

A photograph of the U.S. Capitol building in Washington, D.C., featuring its iconic dome and classical columns under a blue sky with light clouds. A semi-transparent grey box is overlaid on the left side of the image, containing the title text.

# **FEDERAL INTERVENTION IN U.S. EDUCATION**

## **Federal Intervention in Modern American Education**

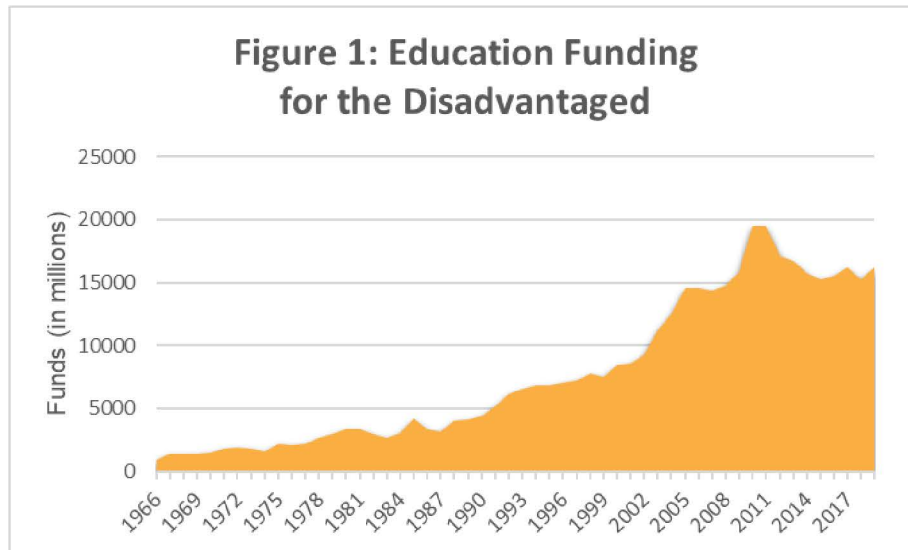
Lyndon B. Johnson (LBJ) was sworn in as President of the United States following the assassination of JFK in 1963; in the following year, he won the presidential election. Both men sought equity for all Americans. LBJ famously enacted his “War on Poverty,” championing efforts to bring about the “Great Society” in which U.S. citizens would have equal access to opportunity, notably establishing Medicare and Medicaid, as well as the Civil Rights Act of 1964 and the Voting Rights Act of 1965. The latter two outlawed segregation and helped African Americans exercise their right to vote. LBJ’s administration also stepped into the U.S. education system more prominently than any administration before.

### ***Elementary and Secondary Education Act of 1965***

LBJ’s ambitious reform of the U.S. included the Elementary and Secondary Education Act (ESEA) of 1965, the first major step by the federal government into education (Hanna). ESEA funded primary and secondary education, with funds utilized for teacher development, program resources, parental involvement programs, and more.

One of the biggest components of ESEA is Title I, which designates funding for districts which serve low-income students to improve outcomes and school quality. According to EdWeek, Title I offered over \$1B annually to help disadvantaged

students and has been reauthorized and changed several times since its initial



implementation in 1965, with funding progressively increasing over time. Figure 1 displays this growth in funding for “Education for the Disadvantaged” since 1966. Two significant reauthorizations of ESEA have been instituted, the No Child Left Behind (NCLB) Act of 2002 and the Every Students Succeeds Act (ESSA) of 2015.

### ***No Child Left Behind Act of 2002***

NCLB authorized the federal government to gauge whether schools were making students competitive on the international stage (NCLB Overview). NCLB placed special focus on English language learners, exceptional education students, poor and minority students, and other groups whose achievement tended to lag behind peers. Compliance with NCLB was not mandated, but Title I funds could be withheld if schools opted out of the new requirements.

Primary components of NCLB included standardized testing and “adequate yearly progress” (AYP), with sanctions for inadequate progress. States had authority over testing procedures and the definition of proficiency but needed to ensure that all students were proficient by the 2013-14 school year. Testing was to be conducted every year for grades 3 through 8 and once in high school, in reading and math.

AYP ensured states were progressing towards the 2013-14 target achievement date; however, no state met that standard. If schools did not meet their state target for 2+ years, they would be subject to increasing sanctions, beginning with student ability to transfer to better-performing schools in the district (otherwise known as school choice), then increasing to incorporate free tutoring known as supplemental educational services or SES. Continued failure to meet targets could mean state intervention, including turning the schools into public charters.



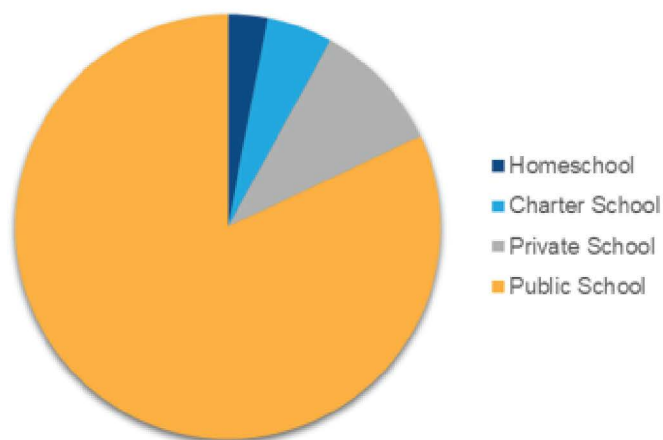
NCLB has drawn large criticisms by educators and lawmakers. The two main remedies for underperforming schools were SES and school choice. Neither program necessarily proved effective means of increasing outcomes for the lowest performing schools and students.

Participating in SES is voluntary for eligible students, so not all students attend or use their full allotment, according to the Center for American Progress. Differing factors exist between those SES-eligible students who attend and who do not. Attendance in the regular school day is a strong predictor of participation: those who have high regular attendance are more likely to use SES. Across different studies, Whites, Hispanics, and Asians who qualify are less likely to utilize SES services. However, White, Hispanic, and Asian students who do attend SES spend more hours in tutoring services than Black students. English language learners, another disadvantaged group, are more likely to register and attend SES hours than other groups. Attendance itself is challenging, thereby making its effects hard to measure.

The other solution was the school choice program, which allows student funding to follow them to their school of choice: public, private, charter, homeschool, or other, as shown in Figure 2 above.

In studies which control for school and individual student differences, even the

**Figure 2: School Choice Percentages**



best estimates show “on average, no difference between students who attend a charter school and those who attend a traditional public school” (Cohodes). It is difficult to measure the effectiveness of school choice because of selection bias: those students who attend alternate schools have chosen it without random selection. To summarize, few students attend alternate schools to the traditional public school as afforded by the school choice program, and those who do see no difference in outcome.

In many cases, students did not take advantage of either program, and schools did not encourage them. Most people agree that NCLB led to over-testing and teaching to test, which does not necessarily translate to real-life skills. Finally, some states and districts did not enact measures required to obtain funding, including even distribution of high-quality teachers between poor and wealthy schools.



Under the Obama administration, NCLB waivers were added which allowed states more flexibility in exchange for certain measures of educational redesign, including opting for Common Core or programs to prepare students for higher education or the workforce. His administration also revised the NCLB to prioritize schools with the lowest performance indicators and those with achievement gaps for subgroup students (English language learners, exceptional education, minority, etc.) and “super subgroup” students – combined iterations of the subgroups.

### ***Every Student Succeeds Act of 2015***

Signed into law by President Barack Obama in December 2015, the ESSA took full effect in the 2017-18 school year, replacing NCLB (ESSA Overview). While state plans must be reviewed by the U.S. Department of Education (ED), states have significant flexibility in policy.

Under ESSA, states must determine short- and long-term goals to close achievement gaps, including incorporating at least four indicators for which schools will be held accountable. Three of those indicators must be: 1) proficiency on state tests, 2) English language proficiency, and 3) an academic factor determined by subgroup, such as improvement on state tests. The fourth indicator focuses on metrics that are not exam specific, such as student

engagement, school climate and safety, and more. At the high school level, graduation rates are also considered.



Additionally, districts will be required to intervene in identified struggling schools. If districts cannot create solutions, the state will step in. Identified schools include the bottom 5% of schools, high schools with high dropout rates, and schools where subgroup students’ efforts are not met with better outcomes. ESSA also designates a School Improvement Grant which allows for up to 7% of state Title I funding to be used for improvement of educational facilities, which contribute to student growth.

Testing requirements are the same excepting use of “super subgroups” to avoid overgeneralization and improve accountability to subgroup students. States are given jurisdiction over testing opt-out laws and repercussions for schools that miss targets. Alternative tests are allowed for 1% of students overall, which only accounts for about 10% of students in exceptional education.

ESSA designated a new block grant which consolidated several existing programs for students to become well-rounded, safe and healthy, and provide access to technology. Another grant called the Preschool Development Grant, which focuses on quality, coordination, and broad access, is now jointly administered by the ED and the Department of Health and Human Services.

ESSA faced some criticism. Some education advocates raised concerns about state's educational quality measures for traditionally underserved student groups, according to Carolyn Phenicie, senior writer at The 74, an education news site. The primary criticism of ESSA is decreasing student test scores. However, this is not necessarily negative as resources have turned from over-testing to student programming for success beyond the classroom. States have increased engagement from teachers' unions, parents, and others, as well as "using creative new indicators, like chronic absenteeism or career-readiness tests, to measure schools' success" (Phenicie).

### ***Trump Administration***

ESSA is slated for renewal at the end of the 2020-21 school year. The Trump administration has sought educational funding cuts, instead introducing a bill to "establish tax credits to encourage... [contribution] to scholarships for elementary and secondary students through eligible scholarship-granting organizations" (H.R. 1434). Essentially, the administration under President Donald Trump and ED Secretary Betsy DeVos has promoted school choice while simultaneously promoting limited spending.

Trump's policy ideas and promises have had mixed results. In December 2019, Congress passed the FUTURE Act which, according to Paul Fain of Inside Higher Ed, "made permanent \$255 million in annual STEM funding for minority-serving colleges, including roughly \$85 million specifically allocated" to historically Black colleges and universities (HBCU).



His administration has specifically helped minority-serving institutions in a few ways, including DeVos cancelling federal relief loan repayments taken out by four HBCUs for recovery from Hurricanes Katrina and Rita totaling \$300 million.

However, for an administration that emphasizes the importance of school

choice, – the outcomes of which are indeterminate, as addressed earlier – their FY 2021 budget proposal repurposed funding for the federal charter school program, instead moving those funds into a block grant which includes twenty-nine different elementary and secondary education programs. States receive a portion of this grant to allocate as they choose, including for charter schools, but also for programs like arts, homeless student support, and more. All these programs benefit students, but “Education budget experts generally agree that when programs are consolidated into a large block grant, it often results in decreased funds for those programs because they compete with each other” (Camera). Federal funding for the programs combined totals \$4.8 billion more than was included in the block grant proposal.

Like many of the Trump administration's policy moves, its education approach is highly criticized. Some education advocates state school choice is harmful to disadvantaged students left behind in traditional public schools while funding follows others to private and public charter schools. Additionally, educational cuts are among the many budget cuts promoted by this administration.

However, elements of the president's budget request benefit students, like increased spending on career and technical education, and a slight increase in funding for students with disabilities.

### ***Program Implications for Students***

Perhaps the most important component of federal involvement in education is Title I. This program financially support districts with large populations of poor children to offer resources comparable to those afforded wealthy children who “often reside in more affluent districts and whose schools benefit from higher property taxes, among many other supports,” (Camera and Cook). Title I aims to make educational access more equitable allocate funding.



Understanding those formulas can be challenging. Lauren Camera explains each in her article from U.S. News & World Report, summarized on the next page.



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| <p><b>BASIC FORMULA</b></p> <p><i>Flat rate per child, regardless of total poverty</i></p> <div> <div>At least<br/><b>10</b><br/>poor children</div> <div>+</div> <div>2%<br/>of children<br/>live in<br/>poverty</div> </div> | <p><b>CONCENTRATION FORMULA</b></p> <p><i>Must meet threshold, flat rate per child</i></p> <div> <div>6,500<br/>children live<br/>in poverty</div> <div>OR</div> <div>15%<br/>of children<br/>live in<br/>poverty</div> </div>      |
| <p><b>TARGETED FORMULA</b></p> <p><i>Funding increases as poverty rates increase</i></p> <div> <div>At least<br/><b>10</b><br/>poor children</div> <div>+</div> <div>5%<br/>of children<br/>live in<br/>poverty</div> </div>   | <p><b>EDUCATION FINANCE INCENTIVE FORMULA</b></p> <p><i>Determined by per-capita income</i></p> <div> <div>At least<br/><b>10</b><br/>poor children</div> <div>+</div> <div>2%<br/>of children<br/>live in<br/>poverty</div> </div> |

Title I formulas place more weight on the number of poor students than on the concentration, which results in disproportionate allocation to wealthier schools. Strong contrast can be drawn between school districts which receive the same amount of funding despite dramatically different student populations. A good example is Virginia where both Mecklenburg and York Counties receive \$1,000 per poor student through Title I funding; however, Mecklenburg has a child poverty rate of 30% while York has less than 6%.

Furthermore, not all Title I funding within schools goes directly to serving poor students. When more than 40% of students at a school are poor, Title I funds can be used for the entire school, which means less money serves poor students per capita. Contrast that with schools in wealthier communities, where larger budgets enable “wraparound services and other important programs

for low-income students without siphoning money from the limited Title I pot” (Camera and Cook). This is a problem because minority students tend to account for low-income student populations. Stanford research from 2017 concluded that one in four Black people and one in five Hispanic people live in poverty, while only one in ten White people live in poverty.

Limited Title I funding in predominately poor – therefore, predominately minority – schools does not necessarily help minority students as intended. This is a policy problem which education advocates and policymakers are looking to correct. Continued research about how to mitigate the effects of poverty and help bring people out of poverty, bipartisan support, and policy change must be enacted to help improve minority socioeconomics and improve the quality of minority education.

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## About the Author

Allison McNally is a recent graduate of the University of Arizona. She earned a Bachelor of Science in Business Administration (Management emphasis) and a Bachelor of Art in Information Science & E-Society with Magna Cum Laude distinction. Allison served as a peer mentor for first year students, recruited students to the Honors College as an Honors College Ambassador, and worked with different nonprofits on planning and marketing projects throughout college.