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FROM BUSH TO OBAMA: THE DIRECTION OF EDUCATION

by NOAH HURWITZ

In 2001, Congress passed the No Child Left Behind Act (NCLB), which included a requirement that school districts administer standardized tests to students to determine whether test scores are improving year to year, with the overall goal of achieving grade level proficiency in math and reading for every student by 2014.¹ NCLB requires school districts to make “adequate yearly progress.”² Failure to achieve “adequate yearly progress” puts the district at risk to lose federal funding and to be labeled as “failing.”³ Furthermore, parents are given the option to transfer their child to another school.⁴

After almost eight years, NCLB’s legacy on America’s public education system is still being debated. While NCLB is praised for narrowing the gap between white and minority students in some areas, it is also criticized for interfering with state and local control of public education.⁵ However, there is a general

consensus from the new Obama administration that changes are coming both to NCLB and to future federal government expenditures on education.

NEGATIVE REACTIONS TO NCLB

Originally, NCLB was designed to increase accountability and transparency in student academic performance by nationally standardizing educational goals. However, parents, teachers, and administrators have complained that the program fundamentally exposes public education failures, rather than increasing academic performance.⁶ U.S. Secretary of Education, Arne Duncan, criticized the academic benchmarks set forth by NCLB, saying that students may meet NCLB standards and still be “. . . woefully unprepared to be successful in high school and have almost no chance of going to a good university.”⁷

Dissatisfaction is evident in Minnesota, where two school districts recently sent a resolution to their state legislature urging them to withdraw from NCLB if the Act is not reformed by October 2010.⁸ The districts complained that the standardized testing required by NCLB does not account for vast student learning disparities among school districts throughout the state.⁹

Moreover, in Michigan, Republican U.S. Representative Pete Hoekstra introduced a bill to free states from NCLB mandates by allowing them to provide the U.S. Secretary of Education with a “declaration of intent” to take full responsibility for their students’ education, while still receiving federal support.¹⁰ Hoekstra criticizes NCLB for creating “a one-size-fits-all approach to education” that has only “. . . created more testing, more paperwork, and has cost schools more money to comply with costly federal mandates.”¹¹

STIMULUS SETS ASIDE MONEY FOR EDUCATION

As pledged by President Obama shortly after his inauguration, Congress recently passed a \$787 billion economic recovery plan, allocating almost \$100 billion to public education.¹² The Department of Education vowed to disperse half the stimulus money to states almost immediately and the rest within six months.¹³ Characterized more as “spending,” than “stimulus” money, the influx of funds are designed to increase early childhood education, prevent teacher layoffs, overhaul aging schools, and educate low-income children.¹⁴

The stimulus money will also serve low-income college students by increasing the maximum Pell Grant from \$4,731 to \$5,550 a year.¹⁵

In Michigan, the legislature will receive about \$2.5 billion for education from the stimulus and will direct it towards bridging shortfalls in school district budgets and programs to help poor, disabled, and other at-risk students.¹⁶ Virginia will receive \$1.5 billion for similar purposes, but local officials worry the money will not be enough to stave off future budget cuts if the economy does not improve next year.¹⁷

NCLB AND EDUCATION MOVING FORWARD

While the jury is still out on NCLB's impact, it is apparent that education under Obama and Duncan is moving in a different direction. As a first step, Duncan will likely rename the oft-criticized NCLB in order to erase the stigma associated with the program's name.¹⁸ From there, the new administration has promised more flexible goals, innovative approaches, and wider funding for public education.¹⁹

Recently, Duncan encouraged underfunded school districts to apply for the "Race to the Top Fund," or the roughly \$5 billion set aside in Obama's budget for schools "willing to challenge the status quo."²⁰ Also referred to as the "Flexible Fund," the Department of Education will award money to states on a discretionary basis, as opposed to the more rigid formulas of NCLB.²¹ U.S. Representative Christopher Murphy has already announced that he secured a \$262,000 federal grant from Duncan's new fund to build a family literacy center in Danbury, Connecticut, intended to foster parental and community support of early childhood education.²²

The Danbury project underscores Duncan's pledge to support more creative approaches to education and reflects the increased spending expected from the new administration.²³ Given politicians' general disfavor with the current NCLB, expectations for Obama's education platform will likely be higher than they have been in previous years.

NOTES

- 1 Sam Dillon, *Under 'No Child' Law, Even Solid Schools Falter*, N.Y. TIMES, Oct. 13, 2008, at A1.
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- 3 *Id.*
- 4 *Id.*
- 5 Sam Dillon, *Report Faults Bush Initiative on Education*, N.Y. TIMES, Feb. 24, 2005, <http://www.nytimes.com/2005/02/24/education/24child.html>.
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- 7 Ian Munro, *Obama's Revolution*, THE AGE, Mar. 2, 2009, <http://www.theage.com.au/national/education/the-other-revolution-20090226-8im3.html?page=-1>.
- 8 Laura Grevas, *JCC and Worthington call for No Child Left Behind Change*, THE DAILY GLOBE, Mar. 3, 2009, <http://www.dglobe.com/?event=exception.404&CFID=57229503&CFTOKEN=20541441>.
- 9 *Id.*
- 10 Sarabjit Jagirdar, *Rep. Hoekstra Introduces Legislation that Frees States From Mandates Tied to No Child Left Behind*, US FEDERAL NEWS, Mar. 27, 2009, <http://hoekstra.house.gov/News/DocumentSingle.aspx?DocumentID=116073>.
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- 17 Harrison, *supra* note 13.
- 18 Sam Dillon, *Rename Law? No Wisecrack is Left Behind*, N.Y. TIMES, Feb. 23, 2009, at A12.
- 19 *Id.*
- 20 Mark Hornbeck, *Duncan Challenges Mayor to Fix DPS*, THE DETROIT NEWS, Feb. 27, 2009, <http://detroitnews.com/article/20090227/SCHOOLS/902270377>.
- 21 Maria Glod, *Stimulus Includes \$5 Billion Flexible Fund for Education Innovation*, WASH. POST, Feb. 14, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/13/AR2009021303346.html>.
- 22 Eileen FitzGerald, *Danbury Schools get \$260,000 for New Family Literacy Center*, THE NEWS-TIMES, Mar. 28, 2009, <http://www.readingrockets.org/news/30660>.
- 23 *Id.*