

# Report Card

Kinder, gentler education bureaucrats, but where are the results?

By W. James Antle III

FOUR YEARS AFTER the Bush administration's signature education reform became law, you might think that there would be some consensus as to whether No Child Left Behind (NCLB) is passing or failing. You would be wrong. There are almost as many competing assessments of the program's impact—and how its flaws should be fixed, if they can be at all—as there are public schools.

Depending on who is asked, NCLB is either wildly expensive or woefully underfunded, a massive encroachment on state and local prerogatives or an overly loose patchwork of varying state standards, unrealistically draconian or ineffectually lax. And that's just among experts in the education field. So what should laymen make of this curious policy?

NCLB encapsulates the quirks of the Bush administration's domestic policymaking. Its architects borrowed liberally from the ideas of centrist new Democrats about how to mend federal education meddling, not end it. It wedded liberal spending programs to conservative goals of standards, accountability, and transparency (less so the goal of parental choice). And the legislation showcased President Bush as a uniter, not a divider, partnering him with Sen. Ted Kennedy (D-Mass.) and passing with strong support from Democrats and Republicans alike.

While the compassionate conservative also claims to be a reformer with results, Bush marked NCLB's anniversary by praising how much it cost. Speaking in Maryland, he noted that since 2001, Title I education spending is up 45 percent, the elementary and

secondary education program has increased by 41 percent, and spending on Reading First has quadrupled. The Democrats who worked with Bush on NCLB say the funding is inadequate, but it sounds like compassionate enough conservatism.

What about the reformer with results? The administration emphasizes recent rises in national test scores, especially for blacks and Hispanics. Neal McCluskey, education policy analyst for the Cato Institute, notes that the National Assessment of Educational Progress paints a murkier picture. Since NCLB's passage, math scores have risen for everyone except 17-year-olds while reading scores are stagnant or falling for everyone except fourth-graders. "The bottom line is that there's little evidence students are learning more as a result of NCLB," says McCluskey.

Criticism of the act is bipartisan. Utah's Republican legislature and governor, now in negotiations with the Department of Education, have revolted against NCLB. Connecticut's GOP Gov. Jodi Rell is backing a lawsuit by her state to challenge the law's testing requirements. To many conservatives in state legislatures, the problem isn't underfunding but overreach. They have found unlikely allies in traditionally Democratic teachers' unions, particularly the National Education Association, whose leaders have an aversion to accountability schemes that emphasize high-stakes testing.

The debate reflects the inherent difficulties of having the federal government, which supplies less than 10 percent of

national education funding, influence schools throughout the country. NCLB requires public schools to measure student performance, based on testing at specified intervals, and meet certain goals along the way to proficiency for all students by 2014. To prevent educators from focusing on aggregate test scores while ignoring disadvantaged children, the law recognizes sub-groups of poor, minority, and handicapped students who also must show improvement. Persistently failing schools are subject to gradually stronger penalties, but many of the intended beneficiaries find the testing requirements onerous.

"In the 1990s, a lot of education money was going to states with no strings attached," says Dan Lips, an education policy analyst at the Heritage Foundation. "NCLB added a few too many strings." Now even many liberal education professionals are singing the praises of local control.

The Bush administration has recognized that NCLB is becoming a political liability and is starting to modify its sales pitch. Flexibility has become an Education Department buzzword alongside accountability and transparency. Education Secretary Margaret Spellings is leading the charge. She helped design the law while working in the White House domestic-policy shop and upon moving to Education was among its fiercest defenders, often offending critics with her strong rhetoric. Now *Forbes* and the *Washington Post* have run stories about a kinder, gentler Spellings.

Spellings has been granting waivers to some states that have chafed at NCLB

mandates and loosening rules so that fewer schools will be labeled failing. She relaxed testing requirements for disabled students nationwide, amidst complaints that they were unworkable, and gave states a one-year extension on a teacher-quality deadline. She has allowed experimentation with different ways of measuring improved student performance and eased regulations on battered Gulf Coast schools.

But some education-policy experts believe the Spellings makeover is just the second half of a two-part strategy. First the administration sought to convince states that they were serious about NCLB's dictates; now they are working to mollify opponents. "Spellings isn't any more flexible than [former Secretary] Rod Paige," says Michael Petrilli, vice president for national policy at the Thomas B. Fordham Institute. "She just changed her position. She made a tactical decision as secretary."

These retreats have come under attack by people who fear that NCLB's get-tough approach is being undermined in order to buy short-term political advantage. "In some cases she's gone too far," says Petrilli. "You don't want to give away the store with waivers."

Even before the Education Department began its flexibility push, there were concerns that NCLB was vulnerable to state dilution. The federal government establishes goals, but states still determine course content, test questions, and test scores. Kevin Carey, research and policy manager for Education Sector, a D.C.-based education think tank, notes, "States have total discretion over what to learn, academic standards, what tests to administer, and what scores to give." That could give states the power to raise scores by making the tests easier. Missouri, for example, recently lowered the passing score on its state assessment test.

As with so many issues surrounding

NCLB, the results are unclear. Petrilli worries that states will find it easier to engage in a "race to the bottom" than meet higher standards. Education Sector's Carey disagrees. "It's not like states had high standards before NCLB," he says. "The law provides no structure for states to compete with each other."

NCLB thus bumps up against two old education-reform paradoxes. Just as voters often give low ratings to Congress but re-elect their own congressman, many parents have a low opinion of the education system generally but give high marks to their own children's schools and teachers. How much pressure they will actually apply on those schools and teachers to maintain high standards is unclear.

It is also the case that before NCLB, states that were inclined to pursue education reform could do so, and even after the law's passage they retain significant power to thwart reformers' objectives. This may show the limits of federal education interventions—or be an impetus for further centralization. "Your readers probably won't like this, but the only way to end the race to the bottom is a rigorous national test," argues Petrilli. "We've already passed the threshold with NCLB."

"We need an even more flexible education policy, with more federalism and local control," contends Heritage's Lips. "Too much of the focus has been on accountability to the federal government, not accountability to parents."

Next year, NCLB passes an even more important milestone. It will come up for reauthorization and its many foes will have the opportunity to persuade Congress to make changes or scrap it entirely. Since the law's detractors span the political spectrum, many of the reform suggestions are likely to be lost in the din. But two ideas, one popular with conservatives and the other with liberals, are likely to be debated in one form or another.

Conservatives will push for expanded school choice. Currently, NCLB only allows students trapped in failing schools the choice of attending another public school in the same district. In practice, this may translate into a choice between two low-quality schools. Even that much choice may be lacking, as competing schools don't have the slots available to accommodate new students. Expect proposals to rectify the situation by allowing parents to choose public schools in another district, expanding access to charter schools, and even creating private-school voucher programs in selected cities. "It's a real good opportunity to increase parental choice and redesign federal education policy," says Lips.

Liberals may propose changes in the way test scores are used. Instead of having groups of students progress toward a universal standard, they say it is fairer to minorities and the poor to look at individual student growth. Their argument is that a value-added metric would better take into account different starting points.

Observers don't see dramatic changes. The administration hasn't made much progress expanding NCLB into high school. And despite differences over funding levels, Democrats and Republicans don't seem ready to back away from NCLB's basic framework. Many professional education reformers still think it's a good start. Petrilli expects "more of a tinkering than an overhaul."

Popular criticism of the law hasn't translated into an effective anti-NCLB coalition because opponents are divided between people who desire less federal involvement in education and those who advocate even more.

NCLB's champions claim any meaningful reform will be attacked from both sides. "If everybody was happy with No Child Left Behind, it wouldn't be doing its job," Petrilli maintains. This much is true: not everybody is happy. ■

# War in Error

Sending a general to do a sheriff's job

By Andrew J. Bacevich

SMALL EVENTS sometimes reveal large truths. Last month's U.S. missile strike in the remote Bajaur district of Pakistan was such an event. Aimed at taking out Ayman al-Zawahiri, Osama bin Laden's chief deputy, the strike missed its intended target and killed as many as 18 residents of the small village of Damadola. But the episode did not end there: outraged Pakistanis rose up in protest; days of highly publicized anti-American demonstrations followed. In effect, the United States had handed Muslims around the world another grievance to hold against Americans.

In stark, unmistakable terms, the Damadola affair lays bare the defects of the Bush administration's response to 9/11. When President Bush in September 2001 launched the United States on a global war against terrorism, he scornfully abandoned the law-enforcement approach to which previous administrations had adhered. To all but the most militant true believers, it has become increasingly evident that in doing so Bush committed an error of the first order.

Underlying Bush's declaration of war were two assumptions: first, that terrorism is subject to defeat; second, that military power, aggressively employed, offers the shortest road to victory. The Damadola incident only adds to the mountain of evidence calling both of those assumptions into question.

As most Americans have come to understand, terrorism, as currently employed in Washington's political lexicon, is a code word. Seemingly referring to a tactic, it actually alludes to the violent

Islamic radicals who perpetrated 9/11 and who if given the chance will attack us again.

In dealing with the radicals themselves, the old adage applies: it's kill or be killed. On this point there can be little room for debate and none for compromise. But for the killing to be purposeful, it must occur selectively: to employ violence indiscriminately is to replenish the ranks of al-Qaeda and its spawn faster than we can deplete them. That way lies not security but bankruptcy and exhaustion.

Although paying lip service to this principle, the Bush administration has violated it in practice, most egregiously in Iraq, where heavy-handed tactics fanned the flames of insurgency, but also in Afghanistan and now Pakistan. Using President Bush's conception of war as their mandate—and at times as a *de facto* grant of immunity—U.S. forces charged with bringing the guilty to book have too often ended up victimizing the innocent.

The fault lies less with the soldiers who pull the triggers, aim the missiles, and drop the bombs than with the nature of war itself. Even in a high-tech age, it remains a blunt instrument. Precision weapons have not made war precise, a truth brought home yet again by the events at Damadola.

It's hard to tell which more vividly testifies to this president's stupefying hubris: his self-proclaimed mission to democratize the Middle East or his claim that his administration is reinventing war. It's probably a toss-up. The truth is that war remains today what it has always been: fraught with risk, uncer-

tainty, and chance. When the unexpected happens, bystanders with the misfortune to be in the wrong place at the wrong time are most likely to suffer the consequences.

Granted, in some circumstances, the penalty for killing innocent civilians is nil. The Anglo-American "Transportation Plan" of World War II—the 1944 strategic bombing of Occupied Europe in preparation for the Normandy invasion—caused the deaths of some 12,000 citizens of France and Belgium. Whatever moral questions this bombing campaign might have raised, most of which remain largely unexamined, the blood-letting in no way impeded the Allied march to final victory. In the brutal calculus of that war, sacrificing some number of those whom the Allies were promising to liberate was "worth it."

But outside of the bounds of total war, killing civilians—even unintentionally—becomes politically problematic. The attack at Damadola illustrates the consequences.

For the United States to unleash a salvo of missiles at a Pakistani village thought to house an al-Qaeda chieftain is the equivalent of the Mexican government bombing a southern California condo complex suspected of harboring a drug kingpin. Even if, as the Pakistani government has subsequently claimed, the missiles killed a handful of unidentified "foreign militants," that minor success can in no way justify the use of force that takes the lives of women and children. Morally, the arithmetic doesn't work. Politically, it's even worse.