



The Future of America's "No Child Left Behind" Reforms

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In 1965, President Johnson signed the *Elementary and Secondary Education Act* into law – and over the years Congress has repeatedly reauthorized and updated the law. The 2002 reauthorization, known as *No Child Left Behind*, included major bipartisan efforts to expose achievement gaps between sets of children and hold schools accountable for closing the gaps and helping all children succeed. Regular tests are supposed to track student progress and prompt leaders to overhaul or assist failing schools. Many lessons have been learned over the past twelve years that could help Congress make much-needed improvements to the law – if and when Republicans and Democrats can overcome ideological splits about the role of the federal government. Since 2007, Congress has been unable to agree on appropriate changes, leaving schools struggling to innovate within the outmoded terms of the existing law.

The Pros and Cons of No Child Left Behind

The *No Child Left Behind Act* was a bipartisan effort led by Republican President George W. Bush, the current Republican Speaker of the House John Boehner, and Democratic stalwarts Senator Edward Kennedy of Massachusetts and Representative George Miller of California. This legislation ushered in a new era of transparency and accountability in America's education system. For the first time, we would measure and track achievement gaps in our country – between white and black students, the poor and the rich, students with special needs and those without, immigrants and native-born, and students proficient in English and those who are not. States, districts, and schools would be held accountable for closing the gaps.

As reforms proceed, critics applaud the accountability goals but also point to serious problems:

- Schools and teachers may feel pressure to concentrate too much on preparing students for high-stakes tests, and low-performing students may be pushed out of school.
- In an attempt to avoid tough sanctions, some states have loosened standards so schools can more easily meet them. The law requires 100% of students to be proficient in math and reading by 2014, but states are allowed to define how proficiency is measured.
- *No Child Left Behind* has been called an unfunded or underfunded mandate, because Congress never fully funded the reforms the law requires. States and school districts must comply with burdensome requirements and meet ambitious goals, but many do not have the resources necessary to help teachers and students do better, especially in poor communities.

Exceptions through “Flexibility Waivers”

On September 23, 2011, President Barack Obama and Department of Education Secretary Arne Duncan announced they would allow states to “waive out” of the most onerous, unrealistic, or restrictive requirements. In return, states would have to develop and implement rigorous plans to improve instruction, boost educational outcomes for all students, and close achievement gaps. This has proved a popular alternative; so far, 42 states as well as the District of Columbia and Puerto Rico have been approved for flexibility waivers.

Although they have given states greater autonomy and flexibility, waivers are criticized from different directions. According to Kati Haycock, President of The Education Trust, waivers undercut *No Child Left Behind's* focus on improving performance for all groups of students and allowed states to ignore requirements to provide high quality teachers to low-income students and students of color. Meanwhile, Republicans among others argue that the Obama administration is overstepping its bounds by substituting administrative rules for compliance with the law. Ideally, Congress should act instead of the Department of Education, but partisan gridlock makes that unlikely for now.

The Latest Developments in the Senate and House

At the beginning of 2013, Democrats and Republicans on the Senate Health Education Labor and Pensions Committee made initial attempts to write a bipartisan reauthorization, but the effort broke down. On June 12, 2013, the committee passed a Democratic bill called *Strengthening America's Schools* along strict party lines. The bill responded to worries from civil rights, business, and education reform groups about earlier loosening of accountability rules. This effort was championed by Iowa Democratic Senator Tom Harkin, the chair of the committee and a long-time civil rights champion. The bill builds on some of the innovative state-led successes that have come out of the waivers, and targets interventions for the lowest-achieving schools. The committee bill has not been scheduled for a vote by the full Senate.

The Republican-led House of Representatives also took action by passing, on June 19, 2013, the *Success for All Students* reauthorization bill by a vote of 221 to 207. A dozen House Republicans joined the full Democratic caucus in opposing this bill, which substantially weakens federal authority to set standards and ensure accountability. A coalition of civil rights, disability, and education reform advocates argues that the bill would “thrust us back to an earlier time when states could choose to ignore the needs of children of color, low-income students, [English Language Learners], and students with disabilities.” Legislative action is now frozen, because the Democratic-led Senate and President Obama will not accept the House approach.

What Next?

Unfortunately, revisions of *No Child Left Behind* are not likely to happen in this Congress. The education committees in both chambers have moved on to other issues, and the 2014 election year will make compromise even less likely. The U.S. Department of Education recently announced that states can apply for a one-year renewal of flexibility waivers set to expire. States thus remain responsible for fashioning reforms in dialogue with Obama administration officials, without knowing what new requirements Congress may eventually set.

The current stalemate cannot hold forever. From all directions, pressures are sure to build for Congress to incorporate into the next version of federal education legislation the most compelling lessons educators and researchers have learned about what works to improve schools and hold them accountable for improving achievement for all of America's children.