

# Arne Duncan's NCLB Overreach

Secretary of Education Arne Duncan recently announced that he will offer a waiver to the requirements of No Child Left Behind (NCLB) to any state that wants one – so long as the state agrees to enact the Obama administration's preferred education reforms.

This is an overreach. No Child Left Behind gives the secretary a broad authority to grant waivers, but Duncan is essentially using that authority to create a whole new policy. If the administration wants to encourage states to adopt specific reforms that are not prescribed in existing law, it should encourage Congress to pass legislation to that effect, not just make the decision itself. This move is of a piece with the administration's other attempts to legislate by fiat, including the Environmental Protection Agency's move to regulate carbon dioxide as a pollutant.

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