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Wrong Turn on School Reform

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IN THE RUN-UP to the 2000 presidential election, candidate George W. Bush and his advisors made a strategic decision to appropriate educational rhetoric generally associated with Democrats and the left. This decision helped Bush present himself as “different kind of Republican” and a “compassionate conservative” and to dramatically narrow the Democrats’ traditional advantage on education, particularly among suburban women. This was critical in helping to win the election.

But Bush didn’t stop there. During his eight years in office, he would ultimately upend decades of conservative thinking on education, open the door to new spending and federal activity, and swap conventional conservative themes for language borrowed from the civil rights community. The administration’s assault on the racial achievement gap — the huge disparity in test scores between both white and Asian students and their black and Hispanic peers — through the No Child Left Behind Act (NCLB) earned plaudits from

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many on the left and right. Over time, however, this approach has alienated suburban parents, who worry that NCLB's emphasis on low-achievers and low-level skills is harming their children and schools. In this way and others, partnering with the left on education reform has imposed real costs even as it has paid substantive dividends.

First, the dividends: Simply put, the education-reform movement has seen progress during the Bush years that was once unimaginable. The number of students attending charter schools has nearly tripled, from 430,000 in 2000¹ to 1.2 million in 2008.² The number of teachers coming into the classroom through alternative certification grew from 20,000 in 2000 to 59,000 in 2005.³ The number of districts experimenting with merit pay has climbed into the hundreds — from essentially zero in 2000.⁴

And a bona fide school-reform constituency has been born. Ten years ago, Teach For America (TFA) was *sui generis* and little-known. Today, it's a powerful international brand complemented by new ventures like The New Teacher Project, New Leaders for New Schools, and High Tech High Ed School, all of which work to recruit and train talented people as teachers. High-achieving charter-school providers — such as KIPP, Uncommon Schools, Achievement First, Aspire Public Schools, and the Green Dot Public Schools — are many and multiplying. TFA alumnus Michelle Rhee is breaking china as schools chancellor in Washington, D.C., and throw-out-the-rulebook superintendents such as Joel Klein in New York City and Arne Duncan in Chicago (Duncan is, as of this writing, U.S. Secretary of Education-designate) owe copious credit to the political cover, reform muscle, and abundant data that characterize the NCLB era.

Most significantly, Bush's efforts helped midwife a group of reform-minded Democrats now willing to do battle with their traditional allies, the teachers' unions, over issues like charter schooling and teacher accountability. The day before the 2008 Democratic National Convention in Denver, at an education-related event sponsored by the group Democrats for Education Reform, Democratic leaders such as Rhee and Klein lashed out at teachers' unions in what Newark Mayor Cory Booker that day called "a battle for the heart of the Democratic Party."⁵ "The Democratic Party is supposed to look out for poor and minority kids," said Rhee. "That's not the dynamic today." Such talk, coming from popular and influential Democratic politicians, is unprecedented. A representative of the National Education Association, the nation's largest teacher's union, told the *Rocky Mountain*

¹ The Center for Education Reform, *National Charter Schools Directory* (2000), 1.

² "Charter School Enrollment and Closures, by State," (Center for Education Reform, April 2008).

³ Emily Feistritz, "Alternative Teacher Certification: A State by State Analysis" (National Center for Alternative Certification, 2007).

⁴ Lynn Olson, "Merit-Pay Debate Continues," *Teacher Magazine* (September 27, 2007).

⁵ Nancy Mitchell, "Lesson plan: Put kids over teachers," *Rocky Mountain News* (August 25, 2008).

Wrong Turn on School Reform

News, “I was absolutely stunned at the level of union-bashing.” And the reformers’ aggressive tactics have continued apace, working the media and speaking forthrightly about their interest, and seeming success, in seeing one of their own at the helm of the U.S. Department of Education in the Obama administration.

And yet, the positive results of Bush’s education program are only half the tale. Teaming up with liberal education-reformers has led conservative education-reformers to embrace a sprawling statute, *NCLB*, with many problematic features: a dramatically expanded federal role in education; an explicitly race-based conception of school accountability; a focus on closing achievement gaps to the exclusion of all other objectives; a pie-in-the-sky, civil rights oriented approach to holding schools accountable for the achievement of students with cognitive disabilities and of English language learners; a burdensome federal mandate around teacher qualifications that creates hurdles for non-traditional routes such as *TFA*; and significantly increased federal spending on education. Add it up and it begins to seem that liberal reformers used the Bush administration to drive their own agenda, rather than the other way around.

Now Bush is out and President Obama is in. What tack toward education reform should conservatives take? A look back at the recent history of school policy, at how conservatives got where they are today, helps illumine some answers.

A political breakthrough

BEFORE THE *NCLB* era, liberals largely came in two flavors. In one bucket were the unions and other members of the education establishment, who defended a monopolistic, unaccountable system. In the other were civil rights advocates, focused on desegregation, access, and equity. Sometimes these camps teamed up, particularly to push for greater government spending on schools. But before *NCLB*, those who fought for school reform as we commonly understand it today — accountability, school choice, merit-based pay, lowering regulatory hurdles that impede the hiring of talented educators or the removal of ineffective ones — were almost always conservatives and New Democrats. It was hard to find a liberal or civil rights figure amidst the ranks of would-be reformers.

While Republicans championed education reform in the 1980s, by the 1990s the “New Dems” had become the most vocal advocates of standards and accountability. Indeed, in 1994 and 1999, the Clinton administration and its Senate allies sought to reauthorize Lyndon Johnson’s landmark Elementary and Secondary Education Act with provisions requiring states to develop academic standards, regularly test poor children, and make the assessment results publicly available. In these efforts, the New Dems faced the animus of the left and right — the left because teachers’ unions and the

public-school establishment opposed testing (because it would show how bad some schools really were) and the right because GOP back-benchers had gone to Washington to finish the Reagan revolution and certainly not to grant Uncle Sam expansive new authority in the nation's classrooms. Even if Republicans supported accountability for public schools, they weren't keen on it being mandated from the shores of the Potomac. Meanwhile, civil rights organizations such as Education Trust and the Citizens Commission for Civil Rights spent the 1990s moving away from their traditional tactic of filing lawsuits to promote desegregation and make education funding equitable. These groups retained their focus on equity, surely, but they began to embrace instituting educational standards and accountability as a means to combat what Bush called the "soft bigotry of low expectations" and to highlight poor performance among minority and poor children.

Under Clinton, these efforts were squelched by both traditional, pro-union liberals and states-rights conservatives, with both wings refusing to embrace the New Dem accountability platform. Bush, on the other hand, would prove able to tame conservative resistance to Washington, D.C.-based standards and accountability, to recruit more reform-minded Democrats to the cause, and, thus, to pass NCLB in 2001.

That law — which prioritizes closing achievement gaps and equalizing access to "highly qualified teachers" while greatly expanding the federal role in education — built on the agendas of the New Dems and the civil rights reformers and provided room for a progressive alliance to flourish. The result today: a wealth of liberal organizations⁶ that advocate for educational reforms (e.g., test-based accountability, charter schools, merit pay) in which tough-minded conservatives see much to like; a critical mass of big-city superintendents willing to challenge the teachers' unions; an army of (mostly liberal) TFA alumni working in classrooms, administrative offices, and city halls to give low-income kids a better education; and major national foundations happy to fund it all. The towering irony is that the most substantial domestic legacy of the Bush White House, the administration famously reviled by the left for its reputed partisanship and conservatism, was helping its liberal-leaning allies forge a potent education-reform coalition.

2001's policy odyssey

JUST DAYS AFTER his inauguration, President George W. Bush released his blueprint for the reauthorization of the Elementary and Secondary Education Act, a blueprint he called No Child Left Behind. In many ways, its 28 pages foreshadowed his willingness to work with the

⁶ See, for example, the groups listed on the Thomas B Fordham Institute's *Flypaper* blog (August 11, 2008), available at: <http://www.edexcellence.net/flypaper/index.php/2008/08/the-democratic-party-no-longer-a-fully-owned-subsiary-of-the-nea-and-aft/> (accessed January 4, 2009).

Wrong Turn on School Reform

left. “Bipartisan education reform will be the cornerstone of my Administration,” read the opening lines. Later it said, “Bipartisan solutions are within our reach.” And, sure enough, the blueprint cribbed generously from New Dems’ proposals for ESEA, including the Clinton administration’s draft bill released in 1999. There was attention to the bipartisan tenets of more testing and greater accountability, as well as a focus on a key progressive priority that Bush had championed in Texas: closing the racial achievement gap.

By and large, this document sketched a vision of reform informed by conservative intuitions and insights. It promoted transparency, disciplined accountability, parental choice, greater flexibility for states and school districts, more rigorous standards for educational research, using federal funds to encourage states to experiment in areas like merit pay and regulatory reform, and envisioned a federal role that was tight on results and loose on how those results were achieved. But by January 2002, the No Child Left Behind Act that Bush actually signed into law had morphed into a melange of grand aspirations, race-conscious program design, regulatory expansion, and invitations to federal micromanagement. In short, the bipartisan bill looked a lot less bipartisan and a lot more at home in the annals of the Great Society. Education Trust and other progressive reformers had successfully pushed Congress and the administration to include the following features:

- *A race-based approach to school accountability.* To be sure, the original NCLB blueprint called for the “reporting” of student achievement results by “race, gender, English language proficiency, disability, and socio-economic status.” But when it came to the law’s measure of “adequate yearly progress” — what drives sanctions under the act — the blueprint merely wanted to track how “disadvantaged students” and students overall performed. There was no mention of labeling schools as failing if their racial minorities (or English language learners, or students with disabilities) didn’t make the grade.
- *The goal of universal proficiency.* Nothing in the Bush administration’s draft anticipated NCLB’s breathtaking mandate that states move virtually 100 percent of their students to “proficiency” by 2014. This provision transformed nclb from a carefully constituted accountability framework to a civil rights manifesto dressed up as education reform. Indeed, at a 2007 NAACP conference, U.S. Education Secretary Margaret Spellings would declare, “The No Child Left Behind Act . . . is not just an education law. It’s a civil rights law.”⁷ That wasn’t hyperbole.

⁷ U.S. Department of Education, “Press Release: Secretary Spellings Delivers Keynote Address at NAACP 7th Biennial Daisy Bates Education Summit” (May 19, 2007).

- The “highly qualified teachers” provision. The administration’s plans foreshadowed NCLB’s “teacher quality state grant” program, which provides flexible funding, to the tune of \$3 billion per year, for a variety of teacher-related reforms. But it was silent on the credentials that teachers must possess. Out of whole cloth, Congress added NCLB’s “highly qualified teachers” mandate, which dictated minimum standards that every teacher in the nation had to meet. This provision — an enormous expansion of federal power into the routines of school life — was directly at odds with the administration’s rhetoric on “increasing flexibility” in return for accountability.

At the same time, the administration largely abandoned efforts to promote sensible deregulation, increased flexibility, and choice-based reform. It abandoned its call for vouchers for children in failing schools. It dropped its push to redirect billions in annual Title II spending, nearly half of which today subsidizes the hiring of additional teachers, into support for states willing to reduce licensure barriers or experiment with merit-pay systems. And it backed off its efforts to devolve important functions to the states, streamline funds, and eliminate wasteful programs.

While any bipartisan bill inevitably involves compromise, it’s not at all clear what the liberal reformers such as Education Trust gave up — nor is it obvious to which conservative ideas the Bush administration held fast.

The result was an initially popular bill which promised that 100 percent of the nation’s students would be proficient in reading and math by 2014, offered a set of impressive-sounding remedies for low-performing schools, guaranteed that every class would be taught by a “highly qualified teacher,” and insisted that federal dollars would be spent in accord with “scientifically based research,” but that didn’t worry overmuch about what these terms meant, how these goals would be accomplished, or about the unanticipated consequences that might result. In short, NCLB modeled both the high hopes and the disinterest in programmatic details that characterized the dramatic but disappointing legislative victories of the Great Society, the same programs that conservatives had so assiduously dissected and so fiercely critiqued in decades past. The law’s logic was rooted in the tenets of modern liberalism — presuming that statutory language could transform behavior in 90,000 schools without inspiring a swell of mischief. Its audacious goals provided a convenient point of agreement for Bush and his progressive allies but also abandoned the carefully calibrated attention to metrics, incentives, and targets that had characterized more than a decade of efforts to “reinvent government.”

Moreover, the administration found itself, out of necessity or conviction, in a bidding war and bragging about its largesse when it came to K-12 education. Funding for schools increased more dramatically under President Bush than it had under President Clinton — or any previous president. Between 2001 and 2004, for example, federal education appropriations nearly doubled, from \$29.4 billion to \$55.7 billion. As former Department

Wrong Turn on School Reform

of Education staffer Lawrence Uzzell wryly remarked in a Cato Institute critique of NCLB, “Especially striking is the boast that Bush has increased federal spending on education faster than any president since Lyndon Johnson” when “as recently as 1996, the [Republican] platform pledged to abolish the U.S. Department of Education.”

Despite these figures, and despite eye-popping federal deficits, Democrats enjoyed great success attacking Bush for penuriousness. Rep. George Miller and Senator Edward Kennedy had been Bush’s key allies in crafting NCLB but proved eager to lambaste the administration on this count. Miller, chair of the House education committee, declared, “I would give [NCLB] an ‘A’” for “trying . . . to make sure that each and every child is proficient,” but “an ‘F’ for funding.”⁸ Kennedy argued in a *Washington Post* op-ed, “The federal government has failed to provide the resources that states and school districts need to improve struggling schools.” In initially trying to outbid the left, the administration found itself in a no-win spending derby of “can you top this?” Given that Democrats were perfectly happy to keep demanding more spending, that was one game the administration was sure to lose.

Implementing a liberal law

AND THEN, THE administration had to make the law work. Key members of the Bush team had always recognized that NCLB implementation would hinge on the willingness of educators and district leaders to “do the right thing.” The administration’s chief NCLB negotiator, Sandy Kress, argued in a 2007 interview that the law would not cause schools to focus narrowly on reading and math because, “Curricula only narrow when poor teachers and/or administrators allow that to happen. It’s pathetic. Poor practitioners do this and then blame it on NCLB. Ridiculous That some engage in goofy practice should never be the basis for policy.”⁹ Such sentiments sounded eerily similar to those once expressed by an earlier generation of well-intentioned federal appointees: those that had struggled to implement the ambitious programs of Johnson’s Great Society and found themselves frustrated by the seemingly reluctance of so many “street level bureaucrats” and local officials to embrace well-intentioned legislative designs.

But the problems weren’t occurring only in the classrooms. By 2004, more than a dozen states had threatened to rebel against NCLB’s mandates. In Virginia, the Republican-controlled House of Delegates voted 98–1 to condemn NCLB for “represent[ing] the most sweeping intrusions into state

⁸ Business Roundtable Speech Transcript, “The Fourth Annual No Child Left Behind Forum: Assessing Progress, Addressing Problems, Advancing Performance” (September 20, 2006).

⁹ “Confessions of a ‘No Child Left Behind’ Supporter,” *Education Next* (Spring 2007)

and local control of education in the history of the United States.”¹⁰

In 2005, when reliably Republican Utah was on the verge of opting out of NCLB, Spellings’s team responded by mounting a full-scale assault. Charging Utah policymakers with insufficient concern for minority children, the Education Department issued a release that declared, “States across the nation who have embraced *No Child Left Behind* have shown progress: student achievement is rising and the achievement gap is closing. The same could be true in Utah, whose achievement gap between Hispanics and their peers is the third largest in the nation and has not improved significantly in over a decade.”¹¹ One wonders whether Spellings (or her boss in the White House) had forgotten that the Bush administration had never sought a race-based approach to school accountability in the first place. Did the administration not agree with Supreme Court Justice John Roberts, who argued the following year that “it is a sordid business, this divvying up by race”?

The liberal Education Trust — free from any such qualms about any such divvying — sounded the same notes as Spellings’s press release, but even more sharply, charging the NCLB critics in Utah with racism by omission. Ed Trust opined that even though the educational achievement of minority students was lagging that of white students, “some lawmakers and educators in Utah are expending enormous energy to fend off . . . the federal law that aims to raise overall achievement and close gaps between groups.”¹² Closing racial achievement gaps was Ed Trust’s mission, and it knew how to wield the federal law as its sword. The peculiar thing was watching a putatively conservative administration singing from the same race-conscious hymnal.

Beyond race-based accountability, NCLB’s “highly qualified teachers” mandate was another brainstorm of Ed Trust, in partnership with Rep. Miller, and another mandate at odds with principled conservative reform. The “HQT” mandate sketches a national policy for teacher certification, ignoring a teacher’s performance and talent while emphasizing paper credentials of dubious merit. The Bush administration’s first impulse, as one of the present authors knows from personal experience, was to subvert the provision to the greatest extent possible. The Department of Education crafted a regulation to ensure that teachers coming through alternative certification programs (such as Teach For America, for example) wouldn’t be hamstrung by NCLB’s qualified-teacher requirements and vague language. The department issued reports urging states to use the mandate as an opportunity to streamline or even eliminate their certification rules writ large. And the administration sent signals to indicate that enforcement of this provision

¹⁰ Lorraine M. McDonnell, “No Child Left Behind and the Federal Role in Education: Evolution or Revolution?,” *Peabody Journal of Education*, 80:2 (2005), 19–38.

¹¹ U.S. Department of Education, “Press Release: Statement by Secretary Spellings on Recent Legislative Action in Utah” (April 20, 2005).

¹² Education Trust, “Education Trust Statement: Utah Must Confront Inequities in Public Education” (March 1, 2005).

Wrong Turn on School Reform

wouldn't be a top priority.

The administration quickly backtracked, however. Its transparent efforts to sidestep the HQT requirements offended Education Trust and Miller, prompting them to howl in protest. Newspaper editorialists joined in the fray, and by the time Margaret Spellings took over Rod Paige's chair as secretary of education, in 2005, the administration had committed itself to aggressively enforcing the provision. The new secretary even went so far as to tell states that their funding was at risk if they didn't complete plans describing how they would redistribute high quality teachers in an equitable fashion — a little known requirement *also* dreamed up and placed in the law by Education Trust staffers. Never mind that these plans weren't worth the paper on which they were printed; never mind that this proposal was an invitation to unintended consequences; never mind that nobody knew how to get great suburban teachers to, say, switch to tough inner-city schools. None of that seemed to matter. The Era of Big Government was back.

With victories like these . . .

JUST AS WELFARE reform could succeed only with support from a Democratic president (Clinton) able to attract critical votes on the left, a dramatic expansion of the federal role in education could succeed only after a Republican president (Bush) assuaged conservatives' concerns about federal overreach. But how odd that that a Republican president would wield these votes to craft a law of Great Society-style ambition and race-conscious rhetoric and machinery, while devoting scant attention to the careful construction of metrics, incentives, and program. In so doing, the Bush administration established expansive precedents for future Democratic administrations and created commitments which will be difficult if not impossible for the GOP to simply unwind.

The astonishing thing in all this was Bush's enthusiastic embrace of Kennedy-Miller-Ed Trust provisions he had only reluctantly accepted during the initial NCLB negotiations. The administration could have focused on aggregate school-performance and on class-based distinctions rather than on race. It could have pushed for reforming teacher licensure and ending teacher tenure rather than championing the highly qualified teacher provision. It could have signaled that tough standards and rigorous assessments were the aim, not getting a lot of kids over a meaningless "proficiency" bar on a dubious test.

But instead, Bush in effect permitted himself to take the fall for the civil rights lobby: He was blamed for an unpopular law, and civil rights groups were free to enjoy NCLB's benefits while Bush and the GOP shouldered its political consequences and left them largely free to pursue new and more aggressive federal programs. Furthermore, Bush's education efforts have delivered little or no sustained political return for his party. In 2008, the

annual Gallup poll of education found that by a 44 to 27 percent margin, voters trusted Democrats on education more than Republicans — an even bigger edge than Democrats held in 2000, before NCLB.¹³

Looking ahead

THE QUESTION FOR conservatives now is not whether they should have chosen to work with liberal reformers in the first place (the past is the past), but whether they can renegotiate the terms of engagement. Like a pimply teenage boy desperate for a prom date, conservative school reformers circa 2000 had to beg credible liberals to join their education-reform cause. Now, with Democrats in ascendance, and a substantial share of the Democratic rank-and-file supportive of the teachers' union agenda, liberal reformers need conservatives, particularly if they hope to reauthorize NCLB and keep intact its accountability focus.

And conservatives *should* work with liberal reformers when their interests overlap. Teaming up on urban school reform, for example, offers a wealth of opportunities for liberal and conservative reformers. Both camps agree that many inner-city schools are dysfunctional and in need of an overhaul — and sometimes require total replacement. And a case can be made that smart federal action is appropriate in the big cities. Working together, reformers in both parties can put recalcitrant union leaders on the defensive by pointing out the burdensome collective bargaining agreements, single salary scales, and ridiculous job protections for wayward teachers that exist in so many districts. But conservatives should also be willing to draw a principled line in the sand with liberal reformers. After all, conservatives are justified in regarding as suspect much of NCLB's approach to accountability, especially its obsession with race, its narrow focus on low-level math and reading skills, its fairy-tale treatment of students with disabilities and English language learners, and its pie-in-the-sky dream of universal "proficiency."

Breaking with liberal reformers on some of these issues would also be smart strategically. The poorly conceived and overly ambitious policies championed by progressives have only increased the pool of people sympathetic to union complaints about NCLB. Rather than carrying the progressive reform movement's water on these issues in the face of union pushback, conservatives should be willing to throw off decades of conditioned responses and say to the unions something that doesn't come naturally: "We agree." By addressing the *legitimate* concerns the unions have raised (yes, there are a few), reformers can highlight the unions' less justifiable stances on questions like merit pay and teacher accountability.

In other words, conservative education reformers should understand the

¹³ William Bushaw and Alec Gallup, "The 40th Annual Phi Delta Kappa/Gallup Poll of the Public's Attitudes Toward the Public Schools," *Phi Delta Kappan*, 90:1 (September 2008).

Wrong Turn on School Reform

implications of the new world that NCLB and the Bush administration have made possible. They should take advantage of the split on the left and no longer feel compelled to trade off conservative principles to win progressive allies. At the same time, it is critical that conservatives not simply throw up their arms or pine for a return to the 1990s. That's the direction promoted by analysts at the Heritage Foundation and their allies on Capitol Hill, those who essentially argue for devolving everything back to the states while keeping the federal funding spigot open. In addition to being a recipe for marginalization, such an approach advances neither conservatism nor reform — especially in light of the new expectations and new political realities bequeathed by the NCLB era.

The key to success in the post-Bush era is to recognize that the education-policy world has evolved in three important ways over the past decade — all of which present new opportunities for conservative reformers.

- *Testing and transparency are here to stay.* No matter how much frustration and skepticism there may be about NCLB, there's no sense that Americans want testing dramatically scaled back or that they're willing to forfeit the transparency that testing creates. That frees conservatives from needing to make the fundamental case for testing and allows them to push for commonsense approaches in this arena — approaches that will differ from those advanced by liberals.
- *The idea that the federal government can intervene effectively in the nation's school systems has been discredited.* Ten years ago, federalist arguments rested on principle and conviction. At the time, some Democrats envisioned “SWAT” teams of experts being dispatched by the feds to help turn around troubled schools. Today, it is plain that the Department of Education can't micromanage schools out of a paper bag. This creates fertile ground for conservatives to argue for a return to a “tight-loose” approach to federalism: tight on the results sought, and loose about the means.
- *A critical mass of reform-minded leaders has been reached, and they want the feds to provide political cover.* The best news about the past decade, as explained above, is that it has unleashed an army of reformers in states, districts, and schools. An adversarial relationship between the federal government and local authorities might once have been appropriate — think Jim Crow — but no longer. In most big cities, at least, there are individuals ready and willing to carry the reform banner. What they need from Washington is political cover, not one-size-fits-all mandates. And they want that cover in two forms: incentives that can help induce legislators to act and unions to come to the bargaining table and a “blame them” accountability threat that can be wielded against bad actors and mediocre schools.

With these insights in mind, what agenda should reform-minded conserv-

atives push on Capitol Hill? Which should be the nonnegotiables for which, and not without, conservatives will offer their support for NCLB reauthorization? We see five priorities.

- *A school accountability system that emphasizes individual student progress over time, without regard to race.* NCLB moon-shot rhetoric and “universal proficiency” targets invite a backlash that may not only eviscerate the law but also discredit much education reform since 1983. NCLB will demand sharp spikes in student test scores in the coming years, and thousands of schools that communities had long regarded as effective are going to be labeled as failures (unless standards and tests are gutted or gamed, which they very well might be). Many of those schools are actually pretty decent; they’re way better than the urban-disaster schools that sensible reformers intended to target. Conservatives should push for a return to Bush’s original proposal: track progress for students overall and for low-income students. And expect all children to be on a trajectory for college- and work-readiness by the end of the twelfth grade. But drop the racial subgroups and wishful-thinking accountability. If such changes offend civil rights advocates, who may clamor to keep race-conscious labels or want NCLB to stick to goals more aspirational than actual, so be it. Their offence can only lead to a debate that conservatives should welcome.
- *An accountability system that incentivizes schools to help all students make gains, including high achievers.* Likewise, today’s NCLB is too narrowly focused on the nation’s lowest-achieving students. While these students are still far, far behind, our education system must walk and chew gum at the same time. It’s national suicide to continue a policy of benign neglect — or worse — for our highest-achieving students, whose schools have zero incentives to ensure that they, too, learn at least a year’s worth of material every year.
- *Dramatically fewer mandates and a lot more incentives.* Conservative reformers should adopt a mantra: Every time the left proposes a new federal mandate, they should respond, “How about offering incentive grants for states or districts who want to do that voluntarily?” The first place to start is with existing dictates around interventions, school choice, and highly qualified teachers. In all three cases the federal government has shown itself to be incapable of enforcing the provisions and making them work effectively. It should stop trying. Instead, reformers should push for initiatives modeled after the Teacher Incentive Fund, a targeted federal program that has sparked the creation of dozens of merit pay programs, or the Charter Schools Program, which has catalyzed the development of innovative schools for over a decade.

Rather than mandate particular timelines and interventions for fail-

Wrong Turn on School Reform

ing schools, make competitive grants available for those states and districts that voluntarily commit to school overhauls. Rather than mandate that every district in the country offer public-school choice or free tutoring, make competitive grants available for states and districts that voluntarily commit to effectively provide these options. And so on. This approach is a win-win: It offers political cover for state and local leaders who want to push reform, while allaying concerns in high-performing suburban districts fed up with federal mandates.

- *Embrace competition, not just choice.* Some liberals have been only too happy to champion the public-school choice provision of NCLB or charter schooling, and some conservatives have too readily interpreted this as a meeting of the minds. In truth, it's anything but. The left has embraced educational choice as an entitlement — one more thing which the disadvantaged ought to enjoy. Conservatives can readily sympathize with the impulse here but, as with other entitlements, they ought not to impute magical restorative powers to the desires and preferences of voters and citizens. Instead, as in the case of welfare reform, conservatives should recognize that sensibly designed institutions and incentives can invigorate healthy inclinations in socially beneficial ways — but they should remember it is the incentives, culture, and opportunities that will prove telling, not the mere incidence of “choice.”

This suggests a principled split with the left on choice. Where the left seeks painless and consequence-free choices, conservatives must recall that markets and competition work as intended only when attached, in fact, to real consequences and healthy incentives (else we wind up with debacles like the mortgage lending crisis). In part, this requires ensuring that educators have skin in the game — that they benefit professionally and materially when they and their schools excel, and that they face real consequences for mediocrity. A private-sector manager who knows that neither losing customers nor gaining them will have an impact on his salary, performance evaluation, or job security will not work very thoughtfully. And neither will most K-12 administrators or teachers who operate in a similarly goofy system, which goofiness is, sadly, exactly what we now have in most schools. Conservatives should eschew celebrating choice and start pushing for smart, educational, and consequential choice programs.

- *Promote “supply side” solutions and entrepreneurial problem-solving.* Markets are about both supply and demand, and while “choice” seeks to spark consumer demand, the real action when it comes to prosperity, productivity, and progress is typically on the supply side. For two decades, conservatives have celebrated the moral rightness of choice instead of constructing vibrant educational markets. This has paid short-term political dividends but has resulted in voucher and charter programs that deliver only occasional excellence, feature sporadic

entrepreneurial growth, and boast only uneven quality control. Rather than try to sell middle-class voters on the mixed results of today's choice programs, conservatives should lead bipartisan efforts to identify and remove barriers that impede entrepreneurial problem-solvers like The New Teacher Project and KIPP, deepen the availability of venture and investment capital in K-12 schooling, attract and cultivate talent, invest in rigorous research and development, and promote more nuanced and sensible approaches to quality control that transcend our current absolute reliance on reading and math test scores.

This agenda is politically salable. It is geared to building on the strengths of NCLB, jettisons some of its less practicable and loopier elements, and plays to public perceptions of conservative expertise and inclination. After all, NCLB is a tainted brand. Conservatives have little cause to defend its unpopular mélange of provisions — provisions originally drafted by liberals, remember — especially when they can endorse the law's key principles while dropping its more problematic compromises.

After all, the mere fact that some progressives are willing to take on the teachers' unions doesn't mean they necessarily share conservative strategies or objectives. For instance, conservatives should not follow the liberal lead and use racially charged language to browbeat state officials into complying with NCLB. And when it comes to improving teacher quality, conservatives should welcome those seeking to remake the status quo — but they should remember to fight for solutions that emphasize flexibility, innovation, and incentives rather than the liberal solution of paper credentials, new mandates, and heightened bureaucracy.

Americans reflexively expect conservatives to be tough, to take accountability seriously, and to support state and local flexibility, and conservatives shouldn't let them down. Polling by Gallup and by the magazine *Education Next* shows the public thinks schools should be judged on how much value they add, is uncomfortable with labeling kids by race, and isn't enamored of the assorted requirements of NCLB. Shifting the conversation back to deregulation, incentives, unlocking private initiative and dynamic entrepreneurial problem-solving, embracing fiscal discipline, and demanding accountability from schools puts conservatives on ground where they are credible and comfortable. And on ground where they can do right by the nation's children and their own communities, while winning the education debates of tomorrow.