

# Federalism's Compromise: Inequity in Education from ESEA to ESSA

Author: Cecilia W. Milano

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Boston College

Federalism's Compromise: Inequity in Education from ESEA to ESSA

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by

Cecilia Milano

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# ABSTRACT

Education is expected to be the great equalizer, but as it stands, the state of education in America does more to perpetuate systemic inequalities than to mitigate them. Though the last half-century of education policy has been characterized by a considerable increase in federal involvement, the most recent reauthorization of the Elementary and Secondary Education Act, the 2015 Every Student Succeeds Act, marks a reversal in this trend. This thesis analyzes the sporadic and incoherent federal approaches to education policy to reveal a theory of policymaking constraints that elucidates the tensions between political will for equity and implementation capacity that are intrinsic to federal education policy. I then apply this theory to the Every Student Succeeds Act (ESSA). I find that consistent with my theory of policymaking constraints, a majority of states responded to the increased flexibility in ESSA by retreating from equity concerns. I then explore possible predictive factors for cross-state variation, presenting evidence that wealthy citizen satisfaction with local schools was associated with a decrease in attention to equity in state ESSA plans and that states that evaded accountability measures under No Child Left Behind continued to do so under the Every Student Succeeds Act. These results contribute to an important debate about the retreat from equity commitments under ESSA and furthermore, the theoretical framework that explains the policy zigzag in education policy since 1965.

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## POLICY ABBREVIATIONS

The Elementary and Secondary Education Act – ESEA  
The Improving America’s Schools Act – IASA  
No Child Left Behind – NCLB  
Race to the Top – RTT  
The Every Student Succeeds Act – ESSA

# I. INTRODUCTION & EXISTING LITERATURE

“Education then, beyond all other devices of human origin, is the great equalizer of the conditions of men, the balance-wheel of the social machinery”

-Horace Mann, founder of the first American public school (1868)

“There is one basic principle of success in education: The School Man doesn’t want to be embarrassed”

-Charley Oswald, founder of the National Computer Systems

## INTRODUCTION

Americans ask a lot of their public schools. Fundamental to the great American experiment is equality of opportunity for all citizens. In the modern vernacular, education is seen as “the great equalizer,” expected to help disadvantaged children overcome seemingly insurmountable barriers. However, America’s long history of local control over education policy complicates the federal government’s ability to ensure an equitable chance for all children. In the context of cooperative federalism, policymakers at every level of government must work together to enact policies, complicating the reform process. Furthermore, comprehensive reform in education requires buy-in from stakeholders, particularly teachers and parents, and the fiery intensity with which these two groups approach education further impeding any reform efforts.

Therefore, it should come as no surprise that education policy-makers are often left wondering, “What went wrong?” Even having learned from prior mistakes, they can never seem to quite get education reform right. Furthermore, with comprehensive federal reform occurring at best once a presidency, their efforts are high stakes, and often disappoint not only those in Washington, but also the nation of students they try to serve. David Tyack and Larry Cuban appropriately named their classic work on American education *Tinkering Towards Utopia*,

noting the historical problem of innovations producing a constant policy churn with little sustained impact on education (McGuinn, Berger & Stevenson, 2011). Though public education in the United States may have a varied past, the great challenge of improving schools does not deter a nation determined to provide a brighter future for each of its successive generations.

In the postwar era, political elites have increasingly adopted the viewpoint that a federal role in education is necessary, both to champion educational equity and improve overall levels of student performance (Wolbrecht & Hartney, 2014). *Brown v. Board* (1954) marked the first major federal contribution to education in the United States to achieve these two goals. The federal government proved the severity of its intentions to ensure implementation of desegregation during the infamous standoff in Little Rock, Arkansas of 1957 between the National Guard and the local government. It became clear to citizens and officials across America that regardless of a locality's refusal to comply, the United States federal government was going to enforce the Warren Court decision. The contestation in Little Rock and other places across the South fueled a new belief that federal involvement in education was essential to social justice. Ultimately, under the Johnson administration this new belief was put into practice.

President Lyndon B. Johnson was a fervent believer in the power of education as a key to justice and social mobility, and prioritized education reform in his Great Society. With the 1965 passage of the first Elementary and Secondary Education Act (ESEA), a federal role in education was cemented. Yet, federal involvement was limited to monetary support. This distribution of funds to ensure allocation of resources to low income students was made a national priority without conditions attached (Nelson, 2016). The results were disappointing – nearly 20 years later *A Nation at Risk* elucidated that not only was education in America “mediocre,” but that inadequate education for America's youth would have national security repercussions. The

publication of the report during the Reagan era, a time of federal retrenchment, proved politically difficult. Despite the Reagan Administration's attempts to narrow the scope of federal government in the 1980s, *A Nation at Risk* shifted the debate from *should* there be a federal involvement in education to *how and to what end* will this involvement manifest.

Finding that notwithstanding profuse funding, academic achievement was lagging, a second era of education policy was ushered in with a focus on accountability. This next era of excellence in education marked a shift from focus on inputs of resources to one of outputs of achievement. Presidents George H. W. Bush and Bill Clinton pursued standards-based education policy reforms, extending the scope of federal involvement in education. However, they were largely unable to leverage change or galvanize political will for prescriptive federal involvement. Bush's America 2000 plan failed in Congress, and while Clinton's Goals 2000 and Improving America's Schools Act passed, states largely refused to comply (McGuinn, 2006).

To augment the accountability attempts of G.H.W. Bush and Clinton, George W. Bush sought the most robust and punitive form of federal accountability ever attempted. This attempt to implement a highly prescriptive federal involvement came to fruition with the No Child Left Behind Act (NCLB) in 2001. While NCLB set an important precedent for federal involvement in holding states accountable through transparency, there were many pitfalls in the law that allowed, and even incentivized, states to circumvent commitments ensuring historically disadvantaged students were being held to the same standards as other students (Manna, 2011).

NCLB was ultimately deemed a failure. As an increasing number of states sought waivers and the NCLB goal of 100 percent proficiency by 2013 would not be met, it was clear that a new attempt at reform would be necessary. In light of Congressional disinterest in reauthorizing ESEA, a new period of federal education reform began, driven by unilateral executive action.

Namely, Obama sought to drive education reform through his competitive grant program Race to the Top (RTT). In contrast to the “punitive” NCLB, RTT was incentive laden, driving states towards excellence in a way previously untested.

After the appropriated funds for RTT ran out and ESEA was long overdue for reauthorization, bipartisan compromise was necessary. Obama and Congress landed on a solution that would revert from the highly prescriptive and punitive federal education policy to the relatively less restrictive policies of the past. The newly formed Every Student Succeeds Act (ESSA) presented a marked reversal in the ratcheting up of federal involvement over the last half-century. Signed into law on December 10, 2015, ESSA returned substantial control over education policy to the states. Though maintaining the broad priorities of NCLB, such as testing and transparency, states were given dramatically increased flexibility to define expectations and punishments within the realm of accountability (West, 2017).

Proponents of ESSA argued it would be a remedy to the ills of federal overreach that occurred under NCLB. Allowing states to address their unique problems with creative solutions locally implemented, advocates believed ESSA would lead to increased success (West, 2017). Conversely, opponents of ESSA seized on a number of theories (see Peterson 1981; Peterson 1995; Manna 2006; Aldeman, 2017) that eroded the reliability of less national bodies of government in attending to concerns of equity

The debate about the potential consequences of moving from a highly prescriptive policy to a much more decentralized one alludes to a larger question about the nature of federal education policy changes since 1965. This sporadic reform has been particularly remarkable considering the political landscape. While Johnson’s ESEA was passed by single party leadership, every other major attempt at reform has occurred during an era of polarization, which

would predictably produce a gridlock. Instead, the years since 1980 have delivered Clinton's Goals 2000 and Improving America's Schools Act, Bush's No Child Left Behind, and Obama's Race to the Top and Every Student Succeeds Act. Specifically, I ask: why have federal approaches to education policy in the era of accountability been so sporadic and incoherent? To answer this question, I examine existing literature to understand the tensions between national and sub-national governing bodies that underlie the creation and implementation of education policy. I find that a convergence model emerges, which predicts that either political will for equity or implementation capacity will suffer based on what level of government has most control over the policy.

This theory of policymaking constraints predicts that as ESSA devolves control back to sub-national governments, political will for educational equity will wane. ESSA provides a relevant opportunity to test the theory of policymaking constraints. As such, a secondary question emerges: are state government responses to the most recent re-authorization of ESEA, the ESSA, indicative of a continuing commitment to educational equity, or are states using the increased autonomy to retreat from those commitments? I find that states have largely opted for the latter. Given the flexibility to create innovative solutions to the unique educational challenges of their state, policymakers have opted to use the increased freedom to lower the bar for achievement, particularly for historically disadvantaged students, and to soften the repercussions for schools and districts that are not aptly serving these student subgroups.

The remainder of this thesis is organized as follows. In the next segment, I review the existing literature on education policymaking in a multi-level governance system in order to reveal the underlying tensions that drive such rapid zigzagging in federal education policy approaches. In the second section, I trace federal education policy from 1965 to 1980 to evaluate

the establishment of a federal role in education policy. In the third section, I examine the accountability era, or policy from 1981 to 2014 to evaluate the sporadic policy changes as well as contextualize the most recent change in ESSA. In the fourth section, I delve into the 2015 Every Student Succeeds Act, examining its provisions and incentives. In the fifth section, I explain my methods for the analysis of state ESSA plans as they concern equity and my hypotheses. In the sixth section, I present the main results of my analysis. Finally, I conclude with a discussion of my findings including limitations of the study, implications for policymakers, and potential avenues for future research.

## EXISTING LITERATURE

Identifying the structural reasons that lead education policymakers to frequently reverse and/or revise their policymaking course elucidates how issues in governance complicate efforts to promote education equity, while simultaneously addressing a more specific and policy-relevant question about whether state government responses to ESSA are indicative of a continuing commitment to equity or represent a retreat.

The infrequency of policy change in the American political system is well established (Moe, 2015), though there has been contention between two schools of thought: stasis and dynamic. For the last few decades, the overwhelming consensus among political scientists conforms to the dynamic model. One example of this model is John Kingdon's (1995) policy window framework, which explains policy change occurs when the three streams of problem, policy, and politics, converge. The infrequency of alignment can be attributed in part to the differing velocities of the three streams: while attention shifts quickly from issue to issue in the problem stream, creating a sense of urgency for policymakers in the politics stream, major policy change can take time to develop, and thus the policy stream moves at a much slower rate. The

lack of sustained alignment between these three streams is un conducive to productive change (Kingdon, 1995)

Although Baumgartner and Jones (1993), in line with the dynamic approach, agreed that change is rare and worthy of study, they attribute it to the framework of punctuated equilibriums, in which long periods of stasis are disrupted by bursts of change. McGuinn (2006; 2006a) expanded on the periods of stasis Baumgartner and Jones (1993) identify by introducing a framework of policy regimes. These policy regimes are defined by a set of ideas, interests, and institutions that structure government activity in one policy area. They are characterized by policy paradigms, institutional and procedural contexts, and power alignment between interest groups and government actors. Over time, policy regimes develop through construction, maintenance, enervation, and reconstruction, bringing in new paradigms that are then maintained through updated institutional contexts.

Most recently, Terry Moe (2015) argued that policy scholars over-emphasize the importance of policy change. Instead of ideology driving change, he suggests the vested interests within the American political system hold the greatest influence on the infrequency of policy change. In the stasis school of thought, a “status quo bias” exists (Moe, 2015). This stems from the relative ease of policy conservation compared to positive action in the American political system. Though attributed in part to the “minefield” of veto points any reform bill must endure, the institutional resilience created by vested interests is upheld as the essential factor in the maintenance of the status quo (McGuinn 2006a; Moe, 2015).

While studying the timing and drivers of policy change, or perhaps more importantly the drivers of policy stasis, scholars in the field of policy adoption and change literature have largely neglected one of the greatest barriers to comprehensive policy change: the complexities of

intergovernmental policymaking. In his seminal work, *City Politics*, Paul Peterson (1981) provides insight in the policy adoption and change area by identifying two types of public policies: developmental and redistributive. Developmental policies have the short-term goal of enhancing the local economy with the long view of attracting high-income taxpayers. In contrast, redistributive policies aid low-income citizens, and therefore either low- or non-taxpaying residents, at the expense of average and high-income residents. Finding that city officials typically preferred developmental policies, Peterson (1981) made a fundamental insight that more involvement from national governmental bodies is required for the implementation of redistributive policies.

Building on his prior theory (1981) surrounding which levels of government are best equipped to deal with developmental or redistributive policy concerns, in a later work Peterson (1995) presented two major theories of federalism: functional and legislative theory. The functional theory has an optimistic view of federalism, asserting that each level of government is well designed to carry out the tasks it is assigned (Peterson 1995). Legislative theory provides a more pessimistic view however, positing that leaders on the national level shift unpopular burdens to lower levels of government while using national dollars to claim credit for successful aspects of government programs and shirk responsibility for unpopular outcomes (Peterson 1995). Therefore, the functional view of federalism may seem highly equipped for productive policy change, particularly regarding equity concerns. However, in his characterization, Peterson (1995) entirely overlooked the difficulties of implementation. In the dimension of implementation, more national governmental bodies are not well suited to implement the redistributive policies they are equipped to make.

In a study of intergovernmental policy scholarship focused more directly on the case of education, Manna (2006) addresses some of the counterintuitive advantages of federalism in what he conceptualizes as a “borrowing strength model.” Recognizing that national and subnational governments have varying strengths and deficits in policy license and capacity, Manna (2006) argues that these deficits need not prohibit agenda setting. Instead, policy entrepreneurs can borrow strength from another level of government in order to pursue their agenda, a process that has proven to be cyclical in nature. Borrowing has allowed increased capacity at sub-national levels of government, and the positive feedbacks from these policies have enabled future federal policymakers to borrow license and capacity that prior federal policy helped to create. For example, as governor of Texas, George W. Bush had been one of the first Republicans to push for a more expansive governmental role in education and actually extended annual state tests and accountability systems. The education plan he unveiled during the 2000 election contained a number of reforms he had utilized in Texas, and he emphasized a “Texas miracle” on the campaign trail, touting significant improvement. In recasting the Republican position on education, Bush borrowed strength from the sub-national success he experienced in Texas, as well as from other states enacting similar reforms, and utilized the license of the federal government to act as provided by the original ESEA to pass No Child Left Behind once in office (Manna, 2006).

Despite his optimism, Manna (2011) revisited the credibility of his borrowing strength theory after observing well-documented implementation challenges for the controversial No Child Left Behind (NCLB) law. *In Collision Course*, Manna (2011) analyzed NCLB’s theory of accountability that emphasized the power of the federal government. Presupposing the federal government’s relative advantage in implementing redistributive policies, NCLB placed the

burden of ensuring transparency and executing consequences on the federal government. However, Manna's subsequent theory of administration brings to light the limited power of the federal government. As federal lawmakers lack capacity to enact change alone, they rely heavily on state lawmakers who, acting in their own interest, choose to make change detectable but not transformative (Manna 2011). They must do so because of institutional limitations, including hostile interests and public ambivalence about excessive federal involvement (Rhodes, 2012). Instead of borrowing strength, state and local actors, tasked with implementation, capitalize on the weaknesses of the federal government to make policy change as benign as possible (Manna, 2011). Under a system of indirect implementation of federal policy through state and local actors, the explanatory power of Manna's borrowing strength theory is diminished.

Understanding the necessity of cooperation among various levels of government to implement education policy, the complexities of cooperative federalism become apparent. Minimal change due to institutional resistance can be seen as implementation breakdown, but outright failure is also a reality. Even when sub-national lawmakers act in good faith, the "complexity of joint action" predicts failure in all multi-stage implementation scenarios (Pressman & Wildavsky, 1973). Discovering that even popular programs find pushback over time, Pressman and Wildavsky (1973) contend that statistically, nearly all policies requiring joint-action implementation will fail. This leads to a pessimistic view that even having navigated the challenges of the federalist system and policy windows, failure is imminent. Though it may seem that overcoming the many forms of federal gridlock such as congressional disputes or the Presidential veto would be the most onerous part of the reform process, it constitutes a small fraction of the challenge. Translating federal legislation, often written intentionally vague in order to gain support, into practice among the 50 states all with differing laws, the 14,000 school

districts with distinct structures, and the 100,000 public schools with a myriad of challenges is a next to impossible task (National Center for Education Statistics, 2012).

The collisions between the borrowing strength model (Manna, 2006) and the theory of administration (Manna, 2011) reveal the tensions underlying much of the existing literature on education policymaking in a multi-level governance system. Although the necessity for more national governing bodies in redistributive policies has been well established (Peterson, 1981; Peterson, 1995; Manna, 2006) the subsequent difficulty of implementation has also been ascertained (Pressman and Wildavsky 1973; Manna 2011). Yet the lack of synthesis reflects a great cavity in research on federal education policy, which fails to provide a solution to seemingly irreconcilable theories and is void of application in the context of the new law of the land, namely the Every Student Succeeds Act (ESSA). No scholar has yet incorporated these literatures to answer the aforementioned critical question: in light of the surprising amount of policymaking considering polarization, why have federal approaches to education policy in the era of accountability been so sporadic and incoherent?

To their credit, a handful of scholars have sought to look behind singular events and to apply some of the aforementioned theories to ESSA. Moe (2015) acknowledged the need to look behind policy change events to explain policy stasis, but even his strong theory of status quo bias cannot explain the episodic nature of changes in education policy when they do occur. Other scholars (Saultz, Fusarelli & McEachin, 2017) seek to explain the reversal in the longstanding trend of increasing federal control over education policy in ESSA, but focus on the changing views of key constituency groups within Kingdon's (1995) policy window framework. In doing so, they provide relevant research on ESSA and supply an explanation for the singular policy change, but ignore the greater tensions stemming from the multi-level governance system in

America that drive change among these constituency groups. Even McGuinn (2016) did not adequately address potential theoretical framework for the reduced federal role in ESSA – he merely attributes the reduced federal role in accountability to a mobilized opposition against federal overreach.

While all these examinations of federalism, policy change, implementation, and ESSA provide useful insights into singular events or aspects of change, this thesis strives to move beyond existing literature and examine the tension between equity and implementation that is inherent to the American multi-level governance system. When the singular theories are synthesized, a prediction model converges [Fig 1]. This education policy model has political will for equity concerns on one axis and implementation capacity on the other. It is a sliding scale model that will predict, based on the level of government enacting the policy, which dimension will wane. This theory of policymaking constraints relies on the endemic tension between political will and implementation capacity when it comes to education policy. It posits that a policy zigzag will occur because of this tension.

This prediction is a culmination of insights provided by existing literature. Political will for redistributive, or equity-related, policies decreases as government becomes more localized because the expense on high-taxpayers to subsidize low- or non-paying taxpayers is politically unpopular, and the ability of high-taxpayers to vote with their feet by moving to a district or state more focused on developmental policies becomes higher (Peterson, 1981). As such, the federal government is best equipped to address equity concerns in education policy (Peterson, 1995; Manna, 2006; Manna, 2011). The federal government, however, is not well equipped to implement these policies (Manna, 2011). They do not have feet on the ground, nor do they have the ability to oversee implementation in 14,000 districts. Implementation capacity suffers not

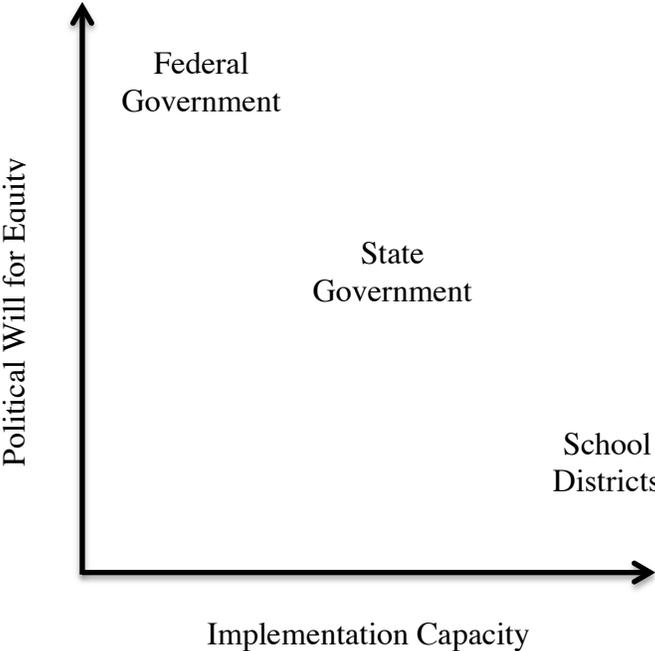
only because the probability of successful implementation decreases with every joint-action (Pressman & Wildavsky, 1973), but also because state and local lawmakers are incentivized to water down change due to institutional constraints (Manna, 2011; Rhodes, 2012). For the same reasons redistributive policies are unpopular in local legislatures, they are unpopular once implemented, so political will stagnates for increasingly localized governments when tasked with improving equity.

The result is a policy zigzag. For example, discontent with the commitment to equity in the education agenda might prompt new policymaking that shifts towards stronger federal involvement. In such circumstances, implementation capacity would wane, as the federal government does not have capacity and state and local governments do not have the will. Alternately, the lackluster implementation of a federal policy might prompt new policymaking to shift towards subnational governments. In this case, equity concerns would ebb, because localized governments do not have the political will to address redistributive policies.

The Every Student Succeeds Act (2015) is but the latest in federal education policy zigzagging from the Elementary and Secondary Education Act (1965) to the Improving America's Schools Act (1994) to No Child Left Behind (2001). Though the prior reauthorizations of ESEA have resulted in a ratcheting up of the federal role in education, ESSA represents a formal retreat from federal tough minded-accountability. This reversal in policy is built on the hopes of remedying the drawbacks of the top-down approach of NCLB. The convergence model would therefore predict that as responsibility is shifted to the state governments, political will to maintain policy commitments to equity would decrease. With strong theoretical reasons to anticipate that state leaders might use the increased autonomy in

ESSA to retreat from equity concerns, this study seeks to synthesize and expand on the existing literature to study the potential factors that prompt retreat.

**Figure 1: The Theory of Policymaking Constraints**



## II. FROM ESEA TO A NATION AT RISK

“Nothing matters more to the future of our country. Not our military preparedness—for armed power is worthless if we lack the brainpower to build a world of peace. Not our productive economy—for we cannot sustain growth without trained manpower. Not our democratic system of government—for freedom is fragile if citizens are ignorant”

-President Lyndon B. Johnson, Presidential Policy Paper  
No. 1: Education (1964)

### THE ORIGINAL ESEA

Before 1965, the theory of policymaking constraints [Fig.1] arguably did not exist, at least in its entirety, as there was no defined federal role in education. Without any mention in the Constitution, education had always been controlled by the states following the reserved powers clause of the Tenth Amendment (Manna, 2011). Prior to this time, the only direct federal imprint on education was through land ordinances and small vocational grants. Even though states had the power, they were not particularly proactive in exercising control over education. Massachusetts was the first state to open a public high school in 1821 and passed the nation’s first compulsory education law in 1852, but it took until 1918 for similar laws to take effect in the other 47 states (McGuinn, 2015).

Outside of education, prior to 1933 federal power was relatively weak, particularly in the realm of social policies. Roosevelt’s New Deal brought change in political and judicial attitudes regarding the responsibility of the national government. This was compounded by the *Brown v. Board* (1954) decision, which forced federal involvement in education and gave rise to the public conception that education was the “birthright of a free citizenry and essential to social justice” (McGuinn, 2006, p. 27). It was on the heels of this shift that President Lyndon B. Johnson could roll out his vision for education in America.

Johnson fervently believed that education was key to social mobility and thought that his Great Society legislation would be incomplete without addressing education. Johnson created the Gardner Commission in 1964 to more specifically address the issue of adding “bite” to education policy. This commission recommended linking education aid to Johnson’s War on Poverty programs and suggested that federal education aid be categorical, specifically targeting the needs of poor children (Thomas & Brady, 2005). To gain momentum for the legislation, Johnson took a path similar to the one the Gardner Commission suggested, linking the Great Society to broader civil rights legislation. By focusing mainly on integration and federal dollars, two realms in which federal oversight was well established, Johnson gained some license to act in a policy area previously untouched by the federal government (Manna, 2006).

Johnson’s policy priorities came to life in the Elementary and Secondary Education Act (ESEA). ESEA represented the greatest effort thus far to “remap educational federalism” by redefining the federal role in education policy (Nelson, 2016, p. 359). Johnson sought to do this by committing funding to improving educational access of disadvantaged students as well as using monetary resources to ensure that southern states took steps towards desegregation. ESEA and its \$1 billion for public education became both the carrot and the stick to enforce the 1964 Civil Rights Act. In particular, ESEA was used to enforce the nondiscrimination clause in Title IV of the Civil Rights Act, which stated, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discriminate under any program or activity receiving Federal financial assistance” (Civil Rights Act of 1964, 42 U.S.C. 6301 § 601; Sanders, 2016). It was becoming increasingly clear that the equality concerns addressed in the Fourteenth Amendment and the Civil Rights Act of 1964 were not being honored among the states, so by making education an “activity receiving

Federal financial assistance,” Johnson could effectively extend federal enforcement of Title IV to discrimination in education.

The first iteration of ESEA sought to promote equitable access to educational opportunities, relying mainly on the power of increased funding. The pervasive thought of the time was that “more money would buy more education resources, which could create better education, which would enable more learning” (Cohen, Moffitt & Goldin, 2007, p. 515). ESEA virtually doubled the amount of federal aid available to schools through five major provisions in the legislation. Title I was the most important of these, providing for “Financial Assistance to Local Educational Agencies for the Education of Children of Low-Income Families” (Elementary and Secondary Education Act of 1965 20 U.S.C. 239 § 201). To do so, ESEA sought to contribute the payment of roughly “one half the average per pupil expenditure for children from families with an income below \$2,000 per year,” the federal poverty line of the time (Osborne, 1965, p. 190). Title I funds would therefore be concentrated in districts with more low-income families. Allocation was capped at 30 percent of a school district’s current budget. Titles II through IV authorized \$100 million grants for library resources, supplementary education centers, and regional educational research and training facilities, respectively. These grants were categorical and vague in their terms. Lastly, Title V appropriated \$25 million to strengthen state departments of education, particularly for the undertaking of special projects that would improve services to local school districts (Osborne, 1965).

Johnson’s ESEA faced challenges however, as a fear of the creation of a national education system loomed. To address the concern of federal overreach, the drafters of ESEA included a provision titled “Federal Control of Education Prohibited” stating explicitly that “Nothing contained in this Act shall be construed to authorize any department, agency, officer,

or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any education institution or school system” (Elementary and Secondary Education Act of 1965 20 U.S.C. 239 § 604). With this, the beginnings of the equity agenda model [Fig. 1] were born: though the federal government had greater will to pass legislation promoting equity, its implementation capacity was gutted amongst assertions of state’s rights.

ESEA was also limited in its capacity to fundamentally change inequities. Reed (2016) stated it was “both grandiose and tame” (p. 369), grandiose in that it proclaimed poverty could be ended through investment in education, but tame in that it deemed merely tinkering with educational inputs to be up to the task. ESEA expressly stated: “Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local education agency, or school” (Elementary and Secondary Education Act of 1965, 20 U.S.C. 6301 § 1605). In precluding the law from actually equalizing funding among students, schools, districts, and States, ESEA was already weakened in its goal to make education equitable. This was compounded by the fact that Title I funding was intended to “supplement not supplant” funding (Elementary and Secondary Education Act of 1965 20 U.S.C. 6301 § 2301), which exacerbated “interstate, intrastate, and intradistrict fiscal inequalities” (Moffitt, 2016, p. 376). In layering federal funds atop systematically unequal allocations of state and local funding that already created enormous inequality in distribution of resources and thus opportunity, Title I had limited capacity to correct those patterns (Moffitt, 2016, p. 380).

The implementation dimension was flushed out further as some of the inherent weaknesses of federal policymaking became clear over time. In making ESEA palatable to Congress, lawmakers increased the flexibility in state use of federal dollars. Consequently, aid

was largely put towards existing systems (McGuinn, 2006). In addition, to gain political will, Title I funding from ESEA had to be guaranteed to almost every district in the nation, meaning that money was not concentrated where it was needed most. To qualify for Title I aid, school districts needed only 3 percent of students or 100 students, whichever was less, to be considered low-income by the \$2,000 standard of the time. It was predicted in 1965 that “over 90 percent of the nation’s schools will qualify for some aid,” and 1970 data suggests that approximately 94 percent of all school districts did receive some sort of ESEA aid (Osborne, 1965).

Not only was money not reaching many children in need, ESEA’s flexibility meant that not all services were equal. Local school districts often diverted funds away from redistributive programs, as Peterson (1981) predicted. One case was the NAACP Legal Defense and Education Fund Report on state and local misuse of Title I funds, which revealed that instead of spending the money on poor children, as ESEA required, some localities spent it on band uniforms and other items that were prohibited (Cohen et al., 2007). Additionally, the flexibility of ESEA made it so that “when Title I was implemented, it produced not *a* Title I program, but something more like 30 thousand separate and different Title I programs” (McGuinn, 2015, p. 81).

Though it may not have lived up to Johnson’s vision, ESEA had some profound effects on promoting equal access to education. It perhaps had the most lasting effect in how “it codified every child’s right to high-quality education and it made the case that such education was in the best interest of the nation” (Sanders, 2016, p. 367). It also thoroughly impacted the legitimacy of education policy: McGuinn reports that between 1964 and 1976 the number of pages of federal legislation regarding education increased from 8 to 360, and the number of federal regulations increased from 92 to nearly 1000 (2015).

However, ESEA was unable to dramatically change equitable access for two main reasons: money is not a panacea, and the federal government did not have the capacity to maximize what it could address. As education research began to demonstrate that equalizing funding was not closing pervasive achievement gaps, concerns moved to other factors such as teacher quality and school accountability (Cohen & Moffitt, 2009).

### III. THE ACCOUNTABILITY ERA

“Every child can learn, we expect every child to learn, and you must show us whether or not every child is learning”

-President George W. Bush, NCLB signing (2002)

#### A NATION AT RISK AND EXCELLENCE IN EDUCATION

The Elementary and Secondary Education Act was amended four times between 1965 and 1980, with each iteration providing increasingly more detailed prescriptions regarding the use of Title I funds in response to concerns that money was not aiding disadvantaged students. Policymakers were unsatisfied with the progress made and further dismayed by the findings of the G.E. TEMPO report and Coleman’s 1966 Equality of Educational Opportunity Survey that neither school-to-school differences in educational resources nor Title I status of students had produced a significant effect on average student achievement (Cohen & Moffitt, 2009). Understanding that equalizing educational resources through Title I funding would do little to solve the education of disadvantaged students, in the 1980s ESEA entered a new phase of reauthorizations concerned with equitable outcomes, not just funding. This period saw an increased federal political will to pass equity-oriented policies, yet implementation capacity remained low at the federal level.

Secretary Terrell Bell created the National Commission on Excellence in Education because he was worried about popular perceptions that America’s schools were performing poorly (Manna, 2011). The commission’s seminal report, *A Nation at Risk*, did nothing to assuage his fears. The alarm raised in the 1983 report *A Nation at Risk* struck the hearts of many Americans renewed the impetus for education reform. In the context of the Cold War, the dramatic warning of the report was chilling: “If an unfriendly foreign power had attempted to

impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves” (U.S. Department of Education, 1983, p. 13). *A Nation at Risk* insisted that although education had traditionally been a state issue, the dire performance of American students had become a national problem. The report incited fear that without adequately educated children, the U.S. would not be able to compete globally in a decade or two. It cited some striking statistics. Most notable was that high school students were performing worse in 1983 than 26 years prior when Sputnik was launched, and that there had been a steady decline in science achievement scores of U.S. 17 year-olds (U.S. Department of Education, 1983, p. 17). For a nation focused on competition with the Soviet Union, particularly in the sciences, this was terrifying. The fear prompted by *A Nation at Risk* led to a resurgence in education reform under Reagan, despite his initial desire to narrow the federal role.

Following *A Nation at Risk*, the rhetoric of education reformists shifted to “excellence in education.” This emphasized the fact that inputs were not enough; low student achievement was pervasive and many schools were failing (Rhodes, 2012). *A Nation at Risk* called for higher academic standards, a longer school day, increased course requirements, and changes in teacher training (U.S. Department of Education, 1983). This prompted a paradox in which the Reagan administration pressed schools for more ambitious academic achievement while simultaneously weakening the central government’s capability to influence public schools. This included renaming Title I as Chapter 1 of the 1981 Education Consolidation and Improvement Act (ECIA), keeping it a categorical grant but weakening it by slashing funds in the order of about 25 percent over three years (Cohen & Moffitt, 2009). Though providing less funding through Chapter 1, expectations for achievement remained high, and shortly after *A Nation at Risk* was

published Secretary Terrell Bell announced the Department of Education would fund 21 grants submitted by state education agencies to improve the quality of Chapter 1 programs. By the mid-1980s, 41 states had adopted increased academic requirements for high school graduation and 29 states required teachers to pass a standardized test to gain certification (Thomas & Brady, 2005).

The excellence agenda was pushed forward by a “counterintuitive coalition” of business and civil rights leaders (Rhodes, 2012, p. 9). The arguments of business leaders aligned closely with the fears stoked in *A Nation at Risk*. They were driven by a belief that without a well-educated youth, the American economy was bound to suffer. Conversely, increased rigor in schools would improve education for all and ultimately would bolster the economy. On the other hand, civil rights leaders were persuaded that excellence in education for all students was necessary to insure the same for low income, and particularly for black children, and therefore pushed for reforms as well (Rhodes, 2012).

The 1988 August F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Act, containing amendments to the ECIA, was indicative of this excellence agenda, moving the focus from individual students outcomes to overall school achievement. In addition, Congress began to recognize with the Hawkins-Stafford Act that schools might not use money appropriately to assist students if simply given money free of restrictions (Cohen & Moffitt, 2009). This confirms the misuse of funds for developmental purposes rather than redistributive purposes that Peterson (1981) theorized. Fittingly, the Hawkins-Stafford amendments shifted the responsibility to states to determine how local programs’ effectiveness would be assessed. This represents the first formal steps taken to compel states to require improvement on student achievement in weak schools. Though an important step, serious change was not achieved. The Reagan mantra of getting government off the backs of the people may

have won him two elections, but it seriously impeded his administration's efforts to effect change in education (Cohen & Moffit, 2009).

## STANDARDS BASED EDUCATION REFORM

With the election of George H. W. Bush came the narrowing of the excellence agenda to focus on standards, ushering in a new era of ESEA iterations characterized by standards-based reform. Bush's insistence in the 1988 election that he would be "the education President" made education an important national issue and legitimized the idea that the federal government could improve the currently decentralized education system (McGuinn, 2006, p. 70). Shortly after his election, Bush held an education summit in Charlottesville, VA with state governors, hoping to develop national goals to raise academic achievement. The governors put forth that ESEA legislation and particularly Title I needed to incorporate higher levels of educational accountability and more flexibility in allocation of aid (Thomas & Brady, 2005). This conversation served to expand federal license to act in education, linked to change already underway in the states.

Following Manna's (2006) borrowing strength model, states borrowed strength from increased federal interest in education to advance their existing agenda while the federal government borrowed strength from states to gain leverage in their own policies. However, the ability of the federal government to borrow strength from states had limitations. Despite George H.W. Bush's ambitions to be the "education president," and his Charlottesville education summit, the resistance from the governors and eventual failure of his America 2000 initiative demonstrated these constraints. However, after Charlottesville the governor's prestige as education leaders increased, and the positive feedbacks from these reforms allowed Clinton to capitalize on the increased strength and capacity on the subnational level in 1994 (Manna, 2006).

Bill Clinton's election in 1992 reflected a continuation of standards-based education reforms. Under Clinton, the legitimacy of a federal role in education increased, as shown by a noticeable shift from questions of "should there be a federal role in education" to "what will the federal role in education be" (McGuinn, 2006). Clinton's accomplishments in education included reauthorizing ESEA with the Improving America's Schools Act (IASA) and the accompanying landmark legislation of Goals 2000 (McGuinn, 2006). The Goals 2000: Educate America Act was passed by Congress in 1994 and had four main components. First, a focus on student achievement levels. Second, an emphasis on challenging academic standards with specified knowledge and skill levels. Third, application of standards to all students, including those for whom academic standards had typically been lower. This was to be enforced by withholding Title I funding unless states could demonstrate learning goals and expectations were the same for students eligible for funds. Fourth, a reliance on student achievement testing as a means to monitor the first three components was mandated. IASA, the ESEA reauthorization, required school districts to identify schools not making "adequate yearly progress" (AYP) and take steps to improve them (Thomas & Brady, 2005).

Goals 2000 and IASA provide an excellent example of a national-level policy with a strong equity agenda but minimal implementation capacity and no real punitive measures. While the political will and funding capabilities were concentrated in the national government, once responsibility was delegated to ambivalent state actors unwilling to implement policies, IASA and Goals 2000 had no teeth (Rhodes, 2012). This was compounded by the fact that in order to pass IASA and include accountability measures, Congress had to grant states and localities greater flexibility for Title I programs. The inter- and intra-state variation led to continued disparities of opportunity in education. It became clear that subnational governments had

increasingly less political will to implement redistributive policies and thus Clinton's model would not be able to make sustained change.

The high-equity, low-implementation characterization that the model [Fig. 1] would predict was perfectly demonstrated by the fact that most states failed to comply with Goals 2000. Even as late as 2002, two years after the target date for complete compliance, only sixteen states had fully adhered to the central components of the 1994 law (McGuinn, 2015).

Political will to pass equity-oriented education policies was clearly present in the federal government, indicated by IASA and Goals 2000. However, the weak accountability measures included in those policies made it relatively easy for sub-national governments to evade compliance. States and localities either skirted equity measures by using money intended for redistributive policies for developmental ones or forfeited funding instead of adopting unwanted policies, such as integrating schools. In addition, without any real punitive measures, the lack of compliance with IASA and Goals 2000 made evident the absence of political will. It became increasingly clear during this period that accountability and punishment measures were necessary for compliance.

## NO CHILD LEFT BEHIND

President George W. Bush continued the era of accountability with his No Child Left Behind (NCLB) policy. This era remains consistent with my theory of policymaking constraints [Fig. 1] in which the federal government has a substantially higher political will for an equity agenda. NCLB explicitly lists holding state education agencies accountable for "closing... the achievement gap between minority and non-minority students" among its main goals (No Child Left Behind Act of 2001, 20 U.S.C. 6301 § 1001(1)(3)). Prior to NCLB, state and local governments shirked accountability mandates. Although state governments had previously

publicized student test score results, many states were notorious for hiding racial achievement gaps by reporting only aggregate performance, and thus obscuring disparities between white, Hispanic, and African-American students. As Hess and Petrilli (2006) explain, “[NCLB] is premised on the notion that local education politics are fundamentally broken, and that only strong, external pressure on school systems ... will produce a political dynamic that leads to school improvement” (p.23). This is achieved, they explain, through NCLB’s “signature innovation... that states hold schools accountable not just for the overall performance of their students but also for the performance of individual subgroups: ethnic and racial groups” (Hess and Petrilli, 2006, p. 29).

Although George H. W. Bush’s America 2000 plan failed, its emphasis on the creation of state standards and related assessments as well as targeting high poverty schools laid the roadmap for NCLB (Vinovskis, 2011). NCLB drew on the source of increasingly accepted federal license and emphasis on results that had shifted during the previous decade. McGuinn viewed NCLB as the “consolidation of the reform movement starting with a Nation at Risk” (McGuinn, 2006, p. 1). The election cycle of 2000 put education at the forefront, and following the inauguration of George W. Bush in January 2001, comprehensive education reform was the number one priority for the administration, which was leveraged into the successful passage of NCLB (Manna, 2006).

The major components of NCLB regarded testing, adequate yearly progress, consequences, and teacher quality. NCLB required that by the 2005-6 school year, states administer tests in reading and math annually for grades 3 to 8 and at least once in grades 10 to 12. By 2007-8, states were required to implement science assessments to be administered once during each of three levels: elementary, middle, and high school. States were allowed to select

and design their own assessments, so long as they were aligned with state academic standards. States were also required by NCLB to have a sample of students participate in the National Assessment of Education Progress (NAEP) tests in grades 4 and 8 in the subjects of reading and math. This could be used to measure achievement on the national field (No Child Left Behind Act of 2001, 20 U.S.C. 6311 § 1111 (3)(C)).

Regarding transparency, both state and NAEP test scores were required to be disaggregated at the state, district, and school levels into a number of groups including race, gender, economic status, disability, and English language learners. The disaggregated scores would then be reported on annual “report cards” ((No Child Left Behind Act of 2001, 20 U.S.C. 6311 § 1111 (3)(H)). States were required to set annual targets for increasing achievement both overall and for subgroups and closing achievement gaps between groups. The minimum performance threshold was based on either the lowest-achieving demographic group or the lowest achieving schools, whichever was higher. The state must then raise the level of proficiency yearly, thus “adequate yearly progress (AYP),” with subsequent thresholds increasing at least once every three years with the long-term goal that by the 2013-14 school year, all students would be proficient in math and reading (No Child Left Behind Act of 2001, 20 U.S.C. 7325 § 6161). This included a “safe-harbor” provision, which provides that if a subgroup’s achievement in a particular school increased by 10%, even if they did not hit their standard, that school would be immune from sanction (Manna, 2006).

For consequences, NCLB laid out that a school failing to meet adequate yearly progress for two consecutive years would be identified as in need of additional support. In the first year after being identified as needing improvement, schools would receive technical assistance from the state and students would have the option of transferring to another public school. In the

second year of identification as needing improvement, the aforementioned supports would continue with the additional opportunity for parents to use a portion of the state's federal Title I funds to pay for supplemental educational services from an approved provider. In the third year, in addition to above measures, schools would be required to make major personnel and organization changes. In the fourth year, schools must undergo a major organizational overhaul including the possibility of closing and re-opening from scratch, converting to a charter, or turning over management to the state (No Child Left Behind Act of 2001, 20 U.S.C. 7301 § 6111-6113).

In regards to teachers, NCLB set a new "highly qualified" standard. In general, this meant that teachers must have a bachelor's degree, be certified or licensed by the state, and demonstrate a high level of competence in the subjects they teach. The law required that by the 2002-3 school year, all new teachers hired with federal Title I money must be "highly qualified." It also required that by the 2005-6 school year states must have "highly qualified teachers" in all classes where core subjects were taught (No Child Left Behind Act of 2001, 20 U.S.C. 6319 § 1119). Funds were made available to school districts to recruit, train, and retain teachers and principals (Manna, 2006; McGuinn, 2006). One weakness in this provision was that NCLB left states to determine the content of teaching certificates, which led to inconsistencies in Praxis test scores: only 3 of 36 states set passing scores as above the 50<sup>th</sup> percentile, and 9 states set it below the 25<sup>th</sup> percentile (Manna, 2011, p. 106). This provides an excellent example of how states, which have more implementation capacity, can evade responsibilities.

For funding and flexibility, NCLB dictated some formula changes, with the intention of directing additional Title I funds to the poorest school districts. These changes also allowed districts to shift up to 50 percent of their funding for teaching improvement, innovation, or

technology into their Title I programs. Additionally, schools that had more than 40 percent of their students in poverty were given the option to bundle their per-student Title I funds into school wide projects. In 2002, \$900 million was also authorized to help fund “scientific, research based” reading programs for students K-3 in districts and states. An additional \$300 million was authorized to provide aid to help states and localities support charter schools. (Manna, 2006; McGuinn, 2006).

NCLB’s enforcement measure was based on a theory of accountability. The policy took advantage of federal capabilities to demand transparency, set standards, and provide some institutional support (Rudalevige, 2011). Their enforcement measure was largely based on blackmail. The transparency required by NCLB gave states the choice to improve or be embarrassed. Overall, NCLB made the nation more attentive to achievement gaps and increased the technical capabilities of state and local government (Manna, 2006). The increase in bureaucratic ability was largely due to the necessity to collect, share, process, and interpret big data (Manna, 2006).

The eventual demise of NCLB can be largely attributed to the challenges inherent in federal education policymaking. It is near impossible to design something that works for 50 states and 14,000 different education systems and to leverage change while only paying around 7 percent of the bill and without legitimate enforcement mechanisms (Manna, 2006). The federal government needed states and especially local districts to self-enforce NCLB, including defining standards such as n-size or teacher certification test scores and sending letters to parents and families notifying them of school supports if their schools were not meeting AYP. The problem was: states and districts did not have incentives to police themselves. They did not want kids taking Title I dollars to use them for tutoring. They did not want students from failing schools

flooding into successful ones and dragging them down. They did not want to enforce NCLB in the way it was intended, and since the law's capacity lay in their hands, they were able to circumvent responsibilities.

The eventual demise of NCLB began with numerous implementation problems. NCLB took a while to get out regulations, and when it did, it provided states with contradictory advice (McGuinn, 2006). In 2004, three years after the passage of NCLB, no states were on track to hit the "highly qualified teacher" requirement and half of states had actually introduced measures against NCLB. (Rhodes, 2012, p. 164). Though Bush's first Education Secretary, Rod Paige, rejected attempts by states to sidestep responsibilities through waivers, his second Education Secretary, Margaret Spellings, softened her stance (Saultz et al., 2017). In particular the passage of state legislative proposals prompted Secretary Spellings to name her four "bright lines": annual testing, disaggregating scores by subgroup, improving teacher quality, and distributing school information to parents. So long as states met these four criteria, the Department of Education would be more lenient on other aspects (Henig, Houston & Lyon, 2017).

Implementation problems on the increasingly local level were furthered by the trend towards devolution of control over reparative measures for schools failing AYP. The use of supplemental services as stated under the consequences part of NCLB increased dramatically during the 2000s. For example, in Richmond they were used at a rate of 10% in 2002-3, and then shot up to 43% in 2006-7 (Manna, 2011, p. 77). Despite these numbers, local implementation of NCLB seemed not to embrace the services at times. For example, some states and localities issued letters filled with jargon, so parents did not know what was available to them and their children. In addition, schools were often reluctant to accept an influx of students from improvement schools, further reducing the reach of such provisions (Manna, 2011).

There were also problems with the adverse incentives the law itself provided. An academic paper titled “Fifty Ways to Leave a Child Behind: Idiosyncrasies and Discrepancies in States’ Implementation of NCLB” chronicled the many policy choices state accountability systems included (Davidson, Reback, Rockoff & Schwartz, 2015). Davidson et al. (2015) concluded, “Purposefully or not, some states took advantage of loopholes that made it much easier for schools to meet targets” (p. 356). One such loophole was the ability for states to design their own tests. State leaders found a victory in using different tests, making cross-state comparisons difficult to impossible (Manna, 2006). Davidson et al. (2015) also documented that states could use larger confidence intervals to reduce school failure rates. The 37 states that opted to use a 95% or 99% confidence interval had dramatically lower failure rates, hovering around 20-25%, compared to states that did not use confidence intervals and had failure rates between 44% and 80%. States also had an incentive to adapt easy assessments, highlighted by the discrepancies in NAEP proficiency scores. Evidence shows that many of the state reading and math tests expected students to possess few high level skills and inadequate levels of knowledge, with a tendency toward lower level questions and a multiple choice format (Manna, 2011). In Colorado and North Carolina, for example, students scored 88 or 89% proficient on state tests, though they only scored 39% proficient on NAEP scores (Manna, 2011, p. 49). Additionally, the focus on proficiency incentivized states and schools to pay disproportionate attention to students at the cusp of the cutoff, so called “bubble kids” at the expense of high-performing and low-performing students.

One glaring loophole of NCLB was permitting states to set their own n-size. Though required to be transparent with student subgroup scores, states were permitted to set their own n-sizes, or minimum group thresholds. This provided an incentive for states to set higher n-sizes, in

effect exempting many schools from having to report disaggregated test scores that might reveal high achievement gaps (Manna, 2011). Davidson et al. (2015) identified n-size as one-way states could impact school failure rates by establishing different minimum subgroup sizes and holding a varying number of student subgroups accountable.

The tension between the federal and state governments was high, particularly due to collision between preexisting state systems and NCLB requirements, a willingness of state leaders to embrace tough expectations for schools, and state capabilities to implement the law regarding testing and accountability. The federal government weakened NCLB by allowing states to design standards, exams, and expectations. NCLB demanded strict state standards, but also incentivized states to pare down these standards in order to avoid lagging on progress measures (Rudalevige, 2011). Measures of NCLB actually set up schools in high achieving states to fail progress benchmarks because proficiency targets were determined by pre-NCLB proficiency rates and thus were more difficult for higher achieving states (Davidson et al., 2015). Paradoxically, many states that were recognized as having strong schools based on NAEP tests had many more schools failing to meet AYP than those with weak systems. For example, in 2011 82% of schools in MA failed to make AYP as compared to 16% in Kansas. This can be attributed to the fact that states were able to set their own proficiency cutoffs and as MA set more challenging goals based on pre-NCLB performance, their cutoffs were harder to meet (Henig et al., 2017). Manna (2011) argues that this dynamic interplay, even struggle, between the state and federal government is to be expected in the NCLB era. He purports that while the federal government did set equity-driven goals, it allowed states to determine content standards that would define success or failure within those goals under the guise of flexibility. By doing so,

NCLB let states circumvent their responsibility and limited federal potential to substantially influence academic achievement (Manna, 2011).

NCLB found some success in increased achievement among subgroups. Math gains were stronger than reading gains, but overall 79% of states showed achievement gains from 2004-5 to 2006-7 for each group (Manna, 2011, p. 131). However, those gains were limited. The National Bureau of Economic Research found that when controlling for other policies, NCLB achievement gains were only in 4<sup>th</sup> grade math (Manna, 2011, p. 135). Closing achievement gaps among subgroups did not translate to progress among low-income students. Low-income students in 28% of states fell further behind non low-income students in reading, and in 25% of states in math (Manna, 2011, p. 132).

## RACE TO THE TOP AND FEDERAL WAIVERS

President Obama and his Administration noticed these limitations of the federal government in policymaking. They accordingly increased the emphasis on state and local involvement. The Obama Administration did this first through Race to the Top then through the Every Student Succeeds Act. Though ESEA was due for reauthorization in 2007, Bush and then Obama were unable to galvanize congressional support. After Obama came into office, he looked to adopt major education provisions as part of the stimulus package, and then relied on the use of executive waivers to further his education priorities. Still unable to reauthorize ESEA five years after it was due, the Obama administration implemented the Race to the Top program.

Race to the Top (RTT) was a nation-wide, state-level competitive grant system that was included in the American Recovery and Reinvestment Act of 2009 (ARRA), which earmarked \$79 billion in K-12 funding in federal aid to education and \$4.35 billion for the competitive grants of RTT (Maranto & McShane, 2012). This money was ostensibly to prevent massive job

losses in the public sector. Most of these funds went either expanded funding for existing programs such as Title I or to fund budget shortcomings. This funding provided President Obama with leverage, pushing states and schools to accept reforms knowing well that without it, teachers throughout the country would be laid off. As columnist Richard Cohen wrote, the Obama Administration's motto for ARRA was "Take my money, take my reforms" (Cohen, 2009). It was included in the American Recovery and Reinvestment Act, so by its nature it was only temporarily funded. The primary objectives of RTT included toughening standards, turning around failing schools, improving recruitment and retaining of quality teachers, and tracking student performance (Maranto & McShane, 2012).

States had to apply for RTT and funding was distributed based on ability to demonstrate comprehensive plans to institute reforms in specific areas. These areas included: efforts in development of internationally benchmarked academic standards and student assessments; teacher and principal recruitment, development, and retention; construction of state systems to link data on student success to information on teacher and school practices; and efforts to turn around the nation's lowest performing schools (Manna, 2011). Additionally, applying states could not have any legal, statutory, or regulatory barriers to linking student achievement to teachers and principals. Rhodes (2012) characterizes Obama's RTT as "dangling federal funds before cash-strapped states to 'strong-arm' policymakers to accept his standards, testing, and accountability agenda" (p. 176).

As has been repeatedly recognized in this thesis, state and local governments have more license when it comes to making and enacting education policy reforms, though they often do not have the necessary political or fiscal capacity to enact the plans they desire. On the other hand, the federal government has political and fiscal capacity, but lacks license. Based on Manna's

borrowing strength model, policy change is often achieved when the relative strengths of national and subnational governments are both optimized. Obama was able to succeed so dramatically with RTT because the plan gave the “capacity of the federal government to the license-possessing state and local agencies” (Maranto & McShane, 2012, p. 99). Additionally, Maranto and McShane (2012) underline the different nature of RTT as compared to previous federal programs. They claim that the “competitive nature of the program lent more license to the federal government, giving policy entrepreneurs within the bureaucracy (such as Arne Duncan) the political cover with conservatives traditionally against a federal role in education” (p. 99).

RTT also played into increased state capacities created under NCLB. NCLB had forced state bureaucracies to become increasingly competent in order to meet the law’s prescriptive demands. RTT played into this by “entrusting increasingly competent state bureaucracies with developmental programs whose reforms the federal government simply cannot manage” (Maranto & McShane, 2012, p. 101).

It seems that RTT had some effect in incentivizing policy changes that would have been difficult if not impossible to achieve in state legislatures, in Congress, or by unilateral action. By the end of 2009, 48 states had joined the Common Core State Standards project, and by August of 2010 at least 31 states had altered administrative policies or laws seemingly in order to enhance their chances of securing a grant. For example, California removed a data firewall that prevented student achievement data from being linked to teachers (Rhodes, 2012). Obama’s RTT demonstrated that at times, if the carrot is tempting enough, the stick is unnecessary.

To the surprise of many states who expected funding to be doled out generously, Secretary of Education Arne Duncan only awarded grants to two states, Delaware and Tennessee, out of the 41 that applied in the first round. Later in 2010, the Obama Administration

announced ten more grant winners out of 37 applicants: Florida, Georgia, Hawaii, Maryland, Massachusetts, New York, North Carolina, Ohio, Rhode Island, and Washington, D.C. (Rhodes, 2012). After these 12 states were awarded grants, the \$4 billion allocation was used up. Congress then funded a third round, awarded to seven winners with smaller prizes (Howell, 2015).

Though not many states were awarded grants, *Education Week* concluded that “states across the country—winners and losers alike—are vowing to move forward with ambitious plans to reshape teacher-evaluation systems, fix struggling schools, revamp antiquated data systems, and make other changes aimed at raising student achievement” (Rhodes, 2012). All but four states applied in at least one of the three phases of RTT, showing a widespread commitment to the grant competition and wider reforms (Henig et al., 2017). This commitment can be corroborated by the fact that between 2001 and 2008, states enacted 10% education reform policies, and then between 2009-14 this surged to 68%. Furthermore, the surge of activity was not limited to winning states, signifying RTT’s widespread success at galvanizing reforms across the country (Howell, 2015, p. 62).

In 2011, recognizing that RTT funds were about to run out and that prospects of reauthorizing ESEA looked bleak, the Obama administration looked to leverage NCLB waivers as a kind of “dollar-free competitive grant” (Henig et al., 2017, p. 38). Obama proclaimed: “Given that Congress cannot act, I am acting” (Henig et al., 2017, p. 38). Instead of utilizing the competitive grant model used in RTT, these waivers provided relief from NCLB targets and constraints. The Obama Administration and Secretary Duncan made these waivers conditional, which was much more controversial and seemingly unprecedented in comparison to the waivers granted by Secretary Spellings. Secretary Duncan created a list of eighteen sets of policy commitments in four areas that states had to make in order to receive a waiver. These areas were

state coordination of accountability, adoption of college and career ready standards (e.g. Common Core), a plan to identify and improve the bottom 15 percent of schools, and creation of teacher and principal evaluation systems (McGuinn, 2016). There were widespread hesitations about executive overreach, but states were desperate to get out of the NCLB accountability system and overlooked their concerns. By November 2014, forty-three states had received waivers. These continued to be conditional, and the Department of Education actually did revoke waivers, such as in the case of Washington for failing to reform its teacher evaluation system and Oklahoma for rejecting Common Core (McGuinn, 2016).

## IV. THE EVERY STUDENT SUCCEEDS ACT

“Just as former Speaker of the House Tom O’Neill observed all politics is local, I contend that education is local as well”

-Paul “Vic” Wilson, Superintendent Hartselle City Schools,  
U.S. House of Representatives Committee Hearing (2016)

“We need a new vision for the 21<sup>st</sup> century education system, one where we aren’t just supporting existing schools but spurring innovation; one where we we’re not just investing more money but demanding more reform”

-President Obama at announcement of Education Secretary  
appointment of Arne Duncan (2008)

After Obama’s reelection in 2012, the reauthorization of ESEA was imminent. Following a bipartisan coalition led by Senator Alexander (R-TN), Senator Murray (D-WA), Congressman Kline (R-MN), and Congressman Scott (D-VA), the Every Student Succeeds Act (ESSA) was signed into law on December 10, 2015. This most recent reauthorization of ESEA marked a shift in the ownership of education policy. The *Wall Street Journal* deemed ESSA “the largest devolution of federal control to the states in a quarter century” (2009). While ESSA maintained the broad ideas of NCLB, the marked difference was increased state flexibility to define expectations and punishments within them. This was driven by the theory that both districts and individual schools can be better governed from the bottom up than from the top down, as was done in NCLB.

It was a markedly popular piece of legislation, drawing support from 85 percent of those casting votes in both houses of Congress. Additionally, the National Governor’s Association offered ESSA a “full endorsement,” the first time the organization had taken a unified position since the 1996 Welfare Reform Act. This unified position can be explained by ESSA’s central theme of the devolution of authority from the federal government to the states, particularly in how schools are identified as low performing and the steps taken to improve them (West, 2017).

ESSA has ten “Titles,” the most important of which is Title I. Title I is a formula grant focused on the “Education of the Disadvantaged,” and has been used to improve basic programs in high-need schools following the precedent of President Johnson’s first ESEA. For fiscal year 2017, Title I distributed about \$15 billion annually to schools with high concentrations of low-income students, roughly 70 percent of total ESSA funding (Every Student Succeeds Act of 2015, 20 U.S.C. 6316 § 1002 (a)). The other Titles to receive more than \$1 billion were Title II Part A “Improving Teacher Quality” funded at \$2.35 billion (Every Student Succeeds Act of 2015, 20 U.S.C. 6601 § 2002), Title VII “Impact Aid” for militarily connected schools at \$1.3 billion (Every Student Succeeds Act of 2015, 20 U.S.C. 7714 § 7013), and Title IV “21<sup>st</sup> Century Schools” Part A “Student Supports and Academic Enrichment Grants” for access to a well-rounded education and improvement of the use of technology and digital literacy at \$1.6 billion (Every Student Succeeds Act of 2015, 20 U.S.C. 7122 § 4112(a))

Title I is the most relevant for this examination, as it represents the section most concerned with equity-related issues. The first set of requirements regards academic assessments. ESSA provides grants to states to develop, refine, and administer assessments that are aligned to “challenging State academic standards” in math, ELA, and science (Every Student Succeeds Act of 2015, 20 U.S.C. 6361 § 1201(2)). Additionally, assessments must be administered statewide and be consistent across public schools. Tests in ELA and math must be administered annually in grades 3 to 8 and at least once in grades 9 to 12. Science assessments must be administered annually at least once in each of the following grade ranges: 3 to 5, 6 to 9, and 10 to 12 (Every Student Succeeds Act of 2015, 20 U.S.C. 6320 § 1111(2)(B)).

The exception to this rule is the administration of “alternate” assessments to students with disabilities. ESSA caps the proportion of students who can take alternate assessments at 1%,

which is roughly equivalent to 10% of all students with disabilities, intended to correlate to the percentage of students with severe cognitive disabilities. It is important to note the 1% cap is statewide, though districts exceeding 1% must provide the state with an explanation (Every Student Succeeds Act of 2015, 20 U.S.C. 6320 § 1111(2)(D)). One new feature of ESSA is the ability of states to conduct assessments that are partially delivered in more creative ways “such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments” emphasizing the “mastery of standards and aligned competencies in a competency-based education model” (Every Student Succeeds Act of 2015, 20 U.S.C. 6361 § 1201(a)(2)(L)). These assessments may promote innovation but also present challenges with regard to quality and comparability. ESSA also contains new requirements to strengthen instruction and assessment of English language learners (ELL) and students with disabilities. State plans are required to demonstrate that local education agencies provide them with annual assessments aligned with state standards for English language acquisition in order to improve the rates of inclusion in regular assessments (Every Student Succeeds Act of 2015, 20 U.S.C. 6361 § 1201(a)(2)(C)).

The second set of requirements under ESSA pertains to performance indicators to build the statewide accountability system. These indicators are intended to show holistic academic and developmental outcomes for children:

...including indicators of school readiness, high school graduation, postsecondary education and career readiness, and other academic and developmental outcomes to promote – (A) data driven decision making... (B) access to a community-based continuum of high-quality services for children living in the most distressed communities of the United States (Every Student Succeeds Act of 2015, 20 U.S.C. 7274 § 4624(h)(2))

Each state must have at least one performance indicator in addition to those specified by ESSA.

The indicators specified in ESSA relate to accountability based on long-term goals and interim

progress as related to rates of proficiency in math and ELA, a measure of student growth for all students and each subgroup, and English language proficiency for English learners (Every Student Succeeds Act of 2015, 20 U.S.C. 6320 § 1111 (b)(4)(B)). High school accountability systems must also include a four-year cohort graduation rate (Barone, 2017). States have wide latitude in regards to this additional indicator; it may be academic or non-academic, pertain to individual students or be a survey. That being said, ESSA does give some specifics on weighting. It states that the first three indicators as well as high school graduation rates must be given, in aggregate, more weight than the additional indicator of choice (Barone, 2017).

The third set of requirements under ESSA is concerned with data collection and reporting. This section largely marks a continuation of the landmark policies instituted in NCLB. Data must be collected and reported for the state as a whole, the school district, and each school if the sample size is sufficiently large. Data shall be collected on issues including, but not limited to: student achievement, percentage of students assessed, high school graduation rates, measures of school quality, climate, safety, rates of disciplinary actions, chronic absenteeism, incidences of violence, percentage of students enrolled in preschool programs and accelerated coursework (e.g. AP or IB), professional qualifications of teachers and school leaders, and per-pupil expenditures. This data must then be disaggregated in a public yearly report into economically disadvantaged students, students from major racial or ethnic groups, children with disabilities, and English learners. Additional disaggregation for homeless, foster care, and active-duty military families is required for student achievement (Every Student Succeeds Act of 2015, 20 U.S.C. 6320 § 1111(b)(2)(B-D)).

The accountability system under ESSA requires states to identify three categories of schools: the bottom 5 percent of all schools in the state, high schools with graduation rates less

than 67 percent, and those in which any subgroup of students is consistently underperforming. The first two criteria put the schools in a category of “comprehensive support,” where the third category is deemed “targeted support” (Every Student Succeeds Act of 2015, 20 U.S.C. 6320 § 1111 (d)(2)(B-C)). Additional targeted support is required in schools in which the underperforming subgroup performs in the bottom 5 percent of all schools if the subgroup were its own school. The “targeted support” school provision is closely tied to subgroup accountability (Every Student Succeeds Act of 2015, 20 U.S.C. 6320 § 1111(d)(1)). Quite different from NCLB which prescribed sanctions to schools not meeting AYP, ESSA includes no language, advisory or mandatory, specifying the types of interventions that must be conducted in any of the low performing school categories (Barone, 2017).

ESSA’s accountability measures provide vast flexibility. States have considerable discretion when it comes to identifying schools as low performing, and almost complete latitude over how to address schools’ problems. The state is simply responsible for ensuring that school districts containing schools identified for comprehensive support develop a plan to improve student outcomes that include “evidence based interventions.” Notably, ESSA is the first federal education law to define the term evidence based, and includes a category of activities that have ongoing efforts to examine their effects, which will allow schools to be more creative. Additionally, states are required to set aside 7 percent of the funds they receive under Title I for these school improvement efforts, but have near complete oversight in how the funds are used (West, 2017).

Remarkably, ESSA completely eliminates requirements for teacher quality or effectiveness. However, it does require that states identify disparities in low-income and minority students being disproportionately taught by “ineffective, inexperienced, unqualified, or out-of-

field teachers.” It also requires that states have a mechanism to address these disparities, though it neither suggests nor prescribes what that ought to look like (Barone, 2017).

ESSA explicitly includes some limits on federal authority. For example, the law specifically declares, “the Secretary shall not attempt to influence, incentivize, or coerce State adoption of the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, or assessments tied to such standards” (Barone, 2017). In addition, the Secretary of Education is prohibited from issuing regulations attaching prescriptive weights to indicators (Barone, 2017). The law also explicitly prohibits the attaching of conditions to federal education waivers, a testament to the damaging image ascribed to Secretary Duncan’s use of waivers had (McGuinn, 2016)

Importantly, ESSA is a testament to lessons learned from NCLB. It capitalizes on the strengths of NCLB, such as the constructive role the federal government has to play in ensuring transparency regarding student achievement and inequity. It also was proof of a lesson learned that the federal government is poorly positioned to dictate details for state efforts to improve schools and that failure is almost guaranteed for a one-size fits all accountability system (West, 2017). In addition, ESSA separated the previous federal authority on testing and accountability. This allowed the new law to broaden the ways school performance is measured beyond just math and ELA test scores. These requirements recognize the federal government has a natural role to play in ensuring the provision of timely and accurate data, but also underscores a belief that a federal role in creating tests is unnecessary.

Chad Aldeman (2017) presents some strong criticisms of ESSA, all stemming from the immense discretion it gives states. One regards the measurement of academics performance. He

notes that one of the main criticisms of NCLB was that it identified low performing schools based solely on test scores and proficiency, not on growth over time. This could have been an area for improvement, but ESSA similarly does not require student growth to be included in state accountability systems. He warns that if states do not change their focus from proficiency status to growth, they will continue to run the risk of judging schools based on demographics, not the quality of the education they deliver. Aldeman (2017) also criticizes the accountability system. ESSA only requires states to identify the absolute bottom 5 percent, “leaving the remaining 95 percent of schools without any pressure to improve” (p. 97). There are no federal rules on what interventions in low performing schools should be. ESSA diminishes the federal push for better teacher policies by allowing, but not requiring, states and districts to spend federal funds improving teacher and principal evaluation systems (Aldeman, 2017).

ESSA kept some important measures to protect disadvantaged students. In the field of equity, the decision to keep provisions regarding the federal role in mandating reporting was integral. It recognized the role the federal government must play regarding transparency, particularly as states and localities may find it is not in their best interest to be transparent. Casserly details the reasons urban school districts prefer to have the federal government in charge. These include: less involvement in local political issues; historically setting a higher priority on aiding poor and minority students, and more likely to target aid to those students; more likely than states to keep even pressure on accountability “given the crosscurrent of statewide interest groups and the ever-present pressure to water down accountability provisions” (Casserly, 2017). Second, ESSA kept the 40 percent poverty threshold in place for Title I schools. This was important because lowering it would have diluted the targeting of aid. It also maintained a provision that allows school systems the flexibility to move Title II and Title IV

funds to and from each other or into Title I (Casserly, 2017). Cynthia Brown (2017), however, argues that ESSA does not do what ESEA is supposed to, namely provide assistance specifically to benefit educationally disadvantaged students. She purports it fails to address inequitable funding throughout the country and is weak on the training of quality teachers.

The friction created during the decades of movement towards greater federal control can potentially be attributed to what Hess characterizes as “Fourteenth Amendment hopes crash[ing] into Tenth Amendment realities” (Hess, 2017, p. 7). Broadly speaking, the Tenth Amendment favors a limited government, allowing for the “mediating institutions of civil society to flourish.” On the other hand, the Fourteenth Amendment favors an energetic central government to ensure a protected status for vulnerable minorities (Hess & Eden, 2017, p. 188). Casserly points out that while state government is closer to the ground, they are not all that close. Making good decisions requires localized expertise that state governments may not have (Casserly, 2017)

The division among the two camps show no signs of abating: in the Senate 43 Democrats voted for a failed amendment for an increased federal role, and in the House 195 Republicans voted for a failed amendment that would have allowed states to entirely opt out of federal requirements (Camera, 2015). This issue remains an important one, and hopefully by providing some insight into the challenges of this episodic policy area, future policymakers can better equip themselves to take on the challenges in education.

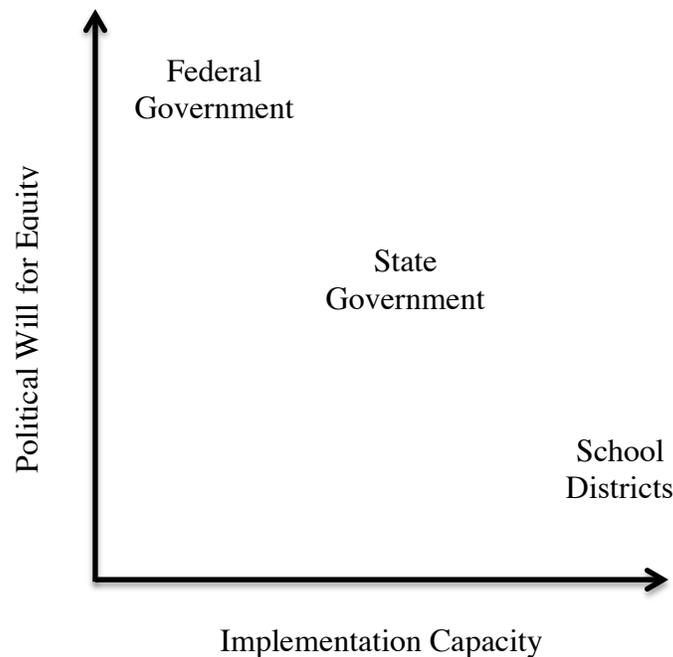
While Obama may have referred to the passage of ESSA as a “Christmas miracle,” Hess and Eden contend that it was not miraculous at all. Rather, it reflects a broad shift in the national consensus on how to balance the tensions in American education (2017). The question of how best to balance the tensions of political will for equity and implementation capacity remains an important one, and this investigation will seek to explain how well ESSA is able to do so.

# V. METHODS AND HYPOTHESES

## THEORETICAL FRAMEWORK

To answer the broader inquiry regarding causes and consequences of the sporadic nature of education policy, it is necessary to return to the theory of policymaking constraints.

**Figure 1: Theory of Policymaking Constraints**

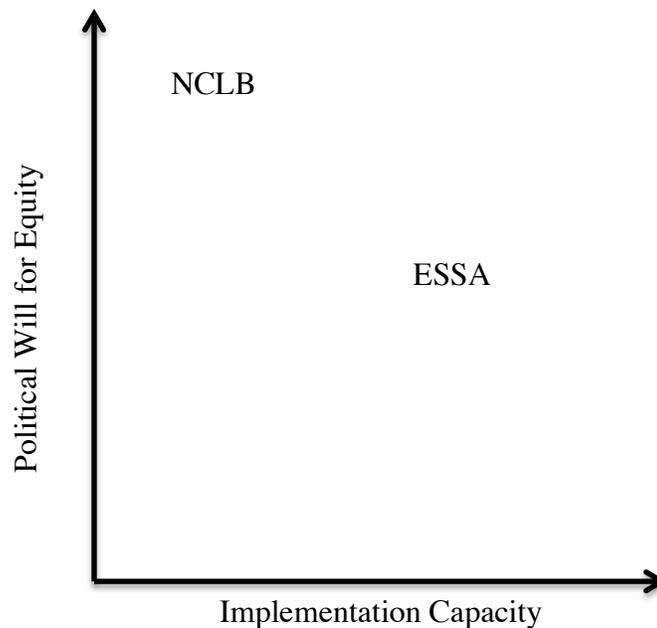


The theory of policymaking constraints as displayed in the model reveals the intrinsic tensions in education policy between the capacity to implement policy and the political will to address equity concerns. These endemic tensions fuel the episodic nature of policy reform in education that zigzags between favoring either equity or implementation capacity.

Using this theoretical framework, it is possible to predict the consequences of ESSA, the latest episode in federal education policy. To theorize these consequences it is necessary to apply

the theory of policymaking constraints to specific policies. Given the minimal prescription by the federal government in ESSA and high input by district and state education leaders in the creation of state ESSA plans, ESSA belongs around the middle. In comparison, the top-down prescriptive nature of NCLB puts it in the upper left quadrant of the model.

**Fig. 2: Theory of Policymaking Constraints Applied to NCLB and ESSA**



With this model in hand, a hypothesis emerges that while under ESSA implementation capacity will increase drastically, it would be expected that the political will for a continued commitment to equity will drop off dramatically. I would hypothesize that states will use the increased autonomy under ESSA to retreat from equity concerns that they were forced to adopt under NCLB.

The primary objective of this thesis is to evaluate whether states are using the increased flexibility under ESSA as an opportunity to reaffirm commitments to or retreat from equity concerns. In order to do so, this investigation will evaluate the 51 ESSA plans (50 states and

D.C.) based on equity concerns, then determine predictive factors for commitment to or shirking of responsibilities to attend to equity concerns. The data for potential predictive factors is quantitative, where the ESSA plan investigation is both qualitative and quantitative. The original evaluation was qualitative, then was prescribed a rating in order to enable statistical analysis

## METHODS

In order to evaluate the 51 ESSA state plans, this project utilized the state ESSA plans that were submitted to the Department of Education throughout 2017, the Bellwether Education Partner’s “Independent Review of ESSA State Plans”<sup>1</sup>, and The Fordham Institute’s “Rating the Ratings.”<sup>2</sup>

Bellwether, in partnership with the Collaborative for Student Success, convened an independent panel of accountability experts to review ESSA plans. Notably, Bellwether made a commitment to obtain a diverse group of peer-reviewers with the aim of putting together an objective and varied panel. The purpose of these evaluations was to provide both feedback to the states and a source of straightforward information to the public. In addition to providing overall strengths and weaknesses, the Bellwether Independent Review evaluated state ESSA plans based on nine components: goals, standards and assessments, indicators, academic progress, all students, identifying schools, supporting schools, exiting improvement status, and continuous improvement. Each of these sections was rated on a scale of 1 to 5: 1 indicating “a practice that should be avoided by other states” to 5 indicating “a practice that could be a potential model for

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<sup>1</sup> Bellwether Education Partners is a 501(c)(3) nonprofit aimed at guiding and supporting projects to reform education with a focus on improving outcomes for low-income students through policy analysis, implementation support, and educational program evaluation.

<sup>2</sup> The Thomas B. Fordham Institute is an ideologically conservative nonprofit education policy think tank aimed at promoting educational excellence for every child using research, commentary, and advocacy.

other states.” In addition to a numerical rating, each section provided an explanation including details of the state plan (Aldeman, Hyslop, Marchitello, O’Neal Schiess & Pennington, 2017a).

The Fordham Institute’s “Rating the Ratings” report evaluated each state plan based on three measures: clarity of labels, focus on all students, and fairness to all schools. Fordham argued that a focus on components such as long-term goals was misguided, and instead focused on accountability systems. Fordham’s second two metrics, “All Students” and “All Schools,” were of particular interest to this thesis. The All Students measure was evaluated based on how and at what weight state plans measured achievement and growth, noting that using a measure of overall proficiency rates might encourage schools to focus on students near the proficiency cutoff, or “bubble kids.” The All Schools measure was evaluated based on the weighting of growth, given that measures of growth are less correlated with poverty and thus afford high-poverty schools the opportunity to earn positive ratings. The reviewers at Fordham rated state plans Weak, Medium, or Strong (Petrilli & Wright, p. 9).

While the Fordham measures attended to important parts of state ESSA plans, there is a case to be made that while certainly integral to a strong plan, only focusing on these three measures when considering equity would be inadequate. There are many other important factors to a strong plan; particularly with the broad nature of equity concerns encompassing many factors beyond just the weighting of test scores. Not all these measures are “pie in the sky” either, with factors like n-size contributing to what students’ scores are reported, and perhaps more importantly, who’s are not (Petrilli & Wright, p. 9). In light of Davidson et al.’s (2015) finding that states exploited areas in which they had latitude to make implementation choices under NCLB, such as n-size, it is integral to pay attention to discrepancies in implementation as they can greatly affect equity concerns.

A review of all 51 plans was conducted, with particular attention paid to issues of equity as brought up in the All Students and Identifying Schools sections of the Bellwether Independent Review. The All Students section evaluated how each state plan worked to either mask the performance of some subgroups of students or have adequate checks to ensure all students, and all subgroups of students, receive a high quality education. The Identifying Schools section evaluated how each state's plan identified schools for comprehensive and targeted support and to what extent they effectively identified the schools and student groups most in need.

Following this review, an original rubric was designed to measure equity. Herein referred to as the Milano Equity Index, or simply Equity Index, this rubric highlighted the three measures I determined to be most indicative of a state's prioritization of equity concerns. These measures are: n-size for subgroup reporting, incorporation of subgroup performance into annual school ratings, and inclusion of subgroup performance in identifying schools for targeted support.

The n-size is determined by the state and represents the minimum number of students necessary to oblige a school or district to report subgroup accountability. Using Arkansas as an example: the state's set n-size of 15 means that schools with subgroup populations that surpass this threshold are required to disaggregate achievement data for those groups (AK ESSA). So, if a public elementary school in Arkansas only has 12 African-American students, that school will not be required to report disaggregated achievement scores for African American students. On the other hand, if the same school had 18 students with disabilities, they would be legally obligated to report the disaggregated achievement scores within that population.

The argument against setting low n-sizes is a valid one, as the lower the n-size the higher the potential for achievement score data to be skewed or privacy to be compromised. However, n-size is vital because it can also be used to conceal achievement gaps. States setting high n-sizes

are able to mask poor achievement of subgroups by precluding schools from having to report disaggregated scores, potentially not including the achievement of thousands of students.

The second measure, incorporation of subgroup scores, measures how effectively a state integrates the weighting of subgroup achievement or an alternate method of incorporating subgroup achievement into annual school and district summative ratings (e.g. A-F score) that ESSA mandates. Using the District of Columbia as an example: D.C. provided for the incorporation of subgroup population achievement scores for racial/ethnic groups, the economically disadvantaged, and English language learners at a weight of 5% each in the overall school grade, and weights the achievement of the students with disabilities subgroup at 10% of the overall grade (D.C. ESSA). This means that even if the school had an A on all other indicators factoring into the school rating, if they had underperforming subgroups they would not be able to receive an A. States might also use backend checks to incorporate subgroup ratings. Illinois exemplifies this: their plan states that a school may not receive the top two designations, exemplary or commendable, if it has a consistently performing subgroup (IL ESSA). It is important that subgroup achievement has a *direct* impact on overall school rating first so that it is clear to the public which schools poorly serve student subgroups, and second to incentivize school leaders to better serve student subgroups as it affects their overall rating.

The inclusion of subgroup achievement in identifying schools for targeted support is the third measure. This assesses how adequately states define chronically underperforming subgroups and their commitment to providing targeted support to schools with underperforming groups. ESSA states that districts must identify schools with a “consistently underperforming subgroup,” defined *at a minimum* as a subgroup, which if it were its own school, would be performing at the bottom 5% of all schools in the state (Every Student Succeeds Act of 2015, 20

U.S.C. 6320 § 1111(c)(5)(C)). Kentucky’s plan had a strong inclusion aspect: they define two thresholds for targeted support, identifying for tier 1 support schools with student subgroups who, if they were their own school, would be performing in the bottom 10% of schools based on two years of achievement data, and identifying for tier 2 support schools with student subgroups who, if they were their own school, would be performing in the lowest 10% of schools based on annual data (KY ESSA). As ESSA set a relatively low legal minimum for targeted support identification, it is important that states demonstrate commitment to supporting schools that are not adequately serving subgroups by either expanding on the legal minimum or creating backend checks.

These three measures are adequate to reveal a state’s commitment to reporting student subgroup performance, prioritizing subgroup performance in evaluating overall school performance, and identifying schools for additional support if subgroup performance is found wanting. Unfortunately, each measure also provides a lever states can utilize to circumvent commitments to equity. By setting a high n-size, neglecting or weighting minimally subgroup achievement in aggregate annual ratings, or setting a grossly low bar for “chronically underperforming subgroup,” states are able to mask subgroup performance and avoid accountability for achievement. As all three measures can be manipulated for either a stronger commitment to equity concerns or circumvention of accountability, they provide a strong basis for analysis.

Once these measures were determined, the details of state plans were revisited in order to adequately evaluate each state on these three specific measures. After the details were consolidated, a rating for each of the three components for every state was determined between 1 and 5. Generally, 1 indicated flagrant disregard for equity concerns that should be avoided by

other states, and 5 indicated impressive inclusion of equity concerns in practices that should be a model for other states. The ratings were coded more specifically for each category [See Appendix A].

## VI. ANALYSIS

“...with new flexibility comes responsibility. States and school districts will need to implement ESSA in a way that continues its focus on meeting the needs of our Nation’s most at risk students”

-Ranking Member Fudge, U.S. House Committee  
Hearing (2016)

Betsy DeVos recently gave a speech to State Education Chiefs that can only be equated to a parent’s admonition of “I’m not mad, I’m just disappointed.” DeVos reprimanded these Chiefs for operating as if their work was only accountable to folks at the Department of Education. She implored them to center their ESSA plans in seeking what’s best for students, not just in compliance or approval from Washington. Finally, in a way that can only be described as “tough love,” she reminded them:

ESSA was enacted partially in response to the widespread calls from state school chiefs – including many in this room – to give you the flexibility and opportunity to address your state’s unique challenges. Well, this law gives you that chance.

The trouble is... I don’t see much evidence that you’ve yet seized it (DeVos, 2018)

Based on the analysis undertaken in this thesis, DeVos is right. States largely *haven’t* tried to do what’s best for students. They have submitted incomplete plans (MI ESSA). They have obfuscated school evaluations in multi-layer, color-coded 25-square grids (CA ESSA). They have forgotten to incorporate the performance of English language learners (FL ESSA). They have chosen measures of achievement that obscure information about how many students are actually meeting performance thresholds (MA ESSA). They have even chosen n-sizes *knowing* that thousands of students would be unaccounted for (CA ESSA).

She may be under fire by some for her “tough love” tone with State Education Chiefs, but one need not look very far to see she’s not alone in her sentiments. Wisconsin governor Scott

Walker commented to his state superintendent in September 2017 of the WI plan: “Your bureaucratic proposal does little to challenge the status quo for the benefit of Wisconsin’s students... I hope you will agree that adding layers of bureaucratic paperwork does little to help low performing schools” (Finn, 2017). Maryland governor Larry Hogan even more harshly commented that the MD plan “stymies any attempt to hold schools accountable for student performance and includes provisions aimed at preserving the status quo in failing schools” (Finn, 2017).

Experts largely agree. Bellwether Education Partners and the Thomas B. Fordham Institute both published reviews of the 51 state ESSA plans and found them wanting. Fordham found that schools generally performed strong or medium on the measures: 69% strong and 12% medium on Clear Labels, 45% strong and 27% medium on Focus on All Students, and 35% strong and 47% medium on Fair to All Schools (Petrilli & Wright, p. 15). State ESSA plans performed more poorly on the Bellwether measures. On the All Students measure, 0% of states were rated a 5, 16% were rated a 4, 23% were rated a 3, 41% were rated a 2, and 18% were rated a 1. Even further, on their Identifying Schools measure, 2% of states were rated a 5, 6% were rated a 4, 31% were rated a 3, 39% were rated a 2, and 22% were rated a 1 (Aldeman, Hyslop, Marchitello, O’Neal Schiess, & Pennington, 2017a).

In order to test a state’s relative concern for equity, the Milano Equity Index included three measures: n-size, incorporation of subgroup performance into school ratings, and use of subgroup performance in identifying schools for targeted support. To assure validity, each state was graded on a 1 to 5 scale as it was by Bellwether. The measure was largely the same, with a 1 being a practice that should be avoided and 5 being a practice that could potentially be modeled.

To reiterate, the measure of n-size is integral for equity concerns because it represents the number of students in a minority group needed to mandate both reporting and accountability. In choosing an n-size, states must strike a balance between ensuring privacy and reliability while not excluding student subgroups from accountability measures. By choosing higher n-sizes, states can shirk responsibility to attend to minority groups knowing schools will not be mandated to report those scores or be held accountable for them.

For example, California scored a 1 on n-size because it chose a size of 30 and recognized in its plan that with that n-size, potentially thousands of students would be unaccounted for (CA ESSA). Alternately, Idaho scored a 5 because they chose an n-size of 10, and even further enhanced the number of students who will be accounted for by using 3 years of data to boost inclusion and help make the system less subject to one year swings (ID ESSA).

The incorporation of subgroup scores into school ratings is another primary concern regarding equity. States varied greatly in how they determined the summative rating a school and district receives, i.e. A-F or number of stars. Incorporating subgroup performance into these summative ratings is one sure way to ensure school and district leaders are incentivized to attend to subgroups.

Consistent with the expectations of my theory of policymaking constraints, a majority of states responded to the flexibility of ESSA by retreating from equity concerns. Seventeen states received a 1 for not including subgroup performance at any weight in the determination of summative rating, while two states received a 5 for their strong commitment to including subgroup performance. Using Ohio as an exemplary 5-rated state on the incorporation measure: its plan included specific weights for subgroup performance (15 percent for the district and between 17 and 27 percent for the school based on grade level), a Gap Closing indicator that had

sub-components including subgroup-specific performance indices, graduation rates, and progress towards English learner proficiency. In addition, it provides that a school cannot receive an A if a subgroup scores below a minimum threshold in a subject or has a 4-year graduation rate lower than 70 percent (OH ESSA). Ohio clearly prioritized subgroup performance and therefore upheld equity concerns. Rhode Island showed a similar commitment, receiving a 4 for reporting disaggregated results on school and district report cards, though not specifically including those scores in the summative classification. Rhode Island did include a back-end check that no school can receive a 5-star rating if it has a consistently underperforming subgroup and cannot receive a 4-star rating if it has two such groups (RI ESSA). However, Rhode Island chose a weaker metric requiring a group to be “consistently underperforming” at the threshold of performing in the bottom 5% of all schools, rather than just performing below the individual school’s average, before affecting a summative rating. Regardless, these backend checks will ensure no school is marked as exceptional if it is failing subgroups consistently.

The last measure on the rubric for this investigation was the use of subgroup scores in identifying schools for targeted support. As previously described, under ESSA there are two types of support for which a school can be identified: comprehensive support and targeted support. Comprehensive support schools are those in the bottom 5 percent of all schools in the state and high schools with a graduation rate of less than 67 percent (Every Student Succeeds Act of 2015, 20 U.S.C. 6320 § 1111(c)(4)(D)(i)(I)). Schools identified for targeted support are those “in which any subgroup of students is consistently underperforming,” which states are invited to define with the minimum requirement that a school in which any subgroup of students, who on their own would lead to comprehensive support identification using the aforementioned standards, shall be identified for additional targeted support (Every Student Succeeds Act of

2015, 20 U.S.C. 6320 § 1111(c)(5)(C)). It is integral for concerns of equity that schools with underperforming subgroups, which are otherwise performing acceptably, be identified and make reparative steps towards addressing the needs of students they have failed. It is also important to note that the law sets a very low bar for identifying subgroups for targeted support.

Despite being the letter of the law, ten states *still* failed to use subgroup scores when identifying schools for targeted support (AZ ESSA; FL ESSA; HI ESSA; KS ESSA; MI ESSA; MT ESSA; NE ESSA; OR ESSA; SD ESSA; TX ESSA). Many of those states provided inadequate information or did not define “chronically underperforming.” Others rejected responsibility to pay attentions to subgroups entirely. For example, Florida received a 1 because they used the summative A-F school rating, not individual subgroup scores, to identify targeted support, changing it from an equity failsafe to a general one (FL ESSA). North Dakota on the other hand received a 4 for a strong plan of identifying 10 percent of schools for targeted support: 5 percent with the lowest subgroup performance and 5 percent with the largest gaps in student achievement (ND ESSA).

## THE MILANO EQUITY INDEX

The Milano Equity Index is both a valid and reliable measure of a state’s policymaking commitment to equity in its ESSA plan. [See Table 1]. First, the three independent measures are each positively correlated with one another, which suggests that there is an underlying equity dimension in state ESSA plans. Both the correlation between n-score and incorporation of subgroups in school rating and the correlation between n-score and use of subgroups to identify schools for targeted support correlated at .39 and .25, respectively, and were statistically significant with a 90% confidence rate. While incorporation of subgroups and use of subgroups

were positively correlated, the relationship was not quite at the conventional level of statistical significance.

**Table 2: Milano Equity Index and Bellwether Equity Measures**

	Bellwether Identifying Schools Score	Bellwether All Schools Score	Milano Equity Index
Bellwether Identifying Schools Score	1.000		
Bellwether All School Score	.6315***	1.000	
Milano Equity Index	.5415***	.6995***	1.000

Cell entries are pair-wise correlation coefficients.

\*denotes  $p < .10$ ; \*\*  $p < .05$ ; \*\*\*  $p < .01$ .

Additional evidence also suggests that the Equity Index does a good job of capturing a state’s commitments to equity in ESSA plans. Specifically, the Equity Index correlates positively and significantly with other rankings conducted and reported by non-partisan education policy think tanks, including the Bellwether Education Partners. This bolsters the reliability of the Milano Equity Index by demonstrating its validity when compared to equity evaluations made by the diverse panel of accountability experts who conducted Bellwether’s review. I then calculated the correlation between the average score of each state on the three equity measures in the Index and both the Bellwether “All Schools” score and the Bellwether “Identifying Schools” score. Both correlations were above .5 and were statistically significant with a 99% confidence interval.

In sum, the measures that are included in the Milano Equity Index are internally coherent and externally correlated with third party rankings and thus appear to be a useful measure for capturing a state's overall commitment to educational equity in the ESSA era of education policymaking.

## ANALYSIS

The proposed theoretical framework would suggest that when authority is devolved to subnational governments, many states will take that increased autonomy and retreat from equity. I have sought to test whether that theory is true and what might be driving state variation in equity commitments under ESSA. Though a few years after implementation some states sought waivers, it is worthwhile to stipulate with the top-down approach of NCLB, there was no variation between states. Thus, by showing that not only is there a variation in state ESSA plans [See Graph 1], but that a minority of states have adopted a rigorous plan, there was a clear retreat on equity concerns. An important caveat to the stipulation of uniformity under NCLB is the variable of n-size, as states were also able to set their own n-size under NCLB. Thus, analysis of that measure does not indicate a retreat from equity concerns per se, but rather a continued circumvention of accountability systems.

With a possible total equity score between 3 and 15 on the Milano Equity Index, states scored very low (mean=7.84). Only 13 states received above a 10, 35 states received between a 5 and a 10, and 3 states received below a 5. This is consistent with the expectations that my theory of policymaking constraints lay out, in which I predicted states would do a poor job of promoting equity considerations when policymaking discretion is devolved to them.

As previously described, the Milano Equity Index provides a valid and reliable measure of states' commitment to equity under ESSA. The average scores across the 3 measures on the

index were striking low. The mean of the n-size measure was 3.13, showing that states still were not making credible commitments to reporting the disaggregated scores of all student subgroups. The mean of the incorporation measure was 2.18, which shows states made very sparse efforts to incentivize schools to better serve underperforming subgroups. Finally, the mean of the inclusion of subgroup achievement in identifying targeted support schools measure was 2.53, which considering a 3 was coded as meeting the ESSA minimum requirement [see Appendix A], shows that states on average were not even meeting the letter of the law when it came to equity concerns in incentivizing schools to better serve student subgroups.

Now armed with a valid and reliable cross-state measure of equity commitment under ESSA, I turn to assess a possible set of state-level factors that best explains why states vary in their commitment to equity. To test the question of whether inequity breeds inequity, I need two types of data: cross-state variation in commitment to equity and state-level independent predictor variables that I have strong theoretical reasons to believe might shape a state’s ESSA commitment to equity. For the dependent variable, I use the results of the Milano Equity Index across 51 ESSA plans (a discrete variable taking on integer values ranging from 3 to 15). For the independent variables, I include 10 potential factors that I have reason to believe would shape a state’s commitment to equity

**Table 3: Explaining Cross-State Variation in ESSA Plan Equity**

VARIABLES	(1) <i>Index</i>	(2) <i>N-Score</i>	(3) <i>Incorporate</i>	(4) <i>Targeted</i>
Republican gov.	-0.030 [0.864]	-0.221 [0.454]	0.442 [0.426]	-0.251 [0.438]
NCLB n-size	-0.087** [0.035]	-0.026 [0.018]	-0.024 [0.017]	-0.037** [0.018]

Elected chief	1.659*	0.359	0.749*	0.552
	[0.868]	[0.457]	[0.428]	[0.440]
Citizen ideology (conservative)	-0.001	-0.003	-0.002	0.003
	[0.064]	[0.034]	[0.031]	[0.032]
Percent white	0.057	0.017	0.015	0.024
	[0.035]	[0.019]	[0.017]	[0.018]
Percent poor (lunch)	0.062	0.008	0.031	0.024
	[0.061]	[0.032]	[0.030]	[0.031]
Racial gap	-0.051	0.003	-0.059	0.005
	[0.125]	[0.066]	[0.062]	[0.064]
Poverty gap	0.462***	0.082	0.227***	0.154*
	[0.164]	[0.086]	[0.081]	[0.083]
Fail under NCLB	-0.015	-0.008	-0.007	0.000
	[0.019]	[0.010]	[0.009]	[0.010]
Percent federal revenue	-0.127	0.075	-0.089	-0.113
	[0.203]	[0.107]	[0.100]	[0.103]
Satisfied with local schools (poor)	6.494*	1.795	2.622	2.077
	[3.495]	[1.838]	[1.722]	[1.773]
Satisfied with local schools (rich)	-7.180**	-1.955	-2.486*	-2.739*
	[2.791]	[1.468]	[1.375]	[1.416]
Constant	0.637	1.515	-2.269	1.391
	[8.753]	[4.604]	[4.312]	[4.440]
<i>N</i>	47	47	47	47
R-squared	0.352	0.189	0.272	0.275

N = 47 for all models.

Dependent variable (ESSA application score on given item) listed above each column.  
Cell entries are OLS regression coefficients; standard errors reported underneath in brackets.

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1 (two-tailed test)

These variables accounted for over a third of the cross-state variation in the Milano Equity Index (R-squared=.35). Of these variables, five were statistically significant predictors of a state's commitment to equity with a 90% confidence rate: the satisfaction of wealthy citizens with their local schools, the satisfaction of poor citizens with their local schools, n-size under

NCLB, the achievement gap between low and high income students, and whether the state education chief was elected.

To measure citizen satisfaction with their local schools I drew on data from the Cooperative Congressional Survey (2016) that asked over 60,000 people to rate their local schools from A to F. The A to F ratings were converted into a 1 to 5 scale (where 5=A, the best and 1=F, the worst) and then were separated into terciles based on the respondent's income. These measures of public satisfaction with local schools were included because my theory about political will for an equity agenda assumes that a political constituency (citizen demand) is needed to convince re-election minded politicians to pursue and undertake the policy costs of an equity agenda in education (Peterson 1981; 1995). By breaking this variable down into high- and low-income citizen satisfaction, I can test Peterson's thesis about the policymaking constraints of sub-national governments given the incentive of higher-income voters to "vote with their feet" and obtain better quality governmental services (e.g. schools) by paying a premium for more expensive homes in well off school districts. Descriptively, the measures of citizen satisfaction make sense: lower-income citizens (who presumably reside in poorer and lower-performing school districts) rated their satisfaction with the local schools lower than their well-off peers. The wealthiest third of Americans gave an average rating of 3.49 while the poorest third of citizens gave an average rating of 3.26.

As predictor variables, citizen satisfaction with local schools appears to perform in a way that weakens a state's commitment to educational equity. Specifically, I found that moving from a state where the wealthy rated their local school one standard deviation below the mean of school satisfaction to a state where the wealthy rated their local schools one standard deviation above the mean was associated with a *decrease* of 4.52 points on the Milano Equity Index. In

other words, in states where wealthy citizens are relatively more satisfied with the quality of their local schools, state policymakers put less effort into crafting equity-focused ESSA plans. On the other hand, states where the poor are more dissatisfied with their local schools received less equitable ESSA plans. This finding comports with Peterson's theory in *City Limits* (1981): more local officials prefer developmental policies because they have the long-term effect of attracting and retaining high-income taxpayers, where redistributive policies aid low- and non-taxpaying residents at the expense of average and high-income residents.

The negative correlation between local school satisfaction of the rich and equity based policy is quite strong: a two standard deviation variation in local school satisfaction of the rich leads to a two standard deviation variation in the equity index. This result supports Peterson's theory of developmental and redistributive policies, and given that his theory is integral to the political will for equity dimension of my theory of policymaking constraints, these findings bolster that theory as well.

To measure whether circumventing accountability measures under NCLB was a predictive factor to lower equity plans under ESSA, I drew on data that catalogued n-sizes under NCLB. To reiterate, choosing a high n-size can be used to mask subgroup achievement gaps by precluding schools from having to report that data. As another predictor variable, n-size under NCLB was negatively correlated with the Equity Index, and thus appears to weaken a state's commitment to equity. Controlling for all other variables, moving from a state one standard deviation below the mean of the "n-size under NCLB" variable to one standard deviation above it is associated with a *decrease* of 2.07 points on the equity index. This is a variation of nearly one standard deviation, which denotes that n-size under NCLB has a substantial predictive effect on the equity index score. Therefore, the degree to which states were shirking under NCLB is a

very powerful factor in whether they shirk under ESSA. This is a valuable finding particularly in light of the changing laws and administrations. It affirms the underlying tensions inherent in the theory of policymaking constraints. Despite sporadic and incoherent policy changes, localities have less political will for equity and more latitude to define terms and implement policies in a way that affirms their disinclination to support equity based policies.

To measure electoral concerns I drew on data of whether the state education chief was elected or appointed. This was coded as 0 if the state education chief was elected and 1 if he or she was appointed. I found that going from a non-elected to an elected state chief is associated with an *increase* of 1.70 points on the Equity Index. This finding does not conform to the theory presented in this thesis. I would have expected that an elected superintendent would have been associated with a lower score on the equity index. This prediction was driven by the underlying theory that political will for equity concerns is lower in sub-national systems (Manna, 2006; Manna, 2011; Peterson, 1995), and therefore an elected official, accountable for representing the interests of his or her constituents, which Peterson (1995) purports would be developmental not redistributive, would be less likely to champion equity concerns than an appointed one. One potential explanation might be that those who appoint state education chiefs are not representative of the constituency. In practice, political elites might be more concerned with developing the state's top schools than attending to all schools and all students. However, without a solid theoretical backing, and considering that this outcome was statistically significant at a 90% confidence rate but not a 95% confidence rate, it is possible that this finding does not carry any predictive information for the equity score.

To measure the size of income-based or race-based achievement gaps I drew on achievement data from the tests conducted by the National Assessment of Educational Progress

(NAEP), a standard measure for evaluating achievement across states. The poverty achievement gap was measured by the difference in NAEP scores between students in poverty, as defined by qualifying for free and reduced lunch, and those were not in poverty. Descriptively, the measure of the poverty gap shows that students in poverty score on average 22.22 points lower on NAEP tests than those not in poverty, which means they are 2.2 years behind on learning objectives. The racial achievement gap also utilized NAEP test scores. In order to maximize the number of states with data, the “race gap” as defined here is the averaged LatinX-white and Black-white achievement gaps, and in states that did not have enough African-Americans to report an achievement gap, I used solely the LatinX-white achievement gap. Descriptively, the race gap measure shows that minority students perform, on average, 21.17 points behind their white peers on NAEP tests, which translates to 2.1 years behind on learning.

As a predictor variable, the poverty achievement gap appeared to perform in a way that strengthens a state commitment to equity. Specifically, a two standard deviation variation in this variable resulted in an *increase* of 3.77 points on the Equity Index, which is around 1.5 standard deviations. However, it seems slightly contradictory that this same correlation was not present for the racial achievement gap. The stronger effect of class over race on driving policy change has been well documented, and this finding corroborates that trend. Indeed, it clearly shows that the extent of a racial achievement gap in a state does not compel lawmakers to develop more equitable plans. Notably, the strong positive effect of the poverty achievement gap on the equity index found in the multivariate regression was not retained in a bivariate regression, meaning that the two variables together are not highly correlated. It is possible that the multivariate regression isolates the effect of the poverty achievement gap. But, it is also possible that it is an idiosyncratic finding and should not be considered at the same weight as the others are.

## VII. CONCLUSION

“Some say it is unfair to hold disadvantaged students to rigorous [educational] standards. I say it is discrimination to require anything less – the soft bigotry of low expectations”

-George W. Bush (1999)

To my knowledge, this is the first study to document the retreat from commitments to equity by states under the most recent reauthorization of the Elementary and Secondary Education Act of 1965, the Every Student Succeeds Act. This finding is consistent with my theory of policymaking constraints, which posits that the sporadic policy zigzag which has occurred in the era of accountability can be attributed to the inherent tensions between national and sub-national government particularly as it concerns political will for equity and implementation capacity. Using data directly from the state ESSA plans, I document the variation in state commitments to equity using three measures: n-size, incorporation of subgroup scores in annual summative school and district ratings, and inclusion of subgroup performance in identifying schools for targeted support. I find that consistent with my theory of policymaking constraints, a majority of states do retreat from equity concerns. Importantly, my measures of equity correlate highly with the Bellwether measures most closely related to equity concerns, which bolsters the validity of my measures.

Given the lack of attention paid by scholars to the synthesis between federalism and implementation literature, my theory of policymaking constraints, strengthened by my findings with ESSA, represent an important first step towards understanding the incoherence of education policy in the era of accountability. When one considers the stagnation of academic achievement across the U.S. since the 1970s (Hess & Kelly, 2011) particularly in the context of decades of

sporadic policy changes to seemingly no avail, my findings should encourage policymakers to pay greater attention to the tensions inherent in a multi-level governance system.

Since 1965, federal education policy has tried to accomplish increasingly complex tasks. Before the first passage of the Elementary and Secondary Education Act, the federal role in education was limited to enforcing desegregation as mandated by *Brown v. Board* (1954). With the first ESEA in 1965, the federal government became involved with distributing funds to aid disadvantaged students. Nearly two decades later, finding that not much was changing, and jolted by the harrowing predictions of *A Nation at Risk*, federal education policy shifted to concerns of academic achievement, entering an era of accountability. Clinton's IASA and accompanying Goals 2000 prioritized student achievement levels as measured by testing, challenging academic standards applied to all students, and threatened withholding Title I funds unless states could demonstrate equitable goals and expectations. Without any real punitive measures, IASA had no legitimacy. To rectify this, NCLB included measures to hold schools and districts accountable for not just having equal expectations for subgroups, but for actually achieving equal outcomes. NCLB achieved this by requiring that both state and NAEP scores were disaggregated into subgroups and those scores were used to assess adequate yearly progress with the long-term goal of 100 percent proficiency in math and reading.

From 1965 to 2001, as the federal government sought to enact increasingly complex reform in education policy, the relevance of implementation capacity increased dramatically. It has been well documented that more localized governments have exponentially more capacity for implementation, but that they also have less political will for equity (Peterson 1981; Peterson, 1995, Manna, 2006; Manna, 2011). Thus, as the federal government asked more of state and

local governments, they also acquired more ways to circumvent equity commitments, and were incentivized to use them.

ESSA represents a reversal in the ratcheting up of federal involvement in education policy over the last half century. By returning control to the states over determining expectations and punishments, ESSA also shifts the tension between political will for equity and implementation capacity in favor of the latter. As the theory of policymaking constraints would predict, political will for equity wanes substantially, and states use the increased autonomy in ESSA to retreat from equity concerns.

Although I am confident that my results demonstrate that states do retreat from equity concerns, there are a number of important limitations to my study. First, the use of only three measures of equity is incomplete. Though important measures, they likely do not attend to all levers that state and localities can use to circumvent commitments to attend to historically disadvantaged subgroups. Second, data was collected using the original ESSA plans, of which only 34 were accepted by the Department of Education at the time of this writing (Klein, 2018). Given that some state ESSA plans do not meet the letter of the law, the coming months might bring updated state proposals. Third, the multivariate model [Table 3] only contained 47 states because of data constraints for racial achievement gaps. While this is worth noting, this limitation should not preclude the entire analysis.

Although these limitations narrow the potential conclusions that can be drawn from this current study, I do not believe that such concerns preclude me from drawing any conclusions about the validity of my theory of policymaking constraints. First, while there are potentially other measures of equity, the three used in this thesis indicate a substantial amount of variety in commitments to equity; enough to quiet any claims that states remain as committed to equity

concerns as they were required to be under NCLB. Second, given that the original submission of state plans indicates their unfettered inclination to either commit to or neglect equity concerns, valuable conclusions can be drawn from even the unapproved plans. In addition, there is no guarantee that time will bring updated state plans, as Arizona, Michigan, Montana, Oregon, South Dakota, and Texas all did not meet the letter of the law on using subgroup achievement to identify schools for targeted support and their plans have been approved (Klein, 2018).

Overall, the theory of policymaking constraints and evidence that states have retreated from equity concerns under ESSA, particularly as predicted by the local school satisfaction of the wealthy and n-size under NCLB, that have been presented in this thesis contribute to an important theoretical debate about federal education policy since 1965. These findings bolster my theory and have only served to exacerbate the tensions between political will for equity and implementation capacity. As the search for an education policy that will truly make education the “great equalizer,” as it is so often thought to be, continues, hopefully these results will elucidate some of the inherent difficulties. Perhaps understanding more deeply the tensions intrinsic to education policymaking will allow policymakers to more sufficiently create an education policy that truly serves all children. Until then, I am left hoping that the Department of Education holds states accountable for equitable plans with the meager devices it has been allotted.

## REFERENCES

- Adleman, Chad (2017). The Case Against ESSA: A Very Limited Law. In Frederick Hess and Max Eden (ed.), *The Every Student Succeeds Act: What it means for schools, systems, and states* (91-106). Cambridge, MA: Harvard Education Press.
- Aldeman, Chad, Hyslop, Anne, Marchitello, Max, O’Neal Schiess, Jennifer and Kaitlin Pennington, (2017a). *An Independent Review of ESSA State Plans*. Retrieved from <https://bellwethereducation.org/publication/independent-review-essa-state-plans>
- Barone, Charles (2017). What ESSA Says: Continuities and Disparities. In Frederick Hess and Max Eden (ed.), *The Every Student Succeeds Act: What it means for schools, systems, and states* (59-74). Cambridge, MA: Harvard Education Press.
- Baumgartner, Frank R. and Bryan D. Jones, (1993). *Agendas and instability in American politics*. Chicago: University of Chicago Press.
- Brown, Cynthia G. (2017). From ESEA to ESSA: Progress or Regress? In Frederick Hess and Max Eden (ed.), *The Every Student Succeeds Act: What it means for schools, systems, and states* (153-171). Cambridge, MA: Harvard Education Press.
- Camera, Lauren (2015). *Senate Passes ESEA Rewrite With Big Bipartisan Backing, 81-17*. Retrieved from [http://blogs.edweek.org/edweek/campaign-k-12/2015/07/senate\\_passes\\_esea\\_rewrite\\_wit.html](http://blogs.edweek.org/edweek/campaign-k-12/2015/07/senate_passes_esea_rewrite_wit.html)
- Casserly, Michael (2017). ESSA and Urban Public Schools: Ambivalence and Opportunity. In Frederick Hess and Max Eden (ed.), *The Every Student Succeeds Act: What it means for schools, systems, and states* (137-153). Cambridge, MA: Harvard Education Press.
- Civil Rights Act of 1964, 42 U.S.C. § 601
- Cohen, David K., Moffitt, Susan L. and Simona Goldin (2007). Policy and Practice: The Dilemma. *American Journal of Education* 113(4): 515-548.
- Cohen, David K. and Susan L. Moffitt (2009). *The Ordeal of Equality: Did Federal Regulation Fix the Schools*. Cambridge, MA: Harvard University Press.
- Cohen, Richard (2009, Feb. 3). Obama’s Stimulus Plan: \$100 Billion and Little Change. *Washington Post*. Retrieved from <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/02/AR2009020202054.html>
- Davidson, Elizabeth, Reback, Randall, Rockoff, Jonah and Heather L. Schwartz (2015). Fifty Ways to Leave a Child Behind: Idiosyncrasies and Discrepancies in States’ Implementation of NCLB. *Educational Researcher* 44(6): 347-358.
- DeVos, Betsy (2018). *Prepared Remarks by U.S. Secretary of Education Betsy DeVos to State Chiefs*. Retrieved from <https://www.ed.gov/news/speeches/devos-state-chiefs-we-can-we-must-do-better-students>
- Elementary and Secondary Education Act of 1965. 20 U.S.C. 6301 § 1101-1605.
- ESSA State Plan Submission (2017)*. Retrieved from <https://www2.ed.gov/admins/lead/account/stateplan17/statesubmission.html>
- Every Student Succeeds Act of 2015. 20 U.S.C. 6301.
- Finn, Chester E (2017). *Bricks Without Straw: Maryland’s ESSA Accountability Plan*. Retrieved from <https://edexcellence.net/articles/bricks-without-straw-marylands-essa-accountability-plan>
- Hess, Frederick and Michael J. Petrilli (2006). *No Child Left Behind: Primer*. New York, NY: Peter Lang Publishing.
- Hess, Frederick and Andrew P. Kelly (2011). Introduction. In Fredrick Hess and Andrew Kelly

- (ed.), *Carrots, Sticks, and the Bully Pulpit: Lessons from a Half-Century of Federal Efforts to Improve America's Schools* (1-14). Cambridge, MA: Harvard Education Press.
- Hess, Frederick and Max Eden (2017). Introduction. In Frederick Hess and Max Eden (ed.), *The Every Student Succeeds Act: What it means for schools, systems, and states* (1-12). Cambridge, MA: Harvard Education Press.
- Hess, Frederick and Max Eden (2017a). Conclusion. In Frederick Hess and Max Eden (ed.), *The Every Student Succeeds Act: What it means for schools, systems, and states* (187-198). Cambridge, MA: Harvard Education Press.
- Henig, Jeffrey R., Houston, David M. and Melissa Arnold Lyon (2017). From NCLB to ESSA: Lessons Learned or Politics Reaffirmed? In Frederick Hess and Max Eden (ed.), *The Every Student Succeeds Act: What it means for schools, systems, and states* (29-42). Cambridge, MA: Harvard Education Press.
- Howell, William G., (2015). Results of President Obama's Race to the Top. *Education Next* 15(4). Retrieved from <http://educationnext.org>
- Kingdon, John and James A. Thurber, (2011). *Agendas, alternatives, and public policies* (2nd ed.). Boston: Longman.
- Klein, Alyson (2018, Jan. 19). Betsy DeVos Approved Six More ESSA Plans. *Education Week*. Retrieved from: [http://blogs.edweek.org/edweek/campaign-k-12/2018/01/essa\\_plans\\_more\\_approved\\_by\\_betsy\\_devos.html](http://blogs.edweek.org/edweek/campaign-k-12/2018/01/essa_plans_more_approved_by_betsy_devos.html)
- Manna, Paul (2006). *School's In: Federalism and the National Education Agenda*. Washington, D.C.: Georgetown University Press.
- Manna, Paul (2011). *Collision Course : Federal education policy meets state and local realities*. Washington, D.C.: CQ Press.
- Maranto, Robert and Michael Q. McShane (2012). *President Obama and Education Reform: The Personal and the Political*. New York, NY: Palgrave MacMillan.
- McGuinn, Patrick (2006). *No Child Left Behind and the transformation of federal education policy, 1965-2005*. Lawrence, KS: University Press of Kansas.
- McGuinn, Patrick (2006a). Swing Issues and Policy Regimes: Federal Education Policy and the Politics of Policy Change. *The Journal of Policy History* 18(2): 205-240.
- McGuinn, Patrick, Berger, Larry and David Stevenson (2011). Incentives, Information, and Infrastructure: The Federal Role in Educational Innovation. In Frederick Hess and Andrew Kelly (Ed.), *Carrots, Sticks, and the Bully Pulpit: Lessons from a Half-Century of Federal Efforts to Improve America's Schools* (125-154). Cambridge, MA: Harvard Education Press.
- McGuinn, Patrick (2015). Schooling the State: ESEA and the Evolution of the U.S. Department of Education. *The Russell Sage Foundation Journal of the Social Sciences*, 1(3): 77-94.
- McGuinn, Patrick (2016). From No Child Left Behind to the Every Student Succeeds Act: Federalism and the Education Legacy of the Obama Administration. *Publius: The Journal of Federalism*, 46(3): 392-415.
- Moe, Terry M. (2015). Vested Interests and Political Institutions. *Political Science Quarterly*, 130(2): 277-318.
- Moffitt, Susan (2016). The State of Educational Improvement: The Legacy of ESEA Title I. *History of Education Quarterly*, 56(2): 375-381.
- Nelson, Adam R (2016). The Elementary and Secondary Education Act at Fifty: A Changing Federal Role in Education. *History of Education Quarterly* 56(2): 358-381.
- No Child Left Behind Act of 2001, 20 U.S.C. 6301.

- No Child Left Behind's Successor (2009, Nov. 29). *Wall Street Journal*. Retrieved from <https://www.wsj.com/articles/no-child-left-behinds-successor-1448838727>
- Osborne, Buckman (1965). The Elementary and Secondary Education Act of 1965. *The Clearing House*, 40(3): 190-192.
- Peterson, Paul (1981). *City limits*. Chicago: University of Chicago Press.
- Peterson, Paul (1995). *The Price of Federalism*. Washington, D.C.: Brookings Institution.
- Petrilli, Michael J. and Brandon L. Wright, (2017). *Rating the Ratings: An Analysis of the 51 ESSA Accountability Plans*. Retrieved from <https://edexcellence.net/publications/rating-the-ratings>
- Plunkett, Virginia R. L. (1985). From Title I to Chapter 1: The Evolution of Compensatory Education. *The Phi Delta Kappan*, 66(8): 533-537.
- Pressman, Jeffrey L. and Aaron B. Wildavsky (1973). *Implementation: How great expectations in Washington are dashed in Oakland; or, Why it's amazing that Federal programs work at all, this being a saga of the Economic Development Administration as told by two sympathetic observers who seek to build morals on a foundation of ruined hopes*. Berkeley: University of California Press.
- Reed, Douglas S. (2016). ESEA at Fifty: Education as State-Building. *History of Education Quarterly* 56 (2): 368-74.
- Rhodes, Jesse H. (2012). *An Education in Politics: The Origin and Evolution of No Child Left Behind*. Ithaca, NY: Cornell University Press.
- Rudalevige, Andrew (2011). "Government In a Box": Challenges of Policy Implementation in the American System. In Fredrick Hess and Andrew Kelly (Ed.), *Carrots, Sticks, and the Bully Pulpit: Lessons from a Half-Century of Federal Efforts to Improve America's Schools* (37-60). Cambridge, MA: Harvard Education Press.
- Sanders, C. (2016). "Money Talks": The Elementary and Secondary Education Act of 1965 and the African-American Freedom Struggle in Mississippi. *History of Education Quarterly*, 56(2), 361-367.
- Saultz, Andrew, Fusarelli, Lance D. and Andrew McEachin (2017). The Every Student Succeeds Act, the Decline of the Federal Role in Education Policy, and the Curbing of Executive Authority. *Publius: The Journal of Federalism*, 47(3): 426-444.
- Thomas, Janet Y. and Kevin P. Brady (2005). The Elementary and Secondary Education Act at 40: Equity, Accountability, and the Evolving Federal Role in Public Education. *Review of Research in Education*, 29: 51-67.
- United States, enacting jurisdiction. (2015). *Every Student Succeeds Act*.
- U.S. Department of Education, National Commission on Excellence in Education (1983). *A Nation at Risk: the imperative for educational reform*. Washington, D.C.
- U.S. Department of Education, National Center for Education Statistics (2012). *Number of public school idistricts and public and private elementary and secondary schools*. Retrieved from [https://nces.ed.gov/programs/digest/d12/tables/dt12\\_098.asp](https://nces.ed.gov/programs/digest/d12/tables/dt12_098.asp)
- Visnovskis, Maris A. (2011). The Past is Prologue?: Federal Efforts to Promote Equity and Excellence. In Fredrick Hess and Andrew Kelly (Ed.), *Carrots, Sticks, and the Bully Pulpit: Lessons from a Half-Century of Federal Efforts to Improve America's Schools* (15-36). Cambridge, MA: Harvard Education Press.
- West, Martin (2017). The Case for ESSA: A Proper Balance. In Frederick Hess and Max Eden (ed.), *The Every Student Succeeds Act: What it means for schools, systems, and states* (75-90). Cambridge, MA: Harvard Education Press.

Wolbrecht, Christina and Michael T. Hartney (2014). "Ideas about Interests": Explaining the Changing Partisan Politics of Education. *American Political Science Association*, 12(3): 603-630.

# APPENDICES

**Table 1: Different Measures of Equity in ESSA Plans**

	N-Score	Incorporation of subgroups in school rating	Use of subgroups to identify schools for targeted support
N-score	1.000		
Incorporation of subgroups in school rating	.3921***	1.000	
Use of subgroups to identify schools for targeted support	.2531*	.1398	1.000

Cell entries are pair-wise correlation coefficients.

\* denotes  $p < .10$ ; \*\*  $p < .05$ ; \*\*\*  $p < .01$ .

**Table 2: Milano Equity Index and Bellwether Equity Measures**

	Bellwether Identifying Schools Score	Bellwether All Schools Score	Milano Equity Index
Bellwether Identifying Schools Score	1.000		
Bellwether All School Score	.6315***	1.000	
Milano Equity Index	.5415***	.6995***	1.000

Cell entries are pair-wise correlation coefficients.

\*denotes  $p < .10$ ; \*\*  $p < .05$ ; \*\*\*  $p < .01$ .

**Table 3: Explaining Cross-State Variation in ESSA Plan Equity**

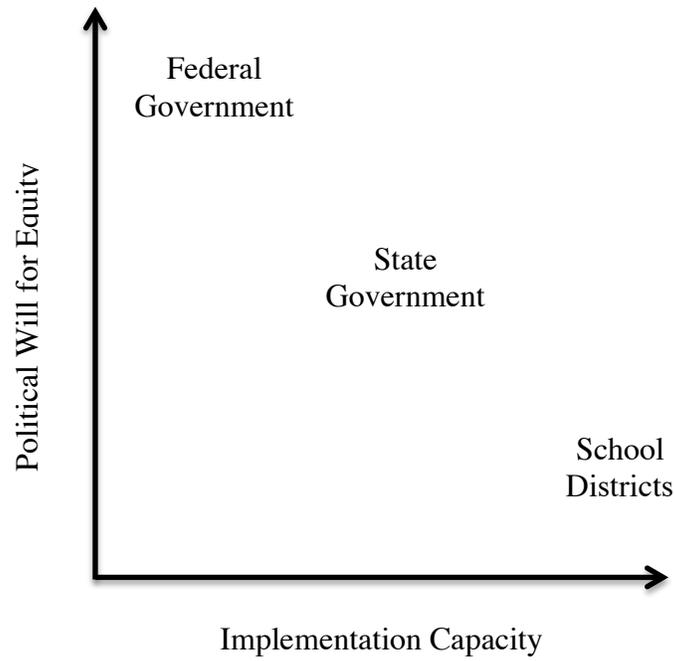
VARIABLES	(1) <i>Index</i>	(2) <i>N-Score</i>	(3) <i>Incorporate</i>	(4) <i>Targeted</i>
Republican gov.	-0.030 [0.864]	-0.221 [0.454]	0.442 [0.426]	-0.251 [0.438]
NCLB n-size	-0.087** [0.035]	-0.026 [0.018]	-0.024 [0.017]	-0.037** [0.018]
Elected chief	1.659* [0.868]	0.359 [0.457]	0.749* [0.428]	0.552 [0.440]
Citizen ideology (conservative)	-0.001 [0.064]	-0.003 [0.034]	-0.002 [0.031]	0.003 [0.032]
Percent white	0.057 [0.035]	0.017 [0.019]	0.015 [0.017]	0.024 [0.018]
Percent poor (lunch)	0.062 [0.061]	0.008 [0.032]	0.031 [0.030]	0.024 [0.031]
Racial gap	-0.051 [0.125]	0.003 [0.066]	-0.059 [0.062]	0.005 [0.064]
Poverty gap	0.462*** [0.164]	0.082 [0.086]	0.227*** [0.081]	0.154* [0.083]
Fail under NCLB	-0.015 [0.019]	-0.008 [0.010]	-0.007 [0.009]	0.000 [0.010]
Percent federal revenue	-0.127 [0.203]	0.075 [0.107]	-0.089 [0.100]	-0.113 [0.103]
Satisfied with local schools (poor)	6.494* [3.495]	1.795 [1.838]	2.622 [1.722]	2.077 [1.773]
Satisfied with local schools (rich)	-7.180** [2.791]	-1.955 [1.468]	-2.486* [1.375]	-2.739* [1.416]
Constant	0.637 [8.753]	1.515 [4.604]	-2.269 [4.312]	1.391 [4.440]
<i>N</i>	47	47	47	47
R-squared	0.352	0.189	0.272	0.275

N = 47 for all models.

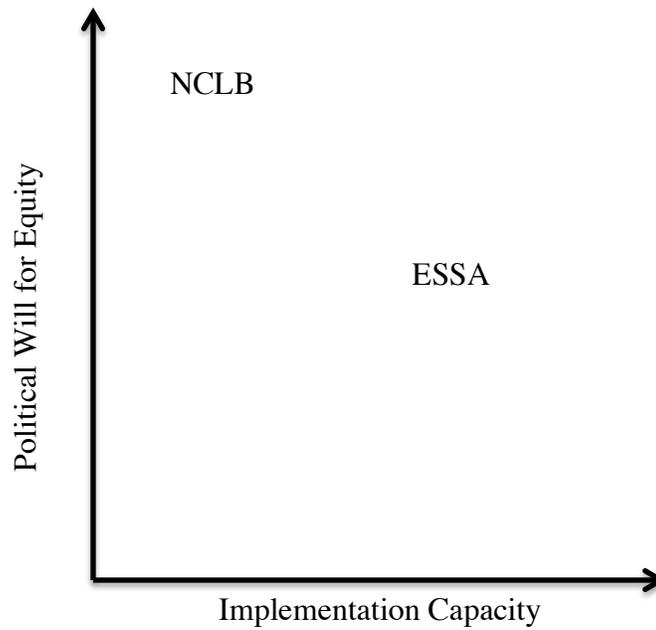
Dependent variable (ESSA application score on given item) listed above each column.  
Cell entries are OLS regression coefficients; standard errors reported underneath in brackets.

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1 (two-tailed test)

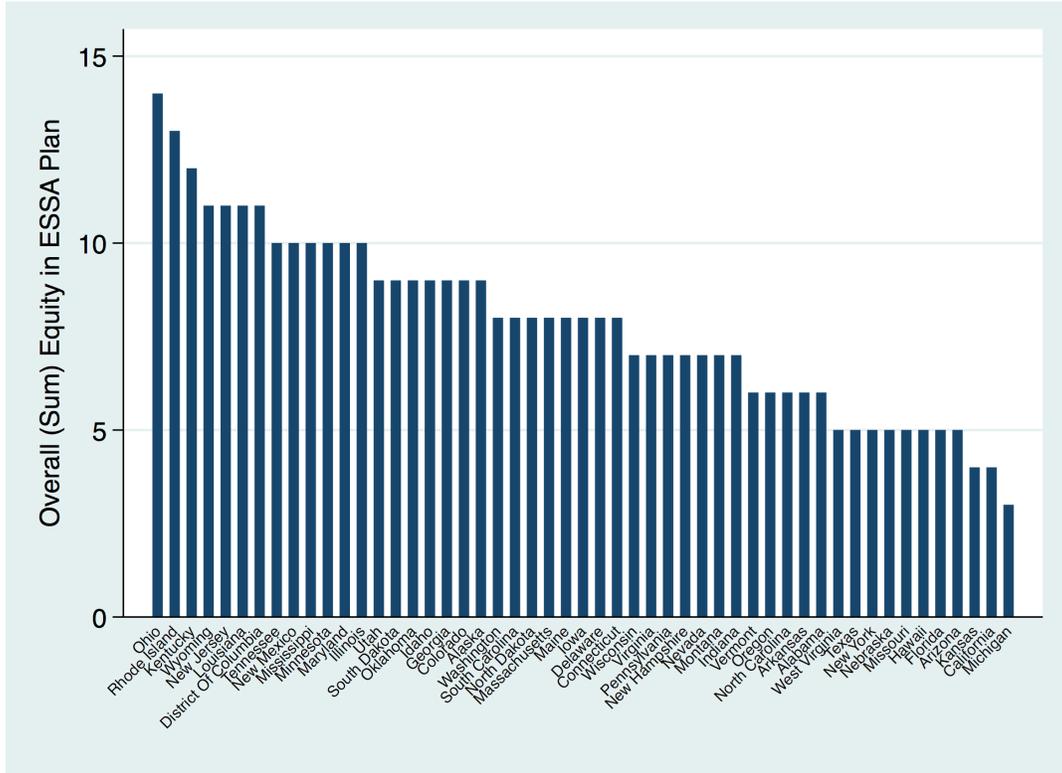
**Figure 1: Theory of Policymaking Constraints**



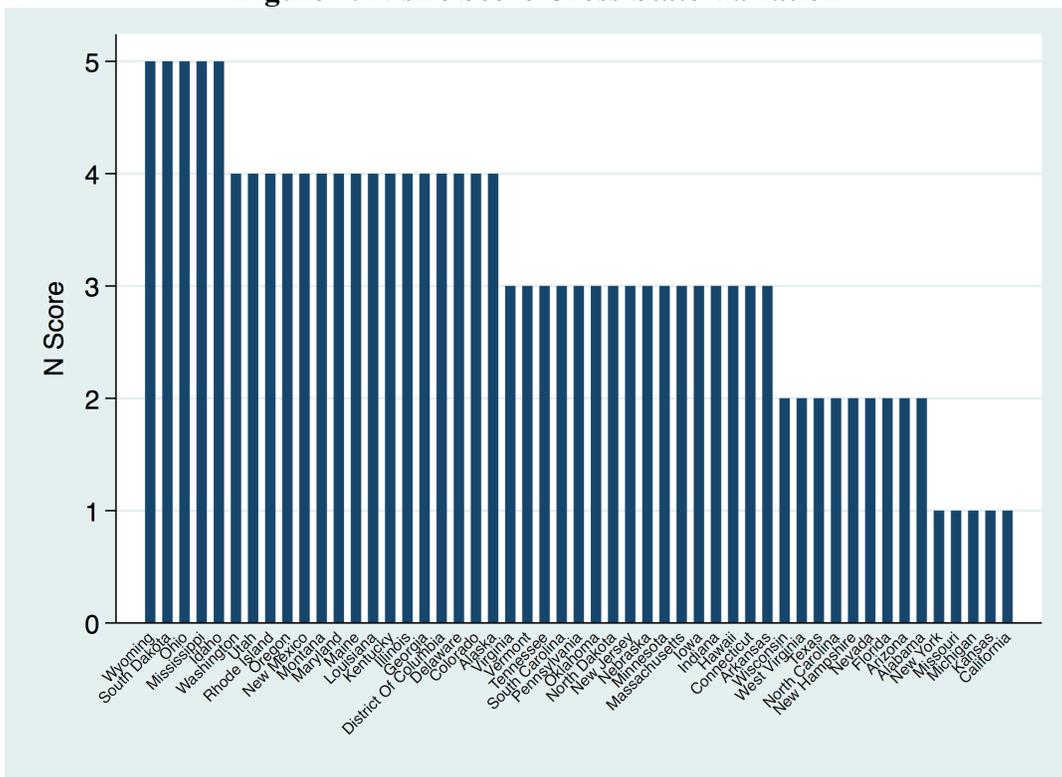
**Fig. 2: Theory of Policymaking Constraints Applied to NCLB and ESSA**



**Figure 3: Sum Score on Milano Equity Index Cross-State Variation**



**Figure 4: N-size Score Cross-State Variation**





**Appendix A:**

<b>N-Size</b>	
<b>Score</b>	<b>Reasoning</b>
1	Inadequate information or n-size of 30+
2	N-size of 20-25
3	N-size of 15-20 but hiding subgroups
4	N-size of 10-25 but hiding subgroups, or n-size of 20 promoting inclusion of subgroups through the use of multiple years of data
5	N-size of 10-15 promoting inclusion of subgroups through the use of multiple years of data

<b>Incorporation of subgroup achievement in annual school rating</b>	
<b>Score</b>	<b>Reasoning</b>
1	Inadequate information or complete lack of incorporation
2	Reporting subgroup scores on annual report card but not incorporating into annual school rating
3	Incorporating student subgroup scores indirectly or at a very low weight
4	Incorporating student subgroup scores directly and at a medium weight
5	Incorporating student subgroup scores at a high weight

<b>Inclusion of subgroup achievement in identifying schools for targeted support</b>	
<b>Score</b>	<b>Reasoning</b>
1	Inadequate information or does not meet ESSA minimum requirement
2	ESSA minimum requirement but with a drawback
3	ESSA minimum requirement
4	Expands inclusion beyond ESSA minimum requirement
5	Exemplary requirements above and beyond ESSA minimum requirement

**Appendix B: Raw Data**

	N-SIZE	INCORPERATION OF SUBGROUPS IN ANNUAL SCHOOL RATING	USE OF SUBGROUPS IN TARGETED SUPPORT	SUM
	SCORE	SCORE	SCORE	SCORE
ALABAMA	2	1	3	6
ALASKA	4	3	2	9
ARIZONA	2	2	1	5
ARKANSAS	3	1	2	6
CALIFORNIA	1	1	2	4
COLORADO	4	1	4	9
CONNECTICUT	3	3	2	8
DELAWARE	4	2	2	8
DISTRICT OF COLUMBIA	4	4	3	11
FLORIDA	2	2	1	5
GEORGIA	4	3	2	9
HAWAII	3	1	1	5
IDAHO	5	2	2	9
ILLINOIS	4	4	2	10
INDIANA	3	1	3	7
IOWA	3	1	4	8
KANSAS	1	2	1	4
KENTUCKY	4	3	5	12
LOUISIANA	4	2	5	11
MAINE	4	1	3	8
MARYLAND	4	2	4	10
MASSACHUSETTS	3	2	3	8
MICHIGAN	1	1	1	3
MINNESOTA	3	3	4	10
MISSISSIPPI	5	3	2	10
MISSOURI	1	1	3	5
MONTANA	4	2	1	7
NEBRASKA	3	1	1	5
NEVADA	2	1	4	7
NEW HAMPSHIRE	2	3	2	7
NEW JERSEY	3	5	3	11
NEW MEXICO	4	3	3	10
NEW YORK	1	2	2	5
NORTH CAROLINA	2	2	2	6
NORTH DAKOTA	3	1	4	8

OHIO	5	5	4	14
OKLAHOMA	3	4	2	9
OREGON	4	1	1	6
PENNSYLVANIA	3	1	3	7
RHODE ISLAND	4	4	5	13
SOUTH CAROLINA	3	3	2	8
SOUTH DAKOTA	5	3	1	9
TENNESSEE	3	4	3	10
TEXAS	2	2	1	5
UTAH	4	3	2	9
VERMONT	3	1	2	6
VIRGINIA	3	1	3	7
WASHINGTON	4	1	3	8
WEST VIRGINIA	2	1	2	5
WISCONSIN	2	2	3	7
WYOMING	5	3	3	11

### Appendix C: Descriptive Statistics

Variable	Mean	Standard Deviation	Minimum	Maximum	Data Source
Sum Score	7.84	2.44	3	14	(1)
N-size	3.13	1.13	1	5	(1)
Incorporation of subgroup achievement in annual school/district rating	2.18	1.16	1	5	(1)
Use of subgroup achievement in identifying schools for targeted support	2.53	1.14	1	5	(1)
Gubernatorial Control	.68	.47	0	1	(2)
N-size under NCLB	31.29	11.89	5	50	(3)
Elected status of state education chief	.29	.46	0	1	(4)
Percentage of state identifying as conservative	42.39	8.57	14.45	56.57	(5)
Percentage of white students	57.82	19.44	10.23	90.97	(3)
Percentage of students eligible for free or reduced lunch	48.93	9.89	26.90	71.70	(3)
Racial Gap	21.17	6.12	11	47	(3)
Poverty Gap	22.22	4.10	16	39	(3)
Percentage of schools failing to meet AYP under NCLB	46.61	21.68	7	91	(3)
Percentage of federal revenue received for education	9.30	2.68	4.24	15.29	(3)
School satisfaction in the poorest tercile	3.26	.25	2.48	3.84	(3)
School satisfaction in the richest tercile	3.50	.31	2.50	4.13	(3)

Data Sources:

- (1) Milano Equity Index
- (2) National Governor's Association
- (3) National Center for Education Statistics (NCES)
- (4) Council of Chief State School Officers (CCSSO)
- (5) Enns and Koch (2015)