Mark Congress as Tardy

Lawmakers are past due in reauthorizing No Child Left Behind. Would it be smart for Congress to take up the issue in an election year?

By Eliza Kriegman

Introduced by President Bush during his first week in the White House in 2001, the No Child Left Behind initiative took 12 months to work its way through Congress. The landmark elementary and secondary education law is now two years overdue for reauthorization, and just a few weeks ago, Education Secretary Arne Duncan laid out the imperative for moving forward sooner rather than later in a speech titled “Why We Can’t Wait.” The question is, will Congress act on the legislation in 2010, or decide to wait a little longer?

Although supporters heralded passage of No Child Left Behind as a significant bipartisan achievement, some in both parties have turned against the law since then. Its heavy focus on standardized testing, punitive approach to accountability, expansion of federal government involvement in education, and imposition of “unfunded mandates” on states and local school districts have all come under fire. Negotiations between the Democratic-led Congress and President Bush over the reauthorization broke down in 2007.

During his 2008 presidential campaign, Barack Obama proposed revising, rather than scrapping, the 2002 law. He envisioned a more active role for the federal government and a broader approach to assessing student progress beyond the required annual reading and math tests, coupled with funding increases. USA Today has reported that the Education Department hopes to deliver a reauthorization proposal to Congress in early 2010, but administration officials have remained mum on timing.

Some experts caution that it would be difficult—or even unwise—for Congress to take up the legislation in an election year. “That’s tough sledding at any time,” Margaret Spellings, who served as Bush’s Education secretary, said in an interview. “It will be illfated if we don’t get the right kind of political situation in place.”

Of course, next year could find Congress still consumed with the higher-profile health care reform and climate-change bills. And lawmakers might also be finishing up work on another education issue if they don’t complete legislation this year to convert the federally subsidized private college student-lending program into a direct-loan program run by the Education Department. The Congressional Budget Office has projected that the change, pushed by the Obama administration, could save up to $87 billion. The House approved the proposal on September 17, and it is pending in the Senate.

Moreover, the absence of the late Sen. Edward Kennedy, D-Mass., who teamed with Bush to push No Child Left Behind to enactment in 2002, could hurt the reauthorization effort, because a strong education leader will be needed to bridge the sharp differences about how to amend the law. “What we learned from No Child Left Behind,” said Bob Wise, the former West Virginia governor who now heads the Alliance for Excellent Education, “is that these issues aren’t strictly Republican or Democrat; you see coalitions formed around philosophy.”

Under the current law, schools and districts each year must
increase the percentage of students who can demonstrate a solid command of grade-level material in English and math. The goal was to have 100 percent of students proficient in those subjects by 2014, an ideal that most education experts now believe is unattainable.

One of the law’s most controversial aspects was that it assigned state governments the task of defining proficiency standards and developing assessment tools. In fact, comedian Stephen Colbert in 2007 ridiculed Mississippi for setting an egregiously low bar for achievement. “You see, folks, with one deft move, Mississippi is a shining example of how easy it is to succeed—if you simply redefine success as below whatever you’re currently achieving,” he quipped.

Colbert’s bit followed the release of an Education Department report that revealed enormous discrepancies between state standards and national benchmarks. In 2005, only 18 percent of Mississippi fourth-graders scored proficient in reading on the National Assessment of Educational Progress test. Yet that same year, 89 percent of those fourth-graders scored proficient in reading under Mississippi’s own standards. “I wouldn’t want to think my daughter is at a place where the standards are lower,” said Natalie Elder, principal of Hardy Elementary School in Chattanooga, Tenn., another state criticized for its particularly low standards.

Frustration over the ability to game the No Child Left Behind assessment system—or the “race to the bottom,” as critics have called it—gave way to a state-led effort to develop common standards. All states except Alaska and Texas have signed on to the Common Core State Standards Initiative. Led by the National Governors Association and the Council of Chief State School Officers, the initiative recently released a draft of career and college-readiness standards for math and English language arts.

The White House supports the common standards effort. The administration’s Race to the Top program, a $4.35 billion grant competition, targets $350 million to states that adopt common international standards. Some small-government conservatives, however, are wary. “The policies being pursued by the U.S. Department of Education should raise warning flags for those concerned that common standards will put us on the path toward federal standards,” said Rep. John Kline, R-Minn., the ranking member on the House Education and Labor Committee.

Another key issue in the debate will be developing a new regime for turning around the lowest-performing schools. Studies have shown that the measures in place under No Child Left Behind to help these schools—deemed to be in need of “restructuring”—aren’t working. Out of the 1,063 schools that took part in restructuring in 2004-05, only 19 percent were no longer identified as needing improvement in 2006-07, according to a report by the Alliance for Excellent Education.

Hot political battles are also likely to erupt over the issue of teacher quality. The two major teachers unions—the National Education Association and the American Federation of Teachers—expend great effort to elect Obama, and they have pushed him as president to ease the 2002 law’s testing requirements and sanctions, and not to allow the use of students’ test scores to award merit pay to teachers.

In a major education speech in March, however, Obama backed teacher merit pay. He promised to “finally make No Child Left Behind live up to its name by ensuring not only that teachers and principals get the funding that they need, but that the money is tied to results.” He acknowledged divisions over the issue among Democrats. “Too many supporters of my party have resisted the idea of rewarding excellence in teaching with extra pay,” he said, “even though we know it can make a difference in the classroom.”

Teachers unions will certainly lobby hard over merit pay during the reauthorization debate. With more than 4.5 million members combined, the NEA and the AFT issued pointed criticism of the administration’s Race to the Top requirements. Three of four options for addressing failing schools under Race to the Top put school management on the chopping block.

Whenever the battle over renewing No Child Left Behind kicks off in Washington, lawmakers and administration officials will have to contend with a broad universe of education advocates pushing to advance their agendas.

Representatives from nearly 200 groups attended Duncan’s speech on the reauthorization. During the comment period, advocates speaking on behalf of music appreciation, school breakfasts, learning facilities, and a host of other causes approached the microphone.

“The interests involved are very passionate and disparate,” said Dennis Cariello, who was an Education Department lawyer during the Bush years. “Managing the process is difficult.”

ekrigman@nationaljournal.com