

# **The States' Impact on Federal Education Policy Project New Perspectives on Research and the Historical Record**

## **Introduction to Conference Objectives and Scope**

**Gordon M Ambach, April 24, 2008**

*Note: This is an advance welcome to our conference. We are delighted you have registered and look forward to seeing you on May 8-9, 2008, at the Holiday Inn Capitol in Washington. Through this conference we seek your thoughts and advice. We have structured the sessions to enable maximum time for interaction among all participants, and, therefore, are providing advanced material to limit oral presentations and help you prepare for participation in the discussions of these important issues in federal education policy.*

*Our topic is large and complex. This Introduction provides a background for our approach to the topic, the selections of subjects chosen to illuminate the approach, and what is included and not included in the project scope. The full Introduction will not be presented at the Conference; we expect you will have read it before the event begins.*

### **Conference Objectives**

We are pleased you have committed this day to share your thoughts on several important issues of federal education policy. Our interest is in examining the *design of education federalism* in the United States as it has been shaped and reshaped over the past five decades through a series of acts intended to improve opportunities and performance for elementary and secondary students. We approach the developments in education federalism from the perspective of the states, analyzing how their actions—or inactions—have impacted changes in federal policy. We believe this perspective offers promise for better understanding of why and how the various designs of education federalism have been created, the relative effects of these designs on student and system performance, and how analyzing these effects might inform future changes in federalism design.

The objectives for our gathering are threefold:

1. To raise concern about why the design of education federalism is so critical for effectiveness of future national actions to improve education;
2. To promote accessible archiving of past records, including oral accounts, of states' impacts on federal policy and to establish organizational guides for good record keeping going forward;
3. To identify promising paths of research with these records and other sources that will inform future design of education federalism.

## ***Working Definitions***

We are using two key terms that need working definitions for our discussion.

*Education federalism or federalism in education:* These terms refer to the design of institutional relationships for education authority and responsibility that are assigned to the national, state, and local levels of government by a federal government action. The design usually includes purposes and objectives of the action; requirements (mandates) and nature of supports such as formula operating aid, discretionary funds, research and development support, professional development and technical assistance; eligibility of recipients; and specific assignments of responsibility at the three levels.

*States' impact:* This term refers to one or more of the several ways in which states' actions or inactions influence federal policy. The actions might include states' educational policies or practices that serve as models for federal programs; advocacy of programs or provisions, either as individual states, organizations of states, or in alliances with other advocates; pushback by states during program implementation that leads to changes in regulation or reauthorizations; or influence of federal officials with former experience in state leadership. Examples of inaction would include failure to desegregate racially segregated schools; to provide services for students with disabilities; to provide services for limited English proficient/English language learners; or to support necessary research to improve practice.

## ***Why is it important now to focus on education federalism?***

The design of education federalism establishes the relative magnitude of authority and influence in education policy and practice for each level of government. The design sets expectations for obligations and contributions each level will make to improve student performance. The design includes strategies for the nationwide provision of education on objectives such as the uniformity versus flexibility or variation of system operation, the span and focus of equitable opportunity, and the willingness of decision makers at each of the levels to sustain long-term commitment to services and to provide revenues for them.

During the past five decades, changes in the global economy, international conflict and security, communication, development and transmission of knowledge, environment and other areas has accelerated motivation to address problems in the United States, including education deficiencies, through national action. The global pressures of international competition and conflict resolution are increasing, with no change in the trend expected. Political momentum will be in the direction of national solutions for education problems which have been historically the primary responsibility of state and local government. It is essential that such solutions be designed with well developed research to inform use of the most effective combinations of national, state, and local capacities and resources and to inform the assignments of intergovernmental administrative responsibility. The solutions must be better informed by close analysis of the experience in our country, and in other countries, with the effectiveness of different designs of education federalism.

In the United States, such designs for federalism must take into account two key current factors: first, primary responsibility for elementary and secondary education is assigned to the states and their local subdivisions; and, second, 90 percent of all revenues for elementary and secondary education in the United States as a whole is provided by states and localities. The national government is a one tenth funding partner. These factors can be changed to meet challenges of the international context; the likely consequences of such changes require intense analysis.

During the past five decades, there has been significant variation in design of education federalism among the federal acts. The several reauthorizations of the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Education Act (IDEA), Goals 2000: Educate America Act, the professional development acts, and the Telecommunications Act-E-Rate, for example, have different designs. The record of national impact on state and local practice and policy is considerable. But, the record of how state or local action has had an impact on federal policy is thin. The states' impacts—their intentions, successes, and failures on influencing policy—and the efficacy of student results from federal programs related to these impacts are not well documented or analyzed. The experiences of changes in state policy and practice under these several federal acts in fifty states over several decades, and the understanding of inter-relationships between the national and state governments for administering these acts, offers a most valuable source to inform future design of federalism—if the records are made accessible and a research agenda stimulated and supported.

### ***Topic Focus and Limits***

We are working on a very large and complex canvas labeled “federal education policy.” In order to make the work of our project and the scope of this conference manageable, we have bounded the effort in three ways.

1. **Elementary and secondary education.** Only the role of post-secondary education in research on learning and school practice and the provision of professional preparation and further development of elementary and secondary personnel are included.
2. **Executive and legislative actions.** The federal judiciary has a profound impact on elementary and secondary education and the records of court proceedings and decisions, as a part of overall federal policy and actions, are substantial and accessible. Our attention is on the archival and research agenda directed toward the records of executive and legislative actions. Therefore, while our scope does include legislative and executive actions taken in accordance with court determinations requiring strategies for enforcement and/or support, we do not address judicial actions more broadly.
3. **Intergovernmental relationships between the state and federal levels.** Education federalism, of course, includes the relations among all three levels—national, state, and local (district and school). Our resource and expert limitations

have necessitated concentration on the state-federal relationship in launching this work. We encourage others to supplement the efforts of this project with a comparable approach from the perspective of local impacts on federal policy.

It is also important to note that when this project was organized four years ago, the focus was not specifically on reauthorization of ESEA. The scope was, and remains, the full range of federal programs for elementary and secondary education. In planning this conference one and a half years ago, our expectation was that the current ESEA reauthorization would be completed before this meeting. That action is still pending and, therefore, a session on issues of reauthorization related to the conference topic has been added. The project has not developed a specific set of proposals for the reauthorization, nor does it intend to do so. Individuals connected with the project may have their own positions and state them at the conference, but their statements do not represent a “project position.”

### ***About The Conference***

This Conference is part of a project entitled States' Impact on Federal Education Policy, which is under the leadership of the New York State Archives and state archivist, Christine Ward, and funded through the Wallace Foundation Special Projects Fund. On the project website, [www.sifepp.org](http://www.sifepp.org), you can find a description of the origin, mission and organization. You can also gain access to guidance for states, organizations or individuals about archiving materials related to the topic and see resource guides, including a history of the period, and bibliographic references for research on the topic. The project is privileged to have strong cooperation with the National Archives and the personal advice of national archivist, Dr. Alan Weinstein.

As noted above, the first conference objective is to generate stronger commitment in the education and archival policy communities to focus on both short- and long-term issues of education federalism and support continuing inquiries that will inform policymakers on decisions about future designs. Toward this objective, the conference presents sessions on a conceptual approach to a research agenda and examples of topics that might be pursued.

We hope all participants sense the importance of grounding this project in the experience and capacities of leading archival experts and organizations. We encourage each state, and each organization representing states' interests, to take steps for archiving its records of positions and actions that impact education federalism. We also urge states and national organizations representing states, or having particular interest in states' impacts, to establish protocols for record preservation going forward.

In most states, records that are related to the federal role in education primarily include reports on the expenditure of federal funds and student results. In addition to these reports, states should be archiving records of their relations with the national government, position papers, events and correspondence through which they have tried to influence

federal policy, comments on ways the federal programs have had effect on state policies and practices, examples of their own program initiatives that have served as models for federal programs, and comments on their experiences in implementing federal programs.

Research on states' impacts sometimes centers on a single state; more often the scope is a sample of states or all states. Major impedances for such research include lack of state records' availability and accessibility, and the lack of common terms and topical organization of records which might be used among states. Both are important for comparative studies among states. Our project is helping to overcome these problems by providing draft protocols and taxonomies, and identifying particular periods of federal actions around which to set priorities for archiving states' records.

Our interest in promoting preservation of the records is the flip side of the second conference objective to encourage research organizations and analysts to mine the states' records for lessons learned about effects of various designs of education federalism. The demand for use of materials and the supply of records must be generated simultaneously. Your advice is sought on shaping a compelling research agenda and stimulating fresh analytic energy to lead the studies.

Efforts on this objective have been guided from the beginning of the project by an exceptional group of advisors. They have served either as leaders in the developments of education federalism over the past decades or as analysts of that development, or both. Those having key roles in the conference as moderators and discussants are Christopher Cross, Margaret Goertz, Carl Kaestle, Lynn Olson and Patricia Sullivan. Together with Jack Jennings, Tom Mills, Glenda Partee, Josué Gonzáles, Lawrence Gloeckler, and Wayne Riddle, they have provided extraordinary insights in designing the project scope and the content of this conference.

### ***What to Expect in the Conference***

As you can see in the conference roster, we have a range of participant backgrounds and positions from state and national levels. Joining together are researchers, practitioners, advocates, archivists, and persons in the media—each having a potentially important personal and organizational role in realizing conference objectives. At your discussion tables, you will find a cross-section of positions and perspectives, an indication of the range of talents and perspectives for this work. We are especially pleased to welcome 13 doctoral candidates and post-docs in early career stages as rising experts at several leading universities. They are participating as SIFEPP Fellows thanks to a special Spencer Foundation grant. We urge you to get to know them and encourage them to include some aspect of the conference topic in their career portfolio.

We meet first in the evening of May 8 for a time for seeing colleagues, making new acquaintances, and starting conversation on the conference's issues. No formal presentations will be made. We hope for some good buzz about your expectations for the sessions Friday and for your personal “take home” from the gathering. Refreshing drinks and heavy hors d'oeuvres are offered for sustenance. We meet through the day May 9 in

four sessions which are planned to open ideas for paths of inquiry. They are not for presenting reports or project results.

Our first session with Lorraine, Carl, Jeffrey and Kathryn sets the historical context for describing and assessing the changes in federal policy and federalism in education. Guided by Lorraine's paper, the session will review the trajectory of state and federal policies through the five-decade development of national education objectives addressed by separate federal acts; the shifts in relative responsibilities of national, state and local governments under these acts; the states' impacts on changes in education federalism; and, the ways these impacts should be analyzed as part of the politics and "cycles of policy feedbacks" that have shaped successive federal enactments. Panel comments will lead to table and plenary discussions about the research needed to inform policymakers on design of future institutional relationships that enable more effective links between policy goals and the organizational capacities of national, state, and local governments.

The second session with Marshall, Lynn, Marguerite, and Carmen then offers the case study of the rise of standards, assessments, and accountability, which showcases a particular strategy for reform as incorporated within several different designs of education federalism. The strategy is of particular importance for the education of economically and educationally disadvantaged students and of students who are Limited English Proficient/English Language Learners. The concepts of standards-based reforms were developed in several states and, then, incorporated in several federal actions during the 1990s and early 2000s. The session will consider the relative effects on states' policies and performance caused by the incorporation of different components of standards-based reforms in the several federal acts, and how their use might be more effective. Examples of research and reporting on these effects will be considered, as well as a comparison of the experiences with using standards in other countries having federal structures. An additional example of the effects of these federal acts on the education of students who are Limited English Proficient/ English Language Learners will be taken up. The potential of other major federal interventions in research and technology innovation will be advanced.

Following lunch, the third session with Tom, Christopher, Margaret McLaughlin, and Sandra takes up a second case study of improving education opportunity for students with disabilities. The case starts in the mid-1970s with enactment of PL 94-142, which incorporated concepts from laws in several states and addressed the absence of statutes in other states. It continues through to the transformation of the law into IDEA in the 1990s and the connection of IDEA with required rates of student performance, accountability and sanctions of NCLB in 2002. The states' impacts, both actions and inactions, related to the several laws will be reviewed. Of particular interest are the changes in relative responsibilities of national, state, and local governments for mandates and support strategies for the education of these students. Both positive and unintended consequences will be considered. Also discussed will be lessons from the three decades of experience to inform a design of education federalism that more effectively builds organizational capacity to improve student success.

The concluding session will open with a panel of Margaret Goertz, Patricia, Christopher, and Gordon summing up significant and recurrent participant comments on the implications of the project for future legislative action, including the pending ESEA reauthorization. The floor will then be opened for comment on the points summarized and added points on future legislation. Comments will be recorded for the conference proceedings and participants invited to send post-conference thoughts on legislation or other aspects of project work.

In order to enhance the understanding of all conference participants about recommendations advanced for change in ESEA, or other statutes, we urge those making the suggestions to state briefly both the problem and the proposed change, both the “from what” and “to what.” We encourage speakers to note, if appropriate, how a proposed change might be informed by the approaches to analyzing education federalism discussed at the conference.

We have a full day planned. We need your thoughts and comments and look forward to the discussions.

### ***Special Thanks***

Kathleen Roe, our project coordinator at the New York State Archives, will close out our session at the end of the day. I would like take the opportunity to conclude my introduction by acknowledging the New York Board of Regents, Commissioner of Education Rick Mills, Deputy Commissioner for Cultural Education Carole Huxley, and all of our colleagues in the State Archives who have offered several years of support and assistance for the Project. I also would like to add a special recognition of the National Archives staff and the personal participation of the national archivist, Dr. Alan Weinstein, in the work of this project. Dr. Weinstein and colleagues have opened their offices for our meetings, provided guidance on our project, and encouraged cooperative state and national level archiving to enhance research in an unprecedented way.