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U.S. Eases 'No Child' Law as Applied to Some States

By [SAM DILLON](#)

The Bush administration, acknowledging that the federal [No Child Left Behind](#) law is diagnosing too many public schools as failing, said Tuesday that it would relax the law's provisions for some states, allowing them to distinguish schools with a few problems from those that need major surgery.

"We need triage," said [Margaret Spellings](#), the secretary of education.

In a speech in St. Paul, Ms. Spellings said she would use her executive powers to allow potentially far-reaching changes to the way some states carried out the law this year, at a time when efforts by Congress to rewrite the law have stalled.

Under the new program, the federal Department of Education will give up to 10 states permission to focus reform efforts on schools that are drastically underperforming and intervene less forcefully in schools that are raising the test scores of most students but struggling with one group, like the disabled, for instance. The No Child law, which President Bush signed in 2002, was intended to force states to bring all students to proficiency in reading and math by 2014. In six years it has identified 9,000 of the nation's 90,000 public schools as "in need of improvement," the law's term for failing, and experts predict that those numbers could multiply in coming years.

The rising number of failing schools is overwhelming states' capacities to turn them around, and states have complained that the law imposes the same set of sanctions, which can escalate to a school's closing, on the nation's worst schools as well as those doing a reasonable job despite some problems.

The nation's largest teachers union as well as some research groups who study the law welcomed Ms. Spellings's announcement. "This is something good, something we've been advocating," said Reg Weaver, president of the [National Education Association](#), the teachers union.

But another national teachers union and a group that has supported the law's goals of holding

schools accountable for student progress criticized the proposal.

Michael Petrilli, a former Bush administration official who is vice president of the conservative Thomas Fordham Foundation, said Ms. Spellings's proposal was similar to one put forward by Democrats seeking to rewrite the law in Congress last year, which he derided at the time as "the Suburban Schools Relief Act."

"This policy change is likely to let affluent suburban and rural schools off the hook," he said.

States must apply by May 2 to the federal Department of Education to participate in the pilot program, and only those whose carrying out of the law has been virtually without blemish will be considered, Ms. Spellings said.

Ms. Spellings's announcement sought to correct what critics considered to be one of the law's most glaring weaknesses.

Under the law, schools must raise scores for all groups of students, in most grade levels: whites, blacks, Hispanics, the disabled, limited English speakers and so on. Schools that miss goals for several years running for any group are labeled "in need of improvement," and their students become eligible for transfer to higher-scoring campuses and free, after-school tutoring. But the law has treated a school that misses targets for many student groups the same as a school falling short for only one.

Last year Democrats in Congress proposed that schools that missed testing targets for many groups still face drastic interventions, but schools that missed targets for only one group would no longer have to offer students transfers or free tutoring.

Ms. Spellings's plan, in contrast, leaves it to states to outline how they would differentiate the treatment given to schools.

In her speech, Ms. Spellings suggested that states might propose to "send their most experienced and effective teachers to work in the neediest schools," close others, and work with business and nonprofit groups to restructure still others. But she had no suggestions about how states might treat schools that were considered less urgent.

That provoked criticism from the Council of Great City Schools, a group that represents the nation's 60 largest urban districts. Jeff Simering, the council's legislative director, said city districts were more diverse than suburban schools and thus had more groups of students that could miss testing targets.

A result of the plan, Mr. Simering said, would be that “central city schools could wind up with the most serious consequences and that the suburban and rural schools would get the flexibility.”

The two teachers unions disagreed about the proposal.

In contrast to the praise from Mr. Weaver of the National Education Association, the largest union, Antonia Cortese, a vice president of the [American Federation of Teachers](#), said: “N.C.L.B. is in need of a dramatic overhaul and cannot be patched up with Band-Aids and pilot programs.”

Jack Jennings, a Democrat who heads a Washington research group that follows the enactment of the No Child law closely, praised the policy but noted that it could help Republican candidates in key states.

Among states that apply to participate in the program, priority will be given to those in which at least 20 percent of public schools receiving federal aid to poor children have been labeled as in need of improvement, Ms. Spellings said. That would include New York, where last year 600 schools were in that category. Tom Dunn, a spokesman for the New York Department of Education, said he was not certain whether New York would apply to participate.

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