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The Federal Role in Education Today: Why It Makes No Sense At All

By [Marc Tucker](#) on January 8, 2013 4:58 PM

So we are now informed that the application from the State of California for a waiver from the provisions of the No Child Left Behind Act has been denied. This, we are told, is because California agreed with some items on the U.S. Department of Education's reform agenda and disagreed with others, which it did not include in its application.

California, in explaining its omissions, said that it would have cost the state \$2 billion to implement these unwanted features and that no one had presented any evidence that they would be effective. In so doing it directly challenged the federal government's reform agenda and got its hand slapped. So who is in charge here?

Well, you might say, it is unfortunate that there is no research backing up these reforms that the United States Department of Education is insisting on, but the Founding Fathers, in their wisdom, did not require the Congress to legislate only those social reforms for which there is convincing research evidence.

And you would be right, but your observation would be irrelevant, because there is no Federal legislation that requires states, districts or schools to implement these reforms. None.

But how could that be, you ask? How can the United States Department of Education insist on the implementation of certain reforms, as the price for relieving a state of the obligation to implement an unproven and much disliked Federal program under which enormous sums of federal money are made available to the state? Under whose authority is the Department setting such rules?

The answer is the Secretary of Education. But he actually has no such authority. Yes, NCLB grants the Secretary the authority to make certain waivers, but, at the time that authority was granted, no one in the national legislature contemplated waivers of the sweep that are now being granted to states. In effect, the Secretary simply announced that he was going to tell states that they no longer had to abide by the most important provisions of the most important education law Congress has passed in decades if they would only sign on to a "reform" agenda that the Secretary had himself come up with.

The Secretary first advanced that agenda as federal policy when the national economy tanked in the onset of the full flush of the fiscal crisis and he made it stick when he framed his priorities for the Race to the Top program in terms of his own reform agenda. The Congress, pressed to respond to a national fiscal and economic emergency, gave the Secretary unprecedented powers in the field of education and the Secretary took full advantage of them. There was little debate in the Congress at the time on the Secretary's education reform agenda and certainly no vote to replace the structure set forth by No Child Left Behind with another, quite different, agenda.

The Congress is in a bind. There is almost universal agreement that No Child Left Behind needs to be greatly

altered, perhaps completely replaced, by another structure. But there is no agreement on what ought to replace it. The Secretary recognized the political opportunity by offering waivers for the states to hated NCLB provisions. Many of the states did not like the Secretary's agenda, but they preferred it to the strictures of NCLB and, in any case, did not have the option of refusing new Federal money in the face of what now seems to be an unending budget crisis. So they just held their noses. But not California. At least, not yet.

The Secretary has announced that rewriting the basic federal education law is not a major priority for him. The Congress is not likely to increase the national education budget anyway, so the Secretary is in an enviable position. He already has control of the reform agenda, so he has no incentive to seek new legislation.

The biggest sticking point here is the Secretary's insistence that states build their accountability systems around so-called value-added measurement technologies that ties rewards and punishments for teachers to measures of the progress that their students make on tests of basic skills.

The National Academy of Sciences has produced a paper that exposed a large set of problems that, in their opinion, make it very unwise to try to use these technologies for the purposes that the Administration is requiring states to use them for. Many of the members of the National Academy of Education have written individual papers to the same effect. To my knowledge, none of the leading researchers who are the members of the Academy has supported the policies of the Administration in this regard. Though some scholars in the field of education support the use of value-added methods for rewarding and punishing teachers, the vast majority does not. Any disinterested observer would have to say that the evidence supporting the Administration's policies on this matter are at least controversial in the research community, if not widely condemned.

I have come to the conclusion that the current prevailing practice if not theory of the federal role in education is nothing short of bizarre.

Many of us who care about this rather abstruse topic can agree that the federal government ought to be collecting, storing, organizing, reporting and analyzing a wide range of comparable education data collected by the states. Almost everyone seems to agree that the federal government has an obligation to vigorously support research on education designed to improve the performance of American students. Most apparently agree that the federal government should monitor the progress of American students of educational accomplishment over time, using a common and consistent set of indicators, and report on that progress to the American public. Many would argue that the federal government should be on the lookout for systematic discrimination in the schools against identifiable groups of vulnerable students and should try to address the discrimination it finds in reasonable ways. Some would agree that the federal government should raise an alarm when the schools are not meeting the needs of the national economy, but not everyone would agree that the federal government should step in to make sure that the schools meet those needs.

But No Child Left Behind went much farther than that. And the legislation passed to provide a stimulus to the American economy during the fiscal crisis set up the conditions that enabled the Administration to go far beyond

the consensus position I have just described.

There is very little, I submit, which, at least in principle, now distinguishes the federal role in education from the state role in education. Not only is that true, but, at least for the moment, the United States Department of Education has arrogated to itself the role of both legislator and administrator of the national education agenda. In my opinion, the first of these realities is not a good thing for the United States. And the second is a disaster.

In my next blog, I will continue on this theme. My aim here is not to proselytize for a particular conception of the federal role in education, but to make a case that the country needs a national discussion on this issue and needs it now.