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U.S. Set to Ease Some Provisions of School Law

By SAM DILLON

Education Secretary Rod Paige says the Bush administration is working to soften the impact of important provisions of its centerpiece school improvement law that local educators and state lawmakers have attacked as arbitrary and unfair.

Tomorrow, the Education Department will announce policies relaxing a requirement that says teachers must have a degree or otherwise certify themselves in every subject they teach, Dr. Paige said in an interview on Friday. Officials are also preparing to offer new flexibility on regulations governing required participation rates on standardized tests, he said.

Those changes would follow the recent relaxation of regulations governing the testing of special education students and those who speak limited English. They appear devised to defuse an outcry against the law, known as No Child Left Behind, in thousands of local districts, especially in Western states where powerful Republican lawmakers have called the law unworkable for tiny rural schools.

Legislatures in Utah, Virginia and a dozen other states, many controlled by Republicans, are up in arms about what they see as the law's intrusion on states' rights. They have approved resolutions in recent weeks protesting or challenging the law.

"Education is a state responsibility, so we have to fit the law to what the states are doing," Dr. Paige said in the interview. "I've heard the president say any number of times that we want to respect the states. The law must not be unreasonable."

Dr. Paige said the administration would fiercely resist any effort to amend the law itself. But he said his aides, working closely with White House officials, had been seeking to "wring every ounce of flexibility out of the existing language" to make it workable for local educators.

The law, which President Bush signed in 2002, seeks to raise nationwide achievement by penalizing schools where scores on standardized tests do not improve rapidly enough.

"In the last few months, there have been audible cries from some states and districts," Dr. Paige told state legislators on Thursday in Washington at a meeting of the National Conference of State Legislatures. "Believe me, we've heard you. I hear you."

"I'm sure they will please you," Dr. Paige told the legislators, speaking of the changes to the teacher qualification provisions scheduled for announcement tomorrow. In the interview Friday, Dr. Paige declined to be more specific about the nature of the changes.

That section of the law, which would require a science teacher offering classes in biology, chemistry and physics to have a degree or some other certification in all those subjects, has been especially unpopular in rural states, where teacher shortages are acute and instructors pitch in to teach multiple subjects.

Under the law's regulations governing test participation rates, which Dr. Paige said were also slated for

change, hundreds of schools have been placed on academic probation because one or two students less than a qualifying threshold of 95 percent have shown up on testing day.

Under the law, schools that miss academic targets for one year are put on a watch list. Those that miss targets in subsequent years face sanctions that include requiring districts to provide transportation for students transferring to higher-performing schools and can escalate to the removal of staff members. About 28 percent of the nation's 93,000 schools are already on probation, and experts say that within a few years the vast majority of all schools will be forced to undertake costly remedial measures. State officials across the country are complaining that they lack the money to mount improvement efforts.

President Bush is seeking to use the law as a centerpiece of his re-election campaign. Some experts said the administration's emphasis on flexibility was a new posture contrasting sharply with its stance last year, when officials in many states reported that federal officials were brushing aside complaints that some provisions were unreasonable.

"The department has been dragged into giving new flexibility because of the uproar over the rigid way officials have been interpreting the law," said Jack Jennings, executive director of the Center on Education Policy, a nonpartisan Washington group that has studied the law's implementation.

But Dr. Paige's spokeswoman, Susan Aspey, said the rule changes were not being made in response to political pressure but were the result of a routine review of the workings of the law in its first year.

It is not yet clear how effective the administration's rule changes will be in defusing local resistance, which might be expected to increase this fall when thousands of additional schools will face penalties for the first time.

Mr. Jennings said he believed the changes announced to date were only "about 10 percent" of the changes the administration might have to make to ease the discontent in thousands of school districts.

Bruce Hunter, a lobbyist for the American Association of School Administrators, which has opposed the law, called the rule changes on special education and students with limited English helpful but said they did not go far enough.

"I agree with Secretary Paige that the rule revisions have created more flexibility, but the law is still an attempt to throw out one blanket over every American school," Mr. Hunter said. "The changes have given schools tools to manage problems created by the law. But the department is still saying, 'You've got to play by our rules, even if they don't make sense.'"

Dr. Paige's appearance before Thursday's meeting of state lawmakers at a Washington hotel took on special importance because the legislatures have been a focus of discontent with the law.

On the eve of the meeting, the lawmakers conference released a report asserting that states will spend \$29.6 billion of their own general fund revenues this year to comply with federal mandates. The report said that \$9.6 billion of that would be to comply with provisions of No Child Left Behind.

Dr. Paige took issue with the report at the meeting.

"There's nothing about the law that's unfunded," Dr. Paige told the lawmakers. "I respect your opinions, but I just don't think the study is right."

He argued that every specific action that the law requires states to take was fully financed by the federal government. He acknowledged, however, that many states were currently spending their own money on teacher training and other measures that they believe will help their schools meet their achievement targets. This spending, he said, is not the federal government's responsibility.

In an interview after Dr. Paige's speech on Thursday, David J. Steil, a Republican state representative from Pennsylvania, said he was not convinced by Dr. Paige's arguments. "The law requires states to help students achieve a higher level of performance, and we have to spend money to reach that goal. That makes those expenditures a mandate."

But Martin R. Stephens, the Republican speaker of the Utah House, thanked the secretary for his willingness "to work with the states, instead of just putting down the heavy hand of the federal government."

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