

Washington Monitor

Bush Administration Pushes for ESEA Regulatory Changes

It is a common theme well known to Washington insiders – as Presidents near the end of their term and take on the “Lame Duck” label, they often attempt to shape federal policy through a series of (sometimes controversial) regulatory changes. Environmental and health care policies are frequent targets, but other Executive Branch programs certainly are not immune. The Bush Administration has adopted frequent use of the regulatory pen since the Democrats regained control of Congress in 2007, and now they have turned a collective eye towards education policies governed under the Elementary and Secondary Education Act (ESEA), better known as No Child Left Behind (NCLB).

To this end, on April 22 Education Secretary Margaret Spellings announced a series of proposed regulatory changes to the NCLB program. Spellings no doubt had political expediency in mind – reauthorization of the ESEA has been bottled up in Congress for the last two years, and it appears that serious action is unlikely until a new president has been sworn in next year. Additionally, some of the proposed changes are opposed by Congressional Democrats.

The key regulatory proposals include: 1.) A change in the way states calculate their graduation rates. States would be required to base their numbers on how many incoming freshmen in each high school graduate. By the 2012-13 school year, the states would

also have to indicate how many students had graduated within four years and how many had dropped out. 2.) States and school districts would be required to report results from their National Assessment of Educational Progress (NAEP) reading and math tests when they report the results of their own state assessments. 3.) Districts would be required to notify parents about school choice and supplemental education service (SES) options. The SES program provides mentoring to students in failed schools.

This proposal is especially controversial because it spotlights schools that are not meeting expectations. Additionally, schools often rely on unused SES funds for other programs, but the Administration’s proposal would require schools to demonstrate that they made parents aware of their SES options.

In announcing the regulations, Spellings asserted that “While I will continue working with legislators to renew (NCLB), I also realize that students and families and teachers and schools need help now.” Predictably, the proposals elicited both praise and scorn on Capitol Hill. Rep. Howard P. “Buck” McKeon (R-CA), ranking Republican on the House Education and Labor Committee, “welcomed news that (Secretary Spellings) is proposing much-needed reforms to the NCLB Act.” He also criticized the Democrats’ “continued inability to enact a more comprehensive overhaul of the law” and specifically praised the Administration’s SES proposal.

Rep. George Miller (D-CA), Chairman of the House Committee, asserted that

“What the Bush Administration proposed today is a series of piecemeal changes to a law that really needs a comprehensive overhaul. Some of the proposed changes, like requiring a uniform graduation rate, are long overdue; other proposed changes are unhelpful. But altogether the changes amount to tinkering with a law that needs significant improvements, as most parents, educators, and students know.” Miller also pointed to “repeated underfunding” of NCLB programs in Bush budgets and the President’s rejection of “a bipartisan way on comprehensive reforms to the NCLB law.”

The proposed regulations deal primarily with Title I of the ESEA and have little bearing on the AAG’s efforts to see specific authorizations for geography education and teaching included in Title II of the law’s framework. Nonetheless, they have an impact on the ongoing debate over the law and Congress’s timetable for action. We will monitor the continued response to the regulations and other related activity on Capitol Hill. For additional detail on the Administration’s proposals, please visit www.ed.gov. Public comments on the regulations are being solicited through June 23. ■

Thanks to our friends at COSSA for providing details for this article.

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No Child Left Behind

For background, resources, and additional information on No Child Left Behind visit the AAG website at www.aag.org/nclb.

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