

LEGISLATIVE UPDATE 13
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1. Margaret Spellings hopes to continue to control the NCLB Law through the proposed rule making discussed in the previous Legislative Update dated May 5, 2008. Public comments were submitted to USDE June 23, 2008. You can review the comments at <http://www.regulations>. Search for document ED-2008-OESE-0003. The comments pertain to graduation rates, the n size of subgroups, the use of NAEP scores, supplementary services, and schools restructuring.

Staffs at USDE are working long hours reviewing the public comments with the goal of issuing final regulations no later than November 1. If finalized, these regulations would govern NCLB and require school districts to implement the educational agenda of this administration for the next several years.

2. One of the reasons that Margaret Spellings can move ahead at this pace with her priorities is that Congress is on hold with NCLB. Congress is on hold for several reasons. After Congressman Miller, Chairman of the House of the education and Labor Committee released his draft in July 2007; he was inundated with recommendations for change from countless constituencies. The committee was unable to revise the draft. On the Senate side, Chairman Kennedy of the Health, Education, Labor and Pensions Committee introduced only revised parts of the law, avoiding the significant parts and inundations from the constituencies that stalled the House version. And of course, concurrently two prominent Democratic members of the Senate HELP Committee were campaigning for President. And then sadly, the Lion of the Senate was diagnosed with brain cancer. What the future holds is unknown.

3. We have two candidates for President, whose priorities during the campaign have not been education or NCLB. What is known about their positions on NCLB is limited. Senator Obama's comments seem to indicate that he believes that the goals of raising academic standards and improving teacher quality are good, but the law has not been fully funded and puts too much emphasis on testing. Although he has been endorsed by NEA, he continues to support merit pay. Senator McCain's comments indicate that NCLB isn't perfect, but it has some good parts, and those parts that have not worked need to be fixed.

4. Given that neither of the candidates has thus far indicated that education is a top priority, reauthorization of NCLB will not be a priority for a new President in 2009. NCLB will be reauthorized no earlier than 2010. This NCLB inactivity also has led some congressmen to question the need for NCLB at all. Humorously remember, when this law was created in 1965, it was only 32 pages long.