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Equal Educational Opportunity and Accountability. A Review of U.S. Educational Policy since World War II

Pamela S. Angelle *

Abstract: This article describes US educational policy from post World War II until the present. Educational policy is viewed as a mirror of the political, social, and economic events of the US during each period discussed. Two dominant themes are repeated as US educational policy has progressed through the years; that is, that (1) schools are viewed as places where equal educational opportunities should be provided to all; and (2) schools must be held accountable to the public for the academic achievement of the children who are educated there. This review concludes with the finding that with the increase of policies which advocate market forces, equal educational opportunity for all children has decreased. Accountability has remained an essential component, with accountability originating in the market choices.

Keywords: US educational policy, accountability, equal educational opportunity, policy implementation

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Introduction

The United States (US) operates under the federalist form of government, a term which defines the relationship between the federal government and the governments of the 50 individual states and the localities within these states. This relationship is outlined in the Tenth Amendment to the US Constitution (1791), also known as the Reserved Powers Clause, which states that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people” (US. Constitution, 1791, amendment X). In some areas, such as national defence, the power of the federal government greatly outweighs the power of the individual state and local governments. However, in areas such as education, states’ rights take precedence. US educational policy has tread in somewhat murky waters because all three branches of the government, legislative, judicial, and executive, at the national, state, and local levels have been involved in the definition, shaping, and implementation of educational policy.

This article provides an overview of US educational policy from post World War II until the present, viewing policy through the lens of the political climate and culture of the day. The purpose of this article is not to analyze the policy but to report how US educational policy has been framed by the historical events which led to policy passage and implementation. The primary focus here will be the political era, with a secondary focus on the state of education at the time. Hodgson and Spours (2006) analyzed the historical context of policy within “the wider set of societal and political transformations” (Hodgson & Spours, p. 685), a method which will be employed throughout this analysis. Hodgson and Spours note the importance of historical context and those “particular moments” (Hodgson & Spours, p. 685) to understand the values of the time which are essential in the decision making process.

Hodgson and Spours (2006) call the education state a “manifestation of the political era and a reinforcing element within it” (Hodgson & Spours, 2006, p. 687). The education state includes not only education providers, both public and private, but also funding agencies, government institutions, and the stakeholders who wield influence in the policy process (Hodgson & Spours, 2006). US educational policy was time and again a product of the political era in which it was shaped and strongly influenced by the

policymakers but, all too often, very weakly influenced by those who were tasked with policy implementation.

The policy review presented here focuses on two predominant themes found throughout US educational policy; that is, first, the goal of providing equal educational opportunity for all children and second, the need to demonstrate accountability for the educational outcomes for all children. In a justification of the first goal, Joseph (1977), in his discussion of social reform in the 1970s, noted that “emphasis has been put on the notion that the prime function of education is to promote social mobility and that equality of educational opportunity will lead to broader social equality” (Joseph, 1977, p. 102). Mandates which resulted from US educational policy and any funding attached to the policy were accompanied by some form of accountability.

Not all U.S. educational policy enacted since 1945 is discussed in this manuscript. Only federal policy and that federal policy subjectively deemed by the author to have far-reaching impact on schools at the local level was included for discussion. State and local educational policies were not addressed, though the impact on state and local educational agencies as a result of federal policy was addressed.

Post-World War II

Just prior to World War II (WWII), the United States (US) suffered through the Great Depression. As with any war time economy, jobs were plentiful with war related manufacturing. As a result, the WWII economy brought the US out from under the effects of the 1929 collapse of the stock market (Urban & Wagoner, 2004). When the war was over, millions of servicemen returned home, hoping to reenter the workforce. The prevailing view was that education was the key to a successful labor market. To encourage education of the returning veterans as well as ensure a well trained workforce, the US Congress, the legislative branch of the government, passed the Servicemen’s Readjustment Act of 1944, known as the G.I. Bill. With this bill, veterans received substantial financial assistance to attend schools and colleges. The education offered to veterans allowed them to enter the job market with the necessary skills to increase employability. Urban and Wagoner (2004) note that the G.I. Bill “brought new meaning to the notion of equal educational opportunity” (Urban and

Wagone, 2004, p. 281) in that eligibility for the financial assistance did not consider race, creed, or income status, but only an honourable discharge from military service.

While policy was in place to fund vocational education prior to WWII, passage of the G. I. Bill began a decade long increase in the role of the federal government's involvement in schools and colleges, particularly in funding. Federal aid was seen by many as the answer to educational problems, problems often precipitated by political issues. In late 1957, the Soviet Union launched the first space satellite, *Sputnik*, followed by the launch of a second Soviet satellite (Urban & Wagoner, 2004). At a time when the US and the Soviet Union were in the midst of a Cold War, the fear of American citizens, following the satellite launch, was that the Soviets were a scientifically advanced nation. Public schools were criticized for the lack of national scientific achievement, followed by blame from politicians and US President Dwight Eisenhower, resulting in "a national political campaign to make schools tougher in math and science so that the U.S. could win the technological and military race with the Soviet Union" (Spring, 2011, p. 16). The populace view at the time was that the US was in the midst of a competitive educational race with the Soviets and Americans were found lacking. Thus began a concerted policy effort to increase federal aid for science and technology, eventually culminating in passage of the National Defence Education Act (NDEA) of 1958. To squelch ideological opponents to federal funding for local education, proponents of the bill tied their argument to national defence, citing the dangers of Soviet superiority in science and technology. Passage of NDEA not only further entrenched federal funding in schools but led to curricular reform, first of math and science curriculum and then to a revamping of the social sciences (Urban & Wagoner, 2004).

The Struggle for Civil Rights

The mid-twentieth century brought conflict and politics to the fore in the United States, most of which centered on civil rights and the demand for equal opportunity for all US citizens, regardless of race, gender, or ability. The impact of this political battle on educational policy was sizeable, driven by a number of legislative acts and Supreme Court rulings.

The twentieth century political era of civil rights progressed with victories in many local cases suing for equal facilities in black schools. However, these victories were limited to the district in which the cases

were argued. Prior to 1954, no case had been decided at the federal level; thus, no “law of the land” regarding school segregation had been addressed (US, Constitution). The National Association for the Advancement of Coloured People (NAACP) decided to move beyond the legality of separate but equal, advancing the argument that segregation itself was unconstitutional. In 1954, the Supreme Court in *Brown v. Board of Education of Topeka* struck down the separate but equal clause (Warren, 1954). Chief Justice Earl Warren stated that “We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal” (Warren, 1954).

The question of implementation of this ruling became an issue for local school systems, particularly in the US South, where segregation was a long held practice. In 1955 the Supreme Court responded that compliance with the ruling must take place quickly and mandated that federal district courts would enforce this ruling. While this ruling focused on racial integration of schools, the consequences were felt in the wider community. Protests, harassment, and political opposition to federal intervention in state matters were televised throughout the nation.

Educational policy in the 1950s served as an impetus to spur national political and sociological issues to the forefront of the national consciousness. The *Brown* decision motivated activism including boycotts, sit-ins, and a march on Washington, DC, led by Martin Luther King, Jr. This activism culminated in passage of the 1964 Civil Rights Act which mandated enforcement of civil rights for black Americans. Federal education funds would be withheld from school districts that failed to desegregate schools (Kranz, 1962).

While the 1964 Civil Rights Act increased pressure on local education agencies to desegregate schools, it would be years before any meaningful efforts would be made to desegregate. Urban and Wagoner (2004) cited several reasons for this. “First, the federal courts had no agency available to enforce their mandates. Second, the office of the president, particularly under the Eisenhower administration, failed to act decisively on behalf of the *Brown* mandate. Third, Congress, through its seniority and committee system, was controlled by southern legislators pledged either to the ideology of ‘massive resistance’ to *Brown* or to a studied inaction that amounted to the same thing”. (Urban & Wagoner, 2004, p. 321).

Even today, federal oversight is required in school districts throughout the US because of failed efforts to rid the system of segregation. One way

local educational policy addressed the issue of segregation was through magnet schools. Magnet schools promoted specific thematic academies such as technology, performing arts, science and math. These magnet schools were formed to draw students from throughout the school system to receive instruction in these specialized areas, serving as an alternative to forced busing for integration. School districts also began to offer minority to majority (m-to-m) assignments where minority students could voluntarily choose to attend schools where the majority of students were of other ethnic backgrounds (Rossell, 2010).

Nonetheless, schools benefitted from passage of the Civil Rights Act through increased funding. Congress and state governments increased financial support to assist schools in supplemental services to reach subgroups of students who had not previously been served. While educational policy initially addressed African-American children following passage of the 1964 Civil Rights Act, other groups quickly followed in pursuit of their share of equal educational opportunity. These groups include advocates for linguistic minority students and parents of students with disabilities.

Bilingual education

The call for addressing civil rights extended beyond African-American children to Mexican-American and other Spanish-speaking children. Rossell (2000) pointed out that in the 1960s, 40% more white students than Hispanic students and 10% more blacks than Hispanics completed high school. The source of this appeared obvious to advocates of Spanish-speaking children; that is, that “instruction in English was the cause of their low achievement, and the loss of their native tongue was a civil rights violation that could be remedied by bilingual education” (Rossell, 2000, p. 216). Language differences in an English only curriculum proved insurmountable for a large population of low achieving Spanish speaking students. In response to this problem, educational policymakers promoted bilingual education programs. Instruction offered in both Spanish and English was the impetus for the 1968 Bilingual Education Act. Unfortunately, the legislation did not mandate bilingual programs but only encouraged and supported these programs as they were implemented at the local level. Bilingual education could take the form of total immersion English classes, English language classes, or bicultural/bilingual classes. In yet another sign of educational policy reflecting the greater political issues

in the US, bilingual programs were particularly supported by Hispanic community leaders and politicians as a way to maintain Hispanic culture while providing opportunities for Spanish speaking children to assimilate into American culture and language (Urban & Wagoner, 2004).

While Rossell (2000) noted that Hispanic advocates had high expectations for the Bilingual Education Act, the end result was actually a small funding bill. Moreover, the original bill identified eligibility for Spanish speakers but was finally passed as grant funding for all language groups. The policy stated: In recognition of the special educational needs of the large numbers of children of limited English-speaking ability in the United States, Congress hereby declares it to be the policy of the United States to provide *financial* [emphasis added] assistance to local educational agencies to develop and carry out new and imaginative elementary and secondary school programs designed to meet these special educational needs. (Section 702) (Rossell, 2000, p. 217).

Students with disabilities

One of the most critical pieces of legislation in the 1970s was the Education for All Handicapped Children Act (PL 94-142). Passed in 1975, this law provided for a free and appropriate education (FAPE) for all children with disabilities. This policy mandated that handicapped children should be educated in the least restrictive environment, calling for mainstreaming these students in the general education classrooms (Urban & Wagoner, 2004). As part of this law, each child with a disability would receive an individualized education plan (IEP), written in partnership between parents and school officials. The IEP was written for each child, assessing current performance and setting out goals and objectives for success, followed by a list of the services necessary to meet these goals. Implementation of the IEP must take place in the least restrictive educational environment (Altschud & Downhower, 1980, p. 33).

Parents hailed the act as a step forward in quality education for all children while opponents, particularly state and local school personnel, perceived the act as “unwarranted intrusion into educational affairs by federal officials who prescribed expensive and personnel-intensive remedies without providing funds for their implementation” (Urban & Wagoner, 2004, p. 321). The conflicting views of the law also stemmed from the debate over the best way to attain equality. Moreover, the spectrum of disabilities covered by the law was vast in terms of student

needs. Severely disabled children required specialized services so placement in general education classrooms would not serve them well. On the other hand, mildly disabled students could be mainstreamed, avoiding special education classes and the labelling that accompanied that placement (Mosher et al., 1981, p. 45).

As schools struggled to implement the mandates of the law, problems surfaced. Those charged with implementing the law at the state and local levels, asserted that doing so greatly increased costs at the local level while neither Congress nor the President provided adequate funds from the federal level. According to Mosher et al. (1981), in the 1978-79 school year, the Federal Government paid for only 5% of the cost and only 40% by 1982, while at the local level special education budgets had to increase 50%-100%. Mosher et al. went on to say that while states could refuse the federal funding, freeing their districts from the law's regulations, the states had no choice in complying with Section 504 of the Rehabilitation Act of 1973, which "forbids discrimination on the basis of handicapping condition in any program receiving federal assistance" (Mosher et al., 1981, p. 48). No funding was available for compliance with Section 504 thus establishing a "pattern of forbidding discrimination but only sharing a minor proportion of the resulting increased costs to states and localities" (p. 48).

Reporting in 1985 about the difficulties of state level implementation in Massachusetts, Meisels (1985) documented problems stemming from the administration of the law as well as financing the unclear mandates from the state. Altschud and Downhower (1980) also evaluated the initial efforts to implement PL 94-142 and found an over identification of Hispanic and African American children in special education, in addition to other issues: Inadequate assessment, inappropriate placement, and its companion, labelling, were further compounded by a decision-making process that was far from open and so may not have fully involved all those concerned with the education of the child. (Altschud and Downhower, 1980, p. 32).

The War on Poverty

As the 1960s ended, the federal government began expanding its role into schools, particularly in the area of funding. While funding increased from \$500 million to \$3.5 billion, the number of federal programs targeting

students of colour and students of poverty increased from 20 to 130. Equal educational opportunity remained a priority for the federal government, with funding increasing to \$4 billion by the mid-70s (Kantor & Lowe, 1995).

President Johnson set out to start a war on poverty and increase economic opportunities for the poor. Johnson's agenda centered on education as the "chief tool for building a Great Society and argued that improving education for poor and minority children was one of the nation's principal unfinished tasks" (Kantor & Lowe, 1995, p. 4). Educational policy throughout the 1960s and 1970s targeted social reform through education. Johnson budgeted funding for education and job training programs as a way to help those at the lower echelons of society gain skills to compete in the job market (Kantor & Lowe, 1995).

Head Start was another educational initiative focused on the economically disadvantaged. Head Start was planned as a way to prepare poor children for school, a group never before targeted in educational policy. For the first time, a federal program involved parents in assisting their child in intellectual and physical development (Urban & Wagoner, 2004).

The Elementary and Secondary Education Act of 1965

The Elementary and Secondary Education Act of 1965 (ESEA) has been called the single most influential legislation in education in American history, as well as the most costly. This law was passed as part of President Johnson's War on Poverty, in light of his educational policy agenda to increase educational opportunities for the poor. Johnson saw ESEA as a way to "bring education into the front ranks of the nationwide assault on poverty" (Grady, 2012, p. 517) and to fund education as a way to move US children out of the throes of deprivation. The level of funding was calculated from family welfare rolls (federal assistance to families living in poverty) and the number of families who lived below the poverty line in each state.

This law was the most comprehensive US educational law ever to specifically target disadvantaged children. Title I of this act included programs for educationally deprived children; thus, most of the funding went to minority children who lived in large US inner cities. However, the funds were widely distributed across the US since every school district

included children living in poverty. In addition to educational programs, ESEA also funded nutrition programs, enrichment, libraries, parent involvement, and social and medical services (Urban & Wagoner, 2004).

The passage of ESEA also began a political era in which public accountability became more closely linked to receipt of federal funding. The massive outlay of public monies prompted legislators to insist that the law contain evaluation mandates, with reports sent to the federal government (Fowler, 2013). While calls for accountability came as a result of the 1950s *Sputnik* launch with the need for better math and science education, school accountability became a mandate of every major federal educational policy initiative. This public reporting of outcomes also came with increasing federal intervention into state educational policy, a point of contention for proponents of states' rights and fidelity to the intent of the US Constitution (1791), Amendment X.

Social Science Research and Political Agendas

In the years following the 1964 Civil Rights Act, social science research became a tool of politicians, used as evidence to push political agendas. Educational policy, while still framed in terms of equal educational opportunity, began to bring educational accountability to the fore, as noted in the previous section. This section outlines three social science reports, two of which were commissioned by the federal government, which had a major impact on educational policy.

The Coleman Report

Following passage of the 1964 Civil Rights Act, James Coleman, a sociologist from Johns Hopkins University, was called upon to investigate the educational opportunities for the poor, or the lack thereof, in the mid-1960s. The Coleman study originated in Section 402 of the Civil Rights Act of 1964. "The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, colour, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia" (Coleman et al., 1966, p.iii).

Coleman's investigation moved beyond the notion that separate but equal facilities would guarantee equal educational opportunities. Instead, Coleman's report was "designed to systematically measure the types of inputs that impact educational outputs" (Wong & Nicotera, 2004, p.129). He examined differences in resources and linked those differences to student achievement, finding that school resources, such as facilities and curriculum were only slightly related to differences in achievement. On the other hand, Coleman's inquiry found that student achievement was strongly related to educational background and student peers, also known as peer effects. Another significant finding was that teacher quality had a cumulative effect over time and that this effect on academic achievement influenced disadvantaged and minority children more than white children. These findings gave voice to those who promoted moving poor children from their inadequately resourced schools to schools with more advantaged students (Urban & Wagoner, 2004; Wong & Nicotera, 2004).

The Jencks Report

In 1972, not long after the publication of Coleman's findings, Christopher Jencks, using the empirical data from the Coleman study, agreed with Coleman's conclusions. Jencks stated that school effects do not determine educational outcomes; family background determines student achievement. In other words, schools do not make a difference in the lives of children.

Jencks opined that equality should come not from education but from progressive taxation and supplemental income for adults (Joseph, 1977). Daniel Patrick Moynihan, who was an official in the Kennedy, Johnson, and Nixon administrations, was responsible for a report that "identified the structure of the black family, particularly the absence of adult males within the family unit, as being primarily responsible for the social and economic plight of African Americans" (Urban & Wagoner, 2004, p. 330). Along with the Jencks report, this led to discussions of direct economic aid to poor families, rather than aid to schools.

Jencks' interpretation of Coleman's data caused an outcry from proponents who viewed schools as essential to equal educational opportunity. Research studies from the academe sought to discredit the Coleman and Jencks reports by finding that schools do make a difference for children. Ultimately, this opened a field of research known as effective schools studies. One of the earliest pioneers in effective schools research

was Ron Edmonds, an education lecturer at Harvard University Graduate School. In addressing the question whether family background has a causal relationship or a correlation to student performance, he responded: “If you conclude, on the other hand, that it is merely a correlation, and that social class and family background are not, in fact, causes of performance, then you don't have to intervene in the life of the family. You intervene instead in the nature of the way schools respond to the different families that they are supposed to serve” (Edmonds, 1980, p. 1).

Edmonds concluded that schools must work to provide equal educational opportunities for all children, challenging educators to undertake school reform measures to address the needs of children of every background and class. Edmonds’ research sought to highlight schools that met this challenge. He believed that educators knew what must be done to help children succeed but too few educators were willing to step up to the task. Edmonds (1980) noted that: “Education is a social service, that social servants serve those they think they must, and when they think they needn’t, then they don’t. And the key to what we are talking about here does not derive from the difference between what we know and what we don't know, It derives from our willingness to do something about what we do know” (Edmonds, 1980, p. 14).

A Nation at Risk: The Imperative for School Reform

As the 1980s began, the economic boom launched by the end of World War II was ending. The economy was marked by double digit inflation, unexpectedly high unemployment, and a slowing of economic growth. The general consensus among Americans was that economic problems could be fixed by fixing schools (Fowler, 2013). In other words, economic policy could be repaired through renovated educational policy.

Ronald Reagan, President of the United States at the time, hoped to reinvigorate the individuals’ right to choose their education. His policy agenda included tuition tax credits, a return of prayer in schools, and abolition of the Department of Education, an agency deemed cost prohibitive for the success demonstrated in US public schools. President Reagan charged his Secretary of Education, Terrell Bell, with creating the National Commission on Excellence in Education. He did so on August 26, 1981, tasking the commission with providing a report to the nation on the

quality of education in the United States. Secretary Bell and others in the government at the time were concerned about “the widespread public perception that something is seriously remiss in our educational system” (National Commission on Excellence in Education, 1983, p. 7). The title of the report, *A Nation at Risk: The Imperative for School Reform* was an attempt by the Commission to persuade the American people that there was a crisis in American schools. The opening pages of the report that was presented in 1983 was a startling evaluation of the state of US education, which began: “The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. What was unimaginable a generation ago has begun to occur--others are matching and surpassing our educational attainments. If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves. We have even squandered the gains in student achievement made in the wake of the *Sputnik* challenge. Moreover, we have dismantled essential support systems which helped make those gains possible. We have, in effect, been committing an act of unthinking, unilateral educational disarmament” (National Commission on Excellence in Education, 1983, p. 9).

The report compared the US to its allies, Japan and Germany, noting that “the core of their economic superiority was alleged to be the educational superiority of other nations, the evidence of which was higher scores on international measures of educational achievement in subjects such as reading, mathematics, and science” (Urban & Wagoner, 2004, p. 355). However, as Fowler (2013) suggested, what the report actually did was blame most of the economic problems of the US on the failure of schools to adequately prepare students to compete in an ever shrinking global economy. Education was viewed at the time as an “investment in the productive capacity of individuals” (Strike, 1985, p. 411), an economic view of inputs and outputs.

Re-authorization of the Elementary and Secondary Education Act

Following the presidential terms of Ronald Reagan and his failed efforts to garner support for his educational policy agenda of abolishing ESEA

while supporting tuition tax credits, vouchers, and school choice, Reagan's Vice-President, George H. W. Bush, became the next US President. In September, 1989, G. H. W. Bush held a Presidential Summit on Education at The University of Virginia, inviting all US state governors to provide input on the adoption of a national educational agenda. The result of this meeting was a platform for educational policy called *America 2000*. This policy agenda promoted a set of goals for student educational readiness by the year 2000, which included a national high school graduation rate of 90%, demonstrated competence by American students in core subjects, and attainment of American students as first in the world in math and science. Moreover, schools would be safe and drug free and every American adult would be competitive in a global market. Once again, this educational policy required accountability from schools to report outcomes of each goal (Urban & Wagoner, 2004).

The next US President, Bill Clinton, extended *America 2000* with his educational policy platform, *Goals 2000*. Clinton's educational agenda was nearly identical to *America 2000*; however, *Goals 2000* added the goals of parental involvement and professional education of teachers. ESEA was due for reauthorization in 1994 which gave the Clinton Administration an opening to lobby for national standards and testing. States were called upon to adopt core subject content standards and measure progress towards meeting them, holding themselves accountable for the educational achievement of students in their state (Fowler, 2013). However, since the states were encouraged, but not mandated, to adopt content standards, serious reform was not undertaken on a large scale by the states.

In the mid-1990s, concern grew about the progress of student subgroups, specifically, the gap between these subgroups and the majority white population of students. The National Assessment of Educational Progress (NAEP) is a standardized assessment given annually across the United States, administered to samples of 4th, 8th, and 12th grade students in core subject areas. The National Centre for Educational Statistics in the U.S. Department of Education administers the tests. While scores are not reported to individual schools, scores are reported through a "National Report Card," with scores disaggregated by subject, subgroups, and geographically by state and the districts that participated that year. The National Report Card is an indicator of educational progress across the nation, as well as trends in achievement, since the same assessment is administered to students from all states. The pronounced concern about the

achievement gap between subgroups of students emanated from NAEP results. An example from the 1996 NAEP results indicated large differences between racial groups of students, most pronounced with twelfth grade black students who were found at a level commensurate with white eighth graders in every area that NAEP tested that year (reading, math, science, writing, history, and geography) (Stedman, 1998).

The two educational policy statements, *America 2000* and *Goals 2000* laid the foundation for George W. Bush's national education policy, manifested in the regular renewal of ESEA, known as The No Child Left Behind Act (NCLB), passed in 2001. This act continued federal funding but also included mandated annual standardized testing as the measure of success for public schools. Unsuccessful schools received negative consequences which ranged from public labelling to reconstitution. The goal of the law was that by 2014 100% of American children would score at the proficient level in reading and mathematics on standardized tests chosen by each state. School and school districts (in aggregate data from the schools) were charged with meeting adequate yearly progress (AYP) toward this goal. Any school or school district that failed to meet adequate yearly progress would be sanctioned in progressively more severe ways. Moreover, schools and school districts not only had to meet AYP through whole school test data but also had to meet AYP through subgroup data as well. These subgroups include the achievement scores of children of colour, children of poverty, students with disabilities, and students whose first language is not English. For the first time in US educational history, the federal government mandated statewide curriculum content standards, standardized testing of competency in the standards, public reporting of results of these tests, by school district, by school, and by student type, and a series of consequences for failure to demonstrate student proficiency in these standards. While previous iterations of ESEA called for accountability, reauthorization of ESEA in the form of NCLB was the first time sanctions were associated with the accountability (Bloomfield & Cooper, 2003; Fowler, 2013).

As part of the law, parents are offered a form of school choice for their children. One of the sanctions for school districts with schools that repeatedly failed to achieve AYP is the ability for parents to receive tutoring and/or supplemental services, which must be paid for by the district. Additional sanctions include parent choice for children to attend an effective school that is meeting AYP, even though the school is located

outside of the child's mandatory school zone. States may also contract with charter schools which may be publicly funded but privately managed. Private consultants and supplemental tutoring services may be paid for with federal funds, at a loss of use of these funds for the school district. Interventions of outside consultants, both private and publicly trained and funded, into the school reform process may also be used. Some states have also implemented new tenure laws, laws regulating the teacher evaluation process, and institution of merit pay. The final sanction is reconstitution of the school which includes replacement of all staff and administration and, in some cases, state takeover of the school.

Proponents of the law insisted that the law still affords states choice and defers to states' rights in that the federal government did not impose curriculum standards or specific tests on the states. States were free to develop their own content standards and testing programs to demonstrate student academic progress, as long as the standards and tests were within the framework of NCLB. In return, states benefitted from receiving federal funding for disadvantaged students (Fowler, 2013). According to Bloomfield and Cooper (2003), even though states are allowed to set their own content standards, compliance is measured by student performance on the NAEP. Results of this mandatory national testing compare states to determine "whether the states are 'dumbing down' their tests to look better on national comparisons. If state proficiency levels are upwardly skewed and fail to match student progress on the now-compulsory NAEP sanctions will be imposed" (Bloomfield & Cooper, p. 8).

Opponents to NCLB were vocal and frustrated by what they viewed as unwanted federal intervention into the state function of education. Those who challenged the scope of the law suggested that equality and social justice were endangered (Stedman, 1998), the element of testing was punitive, and the mandate of accountability "set up schools to fail and then use[d] that failure to justify disinvestment and privatization" (Karp, 2002, p. 23). Others saw the federal government taking on a new role in education, seeking to nationally standardize curriculum and assessment, removing education from local to federal purview, and privatizing education through parental choice (Bloomfield & Cooper, 2003). Bloomfield and Cooper (2003) further explained the divergent views of NCLB at the time by stating: "Some see NCLB as the death knell of locally controlled public education and the emergence of a federalized educational-industrial complex that will standardize what children learn and how they

learn it, what happens if they succeed and what happens if students fail, including the extensive privatization of schools. Others believe that this law is the driver for national school improvements, and thus, the salvation of a public education system that has failed recent generations of students, particularly those who are poor and/or of colour” (Bloomfield & Cooper, 2003, p. 9).

Perhaps the greatest concern of opponents to the law is the initial assumptions of the policymakers. NCLB is an educational policy framed in a system of inputs and outputs, with public accounting for the outputs. However, the difficulty in imagining education as a knowledge and skills factory is that not all students enter school on a level playing field. Not all children begin their school careers with the same foundation or abilities. Some students progress through school with disabilities, either physical, mental, or emotional. Some students are disadvantaged in that English is not their primary language. The expectation that all students must proficiently meet standards on the same tests to adequately progress to the next level each year is unrealistic, at best.

As states grew increasingly concerned regarding the likelihood that 100% of all children would score at the proficient level on state tests and as the list of failing schools in each state grew longer, hope for flexibility in the law rested with Congress. The original iteration of ESEA in 1965 called for a reauthorization of the law every five years. Since NCLB was passed during the 2001 reauthorization, the next was due in 2006. However, as of June, 2012, Congress had failed to act on the concerns of educators and reauthorization has not been a topic of discussion. Frustrated with the lack of movement, the US Department of Education, under the leadership of President Barack Obama and Education Secretary Arne Duncan sought to address what they viewed as flaws in NCLB and the “unintended results of NCLB’s strictest requirements” which are “hindering further school reforms and innovations” (US Department of Education, 2012). Under this flexibility agreement, states may request waivers from the requirements of NCLB in exchange for rigorous reform at the state level to address teacher quality and narrowing the achievement gap for all subgroups of children. While affirming that the goals of NCLB were correct and that effective teaching was essential to student achievement, Obama noted that lowering curriculum standards and teaching to a standardized test was not the path to reaching these goals. Therefore, accountability from the states remained paramount since states must continue to demonstrate school reform in

increasing teacher quality and student achievement. States who are unable to demonstrate this accountability will be held to the original NCLB requirements and face sanctions if these requirements are not met. In announcing this new educational policy, the President tied this policy to the economic needs of the country and the ability of the US to compete globally. President Obama noted that: “We’re in the midst of an ongoing enormous economic challenge. And I spend a lot of my time thinking immediately about how we can put folks back to work and how we can stabilize the world financial markets. And those things are all important. But the economic challenges we face now are economic challenges that have been building for decades now, and the most important thing we can do is to make sure that our kids are prepared for this new economy. That’s the single-most important thing we can do. So even as we focus on the near term and what we’ve got to do to put folks back to work, we’ve got to be thinking a little bit ahead and start making the tough decisions now to make sure that our schools are working the way they need to work” (The White House, 2011).

Market Forces

Market forces gained standing with the implementation of NCLB policies for chronically low performing schools. The individual right to choose, following the public notice of failing schools as part of NCLB accountability, was the impetus for an increased focus on market forces in education. The call to provide educational opportunity for all children, not only children of colour and children of poverty, rose in prominence and, as a result, parental choice has become a factor in educational policy. The thought behind this policy was that parents who choose the school their child will attend are more likely to actively participate in their child’s education and in support of the school. Schools that lose students, and thus funding, are more likely to address the challenges they face, working more diligently for school reform. The historical practice of neighbourhood zoned areas, which in most cases means segregated school populations, has given way to policies which focus on drawing from the larger pool of diverse students throughout the school district. Market force influences have taken many paths in allowing choice for parents. Minority to majority transfer in public schools, while originally intended to address school segregation, offers parental choice, with transportation costs to the chosen school at the expense of the school system. Magnet schools were also

originally designed to offset school segregation but parents have employed magnet school options as a way to provide specialized curriculum options to their children. Some parents have also opted to homeschool their children. Homeschooling, prior to 1980, was chosen for academic reasons such as advanced education for gifted and talented children or for children with particular difficulties in school. However, beginning in the 1990s, many parents who homeschooled were Christian fundamentalists upset with secular concerns and lack of morality in schools. They chose to remove their children from regular public schools to school them at home so that the values of family and church could be foremost in their child's education (Urban & Wagoner, 2004). The predominant avenues of school choice are vouchers and charter schools, two parental choice options which have most recently become the centrepiece of national education policy.

Vouchers

In the United States, free and public education, is guaranteed to all children. However, students must attend the public school in the geographical zone established for them by the local government. These zones are based on where students live. Therefore, racially segregated neighbourhoods lead to racially segregated schools as well as schools with predominantly the same social class of students. Vouchers are one avenue to address the racial and class-based homogeneity of schools.

Vouchers are state aid, normally based on the average cost to educate one child, given to a family. These vouchers can be used for the child to either attend a school outside of the student's attendance zone or to use the voucher for private school tuition, in those private schools that have contracted with the state to accept voucher students. While free transportation is provided to children who attend school in their neighbourhood zone, no transportation is provided to students who accept vouchers, unless otherwise legislated by the state. Free market choice is supported through the NCLB act; however, the manner in which market choice policy is enacted at the state level is determined by the state. States have met with varied success regarding vouchers.

The District of Columbia (DC), the area in which the seat of US government is located, is not a state so the DC voucher plan was actually passed through Congressional legislation in 2004. This first federally sponsored school voucher program was known as the DC School Choice Incentive Act (H.R. 2673, 2003). This act provided scholarships, or

vouchers, to 1800-2000 students, worth up to \$7,500 in tuition at participating private schools (Green & Winters, 2007). Congress refused to continue funding this program in 2009 but reinstated the program in 2012 when leadership in Congress changed.

In the state of Florida students who attended schools which received two failing grades in four years are offered an Opportunity Scholarship. This voucher program was eliminated in 2006 when the courts defeated the system, with a similar court ruling eliminating vouchers in Arizona. Voters in Utah defeated an attempt to institute vouchers in 2007.

Voucher systems have been more successful in Louisiana, a state where the private school system is very strong and the public school system has long faced challenges. Following the devastation from Hurricane Katrina in New Orleans, in 2008 the Louisiana legislature passed the Student Scholarships for Educational Excellence program, the state's first voucher program for kindergarten through third grade students in New Orleans, limited to families who earned 2 ½ times less than the federal poverty level and who are enrolled in or are zoned for a public school with a grade of C, D, or F. These vouchers could be used to attend the private schools of their choice, most opting for the Catholic school system in New Orleans. This voucher program was expanded statewide by the Louisiana legislature in 2012 and is offered to any child in the state under the same parameters as the 2008 New Orleans voucher program. At the time the bill was passed, 380,000 children in the state were deemed eligible for the program, though private schools had not offered that number of openings for public school children. Private schools that accept voucher students will not have to adhere to the accountability regulations of NCLB (Barrow, 2012).

As with any educational policy that shifts from the norm, voucher programs were embraced by some and criticized by others. The most vocal opponents cited the cost of sending public monies to private schools, particularly in times of scarce resources for schools. Critics of vouchers noted that allowing private schools to benefit from public school funds "amount[ed] to a redistribution of some of the tax monies" (Urban & Wagoner, 2004, p. 349). Schools with underperforming students often have scarce resources, resources that would be removed under a voucher program, further blocking any plans for improvement. Moreover, as Green and Winters (2007) note, if public schools lose "the most capable students and the most active families, [low performing] public schools will lose these catalysts for improvement and positive peer influence" (Green and

Winters, 2007, p. 85). This situation would further enmesh school segregation and racial homogeneity in public schools. First amendment rights advocates also express concern over the mingling of public monies with private, often religious, education.

In addition to loss of funding and racial homogeneity, some caution that vouchers may promote a social homogeneity in schools. McCarthy (2007) warns that "If the market replaced the government as the primary regulatory mechanism for schools, then parents would have more discretion to ensure that their children's education is consistent with their personal beliefs and values. There is little doubt that social homogeneity within schools would increase under marketplace models because each school would be designed to attract those with similar backgrounds and beliefs" (McCarthy, 2007, p. 371).

On the other hand, voucher advocates note the empowering aspect of choice for poor families, a power long enjoyed by the wealthy. Moreover, low performing schools may feel pressure to improve, a pressure that was non-existent when families were forced to send children to these schools because of neighbourhood zoning. The threat of losing students to higher performing private schools may motivate schools to place more effort into cultivating parent involvement and working to promote better relationships with parents (Figlio & Hart, 2011; McCarthy, 2007). The idea of incentives to public schools to improve spoke to the supply and demand issue of this educational policy. Market driven forces may force schools to close if the supply of students, and thus funding, is depleted amidst a lack of reform.

Proponents of vouchers have also turned to research to bolster their case. McCarthy (2007) stated that families who take advantage of vouchers for their children are more satisfied with their child's education. She also notes that parents in Cleveland who sought vouchers for their children were most often better educated and more involved in their child's school life than parents who did not pursue vouchers. This finding supported the view of those who fear that vouchers are not being funnelled to disadvantaged children for whom school choice originally was designed.

Research evaluating the effectiveness of vouchers has been mixed. The Florida Tax Credit Scholarship Program was found to lead to improvements in student achievement. Moreover, performance improved before students were lost to private schools, indicating that the threat of loss motivated schools to implement school reform (Figlio & Hart, 2011). Conversely, Toch (2012) reported that the voucher system as implemented

in Milwaukee, Wisconsin found no significant differences in the test scores of the 21,000 students who took advantage of them and the 86,000 students who remained in the public schools. However, Toch also reported that more voucher students graduate from high school than students who stay in a traditional high school while parents of students who have used vouchers are more satisfied with their child's school than those who remain in their zoned school.

Charter schools

Under the NCLB sanctions for chronically low performing schools, charter schools are an option for parental choice. In 2009, in the midst of a struggling US economy, President Obama signed into law the American Recovery and Reinvestment Act (ARRA). In addition to energy and infrastructure, the act sought to reinvigorate the educational systems in the US. As part of ARRA, \$4.35 billion was offered to school systems through a competitive grant program called *Race to the Top*. The competitive grant was awarded to states that created "conditions for innovation and reform," achieved "significant improvement in student outcomes," turned around low performing schools, and recruited, rewarded, and retained quality teachers and principals (US Department of Education, 2009, p. 2). In the grant section describing plans for building strong statewide capacity, the Department of Education specifically discusses expansion of charter schools as one way to support improvement (US Department of Education, 2009).

Charter schools are commonly known as public private schools; that is, they offer a free public education and receive their funding from the government but they operate as a private school, free to hire their own staff, manage their own budgets, and create their own curriculum, free of the bureaucratic constraints of the school system. The charter of the school serves as its contract with the state, once approved by the state's governing body. Some charter schools contract at the local level, negotiating with the local board of education. As long as the charter school operates with fidelity to their charter, the government is not involved in their day to day operations. Cooper, Fusarelli, and Randall (2004) claim the charter concept has a "built-in accountability mechanism-either they fulfil the terms of their charter or they face sanctions and closure by the state" (p. 197). They also note that the bureaucracy that is inherent in the public school sector inhibits creativity and is slow to change, creating situations that prohibit educators

from meeting the needs of children. Charter schools, by their very nature, free educators from these constraints and allow administrators and teachers to more effectively respond to parents and children (Cooper, Fusarelli, & Randall, 2004).

The lack of oversight has led to problems in the quality of charter schools as a whole, though the government agency that holds the charter maintains the right to close charter schools for poor academic performance of students. However, this rarely occurs. Grady (2012) pointed out that a “2009 study by the Centre for Education Reform found that of the 5,600 charter schools that have opened since 1992, only 2 percent have been closed for poor academic performance” (Grady, 2012, p. 530). Spring (2011) warned that the nationwide system of charter schools, such as Knowledge is Power Program (KIPP) schools and High Tech High, are “another form of nationalization of the U.S. school system along with the Race to the Top emphasis on common national standards and data collection” (Spring, 2011, p. 28).

The strongest criticism of charter schools is much like the criticism of voucher programs. Charter schools are perceived as promoting racial segregation, operating as either predominantly minority schools or largely white schools. Charter schools have expanded mainly into urban areas such as Detroit, New Orleans, New York, and Washington, DC, cities which still experience racial segregation, an issue likely to continue with the increase of charter schools. Research also suggests that charter schools fail to serve students with disabilities and few students whose first language is not English (Frankenberg, Siegel-Hawley, & Wang, 2011).

Because charter schools are publicly funded, though privately operated, accountability to governing agencies are a requirement of all charter requests. This accountability may be manifested in several ways. Fusarelli and Crawford (2001, as cited in Cooper, Fusarelli, & Randall, 2004) point out five types of charter school accountability. “(1) market-based or consumer-driven accountability (if consumers are not satisfied with the school’s product, the school will close); (2) achievement-based (via meeting standards and improving test scores), (3) professional-based (placing substantial control and responsibility in the hands of teachers and administrators), (4) bureaucratic or regulatory-based (monitoring and control), and (5) political accountability” (Cooper, Fusarelli, & Randall, 2004, p. 197).

Every Student Succeeds Act

The most recent reauthorization of the Elementary and Secondary Schools Act, the Every Student Succeeds Act (ESSA), was signed by President Barack Obama in 2016, with implementation targeted for the 2017-2018 school year. While still requiring standardized testing, this law gives more freedom (and responsibility) to the states to fashion their own educational policies. Measures of achievement must still include subgroup reporting. However, states now are required to measure school success with a variable of their own choosing with a measure selected by each state. Thus, while some control is returned to the states to determine how student achievement is measured within the parameters of equal educational opportunity, reporting of accountability in how they are implemented is still required.

Conclusion

This article has outlined US educational policy from post-World War II through the present day. Framed in the work of Hodgson and Spours (2006), the US education state has continually mirrored the political eras of the country. Two dominant themes are repeated as US educational policy has progressed through the years; that is, that (1) schools are viewed as places where equal educational opportunities should be provided to all; and (2) schools must be held accountable to the public who fund schools for the academic achievement of the children who are educated there.

Under a three pronged system of government, the executive branch which sets the policy agenda, the legislative branch which passes the laws, and the judicial branch which rules on the constitutionality of the laws, US educational policy is clearly a reflection of political ideology and the social and economic state of the country. School districts and schools are left to implement the policies, often with little to no funding to do so. As the values based and philosophical leanings of governing bodies go, so goes educational policy.

Immediately following WWII, the country looked to schools to prepare returning veterans for the workforce. During the call for expanded civil rights, schools became the testing ground for activism and appeals for integration. As the 1960s ended, the 1970s became a time of activism for

schools in addressing the social and economic issues of the nation. Fowler (2013) calls this period the time of schools as “Scientific Sorting Machines” (Fowler, 2013, p. 310). Fowler states (and cites Perkinson [1991] and Ravitch [1983] in doing so) that: “leaders considered the public schools a major instrument of public policy, which the government could (and did) use to meet a broad range of social and economic needs: training future workers, identifying young people’s ability levels and channeling them into the ‘right’ career directions, helping the United States maintain its economic and military supremacy” (Fowler, 2013, p. 310).

The nationalism associated with US supremacy in all things military, economic, and technological in the mid-twentieth century, followed by the *A Nation at Risk* report, placed pressure on schools to be ‘ground zero’ in fixing the nation’s problems. Accountability for doing so became a priority. Presidents Reagan, G. W. H. Bush, and Clinton led the charge in educational policy agendas calling for national curriculum standards, annual testing, and identification of low performing schools. These became federal mandates under President G. W. Bush with passage of the No Child Left Behind Act, followed by a reauthorization in 2016, the Every Student Succeeds Act, signed by President Obama.

Schools have long been places where equal educational opportunity has been expected. Though not always successful, schools have worked to meet the needs of all students. Accountability mandates have hindered that work as schools struggle to implement educational policies with few resources to do so. Education has become more systematic with less teacher autonomy. School districts concentrate their concern on annual yearly progress reporting on the whole, as the individual needs of the child with a disability or the child of poverty is no longer the primary focus. By the end of the twentieth century, accountability triggered state takeover of chronically low performing schools and an increase in voucher programs and charter schools.

As the 1940s progressed into the 1990s, federal intrusion into education, an area previously reserved for state governance, and federal funding in educational programs for disadvantaged children increased. The ‘greater good’ became the objective for educational policy. With the turn of the century, the pendulum has swung once again, with the current Congress calling for less federal intrusion into education. Market forces highlight the individual good, allowing parents’ choice in which school their child will attend. However, with the increase of policies which advocate market

forces, equal educational opportunity for all children has decreased. Accountability has remained an essential component, with accountability originating in the market choices.

Educational policy in the US continues to reflect the political and social agendas of the governing parties. The voices of the constituents of those who govern are loud and clear. Schools are turned to as the key to repairing the ills of society. The voices that are too frequently silenced are those of the educators who implement the policy and who have the knowledge and skills to understand the work of education. As the US looks ahead, policymakers and policy implementers must keep in mind the critical element to the future success of the US in an ever changing world; the American child.

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