

Policy Focus

Time to Retire, Not Reauthorize, No Child Left Behind

RECIPES FOR RATIONAL GOVERNMENT FROM THE INDEPENDENT WOMEN'S FORUM

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WHAT YOU NEED TO KNOW

Congress is [debating](#) the reauthorization of the [No Child Left Behind Act](#) (NCLB) signed into law by President George W. Bush on January 8, 2002.

NCLB is the [eighth reauthorization](#) of the [Elementary and Secondary Education Act](#) (ESEA) of 1965, which was a key program in President Lyndon B. Johnson's War on Poverty. The law was supposed to be reauthorized in 2007, but no bill has made it out of Congress.

NCLB directs federal funds to a variety of special programs that are supposed to improve education for disadvantaged students. [NCLB stands apart from previous reauthorizations](#) because it mandates annual statewide testing for all students in grades three through eight as well as once in high school. Test results for all student sub-groups must be made public. NCLB further requires that states meet adequate yearly progress (AYP) targets with the goal that all students will be proficient in reading and math. Schools and districts that miss AYP targets are subject to federally-mandated corrections.

According to NCLB, this coming year [100 percent](#) of American public school children, regardless of income, race, disability, or native language, are supposed to be proficient in reading and math. [No state is even close.](#)

The Obama administration has given [39 states waivers](#) from meeting NCLB proficiency and other mandates, and reauthorization bills are pending in the House and Senate.

However, more fundamental change is needed: NCLB should be scrapped and control over education returned to states and localities.

WHY YOU SHOULD CARE

American children deserve the opportunity of a first-rate education. Sadly, No Child Left Behind is failing to help us achieve that goal:

- **Little Improvement in Test Scores:** Graduation rates and results of national test scores for 17-year-olds haven't changed meaningfully since the federal government became involved in K-12 education.
- **Wasted Time and Money:** Hundreds of billions of dollars have been spent on federal education programs, with little to show for it. In 2011 alone the administrative burden of NCLB was an estimated **7.8 million hours at a cost of more than \$235 million.**
- **Failed Accountability:** Studies show that in response to federal NCLB mandates, states simply lowered the rigor of their standards. Accountability measures have encouraged gaming by administrators not improving student learning.

The word "education" does not appear in the Constitution, as the founders believed this was a matter that is better left to states, localities, and families themselves. At a minimum, NCLB should be reformed so that accountability is placed in the hands of parents and students, rather than through arbitrary federal criteria, which can be easily gamed.

MORE INFORMATION

NCLB's Purpose

The original ESEA legislation was just **32 pages** and had six titles detailing funding for programs designed to help improve educational outcomes for low-income and minority students. Today NCLB has grown to **670 pages** and **10 titles** in all. The purpose of this law has always been to help improve education for disadvantaged students. While the original ESEA sought to accomplish this primarily through grants to states and localities to subsidize schools serving low-income students, NCLB was meant to move beyond simply providing dollars to holding schools accountable for delivering a quality education to those students.

Specifically, NCLB requires states to adopt their own academic standards and annually test students in grades three through eight and once in high school. Results must be publicly reported and broken down according to student sub-groups. The law also imposes federally-mandated corrective actions if districts or schools miss their AYP achievement growth targets.

Americans share the desire to ensure that all children receive an excellent education, however, a decade of experience with NCLB shows that this law is not moving us toward this goal.

A Costly, Confusing Law

Today the federal government is spending more money, and running more education programs, than ever before.

According to unpublished data provided by the [U.S. Department of Education, Budget Service](#), by the end of the Bush administration, the number of funded ESEA programs had swelled to 60, up from just four in 1966. House Education and the Workforce Committee Chairman [Rep. John Kline](#) (R-MN) documented [79 federal programs](#) for K-12 education in 2011 alone. Just counting ESEA programs, combined annual appropriations from 1966 through 2010 have amounted to \$642.3 billion in inflation-adjusted 2010 dollars.

It's not just dollars that are being wasted through these overlapping federal education programs.

After just one year of NCLB in 2003, the added annual administrative burden to schools, districts, and state education agencies associated with overseeing NCLB Title I grants was [2.9 million hours](#). After five years, this administrative burden more than doubled to nearly [6.7 million hours at a cost of \\$141 million](#). By 2011, it had grown to [7.8 million hours at a cost of more than \\$235 million](#). This is an incredible amount of time and money spent on complying with education laws, and there is little to suggest that this costly red tape is leading to more learning.

NCLB Isn't Closing the Achievement Gap

NCLB was supposed to help ensure that more students learn needed skills and that particularly minority students, who had traditionally lagged behind in terms of test scores and graduation rates, would show great improvement. Sadly, comparing the results before and after NCLB's implementation [shows no appreciable improvement in students' educational outcomes and no sustained narrowing of the achievement gap](#).

NAEP scores of American 17-year-olds starting in the early 1970s (the earliest scores are available) have [risen just one and two points](#), respectively, in math and reading. Meanwhile, high school graduation rates remain [stuck at around 75 percent](#)—the same as they were in the mid-1970s.

Worse, NCLB may actually be thwarting improvements that were being made at the state level. A University of California, Berkeley, research team found that achievement gap improvements seen in the 1990s began [fading away after NCLB](#). “The slowing of achievement gains, even declines in reading, since 2002 suggests that state-led accountability efforts—well underway by the mid-1990s—packed more of a punch in raising student performance, compared with the flattening-out of scores during the ‘No Child’ era,” said lead researcher Bruce Fuller. At best NCLB may have sustained math gains already underway due to state-led initiatives, according to Fuller. [“But we find no](#)

consistent evidence that federal reforms have rekindled the states' earlier gains.”

Accountability In Name Only

NCLB was supposed to require accountability and create consequences for failure to improve. However, in response to federal NCLB mandates, states simply lowered the rigor of their standards according to five analyses conducted in 2005, 2006, 2008, 2010, and 2013, as well as a national analysis from the U.S. Department of Education.

Thus to meet federal mandates and keep federal funding flowing, states used statistical shenanigans to make it appear that more students were passing tests. However, there is little to suggest that these improved scores were evidence that students were actually learning.

As of 2011, 49 percent of public schools nationwide—nearly 91,000 schools—failed to make AYP, up from 39 percent in 2010. In response, the Obama administration has issued 39 states waivers from accountability provisions.

NCLB's authors knew that test scores alone are not real accountability. That's why students in schools that failed to make AYP for two consecutive years were supposed to be given the option of transferring to a performing public school. This school choice provision was weak at best. Official reports indicated that some 6.2 million students were eligible to exercise

school choice in 2004-05 alone. Less than 1 percent—45,000 students—actually did.

Keeping Politicians, Not Parents, in Charge.

Reauthorization bills from Senate Democrats, Senate Republicans, and House Republicans are trying to fix NCLB. Yet each bill to one degree or another assumes that Washington knows best when it comes to educating other people's children. In exchange for federal funds states must adopt Washington-favored education policies. Each bill imposes testing, reporting, teacher evaluation, and corrective active mandates. Yet no bill requires that as a condition of receiving federal funds (which come from taxpayers in the states) state lawmakers must expand parental choice to non-public schools.

Retire, Don't Reauthorize, NCLB

Nearly 50 years of failure is enough. There is no reason to believe that giving the federal government more time and more money will improve student learning. What's more, a top-down, one-size-fits-all approach to schooling cannot meet the unique, individual needs of American students. Rather than move forward with reauthorizing a modified version on NCLB—as is being considered in both the House of Representatives and in the Senate—it's time for a new approach to education policy.

First, Congress should prohibit any NCLB program from being reauthorized. All related

program funding should be returned to the states with no federal strings attached—the best flexibility plan of all. State and national lawmakers who can produce evidence that a particular program is working can make their case to their constituents in the states. State taxpayers would then vote on which programs to preserve, expand, or eliminate. They could also vote to re-direct former NCLB program funding to other educational initiatives they believe would work better for students and schools in their respective states and communities.

For too long, federal education policies have been afflicted by chronic hydra disease: eliminate one program and at least two more spring up in its place. This needs to end. No piece of federal education legislation should be enacted until the U.S. Constitution is amended giving Congress express authority to pass education-related legislation. The President and his Education Secretary should also be held accountable for by-passing Congress, unilaterally issuing waivers, and doling out taxpayer dollars for the Administration's favored policies.

Finally, state lawmakers should enact and expand parental choice programs. Such programs allow parents to enroll their children in any public district or charter school regardless of where they can afford to live. Non-government schooling options should also be expanded through voucher and tax-credit scholarship programs. Another powerful option are educational savings accounts (ESAs) that allow parents to opt-out of the public schooling system and use a portion of the funds that the state would have

expended on their children to pay for private school tuition, tutoring, virtual schooling, or home-schooling expenses instead. Any remaining funds could also be used to pay for college.

Politicians advance legislation like NCLB claiming it will help children have access to a better education. Their intentions may be noble, but we cannot ignore the evidence that these efforts have been a failure and may be hindering, rather than encouraging, the innovation in education that will create real opportunity for all.

Parental Choice Leaves No Child Behind

Currently, [250,000 students nationwide](#) are benefiting from parental choice programs. Specifically, there are [19 voucher scholarship programs](#) in 12 states and Washington, D.C., [16 tax-credit scholarship programs](#) in 13 states, and [one educational savings account \(ESA\)](#) in Arizona is serving more than 360 students.

Close to [850,000 families in seven states](#) are also benefiting from education tax credits and deductions that help them pay for the education they think is best for their children.

Importantly, [parental choice programs](#) are [proliferating](#) and have strong [bi-partisan support](#). In fact, since the time NCLB was passed the number of students enrolled in school choice programs has grown five-fold, from [50,000 in 2001](#) to 250,000 today. Rigorous research also proves that parental choice [works](#), [saves money](#), is [constitutional](#), and best of all, [parental choice programs](#) change [children's lives for the better](#).

Getting Washington out of the way and allowing taxpayer dollars to fund what works for each student is the most accountable, effective, and financially responsible way to improve education throughout the United States.

WHAT YOU CAN DO

You can help improve education for all students and fight needless, government micromanaging of our educational institutions!

- **Get Informed:** Learn more about NCLB! Visit:
 - [Independent Women's Forum](#)
 - The Heartland Institute's [School Reform News](#)
 - [Education Next](#)
- **Talk to Your Friends:** Help your friends and family understand these important issues. Tell them about what's going on and encourage them to join you in getting involved.

● **Become a Leader in the Community:**

Get a group together each month to talk about a political/policy issue (it will be fun!). Write a letter to the editor. Show up at local government meetings and make your opinions known. Go to rallies. Better yet, organize rallies! A few motivated people can change the world.

- **Remain Engaged:** Too many good citizens see election time as the only time they need to pay attention to politics. We need everyone to pay attention and hold elected officials accountable. Let your Representatives know your opinions. After all, they are supposed to work for you!

ABOUT THE INDEPENDENT WOMEN'S FORUM

The Independent Women's Forum (IWF) is dedicated to building support for free markets, limited government, and individual responsibility.

IWF, a non-partisan, 501(c)(3) research and educational institution, seeks to combat the too-common presumption that women want and benefit from big government, and build awareness of the ways that women are better served by greater economic freedom. By aggressively seeking earned media, providing easy-to-read, timely publications and commentary, and reaching out to the public, we seek to cultivate support for these important principles and encourage women to join us in working to return the country to limited, Constitutional government.

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