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Most Public Schools May Miss Targets, Education Secretary Says
By SAM DILLON

More than 80,000 of the nation's 100,000 public schools could be labeled as failing under No Child Left Behind, the main federal law on public education, Secretary of Education Arne Duncan told Congress on Wednesday.

Mr. Duncan said the estimate, based on an analysis of testing trends and the workings of the law's pass-fail school rating system, was the latest evidence of the law's shortcomings and the need to overhaul it.

Even many of the nation's best-run schools are likely to fall short of the law's rapidly rising standardized testing targets, Mr. Duncan said.

"This law is fundamentally broken, and we need to fix it this year," he told the House education committee.

If Mr. Duncan's estimates prove to be right when state exams are given this spring, they will represent an astonishing jump in the number of schools falling short of the law's requirements.

Eighty-two percent of schools could miss testing targets, Mr. Duncan said, compared with 37 percent last year.

Some analysts who have closely followed the workings of the law expressed skepticism about the estimates.

"I find it hard to believe that the percentage would rise that much in one year," said Jack Jennings, president of the nonpartisan Center on Education Policy in Washington. "Maybe they are right. If so, it's certainly a mind-blower."

The No Child Left Behind Act, introduced in 2001 by President George W. Bush and passed by Congress with bipartisan support, requires that all schools bring 100 percent of their students to proficiency in math and reading by 2014. Mr. Duncan has called this requirement "utopian."

Critics of the law say it is a bit like requiring all city police forces to end certain crimes — like burglary and drug trafficking — by 2014. They have also long predicted that the law will, over time, determine that all but a handful of schools are failing — a label that would demoralize educators, lower property values and mislead parents about the instructional climates in their schools.

President Obama, Mr. Duncan and many Republicans would like Congress to rewrite the testing and other much-criticized provisions of the law in a broad overhaul this year.

The sprawling federal law requires all public schools to conduct annual testing of reading and math skills among students in third through eighth grades and one high school grade. They must publish the average results for all students, as well as the results broken down by ethnic groups and other subsets.

When it took effect in 2002, the law required states to outline the 12-year statistical path they would follow in bringing all students to proficiency by 2014.

California, for example, had only 14 percent of students proficient in reading in 2002, but it promised to raise that level in every school by a few points each year. The state vowed to have 35 percent of students proficient by 2008, 57 percent by 2010 and 100 percent by 2014.

But like most other states, California has had trouble keeping up. By 2009, 39 percent of the state's elementary schools had missed the targets; last year, 60 percent of California's elementary schools fell short.

If students in any ethnic group miss the targets, the entire school is put on probation. Schools that miss targets two years in a row are labeled "needing improvement," and face escalating sanctions that can include staff changes or shutdowns.

In virtually every state, schools designated as needing improvement include chaotic ones that may need a total overhaul but also many others where only one or two groups' scores — perhaps the results of disabled students — have fallen short.

Over the previous four years, the percentage of schools nationwide that have fallen short of the law's testing targets has risen only gradually, from 28 percent in the 2006-7 school year to 37 percent last year.

But officials said that the number of schools missing targets was reaching a tipping point, and that many schools that had worked hard to meet their targets would be unable to meet them this year.

Margaret Spellings, Mr. Bush's secretary of education, called it unwise to change the accountability system just when states were feeling the heat.

"These are the achievement targets they promised," Ms. Spellings said. "It's been stall, stall, stall, and now what, we're going to hit the reset button on the accountability clock?"

She added: "They're overstating the numbers to make a political point for reauthorization."

Peter Cunningham, an Education Department spokesman, said Mr. Duncan's intention was to inform Congress of the dynamics of the law this year. "States are now facing very steep goals under the law, and they are not going to meet them," Mr. Cunningham said.

"Arne is just telling the committee that is charged with rewriting this law what's coming."

The Obama administration's blueprint for rewriting the law, released last year, would retain many features of the Bush-era law, including its annual testing requirements.

But it proposes far-reaching changes, including replacing the pass-fail school accountability system with one that would measure individual students' academic growth and judge schools on other indicators like graduation rates, not just test scores.

The administration's proposal would replace the 2014 goal with a new national target, raising standards so that all students who graduated from high school by 2020 were prepared to succeed in college and a career.

Department officials said Mr. Duncan's estimates were not even based on very harsh assumptions on improvement. Rather, it was assumed that all schools would improve scores this year at the rate of the fastest-improving 25 percent of schools in their state in the past four years. That assumption would probably underestimate the number of schools likely to miss the testing goals, the officials said. The department's calculations did not take into account other possible events, however, that could reduce that number, the officials acknowledged.

For instance, the law gives states considerable leeway to manipulate their testing systems to help more schools meet goals. In South Carolina, about 81 percent of elementary and middle schools missed targets in 2008. The State Legislature responded by reducing the level of achievement defined as proficient, and the next year the proportion of South Carolina schools missing targets dropped to 41 percent.