It’s the final round for President Bush. He’s a lame duck president with diluted power; Democrats control the U.S. House and Senate; and he’s burned up much of his political capital with lawmakers wrangling over the war in Iraq. But his education agenda is still very much in play. Although prominent members of both political parties have taken a dislike to the federal No Child Left Behind Act (NCLB), Bush still hopes to reauthorize the law before he leaves office.

Bush has one ace in his hand when it comes to NCLB: his secretary of education, Margaret Spellings.

Spellings, who has been working on education issues for Bush since the 1990s and his days as a Texas governor, is the person who from the very beginning has had to make NCLB work. She was a key architect of the law, arguably Bush’s most significant domestic accomplishment and a grand experiment for Republicans, who traditionally thought education should be left to the states. Spellings oversaw the law’s implementation during Bush’s first term as his domestic policy adviser, then became secretary of education in early 2005.

BY MICHELLE R. DAVIS
Her tenure has been marked by a pragmatism that is both political and based on the real-world state of affairs in education: a jumble of noisy education advocacy groups, unhappy state education chiefs, and members of her own party who don’t support the law’s federal reach into local schools. That pragmatism has allowed her to navigate choppy education waters while continuing to build support for the law’s ultimate goal of getting all students to grade level by 2013–14.

The Voucher Card

The Bush administration’s January announcement touting vouchers gave advocates and opponents plenty to talk about. In a flurry of press conferences and calls to choice supporters, Spellings and the White House unveiled a plan to incorporate private-school vouchers into NCLB. “Promise Scholarships” would average $4,000 and allow students whose public schools have failed to make adequate yearly progress for five years in a row to attend private school.

Some observers are skeptical of the proposal and wonder whether vouchers are being put forward as a bargaining chip that can be discarded later. “If they have a list of 20 things, there are 3 or 4 of them they really want and my guess is there are 3 or 4 that are the first to go,” explains Bruce Hunter, the associate executive director for public policy at the American Association of School Administrators. “Vouchers surely would be the first to go…. It’s a thing she can give away.”

History provides a basis for Hunter’s theory. A similar voucher plan was one of the first things Republicans ceded in 2001 when negotiations with Democrats over the No Child Left Behind Act began. When it became clear that vouchers didn’t have enough support to gain traction, the plan was dropped.

Nina S. Rees, former head of the U.S. Department of Education’s Office of Innovation and Improvement, says it’s no secret that other issues are of greater concern to Spellings: “I really think her heart is in the testing and accountability realm and I don’t think that has changed.”

David L. Dunn, chief of staff for Spellings, argues the area of choice is one in which the secretary’s views have strengthened over time. “There’s been a realization that real choices are critical to improving schools,” he says.

In an interview in late January, Spellings said she believes that in a “macro” view, “school vouchers and school choices are more right for states.”

In past years, Bush has proposed similar voucher plans but neither he nor Spellings put much muscle behind them. Now, more than ever, the time isn’t ripe. Democrats have clearly signaled the idea is going nowhere with them. Rep. George Miller, D-Calif., chairman of the House Committee on Education and Labor, called vouchers “a huge waste of energy” in an interview in late January, and the political climate is even more hostile for vouchers than it was in 2001.

But talking the talk on vouchers could come in handy: the administration gets credit from choice groups for pushing them, and giving them up allows Democrats to feel as though they’ve scored a win.

Clint Bolick, former president of the Alliance for School Choice, remains skeptical that either Bush or Spellings is committed to vouchers. “We’ve been waiting over six years now,” Bolick says. “If we go zero for eight years, this administration will emphatically not get points from us.”

For No Child Left Behind to have the kind of impact on American schools that Bush and Spellings have envisioned, Spellings must constantly shore up her support from various education factions. One of her first actions as secretary may have been designed to buttress support for NCLB from conservatives, some of whom ascribe to a states’ rights philosophy and are uncomfortable with the scope of the federal law. Just five days after Spellings was sworn into office, she came out swinging, attacking Buster the Bunny, a PBS cartoon rabbit that visited a lesbian family in Vermont to chat about maple syrup.

Spellings skewered the animated show Postcards from Buster, which receives some federal money through the U.S.
Department of Education. In a January 2005 letter she wrote that “many parents would not want their young children exposed to the life-styles portrayed in this episode.”

While her actions scored points with conservative groups, it was a curious first salvo for the Texas native and former single mom who some conservatives saw leaning left. She once declared herself “pro-choice” and expressed indifference to a census report finding regarding the decline of two-parent families. Her outrage over the Buster affair may have led conservatives to give her the benefit of the doubt as she went about enforcing a law that reached far into states’ education territory.

**Whatever It Takes**

Spellings has approached implementation of the No Child Left Behind Act with a “do what it takes” practicality. “Her frame of reference is much more practical than many reformers,” says Frederick M. Hess, director of education policy studies at the American Enterprise Institute. “It’s ‘What can we get the votes for?’ which creates an interesting tension.”

“I’m still a results over process person,” Spellings said in an interview. This focus on outcomes has its roots in her experiences in Texas, where during the 1980s and 1990s she was chief lobbyist for the Texas Association of School Boards and worked on several education improvement efforts piloted by business leaders, including a commission headed by billionaire H. Ross Perot.

“She came very, very early to the conclusion that the business attitude that we’ve got to be about results is important and the only way we’re going to ensure the desired result is if we hold our managers and our employees accountable for achieving those results,” David Dunn recalls.

But that bottom-line emphasis has caused some inconsistencies in implementing the law. As Bush’s domestic policy adviser during his first term, Spellings took a hard line, refusing to allow states to deviate from NCLB’s direction. Education officials under then-secretary of education, Rod Paige, became known as rigid and inflexible, angering some states, says Eugene W. Hickok, who served as deputy education secretary under Paige. “We tried often to get more flexibility in implementation but were not successful. Part of it was because the law was so prescriptive and part of it was that we were told by Margaret that we couldn’t be flexible,” Hickok says.

Critics often chided Paige for being unbending, according to Ronald J. Tomalis, who served as a counselor to Paige. “A lot of the folks in the first term got bloodied up in part because we were taking such a tough approach in certain circumstances, but the positions of the department were the positions of the administration,” he explains. “We were one and the same.”

In hindsight, Hickok admits that toe-the-line attitude was what was needed the first few years of the law’s implementation. “We had to be pretty hardcore so people realized we were serious and going to enforce the law,” he said.

When Spellings took over as education secretary during Bush’s second term, she traded legalism and rigidity for compromise and flexibility. It was time to extend the olive branch to states that were threatening to revolt; even loyal Republican states like Utah had had enough and were pushing back. In April 2005, during a speech to state education chiefs in Mount Vernon, Virginia, she announced she would be willing to bend when it came to enforcement of NCLB. “It is the results that truly matter, not the bureaucratic way that you get there,” she said at the time.

Spellings has even been willing to reverse her own policies on NCLB to get those results. Though the White House had rejected the idea of measuring student achievement using “value-added” or “growth” models under Paige, for example, when she became secretary, Spellings gave it a yellow light, allowing states to submit proposals for using such models.

There have been other flexibilities as well. As secretary, Spellings instituted a pilot project that permits some struggling schools to provide tutoring to students a year before allowing them to transfer to a higher-performing school, swapping the order prescribed by NCLB. She’s permitted some school districts that have failed to reach proficiency targets to continue to provide tutoring to students, and given leeway when it comes to using alternative assessments for special education students.

Democrat Miller says Spellings has done a good job of doling out enough flexibility to keep states happy, but not enough to undermine the core goals of NCLB. “She started this effort to seriously consider growth models…but she also understands that these models have to yield our best efforts to have students become proficient in reading and math.” Miller adds that Spellings has not allowed states to use growth models as an “escape hatch.” “People have come in
with the [most absurd] proposals on growth models and she’s not going for it,” he says.

Some argue that her flexibility is more window-dressing than substance, but it has been enough to quell a state rebellion against NCLB that pre-Spellings was gaining traction. Much media hype surrounded the announcement that states would be able to use growth models, but early in 2007 only three states had been approved, with two more receiving approval contingent on department endorsement of their testing systems. And only a small fraction of school districts in the country are approved for the supplemental services–tutoring swap under the pilot project.

David L. Shreve, a lobbyist for the National Conference of State Legislatures, who once accused Spellings of treating NCLB implementation like the game show Let’s Make a Deal, contends that if the alternative paths get states closer to results, they should be available to more schools. “This has been touted as ‘Look how flexible the department is,’ but I wonder if you can call it flexible when you offer a commonsense solution to only a handful of school districts out of the 15,000 in this country,” says Shreve.

Doug Christensen, Nebraska’s commissioner of education and a frequent NCLB critic, argues that Spellings’s “commonsense” approach hasn’t made real inroads into improving how the law works on the ground. It has only made it politically palatable for some, he says. “This has become a political policy strategy as opposed to an education policy strategy and that’s always going to be at odds with what educators think should be done,” he says.

The secretary’s brand of pragmatism has resulted in a “real lack of consistency when it comes to NCLB implementation,” according to Andrew J. Rotherham, co-founder of Education Sector, a Washington think tank, and a former education aide to President Clinton. “There’s wild unevenness in policy and it’s monkey see, monkey do with the states. She’s created a situation where the law becomes confusing and inconsistent.”

Rotherham also sees the willingness of Spellings to be flexible as contingent on outside forces: “They are willing to go extra-legal, to do things they don’t have the authority to do under the law, as long as the stakeholder groups like it. Every time a stakeholder group goes nuts, they’ve had to back away.”

She has also appeared, at times, to have gone against her own judgment. NCLB required all teachers to be highly qualified by the 2005–06 school year, but because most states weren’t close to complying, federal officials extended the deadline. The law allows veteran teachers to meet the criteria in part by using an alternative method created individually by each state, the High Objective Uniform State Standard of Evaluation or HOUSSE provision.

Spellings has been unhappy with the provision, saying some states’ HOUSSE plans were less than rigorous, and announced last year the program would be eliminated. But groups like the National Education Association and the Council of Chief State School Officers forcefully objected. Then the department backtracked, saying the issue would instead be raised in reauthorization and states could continue to use it for veteran teachers.

“You’ve really been the most screwed-up implementation of the law,” declares Joel Packer, the National Education Association’s chief lobbyist on NCLB, of the highly qualified teacher provisions. Spellings “doesn’t like HOUSSE, but she’s enforcing it.”

Kate Walsh, president of the National Council on Teacher Quality, says while Spellings did make attempts to clarify the highly qualified teacher process, significantly more than was done under Secretary Paige, “it was not a priority for her.” And Walsh admits she was disappointed that Spellings didn’t scrap the HOUSSE provisions when it was clear she wanted to.
By sticking with the HOUSSI plan, she may have scored much-needed points with some factions. Michael J. Petrilli, the vice president for national programs and policy at the Thomas B. Fordham Foundation and a former education department official under Spellings, takes this view: “Nothing was happening on the Highly Qualified Teacher provision years ago and she’s finally enforcing it, so she’s built up credibility with people who care about that provision. But it’s clear she’s not one of them.”

Spellings says the issue was just a matter of law: “I took an oath of office to uphold every single aspect of the law, and I intend to do that.”

Win the Showdown, Win the Pot
Spellings is going to need more than her pragmatism if she wants to see reauthorization of the No Child Left Behind Act move forward and ensure the education legacy of President Bush.

She’ll have to use all of the political savvy she’s garnered in Washington during the last seven years, even though she’ll have strong allies in both Democrat Miller and Sen. Edward M. Kennedy, D-Mass., chairman of the Senate Health, Education, Labor and Pensions Committee. Both share her commitment to the law’s core tenets of accountability and closing the achievement gap.

But other lawmakers, including a powerful block of conservative GOP members, aren’t exactly clamoring for the law to stay as is. In March 2007, more than 50 Republicans in the House and Senate threw their support behind a proposal that would gut the accountability provisions in NCLB and allow states to opt out of the federal law’s penalties altogether. Spellings has her work cut out for her, says Rep. Michael Castle, R-Del., a member of the House Committee on Education and Labor. “They’re going to have to work hard to even hold Republican votes and not just the conservatives.”

Democrats and Republicans alike are getting heat from constituents frustrated with the law’s demands and penalties for schools. Several lawmakers campaigned on the idea of gutting the law. Throw into the mix the fact that Democrats now control both sides of the U.S. Capitol and a looming election season that makes even bold politicians squeamish, and you have a daunting atmosphere for a reauthorization battle. How the game ends may well depend on how Spellings plays her cards.

Michelle R. Davis is a freelance education writer in the Washington, D.C., area. She was a federal reporter for Education Week and covered Congress in the Knight Ridder Washington Bureau.
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