade students in either the reading or mathematics assessment data. 7th grade reading achievement level data show that there were a total of 532 students in the sample. Of those, 6 (2.0%) students were level I, 64 (21.6%) were level II, 167 (56.4%) were level III, and 59 (19.9%) were level IV for a total of 296 (55.6%) of 7th grade students who did not transfer. Conversely, 7 (3.0%) level I, 53 (22.5%) level II, 139 (58.9%) level III, and 37 (15.7%) of level IV students for a total of 236 (44.4%) of eligible 7th grade students did choose the transfer option. The 8th grade reading achievement level has a sample size of 512 students. Of the students who chose not to transfer, 85 (29.8%) were level I, 103 (36.1%) were level II, 78 (27.4%) were level III, and 19 (6.7%) were level IV students for a total of 285 students. Conversely, for the students who did choose to transfer there were 78 (34.4%) level I students, 74 (32.6%) level II students, 66 (29.1%) level III students, and 9 (4.0%) level IV students for a total of 227 of eligible 8th grade students.

Mathematics achievement level produced similar results. There were 532 eligible 7th grade students who chose not to transfer. Of those students, 39 (13.2%) were level I, 111

(37.5%) were level II, 129 (43.6%) were level III, and 17 (5.7) were level IV for a total of 296 of eligible 7th grade students. For 7th grade students who did choose to transfer, the mathematics achievement level data was as follows, 32 (13.6%) students were level I, 108 (45.8%) were level II, 88 (37.3%) were level III, and 8 (3.4%) were level IV for a total of 236 students of eligible 7th grade students. Continuing on with the mathematics summary and an examination of the assessment scale scores over time, again the data produce statistically significant results. Specifically, all students grew over time from the 7th grade year to the 8th grade year, however, there were different rates of growth with students who did not transfer, growing slightly faster than students who chose the transfer option. Finally, reading data also produced statistically significant results as well. A review of the reading scale scores reveals that while all students did show growth over time from 7th grade to 8th grade, there was no significance in the rates of growth between students that chose to transfer and those students that chose to stay in their home schools.

Discussion

The passage of No Child Left Behind was the culmination of a series of legislative measures designed to rethink and redesign American public Schools. While George W. Bush may take much of the credit (or blame) for NCLB, the law itself was the final step of a series of education initiatives that began legislatively with president Bill Clinton's reauthorization of the ESEA, Educate America Act (P.L. 103-227), signed into law March 31, 1994. The bill became commonly known as Goals 2000. In it, the Clinton Administration outlined eight education initiatives it wanted the nation to accomplish by the year 2000. Goals 2000 was itself the outgrowth of an education initiative called for by then president George H.W. Bush, but led in large measure by the nation's governors. It

should be interesting to note that the chairman of the Governors' Association education committee for the George H.W. Bush education summit was the then-governor of Arkansas, Bill Clinton. As it relates to the origins of NCLB, one of the major outcomes that were achieved with the passage of Goals 2000 was a shift to outcome based education—the Age of Accountability in American education had begun in earnest.

When No Child Left Behind was enacted in 2002, it called for students in grades 3-8 be tested in reading, mathematics, and science; much like its predecessor Goals 2000. Under NCLB, all schools in the United States were expected to be at 100% proficiency by the year 2014. NCLB however, went further and called for mandated punitive sanctions on those schools that failed to meet its annual yearly proficiency (AYP) targets. These punitive actions were limited to schools receiving federal funds. In the case of public schools, this meant any school with a Title I designation. In other words, a non-Title I suburban school could consistently fall short of meeting AYP targets and face no sanctions, while a similar Title I school could fail to meet the same targets and after two consecutive years begin to face a series of increasingly punitive sanctions.

This research study served to examine whether one of those sanctions, namely offering parents the option of opting out of such a school is in fact having the positive effect it was intended to have. A review of the literature did not find a study that had been previously conducted with students who opted out specifically under the auspices of NCLB. However there is plenty of literature on several other school choice options such as voucher programs and charter schools.

There are several cities across the United States, Milwaukee, WI and Cleveland, OH that have long standing voucher programs. Vouchers provide families with publicly

financed means of attending schools other than public schools. With such a voucher, a family could even choose to attend a parochial school with public funds. An examination of the data on students who use vouchers to attend non-public schools is as varied as it is inconclusive. Dickman, Schmidt and Henken, (2010) completed a research brief on the Milwaukee Public Schools. The authors examined the number of schools that were participating in the Milwaukee Parental Choice Program (MPCP). They noted that approximately 30% of students participate in Milwaukee's voucher program. With regard to student achievement however the researchers note, "While school-by-school data on student achievement is not made available for MPCP schools, analyses of the achievement of voucher users on the aggregate has found their performance on standardized tests to be similar to that of MPS students" (Dickman, Schmidt and Henken, 2010). Conversely, Clowes (2008) conducted research on Milwaukee's voucher program and made a far different conclusion. Clowes cites other data sources, such as a reduced 12th grade dropout rate, as well as a larger graduating class, that also show the Milwaukee voucher program has been successful. The data collected from Milwaukee and presented in this study would seem to suggest the use of vouchers has a positive effect on student achievement, and positively impacts how a school district, in this case Milwaukee, operates and responds to competitive pressure. Suffice it to say that for every study that reported positive gains in student achievement with the implementation of vouchers, there can be found a corresponding study that suggests that the voucher programs in Milwaukee, Cleveland, New York, or even Washington, D.C., had little if any discernible effect on student achievement. The research on charter schools, arguably the political darling of the moment, follows a very similar polarizing trend.

The study conducted herein could be said to also follow a very similar pattern to that of the research conducted on voucher students, as well as students who attend charter schools. If the main thesis of NCLB was to increase student achievement by providing choice to parents who had students attending failing school the choice to attend other schools, the results cannot be construed as encouraging. Reading scores for both sets of students in the study grew at virtually the same rates. It can be inferred that the option of transferring to a new school would have shown the students that opted out having high achievement scores. The mathematics results of the study also provide results that cannot be said to be encouraging. Again, both sets of students' mathematics scores increased from one year to the next. However, the students who remained in their home school scales scores increased at a statistically relevant higher rate than those students who chose to transfer. It could then be inferred that for students' mathematics scores, opting out of the home school actually hurt the students on the end of grade assessment.

It seems clear that additional research can further aid in this discussion. One of the first areas that can be addressed is the area of identifying why students choose to opt out or stay in their home school. As noted earlier, since NCLB's inception, nationally, approximately one percent of eligible students actually chose to opt out of their failing school. Results of this study also show a small number of eligible students, approximately five percent of the eligible population invoking the option. Parental and student motivation with regards to school choice can be in itself a separate category and can be approached from a qualitative as well as quantitative standpoint. Perhaps determining why parents choose to opt out or remain in a school that has been designated

as failing under NCLB guidelines can provide greater insight into student achievement results.

Furthermore, among similar school districts, were there similarities in how the process of providing school choice to parents was presented. In the present school district, the choice option was done in concert with the normal student assignment calendar. Might this account for the five percent participation, versus the one percent national average? This suggests that increased access to school choice options can provide increases in parental participation in the program. Additionally, for schools that receive students that have opted out of their Title I school, what if any strategies are used for these students? This study suggests they are not treated differently as reading scores are identical for students who chose to opt out and students who stayed in their home school. Mathematics scores provide more insight and perhaps more opportunity for further research. Both sets of students showed growth over time. However, students who remained in their home school, which by definition was designated as failing, actually grew at a statistically higher rate than students who opted into non-failing schools. Going back to NCLB's premise of increasing student achievement through school choice, this was not the case with regards to mathematics achievement scores in this study. Finally, a similar studies completed in comparable school districts would also provide greater insight as to the national effect of this particular provision of NCLB. Such studies would be in keeping with similar reviews of charter schools and voucher programs, which also have national implications.

This study is far too limited in size and scope to make grand pronouncements with regards to the possible implications on federal, state, or local education policy. Indeed,

the reverse could also said to be true. No Child Left Behind calls for students to have the option to transfer out of failing schools without addressing the issue of why schools fail. Furthermore, it cannot be overlooked that this parental choice option applies only to Title I schools; which tend to have a myriad of issues that tend to affect the effectiveness of the school. Can such a mandate, as set forth as by NCLB have the intended effect at the individual school level? Recent history suggests not. Of the eight goals set forth in Goals 2000, none were met with any fidelity. No Child Left Behind called for all schools to be at 100% proficiency by the year 2014. It is clear that the nation will fall well short of that goal, whether the school is Title I or not. In fact in the present context, the Obama Administration has allowed for states to apply for waivers under the administration's education initiative—Race to the Top—from many of the guidelines set forth in NCLB; and has provided funding by way of grants for states to be able to do so. This has been done in large measure because to date, the Elementary and Secondary Education Act has yet to be reauthorized by this president and Congress. Finally, American public education yet again enters uncharted waters as 46 of the 50 states have crafted the beginnings of a national curriculum, called the Common Core State Standards, which will have the so called next generation of common assessments crafted by one of two national consortiums. In theory, it should make comparisons of student achievement data across states, school districts, and schools far easier to construct. Only time will tell if that goal comes to fruition and the numbers game so often and so badly played in public education finally receives a much needed respite.

NCLB, as it has been known and has operated for over a decade is seemingly dead and American public education once again enters a period of redefining what it is to

educate the nation's youth. School choice as a means of increasing student achievement will remain a hot topic issue in public education for some time to come, at all levels, federal, state and local, of the debate. That said, it remains to be seen whether student achievement can be increased via school choice.

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