



Obama administration tells states to seek waivers for 'No Child Left Behind'

By Russell Berman - 08/08/11 03:10 PM ET

Calling Congress “dysfunctional,” senior Obama administration officials are urging all 50 states to seek a waiver exempting them from requirements under the 2002 “No Child Left Behind” education law.

The administration on Monday detailed plans to bypass Congress and grant states more flexibility to avoid onerous penalties if they fail to meet the standards set by the landmark George W. Bush-era initiative.



Education Secretary Arne Duncan said the federal government would formalize the application process for the waivers in September, and he encouraged every state to apply. The announcement is a slap at a congressional inaction and a recognition by the Obama administration that a bipartisan overhaul of No Child Left Behind is not likely anytime soon.

Duncan said the administration wanted Congress to pass a new education law before it left for its August recess.

“But it hasn’t, and we can’t afford to wait,” Duncan said at a White House briefing.

“Right now Congress is pretty dysfunctional,” he added. “They’re not getting stuff done.”

The administration has been pushing lawmakers for months, but Republican leaders in the House have resisted Obama’s deadline for acting, and the Democratic-led Senate has made no more progress. Congressional Democratic leaders and the administration oppose measures approved by the House Education and Workforce Committee, which have yet to receive a House floor vote.

Duncan warned earlier this year that unless Congress changed the law, 82 percent of public schools

would be considered failing by next year. Under the 2002 law, all students must be proficient in math and reading by 2014.

Duncan said the current law is too rigid and does not recognize legitimate improvement that many schools have made.

“We now have a law that impedes that progress, that impedes that reform,” he said.

States throughout the country have been asking for the flexibility the administration is now offering, Duncan said.

The administration did not detail the waiver standards. The waivers can last for up to four years, but officials said they would be designed as a “bridge” to the broader congressional rewrite of the law, not as a permanent substitute.

“The standards will be high. The bar will be high,” Barnes said. “Accountability will remain one of the bellwethers for our system as it has in the past.”



Barnes stressed that the administration’s authority to grant waivers was provided in the current law. “This isn’t outside of the law. It is within the law. And this has been done before,” she said.

Led by Chairman John Kline (R-Minn.), the House education committee has passed three bills aimed at revising and reauthorizing the No Child Left Behind law. A spokeswoman for the committee said the full House was likely to take up the bills this fall and that the committee would consider more legislation after the August recess. Kline and other GOP leaders rejected the idea of overhauling the 2002 in one bill, upholding a pledge to avoid massive pieces of legislation in favor of a piecemeal approach.

"Secretary Duncan and I both recognize the critical need for improvement in the nation's education system. However, I remain concerned that temporary measures instituted by the department, such as conditional waivers, could undermine the committee's efforts to reauthorize the Elementary and Secondary Education Act," Kline said in a statement. “The House Education and the Workforce Committee has already advanced three pieces of legislation to reform current elementary and secondary education law, and we plan to complete our reauthorization package this fall. I will be monitoring the secretary's actions closely to ensure they are consistent with the law and congressional intent.”

The education committee's top Democrat, Rep. George Miller (D-Calif.), said he understood the administration's rationale for moving ahead without Congress. "Time is simply running out to get a comprehensive bill done, but we can't settle for anything less than what is best for our students," Miller said in a statement.

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