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FEDERAL INVOLVEMENT IN K-12 EDUCATION

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The following issue brief provides an historical overview of the ways the federal government has participated in K-12 public education. The U.S. Constitution makes no specific mention of public education, and the individual states have reserved specific authority over education as a power granted to them by the 10th Amendment.

Development of State Systems. Early education reformers called for publicly funded schools, and later, compulsory and free education. Early federal law encouraged new territories to establish schools, and as territories sought statehood, to include public education in their proposed constitutions. At this point, local control of education was valued universally. Subsequently, the states developed varied systems of organization, which included different levels of governance, such as state boards of education, education departments, local boards, superintendents, and school districts.

1951 to 1980. Following the launch of SPUTNIK by the Soviet Union in 1957, Congress sought increased levels of science, math, and foreign language instruction. The National Defense Education Act (1958) approved funding to promote these specific educational programs. The emerging civil rights movement also focused federal attention on education. The landmark Supreme Court decision of *Brown vs. Topeka Board of Education* (1954) and the subsequent forced integration of segregated schools was a federal response to equity issues in public education. Although these federal actions clearly involved education, the policy origins were national defense and civil rights. Education had not yet come into the federal agenda as a unique policy area.

In 1965, Congress passed the Elementary and Secondary Education Act (ESEA). The principal program in ESEA is Title I, providing funding for supplemental services to low-achieving students in high-poverty schools.

By equalizing opportunity for poorer students, the law aimed to improve academic achievement. Until the mid 1990s, the act's focus remained committed to supplementing educational programs in high-poverty schools; however, additional provisions were also added as the act was updated. For example, Title II provides funds to improve teacher quality, and Title III provides funds for English language learners. On average, the ESEA is reauthorized every six years; however, the last reauthorization was in 2002.

In addition to improving educational opportunities for poor students, the federal government also addresses the education of students with special needs. The Individuals with Disabilities Education Act (IDEA), is the second largest federal investment in education after Title I. Originally passed in 1975 (renamed IDEA in 1990), the act arose out of judicial decisions holding that states must provide a free and appropriate public education to disabled children. Under IDEA, districts must provide special-needs students with a beneficial educational program individualized to each student's unique needs and delivered within the context of the general curriculum and established grade-level expectations.

1980 to 2000. During the 1980s, the federal government sought to reduce its role in public education. For example, the federal government consolidated categorical programs in ESEA into various block grants. Categorical program funds may be used only for narrowly defined purposes, whereas block grants are fixed sums given to the state, allowing state governments greater flexibility in designing programs, and removing some restrictions that were otherwise tied to federal funding.

In 1983, an influential report touched off a wave of local, state, and federal education reform efforts, warning that the education system was failing to meet the needs of

a competitive workforce.¹ The report made several recommendations, including a call for schools to adopt more rigorous and measurable content standards and to set higher expectations for student achievement.

In 1988, the National Governors Association sponsored America 2000, a federal/state education summit that generated broad education goals. Those goals found expression in 1994 with the reauthorization of ESEA as the Improving America's Schools Act (IASA). IASA was the first reauthorization of ESEA to link Title I relief with required academic standards and summative assessments to measure proficiency. Adopting key features of the standards-based education movement, the law called for states to create content and performance standards in mathematics and language arts and to test students in these areas. The law also required states to define three levels of performance standards — proficient, partially proficient, and advanced — and to use the same standards and assessments for all Title I students.

IASA required that states develop a system to track progress toward improving levels of student proficiency. This measure, known as Adequate Yearly Progress (AYP), assigned accountability for improvement to the schools directly. Previous accountability standards under ESEA were assigned to the state. IASA took the novel approach of shifting that assignment to the school level, hoping to drive improvement. The measure of AYP under IASA was left to states to define, and numerous variations emerged. The innovations introduced in IASA framed future debate over the reauthorization of ESEA in the new millennium.

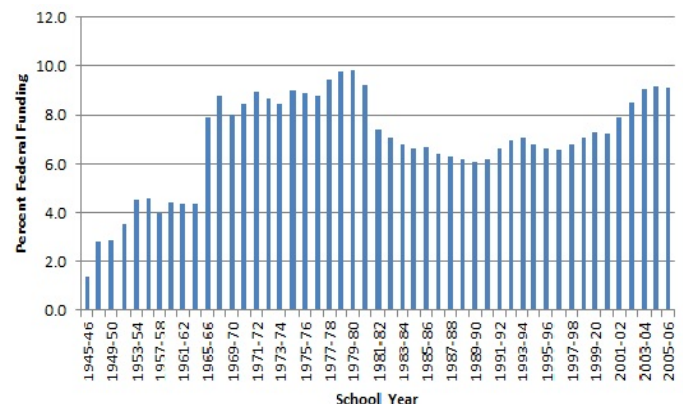
2000 to present. ESEA was reauthorized in 2002 as the No Child Left Behind Act (NCLB). The law contains many provisions, chief among them a requirement that states administer annual standardized tests, collect and report test scores by school, separate data by subgroups of students, and impose corrective actions for schools that fail to make AYP toward proficiency on state tests and meet graduation rate targets. Specific requirements for how states defined AYP were also included in the reauthorization. By 2014, the law requires that all students

test proficient in their grade level for language arts and math. The law's other main provision is the requirement that states employ only "highly qualified" teachers, i.e., licensed professionals with demonstrated subject competency.

ESEA has been scheduled for reauthorization since 2007. In 2011, the U.S. Department of Education invited state education agencies to request waivers from the law's approaching deadlines, and to seek flexibility in order to better focus on student achievement. Roughly half the states, including Colorado, have received waivers for key provisions of the act. Generally, the waivers allow states to evaluate if students graduate from high school career- or college-ready, rather than meeting the 2014 deadline for achieving 100 percent proficiency for all students in reading and math. The waivers also allow states to measure individual student performance over time using multiple measures, rather than just test scores. In Colorado, the waiver allows the state to use its own accountability system in place of federal requirements, eliminating the necessity that schools comply with two separate systems.

Federal money in K12 education. As can be seen in Figure 1, federal funding for education nationwide has never exceeded 10 percent of total funding. In the mid 1960s, federal funding increased from about 4.4 to 8.0 percent of total funds, concurrent with the adoption of Title I supplemental aid to high poverty districts under the ESEA.

Figure 1
Percent of Federal Funding for Public Education
1945-2005



Source: National Center for Education Statistics.

1. A Nation at Risk: The National Imperative for Educational Reform. The National Commission on Excellence in Education. (April, 1983)