Chapter 1. Contexts

Early in the morning of January 20, 2009, tens of thousands of spectators began assembling on the National Mall to catch a glimpse of the west front of the U.S. Capitol. Some had traveled literally across the country to be in Washington. Others were residents of the nation’s capital region who rose early that day, but not to face the usual punishing commute to work. That morning, all had gathered to witness history. At approximately 12 noon, Chief Justice of the United States John Roberts administered the oath of office to Barack Obama, who, on that day, became the nation’s 44th president, and the first black person to hold the nation’s highest political office.

Stepping to the lectern to deliver his inaugural address, President Obama peered out across the wide expanse of people, space, and monuments to the nation’s history that lay before him. Perhaps fitting, facing the new president far in the distance was the memorial and larger-than-life statue of Abraham Lincoln, where Martin Luther King, Jr. had delivered his famous “I Have a Dream” speech in 1963. Leading up to Obama’s inauguration and during the ceremony itself, commentators remarked on the historical threads connecting the nation’s 16th president and its hero of the civil rights movement to the man about to become America’s new leader.

Despite such a powerful intersection of historical symbols and personalities, Obama’s inaugural message did not dwell on the subject of race. The president did note that the country had “tasted the bitter swill of civil war and segregation” and that his own father “might not have been served in a local restaurant” fewer than sixty years ago. But rather than celebrating the historical significance of his inauguration, Obama’s more somber message called the nation’s

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1 The full text of Obama’s inaugural address is available from the White House website at http://www.whitehouse.gov/blog/inaugural-address/. Last accessed on April 16, 2009.
attention to several pressing crises. In the speech’s opening paragraphs, the president reminded all listeners of the major challenges of the moment:

Our nation is at war against a far-reaching network of violence and hatred. Our economy is badly weakened, a consequence of greed and irresponsibility on the part of some, but also our collective failure to make hard choices and prepare the nation for a new age. Homes have been lost, jobs shed, businesses shuttered. Our health care is too costly, our schools fail too many—and each day brings further evidence that the ways we use energy strengthen our adversaries and threaten our planet.

It was notable that in the paragraph framing the nation’s grand challenges, school performance appeared alongside concerns about ongoing wars in Iraq and Afghanistan, an economic crisis that Obama had labeled the worst since the Great Depression, and health care and energy policy, which both affect economic performance and the latter, energy, having crucial national security implications given the country’s dependence on foreign oil.

**Federal Leadership and Education**

Historically, federal policymakers have possessed many tools to fight wars and promote economic growth. But education has been different. Although federal influence over schools has expanded, state and local governments are still the primary caretakers of elementary and secondary (K-12) education in the United States. Many citizens, in fact, would prefer that federal leaders remain focused on questions of war, peace, and prosperity, and leave classroom matters to governments closer to home. Still, Obama’s inaugural address appeared to signal a commitment to improving classrooms that was on par with his duties as commander in chief of the armed forces and lead steward of the nation’s economy.
But what would the president do about “schools that fail too many”? On that question, in contrast with his discussion of the nation’s other grand challenges, the president failed to elaborate. Whatever path Obama envisioned that morning, one thing was certain: His education agenda would not emerge onto a blank slate. Years of federal initiatives and state and local reform movements had created a context in which Obama’s education plans would operate. That fact about education is also true of other policy areas. No new president governs with an entirely free hand. Policy legacies of prior presidents and congresses generate constraints and opportunities for new leaders. Breakthrough moments sometimes occur when presidents have a chance to remake the policy landscape, but most often changes are small and incremental.²

Roughly fifteen months before Obama’s inaugural address, Secretary of Education Margaret Spellings delivered a less-celebrated, but still notable, message of her own. Speaking on September 17, 2007 in front of the department she had led since becoming President George W. Bush’s second education secretary, Spellings dedicated the facility with a new name. Henceforth, it would be called the Lyndon Baines Johnson Department of Education Building, honoring the nation’s 36th president. In her remarks, Spellings told audience members that “President Johnson worked tirelessly to provide an equal education to all children. Having his name on the Department of Education building is a daily reminder to all Americans that his goal is now our duty to pursue and achieve.”³

Johnson’s principal accomplishment in K-12 education was passage of the Elementary and Secondary Education Act of 1965 (ESEA). That act has been the federal government’s main

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² Baumgartner and Jones (1993); Kingdon (1995); Skowronek (1997).

education law, focusing especially on the needs of disadvantaged students. The ESEA’s mechanisms, programs, and even its popular name have evolved as subsequent presidents and congresses have adjusted the legislation during its various major revisions, known as reauthorizations. In 2001, the Congress reauthorized the ESEA as the No Child Left Behind Act (NCLB), and President George W. Bush signed that measure into law on January 8, 2002.

The ESEA’s four-decade evolution into NCLB raises an important question, which this book explores. What happens when federal policymakers attempt to hold schools accountable for academic results? Increasing student achievement and decreasing achievement gaps between student groups were the principal goals that the authors of NCLB aimed to accomplish. As subsequent chapters will show, NCLB’s implementation revealed many things about the ability of federal policy to ensure that all children learn challenging and interesting academic content. Given the many hands at federal, state, and local levels charged with making NCLB work, it was no wonder that the law’s implementation produced uneven results. In fact, despite NCLB’s provisions, as the law took hold, the entire notion of “educational accountability” assumed many different meanings in states and communities across the country.

Such adaptations across the American federal system revealed the power and limits of federal law to meet the challenge of promoting educational accountability. The choices and capabilities of agency leaders in the U.S. Department of Education and state governments, as well as officials and teachers in local districts and schools, all revealed how the administrative environments in which federal initiatives operate can assert much influence on the ability of federal policymakers to hold state and local governments accountable for results. Although this book examines NCLB’s implementation from 2002 through 2008, while also considering future directions emerging during President Obama’s first term in office, its
overall insights about federalism and public administration also are relevant to several other policy areas.

My primary argument is that the allocation of responsibility for K-12 education in America hinders federal efforts to hold schools accountable for academic performance. In developing that claim, the book contends that difficulties arise when the assumptions of government accountability systems are misaligned with the institutional environments in which they operate. In other words, for an accountability system to succeed, especially one involving actors across the nation’s intergovernmental system, the logic and incentives linking relevant actors must be clear, consistent, and based on realistic understandings of how policy implementation works in practice. Designers of accountability systems are likely to produce frustrations when they overestimate the administrative capacities that those governments possess, or when they create incentives based on faulty assumptions about those capacities.4

Policies that promote accountability for results often create collisions between the ambitions of leaders demanding higher performance and other individuals who manage the environments in which those ambitions unfold. In NCLB’s case, the law’s accountability demands collided with the structures, policies, and practices governing education in states and local communities. NCLB’s strongest advocates suggested that the country needed such a collision to create a sense of urgency among state and local officials who, for too long in the advocates’ minds, had tolerated lagging school performance and persistent inequities in achievement. Collisions from the advocates’ perspective, then, were valuable for their potential to transform state and local policy, and the political contexts in which education operates.

4 For additional treatments of the importance of administrative capacity in education see Manna (2006b), Cohen and Moffitt (2009), and Kaagan and Usdan (1993).
In contrast, NCLB’s critics believed the collision was undesirable. Much like a construction site wrecking ball, they saw the law as inflicting damage on the state and local institutions that have primary responsibility for educating the nation’s youth. That damage undermined what some of NCLB’s critics have seen as potentially valuable state and local efforts aimed at helping disadvantaged students and the schools they attend. Some critics also suggested that NCLB actually represented a veiled attempt to advance certain political agendas, such as weakening teacher unions or tarnishing the reputations of otherwise effective public schools, rather than promoting high achievement.

The chapters that follow assess the collision between NCLB and the state and local institutions charged with carrying it out. Before considering those details, the next sections of this chapter establish three contexts that have shaped the nature of the collision. The first context involves the evolving ambitions of federal policymakers who have demanded greater accountability for educational results. The second concerns how federal policymakers since 1965 have attempted to alter the ESEA to satisfy their changing ambitions. The final one focuses on the all-important institutional and political contexts where policy implementation and student learning take place each day.

Evolving Federal Ambitions

Americans have tremendous faith in education to help individual people and the overall nation to prosper. Those views date to the country’s founding. National icons such as Benjamin Franklin and Thomas Jefferson, for example, believed that America’s grand democratic experiment would flounder unless citizens developed the knowledge, skills, and sensibilities to govern the new nation. Across time, the United States has relied upon schools to improve and sustain its democracy, while accomplishing several specific objectives. These have included
assimilating new immigrants; defeating international rivals during the Cold War; helping the country’s businesses compete with foreign companies; addressing racism and other forms of intolerance; alleviating poverty; reducing drug and alcohol abuse, teen pregnancies, and smoking; overcoming the legacies of slavery and legal segregation that prevented generations of blacks and other minorities from realizing their full potential; and finally, providing young people with opportunities to help them live better, more prosperous lives than their parents.\textsuperscript{5}

As several items in the prior paragraph suggest, federal policymakers have frequently relied upon schools to minimize persistent inequities. The view of education as a great equalizer, helping the most disadvantaged students overcome seemingly impossible barriers, has guided much federal education policy since the 1960s. Coming roughly a decade after the U.S. Supreme Court’s seminal 1954 decision in \textit{Brown v. Board of Education}, which declared that laws separating the races in education were inherently unequal, Lyndon Johnson pushed to pass the first ESEA as part of his larger War on Poverty.

Since the 1960s, developments in federal policy have reflected this equity theme. Subsequent revisions to the ESEA itself, for example, have incorporated programs to assist students learning English as a second language. The Education for All Handicapped Children Act of 1975, now called the Individuals with Disabilities Education Act (IDEA), dramatically increased opportunities for students with disabilities to attend public schools. Title IX of the Education Amendments of 1972 aimed to address persistent inequities that girls and young women faced in their academic and extracurricular activities. These federal initiatives have enjoyed varying levels of success and sometimes have stoked controversy. Overall, they have

\textsuperscript{5} Rothstein, Jacobsen, and Wilder (2008, Chapter 1); Tyack and Cuban (1995); Perkinson (1991).
revealed a consistent federal drive to press states and local school districts to ensure equality of educational opportunity for all students.⁶

Concerns about educational excellence joined equity as a more consistent federal ambition in the 1980s. Perhaps the most influential voice in prompting this additional federal focus was the National Commission on Excellence in Education. Terrell “Ted” Bell, who served as President Ronald Reagan’s first education secretary, created the commission in 1981. Bell charged its members with examining several issues, including the quality of teaching and learning in the nation’s classrooms; the performance of schools and American students versus those of other nations; the factors influencing long-term trends in student achievement; and the major problems that undermined educational excellence. Bell created the commission because he was worried about popular perceptions that American schools were performing poorly, thereby jeopardizing the nation’s future.

The commission’s now famous report, *A Nation at Risk*, did nothing to allay Bell’s fears.⁷ The relatively brief document quickly became a media sensation and helped to enhance federal interest, especially presidential interest, in education. One of its most frequently quoted passages made this bracing claim: “If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have considered it an act of war. . . . We have, in effect, been committing an act of unthinking, unilateral educational disarmament.”⁸ To remedy that dire situation, the commission recommended several specific reforms to push American students to take more substantively demanding courses and to

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⁶ Kaestle and Smith (1982); Manna (2006b); Davies (2007).


encourage all involved in education—elected officials, government bureaucrats, school personnel, and parents—to have high academic expectations for the nation’s young people. Critics of *A Nation at Risk* claimed that the report overstated the country’s predicament and understated the factors beyond the classroom, such as persistent poverty and policies fostering inequity, that kept some students from excelling.⁹

Despite the critics’ claims and counter-evidence, the report emboldened state reforms that were already underway and led federal leaders increasingly to embrace both equity and excellence in their policy deliberations. After *A Nation at Risk* appeared, observers became aware that several states already had reforms in progress that anticipated the commission’s recommendations. Governors used the report to build momentum for their own state-level efforts, and to assert their priorities at the 1989 National Education Summit in Charlottesville, Virginia. That meeting was called by President George H. W. Bush and encouraged by industry leaders across the country in organizations such as the Business Roundtable. At the summit, the governors persuaded the president to endorse the concept of creating national education goals that would guide the country into the future. The governors, including then-Arkansas governor Bill Clinton, who played a leading role, hoped that the resulting goals that were developed shortly after the Charlottesville summit would bolster reforms based on academic standards, which governors were already advocating in their home states.¹⁰

Even with the flurry of state-level reform activity during the 1980s—one report called it the “education reform decade”¹¹—substantive changes in federal policy came slowly. Federal

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⁹ For a summary of the critics’ claims, see Berliner (1995).


officials rhetorically embraced the concerns about educational excellence articulated in *A Nation at Risk*, but sweeping action was missing. A stated support for excellence had joined the historical commitment to educational equity that federal leaders identified when the first ESEA became law in 1965. Yet it took more than a decade after *A Nation at Risk* appeared for the ESEA to demand that states hold all students, advantaged and disadvantaged alike, to the same challenging academic standards. Those adjustments came in 1994 with the IASA, promoted by President Clinton and passed amidst strong resistance from congressional Republicans. Further, it would take nearly another decade before the ESEA would incorporate specific consequences for schools that failed to make regular academic progress. Those shifts came in 2002 with NCLB and advocacy from President Bush, as well congressional leaders from both parties. 

**Historical Frustrations with the ESEA**

One reason why federal officials and national interest groups pushed for a stronger federal role with NCLB was because prior ESEA reauthorizations had fallen short of achieving their stated goals. Since its original enactment in 1965, the ESEA had embraced lofty and noble ambitions. While details have varied from reauthorization to reauthorization, in general, four main goals have stood out. They have included: first, to direct federal dollars to impoverished local school districts to better serve disadvantaged students; second, to meet these students’ specific academic needs while simultaneously helping them to catch up academically with their more advantaged peers; third, to accelerate the development of state standards, testing, and accountability systems; and fourth, to judge and then hold schools and school districts accountable for academic performance. The ESEA has embraced the first two objectives for its entire history. The more explicit concerns about standards, academic performance, and

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12 Manna (2008, p. 6).
accountability, the last two goals, are more recent. They were first seriously incorporated into
the ESEA under President Clinton during the 1994 reauthorization.

Despite good intentions to improve disadvantaged students’ academic prospects, NCLB’s
supporters saw several weaknesses with past implementation of the ESEA. Previous efforts to
incorporate explicit mechanisms to hold schools accountable for student performance were done
without much thought and generally were unsuccessful. Some such efforts date to the law’s
initial passage in 1965. At that time, Senator Robert Kennedy, a Democrat from New York,
pressed Lyndon Johnson’s White House team to include provisions in the original ESEA to force
local school districts to report objective measures of their students’ progress.13

Johnson and his advisors, including the president’s Commissioner of Education, Francis
Keppel, resisted Kennedy’s pleas because they feared stoking political disagreements with local
districts and teachers. The proposed ESEA represented a major step forward for federal
involvement in the nation’s schools. During the legislative process it came under political attack
from different groups, especially the nation’s business community, who feared its mandates
would increase taxes and threaten state and local control of classrooms. Demanding such
accountability would upset local officials, Johnson reasoned, and it would create administrative
headaches for the relatively small federal Office of Education. That office, headed by Keppel
and residing in the larger Department of Health, Education, and Welfare, already would be
challenged to implement the ESEA as Johnson’s team envisioned it. (The Department of
Education, which now administers the ESEA and whose secretary is part of the president’s
cabinet, did not exist until 1980.) Still, Kennedy’s persistence persuaded Johnson to allow his
congressional allies to quietly insert language in the proposed ESEA that required school

13 Ravitch (2001); Manna (2006b); Graham (1984); Cross (2004).
districts to submit evaluations of student progress to their states, which the states would collate and forward to Washington.

This initial attempt to use the ESEA to hold local schools and districts accountable produced a jumbled mess. Lacking effective tests or other measurement tools, and receiving unclear guidance from Washington on what information they should generate, districts reported results from a range of instruments. Within individual states, frequently these results were incomparable across schools or districts. The tests also failed to produce information that would help state or federal officials determine whether federal aid was helping disadvantaged students to learn. Additionally, federal enforcement of these accountability measures was weak. Districts that simply ignored the requirement and reported no data never lost funds or felt other consequences. As education historian Diane Ravitch observed about these early attempts at accountability: “Eventually, Washington settled for assurances that the money would reach schools that enrolled poor children—no performance results required.”

In subsequent years, evaluations of Title I, the ESEA’s major component that would eventually contain NCLB’s school accountability requirements, found that school districts were ineffective at implementing testing systems to assess disadvantaged students. Too often districts would use tests to draw inferences beyond what the tests could show. Additionally, when disadvantaged students took tests to gauge their academic progress, typically the tests only examined very basic skills. A focus on minimal levels of understanding suggested to Title I evaluators that communities were operating with relatively low expectations for disadvantaged

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15 U.S. Department of Education (1993a) and (1993b). Readers should recognize that Title I of the original ESEA was renamed “Chapter 1” during the 1980s and early 1990s, until 1993 when it again was called Title I.
students and higher ones for their more advantaged peers, whom districts seemed to believe more capable of learning challenging academic material. Using two sets of standards conflicted with the ESEA’s goal of bridging the gaps in achievement between advantaged and disadvantaged youngsters.

In the IASA of 1994, federal policymakers seriously attempted to address the shortcomings of scattered testing and low expectations that had persisted after previous ESEA reauthorizations. But in 2001, legislators and Bush administration officials remained unsatisfied with the IASA’s track record. Although it had required states to have the same high academic expectations for advantaged and disadvantaged students, only 11 states had systems of testing and accountability consistent with the IASA’s requirements by 2001. Partly due to its own capacity limits, but also delays at the state level, the Department of Education had only reviewed these systems from 34 states, and the others were awaiting the department’s judgment.\textsuperscript{16}

Supporters of NCLB believed part of the IASA’s problem was that federal officials lacked the political will to enforce the law and incorporate tough consequences for schools and districts where disadvantaged students struggled academically. One reason why so many states were out of compliance with the IASA, the NCLB advocates believed, was that the Department of Education tended to offer timeline waivers to states that were slow to implement the law. In other words, rather than punishing states for not meeting the law’s requirements, the department tended to work with the states by encouraging them to move forward, even if they were many years behind where they were supposed to have been.

Similarly, even though the IASA required states to test their students and gauge their progress in reading and math at least one time in grades three through five, six through eight, and

ten through twelve, the law did not contain any clear consequences for schools making limited or no academic progress. The IASA’s authors let states determine what should happen if a school’s performance lagged. Critics at the non-profit research and advocacy group the Education Trust, for example, noted the IASA’s limits and the low expectations that it allowed states to maintain: “In the past, states had complete freedom in defining progress under Title I however they saw fit. But many states fell down on the job. Some set goals so modest that it would have taken more than a hundred years to see meaningful progress; one even defined ‘progress’ as not falling backward very far. In addition, many failed to measure and report the achievement of low-income and minority students.”

Compounding concerns about low expectations, weak accountability, and limited enforcement was evidence of persistent inequities between student groups. When NCLB’s authors and their allies observed the nation’s educational landscape, they saw powerful evidence that prior laws had fallen short. Most important, gaps in achievement remained noticeable and compelling across all years of the ESEA’s history for which reliable data existed. Put simply, despite some progress that began to narrow some gaps, the nation’s black and Hispanic students still scored consistently lower than their white peers. Similarly, students from families earning low incomes lagged behind students with middle- or upper-class backgrounds. These results showed that the nation was still far from eliminating gaps in achievement, one of the ESEA’s principal objectives.

Inequities in resources between advantaged and disadvantaged students were also apparent, especially to civil rights groups who had advocated for children with low family

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incomes and those who were racial minorities. Two resource problems were especially acute and persisted even with the ESEA. First, despite funding formulas in earlier ESEA reauthorizations that attempted to direct federal dollars toward districts serving disadvantaged students, evaluations of the law had shown that many needy students never benefited from these additional resources. For example, one study from the early 1990s found that nationwide, 14 percent of high-poverty elementary schools received no money from the ESEA’s primary funding component (then called Chapter 1 instead of Title I). Further, “one-third of the low achieving children (who score at the 35th percentile or below on reading tests) in elementary and secondary schools with poverty rates over 75 percent did not receive Chapter 1 services.”

Efforts to improve targeting occurred with IASA, but those changes still failed to serve all the nation’s disadvantaged students. One key reason was politics. By ensuring that Title I funding was distributed widely across the nation, even in school districts with small disadvantaged populations, advocates could maintain political support for the program in Congress.

A second persistent resource problem concerned teachers. By 2001, evidence had accumulated that teacher quality can have powerful impacts on student achievement. Still, disadvantaged students and racial minorities were less likely than advantaged students and whites to have high quality teachers. These differences existed no matter how one measured teacher quality, including the number of years teaching in one’s subject; whether teachers had full versus emergency or temporary certification; or whether teachers had majored in or even

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21 Reviews of the literature are in Wayne and Youngs (2003), Haycock (2004), Goe and Stückler (2008), and Ravitch (2004).
taken courses in the subjects they taught. Similar differences in qualifications also tended to exist for classroom teacher aides who were hired with ESEA funds. Especially in urban areas with concentrated poverty, few aides possessed college degrees and those employed typically received limited training.

During its 1988 reauthorization, lawmakers incorporated into the ESEA a professional development program to help teachers improve their knowledge and skills. Supporters hoped that program implementers would reach out to teachers of disadvantaged students. Although the program commanded relatively few funds compared to ESEA’s Title I, it still received several hundreds of millions of dollars per year. Evaluations suggested that these teacher development initiatives were lackluster and tended to support low quality activities. Nor did they reach large numbers of teachers from disadvantaged communities.

Inequities in achievement and resources motivated NCLB’s advocates to promote a tougher approach. In the view of President Bush, leaders in the education committees on Capitol Hill, members of the business community, and writers at non-profit groups such as the Citizens’ Commission on Civil Rights, past ESEAs had not done enough to alter practices in states, school districts, and schools. Put differently, the ESEA may have collided with state and local institutions and practices, but the anticipated transformations had not materialized.

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23 Brownstein (2002).

24 The program that the ESEA absorbed was the Eisenhower Professional Development Program, which had been part of the Education for Economic Security Act of 1984. For background on the Eisenhower program, see Manna (2008).

In contrast, other observers considered the accumulated data about student achievement and teacher quality and wondered if it was proper to blame past ESEA reauthorizations for these problems. Historically, the federal role in K-12 education had been to supplement, not replace, state and local efforts. Blaming federal policy for enduring inequities seemed unfair, some people argued, given that officials at other levels of government were primarily in charge of education. Also, federal funding for the ESEA had tended to fall short of what some groups, especially the nation’s teacher unions and other advocacy groups, believed was needed. As these advocates suggested, it was unfair to blame the ESEA’s mechanisms when they were never given a full chance to succeed.

Determining whether federal expectations and enforcement had been tough enough requires one to account for the limited authority that federal officials have wielded in education. Because the ESEA has always relied on state and local governments to carry out federal initiatives, federal policymakers have had to walk a fine political line. Leaders in the federal government have had difficulty demanding much from states and local governments because they had charged these levels with eliminating historically persistent problems, namely, massive inequities between student groups. Without state and local support, federal policymakers would be powerless to realize their ambitions. But giving the states and localities too much leeway meant that federal money would flow without clear results coming in return. Striking that balance of issuing demands but encouraging states and localities to support federal goals was administratively complicated, as federal education officials who implemented earlier ESEA reauthorizations had learned.\textsuperscript{26} Thus, it is difficult to understand the ESEA’s historic

\textsuperscript{26} Cohen (2002).
performance and the nation’s more recent experience with NCLB without understanding how the United States governs education.

**Governance and Politics**

The country’s faith in the ability of education to solve pressing problems is matched by its desire for state and local control of schools. Since the nation’s founding, the institutions and traditions of American federalism have tended to limit the federal role in classrooms. Despite the federal government’s increasing interest and involvement in K-12 education, this persistent desire for state and local control has revealed itself in several ways. When asked in 2008, for example, who should have the greatest influence in deciding what a community’s public schools teach their students, 46 percent of adults identified the local school board, 30 percent said state government, and 20 percent said the federal government.\(^{27}\) That did represent a larger fraction favoring federal involvement than in 1980, when a poll asking the same question found 68 percent saying local government, 15 percent saying state government, and 9 percent identifying the federal government.\(^{28}\) Even though respondents now appear more comfortable with a stronger federal role in schools, the overall pattern during the last three decades suggests people prefer state and local leadership.

One factor explaining public opinion is that states and localities have more developed institutions for governing education. Many state constitutions contain explicit and detailed


\(^{28}\) The remaining 9 percent either did not know, did not answer, or offered some other answer. Cited in Hochschild and Scott (1998, p. 98).
sections outlining the state’s responsibility for providing all citizens with access to quality schools. Those constitutions frequently establish several organizations, including state boards of education and state education agencies, that, along with governors and state legislatures, are charged with establishing free systems of public education. In contrast, readers can search long and hard, but they will find no references to education in the U.S. Constitution. Certainly, the Supreme Court has issued several rulings and Congress has passed several laws affecting the nation’s classrooms. But those actions have flowed from interpretations about general powers and protections that the federal constitution includes, not from specific language that grants to the federal government the authority to control the nation’s schools.

The allocation of financial responsibility for education also reflects a balance weighted toward state and local levels. Figure 1.1 tracks the source of revenues for K-12 schooling across time. As the figure shows, since the 1970s, states have assumed a greater burden of funding schools while local governments have contributed less. But collectively, state and local governments have nearly always accounted for more than 90 percent of the total. Despite important changes in federal policy, which increased the federal government’s regulatory involvement in schools and districts, the fraction of federal contributions to K-12 revenues has remained quite stable, usually hovering at around 7 to 9 percent per year since the mid-1970s.

State and local power over education has created a diverse patchwork quilt of approaches and institutions across the United States. Saying that the country has a “system” of elementary and secondary education overstates the degree of coherence that actually exists. Other nations that have more centralized governments and a more developed social welfare systems, such as France and Japan, have vested much power over schools in their national education departments. The resulting systems and subsequent experiences of French and Japanese students tend to be
more structured and uniform compared with experiences in the United States. In the fragmented American setting, teaching, learning, and equality of opportunity for students can be quite different across schools due to variation in state and local priorities and the bureaucratic systems that implement education policy.

*Figure 1.1 about here*

As one example, consider the specific state-level institutions that govern education. All but two states (Minnesota and Wisconsin) have state boards of education, and every state has a state education agency. State boards and agencies have explicit responsibilities for governing a state’s schools. The former are policymaking bodies that frequently determine teacher certification rules, the nature of state testing systems, the required content students must learn, and the courses they must take to graduate from high school. Some state boards have much power in these areas, but others do not. Leaders of state education agencies, often known as chief state school officers or state superintendents, are responsible for day-to-day administration of state and federal policies that affect schools. These state agencies also provide assistance and advice to entire school districts and individual schools, although their administrative capabilities vary. As the remaining chapters will show, that variation powerfully influenced NCLB’s performance.

Interestingly, states have established different procedures to govern how chief state school officers and state education board members come to power. Governors in some states have much say over who runs the state education agency and who sits on the state board. The governor’s power is more limited in other states, as where governors select board members, but not the state chief. Even more disconnected are governors in some states who lack direct influence over selection of the chief or board members. A common, but by no means dominant,
model is to have voters elect state board members, and then to have the board select the chief. Other arrangements also exist, including some states where chiefs themselves are popularly elected. These paths to power for state education officials are relevant for understanding NCLB’s impact because they illuminate part of the diverse institutional terrain on which federal policy operates.

Local variation also exists in everything from classroom practices to school and district capabilities to funding levels. Earlier, Figure 1.1 showed that on average state governments contribute roughly 50 percent and local governments 40 percent of the revenues that fund the nation’s elementary and secondary schools. But as Figure 1.2 shows, within individual states, the division of financial labor between state and local governments can vary greatly. At one extreme is Hawaii, where the entire state serves as a single school district. Local school districts, therefore, do not fund Hawaii’s schools, and only a small fraction of school funding comes from local sources. At another extreme is Nevada, where local sources provide 63 percent of K-12 funds and the state itself provides 30 percent. In other states, the balance resides somewhere in between. Often, state supreme court decisions have influenced the balance of financial power for education by ordering state legislatures to design schemes to improve funding equity.29

In addition to financial matters, local school districts also vary in their administrative organization and the conditions they face. Overall, there are roughly 14,000 school districts and 99,000 public schools in the United States. In some places such as New Jersey, which has 615 school districts, districts operate on highly localized scales and oversee few schools. New Jersey contrasts sharply with Florida, which has 67 districts, where each county operates as a single

29 Hanushek (2009); Evans, Murray, and Schwab (1997).
Further, states across the country, and those in the Midwest and West especially, often have rural districts that stretch across wide expanses of territory and serve relatively small numbers of students. That contrasts sharply with large urban districts such as those in Los Angeles, Chicago, Houston, and New York City, which serve tens of thousands of students, many of whom are recent immigrants who speak little or no English.

The diverse landscape of institutions that govern American schools and the overall nature of American federalism provide advocates on all sides of education debates with numerous venues in which to advance their policy and political agendas. Given the potential consequences of schooling on the lives of children, and the billions of dollars spent on schools each year, it is no wonder that the politics of education can be intense. Historically, at the national level, scholars have tended to consider education to be an issue owned by the Democratic Party. Those perceptions flow primarily from the Democrats’ support, dating to the first ESEA, for federal programs and funding to support American students, and Republicans’ desires to rely upon local communities or market forces to make decisions about teaching and learning. Despite those historical perceptions, the growing shift in popular debate

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31 On the concept of policy venues, see Baumgartner and Jones (1993).


33 Petrocik (1996).
from a focus on programs that support education to concerns over actual results has created additional space for Republican advocates to advance their own initiatives in national and state arenas. Passage of NCLB, with support from a Republican president who worked with leaders of both parties in Congress, illustrates as much.

Inside the Washington Beltway and out across the country, numerous organizations have formed to influence the political debates over education policy. Perhaps the most powerful in terms of raw political muscle, given the size of their membership rolls and their ability to raise money, are the nation’s major teacher unions, the National Education Association (NEA) and the American Federation of Teachers (AFT). Members of teacher unions reside in every congressional district in the United States, making them potent forces during election season, during which they overwhelmingly support Democratic candidates for office. Their large memberships are also powerful in lobbying campaigns in state capitals and on Capitol Hill.

Finally, collective bargaining between teacher unions and local school districts, which produce teacher contracts, also has important impacts on local practices and the distribution of teacher talent, as subsequent chapters will show.

Finally, although teacher unions remain powerful, other groups have also joined the fray, which has changed the overall environment during the last two decades. Chief among them have been members of the nation’s business community, traditionally a Republican Party constituency. Like governors in state capitals, business leaders have increasingly supported efforts to hold schools accountable for results. Through groups such as Achieve, which emerged

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35 Timpane (1991); Wirt (1997); DeBray-Pelot (2007)
from a partnership between governors and business, industry leaders have pushed for increasing standards and focusing efforts in subjects such as math, science, and technology. Think tanks and research institutes have also flourished. Since the rise of the Internet, especially, these groups have enjoyed more opportunities to gather data and distribute their analyses to wide audiences in federal, state, and local arenas.

**Collision Course**

In December 2001, members of Congress, anxious to improve education, passed NCLB and charged state and local governments with implementing it. After President Bush signed the bill into law in January 2002, the statute prompted diverse sentiments from its supporters, detractors, and neutral observers alike. Its most vocal advocates saw NCLB as a powerful engine to improve schools and eliminate inequities in educational achievement. Some saw the law as a civil rights statute dressed up as an accountability system with inspiring ambitions but questionable mechanisms. Others saw flaws in NCLB’s main components, but believed that targeted changes could correct those mistakes and, in turn, increase the chances of achieving its loftier goals.

More vocal critics attacked the law from diverse perspectives. One critical group believed NCLB simply represented more of the same failed approaches that, since *A Nation at Risk* appeared, had promised but neither delivered the country educational excellence nor equity. These critics suggested new approaches that would represent major departures from the systems

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36 Haycock (2001); Education Trust (n.d.).

37 Hess and Finn (2007).

38 Kahlenberg (2008).
of testing and accountability that resided at the core of NCLB. Those proposed changes included dramatic expansion of school choice. Others believed that NCLB represented an unrealistic effort, offensive to American federalism, that failed to account for the state and local capacities that would ultimately determine the law’s success. Chief among such critics were members of the bipartisan National Conference of State Legislators, who were vocal critics during NCLB’s development and after it became law. Finally, other critics saw NCLB as a grand conspiracy designed to set up schools for failure, which would lead to the eventual elimination of public education in the United States.

NCLB’s well-established track record makes it is possible to assess the law’s performance, competing claims about it, and the collisions it prompted. Regardless of one’s political perspective, one thing is clear: After NCLB’s passage, federal ambitions to push the nation’s students to higher levels of achievement and to hold schools accountable for performance collided with the institutional environments in which NCLB operated. What happened as a result? Before answering that question, it is worth recognizing that collisions themselves come in several forms.

In general, all collisions concentrate energy at some point of impact, but their consequences can vary. Sometimes they provide enjoyment rather than pain, as anyone who has ridden bumper cars at an amusement park will attest. At other times they are abrupt and dramatic, but seem to have no lasting effect. Sports fans have no doubt witnessed what appear to be bone-crushing hits between players in soccer, hockey, football, or rugby that, nevertheless,

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39 McKluskey (2007).

40 National Conference of State Legislatures (2010)

end in both players getting up as if nothing had happened. Some collisions are initiated with
great precision and intentionality, as when billiard masters effortlessly execute seemingly
impossible bank shots. Slight deviations of the cue angle, though, can create unintended
consequences and end a player’s turn. Outside of controlled environments, on the nation’s
highways, for example, collisions can be tragic, and physically and emotionally devastating.

What about NCLB and the collisions it initiated in states and local communities? Based
on the accumulated evidence, the law produced many results, rather than a clear single one. That
is perhaps not surprising given the large ambitions of NCLB’s authors and the diverse state and
local settings where the law played out. Still, to preview the arguments to come, at least three
broad positive results have ensued. The nation has become more attentive to concerns about
achievement inequities between student groups; the technical capabilities of state and local
governments have increased; and policy entrepreneurs have been able to leverage NCLB to push
for important reforms.

Simultaneously, two negative effects have also unfolded and affected the nation’s ability
to promote educational equity and excellence. Although some exceptions did exist, by and large,
NCLB’s implementation tended to produce practices that decreased academic quality and
expectations in the nation’s schools. Further, it expanded bureaucratic requirements that often
led policy implementers to focus their efforts on meeting technical requirements. As a result,
substantively important outcomes for schools and students suffered.

To investigate NCLB’s implementation, ensuing chapters consider the law from several
different perspectives, providing insights about its impacts and the larger lessons it suggests.
Chapter 2 examines how federal policymakers crafted NCLB. How, for example, did White
House leaders and members of Congress attempt to align their ambitious goals with the state and
local institutions that would be responsible for carrying out the law? What theories of accountability and administration, and which specific mechanisms did federal lawmakers incorporate into legislation? Analyzing the levers and logics residing at NCLB’s core helps to answer those questions.

Chapter 3 focuses on the choices of system leaders in Washington and state capitals who were charged with overseeing the law’s implementation. How did the compromises over NCLB that emerged during the lawmaking process influence federal and state officials, especially those in the U.S. Department of Education and state education bureaucracies? Some potential collisions between federal and state policy were in clear view during 2001. Others surfaced once federal, state, and local administrators began implementing NCLB. State officials found themselves in a pinch given that they were agents of the federal government, charged with making NCLB work in their individual states, but they were also overseers of their own local districts and schools. That sort of middle management position always puts state leaders in a challenging political and administrative spot. Fielding local requests while simultaneously attempting to align NCLB with pre-existing state systems often moved state education agencies to ask Washington to adjust NCLB’s requirements. In turn, federal bureaucrats decided where to bend and where to hold firm.

Chapter 4 considers NCLB’s local impacts, focusing especially on how the law labeled and affected schools that failed to meet annual achievement goals. How did NCLB’s content and the system leaders’ choices influence how schools were judged and ordered to improve? A popular notion in education is that schools can resist external pressures for change. The saying “this, too, shall pass” sums up the opinions of many educators and school principals regarding

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earlier reform waves that have come and gone. If that pattern held, perhaps NCLB created much political controversy, but few substantive changes in the critical tasks that classroom teachers perform each day. Alternatively, it could be that the law, much like its advocates anticipated, collided with school systems in transformative ways, helping local officials to initiate changes and improve educational opportunities and performance. Finally, collisions between these local institutions and federal ambitions may have been more negative, as the law’s critics predicted, undermining potential progress that existed before NCLB.

Chapter 5 examines NCLB from the perspective of the nation’s teachers. Ultimately, the law was supposed to be about more than the legal and regulatory choices of system leaders or the bureaucratic changes that schools and districts initiated in response to the law. Those activities were mere means to accomplishing the larger ends of improving educational opportunities and ultimately elevating student achievement in reading and math. Educators were crucial to achieving those primary goals. NCLB’s highly qualified teacher provisions attempted to improve educational opportunities by guaranteeing that all students would learn from talented teachers. The law’s other requirements created incentives and constraints that affected teachers’ daily classroom tasks. How did NCLB affect the quality of the teaching profession and the classroom choices that teachers make each day?

Chapter 6 examines how NCLB influenced the learning opportunities and achievement of students, especially those from disadvantaged backgrounds. Considering how NCLB affected the nation’s young people is perhaps most consequential for judging whether, on balance, the collisions the law initiated were desirable. In the collision between federal ambitions and state and local institutions, did NCLB seem to increase overall student achievement and decrease gaps between the nation’s traditionally advantaged and disadvantaged students? Just as one might
have expected NCLB’s effects to vary in schools and school districts, one also might have expected the law to affect students differently. The chapter begins by focusing on how NCLB affected learning opportunities for two traditionally disadvantaged groups that the law aimed to assist: students with disabilities and students still acquiring English, known as English-language learners. It then concludes by examining larger trends in student achievement across multiple states and years. That examination includes discussion of achievement gaps between advantaged and disadvantaged student groups.

Finally, Chapter 7 reflects upon the broader lessons that America’s experience with NCLB suggests. To what extent were the collisions that NCLB produced actually transformative and energizing, destructive and tragic, or something in between? What guidance does the law’s track record provide for subsequent federal efforts in education? More generally, what can NCLB teach us about the degree to which the federal government can successfully hold state and local governments accountable for results? Despite a healthy and sometimes vocal skepticism about the federal government’s ability to solve problems, citizens frequently turn to Washington when pressing crises and persistent inequities become intolerable.

It is an open question whether citizens should realistically expect federal officials to have the skills and institutional capacities to demand accountability from state and local governments, and then have those policy implementers produce desirable results. That question is not only relevant in education but other areas, too. Can federal policymakers hold states or localities responsible for moving people from welfare to work? Are officials in Washington able to assure that local economic development choices will not unduly affect the massive underground aquifers or large rivers that flow across state and municipal boundaries? Can federal plans to protect public safety ensure that state and local governments will be able to efficiently and
effectively respond to future natural disasters or terrorist attacks? Those issues and others, in addition to school performance, will remain salient for several years to come.

Calls for greater accountability have echoed in the halls of government and on newspaper editorial pages in the United States ever since the nation’s founding. Across American history, few people have argued that governments need less, rather than more, accountability for results. But even as elected officials and ordinary citizens embrace accountability, few of them have spent much time studying the difference between simply demanding results versus creating administrative systems that can produce them. Issuing demands is simple, especially for politicians who have ready access to microphones and the airwaves. Developing workable yet demanding systems of accountability that produce educated students and high performing schools is rather difficult. The next chapter begins to show how NCLB’s advocates approached that tall task.

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43 Light (1997).