

The Peculiar Politics of No Child Left Behind

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The modern era is considered one of the most politically polarized in history. On Capitol Hill, Democrats and Republicans frequently engage in highly charged ideological battles. A notable divergence from the strident partisanship occurred in 2001 as a left-right coalition formed that successfully steered the No Child Left Behind Act (NCLB) through Congress. When President Bush signed the bill into law in January 2002, Senator Edward M. Kennedy stood by his side. Four years later, NCLB faces stiff resistance from state and local authorities. Ironically, given the bipartisan support for the law, the rebellion against NCLB also seems to come from both Democrats and Republicans—from the political left and the right. On the one hand, some states and local school districts feel they are getting a raw deal because the federal government is not doing enough, especially in terms of funding, to help local educators meet the requirements of the act. The state of Connecticut, for example, is suing the Department of Education for more NCLB money to cover student assessment. The state of Utah, on the other hand, has a more fundamental objection, that NCLB trespasses on state sovereignty over educational matters. Only scaling back the law's ambitious reach, not more money, will satisfy this complaint.

Most of what we know about anti-NCLB sentiment comes from press coverage. Scant research has methodically examined the politics of NCLB or marshaled empirical evidence to investigate support and opposition to the act at the state level. This study analyses national polling data to assess public opinion on NCLB and examines the political activities of states and localities to evaluate political resistance to the act.

The political opposition strikes at the heart of NCLB. The goal of making schools more equitable, in particular, of improving the education of children from poor families, brought together the bipartisan coalition supporting NCLB. Prior to NCLB, the Elementary and Secondary Education Act (ESEA) operated as a typical federal program pursuing redistributive objectives; it allocated additional resources to low income schools to purchase supplies, personnel, curricula, and other educational materials that schools in impoverished communities could not otherwise afford. Educators used these additional resources to improve the education of poor children. Reauthorizations of ESEA through 1994 left this arrangement intact. The theory was simple: more money produces better education, and high poverty schools need more money.

The theory of NCLB is different. Resources are viewed as incentives. In exchange for federal monies, local educators agree to produce certain outcomes. If they do not produce the promised outcomes, federal funding is cut off. With the exception of the teacher quality portions of NCLB, the law takes an agnostic position on how educators should convert resources into student achievement. The sanctions of NCLB—parental choice, supplemental services, reconstitution of schools—are components of the new incentive structure and do not produce new revenue streams. Schools that do not make adequate yearly progress with black, Hispanic, or poor children face the threat of these sanctions. Putting a new incentive structure into place creates winners and losers, and we can expect those interests to play out in the politics surrounding NCLB's implementation.

After this introduction, the paper is organized by five sections. The first section reviews national polling data on NCLB. Opponents to NCLB have argued that the more people know about the law, the more likely they are to oppose it. Is this true? More generally, as the accountability provisions of NCLB are now being enforced, is public support for the law waning? The second section turns to state politics. What does the research literature say about how have states responded to NCLB?

The third section explains empirical methods employed to analyze state reactions. I devised a scale to reflect the magnitude of state rebellion against the act. On one end of the scale are states that have taken legislative or legal action against NCLB. On the other end of the scale are states that have either taken no action against the act or have defeated legislative efforts to circumvent NCLB. Using this scale, I test several factors that may influence a state's response to NCLB, among them, political culture, student achievement, demographic characteristics, and resource constraints. The fourth section describes the findings of the analysis.

The fifth section of the paper concludes by assessing whether state and local opposition to the implementation of NCLB has weakened the foundation of NCLB's political support. What obstacles must NCLB overcome to survive? The left-right coalition that originally supported No Child Let Behind rallied around the belief that NCLB would help children in poverty. Has that changed? Has opposition to NCLB undermined the view that the law represents a legitimate means of improving the education of poor and minority students?

National Polls on NCLB

Two national polls on NCLB, one conducted by Phi Delta Kappan/Gallup and the other by the Educational Testing Service (Peter Hart and associates), provide data spanning the years since the law's inception.¹ They also include questions that assess how well informed respondents are about NCLB. In 2003, the authors of the Kappan poll concluded that the more people know about NCLB, the less likely they are to support the act, a point that was reiterated in the release of 2005 Kappan Poll results.² How strong is the evidence supporting this conclusion?

The argument is based on two simultaneous trends. The first is that the public is becoming more familiar with NCLB. As shown in Table 1, the ETS/Hart Poll shows that the percentage of respondents who have heard a great deal or fair amount about NCLB grew from 31% in 2001 to 61% in 2005.³ The second trend is that, although more people consistently favor NCLB than oppose it, the gap between support and opposition is narrowing. In the ETS/Hart poll, the lead of supporters over opponents shrank from 12% in 2001 to 4% in 2005. The Phi Delta Kappan poll reports a similar trend (see Table 2). In 2003, 69% confessed that they did not know enough about NCLB to express an opinion, a figure which declined to 45% in 2005. At the same time, the margin of support for NCLB narrowed. In 2003, 18% of respondents expressed positive sentiments and 13% expressed negative sentiments. In 2005, respondents with a favorable view had increased 10 percentage points to 28%, and negative sentiment had increased by 14 percentage points to 27%, leaving favorable and unfavorable opinions in a statistical dead heat.

Of course, arguing that these simultaneous trends are related is speculative. It could be, as the Kappan pollsters assume, that after people learn more about NCLB, they do not like what they learn. But the causal relationship could operate in the opposite direction. People may form a negative opinion first—perhaps from something they have read or from personal experience with NCLB's sanctions—and then seek more information. At the same time that public awareness of NCLB was growing, the law's penalties for low performing schools began to be applied. Implementation of the law's consequences, rather than more knowledge, may be fueling the opposition to NCLB. In some communities, after local schools are singled out for needing improvement or teachers complain to parents about the testing requirements of NCLB, sympathetic citizens may then seek to get to the bottom of NCLB's punitive provisions.

The 2005 ETS Hart poll tested the "more knowledge, more opposition" theory. Respondents were divided into two groups. The first group was simply asked its opinion of NCLB. The second group was provided some basic information about the law and then asked its opinion. This aided group was told that the federal government provides funding to local school districts and that NCLB requires states to set educational standards and to test students annually to see if standards are being met. Did having this information affect the aided group's opinions?

Table 3 displays the data. The aided group did indeed express a slightly less positive view of NCLB than the unaided group. But that is not the headline result of this little experiment. The intriguing outcome is that the aided group appears less sure of its opinion than the group without any information. The number of people in the aided group saying they did not have enough information to form an opinion (19%) was

substantially larger than that of the unaided group (11%). In this case, learning about NCLB provoked uncertainty—and a need for more information, not less. The public seems to know a few bare essentials of the act—maybe only that it involves education and is a Bush administration policy. Gaining information beyond that stirs more questions than it resolves. The data from this split sample offers limited support to the conclusion that gaining more knowledge about NCLB increases opposition. Stronger support is given to the notion that as people learn about NCLB, they realize that they need to know more to form a truly informed opinion.

What else do the polls tell us about the public's view of NCLB? The most recent polls show support for and opposition to NCLB evenly balanced among the general public, with the two sides tightening since the law was passed. Sentiments vary by demographic group (see Table 4).⁴ Partisanship is evident as Democrats decisively oppose NCLB and Republicans are strongly in favor. Independents break out in favor of the act, 45% vs. 34%. Rural residents give NCLB a heartier endorsement than urban or suburban residents. Blacks and Hispanics are more likely than whites to favor NCLB, and people making \$75,000 or more per year are more likely to oppose NCLB than people making less than \$75,000. The race and income data are interesting in that they cut against typical party affiliations. Blacks and Hispanics, who generally vote Democratic, line up in support of NCLB, one of the Bush administration's most prominent domestic programs. Respondents with incomes greater than \$75,000, who often lean towards Republican policies, constitute the income group most skeptical of NCLB.

The partisan split on NCLB is surprising for two reasons. First, the bipartisanship of elites who pushed the law through Congress is not mirrored in mass public opinion. Second, as just noted, key constituents of the Democratic and Republican parties diverge from their parties' position on the law.

Are there parts of the law that the public supports and other parts that it opposes? Indeed there are, and that allows opponents and supporters of NCLB to single out different pieces of polling data to claim that their respective arguments enjoy popular support. Backing for NCLB appears strongest when general views on accountability are solicited, but opposition grows as specific details of the law are provided. For example, strong support exists for regularly testing students and holding students and educators accountable for results, the bedrock principles of NCLB. When a 2004 poll by Americans for Better Education asked if the federal government should be able to hold states and local schools accountable "to make sure student performance is improving," 71% said that it should, 25% said it should not.⁵ But support for the idea begins to wane when the question is worded differently, especially if the meaning of accountability is fleshed out. In the 2005 Kappan Poll, for example, 68% say a single test cannot provide a fair picture of student achievement. Fully 80% want subjects other than reading and math to be assessed. And support for standards-based assessment declines when tests are described as "high stakes." A 2004 Results for America poll found 68% support for NCLB and 22% opposed, but when prompted about the "high stakes testing" of NCLB, 51% supported this part of the act and 45% opposed it.⁶

This observation, that Americans believe in test-based accountability and yet are leery of "high stakes" testing, is important to note. Most people embrace accountability,

but only an accountability devoid of unpleasant consequences. Actions that sound punitive or unfair are frowned upon. Should federal funds be withheld from schools classified as "failing"? Nearly three-quarters of Americans say no. What about shutting down failing schools? Only 31% support such a move. By a margin of 68% to 28%, respondents do not believe that special education students should be held to the same standards as other students. And 62% (vs. 34%) think that the test scores of special education students should not be a factor in deciding if a school "is in need of improvement." The public believes that counting special education scores in accountability systems is unfair to both schools and to the students themselves.⁷

Before moving on to state politics, allow me to summarize the major findings of national polls on NCLB. The American public initially favored NCLB by a comfortable margin, but polls from 2001 to 2005 show opponents steadily gaining on the law's supporters. In 2005, sentiments were evenly divided. The argument that opposition has grown because people have become more informed about NCLB is only weakly supported by evidence. Support for NCLB differs among several groups. Republicans favor NCLB more than Democrats, rural residents more than urban or suburban dwellers, African-Americans and Hispanics more than whites, and middle and low income workers more than those making more than \$75,000 per year. The public favors the core idea of NCLB—testing students and holding schools accountable for student learning—but does not want accountability to include negative consequences.

Those are the public opinions that frame the national politics of NCLB. The paper now examines the politics of NCLB at the state level.

Influences on the Politics of NCLB at the State Level

What factors might shape how a state responds to NCLB? Political cultures are prominent in producing variation in state approaches to public policy.⁸ Patterns of governance are anchored in regional histories, and they persist. Several Northeastern states were pioneers in creating common schools in the 19th century while many Southern states lagged behind and did not offer publicly financed common schools until Reconstruction. Patterns were established that make education politics look out of step with how contemporary regional politics are usually characterized. When Horace Mann was appointed the first secretary to the Massachusetts state board of education in 1837, schools in the state already had been operating for nearly 200 years. Today, education governance in the Northeast is noted for a deeply ingrained belief in local control, reflecting the bottom-up origins of the school system and contradicting an otherwise liberal bent toward an activist state government. In the South, on the other hand, a generally conservative political culture restrains the power of state government—except in education. Southern states continue to direct most educational matters from the statehouse, a reminder that the region's school systems have their origins in the Reconstruction period.

Federalism traditionally refers to how power is shared between the states and Washington, DC. Under NCLB, the federal government establishes an overall policy framework—goals and general procedures—but states are allowed latitude in implementation, an arrangement Cibulka (1996) calls "regulatory federalism."⁹ As noted above, Utah considers NCLB intrusive for dictating policy on what traditionally has been exclusively state terrain. Tensions develop in the sharing of power by the federal and

state governments, of course, but similar tensions arise also within states. The major responsibilities that have been reserved for state education officials under NCLB-- creating and administering tests, determining levels of student proficiency, defining highly qualified teachers—impinge on local prerogatives. Indeed, Fusarelli (2005) observes that NCLB reinforces a trend towards gubernatorial control of school reform. It not only takes the questions of whether and how schools should be held accountable out of the hands of local school districts but also out of the hands of state legislatures.¹⁰ In short, NCLB concentrates power in the executive branch of state government; it grants state education officials the authority to force reluctant local districts to test students and to hold schools accountable, and it does so without the approval of state legislatures.

As noted above, empirical research on the states' reactions to NCLB is sparse, reflecting the brief period of time since the law was enacted. Resource constraints played a role in the first few years of implementation, especially in light of tight state budgets in the 2001-2004 period.¹¹ A 2003 ranking by the Education Commission of the States (ECS) found only 10 states "on track" to meet the highly qualified teacher requirements of NCLB. Analyzing the ECS rankings, Dotterweich and McNeal (2004) found that states with greater minority diversity were more likely to have implemented NCLB's teacher quality provisions.¹² Paul Manna (2004) discovered a weak effect of a state's percentage of disadvantaged students increasing the likelihood of implementing NCLB's accountability provisions.¹³

Overall, most analysts have been impressed with NCLB's implementation, especially compared to NCLB's predecessor, the Improving America's Schools Act of 1994 (IASA). Wanker and Christie (2005) observe that only 17 states fully complied

with the IASA.¹⁴ The procedures that states must follow under NCLB are more specific and the Department of Education has enforced the act more diligently than IASA was enforced.¹⁵ Solid progress has been made in adopting standards and in implementing assessment and accountability systems.¹⁶

Despite the success, press accounts of state resistance to NCLB are numerous.¹⁷ Mathis, Fleming, and Lecker (2005) employed multivariate models to analyze state resistance to NCLB.¹⁸ Testing several variables, they found no relationship between a state's level of "objection to the 'federal imposition'" of NCLB and the following: NAEP scores, percentage of schools not making Adequate Yearly Progress (AYP), indicators of economic disadvantage, percentage of rural students, or political partisanship. Also, states that had ordered evaluations of the fiscal impact of NCLB on state resources--and had calculated an onerous financial burden--were not found to be unduly rebellious. Instead, the researchers concluded that the rebellion against NCLB was driven largely by individual state political environments.

The literature identifies several phenomena that should be scrutinized to analyze the politics of NCLB, including political cultures, resources, student achievement, and demographic profiles of the fifty states. Although the Mathis et al. study found that most of these constructs bear no relationship to the rebellion against NCLB, perhaps an examination of contemporary data with a different analytical approach will arrive at a different conclusion.

How the Analysis of State Politics was Conducted

This portion of the study investigates what is driving political opposition to NCLB in the states. I created a six level scale to reflect the states' reactions to NCLB. On one end of the scale (rated as 6's) are Connecticut, which filed suit against the federal government over funding the expanded student assessment required by the act, and Utah, which passed a law prohibiting local districts from implementing portions of NCLB that are "unfunded" or in conflict with state law (see Appendix A for the states' rankings, Appendix C for a list of NCLB activities by state, and Appendix D for a list of sources). Slightly less resistant, level 5's, are nine states that allow local opt-outs in law or prohibit spending state money on implementing NCLB—or in which local districts sued or took other legal action on NCLB. The level 5 states are Colorado, Illinois, Louisiana, Maine, Michigan, New Jersey, Pennsylvania, Texas, and Vermont. The remaining categories include states in which legislation allowing districts to opt out of NCLB may have passed one legislative house but was not passed into law (level 4's), states in which resolutions critical of NCLB are pending, have been introduced, or in some cases passed (level 3's), states in which anti-NCLB legislation was defeated (level 2's), and states in which no measurable action was taken against NCLB (level 1's). This six level scale of political resistance to NCLB serves as the dependent variable in the analyses below.

The scale differs from the Mathis et al study in how level 2 states are coded. In Mathis et al, , states that considered but did not pass anti-NCLB legislation were coded as somewhat opposed to the law. Enough opposition was present in these states to spawn a legislative proposal. In the current study, these same states were treated as somewhat supportive of NCLB, the reasoning being that by voting down an anti-NCLB resolution, legislators expressed support for the act.

Explanatory variables measure four clusters of influence on states' reactions to NCLB: political culture, student achievement, demographic characteristics, and resources. Appendix B describes all of the variables, provides summary statistics, and lists data sources. Briefly, the explanatory variables are:

Political Culture: Party of governor, state legislature, and attorney general, presidential vote in 2000 and 2004, and region (if Southern state). Despite the initial non-partisan Congressional support for NCLB, polls show a partisan split on NCLB among the electorate. State politicians are expected to follow the preferences of local voters rather than politicians in Washington, DC. Democratic states are expected to oppose NCLB, the chief domestic accomplishment of a Republican president and congress. Southern states, having implemented testing and accountability systems prior to NCLB, are expected to appear sympathetic to the law.

Demographic: Race and ethnicity, students in poverty, and measures of black and Latino segregation. Critics of NCLB have charged that the law will unfairly penalize schools serving students in poverty and minority students because of the demographic profiles of many low performing schools.

Student Achievement: 2005 NAEP scores for 8th grade math, NAEP scores for racial and ethnic groups and for students in poverty, score gaps on NAEP between demographic groups, and percentage of schools making adequate yearly progress (AYP). States with better achievement profiles (higher NAEP scores and more schools making AYP) are expected to be more compliant in responding to NCLB than states with lower achievement. States with larger achievement gaps between majority and minority students—and between poor and non-poor students—are expected to resist NCLB. They

have the most to lose by changing ESEA from an entitlement program, in which they can argue for more resources to tackle achievement gaps, to an incentive-based program, in which states are penalized if they do not close such gaps.

Resources: Funding, including the percentage of K-12 spending from the federal government, and measures of teacher quality, including the percentage of highly qualified teachers in high poverty schools. Greater compliance is expected from states that are more dependent on federal funding and greater resistance from states that face tougher hurdles in staffing schools with highly qualified teachers.

The study is limited, as are all studies that attempt to statistically model state behavior, by a dependent variable with only fifty observations. This is especially problematic with multivariate logistic regressions that produce numerous empty cells or cells with reduced counts. Therefore, in interpreting the data, I rely on evaluating bivariate relationships instead of interpreting parameter estimates from multivariate models. Although the relationships uncovered are merely correlational, I speculate as to some of the causal mechanisms that may connect political influences with states' behaviors.

Means and standard errors of resistance to NCLB are reported for high and low levels of the explanatory variables (i.e., dummies were created). For non-dichotomous variables, cut points defining high and low levels were determined by examining quartile means to see where threshold effects occurred. Then one-way ANOVAs were run, producing F statistics that were tested for significance. For example, the mean resistance levels for each quartile of the black-white NAEP gaps were: (Q1) 2.7, (Q2) 3.0, (Q3) 2.6, and (Q4) 3.9. Resistance in quartile 4 clearly stands out, which encompasses states with

gaps greater than 36.5 points. Quartile 4 states were coded as the high level of this variable (dummy of 1), the other quartiles as the low level (dummy of 0), and then resistance levels were analyzed with a one-way ANOVA.

The paper now turns to an analysis of what is driving political opposition to NCLB in the states.

Analysis of Resistance from the States

State and local objections to NCLB have been widely covered by the press. Table 5 presents data on state resistance to NCLB and four clusters of state-level variables: political culture, student achievement, demographic characteristics, and resources.

Political culture

As revealed in Table 5, geography matters in how states respond to NCLB. Southern states are the most compliant towards NCLB, and states outside the South offer the most resistance. This is consistent with the historical tendency of Southern states to centralize education policy at the state level and for states in the Northeast to devolve powers of governance to local school districts. Under NCLB, state officials gain the authority to sanction educators based on students' test scores, power that in many states was held exclusively, if at all, by local schools and school districts. Southern states are comfortable with NCLB's allocation of authority, having implemented state testing programs and accountability systems long before NCLB. States in which local control of educational governance is strongest, in contrast, have reacted the most negatively towards NCLB.

Also note that blue states, those that voted Democratic in both the 2000 and 2004 presidential elections, are more resistant to NCLB. Red states are more supportive. The pattern revealed here is consistent with red states' tendency towards less tax effort, fewer state government expenditures, and less reliance on a professional bureaucracy to implement policies. This politically conservative philosophy mirrors the theory underlying NCLB and amplifies how much NCLB is a break from the past. And it is even true for Southern states, despite state centralization in education. States located outside the South, and, in particular, states that voted Democratic in the past two elections, are more hostile towards NCLB's underlying theory.

Achievement

Some findings on the relationship of student achievement and states' resistance to NCLB are counterintuitive. For example, states that are most at risk of experiencing NCLB sanctions are not complaining. The vast majority of NCLB's sanctions target schools failing to make Adequate Yearly Progress (AYP). States with more than 77.5% of their schools making AYP in 2004 are more likely to oppose NCLB than states with lower rates of success. The same pattern holds true for 2005 although the effect is evident for states with more than 59.5% of schools making AYP. States that have a significant number of low performing schools—as defined by AYP formulas—are more supportive of NCLB than those with fewer low performing schools.

A similar puzzling finding arises from examining state NAEP scores. It is not the low achieving states on NAEP that oppose NCLB. On the NAEP 8th grade mathematics test given in 2005, states that score at both ends of the continuum—either in the top or

bottom dozen states on the test—are complacent towards NCLB. Resistant states show up in the middle of the distribution, with scale scores between 274 and 284 (the mean of state NAEP scores is 279 with an SD of 7). So the highest scoring states, which might spurn federal reform efforts as unnecessary, and the lowest scoring states, which might have the most to lose from any federal regulation based on student achievement, do not exhibit resistance to NCLB.

The complacency of high achieving states towards NCLB can be plausibly explained by the fact that they have little to lose from sanctions based on test scores. But why do low achieving states—and those with large numbers of schools failing to make AYP—hold a sanguine view of NCLB? Lessons learned from the politics of other education policies may be helpful in proposing reasonable but nonetheless speculative answers to that question. Very often, public opinion polls taken in communities with low student achievement report broad support for strong reforms—and the opposite occurs in areas with high performing schools. Vouchers, for example, receive their greatest support in urban areas and least support in suburbs.¹⁹ As noted above, NCLB offers state officials powerful interventions to use with persistently failing schools. These interventions were not available under most state laws prior to NCLB and, due to the nature of state politics, were impossible to get through most state legislatures. The federal law provides political cover to education officials in states in which NCLB-like accountability is politically untenable—first, by forcing reluctant states to create accountability systems, and second, by requiring that states sanction low achieving schools. State officials who impose unpleasant and unpopular consequences on low performing schools can say, "Sorry, the feds made us do it."

Demographic Characteristics

States with larger African-American populations (more than 21.1% of students) are more supportive of NCLB. The ESEA's legacy as a federal instrument for educational equity may be in evidence here, as well as African-Americans more fervent support for NCLB than whites. Blacks want schools fixed—now—and they embrace policy interventions that reflect such urgency. In addition, states with large black-white test score gaps are more likely to oppose NCLB. States with black-white gaps of at least 37 points on the 2005 NAEP (again, 8th grade math, mean of 32.5, SD of 7) are more resistant towards NCLB than states with narrower gaps.

A negative reaction based on achievement gaps is a rational response to the accountability provisions of NCLB. States with large achievement gaps, even liberal states outside the South, have the most to lose under NCLB's regime of incentives that target equity. By requiring the disaggregation of test score data, NCLB forced many state to recognize the severity of achievement deficits for poor and minority students. In an interview on *Jim Lehrer's News Hour*, Secretary of Education Margaret Spellings suggested that Connecticut should be working to reduce achievement gaps rather than suing the federal government:

In Connecticut, my understanding... is that they want to measure every other year and not provide annual assessment as is required in the statute... I think it's regrettable, frankly, when the achievement gap between African-American and Anglo kids in Connecticut is quite large. And I think it's unfortunate for those families and those students that they are trying to find a loophole to get out of the law as opposed to attending to the needs of those kids.²⁰

The recent action of the NAACP, joining the Bush administration in defending NCLB against the lawsuit by the state of Connecticut, underscores the sympathy many African-American leaders feel towards NCLB.²¹

Interestingly, the effect runs in the opposite direction for Hispanics. States with a larger percentage of Hispanic students (more than 13.6%) are more likely to oppose NCLB than states with smaller Hispanic populations. The finding for Hispanics also runs contrary to national polling data. Recall that for Hispanics, the advantage of favorable over unfavorable opinions on NCLB (14 points, see Table 4) exceeds that of whites (6 points) and blacks (10 points).

Like the effect of larger black-white test score gaps, a larger Hispanic population within a state may be influencing the attitudes of political elites towards NCLB. The issue of testing, and in what language tests are to be administered, has raised the concern of activist groups. The National Association for Bilingual Education (NABE) joined a group of 65 organizations that signed an October 2004 letter opposing NCLB. The 2005 annual conference of NABE included several speakers who were critical of the act and urged bilingual educators to oppose it.²² That said, the Hispanic community is split on the issue. La Raza is part of The Achievement Alliance, a group supportive of NCLB that also includes the Education Trust, the Business Roundtable, the Citizen's Commission on Civil Rights, and the National Center for Educational Accountability.²³

A large Hispanic student population may give education officials pause in regard to test scores under NCLB. Despite ambitious literacy programs nationwide, reading scores on NAEP have been flat for the past decade. Due to large numbers of Hispanic students who are English language learners, Hispanic reading scores are low. And the

proportion of Hispanic students is growing steadily. Writing in *Education Week*, Marshall S. Smith, U.S. Deputy Secretary of Education in the Clinton administration, notes that "had the proportion of all groups remained constant over the decade, the average national gain would have been greater than 10 points" in eighth grade reading.²⁴

Resources

States for which federal funds make up less than 8.3% of K-12 revenue are more likely to object to NCLB than states with a greater reliance on federal funding. Greater dependency on federal revenue may inhibit states from publicly challenging NCLB, a case of states not wanting to bite the hand that feeds them. Conversely, states that are more reliant on local revenues to shoulder the burden of financing K-12 education may feel that the federal government should not tell them how to run their schools. Bear in mind, however, that because the federal Title I program targets high poverty schools, states receiving more federal money also tend to have more students in poverty, along with other characteristics that the current study has discovered are correlated with support for NCLB, including lower NAEP scores, fewer schools making AYP, and being located in the South. Out of the top twenty recipients most dependent on federal funding in 2002 (states ranked by share of K-12 revenue from federal sources), eleven are Southern states.²⁵

There is another reason to doubt that federal revenue is as influential as suggested here. In 2002, state governments provided 49.2% of K-12 revenue, and local governments, 40.5%. The federal share was only 7.9%. Historically, the federal share

has never exceeded 10%, peaking at 9.8% in 1980, President Carter's last year in office and the first year of the U.S. Department of Education.

Summary and Conclusion

I conclude by tying together the two analytical sections of the paper—the examination of national polling data and state resistance to NCLB—and discussing implications for the future of NCLB and efforts to improve educational quality for poor and minority children.

The two analyses paint a clear picture of who tends to support and to oppose NCLB, whether the supporters and opponents are individuals or entire states. Individual supporters tend to be Republican, residents of rural areas, African-American or Hispanic, and middle and low income workers. Opponents are more likely to be Democratic, residents of suburban or urban areas, white, and upper income professionals. States that tend to support NCLB are red states in presidential elections, score in the very bottom or top quartiles of NAEP, serve student populations that are more than 21.1% African-American or less than 13.6% Hispanic, exhibit narrower than average black-white test score gaps, receive more than 8.3% of K-12 revenue from the federal government, and are located in the South. States that are opposed tend to be blue states in presidential elections, fall in the middle quartiles of NAEP scores, have relatively small African-American or relatively large Hispanic populations, exhibit larger than average black-white test score gaps, receive less than 8.3% of K-12 revenue from federal sources, and are located in the East, Midwest, or Western regions of the country.

Many of these characteristics overlap, of course. The characteristics that are seemingly contradictory call for closer scrutiny, primarily because in them may be found clues to the fate of NCLB. The left-right coalition that formed to pass NCLB was itself a political contradiction. The future of NCLB, and its re-authorization in 2007, hinges on holding that coalition together. The cross-cutting political influences unearthed in the foregoing analysis expose fault lines that opponents could exploit to seriously weaken NCLB--or on which supporters could focus their energies to shore up and boost support.

Consider equity. From the beginning, the authors of NCLB framed the legislation as a civil rights issue. Support from groups such as the Education Trust and politicians such as Congressman George Miller and Senator Edward M. Kennedy reinforced that theme. Blacks, Hispanics, and blue collar workers continue to support NCLB, but states with large Hispanic populations tend to be critical of the law. By hammering away at NCLB's goal of raising the achievement of poor and minority youngsters, supporters of NCLB may force politicians in several states to reconcile their opposition to NCLB with the favorable opinions of minority constituents. Opponents of NCLB, on the other hand, can make hay out of the fact that schools receiving sanctions under NCLB serve predominantly poor and minority populations. Sanctioning schools--the hard edge of accountability--is not popular with the public. Emphasizing who receives NCLB's penalties may dampen enthusiasm for the idea that NCLB promotes equity. True, the claim "the more people hear about NCLB, the more they oppose it" is an exaggeration, but people who hear about school sanctions emphatically dislike them.

How AYP is calculated will surely enter the debate. The U.S. Department of Education recently announced a pilot program that will allow ten states to experiment

with growth models, which calculate AYP on the basis of students' year to year progress instead of the percentage of students meeting proficiency targets. Shifting to a growth model makes it easier for schools in the bottom of the achievement distribution to meet AYP. Some schools are currently boosting test scores but not raising enough students to proficiency to satisfy AYP requirements. These schools tend to serve large poor and minority populations. Shifting to growth models will remove them from lists of schools "in need of improvement."

Politically, installing growth models in NCLB would blunt the argument that schools with poor, minority populations disproportionately experience sanctions. Supporters can highlight numerous high poverty schools that are making significant academic progress under the law. But adopting growth models is not without risks. Commenting on the pilot program, the Citizens Commission on Civil Rights issued a statement that said, "We fear that too many school board members and educators will view the growth-model approach as an invitation to water down expectations for student achievement in order to reduce the numbers of schools identified for improvement."²⁶ The fear is that low scoring students may make significant growth but still leave school without the skills necessary to succeed as an adult. This concern must be addressed, but when NCLB comes up for authorization, look for modification of AYP requirements to emerge as a potential area of compromise in the arguments over equity.

Funding will also receive attention during reauthorization. In 2001, the ink was barely dry on NCLB when several Democrats who had supported the legislation in Congress, including Senator Kennedy, accused the Bush administration of renegeing on a deal to fully fund the act. The Bush administration may be open to significantly

increasing NCLB funding. Sweetening the pot never hurts in cooling opposition in Congress. Additional funding would also receive applause from liberal voters. And the conservative base of support that NCLB enjoys might view additional funding favorably if it were tied to incentives for pursuing the law's objectives. However, if NCLB's supporters stray too far from the core belief that properly crafted incentives, not more dollars, offer the best chance of improving schools, they risk alienating NCLB's political base.

Southern states are NCLB's strongest supporters. In one of the interesting twists of education politics, they also favor centralized governance of education. Big government, in this case, does not mean expensive government. Southern states feature constrained budgets, somewhat regressive tax structures, and an aversion to publicly financed social programs. States in the Northeast, on the other hand, typically lean towards a liberal politics but place educational governance in the hands of local school districts. NCLB enhances the power of state governments to change schools. Northeastern states may temper their opposition to NCLB if they are able to use this new authority to advance values and interests "of the commonwealth."

The peculiar politics of NCLB first surfaced when the law passed Congress in 2001. NCLB consists of conservative ideas—testing, accountability, and incentives--wrapped in liberal clothing--a big federal program that seeks, as its primary objective, the equalization not only of educational opportunity, but also of educational outcomes. A left-right coalition successfully guided NCLB through Congress. Now, NCLB faces both conservative and liberal opponents. The politics of NCLB, with reauthorization on the horizon, highlights both the law's greatest promise and its greatest perils.

Table 1: ETS/Hart Polls on No Child Left Behind

	2001	2002	2003	2004	2005
Heard great deal/ fair amount	31	39	--	54	61
Positive	30	--	36	39	41
Negative	18	--	28	38	37

Source: ETS/Hart Poll 2001-2005

Table 2: Phi Delta Kappan/Gallup Polls on No Child Left Behind

	2003	2004	2005
Don't know enough to say	69	55	45
Positive	18	24	28
Negative	13	20	27

Source: Phi Delta Kappan/Gallup Poll 2003-2005

Table 3: Public Opinion of No Child Left Behind: Unaided Versus Aided Group

	Unaided Group	Aided Group
Positive	45	41
Negative	38	37
Don't know enough	11	19

Source: ETS/Hart Poll 2005

Table 4: Demographic Breakdown of Public Opinion on No Child Left Behind

	Favorable	Unfavorable	Difference
Democrat	34	52	-18
Independent	45	34	+11
Republican	57	27	+30
Urban	44	40	+4
Suburban	44	39	+5
Rural	48	34	+14
White	46	40	+6
Black	44	34	+10
Hispanic	46	32	+14
Less than 25K	43	32	+11
25K-50K	51	34	+17
50K-75K	47	36	+11
Greater than 75K	42	49	-7

Source: ETS Hart Poll 2005. Data provided by Peter D. Hart Research Associates, Inc. on behalf of ETS.

**Table 5: Analysis of State Resistance Ratings
by Political Influences (Mean and Standard Error)**

Variable Cluster	Low Group	High Group	Definition of High Group
Political Culture			
South	3.33* (1.49)	2.50 (1.4)	Is a southern state
Blue	2.76* (1.43)	3.65 (1.62)	Voted for the Democratic candidate in the last two Presidential elections
Achievement			
Percentage of Schools Making AYP in 2004	2.60** (1.41)	3.60 (1.44)	Greater than 77.5% of schools
Percentage of Schools Making AYP in 2005	2.42** (1.24)	3.39 (1.52)	Greater than 59.5% of schools
Mean 2005 NAEP scores of Black students	2.35*** (1.26)	3.70 (1.42)	Mean NAEP score is between 248.5 and 260.5
Mean 2005 NAEP scores of all students	2.67** (1.27)	3.50 (1.61)	Mean NAEP score is between 274 and 284
Demographics			
Percentage of Students who are Black	3.45 (1.41)	2.00*** (1.28)	Greater than 21.1% of students
Percentage of Students who are Hispanic	2.89* (1.45)	3.75 (1.54)	Greater than 13.6% of students
Gap between White and Black students on 2005 NAEP	2.73** (1.31)	3.90 (1.73)	Gap is greater than 36.5 points
Resources			
Federal funding	3.59 (1.53)	2.52** (1.27)	More than 8.3% of K-12 revenue

Note: Higher mean denotes greater resistance, F-test, ***p<.01, **p<.05, *p<.10

**Appendix A:
Scale of Resistance to NCLB**

**Level 6: Filed suit as a state
or established statewide
circumvention of NCLB's power**

Utah
Connecticut

**Level 5: Allow local opt-outs in
law, prohibits spending state
money on implementing NCLB,
local districts sued or took other
legal action, name/petition
protesting**

Colorado
Illinois
Louisiana
Maine
Michigan
New Jersey
Pennsylvania
Texas
Vermont

**Level 4: Opt-out legislation is
pending, legislation was
considered and passed in
one house but has not been
passed into law**

Hawaii
Indiana
Minnesota
Nevada
New Mexico
Ohio
Oregon
Wisconsin

**Level 3: Legislation introduced, Legislation
passed but no opt-out**

California
Idaho
Iowa
Kansas
Kentucky
Nebraska
Oklahoma
Rhode Island
South Carolina
South Dakota
Tennessee
Virginia
Washington
West Virginia
Wyoming

Level 2: Legislation defeated

Arizona
Florida
Maryland
New Hampshire
North Dakota

Level 1: Neutral or supportive

Alabama
Alaska
Arkansas
Georgia
Massachusetts
Mississippi
Missouri
Montana
North Carolina
New York
Delaware

Appendix B: Variables Measuring Political Influences

Variable	Mean/ Standard Deviation	Description	Source
Resource Constraints			
Highly Qualified Teachers	87.08 (13.48)	Percent of classes taught by highly qualified teachers	Education Week, <i>Room to Maneuver</i> (2005) http://ewdev.edweek.org/media/nclb_1214qualified.pdf
Highly Qualified Teachers in High Poverty Schools	84.0 (15.20)	Percent of classes in high poverty schools taught by highly qualified teachers	Education Week, <i>Room to Maneuver</i> (2005) http://ewdev.edweek.org/media/nclb_1214qualified.pdf
% Federal	8.66 (2.90)	Percent of state K-12 spending coming from federal govt.	Digest of Educational Statistics (2004) http://nces.ed.gov/programs/digest/d04/tables/dt04_154.asp
% State	51.0 (11.35)	Percent of state K-12 spending coming from state govt.	Digest of Educational Statistics (2004)
% Local	37.63 (11.99)	Percent of state K-12 spending coming from local govt.	Digest of Educational Statistics (2004)
Per Pupil Expenditures	7980.82 (233.34)	Average annual state expenditure per pupil	http://www.schoolmatters.com/
Achievement			
2005 NAEP state score	278.56 (7.18)	Mean score on NAEP 8 th grade math	NAEP Data Explorer http://nces.ed.gov/nationsreportcard/nde/
2005 White	286.28 (5.99)	Mean NAEP score for White students	NAEP Data Explorer
2005 Black	254.25 (7.25)	Mean NAEP score for Black students	NAEP Data Explorer
2005 Hispanic	261.89 (5.67)	Mean NAEP score for Hispanic students	NAEP Data Explorer
2005 Non-poor	287.4 (5.63)	Mean NAEP score for Non-poor students	NAEP Data Explorer
2005 Poor	263.38 (6.83)	Mean NAEP score for Poor students	NAEP Data Explorer
Black/White Gap	32.5 (7.07)	Gap between Black and White students on 2005 NAEP	NAEP Data Explorer
Hispanic/White Gap	25.9 (5.3)	Gap between Hispanic and White students on 2005 NAEP	NAEP Data Explorer
Poor/Non-poor Gap	23.82 (4.73)	Gap between Poor and Non-poor students on 2005 NAEP	NAEP Data Explorer
NAEP/State Test Gap	24.54 (19.22)	Gap between percent students proficient on NAEP and State tests in 2003 (8 th grade math)	U.S. Department of Education, Title I Mathematics Committee
AYP2005	73.15 (16.74)	Percent schools making AYP in 2005	Education Week, <i>Room to Maneuver</i> (2005) http://ewdev.edweek.org/media/ayp_1214.pdf
AYP2004	76.06 (14.02)	Percent schools making AYP in 2004	Education Week, <i>Room to Maneuver</i> (2005) http://ewdev.edweek.org/media/ayp_1214.pdf
Demographic			
White	67.83 (17.83)	Percent students who are White	NAEP website http://nces.ed.gov/nationsreportcard/states/
Black	14.51 (13.35)	Percent students who are Black	NAEP website
Hispanic	10.91 (12.28)	Percent students who are Hispanic	NAEP website

Poor	37.42 (10.39)	Percent students who are on free or reduced lunch	NAEP website
Black Segregation	.40 (.49)	1 if rated a most segregated state for Black students, 0 if otherwise	Orfield and Lee (2004) <i>Brown at Fifty: King's Dream or Plessy's Nightmare?</i> (% Blacks in 90-100% Minority Schools) pg. 27
Latino Segregation	.40 (.49)	1 if rated a most segregated state for Latino students, 0 if otherwise	Orfield and Lee (2004) <i>Brown at Fifty: King's Dream or Plessy's Nightmare?</i> (% Latinos in 90-100% Minority Schools) pg. 28
Politics/Political Culture			
Blue	.34 (.48)	1 if voting for the Democratic candidate in the 2000 and 2004 presidential elections, 0 if otherwise	
Blue Senate	.46 (.50)	1 if majority party in the state Senate is Democratic, 0 if otherwise	National Conference of State Legislatures http://www.ncsl.org/ncslldb/elect98/partcomp.cfm?year=2005
Blue House	.48 (.50)	1 if majority party in the state House is Democratic, 0 if otherwise	National Conference of State Legislatures http://www.ncsl.org/ncslldb/elect98/partcomp.cfm?year=2005
Blue Governor	.44 (.50)	1 if Governor is a Democrat, 0 if otherwise	Votesmart.org
Blue Attorney General	.54 (.50)	1 if Attorney General is a Democrat, 0 if otherwise	Votesmart.org
Most Traditionalist	.25 (.44)	1 if greater than 7.33 on Sharkansky scale	Upper quartile of Sharkansky's scale (1969) pg. 72
Most Moralistic	.25 (.44)	1 if less than 3 on Sharkansky scale	Bottom quartile of Sharkansky's scale (1969) pg. 72
Individualist	.31 (.07)	1 if an individualist state on the Elazar scale	Gray et. al (1999) pg. 24 (adapted from Elazar 1986, 134)
Centralization	3.59 (.66)	Rating on Wirt's School Centralism scale	Frederick Wirt (1980) "Does Control Follow the Dollar? School Policy, State-Local Linkages, and Political Culture."
South	.27 (.06)	1 if a southern state, 0 if otherwise	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia
Exit Exam	.66 (.89)	0 if no exit testing by 2001 1 if exit testing by 2001 2 if exit testing by 1992	Digest of Educational Statistics (1992 and 2001) http://nces.ed.gov/pubsearch/getpubcats.asp?sid=091#061 http://nces.ed.gov/programs/digest/d01/

Appendix C: NCLB Activities in the States

Alabama

- No action

Alaska

- SJR30 introduced to receive waiver if academic achievement increases (5/11/04).

Arizona

- House introduced proposals HB2696, HB2594 to opt out of NCLB.
- Senate introduces two resolutions, SB1304 and SCM1006 that permit opting out, changes and waivers.
- Both resolutions were defeated.

Arkansas

- House introduced HB 2903 to implement “HQ” rating provision of NCLB.

California

- SJR27 introduced 11/04 to request full funding for NCLB .
- AJR88 passed House on 6/21/04, passed Senate on 8/19/04: requested full funding and changes to accountability model and determination of HQ credential for teachers.

Colorado

- 5/7/05 Governor Owens allowed SB50 to become law. It permits school districts to opt out of the NCLB and federal funding. Districts still must keep track of test scores so that the state as a whole is eligible for federal funding.
- HJR05-1056, which calls upon the US Congress to provide full funding, passed the House and is currently in the Senate.

Connecticut

- State filed lawsuit against federal government claiming that state and local money cannot be used towards meeting federal testing goals. West Hartford school board voted without dissent to support the lawsuit. The Region board, in a 6-4 vote, also supports the suit.
- Chelshire, Marlborough and Somers districts rejected Title 1 funding to avoid compliance with NCLB.
- The Senate passed SJR40 which asked the federal government for several amendments to NCLB. House introduced HJR30 that requests waivers for high-performing schools. SJR4 (2004) requested waivers for states such as Conn. with overall high academic performance.

Delaware

- No action

Florida

- In HM877 (2005) the House urged Congress to re-evaluate requirements of NCLB and funding levels. HM877 was defeated in committee.
- HR1967 (2004), an earlier version of HM877, died in committee.

Georgia

- Since being fined in 2003, Georgia requested and received permission to increase minimum number of children in subgroups before school is held accountable for those subgroups.

Hawaii

- HCR245 passed in House and Senate and was transmitted to the public as of 5/6/05. It asks Congress to amend NCLB per the National Conference of State Legislatures' task force's recommendations. HR178, SR124 had formerly made a similar request.
- HR179, SR122 asked for general amendments and adjustments in NCLB. State representatives and senators (in 2004 and 2003) introduced 5 more similar proposals to amend NCLB.
- HR118 was adopted in 2003 and transmitted to the public. It suggested reevaluating Hawaii's participation in NCLB.

Idaho

- State Senate passed SJM106 that expresses changes Idaho would like to see happen to NCLB (referred to House 3/4/05).
- SJM101 introduced in the Senate asks that cities of 1 million or less be exempt from NCLB (referred to Education Council).
- Passed in the House and Senate (as of 3/04), SJM108 suggests that changes be made to AYP provisions.

Illinois

- Governor Rod Blagojevich has signed HB3678 which changes testing provisions for special-education students.
- Princeton and Ottawa school districts filed suit against the federal government on the grounds that NCLB conflicts with IDEA.
- Illinois State Board of Education announced several changes to NCLB: definition of failing and subgroups.
- State Senate introduced SJR47 (5/04) which asks the Illinois delegation to review and change NCLB (passed Senate, arrived in House).
- In August 2004 two districts turned down Title 1 funding to avoid requirements of NCLB.

Indiana

- State Board of Education voted to add its name to a letter protesting NCLB (3/04).
- State Senate introduced and passed SB258 (1/04) that authorizes state officials to seek waivers from NCLB if the act conflicts with Indiana's accountability standards.
- State NEA chapter filed suit against the government.

Iowa

- HR11 requested the Congressional delegation to secure funding mandates for NCLB (filed 2/10/05).
- SCR105 sought waivers if programs increased student achievement (4/04).

Kansas

- Chairman Steve Abrams wants the State Board of Education to consider opting out of NCLB (10/12/05).
- State Senate introduced SR1834 which urges Congress to re-evaluate NCLB and provide full funding.
- State Senate introduced SCR1621 and State House introduced HR6028; both asked for a waiver considering the overall quality of Kansas schools.

Kentucky

- Two resolutions (SR172, HR 174—passed House) asking for full funding and more flexibility (3/04).

Louisiana

- HCR88 redefines "highly qualified teacher" (5/04).
- HCR20 asks for fully funded mandate (passed onto Congress, 4/04).

- HCR13, 12 express the right of Louisiana not to comply with NCLB unless it is fully funded (sent to Congress, 4/04).

Maine

- LD 676 passed 5/05 in the House and Senate. It directs the Attorney General to sue the federal government if funding is insufficient to implement NCLB.
- LD 1716 (signed by the Governor 4/04) says that the state department may not use any state money to implement NCLB.

Maryland

- Senate introduced a bill that identifies a conflict between NCLB and IDEA, resolves that the act must be fully funded or that the legislature must seek a waiver (5/05). It was defeated in committee.

Massachusetts

- No action

Michigan

- State Board of Education voted to seek changes which would make it easier for the state to comply with NCLB.
- The Pontiac School district is a lead plaintiff in a case against the federal government on the grounds NCLB is an unfunded mandate. NEA groups and school districts in Texas and Vermont have signed on.

Minnesota

- SF 1244 places conditions under which the state may continue implementing NCLB (referred to finance, 5/05).
- SF1245 amends NCLB per a task force's recommendations (passed Senate, House version 1490 still in committee, 3/05).
- SF1092 asks Congress not to extend NCLB to high schools (passed Senate, now referred to Ed. Reform committee in House 3/05).
- HF 23 directs commissioner to seek waivers for ineffective aspects of NCLB (referred to Ed. Reform 1/05). *Senate version passed already

Mississippi

- HB 150 "School Testing Right to Know Act" to furnish the public and policymakers with accurate information with which to make decisions about the future of Mississippi's education.

Missouri

- Asked for and received waiver on 04-05 AYP goals.

Montana

- Superintendent McCulloch requested waivers due to the difficulty of implementing NCLB in rural areas (5/05).

Nebraska

- LR 23 introduced to Senate, asks Congress to fully fund NCLB or modify the act to meet budget constraints (1/05).

Nevada

- AB 562 gives state accountability system priority over NCLB where they conflict (passed House, currently in Senate).
- 2/05 State minority leader Reid called for Nevada to pull out of NCLB.

New Hampshire

- Introduced HB786 (last action 1/04); prohibited using states funds to comply with NCLB—died in committee.

New Jersey

- 6/05 State assembly voted to place NJ education goals ahead of NCLB (bill requires school officials give NJ goals precedence over federal mandates).
- 5/05 ACR236 endorses National Conference of States' Legislatures recommendations for altering NCLB—encourages Congress to do the same.
- A267 (5/05) urged the Governor to follow Connecticut in filing a law suit against the federal government.
- S2528, A3993 direct local officials on implementing NCLB.
- ACR142 (2/04) calls upon Congress to give more time to meet the highly qualified teacher standard.
- Legislature has directed Attorney General to file suit if NCLB is deemed an unfunded mandate.

New Mexico

- HM 02 resolves that Congress should fully fund the mandate (passed 2/05).
- SJM55 calls for a study of unfunded mandates (2/04).
- HJM09 notes that additional costs to implement NCLB far outweigh additional federal funds (2/04).
- SB513 (2/04) would have NM opt out of compliance with NCLB.

New York

- No action

North Carolina

- No action

North Dakota

- [HB 1038](#) (would have established a state NCLB advisory committee), [HB 1365](#) (allowing school districts to opt out of NCLB), [HCR 3012](#) (redefined highly qualified teacher) failed to pass.

Ohio

- Senator Mark Dann introduced a resolution to follow Connecticut In suing the federal government (SCR 20, referred to Committee on Education, 9/05).
- SCR25 called for full funding and waivers from NCLB (3/04) – never left committee.

Oklahoma

- HR1037 (3/04) passed to Congress asks for a waiver for high-achieving states.
- HCR1052 (3/04) stalled in the Senate- calls upon Congressional delegation to alter NCLB.

Oregon

- HB 2900 prohibits participation in NCLB if federal funds are not received (referred to Ways and Means committee, 3/05).
- HJM 27 urges Congress to provide full funding and requests waivers (Education committee, 3/05).

Pennsylvania

- Introduced 6/04 HR794 asks that Congress restore funding cuts.
- Reading school district sued Pennsylvania's department of Education on the grounds the district had not been given enough resources to meet AYP goals.

Rhode Island

- S3129 asked Congress to fully fund NCLB (passed in the Senate 5/04).

South Carolina

- HCR4891 (HCR4889, SCR1031 are companion legislation) calls for amendments to NCLB, (last action 3/04).

South Dakota

- HCR1018 calls for full funding (2/04).

Tennessee

- SJR694 (3/04) notes the state is burdened by funding NCLB.

Texas

- As of 8/05 a second Texas school district is joining districts in Michigan and Vermont in filing suit against the federal government to relieve schools for paying for NCLB.
- State commissioner allowed state testing rule to take precedence over the requirements of NCLB.

Utah

- HB 135 and HB 1001 allow state laws to trump provisions of NCLB on the grounds that the act violates section 9527 which prohibits state spending on federal mandates.

Vermont

- HB 59, SB 38 (introduced 1/05) orders state to withdraw participation in NCLB.
- Leicester, Neshobe, Otter Valley, Rutland Northeast Supervisory Union, Pittsford Town, Sudbury Town, and Whiting Town districts joined with the NEA and districts in Texas and Michigan.
- HJR37 (in committee as of 4/05) would support the plaintiffs in a lawsuit related to funding for the No Child Left Behind Act of 2001.
- Orleans southwest, Southwest Vermont, and Windham Northeast are reallocating Title 1 funds so certain schools are not subject to AYP provisions.

Virginia

- [HB 1592](#), HB2602, HB2685, HJR 561, HJR 576, HJR 708, SB 948, SB1136, SJR 437: direct Board of Education to seek waivers from NCLB or urge Congress and the administration to grant waivers to states that maintain high academic standards.

Washington

- SJM 8001 requests full funding for NCLB (in the Rules Committee 4/05). *House's corollary legislation is HJM4010

West Virginia

- SCR32 passed Senate 2/04. It outlines the difficulties of implementing NCLB.
- HR6 asks Congress to pass waivers for states like West Virginia that show academic improvement.

Wisconsin

- 5/04 Attorney General Peggy Lautenschlager released an opinion letter on the constitutionality and appropriateness of the mandates and funding levels inherent in NCLB.
- State Senate introduced SR33 which urges the state not to appropriate state funds for implementing NCLB (last action 3/04).
- SR19 asks for full funding (last action 3/04).
- SR32 asks for delegation to procure more money to implement NCLB (was adopted in the Senate).

Wyoming

- HJR06 notes the impact of NCLB on the state of Wyoming (last action 3/04).
- HB127 would have prohibited state participation in NCLB (Died without being heard).

Appendix D: Resources Used for Creating State Resistance Scale

National Conference of State Legislatures. <http://www.ncsl.org/programs/educ/NoChild.htm>
“State Activity on No Child Left Behind: Quick Facts 2004-2005.”

Communities for Quality Education. <http://www.qualityednow.org/summaries/states/>
“State Legislative Summaries.”

Results for America. <http://www.nclbgrassroots.org/revolt.php>
“Revolt Against No Child Left Behind Spreads to 47 States.”

National Education Association. <http://www.nea.org/esea/chorus1.html#state>
“State Legislative Activity.”

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- ¹ ETS, *Ready for the Real World? Americans Speak on Highschool Reform*. (June 2005). Available online at: http://www.ets.org/Media/Education_Topics/pdf/2005highschoolreform.pdf
- ² Phi Delta Kappan, *The 37th Annual Phi Delta Kappa/Gallup Poll Of the Public's Attitudes Toward the Public Schools*, (September 2005). Available online at: <http://www.pdkintl.org/kappan/kpollpdf.htm>
- ³ The question in 2001 asked about "the President's plan."
- ⁴ Data provided by Peter Hart Associates on behalf of ETS.
- ⁵ Americans for Better Education, *Americans for Better Education Survey on No Child Left Behind* (January 2004). Available online at: <http://www.bettered.org/1081/>
- ⁶ Results for America. *Poll of Parents on "No Child Left Behind" Summary of Survey Findings*. (Prepared by Opinion Research Corporation) 2004. Available online at: <http://www.resultsforamerica.org/education/>
- ⁷ 2005 Kappan Poll.
- ⁸ Daniel Elazar. *American Federalism: A View From the States*. (New York: Thomas Crowell Company, 1966).
- ⁹ Cibulka, 1996. Also see Sunderman, 2003. Implementing a Major Education Reform, No Child Left Behind and Federal-State Relations, First Impressions (working draft). *Prepared for the Annual Meeting of the American Education Research Association*.
- ¹⁰ Fusarelli observes, "Though legitimate, many of the objections and political posturing about states' rights and unfunded federal mandates appear to be little more than negotiating tactics to force compromise on NCLB." Page 131.
- ¹¹ Gail Sunderman and James Kim. "The Expansion of Federal Power and the Politics of Implementing the No Child Left Behind Act." *The Teacher's College Record*. November 3, 2005. <http://www.tcrecord.org> ID Number: 12227.
- ¹² Lisa Dotterweich and Ramona McNeal. "State Compliance and the No Child Left Behind Act." *Prepared for delivery at the 2004 Annual Meeting of the Midwest Political Science Association*. 2004
- ¹³ Paul Manna. "Management, Control, and the Challenge of Leaving No Child Behind." *Presented at the 2004 Annual Meeting of the Midwest Political Science Association*, 2004.
- ¹⁴ William Wanker and Kathy Christie. "State Implementation of the No Child Left Behind Act." *The Peabody Journal of Education*, vol. 80, no. 2. pp.57-72.
- ¹⁵ Kathryn McDermott and Laura Jensen, 2005. "Dubious Sovereignty: Federal Conditions of Aid and the No Child Left Behind Act." *The Peabody Journal of Education*, vol. 80, no. 2, pp. 39-56.
- ¹⁶ Quality Counts at 10: A Decade of Standards-Based Education, Vol 25, Issue 27.
- ¹⁷ A list of state resistance can be found in Appendix C and sources of information in Appendix D.
- ¹⁸ William Mathis, Kevin Fleming, and Wendy Lecker. "The NCLB Rebellion: Money, Politics, and Student Learning." *Presented at the American Education Finance Association's Annual Meeting*, 2005.
- ¹⁹ Terry M. Moe, *Schools, Vouchers, and the American Public*, Washington DC: Brookings Press, 2001.
- ²⁰ The Jim Lehrer Newshour, April 7, 2005. In an editorial for the *Washington Post*, Spellings wrote, "Annual assessments are nonnegotiable, because what gets measured gets done. This is at the heart of accountability. The data must also be reported by student group—African Americans, Hispanics, those with special needs, etc. — so that those who need the most help aren't hidden behind state or district-wide averages. Some states have asked for waivers from the law. Some have sought to exempt whole grades or student groups from annual assessments. Others have sought to keep some students' test scores under wraps. That is simply unacceptable. It undermines the very purpose of the law. Perhaps not coincidentally, some of these same states have the largest achievement gaps in the nation, with minority students lagging dozens of points—whole years really—behind their white peers." *The Washington Post*, April 2, 2005.
- ²¹ Avi Salzman. "NAACP is Bush Ally in School Suit Versus State." *The New York Times*. February 1, 2006.
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- ²⁴ Quality Counts 2006, p. 10.
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