The Elementary and Secondary Education Act at Fifty: Aspirations, Effects, and Limitations

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The most important piece of education legislation in U.S. history, which had its fiftieth anniversary on April 11, 2015, is a law most people have never heard of. Parents do not discuss it on the sidelines of children's sports events. Teachers do not hear about it in professional development sessions. Only a few highly specialized education policy bloggers ever mention it. Despite this relative obscurity, the Elementary and Secondary Education Act (ESEA) of 1965 has—over the course of its fifty years—changed the course of U.S. public education.

ESEA's low profile stems, in part, from the contemporary fashion of giving legislation catchy titles. Indeed, when ESEA came due for reauthorization in 2001, Congress renamed it the No Child Left Behind Act (NCLB)—a legislative title that has far greater brand recognition.[1] The recent rebranding of ESEA, however, could only address name recognition; it did little to advance public understanding of how the legislation works or its effects. That is, in part, the goal of this issue of *RSF*.

The challenge for scholars and policy officials seeking to explain ESEA is the law's place in the complex mix of federal, state, and local authority over U.S. public schools. In many ways, the Elementary and Secondary Education Act is like the framing inside the walls of a house. This framing gives the structure its overall shape and footprint, but the original design and materials are obscured because so

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We wish to dedicate this issue of *RSF* to Carl F. Kaestle. It was through the Advanced Studies Fellowship (ASF) at Brown University, a program created and directed by Carl (and funded by the Spencer Foundation), that the three of us undertook our own work on the federal role in education, along with seven other scholars selected for ASF (some of whom are also included in this issue). Carl represents a model of mentorship, collaboration, and fine scholarship. Our continued intellectual cooperation is a testament to the strength of his guidance and influence. We also wish to thank the Russell Sage Foundation, and its excellent staff, for providing us the opportunity to pursue our investigation of the ESEA via a conference and this issue of *RSF*. All three authors contributed equally to the writing of this article. Direct correspondence to: David A. Gamson, dag17@psu.edu, Pennsylvania State University, Department of Education Policy Studies, University Park, PA 16802; Kathryn A. McDermott, mcdermott@educ.umass.edu, University of Massachusetts, Amherst, Rm. 429, Hills House North, Amherst, MA 01003; Douglas S. Reed, reedd@georgetown.edu, Georgetown University, 37th St., N.W., O St., N.W., Washington, D.C. 20057.

1. Section 1 of Public Law 107-110 declares that the law's title is the No Child Left Behind Act of 2001. However, it did not become a law until President George W. Bush signed it on January 8, 2002. Throughout this issue of *RSF*, we use 2001 when citing the law and 2002 when referring to the signing date.

much has been built around it. The framing suddenly becomes important, however, when the walls need repair, or when we need to identify the load-bearing sections in order to put on an addition or reconfigure existing spaces.

Lately we have been in a bit of a building spree, putting on several new additions: the current NCLB reflects federal education priorities that have grown much broader since ESEA was first passed in 1965. While Title I still governs, as it did fifty years ago, programs focused on "improving the education of the disadvantaged," it now also requires students to meet performance expectations on standardized tests. Title II now seeks to improve instruction by authorizing programs related to recruiting, preparing, and training "high quality" teachers and principals. In the 2001 reauthorization, Title III absorbed the Bilingual Education Act of 1968, and imposed new requirements on English language learner programs, deemphasizing bilingual instruction and promoting more rapid English language acquisition. At the same time, section 9527 of Title IX of ESEA prevents the federal government from mandating any particular "curriculum or program of instruction" to any state, local district or school. The list of expanded requirements and new mandates could go on, but the point is clear: ESEA's structural framing of educational institutions is extensive and has changed significantly over time.

This expansion of federal educational ambitions means that NCLB is doing things inconceivable under the original ESEA. NCLB requires states to have educational content standards, to test students on those standards, and to hold schools and districts accountable for their students' test scores. But just because the federal government demands these things does not mean that the implementation is uniform. What these policies look like on the ground depends on state government—and local district—decisions. Because federal money flows to districts and schools through their state governments, the origins of policies can be obscured. From the perspective of teachers and school and district administrators, it is often unclear whether a particular mandate comes from federal law, state law, or local interpretations of federal and state requirements. In other words, it is not always clear whether the framing that supports the walls of our educational edifice is the work of federal, state, or local carpenters.

In this introductory essay, we provide an overview of the various ideals and contending assumptions about education and government that have shaped the ESEA over the past fifty years. ESEA, particularly its largest program, Title I, has expanded from targeted interventions for low-income students to become a platform for leveraging a larger federal role and reconstruction of federal, state, and local relations in education governance. The idea of the federal government playing a role in education was once extremely controversial, and although that controversy continues, a significant federal presence in K–12 education has become an increasingly entrenched and accepted part of intergovernmental relations. Initially, the federal government focused on using education to alleviate poverty. This, in turn, meant that the federal government was not terribly focused on how schools and school districts taught students, only that poor students were receiving additional inputs under the new federal law. This hands-off approach was reinforced by ESEA's language that the federal government could not dictate curricula of schools or any particular subject matter, a stipulation that continues to this day.

When Congress reshaped ESEA in an attempt to reform teaching and learning, beginning in the 1990s, the limitations of federal framing became apparent. This introduction to this issue of *RSF* also surveys ESEA's effects since 1965 and some potential future directions of federal educational policy. The political challenge confronting ESEA is that federal spending authority under the law currently has lapsed due to a congressional reauthorization stalemate that began at the end of President George W. Bush's second term. As a result, federal educational spending must be extended every year, ensnaring it in political fights over the continuing resolutions by which Congress has, in recent years, paid its bills. In the hope that this stalemate over ESEA may be coming to an end, we conclude with recommendations for ESEA and federal education policy, drawn from the articles included in this issue.

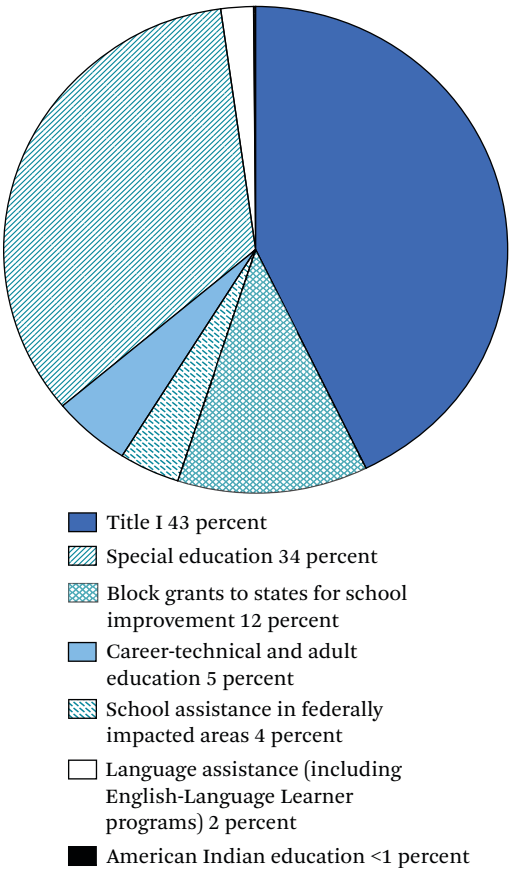
FOUNDING IDEALS AND CONTENDING ASSUMPTIONS

Since 1965, the largest financial component of ESEA has been Title I, concerning "compensatory education" for "disadvantaged students." Initially, the appropriation for Title I was three times larger than the combined appropriation for the other four Titles (Cascio and Reber 2013, 68). Currently, Title I remains the largest single such program, although the number of federal K–12 education programs has grown since 1965. Figure 1 breaks down federal K–12 education spending by program for fiscal year 2011, the most recent year available.

The original ESEA also funded other parts of the education system. Title II made federal funds available to improve schools' libraries, and to buy textbooks and instructional materials. Title III funded Supplemental Education Centers and educational innovation. Title IV supported educational research and development. Title V provided federal funds to improve the capacity of state education agencies, which would face new administrative tasks related to distributing federal funds. Title I is by far the most important part of ESEA (see table 1).

Federal policymakers have transformed their expectations for Title I from a program that would help individual low-income children to a program that provides leverage for improving all of the nation's public schools.

Figure 1. Federal Spending on K–12 Education, Fiscal Year 2011



Source: Snyder and Dillow 2013, table 424.

ESEA's Origins and Intent

The original ESEA was passed at a time of great optimism about the ability of government to improve the lives of the poor. When he signed ESEA into law in 1965, President Johnson asserted that the legislation would "bridge the gap between helplessness and hope for more than 5 million educationally deprived children." The nation, he said, had made "a new commitment to quality and to equality in the education of our young people" (Johnson 1965). Three years later, after Congress had passed the 1967 amendments to ESEA, Johnson rattled off the initiatives that were now supported by ESEA and that broadened the scope of the federal government's involvement in education even further: dropout prevention, funding for children with disabilities, bilingual education programs, the addition of 3,600 new school libraries and 2,200 new education projects outside the classroom, and regional laboratories for basic educational research. Johnson believed that such innovations would be the most important legacy of the Great Society programs.

In that sense, ESEA should be seen as part of a grand experiment, one so large in scope and aspiration that it seems naïve today, living as we do in a more chastened age, one more familiar with incrementalism than large-scale design. The ESEA of 1965 was passed in the same year as the Voting Rights Act and just one year after the Economic Opportunity Act and the Civil Rights Act. Taken together, the legislative victories of the Great Society demonstrated an enormous faith in the power of the

Table 1. Timeline of ESEA and Related Events

1965	Original enactment of law
1968	Bilingual Education Act
1969	Martin-McClure Report highlights misuse of ESEA funds
1972	Title IX of the Education Amendments of 1972 forbids federal funding of educational institutions that discriminate on the basis of gender
1973	*Keyes* decision requires compensatory programs in desegregated schools
1975	Education for All Handicapped Children Act (P.L. 94-142) requires that students with disabilities receive free and appropriate public education
1979	Creation of U.S. Department of Education (ED)
1981	ESEA reauthorized as Education Consolidation and Improvement Act Title I becomes Chapter 1 until 1994
1983	*A Nation at Risk* report
1984	Reauthorization of ESEA
1988	Hawkins-Stafford Amendments to ESEA expand options for whole-school rather than pull-out programs
1990	Education for All Handicapped Children Act reauthorized as Individuals with Disabilities Education Act (IDEA)
1994	Safe and Gun Free Schools Act
1994	Goals 2000 Act (adoption of National Education Goals and funding for programs that work toward them)
1994	ESEA reauthorized as Improving America's Schools Act (IASA) Requires standards-based reform policies as condition for receiving Title I funds
2002	ESEA reauthorized as No Child Left Behind Act (NCLB) Makes standards-based reform requirements more extensive
2004	IDEA reauthorization brings law into alignment with NCLB
2007	Deadline passes for reauthorization of NCLB/ESEA
2009	Announcement of federal Race to the Top grant competition—states could win funds for plans to implement education policies favored by the Obama administration
2011	Obama administration begins granting NCLB waivers for states that met conditions similar to the Race to the Top criteria

Source: Authors' compilation.

federal government to enhance the lives of American citizens. Alongside the other Great Society programs, ESEA tested the proposition that the federal government has the capacity to alleviate poverty and other social ills. More specifically, ESEA assumed that education is a lever powerful enough to dramatically affect the lives of poor children. A standard narrative of American history, one voiced by President Reagan in 1987, is that "in the sixties we waged a war on poverty, and poverty won." Plenty of evidence questions this narrative (some of which is contained in the articles in this issue), but the debate is hardly settled. Big questions about the role of the federal government remain.

One of our motives for holding the 2014 conference on ESEA at the Russell Sage Foundation was to provide more scholarship on the history, legacy, and outcomes of ESEA. Despite its importance, there is still not as much research on ESEA as there should be. Talk to most scholars in education, and one is likely to get a standard (but somewhat foggy) story about ESEA and Title I emerging from the War on Poverty. Revisiting the origins of ESEA reveals a surprising number of perspectives on its genesis, both in the historical accounts and in the primary source material. In fact, the murky stories of ESEA's origins are themselves products of competing visions about how the legislation was crafted and about what the leg-

islation should do. One looks in vain for a single historical account that captures all dimensions of the background to ESEA.

With that in mind, we see the multiple origin stories of ESEA as more reliable than a single master narrative that ultimately becomes marred by internal inconsistencies on closer examination. Understanding the underlying tensions among these origin stories fosters a more comprehensive understanding of the law and its outcomes. Perhaps this is not surprising after all. As with any piece of omnibus legislation, the successful passage of the bill was due in part to the fact that the law was designed to satisfy different constituencies. But these origin stories also frame our views of the law's impact: whether one sees ESEA, especially Title I, as a success depends in part on which origin story you believe.

These origin stories, however, need to be first situated within three historical developments that are crucial to understanding the passage of ESEA: the shifting perceptions of the appropriate federal role in education, Americans' changing understandings of poverty, and the significance of the civil rights movement taking place before, during, and after ESEA.

A key to comprehending ESEA is to recognize the growing acceptance of a federal role in education in the decade and a half before 1965. Since the days of the common schools, in no period in American history have the public schools been completely free from criticism, but because education had always been a local affair, critiques rarely resonated beyond towns, counties, or states. However, as education became more and more a national affair, educators and lay people alike began to speak of an American "school system." These sentiments first emerged in the 1890s and early 1900s as muckrakers and others lambasted what they saw as the inhumane practices of urban schools. The progressive education movement was the response of American educational reformers to turn-of-the-century educational problems, sparking a movement that lasted until the 1940s, one that affected virtually every school and educator in the country.

In the years following World War II, observers of American education once again began to raise doubts about the quality of the nation's schools. By the late 1940s, critics began issuing monographs claiming that the public schools were undermining academic quality; collectively they pointed their finger, whether warranted or not, at progressive education reforms. Such critiques were perhaps most vigorously expressed by scholar Arthur Bestor, a historian who launched an attack on the public schools in his 1953 book *Educational Wastelands*. Bestor and others like him charged the schools with dethroning intellectual values and debasing the aims of education. Bestor placed the blame at the feet of pre–World War II educational progressives; his solution was to return to a more traditional liberal arts education that would offer more rigorous standards (1953, 7). The Soviet Union's launch of *Sputnik* into space in October 1957, well ahead of any comparable American effort, seemed to confirm critics' complaints about education: the United States was falling behind its international rivals.

The following year, *Life* magazine ran a series of articles charging just that. There was a "Crisis in Education," a cover story claimed: "There is no general agreement on what the schools should teach. A quarter century has been wasted with the squabbling over whether to make a child well adjusted or to teach him something." The editors ended their list of educational deficiencies with a clincher sure to rattle its readers: "Most appalling, the standards of education are shockingly low" (1958, 25). *Life* included a story comparing the lives of two public school teenagers—the hardworking Moscow pupil and his frivolous peer from the Chicago suburbs—designed to make American education look shoddy in comparison. Once couched in the language of international competition, especially within the context of the Cold War, a federal government response to national educational problems suddenly seemed sensible.

The result of this national turmoil was the passage of the National Defense Education Act of 1958 (NDEA), which offered federal assistance for several purposes: to improve the teaching of math, science, and foreign language; to strengthen counseling and testing in the high schools; to promote research and ex-

perimentation with educational technology; and to provide college loans and National Defense fellowships in higher education. Beyond the specific provisions of the law, NDEA set an important precedent: that substantial reform of education had to occur at the national level and be funded by the federal government.

At the same time, the civil rights movement, bolstered by the 1954 *Brown* decision, began to pick up momentum. Indeed, an often-overlooked fact is that the NAACP pushed to integrate Little Rock High School at exactly the same time that the Soviets launched *Sputnik*. A number of key civil rights events surrounded the discussions of antipoverty programs and federal education legislation. In 1963 alone, recalled one observer, Birmingham residents staged a campaign of civil disobedience against segregation and hiring discrimination, civil rights leaders led the March on Washington in August, and a series of church bombings hit the headlines. Although participants in White House discussions later disagreed about the relative role played by race, as opposed to class, in educational legislation, that these events were a potent political backdrop cannot be denied (Katz 2013, 107).

Aside from issues of race and socioeconomic status, another tension that emerged in the early 1960s was the conceptual conflict between two core questions in education: should reformers push for academic excellence, as NDEA tended to do, or should they insist on equal educational opportunity, a goal that had been a tenet of American schooling since the common school reform era? Again, the common assumption of both questions was the notion that the federal government should do *something*.

In 1961, John W. Gardner—president of the Carnegie Corporation and, from 1965 to 1968, secretary of the Department of Health, Education, and Welfare (HEW)—published *Excellence: Can We Be Equal and Excellent Too?* in part to resolve the seeming conflict between these two ideas. Yet even as he sought to calm the waters, he revealed an assumption common among many American elites: that schools should provide differentiated offerings to students of different abilities. "The sorting out of individuals according to ability," he said, "is very nearly the most delicate and difficult process our society has to face" (1961, 71).

"Differences in educational opportunity will never be eradicated," Gardner contended. "They must be reduced in scope and significance. But it would be wrong to leave the impression that stratification of educational opportunity is still a dominant feature of our system. It is not. The vestiges of stratification still exist, but the great drama of American education has been the democratization of educational opportunity over the past century" (1961, 41). According to Gardner, youngsters might be given multiple chances in our egalitarian culture, but it was up to each student to demonstrate her or his individual worth. This emphasis on individual accomplishment both buoyed those who believed in the American Dream and became a governing assumption of the compensatory education approach that Title I used to deliver services to poor children.

As of 1961, many middle-class Americans could remain comfortable with the notion that poor children need only apply themselves should they wish to escape poverty; indeed, an idea that has run throughout American history is that some poor people are undeserving of help because they brought poverty on themselves (Katz 2013). That complacency was shattered the following year with the publication of Michael Harrington's *The Other America: Poverty in the United States*. Harrington's book was a sensation, selling more than a million copies. In 1962, intellectuals, politicians, and educators, if not the general public, were forced to rediscover poverty and to recognize that it was not self-inflicted. "The real explanation of why the poor are where they are," Harrington wrote, "is that they made the mistake of being born to the wrong parent, in the wrong section of the country, in the wrong industry, or in the wrong racial or ethnic group. Once that mistake has been made," Harrington said, preparing to overturn the standard logic of smugness, "they could have been paragons of will and morality, but most of them would never even have had a chance to get out of the other America" (1962, 13–14). Harrington intended to shame his American readers. Indeed, he hoped his descriptions would be a call to

action; otherwise, he said, "the other America will continue to exist, a monstrous example of needless suffering in the most advanced society in the world" (191).

The early 1960s focus on poverty once again drew attention to the role the federal government might play in ensuring that all Americans were offered equal educational opportunity. The decentralized nature of American education, and the reliance of schools on local property taxes for their funding, had long contributed to the disparities in education. Through the 1920s, states paid only a small share of the total funds for education. That began to change with the Great Depression as nationally prominent educators pushed states to boost their spending to offset major disparities across their districts, one of the major equity initiatives of the era.

Still, by 1940, states contributed only roughly 30 percent of the average educational costs. By 1964, that figure had increased to 40 percent, but as Stephen Bailey and Edith Mosher point out, the quality of education varied in direct proportion to the availability of local tax revenues. The increase in state spending had little effect on the "glaring" financial and educational inequities. "Grim differences in school-district revenues continued to exist," they explain, and urban districts in particular were habitually underfunded, "a morbid manifestation of mal-apportioned and rurally dominated state legislatures" (1968, 13). As evidence of the mid-decade disparities, the authors point to the examples of two states. In 1966, for example, New York State spent $912 per pupil and Mississippi $315 (14).[2] Grim though these differences may have been for 1966, we might wish to compare these figures with expenses today. Recent data shows that in 2011 New York State spent $18,167 per pupil, whereas Mississippi spent $8,104 and Utah $6,452 (Cornman 2013). Then, as today, American leaders struggled to provide fiscal equity.

As the late Michael Katz pointed out, histories of the War on Poverty disagree about the relative influence of ideas, bureaucratic politics, and political strategy. ESEA has its own prismatic history. We suggest that three stories underlie the origins of ESEA, each with its own guiding logic.

First is the view that ESEA was hatched in the White House as a way to alleviate poverty, principally through providing funds that would give poor children an educational leg up, allowing them to boost themselves out of desperate conditions. This story tends to stress the significance of individuals, emphasizing both the leaders who fomented change and the individual child as the target of policy intervention. Second, ESEA can also be seen as a way for Congress to direct funding to areas most affected by poverty. Here the emphasis falls on the work of groups in spreading ideas, coming to compromise, and viewing poverty as a social curse that had broad roots. The third way of understanding the origins of ESEA, a view that is less common, is to see it as part of early- to mid-1960s efforts to reenvision education, primarily emphasizing the need for innovation, experimentation, and research. These three depictions of ESEA are not necessarily mutually exclusive, nor are they completely irreconcilable. However, we highlight these perspectives because they help illustrate tensions within American political and educational culture, both then and now. Moreover, we see them as prismatic perspectives that allow us to develop a fuller account of federal education policy.

Story I: The President, Francis Keppel, and the U.S. Office of Education

On becoming president in November 1963 after the assassination of President Kennedy, Lyndon Johnson inherited a variety of proposals that had been in the works under the Kennedy administration. Among these were broad plans for an attack on poverty, something Johnson enthusiastically embraced as a foundation for his own presidency and, ultimately, for the Great Society. One key component of the War on Poverty that quickly gained Johnson's attention was public education.

Legislation proposing large-scale federal funding did not enjoy much success during Kennedy's administration. In early 1961, Kennedy proposed a large, but ultimately unsuc-

2. Figures are in 1966 dollars.

cessful, education package totaling grants of $2.3 billion to be spent by states over three years for the construction of school buildings and for increasing teachers' salaries. Throughout 1962 and 1963, the Kennedy administration developed a variety of proposals, including provisions to assist with school construction and teacher salaries, but the U.S. Office of Education (USOE) also worked on a series of programs that identified the basic requirements for upgrading the educational system. Such efforts sought to build off NDEA.

The National Education Association (NEA) had long supported the idea of more federal educational spending but federal spending faced three main obstacles. First, southerners were worried that federal aid to schools would contain requirements for forced integration of African Americans and whites. Second, many local-control stalwarts resisted any aid that could lead to federal control of American schools or school curricula. Third, was the opposition of influential religious organizations—especially the National Catholic Welfare Conference (NCWC), an organization of American bishops, and the National Catholic Education Association (NCEA)—which took the position that they would support no federal aid to education, general or categorical, unless it also provided some kind of educational aid to parochial school children.

At this point in the story the role of one individual becomes supremely important: U.S. Commissioner of Education Francis Keppel. Keppel had been elevated to the position of dean of the Harvard Graduate School of Education at the age of thirty-two by Harvard President James B. Conant. Keppel spent a successful fourteen years as dean before he became the U.S. commissioner of education, serving from 1962 to 1965. Many scholars, including Julie Roy Jeffrey, tend to attribute much of the successful formulation of ESEA to Keppel's political and intellectual acumen.

According to one of his colleagues, Keppel shrewdly developed a solution to the parochial school funding problem. His reasoning went something like this: "'Suppose,' [Keppel] said, 'that a Federal-aid program could be put together in which the money would go to the public schools but the services it purchased would be available to all pupils, no matter where they went to school, whether in public institutions or nonpublic. The benefit would be to the pupil, not to the school'" (quoted in Jeffrey 1978, 74).

Once a funding compromise had been worked out, leaders at USOE were fairly certain that money would immediately help. As one Senate committee report put it,

> School superintendents, educational leaders, and research scholars have provided evidence that there is no lack of techniques, equipment, and materials which can be used or developed to meet this problem, but that the school districts which need them most are least able to provide the necessary financial support. There was virtually unanimous agreement among those testifying that aid to the educationally deprived child represented the basic approach to widespread improvement in the country. (Quoted in Jennings 2001, 8)

This confidence that the schools already had solutions to educating children in poverty provided the conceptual foundation for Title I.

The task of distributing the $1 billion in new funds became the responsibility of the USOE. According to John F. Hughes, the first administrator of Title I funds at the USOE, struggles both within the federal agency and between USOE and the state departments of education led to other challenges. The chief state school officers tended to be traditionalists, in favor of general aid not categorical aid. The USOE Title I staff knew that to make their program successful they needed allies within each state department (Hughes and Hughes 1972). Therefore, the USOE team "created" a new state-level "position" to which they began to direct federal correspondence: the state "Title I Coordinator."

The USOE Title I group also believed that to make Title I a substantive categorical program it needed a glamor name—like Head Start—that would symbolize its primary mission. Title I's original legislative heading was Financial Assistance to Local Educational Agencies for the Education of Children of Low-Income Families, not a phrase that falls trippingly off the tongue. Therefore, USOE staff adopted a

phrase for the program that only recently had entered into academic usage: *compensatory education*. If the new understanding of Title I's purpose was as compensatory education, the shift was more than a simple rhetorical one. It may have added glamor to the title, but it also established a theoretical, if not ideological, foundation that would become the justification for the kinds of programs that Title I was to financially support.

Story II: Broad-Based Consensus to Focus on Concentrated Areas of Poverty

Helping the individual child was one way of looking at the purpose of education proposals of the 1960s, but other contemporaries were influenced by work that emphasized the broad social challenges that faced children growing up in poverty.

Since the early 1940s, Congress had provided federal impact aid to local school districts that lost property tax revenue due to the presence, within district boundaries, of military bases or tax-exempt federal property. At times, additional funding was provided when a federal project or activity caused an influx of people into a community, resulting in an increased number of children needing an education.

One influential group of educators and scholars looking into federal educational support (organized by the Bank Street School of Education) had previously recommended that the federal government provide aid to what they called "educational disaster areas." The Bank Street report explained that "on the basis of suitable criteria, including a standard test of literacy and achievement, educational disaster areas should be designated. Federal funds sufficient to achieve presently attainable national educational standards should be made available to school systems in these areas" (Kearney 1967, 186).

The notion that poverty went beyond the individual child had been advanced, by Harrington, and it was now becoming accepted knowledge among Washington politicians. As Senator Carl Perkins explained it, "all studies show that educational deficiencies are nowhere more marked than in the poverty of the schools that serve the children of the poor—this is true in the heart of our great cities and throughout many rural communities in America" (quoted in Jennings 2001, 6).

Such a view soon spread through Congress. As one Senate report explained it matter-of-factly, "The heart of the problem lies in our elementary and secondary school systems where there are concentrations of American children of poverty. . . . It has been apparent for some time that there is a close relationship between conditions of poverty and lack of educational development and poor academic performance. . . . Under Title I of this legislation the schools will become a vital factor in breaking the poverty cycle by providing full educational opportunity to every child regardless of economic background" (quoted in Jennings 2001, 6).

Indeed, when Senator Wayne Morse, the manager of the bill in the Senate, explained the origins of the law, he used similar terms:

> Last year my subcommittee had a brainstorm. We were working on impacted areas legislation. I felt that we needed a new section to this impacted area legislation to provide Federal funds for another types of impact—namely the impact of poverty and deprivation upon youngsters in the low-standard school districts of the country and in rural and urban slums. We talked about it for quite a while as an amendment to the impacted area legislation. Finally we introduced a separate bill.
>
> We didn't think we had a chance of getting it passed last year, but we felt we could get some hearings. That's how the Morse Bill of last year came into being. Unless you understand this bill and its history, you can't possibly understand Title I of the Perkins-Morse bill (P.L. 89–10). (Quoted in Bailey and Mosher 1968, 27)

Despite Morse's rhetoric, it was not only the Senate that inserted such ideas into public discussion.

Story III: Federal Stimulus to Educational Innovation

Richard I. Miller, who chaired a team charged by Congress to complete an evaluation of ESEA's Title III—issued in a 1967 report titled

Catalyst for Change—argued that the Task Force President Johnson established in 1964 to propose broad ideas for the reform of American education had originally conceived a plan that was much closer to Title III than to Title I. Johnson's original charge to the committee was to rethink urgent problems in education and to recommend possible solutions to these problems, a goal that was reputedly influential in composing the first draft of ESEA. In particular, Miller noted that early versions of ESEA reflected two core concepts hatched by the presidential task force. Notably, because the task force held private meetings and its report was never made public, most accounts of its proceedings and recommendations are based on review of the report in the Johnson archives or on interviews with participants after the fact.[3] Its first stance emphasized its members' belief that American educational improvement required dispensing with the practice of offering piecemeal support for small-scale individual projects; instead, the task force wanted to focus federal support squarely on assistance for large-scale model programs and institutions. According to this view, the American educational problem was not as much a shortage of new ideas as the absence of solid means for converting these ideas into usable forms in the classroom (Miller 1967, 15–16).

Second, the task force wanted to avoid providing general aid to schools and districts and instead wanted to fund outside institutions, such as museums, libraries, private nonprofit groups, or local community centers. Because school systems were concerned primarily with meeting the exigencies of day-to-day operations, the task force logic went, schools and districts often stifled efforts at introducing new ideas or new kinds of services. Thus emerged, as Miller explained it, the task force brainchild of creating "supplementary educational centers that would be financed by the Federal Government and staffed by artists, museum directors, novelists, journalists and the like—designed to bring about change and to provide new services from the outside in" (1967, 16). Some scholars, such as Hugh Davis Graham, have seen the supplementary education center plan as the Task Force's "most original creation." Graham describes the idea as the "subversive favorite" of William Cannon—chief of the Bureau of the Budget's Division of Education, Manpower, and Sciences—because such centers could offer a "massive lever for change" and would not be "hostage to local educational establishments." And, as many commentators have pointed out, the individuals who most favored the supplementary education center idea also tended to be rather cynical about American educators and deeply skeptical about the ability of the public schools to reform themselves (Graham 1984, 67, 63).

By all accounts, neither of the two original task force proposals fared well as their recommendations became diluted into the kind of legislative provisions that had political viability. Why? To have model institutions officially sponsored by the federal government, for example, smacked too much of federal control, and grants made to private nonprofit groups raised worries that religious schools could potentially be direct recipients of Title III funding. The model institutions idea was therefore downgraded to a relatively minor role in the legislation—a strategic move designed to mollify both congressional critics and groups that had been traditionally resistant to certain kinds of educational funding, such as the National Education Association. "Thus ESEA Title I was born," Miller recounted, "although the idea was never really mentioned in the Task Force." Title I "became the major title and Title III, which was formed from the core of the Task Force recommendations, slipped into the background" (1967, 16).

Together these three origin stories provide a fuller, if somewhat conflicted, account of how ESEA came into being. Once ESEA was enacted, however, the divergent rationales for its creation influenced the divergent ways ESEA was put to use, particularly in the mid-1960s to mid-1970s, as the effects of the civil rights movement radiated throughout U.S. politics and policymaking.

3. Miller's view of the Task Force differs markedly from that offered by Julie Roy Jeffrey, who saw the task force primarily as a "legitimizing device" (1978, 75).

Expanding Aspirations for ESEA

The multiple authors of ESEA may have had modest aspirations for using federal power to change U.S. educational practices, but other actors at the federal level were at the time seeking more fundamental transformations in the racial organization of schooling. Thus, although ESEA's origin stories provide some evidence of a federal transformative educational agenda, the story of desegregation and integration and the effects of the civil rights movement on the growing federal education agenda paints a much more ambitious picture, though that ambition was at first judicial rather than executive or legislative. Eventually, however, those ambitions were fused when federal officials used ESEA to promote desegregation.

ESEA and Civil Rights in Education

Over the course of the 1960s, the federal effort both to desegregate schools and to improve educational practices often reinforced one another. In some instances, Congress took its cue from federal court decisions and extended the civil rights agenda, creating more opportunities for previously excluded groups, such as special needs students and English learners. In other instances, Congress adapted carrot and stick strategies initially developed to promote desegregation to induce local districts and states to undertake education reforms they would not have otherwise tackled.

ESEA as Leverage for Desegregation Despite the Supreme Court's unanimous ruling in *Brown v. Board of Education* in 1954 requiring southern schools to desegregate, few complied with the court's order. The limited compliance that took place was in border states where African American populations were comparatively small. In the Deep South, as massive resistance to integration roared in the late 1950s, only a federal military presence, which President Eisenhower reluctantly ordered, produced token desegregation of Little Rock's Central High. Other states required equally forceful efforts to produce equally token results. Even as late as the 1962–1963 school year, less than half of 1 percent of African American children in the South attended school with whites. Omitting Texas and Tennessee, the percentage drops to less than a fifth of 1 percent (0.17 percent) (Rosenberg 1991, 50).

As the civil rights movement pursued a strategy of direct action and civil disobedience, media images of police dogs lunging at children and fire hoses blasting away at peaceful protesters were splashed across the nation's television screens, galvanizing northern public opinion against southern segregationists. Congress, in turn, responded with the landmark 1964 Civil Rights Act. Among its many elements, the Civil Rights Act included Title VI, which barred the spending of federal money in any program that discriminated on the basis of race, including public schools.

The restructuring of southern schools was not a direct aim of ESEA, but in conjunction with Title VI of the Civil Rights Act, ESEA's commitment to spend federal funds was a forceful lever to induce compliance with the federal government's nondiscrimination policies, a lever possibly more powerful than federal district court rulings. As Erica Frankenberg and Kendra Taylor write in this issue, the massive influence of ESEA dollars induced southern states to comply much more rapidly with *Brown v. Board of Education* than they otherwise would have.

Although federal educational funds were limited when the Civil Rights Act was enacted in 1964, the issue became much more pressing the next year as the enactment of ESEA opened a significant flow of federal money to districts and states. To be eligible for federal funds, school districts had one of three options: declare that they did not racially segregate students, demonstrate compliance with a court order to desegregate, or submit a voluntary desegregation plan. In many states, the draw of federal dollars outweighed the commitment to racially segregated schooling. As federal dollars began to flow, the number of African American children attending previously all-white schools jumped dramatically: from the 1965–1966 to the 1966–1967 school year, the percentage of African American students in the South who attended school with whites increased from roughly 6 percent to nearly 17 percent. Two years after that, the figure stood at 32 percent (Rosenberg 1991, 50).

As Frankenberg and Taylor explain, the fed-

eral legislative and executive branches continued the momentum that the courts began, even though this willingness to act depended entirely on political pressure. Desegregation of northern schools posed a different set of challenges. In the South, plaintiffs were challenging districts that had followed state laws that required racial segregation. In contrast, northern racial segregation typically resulted from the racially biased operation of laws and policies that were race-neutral on their face (see, generally, Douglas 2005). For example, a school district might build new neighborhood schools in locations where their students would be mainly white or black because of residential segregation. In Congress, northern representatives and senators who were willing to require integration in the South were also willing to fight forced busing and other remedies for segregation in their region.

The Department of Health, Education, and Welfare, which had responsibility for enforcing the law, was often more concerned with maintaining relationships with local educational officials than ensuring compliance with Title VI of the 1964 Civil Rights Act. The NAACP at one point undertook a massive lawsuit against HEW seeking to compel HEW's compliance with Title VI and shut off the flow of federal money to local school districts—more than forty were named in the lawsuit—that were not making any progress toward desegregation. Eventually, NAACP prevailed in that case, *Adams v. Richardson* (351 F. Supp 636, 1972), forcing HEW to start the process of shutting down the flow of federal money to districts in violation of the Civil Rights Act. The increasing pressure quickly forced compliance with Title VI.

Today, fifty years after ESEA, the federal position on racial integration has effectively reversed. Federal courts now interpret the Constitution not as requiring racially balanced schools, but as forbidding any racial classification of students. In its 2007 *Parents Involved in Community Schools* decision (551 U.S. 701), the U.S. Supreme Court ruled that under most circumstances local school districts may not use individual students' race as the decisive factor in assigning them to schools, except to remedy past overt, official discrimination. As a result, local school districts that want to make diversity a priority have to step carefully to avoid running afoul of federal courts. In addition, local political will to promote racial integration has diminished significantly in the United States. In 2011, the U.S. Department of Education (ED) and Department of Justice jointly issued guidance on diversity, but by this point many school districts had already eliminated race-conscious student assignment policies (Sokol 2014; McDermott et al. 2014).

The Bilingual Education Act and English-Language Learner Education The hard-fought victories of the civil rights movement also inspired other groups to pursue greater educational justice through both courts and Congress. The claims of English learners emerged, in significant part, from the events of the 1960s that radicalized a generation of Mexican American activists and students. In California, and to a lesser extent Texas, these activists demanded changes to classroom language practices that had isolated and denigrated Mexican American students and their culture. Their demands for basic respect for Mexican American students led to calls for bicultural and bilingual programs that granted full recognition of the equal status of Mexican American students within schools. In addition, the 1965 immigration reform led to a new wave of immigration that has given the U.S. public school student population its highest proportion of immigrant students—many of whom are classified as English-language learners—since the early twentieth-century wave of European immigration.

Texas Senator Ralph Yarborough, a former rural educator himself, led the charge to enact the 1968 Bilingual Education Act, also known as Title VII of ESEA. The bill, the first federal effort to ensure that language minority students received some assistance in their first language, imposed no obligations on states or school districts and simply offered modest grants to schools seeking to build such programs. Moreover, the act did not address a perennial tension in programs for English learners: should federal policies seek to promote the learning and use of English or should federal

assistance maintain or even develop first language skills alongside English?

Although many have long contended that English is a necessary prerequisite for both academic and economic success in the United States, and that federal policies should promote the rapid development of English-language skills, some activists within the Mexican American community saw the creation of English-language learner (ELL) programs not as an effort to acculturate or assist students, but as a way to extinguish their Mexican American heritage. Within a context of deep discrimination against Mexican Americans, activists contended that the push to develop English skills would necessarily erode first language skills and, ultimately, diminish the political presence of Spanish-language students and their families. They argued instead for dual bilingual and bicultural programs that, at a minimum, preserved first language skills and reinforced the cultural (that is, Mexican American) heritage of students.

The limited funding available under the Bilingual Education Act meant that this debate was not a primary concern for most school districts, which chose not to pursue federal grants for bilingual programs. The question of how to meet the needs of students who spoke no English really only became a much larger issue when the federal courts imposed, for the first time, an affirmative duty on local school districts to meet the educational needs of students who spoke no English. In 1974 in *Lau v. Nichols*, the U.S. Supreme Court ruled that San Francisco violated the civil rights of nearly two thousand students who spoke only Chinese when it provided them with only English-language instruction and services. Declaring that San Francisco violated Title VI of the 1964 when it failed to meet the linguistic needs of its students, the Court declared, "there is no equality of treatment merely by providing students with the same facilities textbooks, teachers and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education" (*Lau v. Nichols*, 414 U.S. 563).

The Supreme Court did not provide any specific relief, but simply demanded that the school district "apply its expertise" to the problem, rather than ignore it. Later, the Office of Civil Rights at HEW promulgated a series of steps, known as *Lau* Remedies, that would enable all school districts to meet their statutory obligation to provide equal education to English learners under Title VI of the Civil Rights Act. Again, it was the combination of the ESEA and Title VI that enabled activists to extend localist demands for change in educational practices for English learners into a federal structure that managed these educational changes. Between 1975 and 1980, the *Lau* remedies provided the basis for the federal government's consent decrees with nearly five hundred school districts that had failed to provide sufficient language resources for their students (Reed 2014, 166). Without ESEA providing assistance to school districts, the leverage of the federal government would be much more attenuated.

As Patricia Gándara describes in greater detail in this issue, the relationship between ESEA and English learners is a complex and fraught one. On the one hand, NCLB's new Title III delivers significant resources to English learners. On the other, both NCLB and ESEA's framing of the educational issues confronting English learners assumes that speaking another language is a deficit of students, rather than an intellectual resource that is in short supply in the United States. ESEA's institutional development—informed by both an ambition to restructure public education and a civil rights agenda—has not yet adequately addressed the complexity of English learners' educational needs.

ESEA, IDEA, and Efforts to Address Special Needs Another major federal educational policy that intersects with ESEA, particularly NCLB's assessment and accountability provisions, is the Individuals with Disabilities Education Act (IDEA). Originally enacted in 1975 as the Education for All Handicapped Children Act, the law emerged from a disability-rights movement inspired by the African American civil rights movement. In 1972, two federal court decisions, *Pennsylvania Association of Retarded Citizens (PARC) v. Commonwealth of Pennsylvania* (343 F. Supp. 279, E.D. Pa. 1972) and *Mills v. D.C. Board of Education* (348 F. Supp.

866 D.D.C. 1972), established that an absolute deprivation of education to students with special needs violated their due process rights under the Fourteenth Amendment (see Melnick 1994). As a result of *PARC*'s consent decree, Pennsylvania agreed to provide special needs students free and appropriate education, place them within a regular classroom whenever possible, and develop an individualized plan to set out goals of academic progress. Although an earlier federal law in 1970 had expanded programs for special needs children, the federal government had not directly mandated states or districts to provide particular services. Combined, *PARC* and *Mills* did just that. In 1975, Congress effectively codified *PARC* and *Mills* in the Education for All Handicapped Children Act (EAHCA), more popularly known as P.L. 94–142.

With EAHCA, Congress undertook a major redefinition of the federal role in special education—in large part because the federal court decisions had articulated a specific set of rights that special education students must be granted. Indeed, the EAHCA borrowed directly from both the *PARC* and *Mills* decisions, particularly in its requirements that states and districts provide "free and appropriate public education," ensure due process protections for special education students, develop an individual education plan (IEP) for each special education student, and (preferably) "mainstream" children with special needs. As the chief sponsor of the EAHCA, Senator Harrison Williams, stated during the 1975 debate, "Certainly the courts have helped us define the right to an education in the last few years. That is what we are trying to find, the means to carry out the fundamental law of the land" (Reed 2014, 140).

In EAHCA, Congress also reserved for the courts a key role in the regulation and oversight of school districts' delivery of special education. Parents who were dissatisfied with the special education offered to their special needs children could take advantage of formal grievance procedures. They also possessed the right to appeal decisions about their children's education to federal district courts. Special education thus became further legalized, with federal entities—judges—playing a central role in the implementation of a major initiative designed to expand educational equality. Congress left the key elements of the measure undefined (for instance, not defining an appropriate education) and at the same time assigned the task of defining the substantive meaning of its own language to the courts. Despite the efforts of the Supreme Court in the early 1970s to withdraw from the field of educational regulation, Congress's use of EAHCA to reach into local educational practices for special needs children effectively relied on courts to serve as enforcement agents. According to the political scientist Shep Melnick, "the procedures [Congress] created [in the EAHCA] not only made proceedings within the schools more adversarial and courtlike but made it easy for federal judges to play an active role in policymaking under the act. . . . Just as the Supreme Court was pulling the federal judiciary away from educational policy-making, Congress was pushing it back in" (1994, 142). The result was further widening of the federal role in education and the ambitions of education reformers.

This expansion took on a larger importance when No Child Left Behind specifically included special needs students as one of the demographic groups that schools and school districts had to demonstrate were making progress toward proficiency to make adequate yearly progress (AYP). Before NCLB, schools and districts were required under law to make provision for special needs students, and to construct personalized learning goals through an IEP. After NCLB the stakes for the learning outcomes of special needs students were felt school and district wide: failure of a school to meet its proficiency targets under NCLB for special needs students for two or more years in succession meant that the entire school underwent federally mandated restructuring. By tying the fates of schools to the academic performance of special needs students, NCLB reformers sought to ensure that they would receive more attention from school officials.

At the same time, however, both state-level standards and the assessments used to determine mastery of those standards were not always appropriate for special needs students,

particularly those with severe cognitive impairments. In addition, the anxiety that standardized assessments, rather than alternative strategies, generate may exacerbate behavorial issues of some students and contribute to their underperformance. Either way, critics of NCLB have singled out the assessment of special needs students in the NCLB era as one of its biggest flaws.

The Evolution of Title I from Pull-Outs to Reform Leverage

Beyond English learners and special needs students are numerous examples of how ESEA's implementation has not always been adequate to the needs of the learners it was seeking to aid. In particular, Title I's approach to compensatory education and lax spending oversight meant that, in the early years, districts often spent their Title I money on educationally dubious activities or on instructional practices inadequate to the challenges of Title I students. Efforts to improve the administration of Title I programs evolved over the 1970s and 1980s were initially undertaken to ensure that federal programs led to real gains in student learning. Later these reform efforts became mechanisms by which the federal government sought to generate systemic reforms in U.S. education.

Changing Title I Administration In 1969, the Martin-McClure report detailed ways in which school districts had inappropriately spent Title I funds on purchases such as band uniforms and swimming pools. In response, federal oversight became more stringent. Beyond misspent money, other early evaluations of Title I indicated that federal spending had not dramatically boosted the educational performance of students in poverty. Although these studies were not the most methodologically rigorous, more substantial evidence existed that many districts were diverting federal money away from the true educational needs of children in poverty (and special needs and English learners). In turn, the federal government tightened up the fiscal reporting requirements on districts for their Title I money. This, as several articles in this issue show, led to a series of pedagogical practices (instructional pull-outs of children eligible for Title I, in particular) that may have produced a more accurate accounting of federal money, but also diminished the instructional effectiveness of federally funded interventions.

Moreover, many of the early evaluations of Title I could not directly compare which kind of intervention worked better than another, often because very few Title I evaluations examined student achievement data. A summary of the early efforts to evaluate Title I concluded that "the few early federal efforts to gauge the educational effectiveness of the program on a national scale were complete failures because sufficient and uniform local achievement data were lacking" (Borman and D'Agostino 2001, 28). In response to the concerns of misapplication of Title I funds and a need for a better assessment of Title I effects on achievement, Congress required that "objective criteria be used in the evaluation of all [Title I] programs . . . producing data which are comparable on a statewide and nationwide basis" (Borman and D'Agostino 2001, 27). This effort led in 1979 to the development of the Title I Evaluation Reporting System (TIERS), which could finally, some fifteen years after ESEA's enactment, provide some meaningful assessments of particular programs.

Title I as Reform Leverage and the Evolution of ESEA The development in TIERS of comparable data on Title I program performance came at a key moment in U.S. educational history. The 1983 "A Nation at Risk" report gave national visibility and urgency to reformers' calls for higher standards in U.S. public education. Its depiction of a "rising tide of mediocrity" overrunning U.S. schools spurred states not only to raise educational standards, but also to implement systems of accountability that imposed sanctions on students, teachers, or schools if they failed to meet the benchmark goals established by state-level educational officials. Over the course of the 1980s and 1990s, the fusion of standards, assessments, and accountability into the predominant focus of education reform emerged as both states, and later the federal government, sought to add "rigor" to schools and change the incentive structures for personnel within schools. By en-

abling the federal government to accelerate and focus those trends, ESEA (and congressional changes to the law) played a pivotal role in nationalizing the standards and accountability movements.

The idea of using standards as leverage for school improvement has several roots, including the Effective Schools research, which identified common characteristics of schools that were successfully educating low-income students. Standards were also at the heart of *systemic reform*, a term popularized by Marshall Smith and Jennifer O'Day. Smith and O'Day argue that piecemeal reforms in educational practices do not radiate throughout an educational system unless the incentives of multiple actors in that system align to advance the goals of reform (Smith and O'Day 1990; see also McDermott 2011). State-level curricular frameworks and educational standards, they argue, combined with more robust state governance, would focus reform efforts and provide coherence to strategies to improve schooling outcomes. At a time when many states were becoming more assertive in challenging prevailing patterns of local control in public education, the ideas of systemic reform gained traction among educational researchers and policymakers alike.

At the federal level, the 1988 Hawkins-Stafford amendments to ESEA made it easier for school districts to use Chapter 1 funds schoolwide, with the goals of using the federal funds as leverage for improving entire schools, and of reducing fragmentation of the curriculum (Cohen and Moffitt 2009, 119). In 1994, Congress passed the Goals 2000: Educate America Act, which identified key education outcomes to be achieved nationally by the year 2000 and funded grants to states based on those goals.

Also at this time, Congress began using ESEA as leverage for standards-based reform. The 1994 ESEA reauthorization aligned Title I with the standards-based reforms that many states had enacted beginning in the 1980s. As a condition for receiving Title I funds, states had to set challenging standards in math and English, require all students to take tests based on those standards at three points in their schooling, and hold schools and districts accountable for students' performance. Requiring Title I students and non–Title I students to take the same tests on the same standards was a departure from past practice, which allowed schools to assess the progress of Title I students with "basic skills" tests.

Under the Improving America's Schools Act of 1994 (IASA), "federal involvement in K–12 education began to touch the core functions of the nation's schools" for the first time, and once again set a new precedent for federal mandates (Manna 2006, 100). IASA's changes required all states to develop educational standards and to assess students at least once at the elementary level, once in middle school, and once again in high school. It further demanded that schools not meeting performance standards devise a school improvement plan that would ensure schools had the capacity to meet the new standards. These changes marked the first time that the federal government began requiring schools to hit performance benchmarks to receive Title I money. By "borrowing strength," the federal government expanded its educational ambitions under Title I, moving from addressing the educational disadvantages of children in poverty to creating a regulatory structure that sought to incentivize systemic reform throughout state educational systems (Manna 2006).

The 2001 reauthorization, better known as NCLB, required states to test students annually in grades three through eight and to define adequate yearly progress in terms of those annual test scores, with the goal of moving toward 100 percent proficiency for all students by 2014. Finally, NCLB required schools to disaggregate the results of state-level tests by student demographic groups. Failure to make progress within one subgroup meant that the entire school would not make AYP. Not making AYP exposed schools to a series of increasingly demanding reforms and restructuring if the benchmark was not hit in subsequent years. Although the ostensible goal was to ensure that all groups moved toward the nationwide goal in math and reading by 2014, in reality the law imposed increasingly draconian reforms on schools that enrolled predominantly poor and minority students. Moreover, NCLB's testing requirements for English-language learn-

ers effectively eliminated bilingual education for many students (Reed 2014). As Patricia Gándara and Gloria Ladson-Billings report elsewhere in this issue, these efforts to improve the education of students in poverty have, in some circumstances, resulted in the creation of incentives to neglect the needs of minority students and English learners.

ESEA and Intergovernmental Relations

At the height of federal support for desegregation and bilingual education, the federal government limited local autonomy in order to protect the educational rights of students of color and students who spoke languages other than English at home. Since IASA and NCLB, the priority of federal education policy has shifted from ensuring that funds were spent only on the appropriate students for the intended purposes to pushing states to adopt particular kinds of education reform. These changes, combined with federal civil rights enforcement and support for education reforms, have created a far more complex governing arrangement for public education. This new intergovernmental system is marked by endemic conflict. In many instances, no party to the educational task feels it has sufficient control or influence over any particular outcome. The federal push for standards and accountability has focused attention of reformers at the school level. At the same time, it has placed school districts in the challenging and awkward task of managing schools for local constituents, but in some ways contrary to the desires of local constituents, or without any mechanism to obtain and register their input. Recent federal actions have also encouraged the growth of alternatives to school districts as they have historically existed, such as charter schools and education management organizations.

State-Federal Tensions

A few states have sought to resist NCLB and Race to the Top (RTT) restrictions on state educational practices and policies. Connecticut's lawsuit against NCLB alleged that the federal law was an unfunded mandate and impermissibly intruded on the traditional state role in education. The federal judiciary was not impressed by Connecticut's argument, however, and in a pair of rulings in 2006 and 2008 rejected it (*Connecticut v. Spellings*, 453 F. Supp. 2d 459 (2006); *Connecticut v. Spellings*, 549 F. Supp. 2d 161 (2008)).[4] Another case, filed by Governor Bobby Jindal of Louisiana, contends that the Obama administration's scoring for Race to the Top competition coerced states into adopting the Common Core State Standards, intruding on traditional state Tenth Amendment rights and violating the federal government's own ban on instituting a national curriculum. Others have urged Oklahoma Governor Mary Fallin, whose state lost its NCLB waiver when it repealed the Common Core State Standards, to challenge the denial of the waiver on the grounds that the administration's use of the waiver process is violating the intent of Congress. This argument contends that, although Congress created a waiver process, it did not authorize the executive branch to pursue policy objectives that Congress had either rejected or not authorized—or were contrary to existing federal law. To date, no such lawsuit has been filed.

The current complexity of intergovernmental relations in education policy can be seen in prominent Republicans' differences of opinion. In contrast to Governor Jindal, former Florida governor Jeb Bush wants to keep intact federal standards-based reforms, including incentives for states to adopt the Common Core State Standards. Bush's support for the Common Core separates him from other Republican conservatives, who characterize it as a federal mandate despite its origins as a project of the National Governors Association and the Council of Chief State School Officers.

In short, the old assumptions about the nature of political cleavages within education policy no longer hold. Although the original ESEA was controversial, NCLB received remarkable bipartisan support. Despite this support, the National Education Association, the

4. The district court's rulings were upheld by the 2nd Circuit Court of Appeals in *Connecticut v. Duncan*, 612 F.3d 107 (2010). The Supreme Court declined to accept the case.

largest labor union representing educators, challenged NCLB's testing requirements as an infringement on states' rights. More recently, Democrats have chafed at the Obama administration's support for charter schools, private "turnaround partners" for low-performing public schools, and teacher evaluations based partly on student test scores. These tensions have challenged the policy expectation that federal intervention in education is always an imposition of progressive priorities on recalcitrant state and local governments.

Alternatives to Traditional District Governance

The Obama administration's education policies have increasingly sought to unsettle the existing practices of localism in U.S. schools. Both NCLB and the Obama administration's Race to the Top have created a policy opening for schools that are organized quite differently from the traditional, neighborhood, or geographically based local school. Since No Child Left Behind, federal policy under ESEA has indirectly promoted the development of public charter schools by deeming them legitimate elements of the restructuring plans required of schools that fail to meet AYP for successive years. Although some contend that NCLB has, in effect, served as a stalking horse for the privatization of U.S. schooling (Kohn 2004), others argue that the persistent failure of schools to meet even the basic academic needs of students indicates a gross educational malpractice that merits their closure. Either way, the NCLB-dominated policy environment of standards, assessment, and accountability has hastened the quest for alternative governance structures for schooling in the United States. In short, the post-1994 ESEA amendments have persistently challenged long-standing assumptions of localism in U.S. schooling and effectively weakened them.

In some states, the legal environment for charter schools is far more restrictive than in other states, slowing the transformation of traditional neighborhood schools to charters. In response, the Obama administration has encouraged the spread of charters through its Race to the Top competition. Not part of ESEA, but enacted as part of the American Recovery and Reinvestment Act of 2009 (also known as the Stimulus Bill), RTT offered states a chance to compete for $4.35 billion in educational spending precisely when state coffers were hit hard by declining tax revenues of the Great Recession. Structured as a competition designed to induce states to adopt numerous education reforms, RTT's "grading rubric" included the expansion of longitudinal data systems for student assessments, the adoption of "college and career-ready" standards such as the Common Core State Standards, and the development and use of data to evaluate teacher and principal performance. Also included among RTT's point allocation was a liberalization of a state's public charter school licensing procedures and the removal of caps on the number of charter school seats within a state. As a result, RTT further encouraged states to devise alternative governance arrangements for schools. Again, though not part of ESEA, RTT advanced the fragmentation of local governance structures in education as an effort to both standardize educational goals, but also to work around local obstacles to reform efforts.

STRUCTURAL LIMITATIONS OF THE EXPANDED FEDERAL ROLE

Our metaphor of ESEA as the framing structure of the U.S. educational system captures the challenges and limitations of the institutional contexts in which ESEA operates, as well as the distinctive quality of the U.S. system of schooling. Just as the streets in many American towns do not look much like European streets, so too our educational system does not look much like European ones. Similarly, the U.S. education governance system looks quite different from those of other industrialized countries. Instead of a strong central ministry of education that has devolved some authority to regional and local authorities, the United States has a federal department of education younger than any of the state and local education authorities that is often seen as usurping power from states and school districts. Built around ESEA funding as its internal framework, the shape of the expanded federal role is a response to available resources and broader contexts.

Like wood-frame structures, the contemporary federal role in education also does not per-

form some functions well. Buildings that need to support great weight, such as factories and skyscrapers, cannot be made of wood. As the federal government has tried to take on more of the burden of supporting instructional improvement, its structural limitations have similarly become clear. The U.S. public education system lacks a strong administrative infrastructure for leading educational improvement. Recall that ESEA itself specifically prohibits the use of federal funds to require or promote particular curricula or instructional practices. State education departments may have the constitutional authority to direct public education, but often lack the staffing and funding to translate this authority into action.

Both when ESEA's goal was to provide "compensatory" programs for low-income students and now, when federal policy uses ESEA as a lever to induce systemic educational change, success depends on millions of teachers' effectiveness in their classrooms. To enhance teachers' effectiveness, the education system as a whole—including federal and state departments of education—needs to have adequate instructional capacity: relevant resources and knowledge, organized in ways that help students—of all types—learn.

Cohen and Moffitt's book *The Ordeal of Equality* explains that at ESEA's birth in 1965, the knowledge of how teaching and learning worked was weak, and our national understanding of how to improve schools was similarly limited (2009, 27). Julie Roy Jeffrey notes in her history of ESEA that "little thought had gone into the whole problem of how education, formal or informal, related to the goals of the poverty program. . . . Policy-makers and Congressmen just never looked at the evidence of what schools did" (1978, 51). According to Jeffrey, HEW Secretary Robert Finch said in 1969, "Many curriculum developers are not aware of the best methods of meeting the educational needs of poverty children. Schools and school districts differ greatly in their capacity to provide quality educational programs for disadvantaged children" (Jeffrey 1978, 131). This befuddled reality stood in stark contrast to the confident assurances of educational leaders in the pre-ESEA congressional hearings.

School districts had little expertise or organizational capacity to respond to the changing expectations of the federal government. Research into what, exactly, school districts did under Title I programs to provide compensatory education reveals a kind of grasping at straws as school districts came to terms with the concerns of students they had systematically neglected for decades. From a twenty-first-century vantage point, early efforts to engage in compensatory education seem paternalistic, condescending, and indeed naïve about the educational needs of poor children. One approach was to remove Title I–eligible children from their regular classrooms for pull-out services that focused on basic skills. Another was to expose low-income children to middle-class experiences like field trips to art museums and concert halls. In her article in this issue, Gloria Ladson-Billings criticizes these approaches for focusing on perceived deficits rather than strengths and cultural resources of Title I–eligible children.

The federal and state governments themselves had little experience with educational improvement (Cohen and Moffitt 2009). The USOE initially faced an enormous challenge just getting money to the right places, to say nothing of leading instructional improvement. Donald McLaughlin's 1977 synthesis of studies of ESEA's effects notes that "in 1965, Congress was apparently not aware of the immensity of the problem of developing and implementing a program to deal successfully with educational disadvantage on a national scope" (4). State governments were, at this time, even less well prepared for these new assignments.

According to Education Commissioner Francis Keppel, members of the original ESEA Task Force opposed giving support to state departments of education, because they believed state educational officials to be incompetent and intransigent (for discussion of the Gardner Task Force, see Graham 1984, 76). Although ESEA Title V provided funding to increase the capacity of state departments of education, their ability to lead educational improvement remained weak. When state legislatures enacted new education reforms in the 1980s and 1990s, their departments of education often struggled to implement the ambitious new

laws (Manna 2006). NCLB led to increased attention on the problem of "state capacity" and reform (Minnici and Hill 2007), but states' ability to lead districts and schools in educational improvement remains uneven. David Cohen and Susan Moffitt's article in this issue considers the challenges that government institutions face in building instructional capacity.

HOW WELL HAVE ESEA'S ASPIRATIONS BEEN ACHIEVED?

Despite these structural limitations, ESEA has inspired and induced many changes in the U.S. educational system. Scholarly accounts of these changes, however, reveal a mixed record when it comes to ESEA's achieving its objectives. ESEA's effects in educational finance, educational outcomes, reductions in poverty and educational innovation, though important, have been varied. Moreover, the recent policy stalemate over ESEA's reauthorization means that the ability of federal education policy to respond quickly to changing educational circumstances is increasingly limited.

Education Finance

In 1965, targeted federal grants to state and local governments were a relatively new policy idea. The authors of ESEA and other federal grant programs assumed that legislative and regulatory requirements could ensure that federal funds would supplement rather than replace state and local funds, as Nora Gordon and Sarah Reber discuss elsewhere in this issue. Fifty years later, research on public finance has shown that intergovernmental grants, unlike flypaper, do not necessarily "stick where they hit." Despite this limitation, ESEA has mostly had its intended effects on education finance.

Most obviously, ESEA has produced a dramatic increase in federal spending on K–12 education. It more than doubled (1965 dollars), from $923,337,000 in the 1963–1964 school year to $1,996,954,000 in the 1965–1966 school year. As a proportion of total K–12 education spending, the federal share rose from 4.4 percent in 1963–1964 to 7.9 percent in 1965–1966 (Snyder and Hoffman 1991).[5]

As figure 2 shows, after ESEA the federal share of K–12 education revenue has typically fluctuated between about 8 percent and just under 10 percent. It is important to bear in mind that this is the share of the entire nation's education revenue, and that individual states may get more of their education funds from federal sources. For example, at the end of the 1960s, Title I funds constituted 17.2 percent of education revenue in the southern states (Cascio and Reber 2013, 68).

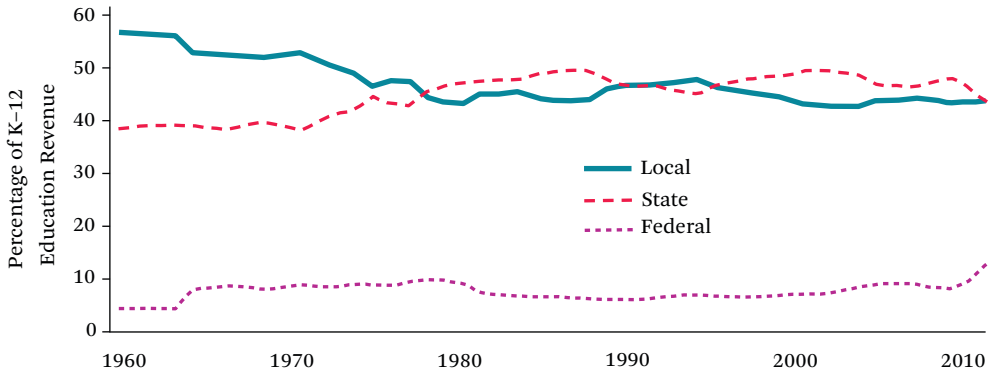
The majority of U.S. school districts receive funds through ESEA Title I. Spreading Title I funds broadly, rather than concentrating them in the neediest districts, creates a strong incentive for members of Congress to support the program. However, because the funds are broadly distributed, they do not make up a large proportion of local school districts' budgets. Even in the 10 percent of districts that rely most heavily on Title I, it generally provides between 5 percent and 10 percent of total spending (Gordon 2004).

Rucker Johnson's article in this issue finds that increased Title I funding to school districts does indeed lead to increased per-pupil spending. As Gordon and Reber show, school districts take the federal requirements for maintenance of effort, supplement not supplant, and comparability of spending seriously, because of the threat of negative audit findings. However, analyses of how Title I funds affect local education spending show that when Title I aid to a district increases, its per-pupil spending increases by less than the amount of the federal increase (Gordon 2004; for a brief explanation of why grants like Title I do not lead to dollar-for-dollar increases in spending at lower levels of government, see Gordon and Reber in this issue).

As Eric Houck and Elizabeth DeBray describe in their article, federal funding has not been a major force for increased financial equality within or between states. Changes in how states fund public education have had far

5. Both spending amounts are in 1965 dollars, adjusted with the U.S. Bureau of Labor Statistics Inflation Calculator. Available at: http://www.bls.gov/data/inflation_calculator.htm (accessed July 22, 2015).

Figure 2. Local, State, and Federal Sources as Percentage of K–12 Education Revenue, 1961–2010



Sources: Snyder and Hoffman 1993, table 156; Snyder and Dillow 2013, table 202.

larger effects on equity than have increases in federal spending. Since the 1970s, lawsuits challenging unequal local school spending have led to both an increased funding role for most states and an increasing state share of public education revenue. In 1900, states provided only 16.5 percent of funds for public K–12 education and localities made up the rest. Just before enactment of ESEA in 1965, the state share was 39.3 percent. As figure 2 shows, the state share continued to increase to nearly 50 percent in 2000–2001, and remained in the upper 40 percent range until the Great Recession. An increasing state share of funds has helped make public school funding more equal across districts (Cascio, Gordon, and Reber 2013, 130). At the same time, this trend has meant that comparatively low levels of federal funding have kept school funding unequal across states.

Educational Outcomes

ESEA's effect on educational outcomes has on balance been positive, though not revolutionary. The American labor force is, on the whole, better educated than it was in 1965, though much of this growth had already happened before ESEA. Goldin and Katz report "substantial" growth in the average years of schooling completed by United States natives born between 1876 and 1951, a plateau for the 1952 through 1965 birth cohorts, and only modest growth in educational attainment for those born after 1965 (Goldin and Katz 2008).

Although the 1966 Coleman report, which the federal government commissioned, was not a study of Title I, its general conclusion that student characteristics affected their school performance more than their schools' per pupil spending, or other school-related factors, undermined optimism that ESEA could make a difference. Pessimism increased when initial evaluations of Title I found weak academic results (McLaughlin 1977).

Recent analyses have reached different conclusions about Title I's academic effects—specifically, its effect on students' total years of schooling and their likelihood of completing high school. Elizabeth Cascio and Reber found that Title I spending narrowed gaps in educational attainment, though not necessarily because Title I–eligible students did better (2013). Similarly, Cascio, Gordon, and Reber found that, in the South in the 1960s, Title I funds contributed to, but do not fully explain, declining dropout rates (2013, 154). In his article in this issue, Rucker Johnson finds that higher Title I spending in school districts between 1965 and 1980 is associated with increased likelihood of high school graduation, and that the effect for low-income students is stronger than for others. He also finds that students in districts with higher Title I spending were less likely to repeat grades and to be suspended or expelled from school.

Effects on Poverty

In addition to being a time of optimism about government's ability to improve social condi-

tions, the middle of the twentieth century was also a period of exceptional wage equality (Piketty 2014, 24–25). It was easy to believe that modest improvements in low-income children's educational attainment would enable them to get well-paid jobs as adults and to raise their own children under better conditions than those in which they had grown up. Fifty years after ESEA was enacted, U.S. wage inequality is at or above its pre–World War II peak. Claudia Goldin and Lawrence Katz attribute rising U.S. economic inequality since 1980 to an increased relative demand for highly educated and skilled workers, globalization, slowing U.S. educational attainment, and changes in labor market institutions like declining rates of unionization and eroding value of the minimum wage (2008, 52–53).

Because of population growth and women's move into paid employment, the U.S. workforce has grown from about eighty-eight million people in 1966 (the data series did not include 1965) to about 158 million in 2013 (DeNavas-Walt and Proctor 2014, table A-4). According to the U.S. Bureau of Labor Statistics (BLS), in 1965, about thirteen million Americans had production or nonsupervisory jobs in manufacturing. Employment in these jobs dropped after 1980, then again in the 2000s. In August 2014, the most recent month available, 8.6 million Americans worked in production and nonsupervisory manufacturing jobs. Put differently, production and nonsupervisory manufacturing workers went from 14.7 percent of the U.S. workforce in 1965 to 5.4 percent in 2014 (BLS 2014). The largest job categories in the contemporary U.S. economy tend to be poorly paid. According to an April 2014 BLS news release, the ten largest U.S. occupations in 2013 accounted for 21 percent of total employment, and only one of these occupations (registered nurses) had an average wage higher than that for all U.S. occupations. The other largest occupations include retail salespersons and cashiers, food preparation and service, office clerks, waiters and waitresses, and customer service representatives (BLS 2014). These changes matter for economic inequality because fewer manufacturing jobs means fewer opportunities for workers with fewer educational credentials to move into, or remain in, the middle class.[6]

In addition to the challenges posed by overall shifts in the jobs available to U.S. workers, employment discrimination has persisted longer than seemed likely in 1965. Political pressure for race and gender equity lessened in the 1980s, and legal attacks on affirmative action took away the strongest tools for making workplaces more diverse (Stainback and Tomaskovic-Devey 2012). The mechanisms for discrimination have shifted over time, and evidence of continued racial and ethnic bias in hiring is strong (Pager and Shepherd 2008). Another set of limits on education's ability to reduce poverty for black and Latino Americans comes from the criminal justice system. During the war on drugs of the 1980s and 1990s, states and the federal government enacted mandatory minimum sentences that have had a far greater impact on black people than others. Contemporary stop-and-frisk policing practices also make young people of color likelier than their white counterparts to have criminal records. Zero-tolerance school discipline, which often includes referral to the criminal justice system, is more prevalent in schools attended by black youth. Criminal records make it hard for young people to get jobs and housing, and thus constitute another set of obstacles to opportunity that are likelier to affect urban youth of color than their suburban, white contemporaries (Alexander 2010).

Educational Innovation

ESEA Title I seemed to assume that local school districts would be able to provide effective programs for disadvantaged students once they had more money to do so. ESEA's original Title III funded educational innovations, suggesting some awareness that new ideas were needed. (Title III of the 1965 ESEA was notably a completely different program from the current Title III of NCLB, which establishes re-

6. The overall manufacturing-employment numbers probably understate the problem, given that the manufacturing jobs that remain in the United States are likely to require more education than the ones that have moved overseas or been automated.

quirements for programs that serve English-language learner students.) Innovation funding under the old Title III demonstrates some of the key tensions inherent in using the federal government as an agent of instructional change.

As we highlighted in our account of ESEA's origin stories, the original Title III's core purpose was to inject innovation into the American educational system. Before ESEA was enacted, President Johnson had appointed a task force to advise him on what shape federal education aid should take. The task force's concept of what ailed U.S. education was not as much a shortage of new ideas as the few ways to convert the ideas into usable forms in the classroom, hence its call for providing funding to outside institutions such as museums, libraries, private nonprofit groups, or local community centers (Goldin and Katz 2008, 19, 15–16). It also called for creating "supplementary educational centers that would be financed by the Federal Government and staffed by artists, museum directors, novelists, journalists and the like—designed to bring about change and to provide new services from the outside in" (Subcommittee on Education 1967, 16).

Considering Congress's tendency to spread federal funds widely among states and congressional districts, it is not surprising that ESEA emphasized aid to school districts rather than creation of new centers for innovation. Even Title III designated local public school districts as the only legal recipients of its funding. However, it also stated that districts could be eligible for funding "only if there is satisfactory assurance that in the planning of that program there has been, and in the establishing and carrying out of that program there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served" (Title III, 1965, Sec. 304). Title III thus contained vestiges of the task force's vision, and it echoed the language of the Community Action Program established as part of the Economic Opportunity Act of 1964.

Title III's model of innovation was based on a set of assumptions, most prominently that innovative ideas were out there just waiting to break free, whether in schools or community agencies. In addition, Title III authors assumed that schools, students, teachers, and parents could learn to work seamlessly with community agencies in ways that would enhance student achievement. Finally, the program assumed that ambitious educators or community-based reformers could quickly organize and submit proposals that met the stipulations of the application process, and then embark on a major new project—often within a matter of weeks or months.

Many federal officials lauded Title III as a success, citing statistics showing that local school districts had answered the federal call to action by submitting more than 2,700 proposals, requesting a total of $250 million by July 1966. The USOE reported that by 1967 some 1,700 projects had been funded and were underway, impacting either directly or indirectly an estimated six thousand districts and eight to ten million children (Graham 1984). As it turned out, some of the harshest critiques of Title III came not from those who opposed federal funding, or who sought to shift control of Title III to the states, but from those who had the highest hopes for it. Blaine Worthen, an Ohio State researcher who edited a special issue of the journal *Theory into Practice* devoted to Title III, complained that too many projects focused on "expanding and improving extant services such as educational TV, audio-visual materials, counseling programs, etc. . . . One is left with the definite impression," he concluded, "that the majority of these proposals are mere attempts to procure additional funding and thus reduce strain on the internal budget" (Worthen 1967, 107).

Over time, the federal government became less enamored with the innovative aspirations of Title III. Indeed, by the time NCLB was enacted, ESEA requirements had moved away from the idea that federal funding should unleash new ideas. Instead, the law's more than one hundred requirements that federal funds be used only for instructional practices grounded in "scientifically based research" reflected a different belief: that scientifically proven solutions to common educational problems already exist, and educators need to be required to use them. The U.S. Department of Education's (ED's) Office of Educational Research and Improvement was reorganized into

the Institute of Education Sciences, which sponsored the What Works Clearinghouse to help educators find appropriately scientific methods.

The Department of Education continues trying to support educational innovation, though not through the ESEA. The most recent chapter of this history is the Investing in Innovation Fund (i3) initiative that began in 2009, as part of the federal stimulus bill. According to federal officials, the purpose of i3 is to provide competitive grants that will "expand the implementation of, and investment in, innovative and evidence-based practices, programs and strategies," with a special emphasis on initiatives that significantly improve K–12 achievement and close achievement gaps, decrease dropout rates, increase graduation rates, or improve teacher and school leader effectiveness ("i3 at a Glance"). However, the first round of successful i3 applicants were not necessarily seen as innovative or new. As some commentators put it after the awards were announced, it seemed as if the federal government was simply funding "the usual suspects" (McNeil 2011). They included Success for All ($49 million), Teach for America ($50 million), the KIPP Foundation ($50 million), and Reading Recovery/Ohio State University ($45 million). Another way of thinking of the awards is that ED was continuing its efforts to see that What Works (according to its standards of scientific research) would be put into practice.

FUTURE DIRECTIONS FOR ESEA AND THE FEDERAL ROLE

Between 1965 and 2001, Congress reauthorized ESEA at regular intervals. ESEA has been due for reauthorization since 2007, but Congress has to date failed to pass a new version. Even before the reauthorization deadlines, some of NCLB's central provisions seeemed ripe for revision, such as the 2014 deadline for all subgroups of students in all schools to score proficient on state tests, the 100 percent proficiency target for students with disabilities, and the AYP targets that identified steadily increasing numbers of schools and districts for sanctions and potential state intervention. During George W. Bush's second term in office, ED granted waivers that allowed states to experiment with adding academic growth models to their accountability systems, set different standards for the small number of students with "persistent academic disabilities" such as cognitive impairments, and implement "supplemental educational services" for students before rather than after granting them the right to transfer out of underperforming schools (Olson 2005; Hoff 2005).

In the absence of a reauthorization, the Obama administration has issued NCLB waivers to forty-three states. In contrast to the more limited Bush administration waivers, the Obama administration's waivers require states to enact new policies not included in NCLB, such as adopting the Common Core State Standards or similar college- and career-readiness standards, including student performance in teacher evaluations, and removing obstacles to charter school expansion. ED revoked the state of Washington's waiver in April 2014 when the state's legislature voted to let districts decide whether to use student test scores in teacher evaluations (Rich 2014). A few months later, Oklahoma lost its waiver when it dropped the Common Core State Standards (Camera 2014), but it was later reinstated. Some Republicans have attacked the Obama administration for advancing its own policy agenda without congressional action, thus violating the constitutional separation of powers, and Louisiana Governor Bobby Jindal filed a federal lawsuit over the Common Core. Skepticism about the waivers is not confined to national Republican leaders; Douglas Reed points out that ED "has utilized waivers from a law that is impossible to comply with in order to extract further education reforms from states" (2014, 221). In this concluding section, we hazard some predictions and recommendations for ESEA's possible futures.

Will the Reauthorization Stalemate Continue?

Whenever Congress has debated NCLB reauthorization, serious substantive disagreements have arisen. The Obama administration's 2010 reauthorization blueprint included many ideas also found in Race to the Top and the later NCLB waiver criteria. Both of the national

teachers' unions and many members of Congress disagreed with these ideas. In 2011, the Senate Committee on Health, Education, Labor, and Pensions approved a reauthorization bill, but the Obama administration did not believe its provisions were strong enough and it never came up for a vote in the full Senate. In 2013, the Senate committee again approved a reauthorization bill with provisions that closely resembled the NCLB waiver requirements, but only Democrats voted for it. The House of Representatives passed a completely different bill that would have greatly reduced the federal government's role in school accountability. As in the past, conservative Republicans object in principle to a large federal presence in K–12 education. How much to spend on ESEA has also been an area of disagreement; in general, Democrats have wanted to increase funding and Republicans have wanted to decrease it. The promise of increased spending helped overcome objections to parts of NCLB during congressional deliberations in 2001, and without this promise, it has been even harder than it would otherwise have been to work through disagreements.

As of this writing, both the Senate and the House have passed versions of the ESEA reauthorization bill. The differences will need to be ironed out in conference committees and center on the nature of Title I funding—particularly funding portability—as well as the nature of federally-mandated reforms for underperforming schools. Without a conference agreement, no reauthorization bill will be forthcoming in the near future. Across policy areas, Congress is increasingly polarized, to the point of being unable or unwilling (or both) to pass new legislation and to perform routine tasks like oversight of executive-branch agencies and reauthorization of existing laws (Ravitch 2013; Mann and Ornstein 2006; Mettler 2014, 35). Other important programs, such as Temporary Assistance for Needy Families (Falk 2014), and the federal highway bill, are also overdue for reauthorization.

Even if one or the other party were to win both the presidency and control of both houses of Congress in 2016, gridlock could well continue if the Senate majority party has fewer than sixty senators. A Democratic sweep in 2016 is highly unlikely because the current House districts disadvantage Democratic candidates (McDonnell and Weatherford 2011). The Republican party is currently split over education issues, particularly the Common Core (Giroux 2013). Even with a Republican sweep in 2016, a reauthorization could be elusive, and the new president might follow the Obama administration's precedent and continue to use executive agency power to shape education policy.

A Department of Education able to sustain its policy agenda under a president of either party (and is not eliminated by conservatives) would imply a power shift from the generalist Congress to the specialist executive agency. In theory, this could mean a more expertise-driven federal policy. On the other hand, a greater role for the ED could also simply empower the few political appointees at the head of the agency to enact presidential priorities without reliance on the traditional mechanisms for policy legitimation—or without even consulting actors outside the inner circle.

If Congress does not reauthorize ESEA and the executive branch continues to shape policy unilaterally, one possible result would be more litigation, such as Louisiana Governor Bobby Jindal's suit over the Common Core State Standards, or a suit challenging the ability of the Department of Education to seek policy advances without explicit authorization from Congress to pursue them. These suits—no matter what the outcome—would further complicate the education policy landscape by placing into jeopardy the continuing relevance of ESEA. Because NCLB is currently unworkable as policy, if Congress remains unable to devise an alternative, a judicial ruling that denied the Department of Education the ability to grant waivers would throw federal educational policy into turmoil, and reinforce the status of states and localities as the primary locus of educational policymaking.

Other lawsuits, such as the *Vergara* suit in California—which ruled that California's tenure system violated poor students' right to a quality education—further highlight the multiplicity of actors within the educational arena and the sometimes limited ability of the federal government to play a meaningful role. As

in the state-level school finance equalization lawsuits, the *Vergara* case saw a state-level constitutional requirement for equal educational opportunity used to contest a central element of state educational law. Although earlier cases focused on the financing of schools, the *Vergara* case challenged the teacher tenure and employment provisions of the California code, which the plaintiffs allege disproportionately denied low-income and minority students access to a quality education. The state judge's agreement with the plaintiff's position is a harbinger of major reforms in California's system of teacher tenuring and dismissal—all without direct federal involvement. The U.S. practice of layering new educational authority on top of—or adjacent to—existing educational authority creates a complex and, at times, contradictory educational policy environment. As a result, educational changes and institutional reforms may occur in venues far from Washington and outside federal control. At the same time, federal lawmakers and policy makers play a key role in establishing the contexts of educational change.

Recommendations for a Future ESEA

The nine articles in this issue analyze different facets of ESEA but converge around a few key challenges to the federal government's ability to increase educational equality. One set of challenges comes from the complex relationships among the federal, state, and local governments, and the federal government's limited ability to influence education. Within the intergovernmental system as it currently exists, ED's leverage over states and school districts comes from the conditions that Congress includes in grant programs like Title I and the fiscal rules that govern how states and districts use the money. Based on his analysis of ED's history, Patrick McGuinn argues for an overall increase in the agency's statutory authority and administrative capacity. Nora Gordon and Sarah Reber advocate making ED's guidance on Title I fiscal rules clearer and more concise and disseminating these directions across the states and local school districts, thereby allowing school administrators to be more confident about using the flexibility already allowed by federal law. Although a reauthorized ESEA (should there be one) may be more flexible in its requirements for state testing, Lorraine McDonnell identifies the mandates on states to disaggregate test scores by demographic subgroups and to participate in the NAEP as two positive elements of the current system that should continue.

Several articles in this issue identify persistent inequity of educational resources as a major obstacle to achieving greater educational and social equality. Over ESEA's fifty-year history, the federal government has not had much effect on finance equity because it has provided 10 percent or less of total educational revenue. Because states have the constitutional authority over public education, the federal government cannot directly compel states to change how they fund schooling. However, it might be able to use the funding it controls more strategically. For example, Rucker Johnson argues that Title I could be refined so that it rewards rather than crowds out local funding effort, boosts spending in low-wealth school districts, and narrows spending inequality. Eric Houck and Elizabeth DeBray propose an expansion of ESEA to include competitive grants that would reward states for addressing inequalities in finance and ultimately reduce interstate variations in school spending.

Since 1965, policymakers' aspirations for ESEA have grown from simply providing funds for education to supporting improvement in teaching and learning. As David Cohen and Susan Moffitt explain in their article, these expanded aspirations have not been paired with practices that offer direct paths for improving the quality of instruction. Based on their research, Cohen and Moffitt call for the federal government to engage with nongovernmental organizations, following the model of the Comprehensive School Reform Demonstration Project, to build a stronger system within the limits on federal power. According to both Patricia Gándara and Gloria Ladson-Billings, federal policy also needs to shift away from a deficit framing of low-income students, students of color, and students in ELL programs. Ladson-Billings calls for culturally responsive pedagogy to be a priority. Gándara argues, on the basis of research that highlights the advan-

tages of bilingualism, that federal policy should reverse its post-NCLB emphasis on English-language acquisition, and instead focus on developing true academic bilingualism.

Finally, the articles in this issue also call attention to the need for change in other policies that create the context in which ESEA operates. Erica Frankenberg and Kendra Taylor call attention to ESEA's power as a lever for school integration, arguing for increased federal attention to new forms of racial segregation and inequality. Federal officials could make clear that diversity and equality are still priorities, and federal spending programs like ESEA and grants to magnet and charter schools could all align around the goal of maintaining diversity. Public schooling is only one part of low-income students' overall life experiences. Several authors note that to make U.S. society more egalitarian, policy also needs to address disparities in nutrition, health, housing, and exposure to violence.

CONCLUSION

When President Johnson signed ESEA in 1965, his remarks looked forward to a time when compensatory education for low-income students would help them overcome the limitations imposed by poverty. Indeed, Johnson and his political allies believed that the Great Society programs, including ESEA, would lead to a future in which poverty no longer threatened Americans. Federal funding coupled with judicial and executive action clearly provided leverage for desegregation of southern public schools. Although economic analyses suggest that ESEA did have some modest positive effects on students' educational attainment and employment prospects, it is clear in retrospect that a relatively small federal contribution to K–12 education spending, deployed in supplemental programs for a subpopulation of students, could not have lived up to Johnson's larger promises.

Fifty years later, policymakers still have audacious goals for ESEA as the centerpiece of an expanded federal presence in K–12 education. The ESEA reauthorization passed during Bill Clinton's presidency used federal funding for "improving America's schools" by pushing states toward standards-based education reform. President George W. Bush's version of ESEA promised that no child would be "left behind" and called on public schools to educate all of their students to a common level of proficiency within twelve years. President Barack Obama has organized his administration's education policy around "college and career readiness" for all high school graduates. On one hand, these goals are more modest than LBJ's: they do not place public education at the center of a strategy for eradicating poverty. On the other hand, they are in fact more ambitious than the goals of 1965, because they attempt to use a federal program not just as leverage on state and local policies, but also as a way to make teaching and learning more effective at the classroom level. The nine articles in this issue of *RSF* analyze how these shifts took place, where they have succeeded and fallen short, and where ESEA might go in the future.

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