

*Emphasizing Parental Involvement: Why “No Child Left Behind” Needs an Enforcement Clause*

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*Introduction*

There can be no debate that parental involvement in a child’s education has extraordinary benefits. Yet, how far should school policy go in requiring parents to be involved and informed about capitalizing on their child’s time in school? Current legislation, such as the Elementary and Secondary Education Act (also known as “No Child Left Behind” hereinafter “NCLB”), devotes an entire section of the statute to developing and implementing parental involvement policies.<sup>1</sup> However, the Act does *not* contain an enforcement clause, meaning that parental involvement requirements are often overlooked without consequence.<sup>2</sup> By comparison, Geoffrey Canada’s Harlem Children’s Zone (hereinafter, “HCZ”), not only actively ensure parents are involved in their child’s education but also educates the parents about how to ensure that their child is making the most of their time in school.<sup>3</sup> HCZ makes parents accountable for continuing their child’s education outside of school.<sup>4</sup> Both programs are standards based; however, one has proven to be more successful in meeting and exceeding educational requirements than the other.<sup>5</sup> The key is the established and frequent parental involvement in the schools. Without an enforcement clause, the NCLB statute allows schools to ignore the important benefits of parental involvement. Because NCLB lacks this driving force, its success will be marginal until it makes significant changes, enforcing the requirements

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<sup>1</sup> Elementary and Secondary Education Act, 20 U.S.C. 6318 (2002).

<sup>2</sup> Public Education Network and National Coalition for Parental Involvement in Education, *NCLB Action Briefs: Parental Involvement*, at [http://www.ncpie.org/nclbaction/parent\\_involvement.html](http://www.ncpie.org/nclbaction/parent_involvement.html) (last visited May 17, 2010)

<sup>3</sup> The Harlem Children’s Zone, <http://hcz.org> (last visited May 16, 2010).

<sup>4</sup> *Id.*

<sup>5</sup> See supporting statistical data *infra* pages 4, 6-8.

which promote active parental involvement, provide opportunities for parental education, and ensure that parents works with schools to maximize their child’s education.

Standards based education is the most widely used educational principle in the United States today.<sup>6</sup> It shapes the vast majority of federal, state and local education policy.<sup>7</sup> Standards based education programs rely on the idea that each student should be able to master certain curriculum content.<sup>8</sup> This mastery is measured by a set of standardized tests that provide objective information regarding the success and achievement level of each student.<sup>9</sup> If a proficient level of success is not achieved, school administrators and teachers are held accountable for the failure.<sup>10</sup>

#### *No Child Left Behind*

The purpose of the NCLB statute is to provide all students fair and equal access to high quality education.<sup>11</sup> The Act requires that local school boards annually review each school’s success rate as determined by scores on statewide, standardized tests.<sup>12</sup> Schools who consistently perform poorly are identified for “school improvement” and are required to restructure the school, curriculum, and teaching staff.<sup>13</sup> Schools who consistently perform at or above proficiency levels can be rewarded with additional funding.<sup>14</sup>

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<sup>6</sup> EdSource, *Standards-Based Education*, at [http://www.edsource.org/iss\\_sta.html](http://www.edsource.org/iss_sta.html) (last visited May 15, 2010).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Elementary and Secondary Education Act, 20 U.S.C. 6301 (2002).

<sup>12</sup> Elementary and Secondary Education Act, 20 U.S.C. 6316(a)(1)(a) (2002).

<sup>13</sup> Elementary and Secondary Education Act, 20 U.S.C. 6316 (b)(7) (2002).

<sup>14</sup> Elementary and Secondary Education Act, 20 U.S.C. 6316 (c)(2) (2002).

In order to obtain initial funding under the Act, a state's educational agencies are required to submit a plan that demonstrates that the state has adopted challenging academic standards by which the success of each school will be judged.<sup>15</sup>

#### *Parental Involvement Requirements in NCLB*

The Act encourages parental involvement at the outset; requiring parents to participate in developing the plan for the funding application.<sup>16</sup> These plans must detail how the school is going to comply with the parental involvement requirements in Section 1118 of the NCLB statute.<sup>17</sup> These requirements dictate that a certain amount of the funding be put towards programs that promote family literacy and parenting skills, and require the development of a school-family compact to ensure high academic achievement of the students.<sup>18</sup> The plain language of Section 1118 provides extensive opportunity for parental involvement, even requiring the parents and school to evaluate existing parental involvement policies to identify “any barriers to greater participation by parents... and use the finding of such evaluation to design strategies for more effective parental involvement.”<sup>19</sup>

Clearly, the statute recognizes the importance of significant involvement of the parents in the development, implementation and success of each school. However, these provisions are meaningless without an effective enforcement clause. Since nothing in the statute requires the school to ever implement the policies they promulgate for the application process, schools often overlook or fail to prioritize parental involvement.<sup>20</sup>

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<sup>15</sup> Elementary and Secondary Education Act, 20 U.S.C. 6311(a)-(b) (2002).

<sup>16</sup> Public Education Network and National Coalition for Parental Involvement in Education, *supra* note 2.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Elementary and Secondary Education Act, 20 U.S.C. 6318 (a)(2)(E) (2002).

<sup>20</sup> Public Education Network and National Coalition for Parental Involvement in Education, *supra* note 2.

Despite the country's widespread participation in NCLB, reports of its accomplishments are difficult to come by. While 90% of teachers in the U.S. have met the Act's "high qualified teacher" requirements, U.S. students ranked twenty-four out of twenty-nine developed nations in math, literacy and problem solving in 2003.<sup>21</sup> Long-term studies report that math and reading scores continue to decline throughout the country, despite the efforts of NCLB.<sup>22</sup> Furthermore, thirty percent of the nation's schools failed to meet the required levels of achievement on state standardized tests.<sup>23</sup>

Many of NCLB's critics attribute these failures to the standards-based policy behind the program, arguing that the quality of education cannot be measured by objective testing.<sup>24</sup> However, the Harlem Children's Zone, also a standards-based program, has reported huge strides in their student's academic success.<sup>25</sup> The difference is that the HCZ educates parents at every grade level in the development and achievement of their children and encourages parents to be involved and informed regarding their child's education.<sup>26</sup>

### *The Harlem Children's Zone*

Beginning in the 1970s what is now known as the HCZ was called Rheedlen, a community based organization established in Harlem neighborhood of New York City to prevent truancy.<sup>27</sup> Rheedlen included after school drop-in centers, truancy prevention programs, and anti-violence programs.<sup>28</sup>

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<sup>21</sup> Debora White, *Pros and Cons of No Child Left Behind*, at <http://usliberals.about.com/od/education/i/NCLBProsCons.htm> (last visited May 17, 2010).

<sup>22</sup> *Id.*

<sup>23</sup> The National Center For Fair and Open Testing, "No Child Left Behind" After Six Years: An Escalating Track Record of Failure, at <http://www.fairtest.org/NCLB-After-Six-Years> (last visited May 15, 2010).

<sup>24</sup> White, *supra* note 22.

<sup>25</sup> See supporting statistical data *infra* pages 4, 6-8.

<sup>26</sup> The Harlem Children's Zone, *supra* note 3.

<sup>27</sup> The Harlem Children's Zone, *History*, <http://www.hcz.org/about-us/history> (last visited May 10, 2010).

<sup>28</sup> *Id.*

In 1997, the President and CEO of the HCZ, Geoffrey Canada, and his staff began a network of programs in a small area of Harlem.<sup>29</sup> These programs now include educational, recreational and health care resources for all of Harlem.<sup>30</sup> The continuing goal of the programs is to create a “tipping point” in the neighborhood so that an enriching environment of college-oriented peers and supportive adults surround children.<sup>31</sup> The two fundamental principles of the HCZ are to reach out to children early in their development and to create a critical mass of adults around them who understand what it takes to help children succeed.<sup>32</sup>

#### *Parental Involvement in the HCZ*

The programs at the HCZ initially focus on early childhood development, and parental education. In “Baby College” and the “Three-Year Old Journey,” program volunteers teach first-time parents about their infant’s brain development.<sup>33</sup> These workshops emphasize the importance of early intellectual and social stimulation in ensuring future academic success.<sup>34</sup> During the sessions on brain development, the staff at the HCZ passes out children’s books, and encourages the parents to begin reading to their children.<sup>35</sup> These workshops also educate new parents about appropriate discipline techniques, proper nutrition, building early language skills, and other general parenting skills.<sup>36</sup>

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<sup>29</sup> The Harlem Children’s Zone, *History*, <http://www.hcz.org/about-us/history> (last visited May 10, 2010).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> The Harlem Children’s Zone, *Early Childhood Programs*, <http://www.hcz.org/programs/early-childhood> (last visited May 17, 2010).

<sup>34</sup> The Harlem Children’s Zone, *A Look Inside*, [http://www.hcz.org/images/stories/pdfs/ali\\_summerfall2002.pdf](http://www.hcz.org/images/stories/pdfs/ali_summerfall2002.pdf) (last visited May 18, 2010)

<sup>35</sup> *Id.*

<sup>36</sup> The Harlem Children’s Zone, *Early Childhood Programs*, <http://www.hcz.org/programs/early-childhood> (last visited May 17, 2010).

Today, as a result of these early initiatives, more parents are reading to their children and encouraging academic success.<sup>37</sup> Further, with 100% of preschool aged children school-ready after completion of the two programs, the children benefit significantly.<sup>38</sup>

The emphasis on parental involvement doesn't end with early childhood intervention programs, schools throughout the HCZ rely heavily on parental involvement.<sup>39</sup> As part of the Harlem Gems pre-kindergarten program, the classroom teacher and a counselor visit each student at home twice a year to ensure that the home environment is stable, secure and conducive to academic success.<sup>40</sup> The teachers assist the parents in creating a home environment where academic achievement is valued. This focus on parental cooperation has contributed to the fact that one hundred percent of these students are subsequently found to be school-ready.<sup>41</sup> This number is impressive on its own, but speaks volumes considering that of the nearly 200 children entering the program in 2008, 17% of the students were classified as "delayed" or "very delayed."<sup>42</sup> By the end of the year there were no students classified as "very delayed" and the percentage classified as "advanced" went from 33.5% to 65.2%, with another 8.1% at "very advanced."<sup>43</sup>

HCZ's charter school, the Promise Academy, shows similar academic success as a result of the parental involvement. Here, the teachers hold monthly review meetings

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<sup>37</sup> The Harlem Children's Zone, *A Look Inside*, [http://www.hcz.org/images/stories/pdfs/ali\\_summerfall2002.pdf](http://www.hcz.org/images/stories/pdfs/ali_summerfall2002.pdf) (last visited May 18, 2010)

<sup>38</sup> *Id.*

<sup>39</sup> Stephanie Banchemo, At-risk kids: Successful New York program a possible solution for Chicago: Harlem Children's Zone Makes Strides With Its Cradle-to-College Strategy, *Chicago Tribune*, Dec. 27, 2009, available at <http://www.chicagotribune.com/news/education/chi-harlem-childrens-zone-dec27.0.4930521.story> (last visited May 18, 2010).

<sup>40</sup> *Id.*

<sup>41</sup> NPR, *Harlem Children's Zone Breaks Poverty Pattern*, <http://www.npr.org/templates/story/story.php?storyId=111193340> (last visited May 15, 2010).

<sup>42</sup> The Harlem Children's Zone, *Results*, <http://hcz.org/our-results/by-the-numbers> (last visited May 19, 2010).

<sup>43</sup> *Id.*

with each parent to discuss their child's progress in school.<sup>44</sup> This continued contact can alert the parents to any subjects or topics that their child might be struggling with so that they can be addressed at home as well. The meetings guarantee that every parent is involved and informed about their child's progress.

This regular parent-teacher interaction undoubtedly contributes to the academic success the Promise Academy has recorded. According to New York State data, these children actually outperformed their counterparts in the city's public schools, with one hundred percent of third-graders scoring at or above their grade level on statewide standardized tests.<sup>45</sup> Furthermore, of these third graders, over 93% scored at or above grade level in English and Language Arts.<sup>46</sup>

This success echoes in the middle and high school grade levels at the Promise Academy where parental involvement and family intervention is likewise emphasized. In the middle school, 84% of Promise Academy student scored at or above grade level in English and Math, also outperforming their counterparts throughout New York State.<sup>47</sup> At the high school level, 93% of the ninth graders passed the statewide mathematics exams.<sup>48</sup>

The individual academic achievements at each school have contributed to an even greater accomplishment. In 2009, Dr. Ronald Fryer, an economic professor at Harvard conducted the first independent, statistical study of the HCZ's and Canada's efforts to

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<sup>44</sup> Banchemo, *supra* note 40.

<sup>45</sup>The Harlem Children's Zone, *Results*, <http://hcz.org/our-results/by-the-numbers> (last visited May 19, 2010); *Harlem's Educational Experiment Gone Right* (CBS television broadcast Dec. 6, 2009), available at <http://www.cbsnews.com/stories/2009/12/04/60minutes/main5889558.shtml?tag=currentVideoInfo;segmentUtilities>

<sup>46</sup> *Harlem's Educational Experiment Gone Right* (CBS television broadcast Dec. 6, 2009), available at <http://www.cbsnews.com/stories/2009/12/04/60minutes/main5889558.shtml?tag=currentVideoInfo;segmentUtilities>

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

close “the racial achievement gap.”<sup>49</sup> The “racial achievement gap” is a comparison between black and white academic performances in American schools.<sup>50</sup> It should come as no surprise that, across the board, white students out-perform black students at an alarming rate.<sup>51</sup> When interviewed, Dr. Fryer noted that the average black seventeen year-old reads at the proficiency of the average thirteen year-old white child, a four year difference.<sup>52</sup> Dr. Fryer analyzed four years worth of data from Promise Academy, including the test scores cited above.<sup>53</sup>

What Dr. Fryer discovered was that in the few years that the Promise Academy elementary school has been open, Canada and his faculty have actually managed to close the racial achievement gap in both reading and math; whereas the NCLB has only managed to report that the racial achievement gap is narrowed to its lowest since 1992.<sup>54</sup> Closing the gap is a huge achievement which speaks volumes about the success of the program and the academic progress of the HCZ students, progress which NCLB students have yet to demonstrate.

It is important to acknowledge that the HCZ is a much more comprehensive program than NCLB, and as such there are a multitude of other factors which contribute to the program's success.<sup>55</sup> However, one of the primary goals of the program is to create a community of adults who are involved with their children's schools.<sup>56</sup> Even though HCZ provides only a limited number of opportunities for parental involvement, the

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<sup>49</sup> *Harlem's Educational Experiment Gone Right* (CBS television broadcast Dec. 6, 2009), available at <http://www.cbsnews.com/stories/2009/12/04/60minutes/main5889558.shtml?tag=currentVideoInfo;segmentUtilities>.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*; Department of Education, *Nation's Report Card Shows Record Gains at*, <http://www2.ed.gov/nclb/accountability/achieve/report-card2007.pdf> (last visited May 18, 2010).

<sup>55</sup> The Harlem Children's Zone, *supra* note 3.

<sup>56</sup> *Id.*

limited involvement has undoubtedly contributed to the academic success of the students. The NCLB program needs to replicate this focus on parental contributions; first, by including an enforcement clause within the statute. Once schools are required to abide by their parental involvement plans, the statute itself provides substantial opportunities for involvement. Given the success of the few program HCZ offers, enforcing the NCLB requirements will naturally increase the success of the NCLB students.

*Argument for Mandating Parental Involvement/Education:*

Evidence demonstrates that active parental involvement in schools can be a critical factor in the success of the child at every grade level.<sup>57</sup> This may be a reason that the NCLB statute devotes an entire section to requiring parental involvement.<sup>58</sup> In fact, studies have shown that parental involvement in education was twice as effective as predicting academic success as family socioeconomic status.<sup>59</sup> However, several studies suggest that neither the parents nor teachers are satisfied with the level of parental involvement, which suggests that neither parents nor schools should be reluctant to enforce NCLB requirements.<sup>60</sup>

Lack of parental involvement stems from two places: the school's hostility towards what they see as "parental interference," which then contributes to the second factor, the parents' own reluctance to get involved.<sup>61</sup> In fact, the school's attitude towards to parental involvement is the strongest influence on parental action.<sup>62</sup> If the

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<sup>57</sup> Jaquelynne S. Eccles and Rena D. Harold, *Parent-School Involvement during the Early Adolescent Years*, 94 *Teachers College Record* 568, 569 (1993), available at <http://rcgd.isr.umich.edu/garp/articles/eccles93e.pdf>, (last visited May 18, 2010).

<sup>58</sup> Elementary and Secondary Education Act, 20 U.S.C. 6318

<sup>59</sup> Michigan Dept. of Education, *What Research Says About Parent Involvement in Children's Education*, at [http://www.michigan.gov/documents/Final\\_Parent\\_Involvement\\_Fact\\_Sheet\\_14732\\_7.pdf](http://www.michigan.gov/documents/Final_Parent_Involvement_Fact_Sheet_14732_7.pdf) (last visited May 17, 2010).

<sup>60</sup> Eccles, *supra* note 56 at 569.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* at 576.

parents feel like the school encourages involvement, then they will be involved.<sup>63</sup> As such, a school's programs and activities need to be tailored to encourage active parental involvement. The more parents participate in an established and consistent way, whether it is decision making, volunteering or acting as a home teacher, the better for student achievement.<sup>64</sup>

This is especially important when the school initiated activity helps parents change the home environment to encourage more educational opportunities. School-aged children spend 70% of their time, including weekends and holidays, outside school.<sup>65</sup> Thus, it is imperative that schools work with parents to continue educational experiences at home. One of the most important and effective methods of parental involvement encourages parents to work with their child directly on learning activities at home.<sup>66</sup> To this effect, schools can implement programs which, like the HCZ's early initiatives, encourage parents to read to their children and take interest in their homework.<sup>67</sup> As shown by the HCZ's school-readiness rate, implementing these initial programs at home will provide students with the tools for a more successful academic experience in school.<sup>68</sup>

Schools need to cooperate and coordinate with parents to capitalize on their children's educational experiences.<sup>69</sup> The more schools emphasize parental involvement, both in school and at home, the more success each student will have. This evidence alone is enough to show that the parental involvement requirements of NCLB need to be enforced. If every school developed *and* implemented their parental involvement

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<sup>63</sup> *Id.*

<sup>64</sup> Michigan Dept. of Education, *supra* note 58.

<sup>65</sup> *Id.*

<sup>66</sup> Michigan Dept. of Education, *supra* note 58.

<sup>67</sup> The Harlem Children's Zone, *Early Childhood Pipeline Projects*, <http://hcz.org/the-hcz-project-pipeline/early-childhood> (last visited May 17, 2010).

<sup>68</sup> Michigan Dept. of Education, *supra* note 58.

<sup>69</sup> *Id.*

policies, parents would become more actively involved as a by product. As the evidence suggests, the more parents are involved, the more success each student will have.

Whether the parental involvement plans promulgated under Sect. 1118 are ignored out of hostility or simply neglected for ease, the research clearly shows that this needs to be remedied.

*Argument Against Mandating Parental Involvement/Education:*

Despite the recorded benefits, there are several arguments against the federal government requiring schools to enforce parental involvement policies. Critics of NCLB argue that the federal government has no authority to dictate educational policy.<sup>70</sup> These opponents claim that the federal government interferes with state and local educational boards and erodes their authority.<sup>71</sup> Some more extreme views hold that local school systems have overstepped their authority by usurping the responsibility of educating children, which should be reserved for parents alone.<sup>72</sup> Given these arguments, it is likely that requiring the parental involvement policies of NCLB will be met with much resistance. Furthermore, many of the parental involvement policies of NCLB seemingly grant broad authority to schools to dictate how children should be educated. These policies could be viewed as an unconstitutional grant of authority.

Efforts by the California State Board of Education to include policies encouraging parental participating in school decision making has been sharply critiqued as providing the school with too much power.<sup>73</sup> These policies closely resemble those detailed in the NCLB statute, suggesting that requiring enforcement of these provisions will raise similar

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<sup>70</sup> White, *supra* note 22.

<sup>71</sup> *Id.*

<sup>72</sup> Sonja N. Bohm, *Parental Rights an Public Education*, American Chronicle, Jul. 7, 2005, available at <http://www.americanchronicle.com/articles/view/1025-> (last visited May 17, 2010).

<sup>73</sup> *Id.*

concerns.<sup>74</sup> One opponent suggested that it is “un-American” for the government to supersede parental authority in this way.<sup>75</sup> So, while the evidence supports the proposition that parental involvement is imperative to a child’s academic success, requiring involvement may cause parents to ignore the benefits.

Enforcing the parental involvement policies of NCLB may also raise serious constitutional issues, which may be why the lack of an enforcement clause has never been addressed. A parent’s fundamental right to direct the education and upbringing of their children has been repeatedly recognized by the U.S. Supreme Court, and the policies of NCLB could be seen as an infringement of that right.<sup>76</sup> While much of the Section 1118 places the burden of parental involvement on the schools, some could argue that the programs which require schools and parents to cooperatively develop and implement parental involvement policies directly implicate parental participation, and as such infringe on various fundamental rights. Furthermore, regardless of parent’s participation, certain requirements of NCLB could be viewed as overstepping the school’s authority and violating the Constitution. For example, the provisions which provide funding for parenting classes and family literacy initiatives raise concerns that the school is now granted authority to teach the parents how to raise and educate their children. These provisions may contradict the fundamental rights granted to parents, and as such, could be challenged as unconstitutional.

Regardless of the benefits of parental involvement programs and policies, it is obvious that certain provision of NCLB, if enforced, will raise serious concerns and potential constitutional issues. While it is important to keep the ultimate goal of these

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<sup>74</sup> *Id.*

<sup>75</sup> Bohm, *supra* note 72.

<sup>76</sup> *Troxel v. Granville*, 530 U.S. 57 (2000) (the Fourteenth Amendment protects the fundamental right of parents to make decision as to the care, custody and control of their children.) *see also* *Pierce v. Society of Sisters*, 45 U.S. 571 (1925).

policies in mind, the question becomes, how much should parents be willing to give up to provide a good education for their children?

*Conclusion:*

Even if it is found that the state and local education boards are in a better position to address the academic needs of their local schools, something must be done with the U.S.'s failing education system. NCLB has made considerable efforts to increase the success of the nation's public school system. Yet, the Act continues to fall short. While many critics want to place the blame on the standards based educational policy as a whole, this blame does not necessarily address the whole problem.

Parental involvement is critical to a child's academic success. This point is clearly evidenced by the HCZ program. The HCZ emphasizes, at every stage, parental education and involvement. While the program as a whole addresses a number of other factors, research suggests that this emphasis on parental involvement has played its part in the student's academic achievement. In order for the NCLB program to achieve the same academic strides, the program needs to place the same significance on parental involvement. While the statute itself provides substantial opportunities for parental involvement, the lack of an enforcement clause makes the effort moot.

However, strict enforcement of the parental involvement provisions of the NCLB statute raises potentially serious constitutional issues. How much should parents be expected to overlook in order to capitalize on their child's educational experience? Should parent's constitutional rights be infringed in the interest of their child's academic success?

The argument for limiting the government's interference may be the most popular one, but it is not the correct one. The NCLB statute needs to be amended to include a

clear enforcement clause for all parental involvement policies. The evidence supports this conclusion, and real world examples, such as the HCZ, illustrate how a small amount of parental involvement translates into great academic success. If the nation wishes to improve its schools and educational standing, the NCLB needs to enforce the statutory requirements which promote active parental involvement, provide opportunities for parental education, and ensure that parents work with schools to maximize their child's education.