

# The Federal Role in an Era of Standards-Based Reform

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**E**nactment of the Elementary and Secondary Education Act (ESEA) in 1965 was a major turning point in federal education policy. This legislation dramatically increased the federal government's financial support of K-12 education, but more importantly represented a new commitment to educational equity. For the last 35 years, federal programs have funded and promoted expanded educational services for students with special educational needs. While these students have access to a broader range of educational opportunities today, the need for federal support remains. Factors that place children at risk of school failure persist. One in every five children resides in a low-income family. One in every eight students receives special education services. A growing number of children enter school as English language learners. Students of color and poor students still achieve at levels far below those of their white and more affluent peers.

Discussions about the future of the federal role in education will take place in a different environment than ten years ago. First, after decades of debating whether there should be a federal role in education, there appears to be bipartisan support for maintaining (and even expanding) a federal presence in K-12 education. Appropriations for education, including Title I, grew steadily in the 1990s. The presidential candidates from both major parties recommended increased federal spending on education and supported standards-based reform efforts in the states. They were committed to high standards for all students and strong accountability systems. Indeed, they proposed strengthening the accountability provisions of Title I, although in significantly different ways, and providing incentives to states to narrow the current achievement gap. The

two candidates also recommended initiatives to build the capacity of the education system in the areas of reading, teacher preparation and recruitment, and school improvement.

A second change concerns the nature of the federal role: What is the appropriate balance between federal objectives (in this case, student equity objectives) and state and local governments' need for flexibility and discretion? Federal education programs of the 1960s were designed to bypass state education policies because they usually did not encompass an equity agenda. The federal government used targeting provisions, service mandates and compliance audits to ensure that educationally disadvantaged students and other under-served populations received access to federally-funded programs and other services. In contrast, many federal education programs of the

1990s are designed to be integrated with, rather than separate from, state and local education reform initiatives. The provisions of the Improving America's Schools Act (IASA), for example, give states a prominent role in Title I. States are expected to establish challenging content and performance standards, implement assessments that measure students' performance against these standards, hold schools and school systems accountable for the achievement of all students, and take other steps to promote pro-

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grammatic flexibility and to foster instructional and curricular reform. States are then expected to align their Title I programs with these policies.

Third, federal policymakers have shifted their emphasis from procedural accountability to educational accountability. Under this "horse trade," states are given greater flexibility in the use of federal funds in exchange for performance-based accountability. The federal government monitors the results rather than the process of education, and holds districts and states accountable for student achievement rather than for compliance with rules and regulations.

The success of this new generation of federal education policies depends, however, upon the willingness of states and localities to enact policies that reflect federal objectives. Earlier research (*e.g.*, Moore, Goertz, & Hartle, 1983) has shown

that granting more decision-making discretion to the states results in wider program and policy variations across the states. These variations can be undesirable if federal and state (and local) priorities do not converge.

In this paper, I look at how states have responded to the standards-based reform provisions of Title I of IASA and discuss the implications of these state policies for improving the education of Title I's target population — economically and educationally disadvantaged students. These findings are drawn from a 50-state survey of state accountability, assessment and Title I policies and intensive case studies of 23 school districts in eight states.<sup>1</sup> I conclude with some reflections on whether and how federal policy can address the observed variation in state policies.

## STATE RESPONSE TO TITLE I

States and districts are generally moving in the direction of standards-based reform, consistent with the intent of Title I. Forty-nine states have developed content standards in at least reading and mathematics, and 48 states have statewide assessments of these subjects. Thirty-three states have performance-based accountability systems that extend beyond public reporting of student test scores.

By aligning Title I with state standards-based reform policies, incentives to provide a quality education to poor, low-achieving children are now embedded in these state performance and accountability systems. We found that states differ widely, however, in the goals they set for Title I schools, their measures of continuous progress, whom they include in their assessment and accountability systems and how they identify and support schools and/or districts in need of program improvement. These variations reflect dif-

ferences in state demographics, political culture, educational governance structures and policies, and educational performance.

## DUAL ACCOUNTABILITY SYSTEMS

While the intent of IASA was to create single and “seamless” accountability systems that would treat all schools equally, only 22 states had single or “unitary” accountability systems in place by 2000-2001. “Unitary” systems are ones in which all schools and/or districts are held to the same performance standards through the state accountability system regardless of their Title I status.<sup>2</sup> Twenty-eight states operate dual systems of accountability in which either Title I and non-Title I schools are held accountable using different sets of indicators and/or performance standards (16 states), or only Title I schools are held accountable by the state or district outside of the performance reporting structure (12 states). In states with dual accountability systems, accountability requirements for Title I schools generally meet the spirit (if not the letter) of the federal legislation, while accountability requirements for non-Title I schools may be less rigorous. Several states that rely on public reporting to hold schools accountable have found it politically difficult to enact stronger accountability systems for all schools.

## VARIATION IN PERFORMANCE GOALS

Focusing on Title I accountability provisions, we found a wide variation in performance goals for Title I schools across the 50 states. State targets appear to vary along four dimensions: (1) whether they set an absolute goal or a progress goal; (2) the expected level of student perform-

ance (*e.g.*, basic, proficient) if they set an absolute goal; (3) the percentage of students schools must get to these standards; and (4) the length of time schools are given to meet their goal. Where states set their school performance goals reflects, in part, their strategy of how to create incentives for growth and change and interacts with the states’ definition of adequate yearly progress (AYP). Goal-setting is also a political activity.

All but five states have established absolute goals for Title I school performance and most of these states expect to bring some or all of their students to the “proficient” level of performance. The measure of proficiency is not comparable across states, however. States use different assessments aligned with different standards and set different cut scores for each performance level. States also differ in the percentage of students that schools are expected to bring up to the basic or proficient standard. About a dozen states specify that they expect 90 percent to 100 percent of students to reach proficiency, about a dozen specify they expect 60 percent to 85 percent to reach this level, and about another ten states set the goal at 50 percent of students meeting the assessment target. Other states focus on average scores, such as having schools achieve a certain average NCE in reading or mathematics.

States set different timelines for meeting these performance goals. Fourteen states have established explicit target dates, ranging from six to twenty years; the modal target is ten years. Some examples are: 100 percent of students at standards by 2008 (Vermont); a school improvement index of 100 in ten years (Colorado) or by 2014 (Kentucky); or 70 percent (mathematics) to 75 percent (English/language arts) of students meeting the basic standard in six years (South Carolina). A second group of states does not specify target dates for meeting standards, but uses AYP targets as an implicit timeline for moving schools toward the state’s performance goals.

A few states set lower, but more immediate (and in their opinion, more achievable) performance goals, intending to raise these goals over time. Texas is an example of this strategy. When the state enacted its reform, it rated schools as “acceptable” if 25 percent of their students passed the state assessment. The state raised this threshold by five percentage points a year, to the current level of 50 percent passing.

### CONTINUOUS PROGRESS TOWARD HIGH STANDARDS

The intent of the adequate yearly progress provision of Title I is to ensure that schools make continuous progress toward the goal of having all students meet high state standards. Many states fall short of this objective, however. Twelve states do not incorporate any measure of continuous progress into their AYP measures and most of these states have established modest performance goals, such as having 50 percent of students meet state standards. Of those states that do include some measure of continuous progress, many do not expect schools to bring all of their students to proficient and advanced levels of achievement. Performance criteria often can be satisfied by focusing attention on those close to meeting satisfactory standards and ignoring students at the bottom of the performance distribution.

Fifteen states focus on closing the achievement gap by requiring schools to move students from one achievement level to the next higher level; nine of these states use this as their sole definition of AYP. A handful of states address the achievement gap issue through the use of subgroup performance measures, either as a requirement for adequate yearly progress, a requirement to be eligible for a state rewards program, or a secondary accountability indicator.

### INCLUSIVE ACCOUNTABILITY SYSTEMS

Accountability systems can help address the achievement gap between students of different socio-economic, racial, ethnic and language backgrounds and between students with different educational needs by providing information on the nature of the gap and creating incentives for educators to narrow these differences. For these policies to work, however, states must assess all students on the content of the standards-based curriculum, disaggregate and report their scores, and include their scores in accountability measures. The assessment and accountability provisions of Title I, as well as those of the Individuals with Disabilities Education Act (IDEA), reinforce these goals.

The requirements of Title I and IDEA present state policymakers with a seemingly intractable problem, however. How do they include all students in state assessment systems while ensuring that these assessments generate valid data? Issues of test validity and construct-relevance underlie the decisions policymakers make about who gets tested on what and how, whose test scores are reported and how, and whose scores are included in accountability measures.

States report they are testing more students with disabilities and offering a range of test accommodations and modifications to these students. States appear to provide a broader range of accommodations and modifications to their own criterion-referenced assessments. When using commercial, norm-referenced tests, states may be limited to accommodations allowed by the test publisher. States are also developing and beginning to implement alternate assessments for students with disabilities, but they face ongoing challenges in determining student eligibility, aligning these tests with state standards, and scoring and reporting test results (Sack, 2000). States also report they are monitoring exclusion

rates, and some are incorporating these rates into their school accountability measures.

The story is different for English language learners. Tests that are given in English to students with limited English proficiency can be more of an assessment of their English ability than their content knowledge (President's Advisory Commission on Educational Excellence for Hispanic Americans, 2000). Therefore, states have developed a variety of policies regarding whether and when English language learners are included in state assessments. Some states require all students to take the state assessment if they have been in the local school system for one year. Other states exclude students who have resided in the United States or in their state for up to three years if they are enrolled in a bilingual or ESL program. A third group of states exempts students based on their length of time in an ESL or bilingual education program, while a fourth group exempts students based on their level of English proficiency. Finally, a handful of states give some of their assessments in a limited number of foreign languages.

Finally, states must decide which scores to include in school and district accountability measures. Many states report including the scores of all tested students in their accountability systems, although some exclude students taking alternative assessments and other students who took tests under non-standard conditions.

## IDENTIFYING AND SUPPORTING LOW-PERFORMING SCHOOLS

States play a primary or major role in identifying low-performing Title I schools in 37 states; the other 13 states have their districts identify such schools. States and/or districts generally identify Title I schools for program improvement if they fail to make adequate yearly progress for

two consecutive years. There is greater variation in the type and level of support that states are able to provide low-performing schools. In some states, Title I is the primary source of funds for school improvement. Other states, especially those with aligned state and Title I accountability systems, draw on state resources to assist both Title I and non-Title I schools. These states often supplement general assistance programs with special services for Title I schools. The downsizing of state departments of education, however, has limited the capacity of many states to provide comprehensive assistance to a large number of schools.

## IMPLICATIONS FOR THE EDUCATION OF DISADVANTAGED STUDENTS

Standards-based reform has the potential to improve the quality of education for disadvantaged students. In our study districts, special needs students were being brought into the general education curriculum, and schools and school districts had more latitude in how they served these populations. State and district-developed standards set expectations for student achievement and guided curriculum development, school improvement planning, assessments, and professional development. Most of the districts required schools to develop improvement plans that identified school-level needs and strategies for achieving district goals. These plans were often used to identify teacher professional development needs, justify the expenditure of Title I and other discretionary funds, and/or plan curriculum and instruction. Similarly, state and locally-defined accountability systems created incentives for school and school system improvement by focusing attention on student outcomes and progress, providing data for decision making, and creating a press for more and better measures

of student performance (Goertz, 2000; Goertz, 2001; Massell, 2001).

The potential benefits of standards-based reform for special needs students are inexorably linked to state policy decisions, however. Title I is predicated on the assumption that states will develop seamless accountability systems. Yet, over half of the states have developed different policies for Title I and non-Title I schools. This dual system is not a problem if most or all low-performing schools participate in a state's Title I program. In many states, however, it is likely that a substantial number of low-performing schools may not be subject to the more rigorous Title I accountability policies. Middle and high schools are under-represented in the Title I program, and some large, high poverty districts are unable to serve all of their Title I-eligible schools.

But ensuring that states have aligned accountability policies may not be sufficient to protect the interests of low-performing students. First, while federal policy calls for states to hold all students to high standards, states set different expectations for their students, schools and school districts. If schools must bring only 50 percent of their students to standards, what is the incentive to help the other half? If students are excluded from state assessments and/or accountability calculations, how will educators be held accountable for their performance or get the information they need to assist these students?

Second, Title I, like most state policies, emphasizes accountability over capacity-building. Yet, research on school-based performance awards programs shows that clear goals and incentives are necessary, but not sufficient, to motivate teachers to reach their school's student achievement goals. Teacher motivation is also influenced by the presence of various capacity-building conditions, such as leadership from the principal and district office around standards-based instruction, feedback on student assess-

ment measures and results, meaningful professional development related to program goals, and structured teacher collaboration. Teacher knowledge and skills related to improved instruction are also important (Kelley et al., 2000). An unanswered question in the performance-based accountability movement is whether states and districts can ensure that these conditions exist, particularly in struggling and failing schools.

Finally, closing the achievement gap requires addressing inequities in students' opportunities to learn to high standards. Ensuring that all students have comparable learning opportunities is perhaps the most politically challenging issue that states face. As students are expected to meet more challenging standards, they need access to an academic program that addresses these standards. They need access to teachers who have the content knowledge and pedagogical skills to teach this curriculum to a diverse group of learners. And they need access to supplemental help as they move through the system. Yet, economically and educationally disadvantaged students are more likely to be taught by teachers with less experience, who are not fully-certified or who are teaching out-of-field.

## THE FEDERAL ROLE IN STANDARDS-BASED REFORM

How should the federal government respond to these issues? Can, or should, federal policy try to reduce variation in state standards-based reform policies? We return to the recurring issues of what is the appropriate balance between federal control and state and local discretion, and what are the limits of federal policy.

In the spirit of the flexibility/accountability tradeoff (and in response to the election of a more conservative Congress in 1994), the federal government initially minimized its role in the imple-

mentation of IASA. The U.S. Department of Education (ED) issued guidance, rather than regulations. The Administration chose not to review the substance or quality of state content standards or assessments. These actions sent signals to states that state priorities would take precedent

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over federal objectives. As ED began to review state assessment plans, however, it identified areas where states have not met Title I requirements, such as the inclusion of all students in state assessment and reporting systems. In response, the Department has become more proactive, negotiating changes in state policy and issuing more explicit guidance (see, for example, Cohen, 2000). It is unclear how prescriptive ED will be in its forthcoming review of state AYP policies.

The Department is working in uncharted territory. The “new” Title I represents the first time that the federal government has used the power of the purse to drive state general education policy. In taking this approach, the federal government faces four questions:

1. Who will set the standards for what is an equitable state assessment and accountability system? In reviewing AYP plans, for example, will the federal government require states to set performance goals at 100 percent? Mandate provisions for closing the achievement gap?
2. What are the technical limits of federal policy? For example, the Education Department

is pressing states to include more students with disabilities and more English language learners in their assessment and accountability systems. Yet, there are unresolved technical issues around the validity of assessments for some of these students.

3. What are the political limits of federal policy? We have begun to see a backlash against the high stakes testing of students in some states, especially when these tests measure more than basic skills. Some state legislatures are unwilling to adopt performance-based accountability systems for their schools and school districts. Other states mandate the use of norm-referenced tests in their assessment systems. How much and what kinds of change in state policy can Title I leverage?
4. What is the cost of compliance? The federal government can threaten to withhold Title I funds as a way of inducing states to develop policies that are more in line with federal policy. It will do so, however, at the price of intergovernmental conflict. In the past, time and a large infusion of federal dollars mitigated this tension for some categorical programs (such as the original Title I program). The cost of getting states to comply in areas where they have historically had broad discretion (and little federal involvement) will be much higher.

Given these issues, how should federal policymakers proceed with the reauthorization of ESEA?

First, stay the course with standards-based reform, but proceed at a pace that is technically defensible and politically feasible. Setting deadlines for the enactment of standards, assessments and accountability systems sends strong signals to states about the importance of these policies. Setting deadlines and imposing sanctions that do not acknowledge the technical limits of current assess-

ments or political concerns about high stakes accountability systems is counterproductive.

Second, support research to develop assessments that are valid measures of challenging standards for our diverse student population. Researchers, as well as advocates, have raised serious concerns about the appropriateness of many assessments for special needs students. Much work is needed to ensure both the technical and face validity of tests that will be used to hold students and schools accountable for student performance. We need research, as well, on alternative accountability policies for students who take tests in non-standard conditions, and on how different state general accountability policies play out in a range of political, social and educational contexts.

Third, provide resources to build the capacity of states to assist low-performing schools and school districts. Enacting stronger accountability

provisions without making a major investment in capacity-building will have a limited pay-off. These resources should include information on effective practices, direct technical assistance, and financial support. States have limited human and fiscal capacity to support low-performing schools, and many state legislatures have been unwillingly to invest in their state departments of education. As a result, many states rely heavily on federal aid to fund technical assistance activities. The federal government should also facilitate networking across states through its own activities and those of organizations like the Education Commission of the States, Council of Chief State School Officers, Achieve and the Council for Basic Education.

Finally, recognize that resource inequities within and across states hamper the ability of schools to help all students meet higher standards. Title I alone cannot level the playing field.

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## ENDNOTES

- 1 The research reported in this paper was conducted by the Consortium for Policy Research in Education (CPRE), Graduate School of Education, University of Pennsylvania. Funding for this work was provided by the U.S. Department of Education's National Institute on Educational Governance, Finance, Policymaking and Management (Grant #OERI-R308A60003), the Annie E. Casey Foundation and The Pew Charitable Trusts. Opinions expressed in this paper are those of the author, and do not necessarily reflect the views of the National Institute on Educational Governance, Finance, Policy-Making and Management, Office of Educational Research and Improvement, US Department of Education; The Pew Charitable Trusts; the Annie E. Casey Foundation; or the institutional partners of CPRE. The 50-state survey was conducted in spring 2000. Data were collected from the 23 school districts in 1997-98 and 1998-99. The districts in the study were selected for their activism in school improvement and standards-based reform, but vary in size, racial/ethnic composition and poverty.
- 2 When categorizing state accountability systems as "unitary" or "dual," we looked at the performance indicators, school performance goals and measures of adequate yearly progress used to hold schools accountable and at the consequences of the accountability system. We did not include the kinds of assistance that would result from the system of accountability.