Will the No Child Left Behind (NCLB) Act be retained as a way to improve America’s schools, or is it imperiled after the presidential and congressional elections?

To answer that question, one needs to know how political power will be distributed in 2005 in Washington, DC. Whether George Bush is reelected or John Kerry wins the presidency is obviously important, but who controls the U.S. Senate and House of Representatives is also significant.

Today, the Republicans have the presidency and majorities in both houses of Congress. So, if we envision a spectrum of political power for 2005, one end has Bush reelected and Congress remaining under Republican control. The other end has Kerry winning the presidency and Democrats taking over both houses of Congress. In between are mixed results—for instance, Bush is reelected but the Democrats barely take control of the Senate, or the Democrats win the presidency and the Senate but the House stays Republican.

The extent of any political power shifts will determine how much NCLB is likely to be changed. If the Republicans retain total control, it is unlikely that NCLB will be substantially altered. If the Democrats gain control of everything, then significant changes will probably be made in the legislation.

Attitudes toward NCLB have become rather partisan. Republicans defend the law as one of Bush’s major achievements and therefore do not want change. Eugene Hickok, the deputy education secretary and the lead person in the Bush administration for implementing the act, stated this past spring that he did not support revising the education law. Doing so, he told The New York Times, would “open up opportunities for all kinds of problems” because “(t)here are lots of people who would like to revisit the statute to gut it.”

Democrats are more critical of it. Kerry has said that he will better fund NCLB than Bush has. On his campaign website, he says he will “make sure that the rules under NCLB make sense and achieve the act’s purpose” and asserts that “Washington has had a rigid, top-down mentality that dooms reform to failure.” However, he has not committed to specific legislative amendments or administrative fixes.

If Democrats gain control of Congress or of the Senate, then pressure for change will come from congressional Democrats who are hearing many complaints from educators. Because of its stringent accountability provisions, NCLB is resented by many teachers and school administrators. Since teachers’ support is more important for Democrats to win than it is for Republicans, the more Democratic the Congress becomes, the more likely it is that changes will be made.

It is crucial to note, though, how far the debate has already evolved. Even members of Congress who want to amend NCLB are not proposing to change its basic contours. The idea that states ought to have academic standards, test to see if children have learned the material in the standards and apply accountability measures if test scores do not rise is widely accepted. So are the notions that educators should be held responsible for raising the academic achievement of all major subgroups of students and that states should be encouraged to raise teacher qualifications.

The areas of disagreement, and therefore the parts of the law more likely to be changed, deal with how student achievement is measured and what should happen in schools and districts that fail to raise test scores.

However, it is always easier to keep a law the same than to secure a majority that agrees on how to amend it. Even if there are enough votes to make change, it may be difficult to get agreement on the exact way to do it.

Agreement on increased funding for NCLB is far more likely. Kerry is proposing to “fully fund” NCLB, which would involve providing billions in additional funding. If he is elected and Democrats gain votes in Congress, then we are more likely to see funding increases than we are to see major changes in the act.

Who has the political power in Washington during 2005 will determine the fate of NCLB, but even a major shift of power is unlikely to result in a repeal of this reform. It has been a long trek—over 15 years—to agree on how the federal government ought to help schools to improve. That agreement, although at times shaky, will persist.

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