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Administration Outlines Proposed Changes to 'No Child' Law

By [SAM DILLON](#)
Published: February 1, 2010

The Obama administration said on Monday that it would ask Congress to raise education spending by about \$3.5 billion, a 7.5 percent increase, for the 2011 fiscal year, even as it sought to limit other categories of domestic spending.

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Stephen Crowley/The New York Times

President Obama and Secretary of Education Arne Duncan, shown last month, will seek to eliminate parts of the main education law that teachers and school boards find most objectionable.

In outlining its budget request, the administration also said it would seek an extensive rewrite of the main federal law governing public schools, known as [No Child Left Behind](#), and would seek to replace the law's much-criticized system for rating schools based on student test scores.

The administration proposed replacing that system, known as adequate yearly progress, with a new accountability system that officials said would more fairly characterize schools' academic progress.

"We want accountability reforms that factor in student growth, progress in closing achievement gaps, proficiency towards college and career-ready standards, high school graduation and college enrollment rates," Education Secretary [Arne Duncan](#) said in announcing the proposed changes. "We know that's a lot to track, but if we want to be smarter about accountability, more fair to students and teachers and more effective in the classroom, we need to look at all of these factors."

The administration asked for \$49.7 billion in discretionary spending increases for the [Department of Education](#) for the 2011 fiscal year, up from \$46.2 billion in the current year. Those figures do not include mandatory spending on programs that require no annual Congressional appropriation, a category that includes Pell grants for

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college students. The administration's budget includes an additional \$34.9 billion request for Pell grants.

A total of \$1.3 billion of the additional money requested for the department would finance a third round of Race to the Top, a competitive school improvement grant program. The department said the rest of the increase, about \$2.2 billion, would go toward, among other things,

efforts intended to intervene in failing schools, encouragement of [charter schools](#) and programs for teacher recruiting and training.

About 40 states are competing in the first round of Race to the Top, and a second round begins this year. Congress has approved \$4 billion to finance those two rounds.

The adequate yearly progress system issues the equivalent of a pass-fail report card for every school each year. Critics say the system fails to differentiate among chaotic, chronically failing schools, those that are helping low-scoring students improve, and better-scoring schools that may, nonetheless, be failing to help raise some students' achievement.

So far, the system has identified some 30,000 schools as needing improvement, a euphemism for failing, far more than states or districts have the capacity to improve. Unless Congress acts to change the law, thousands more schools will be labeled as failing each year until 2014, the deadline by which schools are required to bring every student to proficiency in reading and math.

Mr. Duncan referred to the 2014 deadline as a utopian goal in a September speech, and administration officials have told educators in meetings since then that they want that deadline eliminated. But Mr. Duncan told reporters on Monday that he and his aides had not reached a final decision on eliminating the deadline.

It is not clear how the administration could retain the deadline if Congress were to agree to replace adequate yearly progress with a new school accountability system. The adequate yearly progress system is deeply intertwined with the law's timeline leading to the 2014 deadline.

"Each state shall establish a timeline for adequate yearly progress," the law says. "The timeline shall ensure that not later than 12 years after the end of the 2001-2002 school year, all students in each group will meet or exceed the proficient level."

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