

## **Reauthorization of the No Child Left Behind Act: Political Forces and Perspectives**

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### *Education Policy-making*

American education policy affects more than 50 million students in the nation's public and private schools (National Center for Education Statistics, 2008), as well as their parents, the educators who serve them, and the communities to which they belong. Because education policy affects so many people, it assumes an important place on the political agenda and leads several political actors to push and pull in an effort to shape policy within the contours of their own particular interest or ideology. Spring (1998) identified politicians, private foundations, teachers' unions, special-interest groups, school administrators, boards of education, and the courts as among those political actors. Shaped by competing forces, the politics of education often yields policy that is grounded in compromise and malleability as interested groups seek common ground and form coalitions to win passage of their reforms. Politically marginalized groups, or those who were left out of the policy making process, are often later able to gain influence and form new majority coalitions as the political pendulum swings from one direction to another and as previously allied groups begin to splinter. The result is education policy that is created on weak footing and is alterable as interest groups and political ideologues gain and lose the power to control policy formation. The current debate over reauthorization of No Child Left Behind (NCLB) exemplifies this process. Political forces that were marginalized in the original passage of the law in 2001 have reemerged to force the current debate into a stalemate.

### *No Child Left Behind: A Historical Perspective*

Controversy over the shaping of American education policy is as old as the nation's public schools themselves. When Horace Mann was appointed Secretary of the Massachusetts School

Board in 1837, he fought a much celebrated battle to replace the existing system of autonomous locally governed schools with a statewide system where uniformity of content and pedagogy would shape character and morality in the citizenry. Three years later, the newly elected Democratic majority in the legislature nearly abolished the new policy because state funding (and subsequent control over curriculum and instruction) violated the Democratic ideal that education was a matter of local, not state control (Wright, 1930). More than a hundred years later, Southern resistance to the Supreme Court's *Brown v Board of Education* decision delayed implementation of federal orders to desegregate schools in part because it conflicted with the ideological viewpoint that education was a state, not a federal matter.

In the wake of resistance to the implementation of the *Brown* decision, the federal government enacted the Civil Rights Act of 1964. Title VI of the act stated that education was a civil right that would be protected by the federal government. In 1965, Congress passed the Elementary and Secondary Education Act (ESEA) which poured substantial federal dollars into the nation's public schools in an effort to provide access to quality education for disadvantaged students. Passage of the act, championed by a Democratic president, was initially in doubt despite the presence of a sizable Democratic majority in Congress. Republican opposition rested on the supposition that passage of the act would lead to a centralized and standardized national system of education. Despite strong opposition, ESEA did pass, and within a decade many of its opponents had become its strongest supporters. Unwilling to vote against appropriations that sent millions of federal dollars directly into their districts, these new supporters often co-sponsored the legislation to

reauthorize the act when it was set to expire. Because of the shifting allegiances toward ESEA, the main purpose of the act remained intact, but the specific details that identified disadvantaged students and governed where and how money was spent underwent numerous revisions (Halperin, 1975).

ESEA has been reauthorized every five to seven years since its inception. When Republicans took control of the House of Representatives in 1995, they began introducing bills to substantially alter the federal government's role in public education. Abolishing the federal Department of Education, promoting market-type competition among schools through vouchers, and cutting funding for Head Start and Title I programs were among the legislative initiatives of the new Republican House (DeBray, 2005a). When they won the White House in 2001 and carried a majority of seats in both houses of Congress, it seemed certain that the conservative wing of the party would finally have its way with education policy.

ESEA was reauthorized in 2001 and renamed and signed into law in 2002 as the No Child Left Behind Act (NCLB). At the core of the new law was standardized testing, a component of the Democratic supported standards-based reform movement that gained momentum after publication of *A Nation at Risk* in 1983. Absent, however, were other more sweeping reforms that conservatives in the Republican Party had long championed. Instead of placating this group of legislators, the new president chose to seek more moderate ground with the support of party loyalists and centrist, Clintonesque Democrats (DeBray 2005). Forming a centrist coalition of both Republicans and Democrats, the law explicitly ignored vouchers and high levels of funding—respective cornerstones of conservative and liberal education rhetoric (Green, 2007). Interests representing those positions found themselves left out of the bargaining room during the initial passage of NCLB.

The political struggle that ensued in the original debate over NCBL has reignited in the current Congress with its pending reauthorization.

The intent of this paper is to explore the premise that the stalemate in the reauthorization of the NCLB is due to the re-emergent influence of ideologically opposing coalitions that were intentionally left out of the negotiations in passage of the original legislation in 2002.

### Bipartisan Support

Passage of No Child Left Behind has been referred to as a bipartisan measure. Upon taking office in 2001, President Bush worked to garner bipartisan support for NCLB by appealing to moderate leaders of Congress because he feared that resistance by liberal and conservative groups would prevent passage of the legislation.

In 2001, there was a change in leadership of the education committees in both houses of Congress. Representative John Boehner (R-OH) and Senator Edward M. Kennedy (D-MA) both replaced previous leaders of their respective education committees. President Bush turned to Chairman Boehner because “he was not so firmly entrenched in ideology that he could not arrange compromises with Democrats” (DeBray, 2005). Thus, Representative Boehner worked closely with President Bush and played a critical role in drafting the NCLB legislation. Most importantly, he had to overcome the resistance of his conservative party members, who were concerned about the law's encroachment on states' rights (Davis, 2006).

Senator Kennedy negotiated with other moderate influential Democrats on the president's behalf for passage of an education bill. Targeting those who were not on his more liberal Health, Education, Labor, and Pension (HELP) Committee, he aligned himself with members of the Democratic Leadership Council (DLC), specifically Senator Joseph Lieberman (D-CT). The DLC was considered a moderate Democratic congressional organization, and in 2001, they took the following stance on the passage of NCLB:

The pressure will be great on both Republicans and Democrats to play to the more extreme elements of their party. President Bush will be under extreme pressure to introduce private-school choice into Title I and congressional Democrats will be besieged by special interest groups trying to resist almost any

change. Both the president and congressional Democrats will have to work from the center, make progress where there is agreement and make principled compromises around areas of disagreement (Rotherham, 2001).

### The Reemergence of the Right

The passage of NCLB pointed to President Bush's success in forging a new role for the Republican Party in education policy-making. But a consequence of this repositioning was the alienation of the Republican Right, mostly as a result of their support of vouchers (DeBray, 2005). The Republican Right is made up of two groups—business conservatives and religious conservatives. The two groups are similar in their goals to deregulate education, abolish the USDOE, and support school choice, including charter schools and vouchers (Fowler, 2004). But business conservatives' motivation stems from market driven principles, whereas religious conservatives' rationale for reform is rooted in their belief that parents have the right to raise their children without government interference (Fowler, 2004).

Although left out of the 2002 negotiations of NCLB, the Republican Right has succeeded in gaining legislative influence in reauthorization because of conservative groups' ability to focus the public's attention on the merits of publicly funded vouchers.

One way that vouchers gained legitimacy and increased attention was through the results of several empirical research studies that were conducted by well-respected scholars who were connected with conservative think-tanks. One such study was conducted by Jay P. Green, head of the Department of Education Reform at the University of Arkansas, and a scholar from the conservative Manhattan Institute. Green (2004) conducted research and reported on the positive effects of vouchers on student performance and graduation rates. In his study on the success of the Milwaukee voucher program, he asserts that vouchers contribute to the decline in dropout rates. Students attending public schools in Milwaukee have a graduation rate of about 36 percent, compared with

students from previous Milwaukee public schools attending private schools on vouchers, who graduate at a rate of 67 percent.

A further study was conducted by Paul E. Peterson, a prominent professor in Harvard's School of Government and the Editor of *Education Next*, a journal published by Stanford's conservative Hoover Institute. Paul E. Peterson and Martin R. West (2005) examined the impact on schools of Florida's A+ Accountability Plan, which assesses school performance on a grading scale from A to F. Under the plan, students attending F (failing) schools are entitled to transfer to another public school or given a voucher for private school. The researchers found that students enrolled in publicly identified F schools facing a voucher threat performed at higher levels the subsequent year than students in better performing schools not under a voucher threat. All results were statistically significant, particularly for disadvantaged groups eligible for free lunch. Additionally, they found that the stigma of being publicly identified as an underperforming school combined with the voucher threat forces competition and the motivation to improve on failing schools.

In 2005, Secretary of Education Margaret Spellings delivered a speech titled *Good Policy, Good Politics*, on the positive results of the Nation's Long Term Report Card, based upon the National Assessment of Educational Progress, which assesses public and private school students in grades 4, 8, and 12 on reading and math. Although not supported by empirically based evidence, it was a compelling endorsement nonetheless. Spellings attributed increased achievement to school choice and parents use of private school vouchers, which has created competition among public schools, thus compelling them to improve.

Increased attention on the success of publicly funded vouchers has resulted in more funding for vouchers programs. Funding for the District of Columbia's Opportunity Scholarship Program, the only federally funded voucher program in the country, has increased from 10 million dollars from the time it was a line item in the federal appropriations bill, to its current level

of 12 million dollars. Also, Congress has made it easier for families to qualify for the Opportunity Scholarships; families are now allowed to make 300 percent of the federal poverty level, which is an increase from the recent 200 percent limit.

The U.S. Department of Education's Blueprint for Strengthening the No Child Left Behind Act (2008) details a Bush sponsored plan for federally funded school vouchers. The Opportunity and Promise Scholarships, modeled after the federally funded Washington DC Opportunity Scholarship, would award grants and scholarships in the amount of about \$4,000 to schools and districts throughout the country for students attending failing schools. Students would then be able to use these scholarships to attend private and parochial schools.

#### The Reemergence of the Left

Like their conservative counterparts in Congress, liberal legislators were pressured into supporting NCLB in 2001. Since the 1960s, Democrats have positioned themselves on the national stage as the party of equity, funding, and bureaucratic centralism in the debate over the federal government's role in education. They oversaw the creation of a federal Department of Education in the 1970s and fought off attempts to abolish it in the decade that followed. The original ESEA, passed in 1965, was the product of a unified Democratic government that sought to extend access to quality education to the nation's most disadvantaged children. Equity in education became the rallying cry of Democrats in Congress, especially as it related to race and gender issues (DeBray, 2005; Fowler, 2004). While Democrats were calling for increases in funding and standards-based testing, conservative Republicans spent much of the 1980s and 1990s arguing in favor of less federal involvement and school choice programs. The bipartisan support for NCLB in 2001 required some maneuvering and compromising from both groups. The resulting legislation required reporting of test results by demographic subgroups. Itemized reporting, Democrats insisted, would continue to focus attention and resources on disadvantaged students (Sunderman, Kim, & Orfield, 2005).

Many liberal Congressmen and interest groups were alienated during the original debate over NCLB in 2001, but have reemerged to play substantive roles in the reauthorization debate because President Bush lacks much of the political clout that made passage in 2001 possible. During his initial run for the presidency, George W. Bush made education reform a cornerstone of his campaign, but he found that his proposals were equally shunned by conservative Republicans and liberal Democrats alike for either excessively entangling the federal government in education or not providing enough support for low performing schools. Despite this criticism, Bush was able to muster the necessary support from conservatives in his own party in the wake of 9/11 and found an unlikely ally in Democratic Senator Ted Kennedy who was willing to work with the new president so that some type of reform could be accomplished (De Bray, 2005). Kennedy had to muffle opposition to the Republican President's plan from his own supporters. Broder (2001) relayed the story of the traditionally liberal Senator losing his cool with liberal supporters during the NCLB debate:

As numerous compromises were negotiated, Kennedy was criticized by education groups to whom he had long been a hero. An education lobbyist remembers that at one gripe session, just before the Senate took up the bill, "Kennedy just read us the riot act. 'You may not have noticed but we don't control the White House, the Senate, or the House. I'm doing my best but I'm not going to let you stop this.

Within a month of the passage of NCLB, however, Kennedy became frustrated with the direction of the administration's policies in implementing the reform bill that he had crossed party lines to support. Bush submitted a budget proposal that lacked the funding that Kennedy felt the two had agreed on. Kennedy publicly criticized the president and vigorously campaigned for Kerry in 2004 to defeat the president in his bid for reelection. Further, he lamented that, "No Child Left Behind, rather than being a flagship for improved strength and enhanced opportunity of education for the children, has become a symbol of

controversial, flawed and failed policy" (Baker, 2007). By 2007, Kennedy, once a crucial ally for Bush's education policy, did not feel the same need to expend political capital on an outgoing president as he had when Bush first took office.

Other changes in the political landscape have also led liberals to become a more viable force than they were seven years ago. First, the ongoing war in Iraq has helped weaken the president's approval ratings to a meager 28 percent in April 2008, down from a remarkable 77 percent in January 2002, the month that NCLB was signed into law ([www.pollingreport.com](http://www.pollingreport.com), 2008). The prolonged war and the accompanying drop in public approval have cost the president considerable political leverage. Policymakers who once would not have dared cross a popular president regardless of ideology now see no need to accommodate an unpopular one. Further, the president's lack of popular support led to sweeping changes in the House in Senate following the midterm elections in 2006. Democrats gained majorities in both chambers negating the need of the left to compromise with a Republican White House on high profile matters.

This is evident in the reaction Democratic members of Congress had to Bush's latest budget proposal. The president's budget includes large increases for military spending and a generous economic stimulus package. The budget, however, contains minimal increases in education spending from last year. Specifically, Democrats are displeased with the 2.9 percent increase in Title I expenditures stating that the modest increase does not keep pace with inflation (Klein, 2008). Senate Majority Leader, Harry Reid of Nevada stated that the Democratic majority in the Senate could wait until a new president takes office in January to begin the appropriations process to fund education. Senator Tom Harkin (D-IA) proclaimed that the outgoing president's budget would "soon be forgotten" (Klein, 2008), a testament that the Democratic Congress is not likely to make concessions on its own agenda to work with the president.

#### Conclusion

Public policy is the result of the complex interrelationship of various actors and interests (Spring, 1998). Interests may be narrowly defined on a single issue or they may be broadly aligned with an ideology. Passage of NCLB in 2001 represented a unique coalition of interests and ideologies forged together by a new president during a time of national crisis. Strong conservative and liberal ideologues were forced to concede large portions of their education agenda during the initial passage of NCLB. Bush focused attention on moderates from both parties and then used the political leverage of his office to garner remaining support following the terrorist attacks of 2001. Those ideologues have reemerged to push their agenda and add friction to the law's reauthorization which was planned for 2007, but has carried over into 2008. The added friction may be more than the outgoing president can overcome. With low approval ratings and waning political clout on Capitol Hill, leadership from the White House that was needed to forge an agreement on education policy in 2001, seems increasingly unlikely in 2008. Re-emergent political forces that were excluded from the negotiating table then, have taken the reigns of reauthorization and do not appear to be letting up. Disappointed with their lack of influence during the original debate over NCLB, these previously marginalized groups threaten to stall reauthorization if they do not have more input this time around.

Although it is unclear whether or not NCLB will be reauthorized, one thing is certain- the new version of the law, if passed, will be much different in content and scope than the previous legislation, and will continue to impact all facets of education. Thus, it is imperative that education leaders have a thorough understanding of the various political forces and ideologies that are re-shaping the education landscape. In this way, they will be able to forecast, prepare, and shift their focus, if necessary, in response to a new overarching policy that will inevitably change many aspects of the American education system.

#### References

- Baker, P. (2007, November 5). An unlikely partnership left behind. *The Washington Post*, p. A1 [Electronic Version]. Retrieved April 13, 2008 from <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/04/AR2007110401450.html>
- Davis, M. (2006). Boehner goes from education panel to majority leader [Electronic version]. *Education Week*, 25(22), 25.
- DeBray, E. (2005, March 15). *Partisanship and ideology in the ESEA reauthorization in the 106<sup>th</sup> and 107<sup>th</sup> Congresses*. Paper presented at the Wilson Center for Scholars Symposium Panel on ESEA at 40. Retrieved March 30, 2008, from <http://www.wilsoncenter.org/events/docs/debray.doc>
- Democratic Leadership Council. (2001, February 7). *The new 3R's of education*. Retrieved April 1, 2008, from [http://www.dlc.org/ndol\\_ci.cfm?kaid=110&subid=900023&contentid=2990](http://www.dlc.org/ndol_ci.cfm?kaid=110&subid=900023&contentid=2990)
- Fowler, F.C. (2004). *Policy studies for educational leaders*. Upper Saddle River, NJ: Pearson Prentice Hall.
- Greene, J. (2004, September 30). A long-term choice: Vouchers keep kids in school. *National Review Online*. Retrieved March 31, 2008, from <http://www.nationalreview.com/comment/greene200409300819.asp>
- Green, E. W. (2007, March 16). The center may not hold for nclb. *U.S. News and World Report*. Retrieved Monday April 14, 2008 from <http://www.usnews.com/usnews/news/articles/070316/16nclb.htm>
- Halperin, S. (1975). ESEA ten years later [Electronic Version]. *Educational Researcher*, 8(4), 5-9.
- Klein, A. (2008). Democrats aim to dismiss Bush budget. *Education Week*, 27(23), 24- 25.
- National Center for Educational Statistics. (2008). *A brief profile of America's public schools*. Retrieved April 13, 2008 from <http://nces.ed.gov/pubs2003/2003418.pdf>
- Peterson, P. & West, M. (2005, March 23). *The efficacy of choice threats within school accountability systems: Results from legislatively induced experiments*. Paper presented at the Annual Conference of the Royal Economic Society, University of Nottingham. Retrieved March 31, 2008, from <http://www.ksg.harvard.edu/pepg/research.htm>
- PollingReport.com. (2008). *President Bush: Job ratings*. Retrieved April 13, 2008 from [www.pollingreport.com/BushJob1.htm](http://www.pollingreport.com/BushJob1.htm)
- Spring, J. (1998). *Conflict of interest: The politics of American Education* (3<sup>rd</sup> ed.). Blacklick, OH: McGraw-Hill.
- Sunderman, G.L., Kim, J.S., & Orfield, G. (2005). *NCLB meets school realities: Lessons from the field*. Thousand Oaks, CA: Corwin Press.
- U.S. Department of Education. (2005, August 4). *Good policy and good politics*. Retrieved March 31, 2008, from <http://www.ed.gov/news/speeches/2005/08/08042005.html>
- U.S. Department of Education. (2007). Building on results: a blueprint for strengthening no child left behind. Retrieved April 2, 2008, from <http://www.ed.gov/nclb/overview/intro/reauth/index.html>
- Wright, F.W. (1930, January). The evolution of normal schools. *The Elementary School Journal*. Retrieved February 29, 2008 from <http://links.jstor.org/sici?sici=0013-5984%281>