

**The Passage of the No Child Left Behind Act of 2001:
Reflections on the Evolution of Federal Education Policy**

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Introduction

On January 8, 2002, President Bush signed into law the No Child Left Behind (NCLB) Act of 2001 (Public Law 107-110). The NCLB Act emphasized greater accountability for schools, districts and states, increased choice for parents of students in low-performing schools, and increased the flexibility granted to state education agencies (SEAs) and districts around the use of federal funds. The NCLB Act of 2001 incorporated and integrated into federal policy three historically distinct, and oftentimes competing, diagnoses of the problems faced by public education in the United States. These three perspectives are characterized by NCLB's focus on (1) district- and school-level accountability for student achievement; (2) choice for parents and students in identified low-performing and high-poverty schools to access high-quality educational resources, and (3) academic content standards and assessments.

The NCLB Act was passed with bipartisan support and initially greeted with support from local and state educational leaders, irrespective of political ideology. Since 2002, however, the implications of implementing the requirements of NCLB, and in particular the development and administration of testing in grades 3 – 8, has been met with increasing opposition from SEAs faced with decreasing budgets and increased responsibility (Lane & Gracia, 2004). Although the most visible concerns with NCLB are reflected by state and district threats to return Title I funds or to sue the federal government for mandating actions without appropriate federal funding, there is also evidence of stress among district officials, school principals, and teachers. In 2003 and 2004, teachers in identified low-performing schools reported that they were "... just waiting for this to pass" and that they expected things to change if President Bush lost the election to a democrat. Through our work with educators and school principals in the field, we have heard candid statements such as "we're not trying to meet the demands of NCLB, we're just trying to survive NCLB". The 2003 resolution proposed by a consortium of school districts in New Jersey, reflects early opposition to NCLB (Appendix A), while the recent move by Connecticut to potentially sue the federal government is the latest in a series of actions taken by districts and SEAs to contest NCLB mandates.

The criticisms posed by practitioners and educational leaders in the field are based on a somewhat simple, yet logically compelling, understanding of how education policy is made. Stated simply, many opponents of NCLB believe that current federal education policy (NCLB) can be significantly altered or reversed in a relatively short time span (e.g., 2-3 years). Prior to the election of 2004, opponents to NCLB argued that education policy would significantly shift with the election of a new (and democratic) administration. The logic of this position is that federal education policy can be and actually is influenced by the party in power (e.g., majority in the Senate, the House of Representatives, and the White House). Given the result of the 2004 elections, states and districts are now considering litigation as a means of questioning and attacking the they feel are the unfunded mandates of the NCLB Act.

A question for the policy analyst, then, is to ask if this logic is correct. Specifically, is NCLB reflective of a republican and conservative agenda and, if so, would a democratic-led administration be able to reverse the direction initiated by NCLB? Or, on the other hand, is the NCLB Act of 2001 the logical outgrowth of over 20 years of efforts to reform the public school system in the United States? To answer these two questions, it is necessary to understand how certain education policy issues have been defined and subsequently institutionalized in federal

policy over time and to what extent shifts in political power affect the types of education policy voted into law and implemented in states, districts and schools across the country.

Purpose

The intent of this paper is to analyze the development of federal education policy between 1983 and 2003, exploring how and why various elements of education reform policy have come to be represented as they are in the NCLB Act of 2001. An historical analysis of federal education policy is applied in order to explain how and why different themes common to education reform—accountability, school choice, and the standards movement—have become intertwined in federal education policy and what the policy implications of this policy shift are for public education. Complementing the historical policy analysis is an examination of the linkage between political power, as represented by democratic or republican control of congress, and shifts in federal education policy.

Theoretical Framework

To understand the development of education policy, we frame education issues according to how these issues are defined as problems that, in turn, suggest different policy solutions. How educational issues are defined dramatically impacts the set of solutions available to policymakers (Rochefort & Cobb, 1994). Policymakers and legislators (who are often, but not always the same) are experts at framing issues so that the problem is well-defined, the definition includes a presumption of causality (e.g., something causes the problem) and a relatively fleshed out description of the problem, and that there are a clear set of policy solutions that are justified through the presumed causality and the description of the problem (Ibid.). Once a problem has been defined, it can be analyzed, its units measured, and a reasoned solution can be proposed and then implemented. However, since federal education policy is not dominated by a single problem definition, our inquiry requires tools that acknowledge the interaction and competition among different problem definitions and that can structure the analysis of this interaction. Explaining how competing problem definitions interact requires close attention to the language used by policymakers to present their conception of a given problem, including the different ways that policymakers employ concepts such as equality, accountability and to advocate for their position. Building upon Stone's (2002) approach to policy analysis, we focus on the language used by policymakers—the language of policy discourse—and consider the ways that different education policies have been conceptualized, communicated and justified over time to explain how three different understandings of the problem of education have interacted (and in fact become intertwined) with each other over the past 20 years.

The inquiry questions that guide this paper are as follows:

- (1) How have central elements of education policy emerged and developed into the form now reflected in the NCLB Act of 2001?
- (2) What is the relationship between political power (defined as political control of the Senate, the House of Representatives, and the Presidency) and education policy?
- (3) Has the NCLB Act of 2001 fundamentally altered the long-term political development of education policy? If so:
 - a. Is the shift in education policy reflective of political and ideological positions? OR
 - b. Is the shift the logical outcome of over 20 years of systemic school reform efforts?

Methodology and Data Sources

In order to explain the development of education policy over the past 20 years, I analyzed how different problem diagnoses in education, referred to as *policy constructs*, have been presented, communicated, developed, and justified in a set of policy documents that reflect major shifts in federal education policy. Some of these documents are considered to be central to the development of education policy (e.g., *A Nation At Risk*), while others have been chosen because they represent critical junctures in the ongoing integration of competing policy solutions. The analysis is separated into six parts, each representing critical junctures in the development of federal education policy. The first part addresses the publication of *A Nation at Risk* in 1993; the second covers the Hawkins-Stafford Act of 1987 and the National Governor's Council; the third looks at developments between 1990 and the Goals 2000 Act and Improving America's Schools Act, both enacted in 1994; the fourth explores the reemergence of the choice movement in the mid-1990s; the fifth covers a little-known appropriation act, the Title I Improvement and Choice funds; and the sixth closes with the implications of the NCLB Act of 2001. Much of the analysis focuses on Title I, Part A of the federal Elementary and Secondary Education Act as reauthorized in 1987 and 1994 and as currently represented in the NCLB Act of 2001. When federal and/or national policy documents are unavailable, as in the case of charter schools and the voucher movement, relevant research and literature is used to analyze how these movements have come to be represented in federal education policy¹.

Policy documents reflecting federal education policy were read and analyzed for content and language related to the three policy constructs (e.g., standards, choice and poverty) and the two cross-cutting themes (accountability and social equity) described in detail in the following pages. Each part includes (1) a description of how the policy documents addressed the problem diagnoses and solutions provided by each construct and (2) an analysis of the evolving integration of the three constructs in written policy and the role that the two themes, accountability and equality, have in facilitating this process of integration.

Complementing the primary data analysis is a simple and straightforward longitudinal description and analysis of political power measured by the party in control of the Senate, the House of Representatives, and the White House. Each of the three policy constructs includes elements that have traditionally been supported by republicans and democrats. The analysis looks at the relationship between political power, the political salience of the different constructs, or perspectives, and the development of particular education policy initiatives that move forward the solutions provided by one or more of the different perspectives. In this manner, we investigate the relationship between political power (defined as political control of the Senate, the House of Representatives and the White House) and education policy.

¹ Our primary data sources include: (1) *A Nation at Risk*; (2) The Hawkins-Stafford Act of 1989; (3) Improving America's Schools Act of 1994; (4) Title I School Accountability and Choice Funds – Guidance (1999), and the No Child Left Behind Act of 2001. Secondary data sources (e.g., articles, executive summaries, journal articles) were used to inform our analysis of other major policy initiatives (e.g., National Governor's Council, Goals 2000, and Charter Schools and Vouchers).

Section I

Public Education: Problem Diagnoses and Three Policy Constructs

There is general consensus within the educational establishment, the academia, as well as across the general population, that students in public schools are not doing as well as they should be doing and that this problem is particularly evident in students that come from families in poverty and in students from historically underrepresented populations, such as African-Americans or American Indians (Rist, 1970; Labov, 1982; Kozol, 1992; Allen and Jewell, 1995). However, there is little consensus around the multitude of real and potential reasons for poor performance among certain student populations, especially when policymakers are pressed to develop politically feasible policy solutions.

Diagnoses of the problem in education—that students, especially poor and some minority students, are not doing as well as we would like—range widely depending on one’s political viewpoint, the issue at hand and the nuances of local community values and context. Policymakers have at their disposal a wide range of policy instruments to address the issue of poor performance, including mechanisms such as large-scale systemic reform (e.g., the standards movement), strategies to improve teacher quality, vouchers and charter schools, early reading initiatives, increased testing and assessments, and creating smaller learning communities and communities of learners. Jane Hannaway and Nicola Woodroffe (2004) characterize the range of policies within three distinct categories of instruments: (1) market-base instruments; (2) Accountability and incentive-based approaches; and (3) fiscal solutions. Karen Seashore Louis (1998) poses a similar list of problems, focusing on accountability, competitiveness, and adapting to the needs of students as core themes in education reform policy. Academics such as Louis, Hannaway and Woodroffe offer a variety of thought on the issues and problems facing public education, although the problems posed by academics often address broader societal goals, such as increasing democratic citizenship, or pose questions about issues out of the direct control of public schools (See fall 1998 issue of *Daedalus*, for example).

The problem definitions and instrument provided by academics are reflected in the public arena, illustrated by the set of perspectives outlined by Public Agenda, a national public opinion organization. According to Public Agenda, these perspectives present how the public, and policymakers, frame education issues as problems that have different causes and, subsequently, require different policy solutions designed to address these problems. The four perspectives outlined by Public Agenda are: (1) raising educational standards; (2) creating student-centered schools; (3) offering educational choices; and (4) providing adequate funding (Public Agenda, 2003).

While the number and diversity of ills associated with public education may appear immense, there are three perspectives, or policy constructs, that have structured the discourse of federal education policy in recent years. Within each construct, a reasoned and strategic logic provides definitive policy solutions; however, it remains an empirical question if the evolving interaction and subsequent integration of these three constructs is a function of strategic and rational decision-making, or, rather, if it is the product of a complex and fundamentally chaotic period of policy construction. The three policy constructs, described in detail in the following pages, present the problem in public education as (1) a result of low and varied expectations for student

performance, (2) a lack of parental choice and the resulting lack of incentive for public schools to improve, or (3) a function of poverty and the variety of barriers that poverty presents to the learning process. The three policy constructs are largely based on how advocates of each construct understand and define *equality* and *accountability*, as two cross-cutting themes that justify and legitimate the ‘logical’ solutions proposed by each construct.

Cross-cutting themes – Equality and Accountability

Equality and Accountability are two themes that appear repeatedly within each policy construct. However, the extent to which each theme is emphasized depends on how useful that theme is in supporting and justifying the solutions proposed by a particular construct. Use of one or both of the themes is often seen in the language that advocates of each policy construct use to justify and rationalize the policy solution posed by advocates of that perspective. Further, policymakers tend to shift the meaning of the themes as needed to advocate for their position. For instance, a policy solution may be presented as ‘a way to close the achievement gap’ or as a strategy to ‘hold public schools accountable for the performance of students’. The concept of equality can be understood in multiple ways, depending on one’s perspective, including the values held regarding the importance of social justice and how goods should be distributed among members of society (Stone, 2002). Accountability is intertwined with equality and the meaning of accountability shifts depending on the importance placed on individual responsibility. The concept of individual responsibility is closely aligned with the idea of personal accountability and the premise that individuals (and by extension, schools and districts) should be held accountable for their actions (Morone, 2003). Equality and accountability become important parts of the analysis of federal education policy as they tend to have unifying effect on the overall configuration and logic of how a given policy solution is represented and rationalized in the public arena.

Problem Diagnoses #1: Standards, Content, and Teacher Practice (Standards Construct)

One argument for the improvement of public schools is based on the premise that the content of teaching and learning (e.g., curriculum and instruction) is not sufficient or of the necessary quality to properly educate all students. Some advocates of this position argue that public schools do not focus enough on the content of teaching and that the basics of education and that the content of teaching has eroded over the past 20 years or more (Ravitch, 2002; Hirsch, Jr., 1996). Other advocates argue that the content of teaching and learning has not kept pace with societal changes and continues to be structured to educate students for work in an industrial, factory-based workplace. Potential reasons for the lack of quality content in the classroom, advocates claim, stem from the dearth of high quality teachers and instruction as well as the increased isolation of teachers within schools. Teachers are isolated in their classroom, so even though every school has at least one great teacher, it is difficult if not impossible to disseminate best practice, leading to pockets of excellence (Elmore, 2000). The solution to this selection of problems is to create a common set of content and performance standards that will guide teacher practice across classrooms, decrease isolation and force teachers to work and plan together, and ensure that students in high-need schools are held to the same expectations as students in low-need schools (Baker & Linn, 1997; Smith & O’Day 1991; McLaughlin, Shepard and O’Day, 1995). Once standards have been implemented across all public schools (and teachers trained to teach to the standards), schools and students can be assessed so that additional support or training

can be provided to those schools not meeting high standards. Standards are a means to improve *equity* while also holding teachers and schools *accountable* for student performance.

Problem Diagnoses #2: School Choice and Competition (Choice Construct)

Individuals that promote school choice and competition argue that many students, especially those from high need communities, don't have the choice to attend high quality schools that is afforded to middle- and upper-income families. A related argument posed by choice advocates is that the public school system in America is a monopoly, the result being that schools lack the incentive to innovate or to provide high-quality education, since there little chance that they will lose students to a competing school system (Hill et. al., 1997; Chubb and Moe, 1994). Since poor students often have nowhere else to turn to, public schools aren't forced to change and meet the needs of their shifting student populations. Choice advocates promote a variety of solutions to this problem ranging from the widespread use of vouchers that students can use to attend private and/or parochial schools, the development of charter schools as public schools that are granted increased autonomy and flexibility and in return are held accountable for their results, or internal choice mechanisms such as magnet schools or inter-district choice (Fuller & Elmore, 1996; Levin & Belfield, 2004). School choice, however defined, is always justified as a means to ensure that all students have an opportunity to attend high quality schools. By adding a market-oriented aspect to public schools, schools are held accountable for results or otherwise face closure or loss of students (e.g., revenue).

Problem Diagnoses #3: Economic and Social Barriers (Poverty Construct)

Often overlooked by policy analysts is the central tenet and role of the federal government in education. Title I of the Elementary and Secondary Education Act, appropriately titled "Funds for the Education of the Disadvantaged" was first passed into law in 1965 and remains the central funding mechanism through which funds (and policy regulations) are disseminated to states, districts and schools (Riddle, 2001; Puma and Drury, 2000). The basic problem addressed by Title I and by many other federal and state programs is that students who live in poverty face a multitude of economic and social barriers – ranging from basic needs such as having enough food to eat, a place to sleep at night, and a safe home environment to specific educational needs (e.g., having basic knowledge and skill levels in kindergarten or first grade) – that negatively impact their ability to do well in school. The solution to this problem is to target funds and services to those families and, within schools to the students who are eligible for free and reduced lunch. The logic of this problem diagnoses is that increased services, instruction, and support can ameliorate many of the social and economic barriers faced by these students. Title I, in that it provides aid directly to districts and schools with high numbers of students in poverty, is focused clearly on addressing equity issues. Accountability in Title I has recently (circa 1994) restructured its approach to accountability² so that it now holds schools accountable for not making progress and requires that those schools take additional steps or else face repercussions, including loss of Title I funding. As a result, Title I is currently focused more on performance instead of compliance.

² Although accountability is currently a central element of Title I policy, this was not always the case. Understanding how accountability provisions crept into Title I policy and what this means in the context of the No Child Left Behind Act of 2001 is a critical element of this study and will be addressed later in the document.

Each of the three constructs defines the problem in public education and provides specific policy solutions that follow logically from its definition of the problem. Furthermore, each construct addresses the cross-cutting themes of educational equity and accountability, although the themes of accountability and equity have *not* always been central elements of each construct. These constructs, as discussed and presented visually in Table 1, provide a framework for analyzing the development of federal education policy over the past 20 years.

Table 1. Problem Diagnoses Framework of Public Education

Education Issue	Problem Diagnoses	Policy Solutions	Cross-cutting Themes
Standards-based Reform, improved content and teaching practice. (Standards Construct)	The content of teaching is of poor quality; there is little to no content or instructional consistency across schools. Pockets of excellence exist. Overall poor teacher quality.	Develop state (or national) content and performance standards and aligned assessments. Increase professional development for teachers, decrease teacher isolation, and focus on instruction.	Accountability – Hold schools and districts accountable for using state standards and improving student performance. Equity – Ensure that all schools teach similar content and have similar expectations for all students.
School Choice and Competition (Choice Construct)	The public school system is a monopoly that stifles innovation and lacks incentive for improvement. Many poor children do not have the choice to attend good schools.	Promote charter schools and/or vouchers as a way of increasing choice, innovation and competition across all public schools. Only when faced with real competition (loss of students = loss of money) will public schools have the incentive to improve.	Accountability – Grant schools autonomy (charters or site based management) for increased accountability. Equity – Give high need and low-income students the same opportunity to choose and succeed as middle and high income students.
Economic and Social Barriers (Poverty Construct)	Many students from poor communities enter school lacking basic skills. Economic and social barriers hinder a student’s ability to succeed in school.	Provide additional assistance (e.g., funds, instruction, extra support) to students-at-risk, or high need students. Provide funds to states and schools with larger percentages of high need students.	Accountability – Schools that have been receiving Title I funds for years should be held accountable for results. Equity – Title I funds should continue to go to high-need students and schools in order to reduce the achievement gap between the wealthy and the poor.

Section II

The Development and Integration of Federal Education Policy, 1983 to 2003

Part 1: A Nation at Risk

A Nation at Risk is perhaps the most influential educational document of the past 20 years. Produced by the National Commission on Excellence in Education, which was created at the behest of Secretary of Education T.H. Bell and tasked with investigating the cause of “...widespread public perception that something is seriously remiss in our educational system”, *A Nation of Risk* was published in 1983 as a report to the Secretary and as an open letter to the public.

A Nation at Risk identifies a number of problems with America’s system of public education, characterizes these problems as a risk to the security of the United States, and provides a set of recommendations to address these problems. The report begins with a quote expressing the basic democratic purpose of public education, namely that “All, regardless of race or class or economic status, are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost” (Nation at Risk, 1983). In the following paragraph, the risk to the nation is stated in blunt terms. “Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world” (Nation at Risk, 1983). The belief in equity for all students and the need for excellence as a means of ensuring America’s global standing are two themes that run throughout the report and serve as the central justifications for the recommendations and solutions posed by Commission.

The recommendations put forward by the Commission reflect the range of problems that the Commission identified as detrimental to student’s education. Specifically, the Commission recommended (1) improving the content that is taught in school, namely by renewing the emphasis on teaching the ‘new basics’; (2) increasing expectations for students by “adopt(ing) more rigorous and measurable standards, and higher expectations, for academic performance and student conduct” in elementary, secondary and post-secondary education; (3) increasing the amount of time that students spend on learning and that teachers spend on teaching the ‘new basics; (4) improving teacher quality by providing incentives for teachers to stay in public education, increasing salaries, and providing mentoring programs from new teachers; and (5) that the federal government had a role to play in “identifying the national interest” as well as in providing resources to help states meet the needs of “key groups of students” (Nation at Risk, 1983).

Analysis. *A Nation at Risk* recommended renewed efforts and focus on improving content (the new basics), creating shared and high expectations for all students, and ensuring that there are different types of materials and instructional support for students from different backgrounds. In addition, *A Nation at Risk* proposed a specific role for the federal government as responsible for defining the education issues of ‘national interest’ without mandating the particulars of state education policy. As a policy document, *A Nation at Risk* did not hesitate to define the problem facing public education, posing it as a crises that must be dealt with, and asserting that the problem endangered all citizens, not just students attending public schools. In doing so, *A*

Nation at Risk placed the issue of public education on the national agenda and set the stage for subsequent policy actions to be taken to address the problems outlined in the report.

Seen through the lens of the three problem diagnoses, it is clear that *A Nation at Risk* emphasized and increased the political viability of the standards construct. By focusing on increasing the rigor of content and what is taught in the classroom, as well as raising expectations for all students, the report is directly linked to the growth of the standards movement in the 1990's. While the focus on standards (e.g., upgrading curriculum and textbooks) and expectations is clear, it is also important to note that the report contains no suggestion of the creation of national, or even state-level, content and performance standards such as those that were subsequently developed by states in the 1990's. Also, standardized testing is recommended but the report explicitly states that these should be locally developed tests and that they should not be aptitude tests.

A Nation at Risk is silent in relation to the remaining problem diagnoses – the choice and the poverty constructs. The themes of equality and equity, defined in terms of access to public education, each appear throughout the report. However, there is no recommendation that claims to address the needs of students from social and economically disadvantaged families. Without having the text of the actual discussions among Commission members, it is not clear if the Commission actually discussed these two topics or if they instead limited their report to those areas directly under the control of the public school system. The publication of *A Nation at Risk* did not draw attention or increase the political salience of school choice and poverty as legitimate policy concerns.

Interestingly, while the theme of social equity—that all students are entitled to a high quality education and the opportunity to obtain the skills needed to become engaged citizens—is a clearly stated rationale for the commission's recommendations, there is no mention of accountability. The word “accountability” does not appear in the entire main body of the report or in the recommendations. The closest the commission comes to hinting at accountability is their recommendation that states should test students at regular intervals “to: (a) certify the student's credentials; (b) identify the need for remedial intervention; and (c) identify the opportunity for advanced or accelerated work” (Nation at Risk, 1983). When and how the accountability theme becomes intermeshed with the standards movement is an important point.

Part 2: The Hawkins-Stafford Act and the National Governor's Council (1987 to 1989)

In 1987 Congress, in an effort to build upon the momentum of *A Nation at Risk* and to avoid potential politicking after the 1988 elections, reauthorized the 1965 Elementary and Secondary Education Act. Named the Hawkins-Stafford Elementary and Secondary School Improvement Act, the reauthorization built upon many of the themes identified in *A Nation at Risk* (e.g., funding for teacher training, special programs for gifted and talented) and increased funding under Chapter I (compensatory education) targeted for schools and students from disadvantaged backgrounds. Absent from the act, however, is specific policy that promotes the development of standards or of raising expectations for all students.

In 1989, President Bush, the self-proclaimed “Education President”, convened a two-day education summit of the nations' governors. The outcome of the summit and the subsequent

efforts of the National Governor's Council chaired by Governor Bill Clinton of Arkansas was an agreement by the states to develop national performance goals for education and to develop national content standards in the major content areas. Although the movement to create national content standards did not thrive³, the education summit called by President Bush and led by Governor Clinton pushed to national prominence the need for national standards and common expectations for all students (Massell et al., 1994).

Analysis. The Hawkins-Stafford Act directly addresses the issues posed by the poverty construct. The 1987 reauthorization of the Elementary and Secondary Education Act was only the third of its kind since 1965, and the second reauthorization in 1981⁴ represented a withdrawal of federal support for education in line with President Reagan's overall budget cuts. Two components of the Hawkins-Stafford Act foreshadow the future relevance of policy alternatives related to the school choice and standards policy constructs. First, a minor provision of the law, entitled "Achievement Standards" called for states to work with LEA's and schools receiving Chapter I funds but not meeting vaguely defined achievement standards (Hawkins-Stafford Act, 1987). This is the first mention in federal law that implies that schools should be held accountable for student results and links this accountability in Title I (then Chapter I) policy with yet undefined standards. Secondly, a provision allowing for parental choice (in the form of inter-district open enrollment) was originally in the senate version of the bill but removed prior to the passage of the bill into law (Hawkins-Stafford Act, 1987). Through this small but significant action it appears that choice provisions were beginning to carry greater political salience, but still did not have enough support to make it into law.

The impact of the National Governor's Summit in 1989 cannot be overstated. It was at this time that federal and state education policy came to initial consensus around the need for national goals and standards. Between the publication of *A Nation at Risk* and the 1989 Summit represents, the importance of standards and high expectations emerged as a national problem and made the transition from an abstract theory into an official policy response. Key to this development is the consensus reached by the nation's governors around a common language and understanding of what standards represents, although the process of meaning making was by no means complete in 1989. Rather, the standards movement was just becoming formalized in official policy, and its ultimate permutations and construction in policy were still 5 to 10 years in the future.

In sum, the 1987 reauthorization of ESEA and the National Governor's Summit represent a renewed focus on poverty as a problem diagnoses (which had been instituted in law in 1965) and the transition of the standards movement from a theoretical ideal to actual policy. The Hawkins-Stafford Act and President Bush's policy initiatives in 1990 and 1991 foreshadow the increasing political salience and relevance of school choice as a viable policy alternative/solution to the problem of education even though school choice initiatives were not evident in federal policy at this time. Furthermore, the implications of the "Achievement Standards" outlined in Chapter I of the Hawkins-Stafford Act demonstrate how accountability, as a theme that resonates with policy

³ See Wixson et al., (2004) for an excellent overview of the reasons the national standards movement did not succeed.

⁴ The Education Consolidation and Improvement Act (ECIA) of 1981

makers and the general population, would come to connect the previously divergent policy solutions suggested by the Poverty perspective and the Standards perspective.

Part 3: Goals 2000 and the Improving America's Schools Act of 1994 (1990 to 1994)

In 1994, President Clinton signed into law two related education acts. The Goals 2000: Education America Act laid the groundwork and provided the funds for the development of state-level content and performance standards. The Improving America's Schools Act (IASA) of 1994 reauthorized the Elementary and Secondary Education Act by, among many changes, providing greater flexibility in how schools could use Title I (previously Chapter I) funds while requiring that schools be held accountable for the results of the students in their schools (IAS Act, 1994).

Between 1989 and 2004, the work of two separate groups provided much of the refining and defining for what was to become, in Goals 2000, a formal explication of the standards movement. In 1990, the National Education Goals Panel (NGEP) was formed to monitor the nation's progress towards the goals outlined in the 1989 Governor's Summit. The NGEP outlined the need for voluntary national standards that would measure "what students should know and be able to do". Following on the work of the NGEP, in 1991 Congress commissioned the National Council on Education Standards and Testing (NCEST) in order to assess the political viability of national standards (Wixson et al., 2004). The work of NGEP and NCEST set the parameters of the standards movement, defining in broad terms the justification for standards, what standards were (e.g., measures of what students should know and be able to do) and, in the case of NCEST, creating categories of standards (e.g., content standards, performance standards, and opportunity to learn standards) (NCEST, 1992).

Goals 2000 drew its justification and political viability from the themes set forward in *A Nation at Risk* and the National Governor's Summit in 1989, themes that were subsequently codified in the NGEP and NCEST reports that influenced the language used in federal policy. Goals 2000 provided funds and the incentive for states to develop state-level content and performance standards and assessments designed to measure student progress towards meeting those standards. Additionally, Goals 2000 gave states flexibility in how they used Goals 2000 funds and states were encouraged to incorporate educational technology into schools and classrooms (U.S. Department of Education, 1996).

As previously noted, *A Nation at Risk* argued that one of the central roles for the federal government was to define what is in the 'national interest'. Goals 2000 represents the explicit formulation of the national interest and actively promoted that interest (the need for high expectations) by providing guidelines and funding for the development of state-level content and performance standards. States such as Kentucky and Maryland were lauded for their progressive development of standards and linking standards to a statewide accountability system. Essentially, Goals 2000 defined the national role in education to be that of a promoter of systemic reform focused on a standards-based approach to school reform and, logically, the development of assessments and accountability systems that would measure progress and identify schools not meeting state standards. Seen through the lens of the standards policy construct, the Goals 2000 institutionalized the logic of the standards movement and provided incentives for its implementation.

The Improving America's Schools (IAS) Act of 1994 paralleled the movement to standards-based reform presented by the Goals 2000 Act but was more prescriptive in how federal funds could and should be used to support systemic reform. Overall, the IAS Act promoted standards based reform, encouraged a particular type of school improvement strategy (schoolwide programs), and continued to encourage local flexibility in the use of funds and strategies. Like previous reauthorizations of ESEA, the IAS Act strengthened and increased funding support for low-income students and schools with high proportions of at-risk students. In addition to increasing funding, the IAS Act restructured Title I support to focus on schoolwide reform, as opposed to the previous model of targeted assistance. The shift towards a more programmatic approach to school improvement is an important distinction that continues to have far reaching implications for particular school reform strategies⁵. For the purpose of this analysis, however, we focus on how the IAS Act integrated, for the first time, core components of the standards movement and the poverty perspective.

Analysis. Our analysis focuses on a particular section of the IAS Act related to the responsibilities of local education agencies (e.g., school districts) for school improvement. Specifically, Section 1116 of Title I called for states and districts to use state assessments (as well as other measures) to identify schools not making 'adequate yearly progress' towards meeting state goals based on challenging content and performance standards and provide support to those schools. If the identified schools continued to fail to make progress, the district was required to take 'corrective action' to ensure that the school improved. The corrective actions suggested by Section 1116 included measures such as withholding funds, decreased decisionmaking, reconstituting the school staff, or transferring students to other public schools (IAS Act, 1994). In this brief but critical section of Title I law, the use of Title I funds – funds for the education of the disadvantaged – was linked to the standards movement through an appeal to accountability as a means to connect the problem diagnoses in two distinct policy constructs. While the Hawkins-Stafford Act of 1987 foreshadowed this move with its loose guidance that states should develop "achievement standards", the IAS Act strengthened this provision by linking the development of state content and performance standards with measures assessing the progress of schools receiving Title I funds (Furhman, 1999). Specifically, standards and assessments became the mechanism through which Title I eligible schools (not all public schools) would be held accountable for the performance of their students and, ultimately, the use of public funds. Prior to 1994, federal education policy did not formally link the use of Title I funds with the standards movement.

Goals 2000 and the IAS Act of 1994 represent a critical juncture in the development of federal education policy. Goals 2000 provided the funds, the incentive, and the guiding mission for states to follow while allowing for increased state autonomy in how Goals 2000 funds were used and how standards would be developed. Goals 2000 formalized into federal policy the problem diagnoses of the standards-based reform perspective. The IAS Act continued to promote and fund policy solutions promoted by advocates of the poverty construct, even going so far as to transfer Title I from a purely funding mechanism into a programmatic approach to school reform. The key, though, is the formal link between the standards construct and the poverty

⁵ Schoolwide programs gave high poverty schools the flexibility to use Title I funds for all students in the school instead of solely on students eligible for Title I. The programmatic move to schoolwide programs has led, in recent years, to an emphasis on school-wide models of reform.

construct contained in Section 1116 of the IAS Act. The integrative theme of accountability allowed for this link to be made, understood, and justified. Accountability around high expectations and accountability related to the proper and effective use of Title I funds provided the connection and justified the link between the standards movement and Title I as a mechanism for school improvement.

The next part of the story involves choice – how did the choice problem diagnoses likewise get entangled and integrated into federal policy?

Part 4: The Charter School Movement and Vouchers

The school choice movement is widely divergent and is supported by individuals and groups from varied political persuasions. The history of school choice is equally eclectic, with choice advocates supporting diverse strategies such as court-ordered desegregation, magnet schools, alternative schools, tuition voucher programs and charter schools. To focus the discussion, the analysis is limited to the charter school movement and voucher movement as they expanded during the 1990's and in particular between 1995 and 2000. The emergence of charter schools and vouchers as two politically viable elements of market-based approaches to public education illustrate how the choice construct evolved and ultimately became integrated into federal education policy.

The concept of a charter school is derived from the alternative school movement, but wasn't fully formulated until the early 1990's when Minnesota became the first state to pass charter school legislation (Nathan, 1995). The charter school concept is encompassed in the idea of "autonomy for accountability". Charter schools are public schools that are granted a specific amount of autonomy to make organizational and curricular decisions and in return for that autonomy are held accountable for the academic achievement of their students (Nathan, 1996, Sarason, 1998, Wells, 1998, Lane, 1998).

The charter school movement burst on the national scene in the mid 1990's, growing from 36 schools in 1993 to over 1000 schools in 1998. As of January 2004, there were over 3,000 public charter schools in the United States and over 40 states and the District of Columbia had passed charter school legislation (CER Stats Page, 2003). It is important to note that the charter school movement was, and remains, primarily a state driven movement due to the requirement that states pass legislation that allows for the formation of charter schools. Federal support for charter schools didn't begin until 1996 with the appropriation of federal funds for "start-up grants" for prospective charter schools, a federal evaluation of the charter school movement, and the convening of annual national charter school conferences. Federal support for charter schools has risen or been level-funded each year since 1996, with an expected FY2004 appropriation of \$220 million (LHHS Conference Report, 2003).

The school voucher movement has a long history stemming in large measure from Milton Friedman's treatise *Capitalism and Freedom* (1962). Similar to the charter school movement, it has only been in the past 10-15 years that the voucher movement has garnered support and begun

to grow⁶. The voucher movement proposes that students have a right to use public funds (e.g., the per pupil expenditure allocated for each student) to pay a portion or the entirety of tuition to attend a non-public school (Fuller & Elmore, 1996). Voucher advocates argue that vouchers will give students (typically low-income students) the ability and means to choose and attend high quality schools typically not available to them in the public school system. Likewise, voucher advocates argue that a market-based approach will stimulate improvement in the public schools and hold public schools accountable for student performance (Chubb and Moe, 1994).

Analysis. The expansion of the charter school and voucher movements in the mid to late 1990's reflected an expanding distrust and loss of faith in the public school system, especially in urban and high-poverty areas. Market-based approaches to public education have become an increasingly feasible alternative to traditional public education. In the 1990's, charter schools became a funded component of federal education policy, although states remained the locus of control for charter school legislation. Permitting the use of school vouchers, on the other hand, was a strategy used by communities (e.g. school districts) as a means to provide opportunity to low-income students in particularly blighted urban areas.

There are a number of similarities between charter schools and vouchers that support the emergence of choice as a potential solution to the problems faced in public education. In garnering political support, the charter school and voucher movements were able to unite traditionally divergent interest groups⁷. Most telling, however, is the similarity in how these two movements make use of the rhetoric of social equity and accountability to justify and legitimate their position. Charter schools and vouchers both claim that their strategy is a better way to account for student performance as well as to hold other schools accountable for school and student performance. Likewise, charter schools and voucher supporters claim that their approach is better able to support students who are not obtaining the schooling that they need in the public school system. The choice policy construct defines the problem in public education somewhat differently than the poverty and standards constructs, but it uses similar rhetoric involving accountability and social equity to justify its proposed solutions.

Until 1999, neither the charter school movement nor school vouchers were linked to federal Title I policy and/or the standards movement. Shifts in federal education policy beginning in 2000 and culminating in the NCLB Act of 2001 formally linked the choice construct with the standards movement and Title I policy.

⁶ School voucher 'experiments' in Milwaukee, Wisconsin, Cleveland, Ohio, and the District of Columbia are three recent examples of high-profile urban school systems that have utilized vouchers as a means to help minority and low-income families choose the school to which they want to send their children.

⁷ Examples of groups include the Black Alliance for Educational Options, the Danforth Foundation out of Marquette University, the Manhattan Institute and the Hudson Institute.

Part 5: School Accountability and Choice

In 1999, Congress appropriated an additional \$134 million in Title I funds to be used by districts to carry out “school improvement and corrective action responsibilities under section 1116(c) of Title I” (U.S. Department of Education, 1999). This appropriation was named the “Title I Improvement and Choice Funds”. The appropriation was made under pressure by President Clinton to address the accountability provisions originally set forward in the IAS Act of 1994.

The significance of the “Title I Improvement and Choice Funds” is evident in its title – namely that the funds were to be used to support choice as a method of school improvement. Specifically, the statute stated that districts that applied for the supplemental funds had to develop a choice plan that would provide students in identified low-performing schools (e.g. Title I schools identified through standards and assessments) the “option to transfer to another public school within the local education agency, including a public charter school, that has not been identified for school improvement under section 1116(c)” (U.S. Department of Education, 1999).

In one fell swoop, federal policy had officially linked Title I funding and the standards movement with the choice policy construct as a valid, and as specified in the appropriation regulations, a required policy solution. It is important to note that the justification (and perhaps the motivation) for this shift in federal policy was the perceived lack of accountability on the part of states and local school districts with respect to their responsibilities around identifying and providing support to targeted low-performing schools. In 1999, many states were struggling to meet the accountability demands set forward in section 1116(c) of Title I. Some states (e.g. New York) had followed the law to the best of their ability and identified low-performing schools. Other states had skirted the issue of identification up to this time. The political leverage of the Title I Improvement and Choice funds was twofold: (1) the statute required that states identify schools in order for local districts to be eligible for the funds and (2) districts had to propose a choice plan in order to receive the funds.

Analysis. The Title I Improvement and Choice Funds is the first federal policy that officially links Title I funds (Poverty construct), the identification of schools for support through standards and assessments (Standards construct) and the suggestion that choice mechanisms (Choice construct) are a proper response to the identification of low-performing schools. Public accountability for the performance of students in high-poverty schools was used as the rationale and justification for the insertion of charter schools and school transfers as viable policy solutions. Accountability emerges as an integrative mechanism that rationalizes the integration of different policy solutions and blurs the differences in how equality. Equality is thrice defined as (1) the provision of equitable services to students from disadvantaged backgrounds; (2) the use of standards to ensure equitable high expectations; and (3) individual access to Title I funds to provide some level of choice.

Part 6: The No Child Left Behind Act of 2001

The stated purpose of the No Child Left Behind Act of 2001 is “To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.” (NCLB Act, 2001) As succinctly as possible, this statement justifies the solutions posed by the Standards, Poverty and Choice constructs as an integrative whole. The methods proposed to accomplish this purpose, as outlined in the law, refer to standards, assessments, accountability, closing the achievement gap, focusing on high-poverty schools, and providing parental choice and access to alternative instruction.

The NCLB Act of 2001 solidifies the standards movement as the driving force in public education. States are required to demonstrate that they have content and performance standards and that they have (or will develop) aligned assessments to measure student progress towards these standards (NCLB Act, Section 1111). NCLB is more prescriptive (and many would say limiting) in its application of standards to accountability mechanisms in that NCLB requires that states use statewide assessments to measure the progress that students are making toward meeting standards. This requirement contradicts the efforts made by a number of states to create alternative and/or local performance based assessments as part of their overall accountability system. In any event, the standards movement, instigated by the problem definition posed in *A Nation at Risk*'s call for raised expectations and propelled by President Clinton's actions first as Governor of Arkansas and then as President, is directly tied to a state's acceptance of federal education funding.

Similarly, the NCLB Act of 2001 increased funding for Title I and required that states and districts take direct action to close the achievement gap across economic and racial categories, and as measured by state assessments according to well-defined standards. The accountability provisions of NCLB are not dramatically different from those proposed in the IAS Act of 1994. In both laws, states were required to identify, based on state assessment, those schools not making adequate yearly progress and to provide assistance or take corrective action to support the improvement of the targeted low-performing schools. NCLB is more prescriptive in its requirements (e.g., setting 12 year benchmarks for progress, and specifying specific corrective actions to be taken), but the overall structure of the accountability system is not significantly differently. Within the context of the poverty construct, NCLB expands upon 1994 policy as a means of addressing the issues and implementing the solutions proposed by the poverty problem diagnoses.

It is in the arena of the choice construct that the NCLB Act of 2001 reflects the most significant shifts in federal policy. School choice provisions are written into law as part of section 1116(c) of Title I. Specifically, districts must notify all parents of students enrolled in identified low-performing schools that (a) their child is enrolled in an identified school and (b) they have the option to transfer their student to a school that is not identified as low-performing. This provision is an almost exact duplicate of the school choice provision contained in the 1999 Title I Improvement and Choice appropriation. NCLB also stipulates that Title I eligible students in low-performing schools⁸ can use their Title I allocation to purchase ‘supplemental services’ from a service provider. While supplemental services are not vouchers as typically configured, they do

⁸ In this case, schools that have been identified as in need of improvement for two consecutive years.

indeed follow the logic of the voucher movement and suggest that vouchers, as a more radical version of the choice policy construct, is increasing in political salience and feasibility.

What is most interesting about NCLB, however, is how the three different policy constructs – initially separate and distinct – now apparently fit together in such a logical manner to the extent that they are represented as a single and unified federal policy addressing public education. Closing the achievement gap is intimately linked with standards and assessments. And choice, in the form of parental notification, school transfers, charter schools, and supplemental services, is an explicit component of the Title I accountability system. The cross-cutting themes of accountability and equality, rather than pointing to the different solutions posed by a perspective's definition of the nature of the problem, logically unite the three constructs as fulfilling a common purpose.

A point that cannot be overstated is that federal requirements around standards and choice strategies are now written into law as part of Title I of the Elementary and Secondary Education Act – the NCLB Act of 2001. Title I is the central educational funding mechanism, and thus a leveraging strategy, held by the federal government. If the federal government is to define and implement what they believe to be in the national interest regarding public education, it is going to be done through Title I. Whereas less than 15 years ago Title I was primarily a funding stream and the standards and choice movements were but words on a page, the emergence of these two perspectives illustrates the influence that federal funding can have on integrating and ultimately implementing different policy solutions.

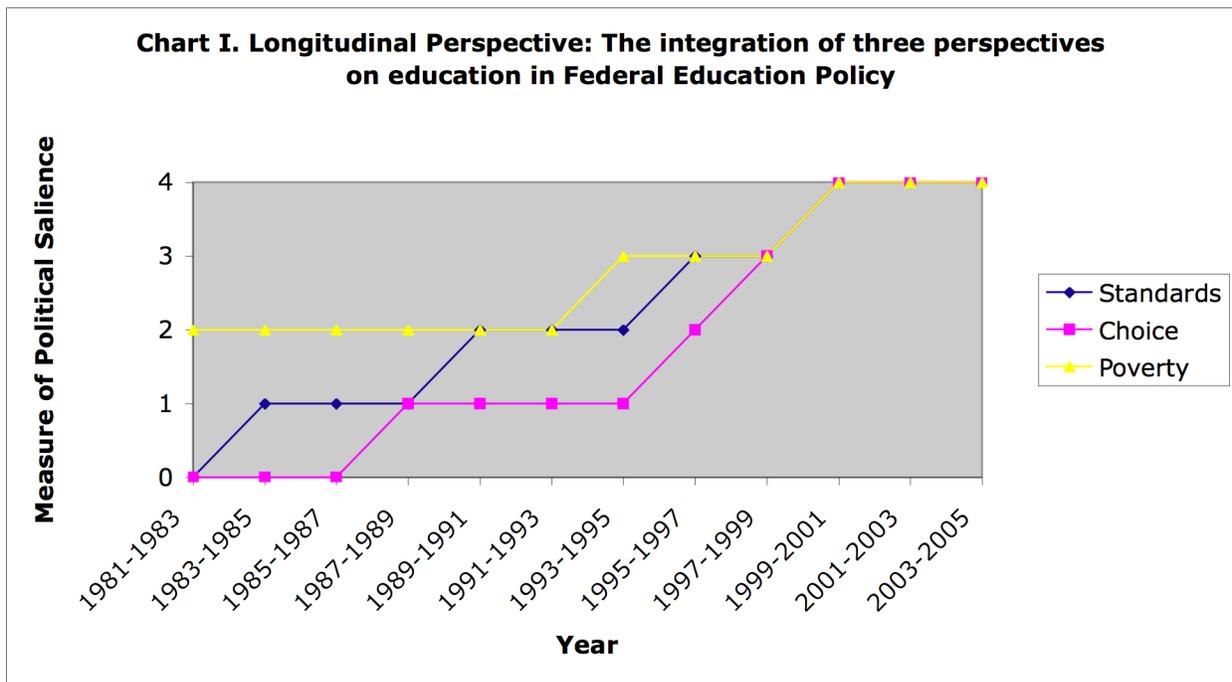
Summary Analysis. In this analysis of the development of education policy between 1983 and 2003, I have argued that originally distinct perspectives, or constructs, of the problems in public education have come to be understood as interrelated and inherently connected. The No Child Left Behind Act of 2001 represents this integration. The standards movement was the driving force behind this integration, funded by Goals 2000 monies in the early 1990's and then integrated into Title I through shifts in Title I policy (e.g., 1987 Achievement Standards, and Section 1116(c) of Title I) that used standards as a means to identify schools “in need of improvement”. Title I also used standards and assessments to justify the increasing rigor and prescriptiveness of the measures states must take to support those schools identified as low-performing. The choice movement has recently (circa 1995) begun to emerge as a feasible means to hold schools accountable and is slowly making its way into federal education policy. I have also argued that the language used to justify and rationalize each perspective – in particular references to accountability and social equity – contributed significantly to this integration and, in effect, played the role of an integrative mechanism through which policymakers justified the integration of policy solutions drawn from different definitions of the problems facing public education.

What is not clear is if there was a particular political agenda driving the integration of the three policy constructs or if NCLB is simply a logical extension of previous federal education policy. It is to this question we now turn.

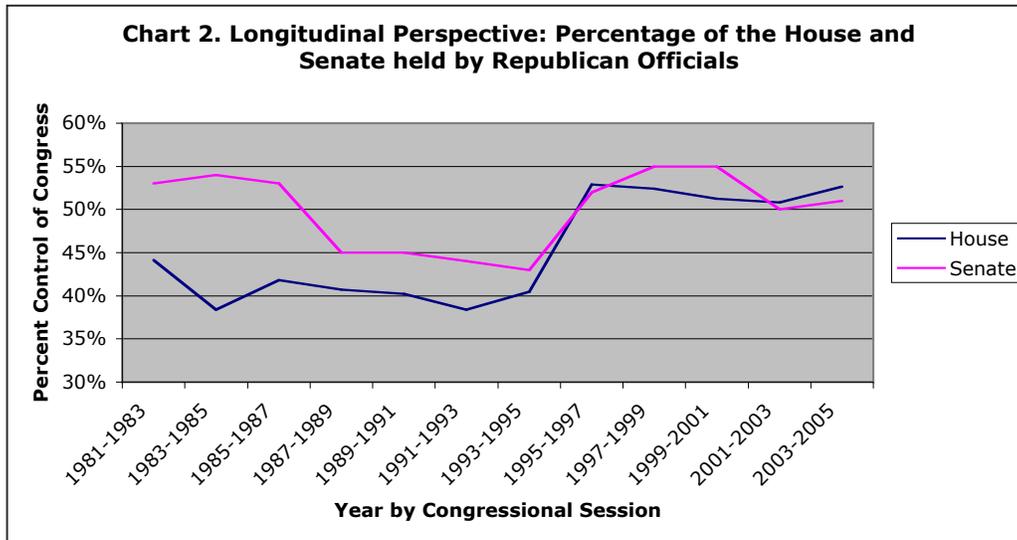
Section III

The Influence of Political Power on Federal Education Policy, 1983 to 2003

The development of federal education policy between 1983 and 2003 is graphically displayed in Chart 1. The political salience of each policy construct presented in Chart 1 is not a statistically accurate measure of political salience. To create the chart, each policy construct was assigned one point according to whether or not they met each of the following criterion: (1) the policy construct is represented in federal education law; (2) the presence of the policy construct in congressional debates; (3) integration of the policy construct with another policy construct. If a policy construct is present in federal law, part of the policy debate and integrated with both of the other two constructs, it receives a total of 4 points.



If there is a relationship between political power and shifts in education policy, it is reasonable to expect that the distribution of power in Congress and the Presidency would mirror shifts in federal education policy as represented in Chart 1. As an example, we would expect to see a rise in republican membership paralleling the rise of the school choice positions becoming part of federal policy, as choice is a predominately conservative and republican agenda item. Chart 2 shows the percentage of the House and Senate held by individuals designated as Republicans.



Upon initial inspection, it does appear as if there is a sustained relationship between the rise of the choice policy construct and the increased political power of the Republican Party in 1995. However, this correlation isn't evidence of a causal relationship between the rise of the choice construct and republican congressional power since 1995.

Analysis

The 97th, 98th, and 99th Congresses (1981 to 1987) were each split, with the Democrats controlling the House and the Republicans controlling the Senate. President Reagan and a republican Administration controlled the White House in the 1980's. During the 97th Congress, President Reagan commissioned the task force that developed *A Nation at Risk*, however, neither President Reagan nor congress significantly enhanced the federal role in elementary and secondary education between 1981 and 1987. The standards movement remained an undeveloped strategy and the choice strategies did not emerge from a politically split congress.

In 1987, the Democrats won control of the House and the Senate and they were to remain in control of congress until 1995, when Newt Gingrich and the Republican Party won back both the House and the Senate. Between 1987 and 1991, the democratic-controlled congress passed The Hawkins-Stafford Act of 1987 and, with the leadership and support of President Bush, began to support funding for the development of state content and performance standards. With the election of President Clinton in 1992, a democratic-led government pushed forward the Goals 2000 Act and the IAS Act of 1994, further institutionalizing the standards movement in federal policy. The standards movement, the integration of the standards movement with Title I funds, and the initial push for increased accountability was a movement driven and passed into law by a democratic-led congress and actively supported by a democratic Administration and President⁹.

⁹ Goals 2000 and the standards movement did receive widely bipartisan support, as evidenced by President Bush's convening of the National Governor's Summit in 1989; however, the evidence demonstrates that the standards movement was a democratic-led movement.

The 104th Congress was a watershed year for the republicans. Republicans won control of the House (230R, 204D, 1I) and the Senate (52R, 48D). This dominance continues through 2003, with an evenly split Senate in the first session of the 107th congress the only time the republicans did not control both the House and the Senate. As visible in Chart 1, the choice construct did not emerge as a feasible policy solution until the 104th Congress. After 1995, solutions posed by choice advocates become increasingly visible on the national scene as well as stimulating debate in congress. However, the choice construct benefited from President Clinton's unabashed support for charter schools, calling for the creation of 3000 charter schools by 2000 and mentioning charter schools in his 1997, 1998, and 2000 State of the Union addresses.

Also during the 104th Congress, the republican-led House attempted to legislate a school voucher plan for the District of Columbia, but was unsuccessful due to a filibuster in the Senate. And in the first session of the 105th congress, the House again added a voucher plan to the D.C. appropriations bill, only to have it vetoed by President Clinton (Ackerman, 2003). Also evidence that the republican controlled congress actively pursued choice policy solutions is the expansion of the IRA tax-deferred savings accounts from post-secondary education to public elementary and secondary education. This bill too was initially vetoed by President Clinton but then signed into law by President Bush in 2001 (Ackerman, 2003). President Clinton's vetoes of key voucher legislation reflect the position of the democrats as well as the power the President has in controlling legislation.

With the national emergence of charter schools and ongoing voucher experiments in select districts across the country, it is not surprising that the choice construct emerged as a feasible policy solution in the late 1990's. The passage of the Title I Improvement and Choice appropriation in 1999 exemplifies the political struggles faced by President Clinton. This appropriation also represents a significant shift in the strategy and logic used by republicans to push choice as a policy solution. By 1999, the accountability system outlined in the 1994 IAS Act was in its fifth year of implementation. States were under increasing pressure to meet the regulations in Section 1116(c) of Title I and identify and provide support to identified low-performing schools. Republicans, instead of finding fault with the standards movement and increases in Title I funding, rationalized choice policy solutions, in this case charter schools, as a justifiable strategy to address the problems with low-performing schools. Once this formal link was made—again, under a democratic Administration—precedent was set and all that was needed was for a republican Administration to gain control of the White House.

In 2000, President Bush was elected President and the republicans retained control of the House and Senate. The result is the logically compelling No Child Left Behind Act of 2001, that builds upon the standards movement and the use of Title I funds to leverage federal education policy goals (e.g. state standards, grades 3-8 testing, accountability for schools and districts) and integrates choice policy solutions as a now permanent fixture of public education in the United States.

Section IV Conclusion

Inquiry Question #1: How have central elements of education policy emerged and developed into the form now reflected in the NCLB Act of 2001?

Our analysis of the development of education policy between 1983 and 2003 details the emergence of the standards movement as the primary education problem addressed through federal education policy. Instigated by the publication of *A Nation at Risk*, given a common language and political visibility by the National Governor's Summit in 1989 and subsequently supported at the national level by Goals 2000 funding, the standards movement is now a fixture of American public education. A central justification for the standards movement is that it will help all students reach high standards and in doing so the standards policy construct aligns nicely with the poverty construct. Thus, it is not surprising that the standards movement would be integrated with Title I funding as a way of leveraging the standards movement across the United States. The 1994 IAS Act represents the integration of the standards movement with Title I policy and funding priorities.

The logic of the standards movement asserts that all students should reach high standards and that schools that are unable to help their students reach high standards must be identified and supported in some manner. The standards movement provided the accountability mechanism by which Title I could begin to hold schools, districts, and states accountable for their use of Title I funds. We see the roots of this theme emerging in the 'Achievement Standards' in the Hawkins-Stafford Act of 1987 and a more fleshed out version in Section 1116(c) of Title I in the IAS Act of 1994.

Accountability systems are designed to distribute rewards and sanctions. An educational accountability system must set expectations for performance, identify schools not meeting those expectations, and provide meaningful levels of support and sanctions intended to improve the performance in those schools (Linn, 2003). As schools with high concentrations of poor children continue to do poorly, more and more prescriptive 'corrective actions' come into play and schools are faced with increasing pressure to find a way to improve. The logic of the standards movement opens the door for increasingly radical solutions to the ills of public education to be presented as feasible and in some instances necessary. The result of this dynamic is that policy solutions proposed by the advocates of the choice and market-based approaches become (post IAS Act of 1994) more and more likely to be heard and seen as viable options by districts and schools under increasing pressure to perform.

The cross-cutting themes of accountability and equality serve as integrative mechanisms in the process through which different policy perspectives justify and rationalize their understanding of the cause of the problem and their proposed solutions. When politically feasible, policymakers were able to legitimate the connection of standards with Title I funds, and similarly of choice provisions as a type of 'corrective action' by claiming that each policy supported the common goals of accountability and equity. The integrative power of accountability was enhanced through the use of standards and assessments as the basis for holding Title I eligible schools accountable for the performance of their students rather than compliance around the

appropriate use of federal funds. When Title I made the switch from a compliance-oriented policy to one focused on performance, content standards and assessment systems provided legitimate and manageable tools to hold Title I schools accountable for performance.

Inquiry Question #2: What is the relationship between political power (defined as party control of the Senate, the House of Representatives, and the Presidency) and education policy?

There is a clear link between political power and the formulation of federal education policy. However, this link does not mean that politicians have complete control over the direction of education policy. The standards movement emerged out of a democratic congress yet it was essentially a bipartisan effort that built on the ideas formulated in *A Nation at Risk* and President Bush's convening of an education summit for the nations' governors. The choice policy construct burst on the national scene as a result of the state-led charter school movement and district voucher experiments at the same time that the republicans were taking control of the Senate and House. The mid- to late-1990's may be best understood as a period of rapid change American politics, sparked by political shifts in the House and Senate as well as in ideological shifts in private citizens, leading to the rise of market-based approaches not only in education, but in health care and social security (see Carmines and Stinson, 1989). In any event, the increased visibility of choice strategies combined with the political power held by republicans in congress led to the Title I Improvement and Choice appropriation in 1999 and the subsequent integration of choice strategies into federal education policy in the NCLB Act of 2001.

Has the NCLB Act of 2001 fundamentally altered the long-term political agenda on education policy? If so:

***Is the shift in education policy reflective of political and ideological positions? OR
Is the shift the logical outcome of over 20 years of systemic school reform efforts?***

The evidence presented in the article argues that the shift in federal education policy over the past 20 years is the result of a complex mixture of bipartisan reform efforts, focused primarily on the implementation of the *standards movement*, the *integration of the standards movement with Title I funds*, the logical use of the standards movement as an *accountability mechanism* for Title I schools, and the emergence of *republican political power* in the mid- to late-1990's. As a result, the NCLB Act of 2001 has fundamentally altered the long-term political agenda on education policy. Its impact will likely involve the privatization of significant portions of public education over the next 20 years.

The shift seen in NCLB occurred because the standards movement and Title I policy became integrated into a single problem definition and effectively opened up a 'window of opportunity' for a republican-led congress, and now Administration, to integrate choice policy solutions into federal education policy. If standards had not provided the accountability mechanism to measure the effectiveness of Title I funds and school performance, the Choice perspective would have little to use as justification for its own implementation as a viable policy solution.

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Appendix A

New Jersey Consortium of Public Schools – Resolution proposed October, 2003

RESOLUTION

WHEREAS, while NCLB purports to be an educational act, the NCLB Act contains many elements which seem to reflect a political agenda, other than that which relates directly to education;

WHEREAS, the NCLB Act is based on flawed educational theory, (for example: it places too much emphasis on mandated standardized tests, as the only recognized measure of instruction and learning; it recognizes only some theories of teaching and learning);

WHEREAS, NCLB is based on faulty assumptions about children's emotional, social and intellectual development, specifically mandating that all children will attain the same level by year 2014 and not giving any serious credence to contemporary brain research, learning styles, students individuality, and various routes of growth;

WHEREAS, NCLB falls into the category of "unfunded and under-funded" mandates, costing far more than the entitlement to implement;

WHEREAS, the NCLB Act establishes a new precedent of federal involvement in and control of curriculum, instruction, and assessments which have, throughout the history of public education, been under the control of local boards of education and state departments of education;

WHEREAS, the NCLB Act appears to be a thinly disguised attempt to break up the perceived hegemony of public education and promote a system of vouchers, charters and other choice programs while, at the same time, undermining public confidence in public education and educators;

THEREFORE, we ask that:

1. Our elected officials carefully examine this act and understand its social, educational and financial implications before re-authorization.
2. Professional educators, from a variety of states, levels of education, and reflecting a plethora of educational jobs, be included in evaluating and revising this and any significant educational legislation before authorization.
3. Any such educational acts focus on meeting the needs of children and include sufficient appropriations to support all mandates, rather than serve as a platform for presenting a political agenda.

Appendix B

Language pertaining to identification, supports and corrective action for Title I eligible Schools, 1987 to 2001.

Hawkins Stafford Act of 1987

Sets forth program improvements requirements

- ✓ Requires LEAs to review annually the program's effectiveness in improving student performance.
- ✓ Permits LEAs to apply to SEAs for certain discretionary program improvement assistance funds.
- ✓ Requires LEAs to develop and implement school program improvement plans with respect to schools where the aggregate achievement of Chapter 1 children shows inadequate improvement or a decline.
- ✓ Provides for State assistance with such plans.
- ✓ Requires that local conditions be taken into account.
- ✓ Requires LEAs to identify Chapter 1 students who have shown no improvement or a decline, and to assess their needs and consider program modifications.
- ✓ Requires LEAs and SEAs to use regional technical assistance centers' resources for such program and student improvement activities.
- ✓ Requires SEAs to take appropriate corrective actions where LEAs fail to provide effective compensatory educational services or meet other Chapter 1 requirements.

Section 1116(c) of IAS Act of 1994

(5) Corrective action.--

(A) Except as provided in subparagraph (C), after providing technical assistance pursuant to paragraph (4) and taking other remediation measures, the local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

(B)

(i) Corrective actions are those, consistent with State and local law, determined and made public and disseminated by the local educational agency, which may include--

(I) withholding funds;

(II) interagency collaborative agreements between the school and other public agencies to provide health, counseling, and other social services needed to remove barriers to learning;

(III) revoking authority for a school to operate a schoolwide program;

(IV) decreasing decisionmaking authority at the school level;

(V) making alternative governance arrangements such as the creation of a public charter school;

(VI) reconstituting the school staff;

(VII) authorizing students to transfer, including transportation costs, to other public schools served by the local educational agency; and

(VIII) implementing opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act.

Guidance on the \$134 Million FY 2000 Appropriation for School Improvement

“100 percent of these funds shall be allocated to local educational agencies for the purposes of carrying out section 1116(c) and that local education agencies shall provide all students enrolled in a school identified under section 1116(c) with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under section 1116(c)”

No Child Left Behind Act of 2001

(E) PUBLIC SCHOOL CHOICE

`(i) IN GENERAL- In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.

`(ii) RULE- In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).

(7) CORRECTIVE ACTION-

`(A) IN GENERAL- In this subsection, the term `corrective action' means action, consistent with State law, that--

`(i) substantially and directly responds to--

`(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

`(II) any underlying staffing, curriculum, or other problems in the school; and

`(ii) is designed to increase substantially the likelihood that each group of students described in 1111(b)(2)(C) enrolled in the school identified for corrective action will meet or exceed the State's proficient levels of achievement on the State academic assessments described in section 1111(b)(3).

`(B) SYSTEM- In order to help students served under this part meet challenging State student academic achievement standards, each local educational agency shall implement a system of corrective action in accordance with subparagraphs (C) through (E).

`(C) ROLE OF LOCAL EDUCATIONAL AGENCY- In the case of any school served by a local educational agency under this part that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2), by the end of the second full school year after the identification under paragraph (1), the local educational agency shall--

`(i) continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, in accordance with paragraph (1)(E) and (F);

`(ii) continue to provide technical assistance consistent with paragraph (4) while instituting

any corrective action under clause (iv);

`(iii) continue to make supplemental educational services available, in accordance with subsection (e), to children who remain in the school; and

`(iv) identify the school for corrective action and take at least one of the following corrective actions:

`(I) Replace the school staff who are relevant to the failure to make adequate yearly progress.

`(II) Institute and fully implement a new curriculum, including providing appropriate professional development for all relevant staff, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make adequate yearly progress.

`(III) Significantly decrease management authority at the school level.

`(IV) Appoint an outside expert to advise the school on its progress toward making adequate yearly progress, based on its school plan under paragraph (3).

1) CHALLENGING ACADEMIC STANDARDS-

`(A) IN GENERAL- Each State plan shall demonstrate that the State has adopted challenging academic content standards and challenging student academic achievement standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

`(B) SAME STANDARDS- The academic standards required by subparagraph (A) shall be the same academic standards that the State applies to all schools and children in the State.

`(C) SUBJECTS- The State shall have such academic standards for all public elementary school and secondary school children, including children served under this part, in subjects determined by the State, but including at least mathematics, reading or language arts, and (beginning in the 2005-2006 school year) science, which shall include the same knowledge, skills, and levels of achievement expected of all children.