



ISSUE BRIEF

No Child Left Behind

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Entering the 110th Congress, discussions regarding NCLB in Washington, D.C. shifted from implementation challenges to reauthorization opportunities. The last months of 2006 saw the conclusion of the Aspen Institute's NCLB Commission's nationwide hearings on NCLB; contributions from think tanks such as the American Enterprise Institute and the Thomas B. Fordham Foundation; and events and public releases of organizational priorities for the upcoming reauthorization from other business and education groups. In 2007, similar releases and events have continued. There have been hearings on NCLB issues in the House and the Senate. Further, signaling lawmakers' intent to act on this initiative, both the House and Senate committees charged with reauthorizing the legislation have requested recommendations from the education community.

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Political Landscape

While the Democratic take over of the House and Senate will affect the reauthorization process for the Elementary and Secondary Education Act (ESEA) – the law which NCLB amended – it is worth noting that the one issue that both Democratic and Republican leaders, including the President and Secretary Spellings, have cited as an opportunity for legislative collaboration and cooperation is NCLB. This seems to be the best example – used by both Republicans and Democrats – of a major piece of legislation passed with bipartisan support during the Bush Administration.

Observers have repeatedly warned education advocates they will be sorely disappointed if they are expecting the change in party leadership in Congress to equate to fewer accountability requirements or changes to the key principles of the law. In fact, one education analyst asserts, “[House Education and Labor Committee Chairman George] Miller is a stronger accountability hawk *than President Bush's Administration is,*” and that Senator Ted Kennedy (D-MA) “has moved to a pro-accountability position over the past decade.”

Congressional Action

Staff in both the House and the Senate have been meeting regularly to examine the law and in March asked all stakeholders to submit their specific recommendations to amend the statute. According to a recent report by the Congressional Research Service, the top issues going into the NCLB reauthorization are:

- assessments;
- adequate yearly progress (AYP);
- performance-based sanctions;
- staff qualifications (i.e., highly qualified teachers);
- funding levels;
- international competitiveness; and
- the role the federal government should be playing in K-12 education.

Hearings have been ongoing in Washington, D.C., and, during recess periods, in congressional districts around the Nation. The topics identified by CRS have been the major focus of these hearings, along with examination of the impact of AYP provisions on English Language Learners and challenges regarding testing and AYP for students with disabilities. Additional topics include the effectiveness of the supplemental education services (SES) provisions of the law and the troubling Inspector General findings regarding implementation and oversight of the Reading First program.

More hearings are scheduled for April and May and both House and Senate Committees have made it clear they will begin drafting new legislation in May. Senator Kennedy and Congressman Miller (D-CA) have repeatedly been quoted regarding their intention to have bills ready for floor action by the August Congressional recess.

Though relations between the Congress and the White House are fractured on many fronts, when it comes to the No Child Left Behind Act, bi-partisanship continues to rule. At a meeting of business and education leaders at the U.S. Chamber of Commerce in February, Secretary of Education Margaret Spellings made it clear that she will continue to be a vocal supporter of NCLB, as will the President. She suggested that several myths and misconceptions about NCLB need to be dispelled — the law does not require too much testing; it has not been under-funded; it is not too punitive; it has not forced narrowing of the curriculum; and proficiency for all students by 2014 is not an unrealistic goal. According to Spellings, testing must occur if we are to know how to solve a

problem, and funding for Title I has increased by 41% since the law's enactment. In short, she asserts, the law is not perfect, but its core principles are correct.

Challenges

In spite of this cooperation between key congressional committee leaders and the Administration, there is disagreement about the impact this legislation has had on local school districts. Several bills have been introduced in the House and Senate that would weaken both the requirements and the penalties that the law imposes. For the most part, these bills are supported by newly elected Members of Congress who heard repeatedly from constituents on the campaign trail about difficulties with the law. Also, there are Members of Congress who have written to Chairmen Kennedy and Miller to express their dissatisfaction with the law and to list the specific provisions they want to see amended. These Members largely fall into one or more of the three categories, those who: voted against NCLB in the first place; do not serve on education committees; and have been heavily lobbied by their states and districts against the statute. In other words, regardless of the strength of the Committee leaders' support for NCLB, they will have a difficult time moving a reauthorization proposal through the Congress unless their colleagues are given adequate time to voice their concerns and a strong consensus measure can be crafted.

Another barrier to quick action on an NCLB reauthorization bill is the long line of unfinished education bills and other issues that require more immediate Committee attention. This list includes the Head Start reauthorization bill, the Higher Education Act, oversight regarding the IG report on Reading First and student loan investigations.

Conclusion

A sense of urgency about this reauthorization has been expressed by education committee Chairmen Kennedy and Miller, and the Administration. This urgency reflects their common view that if they do not act quickly, the presidential campaigns and contentious mid-term elections will make movement of a bill impossible. Education advocates are honoring the announced schedule for consideration of NCLB. Associations, policy groups, think tanks and foundations have all submitted their suggestions for the reauthorization according to this schedule. Privately, however, they acknowledge that it seems unlikely a bill could be written and agreed to during the remaining months of the first session of the 110th Congress.