



Written by [Michael Tennant](#) on July 10, 2015

## House Votes to Revive No Child Left Behind

The Republican-led House of Representatives voted Wednesday to revive the unpopular, long-dead No Child Left Behind (NCLB) Act — but just barely. The vote was 218-213, with 27 Republicans and all Democrats voting against the bill.

Even then, only some arm-twisting by the House leadership managed to save the bill. “For most of the roll call, the bill had more votes against it than in favor,” reported [The Hill](#). “Many Republicans either held out their votes until the last minute or changed their votes under pressure from GOP leaders.”



The original No Child Left Behind Act, passed in 2002, was hailed as a bipartisan achievement of Speaker John Boehner (R-Ohio), then chairman of the House Education and the Workforce Committee; the late Senator Edward Kennedy (D-Mass.); and President George W. Bush. The law expired in 2007, yet its mandates have continued in force.

“Why do states and schools continue to act as though No Child Left Behind is current law?” Representative Justin Amash (R-Mich.) asked in a Facebook post explaining his “no” vote on Wednesday’s bill. “Because Congress has continued to appropriate money for NCLB as though the funding authorization never expired! In other words, the program is legally dead, yet Congress continues to send federal funding to schools, with strings attached, as though the law remains in effect.”

The Obama administration has been all too happy to take advantage of the continued funding of NCLB, which has been [despised](#) by parents, teachers, schools, and states for its emphasis on standardized testing and centralization of education policy in Washington. The administration (probably illegally) granted NCLB waivers to states on the [condition](#) that they adopt Common Core standards. With 47 states having received waivers, it’s not hard to figure out why the allegedly voluntary, state-led Common Core has swept the nation.

“How should Congress deal with No Child Left Behind?” Amash continued. “Simply stop funding it.” The federal government, after all, has no constitutional authority to fund or otherwise be involved in education.

GOP leaders in both houses of Congress, however, are determined to get a bill to the president’s desk in hopes that he will sign it.

“We’re not here to make a political speech. We’re here to get a result and fix NCLB,” [declared](#) Senate Health, Education, Labor, and Pensions Committee chairman Lamar Alexander (R-Tenn.). Alexander is working with the committee’s ranking member, Senator Patty Murray (D-Wash.), to craft an NCLB reauthorization bill in the upper chamber.

“If we expect to really get rid of No Child Left Behind, that means what we pass has to be signed into law, and that means it has to be bipartisan,” said Representative John Kline (R-Minn.), current chairman



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of the House Education and the Workforce Committee, who sponsored the House bill.

Of course, as Amash pointed out, all Congress has to do to be rid of NCLB is to stop funding it. By passing the current bill — assuming it's signed by President Barack Obama — Congress will actually be giving NCLB the force of law once more.

House leaders claim that their NCLB rewrite significantly improves upon the original. Boehner said the bill replaces “top-down mandates with conservative reforms that empower the parents, teachers, and administrators at the heart of our education system.”

The most significant improvement in the bill is that it prohibits the federal government from using NCLB funding as either a carrot or a stick to impose Common Core or other education standards on states and local schools. That provision is also in the Senate version and is thus likely to survive into the final bill.

The House bill retains the original's standardized-testing regime, but under an amendment sponsored by Representative Matt Salmon (R-Ariz.), parents may exempt their children from the tests. Three other amendments, including one that would have allowed states to accept NCLB funding with no strings attached, failed. House leaders permitted these amendments to be offered in an effort to garner more support for the bill from conservatives, whose opposition had scuttled an attempt to bring an NCLB reauthorization bill to a vote earlier this year.

The House bill also allows federal funding for poor students to follow those students to other public or private schools if their parents choose to send them there — a measure that has drawn fire from civil-rights groups and teachers' unions.

The bill's “positive aspects are eclipsed by its abdication of the fundamental precept of the original federal ESEA [Elementary and Secondary Education Act] law — targeting resources to schools with concentrations of disadvantaged students,” Randi Weingarten, president of the American Federation of Teachers, said in a [press release](#).

The reforms in the House bill, most of which are relatively minor, do not even come close to living up to the Constitution's standards, proving that the GOP's opening each session of Congress by reading that document aloud is strictly for show.

What's more, with the Senate bill being drawn up by Alexander and Murray, who have lifetime scores of only [53 percent](#) and [11 percent](#), respectively, on *The New American's* Freedom Index, it will surely be even less constitutional. That chamber has already rejected an amendment similar to the House provision that ties federal funding to individual students rather than to schools.

The House and Senate bills will have to be reconciled in a conference committee, and with Democrats having the power to filibuster bills in the Senate, the slightly more conservative provisions in the House bill will most likely be the first to go. Nonetheless, House leaders are still counting on whatever comes out of conference to pass. According to the [Wall Street Journal](#), “Rep. Tom Cole (R., Okla.), a deputy majority whip, said House passage is merely a ‘vehicle’ to get to conference. Because the Senate bill has attracted Democratic support, Mr. Cole said, any deal that moves out of conference should draw bipartisan support in the House, as well.”

Even if the bill does get out of Congress, it still has to be signed by Obama, who has already signaled his opposition to both the House and Senate bills. Education Secretary Arne Duncan made it plain that the administration is particularly displeased with the bill that passed the House. “House Republicans



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have chosen to take a bad bill and make it even worse,” he said in a [statement](#) Wednesday. “Instead of supporting the schools and educators that need it most, this bill shifts resources away from them.”

The good news, therefore, may be that NCLB reauthorization is doomed even if Congress can agree on its wording. The bad news is that many congressional Republicans prefer to revive the unconstitutional law when they could instead put an end to its zombie-like existence — and save taxpayers money — by the simple act of starving it of cash.

Photo is of George W. Bush signing No Child Left Behind Act



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