



The Wrong Kind of Bipartisanship?

By Frederick M. Hess

The No Child Left Behind Act (NCLB) is due for reauthorization in 2007. In the nick of time, a bipartisan conventional wisdom has emerged that conveniently excuses the shortcomings of this awkwardly assembled law.

With the Democrats having just recaptured both chambers of Congress after a season of nasty and partisan campaigns, the media is primed for happy stories of post-election comity. NCLB will likely serve as exhibit A, just as it did when it first passed with bipartisan support in 2001. With the law's champions on both the Right and the Left indicating that they are eager to move full speed ahead in the coming year, this well-intentioned law may be reauthorized without the hard scrubbing it deserves.

A Report Card for NCLB

President George W. Bush has declared it a priority to defend and strengthen the legislation and has indicated since November 7 that he wants to partner with Democrats to do so. Secretary of Education Margaret Spellings explains, "I talk about No Child Left Behind like Ivory soap: It's 99.9 percent pure. . . . There's not much needed in the way of change."¹ The administration has sought to deflect frustrations with the law, attributing problems to balky execution by former secretary of education Rod Paige and his first-term team.

Across the aisle, Representative George Miller (D-Calif., the incoming chair of the House

Committee on Education and Labor) says he is eager to preserve the "core concepts" of NCLB, but frets that the Bush administration "has severely undermined the law's success by failing to give schools the resources and guidance they need."² Miller gives the law an "A" but the administration's implementation a "C"—and NCLB funding an "F."³ His stance is shared by Senator Ted Kennedy (D-Mass., the incoming chair of the Senate Health, Education, Labor and Pensions Committee) and influential left-leaning groups like the Center for American Progress and the Citizens' Commission on Civil Rights.

The emerging bipartisan line touts the law as a noble endeavor and attributes any shortcomings to shaky implementation. Democratic supporters of NCLB, in particular, find this storyline an easy twofer: they embrace the law's high-minded aspirations while blasting the Bush administration for fumbling the follow-through.

The "good law, uneven execution" narrative has obvious appeal for its designers, on both the Right and the Left: they get to avoid meaningful scrutiny of the law while blaming bureaucrats, state officials, or the Department of Education's previous management for any problems. Pleased to see a bit of goodwill in Washington, and not really understanding the tangled mass that is NCLB, reporters seem inclined to accept this happy tale.

Meanwhile, the impact of NCLB on achievement is murky, public opinion is decidedly mixed, and the executive director of the Council of the

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Great City Schools notes, “[T]he bloom has come off the rose for many [Congressional] Democrats and Republicans since the law was signed.”⁴

A Bipartisan Success Story?

The truth is that NCLB was a bipartisan triumph, in the best and worst sense of that term. It took proposals put forth by the 2000 Bush campaign and George Miller, by Republicans and Democrats, and by the Clinton administration and the first Bush administration and stirred them into a hearty stew.

NCLB passed with 87 votes in the Senate and 381 in the House. NCLB enjoyed such staunch bipartisan backing because its authors found an artful way to meld these varied ideas: they fudged the tricky parts.

The law specifies that federal reading dollars would only support “scientifically based instruction,” but leaves it to the Department of Education and a patchwork of national centers to decide what that actually means.

The law requires every classroom to be staffed by a “highly qualified teacher,” but leaves it to the states to determine just what that entails.

The law declares that all students in grades three through eight should be “proficient” in reading and math by 2014, but leaves it to the states to decide what “proficient” means. Meanwhile, states that set a more demanding standard have fewer schools that make “adequate yearly progress,” thus rewarding states that lower the bar.

The law promises that students in schools which fail to make adequate yearly progress for two consecutive years will have the option of moving to an adequately performing public school, but then does nothing to provide such access or to encourage schools to find space for potential transfers.

The law requires the “restructuring” of schools that have failed to make adequate yearly progress for five years, but leaves it to states and districts to determine how that will work. And nobody knows what happens when a “restructured” school keeps failing to make adequate yearly progress.

The list goes on and on. Simply put, Congress and the Bush administration punted on most of the tough questions when they negotiated NCLB. This is no surprise; the thorniness of these challenges is exactly what bogs down school improvement at the state and local levels.

To fault implementation for the resulting challenges is a cop-out. If NCLB is nothing more than a set of nebulous aspirations, effective implementation may well be impossible.

NCLB has real virtues. It has shed copious light on school performance, elevated concerns about teacher quality, and pushed educators to think more about the science that underlies their work. These are valuable things that are worth protecting. But bipartisan agreement to engage in lazy hosannas and to excuse incoherent

provisions by blaming the bugbear of “implementation” is not the way to do it.

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Notes

1. Ben Feller, “Spellings Says No Child Law Near Perfect,” Associated Press Online, August 31, 2006.
2. Michele McNeil, “Bush Says He’s Ready to Fight for Renewal of NCLB,” *Education Week*, October 11, 2006, 25.
3. “The Fourth Annual No Child Left Behind Forum: Assessing Progress, Addressing Problems, Advancing Performance” (conference, Business Roundtable, Washington, DC, September 20, 2006).
4. Alyson Klein, “Political Shift Could Temper NCLB Resolve: If Democrats Take House or Senate, Uncertainty Ahead,” *Education Week*, September 27, 2006, 1, 24–25.