Educational Architects:
Do State Education Agencies Have the Tools Necessary to Implement NCLB?
Introduction

State agencies that oversee elementary and secondary education are undergoing an unprecedented transformation in their approach to implementing federal programs, spurred in part by the No Child Left Behind Act (NCLB). In many cases, state education agencies (SEAs) are shifting from a traditional focus on monitoring districts’ compliance with federal mandates to a new focus on designing a comprehensive education system that will bring all students to academic proficiency by 2013-14. As part of this latter role of “educational architect,” state education agencies have been charged by NCLB with assisting and supporting low-performing districts and schools identified for improvement, corrective action, or restructuring under the Act—sanctions that are likely to be applied to more schools in the future.

The U.S. Department of Education (ED) has provided “blueprints” and “toolkits” to help state education agencies understand and implement the numerous mandates contained in NCLB. But do SEAs have the fiscal and human resources necessary to take on such an enormous project?

Can they and should they be held responsible for assisting all schools in the various phases of NCLB sanctions, and if so, how should they do it?

This report by the Center on Education Policy (CEP) examines the capacity of state education agencies to design the accountability system required by NCLB and implement other related requirements of the Act. As used in this report, state capacity refers to funding, human resources (numbers and expertise of staff), and technological capacity.

The information in this report is drawn mainly from CEP’s annual survey of officials in all 50 states, which was carried out during the fall and winter of 2006, and from interviews that CEP staff conducted with 15 high-ranking state education officials from 11 states. We have also included information relating to state capacity from our analysis of relevant policy documents and review of other research. Additional information about our research process can be found in the Study Methods section at the end of this report. In addition, detailed information about the methods used to conduct the state survey, district survey, and case studies can be found on the CEP Web site at www.cep-dc.org.

The report includes the following sections:

- Key findings and recommendations for policy changes
- A discussion of general capacity issues faced by state education agencies
- A detailed discussion of state capacity in implementing key NCLB policies, including accountability and assistance to schools in improvement
- An explanation of the methods used to carry out this study

Findings and Recommendations

Our surveys and interviews identified four major challenges to the capacity of SEAs to implement the requirements of NCLB: (1) limitations in staffing and infrastructure; (2) inadequate federal funding; (3) lack of guidance and technical support from the U.S. Department of Education; and (4) barriers in NCLB and within state education agencies. This section summarizes our key findings about SEA challenges and offers CEP’s recommendations for responding to the challenges we uncovered.

KEY FINDINGS

- **States are expected to do more than ever before to improve education, and NCLB has added to these responsibilities.** States have major education responsibilities outside of NCLB. Among many other duties, they must design and carry out the state’s own reform strategies, implement new state initiatives, accredit schools, license teachers, supervise charter schools, and oversee a broad range of programs, from early childhood to adult education, and from special education to vocational education. With the passage of NCLB, the duties of states have significantly increased.

- **Some state education agencies appear to face more significant capacity challenges than others.** For example, an analysis of our survey data reveal that states with high percentages of schools (26% or more) that missed targets for adequate yearly progress (AYP) reported having more capacity challenges in implementing NCLB than states with lower percentages of these schools. Additionally, less populated states (those with populations under 1 million) reported being more significantly affected than other states by insufficient numbers of SEA staff to provide technical assistance to schools and districts identified for improvement.

- **Insufficient numbers of SEA staff present an obstacle to successful implementation of NCLB.** On our survey, states most often pointed to insufficient numbers of staff as the greatest challenge to their capacity to implement NCLB. Insufficient staff affected states’ ability to implement some NCLB requirements more than others, including the requirements to provide technical assistance to districts with schools in improvement or later phases of NCLB sanctions; to oversee the activities of these districts; and to monitor supplemental educational (tutoring) services. Furthermore, interviews with state education officials revealed some bureaucratic factors that complicated their ability to hire and retain employees. Examples include uncompetitive pay scales dictated by state legislatures and the inability to compete with the business community for highly skilled employees, especially data and technology specialists.
• **Inadequate federal funding is a major capacity challenge.** Inadequate federal funding appears to be challenging states across the board, but some NCLB requirements are affected more than others. Thirty-two states reported that funds for the federal Title I program have been insufficient to improve student achievement in identified schools, while only 10 states reported that Title I funds were sufficient. Half of the states surveyed indicated that inadequate federal funds challenged their capacity to monitor supplemental service providers “to a great extent,” while 82% (41 states) said that inadequate federal funds challenged their capacity to provide technical assistance to districts with schools in various phases of sanctions either “moderately” or “to a great extent.”

• **Providing technical assistance to school districts with schools in improvement continues to be very challenging for most states, and many are worried about the future.** Only 11 states reported they were able to provide technical assistance to districts with schools in improvement, corrective action, or restructuring “to a great extent.” Survey data reveal that insufficient numbers of staff, lack of in-house expertise, and inadequate federal and state funding were the major impediments to implementing this requirement.

• **SEAs differ in their capacity to create and maintain dynamic data systems as data collection and interpretation become more important to school reform.** Both survey and interview data reveal that some states already have in place essential data system components, such as unique student identifiers, while others do not. Even states that seemed to have more sophisticated and dynamic data systems still cited the struggles they once faced or are still facing as they try to improve and maintain these systems. Furthermore, most state education officials agreed that NCLB has put additional strain on the technological capacity of their agency.

• **Most states reported that guidance from ED in implementing the requirements of NCLB was not very helpful.** The only ED guidance rated by many states as “very helpful” in our survey was guidance about implementing Reading First (17) and conducting Reading First evaluations (13). The guidance most often cited as “not at all helpful” was ED guidance on implementing a system to monitor supplemental education services; only two states found this guidance “very helpful,” while 15 found it “not at all” helpful.

**RECOMMENDATIONS**

Based on our five years of research on the implementation of the No Child Left Behind Act, we offer the following recommendations to assist state education agencies in expanding and enhancing their capacity.

• **The reauthorized NCLB should establish a grant program for states to rethink the mission and organization of SEAs to make them more effective leaders of school improvement.** Each state’s leadership—the governor, chief state school officer, and state board of education—should be eligible to receive an unrestricted grant allowing them to assess and rethink the role of state education agencies in improving elementary and secondary education. Federal support for such activities is advisable for two reasons. First, the task of improving education goes beyond federal programs, and a comprehensive review of school reform and the role of the state agency would be in the interests of both the nation and its individual states. Second, federal policy cannot be administered effectively if the SEA is not an effective organization.

• **Additional federal funding should be provided to SEAs to enable them to effectively carry out NCLB.** The federal government should provide additional funds to fully sup-
port states’ efforts to implement federal policy, either through increases in the NCLB state set-asides for state administration or through other mechanisms. These funds could be used to support such activities as improving low-performing schools, developing better assessments for students with disabilities and English language learners, and improving data systems.

- **The U.S. Department of Education should review and enhance its efforts to assist SEAs in implementing federal programs.** ED should move to a role of assisting SEAs, especially as they help schools and districts. In particular, ED should review and refashion its application and reporting procedures, guidance, and regulations, and create a more assistive federal/state partnership. The Department should also examine the types of technical assistance offered to states directly by ED and by the federally funded centers and labs, including the assistance that the center and labs provide to states related to helping schools in improvement.

- **The reauthorized NCLB should be amended to help states assist schools more effectively, such as by allowing states to provide differentiated levels of technical assistance to schools in improvement based on the needs of an individual school.** States could better use resources and personnel if they could provide a different level of technical assistance to a school identified for improvement because just one subgroup of students missed AYP targets than to a school identified for improvement because students overall missed AYP targets. Other provisions of the Act should also be reviewed with a view toward helping states use staff and resources more effectively.

**Capacity Challenges Facing State Education Agencies**

State education agencies today play a central role in reforming education. The framers of NCLB expected these agencies to assist in improving the academic achievement of all children, particularly low-achieving children in low-income schools. This section defines state capacity and highlights some historical, structural, and functional reasons why capacity continues to be a challenge for SEAs.

**DEFINING STATE CAPACITY**

As stated simply by Ting (2006, p. 1), organizational capacity refers to “the ability of an agency to implement a policy.” Gauging an agency’s ability to implement a policy is critical, Ting notes, because capacity “plays a key role in the success or failure of policies and the bureaucracies that implement them.” As noted above, CEP’s review of SEA capacity focused particularly on the funding, human resources, and technological capacity needed to implement the mandates of NCLB. While we discuss each of these factors separately, we recognize that they are interconnected—for example, lack of funding may lead to a lack of human resources. Additionally, other actors in the education arena or activities outside the control of SEAs may affect these agencies’ capacity to implement NCLB. For example, governors, state legislatures, and professional organizations also shape federal policy implementation and may affect SEA capacity. Furthermore, SEAs are subject to the bureaucratic constraints of other state agencies, and these constraints may impact their ability to respond to federal initiatives.

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4 In this report, we will refer to state education agencies as “states” when not addressing other issues of state government.
While this report does not set out to define what an SEA might look like at full capacity, it does attempt to address some of the key elements that need to be considered in any discussion of state capacity to implement NCLB. Our interview and survey data reinforced what we already know to be challenges to state education agencies’ capacity (such as adequate funding and staff) and also revealed several new insights into why states are struggling with the capacity to carry out NCLB effectively.

THE ROLE OF STATE EDUCATION AGENCIES

State education agencies have major responsibilities outside of NCLB. Interviews with state education officials and document reviews revealed that states vary considerably in their responsibilities. These responsibilities may include demanding tasks, such as designing and carrying out the state’s own reform strategies and advocating for public schools before the state legislature. States may also be required to license teachers, accredit their schools, supervise charter schools, and in some cases oversee public libraries. States may have their own testing and accountability system in addition to the one required for NCLB. Often SEAs are responsible for implementing programs in special education, early childhood education, adult education, vocational education, and child nutrition. Further, SEAs usually have departments that deal with school accounting and finance issues, technical issues such as the collection and use of data, and administrative issues. As one state education official told us, “No Child Left Behind is only a portion of what we do.”

State education agencies have a bigger role today than they did 15 years ago in designing education improvement and consequently have more responsibilities. As SEAs in the 1990’s shifted their focus from educational inputs, such as per student expenditures on instructional materials, to educational outcomes, such as student performance on state achievement tests (U.S. Department of Education, 2003), SEAs’ responsibilities increased dramatically. The 2002 amendments to ESEA that were enacted as the No Child Left Behind Act further increased the duties of SEAs and gave them a more substantial decision-making role in education reform than in any previous reauthorization of ESEA (Hamann & Lane, 2004; McGuinn, 2006). For example, according to a recent report by the Assistant Inspector General for Audit Services, there are 588 compliance requirements alone for NCLB’s Title I, Part A (Lew, 2006).

THE NATURE OF STATE EDUCATION AGENCIES

To understand state capacity issues, one must understand the relationship of state education agencies to state government, their dependence on state politics, and their bureaucratic nature.

State, Not Federal, Agencies

State education agencies are arms of the state, not the federal government—a fact that may seem obvious but is sometimes taken for granted in discussions of the SEA role in education reform. Thus, despite what the federal law and federal administration require SEAs to do in order to receive federal funding, it is the states that determine what these agencies will do and how they will do it. This is a critical distinction when the lion’s share of funding for public education comes not from the federal government but from state and local sources. Currently, just 9% of funding for public elementary and secondary education, on average, comes from the federal government (Spellings, 2007).

Further, while public education is a state responsibility in the United States, a history of local control has meant that local school districts and not SEAs have traditionally exercised deci-
sion-making authority over curriculum and student assessment. Only recently have SEAs been called upon, through state and federal initiatives, to claim this authority for themselves. The relationship between SEAs and school districts is further complicated by the fact that most federal funds pass through state departments of education and directly into the purses of local school districts.

**Influence of State Politics**

State education agencies are subject to state politics. SEA budgets are determined by state executives and legislatures that may or may not have the goal of implementing federal education initiatives at the top of their list of priorities. In 2005-06, 21 SEAs reported on our survey that their states experienced fiscal constraints, such as a budget deficit, agency cut, or programmatic cut. As one interviewee observed, “it’s kind of a double whammy where we have needs within our state, less money, less resources, but we have more to do from the federal level.”

Many state education officials talked about how money and staff is often cut from their budgets as a political gesture to “make government smaller.” As one such official put it, “Every new governor that comes in has wanted to be able to say that they reduced the number of state employees.” Another interviewee described how SEA funding is affected by other state players:

> I mean we have to secure state funds. That’s how we live. Federal funds are nice, but . . . they don’t constitute the majority of what we spend in [our state]. The majority of every school district’s budget is state money, so working with the legislature and the governor is critical.

This can be problematic since state policymakers often want to see immediate results tied to increases in funding, and education reforms take time to produce measurable outcomes. “Everybody wants better student performance today [but] . . . achieving improved student results on assessments is not a quick change,” one state official contended.

Changes of administration in state government can also affect the kinds of educational reforms that SEAs can implement or even maintain. When a new governor or legislature is elected, educational reform may be hampered or even undone. One interviewee expressed how important it is for educational reform to become institutionalized to insulate it somewhat from changes in state leadership. This official remarked that when a reform becomes institutionalized, a new governor is less likely to see it as “just some new program that the last governor initiated that the new governor wants to throw out.”

Some state education officials said they spend considerable time working with their state legislature and governor to secure funding for initiatives and programs. One interviewee described the education agency’s work with the legislature and governor as “very thoughtful and strategic.” Further, some state education officials cited the necessity to survey and understand the political landscape of their state in order to implement education reform and change. Another interviewee made the following point about the importance of working with a governor who is aligned to the same education goals as the state board of education or state superintendent:

> For the first time ever since I was serving [in office], I feel I’m working with somebody who wants the same things, wants [our state] to have a world class education system,
wants to engage the problems that are blocking that from happening, and wants to invest under conditions of extreme urgency and demand for accountability.

This official went on to describe how this kind of alignment has resulted in a significant increase in both the education budget and the number of SEA employees.

**SEA Bureaucracy**

State education agencies must be able to hire and retain adequate staff with appropriate expertise to effectively implement federal initiatives. However, SEAs are bureaucracies that face typical bureaucratic constraints. For example, these agencies often have a fixed number of staffing positions (or a fixed amount of money) controlled by the state legislature. Therefore, an SEA cannot simply hire an additional person to carry out the work even if they have the money to do so. A further complication is that staffing positions are often tied to specific funding sources. “[R]elatively few people are on the general fund,” said one official. “In other words, the vast majority are tied to a particular funding source, and so it’s not possible to simply redeploy people.” In addition, SEAs must abide by their state regulated pay scale, which is often not competitive with local school districts and businesses. One interviewee described the state agency’s challenge in attracting and retaining staff as follows:

*[Our salary schedule is not real conducive to bringing people in and keeping them. Like some of our school districts, you know, we get good people in, and we lose them to maybe other school districts or other state agencies, or private industries. So keeping and retaining good quality people at our agency is a challenge.]*

State education agencies have been particularly challenged in hiring and retaining staff with data and technology expertise. As one official explained, “people who are really savvy with technology . . . you can’t afford them on government salary schedules.” Keeping people with expertise once they are hired is just as difficult, said another state official, noting that “the minute we get them trained, somebody out in the private world offers them $30,000 more, and they’re gone.” Interestingly, some state officials talked about a key individual, often in their technology or data systems department, whose expertise really held everything together for the agency. This further emphasizes how fragile and subject to change SEA staffing capacity is.

Some state education officials also reported having difficulty hiring and retaining people with expertise in turning around low-performing schools. One interviewee described several reasons why this is so difficult, including the uncompetitive state pay scale but also including a decline in the value placed on public service and a lack of “future thinking” (versus task-oriented) individuals who are choosing to go into public administration and education.

The amount of time it takes to hire someone for a position in a state education agency is also problematic. One state education official explained:

*[W]e go through this long period of interview and selection and whatever. Then people at the last minute leave us and take a job at the local level. Of course, we can’t just turn on a dime and go to the next candidate. We have to start all over again.*

This bureaucratic process significantly delays the ability of state education agencies to bring in good people quickly.
THE STRUCTURE OF STATE EDUCATION AGENCIES

State education agencies have not been traditionally structured to focus on providing support and technical assistance to schools, particularly low-performing schools. Interview and survey data reveal that SEAs are moving from being agencies that primarily monitor compliance to agencies that not only monitor compliance, but also provide support to local school districts. As one official commented, “In 1996, the state education agency’s work was more regulatory. In 2006, it still emphasizes compliance but has added providing quality technical assistance as a driving motivation for its departments.”

From Isolation to Collaboration

Some state education officials observed that local school districts are increasingly looking to the SEA to take the lead in assistance and reform. This has caused SEAs to reorganize in both structure and function. Some agencies have undergone dramatic shifts in organization from departmentalized, individual work to collaborative team work. One interviewee explained, “[Several] years ago, when I came, the department structure was very different than it is now, and as it has evolved . . . our initiatives have become more department-wide and less . . . in single strands of work.” Another official affirmed, “It used to be that our federal programs unit was able to operate autonomously and was a little isolated. Under NCLB, we have to collaborate to a much greater degree with other units in our state department.”

Sometimes state-initiated reforms were the impetus for agency reorganization and improved collaboration, according to our interviews. In other cases, NCLB was the impetus for more cross-department collaboration; as one state official observed, “Title I staff need more support from other divisions to accomplish all tasks.” Another interviewee described how NCLB changed the state agency’s organization:

Prior to [NCLB], the SEA really here was more siloed. There were certain parts of the agency that probably were not seeing that connection between what they did and the outcome of student achievement. And we’ve really worked to have cross-divisional work and integrated teams working together. And again, it’s all with this outcome of really ensuring that we as a state agency are working to support and empower local school districts to focus on student achievement and closing the gap.

Other officials echoed these views and described how their agencies, before NCLB, were organized around funding and grants—a structure that led to program overlap and duplication of resources and effort. One interviewee explained this situation:

[We] were kind of stumbling over each other and it was very awkward. And we’d go to a school, and the federal program people may go on Monday and then the Classroom Improvement people would go on Thursday, and they’d say, ‘Well, you know, so-and-so was just here Monday.’ It was just awkward. So we kind of regrouped and said, ‘Look, you know, this is not working.’

In addition to reorganizing their state education agencies, some state education officials reported that they have had to expand, and in some cases add new departments or divisions, to meet the requirements of NCLB.
Changes in Work Culture

These changes in organization and work arrangements have also caused adjustments in the workplace culture for some SEA employees. For example, one official described the resistance of employees to shift from working individually to working in teams to implement NCLB.

[My employees] would come in and say, ‘Who’s in charge of this thing?’
And I’d say, ‘You are. You are the eight people that are in charge of it.’
‘No, we have to assign somebody project management responsibility.’
‘To do what?’
‘Call meetings, set the agenda.’
I said, ‘Anybody on this team can do that; you don’t need to have a designated person.’

Another interviewee, when asked about the challenges of having staff move toward collaborative work, replied, “I kind of kiddingly call collaboration an unnatural act among unwilling adults.”

Tension over Local Control

As some state education agencies shift their function and purpose in response to state reforms or NCLB, tensions have increased between school districts and the state about control of education, according to some state education officials. One official referred to the tension that has occurred as the state education department has tried to lead change “in a climate of highly independent school districts that expect local control.” Another official said that school districts are “concerned about the power that the state department of education has through NCLB.”

According to some state education officials, these changes are creating a new dynamic between state education agencies and school districts. As one interviewee noted, “our educational format put us in a much more active position [and] leadership role within the state.” Another official commented:

Now [school districts] see the handwriting on the wall—that if we’re going to publish the standards and we’re going to give the test, why don’t you help us do the curriculum rather than act like it’s still a local issue? You have this kind of passive acceptance of a new dynamic that the state is in.

One interviewee described school districts’ response to this new dynamic in the state and speculated about its impact on effective implementation of NCLB:

They’re fiercely and doggedly holding onto [local decision making], and I think their sense is that the local decision power is just quickly and ever so fast evaporating and going away. I think that’s part of the reason for the backlash . . . I think it may stem from people thinking they just really don’t have a lot left to do at the local level except comply with federal and state orders.

Not all SEA officials agreed about this new dynamic. One official contended that although the state has forged a new relationship with its school districts in terms of support, the SEA is still reluctant to intrude too much in local schools, even low-performing ones.

More Customer-Service Oriented

Not only are state education agencies focusing more on support to school districts; some have also increased their focus on customer service. This suggests that some SEAs now see school
districts more as clients to attend to than as employees to supervise. One state education official described a state survey administered in the mid-1990s that asked principals and superintendents which entities they turned to for help. The state education agency came in last among the various organizations listed. The state re-administered the survey in the late 1990s, and the SEA tied with educational service units as the top sources of help for schools and districts. In 2001, the third administration of the survey found that the SEA was the most-used source of help. When asked what prompted this change, the official described several processes the agency had undertaken to solicit and include feedback and participation from local school districts in the decision-making process. Another interviewee described the education department as “client service-oriented,” providing the following example:

We meet with the folks who are responsible for Title I and all the other NCLB programs, we meet with them quarterly. We meet with the special ed directors monthly. We have a curriculum [group] that [consists of] curriculum representatives from our higher eds and from all of our districts and our charter schools that meets monthly with our curriculum leadership. So there’s this ongoing conversation here about what is needed, what we need to do, how we can support districts, [and] how they can do more to work together and support one another.

SEAs’ capacity to implement NCLB is influenced by many factors outside the control of state education officials. As SEAs continue to try to build capacity, these mitigating factors will undoubtedly shape future polices and practices.

### Accountability Challenges in NCLB

Accountability is the cornerstone of NCLB. Schools and districts demonstrate adequate yearly progress under NCLB by meeting state targets for the percentage of students scoring proficient on state tests of reading/language arts and mathematics. The state targets increase incrementally, with the goal of 100% of students reaching the proficient level by the 2013-14 school year. However, NCLB requires states to do more than administer an annual assessment. Some of the main accountability requirements found in NCLB ask states to do the following:

1. Develop and implement academic content and achievement standards
2. Administer annual assessments aligned to state standards in reading/language arts and mathematics in grades 3 through 8 and at least once in grades 10-12
3. Administer annual assessments of English language proficiency to measure and be held accountable for the progress of English language learners in acquiring English
4. Use the assessments in reading/language arts and mathematics to determine annually how well all students in public elementary and secondary schools are learning and mastering the subject matter reflected in the state’s academic content and achievement standards
5. Create state and district report cards that include student achievement on assessments

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3 By the 2007-08 school year, states must develop high-quality annual assessments in science that are aligned with the state’s challenging academic content and achievement standards and are administered at least once in each of the grade spans 3-5, 6-9, and 10-12. However, schools and districts are not held accountable for student performance on these tests.
Furthermore, states are required to ensure that the results of academic assessments are available in sufficient time for school districts to review them and for the state to make school level determinations of AYP. Schools that fail to make AYP are held to a series of consequences, such as offering students public school choice and providing students with supplemental educational services. The state’s responsibilities grow as schools and districts fail to make AYP for multiple years. States must also ensure that all public school teachers of core academic subjects meet NCLB’s highly qualified teacher definition. A separate CEP report on NCLB’s teacher provisions will address state capacity in this area.

MEETING THE CHALLENGES

Several states had already begun implementing education reforms before the enactment of NCLB. According to our interview data, many of the required elements of accountability were a part of these state-level reforms. One state education official described the passage of NCLB after the state had already initiated reform as an “add-on—95% of which [our state] was already doing”—and noted that NCLB “was just a very different way of accomplishing those goals.” Another interviewee whose state had also undergone reform prior to NCLB commented, “What NCLB has done . . . is to create a need for us to be probably a bit more focused than we were in the past.” And another official emphasized, “I wouldn’t say it shifted our work. It intensified it.”

Our survey asked states to report on the extent to which they have been able to implement the main accountability requirements of NCLB. We also wanted to understand what capacity challenges states faced in implementing NCLB’s accountability provisions and which challenges persisted. This section describes their responses. Appendices A through F, which are posted on CEP’s Web site (www.cep-dc.org), contain more detailed tables on state capacity issues in implementing NCLB.

It should also be noted that while states may have indicated they were able to implement a required element of NCLB, interview data revealed a persistent pattern of tension between compliance and quality. For example, many interviewees spoke about the need to focus on quality implementation versus structural implementation (for compliance purposes only), as the following comment illustrates:

Compliance doesn’t generate commitment, doesn’t generate passion, doesn’t generate caring about each and every one of the kids. Compliance becomes an end in and of itself, and my goodness, you can meet the regulations and be absolutely rotten as a school or a state . . . and that’s not what [NCLB] was intended to do.

Another official explained, “We can do minimal intervention; we can have a checklist and make it appear that we’ve done something for that district to comply with NCLB. But that’s not good enough for us.” Further research into quality implementation of NCLB is needed to be able to distinguish between states that have the structure in place to meet compliance requirements and those that have both the structure and capacity in place to carry out the law effectively.
STATE ASSESSMENTS

We asked states if they were able to administer all NCLB required assessments in 2005-06; all 50 states responded “yes.” We asked additional questions to understand some of the challenges states encountered in implementing this requirement. As displayed in **Table 1**, states cited inadequate federal and state funds and insufficient numbers of staff as the main challenges to developing and implementing state assessments. Thirty-two states reported that insufficient numbers of staff challenged their capacity to administer all required NCLB assessments, while the same number said that inadequate state funds posed a similar capacity challenge. Over two-thirds of the responding states (36 states) reported that inadequate federal funding challenged their capacity to administer all required assessments moderately or to a great extent.

We also asked states about the helpfulness of the guidance provided by ED about developing state academic standards and assessments. As displayed in **Figure 1**, almost two-thirds of the states reported that ED’s guidance in these areas was either “not at all helpful” or “minimally helpful.” Only five states reported that guidance from ED on developing state academic standards was “very helpful,” and 9 said the same about guidance on developing state assessments.

### Table 1. Number of States Reporting Various Factors as Challenges to Their Capacity to Administer All Required Assessments

<table>
<thead>
<tr>
<th>Challenges</th>
<th>To a great extent</th>
<th>Moderately</th>
<th>Minimally</th>
<th>Not at all</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inadequate state funds to implement the requirement</td>
<td>19</td>
<td>13</td>
<td>8</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Inadequate federal funds to implement the requirement</td>
<td>17</td>
<td>19</td>
<td>8</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Insufficient numbers of staff to implement the requirement</td>
<td>16</td>
<td>16</td>
<td>12</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Inadequate state funds to develop the requirement</td>
<td>16</td>
<td>15</td>
<td>8</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Inability to attract and retain qualified staff to develop the requirement</td>
<td>16</td>
<td>13</td>
<td>14</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Inadequate federal funds to develop the requirement</td>
<td>15</td>
<td>17</td>
<td>10</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Insufficient numbers of staff to develop the requirement</td>
<td>14</td>
<td>18</td>
<td>12</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Insufficient technological capacity to implement the requirement</td>
<td>11</td>
<td>17</td>
<td>10</td>
<td>11</td>
<td>1</td>
</tr>
</tbody>
</table>

Table reads: Of the 50 state education agencies surveyed by CEP, 19 states reported that their capacity to administer all required assessments has been affected “to a great extent” by inadequate state funds.

**Note:** While all 50 states returned a survey, not every state answered every item in the survey. Therefore, the survey response rate varies by question.

**Source:** Center on Education Policy, December 2006, state survey, item 1A.
Both the interview and survey data indicate that the state education agencies can be placed along a continuum of technological capacity; some states are still building these systems while others have implemented refined systems.

State education officials emphasized the importance of having adequate data systems in place before 2001 as a key to meeting current data requirements. One interviewee, whose state had implemented data systems as early as the 1980s, said, “I cannot imagine how some of the states that had to start from almost ground zero have managed.” Further, states seem to be in various stages in terms of both developing data systems and being able to analyze the data generated from those systems. While some state education officials noted that they already have essential data system components in place, such as unique student identifiers that allow them to track the progress of individual students, others indicated they do not. Some officials saw the shift from paper collection to electronic collection as the biggest change in their data system, while others emphasized the shift to dynamic data systems that not only “warehouse” data but can be used interactively to facilitate data-driven decision making at the state and local levels. These dynamic data systems allow state personnel to integrate data from many different sources. Even states with dynamic systems focused on the struggles involved in improving and maintaining these systems. “We’re very concerned about the additional funding that’s going to be needed to upgrade and to maintain these systems,” said one official.
Most interviewees agreed that NCLB has put additional strain on the technological capacity of their agencies. One official identified timing as a significant issue, noting that “there’s much greater pressure to get things done, but faster with NCLB.” Another official pointed to the NCLB requirements to disaggregate data by subgroups and to publicly report data as significant influences. This official contended that these requirements force the state to keep its Web site up-to-date and accurate, which is a problem because the state is having difficulty attracting and retaining people with special technical expertise to do this type of work. In fact, our survey and interview data consistently highlighted the problems states have in attracting and retaining individuals with technical qualifications. One interviewee described the state’s appeals to the business community to find someone with data management skills:

> I enlisted the directors of human resources from three of [our state’s] major corporations, and I just said, you know, ‘I need help. You all have got to find me somebody through your channels that I can hire, and here’s what I can pay. So you’ve got to help me find that person because I can’t do that on my own. You know people that I can never get to with an announcement of a job.’

Given the close relationship between technological capacity and staffing concerns, we can conclude that technological capacity is intricately tied to staffing capacity.

**ALIGNING ASSESSMENTS WITH STANDARDS**

An overwhelming majority of states (48) reported that their state assessments are aligned with their state academic and content standards, as required by NCLB. Only one state reported that its assessments are not aligned with its content standards, and one respondent didn’t know if the assessments were aligned.

**INFORMING SCHOOL DISTRICTS ABOUT AYP STATUS**

In addition to administering the assessments, states are required to inform schools and districts of their assessment results and their AYP status. This information is important for several reasons. First, school and district administrators need time to verify their testing data. Second, both administrators and parents need time to make decisions based on this information. For example, if a school has not made AYP for two years in a row, the district is required to offer public school choice to families attending that school. Many decisions would need to be made by both parents and school districts to successfully implement choice.

We asked states when they notified school districts of the AYP status of their schools. Almost two-thirds of the states (30) said they inform school districts before the first day of school but not more than 30 days before—which means that some states could inform school districts as late as one day before the start of the school year. Three states said they informed school districts exactly one month before the start of the school year, and only 10 states reported informing districts more than one month prior. Seven states reported that they informed school districts after the first day of school. Figure 2 shows the breakdown of states’ responses.

To understand better why states were reporting school districts’ AYP status at different times, we asked states to tell us what had challenged their capacity to inform districts of their AYP status. We were particularly interested in the seven states that were unable to inform their school districts before the first day of school. Four of these seven states said their capacity to inform districts was challenged “to a great extent” by delayed test results. In comparison, the 10 states that reported being able to inform local school districts of AYP more than one month prior to the start of school indicated that they did not face significant challenges in
any of the areas we asked about (such as insufficient numbers of staff or inadequate federal funding). Across the board, delayed test results was the most significant challenge states faced in informing school districts about AYP. As shown in figure 3, 17 states indicated that delayed test results challenged their ability to inform districts of AYP “to a great extent.”

One state education official provided another reason why it is difficult to inform local school districts about their AYP status in a timely manner.

The [state] assessment is intended to measure the degree to which students are meeting grade level expectations for proficiency. Therefore, the test should be given as near to the end of the school year as possible. Our state tests are administered in February, March and April of the school year. Even then, results are not available until July and school begins in August. It is a very tight timeline to notify districts of the AYP results, especially if you want to ensure the validity of the data and the AYP determinations.

ANNUAL REPORT CARDS
States are required to publish annual report cards for both the state and its school districts. These report cards are part of the states’ responsibilities under NCLB to publicly report

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*Here we interpret non-significant challenges as ratings less than or equal to a “moderate” degree of challenge.*
important information to parents and citizens. District report cards must contain information about assessments, accountability, and teacher quality for the entire district and for each school in the district. In addition, state report cards must contain similar information for the entire state.

Most states (40) reported being able to publish annual report cards “to a great extent.” No state reported being unable to do this at all. Among all the capacity challenges that we studied, we found this requirement to be less problematic for states overall. SEAs identified insufficient numbers of staff as the most significant impediment to publishing annual report cards, but, overall, it was less of an issue for states when you compare the responses for the other NCLB accountability requirements.

**ANNUAL ASSESSMENT OF ENGLISH PROFICIENCY**

NCLB requires states to administer an annual assessment of English proficiency (either commercially- or state-developed) for English language learners. The assessment must be aligned with state standards. Most states (39) reported that they were able to administer an annual assessment of English proficiency “to a great extent,” and all states reported that they were able to administer the assessment. However, states identified several challenges to implementing this requirement, as shown in table 2. The most significant challenges states faced in administering their assessments of English proficiency were insufficient numbers of staff, insufficient guidance from ED, and inadequate federal funds.

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5 States are not required to publish individual report cards for each school but must include the information about each school somewhere in the state report card.
To help explain our survey results on state capacity to carry out the English language assessment requirements, we looked to other factors, such as state population, the AYP status of schools in the state, and geography. We found that the more populated states (those in the top 50%) more often reported that staffing represented a moderate to great challenge to their capacity to develop and administer the English language assessment. We also found that states with less than 26% of their schools missing AYP for the 2005-06 school year were less apt than other states to report overall capacity challenges in implementing NCLB in every area except one: developing and administering the annual English language proficiency assessment. When we examined our data by geographic region, we found differences in the degree to which insufficient guidance from ED challenged states’ capacity to meet the English language assessment requirement. On average, Northeastern and Southern states more often reported the impact of insufficient guidance as minimal to moderate, whereas Western states more often reported the impact as great. Given all of our data, we suspect that overall, states with many different characteristics are struggling to implement the English language assessment requirement. More research is needed to understand why states are struggling and if other factors, such as an influx of immigrants, would better explain their capacity challenges.

The Struggle to Improve Schools

NCLB has placed states at center stage in the school improvement process. NCLB requires states to identify low-performing districts and schools and to use research-based strategies to help them improve. Thus, “[a]fter a decade or so spent largely on setting academic standards against which to hold schools accountable, states themselves are being held accountable for helping schools figure out how to meet them” (Archer, 2006, p. S3). While states appear

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**Table 2. Number of States Reporting Various Factors as Challenges to Their Capacity to Implement an Annual Assessment of English**

<table>
<thead>
<tr>
<th>Challenges</th>
<th>To a great extent</th>
<th>Moderately</th>
<th>Minimally</th>
<th>Not at all</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insufficient numbers of staff</td>
<td>21</td>
<td>18</td>
<td>6</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Insufficient guidance from the U.S. Department of Education</td>
<td>21</td>
<td>18</td>
<td>5</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Inadequate federal funds</td>
<td>21</td>
<td>18</td>
<td>4</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Inadequate state funds</td>
<td>17</td>
<td>13</td>
<td>7</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Inability to attract and retain qualified staff</td>
<td>11</td>
<td>17</td>
<td>13</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Insufficient technological capacity</td>
<td>10</td>
<td>18</td>
<td>11</td>
<td>9</td>
<td>1</td>
</tr>
</tbody>
</table>

Table reads: Of the 50 state education agencies surveyed by CEP, 21 reported that insufficient numbers of staff challenged their ability to implement an English language assessment “to a great extent;” 18 reported that insufficient staffing was “moderately” challenging, while 6 said it was “minimally” challenging.

Source: Center on Education Policy, December 2006, state survey, item 6A.
willing to take on this enormous task, they face significant capacity issues in doing so. Further, their capacity challenges escalate as more and more districts and schools are identified for improvement. As one state education official lamented:

We want to do everything we can to improve those lower-performing and struggling schools and districts for all the right reasons. But given less staff, given the number of schools involved and the amount of need, it's resource-wise just something we can't [do for] everyone.

Recent studies reveal further complexities about states’ abilities to improve low-performing schools (Anderson & Welsh, 2000; McDermott, 2006; O’Day, 1999; Rennie Center, 2005). Our research sought to shed light on state efforts to improve low-performing schools, the types of improvement strategies states are currently using, and the capacity challenges states face in carrying out their responsibilities for district and school improvement. We do not speculate on the effectiveness of states’ strategies; further research is needed to determine effectiveness.

STATE ROLE IN ASSISTING LOW-PERFORMING SCHOOLS

Most of the state education officials we interviewed agreed that states should play a key role in supporting low-performing schools. As one interviewee emphasized, “[I]t’s more of a mission, more of a moral imperative that we feel we need to help those schools so that those students [can] get the best educational opportunities.” Further, some officials said that states must go beyond monitoring to provide the support schools need to improve, a sentiment captured by the following comment:

I think that is becoming a certain part of what we need to do to help schools, rather than just go in and conduct a review and tell a school that they’re not [as] effective as they should be, which is still a part of what we do. I think it’s incumbent upon us to offer some service and provide some leadership for those schools in making changes instructionally as well as structural changes . . . .

While state education personnel, for the most part, expressed a willingness to support low-performing schools, many said that they did not have the capacity to do so on the scale required by NCLB. As one official explained:

Once the state was actually into this, there was a naiveté on everybody’s part—[ED’s] and ours—that you could actually do school improvement from the state. And that’s true if you’re only dealing with five failing schools, but if . . . you have 500, then you have to have district intervention. You have to have the capacity to do this through the intermediaries. And as states began to realize that, they realized they didn’t even have strategies for that. So this issue of the state capacity to lead an intervention at a district quantumly bigger a problem than is currently understood or budgeted . . .

Below we specifically examine state capacity to monitor and provide technical assistance to schools identified for improvement. Although the two responsibilities are interrelated, we discuss them separately for the sake of clarity.

Monitoring School Districts

Under the No Child Left Behind Act, states are responsible for monitoring districts’ efforts to implement the law. When districts have schools in any stage of the improvement process—school improvement, corrective action, or restructuring—states have added responsibilities to ensure that districts are taking specific actions intended to raise achieve-
ment in these schools, such as developing school improvement plans, offering public school choice and supplemental educational services, implementing a corrective action, or restructuring the school.

Our survey asked states about the extent to which they were able to monitor the activities of districts with schools in improvement, corrective action, or restructuring for the 2005-06 school year. Fifty-six percent of states (28) reported that they were able to “moderately” monitor these activities. As shown in figure 4, only one state reported it was “not at all” able to carry out this requirement, and six reported they were “minimally” able to do so.

Our survey asked what kinds of challenges states had met in carrying out this requirement. As shown in table 3, states identified three major impediments: insufficient numbers of staff, inadequate federal funding, and inadequate state funding.

Our survey asked states to indicate whether they anticipated any changes to their capacity to monitor districts with schools in improvement, corrective action, or restructuring in 2006-07. More than half of the states (26) responded that they do anticipate changes, while 20 reported they do not. In interviews and in additional comments to survey questions, many state education officials expressed concern about the impact that growing numbers of schools identified for NCLB sanctions will have on their current and future ability to do this monitoring.

Figure reads: Of the 50 state education agencies surveyed by CEP, 28 reported that they have been “moderately” able to monitor districts with schools in improvement, corrective action or restructuring; 14 said they have been able to do this monitoring “to a great extent;” 6 said they have been “minimally” able to do this monitoring; and 1 state said it has not been able to do the required monitoring at all.

Source: Center on Education Policy, December 2006, state survey, item 11.
Providing Technical Assistance to low-performing districts and schools is not a new responsibility for most SEAs; most state education reform initiatives have called on these agencies to provide at least some level of technical assistance to low-performing districts and schools (Laguarda, 2003). And the Improving America’s Schools Act (the predecessor to NCLB) called on states to provide assistance, if requested by school districts, to Title I schools identified for improvement. However, studies of these prior efforts show that the type and level of technical assistance provided by states varied widely (O’Day, 1999; Goertz & Duffy, 2000). These studies also showed that capacity issues (such as inadequate funding and inadequate staffing) limited state agencies’ ability to provide assistance and to follow up in an ongoing and sustained manner (Millsap et al, 1992; Anderson & Welsh, 2000).

NCLB has forced states to “step up” their efforts and offer support in “a more strategic manner” (Laguarda, 2003, p.1). And as predicted with increased accountability (Millsap et al., 1992), capacity remains the biggest challenge for states. Securing the necessary human and financial resources to provide effective technical assistance to low-performing schools is a challenge for most states (Laguarda, 2003). “The number of schools and districts each year that we need to provide those kinds of consequences and interventions and assistance with climbs,” said one official. “And yet we don’t have the resources to effectively do that intervention.”

NCLB requires SEAs to make technical assistance available to schools identified for improvement, corrective action, and restructuring. It also requires these agencies to take corrective actions against districts that fail to make AYP for four consecutive years. According to the nonregulatory guidance issued by ED, states must create and maintain a statewide

![Table 3. Number of States Reporting Various Factors as Challenges to Their Capacity to Monitor Districts with Schools in Improvement, Corrective Action or Restructuring Status](image)

<table>
<thead>
<tr>
<th>Challenges</th>
<th>To a great extent</th>
<th>Moderately</th>
<th>Minimally</th>
<th>Not at all</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insufficient numbers of staff</td>
<td>26</td>
<td>17</td>
<td>6</td>
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<td>0</td>
</tr>
<tr>
<td>Inadequate federal funds</td>
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<td>17</td>
<td>7</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Inadequate state funds</td>
<td>18</td>
<td>16</td>
<td>7</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Inability to attract and retain qualified staff</td>
<td>11</td>
<td>10</td>
<td>16</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Insufficient technological capacity</td>
<td>5</td>
<td>15</td>
<td>16</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>Insufficient guidance from the U.S. Department of Education</td>
<td>5</td>
<td>11</td>
<td>23</td>
<td>9</td>
<td>1</td>
</tr>
</tbody>
</table>

Table reads: Of the 50 state education agencies surveyed by CEP, 26 said that their capacity to monitor districts with schools in improvement, corrective action or restructuring has been affected “to a great extent” by insufficient numbers of staff. Seventeen states said that insufficient staff has affected their monitoring moderately, and six said it has affected their monitoring minimally.

Source: Center on Education Policy, December 2006, state survey, item 11A.
system of support for school districts. This statewide system of support must include the following elements:

- Establish school support teams to work with schools throughout the state that are in any phase of NCLB improvement or otherwise need support and assistance. States are required to provide these teams with all the resources they need to be effective.

- Designate and use distinguished teachers and principals from Title I schools that have been successful in improving academic achievement.

- Devise additional approaches that draw on the expertise of other entities to provide assistance as needed. The law suggests that states look to institutions of higher education, educational service agencies, and private providers of scientifically based technical assistance. States are also encouraged to work with comprehensive regional technical assistance centers and regional education labs.¹

NCLB increased the set-aside of Title I funds for SEA assistance to districts and schools in improvement from 2% in fiscal years 2002 and 2003 to 4% in fiscal years 2004 through 2007. However, SEAs must continue to provide each district with at least the same amount of funding as it received in the preceding fiscal year. Thus, in practice, SEAs may not be able to set aside the full 4%. (For more information on the school improvement set-aside, see A Shell Game: Federal Funds to Improve Schools, available on the CEP Web site at www.cep-dc.org.) However, funding for schools in improvement status has received recent attention. For fiscal year 2007, the Continuing Resolution provided an additional $125 million to assist schools in improvement (Klein, 2007).

Our survey asked states the extent to which they were able in this past school year (2005-06) to provide technical assistance to school districts with schools in improvement, corrective action, or restructuring. As shown in figure 5, 31 states (62%) reported that they were able to “moderately” provide technical assistance to these districts; 8 states reported being “minimally” able to provide technical assistance, and 11 indicated they were able to provide the assistance “to a great extent.” All states were able to provide the technical assistance to some degree.

We asked states on our survey to indicate the challenges they had in carrying out the requirement to provide technical assistance to districts with schools in improvement, corrective action or restructuring status. As shown in table 4, states identified the same three major impediments in providing technical assistance to these districts as they faced in monitoring these districts—namely, insufficient numbers of staff, inadequate federal funding, and inadequate state funding.

A further analysis of our survey data also revealed that less populated states (those with populations under 1 million) reported being more significantly affected than other states (those with populations over 10 million) by insufficient numbers of SEA staff to provide technical assistance to schools and districts identified for improvement.

Table 4. Number of States Reporting Various Factors as Challenges to Their Capacity to Provide Technical Assistance to Districts with Schools in Improvement, Corrective Action or Restructuring

<table>
<thead>
<tr>
<th>Challenges</th>
<th>To a great extent</th>
<th>Moderately</th>
<th>Minimally</th>
<th>Not at all</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insufficient numbers of staff</td>
<td>27</td>
<td>18</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Inadequate federal funds</td>
<td>23</td>
<td>18</td>
<td>6</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Inadequate state funds</td>
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<td>16</td>
<td>6</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Inability to attract and retain qualified staff</td>
<td>11</td>
<td>13</td>
<td>14</td>
<td>11</td>
<td>0</td>
</tr>
<tr>
<td>Insufficient technological capacity</td>
<td>5</td>
<td>10</td>
<td>21</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>Insufficient guidance from the U.S. Department</td>
<td>4</td>
<td>12</td>
<td>24</td>
<td>9</td>
<td>1</td>
</tr>
</tbody>
</table>

Table reads: Of the 50 state education agencies surveyed by CEP, 27 said that their capacity to provide technical assistance to districts with schools in improvement, corrective action, or restructuring status has been affected “to a great extent” by insufficient numbers of staff. Eighteen states said that insufficient staff has affected their monitoring “moderately,” and 5 said it has affected their monitoring “minimally.”

Source: Center on Education Policy, December 2006, state survey, item 13A.
Similar Challenges, Similar Needs

As the discussion above shows, states are struggling to both monitor the activities of districts with schools in improvement and provide these schools with technical assistance. Figure 6 compares states responses to these two responsibilities.

To better understand why states might be struggling with monitoring and providing technical assistance to districts with schools in improvement, corrective action, or restructuring, we looked to other factors. First, we determined that less populated states (bottom 50%) reported minimal to no challenges in monitoring and providing technical assistance to these districts more often than other states did. Second, we found that states in which more than 26% of schools did not make AYP reported challenges to providing technical assistance to these districts more often than other states did, but they did not differ from other states in their capacity to monitor these districts.

Third, states differed by region in their capacity to provide technical assistance to districts with schools in improvement, corrective action, or restructuring. In general, Southern states more often reported that inadequate state funding had a “moderate” impact on their capacity to provide this technical assistance, whereas Northeastern states more often reported the impact of inadequate state funding to be “great.” Further, Southern states more often reported that inadequate federal funding had a “moderate” impact, whereas Western states reported the impact of inadequate federal funding as “great.”

Figure 6. Comparison of States’ Ability to Monitor and Provide Technical Assistance Districts with Schools in Improvement, Corrective Action, or Restructuring

Figure reads: Of the 50 state education agencies surveyed by CEP, 31 reported they are able to “moderately” provide technical assistance to districts with schools in improvement, corrective action, or restructuring. Twenty-eight states reported they are able to “moderately” monitor the activities of these districts.

A Growing Concern
Survey and interview data reveal a growing concern (and perhaps alarm) about being able to provide technical assistance and support to schools in improvement status. Some states report that their numbers of schools and districts in improvement status is growing, particularly as AYP targets increase, making it more difficult for all schools to meet those targets. In addition, after five years of NCLB, more schools are moving into the more radical phases of improvement: corrective action and restructuring. One state education official explained:

I have a real concern as we have more schools and districts go into the harsher sanctions, which are corrective action and restructuring, and our capacity to be able to really support them effectively. We’re trying to set this up in such a way so that it’s not dependent as much on our resources, but the reality is that it does depend on us a lot. And the more districts that we deal with in that corrective action—you just can’t do it all. So that’s one thing. When we started out with 12 schools and then the next thing you know we have 50 schools, there’s not any way that we can increase our resources to all of a sudden address that number in the way that we’d like to.

Another official described the concern of providing assistance and support to an increasing number of schools in the state:

Seventy percent of my middle schools are in need of improvement, or worse, they’re in corrective action or restructuring . . . It’s just ridiculous. We can’t manage that. We shouldn’t want to manage it. We should be managing the 5% of our worst schools that need help.

Furthermore, most states cited a lack of proven techniques and strategies to turn around schools as a significant challenge. “We don’t even have the research proof that there’s a design at the state level that works,” said one state education official. “You have 50 experiments going on right now . . .” Another official expressed concern with how to assist schools in improvement:

Nobody’s figured it out . . . What I would say however . . . [is that] I think we’re building a repertoire of things that seem to work [but] we certainly can’t say to the state legislature or governor, ‘Look, we know exactly what to do, just give us the money.’ I don’t think anybody’s there yet.

One official described the kind of effort it would take to turn around schools and sustain that effort: “We’ve got strategies to intervene at the school level but—unless you have an incredible amount of resources and you can sustain it for a three to five year culture turnaround—it’s really limited.” Some state education officials stressed just how complicated it really is to turn around local schools from the state level. As one interviewee emphasized, “doing this work is really hard, [and] we haven’t figured out really what it takes or what it requires.”

One official reflected on how state education leaders might approach this process:

[J]ust something as basic as examining and understanding the array of schools and districts that need attention, because they go all the way from ‘world class don’t bother them’ schools to schools that are in extremes, and there are gradients in between. I’m working through with my colleagues how we focus on those in greatest need, but that we also spend enough time and money on those that could be in need later on if something isn’t done now.

STRATEGIES FOR ASSISTING LOW-PERFORMING SCHOOLS AND DISTRICTS
To better understand how states were intervening at the district and school level, we asked states to identify some of these strategies and techniques. We found a variety of interventions
being implemented by states. Based on our data, we categorized this support in the following five ways: (1) targeted fiscal support; (2) skilled professional support; (3) Web-based support; (4) outside organization support; and (5) broad-based support. Most states reported using multiple strategies from different categories rather than just one initiative.

**Targeted Fiscal Support**
Survey and interview data reveal that nearly all states provide grants to school districts with Title I schools in improvement to support turnaround efforts.

**Skilled Professional Support**
Almost all states reported using a variety of strategies involving skilled professionals. These professionals include, among others:

- Highly skilled educators and/or distinguished educators
- Local school improvement specialists
- Regional school improvement coaches
- School assistance teams designed to provide schools in improvement with information about their weaknesses and strengths that they can use for planning; these teams often have a peer review component as well
- Technical assistance coordinators at the state education agency who coordinate technical assistance to lower performing districts

**Web-based Support**
State education officials described a variety of strategies that used technology in innovative ways to assist schools in improvement. For example, one state reported having a school support Web site that connects schools and districts identified for improvement (as well as any other school or district) to resources that could help them reduce gaps in achievement. Resources available on the site include professional development opportunities, publications, instructional strategies, and parent involvement tips. Further, schools and districts can access information from their AYP profile about areas in which they have fallen short and can link to a resource bank of information about that area.

Even though many states reported using Web-based support to assist low-performing schools, some interviewees stressed lack of capacity in this area. As one state education official explained, “we believe we're on the cusp of an era when technology would be an excellent way to deliver some of these services, particularly for professional development, but we don't have the capacity to develop . . . online tools and such.”

**Outside Organization Support**
Some state education officials look to organizations and individuals outside the SEA to assist schools in improvement. Sometimes this involves contracting with specialists and experts who provide technical assistance. Some officials identified intermediate units as key

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7 For further information about systems of supports in individual states, see WESTAT’s Statewide System of Support Profile (April 18, 2006).
resources in assisting low-performing schools. State education officials also reported working with federally funded comprehensive centers and educational labs, but as explained in the next section, some officials had concerns with the quality of these entities. These initial state responses emphasize the importance of further research into the quality and effectiveness of organizations charged with assisting SEAs.

**Broad-Based Support**

Some SEA officials described efforts and initiatives their states are taking in conjunction with other agencies or departments. One state is focusing on early childhood initiatives, and another is branching out to develop a broad plan across state agencies. According to an official from this latter state, this broad plan “was a major part of our reorganization, of really looking at the needs—social, emotional and cognitive—of our children and families . . . because we knew that so much of the achievement issues were related to socioeconomic status and health and nutrition and other factors.”

**ASSISTANCE FROM THE U.S. DEPARTMENT OF EDUCATION**

At the outset of NCLB, ED applied pressure to focus states’ attention on the objectives of NCLB (Manna, 2006). However, our survey and interview data reveal that many states have concerns about what they see as ED’s lack of support and belated support. For example, some states suggested that ED began NCLB implementation with the mindset that states did not want to implement the Act rather than states did not know how to implement it. “If you believe that standards and testing is fine, but if you don’t know how to do it—you don’t get up in the morning and say I’m not going to do it,” one official explained.

Some interviewees objected to ED’s lack of attention to building a partnership with states at the outset. One official noted, “if I were the U.S. Secretary of Education, the first group I’d have met with would have been the 50 states’ chief state education officials.” Another interviewee observed that a focus on creating partnerships among the federal, state, and local levels ultimately creates “a better aligned system.”

Some officials critiqued the timing of support from ED. As one official noted, “the policy of hammering states for noncompliance first and then only later offering assistance is not a good one.”

Some states also found fault with the lack of substantive support in critical areas from ED, as the following comment illustrates:

*The mistake that has been made by ED is that as they enforced NCLB, they acted as though they had all the answers, and they were available for all to see. We are only now beginning to get research-based data that can inform our policy decisions with regard to English language learners, students with disabilities, reading and math instruction and so on.*

One interviewee bemoaned the lack of necessary support and guidance on modified assessments: “We were promised this for two years. [So now] we’re running a special system of appeals to make up for that.”

Finally, one state education official described what ED could have done to better balance compliance with support:
If [ED] were serious about a dynamic of support and tension, then it should feel the same for me as it does when I go to [my urban school district]. I am bringing some capacity. I am respecting your strengths. I’m leveraging my capacity to get at your weaknesses and ways to help you unless you’re belligerent, then expect me to be heavy-handed. But to enter my state and be belligerent before you even know what I’m doing is not a good idea, which is what [ED] did.

We can speculate that these early actions of NCLB implementation may have contributed to misunderstanding, confusion, and resistance from states (Keller & Sack, 2005; Meade, 2005; National Education Association, 2007). As previous studies about the effectiveness of policy implementation point out, trust is an essential element; when trust does not exist between federal and local authorities, local officials may attempt to evade or undermine the policy (Scheberle, 1997).

Our survey specifically asked states to rate the information they have received from ED about implementing the required provisions of NCLB. As shown in table 5, most states indicated that information received from ED was not very helpful with the exception of Reading First.

Since 2002, the U.S. Department of Education has taken a series of steps to provide assistance and support to states. In 2002, ED’s Institute of Education Sciences (IES) created the What Works Clearinghouse to provide “a central and trusted source of scientific evidence of what works in education” (What Works Clearinghouse, 2007). This clearinghouse provides both products (such as topic and intervention reports) and services (such as an online database of evaluators). Also, in September 2005 ED established 21 grant-funded comprehensive centers, 16 of which are regional and 5 of which are content-focused. The centers are designed to provide technical assistance to help states “increase their capacity to provide sustained support to districts and schools” (U.S. Department of Education, 2005, p. 3). While the regional centers are “frontline providers” primarily responsible for supporting states, the content centers provide “focused expertise and assistance based on deep content knowledge to states in several key school improvement issues” (U.S. Department of Education, 2005, p. 3).

The U.S. Department of Education also awarded five-year contracts to 10 regional educational laboratories to conduct research, development, dissemination, training, and technical assistance activities. These laboratories “work to ensure that those involved in educational improvement at the local, state, and regional levels have access to the best available information from research and practice” (Northwest Regional Educational Laboratory, 2007).

Our survey and interview data were inconclusive about the effectiveness of such ED-created supports as the comprehensive centers and educational labs. While some officials praised the centers and labs they worked with, others were quick to raise serious concerns about their effectiveness. For example, one education official from a largely rural state objected to what the official saw as an excessive focus of the centers and labs on urban education issues.

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* The Department administers the What Works Clearinghouse through a contract to a joint venture of the American Institutes for Research and the Campbell Collaboration.

* The content-focused centers include the Center on Assessment and Accountability, the Center on Instruction, the Center on Teacher Quality, the Center on Innovation and Improvement, and the Center on High Schools (U.S. Department of Education, 2005).

* Education Week recently published an article (Shift in Regional Education Labs’ Role Stirs Concern, March 14, 2007) reporting on the regional education labs’ shift in focus from field-based services to “rigorous education research.” The article highlights state education agencies’ concerns that rigor has replaced relevance.
Nevertheless, states are looking to outside organizations and creating new partnerships to fill critical needs in their capacity to implement NCLB and raise student achievement. More research is needed to better understand what roles outside organizations are playing, how effective they have been, and whether their roles should be expanded or diminished based on their effectiveness.

**Conclusion**

This report discusses the general condition of state education agencies and their capacity to fulfill their duties under the No Child Left Behind Act. These agencies are key implementers of federal policy, but they should not be viewed solely in that role since they are primarily state agencies and chiefly carry out state policies. Carrying out federal policies is an additional responsibility for state agencies, although a key one.

At the same time states are struggling to fulfill federal mandates, other organizations are calling on SEAs to do even more. For example, a recent report by the Commission on NCLB has recommended that SEAs take on new duties, such as closing the graduation rate gap, aligning content standards to college- and work-readiness measures, and improving the quality of state assessments. While the CEP agrees that SEAs must play an important role in improving the quality of public education, we also believe it is important to understand

<table>
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<tr>
<th>Table 5. State Views of the Helpfulness of Information from the U.S. Department of Education about Implementing the Provisions of NCLB</th>
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<tbody>
<tr>
<td><strong>Very helpful</strong></td>
</tr>
<tr>
<td>Implementing Reading First</td>
</tr>
<tr>
<td>Conducting Reading First evaluations</td>
</tr>
<tr>
<td>Ensuring teachers meet HQT requirements</td>
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<tr>
<td>Developing and maintaining a list of SES providers</td>
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<tr>
<td>Providing technical assistance</td>
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<tr>
<td>Providing professional development for teachers</td>
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<tr>
<td>Implementing a system to monitor SES</td>
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Figure reads: Of the 50 state education agencies surveyed by CEP, 17 reported that the information from ED about implementing Reading First was “very helpful;” 17 reported it was “somewhat helpful;” 7 reported it was “minimally helpful;” 2 reported it was “not at all helpful;” and 2 reported they “don’t know.”

*Source: Center on Education Policy, December 2006, state survey, item 64.*
these agencies’ current levels of capacity to implement NCLB before asking them to do more. Moreover, we call for a debate on the role of SEAs in improving schools.

Finally, the issue of state capacity is not one that grabs headlines in the same way as test scores or school choice controversies do. But it is a fundamental issue nonetheless. If state education agencies are not effective, then federal policy to improve the schools will not succeed. We urge the Congress and the President to review our recommendations at the beginning of this report and assist these agencies as they struggle to improve education.

**Study Methods**

The Center on Education Policy sought to answer three important questions about the capacity of state education agencies to implement the No Child Left Behind Act.

- How have the roles and responsibilities of SEAs changed in the past 25 years?
- In what ways are states fulfilling their roles and responsibilities under NCLB?
- To what extent do SEAs have the capacity to implement NCLB?

**DATA COLLECTION AND ANALYSIS**

This is a mixed-method study that combines qualitative and quantitative data. CEP staff reviewed the research literature, conducted a survey of all 50 states, and interviewed state officials.

**Research Review**

We first conducted a comprehensive review of the research about the changing role and responsibilities of SEAs, particularly the responsibilities mandated in federal legislation. We also reviewed recent studies of SEAs’ capacity to carry out federal mandates and research about policy implementation. In addition, we analyzed key policy documents pertaining to NCLB and state implementation of the Act.

**State Survey**

Since 2002, CEP has annually conducted surveys of all 50 states about a variety of issues related to NCLB implementation. To initiate this survey, CEP staff contacted the chief state education official in each of the 50 states and the District of Columbia in August 2006, requesting their participation in a survey to be administered in fall 2006. The District of Columbia did not respond to our request to participate. We also asked each chief to designate an individual within the state education agency as the primary contact for the survey. In addition, we asked the Georgia Department of Education to pilot the survey instrument, which it did in September 2006.

In October 2006, CEP staff sent the revised survey instrument, containing 64 questions, to state contacts by e-mail. States returned the surveys to CEP from October 2006 through January 2007. All 50 states returned a completed survey although some did not complete every question or section. Thus our response rate varies by question. In an attempt to limit any possible repercussions states might face in answering our survey questions candidly, we guaranteed states that their responses would remain anonymous. For example, a state offi-
cial who responded that his or her state was unable to implement a particular requirement could be negatively affected by this response, so although we report state totals and include state comments, we do not identify which specific state is the source of the information.

Survey results were analyzed using SPSS, a statistical software program. In an attempt to further interpret the survey results, we looked to other variables to provide more information about the patterns we were seeing. First, we considered population statistics for the 50 states from the U.S. Census Bureau's 2006 population estimates. We analyzed the survey results by population ranking (specifically, by the top 50% and bottom 50%) and compared differences between the most populated states (those with populations greater than 10 million) and the least populated states (those with populations less than 1 million) using effect sizes. Because it is independent of sample size, effect size is able to indicate statistically significant differences in means based on the survey responses of the 50 states.

Second, we sought to identify which states had high proportions of schools not making AYP based on an article in Education Week that reported, state by state, the percentage of schools in 2005-06 that did not make AYP (Olson & Hoff, 2006). We used the statistics from 44 states and divided the states into two groups based on the median percentage (26%) of schools not making AYP: (1) states in which less than 26% of their schools did not make AYP; and (2) states in which 26% or more of their schools did not make AYP. There were 22 states in each category.\textsuperscript{11}

Chi-square tests were conducted to determine whether a relationship existed between the AYP status variable or the population variable and states’ capacity to meet NCLB mandates. To facilitate robust and valid Chi-square analysis, ratings across survey items were collapsed to minimize low expected frequency. To this end, ratings of “not at all” and “minimally” were combined into one category and ratings of “moderately” to “to a great extent” were combined in another. Ratings of “don’t know” were not included in the analysis due to lack of substantive interpretability.

Third, we considered geographic region in our analysis of states’ responses. For this analysis, comparison groups were based on states’ regional location as defined by the Census bureau: Northeast, South, Midwest and West. Item ratings were treated as a Likert-scale, ranging from 0 to 3 (“not at all” to “to a great extent”) and a 1-way ANOVA test for group differences was conducted.

The state survey also included open-ended questions about state capacity and changes in SEAs. The responses from these questions were analyzed for themes.

State Interviews

CEP staff interviewed 15 key state education officials in 11 states. Most of the interviewees were chief state school officers, including many with more than 10 years’ experience as the chief or deputy of their respective state. Several criteria guided our selection of interviewees. Most were chosen based on their tenure; we wanted in particular to examine changes in state education agencies after NCLB was enacted so we attempted to obtain interviews with state education officials who held office before 2001. Furthermore, we attempted to obtain a mix of participants and states with Republican governors and those with Democratic governors. Additionally, we selected participants from large states (population over 10 million) and smaller states (population less than 2 million) and states in between. Interviews were semi-structured, conducted over the phone, recorded, and transcribed. Interviewees were given

\textsuperscript{11} For a list of the states and their respective percentages, see the table in Olson & Hoff, 2006 at www.edweek.org/go/nclbtable.
the opportunity to review their transcript for accuracy. We guaranteed all interviewees that their identity and the information they provided would remain anonymous. Interview transcripts were coded and analyzed using NVivo, a qualitative research software program.

We believe that through our open-ended survey responses and semi-structured interviews, we have captured broad themes about SEA capacity for most states. In this report, we refer to both the open-ended survey respondents and the SEA interviewees as “state education officials,” and unless otherwise noted, all quotations in this report are from these two sources.

Peer Review
Prior to publication, we sent this report to several experts for peer review. These reviewers included Gene Wilhoit, executive director of the Council of Chief State School Officers, and Andy Tompkins, associate professor of education at the University of Kansas.

LIMITATIONS OF THE STUDY
Although our response rate for most questions was excellent, the size of the sample (50 states) limited the kinds of statistical analyses we could perform. Therefore, we cautiously interpreted statistical results that attempted to determine relationships and group differences. To that end, we relied mostly on frequencies to explain states’ responses.

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