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Subject: 10 States Receive ESEA Waivers

The first 10 states to receive the waivers are Colorado, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Jersey, Oklahoma and Tennessee. The only state that applied for the flexibility and did not get it, New Mexico, is working with the administration to get approval, a White House official told the AP.

APNewsBreak: Official: 10 states get ed waiver

By KIMBERLY HEFLING and BEN FELLER, Associated Press

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(02-09) 06:18 PST WASHINGTON (AP) --

President Barack Obama on Thursday will free 10 states from the strict and sweeping requirements of the No Child Left Behind law, giving leeway to states that promise to improve how they prepare and evaluate students, The Associated Press has learned.

The first 10 states to receive the waivers are Colorado, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Jersey, Oklahoma and Tennessee. The only state that applied for the flexibility and did not get it, New Mexico, is working with the administration to get approval, a White House official told the AP.

The official spoke on condition of anonymity because the states had not yet been announced. A total of 28 other states, the District of Columbia and Puerto Rico have signaled that they, too, plan to seek waivers — a sign of just how vast the law's burdens have become as a big deadline nears.

No Child Left Behind requires all students to be proficient in reading and math by 2014. [Obama's](#) action strips away that fundamental requirement for those approved for flexibility, provided they offer a viable plan instead. Under the deal, the states must show they will prepare children for college and careers, set new targets for improving achievement among all students, develop meaningful teacher and principal evaluation

systems, reward the best performing schools and focus help on the ones doing the worst.

In September, Obama called President George W. Bush's most hyped domestic accomplishment an admirable but flawed effort that hurt students instead of helping them. He said action was necessary because Congress failed to update the law despite widespread bipartisan agreement that it needs fixing. Republicans have charged that by granting waivers, Obama was overreaching his authority.

The executive action by Obama is one of his most prominent in an ongoing campaign to act on his own where Congress is rebuffing him. No Child Left Behind was primarily designed to help the nation's poor and minority children and was passed a decade ago with widespread bipartisan support. It has been up for renewal since 2007. But lawmakers have been stymied for years by competing priorities, disagreements over how much of a federal role there should be in schools and, in the recent Congress, partisan gridlock.

For all the cheers that states may have about the changes, the move also reflects the sobering reality that the United States is not close to the law's original goal: getting children to grade level in reading and math.

Critics today say the 2014 deadline was unrealistic, the law is too rigid and led to teaching to the test, and too many schools feel they are labeled as "failures." Under No Child Left Behind, schools that don't meet requirements for two years or longer face increasingly tough consequences, including busing children to higher-performing schools, offering tutoring and replacing staff.

As the deadline approaches, more schools are failing to meet requirements under the law, with nearly half not doing so last year, according to the Center on [Education](#) Policy. Center officials said that's because some states today have harder tests or have high numbers of immigrant and low-income children, but it's also because the law requires states to raise the bar each year for how many children must pass the test.

In states granted a waiver, students will still be tested annually. But starting this fall, schools in those states will no longer face the same prescriptive actions spelled out under No Child Left Behind. A school's performance will also probably be labeled differently.

The pressure will probably still be on the lowest-performing schools in states granted a waiver, but mediocre schools that aren't failing will probably see the most changes because they will feel less pressure and have more flexibility in how they spend federal dollars, said Michael Petrilli, vice president of the Thomas B. Fordham Institute, an education think tank.

While the president's action marks a change in education policy in America, the reach is limited. The populous states of Pennsylvania, Texas and California are among those that have not said they will seek a waiver, although they could still do so later.

On Tuesday, Education Secretary Arne Duncan said states without a waiver will be

held to the standards of No Child Left Behind because "it's the law of the land."

Some conservatives viewed Obama's plan not as giving more flexibility to states, but as imposing his vision on them. Rep. John Kline, R-Minn., who chairs the House Education and Workforce Committee, said Thursday that, "This notion that Congress is sort of an impediment to be bypassed, I find very, very troubling in many, many ways."

Duncan maintained this week that the administration "desperately" wants Congress to fix the law.

In an election year in a divided Congress, that appears unlikely to happen.

Kline, who was speaking at an event at the conservative American Enterprise Institute, said that in the House there was some bipartisan agreement on how to fix No Child Left Behind, but in many areas there was disagreement. He said later in the day he would release Republican-written legislation that seeks to restore states' authority in education.

California Rep. George Miller, the committee's ranking Democrat, has said such partisanship "means the end" to No Child Left Behind reform in this Congress. Sen. Tom Harkin, D-Iowa, who chairs the Senate committee with jurisdiction over education, has said he believes it "would be difficult to find a path forward" without a bipartisan bill in the House.

A Senate committee last fall passed a bipartisan bill to update the law, but it was opposed by the administration and did not go before the full Senate for a vote.

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