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The shaping of federal education policy over time

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Over the course of our nation's existence, the federal role in K-12 education has evolved many times. From an initial limited role to one that is more focused today on access and equity, the federal role in education policy has seldom been without controversy.

During each twist and turn there has been ongoing debate over federal versus state versus local jurisdiction for decisions on what is believed to be best for America's students. While all parties throughout time share the same overarching goal of success for students, consensus on the role of the federal government in education policy remains unlikely.

This issue of The Progress of Education Reform provides an overview of major events in education policy history, events that shaped both today's individual opinions and current federal jurisdiction. With the 50-year-old Elementary and Secondary Education Act (ESEA) being the most significant K-12 education policy event in history, this report includes a synopsis of the current state of waivers, extensions and possible next steps for ESEA reauthorization.

> "It has been 50 years since Congress passed the first Elementary and Secondary Education Act. One thing is certain – this major law, known by whatever title Congress has chosen to assign, continues to represent a commitment to national priorities and goals. It seeks a fragile balance of federal and state roles. It continues to evolve."

Landmark historical events shaping K-12 education policy

When looking at education issues today, it is interesting to review the events and people involved in shaping federal education policy over time. In the area of education policy, there is rich history of landmark events that directly influenced today's policy climate, including the debate over appropriate roles for states and the federal government.

"We are willing to let the federal government assume primary responsibility for defense and other priorities for which states are not equipped. The problem in the last 15 years or so is that well-meaning federal officials have not recognized the distinction between 'federal' and 'national.' They have often forgotten that education is a partnership.

The rub, of course, is that more and more federal involvement comes by way of mandates without the dollars to comply. Or, dollars are provided with so many strings attached that unique state and local circumstances get ignored. Laws and regulations are written to apply to a mythical 'average' state."

Albert Quie
Former governor of Minnesota (1979-1983)
Former ranking Republican on the House Education and Labor Committee (1973-1979)

A QUICK RECAP OF SIGNIFICANT EVENTS

1787 The federal government has had a role in education since the founding of the nation. The Northwest Ordinance in 1787, which created the first states beyond the original 13, required that every township set aside land to support education in that community.

1917 The Smith-Hughes Act was passed by the U.S. Congress in 1917 to address both the burgeoning enrollment of high school students and the more than 25 percent illiteracy rate of military inductees in World War I. Smith-Hughes is the spiritual great-grandfather to what is today the Perkins Act.

1934 In 1934 during the Great Depression, Congress appropriated money for state and local governments to hire 34,000 teachers, and money from the Public Works Administration was used to build schools.

1941 Congress passed the Lanham Act in 1941, the spiritual grandfather of the today's Impact Aid program, to provide general support to districts heavily impacted by the war.

1965 In 1965, President Lyndon Johnson proclaimed his War on Poverty and made education his keystone effort. Johnson sent his bill to Congress on Jan. 12 and, less than 100 days later, he signed the ESEA in front of a one-room schoolhouse in Johnson City, Texas. This federal policy was aimed at getting dollars into the hands of poor schools, among other things.

1969

In the late 1960s, a group of governors, led by North Carolina's Terry Sanford, advocated for the establishment of a way to measure student learning to determine how various regions and groups of students were performing. This led to the creation of the National Assessment of Education Progress (NAEP) and what would become known as "The Nation's Report Card." For almost 20 years, NAEP data was available only by regions. In the late 1980s, a group of state superintendents and governors expanded the sample size so that it was possible to see data by states. This was the first time there were national samples of student performance that allowed for state-to-state comparisons of student outcomes.

1975

The initial legislation for what is now called the Individuals with Disabilities Education Act (IDEA) passed in 1975. This was a landmark civil rights bill providing education access for children with disabilities. It also granted parents the right to sue districts for appropriate services to be delivered in the least restrictive environment.

1979

In 1979, by a very narrow margin in the House (four votes), Congress passed a bill to create the U.S. Department of Education. The U.S. Department of Education was initially located in the former U.S. Department of Health, Education and Welfare.

1980

When he was a candidate for president in 1976, Jimmy Carter pledged to the National Education Association (NEA) that, if elected, he would propose the creation of a separate Department of Education. The NEA, in turn, formally endorsed Carter and the new department came into existence in May 1980.

1983

The release of the *A Nation at Risk* report in 1983 was an enormous catalyst for change. Written by a commission that was appointed by the secretary of education, this group of eminent leaders called the education situation in the nation as serious as if a foreign government had invaded the U.S. and was intent on doing maximum damage to the future of the nation. In many ways this report was the clarion call for reform and was captured by President Ronald Reagan as a great campaign issue, while at the same time he was calling for abolishing the U.S. Department of Education.

1988

In the ESEA reauthorization in 1988, Rep. Augustus Hawkins from the Watts area of Los Angeles, began to ask questions about why – after more than two decades of funding – he was not seeing improvements in the education that African-American students in his Congressional district received. This set the stage for much of what was to follow in the area of accountability.

1989

In 1989, largely driven by concerns emanating from the business community, President George H. W. Bush convened an educational summit in Charlottesville, Va., with 49 governors and all of his cabinet to address the issues that were raised in *A Nation at Risk* and the following years. An agreement was reached to create national education goals. These goals were negotiated between the White House and the governors and then formally announced in late January 1990. Known as Goals 2000, they were codified in 1994, in legislation, during the Bill Clinton Administration.

1994

Goals 2000 called for higher standards and a greatly improved graduation rate, among other items. President Clinton also wanted all students to have a reading test in 3rd grade and a math test in 8th grade. This became hugely controversial and was characterized as federal control. The legislation for tests did not pass, but the provision requiring states to adopt academic standards did as part of the 1994 ESEA reauthorization bill. A peer review by teams of experts from the states was a key element in the process of federal approval of both standards and assessments.

Goals 2000 legislation and ESEA reauthorization crossed an important line. States were to set higher standards and adopt tests linked to those standards for all students, not just those in federally funded programs. States that failed to do so risked, in theory, the loss of Title I funds. In addition, the concept of incentives was established with the states and within two years 48 states had accepted Goals 2000 grants to help them achieve those goals.

2000

Waivers became a widely used device in the second Clinton term when the president failed to get enactment of the next ESEA reauthorization and frustration grew over the pace of states getting approval for standards and assessments.

2001

On his third day in office in 2001, President George W. Bush hosted a meeting at the White House where he presented the outline of what would become No Child Left Behind (NCLB). NCLB supports standards-education reform and calls on setting high standards with measurable goals

2002

The NCLB legislation became law 50 weeks later on Jan. 8, 2002 and moved Washington even further into directing what was required of states and districts.

2009

The federal policy environment changed dramatically eight years later in 2009 during President Barack Obama's first term with the passage of the American Recovery and Reinvestment Act (ARRA), a fiscal stimulus bill aimed at moving a very troubled economy forward. The appropriation for this bill was almost $800 billion, with a remarkable $100 billion earmarked for education. The largest amount, $53.6 billion, was for grants to states for teacher pay, construction and modernization. Within that amount was $5 billion for the U.S. secretary of education to create a competition to award incentive grants to states in a competition called Race to the Top (RTTT).

RTTT gave the secretary of education the authority to set the rules and run a competition that would attract applications from almost every state and eventually award RTTT grants to 19 states.

Many would say that states have been in reaction mode since 2002 with the requirements of NCLB, the RTTT competition and waivers necessitated by the now more than eight-years-late reauthorization of ESEA legislation.

More on ESEA Waivers

As it became clear that Congress was not going to reauthorize ESEA on schedule in 2008, the U.S. Department of Education allowed states to request flexibility regarding the requirements of NCLB.

Waiver applications have typically included:

- Integration of student growth models in calculating adequate yearly progress.
- Changes to annual measureable objectives.
- Inclusion of non-test-based measures.
- Changes to minimum numbers that constitute subgroups (including combinations of subgroups or super subgroups).
- Differentiated accountability. Many states have struggled with how to support a growing number of schools requiring oversight or transformation.

Waiver extensions

Each state approved for flexibility in the 2012–13 school year was allowed to apply for a one-year extension, and states could reapply when those expired.

The U.S. Department of Education required four basic assurances to approve states' applications for flexibility, two of which had evolutionary ties to the content standards and accountability provisions in NCLB. These two asked states to assure that they would implement college and career ready standards and ensure targeted and differentiated accountability systems.

While NCLB/ESEA required that teachers be highly qualified, the law's details more closely relate to evidence of preparation and subject matter competency than to evaluation of actual classroom instruction or leadership competencies. Therefore, the third assurance – strong teacher and principal evaluation and support systems – was also reflected in the state RTTT grant application requirements." The fourth and final assurance required a commitment to reducing duplication and unnecessary burden.

Waiting on waiver renewals

Most states looking to renew their NCLB waivers in 2014 asked for three-year renewals. Four states (Kentucky, New Mexico, North Carolina and Virginia) went through an expedited renewal process and were granted four-year renewals because they had implemented their waiver provisions on time, including more rigorous teacher evaluations.

A few emerging wrinkles reflect conditions impacted by state implementation of the Common Core-related new Smarter Balanced Assessment Consortium or Partnership for Assessment of Readiness for College and Career (PARCC) assessments. For instance, Colorado asked that the schools not be penalized no matter how many parents opt children out of testing (NCLB/ESEA requires a 95 percent participation threshold). And at least a couple of states requested a one-year hiatus in consequences for schools – while they align to the new tests and tweak performance levels – or in the new tests' impact on teacher evaluations.

Looking forward

As Education Commission of the States reported in its 2004 Report to the Nation, to many, NCLB embodied – and even elevated – America's longstanding commitment to public education and the central role it plays. Others have viewed NCLB as well-intended but far beyond the capacity of states, districts and schools to carry out. Still others have seen the law as a burdensome and unwarranted intrusion on state and local prerogatives and responsibilities.

NCLB clearly established the improvement of public education as a vital and urgent national priority, and set ambitious goals: to eliminate gaps in achievement between students who have traditionally performed well in school and those who have not and ensure all students are proficient in reading and mathematics; to guarantee every classroom in the nation is staffed by a highly qualified teacher; and to make all schools safer and more productive learning environments.

NCLB was not an entirely new strategy for education reform. It built upon the accountability and assessment requirements of its predecessor, the 1994 ESEA, and in many ways mirrored the general direction of states' education policy initiatives over the past decade.

But NCLB differed from past initiatives in two important ways. First, it represented a more systemic approach to achieving reform and improvement. Second, it significantly raised the stakes – for states, districts and schools – for failure to make steady, demonstrable progress toward improving student achievement.

It has been 50 years since Congress passed the first ESEA. One thing is certain: This major law, known by whatever title Congress has chosen to assign, continues to represent a commitment to national priorities and goals. It seeks a fragile balance of federal and state roles. It continues to evolve.

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