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Domesticating a Revolution:
No Child Left Behind Reforms and State
Administrative Response

By

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September 2006

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EXECUTIVE SUMMARY

The No Child Left Behind Act of 2001 (NCLB) represents the most extraordinary expansion of federal power over public schools in American history but it relies not on the small federal bureaucracy but on state education agencies to play the crucial roles in implementing the federal mandates. Since state law sets the framework of educational requirements and policy and since states have sweeping authority over public schools and are traditionally central in the administration of many federal grant programs, this is not surprising. Because the requirements of the law are extraordinary, the new resources modest, and the requirements reach much further into the internal operation of schools than any previous federal intervention, the law provides a test of the capacity of state educational agencies to impose dramatic educational changes and administer sweeping sanctions reaching many schools and districts.

This report examines the role of state education agencies in implementing NCLB, their capacity and expertise to meet its requirements, and how this capacity varies across states, including how states are meeting the increased financial and human resource demands of NCLB and how they are working with schools and districts identified for improvement under the law. A fundamental question is whether or not the state agencies have the resources, knowledge, and organizational capacity to intervene on the scale demanded by NCLB. In addition, the report traces the development of the state role in education and how this shaped both the structure of the educational system and the functions that state educational agencies perform. This historical development has implications for the ability of state agencies to meet the NCLB requirements since it establishes the existing conditions that states operate under. The report uses a case study methodology and data collected from six states (Arizona, California, Georgia, Illinois, New York, and Virginia) that are part of an ongoing study of NCLB.

We found that state administrators did their best to implement that law and comply with the initial stages of enforcement, even when political battles over the law were raging around them. What the law confronted was not systemic resistance and sabotage, but rather conflicts between federal demands and local realities, with the state officials feeling pressures from both sides and trying to keep going.

- NCLB combines extremely demanding educational goals with extremely limited administrative resources. Additional federal resources were limited to the first year and while the law gave states modest funding for administration, it simultaneously imposed major new requirements that meant funds were shifted from one area to another.
- Federal resources for states to provide support to low-performing schools and districts was insufficient and did not represent additional money but rather a reallocation of Title I funds. The act authorizes a separate program for school improvement, but it has never received appropriations. The administrative set-aside for school improvement does not represent additional funds but rather a re-allocation of existing funds.

- State responsibilities under NCLB have increased far faster than either the size of state agencies or the expertise of the agency personnel. State education agencies faced staff reductions and budget cuts at the same time the federal government was demanding more of them under NCLB.
- States responded to the new NCLB requirements by giving staff more responsibilities and re-allocating funding and staff time to meet the new demands placed on them. Given the array of state responsibilities under NCLB, states focused on some of the requirements while ignoring or postponing others. Meeting the NCLB timelines (in order to avoid the loss of funds for being out of compliance), establishing a test-based accountability system, and developing data collection and reporting systems drove much of the state response to NCLB.
 - State agencies focused on assessments, data, and the procedural parts of the law because this was where administrators had prior experience and were functions that state agencies could accomplish.
- State efforts to provide support for school improvement or to intervene directly in schools and districts prior to NCLB were limited at best and not very effective.
- The low level of federal investment in state school improvement under NCLB limited what states could do to help low-performing schools to compliance and monitoring activities. Because of limited federal and state resources, states put the burden for school improvement on districts, relied on regional centers to provide assistance to schools and districts, and made schools central to their own improvement through the school improvement planning process and school improvement plans.

This report shows striking good faith at the state administrative level to implement the NCLB requirements but also a striking lack of resources and knowledge to accomplish the extraordinary goals of NCLB. States focused on some of the requirements—data, assessments, and the procedural parts of the law—because these were areas where they had expertise and could actually control. For the most ambitious goals of improving school performance, the law provided few resources, and the previous experience of the states in dealing with much smaller numbers of schools and districts did not prepare them for the size and scope needed under NCLB. When NCLB comes up for re-authorization, the findings from this report would suggest that Congress needs to design a policy that recognizes both the realities of policy possibilities as known by educational professionals and the necessity in a federal system of leading by persuasion and incentives more often than by threats and negative sanctions.

INTRODUCTION

The No Child Left Behind Act of 2001 (NCLB) represents the most extraordinary expansion of federal power over public schools in American history but it relies not on the small federal bureaucracy but on state education agencies to play the crucial roles in implementing the federal mandates. Since state law sets the framework of educational requirements and policy and since states have sweeping authority over public schools and are traditionally central in the administration of many federal grant programs, this is not surprising. Because the requirements of the law are extraordinary, the new resources modest, and the requirements reach much further into the internal operation of schools than any previous federal intervention, the law provides a test of the capacity of state educational agencies to impose dramatic educational changes and administer sweeping sanctions reaching many schools and districts.

Under NLCB, states are required to develop testing systems few preferred, to collect and publish sensitive racial and ethnic data, to brand their schools as failures on the basis of Congressional criteria, to demand levels and timing and uniformity of educational progress that is unprecedented, to force very dramatic educational change, and to be prepared to implement drastic sanctions against many of their schools and districts. For the relatively small agencies that generally devote relatively modest efforts to distribute resources and assure compliance with much less coercive laws usually in a climate of professional collaboration, these are drastic changes. They test the capacity of federal law to force substantive educational change on the country and the capacity of state agencies to accomplish federal goals. If the goals of the NCLB law were realized and a very modest federal share of school spending could be used to successfully leverage vast reforms, it will represent a fundamental change in the development of the nation's most visible and important public institutions. Should the effort fail because the states cannot implement the changes because of lack of capacity, conflict over goals, or the intrinsic un-workability of the changes demanded, there will be important consequences for the future of educational federalism, for the future of the state agencies, and for the public debate about educational reform. Although the vast majority of the discussion of NCLB has concerned the actions of the federal government or issues at the local school district level, it is impossible to understand the policy results or the basic lessons of the implementation efforts without understanding the state role.

In a true federal system where the state and national governments have their own independent political and legal systems, there is always tension over the division of power and authority. These issues have been particularly salient in struggles over school policy. In the U.S., where only the President and Vice President are elected nationally and all members of Congress as well as state officials are elected or appointed at the state or local level, disgruntled state and local officials and citizens have channels for changing federal programs since all federal programs depend upon appropriations and laws from Congress and members of the House and Senate depend on state and local electorates, not the White House, for their survival. The administrative and professional struggles over implementation of a controversial federal law are very likely to enter into politics. This has surely happened with No Child Left Behind, as many legislatures express their

displeasure with the law and state elected and appointed officials in some states became active critics and the federal government began to move from a posture of imposition of rigid requirements to negotiation, permitting many changes that it previously resisted.

One of the unusual aspects of the law was that it was made with very limited consultation with leading educational experts, either researchers or professional leaders, and it embodied requirements that few experts' thought could possibly be attained. Normally the major interest groups and the responsible state and local officials are actively involved in the shaping of important federal grant programs. In this case a Congressional majority and a President hostile to the educational establishment determined to impose major policy changes and to require changes in results that were unprecedented. Since the law's requirements were backed by widespread sanctions that became increasingly evident by 2005, it is not surprising that there was severe conflict. One of the very interesting aspects of this study, however, is the finding that even when there was disagreement and conflict, state administrators usually tried their best to obey the law, at least by implementing the data collection and testing requirements and the market-based sanctions. Administrators acted as if the law were rational, thought positively, and did their best to comply with the initial stages of enforcement, even when political battles were raging around them. This makes the study of state response and state capacity all the more interesting. What the law confronted was not systemic resistance and sabotage, but rather conflicts between federal demands and local realities, with the state officials feeling the pressure from both sides and trying to keep going.

METHOD

Policy research on the administrative politics involved in the enforcement of controversial policies by state officials is not something that can be done by sending questionnaires to a random sample of officials about extremely sensitive issues, including discussions of the limitations of their own agencies to meet the law's requirements and the legal and political conflicts affecting their work. In contrast, this study uses a case study methodology focusing on elite interviews and the use of other sources to assure the most accurate results. We have negotiated access to a sample of states selected on dimensions we consider of fundamental importance for getting a sense of the issues of state capacity. As part of a larger study on NCLB, we are following implementation of NCLB in six states—Arizona, California, Georgia, Illinois, New York, and Virginia. These six states are geographically and politically diverse, with each state located in each geographic region of the U.S. (West, Central, Northeast, and Southeast). Politically, the degree of state control over local education policies varies, and the states differed prior to NCLB in where they were in the reform process as it relates to the NCLB requirements. Finally, each state has a large portion of minority and low-income students, the intended beneficiaries of the NCLB policies.

Two types of capacity are critical to understanding states' ability to implement NCLB: (1) human and financial resources available to the state and local agencies, including expertise in a broad range of areas; and (2) organizational capacity, including

the systems necessary to meet the data management and testing requirements, and the formal and informal organizational networks between state and local authorities to provide technical assistance and support to local districts and schools. Within this framework, we take into account the factors that facilitate or constrain the activities state education agencies took in response to the NCLB requirements. Structural factors are related to how the education system is organized (i.e., through a multi-level governance system) and the limited influence state actors have on schools and districts as a result of this structure. Others are functional and related to what states agencies do best, including the capacity to monitor for compliance, issues regulations and guidelines, and operating as a conduit for the distribution of federal and state funds. The third factor is political and includes the pressures operating on states to undertake some activities rather than others. At the same time, states are pressed from Washington to comply with the federal requirements.

The data for this study is drawn from a variety of sources. We interviewed state department of education officials in each state. These interviews took place between January and May 2005 and included interviews with directors of federal programs, budget directors, officials responsible for accountability systems, assessment directors, officials directing school improvement programs, and information and reporting officers. We also collected state policy documents, descriptions of programs designed to meet the NCLB requirements, and budget and staffing information. Some of the policy and program documents were obtained from state education websites. We augmented our state interview data and documents with local and national newspaper articles. The variety of qualitative data sources allowed us to verify information from the various sources.

In the first section, we trace the development of the state role in education and how this shaped both the structure of the educational system and the functions that state departments of education perform. This historical development has implications for the ability of state agencies to meet the NCLB requirements since it establishes the existing conditions that states operate under. At the same time, the way the U.S. Department of Education has interpreted and enforced the law has reinforced the monitoring and regulatory functions of state education agencies and strengthened the need for people with specialized professional knowledge in some areas and not others. The second section examines the constraints on implementing NCLB, including the limited financial and human resources that are available to states and the limitations on the capacity of districts to intervene in local districts and schools. In the third section, we show how state capacity has resulted in the inability of many states to meet some of the most basic requirements in NCLB and examine how states devoted their limited resources.

STATE CAPACITY IN HISTORICAL PERSPECTIVE

Although we discuss educational issues on a national level and the local press tends to cover school board conflicts and local leaders, public education in the U.S. is largely controlled by state laws. In important respects we have 50 independent state educational systems with 15,700 local variations at the district level that are loosely

regulated by the states (U.S. Census Bureau, 2006, p. 155). This variety is related to how different regions of the country developed historically, the demographic makeup of a state's population and their ideas about how to provide for schooling, and the resources available to support public education in each state (Wirt & Kirst, 1982). It is reflected in differences in how state superintendents are selected and in their authority and responsibilities vis-à-vis the other state officials and agencies. Since legal authority for education policymaking is vested with the legislature and governor, the system is highly political. That state education systems took varied institutional forms was affected by their historical experiences. For example, New England states developed highly decentralized systems rooted in their opposition to state-center control that dates to before the revolutionary war whereas southern states developed highly centralized systems following the civil war, which devastated the ability of counties to fund or manage education (Wirt & Kirst, 1982).

Regardless of this variation, state leaders were crucial in establishing and expanding public education. Early in the nation's history, state governments gave public funds to support both public and private education and state constitutions recognized education as a public interest (Tyack & Hansot, 1982). Both the common school movement in the 1800s and the Progressive Movement in the early 1900s relied on state reformers to advance first the expansion of public schools and later the professionalization of the education. State policies determine who can teach, what must be included in children's education, and, in most states, what must be learned to graduate and how it will be assessed. States sought to standardize education by passing compulsory attendance laws, lengthening the school term, introducing the graded school, and using standardized textbooks to improve the curriculum (Tyack & Hansot, 1982). They regulate who can teach through state certification requirements and setting standards for teacher training programs. These policies strengthened the state's legal authority over education, even when it was not exercised. States also pay for a large share of the education bill, often larger than local taxpayers and many times larger than the federal government. Needless to say, state officials must be involved in any systemic effort to change the educational system.

While states played a central role in expanding public education and developing policies to standardize and regulate education, state departments of education remained relatively small and weak. The system was decentralized and neither the federal or state government exercised much control over many kinds of education decisions at the local level. By the 1950s, local school boards and superintendents, particularly in large districts, held considerable decision making authority and operated relatively autonomously from state or federal control. This began to change when the civil rights movement focused attention on achieving equity through improvements in the schooling opportunities for low-income and minority students. For the first time, the federal government became a significant player in education, largely through increased federal aid to public schools. With the increased federal role, a larger role for state departments of education developed, both as a way to funnel money to local districts and to enforce and monitor the emerging federal requirements.

State education agencies changed in response to the expansion of the federal role into education, dating to the enactment of the Elementary and Secondary Education Act of 1965 (ESEA). To avoid criticisms of federal control of education, federal officials relied on state education agencies to administer federal funds and monitor compliance with the law's requirements. This act was the catalyst for other federal legislation that followed, including the All Handicapped Children Act of 1975 (now the Individuals with Disabilities Act (IDEA)), the Bilingual Education Act (Title VII under ESEA and Title III under NCLB) and subsequent reauthorizations of ESEA. Prior to 1965, state education agencies were small agencies that performed a limited range of functions administering some federal grant programs, distributing funds, and collecting statistics. With the passage of ESEA, federal officials needed an organizational structure to administer the federal funds and monitor implementation of the law's requirements so the act provided modest resources to expand and professionalize state agencies. In order to receive federal funds under these statutes, states had to develop and implement policies consistent with the requirements of the law. The Education Consolidation and Improvement Act of 1981 (ECIA), which reauthorized ESEA under President Reagan, gave states a larger role in decisions about the allocation of funds than they had in the past (Darling-Hammond & Marks, 1983), again requiring states to take on new responsibilities.

The reform movements during the later half of the 20th century strengthened the state role in funding and regulating education. States responded to the school finance movement of the 1960s and 1970s and the standards movement of the 1980s and 1990s by introducing laws and regulations designed to monitor local compliance with federal and state requirements. By focusing on funding disparities between districts, states moved toward a more comprehensive approach to funding education. At the same time that states were, in many cases, ordered by their state supreme courts to equalize funding across districts, many states also adopted compensatory education programs as a means to provide additional resources for at-risk students, thus reinforcing federal efforts.

The 1980s and 1990s, when both federal and state legislation embraced standards based reform, added more responsibilities to state education agencies. Under these reforms, states extended the scope of regulations to include curriculum standards and expanded state testing. These regulations were more demanding but left districts with considerable discretion to implement the curriculum standards and align them with instruction. At the federal level, the Improving America's Schools Act of 1994 (IASA) provided support for the standards movement by requiring that the same standards apply to all students, but left it to the states to develop and implement curriculum standards and assessments. Progress among states varied and weak enforcement of IASA allowed the federal government to avoid state and local opposition to an expanded federal role in education and permitted states to mold the requirements to fit their local policy priorities and the capacity of their state agencies. When NCLB was enacted in 2002, only 21 states were fully in compliance with the IASA (Sunderman & Kim, 2004). Even fewer had complied with the assessment requirements: 17 states were in compliance whereas 35 were not¹ (General Accounting Office, 2002). As chronicled by Education Week yearly

¹ This includes the District of Columbia and Puerto Rico.

report, *Quality Counts*, by 2001 (the year NCLB was enacted) adoption of strong standards and accountability systems and the extent of state testing varied widely across the nation (Boser, 2001; Otlofshy & Olson, 2001).

By developing expertise in particular areas that allowed them to enforce the federal requirements, enact the state policies, and act as a conduit for the flow of federal and state money to school districts, state agencies defined their role largely in traditional bureaucratic terms (Elmore & Fuhrman, 1995), p. 450. But responsibilities have grown faster than their funding or staffing. The bureaucratic structure of state agencies and the relative weakness of their staffs in the core areas of educational reform meant they focused less on issues concerning the academic content of the curriculum, assessment, school organization and management, precisely those areas now demanding attention under NCLB (Elmore & Fuhrman, 1995). Their reliance on regulatory processes to control education is further limited by the loose coupling of the education system in which other levels of the education system have considerable autonomy and authority to affect how teachers organize the curriculum and deliver instruction (Rowan, 1990). The educational system is institutionally complex, and state education agencies are limited by a much wider system of organizational relationships that operate within the education system (Meyer, Scott, Strang, & Creighton, 1994). There is a whole network of organized interests, professional groups, the courts, business, and elected state and local officials that affects education that is not easily controlled by the state education bureaucracy.

The 2001 No Child Left Behind Act furthers the trend of making states central to implementing school reform efforts and relies on assumptions about the professional capacity of all state education agencies, which in fact vary from large professional staffs in the largest states, to very modest operations in the smallest and poorest, to achieve unprecedented educational progress and implement sanctions that will require deep interventions in thousands of schools that do not meet the required annual progress standards of the federal law. A fundamental question is whether or not the state agencies have the resources, knowledge, and organizational capacity to intervene at the scale demanded by NCLB.

State Responsibilities Under NCLB

State responsibilities under NCLB are extensive. To meet the requirements of NCLB, states are required to develop and administer an accountability system that assess students annually and, on the bases of those assessments, determines whether schools and districts are making adequate yearly progress. States must create and implement curriculum standards and assessments in reading, mathematics, and science in grades 3-8 and in at least one grade level in grades 10-12. These requirements increased the number of tests in the three subject areas (reading/language arts, mathematics, science) from 6 that were required under the 1994 ESEA reauthorization to 17 under NCLB (Government Accountability Office, 2003) (Table 1). In addition to the tests in core subject areas, states must assess students with disabilities, providing both appropriate assessments and accommodations where necessary, and assess students learning English for English

proficiency. Some assessments must be offered in a student’s native language while in other cases such assessments are prohibited. The law established a timeline for when these tests must be in place and determined that all students must score proficient on state tests by 2014.

Table 1: Number of Assessments in Three Subject Areas Required by the 1994 and 2001 ESEA Reauthorizations

Subject	Number of Required Assessments	
	1994 ESEA	2001 ESEA
Reading/Language Arts	3	7
Mathematics	3	7
Science	0	3
TOTAL	6	17

Source: Government Accountability Office (2003).

NCLB also expands the data collection and reporting requirements. States need to have appropriate data collection and information systems in place that can disaggregate student test scores by race, English language ability, and disability status and the expertise necessary to make adequate yearly progress determinations. States must monitor teacher and paraprofessional qualifications to insure they are all highly qualified by a date specified in the law. The addition of timelines for when states must have all students score proficient on state tests and when all teachers and paraprofessionals must be highly qualified as well as the inclusion of mandated sanctions are new with NCLB.

Three significant changes to NCLB from previous legislation significantly altered the state role and placed added demands and responsibilities on state departments of education. First, requirements that all students, including all subgroups, must reach a state’s proficiency goals by 2014 raises the expectations and goals of Title I by requiring that states bring all schools and all subgroups to the same level of performance within a relatively short period of time. NCLB requires universal high achievement for all students and attaches sanctions that become increasingly severe the longer a school or district does not meet the state’s achievement goals. The law, which relies on outcomes rather than the provision of additional resources to improve student performance, operates on the assumption that state education agencies and boards will re-allocate their scarce resources in ways that will allow all schools to meet this goal and that it is possible to bring all students to 100% proficiency. It ignores huge resource differences between districts that are closely related to the socio-economic status of the students.

Second, states have a role in helping schools and districts improve under NCLB, a requirement that traditionally has not been a state function. State agencies developed the expertise and capacity to funnel state and federal funds to local districts and to propagate regulations needed to monitor education. They developed a bureaucratic structure that allows them to perform some functions better than others. Requiring states to intervene and force change in schools and districts requires a very different sort of capacity and expertise than that required for monitoring or funneling funds to local districts. The law requires states to “. . . establish a statewide system of intensive and sustained support and

improvement for local educational agencies and schools” that have been identified for improvement (NCLB, 2002, Sec. 1117(a)(1)). The law is very specific about what this must include, yet the resources provided for this are limited at best. While the law authorizes a separate program for school improvement, funds have never been appropriated for this program. The other mechanism, a set aside where states can reserve 1% of the Title I funds for administration, is insufficient and reduces the funding that is available for other Title I activities (Center on Education Policy, 2006, February).

Third, the inclusion of timelines for when states must meet the NCLB requirements mean all states must be at the same place regardless of where they start. Under NCLB, states must adhere to federally determined timelines for establishing an accountability system and having assessments in place, identifying failing schools and improving student achievement, establishing adequate yearly progress goals, and ensuring teacher quality. The 1994 ESEA reauthorizations included the possibility of timeline extensions, something not included under NCLB. For example, the 1994 ESEA reauthorization allowed states until 2000-01 to phase in the testing requirements and allowed for the possibility of time extensions beyond that. Under NCLB, states must have all assessments in place by 2005-06 with no possibility for timeline extensions.² It also imposes strict timelines for improving the achievement of disadvantaged students and mandates specific sanctions for schools not performing well.

The challenge of implementing the NCLB requirements produced angry reactions by state and local officials. These were initially rejected by the U.S. Department of Education (ED), which took a rigid approach to enforcing the NCLB requirements that did not recognize the complexity of state responsibilities. As political opposition to the law intensified, ED loosened some of the regulations governing the law and followed a process more typical of federally funded grant programs. Many of the changes ED allowed were a sign of the stress the NCLB requirements placed on state education systems. States were given additional time to meet the highly qualified teacher requirements in part because of questions about the validity of state data and the time it took states to develop the data systems needed to track teacher requirements. In response to the rapidly increasing number of schools and districts identified for improvement and subject to the law’s sanctions, a situation likely to overwhelm the capacity of states to intervene, ED negotiated numerous changes in state accountability plans that reduced the number of schools or districts identified for improvement, at least temporarily (Sunderman, 2006). Other changes allowed by ED acknowledged the difficulties of holding English language learners and students with disabilities to the grade level standards and the lack of adequate assessments needed to assess these two subgroups. Despite these nods to limits on school, district, and state capacity, there was no serious debate showing what areas states have the capacity to meet the law’s requirements, where additional resources would be needed, and what areas might be outside the realm of state expertise and capacity.

² The law provides for an extension of one year if there is an exceptional or uncontrollable event, such as a natural disaster or unforeseen decline in the financial resources of the state (NCLB, 2002, Sec. 1111,(b)(3)(C)(viii).

At the same time the administration was approving ad hoc changes to state accountability plans, it was developing policies that reinforced the administrative and management functions of state education agencies and strengthened the need for people with specialized professional knowledge in accountability and testing but not in substantive educational reform. In April 2005, Secretary Margaret Spellings announced a new policy that was intended to give states additional flexibility in implementing the law (Spellings, 2005, April 7). Under this policy, the secretary outlined a set of guiding principles that ED would take into account when considering whether to approve further amendments to state accountability plans. These principles emphasized testing and accountability, access to information, implementation of the transfer and supplemental services provisions, and a means for demonstrating that all teachers are highly qualified. There was no mention of developing an effective system to help low-performing schools and districts build the capacity needed to provide quality instruction.

The focus on testing and accountability, data collection, teacher qualifications, and market mechanisms to improve schools outlined in the this new policy means that states are likely to use a narrow range of instruments, strategies, and tools when implementing NCLB and rely primarily on a monitoring and regulatory process rather than focus on more long-term strategies that build the capacity of schools and districts to improve instruction (Elmore & Fuhrman, 1995). For example, the emphasis on testing and accountability requires states to develop the administrative capacity to administer tests and reinforces the state role in monitoring the yearly academic progress of schools and districts. It requires huge investments of both the financial and human resources that reside in the state education agency and diverts large sums of money to testing companies for the development and administration of tests. The focus on teacher quality, defined as state certification, reinforces the traditional role of the states in certifying teachers, an administrative function, but also requires them to collect much more information on teachers than they did previously. The emphasis on access to information and providing report cards will require states to develop an elaborate data collection and reporting system and, since such a system relies on data reported by local districts, support the development of local infrastructure. If states are to insure that districts are implementing supplemental services in good faith and expanding district capacity for public school choice, additional capacity to monitor and evaluate these programs will be required.

The lack of emphasis in these principles on helping schools and districts develop the capacity that will help them improve as well as the federal administration's ideological allegiance to market principles may inhibit rather than encourage states to use their resources to build instructional capacity of schools or districts or to develop the technical expertise necessary to support school improvement efforts. The combination of demand for unprecedented results and the expectation that state agencies had the capacity to impose unspecified reforms that would achieve them created massive challenges to states in meeting even the first parts of the required changes.

CONSTRAINTS ON IMPLEMENTING NCLB

NCLB combines extremely demanding educational goals with extremely limited administrative resources. There is the assumption in the act that drastic change can and should be imposed on the educational system but, at the same time, the law reflects the anti-government, anti-bureaucratic assumptions of the conservative political movement that created it. So state agencies are expected to make unprecedented changes with a tiny fraction of one percent of the money in a school district's budget for the costs of supervision and intervention. Opposition to bureaucracy is also evident at the state level. In some states the anti-bureaucratic assumptions in state politics led to slashes in state professional staff even as the responsibilities for complex educational intervention soared. Since teacher organizations are always one of the dominant forces in state educational policy while state bureaucrats have little political constituency, it is often popular to cut the "bureaucracy" to fund teacher salaries. The state experts who are required to mount massive new assessment and data systems and do whatever is needed to achieve huge educational gains are on the one hand given massive responsibilities and on the other, spoken of as if they were a waste of money. The act sets aside a much larger share of the Title I budget for two market-driven reforms that are assumed to have powerful impacts on school reform—supplemental educational services and the transfer option—than it does to support state intervention activities. Neither district administrators, school principals or state administrators were dealt with in a coherent way in the act, although studies of systemic school reform show that strong and consistent leadership is crucial to successful school reform. In this section we examine the financial and human resources available to state educational agencies to meet the NCLB requirements and expand their capacity to intervene in local schools.

Limited Financial Resources

At the time when Congress passed NCLB, there had been significant recent growth in public school expenditures. Federal spending for elementary and secondary education had increased by 50% and by almost 20% for Title I between 1998 and 2001. Even so, the federal share of educational spending was about 8% of the total cost. There was also the expectation, written into the law, that appropriations would continue to grow rapidly to offset the increased requirements placed on states. The increase in appropriations for Title I was viewed as a condition under which the goals of the legislation could be realized.

The implementation of NCLB coincided with the biggest decline in state revenues in at least twenty years (Boyd, 2003) and the most severe fiscal situation in 60 years (National Governor's Association & National Association of State Budget Officers, 2004, April). For at least three consecutive years, FY 2002 through FY 2004, states reported budget short falls at some point during the fiscal year. States, which are legally obligated to balance their budgets, used a variety of methods to bring their budgets into balance, including across-the-board cuts to state programs (including education) and laying off employees. In California, a state with one of the largest budget shortfalls, the governor called for state agencies to trim 20% from their budgets and sought wage reductions in

state agencies (National Conference of State Legislatures, 2003). The governor of Ohio signed an executive order in March 2003 that cut funding to the Ohio Department of Education by \$9.3 million and state aid to schools by \$90.6 million (Ohlemacher & Okoben, 2003). In FY 2004 Illinois cut the amount of funds available for state education agency staff by \$7.1 million over the previous year (Illinois State Board of Education, 2003, June 19).

NCLB provided additional money, but much of this increase came during the first year (FY 2002) when Title I funding increased 18.11% and total appropriations for elementary and secondary education increased 17.43% (Table 2). Since then, increases have been smaller and are negligible when factoring in inflation. Appropriations for Title I actually decreased in FY 2006. The 3% increase in Title I grants to local districts in FY 2005 did not keep pace with the 6% increase in the number of children in poverty (Center for Education Policy, 2005, July). The president’s proposed FY 2007 budget held Title I funding constant while reducing overall appropriations for elementary and secondary education by 4.19%. These reductions came at the same time that the federal demands were increasing and states were required to raise proficiency levels, have assessments in place, and insure all teachers were highly qualified.

Table 2: Title I Grants to Local Education Agencies (LEAs) and Total Elementary and Secondary Education Appropriations (in thousands of dollars), FY 1998 – 2007

Fiscal Year	ESEA Title I Grants to LEAS	% Increase From Prior Year	Total Elem. & Secondary Appropriation	% Increase From Prior Year
1998	\$ 7,375,232	1.09	\$18,164,490	10.28
1999	7,732,397	4.84	20,951,877	15.35
2000	7,941,397	2.70	22,600,399	7.87
2001	8,762,721	10.34	27,316,893	20.87
2002	10,350,000	18.11	32,078,434	17.43
2003	11,688,664	12.93	35,113,253	9.46
2004	12,342,309	5.59	36,942,478	5.21
2005	12,739,571	3.22	37,530,257	1.59
2006	12,713,125	-0.21	37,863,840	0.89
2007*	12,713,125	0	36,276,140	-4.19

Source: U.S. Department of Education, Budget History Table: FY 1980 – present. Retrieved August 15, 2006 from www.ed.gov/about/overview/budget/history/edhistory.pdf

Note: *2007 President’s Proposed Budget.

The law gave states modest funding for administration but simultaneously imposed major new requirements.³ At the same time, program changes and the set-aside requirements offset much of the overall increases in funds states received. NCLB added new requirements to existing programs and established new priorities, which meant funds

³ States may reserve 1% of the amount they receive from Parts A, C and D of Title I for administration. There is a ceiling on the amount that can be reserved (NCLB, 2002, Sec. 1004).

were often shifted from one area to another. For example, the administration cut or reduced some federal programs, such as the Title V Innovative Programs and the Comprehensive School Reform Demonstration (CSRS) program, which had provided support for state agencies, and consolidated other programs. The law authorized a new program for school improvement, but funds were never appropriated for this program. The old harmless provisions, which limit how much districts can lose due to funding and formula changes, affects the total a state receives since it is the district allocation that determines the state amount (Center for Education Policy, 2005, July). Finally, some areas, such as the requirements to monitor supplemental service providers, develop data collection and reporting capacity, and provide school improvement support, added to state responsibilities.

A central component of NCLB requires states to provide additional support for low-performing schools and districts. Even though this represents a major challenge for states—the record on state intervention is poor—the amount of funding appropriated under NCLB was insufficient and did not represent additional money but rather a re-allocation of Title I funds. NCLB includes two mechanisms for states to receive funds for school improvement activities, one of which has never received appropriations. Section 1003(g) of the act authorizes a separate program for school improvement. States could receive grants under this program, which they could then award to districts for school improvement activities. The law stipulates that these grants are not less than \$50,000 or more than \$500,000. A portion of these grants (5%), if they were available, could be reserved by the state for administration, evaluation, and technical assistance. Since funds have never been appropriated for this program, school improvement activities have come from the Title I basic grant to states as a set aside. Congress had, since the 1980s, been moving toward funding comprehensive school reforms, reflecting research suggesting that serious multi-year efforts to fundamentally restructure schools and implement coherent curricula with retrained teachers was essential to achieve lasting results. Although the NCLB contains many references to “research-based” methods of producing gains, its basic requirements for adequate yearly progress did not reflect that research and its failure to continue funding of such models as well as the pressure for immediate test score gains, undermined those approaches (Obey-Porter, 1997).

The set aside requires states to reserve a portion of their Title I funds for school improvement (NCLB, 2002, Sec. 1003(a)). Beginning with the 2005-06 school year, this reservation rose from 2% to 4%. Of this allocation, 95% must go to local educational agencies to support school improvement activities for schools identified for improvement (NCLB, 2002, Sec. 1003(b)). The remaining 5% may be used by the state educational agency “to carry out states responsibilities . . . , including carrying out the State educational agency’s statewide system of technical assistance and support for local educational agencies” (NCLB, 2002, Sec. 10003 (a)). Since this reservation is tied to the overall Title I appropriations, the amount of the set aside is related to overall increases (or decreases) in Title I funding; it does not represent additional funds. Moreover, it reduces Title I allocations to districts since only some districts receive school improvement funds and states move money from some districts to others to meet the law’s requirements. It also causes a loss of flexibility since districts must use the school improvement funds to

help only those schools identified for improvement (Center on Education Policy, 2006, February).

To implement NCLB, states used both federal and state funding since NCLB required massive changes in assessments and additional data collection. A number of states have initiated cost studies to identify the costs of meeting the NCLB requirements. These studies find that the costs are substantial, they are greater at the district level than at the state level, there are considerable new costs associated with NCLB, and implementing the requirements will cost states and districts more than the increase they received in federal funds (Connecticut State Department of Education, 2005, March, 2005, May; Driscoll & Fleeter, 2003, December; Imazeki & Reschovsky, 2004; Palaich, Augenblick, Silverstein, & Brown, 2005, May; Patterson & Alter, 2005, July). These studies also indicate that while the administrative costs of implementing the new requirements are substantial, the costs of providing administrative support and remedial instructional services to poorly performing districts and schools would be far greater.

The cost studies differentiated between the administrative costs of implementing the NCLB testing and data collection requirements and the intervention costs, which are best understood as rough estimates of the costs associated with a full scale effort to bring all students up to 100% proficiency. Virginia, which had a well-established state assessment and accountability system, conservatively estimated the costs of complying with the NCLB requirements to be between \$19.9 and \$20.9 million a year (Virginia Department of Education, 2005, September 21). They estimated that many of these costs were offset by the federal funds. However, their real costs were likely to be higher since these estimates did not include costs that could not be documented or reasonably projected, such as the full costs of developing new tests for grades 4, 6, and 7 or the costs associated with testing students with disabilities. They also did not factor in the costs associated with developing a program that would bring all students to 100% proficiency. Connecticut, which did include intervention costs, estimated the costs to the state of meeting the NCLB requirements were \$41.6 million over the funds received from the federal government (Connecticut State Department of Education, 2005, March). Two key areas accounted for over 50% of this shortfall—meeting the testing requirements (\$8 million) and providing the support and technical assistance to low performing schools and districts (\$18 million). Since there is no evidence that any amount of money could produce 100% proficiency, these are rough estimates of the costs of making significant test score gains.

Minnesota concluded that the costs of the NCLB requirements could exceed the increase in federal funding, but could not determine what this cost might be because of the uncertainty surrounding future federal funding levels and the unknown cost of bringing all students up to 100% proficiency. Estimating this later cost relies on projections of the future progress of students in meeting the proficiency targets and determining the type of interventions that may be applied to reach an unprecedented goal. Minnesota simulations showed that between 80% and 100% of elementary schools would fail to make the proficiency targets by 2014, the deadline for bringing all students to 100% proficiency (Office of the Legislative Auditor, 2004). These simulations also

showed that between 35% and 76% of elementary schools would be in restructuring by that date.

The range of costs associated with NCLB identified in these cost studies is in part accounted for by the different methods used. But they are also affected by state priorities and where states were prior to NCLB in developing a state accountability system. There are huge costs associated with the testing requirements in Connecticut, for example, because they wanted to retain challenging tests. The differences are also related to assumptions states make about how many schools and districts will be in improvement status over time, what services will be needed to help students reach the proficiency goals, and how to insure all teachers are highly qualified (Center for Education Policy, 2005, March). What is most clear from these studies is that NCLB gives states education agencies more responsibilities, that many of these responsibilities go beyond what they have done in the past and are organized to do, and that additional state resources will be required to meet them.

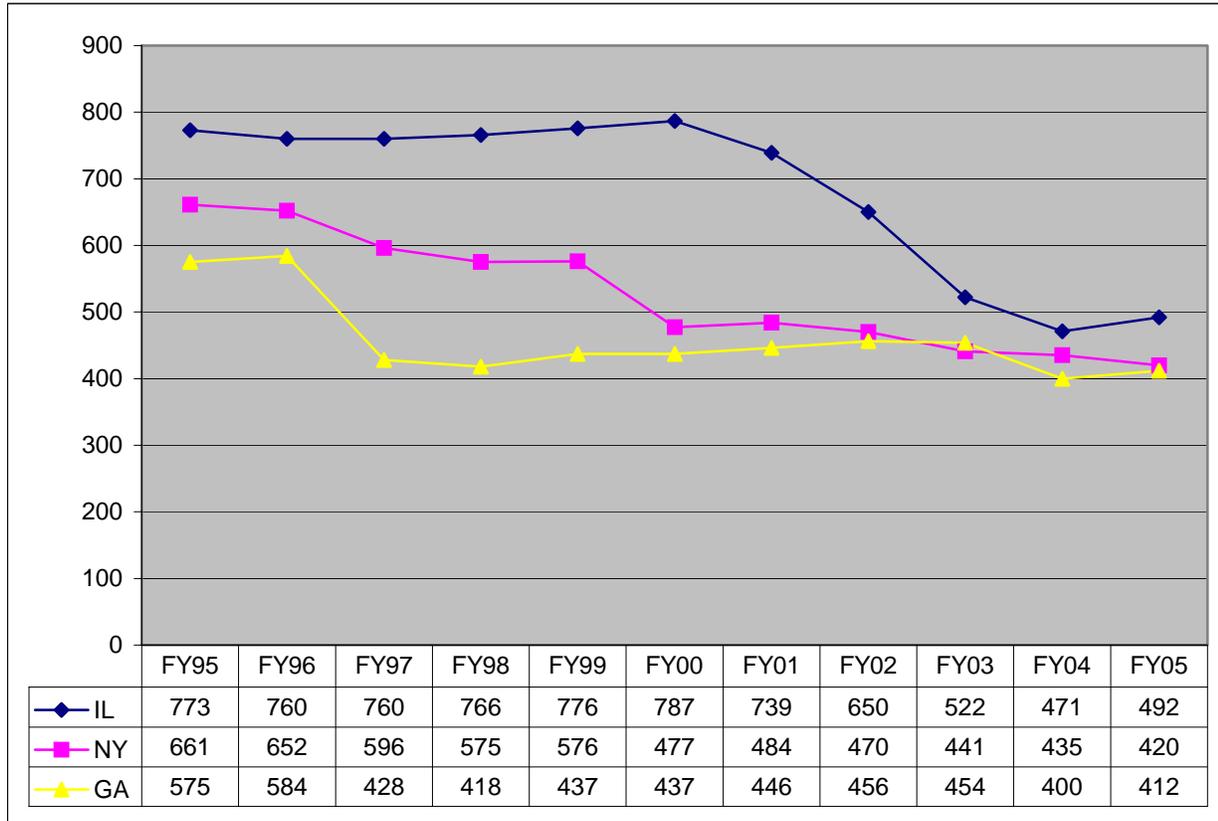
Human Resources in State Education Agencies

Even though state education agencies developed bureaucratically in response to federal and state policies, state responsibilities increased far faster than either the size of the state agencies or expertise of the agency personnel. The increases in state funding for education that followed the school finance reforms in the 1960s and 1970s did not necessarily translate into larger budgets for state agencies since much of these increases went to local districts in the form of formula grants. The standards movements also increased state responsibilities but without giving equal attention to state capacity. At the same time, periodic recessions (i.e., early 1990s) reduced state budgets, disrupted reform efforts, and checked the growth of state agencies. During times of declining resources, legislators find it easier to cut the bureaucracy than to reduce funding to local districts. While state funding for education increased over time, state legislatures have a preference for sending much of the increase to local districts rather than state agencies. Teacher organizations and school board associations are major political constituencies while the education bureaucracy is far weaker in a society suspicious of government. Given the financial crisis states faced when NCLB was implemented, states lacked resources to add significant numbers of staff to meet the additional requirements.

It was not unusual for state education agencies to experience a decline in the number of staff in the period prior to the passage of NCLB that continued during the first years of implementation. To illustrate, figure 1 shows historical staffing data from three states—Illinois, New York and Georgia. The number of staff in the Illinois State Board of Education declined from 787 in FY 2000 to 492 in FY 2005, a 37.5% decrease during the time the state was implementing NCLB. The decline in the number of staff in the New York Office of Elementary, Middle, Secondary, and Continuing Education began in FY 1995. Over a ten-year period, the staff declined 36.4% in this office, compared to a 9.4% decline over the same time period in the umbrella agency, the New York State Education Department (New York State Education Department Office of Human

Resources Management, 2004). A significant drop in staff in Georgia occurred in FY 1997, when there was a 26.7% decline in one year.

Figure 1: Staffing Count, Illinois State Board of Education, New York Office of Elementary, Middle, Secondary, and Continuing Education, and Georgia Department of Education, FY 1995 to FY 2005



Source: Illinois State Board of Education. (2005), p. 11; New York State Education Department of Human Resources Management (2004); Georgia Department of Education personal communication (September 2005).

These reductions in staff were tied to budget reductions and resulting hiring freezes, agency reorganizations where divisions were eliminated, consolidated, or moved to other agencies, staff turnover and retirements, and political factors. In Illinois, financial pressures on the state emanating from the state budget crisis in the three years after NCLB was passed combined with the political maneuverings of the Governor to reduce the budget. Illinois Governor Rod R. Blagojevich targeted the size and effectiveness of the bureaucracy in his 2004 State of the State address, calling the Illinois State Board of Education (ISBE) “an old, Soviet style bureaucracy—its clunky and inefficient, it issues mandates, it spends money, it dictates policy, and it isn’t accountable to anyone for anything” (Blagojevich, 2004). The governor called for replacing the system with a Department of Education that would be more directly under the control of the governor. This followed several years of budget cuts that included a \$7.1 million cut in funds available for ISBE staff in the FY 2004 budget, corresponding to the elimination

of 45 positions (Illinois State Board of Education, 2003, June 19). These severe cuts came not from a conservative GOP Governor but from Illinois first Democratic governor in a third of a century, reflecting the widespread bipartisan anti-bureaucratic attitudes common in U.S. political discourse.

In Georgia, major political differences between the state superintendent, governor, and state board of education contributed to a decline in agency staff. To keep resources out of the hands of the superintendent, the board allocated funds to other agencies rather than to the Department of Education and offered employees an early retirement package in 1997. There were further staff reductions because many programs were under funded, something that is not apparent from the reported staffing count since the department kept many of the positions “on the books” to avoid going through a reauthorization process in the state legislature when funds were restored. With the election of a republican governor and state superintendent in 2002, the department began a rebuilding process, giving priority to adding staff to meet the federal monitoring requirements.

State Capacity to Intervene in Schools and Districts

NCLB incorporates not only requirements for achievement gains and for assessments, but also directives about what to do when districts and schools fail—a litany of state-driven reforms that appear in the law as if they were well documented methods of improving schools and as if the states have the resources and knowledge and leadership to effectively implement them. These range from state takeovers, state advisors, state decisions to convert failing schools to charter schools, mandates to develop a new school level reform plan, and, of course, implementation of supplemental educational services and transfer options for families in the many schools not making “adequate yearly progress” for all subgroups of students. The basic idea was to provide an array of strong tools states could use to force change in failing schools and districts and to demand that state and local officials do something to produce changes.

With their powerful legal control over many aspects of schooling the states seem a plausible place to vest such authority and responsibility. Clearly states have extensive legal authority over and responsibility for public education. Although the states have very different traditions of educational policy, since the reform movements of the 1980s triggered by the Reagan Administration’s *A Nation at Risk* report, states have aggressively expanded their authority and requirements, particularly by adding course requirements in math and science, requiring state assessments, and reporting more data on test scores by district and school. Since most states now have “standards-based reforms” that have some parallels with features of NCLB, it is not surprising that Congress gave them major responsibilities for breaking the cycle of low performance and accelerating educational gains at the school and district level.

The idea of drastic action by states was not new in NCLB. As is true in NCLB, there is the assumption that reform is often blocked by recalcitrant local forces and that it can be imposed more successfully in some cases by a distant force less entangled in local pressures, antiquated institutions, and politics. In fact, 29 states have the authority to take

control of a district and simply override local authorities under specified circumstances and about a third of the states also have the authority to cease control of individual schools and impose changes (Education Commission of the States, 2006). The actual record of state interventions is surprisingly long and extensive but also disappointing.

The idea of state takeovers blossomed in the reform era in the late 1980s and became widespread in the following decade. It often began in cases of financial collapse where the state was forced to step in, in court orders, in cases of massive corruption, or, as the standards-based reform movement became more intense, in cases of persistent academic disaster. New Jersey was the first state to takeover a district for poor academic performance but there were major efforts in a number of states, including California, Illinois, Ohio, Maryland, New York, Connecticut, and others. A study by the Education Commission of the States, a compact of state education agencies hardly hostile to or critical of the idea of a vigorous state role in education policy, concluded in a 2004 report that takeovers were “yielding more gains in central office activities than in classroom instructional practices” by helping to straighten out accounts and business practices and upgrading facilities (Education Commission of the States, 2004, March). Little progress was noted on academic gains, certainly nothing like the gains required by NCLB: “...student achievement still oftentimes falls short of expectations.... In most cases, academic results are usually mixed at best, with increases in student performances in some areas...and decreases in student performance in other areas” (Education Commission of the States, 2004, March).

The basic problems of state control of local schools or districts arise from the fact that only in terms of politics and management are there any probable advantages. State officials are often former district officials who have not run large, complex, and troubled schools or districts where most of the serious problems are. They often have little or no credibility in the context of those settings and are usually white, taking over schools or districts that are very largely nonwhite and poor and that resent the intrusion. Usually they come in under circumstances that violate local and state political traditions and with little understanding of the communities in which they are operating.

Congress might have thought about spectacular examples such as the U.S. Capital, Washington D.C. where Congress displaced the local school authorities and appointed outsiders to implement their own reforms in the mid-1990s with little visible impact. Or the story of Connecticut, where the state removed the local board, where an attempt to turn the district over to a private contractor failed and where a state-appointed board with extra funds failed to make significant changes. Or the frustrating experiences of New Jersey in taking over several of its major urban districts, of Maryland, in Baltimore, of Illinois in East St. Louis and Chicago, of Ohio in Cleveland, of California in Compton, Richmond and Oakland, New York in the Roosevelt District in Long Island, and a number of others. There is just very little evidence that any state is capable of achieving the vast transformations and rapid progress for all subgroups required by NCLB (Hunter, 1997; Mathews, 2000; Strauss & Loeb, 1998; Weizel, 1997; Wyatt, 2000).

With NCLB, Congress was requiring changes no state had been able to accomplish with its own takeovers, even though they involved far fewer schools and districts that were facing sanctions under NCLB. The assumption that there were practical remedies in the reach of state agencies had very little empirical grounding.

MEETING THE NCLB REQUIREMENTS

The lack of attention in NCLB to state capacity was evident early on in the process of implementing NCLB and the state’s inability to meet a basic requirement in the law—the development of a state plan detailing how they intend to meet the NCLB requirements. State education officials were required to submit a Consolidated State Application to ED by June 2003, one year after NCLB was signed into law. ED, which reviewed these plans, established two levels of approval: fully approved and approved. Plans were “fully approved” if they met all of the NCLB requirements and “approved” if there were additional conditions that states had to meet (Government Accountability Office, 2004). When these plans were due in June 2003, only 11 states (21.2%) had state plans that were fully approved by ED. By July 31, 2004, an additional 16 state plans and Puerto Rico were fully approved by ED, bringing to 28 the number of states (53.8%) with fully approved plans (Government Accountability Office, 2004). The plans for the remaining 23 states and the District of Columbia (46.2%) were approved but there were additional conditions states were required to meet before they were considered fully approved (Table 3).

Table 3: Number and Percentage of States with Accountability Plans that were Fully Approved or Approved with Conditions

Fully Approved June 2003		Fully Approved July 2004		Approved with Conditions July 2004	
Number	Percent	Number	Percent	Number	Percent
11	21.2	17	32.7	24	46.2

Source: Government Accountability Office (2004). Includes District of Columbia and Puerto Rico.

Implementing an assessment system that tested all students in grades 3 to 8 and once in high school was another fundamental requirement in NCLB. When NCLB was enacted, only 17 states were in compliance with the 1994 IASA assessment requirements; 35 were not (General Accounting Office, 2002). NCLB requires states to develop additional assessments in more grades than were required under IASA, in more subject areas, and to do so by timelines established in the law. In addition, states must develop alternative assessments for students with disabilities and assessments to determine the language proficiency of students learning English. These substantially augment state assessment requirements.

As with the accountability plans, states undergo a peer review and approval process to insure the state’s standards and assessments complied with the law. States were required to have assessments in all grades in place by the 2005-06 school year, the

fourth year of implementation. By March 2006, ED had reviewed standards and assessment materials from 14 states (Table 4). Only two states—Delaware and South Carolina—won full approval with recommendations. This means that although the state’s standards and assessment system met the NCLB statutory and regulatory requirements, ED determined that some elements of the system needed to be strengthened. South Carolina was asked to strengthen its alternative assessments for students with disabilities and Delaware to improve their academic achievement standards in science. There were four states that received deferred approval, which meant the state complied with some, but not all of the requirements. Eight states did not meet most of the requirements. Aside from the limitations on state capacity, the low number of states that had gone through the review process over half way through the school year suggests limits on the capacity of ED to monitor the states for compliance.

Table 4: Status of State Approval of Standards and Assessment System, March 2006

Final Review Pending	Deferred Approval	Full Approval with Recommendation
8 states: AL, ID, IN, NE, NV, OR, SD, TX	4 states: AK, MD, NC, WV	2 states: DE, SC

Source: U.S. Department of Education (2006). Retrieved on March 22, 2006 from <http://www.ed.gov/policy/elsec/guid/stateletters/index.html>.

State Actions to Implement NCLB and Influence Local Districts

Even though states had difficulty meeting the NCLB timelines, state officials took the requirements seriously. States responded by giving staff more responsibilities, and re-allocating funding and staff time to meet the new demands placed on them. The form this took depended on prior state policies and was driven by the NCLB timelines, a desire to avoid losing funds for being out of compliance, and the demands in the law to establish a test-based accountability system. The high stakes nature of the NCLB accountability regime created additional pressures on the state system that emanated from local districts—they wanted to make sure the school improvement designations were correct. Given the array of state responsibilities under NCLB, states focused on some of the requirements while ignoring or postponing others. Meeting NCLB timelines (and thus avoiding the loss of funds for being out of compliance), establishing a test-based accountability system, and developing data collection and reporting systems drove much of the state response to NCLB, although states varied greatly in where they set their priorities. We found that state actions to implement NCLB and influence local districts included issuing guidelines and providing training programs or holding conferences on the NCLB requirements, negotiating contracts and/or hiring consultants, and issuing reports.

Assessment Systems: NCLB allocations for state assessments helped offset some of the costs covered by the state, at least in the initial years, but state officials were concerned because there is no mechanism in NCLB for maintaining the testing system over time. Because Title VI of NCLB does not have a supplant clause, states were able to replace state funds for assessments with federal funds. For example, Illinois reduced

the amount of state funds devoted to state assessments from \$18.3 million in the 2002 fiscal year to \$8.4 million in the 2005 fiscal year (Table 5). However to achieve these cost savings, the General Assembly amended the state’s testing legislation to eliminate all testing that was not required by NCLB. This included dropping tests in writing and social studies, an action that was widely criticized.

Table 5: Federal and State Allocations for State Assessments, Illinois, FY 2002 – FY 2005

Source	State FY02	State FY03	State FY04	State FY05
Federal NCLB	0	2,074,717	6,066,235	10,281,873
Federal IDEA	0	1,800,000	1,954,996	2,101,209
Federal Title II	1,632,549	0	0	0
State	18,354,376	18,327,845	14,728,089	8,399,978
TOTAL	19,986,925	22,202,562	22,749,320	20,783,060

Source: Illinois State Board of Education.

States that did not have a testing system that met the NCLB requirements contributed substantial resources to augment the federal funds. This was the case in Arizona, where the Arizona Board of Education voted in March 2004 to issue a contract to develop and administer a new test, the AIMS-Dual Purpose Assessment (AIMS-DPA), that would replace its previous testing system (Arizona State Board of Education, 2004, March 29). The costs of developing this system were huge, and required the state to contribute over half of the funding needed for test development and administration (Table 6). In FY05, the state faced a shortfall between the estimated cost of achievement testing and the amount of funds appropriated for testing by the state legislature. In addition to the costs of developing the testing system, Arizona officials were concerned with meeting the costs of achievement testing when the federal funding ends, since the state has growing school age population requiring additional tests in future years.

Table 6: Estimated Cost of Achievement Testing and Appropriations by Source of Funds, Arizona, FY 2005 and FY 2006

Item	FY05	FY06
Total Estimated Cost of Achievement Testing	\$17,037,400	\$11,536,300
Funding Sources		
General Fund	7,567,600	4,829,600
Proposition 301 Fund	2,340,300	2,340,300
TOTAL STATE APPROPRIATION	9,907,400	7,169,900
Federal NCLB Testing Monies	5,807,900	4,366,400
Funding shortage	(1,321,600)	n/a

Source: For FY 2005, Joint Legislative Budget Committee (July 2004). *Fiscal year 2005 appropriations report*. Retrieved March 14, 2005 from <http://www.azleg.state.az.us/jlbc/05app/adeqs.pdf>.

For FY 2006, Joint Legislative Budget Committee (July 2005). *Fiscal year 2006 appropriations report*. Retrieved August 30, 2005 from <http://www.azleg.state.az.us/jlbc/06app/adeqs.pdf>.

Data Reporting: To meet the NCLB data collection and reporting mandates required states to develop a new student information system that allowed state officials to track students over time as well as collect the student demographic data essential for disaggregating test scores by subgroups. Among the six states, only California had an existing system that included student level information. Still, California added several data fields to their system in order to collect the data they needed for NCLB.

In addition to developing the state systems, state officials cited data integrity as a major challenge in meeting the NCLB reporting requirement. Since data was self-reported, the quality of data varied considerably between districts. Many districts simply lacked the infrastructure necessary to collect the required data or their systems were not compatible with the state system. To fully implement a student information system often required providing resources to districts that did not have the local resources, technology or staff to develop and implement such a system. For example, Illinois officials estimated that about 25% of the districts in Illinois did not have an electronic way of tracking enrollment, attendance, or demographic information. Georgia spent an estimated \$26 million (out of \$50 million appropriated by the state legislature) to develop the district level infrastructure necessary to establish a student information system.

Although the law focused on outcomes, the limited resources were often absorbed with collecting data on inputs and tests, leaving little time for using data to facilitate educational reform. Consequently, staff devoted their time to collecting, correcting, and analyzing the data for NCLB reporting purposes but did not have the time or resources to analyze data for program effectiveness. For example, to meet the data reporting requirements of NCLB, the policy and evaluation division of the California Department of Education reallocated staff time to complete NCLB tasks and gave up doing research studies using the data they collected, responding to outside studies using California data, or providing analyses to the Superintendent, legislature and news media. Because of the

increased amount of data required under NCLB, insuring the integrity of the data and responding to school and district challenges to improvement status consumed staff time.

“We end up crunching 4 ½ or 5 million student records and creating massive reports and with 20% of the schools, the data is wrong. So they go back, correct it . . . and then send it back and we re-crunch it again, and on and on and on. . . . And it’s gotten even worse with the high stakes of NCLB. Districts and schools are going back more and more to make sure all the data are correct. . . . This whole concept of getting good data into the department is loosely coupled and that’s that biggest point of breakdown, which keeps us busy constantly.” (Personal Interview, California Department of Education, 2-16-05).

Since the data states collected was used to comply with NCLB, not the separate and preexisting state reforms, it provided statistical data that was often not very useful to state officials or district educators. In Illinois, districts questioned the usefulness of the data since it did not tell them which programs worked or how it would help their schools. For example, the state collects data on the number of students taking advantage of the transfer option, but does not provide information on “what it means in the long run in terms of policy. The data tells us which [supplemental educational services] vendors are chosen more frequently than others, but it doesn’t really speak to the issue of which programs are more effective than others. . . .” (Personal Interview, Illinois State Board of Education, 1-26-05).

Federal grants to support the development of longitudinal data systems have done little to address the capacity differences between states. To qualify, states had to demonstrate that considerable capacity already existed, including the capacity to support research on student academic growth, to exchange data across institutions within the state, the capacity to provide reports and analysis to stakeholders, and that they had the staff and technical and monetary resources to sustain the system over time (U.S. Department of Education, 2005, April 15). Moreover, the number of grants awarded were limited to 14 states (Kennedy, 2006, February 2).

System of Support: State efforts to provide support for school improvement or to intervene directly in schools and districts prior to NCLB were limited and not very effective (Mintrop & Trujillo, 2005). Most efforts, apart from federal school improvement monies for comprehensive school reform models, stemmed from state accountability requirements. These programs were typically characterized by voluntary participation of schools and served a limited number of schools. While some included on-site personnel or intervention teams, they were more likely to rely on a school-based improvement planning process and school improvement plans, comprehensive school reform models, or external audits of school performance. For example, a California program that was designed as part of the state accountability system to help a limited number of schools that failed to demonstrate significant growth allowed for voluntary participation. In Georgia, districts could request a School Effectiveness Review for a school, but any recommendations coming from this review were left up to the school or district to implement. In Illinois, state officials assigned an Educator in Residence to a

poorly performing school, but did not define their responsibilities and later abandoned this program. Arizona did not provide school intervention services prior to NCLB.

The success of state efforts, where they did exist on any scale, was limited at best (see Appendix for a description of state intervention efforts prior to NCLB). The California system provided grants to the lowest performing schools in the state, relied on a school improvement planning process to develop a school improvement plan that would lead to improved student achievement, and required the school to work with an “external evaluator” or consultant in developing the plan. An evaluation of the program commissioned by California Department of Education (CDE) found that the program’s contribution to mean achievement across participating schools was negligible (O’Day & Bitter, 2003).

Table 7 shows the amount of school improvement funds available to six states for the 2005 fiscal year. Since the federal legislation sets a ceiling on the amount of funds that can be used for administration, states can convert some of these funds into local assistance in the form of higher grants to districts. This is what the California legislature did, and instead of the \$3.5 million that California could set aside under the Title I guidelines, the state set aside \$1.78 million and sent the remainder to local districts. Prior to FY 2005, the set aside for school improvement was often times less than 4%.

Table 7: Amount of Title I Budget Allocated for School Improvement Activities, FY 2005

State	4% for School Improvement	95% of 4% for Districts	5% of the 4% for State
Arizona	\$ 9,957,899	\$ 9,460,004	\$ 497,895
California	71,061,718	67,508,632	3,553,086
Georgia	16,263,283	15,450,119	813,164
Illinois	21,532,907	20,456,261	1,076,645
New York	49,067,048	46,613,696	2,453,352
Virginia	8,660,702	8,227,667	433,035

Source: U.S. Department of Education. Retrieved from <http://www.ed.gov/about/overview/budget/statetables/index.html> February 24, 2006. Calculations are based on the ESEA Title I Grants to Local Education Agencies for FY 2005.

To put the set aside for state administration of school improvement in perspective, we compared the allocation to the number of schools and districts identified for improvement (Table 8). If each school that was identified for improvement were to receive an equal portion of the school improvement grants, an unlikely event since the grants go the district, which will likely use some for their own administrative costs, the allocation per school ranged from \$626,490 in Arizona to \$26,713 in Virginia. Dividing the amount that the state can retain by the number of districts in need of improvement gave states \$4,431 per district in Illinois to \$67,764 per district in Georgia. Except for

Arizona, these are not large amounts when you consider they barely, if at all, cover the costs of adding just one staff person for every school or district needing improvement.

Table 8: Allocations for School Improvement Grants to Schools and Districts Per Number of Schools or Districts Identified for Improvement, 2004-05

State	Allocation for School Improvement Grants FY05	Schools Identified for Improvement 2004-05	Allocation Per School	State Allocation for School Improvement	Districts Identified for Improvement 2004-05	Allocation Per District
Arizona	\$ 9,460,004	151	626,490	\$ 497,895	78	6,383
California	67,508,632	1600	42,193	3,553,086	150	23,687
Georgia	15,450,119	354	43,644	813,164	12	67,764
Illinois	20,456,261	661	30,947	1,076,645	243	4,431
NewYork	46,613,696	501	93,041	2,453,352	58	42,299
Virginia	8,227,667	308	26,713	433,035	79	5,481

The low level of federal investment in state school improvement limited what states could do to compliance and monitoring activities and forced states to prioritize which schools or districts would receive support. They could only serve schools already identified for improvement and could do little for schools that were at risk of being identified for improvement. Because of limited federal and state resources, states put the burden for school improvement on districts, relied on regional centers to provide assistance to schools and districts, and made schools central to their own improvement through the school improvement planning process. Officials cited a lack of available strategies to improve the achievement of English language learners and special education students, the two categories that most often caused a school or district to be identified for improvement, and insufficient time for schools to make improvement under the NCLB timelines as constraints on their ability to help schools.

Most often, state officials filled a management function. According to a California official: “I don’t think the state can do it alone . . . I think we can help them identify areas that are of need and make them better consumers of the product that is likely to be the next step . . . and then maybe be a broker using our county office partners and other partners” (Personal Interview, California Department of Education, 2-16-05). Since the Illinois State Board of Education (ISBE) did not have the staff to go out and work directly with schools or districts, Regional Educational Service Providers (RESPROS), already under contract with the state, were given primary responsibilities to work with schools and districts. Developing school and district improvement plans was a central component to the improvement process and staff time at the state level was devoted to reading these plans. Georgia developed a regional support team to bring the Regional Education Service Agencies and other entities together to coordinate and collaborate on school improvement efforts. The state played a management role in coordinating the services a school might receive from different entities in order to avoid duplication or conflict between different types of services. State officials recognized that as districts moved into the corrective action phase of the NCLB sanctions they might

have to become more involved, but since they were not there yet, they had not addressed that issue. The very dramatic sanctions in the Act were not yet being used and a law that was highly regulatory was, so far, being administered largely as data collection and technical assistance functions much more compatible with normal state-local relations.

CONCLUSIONS AND DISCUSSION

With a modest and temporary infusion of additional federal aid funds, the most conservative government in generations suddenly adopted policies that required levels and kinds of educational gains for every group of students within every school that had never been achieved anywhere. The requirements were set down as non-negotiable and major progress was required under deadlines that did not fit what research had shown to be the preconditions and time required for successful reform. The fact that the law attached very strong sanctions and embarrassing publicity about educational failure for not reaching goals that many schools and districts soon learned they could not meet rapidly deepened the conflict over the law.

Most educational professionals were good soldiers, trying to implement the policies, treating them as possible goals, at least in the early stages, and thinking positively about complying with as many provisions as possible. Most state officials, though they were being asked to play a role that was new and very difficult, perhaps objectively impossible, collected data and released findings of widespread “failure” as defined by NCLB. Some saw the law as a lever to increase their own reach and power in pursuing goals that were congruent with those of NCLB.

This study shows striking good faith at the administrative level but also a striking lack of resources and knowledge to accomplish the extraordinary goals. At least the data collection, testing, and checking on the qualifications of teachers have been initiated and a great deal of attention has been focused on sensitive achievement data that previously was not available.

The study shows that the focus was on the data and procedural parts of the law because they were things administrators could actually do, spheres of action that they could actually control. For the most ambitious goals of large scale drastic educational interventions that produced fast and consistent gains, the law provided few resources, often absurdly small amounts of money and staffing, and the previous experience of the states in dealing with much smaller numbers of schools and districts was usually deeply disappointing. It is not surprising that the administrators put off facing these problems in favor of those they could actually solve. Nor is it surprising that the initiative increasingly passed from professionals to politicians as the implications for the image of local schools, teachers, and communities were put at risk and the educators threatened with sanctions that often seemed disproportionate and counterproductive.

This story is far from over and may well end on the floor of Congress or in a new White House, but the important lessons of the first five years are now apparent. It is clear

that the idea of a relatively closed system of favorable congressional committees and powerful interest groups of local educational agencies and teacher organizations had been displaced by policy makers who were outside this traditional system and believed they could impose radical change rapidly from Washington. They surely won the battle and changed the agenda. By pressing too hard and neglecting to enact specific policies or goals that were feasible, however, they seemed on the path to losing the war, as signaled by the sudden surge of policy modifications and compromises in the second administration of President George W. Bush. If that were to happen a basic lesson would be to design a policy that recognizes both the realities of policy possibilities as known by professionals and the necessity in a federal system of leading by persuasion and incentives more often than threat and negative sanctions.

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APPENDIX

State Improvement Efforts Prior to NCLB

Arizona: The Arizona Department of Education (ADE) did not provide school intervention services prior to NCLB. Under IASA, local education agencies and schools that did not make adequate yearly progress could receive technical assistance from higher education institutes, private-non-profit organizations, educational service agencies, a Comprehensive Regional Assistance Center, or other local consortia designed to help schools improve. School improvement was based on a school improvement planning process and the development of a school improvement plan. Arizona Learns, the state accountability system adopted in 2002, required the state to send Solutions Teams to schools identified as under-performing and failing to meet state standards. Because of the dual accountability system in place in Arizona, state officials have been working to meet the requirements of both laws while merging services as much as possible.

Arizona Learns, the state accountability legislation passed in 2002, requires the state to send Solutions Teams to schools identified as under-performing and failing to meet state standards. The Solutions Teams are designed to provide technical assistance to schools, which includes examining their instructional program and giving recommendations to the schools. The Solutions Team is comprised of master teachers, fiscal analysts, and curriculum assessment experts who are certified by the Arizona State Board of Education as Arizona Academic Standards Technicians. The ADE may hire or contract with administrators, principals, and teachers to fill these positions.

California: State efforts at program improvement were limited under IASA, consisting primarily of using the Comprehensive School Reform program to provide additional resources to low-performing schools. Under the state's accountability system, California developed two programs designed to help low-performing schools, including the Immediate Intervention Underperforming Schools Program (II/USP) and the High Priority Schools Grant Program (HPSGP). The II/USP was first implemented in the summer of 1999 to provide additional funds to selected schools scoring in the bottom half of the state's schools on the SAT-9 for two consecutive years (1998 and 1999). This first cohort (1999-2000) included 430 schools across a range of grade levels. The schools received a \$50,000 grant for each year they participated in the program.

In 2001, the California legislature established the High Priority Schools Grant Program (HPSGP). This program provided additional resources (\$400 per student, requires a \$200 match) to the lowest performing schools in the state, those scoring in the bottom 10 percent on the SAT-9. The HPSGP replaced the II/USP. By the 2004-05 school year, there were 1,058 HPSGP and II/USP grant recipients. In the 2003-04 school year, there were 1,231 recipients, which included three cohorts of schools.

Both II/USP and HPSGP provided grants to eligible schools, relied on a school improvement planning process to develop a school improvement plan that would lead to improved student achievement, and required the school to work with an "external

evaluator” or consultant in developing the plan. If schools did not show improvement during the course of the funding, they were subject to local intervention after 12 months and to state intervention after 24 months. California Department of Education identified 145 schools over three years that required state intervention (Personal Interview, California Department of Education, 2-16-05). This compares with 814 schools identified for improvement in 2002-03.

An evaluation of the II/USP commissioned by California Department of Education found that the contribution of II/USP to mean achievement across participating schools was negligible (O’Day & Bitter, 2003). The researchers found very small differences between II/USP and similar schools that served as comparison (p. xi). There was a small, positive “bump” in achievement outcomes in the first year of the program, but this began to dissipate after the first year. In addition, because of the increased attention the program brought to reading and mathematics, there was a tendency to neglect other subject areas and children’s social and emotional development. The evaluation found that the motivational effects of sanctions, a key assumption of the program, did not materialize.⁴ Importantly, the evaluation found that the school improvement planning process, a key component of the program, did not necessarily lead to better instructional programs or improved achievement outcomes. The evaluation included data from three cohorts, cohort 1 (1999-2000), cohort 2 (2001-02) and cohort 3 (2002-03), each with 430 schools. The evaluation also found that the eligibility criteria did not target the most needy schools.

Georgia: Prior intervention activities in Georgia were limited, in part because of the strong local control of schools that existed in the state and in part because of limited state capacity to intervene. There were no state level school improvement efforts prior to the mid-1990s. Between 1996 and 2000, the state implemented a voluntary School Effectiveness Review program. Under this program, district superintendents could request that the Georgia Department of Education (GDOE) conduct a school review. The review was based on school effectiveness research and resulted in a report with recommendations for improvement. It was up to the school and district to implement the recommendations. Results were spotty, resulting in “random acts of school improvement” (Personal Interview, Georgia Department of Education, 3-11-05). In spring 2001, Georgia’s State Board of Education approved a contract to implement a single school improvement model, called America’s Choice/Georgia’s Choice. The state adopted one model because the state did not have the capacity to assist the number of schools needing assistance. Instead GDOE trained staff to help schools implement one model. Approximately 160 schools adopted the model for the 2001-02 school year.

Illinois: The Illinois State Board of Education (ISBE) used an Educator in Residence (EIR) process for a short period in the late 1990s to help with school improvement. ISBE

⁴ A key assumption underlying the Public Schools Accountability Act was that “Educators have demonstrated insufficient will to improve and thus need external incentives. Threats (sanctions) and promises (rewards) will increase educator motivation and effort to effect change and improve student learning” O’Day & Bitter (2003), p. x.

recruited distinguished educators from across the state, bought their contracts for two years, and provided them with some training on school improvement processes. They were assigned a cadre of schools and worked directly in the schools. But their responsibilities were not well specified. In some cases, they would lead the school improvement process, but in most cases they were used in any way the district saw appropriate (write grants, write curriculum, etc.). Most of the EIR tried to work with schools to develop and implement their School Improvement Plans (SIP). According to state administrators, the list of activities EIRs reported they did showed that schools often saw the EIR as “free labor” from the State of Illinois who were there to do whatever the school needed. According to ISBE officials, the EIR process was not effective. There was no evaluation done on the program, but there was no evidence suggesting it was effective. Because it was a very costly mode, ISBE would not have enough EIR personnel to meet the demands of NCLB.

New York: New York developed the Schools Under Registration Review (SURR) program as part of the state’s school accountability plan, which was first implemented in 1989. Under SURR, schools that were farthest from state standards were required to develop strategies to improve student achievement, with assistance from a team of experts who conducts a “resource, planning, and program audit of the school (Kadamus, 2001). After the audit, teams from the New York State Department of Education visit SURR schools in subsequent years, and a member of the department provides additional technical guidance for the school. The district and SURR schools also receive extra state money to plan and implement improvement plans, to train principals to become instructional leaders, and to help teachers to align instruction with state reading and math standards. In May 2000, the state expanded the registration review program by implementing a System of Accountability for Student Success (SASS) in order to expand accountability to schools not previously covered by the state accountability system. Both SURR and SASS placed considerable responsibility for improvement on schools and districts through the completion of a self-study and the development of a comprehensive school improvement program and calendar of activities.

In 1996, then Mayor Rudolph Giuliani consolidated a subset of 55 SURR schools in New York City into an administrative agency called the Chancellor’s District. These schools were removed from their home district and placed in a special district, which provided a supportive district structure combined with a set of interventions and additional resources. Schools received additional money to extend the school day by 45-minutes and to cap class sizes at 20 students in grades K-3 and 25 students in grades 4-8. Substantial investments were made to increase per pupil expenditures and the number, quality, and stability of the teaching staff. The Chancellor District schools performed significantly better than other SURR schools in reading but not in math, and were not able to reach the citywide average (Phenix, Siegel, Zaltsman, & Fruchter, 2005). The effort was discontinued in 2003.

Virginia: Beginning in 1998, Virginia implemented the Standards of Accreditation (SOA) accountability system that accredited public schools based on student performance on the Standards of Learning (SOL) assessments (Virginia Board of Education, 2000,

July 28). The Standards of Learning represent the state's expectations for student learning and achievement in grades K-12 in English, mathematics, science, history/social science, technology, the fine arts, foreign language, health and physical education, and driver education. Schools and districts were required to certify to the Virginia Department of Education (VDOE) that the school met the state standards and had incorporated the standards into the curriculum. Schools that are accredited with warning under the state standards of accreditation must prepare a school improvement plan and undergo an academic review by the VDOE. Schools that fail to meet the accreditation standards are also reviewed by the state and could undergo reconstitution. An academic review team from the state goes to the schools to review instruction, climate, and other factors affecting student achievement. Recommendations from the review are incorporated into the school's improvement plan. School improvement is based on a school improvement plan developed by the school and approved by the district superintendent and local school board. The accountability plan also incorporated awards and recognition for schools performing well.

State and District Intervention Under NCLB

Arizona: The Arizona Department of Education (ADE) has two divisions that work with schools and districts needing improvement: School Effectiveness Division and Accountability Division, State Intervention. The School Effectiveness Division works with schools identified as Failing to Meet Academic Standards under the Arizona Learns system and schools identified as needing improvement under NCLB. Under state law, schools are eligible for "state intervention" after four years of underperformance. At that point, intervention moves to the Accountability Division, State Intervention. ADE wanted to separate "school improvement" activities from the more severe "state intervention" activities. School improvement is considered "voluntary" while state intervention is not. The goal of school improvement is to "leverage all the resources we can and provide all the assistance we can to get schools back on track to being performing" (Personal Interview, Arizona Department of Education, 2-14-05).

Under the state system of accountability, if a school is under performing for three years it is identified as Failing to Meet Academic Standards. At this stage, a three-person Solutions Teams, made up of educators and practitioners from the field and trained by the Arizona Department of Education, conducts a three-day visit to the school. The Solutions Team reviews the school's improvement plan to determine whether the "conditions and structures" are in place for the school to successfully improve student performance. This assessment is based on a rubric that includes four standards: (1) school and districts leadership capacity; (2) curriculum, instruction, and professional development; (3) classroom and school assessments; and (4) school culture, climate, and communication (Arizona Department of Education, 2003). The Solutions Team makes recommendations to the school for how they can improve. Schools are also assigned Arizona School Site Improvement Support Team (ASSIST) Coaches for the next year to "offer support and collect evidence of progress" in implementing the school improvement plan and the Solutions Teams' recommendations.

Schools identified for improvement under NCLB follow a different process. During the first two years of school improvement, the School Improvement Division provides some services (workshops and recommended activities) and requires schools to write or re-write their School Improvement Plan. Schools that are in year 1 or 2 of school improvement are required to contract with External Facilitators for assistance in the design, development and implementation of the school improvement plan. External Facilitators are private consultants selected by ADE and placed on an “approved” list distributed to eligible districts and schools. Schools identified are eligible to apply for a \$30,000 Title I School Improvement grant, part of which is used to contract with External Facilitators. External Facilitators are required to work with schools for a minimum of 5 months and to be at the school site a minimum of 60 hours during those 5 months. Districts identified for improvement follow a similar process. They must fill out a District Improvement Plan that compliments the NCLB Final LEA Consolidated Application. This plan must identify the reason(s) the district did not make AYP and develop strategies that will help the district make AYP in those areas identified. For example, if a district did not make AYP because of attendance, they must indicate strategies they will use to increase attendance. If the district did not make AYP in reading, the strategies must include those they will use to increase the percent of students that meet or exceed the reading standards on the AIMS.

ADE monitors school and district progress through reports. For example, the ASSIST Coach documents school progress in implementing the School Improvement Plan and recommendations contained in the Solutions Teams Statement of Findings. Schools in Corrective Action do a monthly progress report.

California: California established a Statewide System of School Support (S4) to meet the NCLB requirements for a statewide system of support. The California legislature codified S4 into law in 2002 through Assembly Bill 312 (Chapter 1020, Statutes of 2002).

California uses a regional approach to meet the needs of schools and districts identified for improvement that is organized around the 11 county superintendent regions. Under S4, three entities work together: the Regional System of District and School Support (RSDSS), two federally funded Comprehensive Assistance Centers (CACs), and the California Department of Education (CDE). The two CACs include West Ed and Los Angeles County Office of Education. Under this regional framework, School Support Teams support school districts’ efforts to serve their low-performing schools. The goal of these teams is to guide schools and districts through the development and monitoring of school improvement plans. The CDE provides oversight and facilitates the dissemination of resources and information to schools and districts through the regional offices. Commenting on the appropriate role of the state in school and district intervention, a state administrator said, “What we can help them do is to help them identify areas that are of need and make them better consumers of the product that is likely to be the next step. They are going to have to contract with providers and to that route. . . . We can help them identify areas of need and then maybe be a broker using our

count office partners and other partners” (Personal Interview, California Department of Education, 2-16-05).

Georgia: In July 2003, Georgia Department of Education (GDOE) established the School Improvement (SI) Division specifically to deal with school improvement as it relates to NCLB. The SI Division’s staff was 70 in 2005 and it received substantial funding from the state (about \$2.2 million in 2005) (personal communication, Georgia Department of Education, March 11, 2005). The SI Division works collaboratively with Georgia’s Regional Education Service Agencies (RESAs) to support districts with schools that are not making AYP. There are 16 RESAs in the state located within four regions. The RESAs, which were established in the 1970s, are autonomous from the GDOE and under the Board of Controls, which consists of district superintendents.

The intent of the regional support team was to bring together the 16 RESAs and other entities to coordinate and collaborate school improvement efforts. School intervention depends on using the RESAs, which are legislatively mandated organizations that provide school improvement services and technical assistance to schools and districts as well as work with colleges, universities and libraries. The school intervention teams “broker services and coordinate services” (Personal Interview, Georgia Department of Education, 3-11-05). The goal is to collaborate and coordinate the services a school might receive from different entities so that services are not duplicated or conflict with one another, and to insure that everyone is on the same page. This has required that GDOE build a partnership with the RESAs. “I will be honest with you, this has been—this collaboration and this coordination of all these different entities has been a feat” (Personal Interview, Georgia Department of Education, 3-11-05).

School intervention is organized by region (there are four regions). Each team includes three people from the SI Division and Leaderships Facilitators, who work with schools. From the SI Division, the Coordinator for Analysis and Planning serves as the team leader, and there is a Coordinator for Professional Learning and a Coordinator for Collaborative Implementation, all of whom comprise the regional team. Leadership facilitators are allotted to each region based on the number of schools needing improvement. Each facilitator works with four schools and spends one day a week at each school. Facilitator’s primary role is to “coach the improvement process.” (Personal Interview, Georgia Department of Education, 3-11-05). Facilitators are recruited from local school systems in GA. Once hired, they are trained and assigned to schools that matched their skills/background.

The SI Division developed a school improvement guide that is based on the “What Works in Schools” book and effective school research (Marzano, 2003). The process includes having the school develop a School Profile, which is organized around 11 components outlined in the school improvement guide, and includes test data, student demographic information, teacher information, and a School Improvement Plan. There is also a School Review process to provide feedback to the school on how they are doing and what more they need to do. The school review process is based on the Georgia Standards for School Performance. A team of people goes out to conduct the review,

which includes classroom observations, review of school data, and filling out this instrument. The review team includes 5 to 10 people from the Regional Education Service Agency, a leadership facilitator (principal from another school), and a teacher from another school, and is coordinated by the Analysis and Planning person (regional team leader).

Schools that are in restructuring develop a restructuring plan and revisit their school improvement plan. The restructuring plan targets seven different elements of restructuring. The SI Division wants schools to closely analyze the “root causes” of how they are doing in these seven areas. In contrast to the school improvement plan, which focuses on academics and instruction, the restructuring plan looks at alternative governance, school policies, the leadership structure and decision making models. The SI Division encourages schools to choose restructuring and correction action strategies that are appropriate to the school and the reason the school did not make AYP as opposed to listing the restructuring options and telling the school to choose one. GDOE reviews and approves all of these plans.

Illinois: The Illinois State Board of Education (ISBE) developed a regionalized System of Support to work with schools and districts needing improvement under NCLB and/or schools on the state watch list (Illinois State Board of Education, May 2003). This system emerged from the merger of two divisions—the System of Support Division (provided technical assistance on school improvement, data analysis, curriculum, etc.) and Grants Management Division (processed grants). The new division, Federal Grants and Programs, has two functions that were derived from the old functions of these two divisions. The state contracts with Regional Education Service Providers (RESPRO) to work directly with the schools and districts. The state has seven service areas (regions) and one RESPRO for each region. Most of the RESPROs approved for the NCLB system of support were the Regional Office of Education for a particular service area. For example, the Chicago Public Schools is the RESPRO for the City of Chicago and the West Cook Intermediate Service Center serves the suburban Cook County region.

Developing a School Improvement Plan or a District Improvement Plan is central to the state school improvement process. RESPROs assist schools and districts with developing their plans. Staff in Federal Grants and Programs read the school and district improvement plans. State law governs which plans the state must read. Formerly, they read plans for schools that did not make AYP for two consecutive years. Now they read plans for schools that did not make AYP for four consecutive years. Plans from schools at the two-year marker are read at the local level.

ISBE designed a protocol that defines a framework for school improvement that includes: (1) data analysis and school improvement plan development; (2) standards-aligned curriculum, instruction, and classroom assessment; (3) teacher and administrator enhancement; and (4) student, family, and community support services (Illinois State Board of Education, May 2003). This framework provides a level of management and accountability for school improvement services. The RESPROs are charged with developing the internal capacity of schools and districts around those four components.

RESPROs work only with schools identified as needing improvement since there are insufficient resources to work with schools in year 1 of school improvement or those that may move into improvement status.

New York: In 2001, the New York State Education Department (NYSED) adopted a regional approach to support improvement efforts in schools and districts identified for improvement (Kadamus, 2004, August 24; Lane, Seager, & Frankel, 2005). First implemented in 2003-04, the Regional Network Strategy for School Improvement uses existing regional organizations in an effort to coordinate school improvement activities and to focus services on schools and districts identified as low performing under the state accountability system. The Regional Network Strategy is a component of both the state's accountability system and the state's Statewide School Improvement System designed to implement NCLB. The reliance on regional organizations recognized the limited capacity of the NYSED to work directly with schools or districts.

The key partners in the Regional Network Strategy include the Office of School Improvement and Community Services (OSI) located in the Office of Elementary, Middle, Secondary and Continuing Education (EMSC) in the NYSED and seven state-funded Regional School Support Centers (RSSCs) located across the state. Other regional offices include the Special Education Training and Resource Centers (SETRC—40 offices), Student Support Services Network (SSSN—7 offices), and the Bilingual Educational Technical Assistance Centers (BETAC—13 offices). Other partners include the Board of Cooperative Educational Services (BOCES), district superintendents, local school superintendents, particularly those in the major urban districts, and key staff from the NYSED.

The Office of School Improvement (OSI) was created in 2003 in response to NCLB. Its role is to coordinate the services of the various partners, develop criteria to determine which schools will be served, and identify annually schools that will receive services. Prioritizing services on schools identified for improvement is a departure from past practice of the regional organizations, which provided services to a variety of schools and districts and not just to those that were low performing. The RSSC have primary responsibility for providing technical assistance and instructional advice to schools and districts identified for improvement and for coordinating the activities of the other partners. To facilitate a common approach to school improvement, the OSI developed a set of design principals to guide school intervention and improvement strategies. In addition, the state assigns Academic Intervention Teams to each district in the state that is identified for corrective action and to each school in the state that has been identified for registration review or is required to implement a restructuring plan under NCLB.

Virginia: To meet the NCLB requirements, the Virginia Department of Education maintained the academic review process developed for the state's Standards of Accreditation (SOA) accountability system. In 2005, it modified the department's academic review process and added School Support Teams (SST). The SST monitors and provides technical assistance to a subset of schools not meeting standards. The SST, comprised of either VDOE staff and /or independent contractors, focuses on helping the school develop and monitor the implementation of its school improvement plan.

In 2002, then Governor Mark R. Warner initiated Partnership in Achieving Successful Schools (PASS) designed to provide additional support to schools that were accredited with warning. PASS targets schools in Virginia that are accredited with warning and conducts an academic review of the schools, provides intervention and other services.