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Growing rebellion

Connecticut is preparing to do battle with the federal government over No Child Left Behind and rightly so. It may soon find other state allies in court.

Gov. M. Jodi Rell earlier this summer signed legislation authorizing the lawsuit and state Attorney General **Richard Blumenthal** said he will file it before most of Connecticut's students return to their classrooms this year.

Connecticut will claim that the law, which requires annual testing of students rather than the state's current bi-annual testing program, will unfairly cost state and local taxpayers hundreds of millions of dollars.

State officials argue that the unfunded testing mandate is unconstitutional.

Most important, Connecticut, which has been an outspoken critic of the lack of flexibility with NCLB, is quickly finding allies.

A report released this week by the nonprofit and nonpartisan **Civil Society Institute** found that the legislatures of seven states passed resolutions this year critical of NCLB.

And several of those states -- especially Maine and New Jersey -- have directed their attorneys general to explore litigation similar to Connecticut's planned lawsuit.

The problem is that the federal Department of Education has been completely inflexible in interpreting and applying NCLB to the states.

While the federal law has many admirable goals such as having all students proficient in reading and math by 2014, there are serious questions about the need for annual testing.

Connecticut was a forerunner in the U.S. in testing of students -- the state's been at it for more than two decades -- and education officials see little benefit but a big cost in annual testing.

Yet, the federal agency refused to even consider offering the state a waiver.

The CSI study said a "grassroots rebellion" against NCLB has spread to 47 of the 50 states, especially as the law's harsh penalties to nonperforming school districts begin to kick in this school year.

Such widespread opposition can't help but turn more than a few heads in Congress to revise the NCLB law to provide for greater flexibility.