

# The Washington Post

## Jennifer Rubin of “The Right Turn” Blog: A big legislative win on education

By Jennifer Rubin, April 24

The most important legislative development recently probably was not the passage of the anti-human trafficking bill or the confirmation of Loretta Lynch as attorney general. Sooner or later, you knew that logjam was going to break.

Rather, it was the unanimous passage through the Senate Health, Education, Labor and Pension committee of a bill (Every Child Achieves Act) reforming and reauthorizing No Child Left Behind. That bill includes an extraordinary “get” for conservatives that “would allow states to create their own accountability systems and determine how much standardized tests should account for student and faculty evaluations. Supporters said the bill would ‘fix’ the No Child Left Behind law that governs the nation’s approximately 100,000 K-12 public schools.” In addition, “The bill would still require students to take annual standardized tests in reading and math starting in third grade. It also would require students to take a total of three science tests between grades 3 and 12.”

At the hearing, chairman Lamar Alexander (R-Tenn.) explained that the committee arrived at bipartisan consensus: “Continue the law’s important measurements of academic progress of students but restore to states, school districts, classroom teachers and parents the responsibility for deciding what to do about improving student achievement. This change should produce fewer tests and more appropriate ways to measure student achievement. It is the most effective path to advance higher state standards, better teaching, and real accountability.” He continued:

If fixing No Child Left Behind were a standardized test, Congress would have earned a failing grade for each of the last seven years. “No Child Left Behind” expired in 2007 but Congress has been unable to agree on how to reauthorize it. As a result, the law’s original requirements have stayed in place and gradually became unworkable. This has caused almost all of America’s public schools to be classified as failing under the terms of the law. To avoid this bizarre result, President Obama’s Education Secretary offered waivers from the terms of the law. But the Secretary required each of the 42 states currently operating under waivers to adopt certain academic standards, take prescribed steps to help failing schools, and to evaluate teachers in a defined way.

So much new federal control of local schools has produced a backlash against “Common Core” academic standards, teacher evaluation, and against tests in general. Governors and chief state school officers complain about federal overreach. Infuriated teachers say that

the U.S. Department of Education has become a “National Human Resources Department or, in effect, a national school board.”

As we have written, this may take the bugaboo of “national curriculum” and unfounded criticism of Common Core off the table. Common Core was initially a state-led effort designed for voluntary implementation by states that understood their school standards were inferior. Soon, however, the Obama administration began using it as a condition for education aid under Race to the Top. The implementation of Common Core then became associated with a “federal takeover” of education rather than a legitimate attempt to improve school standards by states that wanted to pool resources and work in tandem. As former education Secretary Bill Bennett wrote: “Conservatives have reason to be upset by this federal overreach. The Obama administration has run roughshod over individual rights and state sovereignty, on issues ranging from health care to climate change. But the federal intrusion into Common Core, however unwelcome and unhelpful, does not change a basic truth: Common, voluntary standards are a good, conservative policy.” If conservatives could get the feds out of Common Core and keep the conservative support for high standards, it would be a win politically and substantively. (“The principles behind the Common Core affirm a great intellectual tradition and inheritance. We should not allow them to be hijacked by the federal government or misguided bureaucrats and politicians.”)

Alexander’s bill seems to do just that and delivers a big win for those who opposed Common Core because it served as the federal government’s nose under the tent of state-led education. In his remarks at the hearing markup, he said:

Because of this, our proposal would end federal test-based accountability and restore state and local responsibility for creating systems holding schools and teachers accountable. State accountability systems must meet limited federal guidelines, including challenging academic standards for all students, but the federal government is prohibited from determining or approving state standards or even incentivizing states into adopting specific standards. In other words, whether a state adopts Common Core is entirely that state’s decision. This transfer of responsibility is why we believe our proposal will result in fewer and more appropriate tests.

Our proposal allows, but does not require, states to develop and implement teacher evaluation systems that link student achievement to teacher performance. States will be allowed to use federal funds to implement evaluations the way they see fit.

States will determine their lowest-performing schools and receive federal funds to assist those schools but the federal government will not mandate specific steps to fix those schools.

Senate Majority Leader Mitch McConnell (R-Ky.) has said he would get the bill to the floor this spring while the White House has been amenable to signing it and getting reauthorization of a popular education bill. Over on the House side, H.R. 5 (The Student Success Act) would accomplish much the same thing.

No one is likely more pleased than Jeb Bush if Congress can resolve this. This week he told talk show host Michael Medved he supports Alexander's bill. If Alexander's bill passes, this should take the issue off the table, putting Bush fully in sync with those who want the feds out of state-based education. (It may come as news to "insiders" that Common Core is about to become a non-issue.)

Most of all, passage of the bill would maintain momentum in this Congress, which under GOP leadership in both houses seems to have figured out how to govern. The president will get NCLB reauthorized, conservatives will make sure the feds' role is properly restricted, conservative activists can chalk up a win and backers of high standards can disentangle that issue from NCLB.

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