

**THE SUCCESS OF NO CHILD LEFT BEHIND: A POLICY ANALYSIS**

by

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CERTIFICATION OF PROJECT CAPSTONE WORK

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## **ABSTRACT**

The No Child Left Behind Act (NCLB), enacted into law in 2002, was the culmination of years of policy work and political posturing and represented the most sweeping changes to the American education system since the Elementary and Secondary Education Act of 1964 (McGuinn, 2006). The analysis of this policy is particularly important because it will help future generations identify the positives and negatives of federal intervention in education. Beginning with the National Defense Education Act in 1958, the federal government has gradually increased its role in the oversight and administration of public education (Kessinger, 2011). Following landmark reforms like those enacted during Lyndon Johnson’s “Great Society” and Jimmy Carter’s creation of the federal Department of Education, this intervention reached its apex in 2002 with the passage of NCLB and touched off a spirited debate across the country about how best to evaluate school performance (McGuinn, 2006). The act’s provisions, including teacher evaluations; an emphasis on science, technology, engineering, and mathematics (STEM); and mandatory standardized testing, changed the landscape of public education. Whether these initiatives improved the quality of American education is the subject of intense debate (Moore, 2004), but there exists a measurable impact on test scores, which lends credence to the idea that it was a successful policy. While the stated goals of the policy were not met, evidence exists of significant progress towards American education improvement in the 21<sup>st</sup> century.

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## Introduction

Anyone with a television, smartphone, or the capacity to read a newspaper has heard a politician, regardless of party, speak of the importance of education reform. The increased scrutiny of the policymakers at the federal level since World War II has led to a variety of patchwork reforms of the American educational landscape. None have been more significant than the 2002 reauthorization of the Elementary and Secondary Education Act (ESEA) that was dubbed the No Child Left Behind Act (NCLB). As polarizing as it was sweeping, the new law sought to inject new federal relevance into state education policy to achieve unusually lofty goals.

## Historical Background

“At the heart of [a learning society] is the commitment to a set of values and to a system of education that affords all members the opportunity to stretch their minds to full capacity, from early childhood through adulthood, learning more as the world itself changes (National Commission on Excellence in Education, 1983, para. 26).” Those words are from *A Nation at Risk*, a report that studied the shortcomings of the American educational system, and are indicative of a national standard that Americans have set for themselves. However, far-reaching education reform at the federal level is a relatively new concept in the context of the complete history of the United States under a constitutional system. Public education, specifically the education reforms of the twentieth century, has just recently come under the scrutiny of the federal government. The rationale for increased federal involvement in the education of the children of the United States is as nuanced as it is conspicuous. Traditionally the role of each individual state, education reform in America relied heavily on the religious, cultural, and ethnic makeup of the states that enacted it (Pittella, 2011). It wasn't until the

unifying events of World War II and the subsequent, decades-long conflict with the Soviet Union that the American public began to view education as an issue worthy of federal intervention.

### **Education Reform as a Weapon**

From the end of the Potsdam Conference, which marked the unofficial beginning of the Cold War, President Truman found himself in constant competition with Stalin and the Soviet Union. Following V-J Day and the conclusion of World War II, the United States and the Soviet Union, standing alone as world's two victorious superpowers, found themselves in a consistent struggle with one another for global influence and ideological advancement. The spread of communism represented the ultimate fear for hardline American capitalists in the United States government, as well as those who prized religious freedom denied by Russian-style governments. When the Soviet Union launched Sputnik in 1958, the fears of American policymakers became real as the satellite represented a Russian edge in technological advancement. Realizing that educating younger generations of Americans would aid in the development of technologies that would help the American effort in the Cold War, Congress passed the first significant national education funding law when it authorized the *National Defense Education Act* (1958). This groundbreaking law, which was meant to bolster science education in the United States, acted as both the first major federal funding initiative aimed at broad public education and as the first shift of educational focus to fields like science, technology, engineering, and mathematics (STEM) fields (Kessinger, p. 265).

### **Education Reform as Social Engineering**

Following the initial boom of the 1950's, racial tensions within the United States began to assert their own influence into the process of education reform. Debates over segregation and the subsequent integration of public schools all across America brought about by *Brown v. Board*

*of Education* (1954) provided a new front in the war on education equality, and public school funding became a tool for the implementation of politically sanctioned social justice programs. The Great Society of the 1960's and the proposed "War on Poverty" was, in many ways, the next domino to fall in terms of the creation of a lasting influence of the federal government on the day-to-day activity of public schools in the United States. *The Elementary and Secondary Education Act* (1965) created the framework for future education reform and was geared toward the promotion of educational equity across the ethnic, racial, and socioeconomic spectrum. As social attitudes began to change towards racial and ethnic minorities following the integration of public schools, there began a movement to focus on special education in public schools. The impact of this activism and accompanying federal action, both legislative and judicial, established further precedence for federal involvement (Kessinger, p.267-270)

### **"The Education Crisis"**

In the 1980's, renewed Cold War tensions, concerns about America's ability to compete, and increased public scrutiny begat an increased politicization of public education, largely based on publications that helped shape the minds of the public. This decade created an "education crisis," that the next several generations of politicians would compete for the right to solve. Programs such as America 2000 and Goals 2000 sought to overhaul American education. George H.W. Bush famously called himself "The Education President." It wouldn't be until the first year of his son's administration that reform efforts for a significant overhaul gained traction. The "*No Child Left Behind Act* (2002)," or NCLB is the culmination of decades of political tension revolving around education and represents a massive, bipartisan reform effort that fundamentally altered the role of the federal government in the public education of the children of the United States. Like any major piece of high-profile federal legislation, the NCLB has

faced significant criticism since its passage. The role of testing, the implementation of the law by each state, and the manner in which school districts receive federal monies, have all faced public scrutiny. As the Obama administration's roll out of "Race to the Top" is underway and the President himself is discussing a crackdown on excessive testing, the effectiveness of NCLB in meeting its established goals merits exploration and nonpartisan policy analysis (Zernicke, 2015). Because the NCLB represents significant investment by the American taxpayer, as well as a significant federal encroachment on a power typically administered by state governments, it is important to analyze whether or not this intervention actually represents progress in American education policy. In short, this study seeks to determine whether NCLB has either met its stated goals or made real, measurable progress towards them.

## **Literature Review**

### **Theoretical Framework**

Liberalism and globalization are recurring themes through the American educational transition. Neoliberalism, while frequently professed by politicians like Ronald Reagan and Margaret Thatcher, was rarely put into actual policy with regards to American education. The belief that the public sector should be diminished for the benefit of the private sector was a centerpiece of Reagan's campaign. Many of his economic reforms reflected his Friedmanian tendencies, and indeed his campaign rhetoric surrounding education followed a similar track. In practice, however, most administrations since Roosevelt have taken a traditionally liberal view of the federal government's role in education. The belief that the federal government's intervention could drive societal change is a hallmark of liberal economic policy more akin to John Maynard Keynes than Milton Friedman. Lyndon Johnson's massive domestic overhaul is probably the best example of post-war liberal social engineering, built from the foundations of The New Deal.

Globalization, meanwhile, occurs out of necessity. The end of the colonial period, marked by the conclusion of World War II and the breakup of the British Empire, meant that the world was becoming a more diverse and inclusive place. Technological advancements such as the telephone and telegraph had long allowed for connection between continents, but the cooperation of the war and the new global society born from aviation meant that new markets for economic growth had been created. The Cold War and the competing spheres of influence between the United States and the Soviet Union led to a technological race that had been unparalleled in human history. In order to secure victory in that war, and in the larger global community, the United States had to educate its future generations.

### **Origins of Education Reform**

The concept of enumerated powers is not exclusive to education reform. The United States Constitution expressly lays out the duties and responsibilities of the federal government, and specifically the Congress, which were all conceived by men who valued, to different extents, the sovereignty of the “several states” (Madison, 1788/2001). The following powers are “enumerated,” or expressly granted to the Congress of the United States through their vested powers in the United States Constitution (U.S. Const. art. I, § 8.):

- To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;
- To borrow on the credit of the United States;
- To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

- To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
- To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- To establish Post Offices and Post Roads;
- To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
- To constitute Tribunals inferior to the supreme Court;
- To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;
- To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- To provide and maintain a Navy;
- To make Rules for the Government and Regulation of the land and naval Forces;
- To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
- To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the

States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

- To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And
- To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. citation

Seeking further clarification, the First Congress of the United States adopted the Tenth Amendment to the United States Constitution, which states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people” (U.S. Const. amend. X).

Not included among these powers is the authority to regulate the education of American citizens. For this reason, education reform in the United States has traditionally been the domain of the individual state governments (United States Department of Education, 2012, para. 1). Until the Industrial Revolution, and in many circumstances until the Progressive Era, state governments weren't even particularly involved in education (Kessinger, p.265). Children were expected to work on farms and in factories and only the wealthy children received a secondary and post-secondary education. As the turn of the century saw an increase in public education and the development of public school and university systems, the federal government maintained

a relatively low profile in terms of regulating the schools and universities that were becoming ubiquitous throughout the country (Pittella, 2011).

**Segregation and Equal Protection Under Law.** The lack of federal oversight of educational institutions meant that the school systems were very much a product of their environment, which was, perhaps, intended. Because the United States is such a diverse nation, different areas reflect different cultural and ethnically specific values. A consequence, intended or not, of this system was the rise of nationwide racial tension, the Jim Crow laws, and the violence that persisted in the 19<sup>th</sup> and early-20<sup>th</sup> centuries in the American south. Following the southern surrender at Appomattox in 1865, the “Radical Republicans” that dominated the United States Congress in the war’s aftermath passed the so-called “reconstruction amendments,” which include the Thirteenth (U.S. Const. amend. XIII.), Fourteenth (U.S. Const. amend. XIV.), and Fifteenth (U.S. Const. amend. XV.) amendments to the United States Constitution. The Fourteenth Amendment, perhaps the most significant amendment that is not included in the Bill of Rights, contains the “Equal Protection Clause,” which reads (U.S. Const. amend. XIV. § 1.):

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The contentious debate over what constitutes “equal protection of the laws” has been at the center of some of the most influential legal arguments in American history. Landmark cases dealing with issues ranging from school segregation (*Brown v. Board of Education*, 1954) to

marriage equality (*Obergefell v. Hodges*, 2015) have centered on the intent and spirit of the Fourteenth amendment. What constitutes equal protection under the law has also helped shape arguments for education reform at the federal level. The aforementioned *Brown v. Board of Education* (1954) established that segregation in schools was unconstitutional and injected the federal government into the business of education in a way it had not been before (Johnson, 2004).

### **The Cold War and “An Alarm Bell that Rang for Decades”**

Following World War II, the world was divided into the Eastern and Western blocks, separated by Churchill’s famous “Iron Curtain” (Churchill, 1946). The east vs. west dynamic helped shape the world we currently live in, and many societal values that we still espouse can be attributed to the Cold War (Stone, 2010). The mixed-market capitalism that was prevalent in much of the west was diametrically opposed to the communist Eastern Bloc that was dominated by the Soviet Union. The two-superpower system that had been created in the aftermath of WWII led to competing ideologies and an arms race the likes of which human history had never seen (Craig & Jungerman, 1990). The significance of the arms race and the desire to gain a technological edge reached its peak when the Russians launched *Sputnik I*, the world’s first ever satellite (Paige, 2006). New American fears about the Soviet’s perceived technological superiority led to a panic in the United States over falling behind in the Space Race, an offshoot of the arms race. Former Secretary of Education Rod Paige (2006) called the launching of Sputnik “An alarm bell that rang for decades (p. 462).” This new threat led the federal government of the United States to assert itself into the realm of public education for the first time. In fact, Paige states that, “Prior to this seismic event (Sputnik), education was solely the responsibility of the states; the federal government had little involvement in this important policy

arena” (p. 463). It was now apparent to American political leaders that the education of the younger generations was essential to the national welfare, particularly in math and science, and was a crucial piece of winning the lengthy Cold War (Kessinger, 2011, p. 264). Congressional passage of the National Defense Education Act (1958), born out of a fear of Soviet educational superiority, would prove to be the starting point for the long evolution of federal involvement in public education.

### **ESEA, Johnson, and The Great Society**

The 1960’s represented a significant shift in American thinking in regards to education policy. While the 1960’s are generally regarded as a decade of transition and social upheaval across a broad spectrum of foreign and domestic issues, education was a primary tenet of President Lyndon Baines Johnson’s “Great Society” program (Zelizer, 2015). This was the name given to Johnson’s domestic legislative agenda and included sweeping reform of existing federal government policies. Johnson’s primary belief was that investment by the federal government into targeted issues would create greater social and racial equality. He sought to greatly increase the federal government’s role in education by providing federal money to school districts that served low-income students to combat perceived shortcomings in education funding (Paige, 2006, p. 463). This agenda marked the first significant shift toward European-style liberalism in the United States. Included amongst the other Great Society agenda items was a broad reform of the American education system known as the *Elementary and Secondary Education Act* (1965). Hess and McGuinn (2002) contend that, “The ESEA of 1965 laid the foundation for a policy regime in education that persisted for over thirty years” (p. 72-95). Like any radical shakeup of American institutions, McGuinn (2006) claims that there were many ideological conflicts before the ESEA’s passage:

Strong institutional and ideological obstacles to an expansion of the federal role in education persisted long after the passage of the ESEA in 1965 and a bipartisan consensus of sorts developed around these limits on the federal role. Because of the alliance with the teacher's unions and the belief that inadequate school resources were the primary problem facing schools, Democrats sought to keep the federal role centered on school inputs rather than on school outputs or governance issues. Conservatives, meanwhile, saw any increase in federal involvement as a threat to local control of schools and sought to minimize the intrusiveness of federal directives and enforcement efforts. (p. 214).

According to McAndrews (2013), following passage of the ESEA, the federal share of education revenue climbed from 4.6 percent to 7.8 (p. 178). The ESEA would provide the foundation for federal education funding until its 2002 reauthorization, which is actually what we call NCLB. The biggest and most enduring product of the ESEA was Title I funding. As stated by Cascio and Reber (2013), Title I of the ESEA is a grants program that is meant to “ensure that it narrows the gaps in school spending between high-poverty and lower-poverty school districts,” (p. 423). The ESEA also made special provisions for the increased inclusion of science, math, and foreign language as a means of building on the National Defense Education Act's stated goals of keeping America competitive in an increasingly globalized, polarized world. While the ESEA in its original form was revolutionary at its passage, it helped draw the political battle lines that would shape the education debate for generations to come. Johnson and the liberals in Congress, which in the 1960's included both Republicans and Democrats, believed in the need for federal investment in education, increased federal funding to public schools, and governmental oversight to increase the uniformity of the curriculum (McGuinn, 2006).

Conservatives also stayed true to their traditional manifesto of limited government and advocated for education to remain under the dominion of the states, while also beginning to demand the increased accountability of education professionals, particularly if tax dollars were being spent on such endeavors (McGuinn, 2006).

### **Clamor for Reform**

As the federal role in education began to expand following The Great Society, it became clear that a national infrastructure would be necessary to accommodate the increased influence of the government on national education policy. President Carter, a liberal democrat, created the Department of Education in 1979 and it was elevated to a cabinet level position in 1980 (Kessinger, 2011, p. 272). This new department was charged with “[Promoting] student achievement and preparation for global competitiveness by fostering educational excellence and equal access,” per its mission statement. After Carter lost his bid for reelection in 1980, Ronald Reagan, a conservative Republican from California, sought to put his own stamp on American education policy. He appointed Terrel Bell as his Secretary of Education to oversee the abolition of the Department of Education, which conservatives saw as unnecessary, wasteful, and an intrusion into state sovereignty (Hess & Kelly, 2012). It is worth noting that many conservative leaders still view this as a realistic option, further indicating the contrast between the two major American political parties when it comes to the federal role in education. In 1981, instead of a departmental dismantling, Bell convinced Reagan to appoint a commission that was meant to study the state of education in the United States, thus the National Commission on Excellence in Education was born.

**A Nation at Risk.** The outcome of the National Commission on Excellence in Education was a significant turning point for education reform as a political tool. The commission, created

by Secretary Bell and chaired by University of California President David Gardner, released the results of its findings in 1983 and titled their report *A Nation at Risk*. Perhaps more than any other document, this report served as the foundation for future education reform in the United States. The introduction to this report began with a preamble that is hardly disagreeable:

All, regardless of race or class or economic status, are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost. This promise means that all children by virtue of their own efforts, competently guided, can hope to attain the mature and informed judgment needed to secure gainful employment, and to manage their own lives, thereby serving not only their own interests but also the progress of society itself (NCEE, 1983, para. 1).

This declaration made it clear what the goals and values of the federal government would be in terms of public education, as well as the justification for those goals. The inclusion of “...regardless of race or class or economic status...” emphasizes that the government values an equal education that is blind to the individual circumstances of the student’s lives. Furthermore, the idea of children being “competently guided” opens the door for increased teacher and staff evaluation, so as to ensure that all students are receiving a similar and adequate education. It was, however, the inclusion of “...thereby serving not only their own interests but also the progress of society itself...” that is most interesting. McGuinn (2006) contends that this report “...fueled increasing public concern about the decline of public education and, in particular, its impact on the nation’s economic competitiveness (p. 215).” The commission included in its assessment (p. 18-25) that the nation was “at risk,” as is evidenced by the title of the report. The risks were identified as the following (NCEE, 1983, para. 11):

- Some 23 million American adults are functionally illiterate by the simplest tests of everyday reading, writing, and comprehension.
- About 13 percent of all 17-year-olds in the United States can be considered functionally illiterate. Functional illiteracy among minority youth may run as high as 40 percent.
- Average achievement of high school students on most standardized tests is now lower than 26 years ago when Sputnik was launched.
- Many 17-year-olds do not possess the "higher order" intellectual skills we should expect of them. Nearly 40 percent cannot draw inferences from written material; only one-fifth can write a persuasive essay; and only one-third can solve a mathematics problem requiring several steps.
- Business and military leaders complain that they are required to spend millions of dollars on costly remedial education and training programs in such basic skills as reading, writing, spelling, and computation. The Department of the Navy, for example, reported to the Commission that one-quarter of its recent recruits cannot read at the ninth grade level, the minimum needed simply to understand written safety instructions. Without remedial work they cannot even begin, much less complete, the sophisticated training essential in much of the modern military.

In identifying these specific "indicators of risk," the commission zeroed in on a few things that are very interesting when studying the origins of NCLB. First, the commission's recognition of Sputnik's launch as a watershed moment in education further validates the idea that federal education intervention is a means of keeping a Soviet threat at bay. The context is particularly important, as the 1980's brought a renewed emphasis on Cold War hostilities as the conflict

entered its twilight. Second, the emphasis on science, math, and literacy and the perceived deficit that American students faced in these areas is very apparent. The report also suggests immersion in a then-relatively new field of computer science, proving an almost omniscient foresight as to the future's reliance on computers. As future reports, commissions, and reform efforts would take shape over the next two decades, this emphasis would grow even stronger. Thirdly and finally, the commission places much emphasis on standardized testing as an indicator of student achievement. The commission made the recommendation that the learning taking place through eighth grade should serve as the primary foundation for the more advanced material learned in high school, and like other reports and commissions before it, its findings emphasized a need for increased minority and poverty education (NCEE, 1983, para. 34). Furthermore, this reform effort could be sold as a public investment in private enterprise, as businesses had a vested interest in an educated workforce at a time when nations like Japan were gaining economic prosperity. Perhaps most significantly, however, was that the commission, formed under the administration of a conservative Republican president, released a report with recommendations for implementing these reforms. Points 2-5 helped set the stage for modern education reform:

2. State and local officials, including school board members, governors, and legislators, have *the primary responsibility* for financing and governing the schools, and should incorporate the reforms we propose in their educational policies and fiscal planning.
3. The Federal Government, in cooperation with States and localities, should help meet the needs of key groups of students such as the gifted and talented, the socioeconomically disadvantaged, minority and language minority students, and the handicapped. In

combination these groups include both national resources and the nation's youth who are most at risk.

4. In addition, we believe the Federal Government's role includes several functions of national consequence that States and localities alone are unlikely to be able to meet: protecting constitutional and civil rights for students and school personnel; collecting data, statistics, and information about education generally; supporting curriculum improvement and research on teaching, learning, and the management of schools; supporting teacher training in areas of critical shortage or key national needs; and providing student financial assistance and research and graduate training. We believe the assistance of the Federal Government should be provided with a minimum of administrative burden and intrusiveness.
5. The Federal Government has *the primary responsibility* to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest. It must provide the national leadership to ensure that the Nation's public and private resources are marshaled to address the issues discussed in this report (NCEE,1983, para. 5).

This is extraordinarily significant, as it represents a commission recommending the federal government maintain a guiding hand in the traditionally localized control of the nation's public schools. This was released at a time when many in the government wanted to contract the federal role in education. As McGuinn (2006) notes, the 1980's saw Republican politics dominated by the moral majority and those who sought privatization and voucher programs as a replacement for the existing public school system, saying nothing of increased funding for the Department of Education. However, after the release of *A Nation at Risk*, President Reagan delivered fifty-one

speeches on education and the impending education crisis (McAndrews, 2006). The paradigm had shifted, and the narrative was now centered on an America that was falling behind and President Reagan, a conservative, was now echoing similar sentiments to one of the twentieth century's most liberal presidents, Lyndon Johnson (McAndrews, 2013).

**America 2000 and Goals 2000: The Impending Millennium.** Following President Reagan, Vice President George H.W. Bush was elected to the presidency. Bush took Reagan's narrative one step further and dubbed himself the "Education President" (Strauss, 2011, p. 1). To solidify his position as a leader in education reform, Bush proposed a program called "America 2000," a bipartisan program that would explode federal education funding by 25% of its previous funding (Mearl, 1991). This began the first real federal emphasis on primary and early-childhood education as Bush famously stated that "Every child must start school ready to learn," and he demanded a high school graduation rate of at least 90% (McAndrews, 2006, p. 137). He also asserted his belief that benchmark tests should occur in 4<sup>th</sup>, 8<sup>th</sup>, and 12<sup>th</sup> grade to assess and evaluate student performance in all schools receiving federal funding. Bush also sought input from the nation's governors in determining federal education policy. "This is the first time in history we've ever thought enough of education and ever understood its significance to our economic future," was just one of the glowing reviews of Bush's proposal and was offered by none other than then-Arkansas Governor Bill Clinton (McAndrews, 2006, p. 147). After defeating Bush in the 1992 presidential election, Clinton proposed "Goals 2000," which according to McAndrews (2013) was an attempt to "codify Bush's proposals into law" (p. 361). The political turbulence of the era, however, would not bode well for Clinton's education efforts. Following a leftward shift in the earliest days of his administration, Clinton's party was trounced in 1994 midterm elections and an ultra-conservative Republican congress took control. He was,

however, able to sign the Educate America Act, which created the basis for standardized testing in America as a means of evaluation (Portway, 1997). The efforts of the newly elected Republicans in congress to again attempt to dismantle the Department of Education led to a government shutdown, an impasse which Clinton won, but following reelection and subsequent impeachment proceedings, education reform during the Clinton administration was not as significant as during the Johnson or Reagan administrations. However, the vision set forth by Goals 2000 and America 2000 helped shape the ongoing debate and established the ubiquity of standardized tests.

### **Context, Process, and Passage**

The build up to the No Child Left Behind Act was one of tumult and competing ideologies. Following arguably history's most contentious election, George W. Bush assumed the office of President of the United States in 2000. He proposed a seven-point plan to revamp education in America and focused this plan around science and math, like so many before him. The House of Representatives Committee on Education convened hearings in March of 2001 to hear testimony on the proposed changes and determined that more federal investment was still necessary for increased educational prosperity (Pittella, 2011, p. 56). These hearings were presided over by then-Committee Chairman John Boehner of Ohio, a Reagan Republican. Similar hearings were to take place in the Senate, but a leadership change in June altered the partisan makeup of the chamber. Senator Jim Jeffords of Vermont had, until June of 2001, caucused with the Republican Party (Kane, 2014). The contentious election of 2000 had left the Senate with an even split of Democrats and Republicans. After the inauguration of President Bush, his Vice President, Dick Cheney of Wyoming, was called upon to break the tie and gave the majority to the Republicans. Jeffords switched his party affiliation to reflect independent

status and then began to caucus with the Democrats for the remainder of his tenure in Washington, handing control of the chamber back to the Democratic Party. Jeffords was also chairman of the Health, Education, Labor and Pensions (HELP) Committee, and his chairmanship was handed to Senator Edward Kennedy, a longtime champion of health care reform and an icon in his party.

Kennedy's chairmanship was crucial to the passage of the law, which would be seen as largely bipartisan. President Bush, a former Governor of Texas, had overseen what had been called the "Texas Miracle," which was a spike in performance on standardized tests, though CBS News (2000) showed that it was less than miraculous. The result, however, was an inflated reputation for education policy savvy based on high-stakes testing and increased accountability. Bush broke with many Republicans of the 1980's ilk who wanted to close the Department of Education by saying, "I'll spend more on schools, but I will expect more from our schools. I won't close down the Department of Education, but I will transform it" (Gregg, 2013, para. 15). Bush worked with Kennedy to bring both Republican and Democratic ideas to the table, though according to Groen, (2012) both sides disagreed on how schools should be evaluated. However, many Democrats were brought onboard by the proposed focus on minority students and students from low-income neighborhoods. In order to achieve this, however, services from many private entities became subsidized by the government, something that Groen (2012) describes as a "stroke of political genius [which] assured bipartisan support for the act in Congress" (p. 6). (Give some examples of these private entities that became subsidized by the government) Bush worked with Kennedy on the HELP Committee in the Senate and John Boehner on the House Education Committee to craft legislation that would increase testing, teacher and district accountability; STEM investment; and monetary investment. While the federal government

provided the framework for the law, the states would be responsible for administering and overseeing the act's implementation. Rod Paige, the Secretary of Education under President Bush, states that "each state determines its own set of academic standards for mathematics and language arts" and that "each state or school district has broad authority to fashion its own set of rewards, sanctions, and instructional interventions, both for Title I and non-Title I schools" (Paige, 2006, p. 468). This preserves the conservative principle of local and state control over school districts, while simultaneously pacifying moderates and liberals by providing an additional \$35 billion to aid states with the Act's implementation. The resulting requirements, which states would be responsible for implementing, combined conservative and liberal principles, as well as data-driven instruction which would shape public education for the next decade and a half.

According to Karen (2005, p. 166), the key provisions of the No Child Left Behind Act are:

- 1) Requiring annual testing of students in Grades 3-8 in reading and math, plus at least one test in Grades 10-12; science testing to follow. Graduation rates are used as a secondary indicator of success for high schools.
- 2) Requiring states and districts to report school-by-school data on student's test performance, broken down by whether the students are African American, Latino, Native American, Asian American, white non-Hispanic, special education, limited English proficiency, and/or low-income.
- 3) Requiring states to set adequate yearly progress (AYP) goals for each school. To meet AYP goals, not only must each sub-group make progress in each year in each grade in each subject, but 95 percent of each subgroup must participate in

testing. AYP goals must be constructed so that 100 percent of the students reach proficiency by 2014.

- 4) Labeling schools that fail to meet AYP goals for two years “in need of improvement (INOI). Initially, this requirement means that schools must offer students opportunities to attend other public schools and/or to receive federally funded tutoring. Funds would also be provided for teacher’s professional development, A school that failed to meet future AYP targets would be subject to “restructuring” (firing of the teachers and the principal, the takeover of the school by the state or a private company, and so forth).
- 5) Requiring schools to have “highly qualified” teachers for the core academic subjects (English, reading or language arts, math, science, foreign languages, civics and government, economics, arts, history, and geography) by 2005-2006.

These provisions, shepherded through both houses of Congress with an ease unheard of in today’s legislative climate, passed the House 384-45 and the Senate 91-8. The conference committee, tasked with resolving discrepancies between the House and Senate versions, agreed to the final bill in December, 2001. President Bush signed the No Child Left Behind Act into law on January 8, 2002.

### **Goals of the NCLB**

Yell (2010) describes, after a close examination of the policy creation and context of the bill’s passage, the goals of the No Child Left Behind Act. These goals were the criteria by which this unprecedented federal intervention would be crafted and ultimately judged. The previously stated provisions were designed as interventions to help achieve these goals and are crucial to

understanding whether or not the act was successful from a policy analysis perspective. Yell (2010) lists the goals as the following:

- All students will achieve high academic standards by attaining proficiency or better in reading and mathematics by the 2013-2014 school year.
- Highly qualified teachers will teach all students
- All students will be educated in schools that are safe, drug free, and conducive to learning.
- All limited English proficient students will become proficient in English.
- All students will graduate from high school.

At first glance, these goals seem both lofty and unattainable, but also indicative of an impending oversight. The states, who as previously stated are responsible for the design and rollout of the interventions meant to meet these goals, were now responsible for enforcing federal policy in an area where they had nearly complete autonomy just forty years prior.

### **Funding and Mandates**

The majority of the funds required for teacher evaluation, testing procedures, and curricular updates fell under the category of unfunded mandates. The increases in federal government spending were primarily due to the increase in Title I funding that was made available to school districts if they showed the measurable improvements or showed they were capable of maintaining a high standard of excellence. Although states were granted more flexibility for disbursing their federal dollars, the Title I funding represented the majority of federal dollars sent to states. Many critics of the law were quick to jump on the unfunded mandates, and even Senator Kennedy remarked that, “The tragedy is that these long overdue reforms are finally in place, but the funds are not,” (Kennedy, 2002, para. 2). Some states, like

New York, already provided for the reform efforts because they had systems in place that were similar. Other states, particularly in the South, faced large funding gaps as a result of the new mandates. Following the passage of NCLB, teachers were required to achieve new professional standards nationwide. Teachers were now required to have a full certification and a bachelor's degree in their subject, along with pedagogical knowledge. Perhaps the most significant change that teachers had to face, however, was the increased scrutiny and accountability that came with standardized testing. The standardized testing debate continues to this day.

### **Assessment and Data Gathering**

In an attempt to establish challenging standards across the country, Congress, maintaining a focus on the STEM fields, required annual yearly progress be showed for students with a focus on reading and math (PBS, 2002) don't see on ref. list. The assessment data, measured through standardized tests, would be available on yearly report cards, which would be published for each school. According to PBS' *Frontline* (2002), "Each state's test results will also be compared against an independent benchmark called the National Assessment of Educational Progress (NAEP)." This benchmark is established using sample data from both 4<sup>th</sup> and 8<sup>th</sup> grade reading and math assessments. To ensure that the data accounts for variables which may occur in standardized testing, socioeconomic status, racial classification, language proficiency, and IEP modifications are noted and broken down in each report card, so as to prevent uncontrollable lowering or raising of report card scores based on testing variables (PBS, 2002). This report card data is publicly available, which means researchers can use the data to help determine whether or not reforms efforts have had measurable impacts on standardized test scores.

## Methodology

### Basis

When researching policy analysis frameworks, the goal was to identify a formula, which would allow for a broad analysis of No Child Left Behind while also allowing the conclusions to speak for themselves if featured in an unbiased presentation. However, by Karen's (2005) admission, creating an evaluative framework by which to judge the NCLB is difficult. "Without a national curriculum or national annual tests, the United States cannot compare schools across states and districts" (Karen 2005, p. 166). In selecting a research structure, two different studies were combined to create a framework by which to attempt to evaluate NCLB. Both studies acknowledge the difficulty in comparing data between states with radically different evaluative systems. From Dee and Jacob (2010), a method for selecting the states to be included in such a study was used. The problem with such analysis is the lack of a suitable control group. By their own admission, "Perhaps the central challenge in evaluation research is to identify a plausible comparison group that was unaffected by the intervention under study (Dee and Jacob, 2010, p.#?). To combat this problem, Dee and Jacob used the rationale that No Child Left Behind represented less of an intrusion for states with preexisting evaluative measures that were similar, such as New York. The premise of this assertion is that NCLB would have a more demonstrable effect in states that hadn't already introduced policies that were similar to the new interventions (Dee and Jacob, 2010, p. 4). A map, which identifies the states, which had and had not implemented NCLB-type reforms and was used in Dee and Jacob's study is seen in figure one.



metric for determining the effectiveness of a policy based on its long-term trends. This enables the researcher to not only investigate the trends post-NCLB, but also to determine its effectiveness in states with long-established patterns of underachievement, which may be the hardest to break. However, national results are not wholly invaluable. One of the stated goals of NCLB is to increase proficiency of minority and low-income students, and national data meant to quantify such improvement is reliable. The funding formulas for these schools under NCLB remained uniform, but required the schools to put up marks of high progress or suffer funding cuts. The consequence model of the NCLB is one of its most controversial aspects and will be discussed in the analysis.

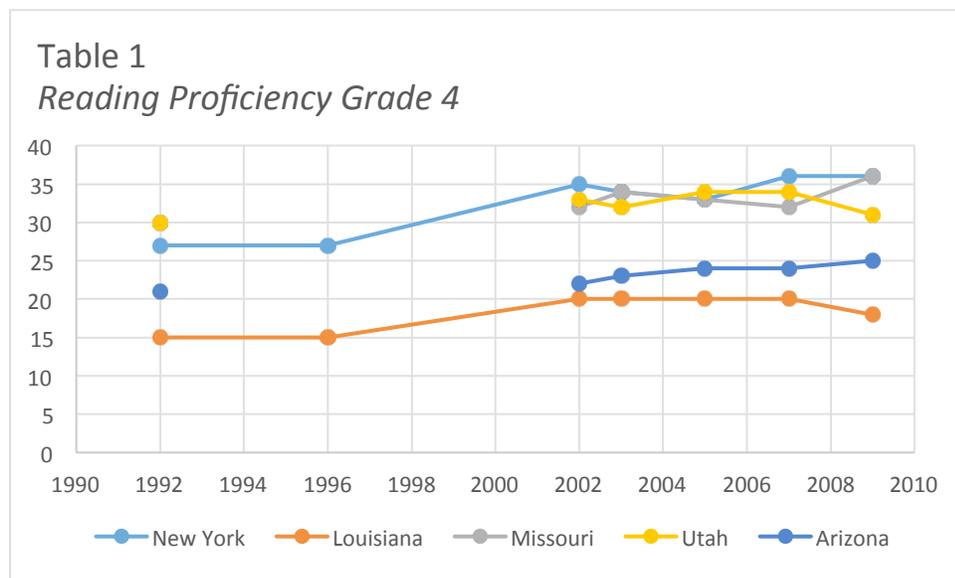
### **Procedure**

Using the rationale gathered from the Dee and Jacobs study, the procedure relied on analyzing a state with pre-established NCLB-like reforms. New York will be used essentially as a control group, given that the New York State education system was relatively similar to the reforms enacted by NCLB. The results from New York will be compared to states, which had no accountability system in place pre-NCLB. Utah, Louisiana, Missouri, and Arizona have been selected to compare to the results from New York based on their NAEP scores. The date range being examined is from 1992 to 2009 (when data is available) in an attempt to illustrate long term trends. New York will be compared to each of the states, which were selected to represent their respective geographic regions. Because one of the stated goals of NCLB was to achieve proficiency in math and reading by 2014, the proficiency rate between that state and New York will be compared for both subjects from grades 4 and 8. NCLB utilized standardized testing in both fourth and eighth grades to establish a benchmark and an indicator of progress. I will also look at national trends in minority education in terms of proficiency in reading and math, as well

as the minority graduation rate. The statistics have all been gathered by the website of the National Center for Education Statistics, a branch of the United States Department of Education. The rationale for selecting Louisiana, Missouri, Utah, and Arizona can be found in their baseline data. The purpose of selecting these four states for the purpose of comparing them to New York is their initial baseline data was either nonexistent or very low, comparatively, allowing for the largest amount of potential improvement.

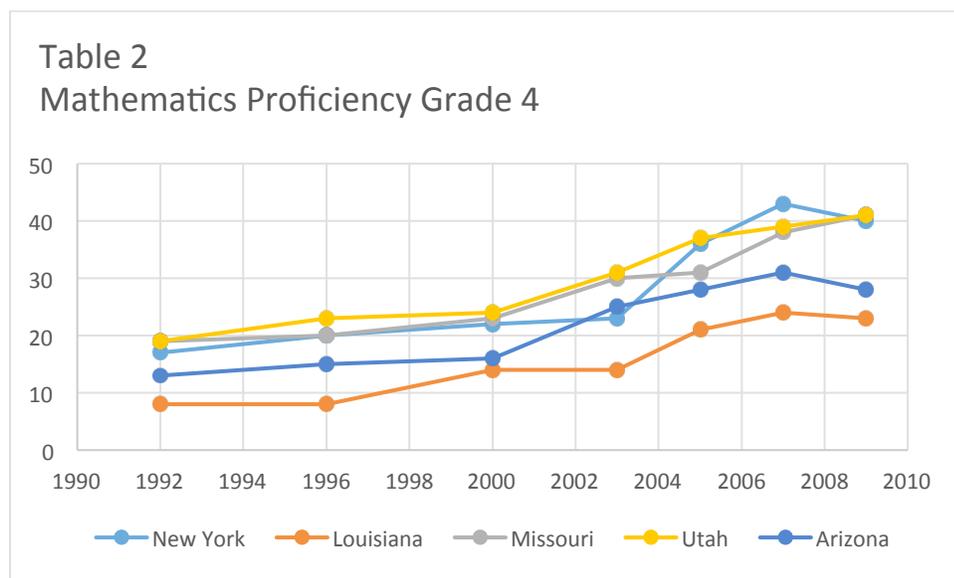
### Findings

Thanks to the accountability requirements contained in the law, data obtained following the implementation of standardized tests is readily available and published for consumption by the general public. Using this report card data, each state’s performance in annual standardized testing is comparable to other states, as well as each state’s own performance from previous years. Using this data, trends can be identified the way that the policymakers intended.



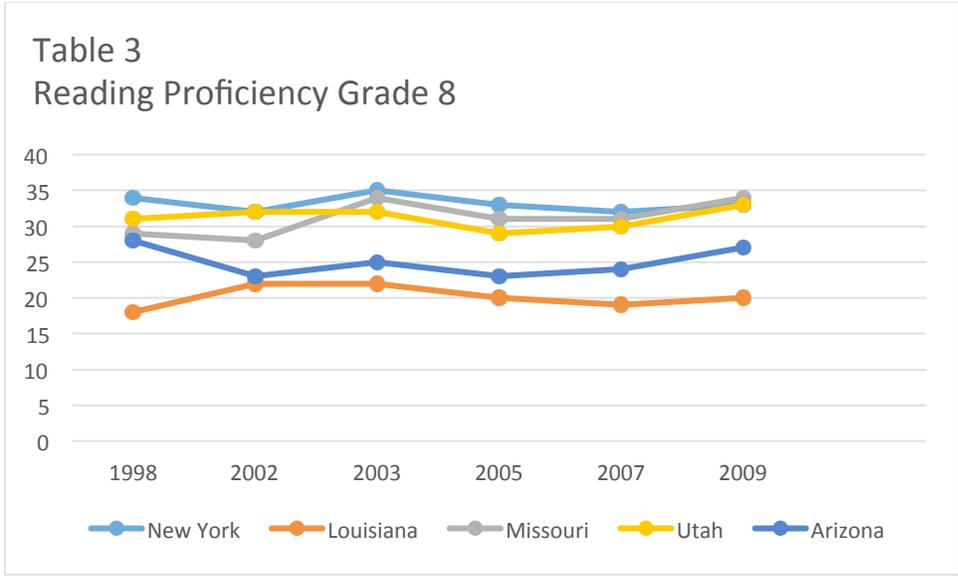
(United States Department of Education)

As seen in Table 1, all of the states in question showed improvement from the implementation of NCLB amongst fourth grade students in terms of reading. Arizona showed the most progress by slowly increasing every year from implementation. While there was improvement in fourth grade reading in all of the states, it was not sustained in all of them. Utah and Louisiana both started to decline towards the end of the scope in 2009. Table 2, however, illustrates a profound difference between reading and math in terms of progression.



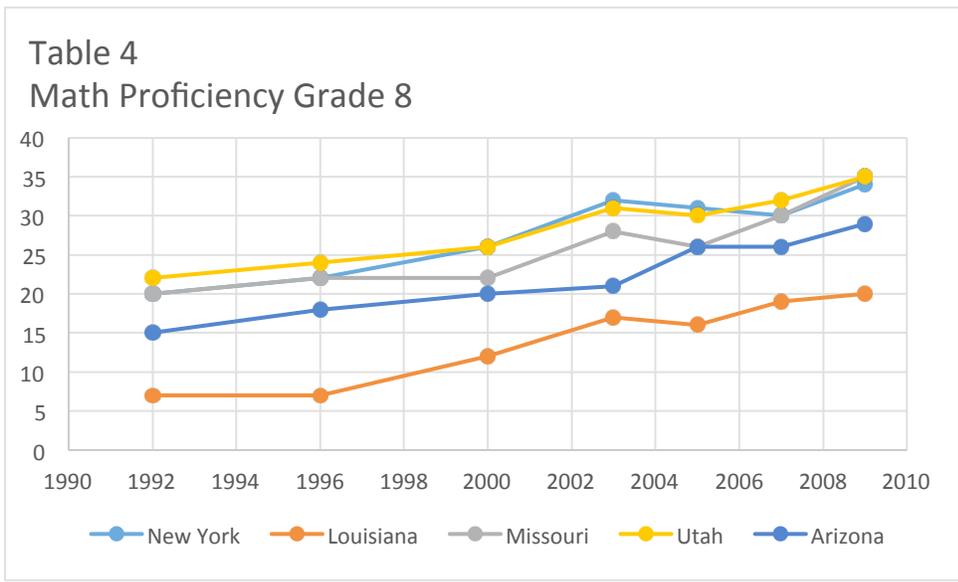
(United States Department of Education)

Table 2 shows a significant spike in math proficiency among fourth graders included in the study. Again, however, Arizona and Louisiana slightly declined towards the end of the range of years. Regardless, Table 2 illustrates that fourth grade math proficiency was the most improved area of the four that were studied. Looking at Table 4, math scores were up across the board with no dip. The significant spike in 8<sup>th</sup> grade math scores helped buck the trend of slightly declining scores at the end of the range.



(United States Department of Education)

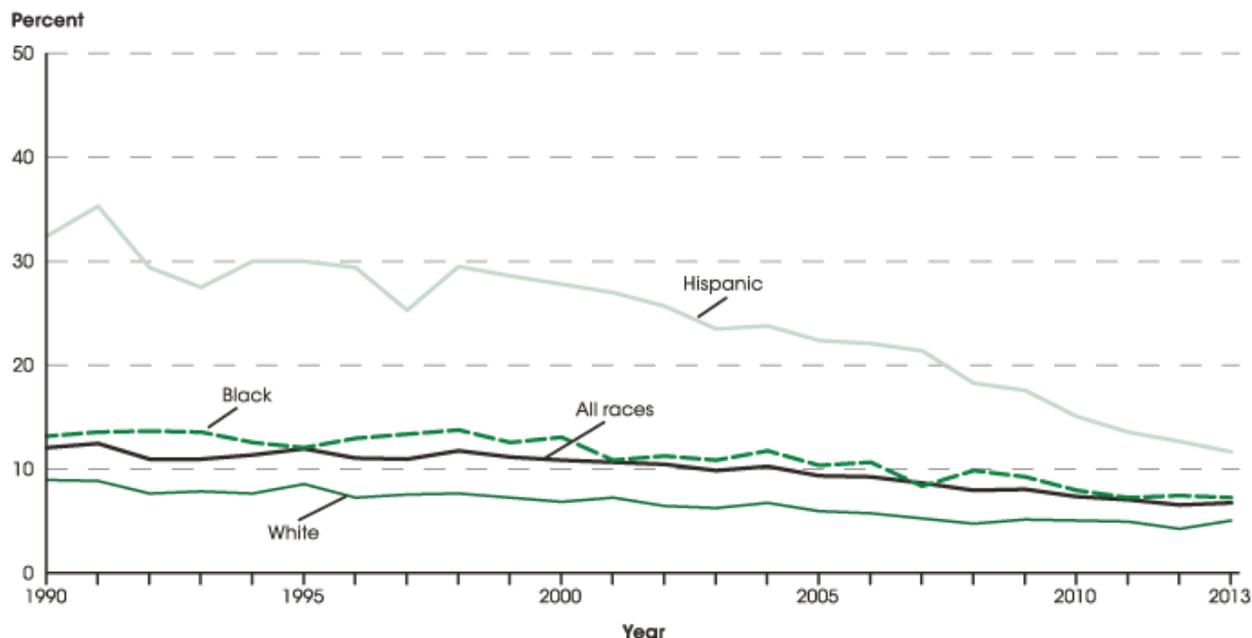
Table 3, which depicts eighth grade reading scores, showed a stagnant level of growth between enactment and 2010. There is also very little improvement in reading from fourth grade to eighth grade when comparing Tables 1 and 3.



(United States Department of Education)

Table 4 depicts the math proficiency data for eighth grade students. Scores are up across the board from the early 1990's. The results do, however, indicate some decline following NCLB's introduction before ultimately recovering.

Table 5: High School Drop-out rate by ethnicity



(United States Department of Education)

Finally, Table 5, which is a graphic representation from the United States Department of Education, depicts the dropout rate from 1990 to 2013 amongst African Americans, Hispanic Americans, and white Americans. This chart represents the nationwide trends, not just the trends in the four states (plus New York) which were identified in the study. The chart depicts a dramatic drop in Hispanic American dropouts over the 23-year period. African American dropouts have been slowly but steadily declining since 1990, but the decline accelerated in 2002.

## **Discussion**

### **Overview**

This study would not have been possible without the existence of significant historical and scholarly materials by which to formulate a thesis. The very involvement of the federal government in education, beginning with Eisenhower and now extending to Obama, has created a lengthy paper trail and copious statistics by which politicians and education administrators alike can point to and say whether or not something works. The reliability of this data in terms of evaluation remains a contentious topic.

### **Evaluation**

From a purely rhetorical standpoint, NCLB was an abysmal failure. The stated goals of 100% proficiency in reading and math and a 100% graduation rate were not only nearly impossible, but also purely political; no political opponent will object to perfect reading and math proficiency levels and not a single high school dropout. While these goals may be possible in individual school districts, the reform effort focused exclusively on how to solve the problems facing education from within the existing education structure and not the extra-educational factors that also determine academic success such as poverty and living environment. From the perspective of improvement, the data tells a different narrative. Of the four states in question, all of them showed an increase in math and reading from the time NCLB was implemented - even New York, which had standards in place before the introduction of NCLB saw an improvement in scores.

What is particularly interesting is the flat-line effect between reading scores at the fourth and eighth grade levels. While the fourth grade scores showed significant improvement, the eighth grade scores remained stagnant. This is indicative of a window in which students can

improve their proficiency. It also indicates that students who are capable of achieving proficiency will remain proficient, and students who are not capable of achieving proficiency within the prescribed curriculum will not, regardless of how long they attempt it. This disparity could be due to environmental factors or other factors outside of the public school system's, and therefore the teacher's control. The importance of early testing is emphasized because, like with most tasks, students are able to learn more effectively in their formative years.

The results also indicate that this disparity is not as prevalent in the mathematics scores for the states in question. Across the board, these states saw improvement in proficiency between grades four and eight. The only explanation for this trend that can be found within the literature that has been presented is that the increased emphasis on STEM fields has resulted in a deficit of ELA foci, which may account for the lack of improvement in reading but not in mathematics. This could also be the result of the subject matter. Mathematics at the level taught in public schools remains more constant and less fluid than language. The nature of mathematics is more rigid than the highly flexible ELA material. For example, two different students could read a high school staple like *Hamlet* and arrive at two totally different interpretations, but those same two students could apply different techniques to solving a trigonometric function and still arrive at the sole correct answer.

In terms of the dropout rate for minority students, which was one of the main foci for the framers of No Child Left Behind, the results are hard to ignore. Hispanic dropout rates, which had been on a steady decline saw a sharper decrease after NCLB implementation. This could likely be attributed to states recognizing that English as second language students, particularly in states like Arizona, which was included, made up a significant portion of their respective student bodies, and therefore liabilities if they were to perform poorly on standardized testing. This may

have resulted in increased ESL programs and testing accommodations, which may have allowed for more Hispanic students to succeed in school. African Americans also fared better after the No Child Left Behind Act's implementation, which could be due to the law's emphasis on funding urban school districts.

### **Limitations**

This study's limitations are largely due to the lack of uniformity among states with regard to No Child Left Behind data. Because states are dependent upon their scores for federal funding, many states may also lower their testing criteria in order to show better results. Each state is responsible for recording its own data and administering its own tests. This means that there could be different opt-out options, participation requirements, and other varying factors from state to state, and in some cases district to district. Furthermore, New York and Louisiana were the only two states that recorded fourth grade reading data before the enactment of No Child Left Behind. While this indicates a lack of emphasis on fourth grade reading scores, it also does not allow the researcher to establish a baseline for those states in the years leading up to implementation. Because of this, the baseline scores recorded at the first requirement (and therefore before any real implementation) must be used for the study. It is possible that had this data been recorded the improvement or lack thereof could have been starker.

The geographic location of the states is also a limitation. Utah and Arizona border each other in the north. Because these states were chosen based on the NAEP scores, the racial and ethnic makeup of the states was not taken into account. As Table 5 shows, the dropout rate is considerably higher amongst the United States' two largest minority groups. As such, states with higher concentrations of minority students are likely to score differently than states with lower minority populations.

This study also did not seek to obtain data for the purpose of analyzing the test scores from states like New York, which had already established certain standards and some method of teacher evaluation. These states may, like New York, have also experienced growth within their own test scores.

### **Standardized Testing and the Impact on States**

The inclusion of high-stakes, standardized testing has been the most controversial element of No Child Left Behind since its inception. The popular phrase used by the opponents of the reform measures is “No Child Left Untested.” Because of the emphasis that the federal government places on this testing as discussed in the literature review, and because states are allowed to set their own criteria for assessment, there exists the potential for disparity between actual student progress and recorded student progress. For example, a high scoring test in Mississippi might be a low scoring test in Massachusetts based on the criteria established by the states. Furthermore, if a school district fails to show Adequate Yearly Progress (AYP), it runs the risk of financial consequences or receivership. This adds an additional incentive for the states to set softer criteria for assessment as a means of not losing precious federal funding. This softer criteria could bring a state into federal compliance, but could also mask the shortcomings that are present in state elementary and secondary schools behind the façade of positive test data. Still, the emphasis on statistics, while politically important, is not always a positive indication of student achievement or future success. It also raises the possibility of “teaching to the test,” or teaching specific tedious details rather than presenting subject matter in a scholarly context.

### **Impact of NCLB on Teachers**

The purpose of teacher tenure at the university level is academic freedom. If a professor in higher education proposes or researches radical or controversial ideas, tenure protects him or

her under the justification of academic freedom. It is worth noting that the tenure process is more rigorous at the university level, but tenure exists at the public school level for teachers to feel safe and secure in their jobs by prohibiting the firing of qualified teachers by administrators with agendas or by Boards seeking patronage appointments. While the debate over teacher tenure could lead and has led to the synthesis of many other studies, the new addition of standardized testing data across the United States has added a layer of controversy into the lives and careers of public school teachers. The question of whether or not teachers should be evaluated based on standardized testing measures is at the heart of teacher's union resistance to education reform efforts across the country. With so many factors outside a teacher's control, determining whether or not it is justifiable to point to test scores as a determining factor of teacher efficacy remains highly controversial. The process by which teachers can teach the subject matter in the curriculum is also now restrained by the need to prepare students for standardized tests, creating what many believe to be a deficit in academic freedom.

It is clear that the implementation of No Child Left Behind had an impact on public education, but the depth of that impact is still unclear. The years following the implementation of NCLB, particularly the between 2002 and 2005, were years of progress for states like Arizona and Louisiana. These states showed significant improvement in their proficiency rates from 2002-2005, especially among students in fourth grade. Those in eighth grade remained relatively flat in terms of reading, but experienced growth in mathematics. The minority dropout rate also declined between 2002 and 2009, most notably amongst Hispanics, who had a dropout more than double that of African Americans since 1990.

While NCLB is a necessary step in public education, the establishment of a national curriculum would seem the most appropriate. Because the federal government has made a

significant investment in public education, as well as made clear that it is vital to our national interests, the only way to ensure federal goals are being met is to create a universal federal standard to which states and school districts must comply. Public control over curriculum remains important, but establishing a universal system would ensure that each state plays by the same rules, as well as leveling the playing field of the future hiring pool. Politicians frequently cite the need for educational retention and maintaining the presence of young people educated in their districts and states, but increased uniformity in education creates a necessary first step towards economic equality across the United States of America.

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