

**NCLB LEFT BEHIND: REPORT FINDS 47 OF 50 STATES IN  
“SOME STAGE OF REBELLION” AGAINST CONTROVERSIAL LAW**

***Study: UT, CT and CO Already In “Open Revolt” Against NCLB;  
MN, ME, NV, NJ and VA Seen As Most Likely Hots Spots in 2005-2006 School Year.***

**WASHINGTON, D.C.///August 17, 2005///**The grassroots rebellion against the controversial No Child Left Behind (NCLB) Act already has spread in some form to 47 of the 50 states and is likely to flare up in particular in such states as Minnesota, Maine, Nevada, New Jersey and Virginia during the 2005-2006 school year, according to a new report from NCLBgrassroots.org, a project of the nonprofit and nonpartisan Civil Society Institute (CSI).

The report entitled “*NCLB Left Behind: Understanding the Growing Grassroots Rebellion Against a Controversial Law*” (<http://www.nclbgrassroots.org>) provides a detailed national overview of the growing state and local dissent against NCLB. The NCLB-related backlash is documented in terms of anti-NCLB legislation (21 states); opting out/waivers/ exemptions (40 states); litigation (four cases, with more in the offing); NCLB unfunded-mandate cost studies (21 states); and NCLB school failure rate studies (including one by MA showing NCLB will flunk 75-90 percent of schools over time).

The report states: “... 47 of the 50 states are in some stage of rebellion against NCLB, with several states including Utah, Colorado and Connecticut in open revolt ... Even though awareness of this grassroots rebellion has not yet fully registered with most national policymakers and commentators, it is a reality that likely will become more evident during the upcoming 2005-2006 school year as NCLB’s harsher penalties begin to take effect ... As states and districts continue to struggle to implement NCLB, one can expect to see growing numbers (of states) ... choosing to opt out altogether, allowing districts to opt out, or turning to the courts for relief ... (S)tates including Minnesota, Maine, Nevada, New Jersey and Virginia may make up the next wave of the rebellion. In each of these states, and in many others, legislators are working to reclaim authority over education policy in their states.”

Civil Society Institute President Pam Solo said: **“As American children and their teachers head back for a new school year, there are clear signs of an unprecedented bipartisan revolt afoot against the No Child Left Behind Act. Those responsible for implementing NCLB at the local level -- administrators, teachers, parents, school boards -- are increasingly skeptical that NCLB’s rigid approach will help close the achievement gap, fearing that the law may in fact hamper promising approaches that had started to take root before NCLB. Americans of all political stripes are rebelling against this intrusion by the Federal Government into local schools.”**

Referring to a pending lawsuit to be filed in the coming weeks by his office, Connecticut Attorney General Richard Blumenthal said: **“Our lawsuit will be filed before our children start school – before we spend one penny on illegal unfunded federal mandates. Millions of dollars are at stake in Connecticut alone. Along with**

taxpayers, the real victims are our children, whose education is robbed of critical resources. The federal government has rejected and even ridiculed requests for full funding or flexibility under No Child Left Behind. It has been rigid and irrational – repeatedly denying any meaningful waiver – leaving us no choice. There is a growing groundswell of support for our action. In Connecticut, 37 towns and cities have voted to endorse our effort – and more will vote in the coming weeks and months. Our legislature has clearly and strongly called for this challenge. The federal government should heed this unmistakable, unambiguous message.”

Utah State Representative Margaret Dayton, Orem, Utah, said: "Education has traditionally been a states' rights issue. There is no provision in the United States Constitution that gives the federal government control over education. In fact when it applied for statehood, Utah had to meet the requirements that all states did, which included having a proposed state constitution that outlined plans for educating its residents."

Minnesota State Rep. Mindy Greiling, Roseville, MN., said: “I'm suspicious of the real goal of No Child Left Behind. This law has been set up so struggling schools can't possibly succeed. To understand politicians' real priorities you have to follow the money. The strongest advocates of No Child Left Behind, including the governor of Minnesota, have cut funding for many of the programs that would truly help struggling students succeed, like early childhood education, special education and after school programs.”

### **KEY REPORT FINDINGS**

According to the NCLBgrassroots.org report, 47 of the 50 states in the country are questioning or challenging in one or more ways the educational and fiscal impact of NCLB:

- **Legislation.** A total of 21 states already have considered bills critical of the No Child Left Behind Act. Fifteen states -- Arizona, Colorado, Connecticut, Georgia, Hawaii, Illinois, Louisiana, Maine, Minnesota, Nevada, New Mexico, North Dakota, Texas, Vermont and Wyoming – weighed legislation to opt out of NCLB. Four states -- Maine, New Hampshire, Vermont and Wisconsin -- considered legislation that would prohibit the use of state resources on NCLB implementation. Seven states - Colorado, Connecticut, Hawaii, Maine, New Mexico, Utah and Virginia -- passed resolutions critical of NCLB through both chambers of their legislature.
- **Litigation.** Growing concern with NCLB’s flaws, along with the Department of Education’s limited response to requests for accommodation is leading states and local districts school districts to explore the possibility of litigation. The Connecticut Attorney General has announced his intention to file suit on behalf of the state. The legislatures in several states -- including Maine and New Jersey -- have directed their state Attorneys General to explore litigation as well. Lawsuits filed on behalf of school districts have asserted that NCLB is an unfunded mandate, that provisions of NCLB conflict with the Individuals with Disabilities Education Act, and have

presented challenges to NCLB's requirements for testing English language learners. Nine school districts, from Michigan, Texas, and Vermont, along with the NEA and 10 state and local NEA chapters have sued claiming that the federal government cannot force states and school districts to spend their own money on NCLB requirements. Eleven school districts in CA filed a lawsuit against the state of California over NCLB's requirements for testing English language learners.

- ***Opting out, wavers and exceptions.*** All but 10 states now have sought an exemption or waiver from, or some other alteration of NCLB requirements. Several school districts in Illinois have chosen not to accept federal Title I money, thereby relieving themselves of the obligation to implement NCLB. These districts have stated that they believe they can do a better job of meeting the educational needs of their students and closing the achievement gap if they are not burdened by NCLB's rigid requirements.
- ***Cost studies.*** In an effort to understand and document the costs associated with NCLB implementation, states are commissioning studies that analyze these numbers. Fourteen states are participating in the Council of Chief State School Officers (CCSSO) NCLB cost consortium, which is designed to help states assess the costs of NCLB implementation at the state and local level. Two CCSO consortium members - Connecticut and New Mexico -- already have released their own reports. Connecticut's cost study indicated that implementation will cost the state \$41.6 million more than the state receives from the federal government through FY 2008, and local communities will bear a significant additional burden as well. New Mexico's study places the cost of NCLB implementation at the state level at \$10.1 - \$17.7 million per year, and the cost at the local level at \$71 - \$108 million per year. Seven other states -- Hawaii, Minnesota, New Hampshire, Ohio, Texas, Utah and Vermont -- have released cost analyses that identify significant funding gaps in NCLB.
- ***"Failing school" studies.*** Growing concern about NCLB has led to the release of reports in nine states -- California, Connecticut, Florida, Illinois, Louisiana, Maine, Massachusetts, Minnesota and Pennsylvania -- detailing the detrimental impact that federal testing requirements (AYP) have on state education systems. Many schools already have been penalized for not meeting NCLB testing benchmarks, with almost 11,000 this year subject to federal sanctions. These studies predict that in the coming years, anywhere from 75 percent to 90 percent of all schools will be labeled as failing to meet the stringent NCLB requirements. Even in states such as Massachusetts, which has led the way in standards-based reform, there is increasing discontent among teachers, administrators and parents. The statewide consortium Mass Partners for Public Education released a June 2005 report critical of NCLB's over-reliance on punitive measures. The report finds that by 2014 between 75-90 percent of the state's schools will be deemed "failing" under NCLB, despite the fact that MA students perform in the top tier on the SAT and other national tests.

Commenting on the report, Laredo (TX) Independent School District Assistant Superintendent of Schools Sylvia Bruni said: “This District has been very assertive in its criticism of the rigid high-stakes approach to student accountability. We see NCLB as the Big Brother of this type of unreasonable assessment of children's learning. We have reason to be concerned. For the past twenty years, Texas public schools have been holding their students accountable for their performance via a single, high-stakes test ... and the consequences have been increasingly more and more tragic, especially for the growing number of minority students that make up a growing number of students in our public schools.”

Parents for Public Schools Board President Lisa Schiff, San Francisco, CA., said: “No Child Left Behind, with its singular focus on standardized test scores and open-door approach for military recruiters, does not provide the educational opportunities we as parents want for our children. Instead of becoming merely excellent test-takers, we want our children to be strong, independent thinkers, who are exposed to a variety of subjects and ways of considering experiences.”

Full report findings are available on the Web at <http://www.NCLBgrassroots.org>.

### **ABOUT THE GROUPS**

NCLBgrassroots.org is a project of the nonprofit and nonpartisan Civil Society Institute, which is based in Newton, Massachusetts. The mission of the Civil Society Institute is to serve as a catalyst for change by creating problem-solving interactions among people, and between communities, government and business, that can help to improve society. Visit Civil Society Institute on the Web at <http://www.civilsocietyinstitute.org>.

NCLBgrassroots.org monitors how communities across the U.S. are addressing the challenges of the controversial No Child Left Behind Act. While the law's goals of improved student achievement and school accountability have been embraced by many, there is growing concern that NCLB's implementation and its emphasis on labeling schools as failures undermine children's learning and weaken local control of schools. The Web site at <http://www.NCLBgrassroots.org> seeks to capture and convey the sentiments of the growing concern about NCLB by tracking related developments in all 50 states.

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**EDITOR'S NOTE:** A streaming audio replay of a related news event will be available on the Web at <http://www.NCLBgrassroots.org> as of 6 p.m. ET on August 17, 2005.