

WebMemo



Published by The Heritage Foundation

No. 1406
March 23, 2007

The Administrative Burden of No Child Left Behind

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The 110th Congress may soon consider the reauthorization of the No Child Left Behind Act of 2001. This will be the ninth reauthorization of the original Elementary and Secondary Education Act of 1965. Congress should address, among other problems with the law, the massive administrative and bureaucratic costs the federal government imposes on state and local authorities.

Federal Spending and Bureaucracy. Since 1965, American taxpayers have invested more than \$778 billion on federal programs for elementary and secondary education.¹ This spending has been coupled with the growth of an extensive federal education bureaucracy that consumes federal funds and imposes administrative costs on state and local authorities.

The General Accounting Office reported in 1994 that 13,400 federally funded full-time employees in state education agencies worked to implement federal education programs—three times the number then working at the Department of Education.²

The same report found that state education agencies were forced to reserve a far greater share of federal than state funds for state-level use—by a ratio of 4 to 1—due to the administrative and regulatory burden of federal programs.³ Because it cost so much more to allocate a federal dollar than a state dollar, 41 percent of the financial support and staffing of state education agencies was a product of federal dollars and regulations.⁴ In other words, the federal government was the cause of 41 percent of the administrative burden at the state level

despite providing just 7 percent of overall education funding.⁵

The Burden of No Child Left Behind. The No Child Left Behind Act of 2001 dramatically increased federal spending on and authority over public education in America. According to the Department of Education, the Bush Administration's budget request of \$24.4 billion for No Child Left Behind in 2008 would be a 41 percent increase over 2001 spending.⁶ This budget request also includes a 59 percent increase in Title I grants to local educational agencies.⁷

But with these funding increases has come an increased administrative burden on state and local authorities. No Child Left Behind created new rules and regulations for schools and significantly increased compliance costs for state and local governments. According to the Office of Management and Budget, No Child Left Behind increased state and local governments' annual paperwork burden by 6,680,334 hours, at an estimated cost of \$141 million dollars.⁸

A number of states have published reports estimating the cost of complying with No Child Left Behind.⁹ For example, the state of Connecticut found that the state government would spend more than \$17 million

This paper, in its entirety, can be found at:
www.heritage.org/research/education/wm1406.cfm

Produced by the Domestic Policy Studies Department

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002-4999
(202) 546-4400 • heritage.org

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in 2007 to comply with NCLB.¹⁰ Virginia estimated that state implementation costs totaled approximately 20 million per year.¹¹

Reduce the Burden by Restoring State Policy-making Authority. One way to reduce these administrative costs would be to allow states to opt out of the NCLB program. States would have the opportunity to choose between the status quo and an alternative agreement with the federal government. Under this agreement, elected state officials would have broad authority to consolidate existing federal programs and refocus funding on state initiatives to improve academic achievement.

In exchange for this flexibility, states would continue to monitor and report academic progress and pursue the broad goal of improving educational opportunities for the disadvantaged that has been the focus of federal policy since 1965. This approach would restore federalism in education, allowing state leaders to address local needs and

priorities while increasing accountability. A similar policy was proposed in the Bush Administration's original blueprint for No Child Left Behind in February 2001.¹²

Senator John Cornyn (R-TX), Senator Jim DeMint (R-SC), and Representative Pete Hoekstra (R-MI) are proposing to make this option available to states in a plan called "Academic Partnerships Lead Us to Success," or "A PLUS."¹³ This legislation would give states the opportunity to use federal resources for education on locally directed programs without the administrative burden of federal program requirements. More resources would be available for classroom expenditures and other education programs that local leaders believe would benefit students.

Importantly, under the House and Senate proposals, public schools would continue to be accountable to parents and the public through state-level testing and reporting that would ensure transparency and a

1. Virginia State Department of Education, "Report to the Governor and General Assembly on the Costs of the Federal No Child Left Behind Act to the Virginia Department of Education," September 21, 2005, at www.pen.k12.va.us/VDOE/nclb/cost-studyreport-state.pdf.
2. National Center for Education Statistics, *Digest of Education Statistics 2005*, Table 356, at www.nces.ed.gov/programs/digest/d05/tables/dt05_356.asp.
3. General Accountability Office, "Education Finance: The Extent of Federal Funding in State Education Agencies," GAO/HEHS-95-3, October 1994, p. 11, at <http://archive.gao.gov/f0902a/152626.pdf>.
4. *Ibid.*, p. 12.
5. *Ibid.*, p. 11.
6. *Ibid.*, p. 2.
7. Department of Education, "Summary of Discretionary Funds, Fiscal Years 2001-2008," at www.ed.gov/about/overview/budget/budget08/summary/appendix1.pdf. Figures are not adjusted for inflation.
8. *Ibid.*
9. *Federal Register*, Vol. 71, No. 202, (October 19, 2006), p. 61,730.
10. Some use these cost estimates to argue that No Child Left Behind is an "unfunded mandate" and thus seek significant increases in federal funding. In 2004, the GAO published a report that determined that NCLB is not an unfunded mandate under federal guidelines. See Department of Education, "NCLB is not an 'unfunded mandate,' New GAO Report Confirms," May 26, 2004, at www.ed.gov/news/newsletters/extracredit/2004/05/0526.html. In addition, there is little reason to believe that simply increasing federal spending on existing federal education programs would lead to widespread improvement in student academic achievement. For more than four decades, federal spending has increased with little evidence of improvement on long-term measures of academic achievement.
11. Connecticut State Department of Education, "Cost of Implementing the federal No Child Left Behind Act in Connecticut, State-Level Costs, Part I," March 2, 2005, at www.cep-dc.org/pubs/Forum14July2005/ConnecticutStateNCLBCostStudy.pdf.
12. White House, "No Child Left Behind," February 2001, at www.whitehouse.gov/news/reports/no-child-left-behind.pdf.
13. Office of Senator John Cornyn, "Cornyn, DeMint Introduce A-PLUS Act," Press Release, March 15, 2007, and Office of Representative Pete Hoekstra, "Hoekstra to Introduce Legislation that Frees States from Mandates in No Child Left Behind," Press Release, March 15, 2006.

continued focus on improving students' academic achievement. Since decisions would be made at the state level, parents, taxpayers, teachers, and school leaders would have a greater opportunity to influence the decisions that effect local students.

Conclusion. As Congress considers the reauthorization of No Child Left Behind, it should address the growing administrative burden that federal education policy imposes on state and local authorities.

By allowing states to opt out of federal regulations and bureaucracy, A PLUS would return the authority to improve education to state and local officials.

State and local communities would have the freedom to redirect resources currently expended on regulatory compliance toward promising reforms that boost academic achievement. Simplifying education policy in this way would bring about greater transparency in federal education spending and, ultimately, greater public accountability over taxpayer funding of education.

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