Will Education Flourish After NCLB’s Repeal?

by Jack Jennings on December 18, 2015

No other federal law has generated more hostility from teachers and other educators than the No Child Left Behind Act (NCLB). That statute has been denounced for causing too much testing of school children, making teachers “teach to the test” to avoid penalties, and mandating the use of unproven improvement strategies for poorly performing schools.

Enacted in 2002 as the prized accomplishment of President George W. Bush and key Democratic and Republican congressional leaders, NCLB was ceremoniously dumped at the White House on December 10, 2015, when President Barack Obama signed the Every Student Succeeds Act (ESSA), the handiwork of another bipartisan group of congressional leaders.

In repealing NCLB, Congress created in ESSA an “NCLB light.” States will still have to annually test students in various grades, break out the results by major student subgroups, and intervene in persistently low-performing schools if local efforts do not succeed. Repealed, though, are NCLB’s goal that all students be proficient in reading and math, federal penalties for schools and districts failing to increase the number of students reaching proficiency goals, and federal remedies for low-performing schools. States now will make all those key decisions.

Although NCLB was the prime source of discontent, major policies promoted by Arne Duncan, Obama’s secretary of education, were also portrayed as “federal encroachment in the schools.” Race to the Top (RTTT) grants had been awarded after considering whether states would adopt high academic standards, implement prescribed strategies in low-performing schools, and use student test scores to determine the effectiveness of teachers. Another Duncan policy granted states waivers of NCLB’s requirements only if they agreed to comply with provisions similar to RTTT’s.

Those policies angered states, which felt that they were too intrusive. Teachers were also opponents because they thought it was unfair to use student test scores as determinants of their salaries and employment. Also stirring the pot of opposition was the political right that looks upon anything that Obama does as wrong. They asserted that the federal government was imposing a national curriculum, the Common Core Standards, on the states by requiring them to have “high standards.”

All this opposition led to ESSA placing unprecedented restrictions on the US Department of Education. The secretary cannot impose on states teacher evaluation systems, academic standards, or remedies for poorly performing schools. Another smackdown of the secretary is a provision that shifts the burden of proof from a state having to justify its plan for receiving federal funds to the secretary having to prove that the state plan is inadequate.

So the new law is a rejection of federal accountability provisions as being too strict, and a rebuke to the US secretary for intruding into state matters. In contrast, ESSA is touted by its congressional sponsors as bringing freedom to the states and local school districts so that they can be innovative in improving education. Will that be the result?

If you believe that the only thing holding back major improvement in American education has been burdensome federal accountability requirements, then indeed we are at the threshold of a golden era in
US schooling.

I don’t believe that.

I do believe that the federal government, both in enacting NCLB and in Duncan’s actions, overstepped the limits of what the federal government should do in education. But, more importantly, I consider the theory behind those policies as faulty.

The idea is wrongheaded that teachers can be pressured into educating children better through requiring higher scores on state tests. In Presidents, Congress, and the Public Schools, I present a comprehensive analysis of test data showing that NCLB’s use of that policy was not accompanied by a general increase in scores on the National Assessment of Educational Progress, an independent barometer of student achievement.

I propose that school reform get away from this fixation on accountability and testing and move instead to creating the conditions for better teaching and learning. That process begins by focusing attention on students and teachers. The issue is: how can students learn more, and how can teachers be of the greatest help to students as they learn?

Four major elements are needed to address those concerns. Students must be prepared to learn before entry into school. Teachers must demonstrate the characteristics to be a good teacher, be properly trained, and then assisted to be effective in the classroom. Students must have a challenging curriculum and adequate funding fairly distributed for their education.

Therefore, I would urge states to use wisely their new discretion under ESSA. Care must be given to determining student progress under the “NCLB light” framework, but effort must also be put into creating the right conditions for teaching and learning. That latter task cannot be left to chance while all the time and effort are spent in pursuit of the perfect test.

After the four years of ESSA’s existence, if broad improvement in the states has not come about, it will be time to reconsider whether simply encouraging state and local innovation is the way to improve the quality of American education. My book, in reviewing American history, shows that such a reexamination is bound to occur.

As Bush’s Secretary of Education Margaret Spellings said after ESSA became law: “I’m a little bit skeptical. We’ve tried the local control approach before, and we saw pretty pitiful results.”* In the last fifty years, three major national campaigns to improve education were launched because of the inadequacy of state and local control.

In the 1960s and 1970s, discontent led to laws being enacted to promote equal educational opportunity for children with special needs due to state and local neglect. Most notably, the Elementary and Secondary Education Act of 1965 focused on improving education for students from economically disadvantaged families. The Individuals with Disabilities Education Act brought children with disabilities into the regular classroom from isolation at home, assignment to state institutions, or segregated classrooms.

In the late 1980s, state governors promoted national education goals and then national education
standards and tests because they believed they needed national action after they had done what they could at the state level. President George H. W. Bush proposed creating those national standards and tests. President Bill Clinton shifted strategy and provided federal funds for states to develop their own standards and tests.

In 2001, President George W. Bush proposed NCLB because this reform was not moving fast enough at the state and local levels. This motivation that led to NCLB was well intended, but the means chosen to implement the changes were faulty, as was discussed earlier.

The events of the last fifty years point in the direction of another national effort being mounted in the foreseeable future to accelerate improvement in education. Local innovation is good, as is state flexibility, but as Spellings said, we have tried that before.

I propose that we learn from history and that any future movement be based on local-state-federal cooperation. Each level of government brings something valuable to the table, and all their assets are needed to bring about a better education for American students.

For the next four years, the ball is in the hands of the states. We all must hope that they will improve the schools more than has been done over the last thirteen years when NCLB dominated the scene. But improvement means more than the pursuit of higher test scores; it also means creating a better system of schools so that all students have an equal educational opportunity.

Prudence, backed by our history, calls for us to be prepared for another national effort to improve the schools. This time, I hope, it will be based on making schools better instead of penalizing the people needed to bring about that improvement—the teachers and other educators.


About the Author: Jack Jennings is the founder and former CEO of the Center on Education Policy, and the author of Presidents, Congress, and the Public Schools: The Politics of Education Reform (Harvard Education Press, 2015).