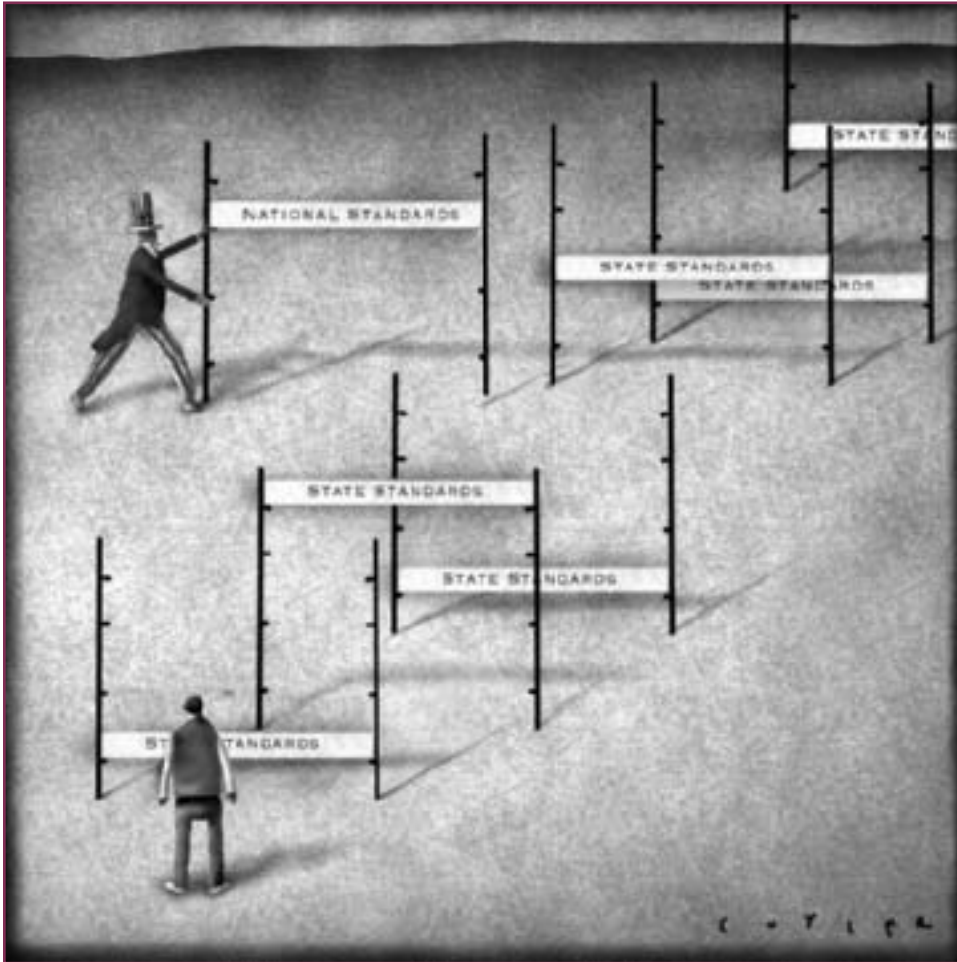


# A New New Federalism

## The case for national standards and tests



**The federal government has pushed far too deeply into the routines and operations of the nation's public schools, now regulating everything from teacher credentials to the selection of reading programs.**

No Child Left Behind (NCLB) made the problem worse. Ironically, the one way to extricate Washington from the minutiae of K–12 education is to give it more power in one realm—specifically, the power to set national standards and tests—and then ask it to back off from just about everything else.

The federal role in education has always been a disappointment and a frustration. For most of our history, Uncle Sam steered clear of the issue; in the days of Jim Crow, this amounted to

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shameful neglect. After *Brown v. Board of Education* (1954) and the Elementary and Secondary Education Act (1965), the pendulum began to swing toward the other extreme: Washington became an overbearing, micromanaging schoolmarm, attempting to coerce equity, then excellence, from the K–12 system through regulation and bribery. This, too, has failed to produce schools of which our nation can be proud.

NCLB was supposed to improve the situation, to signal a new New Deal between the federal government and the states. Think management. In concept, the states would embrace tough accountability for their schools and districts and the schools would yield markedly higher achievement; the feds would back away from regulation and slash the red tape. The combination would give schools what they needed to be successful: strong incentives to boost student achievement, combined with the freedom of action to innovate and get the job done. When announcing his program in 2001, George W. Bush described the principle this way: “If local schools do not have the freedom to change, they cannot be held accountable for failing to change.” Parents, too, would be empowered through additional information and school choice, said the president. Freedom and transparency would rule, and the payoff would be millions more “proficient” kids.

Unfortunately, politics, compromise, and bureaucracy reared their familiar visages. Neither states nor the feds have kept their part of the grand bargain, leaving our schools undermotivated and overregulated, our parents frustrated and bewildered, millions of our kids subproficient, and thousands of our schools stuck with “in need of improvement” labels but not improving.

### **The Race to the Bottom**

Consider the states’ reaction to NCLB. Evidence is mounting that they are responding by lowering their standards, making their tests easier, and shielding their schools from accountability. Some of this is happening in

plain view; Missouri, for example, recently backed away from its high standards specifically because NCLB was fingering so many of its schools as subpar. Many other states are gaming the system behind closed doors. One sign of this quiet rebellion is the growing disparity between student performance on state exams and on the National Assessment of Educational Progress (NAEP). According to an analysis by the Thomas B. Fordham Foundation, from 2003 to 2005 at least 20 states posted gains on their own 8th-grade reading exams, yet none of these showed progress at the “proficient” level on NAEP. While there could be explanations for this discrepancy, one must suspect that states are finding subtle ways to make their own tests easier.

What would prompt states to lower the bar? After all, money flows to schools whether they make Adequate Yearly Progress (AYP) or not. Most likely, the incentives to which they

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are responding are not those imposed from Washington but from below: irate local superintendents and school board members who don't want NCLB to shine a harsh light on their schools' shortcomings.

This pressure appears to be having an impact beyond tests. States are also finding ways to game their definitions of AYP to let more schools off the hook. In Oklahoma, for example, the number of schools failing to make AYP dropped by 85 percent from 2003–04 to 2004–05, not because its students learned more but because bureaucrats made a technical change to the state's NCLB formula. Such educational finagling is rampant, and explains why, as standards are supposedly being ratcheted up the closer we get to 2014 (when all students are to be "proficient"), the number of schools across the nation "in need of improvement" is stable. Is there any doubt that the standards-and-accountability movement is in peril?

There are a few happy exceptions. Massachusetts is fairly termed the "poster child" for NCLB. Its decade-old education reforms anticipated many of NCLB's policies, thus allowing the Bay State to keep on course when the federal law came along. Its academic standards are outstanding, its assessment system is highly regarded, and its results are impressive. Massachusetts now posts America's highest test scores in several categories. Recent gains among its poor and minority students are especially compelling. Nor have state officials used the federal law as an excuse to lower the bar. But basing our lessons on the Massachusetts experience is like judging a school's obesity problem by examining the track team. Things look good there, but the sample is by no means representative. Massachusetts school reform may well be worse off under national standards and tests, but that can't be said about most other jurisdictions.

### **What Ever Happened to Deregulation?**

Washington's record is equally unimpressive. Despite the rhetoric about NCLB providing "flexibility in return for accountability," by the time President Bush's law cleared Congress there was precious little flexibility left. Most of the rules and regulations that had accreted over the previous 40 years stayed in place; NCLB's new "flex" programs have gone largely unused because they offer scant relief. Meanwhile, Uncle Sam added two huge mandates: that every teacher in the country be "highly qualified" in very specific ways and that schools use "scientifically based" classroom methods, especially teaching young children to read. Neither of these is without merit, but the cumulative effect is to shackle schools with red tape rather than encourage innovation and a "whatever it takes" attitude. State and district officials respond predictably: by going through the

motions, focusing on compliance instead of performance, playing games with federal regulators, and cutting secret side deals with Washington at the political level.

The most pernicious example of this cat-and-mouse game involves the standards-and-accountability system itself. We've already seen how states try to work the system; in response, federal officials write new rules in an effort to force states to live up to the spirit of the law. For example, early in the NCLB implementation process, some states discovered that they could shield their schools from its sanctions if they decreed that the performance of subgroups, such as disabled students, would only count toward AYP if the groups were quite large. Other states followed suit; after the Associated Press reported that upward of 2 million children—most of them minorities—were being excluded from NCLB's accountability system via such gimmicks, Congress pressured the Department of Education to rein in the practice. Yet we know that states will find new ways to punch holes in the law. They always do. And, as we can attest from personal experience, the Education Department lacks the competence, capacity, and political resolve to win this war. So we're left with classic compliance-oriented behavior around a performance-oriented law. And lots of games being played and smoke blown.

Even as the bureaucrats battle over nuanced issues of measurement, Washington has no say over what really matters: the content of the academic standards, the rigor of the tests, or the ultimate consequences for school failure. NCLB made the wrong compromise. Instead of being tight about results and loose about means, it tries to be tight about means and heedless as to ends.

Parents, meanwhile, face a paradox. They have access to loads of new data but, because the yardstick keeps changing and comparability ends at the state line, they actually have little information about how their child's school is really doing.

Surely there's a better way.

### **The New New Federalism: Measure Results, Then Get Out of the Way**

We envision a radically different approach, a role reversal in which the feds play a much smaller role in the day-to-day affairs of local schools, but are much more specific about achievement expectations. Under this scenario, Washington would do three things—and only three things—in K–12 education: 1) fund high-quality research and data gathering; 2) distribute dollars (ideally through a formula weighted by student needs); and 3) measure the schools' progress with common standards and tests, just like other grown-up countries do. That's it. Okay, it should also investigate civil rights violations. Full stop. Nothing else.

Is such a deal possible? James Peyser is skeptical (see “Hoop Hassles,” p. 52); once the feds set the standards, he argues, they will inevitably intervene when the results disappoint. The kind of federal restraint that we picture would be an historical anomaly. Furthermore, who is to say that Washington will set rigorous standards rather than the vague or politically correct kind that are in place in most states today?

We recognize these concerns. So here’s a proposal; it’s a version of “if you build it, they will come.” First, set the standards and develop the tests, building on the excellent ones from Massachusetts, Indiana, and California. Make them available for public inspection. Develop a national version of AYP. Then offer the states a deal: if you opt into this national measurement and reporting system, all the pesky federal rules (such as “highly qualified teachers”) go away. Or you can keep your own standards and tests—and the full panoply of federal regulations.

We suspect that many state officials would jump at the opportunity to switch. After all, it provides them with political cover to do the right thing. Before long you’d have de facto national standards, without any states being forced to submit. And if the feds renege and go back to their micro-managing ways, states are free to pull out—and return to their heedless ways.

It’s a win-win plan. Parents would have clear signals about the effectiveness of their child’s school, and the other schools they might choose among. As in England, with its national “league tables” of school achievement, educators and policymakers could make simple, valid comparisons. (We would favor “value-added” as well as absolute comparisons.) Principals and superintendents, freed from the red tape that frustrates them, would have the authority and incentives to make real change, and would be denied the excuse that “the feds won’t let me.” Employers would have comparable information about educational quality from sea to shining sea. And,

through the standards, our society would have a common cultural language to support the cause of *E Pluribus Unum*.

We know that many conservatives and Republicans recoil at the idea of national standards and tests. To date, Washington’s expanding role in education has left local schools with

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less power and authority and more obstacles and headaches. But conservatives should ask themselves: what’s going to change this situation? Efforts to roll back Washington’s role in K–12 education always crash and burn. It’s simply too important an issue to the nation’s citizens. National standards and tests just might be the way out of the morass—and the way into the education future that our country needs.

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