Reflections on the Federal Role

So, we’ve been at this, this being federal efforts to substantially improve K-12 schooling, for more than a half-century. That’s a stretch of time, certainly long enough that we’ve had the chance to learn a fair bit about what Washington seems to do well, and seems not to do well, when it comes to schooling.

We consciously recruited contributors from a broad range of perspectives and backgrounds, precisely because we think this is a complex topic and one where one’s starting assumptions can easily color any analysis. Our hope was not to definitively answer the question of, “What can the feds can do?” but to help policymakers, advocates, and would-be reformers move past stale or naïve debates about whether something is a nice idea in order to talk about what role the federal government is actually well-suited to play.

As we’ve read the preceding essays, we were struck by the surprising amount of consensus among an array of authors with diverse perspectives and frames of reference. There seemed to be a shared sense that the feds have enjoyed substantial success when it came to ensuring access for vulnerable populations (think IDEA), using cash to push states to adopt clear-cut policies (as with NCLB’s assessment requirements), using the bully pulpit to raise issues on the agenda, and promoting transparency and data collection.

The themes were so striking because—amidst the impassioned good intentions, the to and fro of key players, and recurrent faddism—those involved in federal education policy rarely stop to ask what might be learned from past efforts. More often, policymakers and advocates emerge with new enthusiasms and pet policies, and champion these with little interest in or attention to earlier successes or stumbles. The result? Frequently rediscovering the frustrations discussed by
scholars David Cohen and Susan Moffitt in their book *The Ordeal of Equality: Did Federal Regulation Fix The Schools?*, when they observe that Title I’s “extraordinary challenge” was that, “[It’s] purpose was to improve education in a system that had been carefully designed to impede central political and educational influence on schools.”¹

To be sure, only in the last decade or so have federal policymakers embraced the notion that the federal government should play an aggressive role in mandating school accountability or driving systemic reform. But, even allowing that most federal efforts have historically been more modest in scope and ambition, as we read the contributions and ponder Uncle Sam’s track record, we have serious doubts as to how effectively federal policy can actively improve schools. Holding in abeyance important and relevant debates about the Tenth Amendment, we conclude that the practical realities of American federalism, the structure of the federal government, and the governance and culture of American schooling suggest the value of humility when it comes to the scope and ambition of the federal role.

Throughout the preceding chapters, penned by authors of various ideological stripes, we see a consistent theme: structural constraints like federalism and separation of powers often prevent Uncle Sam from making states, districts, or schools do a good job at something they’re not already inclined to do on their own. As Maris Vinovskis notes in opening the book, outsized hopes were invested in federal efforts to promote equity, early childhood education, and research two generations ago. Yet the resulting frustrations, like those noted by Cohen and Moffitt, have rarely done much to inform the hopes or ambitions of new waves of would-be reformers.

Thus, No Child Left Behind’s authors showed remarkably little interest in the disappointing record of Comprehensive School Reform when it came to spelling out bold directions for intervening in “persistently low-performing” schools. The architects of the
Reading First program paid little heed to the experiences of New American Schools or the regional educational labs while deputizing three university-based centers to evaluate potential programs. The creators of Race to the Top and the Investing in Innovation fund paid little attention to the design flaws that brought down Reading First, including the flimsy process for approving programs, the blurry lines between political and technical decisions, the problem of establishing a review protocol that is broadly regarded as authoritative and unbiased, and the failure to build out a clearly defined and accepted process before asking reviewers to evaluate politically sensitive applications. Similarly, it is unclear what the champions of the Common Core have learned from the debacle that was the effort to craft national academic standards in the early 1990s. In a series of seemingly avoidable missteps relating to messaging, funding, and Obama administration proposals, champions of common standards raised concerns that their effort was being driven by Washington and not the states.

Rather than revisit debates about whether the federal government can or should influence American education, we have asked what lessons history might teach. We think fair-minded readers of various ideological orientations can read this volume and learn much of value—and yet still come to starkly different conclusions about the role the federal government should play, how constructive federal leadership can be, and how great or how small has been the federal contribution to school improvement.

Simply put, we don’t think that the preceding contributions yield a black-and-white verdict on the federal role. For one thing, there were many lessons and implications on which our authors disagreed with one another. As such, we will not use this concluding chapter to identify areas of unanimous agreement. Instead, we argue that the chapters collectively suggest the federal government can sometimes play an invaluable or even essential role in American education.
education, but that the cards are often stacked against such an outcome. As veteran reformer Checker Finn argues in his chapter, the stars only align once in a while, and opportunities for game-changing federal policy are rare. More often than not, we think, federal efforts have tended to disappoint, falling short of their goals while producing new bureaucratic burdens and demands for compliance, creating programs that later prove nearly ineradicable, and fostering unanticipated political dynamics.

**So, What Can the Feds Do Well?**

While there are clearly grounds for staunch skepticism about the ability of Washington to make schools improve, there seems to be a strong case that the federal government can play a coherent, constructive role in supporting educational improvement. In our reading, we think contributors flagged four particular roles where Washington has enjoyed varying degrees of success—at least at times.

First, the feds are really pretty good at keeping states and districts from engaging in action (or inaction) that violates constitutional protections. The most obvious examples involve desegregation and children with special needs. When states or districts are unwilling to protect the rights of vulnerable populations, Washington has played an invaluable role. A number of authors highlighted the federal efforts to ensure access for disabled children as a case of federal action prompting significant and salutary changes in the way schools educate students with disabilities. Similarly, despite limited evidence that Title I has improved student achievement, Barone and DeBray argue that it has successfully increased the amount of resources flowing to the most impoverished schools. Of course, government action on this front has often been heavy-handed, not infrequently giving rise to interest group demands downstream. That said, it

*This document is the concluding chapter to a forthcoming book volume, What the Feds Can Do, from Harvard University Press and was written by Rick Hess of the American Enterprise Institute (AEI).*
seems clear that the federal government has played an important role in instances where states have run afoul of constitutional protections.

Second, the federal government has shown an ability to highlight educational challenges and link them to national priorities. The power of the federal “bully pulpit” to set the agenda, express national goals, and frame educational issues has at times been a powerful force. Presidential pronouncements and commissions have elevated issues of equity and student achievement, shifting political lines and sending the school systems onto a new course. This happened with *A Nation at Risk*, with No Child Left Behind-era emphasis on testing, and with Obama administration advocacy for school turnarounds and new teacher policies. Federal policies and rhetoric can provide cover to leaders at the state and local level, making it easier for them to pursue goals that would otherwise foster fierce backlash. As Mike Casserly argues, “Washington is often at its best when a president is using the bully pulpit to highlight national educational and civil rights challenges and then tying them to our shared goals.”

Third, the federal government has enjoyed considerable success in compelling or incentivizing states and districts to implement “bright line” policy changes. The disaggregation requirements in NCLB are a case in point. Prior to the passage of NCLB, just eleven states disaggregated student achievement data by gender or ethnicity. When NCLB made disaggregation a requirement for states to continue receiving Title I funds, compliance quickly became universal. The changes that states made to charter school and teacher quality policies in response to Race to the Top is another example of how Uncle Sam can compel states to adopt specific, discernible policy changes. It’s worth noting that federal efforts to shift state policies via RTTT benefited from providing incentives for a coalition of willing states to make changes that enjoyed substantial local support.

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Fourth, the feds have played a vital role in collecting common data, fostering transparency, and “keeping score” across states and districts. The contributions make clear that federal efforts to increase transparency have enjoyed some broad success. From the original data collection efforts of the nineteenth century Office of Education to NCLB’s requirements for annual testing and data disaggregation, Uncle Sam has been able to compel states and districts to collect and reveal data even when they have little interest in doing so. The feds have also fostered transparency and data collection by developing state and district capacity to collect their own data on school performance. Paul Manna and Jennifer Wallner note that NCLB’s support for state longitudinal data systems played a crucial role in building out transparency. At the same time, Jane Hannaway and Mark Schneider caution that the federal government has tended to do far better when it comes to collecting data and reporting statistics than promoting high-quality or useful research. Whether Washington can do better at sponsoring and disseminating useful basic research is a challenge with which the Institute of Education Sciences continues to struggle.

The Limits to What the Feds Do Well

At the spring 2011 conference where this research was first presented, John Deasy, superintendent of the Los Angeles Unified School District, drew a useful distinction between federal efforts to “fix” public schools and federal measures that can support the nation’s reformers. When it comes to “fixing” schools, the federal track record is bleak.

There is little evidence that the federal government can improve schools through programs intended to impact teaching, learning, or otherwise “turn around” or transform troubled schools. Uncle Sam has also stumbled when he has tried to make schools get better, make
schools do what they don’t want to do, or foster innovation. Thus, while the federal government successfully pushed states to comply with NCLB’s reporting, assessment, and intervention requirements, it couldn’t ensure that they were done thoughtfully or well. And though federal dollars have fostered limited experimentation with educational innovations, especially in the context of Race to the Top, these have rarely resulted in the large-scale adoption of successful programs.

To our eyes, chapter after chapter notes that this track record is due in substantial part to the structures of American government, which limits the authority of the feds and circumscribes the tools they have to impact education policy. The design of the federal system means that Washington lacks clear authority when it comes to K-12 schooling. Efforts to drive improvement from Washington therefore depend on the willingness and ability of the feds to coerce state cooperation. Andrew Rudalevige notes that Washington has two kinds of tools to employ in such efforts: one is bribery, as when NCLB conditioned Title I dollars on states adopting prescribed annual testing regimens; and the second is blackmail. As Rudalevige has explained, this is blackmail “parallel to the forms of blackmail pursued in classic detective mysteries of a more innocent age. Comply, writes the blackmailer, or something you don’t want known will be publicized.”

These tools can change the politics of reform in a state or community, but they are necessarily limited—not least because they require cooperation and faithful implementation by state and local leaders and significant monitoring by federal regulators. Such “joint action” leaves federal efforts vulnerable to local policy shifts, changing political conditions in states and districts, and local shirking when monitoring is difficult or costly.
Federal institutions are poorly configured for the rigors of school improvement. The federal government has the ability to spend dollars, establish requirements, and monitor compliance. After that, matters get dicey. Such tools work fashionably well when it comes to collecting entitlements and mailing checks to eligible citizens, creating wildlife preserves or setting environmental rules, or funding highway construction. When it comes to services that are more dependent on intricate interactions between provider and client, as in schooling or health care, the challenges for government get more daunting. Thus, measures which may be promising in their own right if pursued at the school or district level may disappoint if pursued as a federal initiative.

As Rudalevige has summarized his paper, too often, “Good lawmaking leads to bad education policy.” The broad coalitions needed to enact laws means that the policies are defined so broadly that they mean different things to different actors, creating implementation headaches that ultimately involve angering and then alienating some legislative supporters. This kind of “definitional ambiguity” can cripple implementation, meaning that the price of enacting a law might be the coherence of those policies on the ground. Thus, the irony is that implementation of the most broadly supported education legislation—from Individuals with Disabilities Education Act to NCLB—ultimately emphasizes compliance rather than the spirit of the law, because bureaucrats are confronted with so much ambiguity that they stick to process as the thing they can safely insist upon. Barone and Debray note that the legislative process often yields slow progress, polarized politics, and the deal-cutting that creates Rudalevige’s problematic ambiguity. The result is that measures which require a delicate touch or rely heavily on skillful implementation are likely to be so compromised that they stand little chance of working as intended.
When it comes to the courts, Joshua Dunn argues that, “Congress might be bad, but courts are worse.” He flags several practical constraints when it comes to trying to improve schools through the federal courts. In particular, judges have to rely on unreliable information. Because judges are generalists, expert witnesses simplify, overstate, and exaggerate in order to make their point. One consequence is that decisions are exceptionally likely to yield unintended consequences. Another is that courts tend to embrace one particular reform and presume that it will solve the problem. In particular, Dunn suggests that the desire of judges to focus upon something they can monitor leads them to emphasize spending whatever the shortcomings with this approach.

Finally, Patrick McGuinn, et al. flag a number of challenges that have plagued federal efforts to promote innovation. A fundamental obstacle to fostering innovation, they argue, is the typical pressure to distribute federal benefits widely across states and districts. Though federal innovation programs are often large, the amount going to any particular provider or program is typically quite small, watering down the potential impact that federal dollars might have. In addition, federal officials have a difficult time defining what constitutes an “innovative” approach or an “innovative provider,” leading federal grant-makers to reward “the status quo in innovation’s clothing.”

The Complexities of the Federal Role

In making sense of the various contributions, we were struck by a number of rarely acknowledged complexities. Six seem particularly relevant.

First, authors repeatedly noted that the federal government can play an especially effective role when it comes to securing rights and promoting “bright-line” requirements. At the
same time, however, some contributors noted that Washington has done far better at ensuring formal access and procedural rights than at ensuring that students were actually well-served. Indeed, whether the issue is special education, data disaggregation, or school turnarounds, the federal government fares best when it is insisting on processes (individualized education plans, annual subgroup reporting, or a process for restructuring) and is least effective when seeking to ensure that these efforts are executed energetically or capably. One practical lesson, explain Charlie Barone and Elizabeth DeBray, is that federal requirements work best when they entail bright lines and measurement.

Second, there’s an important but oft-overlooked distinction between advocating for national action and “federal” action. In reading the initial drafts of the various chapters, it became clear to us how casually and interchangeably these notions are sometimes used. When reformers think something should happen that is national in scope, they immediately gravitate towards discussions of federal policy. But various national efforts—whether a state-led effort to create common standards, research-driven efforts to identify promising instructional practices, or a push to cultivate high-quality providers of professional development—can (and perhaps should) be national in scope without becoming federal. Finding ways to promote national solutions without suggesting they must necessarily be federal, and without having them reflexively morph into federal policies, is a challenge that has received remarkably little attention to date.

Third, there’s a conviction among many federal policymakers that doing something productive means enacting programs that directly impact schools and classrooms—even if that’s not something Washington is well-equipped to do when it comes to schooling. It’s possible for Washington to cut checks and promulgate rules, but these measures are rarely enough to change
what happens in a school. However, if Washington cannot successfully mandate ever more forceful measures, it can help position states and communities to improve schools. In particular, whereas states have cause to favor inflated or ambiguous metrics for gauging student performance, Washington is uniquely suited to play a “scorekeeping” role and ensure that every state is reporting student learning and achievement using the same standards and gauges.

Fourth, the weakness of state education agencies poses a dilemma. On the one hand, their lack of capacity both foils would-be reformers in Washington and makes it harder for states themselves to promote educational improvement. One common suggestion is for the federal government, which already funds 50 percent or more of many state education agencies, to up its investment. Critics, however, dismiss the notion that it should be Washington’s job to build up state education agencies. The concerns are all valid, leaving a situation where both the federal government and the states are operating with little ability to drive or implement reform, even when they seek to.

Fifth, proponents of a muscular federal role see an invaluable opportunity to pollinate ideas and provide the political cover so that reforms can spread, as in the case of magnet schools in the 1970s or charter schooling in the 1990s. As McGuinn, et al. argue, “While foundations, entrepreneurs, and districts all have a vital role to play in advancing educational innovation, no one but the federal government has the resources to provide sufficient political and financial capital to fuel systemic policy experimentation.” But the pollination phenomenon can be more complex, and perhaps more of a double-edged sword, than its champions acknowledge. For instance, while NCLB prompted states to embrace the regular testing that they failed to adopt after the 1994 Improving America’s Schools Act, it’s an open question whether the benefits of NCLB requiring all states to embrace assessments and accountability outweighed concerns that
NCLB was so rigid and overly ambitious that it alienated parents and educators, distorted school culture, and wound up emphasizing compliance rather than performance. States likes Florida and Massachusetts, whose accountability systems predated NCLB, worried that federal requirements compromised their carefully designed systems. If federal activity vacuums up energy, attention, and resources, it can distort or short-circuit other promising activity—even though it can be hard to see the “opportunity cost,” or what didn’t happen, as the result of federal activity. This consideration generally eludes those evaluating of federal policies, but its import grows as the federal role grows in ambition.

Finally, even federal successes can create their own thorny politics. For instance, IDEA is widely regarded as a sterling example of a successful federal effort. It created a framework of rights for previously underserved children, and has led to obvious improvements in the status of disabled students in American public schools. At the same time, IDEA created new political dynamics by creating a potent new constituency of special education parents, attorneys, and educators, who have aggressively used the law to demand substantial resources for their children. This is a happy story from their perspective, but has put schools with finite resources in a bind, raised concerns that other students are getting shortchanged, and potentially distorted the incentives to identify children as “special needs.” Members of Congress and federal officials now find themselves in the unenviable position of having to search for ways to rein in education spending while defending special education investments. The point is that even the most worthwhile federal policy can give rise to unexpected and sometimes unfortunate political dynamics downstream. Though these dynamics are sometimes difficult to predict at the outset, federal policymakers should not be surprised to learn that creating protected classes of actors gives rise to aggressive attempts to assert and expand their claims.
Federal Policy in the 21st Century

In sifting through the contributions, we see illustrations of both the strengths and the limits of federal activity. Federal policymakers are uniquely well-suited to put literacy or foreign languages on the national agenda, tackle discriminatory practices such as school segregation or ill-treatment of children with special needs, push states to adopt cut-and-dried policies like annual assessment or performance disaggregation, and promote transparency by collecting data and requiring states to report on student achievement.

At the same time, Washington is ill-suited to change what happens in schools or classrooms or to compel state and local officials to conscientiously do things that they are not inclined to do. Put another way, federal officials can compel state officials to do things, but they can’t compel them to do them well. Attempts to mandate school improvement models, teacher evaluation frameworks, professional development, or other interventions that depend on the skill and commitment with which they are implemented are likely to disappoint for the same reasons that have hampered even the best-laid federal plans for “fixing” schools.

Making sense of all this is a matter of judgment, and we have no doubt that different readers will disagree about how to interpret or apply the accounts. At the very least, we believe, what’s clear is the value of considering federal education policy with one eye on the question of what the federal government can do well, and not merely what would be nice to do. Happily, several contributors suggest intriguing ways forward for federal policy, each of which is based on such lessons. Steven Teles and Jal Mehta argue that the federal government should adopt a radically different view of its role in education policy, imagining itself as an ally of those who would upend the established order rather than an agent of incremental improvement. They view
the central tension in education as one of empowering new arrangements to displace the old, and they suggest that Washington has a pivotal role to play in this process.

Mike Smith argues that we have learned much about unintended consequences, the “over-regulation” of inputs, and the power of transparency from the first fifty-five years of ESEA and offers a “clean slate” approach to the government’s most enduring program on the basis of these lessons. Though Smith acknowledges that Congress isn’t going to actually adopt a zero-base approach to ESEA, his thought experiment is an example of how we might use practical experience to adjust our notions of what the feds should do and how they should do it.

Taking a more incremental tack than Smith, Ron Ferguson draws on experience with implementation challenges and political pushback to sketch a series of common-sense changes to the accountability and teacher quality measures at the heart of NCLB. Whether one accepts or rejects the arguments proffered by Teles and Mehta, Smith, and Ferguson, their approach to these challenges—featuring a calculated sense of the federal government’s competencies rather than a blind enthusiasm for pet projects—has the potential to ensure that Uncle Sam’s efforts to support schooling play out more fruitfully in the next half-century than they did in the last one. And, truth be told, such thinking has been in dishearteningly short supply.

Ultimately, what should policymakers take from this volume? We don’t think it’s that the Department of Education should shut its doors, nor that we merely need to invest more money and energy into federal programs. Rather, it seems to us that the federal government has a useful, but limited, role to play. The key challenge for would-be reformers in Washington is not to ask, “What kinds of changes would improve American schooling?” but, “What role can Washington play, competently and responsibly, when it comes to school improvement?” This more modest charge would bring a healthy discipline to conversations that often turn more on the
excited visions of congressional staffers and Department of Education appointees than on hard-won notions of what Uncle Sam can do, and do well.

In the end, there’s room for smart debate about how to interpret the insights and findings in this volume. In large part, the question is ultimately one of how much confidence readers have in the ability of government to learn from past experiences and of policymakers to alter the way they go about their work. We tend to be skeptical that government can find ways to do well that which it did poorly before, because existing institutions embody routines, norms, and constituencies that are the product of entrenched dynamics. We do not think it likely that they will behave dramatically differently in the future than in the past, meaning that the burden should be on would-be reformers to explain why their plans will end more happily than did so many past efforts that failed to deliver on grand promises.
