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NO CHILD LEFT BEHIND: THE PROCESS BEHIND THE POLICY

by

Amanda Patience Beedie

**A Thesis
Submitted to the
Faculty of The Graduate College
in partial fulfillment of the
requirements for the
Degree of Master of Arts
Department of Political Science**

**Western Michigan University
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I would like to begin by acknowledging those that have supported my passion for government, politics, and law. First, I would like to thank my fifth grade teacher, Mrs. Gowell-Gosselin (you will always be Mrs. Goulet to me!) and Mr. Beaulieu, my high school government teacher. They taught me what hard work is and how to always strive to achieve my goals. Your support has always been appreciated and remembered even to this day.

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Amanda Patience Beedie

NO CHILD LEFT BEHIND: THE PROCESS BEHIND THE POLICY

Amanda Patience Beedie, M.A.

Western Michigan University, 2007

My research will entail studying the political policy making process in reference to the education policy, No Child Left Behind (NCLB). The purpose of this Masters thesis is to take a more in-depth look of how the policy process functions, the steps used in the policy process, and if the steps are a valid process.

This study will look at the early theories of the policy process. I am going to look at the classic works done by J. Leiper Freeman, Randall B. Ripley and Grace A. Franklin, and Theodore J. Lowi and their views on subgovernments. I will also consider the work of Garry D. Brewer, James E. Anderson and B. Guy Peters and their views on analyzing the policy process as a series of steps. This will be an empirical study; within this study there will be a literature review, an analysis of NCLB using each of the steps in the policy process, and lastly a look to where NCLB will go in the future after the reauthorization begins in 2007.

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CHAPTER I

INTRODUCTION

The No Child Left Behind Act (NCLB) is a controversial issue in American politics. Shortly after President Bush's inauguration in 2001 he proposed the policy, No Child Left Behind, later signing it into effect on January 8, 2002. This was a chance for bipartisan education reform. President Bush stated, "These reforms express my deep belief in our public schools and their mission to build the mind and character of every part of America." NCLB reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA) and the Improving America's Schools Act of 1994 (IASA). "As the most significant revision of federal educational policy in decades, No Child Left Behind Act (NCLB) raises the questions of whether it represents a sharp departure from past policy or simply the next phase in the evolution of that policy."¹ The questions of this thesis are: "No Child Left Behind: How did we get to this point, and where do we go from here?" The study of No Child Left Behind is crucial because it is up for reauthorization now, in 2007. This paper will consider what aspects have been successful and what aspects have not been successful with NCLB.

Chapter Two offers a literature review on empirical theories of the policy making process, in particular, the subgovernment concept and the steps theory of the policy process. This literature review considers classic works in political science by J. Leiper Freeman, Randall B. Ripley and Grace A. Franklin, and Theodore J. Lowi and their views

¹ Lorraine M. McDonnell, "No Child Left Behind and the Federal Role in Education: Evolution or Revolution?" *Peabody Journal of Education* 80 no. 2 (2005), 19.

on subsystem politics. I will also consider the work of Garry D. Brewer, James E. Anderson and B. Guy Peters and their views on analyzing the policy process as a series of steps. These theorists will lay the groundwork for an empirical study of the policy making process surrounding No Child Left Behind.

Chapter Three identifies the political actors involved in the policy process in education, beginning the empirical portion of this thesis. In order to do this, defining a policy community is essential, because scholarly opinions differ on the concept. The policy community includes actors at the national and state levels of government, as well as nongovernmental groups. There are also policy makers on the local level, but their views are incorporated into legislation at the state level in these policy areas. All of these actors are located within the subgovernment, all playing a role in the creation of a policy.

The next part of the research involves analyzing the policy process around No Child Left Behind in terms of the “steps” theory. Chapter Four will focus on the pre-implementation steps of the policy process: problem identification, agenda setting, policy formation, which includes the generation of alternatives, and the legitimation or adoption of the policy. Chapter Five focuses on the implementation steps of the policy process: implementation and budgeting. Chapter Six will consider the post-implementation step, the evaluation of NCLB. This chapter will rely on studies and reports done by think tanks and interest groups, in determining how NCLB is functioning. Chapter Six will also convey notions on how NCLB could have been different if certain aspects were evaluated prior to the implementation step. The main focus of the concluding chapter, Chapter Seven, will be on the current state of NCLB. This year in 2007, it is up for reauthorization, yet the question on the education community’s mind is whether or not it

will be reauthorized this year. Mainly this is because of two factors: one, the other education legislation that is on the agenda and two, the upcoming presidential election.

CHAPTER II

LITERATURE REVIEW

Public Policy

What is public policy? James E. Anderson defines public policy as "a relatively stable, purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern."¹ Public policy has changed; before there were few policies to create, and today the government is involved in more and increasingly complex areas. B. Guy Peters says that "public policy is the sum of government activities, whether pursued directly or through agents, as those activities have an influence on the lives of citizens." Peters states that the policy process operates on two levels when making a difference in citizens' lives. The first level includes citizens having policy choices, through decisions by politicians, civil servants, and pressure groups. The second level involves policy outputs, these are the policy choices being put into action, and this includes government spending, which regulates the effects on the economy and the impact on society. The impacts that are considered include whether they have made citizens richer, happier, or more educated. The usage of these levels suggests that "all governments must follow many of the same procedures when they make policy: identify issues, formulate policy responses to problems, evaluate results, and change programs that are not producing desired results."²

¹ James E. Anderson, "The Study of Public Policy," Chapter 1 in *Public Policymaking*, 6th ed. (New York: Houghton Mifflin Company, 2006), 6.

² B. Guy Peters, "What is Public Policy?" Chapter 1 in *American Public Policy Promise and Performance*, 6th ed. (Washington D.C.: CQ Press, 2004), 3-6.

Subgovernments

Theorists of the policy process have taken the concept of a subgovernment and gradually made changes. This journey of laying the theoretical foundation for the policy process involving subgovernments begins with J. Leiper Freeman. Freeman sets a baseline for the concept of a subgovernment. He defines subgovernments or subsystems as, "The patterns of interactions of participants or actors, involved in making decisions in a special area of policy." Here congressional committees, agencies, and interest groups create, research, and implement policies on a daily basis. These three basic actors together make up what other political scientists have called the "iron triangle." There are two main points Freeman wants to underscore with his chapter in *The Political Process*, "Executive Bureau-Legislative Committee Relations." First, it is the type of policy that is the determinant of what subgovernment group of actors will get involved in the policy. Secondly, he argues for the importance of the relationship between the "general political setting," the whole government, with the subgovernment members.³

Hugh Helco broadens the subsystems even further by introducing the idea of issue networks. His main point when it comes to issue networks is that there are more than three major actors involved in creating the policy. These actors can come and go as they please, providing their opinions only when they feel it would benefit them.⁴

James E. Anderson builds on Heclo's idea of issue networks coining a new subsystem the policy community. He defines a policy community as being "broader and

³ J. Leiper Freeman, "Analyzing Federal Legislative-Executive Relations," Chapter 1 in *The Policy Process Executive Bureau-Legislative Committee Relations*, ed. 3-12 (New York: Random House, 1955).

⁴ Hugh Heclo, "Issue Networks and the Executive Establishment," in *The New American Political System*, (Washington D. C., 1978), 87-118.

more open in participation than an iron triangle but less amorphous and more under identifiable control than an issue network.”⁵ The main difference between Anderson and Heclo is the fact that in Anderson’s policy community the actors do not come and go, they are there consistently until the policy is created. There is some popularity for using them to study a particular policy, education in this case, because the research that is performed can be seen as empirically accurate and to the point.

There is also a sense of federalism when we look at the policy community. Federalism is an arrangement for the government in which sovereignty is divided between the central government and the other political units. In the policy community the power is divided up with a portion residing at the macro political level, in the case of education policy, the president has quite a bit of influence. When making reference to the macro political level, it means taking a look at the federal government at the highest level including actors like the president and Congress. The other portion of power is given to the actors found in the subgovernment.

Subgovernments play an important role in the policy process, and the concept is useful in trying to analyze it. In its simplest formulation “the iron triangle” involves three important groups: committees, agencies, and interest groups. It was Freeman who first emphasized the subgovernment concept. Theodore J. Lowi’s main difference is that he argues that there is the possibility of more than three sets of actors, some being found on the macro political level. Lowi builds on Freeman’s concept of a subgovernment by introducing the idea of different political arenas to study policy.

⁵ James E. Anderson, "The Policy Makers and Their Environment" Chapter 2 in *Public Policymaking*, 6th ed. (New York: Houghton Mifflin Company, 2006), 71.

Lowi's central point is that it is the type of the policy found in these arenas that shapes which actors will get involved. The three arenas that Lowi discusses are: distributive, regulatory, and redistributive. Each arena is distinctive with regard to the power structure, which actors are involved and the relationships among them, and how they intend to implement the policy. Lowi showed that it is the type of policy that influences which actors will be involved, whether they are at the macro or subgovernment level. The influence of the actors found at both levels can determine how a policy is created, if it will be implemented effectively, and the repercussions that could occur because of the policy.

Randall B. Ripley and Grace A. Franklin expand further on this concept of a subgovernment. They too state that there is the possibility for more than three actors. They take Lowi's idea of the relative strength of the subgovernment versus the macro-political structure and provide evidence that the strength of a subgovernment varies depending on the issue. Ripley and Franklin felt that, "Policy making is how the government decides what will be done about these matters." These matters are the numerous policies proposed and drafted each year. It is what the government does or does not accomplish for society. Ripley and Franklin define a subgovernment as "a small group of political actors, both government and nongovernmental, that focuses on a specific, fairly tightly defined policy area." Within these subgovernments there are specialized levels: federal, state and local; these are the areas looked at when deciding what actors will be involved in creating a policy like No Child Left Behind.

Like Lowi, Ripley and Franklin have categorized policies into different policy arenas. One of these arenas is the redistributive, which is where I classify education

policy. Redistributive policies and programs are designed to manipulate the allocation of wealth, property and political or civil rights, especially those that are valued amongst social classes and racial groups. Within these policies there are perceived winners and losers. Other political scientists have stated that there are outcomes that will benefit a group as a whole. In those policies, there are also winners and losers; it is just not as obvious. In redistributive policies the major actors involved are the President, his appointees, committees, Congress and large interest groups. This once again takes the iron triangle concept of just three major sets of actors and expands the concept to include more actors.⁶

Steps in the Policy Process

Garry D. Brewer, James E. Anderson and B. Guy Peters all state that the policy process can be analyzed as a series of steps. Scholarly opinion on what those steps are diverges; Brewer has one view and Anderson and Peters share another. According to Brewer steps in the policy process can be divided into pre-implementation, implementation, and post-implementation. The pre-implementation steps include invention/initiation, estimation and selection. Invention/initiation is the earliest step where problems are recognized, and discussion is held on the ways to alleviate and mitigate them. This often reshapes the problem into something less complex and easier to focus on. The next step is estimation; here there is analysis of the predetermined risks

⁶ Randall B. Ripley & Grace A. Franklin, "The Nature of Policy and Policy Making in the United States" Chapters 1 and 8 in *Congress, The Bureaucracy, and Public Policy*, (California: Brooks/Cole Publishing Co: 1991), 1-25.

and the costs and benefits. The last pre-implementation step is the selection step in which policy makers have to decide on a policy.

The implementation step is where the newly created policy is put into action. The post-implementation steps of Brewer's process are evaluation and termination. In the evaluation stage there is an assessment of the implementation process and determination of what changes need to occur, and if the policy is functioning properly. If a policy has not been performing up to its potential, Brewer states that there is a final step in the process, termination. The termination step can either dissolve the policy created or it can begin to look for adjustments that could renovate the dysfunctional, redundant, and outdated segments of the policy.⁷

James E. Anderson revises Brewer's steps slightly, focusing on agenda setting, policy formation, adoption, implementation and evaluation. The policy agenda is where problems receive serious attention from government officials, along with the informal actors, and then a course of action is decided upon. In the policy formation step there is development of acceptable proposed courses of action, generation of alternatives. Step three is the policy adoption step; it is here where the actors initiate the process of finding support for the policy that has been proposed, so that it can be legitimized. Policy implementation is next in Anderson's step process. Here the government takes action and enforces the newly created policy in hopes that it will resolve the problem. The last step is policy evaluation. Here both normative and empirical research is done to test how the policy is functioning and whether it has been effective or not. Anderson states that when

⁷ Garry D. Brewer, "The Policy Sciences Emerge: To Nurture and Structure a Discipline," *Policy Sciences*, 5 (1974), 239-244.

studying public policy through these steps, there are both advantages and disadvantages when dealing with society and how they are influenced by the policy.⁸

The steps technique is a fundamental way to analyze the policy process. James E. Anderson does an excellent job of setting up the steps within the process, but B. Guy Peters scrutinizes the steps in more depth in his book *American Public Policy; Promise and Performance*. Peters defines each step in a way that virtually all citizens, no matter what education level, would be able to understand. The steps into which Peters breaks the policy process are agenda setting, legitimizing, implementation, budgeting and evaluation.

The usefulness of the theory for studying policy making has its critics. Paul A. Sabatier has six complaints as to why the steps process is not a good theory to study policy. Those complaints are:

1. "The stages model is not really a causal model at all."
2. "The stages model does not provide a clear basis for empirical hypothesis testing."
3. "The stages heuristic suffers from descriptive inaccuracy imposing a series of stages."
4. "The stages metaphor suffers from a built-in legalistic, top-down focus."
5. "The stages metaphor inappropriately emphasizes the policy cycle as the temporal unit of analysis."

⁸ Anderson, "The Study of Public Policy," 3-6.

6. "The stages metaphor fails to provide a good vehicle for integrating the roles of policy analysis and policy-oriented learning throughout the public policy process."⁹

Yet, Anderson and Peters have shown that the steps process is a useful tool for analyzing the policy process. The framework allows political theorists to take a policy and analyze it in steps, so if there is a problem, the step in particular can be determined and the policy makers can go back and fix that particular problem area.

In this chapter I have considered two analytic devices used: subgovernments and the steps theory. Each of these proves to be a valuable tool when taking a particular public policy and analyzing it to really understand what it is and how it works. In the upcoming chapter, the idea of a policy community will be defined further and the actors involved in the NCLB policy community will be identified.

⁹ Paul A. Sabatier, "The Stages Approach to the Policy Process What Has It Done? Where Is It Going?" Chapter 2 in *Theories of the Policy Process*, (Colorado: Westview Press, 1999), 24.

CHAPTER III

THE EDUCATION POLICY COMMUNITY

What is a Policy Community?

In order to comprehend how a policy is created, like No Child Left Behind (NCLB), one needs to look at the actors involved in the process. James E. Anderson uses the term "policy community" to capture the idea that a subgovernment is "broader and more open in participation than an iron triangle but less amorphous and more under identifiable control than an issue network."¹ He states this because an iron triangle leaves no room to encourage more than the basic actors to be involved, whereas his definition allows for that concept to be expanded, reinforcing Ripley and Franklin's view. Ripley and Franklin's concept is to expand the policy community to include more than just the committee, the agency, and interest groups.

As we move from the macro political setting to the subgovernment setting, the policy community begins to take shape, revealing all parties involved within it. I can envision the concept of a policy community taking the shape of an umbrella, the base being the issue and the ribs being the different agencies, committees, and interest groups that debate the problem to create a policy. The term interest group is used loosely, meaning all different groups that have interest in a particular issue. In a policy

¹ James E. Anderson, "The Policy Makers and Their Environment" Chapter 2 in *Public Policymaking*, 6th ed. (New York: Houghton Mifflin Company, 2006), 71.

community there is no guarantee that all parties involved will get a chance to voice their opinions, whether they are in support or opposition to the policy, in this case NCLB.

Under the policy community umbrella, coalitions begin to form. Theodore J. Lowi defines coalitions as "shared attitudes" by different groups when involved in political interactions in subgovernments. There are two types of coalitions in policy communities: internal and external. Internal coalitions, through their vast groups of resources and overlapping memberships, try to deal with the problems of cohesion from within. External coalitions involved expanding coalitions to outside sources, increasing the number of strategies to move the policy along. The size of the coalition plays an important role in the policy process because their support could both aid in the acceptance of or defeat of a policy through the eyes of the actors. Larger coalitions have a way of taking over small coalitions and beating them.²

Anderson also found that coalitions form under this umbrella; he terms these "advocacy coalitions." Advocacy coalitions in policy communities share basic values and perceptions of the problem at hand. They also have similar policy preferences and the desire to cooperate on all levels to advance the policy to the next step in the process. There can be more than one advocacy coalition located under the umbrella in the policy community because there are so many interests vested in the policy. Policy communities include actors at the national, state, and local levels, and this illustrates the fact of how many diverse opinions and groups are involved in the policy.³

² Theodore Lowi, "American Business, Public Policy, Case-Studies, and Political Theory" *World Politics*, 16 (July 1964): 678.

³ Anderson, "The Policy Makers and Their Environment," 71-72.

National Level

Education policy has a vast group of actors. The actors involved at the national level include executive agencies, legislative committees, and interest groups. The executive agency involved in education policy is the Department of Education (ED). ED was established on May 4, 1980, through the Department of Education Organization Act. It has seven major objectives:

1. “Strengthen the Federal commitment to assuring access to equal educational opportunity for every individual;
2. Supplement and complement the efforts of the states, the local school systems and other instrumentalities of the states, the private education research institutions, community-based organizations, parents, and students to improve the quality of education;
3. Encourage the increased involvement of the public and students in Federal Education program;
4. Promote improvements in the quality and usefulness of education through federally supported research, evaluation, and sharing of information;
5. Improve the coordination of Federal education program;
6. Improve the rearrangement of Federal education activities and;
7. Increase the accountability of Federal education programs to the President, the Congress, and the public.”⁴

⁴ Department of Education, “Mission,” <http://www.ed.gov/about/overview/mission.html>.

When NCLB was implemented and the provisions began to be put into place the Secretary of Education was Dr. Rod Paige. On January 21, 2001, the United States Senate confirmed him as the 7th U.S. Secretary of Education. Education has always been a part of his life from the very start. He obtained his bachelor's from Jackson State University, and both his master's and doctoral from Indiana University. Early in his career he was a teacher and coach before moving on to be the dean of the College of Education at Texas Southern University. In 1989, he moved on to being a trustee as well as an officer on the Board of Education for the Houston Independent School District (HISD). In 1994, he became the superintendent of HISD. Paige was the first superintendent to ever serve as the U.S. Secretary of Education.

Moving away from the executive actors in the education policy community it is necessary to focus on the legislative committees. Those involved are the subcommittee on Higher Education, Lifelong, Learning and Competitiveness and the Subcommittee on Early Childhood, Elementary and Secondary Education, which are located in the House of Representatives' Committee of Education and Labor. Within the United States Senate, education reform can be found in the Subcommittee on Children and Family Bipartisan reform located within the Committee on Health, Education, Labor and Pensions.

Most of the ribs in the policy umbrella belong to the different interest groups that play a role in the creation, implementation, and evaluation of a policy. At the national level, the interest groups and think tanks are activists that are either for or against the proposed policy. Interest groups operate more openly and freely in American politics. Interest groups express demands and present alternatives for policy action. Interest groups also provide valuable information to public officials that could possibly not be

available from other services. Most interest groups have a variety of interests but will provide influence on the policy they are either supporting or opposing. The amount of influence they give is dependent on certain factors. Those factors being size of membership, monetary resources, cohesiveness, skill of their leadership, social status, and the attitudes of the public officials involved. Some interest groups that have expressed their interest in NCLB include: the American Federation of Teachers (AFT), the National Education Association (NEA), and the Council of Chief State School Officers (CCSSO).

Think tanks are private research organizations that provide studies and reports that analyze policy issues develop alternatives and proposals for handling problems, and last and more importantly they evaluate the effectiveness of a policy. According to Anderson think tanks provide “expert but neutral” information to the policy-makers but attached to it are the bias of how their organizations functions. These groups bring various points of view to the legislative committees and agencies. The Thomas B. Fordham Institute, The Heritage Foundation and the Hoover Institution are think tanks that are researching the issue of NCLB. Each of these interest groups and think tanks have their own specific mission and stance on the NCLB issue, each vary on the subject but provide valuable insight.

The AFT emphasizes promoting high standards of both learning and teaching. They want to aid in closing the achievement gap that America is facing today. They are in favor of the NCLB legislation as long as it is done right. They hoped when NCLB was signed into effect in 2002, it would strengthen public education and begin to make a difference in the education community. Unfortunately according to AFT, the flaws that NCLB has are undercutting its functionality to close the achievement gap, as promised.

In the future, the hope of AFT is to aid Congress in renovating these flaws to get NCLB back on track.

Just as AFT stayed neutral on the NCLB legislation when it was signed into effect on January 8, 2002, the National Education Association (NEA) was also on the record of neither supporting nor opposing NCLB. Different from AFT, the NEA has done nothing but criticize NCLB every chance they got.⁵ The mission of NEA is to be the advocate of education professionals at the national level, uniting all its members into one voice so that their opinion can be heard, thus reverting to their vision of providing a great public school for every student.

At the national level we have interest groups that promote either side of the argument of NCLB. There are also think tanks to provide empirical research on how NCLB is doing to the Department of Education. The CCSSO takes more of the role of an interest group found at the national level focusing on education policy. The Council of Chief State School Officers is a non partisan, nationwide organization of public officials for both elementary and secondary education. They provide leadership, advocacy, and technical assistance for major educational issues like NCLB. The stance that CCSSO took in regard to NCLB is more on the neutral side like both the AFT and NEA, whose stance was to assist in education reform. The CCSSO has provided more of an informational stance giving an idea of a timeline of how NCLB should run from start to finish.

The Thomas B. Fordham Institute, based in Washington D.C., is a non-profit organization and think tank whose mission it is to close America's achievement gap by

raising standards, strengthening accountability and expanding education options for parents and families. The Thomas B Fordham Institute's mission correlates to the exact aims of the NCLB legislation. What the Institute does is engage in solid research and analysis that will shape the debate, in the case of this thesis, the debate of reauthorization.

The Heritage Foundation, another think tank, is a policy research organization brought in to provide research on NCLB. Their mission is to not just produce viable research but to also generate solutions that are consistent with their belief to present to the other parts of the policy community. The Heritage Foundation is a conservative think tank that tries to preserve the motivation of the Founding Fathers.

The Hoover Institution, like the Heritage Foundation, is a think tank that has been used in the research of how NCLB is working. "The principles of individual, economic, and political freedom; private enterprise; and representative government were fundamental to the vision of the Institution's founder."⁶ They too provide reports as to how NCLB is faring towards closing the achievement gap and the 2014 deadline.

Thus far all of the think tanks and interest groups discussed have been on the conservative side, so it is also important to look at the other end of the spectrum and see what a liberal think tank, like the Urban Institute, views on NCLB are. The Urban Institute is a non-partisan economic and social research organization whose main goal is to research and investigate public policy impact and implementation.

The Urban Institute's views on NCLB were seen in a report entitled, *The New Democracy of America's Schools; Immigration and the No Child Left Behind Act*. In this

⁵ Julia E. Koppich, "A Tale of Two Approaches – The AFT, the NEA, and NCLB," *Peabody Journal of Education*, 80 (2), 2005, 137-138.

⁶ Hoover Institute, "Mission Statement," <http://www.hoover.org/about/mission>.

report they take the side that since NCLB was created it would be a valuable tool to aid in the education of immigrant children and limited English speaking students. Their methodology included looking just past the child and their nationality, but to look at the parents' income and education level to determine how these students will fare with the new policy.

Although most of the actors lie in the subgovernment, according to Lowi and Ripley and Franklin's research, actors at the macro-political level may be involved. In this case, President Bush has a vast amount of influence on NCLB, because like former presidents Clinton, Bush Sr. and Reagan, they are all puppeteers for the creations of education policy. These former presidents have each in their term created some piece of education legislation. With Reagan and Bush Sr., it was reinforcing the ESEA through IASA. Later, former President Clinton enacted the IDEA which leads up to the current legislation put forth by President Bush, NCLB. Ripley and Franklin argue that there are more actors than the main actors involved: it just depends on the policy area. Education, in this case, is the policy getting more than just the subgovernment actors involved in the policy process.

State Level

Another rib of the umbrella includes the actors at the state level. Here there are also agencies, legislative committees, and interest groups. For example, in Michigan, the agency involved is the Michigan Department of Education. The Michigan Department of Education's responsibility is to provide information to other state actors so that the law is implemented accurately, in the state education system. The legislative committees involved are a standing Committee for Education found both in the House and in the

Senate. These committees aid the federal government by elaborating on the education policies that have been handed down to them.

The last group of actors involved at the state level once again is the interest groups. The state level interest groups are the state representatives for the AFT, NEA, and the school district representatives. One predominant state level interest group is the Michigan Education Association (MEA). Many states have their version but as an example, we will look at Michigan's. According to their website the MEA interest is in supporting the development of successful and empowered students, improving life for all, and trying to advance the principles of democracy in both human and civil rights. MEA's mission is to ensure that the education of students and the working environment is of the highest quality. They think this can be accomplished looking to the future of 2007 and the reauthorization of NCLB, as long as the fundamental flaws are fixed and there is a change in the funding.

Local Level

The last level of actors includes those at the local level. The agency at this level would be the school administrators. The local NEA chapter gathers the opinions of teachers, their unions, the parent teacher associations (PTA), and school administrators. With these opinions they report back to the state level agency, The Michigan Department of Education, who in turn can bring the opinions to the national level. Notice all of these groups have influence that works its way back to a higher level, back to the main actors, those at the national level. Those are the actors who are involved in creating, implementing, and evaluation of No Child Left Behind Act.

This example of education policy has shown what policy communities are, and how they work together before, during, and after the policy process has concluded. This policy umbrella that I have envisioned allows for all the opinions and views to gather and be debated as the policy makes the agenda and is later adopted and implemented. In Chapter Four, the empirical study of NCLB will continue by moving away from whom, policy communities, to the what, viewing the actual policy itself. It will focus on the pre-implementation steps: problem identification; agenda setting; policy formulation through the generation of alternatives; and adoption. These are the core steps that Anderson stated may all be going on at the same time, supplying information to each other to compose a solid public policy.

CHAPTER IV

PRE-IMPLEMENTATION STEPS

When discussing steps in the policy process, one would think that they are sequential, but researchers have found that the steps may well be going on simultaneously. Using the steps process to analyze policies can be an advantage nevertheless because actors identify a problem and are able to return to that step in the analysis and make corrections. The pre-implementation steps focus on problem identification, agenda setting, policy formation which includes the generation of alternatives, and legitimation, or adoption of a policy.

The Problem

The problem in this case, is the need for a set standard in education of children. Dilemmas that the government is dealing with are the deficiencies in the Elementary and Secondary Education Act of 1965 (ESEA). Lyndon B. Johnson signed ESEA into effect in 1965, after a culmination of the efforts of numerous education and labor groups. The focus of these groups was to secure more federal funding for education. The ESEA involved direct general subsidies for education, which instilled the thought that this would cause too much federal influence on the state's role in the education process. This blueprint that President Bush proposes, would serve as a framework that would entail Democrats, Republicans, and Independents working together. Their main goal was to strengthen both elementary and secondary schools.

Creating the ESEA allowed for reshaping the educational system. Problems that arose were how to get the federal funding to the states, and would the federal government

be overstepping its role into state sovereignty? The basic principles of ESEA were to enable students from lower income families to compete effectively in the labor market, with a better education. The United States Office of Education was the institution in charge of implementing the ESEA. Yet, they were passive in enforcing the act and attaining the goals that ESEA encouraged, creating a need for change. The main goal was, "equalization of educational opportunity for economically deprived children."¹

Reasons have been cited as to why the Elementary and Secondary Act of 1965 did not work up to its full potential, the most influential being the ties between the US Department of Education (ED) and the local school districts, and the misinterpretation of Congress's intent to the establishment of programs in ESEA. Hence, the conundrum begins, because these ESEA programs were not implemented properly and this in turn reinforced the need that the policy be revamped, reworked, and updated. The most recent instance of reform, before NCLB, was the Improving America's School Act of 1994 (IASA). IASA began to look at the deficiencies in ESEA, calling for the states to implement the changes that were handed down in an expedient manner. The states' reluctance had the federal government looking for a more dramatic change.

President Bush's views on the education of the next generation involve how the qualities of public schools are affecting everyone directly: parents, students and citizens. Research showed how certain students in America were lagging behind because of the low expectations that illiteracy and self doubt placed on them. What President Bush is saying in his executive summary, found on the Department of Education's website, is that

¹ B. Guy Peters, "Educational Policy" Chapter 12 in *American Public Policy Promise and Performance*, 6th ed. , (Washington D.C. 2004), 339.

there needs to be an educational blueprint. Something that can measure education and the progress it has made. Over the years there have been over thirty-nine different versions of education reform, but none that have made an impact on education policy. President Bush wants to rectify this with NCLB, thus creating one version of education policy, a blueprint, for all states to follow.

Agenda Setting

Agenda setting is crucial because if the issue is not made a priority, then the government does not take action. Certain problems never make the agenda for two specific reasons: first there are too many issues, and second, some are not seen as being as important as others. Once the problem has made its way to the agenda, it is important to distinguish what kind of agenda it is. This is because it will determine who and how much attention is given to the problem.

NCLB is on the institutional agenda. An institutional agenda is, "that set of items explicitly up for active and serious consideration of authoritative decision-makers."² What allows NCLB to be on the institutional agenda, is the fact that it is being studied, researched, and created by an institution, that institution being Congress. This agenda is different than a systemic agenda because it primarily focuses issues that are within legislative authority. NCLB, since its introduction by Senator Kennedy to Congress, has risen to the next level of debating how the policy should be drafted and implemented. When Senator Kennedy brought this legislation before Congress, it was to modify deficiencies in ESEA and create one education policy that all states could follow.

² B. Guy Peters, "Agenda Setting and Public Policy," 50.

Formulating Alternatives

The formulation process involves proposing courses of action that may occur. Peters defines policy formulation as, "the development of the mechanisms for solving the public problem."³ Here analytic techniques begin to surface. When formulating a policy it is imperative to discuss who formulates as well as how to formulate a policy. Establishing a policy is difficult because there are various institutions involved, the actors' expertise plays an important role.

Two entities that are involved in the formulation process are interest groups and Congress. Interest groups play a vital role in formation because of their strong support with getting problems onto the agenda. They are also responsible for finding remedies to solve the problem. In order for the new policy to be useful for society it is important to incorporate as many of the alternatives into it. All the interest groups that have involved themselves in NCLB are for the new education policy, but they do have specific reservations. The only way that those reservations can be resolved is through the generation of alternatives, thus creating a valid and useful policy for society.

Formulating a policy is never routine, each needs to be looked at on an individual basis. Problems occur primarily because of two complications: one being the lack of information about the policy at hand, and two, that there are no indicators on how society will adjust to the policy once it has been enacted.⁴ Formulating is done through hearings and committee meetings, as well as any reports from interest groups and think tanks that could be beneficial. During these meetings issues and concerns are negotiated.

³ Peters, "Agenda Setting and Public Policy," 62.

Adoption

Continuing through the pre-implementation steps, the last one is the adoption or legitimization step. Here actions are taken to create legislation to enact the proposed courses of actions. The actors involved in this step include the legislators at each level of the subgovernment. Peters says, "Legitimacy is a fundamental concept in the discipline of political science, and it is important in understanding policy making." Legitimacy can also be seen as a variable and a constant, because opinions can change over time, and that is what has occurred here.⁵ When looking at the adoption step there is a process that is followed.

The process for getting NCLB adopted dates as far back as 1965, when the Elementary and Secondary Education Act (ESEA) was enacted. Every four to six years it was reauthorized under a new name. From the time ESEA was passed there were many issues that arose. In order to deal with these issues, amendments had to be made to the policy, the first proposed by the Nixon Administration. These amendments would expand federal funding to programs in lower-income areas by twenty-three percent, allocating \$12 billion over the next four years for specific programs, Title I being one of the most prominent. Another percentage was given to Title VII funds for English language learners (ELL). This was given to them because the previous criteria of poverty were taken out of the ESEA policy allowing the money to go to ELL.

⁴ Peters, "Agenda Setting and Public Policy," 68-70.

⁵ Peters, "Legitimizing Policy Choices," 75.

When Gerald Ford took office his main focus was special education. His main focus during the 1974 reauthorization of ESEA was to boost federal aid for special education from \$1 million in 1974 to \$660 million in 1975. This would be the largest federal program that would benefit special education. A pattern is beginning to form with each administration. That pattern being that each president finds issues within ESEA that they do not favor and they try to make changes. The last act that Ford was involved in is the Education for All Handicapped Children Act, but the real work of that Act can be seen during the Carter Administration.

The Education for All Handicapped Children Act went into effect in 1977 at the beginning of the Carter Administration. President Carter took the initiative of this Act to begin expanding the federal role in education. He wanted to create a new cabinet level department to oversee the rapidly growing federal aid programs. Many education interest groups, such as like the Council of Chief State School Officers (CCSSO), supported Carter's idea, thus in 1979 creating the Department of Education.

Creating the Department of Education was an important task of the Carter Administration, but he also began to discuss the notion of basic skills testing and whether or not the testing would be beneficial. Policies to have states mandate an assessment of basic skills achievement were spurred in part by promises for federal grants to create basic skills improvement. Moving through the years there are similar standards being found back in 1978 to the standards found today in NCLB. Here there is the start of having states "teach the test" without offering a well rounded education to the students. Today in 2007, this "teaching the test" is still an issue, which states are facing in order to comply with the NCLB statute.

There was such a strong push by these previous presidents to expand the federal government's role in education, but when Ronald Reagan took office, the Republicans began to shift their view and retreat to less federal involvement in education. This occurred when the Education Consolidation and Improvement Act (ECIA) was created. This Act was created to focus more on "local" problems than the national problems, like civil rights and desegregation that the original ESEA was created for. Money was given in a lump sum to the states for them to use at their discretion, for the "local" problems. The only problem was that there was no system of checks in balance in place to make sure that the funds were being used appropriately. ECIA allowed flexibility for the states to meet educational needs but the question that has arose were they to flexible.

The Reagan Administration began to further retreat from a federal role in education by allowing block grants. He felt that the federal government should assist state and local agencies in the area of education. Later, in 1987 Reagan signed into effect the Hawkins-Stafford School Improvement Acts. This increased federal funding of Title I funds on the condition that local schools documented measurable gains in student achievement. So the shift in politics is now moving back towards having rules that go along with receiving federal money as NCLB would in the future. This act repealed ECIA and began to show the federal government's involvement in education.⁶

Over the years NCLB was developed to be an extension of federal authority over states and local schools, it was the law's accountability that would take until 2001 to develop. The movement to get NCLB continued through the Reagan administration when

⁶ States' Impact on Federal Education Policy Project, www.siefepp.nysed.gov

the *A Nation at Risk* report was released discussing standards and testing movement.

This policy continued into the first Bush Administration in 1989 at an education summit in Charlottesville, Virginia. Later in 1991, President G. H.W. Bush proposed the

“America 2000” initiative that would have included national testing of all students.

Congress killed this bill through a filibuster. In 1994, President Clinton would try again with a new Congress, taking the previous bill one step further by providing grants to help states develop specific academic standards.

This 1994 reauthorization of ESEA signaled that the federal government was committed to improving education through requiring states to develop content and performance standards for grades K-12. The problem that there was no deadline or consequence set up for the previous policy, so the Clinton Administration set a deadline for 1998 for the states to have their standards set up, and a 2001 deadline for definitions of Adequate Yearly Process (AYP). The Clinton Administration wanted to crack down and make some changes, but with all that was going on, by the mid 1990s certain NCLB ideas were beginning to surface, so the action that was taken involved looking for ways to tie federal dollars more explicitly to the policy. This would occur during the next reauthorization cycle, and would later have this same wording two years later in the NCLB Act. During this reauthorization process within Congress, neither side could agree on the new ESEA policy. So for the first time in the history of ESEA, it was not reauthorized on time, it just rolled over to the next year.

At this point in time, the debate in Congress was split down party lines. When George W. Bush was named the president-elect by the Supreme Court, he invited twenty members of Congress to Austin, Texas to discuss education policy. This included

members from both parties: Representative John Boehner, Senator Jim Jeffords and Judd Gregg, the Republican leaders. The new Democrats that were invited were Senator Evan Bayh, Representatives Tim Roemer and George Miller. In January of 2001 when Congress resumed, NCLB reemerged more as a blueprint than a policy. The debating on this blueprint involved making bipartisan coalitions, in order to not have a repeat of what happened in the previous Congress. In all the debating, there was a three-way coalition formed among the Republicans, New Democrats, and regular Democrats. The term New Democrats is defined as the old Republican. President Clinton would be considered a New Democrat.

Yet, there was still a problem, that being the defining of Adequate Yearly Process (AYP). This almost caused the coalitions to break. Senator Kennedy decided to take on the responsibility for smoothing things over between Congress and the White House. He agreed with President Bush that, "This is a defining issue about the future of our nation and about the future of democracy."⁷ So through months of debate and many amendments to the bill, definitions were established and the NCLB blueprint began to transform into a policy. But, with any progress there is also a part of regression. In the summer of 2001, No Child Left Behind came under fire again. This time it was not the federal legislators with the problems, but the local officials that did not want any federal encroachment. The state legislatures at their National Conference felt that the policy had irreparable flaws. This would call for more debating to occur so that all parties had a say in the legislation. On May 23, 2001 Congress adopted NCLB and all its provisions. Six

⁷ Andrew Rudalevige, "The Politics of No Child Left Behind," www.hoover.org.

months later on January 8, 2002, President Bush signed into effect the No Child Left Behind Act in hope of holding states accountable to higher standards in education policy.

The next part of the discussion will rely on B. Guy Peters, summary of the main outlines of the statute and the different alternatives that have been created for this policy. NCLB reauthorizes the Elementary and Secondary Act of 1965 (ESEA) and the Improving America's Schools Act of 1994 (IASA), and the provisions that have come from this are stringent. They include accountability through harsher testing and more individual measures for schools; there is to be corrective actions that states can take on schools who are classified as in need of improvement, and finally to hire "highly qualified" educators. "Highly qualified" teachers are those certified by state regulations that pass all tests in the field in which he or she teaches.⁸ Other objectives of NCLB include: more choices for parents and students; greater flexibility for the state school districts and schools; putting reading first, and other miscellaneous changes. Therefore it is looking both at the evolution and the revolution of changes in education policy.

First, let's delve into increased accountability. NCLB strengthens accountability by requiring states to implement a statewide accountability system, trying to close the achievement gap that currently exists. Ways to achieve this include, having high standards for all students when it comes to academics, having annual academic assessments that are designed by each state to focus on student levels of reading and mathematics, and determining where improvement is needed. There also needs to be

⁸ Elizabeth H. Debray, Kathryn A. McDermott, Priscilla Wohlstetter, "Introduction to the Special Issue of Federalism Reconsidered: The Case of the No Child Left Behind Act," *Peabody Journal of Education*, 80 no. 2 (2005), 6-9.

consequences for schools that are failing to educate their students which can be charted through their Adequate Yearly Process (AYP). Another key part to increased accountability is all students deserve to be taught by qualified individuals. In order to achieve this goal, there needs to be grants created, so that the current eighty-seven programs in the Department of Education can continue to flourish; improving teacher quality through more professional development. This enables the states to improve the skills and knowledge of public school teachers by reducing class sizes so more focus is on individual students and reforming the teacher certification requirements of tenure reform and the use of merit- based teacher performance systems. Lastly, in order to improve teacher quality, we need to empower parents to have the knowledge of determining if their child's teacher is an effective educator. This can be done at the request of parents to their local school districts.

Second, NCLB has increased the choices for parents and students, who are attending schools that are not meeting the current standards. Parents now receive a school to school report card, which allows them to compare their child's school to others in the district. If the parent feels that the school standards are not high enough or that the school is persistently dangerous, they now have the option of transferring their child(ren) to a school that is meeting the state's AYP standard, also transferring their child(ren)'s Title I funds. The other schools that parents can transfer their child(ren) to, include charter or magnet schools, private schools, supplemental education services, or home schooling. Lastly, an important program to consider would be to consolidate all education grants into categories. This would allow for more money to reach the classrooms. This funding could help increase a failing school's AYP because the money

would be appropriated and it would be allowed to be used for various programs at the schools' discretion.

Thirdly, NCLB creates the Reading First Initiative. This initiative creates grant programs and calls for competitive sub-grants to be given to local communities to provide assessment programs to assess where children's reading levels are. One could compare reading to the growth of a child. If you do not provide a child with good food so that they can grow healthy and strong, then they will not become a productive adult. President Bush wants a commitment from states to ensure that all children can read by the end of grade three. Through the Reading First Initiative, it allows for educators to catch learning disabilities at a younger age, when they can possibly be corrected or taught to work with. To do this there will be sub-grants funded that will allow kindergarten through third grade teachers to go to professional development programs to help them cultivate the essential teaching techniques necessary to teach the students. These tools aim to enable educators to lessen the national reading deficit.

The last objective of NCLB involves looking at a group of miscellaneous program changes. Even though NCLB has increased the accountability of schools and choices for parents, it has also added new programs. Two programs that have been combined are the Eisenhower Professional Development and Class Size Reduction programs, now called the Improving Teacher Quality State Grants Program. It was created to prepare, train, and recruit qualified teachers. By combining the bilingual and immigrant grants into one it will still benefit schools with programs to teach English to their international students. The No Child Left Behind Act does not discriminate against those students learning English, because they too affect the AYP accountability factor.

Another miscellaneous change involves a concern for safety. There are four important decisions that can be made to ensure the safety of children and educators. First, teachers can remove violent and disruptive students from their classroom, providing a safer learning environment. Second, schools that promote a safer and drug free environment as well as a good education will be provided additional funding for before and after school programs to promote these environments. This allows for religious organizations and non-governmental groups to receive funding to encourage safe programs. Third, after a state has reported to both the parents and the public the safety factor of a school, there is the option for victims of school-based crime, and those trapped in an unsafe school, to leave and go to a safer school. Lastly, there was the creation of Character Education Grants enabling school districts to train teachers how to adjust their classrooms and lessons to include additional character building exercises.

Now that the policy has been adopted, by the policy community, the natural progression would be to put the policy into action. Chapter Five, takes on the task of exploring the implementation process even though it is tedious, mundane, and routine. The implementation step is essential because it will show how the national and state governments will react to one another when put into action NCLB.

CHAPTER V

IMPLEMENTATION STEP

Anderson defines implementation as, "What happens after a bill becomes a law."¹ Implementation is what happens once a bill has been adopted. When looking at education policy, federalism makes another appearance in the steps process, because state legislators are charged with the responsibility of creating policy goals, performance standards, technical assistance, and financial support for the policy. Here the relationships between the national and state actors of the policy community are defined, because the national actors did the creating, but it really is left up to the state actors to do the implementing.

Organization is the key to success when it comes to effective policy implementation. In Peters' text he explains what is involved in a "perfect" administration through Christopher Hood's five characteristics of a "perfect" public implementation. Those being

1. "Administration would be unitary; it would be one vast army all marching to the same drummer."
2. "The norms and rules of administration would be uniform throughout the organization."
3. "There would be no resistance to commands."

¹ James E. Anderson, "Policy Implementation" Chapter 6 in *Public Policymaking*, 6th ed., 200 (New York: Houghton Mifflin Company, 2006).

4. "There would be perfect information and communication within the organization."
5. "There would be adequate time to implement the program."²

These factors clearly are not present in this case, but if these guidelines were there, then there could be more positive, powerful, and effective policy making. There rarely is unity in an administration because of the change of heads and members of administrations. So one could ask, how do you keep unity if things are constantly changing? The only way is to determine a set of factors or guidelines to follow and Hood's could be a proficient baseline to follow.

Communication between actors within the education policy community, about the problem, the plan for implementation, and how it will affect the public are also key factors. Improper flow of information within organizations can hamper effective execution. Within the education policy, there is both federal and state involvement when applying policies. NCLB for example, has a lot of communication, which is necessary in order to make sure all provisions are met.

When analyzing a policy in the implementation step there are two different approaches: a "top-down" or a "bottom-up" approach. When researching NCLB, the method that is used is the "top-down" approach, mainly because the federal government is creating education policy and handing it down to the state government, down to the local school districts to be implemented. The "top-down" approach involves looking at the

² Christopher Hood, *The Limits of Administration* (New York: John Wiley, 1976).

higher level officials and their behavioral attitudes and how they are going to enforce NCLB.³

In the No Child Left Behind statute it states, "That not later than 12 years after the end of the 2001-2002 school year, all students in each group [economically disadvantaged students, major racial or ethnic groups, students with disabilities, and students with limited English proficiency]... will meet or exceed the State's proficient level of academic achievement on the State assessments."⁴ With this standard the federal government has created, there are provisions that each state government must follow.

There are two tactics of control that the federal government uses when implementing the NCLB Act: control and persuasion. The administration has become the bully, threatening and scolding state officials for not implementing the current education law fast, correctly or in a timely matter. After NCLB was signed into effect, Rod Paige, then Secretary of Education, met with state education chiefs at George Washington's Mount Vernon home. Here a discussion was held as to how serious the federal government was about implementing NCLB.

From this meeting the state officials were to take back with them that the Bush Administration and Congress were serious about NCLB, and that they expected it to be followed to the exact specifications as it was designed. It was not enough to just have those sit down meetings between Secretary Paige and the state administrators, but in

³ B. Guy Peters, "Organizations and Implementation," Chapter 6 in *American Public Policy Promise and Performance*, 6th ed., (Washington D.C. 2004), 105-125.

⁴ Elizabeth H. Debray, Kathryn A. McDermott, Priscilla Wohlstetter, "Introduction to the Special Issue of Federalism Reconsidered: The Case of the No Child Left Behind Act," *Peabody Journal of Education*, 80 no. 2 (2005), 7.

October 2002, he also wrote a strict letter to the schools about strict enforcement of NCLB provisions. This same letter gave praise for the support and changes that had occurred thus far. The federal government is trying to control the implementation process. The letter also asserted that in certain states there were officials standing in the way of education reform.

The Bush Administration has "used strong rhetoric in attempting to hold states accountable for their responsibilities under NCLB."⁵ Through the use of rhetoric, legislators have been able to side step all the attempts made by the states to have minor changes made to the NCLB legislation. There have been nearly twenty bills in the 108th Congress trying to amend the NCLB policy, which include more federal dollars, more highly qualified paraprofessionals, and the issue of how to determine Adequate Yearly Progress (AYP) and the new tests that needed to be created. The federal government continues to implement the policy as it was created.

Federal control over NCLB has been very prominent throughout this implementation process. Another example comes from how the United States Department of Education has constructed the regulations that go along with implementing NCLB. Right now it is looking like the amount of control that the federal government has could be leaning toward too much. In section 1901 (b) there was a provision established to give a small amount of control. The Secretary of Education through negotiations can develop certain regulations for states. As the regulations began to be created a few issues arose. First, the states were required to implement the NCLB Act

⁵ Paul Manna, "Control, Persuasion, and Educational Accountability: Implementing the No Child Left Behind Act" *Education Policy* 20 no. 3 (2006), 481.

right away, even before the regulation writing process had been finalized. Second, there was no transition period for the states to adjust, formulate, and plan how to implement the policy handed down to them. The absence of a transition period showed the amount of frustration that the federal government was feeling in reference to their previously failed education policies, the reason for a more specific timeline. The federal government wanted to reflect that they were not going to tolerate delays in the implementation of NCLB.

Secretary Paige during the 2002 and 2003 school years began to issue regulation and letters of guidance to the states. This was a lot of work for the states to begin putting into action before the writing process was completed, so they in turn sent letters to Paige asking for waivers. These waivers would exempt states from particular portions of the statute, yet Paige and his counterparts denied all requests. Another area where the federal government is exerting its control in implementing NCLB is the refusal to allow states to change the definition of improving schools to be better rounded. Georgia had not completed their work on the state assessments and testing, so they had filed a waiver in reference to the ESEA. Paige then used Georgia as an example to other states of what could happen if the provisions of NCLB were not followed, by the government withholding almost \$800,000 of the ESEA funds, showing that the government was not going to tolerate their rules and regulations not being followed when ordered. Another example; a smaller sanction was issued to the state of Minnesota, where \$120,000 was withheld for their shortcomings on the NCLB accountability plan for not being fully completed. The other states have seen how serious the federal government is, and how it

is not going to back down from enforcing involvement in a positive and strong implementation of the NCLB.

The Bush Administration will not tolerate excuses or delays when implementing NCLB, Secretary Paige realized that if states had rhetorical support it would enable some success in implementing the policy. At the meeting on Mount Vernon he stated that there would be no waivers to accommodate the states, but there would be rhetorical support. Paige was lending an “olive branch” to help persuade the states on the President’s vision for education reforms.

This type of support was not apparent until June 10, 2003, eighteen months later at a press conference. Here the progress on the states’ accountability plans was released, showing that there had been one-hundred percent compliance with the first deadline. This was a form of persuasion stating that all states were complying as they were supposed to, but that was not entirely accurate. Each accountability plan that the states had sent in for approval had been approved with specific conditions attached. President Bush remarks were persuasive because all states had created their accountability plans, each with conditions attached to them, by the federal government. These plans have thirty-one different elements and not all of the states had been able to fulfill them all.

Between 2002 and 2004, the federal government continued to resist state demands that would alter NCLB. Yet, at the same time the federal government agreed to certain policy adjustments. They were still turning down waivers that the states were requesting, but approving other insignificant matters. In the implementation step, there is some room for negotiation, to create the best policy possible. Certain waivers allowed for the formation of broad regulatory changes to be made that would allow for more leeway

when testing students with cognitive disabilities. This was a welcomed change; the federal government felt if it gave a little it would persuade the state to participate more with the provisions of NCLB. Even though the federal officials were more responsive, it is also important to note that this did not affect them from resisting other changes in NCLB. The state officials saw that, "Federal officials have attempted to use NCLB to assert themselves in state policy making venue"⁶ to try to enforce that the federal government was trying to be strong and authoritative in policy implementation

Moving to the state's role in the implementation of NCLB, Margaret E. Goertz suggests that the states faced numerous challenges. The states had previously failed to fully enforce both ESEA and IASA. IASA "required states to establish challenging content and performance standards, implement assessments that measure students' performance against these standards, hold schools and school systems accountable for achievement of all students, and take other steps to promote programmatic flexibility and to foster instructional and curricular reform."⁷ Schools had started to move toward reforms in the 1990s, but not fast enough. So now the challenges the states face include how to implement NCLB at a pace that is consistent with federal guidelines.

Challenges for the States

One major challenge that the states have to deal with in terms of the budget is the expansion of education reform. It has been a major cost and burden put on the states' budgets to implement the provisions of NCLB. To reach the standards that the federal government has set forth, the cost ranges from \$1.9 billion to \$7 billion. This amount

⁶ Manna, "Control, Persuasion, and Educational Accountability," 471-491.

⁷ Margaret E. Goertz, "Implementing the No Child Left Behind Act: Challenges for the States," *Peabody Journal of Education* 80 no. 2 (2005), 73.

also depends on the methodology that the states use to implement the new requirements, and how well students do on the standardized tests. Expanding the testing in the states will be mixed, because all fifty states are faced with the challenge of having to create a standardized test that will measure all students' knowledge the same way.

When the states began to implement NCLB they found that there is not enough flexibility in the performance index that combines mathematics and reading. Instead of using one test to measure how children do in both subjects, there are now two to measure the aptitude. The most difficult challenges involving the testing/rating of children are that there needs to be a "starting point" for measuring Adequate Yearly Progress (AYP), and a timeline involved with implementing NCLB, as well as any sanctions that could be involved. States can still have their own standards, but it is imperative that they also incorporate NCLB's accountability requirements. These challenges baffled the states when using the performance indexes, growth and status measures, and the most challenging is the effect NCLB had on states in terms of special needs students and English language learners (ELL).

In reference to the performance index, the states need to abide by the federal mandate for testing in both mathematics and reading. Some states have chosen to also incorporate other areas into their performance index. For example, Kentucky's accountability performance includes seven academic areas, attendance, retention and drop out rates. Michigan's Education Yes! on the other hand studies four academic areas, school climate, instructional quality and learning opportunities. As you can see there is a large difference between these two states, and there needs to be a uniform set of standards that all states follow, so they can accurately measure the progress of students.

The main focus of the policy community involved creating a standard for the growth and measurement of schools, determining whether they are successful or in need of improvement. If schools are improving, then that state is rewarded with extra money to keep programs going that have aided them in being successful. As there are rewards for doing well, there are also sanctions for those schools in states that do not move from the improvement level to the successful level. It is here where NCLB tries to make an impact, because the sanctions need to be enforced the same across the country.

The effects of state policies are a challenge because the schools may be complying with the state standards, but fail to make it at the federal level. This is because the states measure differently than the Department of Education does. States to this day have continuously voted for their state standards and measures of accountability because they look at other factors that the federal government is not concerned with. There are numerous accountability determinates that vary from state to state, school officials have asked that NCLB be amended to permit the states to use their models, showing growth versus failing. This challenge is hard for the states to face since it has already been made known, that the federal government is not willing to negotiate on the issue.

One of the most controversial provisions of NCLB is how to apply it towards two subgroups: special needs students and English Language Learners (EEL). The states have realized that these students learn at a different pace, and the states already have a system in place to measure their progress, but it is not up to federal standards and that affects how the states measure up to the federal AYP standard, in the 2003-2004 school year, one-fourth of the school districts had at least one school in their district not meeting AYP

because of a subgroup. How valid are these tests for the disabled students and ELLs when holding a school accountable?

Previously, the IASA and the 1997 amendments of the Individual with Disabilities Education Act (IDEA) called for the inclusion of all these students when determining accountability calculations. Before NCLB was enacted there were tests to determine where disabled students and ELLs were, but those scores were not counted in the states' total calculations when determining accountability. This is what the federal government was trying to change, requiring the states to test all students and hold them accountable. The challenges that the states face have put a strain on their governments. Not all the resources are available to them, and they have numerous hurdles to overcome in order to achieve the 2014 deadline that NCLB has set forth. The challenges that they face are numerous, but the strain of challenges are also faced at the local level.

"The stringent requirements for participants in state assessments and the public reporting of disaggregated data and school performance will make disparities in student achievement much more visible."⁸ It is likely that the implementation of No Child Left Behind is going to be a continuous process for the states because parts are bound to be amended. NCLB will be a continuous process because the reality of the situation is that the states will try to continue to use their own school performance categories when defining school improvement resources. That is until the federal government sanction that would prevent them from doing so. There will be a lot of research, done by the education policy community, on how to define the lowest performing schools so that there is some consistency. It still remains to be seen how much the United States

⁸ Goertz, "Implementing the No Child Left Behind Act," 87.

Department of Education will use rules and regulations to monitor how states are following NCLB. The only way for states to really begin to implement and follow the regulations of NCLB is to build the states' revenues up so there is funding to make the appropriate changes.

On the local level, one of the challenges school districts face is to define the sanctions to be used against schools for corrective action. IASA allows school districts to do this, but NCLB takes it one step farther by giving certain suggestions. Those suggestions were, "Instituting a new curriculum with appropriate professional development, decreasing management authority or restructuring the internal organization of that school, and extending the length of the school day or year."⁹

Budget

In order to implement policies to the standard that the policy community intended, there needs to be a budget. The budgetary process means to allocate funds and resources through the government to be used to implement the policy. This is done through four distinct stages: preparation, authorization, execution, and audit. During this process the government allocates the money for the greatest social, economic, and political benefit. This is not an easy task, and there are many scholarly opinions as to where the money should be spent.

When it comes to NCLB and its budget, there is one main mechanism that the federal government uses, conditional spending. This mechanism has become more prevalent with new federal laws handed down. Conditional spending requires states and localities to satisfy specific conditions before they receive the federal funding that is

⁹ Goertz, "Implementing the No Child Left Behind Act,"83.

promised. NCLB is only one of many federal mandates that have attached requirements that have to be reached before Title I money is released to the schools.

This enables the federal government to exercise power over the states. The use of conditional spending has come about because the federal courts have not set enough limits on Congress when it comes to spending the money. The United States Supreme Court has had the power to strike down any and all mandates that they find unconstitutional. The logic behind having conditions attached to the monies is to compel a certain behavior from the states. By the states accepting the money that NCLB offers, the states are saying that they intend to conform to the rules and regulations of NCLB.

Presumably, states have the freedom of either accepting or rejecting the aid offered, but do they really? Few states see this as a possibility because NCLB is a law that has been passed, and if the states do not adhere to the law, then funding sanctions will occur. States cannot just forgo the provisions set out by No Child Left Behind because they have already invested the money into current program, programs they are starting, and the improvement of schools. The federal government uses conditional spending as a mode for their control over the states, so in essence, this form of spending is like a double-edged sword. The money would be available for improving education, but only on the federal government standards, thus causing schools to move from “improving” to “in need of improvement.” This also aids in the main objective of NCLB creating a uniform standard in education policy.

With the No Child Left Behind Act, the federal government has the power of the purse. They use this power to force states and localities to hold students to higher standards. The federal government has employed the use of conditional spending in four

specific sections of the mandate: 1.the requirements for teachers to be “highly qualified” according to the federal definition, 2.that the curriculum being taught is validated and based on “scientifically based research,” 3.that schools meet the federal definition of AYP, and 4.that the states follow a specific sequence of interventions to help failing schools move to making AYP. Research has shown that a portion of the educational expenditures, unlike other mandates in welfare, transportation, and criminal justice go unused each year. In order to receive federal aid states must abide by all the alternatives created during the implementation process.¹⁰ The federal government also needs to find a more appropriate way to keep track how the money allocated is being spent so that all the money set aside for education is used, and if extra money is found and available for use, that it is funneled back towards education policy.

The costs of implementing NCLB involve only 2.6 percent of total education spending. This goes back to the main problem, securing more funding for the states to implement NCLB, as long as all the provisions are met. A few examples of NCLB funds being spent begin in April 2004; twenty-four states have made resolutions, formal requests asking for either relief or for a change to be made to the policy, so that all the money in the education budget would be used appropriately. A few examples of these resolutions are: Maine passed a law in 2004 which does not allow state or local money to support the federal mandate. So if the federal government wants them to participate in NCLB, then they need to provide more federal funding. The same goes for Connecticut; it has two districts turning money back trying to make point that there is too much federal

¹⁰ Kathryn A. Dermott and Laura S. Jenson, “Dubious Sovereignty: Federal Conditions of Aid and the No Child Left Behind Act,” *Peabody Journal of Education* 80 no. 2 (2005), 39-45.

intrusion into state sovereignty. On the other hand, the school district in Reading, Pennsylvania has filed a suit against the state for withholding the funds that were designated to them. The strongest example comes from the state of Utah, which is usually a big supporter of legislation coming from the Bush Administration, but they have voted to opt out of the law completely. Many other state legislatures have begun to fund research projects as to whether it would be beneficial to continue with NCLB. This will come after looking at the costs and weighing the consequences to opting out of the policy completely.

All of these issues point toward one question, whether NCLB is fully funded. January 4, 2003, President Bush stated in his radio address the NCLB is fully funded. If NCLB is fully funded, why is there so much controversy over who gets money, and why is it taking so long to get the policy to really show any progress or results? According to the Hoover Institution, "the needed dollar amounts are relatively small and could be met easily be (re)allocating funds."¹¹ When looking at NCLB all states feel that there is a budget crunch, how can they abide by all the provisions if the funding is not there? There are many challenges on the road ahead that only after the evaluation stage will policy community be able to determine if the policy is working, and what changes need to be made to continue it on a positive track. Chapter Six will look at evaluations that have been offered by different actors within the policy community.

¹¹ William J. Mathis, "The Cost of Implementing the Federal No Child Left Behind Act: Different Assumptions, Different Answers," *Peabody Journal of Education* 80 no. 2 (2005), 91-92.

CHAPTER IV

EVALUATION STEP

As with any process there is a beginning, middle and an end when analyzing the policy process; the end is the evaluation step. This involves the appraisal and assessment of a policy after it has been implemented. In the evaluation step different actors, of the policy community, explore the factors as to whether or not the policy is functioning, and the impact that it has made on society. The evaluation step basically takes the opposite approach of the other steps. It looks at the policy to see how it has worked, where the other steps have looked to see how the policy will work in the future.

There are numerous actors involved when evaluating a policy, ranging from the legislatures to the media. When discussing the evaluation step it is vital to distinguish between policy outputs and policy outcomes. Anderson defines “policy outputs” as, “the things actually done by agencies in pursuance of policy decision statements.” “Policy outcomes” are, “the consequences for society, intended and unintended, that stem from deliberate governmental actions or inaction.”¹ In order to look at the policy outputs and outcomes there needs to be a method.

NCLB is seen as being evaluated through a systematic approach because it “employs social science methodology to measure societal effects of policies or programs and the extent to which they are achieving their goals or objectives.”² The method used in this thesis is to look at reports and studies done by think tanks and interest groups. These

¹ James E. Anderson, "Policy Impact, Evaluation, and Change" Chapter 7 in *Public Policymaking*, 6th ed. (New York: Houghton Mifflin Company, 2006), 255-256.

groups are independent actors who are impartial and can provide an empirical analysis of the policy. The goals or objectives that are being evaluated are: student achievement, closing the gap, and meeting the needs of diverse students. Based on these evaluations there will be both criticisms and recommendations as to how the policy is working and what could be done to make it more effective. Lastly, this transitions the actors from the evaluation of NCLB to the reauthorization looking where the policy is intended to go from there.

When evaluating these objectives one would have to consider the possibility of avoiding certain problems within the policy with prior analysis. This would be more of a pre-implementation evaluation step. In doing this it could possibly have corrected specific issues before the policy was implemented, thus making implementation and reauthorization easier.

Student Achievement

When evaluating student achievement, the standard that will be referred to is the measurement of Adequate Yearly Progress (AYP). This is the primary measurement device the actors use when evaluating NCLB. Northwest Evaluation Association (NWEA) is a non-profit agency that partners with school districts and education agencies throughout the U.S. to offer student assessment through scientifically based research. When NWEA investigated the achievement level, they were looking at the individual student scores at one point in time. In their 2005 study, they revealed that NCLB is a very complex law. They stated that, "results from this study of any one year will give us a

² Marcia Gentry, "No Child Left Behind: Neglecting Excellence," *Roeper Review*, 29, no. 1 (2006):24

single snapshot of how the law as it is implemented, while the series of studies will identify trends as they occur.”³

The study NWEA did took a snapshot view of the year before NCLB was implemented (2001-2002) and the year after implementation (2003-2004). They compared student achievement levels and the scores the students had at one point in time before implementation, with the achievement levels and scores post implementation. NWEA’s study also shows the impact NCLB has had on the country. They found that NCLB could have a positive impact on student achievement, but at its current state, falls short of meeting the goal of students being proficient. The conclusion that NWEA reached in terms of student achievement is that since the implementation of NCLB, both mathematics and reading scores have improved, yet more research is needed to see if there is ongoing level of improvement in student achievement.

In addition to NWEA’s report on student achievement, the Los Angeles-based Broad Foundation created a competition for urban schools to measure their progress towards student achievement. As described earlier, the evaluation process includes the estimation, appraisal, and assessment of a policy. There are many indicators within the evaluation process that are used to evaluate NCLB, and how states are functioning since implementation. In 2002, the Los Angeles-based Broad Foundation established the Broad Prize, an award that rewards urban schools that show significant improvement in student achievement. In 2005, eighty urban school districts competed for this award. The Broad

³ John Cronin, G. Gage Kingsbury, Martha S. McCall, Branin Bowe, “The Impact of the No Child Left Behind Act of Student Achievement and Growth: 2005 Edition,” Northwest *Evaluation Association*, http://www.nwea.org/assets/research/national/NCLBImpact_2005_Brief.pdf

Foundation gathered information from the National Center for Educational Accountability and then chose five finalists.

The Broad Foundation sent researchers to investigate and evaluate the schools. These researchers interviewed district administrators, parents, community leaders, school board members and union representatives to evaluate each school. In these interviews the researchers asked questions as to how these schools are increasing student achievement. The researchers also asked parents if they have noticed a difference in their child's performance since the standards of NCLB were instituted at their schools.

Upon completion of their investigation, Norfolk Public Schools won the award for the largest increase in the percentage of elementary students reaching proficiency levels in reading with an increase of fourteen points, while their middle school students increased their proficiency by twelve percent. The Norfolk Public Schools have shown how improving curriculum and focusing on achieving a higher level of proficiency in the core subjects, as NCLB wants schools to do, has allowed them to receive this prestigious award for an increase in student achievement. The way they achieved this increase was through supporting teachers, by providing them with curriculum guides, aligning the curriculum between grades and monitoring how schools are implementing that particular curriculum through frequent classroom visits.

One key aspect to seeing how NCLB is affecting the nation is to collect the right data, which then can be used to inform schools regarding how they can improve students, classrooms, schools and districts. A Norfolk administrator said, "Having data available has helped administrators focus on what we are going to work on for that school year.

We used to flounder; now we have trends for every year.”⁴ Norfolk schools did this by stressing that schools have conversations with their teachers about underperforming students. By keeping the lines of communication open, both the teachers and administrators can fully understand where the students stand on reaching higher AYP scores. Heather Zavadsky’s article, “How NCLB Drives Success in Urban Schools” portrays how NCLB is functioning at the national level through the Broad Foundation example. There are certain problems like not enough funding, but overall there is evidence that NCLB is working and as the implementation process continues, it will grow stronger, and more evidence will begin to surface. In addition to this evidence the Norfolk school system has passed along ideas that could aid other urban schools nationwide to increase student achievement and have increasing AYP scores.

Another of the many interest groups involved in evaluating NCLB is the Center on Education Policy (CEP). CEP is a national independent advocate for public education and for more effective public schools. They do not represent any specific interest; functioning to aid Americans’ to understand the role of public education in democracy. Each year the CEP releases a report on NCLB. The fourth report, *From the Capital to the Classroom: Year 4 of No Child Left Behind*, takes a look at the legislation, the concerns that were coming from the educators and the recommendations for improvement that have been made. This report offers four broad conclusions on how NCLB is affecting student achievement.

⁴ Heather Zavadsky, “How NCLB Drives Success in Urban Schools,” *Educational Leadership* 64 no. 3, (2006), 69-73.

First, that teaching and learning have changed. The results are positive; schools are trying to align their curriculum to the NCLB standards. There is still room for more improvement but thus far there has been some success. The two main subjects that NCLB focuses on are mathematics and reading. Seventy-one percent of school districts have reported that they have decreased instruction by one hour in their other subjects to shift that time toward mathematics and reading. Second, the scores on the state achievement tests are rising. The reason given for this increase is a rise in AYP scores. By making these policy changes it is allowing for more students to be classified as "proficient." Third, the effects of NCLB are holding steady. This is mainly because of the changes in both the federal and state rules, making it easier to make AYP, and those choosing to participate in tutoring programs. Lastly, No Child Left Behind has been seen to have the greatest effect on urban schools. Only fifty-four percent of the Title I schools are identified as in need of improvement and ninety percent are in restructuring mode. Title I funds remember are funds given to schools to aid them in help the increased student achievement. There is more diversity in the urban school districts, so there are more subgroups and schools that are factored into AYP statistics.

There is a need to look to the future and see how the implementation of NCLB will pay off. The CEP suggests that the U.S. Department of Education and the federal government make the following changes to NCLB before year five: to monitor the effects schools have and let them be flexible when meeting AYP standards, implement new rules for evaluating students with disabilities, provide adequate funding and other assistance, enable schools to reverse the order of choice and supplemental services and lastly, to provide more of a balance in the curriculum. All of these will be reviewed not

just here in our section on student achievement, but also in the other sections: closing the gap and meeting the needs of diverse students.

This same report also provides information evaluating exactly how NCLB is generating an influence in the education system. Kevin Carey, an education sector researcher and policy manager, says “states are largely free to define the terms of their own education success” under NCLB. In March 2006, he analyzed the annual reports that states are required to submit to the federal government. While reading these reports he saw that 97 percent of Oklahoma’s schools and 95 percent of Rhode Island’s schools met their AYP standards for the 2004-2005 school year, yet only 28 percent of Florida’s schools did. Most researchers saw this as the former states being let off the hook because they made their AYP, but Florida still had some work to do. Oklahoma and Rhode Island made their AYP, not based on their actual performance, but because all the states’ rules are different when trying to reach AYP. This is one reason that NCLB was created, so that there could be more emphasis on the fact in order to measure the achievement of students there needs to be a level playing field, a test that is similar in all states so that AYP can accurately be measured.

Student achievement is pertinent to NCLB. If there is not a uniform way to measure it, then how can all fifty states make AYP? In order to truly make AYP all states have to do one of two things: 1. they all have to have the same standard of testing or 2. let each state have their own standard for testing based on their demographics. If this is done, then general scales can be created for AYP so that each state is given a fair chance to make the national standard AYP.

A key aspect to increasing student achievement is through hiring “qualified” teachers, which NCLB currently requires. When coming up with this objective, the federal government did not consider those teachers who have been in the profession for over twenty years and their skills. Amy M. Azzam et. al. in their article, “The Impact of NCLB” discuss a report done by AFT called, Reality Check 2006: “Is Support for Standards and Testing Fading.” It shows that a majority of administrators, parents and students thought that the concept of raising accountability standards through standardized testing was the way to measure the success of student achievement. Teachers are on the other side of the spectrum; seventy percent of teachers’ think that NCLB is causing problems, while fifteen percent believe that NCLB is improving local public education.⁵ The federal government and NCLB have mandated that the teaching profession to completely change their styles. The new mandate has caused fifty percent of teachers to leave the profession after only five years causing a shortage. Another question that is raised is whether or not NCLB is scaring away future teachers.

The NCLB mandate of hiring “qualified” teachers has also increased the efforts in teaching only material that will be found on the standardized tests, taking away from a creative teaching style. “The joy of teaching and learning is being systematically removed from our classrooms.”⁶ This lack of creativity in the classroom has narrowed the curriculum and forced teachers to concentrate on memorizing facts. Since the standardized test focuses on mathematics and reading, and soon to be science, it has caused art, foreign languages and social studies teachers to change their curriculum

⁵ Amy M Azzam, Deborah Perkins-Gough, Naomi Theirs, “The Impact of NCLB” *Educational Leadership* 64 no. 3, (2006), 94-96.

⁶ Gentry, “No Child Left Behind,” 26.

allowing for more time to be placed on the core studies for the test. This has taken the fun out of learning as well as not preparing students to be valuable citizens. Basically, if during the generation of alternative step the actors had thought into the future, they would have been able to predict that teachers would lose interest in teaching and so would students. These factors include moving away from tests and quizzes to more projects and portfolios, more professional developments for the educators, and increased involvement of the parents.⁷

In order to look at the other objectives in the evaluation of NCLB, it is important to note that student achievement is not only a separate objective, but also one that is used as a base to study the other objectives. Student achievement scores are used as a base to measure the closing of the gap between students. Later, those scores will also show how NCLB is either aiding or harming the needs of diverse students. NWEA measured student achievement by looking at the growth and measuring the children's scores from one point in time to another. The growth methodology that NWEA used was a Growth Research Database; it compared student achievement and growth on a common scale.

Closing the Gap

In order to increase student achievement, there needs to also be a closure in the gap between the less fortunate to more fortunate students. The NWEA, along with studying student achievement in their 2005 study, also focused on closing the gap among different types of students, rich versus poor students and rural versus urban students. When using the Growth Research Database, NWEA took comparisons of 320,000 third

⁷ Fair Test: The National Center for Fair & Open Testing, *No Child Left Behind After Three Years: An Ongoing Track Record Of Failure*, www.fairtest.org

through eighth graders in twenty-three states, allowing for a good cross section sample to be chosen, thus having stable results. This methodology NWEA used faced three limitations: first, NCLB was only in its first year of implementation and the different aspects of it were still being implemented. Second, when they compared achievement levels and growth, the results were mixed, because of other elements involved. Lastly, that in order to accurately measure the growth, showing a closing in the gap and being able to test the results, there needs to be further research done by think tanks in our education policy community.

The results that the NWEA found involved mathematics performance. Math performance scores have made greater strides than those on the reading scales in the same time frame measured. One of the main points of NCLB is closing the gap between different ethnicities and economic levels, but in the NWEA study the growth rate of Hispanics, African Americans and Native Americans is significantly lower than Anglo students. There needs to be more research and evaluation into why there is such a significant difference in the rates of growth before NCLB can continue. One conclusion NWEA came up with is that the growth rates measured before implementation have decreased slightly since the implementation of NCLB. They found that those students that took state tests had higher growth rates than those that did not. NWEA's study reinforces the fact that all states need a standardized test, so that all students are measured, thus allowing for an accurate measurement of growth to be completed. Those then could show where each state stands on closing the gap between students.

An important factor that is used in determining how to close the gap between students is the funding. There are two important ideas when it comes to funding 1.the

lack of funds and 2. the withholding of funds as a means of penalty. President Bush and his supporters have stated numerous times that there is adequate funding available to implement NCLB, according to the guidelines it has set forth. Yet, year after year the funding has fallen short. The reason for this includes the second idea that there is a penalty for schools that do not meet AYP. Those schools are then labeled as in need of improvement and are being sanctioned by taking away part of their funds. In order to close the gap, funding is needed. There needs to be more analysis done as well as more funding appropriated in order to accomplish this task.

The issue of funding moves to the concept of setting up the states into regional groupings. American Federation of Teachers (AFT) thinks that if these groupings were established, then the next step would be to have the federal government offer grants to these clusters of states. These grants would allow each grouping of states to use the money as they see fit to close the gap between students, thus increasing student achievement. If research had been done, by the policy community, before this legislation was enacted, it is possible that the legislators would have seen that some groupings have school systems that need more funding to bring their AYP scores up to the level that the federal government has set. This could have mediated some of the problems that the government is getting ready to face during the reauthorization debates in 2007. This would also begin to bring some consistency to NCLB, one issue that is lacking in the states adherence to the legislation.

As of January 2006, the amount of funding that was promised by Congress for NCLB and what was actually provided is the difference of \$40 billion. If Congress had taken the time, concentrated, and predicted what would happen with the funds as they

were distributed to the states, more could have been accomplished before the five year anniversary mark, which is now upon us.

Meeting the Needs of Diverse Students

Continuing along the evaluation path, the discussion has progressed from student achievement to the closing of the gap among students, and now it will focus on meeting the needs of diverse students. In order to measure the students' performance, the students need to be broken down into more definitive subgroups. Current NCLB legislation does allow for special needs students to be classified as a subgroup, and for only a fraction of them be counted in the measurement of schools when aiming for that AYP standard, but it needs to be taken one step further. However, special needs students and English language learners (ELL) are not the only subgroups needed. There are also gifted and regular everyday students who also need to be considered. The federal government is focused on closing the gap between the rich and poor students, they are not remembering that what may improve one set of students will also harm another set of students.

In an article by Marcia Gentry entitled "No Child Left Behind: Neglecting Excellence" the author focuses on the subgroups. Gifted students, one subgroup, cannot be plainly labeled as rich students because there are bright individuals at both ends of the socioeconomic scale. During a panel discussion on gifted children, panelists argued that "the testing initiative's purpose is to ensure educational quality for all American students, regardless of economic circumstances; the reverse appears to be the reality."⁸ During the implementation step the federal government is looking at the big picture, how things will occur if NCLB is implemented, not analyzing the little parts in between.

⁸ Gentry, "No Child Left Behind," 25.

Gentry concludes that the federal government needs to step back and think about the needs of all students involved, no matter whether they are average, gifted, disabled students and ELL. If these students are grouped together, how can the federal government show a positive growth in the measurement of student achievement? As stated earlier, what can help certain students may also harm others. What is harming gifted students is that the material being taught to them, now via federal mandate, is not challenging them enough. These students have already mastered what they have been taught at their current level and are no longer being allowed to continue to the next level. These students are just being taught what they are going to be tested on. This has taken out the room for imagination, scholarship, creative thinking and teaching, and problem solving in learning.

Since the gifted students are not being challenged, the test scores of their schools have begun to suffer, and the students are not working to their full potential. Gentry found that NCLB is hurting these students because they cannot thrive and learn, and it is harming the average students because the scores they receive when taking the standardized tests are lower because of the lack of challenge, since they are only learning what will be on the "test." This goes back to the first point that the government should have done research looking at the areas of the U.S. individually before working on improving the education system as a whole. First they could develop standardized tests for each subgroup in each area, next analyze the data from those tests to create a federal test. Student achievement, closing the gap, and the diversity of students are what are being evaluated in this policy. Yet, with any research there are both criticisms and recommendations as to what could be done differently.

Criticisms and Recommendations

With any policy there are going to be criticisms over how it is functioning. There will also be actors that will offer recommendations as to how things could be different, for example if certain aspects were thought of in a pre-implementation evaluation step, certain problems could have been avoided. To accomplish the first two objectives, student achievement and closing the gap, what should have occurred in the pre-implementation evaluation step is to first evaluate the different regions of the country on three major areas. The American Federation of Teachers (AFT) has created three major areas that need work: accountability, staff quality, and funding. First, when it comes to accountability and closing the gap between rich and poor students, white and black students, and lastly rural and urban students the government should have taken a closer look at how NCLB would affect students and teachers alike as well as what possible outcomes could occur with this type of legislation.

AFT felt that NCLB needs to implement an accountability system that gives credit for progress and proficiency. Basically, NCLB only allows schools to make Adequate Yearly Progress (AYP) if a certain percent of students, even after all the subgroups are included, make the grade. AYP sets two mandates: 95 percent of the students must make the grade on the test currently and by 2014 it should be 100 percent of the students, and the number of tests will increase from just math and language arts to include science.⁹ The way the federal government is trying to do this is through creating one standardized test for all students. Now in order for schools to reach these goals, there needs to be

⁹ Deborah Meier and George Wood, "NCLB's Selective Vision of Equality: Some Gaps Count More Than Others," in *Many Children Left Behind*, ed. Stan Karp, 54 (Boston: Beacon Press, 2004).

adequate funding. In the evaluation step, more financial analysis needs to be done to show how to accomplish this feat, not just the penalties that states could incur, if they are to reach the goal by the year 2014.

One aspect that could have been considered in the evaluation process is how socio-economic status plays a role creating uniform education policy. Legislators could have hired various think tank organizations, like the Hoover Institute for example, and have them section off America into groups of states to determine the factors surrounding how to incorporate NCLB after its adoption.

One way that the actors could have dealt with closing the gap through the form of testing that they wanted was to look at America in regions: New England, the South, the Midwest, the North Pacific, the Southwest, the West, and the Mountain region. By doing this and factoring in the way of living, tests could have been determined for that particular area. The cost of living is important in the measurement of student achievement because some students do not have the money to lead a stable life. A lot of these students are more focused on where their next meal is going to come from. Another point when looking at the country in regions involves breaking regions down further and allowing the money given to that region to be given to the school systems that really need it. So looking at the school systems in the area would also be a classification as to how much of the funding they would receive.

These tests would measure the students' aptitude and where they stand on the federal level. This may have taken a lot longer to study, and we may not have met the 2014 deadline, but in the long run I ask two questions: 1. Would it have made a difference in how NCLB would work once adopted? and thinking to the future, 2. With a

presidential campaign in the near future, 2008, will the policy itself be lost to the new president? Would this have cost the government money and more time? Yes, but in the long run if they wanted to begin to really close the gap found in our education system between these groups they needed to identify certain factors that were left out.

If the states had been divided into these regions of states and a formula had been created to measure those areas to the federal government standards and making AYP, then there is the possibility of NCLB achieving its intention, closing the gap. When discussing how states measure up to federal standards, there also needs to be some form of a point system allowing them to show progress in certain areas, because if there is not, then eventually all schools will be listed as in need of improvement by the federal government. This point system could have been established in the evaluation step allowing for schools, with a variety of students, to measure each subgroup separately then take the groups and evaluate them on the federal level.

Conclusions

There are many positives of No Child Left Behind, which include the accountability standards that are set and measured annually by each state. NCLB links state academic content with student educational outcomes by requiring schools to use scientific-based research methods in the classroom. NCLB focuses on reading, writing and mathematics and requires schools to focus on providing quality education to students who are underserved including children with disabilities, low-income families, EEL and both African Americans and Latinos. An important positive is the fact that more access is given to parents, they are provided with a detailed report of their child's achievement.

They are also given explanations as to how their child's achievement level is increasing or decreasing.

The positives of NCLB have already been made known, but there are two sides to every story. The most important negative of NCLB involves the federal government's underfunding of the policy. The Bush Administration has severely underfunded NCLB at the state level, but still requires states to meet all the demands and provisions of the policy. If they don't meet those standards, the states face losing funding in the future years. Senator Kennedy said that the NCLB reforms are necessary, but the funds are not there to aid in making the necessary changes; as a result of the lack of funding states, have had to resort to major budget cuts to other school subjects to make sure that the score in mathematics, reading and writing are the number one priority.

A second negative has to deal with teachers teaching to the test. This means that teachers and parents think that NCLB encourages and rewards teaching children how to score well on the test, but are the children really learning the necessary skills to lead a productive life? This has caused teachers to shy away from teaching other subjects for a certain period of time.

Thirdly, there are problems with the NCLB standardized tests that have been created. Since there is no uniformity amongst the states to have one standardized test, each of the individual states can set their own levels of a lower standard to compensate for an inadequate performance their students may show. There is also some criticism as to how the standardized tests are unfair to English Language Learners (ELL) and students with disabilities. There needs to be a different set of standards for them or some how a factor in the equation when trying to measure AYP in those particular areas.

Lastly, once again is the issue of teacher qualification standards. NCLB sets very high standards for teacher. It requires new teachers to possess one or more college degrees and pass so many proficiency tests, as well as old teachers passing the same number of proficiency tests. Some of the qualifications that have been required have caused there to be an even larger shortage in teachers for subjects like special education, science, and math. Lastly, teachers are not pleased with the possibility that in the Bush 2007 proposal they could face being transferred to failing and poorly performing schools by changing their contracts.

These are the major negatives of NCLB that liberals have stated, which have in turn begun to develop the discussion of the reauthorization of NCLB in 2007. Chapter Seven will tie up the empirical portion of this thesis, discussing the reauthorization of NCLB, answering the question of where the government intends to go with this policy.

CHAPTER VII

REAUTHORIZATION: NCLB IMPROVEMENT ACT

“While President Bush and top education lawmakers agree on many of the principles in the No Child Left Behind Act, they may struggle to renew the law if they can’t compromise on how much to spend on it.”¹ January 8, 2007 marks the five year anniversary of President Bush signing into effect the No Child Left Behind Act. It is now time for another round of reauthorization, and Secretary Spellings in a speech to state education chiefs two years before, explained her position on the requirements of NCLB. She announced that in the upcoming reauthorization, she would be willing to bend when it came to the enforcement of NCLB. This is completely different than previous Secretary of Education views on the enforcement of NCLB. She thought, “It is the results that truly matter, not the bureaucratic way that you get there.”²

What Secretary Spellings is talking about when it comes to bending is the concept of “value-added” or “growth” measuring student achievement. Previously, Secretary Paige and the White House had rejected this concept, but now it has been given the go ahead from Secretary Spellings. During this reauthorization Secretary Spellings wants to institute a pilot program that would allow struggling schools to tutor students for one year before allowing students to transfer to a higher performing school. Some critics feel that these flexibilities are just for show. Only time will tell through the reauthorization

¹ David J. Hoff, “NCLB Renewal Debate Launched in Earnest: Law’s 5th anniversary prompts efforts to state out positions,” *Education Week*, 26 no. 19, (2007), 21-24.

² Michelle R. Davis, “Education Secretary Margaret Spellings Faces Tough Test in NCLB Reauthorization Fight,” www.hoover.org/pubaffairs/releases/7274246.html.

process if these flexibilities will truly be given. The flexibilities that are being discussed are the policy outputs and outcomes. The policy outputs and outcomes are political because the politicians involved do not want to see the failing aspects of a policy, because it may be the opinion of the public that they failed when creating the policy. This refers back to both Lowi and Ripley and Franklin, and their concept that it is the type of a policy that will determine what arena the policy is to be a part of, as well as what changes will be involved. The actors in the arena have to deal with the possibilities that changes will be made to the policy they created after the evaluation step, in order to keep the policy successful in the future.

The central issues in this chapter are whether or not NCLB will be reauthorized this year, how the nation feels NCLB has worked, and what they feel should be changed before reauthorization. This will be seen through previous opinions in 2006, a meeting between President Bush and key congressional members, the actors' thoughts, and testimonies from the public.

Opinions from 2006

In the year before reauthorization, Rep. Howard P. McKeon, (R-Calif.) felt that it would be beneficial to gather opinions as to how NCLB is faring before it comes up for reauthorization in 2007. McKeon was selected chairman of the House Education and the Workforce Committee on February 15, 2006. During the year before reauthorization he stated in an article in *Education Week* that he would hold hearings and roundtable discussions on education law in Washington D.C. and around the country to gain valuable research about NCLB. He stated that, "I'd like to hear from the people at the local level- what successes they've had, failures or problems, and hear what they think would make it

better, I like the idea of getting a lot of feedback...[with roundtable discussions] that are a little more informal instead of these inquisitions we call hearings.”³ This comment proves that McKeon is pre-evaluating the reauthorization of NCLB; to learn what citizens think has worked and not worked so when the time comes around for reauthorization the government is ready to make the necessary changes.

Representative McKeon supports the NCLB legislation, but his main view after hearing from local educators and their concerns for the special education requirements is that of confidence. He said, “If we can give them more control over their local school districts, we should. When you try to pass something in Washington that takes control away from those people, it’s a real problem.”⁴ Rep. McKeon’s main focus is not just on NCLB, but on education law in general. He has concern over federal encroachment on the local school systems. Here there is reference back to the previous discussion of federalism and the federal government taking away a portion of state sovereignty. Will this pre-evaluation of how NCLB is faring be an asset during the reauthorization process? Along with Rep. McKeon’s pre-evaluation of NCLB in 2006, key congressional members met with President Bush to discuss the upcoming reauthorization process.

Meeting with the President

On January 8, 2007, Senator Kennedy along with Rep. George Miller, Senator Mike Enzi and Rep. Buck McKeon met with President Bush to discuss the reauthorization of NCLB. Senator Kennedy thought that, “We have an obligation to revisit the No Child Left Behind Act and ensure that it lives up to its promise. At issue

³ Michelle Davis, "McKeon to Seek Opinions on NCLB Reauthorization," *Education Week*, 25 no. 24, (2006): 32.

⁴ Davis, "McKeon to Seek Opinions," 32.

are our economic strength, our commitment to opportunity, and even our national security, so we need to take action this year to strengthen our public schools.”⁵ Since NCLB was created to increase student achievement and close the gap between the less fortunate, fortunate, and more fortunate students it is vital to look at what has worked and what has not. Eight major issues were discussed by these high ranking officials. These areas of tension include:

1. keeping the promise of public school choice
2. fair access to quality supplemental services
3. requiring all teachers and paraprofessionals to be highly qualified
4. how to continue to give guidance on measure AYP accurately
5. giving accurate data about graduation rates since NCLB’s implementation
6. how to improve the quality and scope of student testing
7. the issue involving civil right violations
8. the quality of technical assistance and research.

All of these tensions need to be discussed with the actors involved in the revisions of NCLB. They need to work side by side with the Department of Education and interest groups at both the national and state level so these tensions can be eased. Easing these tensions will also enable the appropriate changes to be made to the policy during the reauthorization period.

Actors’ Views on NCLB’s Reauthorization

On February 8, 2007 the Senate education committee had its first hearing on the reauthorizing of NCLB. The law has gone back to the national actors at the

⁵ Ted Kennedy: “Senator Kennedy On NCLB Meeting With President Bush,” www.tedkennedy.com

subgovernment level. Here re-evaluation will take place, there will be debate on what changes if any should be made to No Child Left Behind. There are also concerns as to how quickly NCLB will be reauthorized, mainly because there are quite a few education policies on the Senate and House's agenda this session. Some of these education issues include making college more affordable, as well as increasing more funding for other education programs. Another factor is that the country is preparing for a presidential election in 2008, so NCLB may have to be put on the back burner until after the elections. At this first hearing the Senate has come to two major conclusions. First, "We know what makes a good school." Second, "What we don't know is how to make a low-performing school into a high-performing school."⁶

This meeting as well as many more to come will focus on how states and districts need to intervene when schools fail to meet AYP for five consecutive years. Another concept that the Senate plans to take on during the reauthorization debate involves issues on how to improve high schools, the impact of tutoring and school choice requirements, but more importantly how to improve the accountability measures within NCLB. As of this time the House has not yet scheduled and meetings in reference to NCLB, the Senate on the other hand has set up numerous other meetings, but once again the thought still looms as to whether NCLB will be reauthorized before the end of this congressional session.⁷ Like Congress other actors have had thoughts on how the reauthorization process should be take place.

The discussion of the reauthorization of NCLB has included two of the major actors involved in policy, the president and Congress, but the last category the interest

⁶ David J. Hoff, "Senate Panel Begins Examination of NCLB," *Education Week*, 26 no. 23, (2007): 23.

groups, also has a few points that they would like to have heard. The Association for Career and Technical Education (ACTE) also feels that the law will not be completely reauthorized this year. They are participating in the debates of how to produce a new NCLB law that will align better with the Perkins Career and Technical Education Act. This group has made it a priority to keep the funding for the Perkins protected, but whereas NCLB affects all students, they would like more input into how the law reads in reference to Career and Technical Education (CTE) students. Their main focuses during these debates are come up with ways to promote CTE in NCLB. This was done through the Center on Education Policy (CEP), an independent nonprofit research agency that reviewed NCLB and provided support for the CTE educators in wanting a more comprehensive understanding of NCLB.⁸

On May 23, 2007 a press statement was released on where ACTE stands on the reauthorization process at its current state. The debate has shifted from the NCLB law itself to the quality of teachers and educators. Different hearings have been held at the House Education and Labor Committee and another by the Higher Education, Lifelong Learning, and Competitiveness Subcommittees. Here the actors are at work based on Ripley and Franklin's redistributive arena and the concept that it is the type of policy that determines what actors get involved.

The National Education Association (NEA) has their own views as to what they would like to see change during the reauthorization of NCLB. They have three specific changes; first to use more than just test scores to measure student learning and school performance. To do this they would like there to be multiple measures of student

⁷ Hoff, "Senate Panel Begins Examination," 23.

learning and school effectiveness, reward progress over time when there is improvement at all levels. Second, they would also like to see a reduction in class size, so more focus is placed on the students. This point was also discussed in the meeting between Senator Kennedy and the President earlier this year. Lastly, they want there to be an increase in the number of highly qualified teachers in the school system. Ways that NEA suggests this can be done is by providing financial incentives to teachers that teach in hard-to-staff schools. Also allowing teachers that have already achieved certification from the National Board for Professional Teaching Standards been seen as “highly qualified,” and to allow some flexibility for teachers of multiple subjects.

Testimonies

Michael P. Flanagan, the Superintendent of Michigan Schools, says “The beauty of No Child Left Behind is it has helped us to see our failures.”⁹ Therefore some remedies have been offered, like providing reading coaches and turn around specialists to help those lowest-achieving schools. The data is there about how NCLB can help students, but teachers as well as the administrators need to be taught how to read and analyze this data, so that it can be used to benefit the schools. In Michigan, a remedy that was offered supports teams to those classified as a high-priority school. Here the teams can audit the schools and aid teachers and school leaders to devise a way to make the necessary changes, to continue compliance to NCLB standards.

Alabama’s school system has offered the remedy of having regional reading coaches to aid schools in identifying their problems. Their thoughts were if you change the culture of the school to say that students can meet NCLB requirements, it will cause

⁹ Stephen DeWitt, "ACTE's Role in NCLB Reauthorization," *Techniques*, 82 no. 2 (2007): 12-13.

spirits to rise knowing that they can do it. Once the morale of the school changes, other facets of the school will begin to change, and they will make advances towards reaching all the NCLB requirements that have been set forth by the legislation.

Two pieces of legislation have been brought to the talks that are related to teacher quality issues. They could possibly be incorporated fully into the NCLB in the future. The first piece of legislation is the “Teacher Incentive Fund Act.” This would allow school districts to develop performance based compensation systems for teachers and principals based on academic achievement. The second piece of legislation is the “Teacher Excellence for All Children Act (TEACH ACT). This would authorize states and districts to: provide financial incentives to recruit qualified teachers; provide higher education grants to recruit teachers in Science, Technology, Engineering and Mathematics (STEM) fields; provide bonuses to the best teachers and principals that want to transfer to hard-to-staff schools; hold schools accountable to their graduates; build new programs for newly hired teachers to train them; require the Education Department to review teacher licensure exams; and make NCLB funding contingent on how educators comply with the new rules. So progress has been made on the reauthorization of NCLB, but there is still a long way to go.¹⁰

Conclusions

In conclusion, NCLB is an important piece of legislation that has a valuable impact on society. Chapters Two through Six focus on how NCLB was created, focusing on the classic works of J. Leiper Freeman, Randall B. Ripley and Grace A. Franklin, and

⁹ Hoff, "Senate Panel Begins Examination," 23.

¹⁰ "No Child Left Behind," www.actonline.org/policy/legislative_issues/NCLB.cfm.

Theodore J. Lowi, who highlighted the concept of what a subgovernment is. These political scientists also provided a substantial background as to the role that subgovernments play in creating a policy. From there, the works of Gary D. Brewer, James E. Anderson and B. Guy Peters offer the “steps” process which allows researchers to break apart NCLB and determine how it came to, step by step, understand each part of the process along the way. Moving from step to step of NCLB as a policy, it has become apparent that in creating the legislation, there was a missing step. That step being a pre-implementation evaluation of possible concerns that could occur if certain aspects were implemented. If prior analysis had occurred, then the reauthorization process could take a different path than it is currently taking.

One of the main focuses of Chapter Seven is what the policy community plans to do during the reauthorization process. They are going to meet with their committees and propose changes that need to be made to NCLB. This process will take time, as there are also other education issues on the Senate education committee’s agenda this year. One of those issues is how to make college more affordable for future generations. Another factor that could interfere with reauthorization this year is the upcoming 2008 presidential election.

There have been some debates since the start of the reauthorization in 2007, but my main prediction is that the closer we get to campaigning for the 2008 election, those considerations will be put on the back burner, thus causing the policy community to focus less on NCLB and more on the election. A major consequence that could arise if NCLB is not revised during reauthorization is that the 2014 deadline will stay in place, and schools will continue to be classified as in need of improvement. Further if NCLB is not

reauthorized before a new president is elected, it faces the possibility of being lost altogether. The future president may choose to continue NCLB in its current state or decide to create a new education policy.

Looking at these possible situations, one must also consider the impact that they could have over local school systems. There are three main things that could happen. First, schools could go back to receiving funding as they did before the implementation of NCLB. Second, schools that had recently made AYP would receive their federal funding and continue to practice the aspects of NCLB that are now functioning in their school systems. Finally, the most important impact that needs to be considered is the schools that have been damaged and classified as in need: Where would they go from here? When describing a school as damaged, it means they have not met AYP in the past, so because of the lack of funding, many valuable teachers have decided to leave and there is also the issue of the deterioration of school buildings. Where would the government find the funding to bring these school systems up to code and back to providing an education to the students in their area?

As of November 7, 2007 NCLB debates have stalled in both the House and Senate. Senator Lamar Alexander (R-Tenn.) introduced a bill on November 6, 2007 that would permit a compromise with twelve states. If these states increased rigor in their standards, they could then bypass other requirements of NCLB. His bill would allow these states to provide an education that would make the students college ready on national benchmarks.¹¹

¹¹ David J. Hoff, "New Bill Offers Flexibility, Demands Rigor," *Education Week*, 27 no. 11, (2007).

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