It’s been rare this winter in Washington when a bright shaft of sunshine breaks through the clouds. But that happened a few days ago when the Democrats and Republicans on the Education and Labor Committee of the House of Representatives announced they would work together this year to move an overdue renewal of the Elementary and Secondary Education Act, the federal government’s main law promoting school reform.

Now is the time for President Barack Obama to submit his ideas for renewal, and then pull out all stops to reach agreement. The public schools need fast relief from the unfair system of judging schools that forms the centerpiece of the No Child Left Behind Act, the last renewal of ESEA signed by President George W. Bush in 2002. And the sunny day won’t last forever.

If legislative action is not completed before the midterm elections in November, the schools will be stuck living under a seriously flawed system for at least another year, or more likely two years, and by that time a large majority of the nation’s schools will be labeled as failing. In this year’s budget message, the president said that he wanted to eliminate the NCLB requirement for “adequate yearly progress,” or AYP. This system is used to judge — unfairly, in the eyes of many observers — whether schools are considered low-performing and must undergo sanctions. President Obama has also suggested substituting AYP with a more comprehensive, nuanced system, although the details of the plan have yet to be submitted to Congress. Such a plan is precisely what educators, parents and many policy analysts agree is needed.

The Congress must revise the law through bipartisanship in the next several months or risk losing this rare opportunity amid other looming priorities, such as a jobs bill and a resuscitated healthcare reform bill. Even in the best of circumstances, passing major education legislation will be difficult in a mid-term election year, when Democrats are fearful of losses at the polls and averse to risk.

But if consensus on education legislation is not reached this year, the next Congress could be an even more contentious time to act if Republicans gain seats and sense President Obama’s vulnerability in the next presidential race.

Currently, one-fourth to one-third of schools have not reached AYP targets in many states and have been placed in a special status that the media often label as “failing” schools. In some states, two-thirds of schools
fall into this category. If NCLB remains unchanged for one or more school years, the share of schools not meeting achievement targets could exceed 75 percent in some states.

An accountability system that deems a large majority of schools to be failures is not a sensible way to discern which schools are truly low-performing. Schools that fall short of AYP on just one measure, such as the performance of students with disabilities, are lumped together with schools that are inadequately educating many or most of their students. In some states, so many schools have been identified as underperforming that states cannot provide meaningful support or interventions to all of them, and the schools with the most serious problems must compete for improvement assistance with scores of other schools with lesser needs.

And what will the public make of reports that most schools are failing? Will they broadly condemn the whole enterprise of public education, or will they decide that NCLB is a complete travesty? Either outcome would be undesirable and inaccurate.

A new set of recommendations forged over two years by the organization I lead, the Center on Education Policy, proposes a major overhaul of the legislation. Our plan would encourage states to adopt rigorous, common academic standards and assessments but would replace the current AYP-based system with more reasonable ways of measuring student growth, judging school effectiveness and providing support and interventions to struggling schools. We also recommend giving greater attention to high school reform, reducing disparities among schools in the distribution of experienced teachers, and using the incentive of additional federal aid to promote greater equity in the distribution of state and local education dollars.

Prompt legislative action of the sort we are recommending could remedy some of the most negative effects of the current law. NCLB was enacted with bipartisan support, and education ought to be an area where both parties can agree. We expect children to turn in their homework before the bell rings and finish their projects before the year ends. Let’s hope the recent announcement of a desire for bipartisanship leads Congress and the Obama administration to do the same.

*Jennings is president of the Center on Education Policy.*

Source:  