Expansion of Federal Power in American Education:

Federal-State Relationships Under the *No Child Left Behind Act*, Year One

By

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Foreword by Gary Orfield

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FOREWORD: FEDERAL STATE RELATIONSHIPS

Gary Orfield

The federal role in American education has been an issue of great sensitivity in American politics. Traditionally, policymakers have supported state and local control rather than federal directives and federal education legislation has normally contained strong prohibitions against federal control of education. It was largely because of concern about a potential abuse of federal power that the U.S. lagged generations behind other nations in the development of a national department of education. As is often true in the American system, concerns about liberty and local autonomy far outweighed concerns about policy objectives.

Part of the vigorous defense of local autonomy historically, of course, was rooted in the struggle to preserve local traditions of minority group separation and subordination. Fear of racial change, concern about subsidies to religious groups, and general support for state and local control of the schools delayed federal education legislation for many years after national surveys showed public support.

Normally conservatives were the most suspicious about federal power. They constantly warned against the danger of federal control of the schools when liberals and moderates tried to create federal programs that supported the growth and improvement of American schools or that challenged state and local practices of exclusion and discrimination. Others have been less opposed to a federal role in education. American civil rights supporters and researchers supported an extension of federal power to deal with local discrimination and exclusion from educational opportunity. Public education supporters have for many decades favored a larger federal role in equalizing funding of schools and providing programs for poor children in schools. This was the central impulse behind the creation of the Elementary and Secondary Education Act in 1965, which led to an important federal role in public education.

The No Child Left Behind Act is a startling departure from this history, both in terms of its requirements and in terms of its sponsors. It requires specific large changes in the basic assessment systems of states, sets requirements for education progress in two specific subjects only, contains unusual and large sanctions, and commands many forms of specific state action. It clearly moves to the very heart of the educational process. When the fate of schools and faculties rests solely on achieving a nationally specified rate of progress on two tests, those tests will drive curriculum and instruction in the schools that are clearly at risk, and, in this way, the federal mandates will control the center of the educational process.

The implementation of the law proceeded with very little time for states to prepare for some of the provisions, without the resources that school districts believed they would receive at a time of serious cutbacks in state and local funding, and without the normal diplomacy of federal-state relationships. This has produced a unique combination of critics, ranging across ideological and political spectrums.

From a civil rights perspective there are parts of this law that are clearly positive, at least in principle—the insistence on accountability for racial and ethnic minorities, the policies for more

qualified teachers, the requirement to offer choices to students in failing schools, and the aspirations for substantial progress for all groups of students. However, testing mandates are central to NCLB and there is a long history of serious civil rights concerns about the racial impacts of inappropriate use of standardized tests.

The law is particularly important because many of the high poverty schools that Title I programs target are minority schools with many minority teachers and administrators, often working inside overwhelmingly minority districts. In these schools, which deal with the consequences of very serious social and economic problems in their communities, it is extremely important that reforms not make things worse. Many of these schools and teachers have been subjected to a long succession of reforms imposed from the outside that have failed. The worst kind of reform would further demoralize already overburdened staffs, undermine the kind of reforms that produce lasting change, drive qualified teachers and administrators out of the most needy schools, and take resources from them when they cannot meet standards that no school district has ever met. Critics, including some leading researchers, believe that an ill-considered enforcement of some NCLB requirements will have those consequences.

Moreover, many educational leaders in poor urban and rural schools are concerned that the law oversimplifies the problems of educational improvement, underestimates the necessary preconditions and time required for serious reform, provides no reliable increase in resources, contains the wrong mix of sanctions and incentives, and relies on the wrong theory about how educational reforms are actually implemented. These doubts and the virtual exclusion of educational leaders from the legislative drafting process mean that the law is up against serious resistance on many levels within the professional community. The conflict, which has erupted even in the early stages of enforcing the law, suggests that a strong reaction to the change in educational federalism is developing among state and local officials and educators.

The U.S. has fifty different state systems of education and there are enormous variations in size, expertise, capacity, beliefs, and traditions of state-local relationships. States are at the center of the history and finance of public education in the U.S. and they have always been accorded wide autonomy. NCLB curtails this autonomy. It creates many new requirements that states must meet and assumes that state agencies have the capacity, skill, and desire to intervene very powerfully in local school districts. Though we have a generation of experience with state interventions in failing schools, state powers have generally been used sparingly and with only limited impact. The new law will require drastic state interventions on a huge scale in the near future. State officials are not used to federal mandates that change their basic functions, particularly mandates they believe ignore regional differences and undermine state policy priorities.

Although opinion is certainly divided, when many state and local officials, experts, and journalists are skeptical or opposed to a new policy, that disquiet quickly enters national politics in Congress and elsewhere. Because the U.S. political system is one dominated by officials elected from states and localities, there is normally a strong reassertion of state and local power when federal officials try to intervene too directly. Since state and local constituencies elect all officials except the President and Vice President, the national parties have very little sway over Senators or Representatives when those officials believe that local voters and leaders are angry

about a federal policy. During the 1960s, a very strong counter-pressure against the expansion of direct federal intervention in the schools rapidly emerged in Congress, even under Lyndon Johnson, an extremely powerful President at that time. It is wholly predictable that the current federal directives will be the center of ongoing controversy.

The two most important changes in the history of federal education policy were the l965 Elementary and Secondary Education Act and the 2001 No Child Left Behind Act.
Both expanded federal power and promised large new resources. The 1965 law required no particular educational approaches but it and the related 1964 Civil Rights Act forced opening the schools to previously excluded groups of students and forbade discrimination. This was a huge change in traditional relationships and was very strongly opposed by conservatives whose basic goals were state and local autonomy and vouchers or other forms of market-like competition.

In the 2000 election the Republicans won the presidency with a candidate who ran in good measure on the success of education reforms in Texas, reforms which he promised to implement on the national level. Bush's reforms involved central educational functions like assessment and sanctions, something very unusual in federal grant programs, which tend to offer incentives to try new things rather than sanctions.

Another highly unusual factor in the No Child Left Behind legislation was that school officials and experts on educational reform were largely excluded from the process of designing the law. Traditionally educational leaders have been highly influential at both the federal and state level in making education policy. Beginning in the l980s, conservatives developed more and more biting critiques of the public schools and their leaders and supporters. They claimed that schools were failing because officials and teachers did not care enough and had to be disciplined by an external force which would expose their records, hold them accountable, label their failures, and create interventions. This critique, believed by many, facilitated the exclusion of educators from the federal legislative process.

The law did not reflect what has been learned from research about educational change.
It assumed that schools were extremely powerful and families relatively insignificant in determining outcomes on standardized tests. This is in sharp contrast to many studies showing the exact opposite. The law also assumed that effective reforms could be rapidly imposed from outside of schools and that negative sanctions were highly effective. Research suggests that serious reform of schools is long and hard and requires agreement from the staff adopting the reform. It also shows that most reforms have no measurable results and that the school effects are relatively modest compared with the impact of family background.

The likelihood of conflict over the law was greatly increased when the promised increases in the educational budget occurred only during the first year. School systems lost what many believed to be the most important advance under the new law—more adequate funding. Growth in the federal education budget fell far below the agreement and far below the level achieved during the Clinton Administration. At the same time, virtually all states and a great many localities were experiencing serious budget cutbacks stemming from a recession. This meant that the federal government was trying to impose an unprecedented level of control while many school districts and schools did not even have the money to maintain their existing programs and staffs.

This was the situation during the first year of implementing the new law. Advocates of the law might describe the period as the confrontation between tough-minded federal reformers, who appropriately strengthened accountability for all districts and schools, and failing local officials, most of whom had not held themselves strictly accountable. Opponents might describe it as a radical effort to tell state and local educators how they must evaluate their students and their schools, what subjects really count for the success of a school and its staff, when public funds must be transferred to activities outside the school whether or not they are coordinated with the school's goals, and under what conditions local schools and school districts shall lose all control over their future for failing to meet goals that are wildly inconsistent among the states and have never been fully achieved in any district with a significant population of low income students.

This report is not an effort to evaluate the ultimate impact of the reforms but an effort to examine the developing sets of relationships between federal, state and local officials under the new law. Other reports in this series will examine specific outcomes.

The findings in this study are troubling. The basic reality is that the Bush Administration's Department of Education has not honored either the best traditions of federalism or shown respect for professionals working within federal grant programs at the state and local level. It has adopted a command and control posture, often insulting officials who challenge its claims or policies, implying that anyone who disagrees is just not up to an appropriate standard. The Department has been weakly staffed and has had serious turnover at the top levels of program administration. Many state and local educators feel that there is no interaction within the system and that federal officials are not being reasonable in their requirements or collaborative in their relationships. The initial process of organizing the work, getting the evaluation machinery in place, and preparing the first reports has absorbed much energy. The reporting required under the act has already generated a great deal of tension in the federal system and among educational professionals. The sanctions and interventions that will be required in the next years if the law is seriously enforced are vastly more complex and demanding than anything that has happened so far in this process.

As I have traveled to many parts of the country since the enactment of No Child Left Behind, I have seen a steadily increasing awareness of the new law, something that became much more apparent with the release of the names of the many schools that failed to achieve "adequate yearly progress" as defined in the law. There are widely divided opinions now about the law. Some see it as a progressive reform creating positive tension for change while others see it as a plot to undermine and discredit public schools and open the way for mass financing of private school vouchers. Many are confused. Some are angry. Some believe that it is inevitable that the law will be changed or enforcement gutted before the "train wreck" of a massive federal-state confrontation develops. People of quite different ideological stripes share these views. Still others are talking about withdrawing from state participation in the program or suing the Administration. It has all the marks of a decisive period in the development of intergovernmental relations in education.

I strongly believe that the time has come to bring together local, state, and federal educators and officials to work through administrative and legislative policy issues. Together they need to find

clarifications and modifications that will produce a set of policies that make sense to educators and experts and offer some promise of serious collaboration that will lead to real progress. From a civil rights perspective it is very important that the good goals of this law do not punish minority students and schools unfairly and undermine the very processes and people who are essential to turning those schools around. By the same token, it is very important that the idea of assessment and serious accountability for all groups of students not be lost in the process of change.

From our work with civil rights advocates, teacher organizations, school officials, and leading researchers, we are convinced that it is possible to save the good goals of this legislation while building real commitment to serious improvement. But, it will take strong leadership at all levels of government to stop the forces that are speeding toward a train wreck and get them all going together in the same direction toward the same goal on a track that is more carefully engineered.

None of the problems should be too surprising. Many of the provisions now affecting schools across the country were last minute compromises between conflicting and often inconsistent proposals, many of which had never been seriously tried in practice. The bargain that made the bill possible was an uneasy and extremely complex compromise between very different theories of school improvement and the role of public schools.

It is a little like launching a rocket ship assembled under terrible pressure not by engineers but by politicians. The least that could be expected would be serious mid-course corrections if the vehicle were to reach its goal. Since this program is by far the largest national effort to improve educational opportunity for the nation's impoverished students, whose future is very directly linked to educational success, it is very important that those corrections be made and that the engineers be brought into the process.

EXECUTIVE SUMMARY

The No Child Left Behind Act of 2001 (NCLB) alters federal-state relations by expanding the federal role further into a primary function of state and local governments and raises questions about how federal, state, and local policies interact—that is, conflict or reinforce each other. Early indications suggest that states are differently positioned to assume the additional responsibilities required under NCLB. While there has been some intergovernmental collaboration and cooperation, the ambitious expectations, strict timelines, and exacting set of regulations combined with the fiscal constraints operating on states imposed significant burdens on state and local implementation. It is our perspective that NCLB is testing the limits of the federal system with a fundamentally different model—one that assumes that by centralizing rules and educational policy, institutions and practice can be rapidly changed to accommodate new requirements.

Our research on the status of federal-state relationships during the first year indicates that many of the conditions that would facilitate implementation of NCLB are not there. In particular:

- States have limited administrative capacity and technical expertise needed to implement the NCLB requirements. While states differ in their capacity to meet the new requirements, the technical challenges of implementing a test-based accountability system exceed the capacity of many states. We found that, contrary to the Bush administration's claim that all states were in compliance with NCLB, only 11 states actually had accountability plans that were fully approved by the U.S. Department of Education in June 2003. States that were not in compliance with the 1994 Improving American's Schools Act, the less intrusive predecessor to NCLB, had a more difficult time meeting the new requirements than those states that had complied with the earlier law. Those parts of the law that required difficult technical decisions, such as developing a method to determine adequate yearly progress and building a reliable and valid testing system, were the most difficult for states to meet. While our findings suggest general support for accountability, support for a test-based accountability system is more limited.

- State budget shortfalls threaten to erode state commitment to the law and complicate implementation efforts. All fifty states are faced with severe budget shortages that resulted in cuts to education and strained the capacity of state departments of education to meet the early requirements of the law. While states are just beginning to sort out what it will cost to implement NCLB and how this balances out against the available resources, evidence is mounting that the costs vastly exceed the additional revenues that states received from the federal government. The law gives states some money to meet the testing requirements, but none to meet the additional administrative costs of implementing other requirements. As states move into the second year of implementation when they will be required to offer intervention services to an increasing number of schools identified for improvement, the costs of meeting additional staffing requirements are likely to further strain the capacity of most state education departments.

- Political support for the law is eroding across all levels of state and local government and the educational system as political leaders and professional educators begin to understand

how the law's provisions affect state and local priorities. Party alliance has not guaranteed cooperation with the federal goals, especially when they conflicted with local priorities and interfered with local control of education. District officials and local educators, who must implement the new requirements, were increasingly vocal about their objections to NCLB. Educators considered many of the NCLB provisions arbitrary and unfair, particularly the adequate yearly progress designations and testing requirements for special education students and English language learners.

- The federal administration has done little that would ease the burden of implementing the new requirements. It has provided little in terms of fiscal relief to states. Instead, it has focused on enforcement by monitoring the states for compliance and insuring that states adhere to the implementation timelines and meet the technical requirements of the law. While the administration has allowed considerable variability in how states designed their accountability plans, they selectively enforced and narrowly interpreted requirements that advanced their policy priorities. This approach runs the risk of alienating local officials who must implement the law and overwhelming educational systems that cannot meet the stringent requirements. Unless the administration gains the cooperation of local officials and develops a constituency for this law among professional educators, it is unlikely to achieve its policy goals.

When federalism works well there is collaboration across levels of government and federal deference to state priorities. Usually, policy is shaped to accommodate local circumstances while local conditions change in response to reform initiatives. For this to happen, there needs to be flexibility on the part of the federal government and the development of professional expertise and a political support structure at the local level that can work both formally and informally to put policies in place. The Bush administration's strategy for implementing NCLB—to adhere strictly to implementation timelines and threaten to withhold Title I funds to states out of compliance— departs from this model of cooperative federalism. While the administration recognizes the political significance of educational policy and has moved aggressively to promote its education agenda with the American public, it seems less aware of the institutional and organizational impediments to dramatically changing state accountability systems and educational practices. For federalism to work, the administration needs to recognize the limitations of it current approach and how far NCLB deviates from the traditional model of federal-state relations. Finally, the administration needs to acknowledge the legitimate role of each level of government in the educational system and re-consider the proper role of the federal government within this broader framework.

INTRODUCTION

On June 10, 2003, President Bush announced that every state, Puerto Rico, and the District of Columbia were in compliance with the No Child Left Behind Act (NCLB) (Bush, 2003, June 10). Although it soon became apparent that only 11 states were actually in compliance, Secretary of Education Rod Paige, in an update to members of Congress, stated "In just 18 months every state has developed a plan to improve student achievement across the board and to close the achievement gap" and further declared "we are making tremendous progress turning the vision of this law into a reality for every child in every public school in every state" (Paige, 2003). The Democrats responded, claiming that the "Administration is out of compliance with the education law" for failing to live up to promises to fund the new requirements (Miller, 2003). They were skeptical of the White House's optimistic assessment of NCLB, claiming "It is simply not fair to students, parents, teachers, school administrators, and taxpayers for the federal government to mandate tough accountability provisions and penalties for schools that fail to meet high academic standards with one hand, and then with the other hand, deny them the money needed to achieve these reforms" (Durbin, 2003).

This exchange illustrates how far the Democrats and Republicans have moved from the bipartisan agreement that resulted in the NCLB act. The optimistic announcement by the Bush administration underscores the administration's compliance orientation to federal-state relations and the Democratic response suggests disappointment with how implementation has played out. Yet many of the challenges of NCLB were foreshadowed by the incoherence of the law and the ambivalence by members of both parties to particular provisions. When Congress passed NCLB, both parties agreed to continue along the path of standards-based reform and accountability for student achievement. There was general agreement on the principal of racial and ethnic equity and support for subgroup accountability as a means to achieve that. Two primary goals of the Republicans—expanded public school choice and supplemental educational services—were agreed to by the Democrats as a compromise to pass the law. The Democrats agreed to the increased accountability provisions and the additional data collection it would entail only if states were given additional resources to meet the new requirements. Additionally, the Democrats hoped that by including graduation requirements as part of the formula for school accountability, this would counterbalance the reliance on test scores. For President Bush, the legislation met his goal of expanding the Texas model of test-based accountability to the rest of the country.

To achieve the goals of the legislation, NCLB altered the distribution of power among federal, state, and local officials by expanding federal power to regulate education. The requirement that all students reach 100% proficient in 12 years and the very prescriptive nature of the interventions are primary mechanisms that facilitated this expansion of federal power. NCLB also departed from its traditional role of targeting additional resources directed to special populations by allowing resources to be diverted from schools serving disadvantaged students and giving states additional leverage to allocate resources. While both Republicans and Democrats had reservations about the legislation and the changed definition of federalism it entailed, it offered both an opportunity to achieve their goals. For the Republicans, the risk of increasing the role of the federal government in education, an area traditionally considered the prerogative of states, was particularly delicate since they advocate limited government and

state's rights. But it did offer them a chance to use federal power to increase test-based accountability and to insert market accountability into education. The Democrats anticipated that the expanded federal role could be used to increase access to a quality education.

When Congress enacted NCLB, it was unclear how the change in the distribution of power within the federal system might play itself out or the extent to which top-down reform could influence the educational change process. To be successful, these reforms will need to develop strong political constituencies, professional support among those responsible for implementing them, and respond to a problem widely perceived by the American public. To achieve the goals of either the Democrats or Republicans will require cooperation among federal, state, and district officials within a system where traditionally the federal role has been limited and influencing education and enticing local cooperation has required strong incentives or extensive federal oversight.[1] Yet early indications suggest that the complexity of the new law as well as political and ideological conflicts may preclude a predictable and cooperative implementation process. Politically, the administration will need to convince governors that NCLB is not another unfunded mandate and governors will have to weigh the political benefits of increased federally designed accountability against the costs of identifying large numbers of failing schools. The role of the U.S. Department of Education (ED) will likely change as they shift from monitoring compliance with particular program requirements to monitoring state accountability plans while still providing for local flexibility. State education officials will have to craft an accountability system that complies with the law and entice local cooperation, while local district officials will have to convince teachers and principals to implement the new reforms. Given the considerable diversity among states and local communities, local context will likely shape federal-state relationships and how NCLB will be implemented.

In this paper, we argue that NCLB is testing the limits of the federal system with a fundamentally different model—one that assumes that by centralizing rules and educational policy, institutions and practice can be rapidly changed to accommodate new requirements. Our focus is on the status of federal-state relationships during the first year of implementing NCLB. We begin with a discussion of the literature on federal-state relations and the role of the federal government in educational reform. Next, we compare NCLB to its predecessor, pointing out where the two laws diverge and the implications of NCLB for federalism. In the third section, we explore the Bush administration's concept of federalism and the factors that are guiding its decisions in education. Then we trace enforcement action during the first year of implementing NCLB. The fourth section analyzes how federal and state policies interact, focusing on how they conflict or reinforce each other. In this section we present data on how well positioned states are to meet the challenges of NCLB and identify the conditions that have either facilitated or constrained implementation. We conclude with a discussion of the implications of our findings for the future of NCLB and suggestions for the direction of future research.

Our analysis of federal-state relations is based on multiple sources of information. We conducted semi-structured interviews with federal policymakers and administrators in the U.S. Department of Education, staff for key Republican and Democratic lawmakers who were instrumental in drafting NCLB, and leaders of several national advocacy organizations with an

[1] Civil rights enforcement is the exception to the more collaborative approach to federal-state relationships that has been typical in education.

interest in education and state government. In addition to the interview data, we examined regulatory guidance on NCLB, policy letters issued by the Secretary of Education, speeches by the President and Secretary, reports issued by the U.S. General Accounting Office and other organizations, and newspaper articles from across the country. We also reviewed state policy documents and state accountability plans submitted to comply with NCLB.

LITERATURE REVIEW: FEDERAL-STATE RELATIONSHIPS AND EDUCATION REFORM

NCLB raises questions about how federal, state, and local policies will interact—that is, conflict or reinforce each other. To fully understand the implications of NCLB requires examining these interactions as well as understanding the substantive educational issues it raises. NCLB rearranges relationships between the federal government and the states by expanding federal control in some areas and decentralizing control in others. For example, it outlines specific sanctions for low performing schools and places extreme importance on the attainment of academic proficiency as defined by the states, but allows for quite divergent proficiency standards across states. By narrowly defining proficiency as tests scores in reading and mathematics, it elevates student performance on reading and mathematics assessments above other considerations in determining the academic performance of schools. It sets strict timelines for improving student achievement and defines a specific approach to testing to bring states into compliance with higher academic standards without corresponding attention to the mechanisms by which these strategies will influence teaching and learning. Since each level of government typically has its own priorities and decision-making rules, institutional arrangements at the state and local levels may either facilitate or constrain the implementation of the federal Title I expectations.

One facet of American federalism is the relationship between the federal government and the states and how the federal system operates to achieve particular policy objectives. In education, the federal government has played a limited role by providing additional resources targeted on particular types of students such as disadvantaged children or those with disabilities. Still, within this limited framework implementation of federal education programs required the cooperation of local officials and the development of a professional cadre of people committed to the policy and the program. Intergovernmental conflict has arisen when the administration of programs was politicized, when there were serious economic or fiscal difficulties, or administrative officials lacked autonomy vis-à-vis their elected officials (Peterson, Rabe, & Wong, 1986).

Researchers who have examined the federal role vis-à-vis the states have found that policy implementation evolved as programs matured. In the early stages of implementing a new policy or program, there was often bureaucratic ineptitude, the misuse of resources, or concessions to special interests as well as conflicts between local priorities and federally initiated programs (Odden, 1991; Peterson et al., 1986). As programs matured, conflict was replaced with cooperation and implementation was facilitated by the development of internal professional expertise and an external political support structure, which worked formally and informally to put a program in place (Odden, 1991). Conflict was greater when state and local officials were asked to carry out responsibilities that were different from what they might have initiated on their own and cooperation was facilitated when policies reinforced local priorities (Peterson et al., 1986).

In the process of implementing reform, research has found mutual accommodation where policies from above are shaped to fit local circumstances, while, at the same time, local conditions changed in response to reform (Loveless, 1999; Odden, 1991; Peterson et al., 1986). Research clearly demonstrated that local implementation was shaped by local context (Kaestle &

Smith, 1982; Knapp, Stearns, Turnbull, David, & Peterson, 1991; Murphy, 1971). For example, in a study of tracking reform, Loveless (1999) found that different tracking patterns emerged based on organizational, institutional, and other properties that structured local decision-making. Research on standards, accountability, and assessment policies also finds that implementation varies across states, depending on the local context. A study on the adoption of high school graduation exams found that they were more common in states that allocated less money than the national average for schooling, in states with more centralized governments, and in states with higher percentages of African Americans, Latinos, and low-income students (Amrein & D.C., 2002).

While collaboration and federal deference to states exemplifies the operation of federalism when it works well, federal education policy has become more regulatory over time (Manna, 2003). A system of regulatory federalism has emerged (Cibulka, 1996) where the national government determines policy priorities and then gives the state and local government the responsibility for implementation. Under regulatory federalism, the state role changes from one of the collaborative distribution of federal resources to one of regulating the implementation of the federal requirements in local school districts. One of the consequences of regulatory federalism has been the institutional incapacity of school systems to act decisively with a set of reforms that respond to demands for change coming from the environment (Cibulka, 1996). NCLB takes regulatory federalism a step further by holding states accountable for improving the academic achievement of students. To achieve its objectives will likely involve more federal and state intervention in core areas traditionally under local control, such as the curriculum, testing, and teacher qualifications (Kincaid, 2001). In the next section we compare NCLB to its predecessor and discuss how NCLB departs from previous policy and alters the federal role in education.

DEFINING THE POLICY AND GOVERNANCE CHALLENGES

Title I of the Elementary and Secondary Education Act (ESEA) has been the primary federal education program designed to assist educationally and economically disadvantaged students. Title I provided $11.3 billion in 2003 and served more than 12.5 million students in 90% of the nation's school districts. Since its inception in 1965, it targeted additional resources to high poverty schools with the express purpose of reducing the disparities in educational achievement between at-risk students and their more advantaged peers (Citizens' Commission on Civil Rights, 1999; Vinovskis, 1999). This bill represented the federal government's major commitment to educational equity.

The No Child Left Behind Act (NCLB), which reauthorized ESEA, has some continuity with the ideas in the Clinton administration's1994 Improving America's Schools Act (IASA).[2] IASA was notable for mandating that challenging standards apply to all students, including those receiving Title I services. States were required to develop content and performance standards, adopt annual assessments that measured student progress against those standards, and hold schools accountable for the achievement of all students. Schools and districts receiving Title I funding were required to demonstrate adequate yearly progress that was "continuous and substantial" and that linked progress to performance on assessments (P. L. 107-110, Sec. 1111(b)(2)(B)). It left it up to the states to define adequate yearly progress goals. State educational agencies were required to provide support to districts and schools and help them develop the capacity to comply with the law. Districts were required to identify schools in need of improvement that had not made adequate progress as defined by the states and were given the authority to take corrective action against a school. The actions a district could take included withholding funds, establishing collaborative agreements with other public agencies for social and health services, "making alternative governance arrangements such as the creation of a public charter school," decreasing school-level decision making authority, reconstituting the school staff, or authorizing students to transfer to other public schools served by the local educational agency, among others (P. L. 107-110, Sec. 1116(c)(5)(i)). There were no provisions for supplemental educational services. There was very little enforcement of these ideas under the Clinton administration and few states had made substantial progress in meeting the IASA requirements.

While many of the NCLB concepts were present in a less developed way in IASA, NCLB departs from its predecessor in major ways (see Table 1 for a summary of policy changes). NCLB raises the expectations and goals of Title I policy by emphasizing equal educational outcomes. Indeed, an important goal of NCLB is to close "the achievement gap between high- and low-performing children, especially gaps between minority and non-minority students, and between disadvantaged children and their more advantaged peers" (P. L. 107-110, Sec. 1001, (3)). To narrow the achievement gap, NCLB imposes strict timelines for improving the achievement of disadvantaged students and mandates specific sanctions for schools not performing well. In contrast to IASA, states must adhere to federally determined timelines for identifying failing schools and improving student achievement, establishing adequate yearly progress goals, and ensuring teacher quality. States must also establish performance standards and define adequate yearly progress goals to ensure that all students, including major

[2] For a detailed comparison of the 1994 IASA and the 2001 NCLB requirements, see Title I Report (January 2002).

demographic subgroups, reach "proficiency" within 12 years (2013-14). While IASA required states to disaggregate assessment results, NCLB added subgroup accountability for economically disadvantaged and limited English proficient students, students with disabilities, and for students from major racial and ethnic groups. Schools failing to make adequate yearly progress targets for any subgroup for two consecutive years will be identified as "in need of improvement" and thus, subject to a series of sanctions, ranging from public school choice to school reconstitution. Sanctions are no longer at the discretion of local districts. Moreover, through the use of sanctions, NCLB introduces the idea of exit from the public schools and the transfer of money away from poorly performing schools as strategies for school improvement (Hirschman, 1970). This contrasts sharply with the idea of reform embraced under previous federal education policy where low performing schools were given additional resources and flexibility to coordinate Title I programming.

Table 1: Summary of Policy Changes in the 2001 ESEA Reauthorization of Title I

Policy Changes
• Emphasizes equal educational outcomes
• Imposes timelines for improving student achievement
• Expands test-based accountability to all students in public schools, not just those in schools receiving Title I funds
• Specifies consequences for noncompliance; reduces the use of timeline waivers
• Mandates specific sanctions for schools not performing well that rely on exit strategies or the transfer of money away from public schools
• Expands the testing requirements and establishes a timeline for implementing the new tests
• Defines proficiency as test scores in reading and mathematics

NCLB also expands the testing requirements, calling for testing students annually in grades 3-8 in reading and mathematics and testing limited English proficient students in English after three years in the educational system. States are responsible for developing and adopting these tests, but they must implement the new tests according to a schedule established by the federal government.[3] These requirements extend to all students in public schools and not just those receiving Title I funding as in the past. More so than IASA, NCLB narrowly defines proficiency as tests scores in reading and mathematics. While the requirements for proficiency include high school graduation rates, the proportion of students tested, and other academic indicators, the definition of proficiency is dominated by tests in reading and mathematics.[4] Reinforcing the dominance of test scores, NCLB prohibits a state from using the other academic indictors "to reduce the number of, or change, the schools that would otherwise be subject to school improvement, corrective action, or restructuring" (P. L. 107-110, Sec. 1111, (b)(2)(D)(ii)). Instead, it encourages districts to use the additional indicators "to identify additional schools for

[3] The timeline mandates assessment of English language learners starting in school year 2002-03 and administering annual statewide tests in mathematics and reading/language arts to all students in grades 3 through 8 by school year 2005-06.
[4] Science assessments will be added in 2007-08 in selected grades.

school improvement or in need of corrective action or restructuring" (P.L. 107-110, Sec. 1111, (b)(2)(D)(ii)).

In addition to the policy changes, NCLB affects the politics of education and raises fundamental issues about who controls education. First, it alters federal-state relationships by expanding the role of the federal government further into a primary function of state and local governments (Table 2). NCLB now decides what constitutes a failing school and what should be done about it. It dictates the pace of change by setting timelines for implementation and school improvement and requires participation in the National Assessment of Educational Progress (NAEP) as one measure of student performance. Second, it affects governance arrangements within states by favoring state education agencies and chief state school officers over the governor, legislature, and state and local boards. By directing federal funds to state education agencies, it gives them the authority to administer the federally funded programs without necessarily consulting with elected officials and to make commitments with the federal government without considering how their decisions might affect state policy and state budgets (Michelau & Shreve, 2002). By placing additional accountability responsibilities on state educational agencies, it gives them authority over local boards to define what counts for proficiency. Finally, instead of reforms that target special populations, NCLB seeks to reform entire educational systems. Implementation is no longer about whether a particular program is being implemented, but whether these various programs improve schools, districts, and increasingly, student achievement (Odden, 1991).

Table 2: Implications of NCLB for Federalism and the Governance of Education

Federalism & Governance Implications
• Expands the role of the federal government in education
• Alters federal-state relationships concerning who controls education
• Effects state level governance arrangements
• Seeks to reform entire educational systems

THE BUSH ADMINISTRATION AND FEDERALISM

An Activist Federal Administration

Traditional views of federalism see the federal government stepping in when state and local governments would not otherwise provide a public service at sufficient levels (Peterson et al., 1986). Thus, for example, categorical programs targeted funds on disadvantaged students and students with disabilities that were not adequately served by local educational agencies. On the other hand, conservative views of federalism emphasize the prerogatives of state and local governments as the legitimate sources of policy and support the devolution of social programs to the states (Nathan, Gais, & Fossett, 2003). This view supports local decision-making without interference from the federal government and assumes that states will invest funds in ways that will achieve particular policy goals. At times, Republicans have used the federal bully pulpit to change the education agenda or to meet international and economic goals, which was the case during both the Eisenhower and Reagan administrations.

With NCLB, the objectives of Republican reformers have changed from limiting the federal bureaucracy and decentralizing decision making to the states towards an activist bureaucracy that assertively promotes particular political and policy goals. However, the rationale of the Bush administration for reversing long-held Republican doctrines and expanding the role of the federal bureaucracy in education has not been fully stated. The administration has dodged the issue of local control by asserting that the law gives local school districts greater flexibility in the use of federal funds and by arguing that the new testing requirements do not dictate what is taught or how it is taught (Godwin & Sheard, 2001). Rather, it is more likely that the administration has taken an activist role in education policy because NCLB is meeting the administration's political goals. Since Bush campaigned on an education agenda, the enactment of NCLB fulfilled his campaign promise. Until November 2003, it was his only domestic policy accomplishment and an important issue of political symbolism. Politically, NCLB allows the administration to say it has done something to improve education, an issue that the American public cares about. And, much as the Reagan administration did during the Educational Excellence movement in the 1980s, by adopting an issue that traditionally was dominated by the Democrats, the administration can claim education as one of its own.

Several provisions in NCLB also appeal to the ideological agenda of the administration's constituencies. Support for supplemental educational services and public school choice are the prime examples. Supplemental services are additional academic instruction provided outside the regular school day by public and private organizations (U. S. Department of Education, 2003). Public school choice allows students attending schools identified as in need of improvement to transfer to another public school within the local educational agency. Generally, support for these policies reflects a faith in market approaches that is a consistent theme in conservative politics. There is a belief, for example, within the administration that supplemental services will raise student achievement and improve schools. One official in the Department of Education (ED) described it this way:

> I have heard comments such as, 'supplemental services is a program that will drain resources away from schools that need them the most.' It was very disheartening to hear

> that. My response is, supplemental services is a wonderful opportunity for a partnership between families, schools, and the service provider. Schools shouldn't see it as a threat because not only will supplemental services help the child meet higher academic achievement goals or increase their performance, but as a consequence, it is going to bring schools out of improvement status as that student achievement goes up and schools should be welcoming the opportunity for supplemental services and it's not taking money away because a parent can choose the supplemental services or choice, but a parent can't have both. And so, the funds are paid to a supplemental service provider, who may be a private provider, but the benefits accrue to the school (C. Yecke, personal communication, November 15, 2002).

Implicit in this model of student and school improvement is the assumption that supplemental service providers will know what to do, will do it better than the schools themselves could do, and will be able to do what schools could not—raise the achievement of students in consistently poorly performing schools. It also assumes there are other benefits that accrue from supplemental services, such as the partnership between the provider and families and schools. Neither of these assumptions is based on evidence since there was no model of this program in existence prior to NCLB. Finally, it shifts the focus away from schoolwide efforts to improve the achievement of all students to a focus on improving individual student achievement.

The Bush administration has acted assertively to advance its preferred educational policies and provide legitimacy for NCLB since political legitimacy is one measure of effectiveness. It placed great importance on all states submitting their accountability plans on time and, in a very visible act of political symbolism, approved all 50 plans in June 2003 even though many of those plans were incomplete. Since ED was still reviewing many of the plans, the symbolic act of approving the state plans provided the administration an opportunity to promote NCLB and to boast about the administration's accomplishments. It also focused attention on President Bush's domestic agenda, which was the topic of his September 6, 2003 radio address to the nation (Bush, 2003). In this address, the President said:

> The premise of the No Child Left Behind Act is simple: all children can learn, and the only way to make sure our children are learning is to measure their progress with tests. So the No Child Left Behind Act requires regular testing in the basics of reading and math for every child in every school, starting in the third grade. And the law sets a clear goal for American education: every child, in every school, must perform at grade level in reading and math, which are the keys to all learning. To meet this goal, all 50 states and the District of Columbia and Puerto Rico have designed accountability plans that have been approved by the Department of Education and are now being put into effect in America's schools (Bush, 2003b).

To promote the legislation, the administration launched a very visible and extensive public relations campaign. This included substantive activities—publications, guidebooks, and information disseminated through the NCLB website—to the mundane—publishing a NCLB anthem and putting little red schoolhouses outside the Department of Education. Secretary Paige embarked on a 25-city tour across America to promote NCLB (April – September 2002). In speeches he delivered on this tour, Paige stressed the goals of "accountability, results, teacher

quality, and reading programs that work" and the unique role of the Bush administration in "enacting the most sweeping change in education in 35 years" (U.S. Department of Education, 2002, June 10). According to Paige, "Never before have we as a nation made a commitment to all children in our public schools that every one of them can and will learn. Every single child. Regardless of race, income or zip code" (U.S. Department of Education, 2002, June 10).

In February 2003, the administration stepped up its public relation campaign to promote the NCLB act by assembling an eight-person team of political appointees. This team was in addition to the Department of Education's ten person communication staff (Davis, 2003). According to the Bush administration, the team's responsibilities included clearing up misperceptions about the act and coordinating staff appearances around the country to promote NCLB. One major initiative of the team was the "NCLB Extra Credit" emails sent daily to reporters and members of the education policy community on various topics related to NCLB.

Federal Enforcement During Year One

The job of enforcing the NCLB requirements has challenged the capabilities of the administration, particularly since the new demands vastly exceed what they have been able to enforce in the past.[5] Under IASA, enforcement by the federal government was lax as states were granted broad waivers through the Education Flexibility Partnership Program. When NCLB was enacted, only 19 states had fully approved standards and assessment systems mandated six years earlier under the 1994 law (Robelen, 2002). The U.S. Department of Education (ED) had granted timeline waivers to 28 states and entered into compliance agreements with five states. There was no serious enforcement of the federal requirements under IASA and no states lost federal money for non-compliance. Since the new administration has been in office, it has worked diligently to bring more states into compliance with IASA (J. Jackson, personal communication, December 12, 2002; C. Sims, personal communication, December 10, 2002). However, progress towards meeting this goal is unknown since ED stopped reporting the status of compliance with the 1994 law on its web site in February 2003.[6] As of March 2003, there were 21 states that were fully compliant with IASA (Table 3).

States that failed to meet the extended timelines for implementing the 1994 requirements could be subjected to the withholding of some Title I administrative funds. While the 1994 legislation was not specific about the amount of administrative funds that could be withheld, the 2001 legislation specified that ED must withhold 25% of the state's administrative funds until the state meets the 1994 requirements, an amount that could be significant for states. The granting of waivers is likely to decrease since NCLB specifies timelines for states to meet the new requirements and allows for one-year extensions of these deadlines only in the event of "natural disaster or a precipitous and unforeseen decline in the financial resources of the State" (P. L.

[5] Underscoring the limited capabilities of the administration, the Office of Elementary and Secondary Education Student Achievement and School Accountability Programs (Title I), the office responsible for monitoring the development of state accountability plans and their implementation, had seven full time staff and one consultant to provide technical expertise to all 50 state departments of education as they developed their consolidated accountability application in 2002-03. Four political appointees assisted them.

[6] The status of state compliance with the 1994 law was found on the U.S. Department of Education web site, www.ed.gov/offices/OESE/saa/state_chart.html. This site has not been updated since February 12, 2003.

107-110, Sec. 1111 (b)(3)(C)(vii)). With the states facing major budget shortfalls that extend over three years (FY 2002 – FY 2004), many states are now confronting what could be defined as a precipitous decline in financial resources.[7]

With the timeline waivers either set to expire or already expired, many states were out of compliance or soon would be with the IASA requirements (Table 3). According to ED officials, approval of state NCLB accountability plans did not relieve states of the obligation to comply with IASA. Following the Congressionally mandated April 8, 2002 deadline for granting additional waivers or entering into compliance agreements, ED insisted it would reject further requests for waivers (Robelen, 2002) and would start to withhold state administration monies to states that were out of compliance (C. Sims, personal communication, December 12, 2002). Indeed, it withheld $783,000 from Georgia for failing to implement high school tests in spring 2003 and $113,000 from Minnesota for deciding not to use test scores to determine adequate yearly progress in middle and high schools. Apart from these two states, ED did not withhold funds from other states where the timeline waiver expired, reflecting the political sensitivity of the administration to the difficulty of withholding money to sanction states.

Table 3: Status of States' Compliance with 1994 IASA Title I Requirements, March 2003

Compliant (21)	**Timeline Waivers (25)**	**Timelines Waivers cont.**	**Compliance Agreements (5)**
Colorado	Alaska: 2-28-03	Tennessee: 11-30-03	Alabama: 4-8-05
Connecticut	Arizona: 8-31-03	Utah: 6-30-02	District of Columbia: 3-29-05
Delaware	Arkansas: 11-30-03	Washington: 12-31-02	Idaho: 3-29-05
Indiana	California: 11-30-03	Wisconsin: 11-6-03	Montana: 4-5-05
Kansas	Florida: 12-1-02		West Virginia: 2-4-05
Kentucky	Georgia: 6-30-03		
Louisiana	Hawaii: 5-30-03		
Maine	Illinois: 12-31-02		
Maryland	Iowa: 12-1-03		
Massachusetts	Michigan: 2-28-03		
Missouri	Minnesota: 1-31-04		
New Hampshire	Mississippi: 6-1-03		
New York	Nebraska: 2-28-03		
North Carolina	Nevada: 7-20-03		
Oregon	New Jersey: 6-30-03		
Pennsylvania	New Mexico: 12-12-03		
Rhode Island	North Dakota: 8-31-03		
Texas	Ohio: 1-22-04		
Vermont	Oklahoma: 9-21-03		
Virginia	South Carolina: 6-30-03		
Wyoming	South Dakota: 6-30-03		

Source: US Department of Education (February 12, 2003) www.ed.gov/offices/OESE/saa/state_chart.html retrieved on 3/23/03. Date indicates when timeline waivers expire or compliance agreement ends.

Examining the reasons states were out of compliance highlights the difficulty of bringing states into compliance with IASA. In an audit of the accountability and assessment provisions of the 1994 IASA, the General Accounting Office (2002) found that noncompliant states more commonly failed to meet two Title I requirements—assessing all students and breaking out

[7] For a summary of state budget shortfalls, see National Conference of State Legislatures (2003b) and Boyd (2003).

assessment data by subcategories of students (p. 12). These are two key components under NCLB. Other states had more intractable problems, such as assessments that were not aligned with standards. Most states found compliance more difficult when there was inadequate funding or when they had invested in assessment systems that predated and conflicted with the requirements of the 1994 Title I reauthorization (General Accounting Office, 2002). Building the support necessary to adopt a new system made it difficult to make changes in a timely manner. Compliance was facilitated when state leaders made compliance with Title I a priority, there was coordination between staff in different offices and across levels of government, there was buy-in from local administrators, educators, and parents, and when the state had the necessary technical expertise. The GAO report concluded that states were not well positioned to meet the requirements of NCLB.

The Bush administration has indicated that it intends to strictly enforce the new requirements, particularly the implementation timelines. The presumption of this administration is that unless the administration takes a firm stand, states will "game the system." Nonetheless, under NCLB some areas will be easier to enforce than others. According to the Director of Policy in the Office of the Under Secretary:

> We recognize that we are limited by the statute in some respects and we can't go after states that don't make adequate yearly progress on that front. But, in terms of actually doing what the law requires—providing choice and not playing games—there is a serious commitment to seeing the law implemented well (C. Wolfe, personal communication, December 10, 2002).

Enforcement of NCLB during the first year focused on compliance monitoring, adhering to implementation timelines, and meeting technical requirements while allowing for quite divergent systems across the states. For example, NCLB requires states to administer performance tests that produce individual student test scores. Federal officials made it clear that they would not grant waivers to states from meeting this requirement. This forced Maryland to abandon its performance based assessment system known as the Maryland School Performance Assessment Program (MSPAP). The MSPAP, which sampled student performance, only provided reliable scores at the school level.[8] The new test, the Maryland School Assessment (MSA) program, provides individual student scores and was first administered in spring 2003. The Maryland School Assessment is a combination of norm-reference and criterion-reference test items and includes both multiple choice and brief-answer questions. In contrast, the MSPAP, which was designed to test critical thinking skills, used only criterion-referenced tests and required short and long answers in essay format. Essentially, the NCLB requirements forced the state to adopt a form of assessment that covers less of the curriculum and is less likely to measure higher order skills.

The real enforcement challenge will come when ED begins to monitor implementation of the state accountability plans. For the most part, states are good at describing what the law requires. As one ED official put it: "The implementation of that doesn't always manifest itself in the way

[8] This is the same sampling method the federal government uses for the National Assessment of Educational Progress (NAEP), but is no longer permitted at the state level.

that the paper [i.e., accountability plans] reflects. And I think that is going to be where the real issues are going to be raised" (S. Wilhelm, personal communication, December 10, 2002).

NCLB also changes the role of ED by requiring them to participate in helping schools improve. The Interim Director of Title I put it this way:

> We have never had to step up to the plate. We have always been able to talk from our ivory tower about how schools should be changing. I think the thing that makes this law different is that all of us have a responsibility to insure that it happens (J. Jackson, personal communication, December 10, 2002).

While compliance and fiduciary monitoring remain primary responsibilities, under NCLB the Department of Education has begun to think about how to provide technical assistance. To meet this challenge, ED proposed the Instructional Change Unit within the Title I program which is designed to work with states to help them build capacity to provide technical assistance to schools (J. Jackson, personal communication, December 10, 2002). However, ED has been slow to staff this unit or make it fully operational. To provide support for choice initiatives and the policy priorities of the administration, ED established the Office of Innovation and Improvement. The goal of this office is to improve the supply of educational choices by encouraging the development of Charter Schools and to nurture educational innovations (Department of Education official, personal communication, January 17, 2003). This office has received the full support of the administration.

FEDERAL-STATE RELATIONS: CONFLICT OR COOPERATION?

As states began to implement NCLB, we searched for areas and sources of intergovernmental cooperation/accommodation as well as areas of intergovernmental conflict. Our research finds that while there has been some intergovernmental collaboration and cooperation, the ambitious expectations, strict timelines, and exacting set of regulations and requirements combined with the fiscal constraints operating on states and districts imposed significant burdens on implementation. In addition, the administration's approach to working with particular groups of stakeholders may limit their cooperation and support in the future, particularly if fiscal constraints are not eased. More importantly, grassroots political support is eroding as elements of NCLB increased the bureaucratic burden on districts or disrupted the normal functioning of schools. In this section, we discuss professional compliance with NCLB and state capacity to meet the new requirements, the first year implementation challenges, the growing fiscal constraints on states, and the weakening political support for NCLB.

Professional Compliance and State Capacity to Meet the New Requirements

Intergovernmental coordination and cooperation between state educational officials and ED administrators facilitated implementation at the state level and helped states meet some of the initial timeline requirements. In January 2003, ED granted early approval of the state accountability plans in five states. Apart from the public relations benefits this early approval bestowed on the administration, these plans provided states with a measure of what ED approved, what was rejected, and an ideal of where states should be that states could refer to as they developed their own plans. The Council of Chief State School Officers used the plans to provide technical workshops and to help state assessment directors develop their own accountability workbooks (P. Sullivan, personal communication, January 22, 2003).

State education officials met the deadlines for submitting the Consolidated State Application to ED.[9] All fifty plans were submitted on time, a remarkable accomplishment given that states vary in the degree to which their state accountability plans aligned with the NCLB requirements and the differences in their political structures and governance arrangements in education.[10] Even more remarkable was the President's announcement in June 2003 that all fifty state plans were "approved," even though ED was still reviewing many of them. Secretary Paige sent each state a letter stating that ED had approved the basic elements of State's accountability plan.[11] Underscoring the tentative nature of this approval was another letter from Under Secretary Hickok. These letters, sent to all the states shortly after Secretary Paige's letter, outlined aspects of the plans that needed further action or were not fully approved.[12]

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[9] State officials were required to submit a preliminary draft of the Consolidated State Application Workbook by January 31, 2003 and the completed application by May 1, 2003.

[10] According to the National Conference of State Legislatures Education-Related Legislative Tracking Database, 23 states enacted legislation to bring them into compliance with NCLB. Retrieved on 10-1-03 from www.ncsl.org/programs/educ/educ_leg_srch.cfm.

[11] The approval letters also noted that approval of the accountability plan was not an approval of a state's standards and assessment system or that the plan complied with federal civil rights requirements.

[12] These decision letters are available from http://www.ed.gov/admins/lead/account/letters/index.html?exp=0 . To our knowledge, the initial approval letters were not posted on the ED web page.

In reality, only 11 states (21.6%) had state plans that were fully approved by ED in June 2003 (Table 4). States that had complied with the 1994 IASA requirements were only slightly more likely than states with timeline waivers to have a completed accountability plan (28.6% of states with approved 1994 plan versus 20% of states with timeline waivers). None of the states that had entered into compliance agreements with ED had fully approved plans. Clearly, meeting the deadlines and gaining ED approval of the plans reflects a compliance orientation by the states and ED rather than real progress in implementing NCLB.

Table 4: Number and Percentage of States with Fully Approved Accountability Plans Based on Compliance with 1994 IASA, June 2003

State Status	**Approved June 2003**		**Incomplete June 2003**	
	Number	Percent	Number	Percent
IASA Compliant	6	28.6	15	71.4
IASA Timeline Waiver	5	20.0	20	80.0
IASA Compliance Agreement	0	0	5	100
Total*	11	21.6	40	78.4

Source: Education Week, August 6, 2003. Retrieved on 8-1-03 from www.edweek.org/ew/vol-22/43account.pdf
*Includes District of Columbia

To understand how well states were doing in meeting the requirements of the law, we analyzed the status of the consolidated accountability applications submitted in January 2003. We conducted this analysis midway through the process because it showed where states were in the process of completing their state accountability plan and offered a way to determine which elements of the plans were easy to meet and which were more difficult. We conducted this analysis using the consolidated applications from 41 states.[13] The application included a worksheet, which summarized the status of ten principles required by the application. Each principle contained between one and six elements (see the appendix for a summary of the principles and elements). For each element, states indicated if they were working to formulate a policy, had a proposed policy and were waiting for state approval, or had a final state policy.

A summary of the status of the required principles is presented in Figure 1. This figure presents the average percentage of states that were working to formulate a policy (W), had a proposed policy (P), or had a final policy (F) for each principle. States were most likely to have a final policy on principle 6 (accountability system is based primarily on academic assessments). This is not surprising since states were required to develop assessments in three grades under the 1994 law. They were least likely to have a final policy on principles 3 and 9, which pertain to developing a method to determine adequate yearly progress and building a reliable and valid accountability system. Both of these principles require a number of difficult psychometric decisions, such as the use of consistency rules, test linking, or equating one test to another as states add new grades to their assessment system.

[13] As of March 2003, 41 states had submitted accountability applications.

These findings suggest that many states may not have the capacity needed to deal with technical assessment issues. Leading states, such as Virginia and New York, had technical advisory panels made up of psychometricians that assisted them with meeting the assessment requirements. However, since there is a limited supply of psychometricians, and many serve on several advisory panels, some states may have difficulty finding the expertise they need. Indeed, nationwide there is a shortage of specialized personnel, especially psychometricians who can devise tests, monitor their validity, and develop the infrastructure needed to support extensive testing (Henriques, 2003; Jorgensen, 2002). In short, the technical demands imposed by NCLB appear to exceed many states' capacity to handle complicated psychometric problems. This poses a serious risk that the tests created under the act may not meet the important requirements of the law mandating that the tests reflect what is taught and are valid indicators of student achievement. It also raises questions about whether the nation has the expertise necessary to justify investing huge sums of money in test development.

An analysis of the separate elements that make up each principle indicates that few states had a final policy for elements 1.6 (accountability system includes rewards and sanctions) and 5.2 (the accountability system holds schools and local districts accountable for the progress of student subgroups) (Table 5). This is also not surprising, since the required interventions, particularly providing supplemental educational services, were not something states had done before. Moreover, the required interventions are highly unpopular with many educators and there is no research basis for what is likely to work. As already noted, the GAO report (2002) found compliance with subgroup accountability difficult for states to meet under the 1994 law so it is not surprising that few states had a final policy for this element.

We also found that states that were in compliance with the 1994 requirements were more likely to have a final policy than states that were granted timeline waivers or had compliance agreements (see Table 6). This was the case across all principles, with more non-compliant states still working to formulate policies. The largest differences between compliant states and non-compliant states were for principle 6—the accountability system is based primarily on academic assessments. Among compliant states, 94.4% had a final policy on this principle versus 69.6% of non-compliant states. Twenty-one percent of the non-compliant states were still working to formulate a policy on principle 6, whereas none of the compliant states were. Since all states, when considered together, were most likely to have a final policy on principle 6, this finding suggests huge differences between compliant and non-compliant states in meeting the basic requirements of the law. Again, the technical challenges of implementing a test-based accountability system may exceed the capacity of some states. There was little difference between the two groups of states on principle 4 and 8, which refer to having an accountability system that determines annual progress and holds students, schools and districts accountable. While this finding suggests general support for accountability, support for a test-based system is less clear.

Figure 1: State Accountability Plans, Average Percentage of States Working to Formulate a Policy (W), Proposed Policy (P), and Final Policy (F) for Each Principle (Based on Accountability Plans in 41 States).

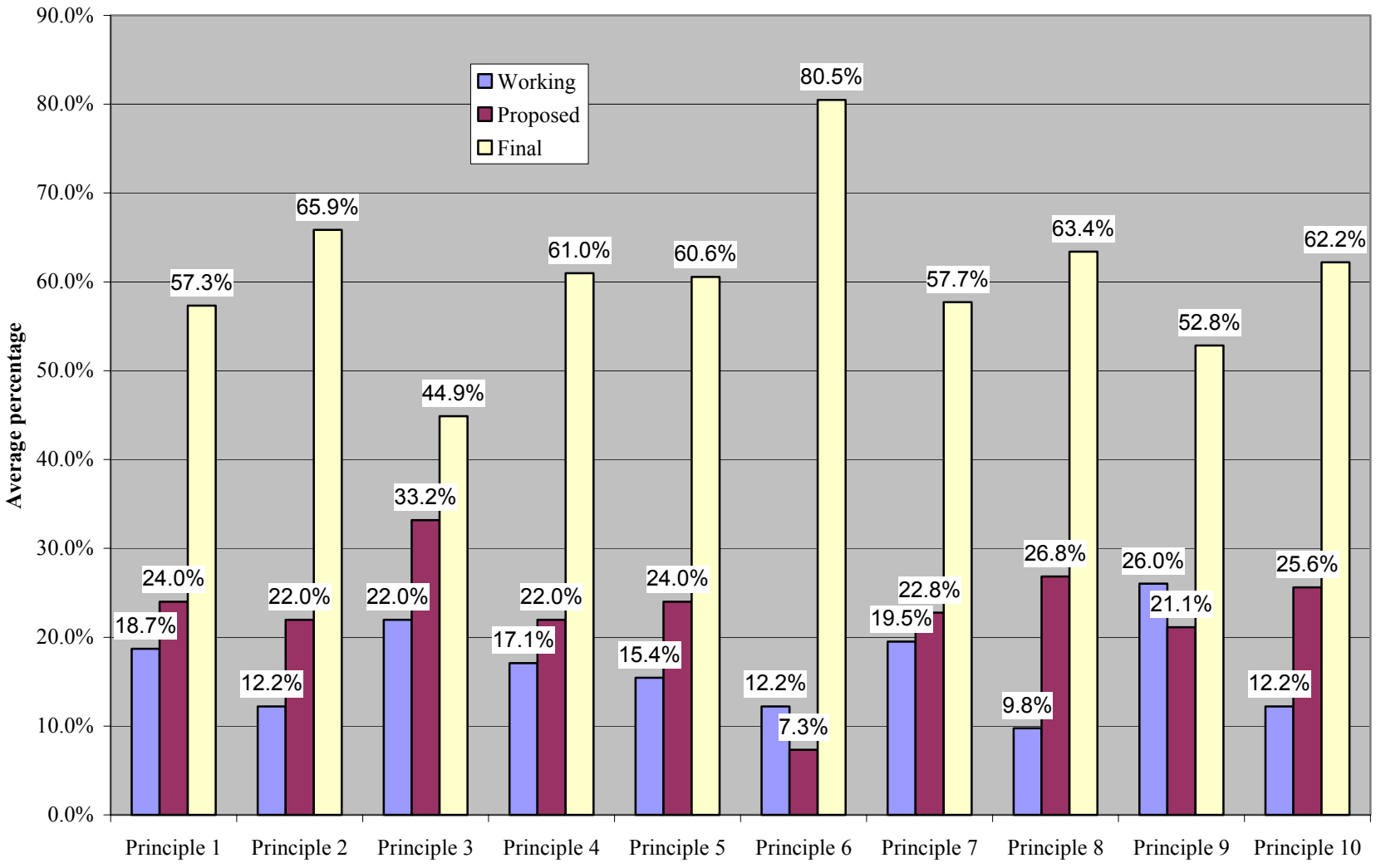

Table 5: Summary of Required Elements for State Accountability System (n=41): Number and Percentage of States Working to Formulate a Policy; Proposed Policy; and Final Policy, 2003

Principle	# Working Policy	% Working Policy	# Proposed Policy	% Proposed Policy	# Final Policy	% Final Policy
Principle 1		**18.7**		**24.0**		**57.3**
1.1	7	17.1	10	24.4	24	58.5
1.2	5	12.2	12	29.3	24	58.5
1.3	4	9.8	7	17.1	30	73.2
1.4	9	22.0	12	29.3	20	48.8
1.5	9	22.0	7	17.1	25	61.0
1.6	12	29.3	11	26.8	18	43.9
Principle 2		**12.2**		**22.0**		**65.9**
2.1	4	9.8	5	12.2	32	78.0
2.2	6	14.6	12	29.3	23	56.1
2.3	5	12.2	10	24.4	26	63.4
Principle 3		**22.0**		**33.2**		**44.9**
3.1	6	14.6	13	31.7	22	53.7
3.2	10	24.4	13	31.7	18	43.9
3.2a	9	22.0	13	31.7	19	46.3
3.2b	10	24.4	14	34.1	17	41.5
3.2c	10	24.4	15	36.6	16	39.0
Principle 4		**17.1**		**22.0**		**61.0**
4.1	7	17.1	9	22.0	25	61.0
Principle 5		**15.4**		**24.0**		**60.6**
5.1	4	9.8	11	26.8	26	63.4
5.2	8	19.5	15	36.6	18	43.9
5.3	5	12.2	4	9.8	32	78.0
5.4	6	14.6	9	22.0	26	63.4
5.5	9	22.0	12	29.3	20	48.8
5.6	6	14.6	8	19.5	27	65.9
Principle 6		**12.2**		**7.3**		**80.5**
6.1	5	12.2	3	7.3	33	80.5
Principle 7		**19.5**		**22.8**		**57.7**
7.1	7	17.1	14	34.1	20	48.8
7.2	9	22.0	8	19.5	24	58.5
7.3	8	19.5	6	14.6	27	65.9
Principle 8		**9.8**		**26.8**		**63.4**
8.1	4	9.8	11	26.8	26	63.4
Principle 9		**26.0**		**21.1**		**52.8**
9.1	10	24.4	9	22.0	22	53.7
9.2	11	26.8	9	22.0	21	51.2
9.3	11	26.8	8	19.5	22	53.7
Principle 10		**12.2**		**25.6**		**62.2**
10.1	5	12.2	11	26.8	25	61.0
10.2	5	12.2	10	24.4	26	63.4
Range	4-12		3-15		16-33	

Table 6: Comparison of All States (n=41), IASA Compliant States (n=18), and Non-IASA Compliant States (n=23): Percentage of States Working to Formulate a Policy; Proposed Policy; and Final Policy, 2003

Principle	State Status	% Working Policy	% Proposed Policy	% Final Policy
Principle 1	All States	18.7	24.0	57.3
	IASA Compliant	7.4	26.9	65.7
	IASA Non-Compliant	27.5	21.7	50.7
Principle 2	All States	12.2	22.0	65.9
	IASA Compliant	1.9	22.2	74.1
	IASA Non-Compliant	20.3	21.7	58.0
Principle 3	All States	22.0	33.2	44.9
	IASA Compliant	10.0	40.0	50.0
	IASA Non-Compliant	31.3	27.8	40.9
Principle 4	All States	17.1	22.0	61.0
	IASA Compliant	11.1	27.8	61.1
	IASA Non-Compliant	21.7	17.4	60.9
Principle 5	All States	15.4	24.0	60.6
	IASA Compliant	5.6	25.0	69.4
	IASA Non-Compliant	23.2	23.2	53.6
Principle 6	All States	12.2	7.3	80.5
	IASA Compliant	0.0	5.6	94.4
	IASA Non-Compliant	21.7	8.7	69.6
Principle 7	All States	19.5	22.8	57.7
	IASA Compliant	7.4	25.9	64.8
	IASA Non-Compliant	29.0	20.3	50.7
Principle 8	All States	9.8	26.8	63.4
	IASA Compliant	5.6	27.8	66.7
	IASA Non-Compliant	13.0	26.1	60.9
Principle 9	All States	26.0	21.1	52.8
	IASA Compliant	14.8	25.9	59.3
	IASA Non-Compliant	34.8	17.4	47.8
Principle 10	All States	12.2	25.6	62.2
	IASA Compliant	0.0	27.8	72.2
	IASA Non-Compliant	21.7	23.9	54.3

Implementation Challenges During Year One

The final regulations on NCLB, released in November 2002, did not ease the burden of implementation for states or districts and left states with little of the flexibility they had hoped for. In particular, states wanted more flexibility in determining adequate yearly progress and to be allowed to continue to use indices that measured the extent to which schools and districts were making progress towards improving student achievement. Districts wanted more flexibility in identifying schools for improvement and implementing the student choice options. Districts

were also concerned that the regulations would limit their flexibility to assign paraprofessionals to schools and programs and that the teacher qualifications would exacerbate teacher shortages in critical areas, including special education, bilingual education, mathematics, and science. To a large extent, the concerns of state and district officials were ignored.

In writing the regulations, ED was constrained by the specific requirements of the statute itself in some areas, but in other areas, the administration's policy priorities shaped the regulations. Most notably, ED narrowly interpreted the issues of capacity and public school choice, mandating that lack of capacity did not preclude a district from offering public school choice to eligible students in schools identified for improvement. The regulations required that if a district identified a school for improvement after the beginning of the school year, that school must immediately begin offering public school choice (*Federal Register,* Vol. 67, No. 231, Sec. 200.32(f), 2002). Those with alternative interpretations argued that since the statute provides that public school choice be implemented "no later than the first day of the school year following such identification," that this could mean the following year and not immediately. Districts argued that these regulations would require them to alter the timelines for the administration of tests, analysis of the data to determine adequate yearly progress, and the identification of schools in need of improvement. They also argued that the choice requirement conflicted with district choice processes already in place. Additionally, the NCLB choice regulations had none of the civil rights protections that were typical in the earlier federal magnet school requirements or in the 1964 civil rights acts.

In keeping with the administration's priorities, ED also strictly interpreted the testing requirements, as noted earlier. The lack of flexibility stemming from narrow interpretations of the law, especially as it pertained to assessment, so angered Virginia officials that the president of the Virginia Board of Education included a letter of protest when the state submitted their final accountability plan in June 2003.

> Let me state for the record that we are "agreeing" to these amendments only because USED has mandated them, and we agree only under strong protest. We do not believe these amendments represent sound or rational policies, especially the intention of USED to apply future testing policies, to which we have already agreed, to this past academic year on a retroactive basis for the purpose of determining AYP for Virginia schools. We also object for the record to the mandate regarding the testing participation of children with disabilities in possible violation of the child's Individualized Education Program and another federal law, the Individuals with Disabilities Education Act (Virginia Board of Education, 2003, June 9).

The narrow interpretation of the law will make it more difficult for states and districts, particularly low performing districts, to comply with the law. And, it raises a number of questions. What will happen to districts that cannot provide choice because they lack capacity?[14] Is it realistic to expect suburban or surrounding districts to step in and provide choice and if they do, can they do so at sufficient levels? What are the political consequences of identifying large numbers of low performing schools? By ignoring state and district concerns, the

[14] To meet the capacity requirement, the administration suggested that districts build more schools or hire more teachers.

administration's approach risks alienating educational professionals who must implement the law and ignores the role of state and local policymakers in a functioning federal system.

On the other hand, provisions of the law that were a low priority to the administration received very little attention. For example, ED devoted very little attention in public forums or in the regulations to the high school graduation requirements (Orfield, Losen, & Swanson, 2003; Swanson, 2003). Under NCLB, states must include graduation rate as one indicator of academic progress at the high school level. While the legislation was very specific about establishing a starting point, timeline for adequate yearly progress, annual measurable objectives, and intermediate goals for determining proficiency based on state assessments, it does not specify the same for graduation rate. The regulations are silent on this. Consequently, when states submitted their accountability plans in May 2003, some established starting points and objectives while others did not. Illinois established a starting point of 65% in 2003 with a target of 85% in 2013. Georgia (Georgia Board of Education, 2003) requires schools, school systems, and the state to "show an improved graduation rate from the previous year or be at or above the preset standard of a 60% graduation rate" (p. 35). The standard in California allows districts to calculate improvement in graduation rates that is based on their current rate. California defines "progress" on the graduation rate measure as increasing the rate by one tenth of one percent per year until the school reaches 100 percent. Arizona and New York did not establish a starting point or annual objectives.

ED also allowed considerable variability in how states designed their accountability plans, particularly in how states meshed their existing accountability systems with the new requirements. The five state plans that were approved early were notable for their variety. New York and Massachusetts retained a performance index in their accountability systems that captured movement between levels of performance while also including the federally mandated adequate yearly progress targets. Ohio and Indiana overlaid the adequate yearly progress requirements onto their state accountability systems. Ohio will determine accountability on the basis of multiple measures—the proportion of Ohio report card indicators met, a performance index scores, adequate yearly progress, and a measure based on individual student achievement gains over time (Ohio Department of Education, 2003). Indiana retained five performance categories and placed schools that fail to make adequate yearly progress for two consecutive years in the middle category of Academic Progress (Indiana Department of Education, 2003). In addition, ED made concessions when states stood firm on their policies and decisions. For example, New York, which requires high school students to pass the states' regents exams in mathematics and English by grade 12, convinced ED officials that students in New York should continue to be allowed to take the test multiple times and to count only the last test for accountability purposes.

This variability in how states designed their accountability plans continued after ED conducted the peer reviews of state accountability plans, particularly on issues where federal priorities conflicted with local control of education. It allowed Nebraska to continue to use a combination of state and local assessments and Iowa to use two standardized, norm-referenced tests for accountability purposes. While these states lead the nation in student performance, they had not developed extensive accountability systems in large part because they operate very decentralized systems. Most notably, ED approach to the design of accountability plans allowed states to

develop dual accountability systems, that is, one system to meet the federal requirements and another for state accountability purposes. Such an approach may be necessary in a federal system, however it created fragmented accountability systems that increased the complexity of the state systems.[15]

State Fiscal Constraints

When Congress passed NCLB, there had been significant growth in public school expenditures. Federal spending for elementary and secondary education had increased by 50% and by almost 20% for Title I between 1998 and 2001. There was also the expectation, written into the law, that appropriations for Title I would continue to grow by significant amounts to offset the increased requirements placed on states. The increase in appropriations for Title I were viewed as a condition under which the goals of the legislation could be realized. Yet NCLB was implemented at a time when state governments faced the biggest decline in state revenues in at least twenty years (Boyd, 2003). As the real costs to the states of implementing NCLB became apparent and the administration balked at helping states weather the fiscal crisis, the debate on NCLB centered around funding issues.

The constraints posed by the state fiscal crisis threatened to erode state commitment to the law and complicate implementation efforts. For nearly every state, FY 2003 was the second consecutive year of budget problems, with 39 states reporting budget shortfalls at some point during the fiscal year (National Conference of State Legislatures, 2003b). To balance their budgets, 37 states cut their budgets by nearly $12.6 billion in FY 2002 and another $14.5 billion in FY 2003 (National Governor's Association & National Association of State Budget Officers, 2003). States used a variety of other methods to help bring budgets into balance, including across-the-board cuts to state programs (28 states) and laying off employees (17 states), areas that would include cuts to education. States continued to face significant budget challenges for FY 2004, which the National Conference of State Legislature forecast could be even more difficult than FY 2003.

The federal government typically provides revenue sharing to help states through economic downturns. This time that did not happen. At the winter 2003 meeting of the National Governor's Association, President Bush confirmed his intention not to provide fiscal relief for the states, citing the federal budget deficit and the costs of war as constraints on the federal budget. Instead he promised more flexibility for states on spending and asserted that his plan to eliminate taxes on corporate dividends would boost the economy.[16] This finally changed late in the 108th Congress as state budgets worsened and several lawmakers made a commitment to seek state fiscal relief. The federal Jobs and Growth Tax Relief Reconciliation Act signed by President Bush on May 28, 2003, provided states some short term fiscal relief. This act authorized and funded $20 billion spread across two years (FY 2004 and FY 2005) in fiscal relief

[15] The fragmentation of state accountability systems is discussed at greater length in our state report (Kim & Sunderman, 2004).

[16] It is worth noting that many of the Bush administration tax cuts resulted in lost revenue to states that tie their state income tax rate to the federal rate. Since states pass the cuts on to local governments, many were forced to raise property taxes.

to the states, with half devoted to flexible grants to states and half to help support Medicaid. While this aid was welcomed by states, it was temporary and relatively small.

Since education makes up a major portion of state budgets, education budgets were threatened by the state budget problems.[17] A number of states made cuts to their elementary and secondary education program to help balance the budget in FY 2003 and FY 2004. In California, a state with one of the largest budget shortfalls, the governor made some across the board spending reductions, asked state agencies to trim 20% from their budgets, and sought wage reductions (National Conference of State Legislatures, 2003a). The Governor of Ohio signed an executive order in March 2003 that cut funding for the Ohio Department of Education by $9.3 million and state aid to schools by $90.6 million (Ohlemacher & Okoben, 2003). The governor, a Republican, was battling a Republican controlled legislature's refusal to approve a budget that included increases in taxes. The budget cuts affected districts, which were forced to make painful decisions to lay off teachers, shorten the school year, or reduce class size (Gewertz & Reid, 2003).

In light of state budget problems, questions over NCLB funding levels became political ones. As part of the compromise to pass the bill, NCLB promised large increases in spending for Title I, and indeed, in the first year (fiscal year 2002) there was an 18% increase in Title I grants to local educational agencies and a 17% increase overall for elementary and secondary education (Table 7). For fiscal year 2003, there was a 9.7% increase in Title I appropriations and an 8.5% increase in elementary and secondary education appropriations. While FY 2004 proposed appropriations for Title I increased 8.8%, appropriations for elementary and secondary education decreased by 2.6%. The Democrats argued that the administration's budget proposals broke the promises made when NCLB was enacted to provide adequate resources for reform (Miller & Kennedy, 2003). When the bill passed, there was a bipartisan agreement to significantly increase financial resources in exchange for enacting the tough accountability provisions. This agreement was reflected in the appropriation levels contained in the bill.[18] The Republicans countered that, "the federal government is now spending far more money for elementary and secondary education than at any time in our nation's history" (Boehner, 2003). This is true in absolute amounts but not in terms of the federal share of total educational expenditures.

[17] Spending for elementary and secondary education is estimated at 22.2% of total state spending and 35.4% of state spending from the general fund (National Governor's Association & National Association of State Budget Officers, 2003). Elementary and secondary education expenditures as a percent of total state expenditures ranges from 13.7% in Connecticut to 34.3% in Wyoming (National Association of State Budget Officers, 2003).

[18] Appropriations for Title I, Part A grants to local educational agencies were $13.5 million in 2002, $16.0 in 2003, $18.5 in 2004, $20.5 in 2005, $22.75 in 2006, and $25.0 in 2007 (P.L. 107-110, Sec. 1002 (a)).

Table 7: Title I Grants to Local Education Agencies (LEAs) and Total Elementary and Secondary Education Appropriations, FY 1998 – 2004

Fiscal Year	**ESEA Title I Grants to LEAS**	**% Increase From Prior Year**	**Total Elem. & Secondary Appropriation**	**% Increase From Prior Year**
1998	$ 7,375,232	1.09	$18,595,444	10.13
1999	7,732,397	4.84	21,413,447	15.15
2000	7,941,397	2.70	23,150,732	8.11
2001	8,762,721	10.34	27,974,746	20.84
2002	10,350,000	18.11	32,770,874	17.14
2003	11,350,000	9.66	35,797,897	8.45
2004	12,350,000	8.81	34,874,488	-2.65

Source: US Department of Education, Budget History Table: FY 1980 – present. Retrieved on 10-2-03 from www.ed.gov/about/overview/budget/history/edhistory.pdf

The administration continued to maintain that the money was sufficient to cover the costs of implementing NCLB. One Republican Congressional aide said it was difficult to tell how the state shortfall would affect implementation of NCLB, adding that "if the state budgets are under pressure, certainly the federal budget is as much, if not more so, because of the defense and homeland security commitments that state budgets don't have" (Congressional aide, personal communication, February 21, 2003). This aide believed that the funding for NCLB was enough to offset the costs of implementing the bill, especially if "you actually ask people to make better decisions with the money that they are getting." Echoing similar comments made by President Bush,[19] she said:

> It's not just a matter of how many resources you have. It's a matter of how you spend your resources. And if you are a failing school or a failing school district, you don't necessarily need a huge infusion of funds. . . . It's also a matter of deciding how to better use those funds—be it on the curriculum, be it on better teachers, or you know, preparing your paraprofessionals. Be it may be not focusing on a music program and instead using your music dollars for a reading program. There are just so many decisions—minute decisions that can be made at both the district level and actually at the school level. So that it's a matter again not just of level of resources but how you use the resources. (Congressional aide, personal communication, February 21, 2003).

During the 108th Congress, support for additional funding for NCLB broke down along party lines. Democratic attempts to raise the funding levels for NCLB for FY 2004 were defeated by the Republicans. In June 2003, Senator Dick Durbin (D-IL) introduced the Federal Fair Accountability Includes Resources Act in an effort to protect states from unfunded mandates. The bill, which was defeated along partisan lines, would have given states the option of deferring the mandated corrective actions required by NCLB in years when the promised federal funding was not appropriated.

[19] In a speech on January 8, 2003, President Bush said: "The issue is not just about money. We must spend money more wisely. We must spend money on what works. And we must make sure we continue to insist upon results for the money we spend" (Bush, 2003, January 8).

When Congress enacted NCLB, there was little attention devoted to what it would cost states to implement the requirements. There was some attention to the costs of meeting the additional testing requirements, but none in terms of meeting additional staffing requirements. At the state level, how the costs of implementing NCLB balance out against the additional resources provided by the law is just beginning to be sorted out. Several studies suggest that NCLB will cost states considerably more than the funds appropriated by the federal government. These studies begin to break down the costs across different program areas and figure in the additional administrative costs of implementing the new requirements. These studies indicate that while the added costs of assessments and data collection systems are substantial, the costs of providing administrative support and remedial instructional services to poorly performing districts and schools will be even greater. A few of these studies are summarized below.

- The New Hampshire School Administrators Association (2002, November 26) estimated that, conservatively, implementing NCLB in New Hampshire would result in a new financial obligation to the state. NCLB brings in about $77 per student on average while creating at a minimum $575.00 per student in new financial obligations, resulting in a 7.5:1 ratio of federal dollars to estimated costs (New Hampshire School Administrators Association, 2002, November 26). The New Hampshire study estimated that the additional costs required by NCLB included $5.5 million for assessments, $11.7 million to meet the highly qualified teacher requirements, $16.6 million to attract and retain high quality para-professionals, $35.4 million to develop new technology plans, and $62.8 million that would result from the increased identification of special education students.

- Vermont, which considered not participating in the federal program, based its decision in part on a similar analysis of the cost effectiveness of NCLB. This analysis estimated that the new law would require a minimum of $158.2 million (a 15.5% increase) in new expenditures by the state while the federal government provided a total of $51.6 million, a 3:1 ratio of federal money to state expenditures (Vermont Society for the Study of Education, 2002). Vermont estimated that the federal increase the state would receive under NCLB represented an increase of less than one-half of one percent of state expenditures on education. The estimated additional costs included $149.5 million for remediation, $0.5 million for additional tests, and $8.2 million for test administration and instructional time lost to testing.

- The Maryland State Department of Education estimated that the total cost of implementing NCLB would likely be more than the federal funds the state receives (Maryland Department of Legislative Services, 2002). To meet the new reporting requirements, the state and local districts will need to develop an infrastructure that includes the development of data collection, storage, and dissemination capacities that currently do not exist. State and local officials believed that cost would be substantial. Although the new test will cost less on a per pupil basis than old assessment system ($30 versus $35), the overall cost of developing and implementing the new Maryland School Assessment program were higher since more students will take the test when the grade 4, 6, 7 and 10 tests are implemented (Maryland Department of Legislative Services, 2002).

- The General Accounting Office (2003) provided three estimates—$1.9, $3.9, and $5.3 billion—of the costs to states for developing and administering the mathematics, reading or language arts, and science assessments required by NCLB between fiscal year 2002 and 2008. The different estimates depended on the type of questions on the test, how they are scored, the extent to which the state releases actual test questions to the public, and the number of new tests needed to comply with NCLB. The $1.9 billion estimate was based on states using multiple-choice questions, which are machine scored. The $3.9 billion estimate was based on a combination of multiple-choice and open-ended questions, and the $5.3 was based on using a combination of multiple-choice questions and written responses, such as an essay. They identified a minimum benchmark of $2.34 billion that Congress must provide between fiscal year 2002 and 2007 or risk states deferring or suspending testing.

- Recent studies in ten different states indicate that the costs of bringing all children up to a particular state standard would require massive new investments in education spending (Mathis, 2003). All ten studies revealed a gap between current educational resources and what would be needed to meet state and federal requirements that ranged from 15% to 46%. Needed increases were even greater for rural areas and special populations of students. For example, when the costs of remedial instruction were considered, the gap doubled. The author estimated that if only 20% was added to the current public spending on K-12 education in the nation as a whole, it would translate into a national increase of about $84.5 billion (Mathis, 2003). For comparison purposes, Congress increased the federal Title I appropriation from $11.3 billion in FY 2003 to $12.3 billion in FY 2004, an increase of $1 billion dollars. At the same time, federal spending for elementary and secondary education fell by $9.2 million (see Table 7).

If the new law requires an increase in state funding for federal requirements at a time when most states cannot continue their basic state commitments, serious conflict is likely. So far state educational agencies have reallocated staff from other areas or added the NCLB responsibilities onto existing ones. This may work when the NCLB requirements mirror current state capabilities but may become more problematic as states have to develop ways to intervene in failing schools. Since states vary in their staffing levels, resources and sophistication of their databases and data collection capabilities, the ability of states to meet the added responsibilities will depend on the local context. Nonetheless, implementing the NCLB requirements has severely strained the capacity of most state education departments.

Growing Opposition Within the States

As implementation proceeded at the state and local level, many of the issues that had not been adequately addressed in the bill became apparent as political leaders began to understand how the law's provisions affected state and local priorities. The increasing fiscal strain on the states and an administration that aggressively advanced policies that met their priorities while ignoring other parts of the law eroded what support there might have been for the legislation. When federal power is expanded, state and local opposition is to be expected until professional support for the new reforms is built and institutions developed to sustain a new policy direction. In the

case of NCLB, we see growing ambivalence towards the legislation among Republican as well as Democratic leaders and increasingly vocal opposition among professional educators.

Resistance to NCLB intensified as support for the law eroded across all levels of government and the educational system. Among state elected officials, NCLB has not garnered the sustained political support necessary to insure implementation of NCLB, particularly since the specific requirements of the bill reflect last minute compromises few fully understood when enacted. Party alliance has not guaranteed cooperation with the federal goals, especially when they conflict with local priorities. There was opposition to the new requirements that included Republican states that supported Bush in the last election. For instance, there was strong resistance from Nebraska where officials consider education a state and local issue and viewed the new requirements as an unwarranted intrusion of the federal government in education (Greene, 2002). Several states passed or introduced legislation that would make implementation of NCLB contingent on adequate federal funding. Utah passed legislation to study the feasibility of rejecting federal funds in order to exempt the state from complying with NCLB and North Dakota passed a resolution urging the President and Congress to provide sufficient funding to implement NCLB (National Conference of State Legislatures, 2003a).

Political support from state legislators is weak—the National Conference of State Legislatures opposed the legislation—and the nation's governors have raised concerns about the costs of NCLB. In February 2003, the National Governor's Association released a policy statement, agreed to by both Republican and Democratic governors, that labeled NCLB an unfunded mandate and called for greater flexibility and additional funding to support NCLB. The governors, who generally support the intent of NCLB, approved a policy statement that stated:

> The nation's Governors request that in fiscal year 2004 the federal government provide funding for federal mandates and programs. This action would minimize the adverse effects of the budget cuts that states would otherwise be forced to make. The fiscal assistance should include additional funding for the following federal mandates without placing additional mandates on states (National Governor's Association, 2003, Winter Meeting).

The Governors identified Homeland Security, Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind Act as the federal mandates where there was a need for a more "responsive federal-state partnership" and additional federal funding. With NCLB, the Governors supported "maximum flexibility for states and school districts to combine federal program dollars and pursue our own strategies for raising student achievement" (National Governor's Association, 2003, Winter Meeting). Since the Governors have led the movement for standards based reform since the early 1980s, their support is crucial to the implementation of NCLB.

The administration's rhetoric may also alienate the very groups whose cooperation is necessary to facilitate implementation. When states began to define what it meant to be proficient in reading and mathematics, Secretary Paige sent a sharply worded letter to the Chief State School Officers. In this letter, he accused some states of "trying to "game" the system for short-term benefits" and of lowering "the bar of expectations to hide the low performance of their schools"

(Paige, 2002). He went on to say: "Thus, it is nothing less than shameful that some defenders of the status quo are trying to hide the performance of underachieving schools in order to shield parents from reality" (Paige, 2002). These remarks depart from the normal etiquette of American federalism.

In a similar vein, when an article in the New York Times (Winerip, 2003) criticized the NCLB transfer provisions, Nina Rees, Deputy Under Secretary in the U.S. Department of Education responded in a letter to the editor, stating:

> The concept behind the [transfer] provisions is to prompt states and districts to think strategically of ways to provide all students with a high-quality learning environment. That Chicago, Los Angeles and other districts may be limiting students' choice to transfer has more to do with their reluctance to move their systems forward and provide an equitable education for their students than it does with flaws in the federal law (Rees, 2003).

At the local level, support among professionals for NCLB was tenuous. District officials and local educators, who must implement the new requirements, were increasingly vocal about their objections to NCLB. This intensified as more schools were identified for improvement in fall 2003. Arne Duncan, the CEO of the Chicago Public Schools, criticized the act as creating enormous bureaucratic burdens and called it "a complex and impractical new mandate that sets overly ambitious yearly improvement standards" (Duncan, 2003). He was particularly critical of the adequate yearly progress provisions that identified 365 out of 600 schools (61%) in Chicago as needing improvement and questioned whether the NCLB transfer options would help improve student learning. "Only in Washington would they devise a system to punish schools that improve, instead of rewarding them for making gains. It sends the wrong message" (Duncan, 2003). Roy Romer, superintendent of the Los Angeles Unified School Districts characterized NCLB as having "some ridiculous goals."

Educators considered many of the NCLB provisions arbitrary and unfair, particularly the adequate yearly progress designations and testing requirements for special education students and English language learners. Teachers and principals thought it was unfair to test a student who was learning English until they were proficient or to administer a grade level test to a special education student who may be functioning much lower. Additionally, a school could be labeled as needing improvement under the federal system but be considered performing adequately under the state system. As one principal in a northern Virginia suburban district observed, NCLB is "not a meaningful way to judge schools. The state has a far better plan in terms of looking at accreditation—that's still our focus" (Helderman, 2003, September 12).

As sanctions went into effect, particularly the requirement that districts offer students the option to transfer to another public school, dissatisfaction with the law and its effects on local schools spread. New York City Public Schools, under Chancellor Joel I. Klein, approved 8,000 transfer requests in fall 2003, contributing to the worst overcrowding of schools in years (Winerip, 2003). This angered principals and parents who had to put up with the overcrowding, as well as the teachers union and state assembly representatives. Representative Anthony Weiner (D-Brooklyn, Queens) introduced the School Capacity Relief Act (H.R. 947) that intends to

"authorize local education agencies to prohibit the transfer of students under section 1116 of the Elementary and Secondary Schools Act of 1965 to schools that are at or above capacity, and for other purposes." In Chicago, district officials limited the number of transfers based on school capacity. Still, receiving schools were openly opposed to accepting transfers, fearing the new students would pull down their test scores. In some cases, the transfer policy undermined local goals. For example, the transfer plan went against a policy adopted by the local school council at one Chicago high school, which aimed to reduce enrollment while limiting the number of students from outside the community (Adkins, 2003).

Finally, the 35th annual Phi Delta Kappa/Gallup poll of public attitudes about the public schools found little support for the strategies that are an integral part of NCLB (Rose & Gallup, 2003). For instance, 61% of the public favored local control of education over federal or state control and 66% did not believe that a single statewide test was the best way to determine whether a school needs improvement or how well a student is doing (72%). They also rejected the idea of using a fixed standard for judging schools, preferring instead some measure of improvement (84%).

CONCLUSIONS AND IMPLICATIONS

NCLB represents a major change in federal-state relationships where the federal government has imposed one model of accountability across all states with the expectation that states will implement its priorities. However, for NCLB to work well will require coordination and cooperation across levels of government, the nurturing of a professional constituency that supports the goals of the legislation, and professional and technical expertise to interpret, administer, and manage the new programs and data systems. Yet both the professional support and expertise needed to carry out these requirements varies widely among the states and so far there has been limited effort by the federal administration to obtain the cooperation of the professionals who must implement the law. While NCLB is highly prescriptive, the legislative requirements may not be easily translated into programs that state and local officials can carry out. The lack of flexibility by federal officials on some of the requirements has eroded public and political support for the law as districts and schools are negatively impacted. Without the support of professional administrators, the political visibility of the NCLB requirements have increased, focusing attention on the local effects of the program rather than its contributions to improving schooling (Peterson et al., 1986).

The Bush administration recognizes the political significance of educational policy and has moved aggressively to promote its education agenda with the American public. It seems less aware of the institutional and organizational impediments to dramatically changing state accountability systems and educational practice and does not have a well-articulated implementation strategy to address these issues. Its current strategy—to adhere strictly to implementation timelines and threaten to withhold Title I funds to states out of compliance—carries a number of risks for both states and the federal government. States may choose to go their own way if the requirements become too burdensome or the federal government may be forced to carry out its threats of withholding funds, thereby further exacerbating a state's fiscal situation. It is also unclear what the political and policy fallout will be if NCLB fails or what will happen to the low-income students in Title I schools who will not be able to meet the adequate yearly progress targets.

Our first year research raises a number of questions about federal-state relations, which we plan to examine over the next few years as states implement NCLB. They include:

- Will states divert state resources to cover the additional costs or concentrate on other priorities? How will state fiscal constraints interact with the costs of implementing NCLB?
- Will the administration adhere to strict federal oversight and the withholding of funds from non-compliant states or be more lenient? How will the federal government enforce the new requirements?
- Will the mounting professional resistance to NCLB intensify and undermine the ability of the administration to sustain the present policy regime?
- Will there be an effort on the part of the administration to build a constituency for this law among professional educators that is the tradition of federalism or will the law be forced back into Congress for major changes?

Since NCLB is by far the largest program affecting disadvantaged students, it is imperative that the federal government brings state and local officials and educators into the process to work through the administrative and policy issues. When federalism works well there is collaboration across levels of government and federal deference to state priorities, something that has not been evident so far in the process of implementing NCLB. Under the Bush administration, the federal government has taken a leadership role and assertively advanced its own political and policy goals while ignoring the role of state and local governments in the policy process. Given the fact that federal priorities are constantly subject to legislative and appropriation decisions by a Congress that is generally far more responsive to state and local preferences than standards set in federal agencies, we expect serious conflict and significant changes in policy over time. To promote a functioning federal system, we recommend:

- The federal government should rethink its approach to federal Title I policy. Instead of mandating a particular approach to education, it should provide additional resources directed on low-achieving students living in impoverished communities, actively monitor and enforce non-discrimination, and provide incentives for states to try new approaches.
- The administration and Congress should work collaboratively with state officials and local educational professionals to revise NCLB. Any revisions of NCLB should recognize the tremendous variations in state educational systems, differences in their capacity and priorities, and should reflect the best research on policies and processes that produce successful reforms.

APPENDIX

Required Elements for State Accountability Systems

Principle 1: All schools

1.1 Accountability system includes all schools and districts in the state.
1.2 Accountability system holds all schools to the same criteria.
1.3 Accountability system incorporates the academic achievement standards.
1.4 Accountability system provides information in a timely manner.
1.5 Accountability system includes report cards.
1.6 Accountability system includes rewards and sanctions.

Principle 2: All Students

2.1 The accountability system includes all students.
2.2 The accountability system has a consistent definition of full academic year.
2.3 The accountability system properly includes mobile students.

Principle 3: Method of AYP Determinations

3.1 Accountability system expects all student subgroups, public schools, and LEAs to reach proficiency by 2013-14.
3.2 Accountability system has a method for determining whether student subgroups, public schools, and LEAs made adequate yearly progress.
3.2a Accountability system establishes a starting point.
3.2b Accountability system establishes statewide annual measurable objectives.
3.2c Accountability system establishes intermediate goals.

Principle 4: Annual Decisions

4.1 The accountability system determines annually the progress of schools and districts.

Principle 5: Subgroup Accountability

5.1 The accountability system includes all the required student subgroups.
5.2 The accountability system holds schools and LEAs accountable for the progress of student subgroups.
5.3 The accountability system includes students with disabilities.
5.4 The accountability system includes limited English proficient students.
5.5 The State has determined the minimum number of students sufficient to yield statistically reliable information for each purpose for which disaggregated data were used.
5.6 The State has strategies to protect the privacy of individual students in reporting achievement results and in determining whether schools and LEAs are making adequate yearly progress on the basis of disaggregated subgroups.

Principle 6: Based on Academic Assessments

6.1 Accountability system is based primarily on academic assessments.

Principle 7: Additional Indicators

7.1 Accountability system includes graduation rate for high schools.

7.2 Accountability system includes an additional academic indicator for elementary and middle schools.
7.3 Additional indicators are valid and reliable.

Principle 8: Separate Decisions for Reading/Language Arts and Mathematics

8.1 Accountability system holds students, schools, and districts separately accountable for reading/language arts and mathematics.

Principle 9: System Validity and Reliability

9.1 Accountability system produces reliable decisions.
9.2 Accountability system produces valid decisions.
9.3 State has a plan for addressing changes in assessment and student population.

Principle 10: Participation Rate

10.1 Accountability system has a means for calculating the rate of participation in the statewide assessment.
10.2 Accountability system has a means for applying the 95% assessment criteria to student subgroups and small schools.

Source: U.S. Department of Education, Office of Elementary and Secondary Education

REFERENCES

Adkins, L. T. (2003, October 1). Federal act sends dozens more students to Kenwood. *Hyde Park Herald,* pp. 1, 2.

Amrein, A. L., & D.C., B. (2002). *High-stakes testing, uncertainty, and student learning*. Retrieved August 22, 2003, from Education Policy Analysis Archives, 10(18) http://epaa.asu.edu/epaa/v10n18/

Boehner, J. (2003). *Education funding: Resources for reform, fact sheet*. Retrieved February 29, 2003, from http://edworkforce.house.gov/issues/108th/education/funding/summary.htm

Boyd, D. (2003). *The current state fiscal crisis and its aftermath.* Albany, NY: The Nelson A. Rockefeller Institute of Government.

Bush, G. W. (2003, September 6). *President's Radio Address*. Retrieved October 2, 2003, from www.whitehouse.gov/news/releases/2003/09/print/20030906.html

Bush, G. W. (2003, January 8). *President Bush celebrates first anniversary of No Child Left Behind. Remarks by the President on the first anniversary of the No Child Left Behind Act*. Retrieved March 23, 2003, from www.whitehouse.gov/news/releases/2003/-1/print/2003010108-4.html

Bush, G. W. (2003, June 10). *President highlights progress in education reform: Remarks by the President on the No Child Left Behind Act*. Retrieved August 13, 2003, from http://www.whitehouse.gov/news/release/2003/06/print/20030610-4.html

Cibulka, J. G. (1996). *The reform and survival of American public school: An institutional perspective*. Washington DC: The Falmer Press.

Citizens' Commission on Civil Rights. (1999). *Title I in midstream: The fight to improve schools for poor kids*. Washington, D.C.: Author.

Davis, M. R. (2003, May 28). Ed. dept. invests $500,000 in team to tout its agenda. *Education Week,* pp. 1, 21.

Duncan, A. (2003). *Neighborhood schools for all of Chicago: Remarks of CPS CEO Arne Duncan, City Club of Chicago, August 28, 2003*. Retrieved September 8, 2003, from www.cps.k12.il.us/AboutCPS/PressReleases/August_2003/DuncanRemarks_8_28_html

Durbin, D. (2003). *Durbin statement regarding funding for 'No Child Left Behind'*. Retrieved September 27, 2003, from http://durbin.senate.gov/~durbin/new2001/press/2003/06/2003613910.html

General Accounting Office. (2002). *Title I: Education needs to monitor state's scoring of assessments*. Washington, DC: Author.

General Accounting Office. (2003). *Title I: Characteristics of tests will influence expenses; information sharing may help states realize efficiencies*. Washington, DC: Author.

Georgia Board of Education. (2003). *Consolidated state application accountability workbook*. Atlanta, GA: Author.

Gewertz, C., & Reid, K. S. (2003). Hard choices: City districts making cuts. *Education Week, 22*(21), 1,14.

Godwin, K., & Sheard, W. (2001). Education reform and the politics of 2000. *The Journal of Federalism, 31*, 111-129.

Greene, D. L. (2002, December 30). Bush education policy gets states' rights jolt: Opposition in Nebraska highlights GOP conflict over federal intervention. *The Baltimore Sun*.

Helderman, R. S. (2003, September 12). Schools in VA fail federal standards, no area district satisfies new law. *The Washington Post,* p. B1.

Henriques, D. B. (2003, September 2). Rising demands for testing push limits of its accuracy. *New York Times,* p. 1.

Hirschman, A. O. (1970). *Exit, voice, and loyalty*. Cambridge, MA: Harvard University Press.

Indiana Department of Education. (2003). *Consolidated state application accountability workbook*. Indianapolis, IN: Author.

Jorgensen, M. (2002, January 1). Can the testing industry meet growing demand? *Issues in Science & Technology, 19*.

Kaestle, C. F., & Smith, M. S. (1982). The federal role in elementary and secondary education. *Harvard Educational Review, 52*, 384-408.

Kim, J., & Sunderman, G. (2004). *Large mandates and limited resources: State response to the No Child Left Behind Act and implications for accountability*. Cambridge, MA: The Civil Rights Project at Harvard University.

Kincaid, J. (2001). The state of U.S. federalism, 2000-2001: Continuity in crisis. *The Journal of Federalism, 31*, 1-13.

Knapp, M. S., Stearns, M. S., Turnbull, B. J., David, J. L., & Peterson, S. M. (1991). Cumulative effects of federal education policies at the local level. In A. R. Odden (Ed.), *Education policy implementation* (pp. 105-124). New York: State University of New York Press.

Loveless, T. (1999). *The tracking wars: State reform meets school policy*. Washington D.C.: Brookings Institution Press.

Manna, P. (2003). *Federalism agenda setting, and the development of federal education policy, 1965-2001.* University of Wisconsin-Madison, Madison.

Maryland Department of Legislative Services. (2002). *Issue papers: 2003 legislative session*. Annapolis, MD: Author.

Mathis, W. J. (2003, May). No Child Left Behind: Costs and benefits. *Phi Delta Kappan, 84,* 679-686.

Michelau, D. E., & Shreve, D. (2002). Education reform from the top down. *State Legislatures*, 21-25.

Miller, G. (2003). *Education reform: States are in compliance with new plans, President Bush is not*. Retrieved August 13, 2003, from http://edworkforce.house.gov/democrats/rel61003.html

Murphy, J. T. (1971). Title I of ESEA: The politics of implementing federal education reform. *Harvard Educational Review, 41*, 35-63.

Nathan, R. P., Gais, T. L., & Fossett, J. W. (2003, November 7). *Bush federalism: Is there one, what is it, and how does it differ?* Paper presented at the Association for Public Policy Analysis and Management, Washington, DC.

National Association of State Budget Officers. (2003). *2002 state expenditure report*. Washington, DC: Author.

National Conference of State Legislatures. (2003a). *Education-related legislative tracking database*. Retrieved October 1, 2003, from www.ncsl.org/programs/educ/educ_leg_srch.cfm

National Conference of State Legislatures. (2003b). *State budget and tax actions 2003: Preliminary report, executive summary*. Washington, DC: Author.

National Governor's Association. (2003, Winter Meeting). *A responsive federal-state partnership*, Washington, DC.

National Governor's Association & National Association of State Budget Officers. (2003). *The fiscal survey of states*. Washington, DC: Author.

New Hampshire School Administrators Association. (2002, November 26). *Memo regarding analysis of cost impact of ESEA (No Child Left Behind Act) on New Hampshire*. Penacook, NH: Author.

Odden, A. (Ed.). (1991). *Education policy implementation*. New York: State University of New York Press.

Ohio Department of Education. (2003). *State of Ohio consolidated application accountability workbook*. Columbus, OH: Author.

Ohlemacher, S., & Okoben, J. (2003, March 6). Education hit hard by Taft's budget cuts. *The Plain Dealer*.

Orfield, G., Losen, D., & Swanson, C. B. (2003, November). *Losing the future: The Southwest graduation crisis.* Paper presented at the Southwest Conference on Enhancing School Completion, University of Arizona.

Paige, R. (2002). *Policy letter to the Chief State School Officers*. Retrieved December 1, 2002, from http://www.ed.gov/News/Letters/021022.html

Paige, R. (2003). *Memo to members of Congress regarding No Child Left Behind Update*. Retrieved August 13, 2003, from http://www.ed.gov/PressRelease/07-2003/07082003a.html

Peterson, P. E., Rabe, B. G., & Wong, K. K. (1986). *When federalism works*. Washington, DC: The Brookings Institution.

Rees, N. (2003, October 8). Public school choice, letter to the editor. *New York Times*.

Robelen, E. W. (2002, April 17). *States, Ed. Dept. reach accords on the 1994 ESEA*. Retrieved September 17, 2002, from Education Week http://www.edweek.org/ew/ew_printstory.cfm?slug=31esea.h21

Rose, L. C., & Gallup, A. M. (2003). The 35th annual Phi Delta Kappa/Gallup Poll of the public's attitudes toward the public schools. *Phi Delta Kappan*.

Swanson, C. B. (2003). *Keeping count and losing count: Calculating graduation rates for all students under NCLB accountability.* Washington, DC: The Urban Institute Education Policy Center.

U. S. Department of Education. (2003). *Supplemental education services, non-regulatory guidance (final draft)*. Washington, DC: Author.

U.S. Department of Education. (2002, June 10). *Boston, MA--Tour Stop 11: Remarks of The Honorable Roderick Paige at the Harvard Conference, Cambridge, MA*. Retrieved January 31, 2003, from www.nclb.gov/media/speeches/061002.html

Vermont Society for the Study of Education. (2002, October). *The federal "No Child Left Behind" law: Should Vermont take the money?*, from www.aasa.org/issues_and_insights/ESEA/VT_NCLB_cost-benefit_analysis_10-22.pdf

Vinovskis, M. A. (1999). Do federal compensatory education programs really work? A brief historical analysis of Title I and Head Start. *American Journal of Education, 107*, 187-209.

Virginia Board of Education. (2003, June 9). *Virginia's accountability system and "No Child Left Behind"*. Richmond, VA: Virginia Board of Education.

Winerip, M. (2003, October 1). In 'No Child Left Behind," a problem with the math. *New York Times,* p. 21.