

Conductor, schoolmarm, or struggling substitute teacher? Explaining the changing federal role in K-12 education

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ABSTRACT: The federal role in K-12 education has come a long way since Lyndon Johnson signed the Elementary and Secondary Education Act of 1965 (ESEA). After several reauthorizations, the ESEA has assumed its current form as the No Child Left Behind Act of 2001 (NCLB). Many observers have suggested that NCLB represents a major leap forward for federal policymakers, transforming the president and Congress into a de facto national superintendent and school board. In summarizing the ESEA's developments since the 1960s, this paper argues that even as federal involvement in education has grown, one should not overestimate Washington's influence nor underestimate the power of the states. In short, even today the federal-state relationship in education remains dynamic, as it has always been, and empowers policy entrepreneurs at both levels of government to advance their policy agendas.

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The federal role in K-12 education has come a long way since Lyndon Johnson signed the Elementary and Secondary Education Act of 1965 (ESEA). After several reauthorizations, the ESEA has assumed its current form as the No Child Left Behind Act of 2001 (NCLB). Many observers have suggested that NCLB represents a major leap forward for federal policymakers, transforming the president and Congress into a de facto national superintendent and school board. In summarizing the ESEA's developments since the 1960s, this paper argues that even as federal involvement in education has grown, one should not overestimate Washington's influence nor underestimate the states' power. In short, the federal-state relationship in education remains dynamic, as it has always been, and empowers policy entrepreneurs at both levels of government to advance their policy agendas.

Focusing on the ESEA, the following five sections develop that argument and summarize a book-length treatment of these subjects that I present elsewhere.¹ The first section briefly reviews major findings and key strengths and weaknesses that emerge from previous work on federal education policy. The second section develops what I call the borrowing strength model of agenda setting and describes why it is particularly suited to understanding how federalism influences policy agendas in Washington and the states. The third through fifth sections focus on three events, respectively: the ESEA's original passage and initial implementation; the period 1989 to 1994, which included the national education summit, the development of national education goals, and the reauthorization of the ESEA as the Improving America's Schools Act (IASA); and the passage and early implementation of NCLB. In those three sections, using the borrowing strength model, I examine the relationship between federal and state education agendas to reveal how Washington policymakers typically, and even today, must contend with their fundamental weaknesses in the education policy arena. The sixth section briefly concludes by looking ahead to NCLB's scheduled reauthorization in 2007.

Accounting for the federal role in K-12 education

There exists a long research literature on federal education policy, and the ESEA in particular, that stretches back several decades. Studies of the 1950s and 1960s have examined the political battles and policy decisions during the Eisenhower, Kennedy, and Johnson years that produced the first ESEA of 1965 and subsequent revisions later that decade.² Importantly, these studies reveal how Kennedy and Johnson linked an expanded federal role in education to concerns about equality and protecting civil rights. It is impossible, and misleading, these authors argue, to consider the first ESEA and its reauthorizations apart from the law's equity mission. Even as federal policymakers have embraced other goals, such as enhancing educational excellence and student achievement, promoting equity has always been a cornerstone of the federal role.³

Other work has examined several apparent trends in the federal agenda that have emerged since the 1960s. First, since the early 1980s federal officials have become increasingly interested in education. During the 1970s, prominent national leaders, especially presidents, appeared only marginally interested in education in their public statements and political campaigns,⁴ even though the U.S. Department of Education appeared on President Jimmy Carter's watch.⁵ Presidential interest began increasing in the 1980s after the National Commission on Excellence in Education published its well-known report, *A Nation at Risk*, which claimed that the United States had engaged in unconscionable educational "disarmament" in a fast-moving world where American competitors were gaining steam.⁶ Those concerns have continued to the present day.

A second general pattern scholars have noted is the federal government's expanding programmatic reach in education.⁷ Building on the first ESEA, federal policymakers have incorporated more programs into the law to address the particular needs of needy students. For years, those additions, which usually have appeared as categorical grant programs embedded in the ESEA, touched only the educational periphery of American schools. They also helped to bloat the ESEA from under fifty pages in 1965 to nearly 1,000 in its present form. For most years since 1965, even as federal policy expanded it avoided dictating matters such as the general school curriculum, teaching, and the content of tests.

Third, even though categorical programs remain popular, recent work on the ESEA's development in the 1990s and after 2000 has noted its increasing emphasis on student achievement.⁸ Work often attributes this shift to the leadership of Presidents George H.W. Bush, Bill Clinton, and George W. Bush. Using the bully pulpit of the White House, and the maturing platform of the U.S. Department of Education, the argument goes, these presidents reshaped the nation's education politics by crafting a federal role that has weakened state and local governments. Consider these examples of this popular view: Regarding the ESEA reauthorization of 1994, known as the Improving America's School's Act (IASA), one author argued that "No matter that the Clinton Administration's rhetoric is about plans created locally from the 'bottom up.' It is Uncle Sam who sets the requirements, describes the contents, writes the rules, and controls the purse strings. It is 'top down' plain and simple, much like the centralized education ministries of many European and Asian countries."⁹ One recent book argues that NCLB "transformed the federal government's role in education, moving it, in a musical sense, from second-chair status, in the orchestra to the conductor's podium. The government is now almost literally in the position of setting the stage for all the other players."¹⁰ Using a different metaphor, another concludes similarly: "The U.S. Department of Education now functions as a national schoolmarm, hovering over state school reform efforts and whacking those states that fail to record satisfactory and timely progress toward federal education goals with financial penalties and mandatory corrective actions."¹¹

No brief review can do justice to the rich work that has illuminated the developing federal role in K-12 education. Across the studies cited here, scholars have identified key personalities, decision points, laws, and political clashes that have emerged since 1965. Still, this work also frequently suffers from two important blind spots that limit its reach. These limits amount to sins of omission and come with some analytical cost.

First, historical or developmental studies of federal education policy tend to over-emphasize machinations inside the Washington beltway.¹² Scholars commonly assume that to understand federal policy, one needs to carefully examine federal decisionmaking. That is certainly a useful starting point, but it is surprising that state and local governments do not loom larger in these narratives given how the United States allocates responsibility for K-12 education. Despite Washington's expanding role, citizens still prefer state and local governments to control the nation's schools. Additionally, the fiscal federalism of education has remained quite stable for over decades. Federal spending has grown, but Washington has never financed more than 10 percent of the nation's overall educational expenditures; for roughly thirty years the federal contribution has hovered near 7 percent, mere pennies on the dollar when compared to what state and local governments provide.¹³ And even though federal grant programs in education, especially Title I of the ESEA, have come with more prescriptive requirements, in general, grants remain quite fluid and flexible policy tools.¹⁴ Importantly, recipients negotiate exceptions to grant program rules and regulations. Especially in education, a hard-line approach to

enforcing federal grant provisions can backfire and limit policy effectiveness and the political attractiveness of Washington's initiatives. Federal and state officials both recognize this reality. The result is an ebb and flow between federal and state leaders, which a relatively narrow focus on policy dynamics inside the Washington beltway tends to underemphasize.

A second limit of much historical work on federal education policy concerns matters of theory. Specifically, few authors who have chronicled the federal role ground their work in theoretical frameworks of policy change. Rather, they tend to produce narrative descriptions of unfolding events and personalities that, while rich in detail, do not identify more general mechanisms that explain how and why these changes have occurred and why others have not.¹⁵ Without that theoretical bite, it becomes difficult for readers to compare the explanatory power of differing accounts and to relate education to other policy areas. Paul Pierson nicely summarizes this general problem in a recent piece on the study of policy development. He argues that historically-oriented studies frequently examine "what happened in the past" and offer "convincing explanations of specific outcomes of interest." That work provides a start, but remains limited. "What is less clear," Pierson contends, "is how particular studies fit into some broader research program. Little effort is made to suggest what, if anything, might 'travel' from one investigation to another. Indeed, many historically-oriented analysts are uninterested in this question . . ."¹⁶

Seeking general mechanisms with a theoretical reach beyond particular moments or policy areas does not imply that historically-oriented studies of federal education policy must become empirically arid. Developing general concepts that inform broader understandings of policy development can retain the narrative richness that characterizes much work on the federal role. In fact, it must. Strong theoretically-oriented historical analyses attend carefully to the timing and sequencing of events. Further, they critically examine organizing frames such as "eras" or decades or presidential administrations that may confirm conventional wisdom, but fail to capture relationships and feedback processes that cut across otherwise neat slices of time.¹⁷

Borrowing strength and agenda development

The borrowing strength model is a general framework for describing and explaining agenda changes across time and levels of government.¹⁸ Applied to the federal role in K-12 education, it reveals how federal and state actors have performed a sort of strategic dance that has enabled policy entrepreneurs at both levels to develop their education agendas. This section describes the key building blocks and predictions that emerge from the borrowing strength model.

Generally speaking, the model is designed to explain the development of a government's agenda, which is comprised of two parts: interest and involvement in policy. *Interest* refers to the rhetorical attention policymakers give to a policy area. Among other things, elected officials demonstrate interest if they examine the policy in public hearings, explore it in their election campaigns, and discuss it in public. *Involvement* refers to policy production. Governments are involved in a policy area if they pass laws, write regulations, construct bureaucracies, and appropriate funds to address it. It is useful to consider interest and involvement as separate concepts because officials may discuss policy areas without taking action, and they may sometimes act quietly without much rhetorical fanfare.

To explain variation in government interest and involvement in policy, the borrowing strength model begins by assuming that policy entrepreneurs must act to promote a government's agenda.¹⁹ *Policy entrepreneurs* are advocates who fight doggedly and strategically for their

policy priorities. They can work inside or outside government and include elected officials, political appointees and career bureaucrats, interest group advocates, think tank researchers, and individuals who become powerful champions for causes of the day.

Policy entrepreneurs help build government agendas when they effectively mobilize government license and capacity to act. *License* refers to the arguments or rationales that justify government action. It resides in several places, including a leader's stock of political capital, which he or she may spend down to support a favorite cause. It may also emerge from statutes or constitutions, and previous policy experience, that seem to allocate specific policy responsibilities primarily to one level of government but not another.

Capacity refers to a government's ability to act once it has decided to act. Governments have capacity when they possess adequate financial, institutional, and human resources to become involved in a policy area. Like interest and involvement, it is useful to consider license and capacity as distinct concepts. Simply because rationales exist to justify action does not mean that a government possesses the capabilities to act. Similarly, a government may possess ample capacity to act but lack persuasive rationales to do so.

Given certain levels of license and capacity, and relationships between governments in the American federal system, one can predict whether policy entrepreneurs will succeed in promoting their agendas. Consider four possibilities to start, which assume a policy entrepreneur working to advance an agenda at either the federal, state, or local level. When a government possesses high license and high capacity, a policy entrepreneur will likely enjoy success in promoting that government's interest and involvement in his favored policy area. That is the first prediction outlined in Table 1. In that case, it is relatively easy for the entrepreneur to "strive" ahead because strong rationales exist for that level of government to act, and the government's capabilities are robust. Conversely, it is unlikely that policy entrepreneurs will enjoy success when a government's license and capacity are both low. Not only does the entrepreneur lack a compelling rationale to promote her government's interest and involvement, but her government also lacks needed capabilities to act. The policy entrepreneur's likely response will be to "stand by" and work behind the scenes to promote her ideas.²⁰

If striving and standing by are relatively predictable outcomes, what occurs to a government's agenda when either license or capacity, but not both, are generally high? These situations are harder to assess. With high license and low capacity, an entrepreneur at the federal level, for example, might possibly "stake" her claim that an issue is important, which could promote federal interest; but action may not occur because the federal government lacks crucial financial, institutional, or human resources. A situation with low license but high capacity is also somewhat ambiguous. A policy entrepreneur working at the federal level may feel emboldened because Washington seemingly possesses the resources to act, but he will "strain" to advance his ideas without a compelling rationale to mobilize federal action.

Savvy policy entrepreneurs recognize that limited license or capacity need not stifle their agenda ambitions. Through the process of borrowing strength they may overcome their license or capacity deficits to build their agendas. The second and third expectations from Table 1 capture this idea, and consider how the institution of federalism can influence the process of agenda setting. Policy entrepreneurs *borrow strength* when they leverage the license or capacity of another level of government to promote agendas at their own level. In short, the American federal system is ripe with opportunities that creative advocates can exploit. For example, a federal policy entrepreneur who possesses high license but low capacity may craft federal laws that rely upon state capacity. In so doing, the policy entrepreneur has ameliorated his federal

capacity deficit by borrowing state capabilities. Similarly, a state policy entrepreneur who possesses capacity but not license to act may advance her state-level agenda if she can leverage the arguments of federal policymakers who may possess license in this same area. These two general examples consider actions by either state- or federal-level policy entrepreneurs at a particular moment of time. They reveal how these individuals can develop government agendas even when license or capacity are low.

Table 1. Expectations about agenda dynamics in a federal system

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1. Policy entrepreneurs operating with high license and high capacity will tend to promote a government's interest and involvement in a policy area.
 2. Lacking license or capacity, policy entrepreneurs may bolster either or both, and thus develop their government's interest and involvement in a policy area, by borrowing strength from another level of government.
 3. Policy entrepreneurs will be more likely to borrow strength to promote agendas when they think it will help them achieve political gains and make good policy.
 4. Federal officials who borrow strength from states will be more likely to enjoy political and policy success if they accurately assess the license and capacity of state governments.
 5. State officials will attempt to extract concessions from federal officials if they think that in borrowing strength federal officials have overestimated state license or capacity.
 6. Federal officials will modify policies that depend on borrowed strength if they are persuaded they have overestimated state license or capacity.
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The situation becomes more interesting, and the model especially useful, when one recognizes that federal and state policy entrepreneurs may attempt to borrow strength from one another simultaneously and across time. Here the borrowing strength model provides valuable analytical leverage because it helps to describe and explain the dynamic interactions and feedback processes that alter federal and state agendas. In education policy specifically, the model reveals how federal and state education agendas have developed since the 1960s. The third through sixth expectations in Table 1 describe these ideas. They also underscore that borrowing strength is not necessarily easy or without potential costs. Sometimes policy entrepreneurs at one level of government miscalculate how much license or capacity another government possesses in a key policy area. When that happens, borrowing strength can produce political backlashes and unintended policy consequences that undermine these entrepreneurs' agendas. Similarly, even borrowing that seemingly succeeds in the short run can unleash forces that challenge policy entrepreneurs' own plans farther in the future.

The next three sections use the borrowing strength model to examine three historical episodes that reveal persistent relationships between federal and state education agendas. Collectively, these cases show that federal involvement in education has grown, but has not become the dominant force that some authors have described. Put another way, just as Mark Twain once quipped that news of his death had been greatly exaggerated, today, even as NCLB matures, one could say the same thing about reports of Washington's dominance over the nation's classrooms.

Passing and implementing the ESEA of 1965

Observers commonly call the ESEA of 1965 a legislative milestone in the evolving federal role in education.²¹ Lyndon Johnson echoed those sentiments at the law's signing ceremony where he noted that "all of those of both parties of Congress who supported the enactment of this legislation will be remembered in history as men and women who began a new day of greatness in American society."²² Looking deeper, though, the first ESEA is also revealing because it illustrates a persistent reality confronting federal policy entrepreneurs interested in American schools: Washington operates from a position of weakness rather than strength in education. Using the borrowing strength model to examine the first ESEA illustrates why.

As Johnson and his team developed the ESEA, they drew license from several places. The president's landslide victory and long coattails in 1964 returned him to the White House with strong congressional majorities, which provided a cache of political capital for him to spend on education. Further, the ESEA was not simply framed as an education measure, but an integral part of the Great Society that he had envisioned. Arguing that it was central to promoting equality provides Johnson with powerful justifications for this initiative.

Importantly, by focusing on disadvantaged students, Johnson also recognized that he would overreach if his initiatives affected all students by reaching too deeply in to the core functions of American schools. Title I of the ESEA boosted federal funding, but it also remained primarily on the educational sidelines by focusing on the particular needs of disadvantaged students. Title VI of the ESEA recognized the limits on federal license by noting that the law did not "authorize any [federal] Government department, agency, officer, or employee to exercise any direction, supervision, or control over the curriculum, program of instruction, administration of personnel of any educational institution or school system, or over the selection of library resources, textbooks or other instructional materials by any educational institution or school system."²³

Where Johnson and his advisers struggled was in mobilizing capacity to make the ESEA work. Federal capabilities to implement the president's vision were anemic and would easily be overwhelmed if communities across the nation turned to Washington for help. Johnson's commissioner of education, Francis Keppel, recognized the federal capacity deficits and reasoned that borrowing state capacity could provide a solution: "Having sat on that educational bureaucracy in Washington," he said, "the last thing in the world I wanted was all those 25,000 school districts coming in with plans with my bureaucrats deciding whether to approve them or not. I wanted that stuff done out in the states."²⁴ As expectation three from Table 1 predicts, Keppel recognized that borrowing state capacity could ameliorate the limited federal capacity that Washington possessed.

There was only one problem with that solution: the states possessed little capacity from which to borrow. During the 1960s, state education departments, and state governments in general, were typically weak organizations that lacked sophisticated staff and bureaucratic resources.²⁵ Keppel recognized this limitation, and had even held state education officials in contempt for their apparent ineptness. He once remarked, for example, that "the state departments of education were the feeblest bunch of second-rate, or fifth-rate, educators who combined educational incompetence with bureaucratic immovability."²⁶ Still, he could not imagine the ESEA succeeding without major help from state governments; pushing ahead without their assistance could create political and policy headaches and undermine the president's education agenda. Expectation three from Table 1 illustrates that idea, as do comments from

Johnson adviser Samuel Halperin who explained Keppel's key insight on this point: "Almost single-handedly, Commissioner Keppel convinced the executive branch that Washington's educational bureaucracy could not and should not be the operating focus for most federal programs."²⁷

Thus, the policy entrepreneurs in the Johnson administration faced a double challenge of borrowing and building state capacity simultaneously. Their solution was Title V of the ESEA, which helped state departments of education develop the bureaucratic capabilities and hire the personnel needed to implement federal law. This state buildup paid initial dividends, and helped state departments to mature. Writing in the 1970s, Halperin summarized some of those accomplishments this way: "Overall, state departments of education have added well over 2,000 needed staff members with the help of federal funds. Such innovations as state planning and evaluation units have been added in 38 states; new educational data systems (26 states); assessment programs (28); training for planners and evaluators (33); improved management-by-objectives systems (13); multi-year educational plans (8); state-wide planning in programming-budgeting systems (7); improved evaluation methodologies (23); etc."²⁸

Considering license and capacity helps explain the choices that Johnson and his advisers made in developing the ESEA. A further example illustrates how the maintenance of license and capacity are crucial for federal education initiatives to succeed. Consistent with expectation six from Table 1, it shows that federal policy entrepreneurs who rely on borrowed state strengths are likely to revise their policy commitments as implementation unfolds. This example also foreshadows challenges facing NCLB's advocates, which I discuss shortly.

During the legislative process, Senator Robert Kennedy (D-NY) argued that the ESEA would be ineffective unless some mechanism existed to measure the law's performance.²⁹ Commissioner Keppel supported the idea, but resisted because he feared a political backlash given low federal license to demand that approach: "You're damn right I want it," he told Kennedy before admitting "but I haven't got the nerve to do it on the executive side, because all the educators will scream bloody-murder if anybody measures them."³⁰ To sidestep that problem, the president instructed his congressional allies to quietly include a provision in the ESEA that addressed Kennedy's concerns. Again, relying on state and local capacity to accomplish Kennedy's accountability goal, Title I Section 205(a)(5) of the ESEA required states to work with local districts to devise "effective procedures, including provision for appropriate objective measurements of educational achievement ... for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of educationally deprived children."

The result was an abysmal failure primarily because states and local districts lacked the capabilities to implement it. Federal education officials received some data, but it arrived in many forms from several testing instruments that were not comparable. Lacking capacity of their own to offer the states much guidance or help, by 1970 federal officials recognized that Section 205(a)(5) was unworkable and thus did not enforce its requirements. As education historian Diane Ravitch has noted about this provision, "Washington settled for assurances that the [Title I] money would reach schools that enrolled poor children---no performance results required."³¹ That result is consistent with the sixth expectation of the borrowing strength model. Policy entrepreneurs will often scale back their agendas if they perceive they have overreached by attempting to borrow license or capacity that does not actually exist.

Education summitry, goals, and the IASA of 1994

As the ESEA evolved after 1965, it became a larger grab bag of relatively narrow educational programs that continued to reside on the periphery of the nation's schools.³² Attending to the particular needs of disadvantaged students, rather than trying to reshape the educational experiences of all, remained the focus. That approach was consistent with abundant federal license to promote educational equity, but still weak federal and growing but still limited state capacity that attenuated Washington's reach.

The period 1989 to 1994 is often considered an important turning point from the ESEA's general pattern that had persisted since the 1960s. Common storylines focus on presidential leadership as a driving force for change.³³ To fulfill a campaign promise during 1988, President George H. W. Bush called the nation's 50 governors to the first national education summit in Charlottesville, Virginia. At the summit, Bush and the governors produced a set of national education goals for the United States to achieve by 2000. After his victory in 1992, President Bill Clinton extended the summit's logic by passing his Goals 2000 education initiative and reauthorizing the ESEA, as the Improving America's Schools Act (IASA), in 1994. Collectively, those laws reoriented the ESEA toward a focus on academic achievement that eliminated conceptual distinctions between disadvantaged students and their more advantaged peers.

That narrative of change, grounded in presidential leadership, provides a reasonable first explanation of the evolving federal role from 1989 to 1994. Still, it remains incomplete because it does not explain how Washington overcame its license and capacity deficits that had relegated federal policy to the educational periphery during the previous three decades. Even if one assumes that the 1983 publication of *A Nation at Risk* created greater license to promote educational excellence, which it did, focusing on presidential leadership leaves unclear the mechanisms that enabled federal policy entrepreneurs to develop the capacity to alter course. Further, if the Charlottesville summit helped establish Bush as the "education president," why did his education policy initiatives, which included voluntary national standards and a plan called America 2000, flounder while Clinton succeeded in passing and generally sustaining his plans? In answering these questions, the borrowing strength model accounts for presidential leadership but also attends to crucial policy dynamics in the American federal system. In short, from 1989 to 1994, federal and state policy officials borrowed different strengths from one another, which helped policy entrepreneurs at both levels to develop their education agendas.

Consider the license to act that federal and state policymakers possessed in 1989. Without question, the concerns of *A Nation at Risk* about lagging achievement increased federal license to more aggressively discuss educational excellence, not just equity. But the report did not simply alter federal license. One reason why the report touched such a nerve was because its arguments about national economic competitiveness borrowed the same arguments that state policy entrepreneurs, especially southern governors, had been making about state economic competitiveness since the 1970s. Put another way, by borrowing license from these state leaders---who had articulated clear links between state economies and the quality of education---the authors of *A Nation at Risk* helped propel the report into the headlines. As federal leaders such as Reagan's education secretaries Terrell Bell and William Bennett and subsequently President George H. W. Bush pushed the excellence theme with the greater license that *A Nation at Risk* provided, a process of positive feedback created subsequent opportunities for state officials to push their own agendas.

By the time the national education summit occurred, state leaders had been using arguments from *A Nation at Risk*, many of which they had advanced in the 1970s, to argue for

state systems organized around academic standards.³⁴ With that agenda in mind, the governors approached the Charlottesville summit with a very strategic purpose, which differed from Bush's ideas. While the president perceived the summit as a way to stress education's importance and help governors share innovative ideas, the governors had a different agenda. In fact, the governors, not the president, arrived at the summit pushing the development of national education goals. That strategy had been outlined in a memo by Michael Cohen, a future Clinton education official who in 1989 was the top education adviser to the National Governors' Association. In his memo, Cohen argued: "The proposal [of focusing the summit on goals and targets] also has the potential for enormous payoff. For education, it can build and focus public attention and support, and help ensure that existing resources are most effectively utilized. It can help ensure that federal and state policies are appropriately altered along the lines already established by the Governors. And, it ensures that the governors will remain a dominant force in education policy for the foreseeable future, at both the state and federal levels."³⁵

In short, the governors drove the summit's agenda.³⁶ In so doing, they effectively leveraged license that the president's bully pulpit provided. That helped them to assert their own power in state-level education debates and to push their education agendas focusing on state-level standards and accountability systems. When Bill Clinton won the presidency in 1992, he organized his own education agenda around the ideas that the Charlottesville summit had promoted. That contrasted with Bush, who failed to develop traction for his agenda that centered on expanding school choice and voluntary national standards.

One reason why Bush stumbled but Clinton succeeded was that the former failed to leverage capacities that states were building. (See expectation four from Table 1.) Out in the states, the popularity of school choice paled in comparison to the push for standards. Further, states feared that the emergence of voluntary national academic standards would distract from their own efforts to develop standards and accountability systems. The idea of national standards, even though they were not *federal* standards, also stoked fears that Washington was treading too heavily on the states' turf. Lacking license and capacity to push that agenda in Washington, President Bush never capitalized on the overall success of Charlottesville.³⁷

In contrast, Clinton's initiatives drew upon general sources of federal license to promote educational equity and excellence, which the ESEA's track record, *A Nation at Risk*, and the Charlottesville summit had helped establish. Further, he effectively borrowed state license and capacity in promoting a federal role that relied on state-developed academic standards and tests. When Clinton proposed the IASA, 42 states had already begun developing content standards, which would define what students should know and be able to do, and 30 others were working on testing systems to measure student achievement.³⁸ The IASA relied on this emerging state capacity by requiring each state to hold their disadvantaged students, whom the ESEA was originally designed to help, to the same academic standards as other students. States could meet this requirement by testing a sample of their students at least one time in grades three through five, six through nine, and ten through twelve. Thomas Payzant and Jessica Levin, education officials in the Clinton administration, described this policy shift from previous ESEA's that had preserved clearer boundaries between disadvantaged and other children: "The new Title I [of the ESEA] makes a powerful break with past practice by replacing minimum standards for some children with challenging standards for all."³⁹

Interestingly, the borrowing strength model also reveals a parallel between the policy challenges confronting Bill Clinton and Lyndon Johnson. Both presidents realized they needed state capacity to further their own education agendas. With the ESEA's Title V, Johnson created

a mechanism to help states build capacity. The same logic informed Clinton's Goals 2000 proposal. Even though the states were at work developing standards and accountability systems, Clinton and his team understood that states, especially those that lagged behind, needed help fashioning these systems within the five-year timeframe that the IASA had envisioned. By analogy, then, one could consider Goals 2000 to be the modern equivalent of Title V by providing states with relatively open-ended funds to help develop their content and performance standards. In short, the IASA borrowed capacity while Goals 2000 helped to build it.⁴⁰ Even though Goals 2000 was a small portion of the federal education budget, its support was important for helping advance the standards movement in the states.⁴¹

Leaving no child behind

Texas governor George W. Bush made education policy a centerpiece of his 2000 presidential campaign. After narrowly winning office, President Bush began his first term by launching his education reform vision to leave no child behind. For Bush, lagging achievement and persistent achievement gaps across racial, ethnic, and class lines required a newly assertive federal government to demand increased performance. At NCLB's signing ceremony, much like Lyndon Johnson in 1965, the president argued that the United States was beginning "a new era, a new time in public education in our country. As of this hour, America's schools will be on a new path of reform, and a new path of results."⁴²

In crafting NCLB, Bush and members of both parties on Capitol Hill worked to bolster the license and capacity needed for this latest ESEA reauthorization. Recall that one source of license is a track record of previous activities that has survived political challenges. Even though Republicans in the 1990s had attempted to undermine the IASA and Goals 2000 under President Clinton, those laws remained in tact as the state standards movement continued building momentum. Clinton and his allies even found support from business leaders and state GOP heavyweights, such as governors Tommy Thompson of Wisconsin and John Engler of Michigan, who helped Clinton repel Republican critics in Congress. In principle, then, Bush's overall philosophy for NCLB paralleled the equity and excellence focus that federal policy entrepreneurs had been articulating for over a decade.

Bush and his fellow policy entrepreneurs possessed license to extend the standards-based approach that the IASA embraced. Still, they still faced powerful capacity challenges that the legislative process of 2001 needed to address. Many states still were not fully complying with the IASA, even though NCLB's success depended on that progress.⁴³ In summarizing their capacity challenges, which have confronted federal education reformers since the 1960s, Bush adviser Sandy Kress hit the core issue: "What makes this tough is designing something that will work in 50 very different states, and then figuring out how you can leverage change when you're only paying 7 percent of the bill."⁴⁴

Substantively, NCLB relies heavily on state capacity, as previous ESEA reauthorizations including the IASA had done. The linkage between federal policy and state standards and accountability systems remains in tact, but NCLB contains more prescriptive provisions than previous reauthorizations. Among other things, NCLB requires states to test all students each year in reading and math in grades three through eight; to establish systems that use testing data to reveal whether student subgroups, defined by race, ethnicity, income, language ability, and disability status, are making state-defined adequate yearly progress (AYP); and to initiate consequences for individual schools and districts if all student groups do not make AYP. Importantly, NCLB still reserves to states the power to set content and performance standards,

which illustrates an enduring limit on federal license to act. In other words, within NCLB's parameters, states are responsible for writing the curriculum and developing the tests needed to make the law work.

Has NCLB ushered in a profoundly new era of federal leadership in education? Many observers inside and outside government at all levels would answer yes, given the law's prescriptive requirements and Bush's promises to strictly enforce them.⁴⁵ But aside from the powerful rhetoric about change and reform, which, interestingly, has tended to emerge after every ESEA reauthorization,⁴⁶ the law's actual implementation suggests that changes have not been as dramatic as anticipated. The lens of the borrowing strength model highlights some of the enduring license and capacity challenges that still persist even with NCLB's emergence.

Despite the hoopla that surrounds the legislative process and bill signing ceremonies, how education officials develop and implement regulations are perhaps more important for determining a law's ultimate impact. That is especially true in grant programs, including Title I of NCLB, where a natural give and take between federal and state officials defines appropriate boundaries for behavior. Since NCLB's enactment, states have consistently demanded and won regulatory decisions and waivers that have altered the law's course. Certainly, federal officials have not granted every request, but by and large the pattern of behavior does not signal a clear break with past practice where waivers were supposedly to blame for watering down the ESEA.⁴⁷

That result challenges the promises of federal officials, including President Bush and his education secretaries, who claimed they would hold states strictly accountable for NCLB's requirements.⁴⁸ Added flexibility that softened the law's bite appeared almost immediately, though, when Secretary of Education Rod Paige allowed states to use a combination of state and local tests, rather than state tests alone, to gauge yearly progress. That choice angered some members on Capitol Hill who saw annual state testing as a cornerstone for accountability.⁴⁹ More generally, Paige and his successor, Margaret Spellings, have issued blanket revisions to NCLB's regulations several times, which have given states more flexibility under the law.⁵⁰ Those include rule changes that cut to the law's core including adjusting how limited-English proficient and disabled students counted in school progress calculations; extending deadlines or loosening the law's highly qualified teacher requirements, in part to respond to concerns of rural school districts; and a recent decision enabling some states to experiment with value-added testing systems that seem to contradict the requirement of measuring yearly progress against a criterion-referenced standard. Finally, several states have also won exceptions to NCLB's requirements through waiver requests that have created more forgiving AYP calculations.

Even when state actions seem to merit strict enforcement, federal education officials have still tended to rely on persuasion rather than formal punishment to achieve their desired results. To date, state financial penalties for noncompliance with NCLB have been extremely rare, and the dollar amounts have been minute when compared to NCLB's overall state allocations.

NCLB's implementation underscores the perennial capacity deficits that federal policy entrepreneurs face as they attempt to expand Washington's involvement in the nation's schools. Despite promises to assert control amidst state challenges or intransigence, federal policymakers risk undermining their policy agendas if they attempt to borrow state capacity that does not necessarily exist. Predictably, state leaders, with education agendas of their own, have pushed back, as expectation five from Table 1 predicts. Not wanting to risk undermining their larger ambitions to improve student achievement, federal officials have conceded important ground where states have either refused or been unable to develop the capacity that federal initiatives

require. On that point, it is telling that President Bush's second-term promise to extend NCLB's approach more explicitly into high schools was quickly abandoned amidst state-level criticisms and essentially no political support on Capitol Hill.⁵¹ If Washington has truly become a national superintendent or assertive schoolmarm, then one struggles to explain why this proposal died so quickly.

Certainly, NCLB is more prescriptive and ambitious than previous ESEA reauthorizations. But that ability to demand more depends heavily on states' abilities to deliver more. And when federal demands outstrip state capacity, federal policy agendas can shift course, which NCLB's track record and expectation six from Table 1 illustrates. Put another way, increasing federal involvement in education has not expanded while state agendas have stagnated. Rather, policy entrepreneurs at both levels have pushed their agendas simultaneously and with much success by borrowing strength from one another. The federal role now appears commanding because it has come so far since 1965. But the states have made great advances, too, which implies that the relative balance between them may not have changed all that much. Studying the dynamic relationships between federal and state education agendas, which the borrowing strength model facilitates, reveals that much like a substitute teacher, policy entrepreneurs in Washington frequently still struggle to assert their control.

Looking ahead

It will be interesting to see how federal and state education agendas continue to interact during the ESEA's next scheduled reauthorization in 2007. Since January 2002 when NCLB became law, states have won important concessions, regulatory revisions, and waivers as they have implemented the law. Strict penalties for non-compliance have been the exception, not the norm. Considering the ESEA's long history and the political dynamics that the law has unleashed, it would not be surprising if states win even more concessions in the coming round. With growing state-level critics of NCLB emerging on both sides of the political aisle, federal license to extend the law's reach even farther may be relatively limited.⁵²

Politically, the coalition on Capitol Hill that moved NCLB through the legislative process has now fractured, and Republican and Democratic critics of NCLB have become more vocal. While most federal and state officials still support the law's overall goals, brokering compromises over specific concerns, such as funding levels and enforcement of the law's school choice provisions, may be more difficult to manage given the nation's current political climate. Some research has suggested that NCLB ushered in a new Washington bipartisan consensus on the federal role in the nation's schools.⁵³ Certainly, the days of Republicans calling for the virtual elimination of the federal role and the federal education department are now gone. But the next ESEA reauthorization will provide a strong test to see whether this supposed new bipartisan consensus can hold.

Overall, as the NCLB debate moves forward, scholars and education policy analysts should carefully and simultaneously observe the behavior of federal and state policy entrepreneurs. Future agendas will take shape as these individuals mobilize license and capacity and borrow needed strengths to accomplish their goals. Those dynamics, not solely the preferences and apparent assertions of power by Washington policymakers, will ultimately shape the next ESEA reauthorization and future federal and state agendas in K-12 education.

Notes

- ¹ Manna (2006).
- ² Notable examples are Sundquist (1968), Eidenberg (1969), Thomas (1975), and Graham (1984).
- ³ The authors in the previous note make this point, as did former Johnson adviser Samuel Halperin in a personal interview with me on January 22, 2002.
- ⁴ Finn (1977); and Manna (2006, chapter 3).
- ⁵ Stephens (1983-1984); and Radin (1988).
- ⁶ The report is conveniently archived at <http://www.ed.gov/pubs/NatAtRisk/index.html> (last accessed April 29, 2006). See also Bell (1988).
- ⁷ Kaestle (1982); Kaestle (2001); and Brademas (1987).
- ⁸ Jennings (1998); Hill (2000); Cross (2004); DeBray (2006); Manna (2006); and McGuinn (2006).
- ⁹ Manno (1995, p. 43).
- ¹⁰ Cross (2004).
- ¹¹ McGuinn (2005, p. 68). For an expanded treatment, see McGuinn (2006). A related argument appears in Elmore (2002).
- ¹² A parallel tendency, which also contains a top-down orientation, occurs in work that uses principal-agent perspectives to examine state implementation of federal policy. Examples include Clark (1981, p. 258); Guthrie (1983, pp. 672-3); Chubb (1985b); Chubb (1985a); Hill (2000, p. 27); and Volden (2000).
- ¹³ National Center for Education Statistics (2005).
- ¹⁴ Derthick (1970); and Beam (2002).
- ¹⁵ Scholars of federal education policy who take an intergovernmental approach and do not overstate Washington's role still often suffer from this second limit. Examples include Fuhrman (1987), Elmore (1990), and Fuhrman (1994).
- ¹⁶ Pierson (2005, p. 35).
- ¹⁷ Pierson (2000b); Pierson (2000a); Orren (1994); Lowi (1994); Thelen (2002); Baumgartner (1993); and Baumgartner (2002).
- ¹⁸ A fuller treatment of the model is in Manna (2006, chapter 2).
- ¹⁹ A developed literature addresses policy entrepreneurship. Useful reviews and applications include Kingdon (1995), Mintrom (2000), and Sheingate (2003).
- ²⁰ That idea parallels John Kingdon's (1995) notion of "softening up."
- ²¹ Sundquist (1968); and Hartle (1983).
- ²² Congressional Quarterly (1966).
- ²³ Congressional Quarterly (1966, p. 279).
- ²⁴ Graham (1984, p. 63).
- ²⁵ Bowling (1998); and Hedge (1998).
- ²⁶ Graham (1984, p. 63). As former Johnson adviser Samuel Halperin described to me in a personal interview on January 22, 2002, "The people who you could call the Kennedy and Johnson elites--I don't use that term negatively--didn't think that we could get educational justice from the states. Some of them said that the states were actually the problem."
- ²⁷ Halperin (1975, p. 15)
- ²⁸ Halperin (1975, p. 11)
- ²⁹ Halperin (1975, p. 10 and 13); Elmore (1982, pp. 162-5); and Guthrie (1983, pp. 676-7).
- ³⁰ Graham (1984, p. 79).
- ³¹ Ravitch (2001).
- ³² Berke (1972, p. 391); Kaestle (1982, pp. 400-4); and Doyle (1985, p. 37).
- ³³ In a personal interview on May 8, 2002, Chester Finn explained to me that "The first President Bush got this started. There were national education goals, and America 2000. Those things were activist reform generators." For examples attributing change to Clinton's influence, see Manno (1995) and Jennings (1998, pp. 150-1).
- ³⁴ For example, the National Governors' Association organized its entire 1986 annual meeting around education. That event helped produce a report entitled *Time for Results* that strongly supported standards-based reform. A second report, *Results in Education*, followed up in 1987. Further, Schwartz (2000, p. 176) called the 1986 event "in a sense a trial run for Charlottesville three years later."
- ³⁵ Vinovskis (1999, p. 26).

³⁶ Much evidence supports this claim, including my interviews with Michael Cohen on October 23, 2001; Gordon Ambach, former executive director of the Council of Chief State School Officers, on January 25, 2002; Susan Traiman of the Business Roundtable, on February 4, 2002; and Milton Goldberg, a Bush official at the time who had also been executive director of the commission that produced *A Nation at Risk*, on December 11, 2001. In reflecting about the Charlottesville summit, Goldberg told me "There's no question that the influence of the governors was considerable." He also considered the summit's focus on goals to be surprising: "given the ideological polarization in the country at the time I couldn't see it [the development of national education goals] happening. ... I thought it was a crazy idea. And I was as surprised as anybody when to see at the education summit--you had George Bush and Bill Clinton there side-by-side." See also Schwartz (2000, p. 176).

³⁷ Jennings (1998, p. 20-5); and Schwartz (2000, p. 178)

³⁸ Jennings (1998, p. 8).

³⁹ Payzant (1995, pp. 62-3).

⁴⁰ Cohen remarked to me: "We were quite explicit with Goals 2000 to get the feds on the same page as the states. Some of the particulars of Goals 2000, the actual language, came right out of Charlottesville. ... When we were putting Goals 2000 together, my directions from the president were, 'Remember all of that stuff that we agreed to in Charlottesville? Make sure it gets in there.'"

⁴¹ My interview respondents from different political perspectives suggested as much, as did a 1998 report from the General Accounting Office, cited in Schwartz (2000, p. 186).

⁴² White House Office of the Press Secretary (2002).

⁴³ Citizens' Commission on Civil Rights (2001).

⁴⁴ Broder (2001).

⁴⁵ Elmore (2002); McGuinn (2005); McDermott (2005); and McGuinn (2006).

⁴⁶ For example, former Clinton education secretary Richard Riley said this about NCLB: We called ours [the IASA of 1994] sweeping. Whoever passes the next reauthorization will call it sweeping" (Robelen 2002). See also Kafer (2001) for a collection of similar claims dating to 1965.

⁴⁷ Erpenbach (2003); and Fast (2004).

⁴⁸ Wilgoren (2001); Paige (2002); Schemo (2003); Becker (2004); and Dillon (2005a).

⁴⁹ Olson (2002b); and Olson (2002a).

⁵⁰ Robelen (2004a); Robelen (2004b); Hoff (2005); Davis (2005); and CNN (2005).

⁵¹ Robelen (2005a); and Robelen (2005b).

⁵² Becker (2004); Gest (2005); Dillon (2005b); and Davis (2005).

⁵³ McGuinn (2006).

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