

The politics of No Child Left Behind

Will the Coalition Hold?

EDUCATION

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On January 8, 2002, President George W. Bush signed the No Child Left Behind Act (NCLB) into law. Surrounded by smiling members of the Democratic and Republican leadership, the President declared, “as of this hour, America’s schools will be on a new path of reform, and a new path of results” (Office of the White House Press Secretary, 2002). NCLB brought sweeping changes to the 37-year-old Elementary and Secondary Education Act (ESEA) and thrust the nation’s educators, schools, and school districts into a new world of federal educational leadership.

The President was not the only cheerleader for the new law. The crowd of Democrats and Republicans around the President reflected the fact that, just months after the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon, a wave of national unity had helped carry NCLB through both houses of Congress with large, bipartisan majorities. The U.S. Senate supported the new law 87-10, and the House of Representatives endorsed it 381-41. Republicans supported the law 44-3 in the Senate and 183-33 in the House. Democrats were equally enthusiastic, backing the law 43-6 in the Senate and 198-6 in the House.

Representative John Boehner, a Republican from Ohio and the chairman of the House Committee on Education and the Workforce, termed the law his “proudest achievement” in his years on Capitol Hill. Ted Kennedy, a longtime Senator from Massachusetts and the ranking Democrat on the Senate Education Committee, proclaimed, “This is a defining issue about the future of our nation and about the future of democracy, the future of liberty, and the future of the United States in leading the free world. No piece of legislation will have a greater impact or influence on that” (Rudalevige, 2003, pp. 23-4). By 2004, when President Bush stood for reelection, however, the era of easy good feelings had dissipated. During 2004, Democratic Presidential nominee John Kerry attacked NCLB as an empty promise, arguing, “resources-without-reform is a waste of money, and reform-without-resources is a waste of time.” Kerry accused the Bush administration of leaving “funding for NCLB \$27 billion short of the promised levels, literally leaving millions of children behind” (Kerry, 2004). Senator Kennedy accused the administration of reneging on its commitment to spend as much as promised on NCLB, and more than a dozen states expressed interest in throwing off the mandates embodied in the ambitious law. In Virginia, the Republican-controlled House of Delegates voted 98-1 to condemn NCLB for “represent[ing] the most sweeping intrusions into state and local control of education in the history of the United States” (McDonnell, 2005, p. 20).

Under attack from the left and right, is the coalition that enacted No Child Left Behind now history? In 2007, when the law is before Congress for reauthorization, will its key provisions be rolled back or

significantly modified? This look at the law's political prospects and at public opinion suggests that a radical reversal is unlikely, largely because the crucial consensus that gave birth to NCLB remains intact—at least among Washington policymakers.

The Washington Consensus

This “Washington consensus” took shape during the 1990s. It was initially fueled by former governors like Bill Clinton, Richard Riley, and Lamar Alexander, who had made their names as education reformers and had come to Washington committed to educational improvement. In proposals with titles like Goals 2000 and America 2000, and during the Clinton administration's efforts to encourage states to voluntarily adopt stronger testing and reporting systems, reformers sought to promote high expectations and meaningful accountability. The disappointing results of those efforts, the lethargic pace with which many states adopted accountability, and continued resistance from the education community fostered a Capitol Hill consensus that Congress could no longer accept excuses, that educators were too willing to excuse mediocrity, and that it was time to act.

In important ways, the Washington consensus formed out of frustration with the refusal of educators across the nation to accept responsibility for mediocre school performance or to accept the need to fundamentally retool schools that were massively failing black, Latino, and poor children. Democrats and Republicans grew increasingly angry with state and local officials who they saw as endlessly demanding more money, committed to explaining all the reasons why high expectations were unrealistic, and overly occupied with explaining why standards, testing, pay-for-performance, and accountability systems were incredibly difficult to implement. In a real sense, NCLB was a mighty yawp of frustration uttered by Washington policymakers tired of nicely asking educators to cooperate—and ready to ruffle some feathers. For this exact reason, many of the criticisms from the field and from educational experts (more on that below) have less bite than they might if the Washington consensus were more sympathetic to the protests of education officials or the expertise of education professors.

Reformers in the nation's capital agreed on two key points when crafting No Child Left Behind: first, the nature of the education problem; and second, the problem's root causes. How did the NCLB advocates understand the problem they intended to solve? First and foremost, they were concerned about the nation's “achievement gap”—primarily the disparity between the performance of white and Asian students on the one hand, and African-American and Latino students on the other. In 2000, the typical African-American 12th grader was reading and performing math at approximately the same level as the average white 8th grader. Leaders of both parties declared this to be unacceptable, a violation of equal opportunity, and a threat to America's future competitiveness (Thernstrom and Thernstrom, 2003). The nation's seeming unconcern with sustained low levels of performance by black, Latino, and poor children was repeatedly attacked by Bush during his 2000 presidential campaign as “the soft bigotry of low expectations.” The Washington consensus rested on the assumption, in the words of Kati Haycock and Ross Wiener of the Education Trust (2005) “that public education can teach, and has a responsibility to teach, almost every student how to read and do math up to a respectable level defined by the state. There is abundant evidence from schools all over the country that this is possible” (Chubb et al., 2005, p. 13).

If the aim was to address the achievement gap, what did Washington policymakers see as the keys to answering the challenge? Traditionally, there have been three competing explanations for the uneven performance of American students and the massive underperformance of black and Latino youth. One explanation faults a lack of resources, particularly money and know-how, in needy schools. The second traces the issue to problems in society and the larger culture, especially the effects of poverty. The third

blames a dysfunctional school culture and a lax system of governance and incentives that permits school systems to avoid making unpopular decisions, even when those decisions are essential to improving academic achievement.

With regard to the funding question, there was no consensus among policymakers. Backers of NCLB were split, largely along party lines. But on the second two explanations for the achievement gap—poverty and incentives—a broad agreement among Democrats and Republicans had taken root during the 1990s. Both Democrats and Republicans vehemently rejected the notion that poverty, culture, or family background constituted legitimate explanations for mediocre student performance. Its defenders explained the law’s charge to schools in a simple phrase: “No excuses.” While many supporters of the law were also seeking to strengthen the nation’s social safety net and fund other anti-poverty programs, they pointed to successful public schools in tough urban and rural environments as proof that all schools are capable of educating all students. For example, in 2003, Congressman George Miller, a staunch liberal and the ranking Democratic member of the House Education and the Workforce Committee, penned an op-ed with Education Trust’s Russlyn Ali (2003) that read:

Perhaps the most insidious myth being perpetuated is that California’s demographics make it impossible to expect much of its kids. This sentiment is more than just collective apathy. It is bigotry. Schools all over the country, in every type of community, have shown that all students—minority and non-minority, rich and poor—can succeed if they are held to high standards and given the requisite resources. It is time to put this myth to rest for good.” (Miller and Ali, p. A25)

Policymakers didn’t have any actual evidence that all students could be educated or that all schools could potentially excel—but they adopted it as a bedrock principle. Politically, the attraction of the NCLB consensus was that it allowed public officials to embrace high standards and champion equal opportunity without having to prescribe uncomfortable solutions or explain exactly what strategies would enable schools to succeed.

NCLB primarily sought to address the systemic and political challenges of the nation’s schools; it was designed to press state and local officials to make the hard choices needed to reinvent American education. The NCLB consensus rested on the premise that local education politics are fundamentally broken and that only strong, external pressure focused on student achievement will produce politics focused on school improvement, especially for poor and minority students. Having lived with the disappointing results of the efforts to promote accountability in the 1994 reauthorization of the Elementary and Secondary Education Act and frustrated by the tepid results wrought by decades of school reform, policymakers thought that high standards and meaningful sanctions were essential to changing “business as usual” schooling. They believed that school boards and superintendents would continue to be reluctant to upend dysfunctional routines or upset important constituencies, like teachers unions or affluent parents, unless pressed to do so. Ultimately, NCLB was intended to provide political cover to superintendents and school board members to encourage them to take controversial and difficult steps to root out mediocre teachers and administrators, shift resources to poorer schools, challenge collective bargaining provisions regulating teacher transfer and preventing efforts to link pay to teacher quality, and overhaul central office processes.

This “tough love” approach was not embraced only by Republicans. Robert Gordon (2005), an education advisor to Democratic nominee Senator John Kerry during the 2004 general election, argued in *The New Republic*, “at its heart, this is the sort of law liberals once dreamed about. . . . The law requires a form of

affirmative action: states must show that minority and poor students are achieving proficiency like everyone else, or else provide remedies targeted to the schools those students attend.”

The core of NCLB, then, was based on the bipartisan premise that poverty could not be allowed to excuse school failure and that only external pressure will prod school systems to take the actions needed to improve achievement among poor and minority students. Whatever one thought of this consensus, it was a reality by the end of the 1990s. This approach prompted the accountability mechanisms at the heart of the law: the requirements for annual testing in reading and math, the determination of whether schools are making “adequate yearly progress” based on the disaggregation of test scores, and specified consequences for districts and schools that fail to reach state goals. Such provisions are likely to be tweaked when the law comes up for reauthorization (more on that below), and the extent to which they remain intact will rest on the degree to which the underlying consensus holds firm.

It is important to emphasize that the law was a splendid piece of bipartisan sausage-making. Though NCLB has come to be viewed as a “Bush” law—in no small part because the White House spent 2002 and 2003 claiming it as a major achievement while Democrats spent much of 2003 and 2004 backing away from it—the reality is that the final bill’s 681 finely printed pages were filled with a tangled assemblage of Bush administration proposals, New Democrat proposals drawn from reforms crafted during the Clinton administration, liberal ideas put forward by leading Democrats like Kennedy and Miller, and proposals and cautions introduced by countless other constituencies, all superimposed upon the ESEA template that had been growing and evolving since the 1960s. Consequently, if NCLB remains intact, it will be less a conservative or Republican victory than one for the Washington consensus. Critiquing the “Washington Consensus”

Some critics, especially educators, have long disputed the validity of the Washington consensus and are skeptical of NCLB’s expectations and its assumptions regarding school improvement. In early 2005, Nel Noddings, the president of the National Academy of Education and a faculty member at Columbia University’s Teachers College, penned a very public attack on No Child Left Behind in the pages of *Education Week*. In many ways, Noddings’s essay summarized the complaints voiced by the law’s critics. Noddings wrote, “My thesis is simple: The No Child Left Behind Act is a bad law, and a bad law is not made better by fully funding it.” She explained, “The law employs a view of motivation that many of us in education find objectionable. As educators, we would not use threats, punishments, and pernicious comparisons to ‘motivate’ our students. But that is how the No Child Left Behind law treats the school establishment.” Noddings argued:

The high-stakes testing associated with the law seems to be demoralizing teachers, students, and administrators. . . . The law seems to be a corrupting influence. Again, we need more documentation. But reports suggest that cheating has increased at every level, and administrators are busily seeking loopholes, using triage techniques, moving kids around and reclassifying them, playing with data—all to meet the letter of a law whose actual requirements cannot reasonably be met. . . . If the No Child Left Behind Act is corrupting, we should get rid of it. . . . We should not waste more valuable resources—human and monetary—tinkering with this law. It is a bad law and should be repealed.

Anti-testing crusader Alfie Kohn argued back in January 2001, just days after the initial White House plan was unveiled, “The people who understand how kids learn are appalled at this. This is horrendous, simplistic, test-driven reform” (Melendez and Deller, 2001, p.1). In a more scholarly but equally devastating appraisal, Harvard University education professor Richard F. Elmore (2002) declared: “Never, I think, in the history of federal education policy has the disconnect between policy and practice

been so evident, and possibly never so dangerous. What's particularly strange and ironic is that conservative Republicans control the White House and the House of Representatives, and they sponsored the single largest—and the single most damaging—expansion of federal power over the nation's education system in history" (p. 31).

Criticism of NCLB came from the right as well as the left. In a 2005 policy report issued by the libertarian Cato Institute, former U.S. Department of Education staff member Lawrence Uzzell (2005) attacked NCLB for

virtually guarantee[ing] massive evasion of its own intent, ordering state education agencies to do things that they mostly don't want to do. Washington will be forced either to allow states great leeway in how they implement NCLB or to make NCLB more detailed, prescriptive, and top-heavy. If Washington chooses the former, the statute might as well not exist; if the latter, federal policymakers will increasingly resemble Soviet central planners trying to improve economic performance by micromanaging decisions from Moscow. NCLB may end up giving us the worst possible scenario: unconstitutional consolidation of power in Washington over the schools, with that power being used to promote mediocrity rather than excellence (p. 1).

Have these attacks, and the uproar from state legislatures across the nation, succeeded—at least in raising public doubts about the law? Like most pieces of sweeping and compromise-filled legislation, NCLB elicits mixed reactions. Parents and voters tend to endorse its goals while expressing concerns about its means. Not surprisingly, public opinion on NCLB is mixed.

The Educational Testing Service (ETS) reported in 2005 that 45% of adults held a favorable view of NCLB and 38% held an unfavorable one, figures that were almost identical to the views of parents with children in school. Among those who had strong views, opinions were evenly split, with 19% of all adults holding a strongly favorable opinion and 21% a strongly unfavorable one. The ETS also reported what it termed a "worrisome . . . disconnect" between the views of adults, on one hand, and teachers, on the other. While most adults were had mixed feelings about the law, 75% of high school teachers viewed it unfavorably and just 19% viewed it favorably. Moreover, 50% of high school teachers held a strongly unfavorable opinion and just 2% held a strongly favorable one (Hart and Winston, 2005).

A 2004 poll by the Public Education Network (PEN) found that the percentage of voters who favor the law declined slightly between 2003 and 2004, from 40% to 36%. During that time, meanwhile, the percentage of respondents opposed to the law increased from 8% in 2003 to 28% in 2004 (Public Education Network, 2004). Phi Delta Kappa (PDK)/Gallup polling reported the most negative sentiment on NCLB, with the poll's authors concluding, "The NCLB strategies are frequently out of step with approaches favored by the public" (Rose and Gallup, 2005, p. 43). Though the survey did not ask a general "favorable/unfavorable" question on NCLB, the PDK/Gallup effort found that 68% of respondents thought that student performance on a single test is not an adequate indicator of school success (Rose and Gallup, 2005, p. 50). PDK/Gallup also reported that 80% of respondents felt that reading and math test results do not generate an adequate picture of school quality; 82% that basing school quality on reading and math tests will take attention away from art, music, and history; and 79% that, if their child's school were identified as "in need of improvement," they would prefer to have additional improvement efforts made within the school over transferring their child to a "non-needs improvement" school (Rose and Gallup, 2005, p. 50). Such results suggest a lack of broad public support for many of the elements of NCLB. It's worth noting, though, that NCLB proponents have critiqued the

relevance of the PDK/Gallup polling by making the case that the law does not rely on a “single test” and suggesting that the questions and findings of the PDK/Gallup poll are misleading and biased. Whatever the merits of the technical debate, the PDK/Gallup findings do reveal an important tension when it comes to public feelings regarding accountability. We have long known that almost all adults endorse public school accountability in the abstract but are often uncomfortable with the specific testing provisions and sanctions that are required to construct an effective accountability system (Hess, 2003).

In short, Americans feel about NCLB the way they feel about most far-reaching federal legislation: they affirm the overall goals but realize that the devil is in the details. In the abstract, the public is supportive of efforts to hold educators accountable for student learning. When it comes to the practical realities of implementing NCLB, however, voters have been less enthusiastic—and surveys suggest that teachers have been quite critical. Nonetheless, while certain popular press accounts about lawsuits, high-profile complaints, or incidents of state resistance sometimes paint a picture of widespread dissatisfaction, the reality is that public opinion several years after the passage of NCLB is still evolving. To the extent that members of the public have made up their minds, the results suggest a fuzzy picture that has morphed as NCLB implementation has proceeded.

What’s Ahead for NCLB?

We return to our original question: will the NCLB coalition hold? Particularly, will the law’s central accountability requirements be eviscerated when the law is reauthorized in 2007? There is some reason to expect that the coalition will hold and that sweeping changes will be forestalled, for three primary reasons.

First, though the education community has been scathing in its attacks on NCLB, and though many state legislatures have condemned the law, these arguments do not appear to have decisively turned public opinion. Public opinion remains generally favorable on accountability, mixed on NCLB, and somewhat confused about the law’s particulars. Such mixed views give members of Congress much room to maneuver, and the sentiment on Capitol Hill seems to be that embracing high standards and NCLB’s accountability efforts is both the right thing to do and the safest course. Members of Congress may hear voices of concern from their constituents—especially educators—but the message they report hearing is, “mend it, don’t end it.”

Second, glimmerings of consensus on likely “refinements” are emerging, and these have tended toward the modest rather than the dramatic. For instance, one of the oft-mentioned critiques of the law is that its “achievement level” accountability system looks at a snapshot in time rather than students’ progress over the course of an academic year, disadvantaging schools with a lot of children who are starting out far behind. In response, Secretary Margaret Spellings has announced a pilot project to allow a handful of states to adopt “value-added” accountability systems; it appears likely that such an approach will be adopted by Congress in the reauthorization, addressing one of the law’s key shortcomings (and one of critics’ strongest arguments). So long as there remains a centrist consensus for the principles of NCLB, it will be difficult for legislators to call for drastic change without leaving themselves open to charges that they are “anti-accountability” or that they don’t believe all children can learn.

That brings us to the final and most important consideration. To date, we believe that the “Washington consensus,” positing that poverty is no excuse for poor student achievement and that only external accountability will push schools and districts to make tough changes needed to improve, remains largely intact. This is true not only within the Bush administration, but also among key Democratic allies like

Representative Miller and in the leadership of influential activist groups like the Education Trust. There's no reason to believe that these core convictions, which took root more than a decade ago during the Clinton administration's struggles to improve schooling, will be shaken anytime soon. For all the criticism right and left, there are few signs that anyone able to marshal significant numbers of votes will be pushing for fundamentally overhauling the law. Meanwhile, facing the prospect of being publicly attacked by the Bush administration, groups like the Education Trust, and those superintendents and education officials who have stood behind NCLB may dissuade even skeptical lawmakers from championing radical change.

Of course, political support is only the beginning. Federal statutes seldom succeed in changing behavior through good intentions or powerful rhetoric. When they work, it's generally because they are sensibly designed, resonate with voters, and make measured use of mandates and incentives. Scholars in the 1970s explained the surprisingly dispiriting results of heralded Great Society programs by pointing out that Washington's money, expertise, and exhortations are often overmatched by real-world complexities. Whether No Child Left Behind proves another such sobering lesson, or a happier tale, is not yet clear. Forty years after the unsatisfying results of the Elementary and Secondary Education Act, a bipartisan coalition crafted an ambitious new commitment to educational opportunity. Whether this effort will enjoy the support needed to see it through remains to be seen, though the short-term prognosis seems more favorable than the headlines suggest.

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