

No Child Left Behind: Spending More Than Ever – And Expecting More Than Ever

June 27, 2003

Eighteen months ago, President George W. Bush signed the landmark No Child Left Behind Act into law – linking federal education spending to accountability and results for the first time ever.

States are making significant progress in implementing No Child Left Behind. On June 10, 2003, President Bush announced that **all 50 U.S. states (as well as Puerto Rico and the District of Columbia) have successfully submitted “accountability plans” to the U.S. Department of Education detailing their plans for complying with NCLB.** The plans describe how each state will meet NCLB’s call for annual testing of public school students in reading and math in grades 3-8, providing report cards for parents on school achievement levels, and ensuring that new options are offered for parents with children in underachieving schools.

Despite the successful start to NCLB implementation, considerable myths and distortions about NCLB are being perpetuated by Washington-based education lobbying groups and leaders of the Democrat party. The following document provides an overview of some of these major myths, and the facts to set the record straight.

Fiction: *The No Child Left Behind Act is an "unfunded mandate."*

Fact: **No Child Left Behind is neither unfunded, nor a mandate. Every penny promised by President Bush and congressional Republicans is being delivered, and all states are free to opt out of receiving federal education funds at any time.**

Federal education spending has increased not once, but twice since President Bush signed NCLB into law, and it is on track to increase a third time under the education spending legislation for FY 2004 currently moving through the U.S. House.

As a result of NCLB, the federal government is now spending far more money for elementary and secondary education than at any other time in American history. States and schools will receive a staggering \$23.8 billion this year (FY2003) for implementation of NCLB, including a \$1.3 billion increase in Title I funding to disadvantaged students and at least \$380 million to support state assessments.

This increase builds on the whopping \$4.3 billion (24%) increase in Elementary & Secondary Education Act (ESEA) spending provided to states and schools during the first year of the No Child Left Behind Act.

The education spending bill moving through the U.S. House this summer for FY 2004 provides yet another massive increase (\$666 million) in federal funding for Title I of the No Child Left Behind Act, which will mark the third significant increase in Title I funding since NCLB became law. In FY2003, Title I funding was increased by \$1.3 billion, which was on top of the \$1.6 billion increase provided in FY 2002. As a result of these increases, Title I spending increased more during the first two years of President George W. Bush's administration than it did during the previous seven years under President Clinton.

As Brian Riedl of the Heritage Foundation wrote recently regarding NCLB, "Washington hasn't mandated that any state implement this law. It merely suggested a model, and offered to subsidize states willing to implement it. States that dislike the federal model, or find the funding insufficient, are free to opt out and run their own programs." (Riedl, "What Unfunded Mandates?" Heritage Foundation, 03 June 03)

Fiction: *NCLB's testing requirements for reading and math in grades 3-8 are an "unfunded mandate."*

Fact: **The testing requirements in NCLB are completely funded, and several studies show states are receiving more than enough money from the federal government to pay for all of NCLB's testing requirements.**

Since the NCLB's enactment, Congress has appropriated \$771.5 million for states to design and implement their annual tests, and President Bush has requested an additional \$390 million for fiscal year 2004. In both FY2002 and FY2003, as a result of No Child Left Behind, states were provided with \$387 million to design and develop their annual tests in reading and math, which aren't due to start until 2005/06 school year. If a state already has 3-8 testing, it can use these funds to implement or upgrade its tests if needed. In addition, the federal government has been providing money to states since 1994 in various forms for the development of state academic standards and assessments.

A 2002 study by the AccountabilityWorks project found education reform opponents have significantly exaggerated the cost to states of implementing No Child Left Behind's annual testing requirements, and that the new federal funds made available by NCLB to help states develop and implement their tests are sufficient to cover the costs. This well-documented and widely-publicized report is available at http://www.accountabilityworks.org/press-20020227-elc_summit.php

Similar conclusions can be drawn from a May 2003 study by the independent General Accounting Office (GAO). The GAO report concludes Congress is providing more money than necessary for all states to design and implement reasonable, reliable and valid measures of student achievement in reading and math, which is what is required by NCLB. GAO estimates the cost of implementing such basic tests will collectively cost states about \$1.9 billion

between fiscal years 2002 and 2008. The \$1.9 billion figure assumes states do not independently opt to implement more complex testing systems than they are required to do under the law. The NCLB law requires Congress to provide at least \$2.34 billion for state testing costs between fiscal years 2002 through 2008.

The GAO report shows education reform opponents – who have claimed the cost to states of meeting NCLB's testing requirement will actually be as high as \$7 billion – are exaggerating the costs of implementing the testing provisions of NCLB by billions of dollars. GAO estimates testing costs could be higher for states only if states independently choose to design and implement more intricate testing systems than are required under NCLB. In such instances, GAO concludes, state testing costs could range from \$3.9 billion to a worst-case scenario of \$5.3 billion - - still significantly less than the \$7 billion claimed by reform opponents. What this means is that even if every state in the nation chose to implement the most complex and expensive testing system possible – which is far more than they are required to do under No Child Left Behind – the total cost to states would be nearly \$2 billion less than claimed by education reform opponents.

A report issued in February 2003 by the Josiah Bartlett Center for Public Policy (www.jbartlett.org) estimated that the state of New Hampshire would receive \$6 million more this year in federal education aid than the costs associated with implementing NCLB, debunking claims by education reform opponents that the new law is an "unfunded mandate" on New Hampshire. The study estimated the New Hampshire's costs associated with complying with No Child Left Behind – providing highly qualified teachers and paraprofessionals, new testing requirements, technology plans, and special education – to be approximately \$7.7 million for this year. Factoring in the \$13.7 million in increased federal education aid coming to New Hampshire from NCLB, the study concluded New Hampshire will have an extra \$6 million in federal education aid to spend on other state and local education priorities as a result of the new federal law.

Fiction: *President Bush is not “fully funding” NCLB.*

Fact: **There are NO overall funding levels authorized for NCLB for FY 2003 (the current fiscal year), FY 2004, or beyond.** The law simply authorizes Congress to spend “such sums as may be required” overall to implement the education reforms authorized or promised by NCLB for FY 2003, FY 2004, or any other year beyond FY 2002.

While NCLB does authorize specific funding levels during these “out years” for a few specific programs, such as Title I and Reading First, authorization levels are spending caps, not mandatory spending levels or “promises.”

Furthermore, during the 1994 reauthorization of the Elementary & Secondary Education Act – the previous reauthorization of the K-12 education law reauthorized by No Child Left Behind – appropriated spending levels were significantly below authorized levels as well, and the nation was not then at war. This reauthorization occurred under a Democrat Congress and Democrat White House. Education lobbying organizations such as the National Education Association (NEA) did not attack President Clinton for “underfunding” education or

accuse him of “promising” more funding than was delivered to implement his proposed reforms.

An article in *The New York Times* in January 2003 on federal education spending incorrectly reported that the No Child Left Behind Act authorized Congress to spend up to \$29.2 billion overall this year to implement the new education reform law. Several days later, the paper ran a correction regarding this error: “An article last Thursday about the debate between President Bush and Democrats in Congress over education policy referred incorrectly to spending provisions in legislation signed by Mr. Bush last year. While it called for specific increases for a number of educational programs, it did not authorize an overall increase this year to \$29.2 billion from \$22.2 billion.” (*corrections, The New York Times, January 16, 2003, emphasis added*)

Fiction: President Bush “promised” or “called for” far more education spending in FY2003 and FY2004 than he actually requested in his budgets.

Fact: **What was “promised” by President Bush and congressional Republicans in No Child Left Behind was that federal K-12 education spending would increase substantially, linked for the first time to accountability and high standards -- and is precisely what has happened.** Title I aid to disadvantaged students – the primary spending program in the No Child Left Behind Act – increased more during the first two years of President George W. Bush's administration than it did during the previous seven years combined under President Clinton. This would have been the case even if Congress had provided the exact amount requested by President Bush for Title I for FY 2003 (it provided more).

The problems in American education are not the result of a lack of spending. This is precisely why No Child Left Behind was enacted. Americans agree with President Bush that high standards, accountability for results, and increased parental involvement – not unlimited spending – are the keys to closing the achievement gap and giving every American child the chance to learn.

Fiction: *The No Child Left Behind Act is an “intrusive federal program” that takes decision-making powers away from local educators.*

Fact: **Every local school district in America has greater freedom and flexibility in the use of federal education funds as a result of No Child Left Behind.** Federal education dollars are flowing to local schools with fewer strings attached than ever before. NCLB gives local school districts significantly more decision-making authority over how federal education funds are spent. Decisions previously made by federal bureaucrats in Washington are now being made on the local level. As long as federal education funds are being used to get results, local school districts have more freedom and flexibility than ever in the use of federal education funds under No Child Left Behind.

Under NCLB’s transferability provisions, every school district in America now has the authority to make spending decisions with up to 50 percent of the non-Title I federal funds it receives. These transfers can be made independently by school

districts and require no special permission from the U.S. Department of Education or the state educational agency. In addition, 150 local school districts across the nation can apply for the flexibility to make transfers with up to 100 percent of their non-Title I funds. Such school districts receive a near-total exemption from federal education requirements as long as student achievement levels are improving and achievement gaps are closing.

The law puts new information, new tools, and new option in the hands of parents so they not only know whether or not their children are getting a quality education, but can also do something about it if they aren't.

Fiction: Requiring a "highly qualified teacher" in every classroom will "cost too much" to implement.

Fact: Federal teacher quality aid to states and local school districts has increased dramatically as a result of No Child Left Behind. NCLB resulted in a 35% increase in federal Teacher Quality State grants in FY2002 – increasing federal teacher quality aid to \$2.85 billion, \$787 more than President Clinton's final enacted budget. As a result of the FY 2003 education spending bill enacted in February, federal teacher quality grants for FY 2003 increased to \$2.95 billion, a \$100 million increase. These funds can be used for a variety of purposes, including teacher recruitment and retention, professional development, and the reform of teacher certification requirements.

NCLB also allows local school districts unprecedented flexibility for how they spend non-Title I federal funding without applications or prior approval needed. Such funds can be used in addition to teacher quality funds to train, recruit, and retain quality teachers.

Since enactment of NCLB, President Bush and Republicans in Congress have followed up by proposing and/or enacting an array of bills aimed at supporting states and local school districts in their efforts to put a highly qualified teacher in every classroom. These include enactment of the "Crayola credit" (tax deduction of up to \$250 annually for teachers' out of pocket classroom expenses) proposed by President and Mrs. Bush; House passage of legislation to dramatically expand federal student loan forgiveness for Americans who teach math, science, or special education in disadvantaged schools (proposed by President and Mrs. Bush, introduced in the House this year by Rep. Joe Wilson, R-SC); House committee passage of legislation by Rep. Howard P. "Buck" McKeon (R-CA) to strengthen America's teaching colleges (the Ready to Teach Act); House introduction of legislation by Rep. Heather Wilson (R-NM) to create a tax credit for teachers in Title I schools; and legislation proposed by Rep. Dave Camp (R-MI) to expand the "Crayola credit" from \$250 annually to \$500 annually.

The Bush administration and congressional Republicans have also supported reform projects such as the American Board for Certification of Teacher Excellence (ABCTE) aimed at making it easier for qualified professionals to change careers and become school teachers through alternative routes to certification. The American Board is expected to play an important role in helping states recruit and retain high quality teachers as NCLB is implemented.

Fiction: *The No Child Left Behind Act requires states to use a “national test” that is not “compatible with current state assessments.”*

Fact: NCLB actually forbids a “national” test and allows states to set their own standards and design their own tests for reading and math in grades 3-8. Many states have decided to expand their current testing systems to accommodate the additional assessments required by NCLB. All 50 states have successfully submitted plans to the U.S. Department of Education for complying with the testing requirements of NCLB (see below).

Fiction: *Testing requirements mandated by No Child Left Behind are “unworkable” on the local level.*

Fact: Not only are the testing requirements workable, but states are making significant progress in implementing No Child Left Behind.

On June 10, 2003, President Bush announced that all 50 U.S. states (as well as Puerto Rico and the District of Columbia) have successfully submitted “accountability plans” to the U.S. Department of Education detailing their plans for complying with NCLB. The plans describe how each state will meet NCLB’s call for annual testing of public school students in reading and math in grades 3-8, providing report cards for parents on school achievement levels, and ensuring that new options are offered for parents with children in underachieving schools.

Fiction: *Testing will only make teachers “teach to the test;” it will not show that children are actually learning.*

Fact: As President Bush has said – if you’re teaching to the test, and the test is designed to confirm that children are making progress in reading and math, that’s the whole idea. The American public overwhelmingly supports requiring public schools to show that children are making annual progress in reading and math, and surveys show support for such reforms has only increased since NCLB became law. A report by the Center for Civic Innovation at the Manhattan Institute confirms academic accountability tests such as those at the heart of the President Bush’s bipartisan No Child Left Behind Act are a reliable way to ensure that students in public schools are truly learning and that education funds are being used to produce results. The report is available online at http://www.manhattan-institute.org/html/cr_33.htm.

Fiction: *Disaggregating the scores of students with disabilities, minority students, and students with limited English proficiency will cause good schools to fail.*

Fact: The National Education Association (NEA), as part of a series of “technical amendments” proposed to dismantle bipartisan education reform, has proposed that schools be excused from demonstrating progress in teaching limited English proficient (LEP) students in key areas for at least the first three years of their education in U.S. schools. This proposal is the embodiment of what President Bush has blasted as the “soft bigotry of low expectations.” It would mean states and schools would not be accountable for providing a quality education to an LEP

student until that student had been in school for three years – essentially writing off the first three years of the student’s K-12 education. If we fail to assess limited English proficient students in their first years at schools in the U.S., we would essentially be sending the message that their progress is not as important as that of their peers. This undermines the entire framework of NCLB and plays into the soft bigotry of low expectations that President Bush and U.S. Education Secretary Rod Paige often mention.

Fiction: *The requirements in the No Child Left Behind Act will burden rural school districts.*

Fact: The No Child Left Behind Act provides unprecedented flexibility for rural schools and districts, giving them more control than ever before in deciding how to use the federal education funds they receive. NCLB also includes the Rural Education Achievement Program (REAP), which includes two initiatives – the Small, Rural School Achievement (SRSA) program and the Rural and Low-Income Schools (RLIS) program – specifically designed to address the unique needs of rural schools.

The SRSA program provides eligible rural schools and districts with greater flexibility in using the formula grant funds that they receive under certain state-administered federal programs. It also provides formula grant awards directly to eligible schools and districts to support a wide range of local activities that support student achievement. The RLIS program authorizes formula grant awards to states, which in turn make either competitive or formula grants to eligible rural schools and districts, which may use RLIS funds to support a broad array of local activities to support student achievement.

Rural schools and districts also benefit from historic levels of federal education funding under NCLB. For example, funding for teacher quality has increased by more than 35 percent over President Clinton's final budget as a result of No Child Left Behind. Title I aid to disadvantaged students has been dramatically boosted twice as a result of No Child Left Behind and special education funding under the Individuals with Disabilities Education Act (IDEA) has increased by more than 50 percent since President Bush took office.