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## A Decade After No Child Left Behind, Time for a Right Turn in Education

Jennifer Marshall | January 9, 2012 at 10:45 am | (0) | Like 7 | Tweet 126 | +1

No Child Left Behind: A Decade of Failure



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No Child Left Behind (NCLB) turned 10 yesterday, and the anniversary is a good time to assess the toll of federal education intervention and to identify steps Congress can take now toward [restoring constitutional governance in education](#).

Eight legislative generations before NCLB, Washington first ventured into local school policy with the Elementary and Secondary Education Act of 1965 (ESEA). The 31-page, \$1 billion Great Society program funded low-income districts in an effort to close the achievement gap between needy students and their peers. Nearly a half-century later, the situation is little improved.

What has changed is the federal role. ESEA is the centerpiece of that role, the largest—though not the only—federal law applying to K-12 education. After eight reauthorizations, the law is now known as No Child Left Behind. It runs 600 pages and carries an annual price tag to taxpayers of about \$25 billion.

Federal intervention started with a narrow purpose: to provide supplemental resources to low-income students. The role gradually expanded, and in the mid-1990s laws began to focus on leveraging system-wide reform from Washington, leaving no area of education off-limits. Beyond such laws, Washington's regulations and guidance dictate implementation of the 150-plus federal education programs. Hundreds of pages in the Code of Federal Regulations specify the operation of the U.S. Department of Education's K-12 education programs. The department has also [issued guidance](#) on K-12 education on more than 100 occasions during the decade since NCLB was enacted.

The fundamental mismatch between the federal government's constitutional limits and its interventionist policy on education has led to continual expansion and overhaul of programs, all trying to make federal intervention succeed where it has neither authority nor capacity. Washington's intervention has led to increased state and local education bureaucracy and shifted focus toward [compliance](#) with federal policy. This undermines schools' direct accountability to parents and taxpayers and erodes good governance.

State education bureaucracy grew rapidly following the 1965 passage of ESEA: Between 1966 and 1970, Congress appropriated \$128 million for state education agencies, and their staffs doubled. That growth resulted from a focus on tapping the new federal funding source and implementing federal programs.

States often exert enormous energy to obtain federal funding (which represents about 10 percent of the total spent on local education). For example, 41 states spent countless hours crafting applications for the Obama Administration's Race to the Top grant [competition](#), with some states submitting applications close to 1,000 pages in order to qualify for a slice of the \$4.35 billion funding. Only 11 states and D.C. received awards. For the rest, the significant amount of time and money expended on grant applications will not be recouped by taxpayers.

Federal intervention has created a significant compliance burden for local schools. This wastes time and money that could be more effectively deployed to achieve educational excellence. According to the Office of Management and Budget in 2006, NCLB had increased the annual paperwork burden on state and local communities by 7 million hours, or \$140 million. One district [reported](#) that "the cost of setting aside a single day to train the roughly 14,000 teachers in the division on the law's complex requirements is equivalent to the cost of hiring 72 additional teachers."

Rather than answering up the bureaucratic chain of command to Washington, accountability should be directed to parents and other taxpayers. [Reforms](#) should restore this proper alignment, rolling back federal intervention and advancing parental choice, to redirect accountability from Washington to parents. Washington should:

- **Allow states to opt out of federal K–12 programs and direct funding to state education priorities.** The [A-PLUS proposal](#), a conservative alternative to NCLB, would allow state leaders to opt out of and consolidate funding from dozens of federal K–12 education programs and direct it to the most pressing education needs in their states without all the federal red tape. Meanwhile, it would provide transparency and accountability to parents and taxpayers for education results.
- **Make way for state systemic reform.** Federal systemic reform strategies, which have sought system-wide change since the 1990s through a top-down approach, have failed to improve academic outcomes. By contrast, state reforms have reaped results. Systemic reform in [Florida](#), for example, has had impressive results reducing achievement gaps—succeeding at the original objective that spurred Washington's intervention. Washington should get out of the systemic reform business, ending policies that overreach in this way and eliminating or consolidating programs to reduce redundancy and compliance burdens.
- **Simplify Title I and make it student-centered.** Title I funding for low-income students has become enormously complex since 1965, making it likely that ["no more than a handful of experts in the country clearly understand the process from beginning to end."](#) To maximize resources to low-income students, Congress should fund states based on the number of low-income students using a set per-pupil allocation. Congress should also allow states the flexibility to [fund the student](#), not the system, through portability of the student's per-pupil allocation to a school of choice. Expansive federal funding and burdensome administrative mandates have eroded good governance, increased state bureaucracy, and achieved poor results. A decade after the enactment of NCLB, it's high time that Congress take steps to restore constitutional governance in education by sending dollars and decision making to those closer to students.