

Federal Rules Leave Too Many Schools Behind

By Congressman Jim Matheson, September 2003

As we start another school year, I am troubled by news from across our state about the implementation of the No Child Left Behind Act (NCLB). The concepts and ideas behind this federal education reform legislation remain just as good as they were two years ago when Congress enacted the bill at the urging of President Bush and with broad bipartisan support. Despite the bill's good intentions—such as improving student achievement, increasing teacher quality, and providing parents with greater options—the legislation's implementation has strayed off course.

How bad is it? Based on how standards have been defined, 80 out of the 84 schools in the Jordan School District will be designated as “failing schools.” In rural Utah, it is questionable whether any junior high or high school will be able to meet all of the criteria. This doesn't make sense. I've met with teachers, principals, parents, school board members, and superintendents throughout the state, and I know first hand about the good work that is done every day in our schools. Utah schools face challenges based on large class sizes and low state funding. Now, due to the imposition of a new series of under-funded federal requirements, they face the possibility of being labeled “failures.”

There are two basic problems with the implementation of NCLB. First, NCLB promised significant federal funding to assist local schools in meeting new requirements. In fact, a strong commitment to fund the NCLB requirements was critical in garnering overwhelming bipartisan support for the legislation. Unfortunately, when it came time to provide the actual funding, Congress fell short by \$9 billion. At a time when state budgets are already tight, federal requirements that push schools to do more with less set our schools up to fail.

Second, as with any complex law enacted by Congress, the federal agency responsible for administration develops specific regulations. In the case of NCLB, the U.S. Department of Education has developed a set of regulations based on an extreme interpretation of the legislation. There are many problems with the way NCLB regulations have evolved, but let's look at two examples.

Acknowledging that quality teaching is critical to student performance, NCLB calls for teachers to meet competency and training standards for subjects they teach. This sounds reasonable, but any new secondary teacher is required to have a Bachelor's Degree in the subject that he or she teaches. In rural schools, teachers often must teach multiple subjects. In the case of foreign language teachers, many Utah teachers are former LDS missionaries with foreign language fluency. Even if these teachers have minors in the language, they would not be considered “qualified” to teach the subject. Special education teachers also teach a variety of subjects every day—is it reasonable to require multiple college majors in those cases? Clearly, greater flexibility is necessary in ensuring teacher quality.

NCLB recognized that teacher turnover is a problem. It directs states to ensure that poor and minority children are not taught by inexperienced teachers at higher rates than other children.

Again, this sounds reasonable, but the implementation has proven problematic. In Utah, anyone with less than three years of teaching experience is an “inexperienced” teacher. Jordan School District has a low percentage of “inexperienced” teachers across the district. Midvale Elementary School has aggressively recruited a dozen new teachers with foreign language skills to meet students’ needs. But, because they are all new teachers, it drives the school’s percentage of “inexperienced” teachers above the district average, so the school is a “failure” under this requirement.

As a Congressman, I often hear about the unintended consequences of legislation. As someone who supported NCLB, I am gravely concerned that a lack of funding and an inappropriate set of regulations have brought on many unintended consequences that will harm Utah schools. The gap between legislative intent and real world implementation must be addressed. That is why I have cosponsored legislation to suspend NCLB requirements until Congress fulfills its funding commitment.

I have seen the great work that goes on every day in our schools. Our teachers, principals, PTA parents, teacher aides, and school district staff work hard for our kids. None of them would ever want to leave any child behind. They know that the best investment we can make is the investment in our children’s education. Congress should do everything we can to help them succeed.