Stricter Federal Demands, Bigger State Role:

What To Expect From The No Child Left Behind Act

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On January 8, 2002, President Bush signed the No Child Left Behind Act, signaling a new era of demands from the federal level for more accountability in public education. In this effort, he was supported by Democrats and Republicans, liberals and conservatives, and those in between. In fact, this law is one of the few bipartisan pieces of legislation enacted so far in this Congress.

Through this law, our national leaders are asking a lot from public schools. After two decades in which public schools were harshly criticized, policymakers have made “accountability” their favorite buzzword. Teachers are expected to increase academic achievement for all students and eliminate achievement gaps between various racial, ethnic, and income groups. School districts and states are expected to improve continuously failing schools or close them down. States are expected to strengthen the quality of the teaching force—sooner in poor schools, and within a few years in all schools. Clearly, the federal government is becoming more assertive in education, a development noted by the news media when this law was signed in January.

The more profound story, though, is that this law embodies a vision of public education far different from today’s reality. This vision assumes that state governments will take on many more responsibilities than they now handle and that local school districts will do much more to help individual schools. This vision of promoting change through greater state and local action is
central not only to this piece of federal legislation, but also to the broader state and national movement to reform public education by adopting academic standards, developing assessments aligned with these standards, and creating systems that hold students, teachers, and schools accountable for higher performance. Every state is implementing some type of standards-based reform (although at different rates), and this is leading to expanded responsibilities for states and local districts.

It is not enough, however, for federal policymakers to simply insist that educators be held accountable and that states and local districts take stronger actions. If the president and the Congress truly expect all students to learn more, all teachers to teach better, and all schools to provide a high-quality education, then all levels of government—including the federal government—must deliver much more. School districts, states, and the federal government must provide additional funding and other meaningful assistance to improve classroom instruction and raise academic achievement.

The first section of this article looks at how this new legislation is changing the federal role in education. The second section examines the impact of the legislation on state and local responsibilities and outlines the major areas where change must occur at the state and local levels.

*Federal Changes*

To appreciate how much the No Child Left Behind Act differs from past policy, one must understand what the federal government has tried to achieve in education over the last 40 years. During this period, the federal role in elementary and secondary education has focused primarily on helping various groups of students with special needs. The largest federal education program, Title I of the Elementary and Secondary Education Act of 1965, focuses on improving education
for poor and low-achieving children. The Individuals with Disabilities Education Act, first enacted in 1975, has the goal of providing a free, appropriate public education for all children with disabilities. Other federal programs target such specific groups as migrant children and English language learners.

A secondary purpose of the federal role during the past four decades is to strengthen particular subject areas or address specific needs. For example, the National Defense Education Act of 1958, and later the Eisenhower teacher training program, focused on improving mathematics and science education. Other federal programs have focused on such goals as expanding magnet schools or charter schools or integrating technology into classrooms.

In short, federal aid to education has focused mostly on serving particular groups of students or addressing particular areas of need, rather than on generally improving education across the board. Consequently, most federal aid has not directly touched the majority of U.S. students. But in the late 1980's, as concerns mounted about the quality of public education, political leaders began to consider what could be done at the national level to improve education for all students.

In 1989, former President George H. W. Bush began a national movement to establish national academic standards and institute national tests for all elementary and secondary students. Despite support from the business community and state governors, the elder Bush failed to persuade the Congress to pass legislation toward these ends. He succeeded only in making funds available for education organizations to develop voluntary national standards in core academic subjects.

President Bill Clinton took up the same cause of general education reform. In 1994, he secured passage of the Goals 2000: Educate America Act and an amended version of the
Elementary and Secondary Education Act. Both these laws encouraged states to establish academic standards, develop aligned assessments, and disaggregate test results by racial and ethnic group. Clinton’s efforts were significant, because these were the first major federal laws in recent history aimed at improving elementary and secondary education for all children. They also gave federal endorsement to standards-based reform. But Clinton failed to convince the Congress to enact his next step—instilling national tests in reading and mathematics. In fact, Congress passed legislation forbidding the adoption of these tests.

The education proposals of President George W. Bush built on the 1994 Clinton legislation, while substantially raising the stakes. The No Child Left Behind Act not only requires states to institute standards and assessments and to disaggregate student test data, but it also requires states to ensure that migrant students, disabled students, and students from all major racial, ethnic, and income groups reach state-determined benchmarks of academic proficiency within the next 12 years. Schools that fail to raise test scores for each of these groups must receive technical assistance from the school district and must undergo various improvements, including major restructuring if problems persist for five years. School districts that fail to raise districtwide tests scores for these groups of students face similar sanctions, and must receive technical assistance from the state. Parents of children in chronically failing schools must be given the opportunity to choose a different public school and the right to remove a share of federal funds from the public schools and use this money to buy tutoring or other academic support services from private companies and other providers.

Unlike most prior federal legislation, the new act is meant to affect every school in the country. Although the 1994 legislation had the same broad goal, the 2002 law is more explicit and exacting in its demands.
The most far-reaching provision of the new law requires states to annually test all students in grades 3 through 8 in reading and mathematics, and to provide schools with test scores for each student by the following September. These state tests must yield results that diagnose and address students’ specific academic needs, so that teachers in all schools can use them to improve instruction. Any school—whether rich or poor, or urban, suburban or rural—will be considered failing if it does not raise average test scores for all groups students enrolled.

Another federal demand with immediate consequences affects teachers across the country. By fall 2002, new teachers paid through the Title I program must be “highly qualified” according to the definition in the law, which is based on their holding a degree in the field they are teaching and passing a rigorous state test to demonstrate knowledge. Within four years, all teachers in every classroom must be highly qualified by this definition.

One could say, therefore, that the new law uses conservative means to achieve liberal ends. Emphasizing testing and accountability seems politically conservative, while eliminating racial-ethnic achievement gaps and getting a good teacher in every low-income school sounds politically liberal. But regardless of ideology, the legislation has very ambitious demands and objectives.

Will the federal government be able to enforce these requirements? Michael Cohen, who served as assistant secretary for elementary and secondary education under President Clinton, expressed skepticism that the law can be fully enforced in a recent paper prepared for the Thomas B. Fordham Foundation. He reached this conclusion based on his experiences trying to enforce the less demanding requirements of the 1994 law. (See "Implementing Title I Standards, Assessments and Accountability: Lessons from the Past, Challenges for the Future," in the 2002 Web publication No Child Left Behind: What Will It Take?, www.edexcellence.net.)
government does not wield a very big stick when it only provides about 7% of the cost of elementary and secondary education.

And will states be able to carry out the law’s vision? States face enormous challenges in revising their testing systems to conform with the new requirements. According to Education Week (Jan. 9, 2002), only nine states are anywhere near fulfilling these requirements. Furthermore, most states and school districts have limited capacity to offer the kinds of technical assistance that the law expects them to provide to failing schools.

The teacher requirements also pose a problem. Many school districts are already having difficulty hiring teachers who simply meet state certification requirements. It will be a daunting task to find Title I teachers for the upcoming school year—and many thousands more teachers within a few years—who meet more stringent requirements. How can states and districts attract highly qualified teachers, especially to the poorest schools, without substantially raising salaries? Even if they want to do this, where will the money come from?

On a more hopeful note, the demands of this national legislation helped justify increased federal education appropriations for the upcoming school year. In response to pressure from Senator Ted Kennedy (D–Massachusetts), Congressman George Miller (D–California), and others, President Bush agreed to a 17 percent increase in elementary and secondary education funding for school year 2002-03. The poorest school districts will be the main beneficiaries. But in his latest budget, the president has requested an increase of just 2.8 percent for education. Congressional Democrats are pressing for more, arguing that the federal government cannot make these demands without increasing assistance to meet them.

That argument is persuasive. How can the federal government demand actions from states and local districts that mean greater expenditures on their part without substantially increasing its
own contribution? In fact, the scope of federal education aid ought to broaden. Federal appropriations are rightly focused on disadvantaged and disabled students. But if the federal government keeps demanding improvement for all students and all schools, shouldn’t it begin to pay for the costs? The few existing federal programs for general school improvement receive relatively little funding, but federal demands have grown tremendously. The responsible approach would be to provide extra funding to accompany these heightened demands.

State and Local Changes

Even if the federal government were to double its contributions to elementary and secondary education, the vast majority of funds would still come from state and local coffers. Furthermore, the constitutional responsibility for education rests with the states, so what matters most are the actions occurring in state capitals and in the local school districts created by the states.

At the state level, the most significant movement of the last 15 years has been standards-based reform, which received strong encouragement from Clinton’s 1994 legislation and assertive leadership from many governors and the business community. For the first time in American history, states are establishing linked standards, assessments, and accountability systems. The No Child Left Behind Act will accelerate these efforts.

State governments have already started expanding their involvement in elementary and secondary education. As this process unfolds, it will not only change the state role, but will also result in increased responsibilities for local school districts. The rest of this article discusses the major areas where changes must occur at the state and local levels. The specific changes will vary by state, as will the mix of responsibilities between states and local districts. Some state
governments will take on more duties themselves, while others will rely on local districts to do the job, either jointly or collaboratively.

**Academic Standards and Curriculum**

Forty-nine states have established, or are establishing, academic standards, while one state, Iowa, is working with local school districts to raise standards. But the work of the states does not stop with standards, tests, and accountability systems. Once teachers realize that state standards are not just a passing fad, because they are embedded in state tests, then teachers will ask states for help in understanding what to teach on a daily basis. If states expect to see real, sustained increases in student academic achievement, they must provide much greater assistance to improve classroom teaching.

In New York, the United Federation of Teachers contends that it asked the state for more guidance to help teachers understand the effects of state standards on curriculum but did not receive it, so the union spent its own funds to write a curriculum reflecting the material covered by the state Regents’ examinations (*Education Week*, April 3, 2002, p. 15). In Maryland, teachers, principals, and superintendents asked for clarifications about what the state was testing. In response, the state will begin implementing a voluntary state curriculum in several grades in fall 2002. The state also plans to work with local school districts to develop local capacity to translate the state curriculum into lesson plans and other direct aids to teachers.

Individual teachers do not have time or resources to translate state standards into specific lesson plans for Monday morning. States and school districts will have to do much more to develop curricula and lesson plans and help teachers use them.

**Technical Assistance**

Most states and local school districts do not have the capacity to bring in teams of experts
to help all failing schools and districts revise their programs to reach all groups of students. The
criticism is common that once a school is placed on a state’s “watch list,” very little technical
assistance is provided. This must change. With more stringent federal demands, many more
schools and districts will be labeled as failing. States will have to hire their own school
improvement experts, or contract with universities and other entities to help local educators with
curriculum analysis, data collection and analysis, and other activities that promote school
improvement.

Professional Development.

Most professional development is carried on in a haphazard fashion, with only limited
connections to what teachers must know to help students master the content embodied in state
standards. A Boston study found that even in a district with strong leadership, professional
development was balkanized into slivers of activities, administered in a disorganized way with
little regard for state or district curriculum goals. (See Professional Development Spending in
the Boston Public Schools, a joint report of the Boston Plan for Excellence and the Boston Public
Schools, 1999.)

School districts and states must become more assertive about the use of professional
development funds. Researchers Heather Hill and David Cohen concluded that student
achievement increases when professional development is coordinated with the state’s academic
goals and tied to the curriculum taught in the classrooms. (See “Instructional Policy and
Classroom Performance: The Mathematics Reform in California,” Teachers’ College Record,
no.2, 2000.) If we expect student achievement to rise and the achievement gap to shrink,
professional development must be better integrated with broader school improvement goals and
must reinforce the other parts of the educational system.
Teacher Quality and Pay

Placing highly qualified teachers in all classrooms within a few years will entail a more active state role in teacher preparation, retraining, and recruitment. In the last ten years, states have been moving aggressively to improve the quality of the teaching force, but the new federal law demands that they do still more.

To attract better qualified people to teaching, states will have to find ways to raise teacher salaries, and this will mean an increase in state education funding. Specifically, states must fashion policies to make teaching in the poorest schools more attractive, possibly by encouraging pay differentials or increased pension benefits.

School Finance

Discussions about teacher pay lead directly to the issue of state financing of public schools. The emerging “adequacy” movement in school finance maintains that states should provide all school districts with sufficient resources to deliver an adequate education to all students. Court cases based on this assertion have succeeded in forcing several states to cover a greater share of the costs of education. Standards-based reform will reinforce this direction, because standards offer a starting definition for an adequate education.

In a 2001 lawsuit in New York State, a lower court judge held for the plaintiff school districts, which argued that the state had failed to provide the resources necessary for all students to meet the learning goals spelled out in the state’s own standards. In a narrower case in New Jersey, the state supreme court ruled that the state had not provided the resources necessary to help students in the poorest urban districts attain state standards. Other cases will follow.

Conclusion
The No Child Left Behind Act signals a more assertive federal role in education. Whether the law’s ambitious goals can be fully achieved within the time specified is an open question. If we expect academic achievement to rise substantially and the achievement gap to vanish, then states and local school districts must assume greater responsibility than they have done so far.

Our elected leaders—whether the president, the governors, or state and federal legislators—cannot thump on the table demanding more accountability from teachers while failing to provide teachers with the means to bring about improvement. Leadership has several aspects. One involves formulating a vision and making demands. Another involves providing assistance to help people meet those demands. We will not improve our public schools and raise student achievement without both kinds of leadership.