

The Washington Times

Congress approves rewrite of No Child Left Behind, returns control to states

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December 9, 2015

Congress approved a rewrite of the No Child Left Behind education law Wednesday as lawmakers from both sides of the aisle linked arms to retreat from expansive national tests and return to states the decisions on how students, teachers and schools will be judged.

The bill keeps federal math and reading standards in place but prohibits Washington from pushing specific standards on states as preconditions for federal funding — a provision directly aimed at Common Core, a set of standards that conservatives hold up as an example of federal overreach.

It did not go as far as many conservatives hoped in boosting school choice, but Republican leaders, who controlled the writing of the bill, said they had to make compromises to win support of Democrats and President Obama, who indicated he would sign the legislation.

The 85-12 vote in the Senate, which follows passage in the House, also marks another major policy bill to emerge from Congress this year.

“Some questioned whether Washington could ever agree on a replacement for No Child Left Behind. They needn’t question any longer,” said Senate Majority Leader Mitch McConnell, Kentucky Republican.

Passed in 2001, the last major education policy rewrite was a centerpiece of President George W. Bush’s agenda. It pushed schools to be more accountable to parents by requiring them to adopt standards and use tests to assess how well they were meeting those standards. Parents armed with these reports could then evaluate their children’s schools.

Billions of dollars in federal aid were promised to schools that performed poorly, but continued failures resulted in overhauls.

Teachers, parents, students, school board members and politicians of all kinds said the law ended up forcing schools to test too often and to teach to tests rather than helping students master subjects.

After years of falling short, lawmakers credited this year's success to bipartisan buy-in from key players who were willing to give a little to get a little, resulting in an overarching package that had something for everyone.

Sen. Lamar Alexander, Tennessee Republican, contrasted the effort with Democrats' push in 2009 and 2010 to muscle Obamacare through Congress without a single vote from Republicans, leading to a nonstop repeal campaign.

"This is a different kind of debate. ... People aren't going to be trying to repeal it," said Mr. Alexander, who drafted the bill with Sen. Patty Murray, Washington Democrat. "Governors, school board members, teachers are going to be able to implement it, and they'll go to work doing it. They'll be deciding what tests to give, what schools to fix and how to fix them, what the higher academic standards ought to be, what kinds of tests should be there."

Among labor unions, the American Federation of Teachers said the final product maintained the 2002 law's focus on children from low-income families in underperforming districts while "slamming the door" on federally mandated testing that demoralized students, parents and teachers alike.

Neal McCluskey, an education analyst at the libertarian Cato Institute, said the bill rolls back "overt" aspects of federal control, such as yearly progress testing and efforts to force states into embracing Common Core, although "it seems to allow the secretary of education to reject state accountability plans he does not like, possibly creating coercion by veto."

"I think the passage is very significant in that it is clearly about reining in out-of-control federal force," he said. "I'm not sure the bill would do that in practice to the extent some supporters are saying, but it is big to see politicians of both parties feeling compelled to pull the feds back."

The legislation provides \$250 million per year in grants to states that want to expand access to preschool, encourages states to replicate effective charter school models and requires states to bolster the lowest-performing 5 percent of schools and "high school dropout factories."

Patrick McGuinn, a politics professor at Drew University in New Jersey, said some states will use their newfound flexibility to innovate and find creative ways to improve education, while others might "go back in time" and devote little energy to lifting up students who fall behind.

"That's federalism in action," he said.

All opposition votes came from Senate Republicans, who said the final product allowed the federal government to retain too large of a footprint in K-12 education.

Sen. Ted Cruz, a Texas Republican running for president, said negotiators should have kept a part of the House bill that would have allowed public funds to follow a child to any public or charter school of the parents' choosing. Democrats, however, said such a voucher-type system drains money that public schools need.

"The American people expect the Republican majority to do better," Mr. Cruz said. "And our children deserve better, which is why I cannot support this bill."

Mr. Cruz then missed the vote, as did his Republican presidential rival Sen. Marco Rubio of Florida.

Sen. Bernard Sanders, a Vermont independent seeking the Democratic presidential nomination, also was absent.

The campaign of Democratic presidential front-runner Hillary Clinton said the bill "is not perfect" but provides states and teachers with flexibility to help needy students.

Senators facing tough re-election races next year voted for the bill and used the occasion to tout provisions they were able to tuck into the legislation.

Sen. Patrick J. Toomey, a Pennsylvania Republican who must defend his seat, highlighted a provision that bars schools from helping former employees find jobs if they have reason to believe the former employee has a history of sexually abusing students.

Sen. John McCain, Arizona Republican, touted his work to promote school choice.

"This legislation is a major step forward in getting Washington out of Arizona's classrooms and putting states, teachers and parents back in charge of educating our students," he said.