

# Review Essay

## Toward Federalizing Education Policy?

*Politics, Ideology, & Education: Federal Policy During the Clinton and Bush Administrations*, by Elizabeth H. Debray. New York: Teachers College, 2006, 218 pp., \$27.95 paperback.

*School's In: Federalism and the National Education Agenda*, by Paul Manna. Washington DC: Georgetown University Press, 2006, 209 pp., \$26.95 paperback.

*No Child Left Behind and the Transformation of Federal Education Policy, 1965–2005*, by Patrick J. McGuinn. Lawrence, KS: University Press of Kansas, 2006, 260 pp., \$19.95 paperback.

*NCLB Meets School Realities: Lessons from the Field*, by Gail L. Sunderman, James S. Kim, and Gary Orfield. Thousand Oaks, CA: Corwin Press, 2005, 148 pp., \$31.95 paperback.

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### The Politics of “Federalizing” Education Policy

In his last public policy speech at the end of his two-term presidency, George W. Bush chose to highlight his accomplishments in education reform at the General Philip Kearny School in Philadelphia. Seven years after the passage of the No Child Left Behind (NCLB) Act, the President claimed that “fewer students are falling behind” and “more students are achieving high standards.”<sup>1</sup> To address the concern that testing is punitive, the President commented, “How can you possibly determine whether a child can read at grade level if you don’t test? To me, measurement is the gateway to true reform.” Clearly, the debate over the benefits and the flaws of the federal act will continue as President Barack Obama defines his own reform agenda. As a presidential candidate, Obama supported the federal role to strengthen accountability. At the same time, he sees the need to provide additional resources to schools so they can improve teacher quality and improve academic performance in a more effective way.

From an institutional perspective, federal assertiveness in education is a significant departure from a long held tradition of federal permissiveness. The federal government has been mindful that states have the constitutional authority over public education and that the American public adheres to the ethos of local control over public schools. With the enactment of the federal NCLB Act, however, a new governance system seems to have emerged. One may describe this latest intergovernmental arrangement as the “federalization” of education accountability. To be sure, it is clearly not “nationalization” of education since there is no national examination and states continue to design their own academic standards and decide on how to intervene in persistently low performing schools. Nonetheless, the federal law requires all states to apply federal criteria in holding schools accountable. A central feature is the requirement that students be tested annually in reading and mathematics and that the results be used as evidence of whether schools meet the Adequate Yearly Progress (AYP) requirement to avoid federally defined interventions.

The shift in the federal role has generated growing interest among political scientists to rethink their understanding of intergovernmental relations in education. First, students of federalism focus on power distribution across levels of government. To what extent does the NCLB Act fundamentally reallocate the distribution of power between the federal government and states? Second, policy analysts disagree over the role of the private sector in public schools. Does the federal act encourage market-based reform by easing the entry of diverse service providers to deliver instructional services, such as after school supplemental services and charter schools? Third, education reformers argue over the proper role of various interest groups. Did the federal legislative process narrow the engagement of major stakeholders, such as teachers’ unions, community groups, and professional organizations? In short, NCLB has motivated researchers to re-examine the politics of the federal role in education.

The four books included in this review offer important perspectives on how the shift in federal policy came about as well as the challenges of policy implementation. Conceptually, the authors offer useful policy frameworks, such as “policy regime” and “borrowing strength,” to enrich our understanding on the shift in federal agenda setting. Analytically, these books focus on the politics at multiple policy levels. While the books by McGuinn and DeBray examine national politics, the studies conducted by Manna and Sunderman and her colleagues provide detailed analyses on sub-national politics. Methodologically, these four books encompass a variety of data collection strategies that range from historical analysis, interviews with stakeholders, teacher surveys, to regression analysis of setting priority issues in the Congress and the White House over time. Taken as a whole, these books complement each other nicely in offering a fairly comprehensive look at the politics on the passage of the federal NCLB Act as well as its early implementation lessons.

## **Act One: Toward a Federal System of Accountability**

Patrick McGuinn’s book offers a political analysis of the changing federal role in elementary and secondary education between 1965 and 2005. The study was motivated by both intellectual and policy reasons. As a graduate student in the late 1990s, McGuinn found “remarkably little contemporary research” on the growing federal involvement in education. The passage of NCLB provided a compelling reason for McGuinn to more systematically examine the politics that drives the growth of the federal role. Specifically, he wants to resolve a policy paradox, “Why did most Republicans and Democrats ultimately come to

support federal standards, accountability, and choice reforms when both parties (for different reasons) had long opposed them?”

McGuinn devotes much of his attention to federal policy development that led to the passage of the NCLB Act in January 2002. He sees this legislation as a “transformative” moment in that well-entrenched political interests departed from their traditional policy positions. Conservatives were ready to set aside their strong belief in local control and to endorse a visibly stronger federal presence in education. Liberals moved to support a fairly comprehensive set of accountability measures, including annual testing of students in core subject areas with consequences. The de-alignment of traditional political relationships, as I may characterize the enactment of NCLB, provides a uniquely rich context for McGuinn to advance his “regime” theory.

In reviewing policy development over a 40-year period, McGuinn argues that a policy regime framework offers a rival perspective to the punctuated equilibrium approach on public policy making. The latter depicts a long, cumulative process of policy stagnancy with occasional interruption of short periods of activism. In contrast, the policy shift in NCLB represents a sharp transformation from the status quo to a new policy regime, which embodies a fundamentally different set of ideas, interests, and institutions. From McGuinn’s view, education, for the first time in the nation’s history, now occupies a center stage in the political discourse.

The regime approach may have overlooked two critical political institutions, each of which is addressed extensively in two other books. While Paul Manna sees states as an organic partner in the transformation of the federal role, Elizabeth DeBray argues that Congressional decision making remains largely embedded in partisan tactics and ideological conflict. Taken as a whole, these two other perspectives fill the gap in the policy regime approach.

In *School’s In*, Manna, like McGuinn, synthesizes evidence on federalism and education policy over the last 40 years. Unlike McGuinn, Manna comes up with a different perspective on the federal–state relations. While McGuinn gives stronger weight to national politics, Manna’s central argument is grounded in the notion of a compound republic. After all, states maintain the constitutional authority over public schools. Every state constitution has a provision that guarantees compulsory and free public schooling. In reviewing the political development of the federal education role, Manna places a key emphasis on the role of states.

In setting up his argument, Manna reminds us, “Although Washington’s influence over American schools has increased, it is wise not to overestimate the expansion of federal power nor to underestimate the resiliency and continuing influence of state education agendas in the United States.”<sup>2</sup> Instead of seeing institutional obstacles in the compound republic, Manna argues that policy entrepreneurs can use the compound republic to promote reform across the nation. Federal leveraging of state support can be seen as a process of “borrowing strength.” As states become more active in engaging state capacity, they may develop a stronger commitment to federal education policy goals. Indeed, a generation ago, in their study of the implementation of federal redistributive programs, Peterson, Rabe, and Wong found growing federal–state–local accommodation with the passage of time.<sup>3</sup>

At the same time, Manna noted that federal–state interaction provides an opportunity for states, which hold the license to act, and to exact federal concessions, such as regulatory flexibility and additional federal funds. The Charlottesville education summit of 1989 provides an example. In contrast to the conventional view that the summit demonstrated

presidential leadership, Manna argues that the federal government neither had the license nor the capacity to carry out the education goals as established at the summit. Instead, the governors, not the president, shaped the summit's agenda and succeeded in leveraging the president's bully pulpit to push for national attention to the education goals. The governors' objective to strengthen their license to act upon the education goals was outlined in a key memo from the National Governors' Association obtained by Manna. As that memo stated, "The proposal [of focusing at the summit on goals and targets] also has the potential for enormous payoff. . . [It] ensures that the governors will remain a dominant force in education policy for the foreseeable future at both the state and federal levels."<sup>4</sup> Consequently, the governors' agenda was included in the Goals 2000: Educate America Act of 1994.

For decades, scholars of federalism often chose between Grodzins' "layer cake" theory of cooperation and Wright's notion of "picket fence" intergovernmental system of fragmentation. Manna, to some extent, offers a third way of thinking about intergovernmental relations. While states remain in charge of the education policy domain, the federal government is able to extend its reform role by borrowing from state capacity and license. At the same time, the process of borrowing strength can be politically costly to states. As Manna observes, federal and state agendas do not always move together in harmony. State governance and policy choices may risk the possibility of being driven by federal priorities. Many state departments of education are increasingly dependent on federal funds for their operations, even when governors are more active in making their own education policy agenda. In this regard, the borrowing strength model seems to have contributed to the federalization of education accountability.

While Manna focuses on how the federal government has "borrowed strength" from states, it is not clear why the logic does not extend to state-local relations. In a seminal study on the early implementation phase of the 1965 Elementary and Secondary Education Act, Jerome Murphy observed that federal antipoverty goals were frustrated by the naturally close relationship between the state government and local districts. Murphy's study of Massachusetts showed that the state was "unable to impose state priorities on local districts. Part of the explanation lies in the historical commitment in [the state] to local control of the schools and the resultant concentration of power at the local level."<sup>5</sup> Notwithstanding the growing federal influence in recent decades, the structure of political incentives for state actors remains unchanged—the source of the state political power and policy claims primarily comes from local constituencies. Under the NCLB Act, states are likely to frame federal expectations in ways that do not challenge the state-local governing culture. In other words, ongoing research is needed to examine different state strategies in mediating the tension between local control and federalized accountability.

Congressional politics is another critical condition that accounts for the shift in federal policy. The drama of Congressional politics is illuminated by Elizabeth DeBray in her in-depth study of the 106th and 107th Congress. Interest groups have traditionally played a prominent role in shaping federal education policy. While the "iron triangle" seemed applicable to how education policy was made in the 1960s and the 1970s, networks of interest based organizations and think tanks became prominent in the 1980s and the 1990s. These existing structures, however, began to lose some of their influence as Congress sharpened its partisanship and ideology in the mid-1990s under the leadership of Newt Gingrich. Partisan polarization remained intense and was articulated in contrasting directions in the 106th and 107th Congress. According to DeBray, Republican partisanship blocked Bill Clinton's education reform bill in the 106th Congress. Yet, in the 107th

Congress, Republican partisanship and loyalty helped pass NCLB when George Bush rallied for partisan support and “disciplined the far right of his own party in the House.”<sup>6</sup> In the aftermath of the September 11, 2001 tragedy, observed DeBray, “It was the prerogative of the President to have the legislation, and he exercised it aggressively.”<sup>7</sup> Dominated by the White House and key legislative leaders in a post-Gingrich era, the much weakened committee decision making process did not actively involve the traditionally powerful interest groups, such as the NEA and the AFT.

The partisan convergence on NCLB was dramatic, if short lived. During the previous reauthorization of the federal education act, the Improving America’s Schools Act in 1994, only 19% of the House Republicans voted for its support. However, in January 2002, 85% of the House Republicans supported the NCLB legislation. Republican support in the Senate was as dramatic. While 53% of the Senate Republicans voted in favor of the 1994 bill, 94% of them supported the NCLB Act. DeBray argued that this shift was due in part to the Bush administration’s reliance on the state-based standards reform movement and in part to the willingness of both political parties to alter their ideological positions on accountability, choice, and funding. Whether the Republican conservatives have permanently departed from their ideological position remains to be seen. Likewise, Democratic compromise seemed reluctant. Interestingly, one lobbyist recalled how Senator Edward Kennedy rallied his Democratic peers to support a compromise provision on allowing private companies to provide after school tutorial services. “Kennedy just read us the riot act. ‘You may not have noticed,’ Kennedy said, ‘but we don’t control the White House, the Senate or the House. I’m doing my best, but I’m not going to let you stop this.’”<sup>8</sup> Thus, the politics of compromise, according to DeBray, facilitated the enactment of the most important federal education act in history. DeBray’s detailed documentation of the political reluctance of the Congressional members suggests that the endurance of a policy regime (as argued by McGinn) remains to be seen.

The contradictions between ideology and policy decisions raise new research questions for DeBray’s line of investigation. While DeBray expects that a political party’s core ideological position is not to be easily alterable, the political landscape has changed the conditions that no longer support the traditional core beliefs. For example, political tensions heighten between the policy elites and the rank-and-file in the African-American community as the latter supports greater choice and stronger accountability. At the same time, even predominantly middle-class Republican leaning suburbs are less concerned about local and state control as they look for federal direction on improving school performance. There is also growing public support for new taxes if these revenues are targeted to improve educational quality. In a study of public opinions at the state level, political scientists Berkman and Plutzer found that retirees who recently relocated are less likely to oppose taxes for schools even though they receive no direct tangible benefits from such spending.<sup>9</sup> In other words, partisan interest and ideological politics may need to be reconsidered as the public converges toward a more pragmatic view on the societal benefits of improving public education.

## Act Two: Implementation Lessons

Federalization of accountability, not surprisingly, faces implementation difficulties in a multi-layered policy system. District administrators, school principals, and teachers are in the “trenches.” Based on their clients’ needs and the organizational reality, educators often

bring forth a different view on what can be done. As part of an ongoing study on NCLB conducted under the auspices of the Harvard Civil Rights Project, Sunderman and her collaborators illuminate implementation challenges at the district and school level during the first two years. In *NCLB Meets School Realities: Lessons from the Field*, Sunderman and her colleagues argue that NCLB has expanded federal involvement in education by “reaching far more deeply into core local and state education operations.”<sup>10</sup> Federal requirements on annual testing of core subjects in the elementary grades is seen as directly shaping curriculum and instruction. To investigate the extent of federal intrusion in school and classroom practices, the research team conducted extensive field-based data collection in 11 districts across six states. The states were chosen for either their capacity for meeting federal requirements in the previous legislation or their ability to negotiate for extra time for compliance. The research team conducted site visits, interviewed various stakeholders, and surveyed teachers.

This study found that many operational details were not resolved when the legislation was passed with bipartisan support. These unresolved issues were not helped by the Bush administration’s uncompromising attitude on enforcing the federal legislative requirements. Among the major concerns raised by the authors were “the unrealistic standards and unfair expectations, the disproportionately negative impact it has on high-poverty schools, the lack of a mechanism to actually redistribute good teachers, the rigidity in the enforcement process, an emphasis on a very narrow set of school outcomes, and the adoption of theories of educational reform that do not work in practice.”<sup>11</sup> Consequently, even states that were under Republican control began to resist implementing the policy.

There were, indeed, growing bipartisan opposition mounted at the state level. In February 2003, the National Governors Association received bipartisan support for a public statement that criticized NCLB as an unfunded mandate and called for additional federal funding with greater flexibility. In Virginia, the House, by a vote of 98 to 1 adopted a resolution that asked for Congressional permission to replace NCLB with the state’s well-developed accountability plan. In March 2004, 15 chief state officers asked the Secretary of Education for greater flexibility in designating schools as failing the AYP. The sweeping federal legislation also meant that states and districts lacked sufficient technical and professional expertise to handle all the major federal requirements. An example is the management of Supplemental Educational Services (SES), where outside providers were required to provide after-school programs to students attending schools that did not make the AYP. The SES has placed an additional burden on state and district agencies. Buffalo, despite facing a deficit, had to allocate resources to hire five new staff to monitor, coordinate, and implement the SES during 2004–05 school year. Chicago estimated that SES management would cost over \$2 million during 2004–05.

Equally important was the extent to which teachers, the key players in school improvement, were ready to respond to the expectations in the federal reform. To approach NCLB from the classroom level, the research team conducted a teacher survey with schools that were either struggling or improving in Fresno (CA) and Richmond (VA) during spring 2004. The overall response was about 77%. The survey showed that teachers generally recognized the value of focusing on student achievement. Over 70% of the survey respondents said that they have increased the amount of time allocated to test the core subjects due to NCLB. However, they were less certain on how failing schools would be sufficiently motivated by sanctions alone. An overwhelming percentage of the surveyed teachers saw the importance of collaborating with experienced administrators and seasoned

teacher mentors. In other words, teachers saw the need to balance sanctions with professional development, curriculum support, and committed administrators.

Despite the fact that the findings came from a purposeful sample of states and districts, this study provides useful baseline information on NCLB implementation. To students of implementation, the controversy, conflict, and resistance should come as no surprise. After all, when federal expectations are ambitious and encompassing, as they are NCLB, the organizational routine and the political status quo are being called into question. Even Republicans who were Bush loyalists were expected to defend their existing governing arrangement in their own state. However, with the passage of time, implementation problems are likely to become more manageable as stakeholders at all levels of the government adjust their expectations.<sup>12</sup> As NCLB matures, the process of borrowing strength, to use Manna's term, is likely to facilitate the institutionalization of new policy norms and operational procedures. These institutional developments raise two issues that are not fully addressed by the Sunderman team. First, as NCLB ages, will the federal system look for creative mechanisms to resolve intergovernmental conflicts? Second, is there trade-off between intergovernmental accommodation and the rigor of accountability standards? Thus, I would welcome other researchers to revisit the findings of the Sunderman team.

### **Act Three: Can Federalized Accountability be Sustained?**

Federalization of education accountability is now at a cross roads as President Obama pushes forward his own education agenda. To be sure, the sustainability of policy regime change is called into question by Elizabeth DeBray, who found "little evidence" that the two major political parties have fundamentally changed their ideological position on education. Even though Congressional Republicans voted in favor of federal accountability, Republican-dominated state houses launched legislative resistance against the federal law. There are also legal challenges filed against the annual testing requirements and other federal provisions. Strong partisanship was featured prominently in the first major legislation in the Obama Administration. The economic stimulus package, which included federal school aid, won Congressional passage without a single Republican vote in the House and only three Republican votes in the Senate.

At the same time, the Obama Administration has shown its support for maintaining a federal system of accountability. The presidential appointment of Arne Duncan from the Chicago Public Schools as the new Secretary of Education suggests a focus on performance-based reform. Consistent with Obama's campaign platform, Secretary Duncan plans to strategically allocate billions of new federal dollars to improve teacher quality, narrow the achievement gap, and improve the capacity of state and urban districts to measure student performance. Clearly, the economic stimulus package has significantly expanded federal contribution to public schools. With these extra federal resources, states and localities are likely to accommodate to federal expectations on performance-based accountability. In other words, federalization of accountability will continue under the Obama Presidency.

Perhaps the next big issue that challenges the limits of the policy regime theory is whether federalization will gradually lead to nationalization of education standards and examination. Clearly, the tradition of local control and state constitutional authority remains strong. At the same time, there is growing public demand for a more competitive education system in the global economy. This policy tension is likely to be articulated, and perhaps resolved, in yet another battle on the role of federal government in education.

**NOTES**

1. Eggen, Dan and Maria Glod. 2009. President praises results of 'No Child' Law. *Washington Post* A02.
2. Paul Manna, *School's In*, 5.
3. Peterson, Paul E., Barry G. Rabe, and Kenneth K. Wong. 1986. *When Federalism Works*. Washington DC: Brookings Institution Press.
4. Paul Manna, *School's In*, 102.
5. Murphy, Jerome. 1971. Title I of ESEA: the politics of implementing federal education reform. *Harvard Educational Review* 41(1): 59.
6. Elizabeth DeBray, *Politics, Ideology & Education*, 146.
7. *Ibid.*, 147.
8. *Ibid.*, 97.
9. Berkman, Michael and Eric Plutzer. *Ten Thousand Democracies*. Washington DC: Georgetown University Press.
10. Sunderman, Gail *et al.* 2005. *NCLB Meets School Realities*. Thousand Oaks, CA: Corwin Press, ix.
11. *Ibid.*, xxxv.
12. Peterson, Rabe and Wong, *When Federalism Works*.