

Test-Based Accountability: A Civil Rights Issue?

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Abstract

The controversy over test-based accountability began with the passage of *No Child Left Behind* (NCLB) during the Bush Administration and has continued throughout the Obama Administration. NCLB holds schools accountable for student scores on standardized tests and sets goals for annual yearly progress, with sanctions for schools that do not meet the goals. The Obama Administration has given incentives to states to hold individual teachers, as well as schools, accountable by establishing the Race to the Top Fund, a competitive grants program, and also offering waivers on some of the requirements of NCLB for states meeting the Administration's criteria.

When NCLB was originally passed, in 2001, it was supported by the majority of mainstream Republicans and Democrats in Congress. An unlikely coalition opposed it: conservative Republicans, who were concerned about federal control of education and liberal Democrats, who felt that the education of low-income and minority children would suffer as a result of the requirements.

The controversy (which is now about both testing and Common Core) has become more heated on both sides of the issue and is reflected in the current attempt to reauthorize the legislation. For conservative Republicans, test-based accountability is a cause célèbre and a symbol of federal intrusion in local decisions. Many others, both Republicans and Democrats, also oppose the emphasis on testing because of a concern that it weakens education; some parents have joined the "opt-out" movement and do not permit their children to be tested.

The Obama Administration and many mainstream Democrats and Republicans, however, continue to support testing requirements. Civil Rights organizations have also been particularly strong advocates of the testing requirements, which they view as essential to ensuring equality of educational opportunity for low-income and minority students. They make two main arguments: first, testing is essential to ensure that the achievement gap based on poverty is visible and, therefore, not ignored by policymakers and educators and, second, holding educators accountable for student test scores will strengthen education in high-poverty communities. The preponderance of research evidence, however, shows that both assumptions are questionable. Test-based accountability is having precisely the opposite effect from that hoped for by its advocates.

The presentation will examine the assumption that testing is required to ensure that policymakers and educators are aware of the achievement gap. It will draw on the vast research literature that shows the link between poverty and low achievement. A milestone of this literature is “the Coleman Report,” published almost 50 years ago, which shows the overwhelming impact of poverty on academic achievement. The presentation will also discuss the laws that were enacted 50 years ago in an attempt to alleviate the problem, most notably the Elementary and Secondary Education Act and the Higher Education Act. NCLB is not needed to demonstrate the link between poverty and low achievement; that link is all too apparent.

The main point of the presentation is to describe the ways that test-based accountability has exacerbated the already significant gap in opportunities available in high-poverty schools as compared to schools serving more affluent populations. The discussion will focus on the following findings:

1. The opportunities for a broad-based education have been diminished in high-poverty schools in order to free up time to cram for reading and mathematics tests. Especially in elementary school, the time spent on other subjects or activities has been reduced; in some cases, untested subjects—social studies, science, art, music—as well as in-depth projects have been completely eliminated.
2. The opportunities for the top students in high-poverty schools have also been diminished, both because they are denied access to a broad-based education and because teachers under extreme pressure to raise test scores have little time left for the students who they know will do well on the tests.

3. The opportunities for students in high-poverty schools have been weakened because the focus on test scores has added to the existing problems in recruiting and retaining teachers. Many teachers are concerned about the sanctions and negative image that might result from teaching in a low-performing school or prefer not to teach in an environment that is focused on test scores.
4. Perhaps the most serious outcome for high-poverty students is the increased segregation that has resulted from policies implemented in response to low test scores. Charter schools, the most visible of these, have exacerbated the already severe segregation in high-poverty schools. Recovery school districts, a more recent “fix,” create separate, non-geographical school districts composed only of low-achieving schools in a state, thereby segregating the high-poverty, typically minority students from other students. *Brown v. Board of Education* (1954) concluded that “separate educational facilities are inherently unequal.” The evidence of the past 50 years has continued to demonstrate the wisdom of that conclusion. The recent Supreme Court case, *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* (2015) might also be relevant to school segregation resulting as an unintended consequence of government policy. The Court found that “disparate-impact claims are cognizable under the Fair Housing Act”—“a shift in emphasis from an actor’s intent to the consequences of his actions.”
5. In addition to weakening education in high-poverty schools, the preoccupation with test scores has detracted attention from the underlying problem of poverty, the major correlate of low academic achievement.

Standardized test scores do not demonstrate meaningful academic benefits of test-based accountability. Although research findings for some programs do show small gains on high-stakes tests—the tests for which students have crammed—these gains are not sustained over the years. And when students are tested on the same material (typically reading and mathematics) using a different test, any advantage shown on the high-stakes test is no longer apparent. Moreover, the losses that have inevitably occurred from narrowing the learning experience are not accounted for in these studies.

Yes, testing is a civil rights issue. But test-based accountability, rather than strengthening equality of educational opportunity, may in fact be weakening it.