The States have always been central to the American public school systems, and they have been sharply expanding their authority over local school districts since the 1980s. The states adopted education reforms that increased course requirements (especially in science and math), mandated uniform testing, and put in place higher teaching standards. A number of states also experimented with takeovers of schools and districts that were falling behind.

Then in 2002 along came the No Child Left Behind (NCLB) Act, which constituted a huge expansion of federal authority over the schools. However, NCLB relies on state education agencies to carry out its mandates to produce massive improvement in educational outcomes for all groups of students. NCLB makes the states responsible for defining student proficiency, and if schools or districts fall behind the increasingly demanding standards, as a great many have done, the law directs the states to take action to improve outcomes and grants them sweeping powers over local schools and districts.

All states are now required to accomplish goals that none have ever met, and they have been given very little money to do so. If the law is to be extended, it is vital that Congress define a role for states that is feasible and give them reasonable resources and sufficient discretion to carry it out. We do not say this because we oppose the exercise of federal power. Federal action against discrimination, for example, has been essential. But we believe NCLB can work to produce more equal and effective schooling only if it makes sense to educators and provides the necessary resources. If Congress were to require the states to end all pollution within a decade, regardless of huge technological and economic barriers, and sought to drive that change only by imposing sanctions with very few additional resources, the plan would ultimately mean very little and would probably breed considerable cynicism.

NCLB was built on the assumption that state education agencies have the capacity to implement all of the requirements called for in the law. It also assumes that states have the capacity to provide the support and technical assistance necessary to help low-performing schools and districts bring all students to the proficient level on state tests. Supporters of the law argued that federal policy would leverage the way states allocate resources and would create the professional and political incentives for states to marshal the resources.

Do States Have the Capacity to Meet the NCLB Mandates?

Ms. Sunderman and Mr. Orfield explore the states’ responses to NCLB and assess the likelihood that state education agencies will be able to meet the law’s demands with their current knowledge and resources.

By Gail L. Sunderman and Gary Orfield

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necessary to respond to the accountability directives. The law itself provided only modest resources and paid scant attention to how the state role would need to change if such ambitious goals were to be achieved.

Our research in six states shows that state administrators took the law very seriously and largely succeeded in implementing its demanding data-collection and testing requirements. But when confronted with the much more difficult goals of ensuring large-scale educational change and providing support to low-performing schools, the states were much less adept, their history of success in such efforts was limited, and the new resources available were small.

Under NCLB, the states were required to develop testing systems that few liked; to collect and publish sensitive racial and ethnic data; to brand schools as failures on the basis of congressional, not state, criteria; to demand levels, timing, and uniformity of educational progress that were unprecedented; to force dramatic educational change; and to implement drastic sanctions and interventions against many schools and districts. For relatively small agencies that generally work on distributing resources, collecting data, and ensuring compliance with laws much less coercive than NCLB — and usually in a climate of professional collaboration — these were drastic changes.

If the modest federal share of school spending could actually leverage such vast reforms, it would represent a fundamental change in the development of the nation’s most visible and important public institutions. Should the effort fail, however, because the states prove unable to implement the changes owing to lack of capacity, conflict over goals, or the intrinsic unworkability of the changes demanded, there will be serious consequences for the future of educational federalism, for the future of the state agencies, and for the public debate about education reform. So far, NCLB is falling far short of its goals.

Historically, state agencies developed the expertise, capacity, and bureaucratic structure to funnel state and federal funds to local districts and to propagate the regulations needed to monitor education. As federal aid to public schools increased, state departments took on a larger role in funneling money to local districts and became responsible for monitoring and enforcing the federal requirements.

With the passage of the Elementary and Secondary Education Act of 1965, federal officials relied on the states to provide an organizational structure to administer federal funds, to monitor implementation of the law’s requirements, and to divert attention away from criticisms of federal control. Moreover, the reform movements of the last four decades of the 20th century — the school finance movement of the 1960s and 1970s and the standards movement of the 1980s and 1990s — also substantially strengthened the state role in funding and regulating education. While complying with these regulations was demanding, districts still retained considerable discretion over implementation and instruction.

NCLB, however, expects all state education departments — which range from offices with extensive staffs in the largest states to modest operations in the smallest and poorest — to achieve unprecedented educational progress and implement sanctions that will require deep interventions in thousands of schools. Most demanding for states is ensuring that all students — and all subgroups — meet the state’s proficiency goals. The law requires states to “establish a statewide system of intensive and sustained support and improvement for local educational agencies and schools” that have been identified for improvement. Requiring states to intervene and bring about change in schools and districts means that state departments need a very different kind of expertise than that required to monitor activity or funnel funds to local districts. The law is very specific about what states must do, but the resources provided have been limited at best. While the law authorizes a separate program for school improvement, the federal government has never appropriated funds for it.

In the years leading up to the passage of NCLB, state efforts to provide support for school improvement or to intervene directly in schools and districts were limited and not very effective. When it came to developing programs to help low-performing schools, states typically kept their programs at a manageable level or scaled them back over time. To ensure that state agencies were not overwhelmed, state intervention leveled off at 2% to 4% of the total number of schools. Many of these schools and districts experienced no major breakthroughs in educational achievement. Given that the percentage of schools identified as needing improvement under NCLB in 2006 was as high as 30% or 40% of schools in some states, a huge capacity gap has become apparent.
the most ambitious goals of large-scale, drastic educational intervention that would produce fast and consistent gains, the law provided often absurdly small amounts of money and staffing. And since the previous experience of the states in dealing with much smaller numbers of schools and districts was usually deeply disappointing, administrators postponed facing these problems in favor of tackling those they might actually be able to solve.

For states to develop the capacity to implement anything like NCLB’s requirements is going to take more than a massive infusion of resources. It will also require a restructuring of how state education agencies function and the development of new expertise in areas where state agencies have not operated before, areas that have typically been left to other levels of the education system. We found that many state officials did not see school intervention as an appropriate role.

Since state agencies traditionally rely on regulatory mechanisms to control education, they lack the expertise to intervene effectively in schools and districts. Moreover, state agencies do not have the organizational networks that would facilitate a cooperative relationship between state and local authorities. States have largely continued to use the conventional approaches to implementing Title I rather than avail themselves of the new powers that they have under NCLB. The revolution begun by NCLB may be remembered as an experiment that resulted in massive data collection and better information systems — but very little educational gain and high political costs. Ultimately, such an outcome could lead to a serious reexamination of the division of authority and more reliance on research showing what is actually needed to substantially improve education in impoverished schools.

Congress can begin to address the challenge of limited state capacity by undertaking a realistic assessment of how the state role needs to change if the states are to implement the federal mandates and bring about substantial educational progress. Congressional oversight is needed to determine if the deadlines, performance targets, and data requirements mandated by NCLB are helping and, if not, to determine what models could better provide the help low-performing schools need to improve.

At the same time, we need a serious, independent, federally funded analysis of what it takes in administrative and financial resources for states to have a reasonable chance of turning around low-performing schools. This analysis should also consider the role states should play in this effort, the level of resources necessary for a given number of low-performing schools, the record of those states with a history of such interventions, the probability of failure, and the length of time needed for schools to improve and to sustain that improvement.

If state intervention in schools is to have any chance of succeeding, additional resources for school improvement will surely be needed. One way to meet this goal is to give state and local officials control of the 20% set-aside targeted for supplemental educational services and student transfers, two interventions with little or no research documenting their effectiveness and with obvious implementation problems.

Finally, Congress should request a study of the views of state and local educators and researchers with regard to the appropriate mix of assessments, sanctions, and rewards, along with an appropriate time frame for producing greater gains in schools that initially show weak results.

While there is much that needs to be changed in NCLB, adopting these recommendations would begin to provide a realistic assessment of state capacity to implement the federal mandates. At the same time, it would create the knowledge base to enable us to understand how to improve performance in persistently low-performing schools.

2. No Child Left Behind, 2002, Sec. 1117(a)(1).
3. The other mechanism, a set-aside that allows states to reserve 1% of their Title I funds for administration, is insufficient and reduces the funding that is available for other Title I activities.
4. See Heinrich Mintrop, “Low-Performing Schools Programs and State Capacity Requirements: Meeting the NCLB Educational Goals,” paper presented at NCLB Key Issues: Reforming Adequate Yearly Progress and Evaluating State Capacity, a roundtable co-sponsored by the Civil Rights Project at Harvard University and the Chief Justice Earl Warren Institute on Race, Ethnicity, and Diversity at the University of California, Berkeley, School of Law, Washington, D.C., November 2006.
5. An analysis by Education Week showed that 17% of schools nationwide were identified for improvement in 2005-06. State percentages ranged from a low of 2% of schools in Wisconsin to a high of 60% in the District of Columbia and 61% in Hawaii. See Lynn Olson, “As AYP Bar Rises, More Schools Fail: Percent Missing NCLB Goal Climbs amid Greater Testing,” Education Week, 26 September 2006, pp. 1, 20.