

A Cloudy Future for *No Child Left Behind*?

The main educational theme of President George W. Bush's 2007 *State of the Union Address* was the need to reauthorize the *No Child Left Behind Act* (NCLB). Originally passed by Congress in 2001 and signed into law by the President in January, 2002, NCLB made school success, and the granting of federal education funds, especially those targeted for poorer students, dependent on satisfactory results on a series of standardized tests in the core subjects of reading and mathematics in selected elementary grades. The President began his discussion of education by positing that "spreading opportunity and hope in America . . . requires public schools that give children the knowledge and character they need in life."¹ Having made this endorsement of public schools, however, the President spent the rest of his brief treatment of education almost exclusively on the subject of knowledge, particularly knowledge that is represented by achievement on standardized tests, and paid no attention to the issue of character.

In attempting to reach out to the new Democratic congressional majorities, the President noted that "five years ago, we rose above partisan differences to pass the *No Child Left Behind Act*—preserving local control, raising standards in public schools, and holding those schools accountable for results. And because we acted, students are performing better in reading and math, and minority students are closing the achievement gap."² He then advocated building on this foundation to raise student achievement even higher, through local flexibility in school leadership and through provision that would allow parents to remove their children from failing schools and choose "something better." He concluded this section of his speech by adding that NCLB "has worked for America's children—and I ask Congress to reauthorize this good law."

This policy perspective looks first at the development and passage of NCLB, highlighting aspects of the law that have proved controversial. Next, in light of possibilities for reauthorization,

it considers the views of NCLB stated on the campaign websites of newly elected congresspersons accessed in December of 2006. Those views could give clues as to the future of the legislation, immediately and in the next few years.

Antecedents of *No Child Left Behind*

The passage of NCLB was the culmination of a movement sparked by the publication of *A Nation at Risk*, product of the National Commission on Excellence in Education, appointed by then President Ronald Reagan.³ The apocalyptic language of the report captured the attention of many Americans. It began as follows: "Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world." After acknowledging the past accomplishments of American schools, the report noted that current educational institutions were marked "by a rising tide of mediocrity that threatens our very future as a Nation and as a people. . . . If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of War. We have, in effect, been committing an act of unthinking, unilateral educational disarmament."

For the authors of *A Nation at Risk*, the United States was slipping in international economic competition because of a softening of educational standards in its schools, particularly its public schools. The argument about lower standards was buttressed by data on a decline in standardized test scores. This decline was contested by many in the education profession,⁴ but the public and policy makers basically ignored the criticism and set out to raise standards and stem the decline.

For at least a decade, the standards movement was largely bipartisan politically, led by the National Governor's Conference under the leadership of then governor of Arkansas Bill Clinton. With support from Clinton and his fellow governors, Republican and Democrat, Republican President George H. W. Bush convened an educational summit of governors in 1989. The published report of this meeting called *America 2000*, a set six educational goals, most of which were easily measurable, but also unreachable.⁵ The goals included universal

school readiness; a 90 percent high school graduation rate; demonstrated competency in grade 4, 8, and 12 in subject matter in five subject areas as well as preparation for citizenship, employment, and further education; students ranking first in international achievement in science and mathematics; universal adult literacy for citizenship and global economic competition; and drug free schools that were safe and conducive to learning. With the little attention that it paid to how to reach the goals, the report seemed at best naïve or at worst somewhat cynical.

The successor to *America 2000*, *Goals 2000*, developed by the Democratic Clinton administration in 1993, continued the goals of the earlier program but added to the original six, two more which mandated parental involvement and teacher qualifications respectively.⁶ These two policy areas were of much more importance for liberals and liberal interest groups such as teachers' unions and, with their addition, the administration sought to bring those groups on board in the push for standards-based school reform. These two goals, however, did nothing to alter the major educational thrust from the national political arena through the end of the twentieth century: more standardized testing to raise achievement in the nation's schools.

This standardized achievement thrust was intensified in the development of the *No Child Left Behind Act of 2001* by the administration of George W. Bush. Like many governors, Bush, while governor of Texas, had emphasized standards based educational reform. State educational reform, in Texas and elsewhere, had paralleled the national reforms of *America 2000* and *Goals 2000* in many ways. Begun in the 1980s with an emphasis on setting goals, by the 1990s state reformers had largely adopted a more "systemic" vision of educational reform, as discussed in a paper by Michael Cohen, an adviser to the National Governors' Conference.⁷ "Systemic educational reform" took the decline in standards argument from *A Nation at Risk* and the measurement emphasis from *America 2000*, combined them and

enhanced their importance by increasing the power of governors and state educational agencies to mandate specific changes in schools through the installation of accountability programs. These programs were based on standardized tests of subject matter, and they gave state officials the power to sanction teachers, schools, and systems that did not respond or responded unsatisfactorily. Governors, both Democratic and Republican, quickly moved state education reform in the “systemic” direction, featuring measurable goals and real consequences for not meeting them.

Texas, under George W. Bush, was a leading practitioner of systemic educational reform. The state educational reform in Texas was begun by George Bush’s predecessor as governor, the Democrat Ann Richards. Known by the acronym TAAS, the Texas Assessment of Academic Skills tests were the heart of the Texas reforms. These tests measured achievement in subjects such as reading and mathematics, and judged schools and teachers by their students’ performance on the tests. George Bush intensified the state testing program begun by his Democratic predecessor, and standardized test results in reading and mathematics at several grade levels were gathered. Results were encouraging, both in terms of an increase in average scores for all students, and in terms of scores for minority students, Black and Latino, which increased as much or more than those of White students. It was, thus, hardly surprising that Bush would make education a centerpiece of his 2000 campaign as a “compassionate conservative” presidential candidate.

Developing *No Child Left Behind*

When George W. Bush reached the White House in 2001, he moved quickly to apply his Texas educational program at the national level. The *No Child Left Behind Act* (NCLB) was proposed, and enacted, as the renewal of the *Elementary and Secondary Education Act* (ESEA), originally passed by Congress during the Lyndon Johnson administration in 1964. ESEA, particularly its Title I program, was a significant weapon in Johnson’s larger War on Poverty. Title I provided a variety of educational programs to uplift poor and minority students by addressing their school performance. Even though it bore little, if any, substantive resemblance to its illustrious predecessor, NCLB took on the formal role and assumed the anti-poverty mantle of ESEA. It did this, however, with minimal financial support for the purpose of combating poverty through education.

The main anti-poverty aspect of NCLB was in the penalties it prescribed for public schools

that did not meet specific achievement goals in reading and mathematics. In application, this meant that schools with significant numbers of poor students needed to improve the achievement of those students substantially. The ultimate goal was that test scores of poor students would meet the same standard as the test scores of the other students. Any school that did not meet the designated standard for a given year would become a “School in Need of Improvement,” and schools needing improvement that did not meet the standard in a subsequent period would be judged to be failing schools. The improvement and the failure designations subjected schools to a variety of actions geared to achieve the desired gains. The most significant of the possible actions had nothing to do with improving the schools. This option allowed parents of students in failing schools to move their child to a non-failing school.

The passage of NCLB marked an early political accomplishment in the Bush presidency, one that played to the centrist and compassionate conservative side of his image. With slim Republican majorities in both houses of Congress, the president might have ignored the Democrats in pushing forth his educational program. He did not do this, however, taking pains first to involve centrist or New Democrats in the initial development of the legislation. Subsequently, he made sure that Edward M. Kennedy, the liberal Senator from Massachusetts and ranking Democrat on the Senate committee that considered educational matters, and George Miller, the ranking Democrat on the House Committee, became involved. The net result was that NCLB was a clearly bi-partisan educational reform effort.⁸ Both Kennedy and Miller were recognized by name by President Bush at the signing ceremonies. Politically, NCLB was successful in winning attention for the president’s educational proposals and solidifying the public perception that educational policy was now a recognized concern of both political parties, rather than the sole property of the Democrats.

Implementing *No Child Left Behind*

Since it was signed into law in January 2002, the implementation of NCLB has raised several issues. First, the significant centralization of power in the federal government represented by federal testing mandates has caused some concern. While the law mandates that specific test development procedures rest with the states, as do other particulars of implementation including the setting of cut-off scores, the decision to test is made at the federal level, as are other major policy decisions such as mandated designation of “need for improving” and of “failing” schools and

the provision of alternative placements by parents for students in failing schools.⁹ This centralization could have drawn negative attention on the part of Congressional Republicans during the consideration of NCLB in 2001. Their devotion to party discipline, however, as well as their confidence in the bona fide conservatism of President Bush on other issues, encouraged them to remain silent on this issue.

Representatives of the national state legislatures’ association and members of the governors’ association, however, were not so silent. These state officials were concerned about federal intrusion into a state and local domain through NCLB’s “one size fits all” approach. Yet the members of the federal legislature mattered most, in this case, and they passed NCLB by a substantial majority.¹⁰

In 2004 members of the Virginia House of Delegates asked Congress to exempt their state from NCLB. Other states where the law was questioned by state lawmakers included Utah, Maine, New Hampshire, Arizona, Hawaii, Minnesota, and New Mexico.¹¹ More than just talk came from the state of Connecticut where the state sued the federal Department of Education over NCLB, arguing that it was in reality an unfunded federal mandate. The source of the law suit in Connecticut was the federal government’s decision not to approve the state’s plan for implementing the law.¹²

Federal intrusion is not the only problem that opponents find with NCLB. Many critics argue that the measure is too narrow in its approach, emphasizing reading and mathematics, the only areas designated for testing so far, to the detriment of other subjects and activities in elementary school. Others decry the emphasis on standardized testing mandated by the law, arguing that school administrators and teachers, fearful of having their school designated as needing improvement or, more ominously, a failing school, have negatively altered their instructional approach. The pedagogical trend in many schools is toward an exclusive emphasis on multiple choice questions like those on the standardized tests, and the answers to those questions, and a skill and drill approach, known to some derisively as “drill and kill,” that targets only content that is subject to that kind of testing. For critics, the narrowness of this approach is both confining and numbing.

Still other opponents note the rigidity of the accountability mandates in the law, requiring high percentage pass rates, not only among school student bodies, but among designated sub-groups of students, including minority students, non-English speaking students, and special education students. Many see these provisions as unduly

punitive, or even impossible to achieve without tampering with the process. And, of course, schools have been accused of just such tampering, urging poorer students to stay home on testing days and taking other measures to manipulate the scores. The feature of the law that mandates lessening the achievement gap between minority students and non-minority students to the point that it is eventually closed has some appeal for minority parents and educators, but the complete absence in the law of any discussion of the forces behind the gap or the strategies that might be employed to reduce it cause many to think that this popularity is unwarranted.

The ultimate goal of abolishing the achievement gap by 2014, or any other year that might be designated reminds one of the provisions of *America 2000* that certain objectives would be fulfilled by that year. By the time the year 2000 rolled around, the movement had shifted to new goals, such as those embraced one year later by the president in NCLB. One does not have to be a cynic to predict that substantive changes in the law, or even repeal, will occur as we draw close to any year where a specific, mandated global objective is to be reached.

In spite of the problems and issues mentioned above, there is still substantial, bi-partisan political support for NCLB. The coalition that passed the law in 2001 contained some of the nation's leading politicians, including as mentioned earlier Democratic politicians such as Ted Kennedy, Joseph Lieberman, and other notables in the Senate and the House. The new chairman of the House of Representatives Committee on Education and the Workforce, Democratic Representative George Miller from California, is on record stating that the law is working and that it is changing the educational system in a positive direction.¹³ Kennedy, Miller, and many Democrats see the main problem in the under-funding of NCLB by the Bush administration, in amounts close to \$30 billion.¹⁴ While many incumbent legislators, Democratic and Republican, agree that NCLB has changed the school system, opponents see the change as being largely detrimental to the health of American education, rather than as the boon that its supporters think it is.

No Child Left Behind: The Future

The substantial political support for NCLB in the Congress since its passage in 2001 seems to augur well for its prospects for reauthorization. The consensus behind NCLB was illustrated in an editorial in *The New York Times* late in 2006. That editorial began with a discussion of the standards-based accountability systems that swept many

states in the 1990s and that were put on the national stage with NCLB. The editorial went on to note heartening improvement in performance in the area of mathematics, and more heartening performance in minority mathematics performance, but less improvement in reading. Meaningful improvement in both subjects in all states was the dictum that the editors invoked for the future. It ended by noting: "These are difficult issues. But they are ones that Congress needs to focus on as it moves toward reauthorizing *No Child Left Behind*."¹⁵

While support for NCLB is considerable, the change in the political makeup of Congress in the election of 2006 gives some cause to question both its breadth and depth. The educational views of some new Congresspersons indicate substantial unease with reauthorization of NCLB.¹⁶ Little, if any, specific support for NCLB was found on the web pages of the new members of Congress. Given the Democratic victory in the election, this may not be too surprising. However, recalling the bipartisan support for the original legislation, the unease of the new members is worth considering.

While not all of the new legislators discussed education, or NCLB, many did. Their views ranged from complaints about the lack of full funding for the legislation by the administration to outright opposition. The position of Heath Schuler, conservative Democrat from the mountains of western North Carolina, represents the concerns of many of those who did comment. Representative Shuler discussed education at some length on his webpage. On NCLB, he had this to say: "The *No Child Left Behind* law has forced a one-size fits all approach onto our schools. Worse yet, Congress has failed to provide the funding needed to implement the law, drawing more and more of the limited resources in our schools away from teaching our children. In Congress, I will fight to either fully fund NCLB or repeal it."

John Sarbanes of Maryland decried the "narrowing of the curriculum" in NCLB, "particularly in schools that have been identified as 'in need of improvement.' No one would deny the centrality of reading and mathematics in school success; however, the excessive focus on these subjects is resulting in less time devoted to important subjects such as civics, social studies, the science, and humanities." He added that "An education in civics is a necessity—not a luxury." Sarbanes went on to decry the practice of teaching to the test fostered by NCLB, as well as the "unrealistic timelines for the implementation of accountability provisions" in the legislation.

Keith Ellison, a new Representative from Minnesota

believed that education should challenge young people and cultivate their curiosity. This was not going to be accomplished "by turning them into test-taking automatons, but by opening their minds and hearts to the world of ideas and pluralities that make up our cultural and political mosaic." Ellison advocated not the repair of, but the "repeal of *No Child Left Behind*. Not only has it been woefully under-funded . . . but its fundamental demands are untenable. The Adequate Yearly Progress provisions are seriously flawed, as they fail to register progress made between yearly intervals." He concluded his discussion by noting that certainly, "we need accountability, but we can have it without stifling the creativity of our teachers and narrowing our children's education into mere rote memorization."

Another new Congressperson advocating repeal of NCLB was Carol Shea-Porter of New Hampshire. She remarked: "We must scrap the *No Child Left Behind Act* and allow teachers to teach kids the skills they need for life, not just the skills they need to pass testing. We are crippling the teachers and kids with this 'teach to the test' mentality. Also, the methods that the Government uses to measure success are unfair to teachers and children whose schools face more challenges than other schools. While I do support measures that help schools improve, these measures must be fair and take into account the realities of the community that these schools serve. The Federal Government must stay out of this and allow states to work on solutions."

More than one of the new members of Congress is a teacher. One of these legislators, Tim Walz of Minnesota, taught social sciences for more than twenty years in public school classrooms before running for office. Walz remarked that "the benefit of *No Child Left Behind* is that it started a national dialogue on our public education system." He added, however, that "the benefit of this dialogue appears to be completely destroyed by the uneven, bureaucratic nightmare created by NCLB, which harms the students and schools who need it most." Walz further noted that while "Washington likes to preach about holding teachers accountable through *No Child Left Behind* . . . it is time a public school teacher held Washington accountable." Walz promised to advocate "for accountability, not punitive mandates that actually harm the students and schools NCLB promises to help."

Finally, John Yarmouth of Kentucky saw NCLB as part of a larger attack on public education. For Yarmouth: "The *No Child Left Behind Act* has actually left millions of children behind. It is a plan deliberately constructed to create 'failing' schools, and thereby facilitate support for private and parochial education. We have a moral obligation, not

to speak of a critical need, to provide and maintain a high-quality public school system. We cannot divert taxpayer funds from public education, and we must invest heavily not only in infrastructure—particularly in low income neighborhoods—but also in teacher development and retention.”

Conclusion

The views noted in this article are but a sampling of the criticisms leveled against NCLB by newly elected Congresspersons. While running against incumbents may have made these candidates more willing to be critical of any policy, including educational policy, than the incumbents, the themes raised by these newly elected officials echoed the criticisms of NCLB from many teachers, school administrators, and some parents discussed earlier. Recently, a national petition to repeal NCLB has been started by educators, one from the state of Alabama, who have enlisted the support of teachers, parents, school administrators, and citizens at large.¹⁷ While the prospects for repeal do not seem robust, the charges leveled against NCLB by critics, charges largely unanswered by the administration or the congressional supporters of the legislation, indicate that a substantial portion of the citizenry of the United States, and a large number of the nation’s educators, are unconvinced of the virtues of this legislation. Whether a majority of the new Congress will respond to this opposition remains to

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be seen. What can be safely said is that in many ways our nation’s educational future hangs in the balance.

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¹Text of speech printed in *Birmingham News* January 24, 2007, 8A.

²Ibid.

³National Commission on Excellence in Education, *A Nation at Risk: The Imperative of Educational Reform* (Washington, DC: The Commission [Government Printing Office], 1983).

⁴David C. Berliner and Bruce Biddle, *The Manufactured Crisis: Myths, Fraud, and the Attack on America’s Public Schools* (Reading, MA: Addison-Wesley, 1995).

⁵*America 2000: An Education Strategy Sourcebook* (Washington, DC: U.S. Department of Education, 1991).

⁶*Goals 2000: Increasing Student Achievement through State Local Initiatives* (Washington, DC: U. S. Dept. of Education, 1996).

⁷Michael Cohen, “Key Issues Confronting State Policy Makers,” in Richard Elmore, ed., *Restructuring Schools: The Next Generation of Educational Reform* (San Francisco: Jossey Bass, 1990); 251-58.

⁸NCLB is dealt with in detail in Elizabeth H. DeBray, *Politics, Ideology and Education: Federal Policy During the Clinton and Bush Administrations* (New York: Teachers College Press, 2006).

⁹Ibid., 105.

¹⁰Greg Toppo, “States fight No Child Left Behind, calling it intrusive,” *USA Today* (Feb. 11, 2004).

¹¹Ibid.

¹²Elena Schor, “No Child Left Behind stirs Conn. Campaigns,” *The Hill* (January 30, 2007) accessed at <http://com/thehill/>

export/TheHill/News/TheExecutive/0921066_child.html

¹³Ibid, and “Miller ready to ‘hit the ground running on NCLB,” *Education Daily* (November 10, 2006).

¹⁴In December, 2003, George Miller charged that NCLB was under-funded by \$7.5. See Miller, *Inadequate Yearly Progress: How the Bush Administration has failed to meet its own standards for school reform two years in a row*. House Committee on Education and the Workforce: (December, 2003), 3.

¹⁵“A New Year for School Reform,” *The New York Times* (December 31, 2006).

¹⁶The views discussed below were taken from the websites of the congresspersons in December of 2006. While websites change over time, the Education Policy Center has hard copy of all the statements quoted below.

¹⁷A Petition Calling for the Dismantling of the *No Child Left Behind Act*. As of February 6, 2007, the petition had over 26,000 signatures. See <http://petitiononline.com/1teacher/petition.html>

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