

Ken Goodman

“From day one of the creation of the Reading First program, it has been corrupted by the Bush administration – plagued by severe mismanagement, poor implementation, and gross conflicts of interest. Despite these serious issues, I had nevertheless hoped that the program would produce better results than these. Billions of taxpayer dollars have been spent administering this program over the years. This report (IES May 1, 2008) makes it shamefully clear that the only individuals benefitting from this significant investment were the President’s cronies – not the schoolchildren this program was intended to serve. Because of the corruption in the Reading First program, districts and schools were steered towards certain reading programs and products that may not have provided the most effective instruction for students. That may explain why we are seeing these results today. We all share the goal of helping all children learn to read. But this report, coupled with the scandals revealed last year, shows that we need to seriously re-examine this program and figure out how to make it work better for students. Our nation’s schoolchildren and taxpayers deserve a program that is both properly managed and successful in boosting the reading skills of students.”
Rep. Geroge Miller, Responding to IIE study on reading comprehension 5/1/08

The Bush administration "has put cronyism first and the reading skills of our children last and this report shows the disturbing consequences. Instead of awarding scarce education dollars to reading programs that make a difference for our children, the administration chose to reward its friends instead." Senator Edward Kennedy, May1 2008

These statements by the chairs of the House and Senate Education Committees, initially enthusiastic sponsors of NCLB and its core Reading First component, reflect the debacle that RF has become. Last year the Office of the Inspector General reports documented major conflicts of interest involving DOE staff and its team of consultants. House hearings and a Senate committee investigation further documented these conflicts of interest involving multinational publishers. In May, the Institute for Educational Science issued a preliminary report on reading comprehension which showed no benefit to the RF program after 6 years and \$6 billion dollars.

<http://ies.ed.gov/ncee/pdf/20084016.pdf>

Who Prepared this Brief

The signers of this brief are leading reading researchers and reading educators. Though we differ considerably in our views of reading instruction we are agreed that Reading First has not only failed in its objectives but it has done considerable damage to literacy education during the six years it has been mandated under federal law. We are deeply concerned that nothing has been done to punish those who broke the law. And we are even more concerned that the damage caused to the nation’s children and schools continues. RF should be discontinued and action should be taken to undo the harm it continues to do.

This brief will discuss:

- A description of what RF is

- The problems in RF
 - A history of RF and its antecedents
 - The damage that RF has had on students, teachers and schools.
- An outline of a positive alternative program is appended to this brief.

What is RF?

The No Child Left Behind law is actually a revision and reauthorization of the Elementary and Secondary Education Act. <http://www.ed.gov/policy/elsec/leg/esea02/107-110.pdf> RF is a key portion. NCLB was authorized in 2001 for seven years. It was to be renewed this year for another seven years but the Congress took no action in 2008 because of growing opposition. The House appropriations committee cut the appropriations for RF for the coming year because of the conflicts of interest scandal.

The stated purpose of RF in the law is:

To provide assistance to State educational agencies and local educational agencies in establishing reading programs for students in kindergarten through grade 3 that are *based on scientifically based reading research*, to ensure that every student can read at grade level or above not later than the end of grade 3.

Though its stated goal is “to provide assistance,” RF and NCLB represent a drastic shift in control of the U.S. public schools from the states and local schools to a federal bureaucracy. No one had believed that was possible because the Constitution leaves education to the states. Yet RF mandates a one-size-fits-all methodology for every public school in the USA.

Congress felt it was justified in mandating a single reading methodology because they were told there was a crisis in reading akin to a disease and that one simple cure existed in the form of a scientific reading program. They accepted blaming education professionals for this crisis so that only punishment could motivate educators to change. Economic and social factors known to influence school achievement were treated as excuses educators used for their failures.

NCLB requires AYP (Adequate Yearly Progress) in reading as well as writing and math. Each successive group is expected to meet a higher goal than the previous grade group in each subject each year. Each subgroup must achieve AYP or the whole school or district fails. NCLB and RF are punitive. Non-achieving schools funds are reduced as punishment for failure. Penalties include closing or reconstituting schools, the state taking over the school or district or turning the school over to a for-profit company. All of these punishments have already occurred.

There are problems in the language of the statement of purpose and in the law

1. Grade level is the mean score for pupils in a specific grade taking a norm referenced test. Every student reading at grade level is a statistical impossibility. By definition, half of each grade will be below and half above grade level. President Bush has consistently misunderstood or misrepresented this:

We've got a problem in America. ... not every child can read at grade level. So we're here ...to insist that every child does read at grade level. September 2004

2. It is also impossible to achieve the goal of all children reading by the end of third grade.. RF and NCLB do not allow for English learners, children with handicaps, or late bloomers. Only

3% of all students can be excluded. If one group fails the school fails.

3. It shifts literacy instruction down into kindergarten from first grade. For the first time, five-year-olds can fail in the first week of kindergarten. In Scandinavia, with high rates of literacy, formal reading instruction doesn't begin until age 7. Kindergarten, under RF, is a pressure-cooker.

4. To be funded, States and LEA's must use reading programs for students in kindergarten through grade 3 that are based on "scientifically based reading research" (SBRR). That phrase occurs over 100 times in the law. In the RF definitions it is clear that SBRR is a code for explicit systematic direct phonics instruction. But even strong phonics advocates do not agree on what that constitutes. Proposed programs are not required to produce evidence that they are based in scientific research. **Those who control the approval process of state proposals decide what is and what isn't scientific.**

A key question is why RF was written this way and how was this power was given to an exclusive group who would abuse that power. Three people played key roles in drafting the law.

Sandy Kress is a Texas lawyer who became a key education advisor to Bush when he was Texas governor. Bush brought him to Washington where he "played key roles in crafting and passing No Child Left Behind. Officially still a Democrat, he was instrumental in putting together the bipartisan push behind the bill, pulling ...lawmakers Ted Kennedy, George Miller, and John Boehner into the president's court... Five months later, Kress registered with the U.S. Secretary of the Senate as a lobbyist for NCS Pearson (Scott Foresman). Kress specializes in helping his clients tailor themselves to the requirements of No Child Left Behind." Texas Observer 5/13/05

Reid Lyon, an official at NICHD who funded researchers, became the major advocate for systematic direct instruction of phonics. He worked with Bush in Texas and became his national reading advisor. Lyon, Sweet and Kress wrote RF. Lyon now works for Randy Best, who sold Voyager, an approved RF program for over \$300 million dollars.

Robert Sweet as head of the **Right To Read Foundation** was a long term advocate of explicit phonics. He was also a staff member of the House Education Committee.

It was Kress and Lyon who decided who would interpret and enforce RF. They chose Chris Doherty who ran a Direct Instruction program in Baltimore. His wife worked for Direct Instruction. Guided by Lyon and possibly with approval from the Secretary of Education and the White House, Doherty ignored the panel selection procedure in the law and selected sub-panels to review the state proposals heavily weighted with a close-knit group including Douglas Carnine, Edward Kame'enui, Roland Good, Deborah Simmons, and others at the University of Oregon or associated with them such as Sharon Vaughn at University of Texas and Ed Torgeson in Florida.

Doherty reported regularly via e-mail to Lyon, according to Education Week.

In regular e-mail discussions, Doherty... and G. Reid Lyon...closely monitored states' progress in applying for Reading First money, in issuing sub-grants to districts, and in complying with the law's provisions for scientifically based instruction. They also worked out strategies for intervening where they deemed more federal control was warranted. (Education Week)

The ideologues were chosen because their interpretation of SBRR suited Lyon and Kress and

because they were sure that their program could not fail. Their explicit systematic direct phonics instruction became the one-size-fits-all program that was scientific enough to be imposed on all states and LEAs. They didn't share this power because they didn't trust anyone else to correctly implement the program. And they effectively disqualified all other programs, methods and tests. *That created a de facto blacklist of ideas, methods, materials and people including the most productive contributors to reading education.*

When they were accused of conflicts of interest by the DOE inspector general they defended themselves by arguing that no one else was qualified to do the work.

House committee member Rep. Lynn Woolsey, D-Calif was skeptical:

“It seems like you're telling us that there's only a small group of experts in this country that would be qualified to write the rules, provide the overview of the programs, to train, to review and possibly to profit from this very positive No Child Left Behind-mandated program, I'm having the hardest time thinking that there's only a small group who could do all this, and that there was no room for independent oversight, and that there were no experts out there that didn't have their finger in the pie in one way or another.” (Title 1 Monitor April 27, 2007)

Under RF, the program they imposed had the force of law. Imposing a single program on all k-3 schools takes considerable coercion.. This had several effects:

1. The mandated tests and texts bypassed the state and local procedures for review and adoption normally required.
2. Roughshod enforcement of the law has created an atmosphere of fear, coercion and resentment in the schools.
3. Teachers are not permitted to deviate from the mandated materials and they aren't permitted to critique or raise questions about the program.
4. Staff development is little more than rehearsal on use of scripted programs.
5. Highly effective teachers find themselves required to teach in ways they believe hurt their pupils. Many are leaving the primary grades, or Title 1 schools, or taking early retirement.
6. At local levels a group of enforcers emerged who could tell teachers what to do. It is not surprising that these people support RF. Their careers depend on it.

With only self-validation there was no real control of the quality of the tests and texts. Many of the materials were inflexible, poorly designed, poorly written, inappropriate for the students for whom they were intended and in some cases racist and sexist. Teachers forced to teach in a way they didn't accept couldn't maintain the program in any consistent way. In reality, RF became a “pedagogy of the absurd.” It had to fail. In Time magazine (June 8) former Assistant Secretary of Education Susan Neuman says that there was a group in the DOE who wanted RF to fail. They saw it as a way of discrediting public education..

The only evidence that RF was effective came from DIBELS a test which gets a lot of attention in the OIG report and in the Congressional Conflict of Interest hearings for the way it was forced on states. DIBELS is a series of one-minute tests that measure speed and accuracy in tasks like identifying letters, saying sounds, and saying nonsense syllables. The only subtest that involves a coherent passage is scored by counting the number of words read accurately in one minute. There is no comprehension measure. Children who fail DIBELS are drilled and then retested as often as

weekly even in kindergarten. They may improve in their DIBELS scores but it is no surprise that they have problems with comprehension.

A History of RF and Its Antecedents

Attempts at getting Congress to write methods for reading instruction into law go back at least to the Senate Republican Policy Committee in 1989. Its white paper, *Illiteracy: An Incurable Disease or Educational Malpractice*, says:

For too long, we have been unwilling to deal with the root cause of the problem of illiteracy in America, the flawed methods we have used to teach our children to read. Research shows phonics is the most effective way to teach people to read.

Sen. William Armstrong is listed as author but it was actually written by Robert Sweet, at various times head of the Right to Read Foundation and staff member of the House Committee. Sweet has also been cited as an author, with Kress and Lyon of RF.

The Movement Conservatism Campaign

In 1994 it became clear that neo-conservative groups had adopted the push for federal reading legislation into their movement conservatism campaign to privatize public education. Manhattan Institute and the Thomas B. Fordham Foundation are still ardent defenders of RF.

The Reading Wars

The Reading Wars were declared. Major news media reported a crisis in our schools (Berliner and Biddle called it a manufactured crisis) caused by the popularity of whole language, portrayed as an unscientific feel-good movement which was at war with phonics, portrayed as proven scientific methodology. The media widely blamed low test scores in California in 1992 on whole language and that led to a strong shift to intensive phonics as the sole method for teaching reading. Starting in California, and Texas, with pressure from state and national business groups, states abandoned programs believed to be holistic in favor of phonics-based programs.. Since then, however, there has been no improvement in California's reading scores. In 1992, California's fourth graders were last in the country; now they are tied for next to last.

In 1998, **The Reading Excellence Act**, which proposed a phonics solution to the Reading Wars, was passed with bipartisan support. Much of it was included later in RF.

<http://www.ed.gov/inits/FY99/1-read.html>

To understand the so-called reading wars, they need to be put into a broader context. There are not just two but many approaches to teaching reading. Some focus on phonics, some on vocabulary, skill sequences, or meaning. Some are more holistic. Some are more prescriptive. Whole language is a grassroots movement among teachers with the focus on meaning and use of a wide range of authentic materials from the beginning. Phonics programs vary but they have a common early focus on teaching letter/sound relationships. Framing the issues in reading instruction as a war between two sides oversimplifies choices. Many reading professionals found themselves marginalized. Attempts at defining a more eclectic middle position, balanced reading, was rejected by RF implementers as another form of whole language.

RF was deliberately conceived as the anti-whole language:

Such was the state of affairs when NICHD's chief reading scientist, Reid Lyon,

and House education committee staffer Robert Sweet drafted the Reading First legislation, early in 2001. Lyon had just become President Bush's informal advisor on reading instruction, while Sweet was a former teacher and longtime advocate for science-based reading programs. With the president's encouragement, Lyon and Sweet consciously designed Reading First to do an end run around the deeply entrenched whole-language movement. Stern, City Journal, Winter 2007

To establish explicit, systematic phonics as scientific, Reid Lyon organized two well publicized panels. One, funded through NICHD, was under the auspices of the National Research Council. Lyon and his colleagues carefully selected the panel members, many funded under NICHD with Harvard researcher Catherine Snow as chair. The panel **excluded** a wide range of literacy authorities. The panel report (1998), "The Prevention of Reading Difficulty" gave qualified support to phonics. <http://www.nap.edu/html/prdyc/comprdyc.html>

Close on the heels of this panel, Congress mandated the National Reading Panel to review reading research and decide on the most effective ways to teach children to read. Lyon and NICHD selected the panel members. The Panel limited its review of research to experimental studies that compared methods of teaching reading. They excluded perhaps 95% of all reading research. Their voluminous report (2000) focused on five areas of strong interest to panel members.. <http://www.nichd.nih.gov/publications/nrp/upload/report.pdf> Although the panel excluded what they considered to be "non-scientific" research, Garan, noted that the report did not support mandating a heavy emphasis on phonics. The panel's data shows that intensive phonics instruction only influenced performance on tests where children pronounce words on a list, and had very little effect on tests in which children need to understand what they read. Phi Delta Kappan 82 (7): 500-506.

A glossy 35-page condensed version, written by the PR firm Widemeyer Baker, was released prior to the full report and over- stated its findings. At the same time WB was also representing McGraw Hill and its reading programs. This condensed report was the basis for definitions written into the RF as SBRR. <http://www.nationalreadingpanel.org/Publications/summary.htm>

In 2000, George W. Bush made educational reform a key campaign issue. Early in 2001, NCLB was passed by a bipartisan majority of Congress including Miller and Kennedy as sponsors. They were attracted by the promises of NCLB to close the achievement gap between minority and more privileged kids. And they were persuaded by the promise of greatly increased federal funding. Even minority groups gave their enthusiastic support to NCLB and RF.

The conflicts of interest among the implementers of RF resulted partly from greed. The House and Senate committees found that millions went to a few people and publishers. But they also pushed their own tests and programs, their own services as consultants, proposal writers, proposals reviewers and enforcers because they alone met SBRR. Their contempt for any views other than their own made them feel justified in limiting their approval to their own products.

There is a contradiction in NCLB: while the RF sections lay out a direct instruction phonics program as SBRR, another section of NCLB specifically says that the DOE may not impose curriculum on the states or local districts. Doherty, encouraged by Lyon, chose to ignore this restriction. The panels were heavy-handed in their dealings with the states. And they were careless in their e-mail communications, leaving an easy trail for the Inspector General to follow.

The Reports of the Inspector General (2006) Developers of several excluded programs complained to the DOE Office of Inspector General. Their investigation revealed a major scandal. (ED-OIG/I13-F0017 September 2006) . The report of the OIG found flagrant conflicts of interest, repeated rejections of state proposals until they included materials in which reviewers had financial interests, and deliberate exclusion of certain programs while forcing inclusion of others.

Here is an excerpt from an OIG report

Fifteen of the 16 sub-panels had a majority of Department [of Education] nominated panelists and none had the balance ... envisioned by Congress. The RF Director took direct action to ensure that a particular approach to reading instruction was represented on the expert review panel. Direct Instruction (DI) ...requires the use of Reading Mastery, ... published by SRA/McGraw-Hill,...The RF Director personally nominated three individuals who had significant professional connections to DI to serve ...on a total of seven of the 16 sub-panels and one ...to serve as the panel chair on five sub-panels. These three individuals were collectively involved in reviewing ...23 states' applications.

Here's another excerpt:

A few days before the Department publicly announced the panelists ... one of the ...panelists contacted the RF Director and shared his strong bias against Reading Recovery The RF Director responded:

“I really like the way you're viewing/approaching this, and not just because it matches my own approach :-), I swear!”

This individual later served as the panel chair for...Wisconsin's State application and in response to the State's plans to use Reading Recovery, he included an 11-page negative review of Reading Recovery in his official comments on the application.

The conflicts of interest didn't stop after state contracts were approved.

After certain states completed the application process and received funding, the RF Director became aware that certain LEAs in these States were using the Rigby Literacy (Rigby) and Wright Group Literacy (Wright Group) programs. The RF Director worked closely with a Department staff member...who undertook a review of both of these programs.

The RF Director stated in e-mail correspondence with the staff member and Reid Lyon:

beat the [expletive deleted] out of them in a way that will stand up to any level of legal and whole language apologist scrutiny. Hit them over and over with definitive evidence that they are not SBRR, never have been and never will be.

They are trying to crash our party and we need to beat the [expletive] out of them in front of all the other would-be party crashers who are standing on the front lawn waiting to see how we welcome these dirtbags.

Arbitrary and prejudicial decisions were made in deciding which programs met the SBRR test:

...various department (ED) personnel met with representatives of the major publishing companies ... One of those ... was a lunch in Washington involving the department and...Scott Foresman ...publishers of a major basal textbook.

Accompanying Scott Foresman officials was Sandy Kress, ...who had become a lobbyist for Pearson, Inc., Scott Foresman's parent company. The meeting was unremarkable save for the appearance of ... Ed Kame'enui and Deborah Simmons.

(Former Assistant Secretary of Education Susan) Neuman recalled another lunch with Randy Best, the president and founder of Voyager Inc... Within a year of meeting with Scott Foresman and VoyagerKame'enui and Simmons were named co-directors of the ...RF Technical Assistance Center at the University of Oregon. Vaughn became the director of the ... RF Technical Assistance Center at the University of Texas.

...Kame'enui('s)... disclosure statements ... indicate that ...with Scott Foresman ... He earned between \$100,000 and \$250,000 ... last year,... In addition to his work for Scott Foresman and Voyager, Kame'enui chaired RF's assessment review team and, with Simmons, co-authored a ..."Consumer's Guide" to help states and school districts select programs... (TITLE 1 Monitor *Andrew Brownstein and Travis Hicks*)

Hearing in the House

George Miller's House Committee held a hearing on the RF Scandal in April 2007. Those accused of conflicts of interest attending included Kame'enui, Simmons, Good and Doherty. The first three testified they earned considerable royalties on texts and tests used in RF. Miller said it appeared to be "cooked from the very beginning" and "seemed close to a criminal enterprise."

The Thomas B. Fordham Foundation commissioned Sol Stern, to author a pamphlet, *Too Good to Last: The True Story of RF*, to support the claim that they were justified because their method was scientific and no one else had their expertise. http://www.cdl.org/resource-library/pdf/reading_first_030508.pdf

In City Journal (Manhattan Institute) Stern wrote:

If Doherty's sin was to lean on a state education agency or two to promote a reading program backed by science over one that wasn't, well, that's just what the RF legislation intended. At \$1 billion per year, RF, ... accounts for just 2 percent of federal education spending. Yet this program for lifting reading achievement, always the apple of George W. Bush's eye, is already delivering promising results.(City Journal, Winter 2007)

Note: In an article in that same Manhattan Institute publication the same author linked Barack Obama to William Ayers.

John P. Higgins Jr., the inspector general, made several referrals to the Justice Department, The U.S. attorney's office for the District of Columbia is reviewing the matter. So far, no one has been charged and all of the tests and texts they pushed into the state RF programs are still in place. It appears there is no desire in the Bush administration to take any actions.

Kennedy's Senate Report, May 2007

Senator Kennedy's staff found that four individuals Carnine, Kame'enui, Vaughn and Torgeson had substantial conflicts of interest as directors of assistance centers that may have improperly influenced their actions while they were under subcontract with the Department of Education. Several publishers whose materials are used in RF were involved in these conflicts of interest: Pearson (Scott, Foresman) Voyager, Sopris West and Houghton Mifflin.

The IES report. May 1 2008

In all of the scandals involving RF, there remained the claim that the instruction mandated in RF was successful and scientific. But on May 1, 2008 the preliminary report of the Institute of Educational Science dropped the other shoe. It had been expected to show RF was successful. It did not. In fact there was no benefit when compared to a control group. The cat was out of the bag. Though RF classrooms spent more time teaching reading, there was no evidence that they improved reading comprehension- which is after all the main goal of reading instruction.

As Michael Grunwald (2006), in the Washington Post put it, “An accumulating mound of evidence from reports, interviews, and program documents suggests that Reading First has had little to do with science or rigor. Instead, the billions have gone to what is effectively a pilot project for untested programs with friends in high places.” (p. B 1)

The impact that RF has had on students, teachers and schools

There is a pervasive negative and depressing atmosphere in RF classrooms. Partly, this is from the heavy restrictions on what teachers can and can't do. Partly, it's from the oppressive way requirements are enforced. And partly it's the drill, meaningless exercises and constant testing.

Teaching and Testing Nonsense.

In the most widespread applications of RF, several million American children are tested with DIBELS within the first week of kindergarten each year. A teacher or, more often, a stranger to the children sits with a stop watch timing and recording each three-second response and stopping the test after one minute. Head Start teachers are pressured to get pre-schoolers ready for DIBELS.

All children, K-3, are “DIBLED“ at least three times a semester. Those who can't achieve the benchmark are tested as often as weekly. It has become increasingly common for children to fail kindergarten and be required to repeat it. From first to third grade the school day is dominated by the RF program. By the end of third grade many children have repeated at least one grade. These children are much more likely to leave school before graduation. Sub-groups most likely to fail are English learners, and those with handicaps. Many schools have extended RF into middle grades.

Narrowing of the Curriculum

There is little time in RF primary classrooms for science, music, art, physical education, social studies or anything but reading and math. Even recess and play are gone in many schools. And ironically there's little time for reading real stories and books.

Pressures on teachers

Reading coaches, often special education teachers with little background in reading, monitor the teachers to make sure they don't deviate from the program. Any minor modification the teacher makes, even for a single pupil, can lead to a reprimand. Teachers who had built up extensive collections of children's books for their classrooms, usually with their own money, have been required to remove them.

There has been a migration of primary teachers to higher grades to avoid the RF pressures. And many principled teachers have quit or taken early retirement. One section of NCLB requires teachers to be highly qualified. As it works, teachers who do not have degrees in all the subjects they are teaching are labeled unqualified and uncertified teachers who pass a subject test are classed as highly qualified. This has been particularly hard on middle schools and small rural high schools.

Parental choice

Parents may request tutoring for their children but the law prohibits the school district from providing it. Instead they must contract with private companies, paying them out of their RF funds. Few parents have taken advantage of tutoring. The law also permits parents to transfer their children from failing schools to non-failing schools. The districts are required to transport them at the districts expense. In most cases in urban and rural districts there are no alternate schools that are not failing. In some urban schools, classrooms are over-crowded because of transfers. Most of the children who are transferred are pupils who were achieving in the schools they came from. So the schools they left are less likely to get out of their failing position.

Funding

Schools and districts have no control over their RF money. The law and their contracts dictate what the money may be spent for. A number of states and urban districts complain that they have to spend much more than they get. This has been exacerbated by the lack of full funding of NCLB under the Bush administration. With NCLB, federal funding is only about 8% of total school funding.

Some Final Comments on RF

George Miller has posed an agenda: “this report, coupled with the scandals revealed last year, shows that we need to seriously re-examine this program and figure out how to make it work better for students.” But RF is so seriously flawed it cannot be made to work better. It has failed and must be replaced. Rewriting the existing RF section of NCLB to get rid of its current mandates would be impossible. The SBRR requirement is so redundantly pervasive that it would be necessary to repeal the whole RF section and replace it.

RF failed for a number of reasons. A major reason, is that it made promises impossible to keep. No single program, no matter how scientific it may be, could achieve what RF promised.

RF also failed because it demeaned and alienated the teachers and other professionals charged with delivering it in the classrooms. Change cannot happen in education except through the teachers who must commit themselves to the change. It is a serious mistake to give any reading test, text, method, or curriculum the force of federal law. Laws can and should set policies. But they cannot and should not control the instructional decision making of school authorities or professional teachers. Such control prevents teachers from acting as professionals and adapting to the needs of individual learners and it stifles innovation.

The Bush administration has had a strong tendency to distort science in a number of fields as a political tool. RF has become another example. Careful reading of the OIG reports suggests that virtually all state contracts were illegally negotiated by the DOE. There have been no actions either by the states to declare them void or the DOE to renegotiate them. If NCLB and RF are reauthorized under a new administration it would be the duty of a new Secretary of Education to renegotiate all state contracts.