

THE WALL STREET JOURNAL.

U.S. SENATE VOTES TO REPLACE 'NO CHILD LEFT BEHIND' LAW

Obama has indicated he will sign the bill, which returns significant education powers to the states

By Douglas Belkin and Kristina Peterson
December 9, 2015

The Senate on Wednesday voted to replace the 13-year-old No Child Left Behind law, returning to the states significant powers to determine how poorly performing schools should be improved and curbing the authority of the secretary of education.

The Senate in an 85-12 vote cleared legislation that will guide about \$26 billion federal in spending annually from preschool through 12th grade. Already approved by the House last week, the bill now goes to President Barack Obama. The White House said he would sign the bill on Thursday.

The legislation maintains annual testing to identify groups of students who are failing, but empowers states to come up with their own standards and determine how to revamp schools that don't make the grade. It comes after years of complaints from critics who argued No Child Left Behind spurred excessive testing in public schools and used unrealistic goals to label too many schools as failing.

"We have an opportunity today to vote to reverse the trend toward a national school board," said Sen. Lamar Alexander (R., Tenn.), chairman of the Senate Health and Education Committee and chief architect of the bill, along with Sen. Patty Murray (D., Wash.). "We have an opportunity to make clear that in the future the path to higher standards, better teaching and real accountability will be through states, communities and classrooms, and not through Washington, D.C."

Proponents of the legislation believe it will usher in more flexibility and stability after years of uncertainty about the future of No Child Left Behind. Critics voiced concern that by removing some federal oversight, some states would feel too little pressure to fix the worst-performing schools.

Kati Haycock, president of the Education Trust, a nonprofit education advocacy group, backed the bill despite misgivings that it gave states too much latitude. "Given the long history of state and local decisions that shortchange vulnerable students, this degree of flexibility is cause for serious trepidation," she said in a statement. But "the law contains critical protections for these same student groups and clear levers for equity-minded leaders and advocates to move the ball forward, rather than back."

Under the bill, states would still have to test students yearly in reading and math in grades three through eight, and once in high school. But the bill would end the federal guidelines for defining school quality and require states to set up their own accountability systems to measure improvement. It would also let states determine how to intervene in the bottom 5 percent of schools and those with low graduation rates.

States would still have to show test data for children in different “subgroups” of students, such as racial minorities, students in poverty and English-language learners. But the bill would let states devise their own ways to address achievement gaps.

The bill also provides \$250 million a year to expand access to preschool.

This marks “the first time that the nation’s primary elementary and secondary education law includes dedicated funding to make sure kids start kindergarten ready to learn,” said Ms. Murray. “It does that by establishing a competitive grant program for states that propose to improve coordination, quality and access to early child education for kids from low-income and disadvantaged families.”

Among the senators running for president, Sen. Rand Paul (R., Ky.) voted no, while Sen. Lindsey Graham (R., S.C.) voted yes. Sens. Marco Rubio (R., Fla.), Ted Cruz (R., Texas) and Bernie Sanders (I., Vt.), who is running for the Democratic nomination, didn’t vote. Mr. Cruz said in a statement he didn’t support the bill.

Sen. Mike Lee (R., Utah) was among those who voted against the bill, arguing that it extends a failed central-planning model of education. “Since 1969, test scores in reading and math have hardly budged for public-school students of all ages—even while per-pupil spending has nearly doubled and school staff has increased more than 80 percent,” Mr. Lee said.

Lawmakers have tried and failed to fix No Child Left Behind since it expired in 2007, and its requirements have remained in place.

The bill bars the federal government from giving states incentives to use any particular learning standards; it also prohibits federal mandates on how teachers should be evaluated. The Obama administration had given states incentives to link student results on annual tests to teacher evaluations. Teachers unions and others had criticized using test data that way, saying it led to excessive test preparation and anxiety.

Randi Weingarten, president of the American Federation of Teachers said the legislation was a significant step in the right direction. “It’s a fundamental course correction for education policy in the United States,” she said in an interview on Tuesday. “It basically moves away from the No Child Left Behind testing as education policy, and moves toward a policy where states have much more discretion about how to educate our kids.”