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Passage and initial implementation of the supplemental educational services element of the No Child Left Behind Act: An historical inquiry study

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PASSAGE AND INITIAL IMPLEMENTATION OF THE SUPPLEMENTAL
EDUCATIONAL SERVICES ELEMENT OF THE NO CHILD LEFT
BEHIND ACT: AN HISTORICAL INQUIRY STUDY

by

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A dissertation submitted in partial fulfillment
of the requirements for the

Doctor of Education Degree in Educational Leadership
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THE GRADUATE COLLEGE

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December 2009

ABSTRACT

Passage and Initial Implementation of the Supplemental Educational Services Element of the No Child Left Behind Act: An Historical Inquiry Study

by

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With reports alleging a sharp decline in student achievement in the last several years, there has been a call for higher standards in the United States education system. In response, with bipartisan support, politicians overwhelmingly passed the No Child Left Behind (NCLB) Act of 2001. NCLB, the most recent reauthorization of the Elementary and Secondary Education Act (ESEA), mandated increasing the educational performance of all children by focusing on accountability for student achievement, flexibility, higher academic standards, research-based reforms, parental choice, annual testing to measure student progress, analysis of the annual testing data, and sanctions for schools where students did not make adequate yearly progress (AYP) as defined by each state. One of the sanctions defined in the statute was the supplemental educational services (SES). Under SES, Title I schools that failed to make AYP for three or more years were required to pay for tutoring, remediation, or other academic interventions for low-income students.

Supplemental services had to be held outside of the regular school day and could be provided by for-profit or nonprofit agencies.

This was a historical inquiry study (Lancy, 1993) that utilized aspects of the case study (Yin, 1994). The study examined the events surrounding the enactment of the supplemental educational services element of the No Child Left Behind Act, including the players involved, their positions, factors shaping their perceptions, and the action-channels and rules of the game involved in the political action through the lens of Allison and Zelikow's (1999) governmental politics model (GPM). Additionally, the study examined the initial implementation stage of the law using Putney, Wink, and Perkins' (2006) critical action research matrix application (CARMA).

Various primary and secondary sources were examined and key players from various aspects of the policy process were interviewed. From these data, themes were identified. Several issues for further study were also identified including additional evaluation of the implementation of the law with an analysis of litigation stemming from the legislation. Implications for policymakers and school leaders were also reported.

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CHAPTER 1

INTRODUCTION

On January 8, 2002, at Hamilton High School in Hamilton, Ohio, President George W. Bush signed into law the No Child Left Behind Act (NCLB) of 2001, which was the reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965. The legislation was co-sponsored by Representatives John Boehner (R-OH) and George Miller (D-CA) and Senators Judd Gregg (R-NH) and Edward Kennedy (D-MA). The law was written in response to reports of sharp declines in student achievement and the call for higher academic standards. NCLB mandated increasing achievement of all children by focusing on accountability for student performance, utilizing research-based practices, reducing bureaucracy, increasing flexibility, and empowering parents by giving them more information about the quality of their children's schools and offering choice for students in persistently low-performing schools (No Child Left Behind Act, 2002).

The act passed with strong, bipartisan support. The Senate vote was 87 to 10 and the House was 381 to 41 (Rudalevige, 2003). West and Peterson (2003) claimed that No Child Left Behind was possibly the most important federal education legislation passed in the previous thirty-five years. They said passing NCLB was as significant as the compensatory education law of 1965, which addressed the needs of low-income and minority students, and the Education for All Handicapped Children Act of 1974, which

guaranteed free and appropriate education to disabled students and built the foundation for the Individuals with Disabilities Education Act (IDEA). They asserted that the importance of each of these laws was not the amount of federal funding provided to schools, but the policy framework imposed by the legislation. In other words, the importance of each law was the direction mandated to all federal, state and local educational spending. Under NCLB, to receive federal funds, each state was required to identify a set of standards and implement a specific testing plan to ensure that the standards were being met (McLeod, D'Amico, & Protheroe, 2003).

NCLB contained provisions for schools that failed to meet the standards for a set number of years. One of the sanctions was the requirement to provide tutoring or supplemental educational services (SES). Under the law, students from low-income families who were attending Title I schools that had not made adequate yearly progress for three or more years were eligible to receive extra academic help (U.S. Department of Education, 2005). These services had to be provided outside of the regular school day, be designed to increase student academic achievement, be based on research, and could include tutoring, remediation, and other educational interventions. Providers of supplemental educational services could be public or private institutions and either nonprofit or for-profit agencies (Educational Research Service, 2003).

No Child Left Behind

The purpose of the No Child Left Behind Act was to close the achievement gap with accountability, flexibility, and choice (No Child Left Behind Act, 2002). The accountability provisions of NCLB were comprised of two key elements. The first was that of high standards for student achievement, which required states to set high-level

benchmarks and measure student achievement of those benchmarks. The second component was the expectation that every student would reach the proficient level on their state assessments in mathematics and reading by the 2013-2014 school year (McLeod, D'Amico, & Protheroe, 2003; U.S. Department of Education, 2005). Test results were required to be disaggregated by ethnicity, English proficiency, disability, and socioeconomic status (Peterson & West, 2003). NCLB listed sanctions for schools if the specified number of students did not reach the achievement benchmarks that fell into the flexibility and choice components of the legislation. If a school failed to make adequate yearly progress for two or more consecutive years, students would be given the option to transfer to another school in the district. After five years, the state would take over a failing school (Rudalevige, 2003; U.S. Department of Education, 2005). If a school failed to make AYP for three years in succession, the local education agency (LEA) had to provide supplemental educational services for students who needed help to meet the academic objectives (McLeod, D'Amico, & Protheroe, 2003).

Supplemental Educational Services

Section 1116(e) of NCLB delineated the supplemental educational services aspect of the legislation (No Child Left Behind Act, 2002). Students from low-income families who were attending Title I schools that had not made adequate yearly progress for three or more years were eligible to receive SES assistance. Eligibility for these services was not dependent on whether a student was a member of a subgroup that caused the school to fail to make AYP, but on socioeconomic status. Supplemental educational services included tutoring, remediation, and other educational interventions. The services were required to be provided outside the regular school day, use methodology that was based

on educational research, and be specifically designed to increase student academic achievement. The burden of identifying which potential providers were eligible to provide supplemental educational services and what constituted suitable evidence of a demonstrated record of effectiveness was the responsibility of each state (U.S. Department of Education, 2005).

Providers of supplemental educational services could be any public or private entity that met the approval criteria and could be either nonprofit or for-profit agencies. A local educational agency or school could provide supplemental services, unless they had been identified for improvement under NCLB. The only exception occurred when an LEA had to provide supplemental educational services to disabled or limited English proficient students because no approved provider was able to do so. In these cases, the LEA was required to provide those services, either directly or through a contractor (Educational Research Service, 2003).

NCLB established a funding mechanism to pay for a combination of supplemental educational services and choice-related transportation. LEAs were to use Title I funds as well as other federal, state, local, and private resources to pay for supplemental educational services required as part of the school improvement process (U.S. Department of Education, 2005). The law stated that an LEA was required to set aside an amount equal to 20 percent of its Title I, Part A allocation on choice-related transportation, supplemental educational services, or a combination of both. If sufficient funds were not available to serve all eligible children, an LEA had to give priority to the lowest-achieving eligible students (American Association of School Administrators, 2002; U.S. Department of Education, 2005).

Stronger accountability for schools was a popular position during the 2000 election. Both George W. Bush and Al Gore called for it and members of Congress from both sides of the aisle supported it (Peterson & West, 2003). NCLB mandated increasing student achievement through accountability for the performance of all students and contained sanctions for schools that failed to do so (No Child Left Behind Act, 2002), including providing supplemental educational services to struggling students (U.S. Department of Education, 2005).

Governmental Politics Model

Allison and Zelikow (1999) described three models that could be used to analyze governmental behavior: The rational actor model (RAM), organizational behavior model (OBM), and the governmental politics model (GPM). Within the rational actor model, the behavior of the government would best be understood by comparing it to the purposeful acts of an individual making rational, calculated choices and that choices with the highest payoffs would be made. Under the organizational behavior model the government was described as a vast group of loosely allied organizations with their own priorities, and therefore governmental behavior was best understood “as outputs of large organizations functioning according to standard patterns of behavior” (p. 143). Since governments were composed of multiple organizations with a variety of responsibilities and involved outputs from several different organizations, coordination among the various entities was imperative, and required specific rules and operating procedures. Finally, according to the government politics model, decisions were made by groups or players of various power, position, or influence. Through the perspective of the GPM, action came about because of

politics and bargaining rather than a rational choice, because the players involved focused on many diverse problems and not just a single strategic issue (see table 1).

Table 1:

Summary of Allison & Zelikow's (1999) Model and Concepts

	<u>Paradigm</u>		
	<u>Model I: (RAM)</u>	<u>Model II: (OBM)</u>	<u>Model III: (GPM)</u>
Action as	A rational choice	Organizational output	Political resultant
Organizing Concepts	I. Unified actor II. Action: rational choice A. Goals & objective B. Options C. Consequences D. Choice	I. Organizational actors II. Fractionated power III. Organization missions perceptions & stands IV. Objectives & culture V. Special capacities VI. Organizational output VII. Central coordination VIII. Central control IX. Leaders' decisions	I. Players in positions II. Factors shaping A. Goals & interests B. Stakes & Stands C. Deadlines III. Power IV. What is the game? A. Action-channels B. Rules of the game
Dominant Inference Pattern	Action is value maximizing means toward a state's ends	I. Short run: Output near existing output II. Long run: Output conditioned by view of tasks, capacities, routines, and programs	Action is a result of bargaining
Propositions	I. If perceived costs increase, then action is II. If perceived costs decrease, then action is	I. Existing capacities influence choice II. Conflicting goals are addressed sequentially III. Implementation based on established norms IV. Admin. feasibility V. Limited flexibility and incremental, directed change VI. Long-range planning VII. Imperialism	I. Political resultants II. Action & intention III. Where you stand depends where you sit IV. Chiefs & Indians V. 51-49 principle VI. Misexpectations, styles of play, and miscommunications VII. What's the game VIII. The game rules IX. Action channels

According to the rational actor model, the government was identified as a unitary actor that made decisions based on weighing pros and cons. In the organizational behavior model, government action was explained as output by a partially coordinated organization. On the other hand, through the lens of the governmental politics model, decisions of government were viewed as a result of the “pulling and hauling that is politics” (Allison & Zelikow, 1999, p. 255). Moe (2003) explained that school accountability and the resulting No Child Left Behind Act were products of politics within a democratic system. In this study, the inclusion of supplemental services in No Child Left Behind was framed through the governmental politics model instead of the other two models because it better accounted for the complexity of the political process.

When government officials decided to take some action, the result was often quite different than the intended outcome of any of the members, including the leader. Because power was often shared, even knowing the leader’s initial preference was insufficient to predict the result (Neustadt, 1990). Allison and Zelikow (1999) argued that the actions of government were actually a mixture of relatively independent actions and decisions by groups and individuals that represent a combination of preferences and influence of various players in the political process. They added that each player’s power, or effective influence on actions, was a combination of the player’s bargaining advantages, the will and skill in using those bargaining advantages, and other players’ perception of the first two elements. If a government performed an action, it was the result of the bargaining within the players in the government (Neustadt, 1990). The explanatory power of the governmental politics model was in revealing the game. In other words, use of the GPM helped identify the action-channel, the players, their positions and preferences, and the

pulling and hauling of the political process. The difficulty in explaining a governmental action or phenomenon lay in delineating the interactions between internal causes and external factors in causing the events (Allison & Zelikow, 1999).

One of the important considerations of how or even if the government responded to a question was the way a problem was framed and how it reached the group's agenda. Kingdon (1995) identified three policymaking streams that he called the problem, policy, and political streams. A player recognized a problem in the problem stream, made proposals for policy change in the policy stream, and pursued actions like lobbying and campaigning in the political stream. Kingdon asserted that a case study researcher could almost always identify a specific person or small group of people who were responsible for moving a subject up on the agenda and into position to be enacted. Important decisions were often made in small groups that had a high degree of cohesion, which produced a psychological drive for consensus, exaggerated favorable consequences and downplayed uneasy feelings and personal responsibility (Janis, 1982).

Statement of the Problem

The standards movement is not likely to disappear soon (Berliner & Biddle, 1995; Peterson & West, 2003), and the federal role in education appears to be increasing (Goldberg & Traiman, 2001; Hess, 2003; Peterson & West, 2003). Greater accountability for schools, increased momentum of the standards movement, and the perception that U.S. schools were failing have all added to a climate that resulted in the passage of the No Child Left Behind Act (Peterson & West, 2003; Rudalevige, 2003). The desire to raise the achievement of all students was strongly supported by the

educational community and made the tutorial aspect of the supplemental educational services element of the act attractive to legislators (Peterson & West, 2003).

Supplemental educational services (SES) were an acceptable compromise for those on opposite sides of the privatization, choice, and voucher issues (DeBray, 2006). This study investigated the process of how the SES aspect of NCLB was included in the law, focusing on legislative intent, interpretation, and initial implementation (Statsky, 1984).

It is expected that the results of this study will help educational leaders learn from history and be better able, as viewed through Allison and Zelikow's (1999) government politics model, to navigate the waters of accountability by uncovering how the passage of the supplemental educational services provision of No Child Left Behind occurred and by examining the early implementation of the statute. The results of this study also are expected to better equip educators and political leaders to influence future legislation and policy implementation (Statsky, 1984).

Purpose of the Study

Johnson and Joslyn (1995) asserted that the purpose of political research was to address why certain events occurred under one set of circumstances when they did not occur under another. To understand an event and be able to apply that knowledge to present circumstances, it was necessary to know the context of the event and the assumptions behind it (Merriam, 2001). Gall, Gall, and Borg (2003) explained that historical research shed light on the past, thus helping educators better understand the present condition. Nevertheless, constant changes in economic, political, or social conditions made prediction of future outcomes rarely perfect.

The purpose of this study was to examine the events surrounding the enactment of the supplemental educational services element of the No Child Left Behind Act, including the players involved, their positions, factors shaping their perceptions, the action-channels and rules of the game involved in the political process, and to analyze the passage of the SES aspect of NCLB through the lens of the governmental politics model (Allison and Zelikow, 1999). The study offered an examination of school choice in federal legislation and provided a foundation for examining the changing landscape on the educational policy of choice. Additionally, the study examined the initial implementation stage of the law using the critical action research matrix application (Putney, Wink, & Perkins, 2006).

Research Questions

1. How did the supplemental educational services element of the No Child Left Behind Act become part of the legislation?
2. To what extent can passage of the supplemental educational services element of the No Child Left Behind Act be explained by Allison and Zelikow's (1999) Governmental Politics Model?
3. During the initial implementation stage of the statute, to what extent can the intended supplemental educational services outcomes be compared to the actual supplemental educational services outcomes, as viewed through the critical action research matrix application (Putney, Wink, & Perkins, 2006)?

Research Design and Method

A qualitative methodology was chosen for this study. Merriam (2001) explained that qualitative research built inductively rather than being designed to test theories, concepts, and hypotheses. She added that because of this characteristic, many mistakenly assumed that qualitative studies had no need for theoretical or conceptual frameworks.

Educational accountability reforms have historically been created in a complex political environment (Bingelli, 2001). The No Child Left Behind legislation was no exception. The passage of the statute occurred in a complicated political system that had evolved over time (West & Peterson, 2003). Easton (1990) asserted that political systems were composed of five dimensions. First were inputs, which were external desires, support, and influences. Second was the transformation process, which was defined as the area where inputs were converted to outputs. Third were outputs, which were any decision, action, or policy of the system. Fourth was the feedback loop, which allowed a system to receive information about its outputs. The fifth dimension was the environment, which was anything that was outside the boundaries of the system. Analyses of the political factors and processes that influence policymaking were completed using Allison and Zelikow's (1999) governmental behavior models, Statsky's (1984) explanations of analyzing legislative drafting, and Eskridge and Frickey's (1995) discussions concerning the creation of statutes and public policy. Initial implementation of the supplemental services portion of the law was viewed through Putney, Wink, and Perkin's (2006) critical action research matrix application.

Easton (1990) stated that viewing political life as a system of behavior was required for public policymaking, and that a political theory was a symbolic system that

was useful for understanding empirical political systems. Additionally, a system was separate from the environment in which it existed and was open to influences from the environment. The capacity of a system to succeed was affected by its ability to utilize feedback (see figure).

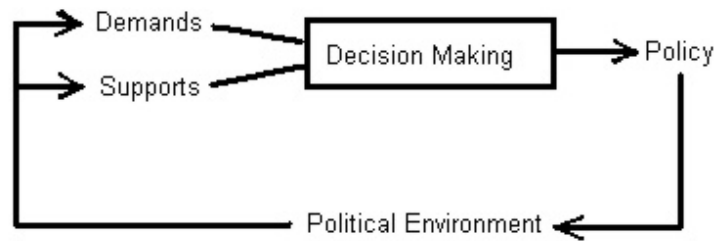


Figure. David Easton, *The Political System* (1990).

For Easton, the biggest problem of political analysis was to ascertain how political systems managed to persist while dealing with the inevitable stress they faced. Chilcote (1994) asserted that Easton’s theory neglected the differences of social and natural sciences when it adapted general systems theory to the realm of politics. Despite this criticism, dimensions of inputs, the transformation process, outputs, the feedback loop, and the environment aspects of political system theory are valid considerations when viewing legislation.

The method chosen for this study was historical inquiry study (Lancy, 1993). Yin (1994) explained that the strength of historical research was that it gave the researcher the ability to deal with various documents, artifacts, interviews, and observations and claimed that a case study design was used to answer “how” and “why” questions about a contemporary set of events over which the investigator had little or no control. Historical

research was different than other educational research methods because in a historical study, the evidence existed before the researcher chose a topic, formulated a thesis, or created a research plan (Gall, Gall, & Borg, 2003).

Primary source data were collected from congressional committee reports, conference committee reports, Congressional floor debate, and testimony records. Secondary source data were obtained from periodical and newspaper reports of the passage of No Child Left Behind and from books written on the subject. Those data were analyzed to create themes that were used to formulate interview questions. Interview results were then combined with information from the documents and artifacts and analyzed through the lenses of Allison and Zelikow's (1999) governmental behavior model and Putney, Wink, and Perkins (2006) critical action research matrix application.

Definition of Terms

Accountability: holding educators and students accountable for student achievement
(Binggeli, 2001)

Action channel: the established process for aggregating competing perceptions, preferences, and stands of political players in making decisions and taking action
(Allison and Zelikow, 1999).

Bargaining: an agreement between parties fixing obligations that each promises to carry out
(Allison and Zelikow, 1999).

Critical Action Research Matrix Application: a tool to determine if the intended outcome of an action actually occurred and if the result was effective or not (Putney, Wink, and Perkins, 2006).

Government Politics Model: the actions of governments are a result of bargaining activities among players in the organization (Allison and Zelikow, 1999).

New Democrats: unofficial organization within the Democratic party that desired to move the party toward the political center (Spring, 2002).

Organizational Behavior Model: the government acting within the procedures and programs of the organization (Allison and Zelikow, 1999).

Policy Analysis: evaluation of government decisions in light of given conditions, constraints, and goals (Fowler, 2004).

Politics: the authoritative allocation of values for a society (Easton, 1990).

Power: the ability to influence the beliefs or behavior of others (Fowler, 2004).

Rational actor model : the government acting as a rational person would act in the same situation (Allison and Zelikow, 1999).

Research-based Methodology: academic research that supports specific methods of instruction that potential providers of SES must submit to the state as part of the approval process (U.S. Department of Education, 2005).

Standards movement: an effort to measure academic progress against an established mark (Reeves, 2002).

Supplemental educational services: out of school tutoring or academic enrichment services (Educational Research Service, 2003).

Limitations

Because historical studies deal with events that happened before a researcher decided to study them, he or she must use records that were produced by others. These

records contain biases, perspective and values of the recorder simply because they include some details and omit others. Thus, historical data are marked with a layer of interpretation even before the researcher obtains them (Merriam, 2001). No matter how objective a researcher tries to be, he or she always brings pre-conceived notions or bias to a study, evidenced by the research questions chosen and the data that are emphasized or ignored (Yin, 1994; Merriam, 2001). Any time a study uses interviews of key players or written documentation of historical events, care must be taken to find substantive evidence that can be verified by other sources. The memories of the actors involved are often tainted because memories can quickly fade and complex discussions and interactions can be simplified and smoothed out (Allison & Zelikow, 1999). The study is limited by the skill of the interviewer and the limited number of interviews. Finally, the study was qualitative and not empirical in nature.

Delimitations

This study focused on a single aspect of the No Child Left Behind Act. Even though conclusions were drawn about the legislative process of the passage of the supplemental educational services element of the Act, drawing conclusions for the rest of NCLB or other educational legislation may not be accurate. Also, the documents examined were limited to the recorded elements of the complex process of passing a law and were prepared by someone other than the researcher. It was not feasible to include all congressional and committee reports that were produced, so this study relied on the skills of the researcher to narrow the amount of information to the critical aspects relating to passage of the act.

Significance of the Study

Federal education legislation traditionally contained strong prohibitions against federal control of education and policymakers supported state and local control of education rather than federal directives (Sunderman & Kim, 2004), but the federal role in the American educational system has steadily increased (Hill, 2000). The significance of this study lies in providing for educational leaders and policy makers a description of the passage of a single portion of one of the most significant federal education legislative statutes in history. Studying how a small portion of such an important piece of educational legislation was passed is significant because it is imperative that educational leaders and practitioners be involved in setting future federal educational policy. The first step to becoming involved is to have knowledge of the legislative process and how the players play the game.

According to Dorn (1998), the political legacy of educational reforms, including increased standards-based accountability systems, will define future debates concerning the education of American students. Therefore, the purpose of this study also was intended to raise understanding of the political context of the legislative process, examine educational activism on the federal level, and uncover the legislative and political intent of the statute. Additionally, it offers a critical base for understanding the changing political landscape concerning school choice.

The events surrounding the passage of the No Child Left Behind Act reinforce the central role the President has to set the direction of federal education policy and the rules of the legislative game. Placing ESEA reauthorization as his top domestic priority pressured leaders in his party to support his proposals. His willingness to quickly

compromise encouraged leaders from the other party to be willing to work on bill that they largely supported. It was significant, not only to education legislation, but also to negotiations in general to discuss how President Bush was able to obtain a bipartisan compromise.

Allowing public funds to go with individual students to pay private providers was unprecedented in ESEA reauthorizations on such a large scale. As a result of key Democrats like Representative Miller and Senator Kennedy willingness to support supplemental services, the Title I accountability structures have substantially changed. It is important to study supplemental services because of that significant difference.

Summary

Public education in America has moved to a system of standards-based reform with accountability for schools and a goal to raise the academic achievement of all students (Berliner & Biddle, 1995; Reeves, 2002; Owings & Kaplan, 2003). The bipartisan No Child Left Behind Act was passed to address educational concerns touted by politicians, the media, and educational reformers (Berliner & Biddle, 1995).

Chapter two will discuss the methodology used in the study and describe the governmental politics model (Allison & Zelikow, 1999) and critical action research matrix application (Putney, Wink, & Perkins, 2006) as the lenses through which the data will be viewed. Chapter three of the study will review the literature concerning the standards and accountability movements in the educational system in the United States and explain the need to provide additional support to struggling students. Traditionally, chapter two of a dissertation contains the literature review and chapter three addresses the

methodology. In this study, the literature review was placed in chapter three to enhance the flow of the historical narrative that began in the literature review and continued in chapter four in order to avoid the "stopping and starting" of the historical exposition. The third chapter will also review legislative statutes, canons, and history and discuss how administrative agencies fit into the legislative landscape. The fourth chapter will describe the passage of the supplemental educational services element of the No Child Left Behind Act. The data will be collected from a variety of documents and interviews from key individuals involved in the legislative drafting and passage. Finally, chapter five will summarize the data collected and discuss implications for educators and policymakers.

CHAPTER 2

METHODOLOGY

The purpose of this study was to ascertain how the supplemental educational services element of the No Child Left Behind (NCLB) Act became part of the legislation, to explain the extent to which the events pertaining to passage of the supplemental educational services (SES) element of NCLB could be analyzed using Allison and Zelikow's (1999) governmental politics model (GPM), and to examine the initial implementation of SES using Putney, Wink, and Perkins' (2006) critical action research matrix application (CARMA).

Chapter one of the study discussed standards-based reform and accountability, briefly discussed the No Child Left Behind (NCLB) Act and introduced the purpose of the study which was to examine the events surrounding the passage of the supplemental educational services element of NCLB. Chapter 1 also introduced the research questions:

1. How did the supplemental educational services element of the No Child Left Behind Act become part of the legislation?
2. To what extent can passage of the supplemental educational services element of the No Child Left Behind Act be explained by Allison and Zelikow's (1999) governmental politics model?
3. During the initial implementation stage of the statute, to what extent can the intended supplemental educational services outcomes be compared to the

actual supplemental educational services outcomes, as viewed through the critical action research matrix Application (Putney, Wink, & Perkins, 2006)?

Chapter two will discuss the methodology used in the study, explain the methods of data collection and analysis, and describe Allison & Zelikow's (1999) governmental politics model and how it will be the lens through which the data will be viewed.

Design

According to Merriam (2001), qualitative research builds inductively rather than being designed to test theories, concepts, and hypotheses. This study incorporated elements of case study and historical research (Bogdan & Bicklen, 1992; Burstyn, 1987; Creswell, 2003; Merriam, 2001; Patton, 1990; Yin, 1994), used aspects of policy analysis (Eskridge & Frickey, 1995; Fowler, 2004; Statsky, 1984), and employed analysis of governmental behavior (Allison & Zelikow, 1999).

This was a historical inquiry study (Lancy, 1993) with elements of the case study methodology (Creswell, 2003; Merriam, 2001; Yin, 1994). Data were initially collected from a variety of secondary sources including periodicals, newspapers, and books. Primary sources were also examined including committee reports, conference committee reports, the congressional record, and implementation reports. Using data from the documents, interview questions were derived, and interviews were conducted with some of the players involved with passage of NCLB. The interviews were transcribed and interview data were compared to the data collected from the documentation to discover common themes in answering the research questions and to help triangulate the findings.

The legislative and political intent of the statute was then analyzed and implications for educators and policymakers were listed.

Historical Inquiry

According to Lancy (1993), historical inquiry could be the earliest form of qualitative research still used today. The goal of historical research is often to explain how and why certain events took place. One of the major challenges in conducting historical research is that historical inquiry does not easily lend itself to a linear test of a specific explanation. Therefore, based on a wide range of evidence, historians often argue the strength of various interpretations (Novick, 1988). Historical arguments can be strengthened by taking into account as much relevant evidence as possible and providing a logical explanation of a certain event or problem from the past (Lancy, 1993).

Historical research is generally considered descriptive rather than theoretical. To most historians, explaining how and why events happened in a certain time period is not only a means to an end, but an end in itself (Lancy, 1993). Context is an important issue for historians. They often explain events in terms of other events and try to discuss them within the context of a specific period. They will sometimes describe chains or multiple causality to illustrate the idea of several factors operating simultaneously to produce a certain result (Barzun & Graff, 1985).

Because historians often deal with subjects that are relevant to current policies and practices, the role of interpretation is especially important when studying educational history. Historical research involves a complex relationship between discovery and interpretation, but must not lose objectivity (Lancy, 1993).

Case Study Characteristics

The case study is the preferred strategy when looking at contemporary events and relevant behaviors cannot be manipulated (Yin, 1994). The strength of this approach is the ability of the researcher to deal with documents, artifacts, interviews, and observations. Case study works best when “how” and “why” questions are being asked about a contemporary set of events over which the investigator has little or no control (Yin, 1994). Case study allows one to explore a single phenomenon that is bounded by time, activity, or context (Creswell, 2003; Miles & Huberman, 1994). Yin (1994) explains that case study would be the method to use if the researcher “deliberately wanted to cover contextual conditions” (p. 13) and felt that those contextual conditions might be highly pertinent to the phenomenon of the study. Historical research is the study of forces and events that brought about events of the past (Carr, 1967; Gall, Gall, & Borg, 2003). Historians cannot prove that one event of the past directly or indirectly caused another event, “but they can make explicit the assumptions that underlie their attributions of causality of historical events” (Gall, Gall, & Borg, 2003, p. 530).

According to Creswell (2003), the case study strategy is used to explore a program, activity, or process in depth. The researcher uses a variety of data collection procedures to collect detailed information. As in other types of qualitative research, case study is emergent rather than being tightly prefigured. The research questions may evolve or be refined as new information is discovered, the researcher learns who to talk to and what to ask, and opportunities come and go. Additionally, the “theory or general pattern

of understanding will emerge” (p. 182) as the initial codes grow into broad themes and finally emerge into broad interpretation.

Normally, historical case studies describe programs and practices as they evolve over time (Merriam, 2001; Yin, 1994). The case is presented using a holistic description and analysis, but the phenomenon is presented from a historical perspective (Bogdan & Biklen, 1992). Yin (1994) explains that essentially, historical research is descriptive, but often merges with case study. According to Edson (1986), historical research is similar to other qualitative methodologies because both emphasize context, study behavior in natural settings, look at the wholeness of an experience, and concentrate on interpretation during the research process.

In contrast to many educational research methods in which the researcher must create data, evidence exists before a historical researcher chooses a topic, creates a thesis, or formulates a research plan (Gall, Gall, & Borg, 2003). When there is almost no control or access, histories are the preferred research strategy. Histories often deal with past issues, with no relevant persons alive to report or explain what occurred. Still, histories can be completed about current events, causing the strategy to begin overlapping with case study research (Yin, 1994).

Gall, Gall, and Borg (2003) explain that identifying a problem to study, searching for historical data sources, evaluating data for accuracy and authenticity, and synthesizing the data into meaningful patterns are the major steps in conducting historical research. Yin (1994) states that case studies and histories use many similar techniques, but case study research is better able to deal with a wider variety of evidence than what might be

accessible to conventional historical research, including artifacts, documents, interviews, and observations (see table 2).

Merriam (2001) asserts that because it is an emergent process, it is important to collect and analyze data simultaneously when conducting qualitative research. She explains that even though a researcher is constantly examining the data as they are collected, the analysis is not complete when all the data are collected. Analysis of the data becomes more intensive as more information is gathered and the process continues. Historical studies are strengthened based on the size of data set used to reach conclusions of a study (Gall, Gall, & Borg, 2003).

Table 2

Research Questions and Data Analysis

	Data Source	Collection Time	Analysis Method
1. How did the SES element of NCLB become part of the legislation?	<ul style="list-style-type: none"> ■ Primary: Documents and reports ■ Secondary: Interviews and books 	November 2006 - January 2007; March 2007 April - June 2009	Allison and Zelikow: Governmental Politics Model
2. To what extent can passage of the SES element of the NCLB be explained by Allison and Zelikow's GPM?	<ul style="list-style-type: none"> ■ Primary: Interviews ■ Secondary: Documents and reports 	September 2008 April - June 2009 March 2007	Allison and Zelikow: Governmental Politics Model
3. During the initial implementation stage, to what extent can the intended SES outcomes be compared to the actual SES outcomes?	<ul style="list-style-type: none"> ■ Primary: Interviews ■ Secondary: Government reports 	April - June 2009 September 2009	Putney, Wink, and Perkins's CARMA

Interviews

Interviewing is an important way of gathering data in qualitative research (Dexter, 1970; Patton, 1990; Yin, 1994; Merriam, 2001). Dexter (1970) defines interviews as a “conversation with a purpose” (p. 136). Patton (1990) explains that the main purpose of an interview is to discover special information that is contained in another person’s mind; things like feelings, intentions, perspectives, meanings, and thoughts that previously took place and cannot be directly observed. Interviewing is important in historical case study research because it deals with events of the past that are not possible to replicate (Merriam, 2001). Kvale (1996) explained that an open, unstructured interview was an exchange between two people that depended on shared understanding and knowledge between the participants. According to Bogdan and Biklen (1992), a good interview enabled the subject to be at ease to freely discuss perspectives, memories, and points of view in a way that produced rich data. Merriam (1998) stated that an interviewer should avoid multiple choice, yes-or-no questions, or leading questions. Kvale (1996) listed several recommendations to contribute to the quality of an interview:

1. The interview quality could be based on the specific, rich, relevant, and spontaneous answers from the interviewee.
2. Brief questions generally elicited better and longer answers.
3. The interviewer needed to ask follow-up and clarifying questions.
4. Many of the follow-up questions or clarifying comments were spontaneously created by the interviewer.
5. Interpretations were verified by paraphrasing what the interviewer thought the respondent meant, helping the interviewer and subject co-construct meaning.

The three interview subjects for this study were chosen because of their expertise and involvement in the No Child Left Behind legislation. One subject was picked from the Executive Office, the Senate, and the House of Representatives. The first was Alexander “Sandy” Kress, who was President Bush’s aide on education. The second was Danica Petroschius, who was an aide to Senator Ted Kennedy. The third was a House committee aide from the Democratic side, who wished to remain anonymous. Questions were developed after analyzing the data collected from the written historical documentation, with a goal to address the Model III (Allison & Zelikow, 1999). The following questions were sent to the subjects before the interviews:

1. How did Supplemental Services become part of NCLB?
2. Who were the people who caused that to happen?
3. What were the views most prominent in shaping the action?

Prompts: Did you note any dissenting views?
Who displayed those views?

4. What were the values most prominent in shaping the action?
5. What factors shaped each player’s perceptions?

Prompts: interest groups, think tanks, constituents, political views?

6. What factors shaped each player’s preferred course of action?

Prompts: positions and power (formal and informal)
compromise, deal-making

7. What factors accounted for each player’s impact on the choice and action?
8. What was the established process for resolving competing perceptions, preferences, and stands of players in making decisions and taking action?
9. What was SES intended to provide?

Critical Action Research Matrix Application

To evaluate the initial implementation of the supplemental educational services element of No Child Left Behind, this study used Putney, Wink, and Perkins' (2006) critical action research matrix application (CARMA). The CARMA matrix was used to determine what was expected from some action, and measure the expectations against the actual implementation and outcomes (Whitehead-van Löben Sels, 2002). It is used to express how analytical reflection in evaluations can be developed into action (Putney, Wink & Perkins, 2006). The matrix was used to determine what results were intended from an action; in this case the supplemental services portion of NCLB and compare it with the results of the actual implementation of the statute. Evaluator interpretations and implications were then completed. The final stage includes recommendations and a determination whether to modify or maintain the program.

Three stages comprise the CARMA process: NoteTaking, NoteMaking, and NoteRemaking. The NoteTaking stage contained two steps: intent of the legislation and actual implementation. The researcher recorded what was expected to take place and what actually happened. In the NoteMaking stage, the steps taken were results and conclusions. In this aspect, the researcher interpreted why something happened, based on data from the NoteTaking stage. The NoteRemaking stage consisted solely of recommendations (Putney, Wink, and Perkins, 2006). In other words, NoteTaking examined what was intended by the legislation, NoteMaking determined if what was intended by the act was what was actually implemented, and NoteRemaking ascertained if the implementation was completed as intended (Whitehead-van Löben Sels, 2002).

Table 3:

Critical Action Research Matrix Application (Putney, Wink, & Perkins, 2006)

<u>Intent of the Legislation: NoteTaking</u>	<u>Actual Implementation: NoteTaking</u>	<u>Results and Conclusions NoteMaking</u>	<u>Recommendations: NoteRemaking</u>
<u>Managers, clientele, and stakeholders</u>	Users and participants	Compare and contrast intent with actual	Evaluator and/or stakeholder
Who is being served? Who is involved?	Who are actual participants?	Intended vs. actual results. Congruent or divergent?	Modify or maintain the program?
How are the participants to be served?	How are participants using the service?	Intended vs. actual results. Congruent or divergent?	Modify or maintain the program?
What will be produced by participants in the program?	What was produced by participants in the program?	Intended vs. actual results. Congruent or divergent?	Modify or maintain the program?

As shown in Table 3, NoteTaking was used in two ways. First, the perspectives of various participants were used to record what was expected to happen. Second, the researcher observed interactions between and actions of participants in relation to outcomes and responsibilities. In the NoteTaking aspect, the researcher only recorded what happened, with no interpretation or judgment at that point. During the NoteMaking aspect of CARMA, the researcher used evidence collected from the NoteTaking aspects to begin to interpret what happened by comparing the actual implementation with the expected implementation. The NoteRemaking aspect took what was learned from the previous aspects of the process and used it to consider ways to improve the practice in the program (Putney, Wink, & Perkins, 2006).

Internal Validity

Merriam (2001) explained that in qualitative research, internal validity dealt with fact of the findings of the research matching with reality. She suggested that a researcher use triangulation, peer examination, and member checks to ensure internal validity. To address triangulation, several primary and secondary sources of data were collected by examining multiple documents and interviewing people from various perspectives. In addition, the researcher utilized the research questions to analyze the data and used the legislative analysis and drafting (Statsky, 1984) and Governmental Politics Model (Allison & Zelikow, 1999) frameworks to frame the study. In order to address peer examination, the researcher conferred with the dissertation examination committee chair and other members of the committee on data as they emerged. To address member checks, the researcher transcribed the data from the interviews with key players and gave the participants time to comment on the interview transcripts.

Reliability

Because human behavior is neither static nor isolated, reliability in qualitative research can be difficult to accomplish (Merriam, 2001). Lincoln and Guba (1985) suggested that reliability can be addressed in qualitative research by looking at consistency or dependability in the data. Merriam (2001) claimed that qualitative research should ensure that the results of a study are consistent with data collected rather than trying to determine, as in a quantitative study, whether the findings of the study could be replicated. She added that reliability in a qualitative study can be increased by through the investigator explaining his or her position, triangulation, and an audit trail.

External Validity

External validity is the extent that findings of a study “can be applied to individuals and settings beyond those that were studied” (Gall, Gall, & Borg, 2003, p. 374). Glesne (1999) explained that validity, or what she refers to as “trustworthiness,” should be considered when designing the research and during the data collection phase of the study. According to Merriam (2001), the researcher must provide a thick, rich description so that readers can compare the data to their own personal situations. She adds that providing rich narratives helps the reader generalize results of a study.

Summary

Chapter one of this study explained that the purpose of the study was to investigate the political context of the legislative process and how the supplemental educational service component of NCLB was included in the law. It also examined educational activism on the federal level. Chapter two discussed the methodology used in the study and described the governmental politics model (Allison & Zelikow, 1999) and critical action research matrix application (Putney, Wink, and Perkins, 2006) as the lenses through which the data were viewed.

Chapter three reviews the current educational literature concerning standards and accountability and explained the need to provide additional support to struggling students. The third chapter also describes legislative statutes, canons, and history and discusses how administrative agencies fit into the legislative landscape. The fourth chapter describes the passage of the supplemental educational services element of the No Child Left Behind Act. The data were collected from a variety of primary and secondary

sources. Finally, chapter five summarizes the data collected and discussed implications for educators and policymakers.

CHAPTER 3

REVIEW OF THE LITERATURE

The educational climate in the United States is that of standards-based reform with a goal of raising all students to levels of high academic achievement (Berliner & Biddle, 1995; Reeves, 2002; Owings & Kaplan, 2003; Peterson & West, 2003).

According to Berliner and Biddle (1995) schools in the United States are generally held in high regard and most people think that their schools can accomplish many important tasks. They also assert that American citizens believe its educational institutions could and should do better. In addition, most people have had personal experience with schools, and they understand that financing schools does require spending tax dollars. All of these factors have created a climate of noisy, public discourse concerning public education, which resulted in frequent educational reform in America. The passage of No Child Left Behind followed several years of high-stakes accountability activity across the country that was near implementation (Hess, 2003).

Chapter three of this study provides an overview of the literature and previous studies addressing several areas, including: research about the standards and accountability movement in the United States; efforts to deal with struggling students, including social promotion, retention, tutoring, and remediation; the legislative process of statutes, canons, history; choice and privatization; and administrative agencies.

The Standards and Accountability Movement

The accountability provisions in No Child Left Behind were not created in 2001. They were a culmination and synthesis of initiatives from the Ronald Reagan, George H. W. Bush, and Bill Clinton administrations (Rudalevige, 2003), were influenced by Lyndon Johnson's Great Society programs of 1965 (Cross, 2004), and were built on the foundation of Dwight Eisenhower's National Defense Education Act of 1958, which was passed with the goal to produce more engineers and scientists in the United States in response to the Soviet launch of Sputnik (Spring, 2002).

Finn and Kanstoroom (2001) referred to standards as the first leg of what they called the accountability tripod. They explained that the other two legs consisted of measurements and consequences. They asserted that to improve student achievement, the desired results had to be delineated, a reliable means of evaluating progress toward the results had to be devised and tangible incentives and disincentives for those involved in the educational process had to be created. Goldberg and Traiman (2001) claimed that the most important argument for educational standards was that student achievement and performance increased when standards were supported by local policy, teachers, parents, a consistent assessment program, and a reasonable accountability system.

The purpose of and demands on American schools have evolved. With significant immigration in the early 1900s, the public desired schools to assimilate students into American life by combining basics in arithmetic and English with emphasis on patriotism, honesty, and hard work. The emphasis shifted in the 1920s from serving national interests to serving individual student needs. By 1954, the focus moved to educational access, especially for African-American students in desegregated schools, but

also assess for special programs for disabled, poor, non-English speaking, and gifted students (Graham, 2005). In 1967 the International Association for the Evaluation of Educational Achievement (IEA) published a study comparing mathematics achievement for secondary students of the same age in different countries. This marked the first time students from different countries were given a comparable assessment. The work of the IEA garnered much attention and they quickly created similar studies in other subjects. To the surprise of many, students in the United States did not do as well on these tests as students in other countries, especially Korea, Japan, and the nations of Western Europe. In fact, the scores of American students' were sometimes the lowest of the countries that were compared. The studies by the IEA were primarily produced for educational professionals, but after a time, they drew the attention of others (Berliner & Biddle, 1995; Lind, 1996; Spring, 2002, Cross, 2004).

In the early 1980s, the results of these studies were published in *A Nation At Risk* (National Commission on Excellence in Education, 1983) as well as other critical documents and the American population was informed that the educational system in the United States was in a crisis that was responsible for the nation's failure to keep up with the industrial advancement in the rest of the world (Spring, 2002). Based on *A Nation at Risk*, the media produced a plethora of reports concerning the problems with America's schools, bringing the perception of a crisis in education to the forefront of national interest (Binggeli, 2001). Cohen-Vogel (2003) stated that before the mid-1980s, education politics dealt with value issues like access and equity for all students. With more pressure for accountability, the purpose of education changed.

Many analysts of U.S. public education claimed that student achievement had dramatically dropped in American schools and students in this country were now performing far below the students of other Western countries. They concluded that massive evidence indicates that schools and teachers in the United States were failing the country (Berliner & Biddle, 1995; Finn & Kanstoroom, 2001; National Commission on Excellence in Education, 1983) including the fact that Scholastic Aptitude Test (SAT) scores dropped by 0.3 standard deviations between 1967 and 1982 as well as declines in National Assessment of Educational Progress (NAEP) scores in science and math between 1970 and 1982 (West & Peterson, 2003).

Berliner and Biddle (1995) disagreed with the critics' assertions. They argued that it was fair for the American people to be concerned about school performance, but through the analysis of several data sources, they concluded that students today were performing as well as students in previous generations and that the achievement of students in the United States compared favorably with that of students in other countries. Using results from the SAT, the American College Testing (ACT) Program, the Preliminary Scholastic Aptitude Test (PSAT), and the NAEP, they claimed that achievement for white students remained steady for several decades and that the achievement of minority students had actually increased. This occurred while the number of minority students taking these tests, many of which were only taken by students planning to attend college, continued to rise. A comparison between students of different countries was not as simple as it looked on the surface. Lind (1996) referred to the reported academic failure of public schools in the U.S. as a modern hoax. There were several reasons for this opinion. The notion of what was the best method to conduct

education varied widely from country to country and created difficulty in comparing student achievement. Countries in Europe and Asia traditionally used entrance examinations to sort students before they began middle and high school. Only students who scored high enough on those assessments were allowed to attend schools that prepared students to enter universities and therefore take tests administered by groups like IEA. Spring (2002) explained that U.S. students and students of other countries who took similar courses scored about the same on international assessments. In fact, U.S. students sometimes performed better than similar students of other industrialized nations. More diverse students, including those identified with special needs, also presented challenges to the educational system in America (Berliner & Biddle, 1995). Owings and Kaplan (2003) suggested that new acrostics, such as IEP, LD, SED, IDEA, LEP, confused and perplexed American educators, not to mention politicians and the public.

Nevertheless, the notion that American schools were failing had taken hold and politicians, seeing an opportunity to capitalize on being educational reformers, became champions of accountability (Rudalevige, 2003; Sunderman & Kim, 2004.) Many ideas were proposed to solve the perceived problems of education. Solutions often tried to emulate private sector models, emphasizing consumer choice and competition (Friedman, 1962). Reform efforts included charter schools, vouchers, open enrollment, and privatization of education (Berliner & Biddle, 1995; DeBray, 2006). Free market advocates (Friedman, 1962; Rothbard, 1970; Hayek, 1994) asserted that competition and school choice would increase the social value of schools and improve the quality of education for all students. Chubb and Moe (1990) argued that the current system of

public school governance should be thrown out in favor of a market-driven one in which parents had primary control over the schools.

The business world was also a key proponent of accountability in schools (Carnevale, 2001; Golberg & Traiman, 2001; Retner & Kober, 2001). Business leaders cared about education standards because they felt that the well-being of the American economy and their companies was at stake (Carnevale, 2001). Those in the private sector felt that standards were the best way to address the problems in education and cause the system to move ahead, that high standards focused effective schools and revealed the weaknesses of schools that were ineffective, and that standards helped an organization ascertain how far it had come and how far it had to go by allowing it to both measure and assess progress in comparison to a constant, unmoving goal (Golberg & Traiman, 2001). Proponents of the business model for education held that standards helped students know, in clear statements, what the world expected them to be able to do and know (Carnevale, 2001; Retner & Kober, 2001). Business leaders concluded that incorporating assessment and accountability were the only methods to move standards from mere wishes to a means to increase student achievement (Goldberg and Traiman, 2001). Many economists asserted that both educational and industrial reforms were essential if the United States hoped to survive and excel internationally. They pointed out that the quality of labor became the chief determinant to success in the new world economy (Schmoker & Wilson, 1993). Weisman (1991) explained that educational accountability proponents claimed that because of national academic standards, for the first time in history, what was good for business and what was good for students were the same thing.

Those who called for school reform claimed that American schools desperately needed accountability. Legislatures also began to change the way school accountability was measured. They shifted from focusing on things like teacher certification and the number of library books per student to holding schools accountable for student results (Binggeli, 2001). The call for accountability was pronounced (Spring, 2002). Political forces demanded it and most school systems make it a primary theme for everything from teacher negotiations to leadership decisions to student promotion. The word “accountability” evoked strong emotional reactions from advocates and critics. Reeves (2002) stated that advocates of accountability were typically those who had grown impatient with the slow progress of many schools and who believed that continued toleration of mediocrity and excuses denied educational opportunity to children.

Hess (2003) claimed that by signing NCLB, George W. Bush made the federal government a key in the effort to use high-stakes accountability as an integral part of school improvement, but the standards and accountability for schools had been going on for several years and crossed political lines. In a 1998 report by the U.S. Department of Education, Bill Clinton challenged school districts to adopt high standards, end the practice of social promotion, and hold schools accountable for student achievement. He also expressed the idea that the act of increasing standards would improve the students’ abilities to meet the standards (Clinton, 1996).

In the 1999 State of the Union address, President Clinton stated that his Education Accountability Act would for the first time hold states and schools accountable for progress and reward them for their results. Earlier, he claimed that world-class standards would raise student achievement and help workers do better in the world labor market,

because the more that was expected of students, the more they would expect of themselves, and the more they would then achieve (Clinton, 1996). Al Gore's 2000 educational platform called for greater accountability from public education and contained provisions that called for the closing of failing schools, public school choice, reducing funding for state departments of education that failed to increase student achievement, and implementation of high school exit exams (Jennings, 2000). In a speech President Bush (2003) gave to commemorate the first anniversary of No Child Left Behind, he indicated that NCLB committed every public school in the United States to higher standards and accountability for results.

In spite of the bipartisan support for standards and accountability (Spring, 2002), some people criticized the movement. Critics of the standards movement argued that it was less about substantive education reform and more about politics and public relations (Goldberg & Traiman 2001). Reeves (2004) claimed that when accountability was the exclusive initiative of politicians, boards of education, or the central offices, the inevitable consequence was the perception that accountability is something that was "done to" students and teachers rather than something in which stakeholders were allowed to participate. Another concern about the philosophy behind the standards movement was the argument made by policy makers and politicians that the things that ought to be taught to children were the things that those who were educated currently knew. One problem with that approach was that the world was experiencing an information explosion. Schools could only teach a small fraction of what was currently known, let alone what would be discovered (Brady, 2000).

Hess (2003) stated that four groups typically opposed high-stakes reforms. The groups included educators who were concerned about the threat of sanctions and loss of autonomy, communities that were disproportionately sanctioned by assessment results, communities that were already perceived as successful and resented the disruption of testing or threat to their reputation, and those who felt their curricular preferences were threatened by the testing process. Finn and Kanstoroom (2001) indicated that those opposed to the standards movement could be split into those who opposed the basic concept of standards-based reform and those who objected to the way accountability measures were being implemented.

Many educators believed that relying on a single test score to assess a student or school was not an accurate measurement of achievement (Reeves, 2002). According to Brady (2000), the standards movement also aligned with the simplistic view of many of the citizens of the United States of what education was all about. Many claimed that the purpose of education was basically the distribution of information. In reality, he argued, true teaching consisted of altering the paradigms of others, a task not easily done or tested on a single instrument. In the real world, problems were solved and projects were completed using a variety of strategies and techniques. Standards and the tests written to assess students' knowledge were written for specific disciplines and rarely encouraged or required students to explore relationships between or beyond those common disciplines. In most educational systems, accountability was little more than test scores. The job of a teacher was far more complex than what was measured by a student's performance on a single test. It was understandable that educators resented the simplistic notion that their

curriculum, creativity, enthusiasm, and focus on the needs of individual students could, in the minds of some, be summed up with a single number (Reeves, 2004).

Proponents of national education standards, which were based on the idea that standardized tests measured “an important dimension of educational quality” (West & Peterson, 2003, p. 3), argued that state-mandated assessments would change the incentive structure of teacher-student interactions, raise achievement, provide opportunities for motivated students, and produce better prepared graduates (Coleman, 1997; Schiller & Muller, 2000). However, Cunningham and Sanzo (2002) warned that the education community must be conscious of the many problems resulting from incorrectly using the data from high-stakes testing. They explained that the purpose of competency tests was originally to ascertain the percentage of students that had attained the knowledge believed to be necessary for their future success, to inform educators regarding strengths and weaknesses of students, to measure students’ progress over time, and to stimulate continuous improvement. Test results were increasingly used to administer sanctions affecting graduation, accreditation, school funding, teacher rewards and promotions, staff retention, and improvement plans (West & Peterson, 2003; U.S. Department of Education, 2005). Misinterpretation and overemphasis of the results of high stakes tests produced several negative effects on schools. Sanctions punished low-scoring schools, teachers, and students, often including those of low socioeconomic status (SES). Implementing assessment standards pass rates, or benchmarks, locked teachers into standardized approaches to instruction and abolished teachers’ judgment as to the needs of their diverse student populations (Berliner & Biddle, 1995). Cunningham & Sanzo (2002) argued that focusing on standard-results, high-stakes testing seemed to have a

negative effect on creative and effective teachers who designed lessons that stimulated the greatest classroom interest.

According to Binggeli (2001), accountability reforms included some educational pedagogy and philosophy, but in the end, relied more on “the complex world of politics” (p. 38). Dorn (1998) stated that educational accountability laws contained both practical and political legacies and that most high-stakes accountability efforts tended to emphasize the practical legacies while operating within a fundamentally political process. Nevertheless, he argued that the political legacy of standards-based reforms, including the increased use of statistical accountability systems, will shape and influence future discussions and educational practice.

Those who promoted the standards movement had the advantage of being viewed as being on the side of the issue that promoted standards for schools, which placed opponents of the standards movement, by default, on the side that was against educational standards (Brady, 2000). As a result of the political pressure from both Republicans and Democrats, the standards and accountability movement is likely to continue (Lawton, 1997; Spring, 2002). Reeves (2004) explained that educators have two choices: They can rail against the system and hope that standards are just a passing fad; or they can lead the movement for a fundamental reformulation of educational accountability. They can wait for policymakers to create plans for accountability; or they can proactively go beyond the requirements of prevailing accountability systems. He asserted that if teachers embrace accountability, they could positively influence educational policy.

Retention and Social Promotion

The setting of educational standards guaranteed that some students would inevitably fail to meet those standards (Hess, 2003). The six million secondary students who comprised the lowest 25 percent of achievement were between three and four times more likely to drop out of school than students in the next highest quarter of academic achievement, and 20 times more likely than top performing students to quit school before graduation (Carnevale, 2001). Students who dropped out or fell behind placed themselves and society in a precarious position. Workers had to deal with numerous evolving technologies and had to make on-the-spot decisions that would have bewildered previous generations. Jobs that were once available to dropouts and individuals with only a high school diploma were rapidly disappearing. Rentner and Kober (2001) claimed that employment projections indicated that by the year 2008 jobs requiring only a high school diploma would grow by only nine percent, ones requiring an associates degree would grow by 31 percent, and those requiring a bachelor's degree would grow by about 25 percent. It was not surprising that employers were hesitant to hire workers who lacked basic academic skills because of what it costs to train and remediate employees. According to the U.S. Department of Education's Center for Education Statistics (2001), a male with a bachelor's degree would earn an average of \$945,670 more during his working lifetime than a high school dropout, which equated to a lower contribution to the GDP and tax revenue.

Historically, schools just passed non-achieving students on to the next grade through a process called social promotion (Shepherd, 1990) or implemented policies that resulted in mandated retention of students who did not perform high enough on high-

stakes testing programs (Smink, 2001). The North Central Regional Educational Laboratory (NCREL, 1999) asserted that social promotion had a negative effect on student achievement. In addition, they stated that grade retention had a negative effect on classroom behavior, attitude toward school, and school attendance. Students who were retained also had higher dropout rates than students who weren't retained. A constant theme running through research on grade retention and social promotion was that neither practice, used without other interventions, helped students achieve (Shepard, 1990). Social promotion and retention both tried to remedy problems after they occurred, rather than preventing their occurrence (Wheelock, 1998). Neither retention nor social promotion provided appropriate instruction for low-performing students (Karweit 1991). Murray and Murray (2001) stated that rather than relegating low-achieving students to social promotion or grade retention, it was imperative that schools develop alternative approaches so that all students performed at a higher level.

A recommendation made in 1954 (Goodlad) rings as true today when discussing struggling students as it did when he made it. He stated that whether slow-progress children were regularly or irregularly promoted, adequate subsequent provisions for their needs were not being provided for in schools. He recommended that schools adopt policies of regular progress and appropriate instructional techniques that met the individual child where he or she was academically and guided the student forward according to his or her own potentialities and capabilities. Decades later, educators were still having the same conversations. Shepard and Smith (1990) suggested that there were "numerous ways to provide extra instructional help focused on a student's specific learning needs within the context of normal grade promotion" (p. 86).

Tutoring and Remediation

Tough educational standards guaranteed that some students would fail to meet the prescribed goals and would therefore need additional assistance to meet them (Hess, 2003). Neither retention nor social promotion alone was a valid intervention for struggling students (Shepherd & Smith, 1990). Other methods were needed to help these students meet the academic standards.

Disadvantaged students benefited from access to additional remedial services, but how the tutoring was provided was as important as its availability. Stand-alone programs, with no correlation to the classroom tended to fragment the delivery of instruction without any clear educational benefit (Sunderman & Kim, 2004). Programs that focused on individual student remediation that were not coordinated with the regular classroom curriculum were not as successful as those that offered such a focus (Wong, Sunderman, & Lee, 1997). Critics of the federal Title I program argued that the delivery of instruction was characterized by curricular and instructional fragmentation, and that little coordination occurred between Title I interventions and the regular curriculum (Kirst, 1988). Yet, the supplemental educational services aspect of NCLB mandated that tutoring be provided outside the regular school day (Educational Research Service, 2003; U.S. Department of Education, 2005).

A comprehensive national evaluation of an after-school tutoring program called the 21st Century Learning Community Centers showed that the program had limited effects on student achievement, with the greatest gains made only when parents were involvement (U.S. Department of Education, 2002). Summer school programs, which were developed in response to research showing that the achievement gap widened

during summer break, failed to narrow the achievement gap between low- and middle-income students. Some researchers suggested that if summer school was to close the learning gap, it had “to be designed especially for poor children and provided only for them” (Entwisle, Alexander, & Olson, 2000, p. 25).

Nevertheless, some promising approaches improved the performance of low-achieving students (Sunderman & Kim, 2004). Studies on the implementation of Title I suggested that all students benefited in schools that adopted a comprehensive approach to educating children. This included carrying out a Title I and regular curriculum that were coordinated, providing programs that supported instruction students received in the core curriculum, and developing expectations that were the same for all students (Orfield & DeBray, 1999; Wong, Sunderman, & Lee, 1997). Other approaches that had a strong record of improving learning outcomes for struggling students relied on using resources to address the effects of concentrated poverty. Research showed that achievement gains were tied to instructional interventions, such as class-size reduction and assignment of qualified teachers, targeting high-poverty, high-minority schools (Grissmer & Flanagan, 1999; Orfield & DeBray, 1999).

Privatization and Choice

Some in the educational research and political communities believed that school choice, competition, privatization, and free-market forces would force schools to improve (Hess, 2002; Kohn, 2004). Nobel Prize winning economist Milton Friedman (1962) advocated school vouchers and theorized that allowing parents to choose the schools their children attended would especially help the poor escape substandard education. In the

early 1980s, the Reagan administration unsuccessfully tried to pass legislation that would give tax credits to help pay for tuition at private schools and allow Title I funds to follow the child to the school of his or her choice. In 1994, while President Clinton was in office, the Educational Flexibility (Ed-Flex) Partnership was created, allowing nine states to waive many statutory education regulations in exchange for a comprehensive improvement plan. Within Ed-Flex, districts were allowed to let students from schools that were failing to meet the improvement plan to move to other, non-failing public schools within the district. Federal grant programs were established to facilitate public school choice through magnet and charter schools (Rudalevige, 2003).

The 1996 Republican platform advocated block grants, school rebates, charter schools, and vouchers as methods to make parental choice a reality. The Republican Party platform during the 2000 campaign included a plank allowing federal dollars to travel with students to the school of their choice to theoretically empower needy families and help them escape the failing schools their children were required attend (Spring, 2002). The 2000 Democratic Party educational platform called for the closing of failing schools, public school choice, and reduced funding for states that failed to increase student achievement (Jennings, 2000).

A study of three privately-funded school voucher programs was conducted by Harvard's Program on Education Policy and Governance (Howell, Wolf, Peterson, & Campbell, 2000). In these programs, students from low-income families in Dayton, Ohio, New York City, and Washington, D. C. were allowed to transfer to private schools. The study claimed that in the three cities taken together, after one year the average test scores of African American students was higher than the control group that remained in public

schools. After two years, the scores of the transferred African American students were 0.33 standard deviations higher than students in the control group. Students from other ethnic groups who transferred from public to private schools showed no statistically significant effects, either positive or negative. Molnar and Achilles (2000) argued that results of the voucher study had to be closely examined before general conclusions were drawn. They explained that report of the study averaged results from all three cities and across all grade levels. Since averaged findings tended to hide inconsistent results, the impact may be less generalizable than reported. Krueger and Zhu (2003) found the following:

For African American students, the only group to show a significant, positive effect of vouchers on achievement in past studies, the difference in average follow-up test scores between the treatment group (those offered a voucher) and control group (those not offered a voucher) becomes statistically insignificant at the .05 level and much smaller if the full sample is used. In addition, the effect of vouchers is found to be sensitive to the particular way race/ethnicity was defined. Previously, race was assigned according to the racial/ethnic category of the child's mother. If children with a Black (non-Hispanic) father are added to the sample of children with a Black (non-Hispanic) mother, the effect of vouchers is smaller and statistically insignificant at conventional levels. (p. 2).

Proponents of school choice proposed that by allowing parents to transfer their children to other schools, whether public or private, informed schools that inadequate performance had costly consequences. In other words, if schools did not perform, they lost students and money. Moe (2003) argued that stronger competitive threats led to

stronger incentives to improve, which then resulted in greater accountability for schools and higher achievement for students. Hoxby (2001) studied charter schools in Michigan and Arizona and claimed that charter schools were causing scores in all schools to rise when faced with competition for students from charters. Rothstein (2005) disagreed with the findings that greater school choice induced greater productivity in schools. Using Hoxby's data, he found that when he replaced the hand count of the original study with several easily replicable, alternative measures the choice effect was near zero with little evidence that schools responded to competition by raising productivity.

Braun, Jenkins, and Grigg (2006) examined differences in mean National Assessment of Educational Progress (NAEP) reading and mathematics scores between public and private children in grades four and eight when selected characteristics of students and/or schools were taken into account. The school characteristics considered were school size, location, composition of the student body, and composition of the teaching staff. Student characteristics included gender, race or ethnicity, identification as an English language learner, and disability status. According to the study, when compared with no accounting for student characteristics, students in private schools achieved higher levels in both reading and mathematics than students in public school. When comparisons were adjusted for student characteristics, the average for fourth grade mathematics for public schools was significantly higher than the average for private schools, while the average for eighth grade reading for private school students was significantly higher than the average for public schools. The average differences in adjusted school means for both fourth grade reading and eighth grade mathematics were not significantly different from zero.

The discourse between market advocates and opponents has been intense and not likely to diminish. Both sides claimed that their sole purpose was to improve schools and increase achievement for all students. This became a sticking point and later point of compromise during the reauthorization of the Elementary and Secondary Education Act.

Legislative Statutes

The supplemental educational services aspect of the No Child Left Behind Act was included to address the needs of students unable to meet the high educational standards by providing free outside tutoring or academic assistance (U.S. Department of Education, 2005). Hess (2003) argued that it was difficult to determine which high-stakes accountability programs were developed because of educational concerns and which were motivated by politics. Still, when politicians decided to become involved in an issue, it often resulted in laws being debated, written, and passed (Fowler, 2004).

Policymakers traditionally supported state and local control of education rather than federal directives, and federal education legislation normally contained strong prohibitions against federal control of education (Sunderman & Kim, 2004). Nevertheless, the federal role in the American educational system was steadily increasing (Hill, 2000). Fowler (2004) claimed that economic and demographic trends alone did not determine education policy. These trends had to be interpreted by human beings, and in each society human beings interpreted them through deeply held beliefs and values shaped by their culture. Moreover, educational policies had to be developed and implemented within a political system. She stated that policy issues were inherently controversial because an issue only existed if groups did not agree about how a particular

problem should be handled by the government. She described power in the arena of politics as the ability of one person or group to affect another person or group's behavior. She added that "achieving a policy goal often requires building power" (p. 45), and that the way to build power is to secure more or different power resources, which also fit into the governmental politics framework of Allison and Zelikow (1999). Fowler (2004) also claimed that public policy is a dynamic and value laden process.

When drafting legislation, it is important to be accurate, cohesive, clear, and economical. A need to be filled must first be identified. Specific answers are then arranged in a plan that is coherent, clear, and as simple as possible when dealing with complex plans. If the underlying tenet of a statute is confusing, it will not matter how simple and clear the language of the statute is. A clear and simple statute begins with straightforward thinking and ends in straightforward expression (Statsky, 1984).

According to Fowler (2004), three general approaches to influencing policy formulation and adoption exist: through government relations, by working through professional organizations; and through lobbying. In addition, mobilization is probably the most crucial step in policy implementation. As a process, mobilization consists of policy adoption, planning, and gathering of resources.

Legislative Canons

Canons of construction were rules that were supposed to help interpreters of statutes to be able to "draw inferences from language, format, and subject matter of the statute" (Eskridge & Frickey, 1995, p. 634). There were three types of canons: textual, substantive, and reference. Textual canons allow inferences to be made by the interpreter based on word choice, juxtaposition of terms in sentences, and the relationship of a

particular phrase to the complete statute. Substantive canons provided presumptions about the statute based on policies and principles drawn from the common law, previous statutes, or the Constitution. Reference canons were presumptive rules that told the interpreter what other materials might help in determining the meaning of the statute, including the common law, other statutes, legislative history, or agency interpretations.

Eskridge and Frickey (1995) explained that when interpreting statutes it was acceptable to assume that the legislature used words in the ordinary sense that would convey meaning to a reasonable reader. When a statute dealt with a technical or specialized subject, it was fair to consider the specialized meaning of the word when interpreting the statute, but to evaluate it in connection with the statute as a whole. They advised that omitted words may be as significant as words that were used when writing a statute. If the legislature enumerated certain things in a statute, it suggested that items not listed were not intended to be included.

Legislative History

Every statute goes through a legislative process before becoming a law. In the broad sense, the legislative background or history was the whole reason for the creation of a statute. Usually, legislative history had a narrow definition. It meant the institutional progress of a bill (Eskridge & Frickey, 1995). The documentation that resulted from this process could be helpful in interpreting and applying a statute. Before a bill was introduced in the legislature, studies and investigations may have taken place. Hearings on the bill often happened in both houses of the legislature. Sometimes the committees considering the bill prepared reports on the major features of the bill and why it should pass. Both houses may also have debated the merits, meaning, and possible impact of a

proposed bill. Data from legislative history was reliable to the extent that it accurately showed that the information was actually considered by the legislature and reflected accurately what the legislature ultimately did (Statsky, 1984).

Statsky (1984) also warned that opponents of using legislative history as an aid in interpreting statutes argued that using the history was unfair and inherently inconclusive. Those who supported using legislative history stated that ignoring the historical context of a statute in the search for the meaning of the statute violated common sense. He also noted that it was important to consider that legislators or staff members may try to manipulate later interpretation of a statute by intentionally “planting” statements and commentary in the legislative history.

Committee reports were given more of an authoritative role when analyzing legislative history. Eskridge and Frickey (1995) explained that legislation was mostly written in committee or subcommittee, “and any collective statement by the members of that subgroup will represent the best-informed thought about what the proposed legislation is doing” (p. 743). Committee reports were also the easiest to locate through legal research and the easiest to understand once found. They often described the problem to be solved by the proposed legislation, the solution suggested by the bill, and a detailed summary of the proposed provisions of the bill. The report of the conference committee typically contained the version of the bill passed by each legislative chamber and how they reconciled the differences. Sometimes the report even explained why the committee took the specific action it took, rather than some other alternative.

Eskridge and Frickey (1995) warned that sometimes no report for a bill or for a specific provision in the bill was offered because it was added as part of the debate on the

floor of the legislature. The committee report could also be as ambiguous as the statute. It was also important to consider that interested parties may have attempted to persuade legislators or staff members to “smuggle in” helpful language when writing committee reports that would never make it into the statute, knowing that later interpretation placed credibility on those reports.

Policy Implementation

The implementation stage is when a policy mandated by a government entity is actually put into practice (Fowler, 2004). Fullan (2001) explained that educators must understand the “change process” (p. xii), including implementation, to be able to deal with the constant barrage of reform and innovation in the world of education. Research on implementation of educational policy had its beginning in practical considerations. The government wanted to ascertain the effects of new federal funding for reforms like the revised science curriculum of the 1950s and the compensatory education programs for disadvantaged children in the 1960s. They commissioned quantitative program evaluations and discovered that the statistical results were very puzzling. Because of the surprising findings, researchers decided to use qualitative methods to observe what was happening at the program sites. They found that nothing changed at the local level because the mandated federal programs were not being used (Fowler, 2004).

Summary

No Child Left Behind came out of the desire to hold schools accountable for improved student achievement (Peterson & West, 2003). For many years, schools dealt with underachieving students by either retaining them or passing them on with no added academic support (Shepard & Smith, 1990). Neither practice was effective. The only way for students to improve academically was to receive extra instructional help within regular grade promotion (Goodlad, 1954; Shepard & Smith, 1990; Murray & Murray, 2001). NCLB's solution to providing additional help to students who had failed to reach educational standards was to provide supplemental educational services to students whose school failed to make AYP for three consecutive years (McLeod, D'Amico, & Protheroe, 2003).

Some have argued that the only way for schools to improve was to allow market forces and parental choice to play a major role in education, (Chubb & Moe, 1990) including the use of vouchers (Friedman, 1962). Currently, parents have a right to choose private schools if they are willing and able to pay tuition. Some have argued that allowing parents to choose the schools their children attend would force schools to improve. Braun, Jenkins, & Grigg (2006) compared student achievement in mathematics and reading between students at private and public schools. They concluded that when adjusted for school and student characteristics test scores were very similar for the two groups.

When an issue got enough attention or if someone with sufficient influence brought an issue to light, the government took action (Allison & Zelikow, 1999). Legislation, which was often the vehicle for governmental action, went through a specific and predictable process before it was passed (Statsky, 1984; Fowler, 2004), but the

political context varied for each case. Understanding of the legislative process was important for a researcher studying the end result of that process (Allison & Zelikow, 1999).

CHAPTER 4

FINDINGS OF THE STUDY

In the previous three chapters of this study, the standards and accountability movement was introduced, a summary of the basic elements of the No Child Left Behind Act and the supplemental educational services component of the statute was presented, and political factors and processes that influence policymaking were discussed. Next, the ideas of tutoring, remediation, privatization, and school choice were explored and policy implementation was considered. Finally, the statement of the problem and research questions were set forth:

1. How did the supplemental educational services element of the No Child Left Behind Act become part of the legislation?
2. To what extent can passage of the supplemental educational services element of the No Child Left Behind Act be explained by Allison and Zelikow's (1999) Governmental Politics Model?
3. During the initial implementation stage of the statute, to what extent can the intended supplemental educational services outcomes be compared to the actual supplemental educational services outcomes, as viewed through the Critical Action Research Matrix Application (Putney, Wink, & Perkins, 2006)?

Chapter four discusses three themes that are used to address the research questions: a brief history of the Elementary and Secondary Education Act (ESEA) and school choice; the 107th Congress including supplemental educational services as part of No Child Left Behind; and initial implementation of the supplemental education services provision. This study considers how the evolution of Title I of the Elementary and Secondary Education Act, the positions of Presidents Bill Clinton and George W. Bush, public opinion, and persuasion from think tanks influenced congressional action.

The first theme, a brief history of the Elementary and Secondary Education Act (ESEA) and school choice, establishes the background for answering research question number one and provides data to be analyzed through the Government Politics Model (Alison & Zelikow, 1999). The second theme, the 107th Congress and No Child Left Behind describes inclusion of the supplemental educational services (SES) element of NCLB, also answers question number one and adds to the data necessary to answer question two. The third theme, early implementation of SES, also describes student achievement studies and addresses research question number three. The intent of the legislation versus the actual implementation will be discussed through the Critical Action Research Matrix Application (Putney, Wink, & Perkins, 2006).

West and Peterson (2003) stated that the accountability movement originated from efforts to measure cognitive ability and aptitude. They claimed that it was based on the assertion that standardized tests measured a crucial element of educational quality. Rudalevige (2003) explained that achievement, especially in the political arena, meant different things to different people. During negotiations on the legislation that would become No Child Left Behind, the need to obtain consensus ensured that the

accountability elements of the statute remained vague and open to individual interpretation. DeBray (2006) argued that even though Republicans and Democrats compromised on NCLB, there is little evidence to suggest that long-held philosophies of each party concerning educational policy irrevocably changed.

A Brief History of ESEA and School Choice

Traditionally, conservatives advocated reducing the power of the federal government and returning public institutions, like schools, to the people (Spring, 2002; Sunderman, Kim, & Orfield, 2005). Ironically, almost a decade before the Elementary and Secondary Education Act (ESEA), one of the first major involvements of the federal government in public education was proposed by Republican President Dwight D. Eisenhower and passed by the 85th Congress in 1958. The National Defense Education Act (NDEA) had the goal of producing more scientists and engineers in answer to the launching Sputnik by the Soviet Union. The statute provided federally funded student loans, scholarships, aid to recruit new teachers, additional training for experienced teachers and support for developing new science and math curricula (Spring, 2002).

The ESEA was first passed by the 89th Congress in 1965 as part of the Johnson administration's political and legislative plan referred to as the Great Society, which included various War on Poverty programs. The Congress consisted of nearly twice as many Democrats as Republicans, but many of the Senators and Representatives were conservative Southern Democrats. ESEA denoted the end of a congressional stalemate concerning federal aid to schools. It was touted as a bill specifically crafted to help the neediest of students, and members of Congress and the executive branch felt that state

and local governments were not doing enough to address poverty (DeBray, 2006).

President Johnson was proud of the legislation and was able to get it through the legislative process in less than 100 days (Robelen, 2005).

The Elementary and Secondary Education Act was amended and extended eight different times since initial passage. Legislative action concerning the act can be broken into three general time periods. During the first period, from 1965 to about 1980, local, state, and federal administrators tried to determine the specific purpose of the ESEA Title I funds. The original intent of the legislation was to target the money for anti-poverty provisions, but some claimed that it was really a thinly veiled aid-to-general-education bill (Rudalevige, 2003). In the second period of the 1980s, research and foundations began to play important roles in the organizational effects of the program. Critics claimed that federal interventions fragmented schools by creating different instructional programs for those served by Title I and students who did not receive Title I services (Kaestle and Smith, 1982). As part of the 1988 reauthorization of ESEA, Congress created a threshold for “students in poverty” whereby funds given to schools that qualified for federal assistance would be used to serve all students rather than targeted groups. In 1988, Congress also began to shift toward accountability based upon specific results (Jennings, 1991). During the third period of ESEA legislative action in the 1990s, evidence showed little to no achievement gains for high-poverty schools, so reformers tried to alter the program to support equal academic expectations for all students (DeBray, 2006).

In 1968, with Johnson still serving as President, Congress expanded the ESEA with new programs for neglected, delinquent, and migrant children and passed the Bilingual Education Act (Robelen, 2005). The reauthorization of the ESEA by the 91st

Congress in 1970 was influenced by reports of misused federal aid (DeBray-Pellot, 2007), including using the money to build swimming pools for schools (Robelen, 2005). Legislation passed by the Democratic House and Senate and signed by Republican President Nixon focused on increasing accounting for Title I expenditures. ESEA was reauthorized by the Democratic Party controlled 95th Congress in 1978 during Jimmy Carter's administration. Under that legislation, for the first time Title I funds could be spent anywhere within a school if at least 75 percent of students were eligible for the aid (Robelen, 2005). In 1979, Congress passed the Department of Education Organization Act, which made the Department of Education a Cabinet-level organization (Bell, 1988).

Ronald Reagan, as the Republican candidate for the Presidency in 1980, suggested that the Department of Education be disestablished and the majority of the functions of the department be returned to the states and local districts (West & Peterson, 2003). At the urging of President Reagan, the 1981 reauthorization of ESEA, called the Education Consolidation and Improvement Act (ECIA), consolidated 42 federal educational programs into seven and Title I was renamed Chapter I. ECIA was passed by a Democratic controlled House and Republican Senate. Under Chapter I, compliance and accountability components continued, but the overall funding and number of children served by it did not increase (DeBray, 2006). *A Nation at Risk* was published in 1983. According to T. H. Bell (1988), who was the Secretary of Education at the time, it was produced to “jar people into action on behalf of their educational system” (p. 115) and to shake educators out of their complacency. After the publication, educational accountability moved to a more important political position and President Reagan and his administration not only reversed the decision to shut down the Department of Education,

but actually increased the amount of federal funding to schools (Spring, 2002). During this time, the Reagan administration unsuccessfully attempted to give tax credits for private school tuition and to allow Title I funds to follow a child to the school of his or her choice, whether public or private (Kurian & Schultz, 1997).

In 1989, President George H. W. Bush held an education summit at the University of Virginia along with the National Governors' Association. The conference was chaired by Lamar Alexander, who was the Republican Governor of Tennessee and a future Secretary of Education. The vice chairman was Democratic Governor of Arkansas and future President Bill Clinton. In his opening remarks at the meeting, Bush stated that the federal government was a supporting and coordinating partner in the educational effort, not a leader. He claimed that no one federal solution to the problems in the educational system existed, and that even though the federal government had a role to play, he believed that the key would be found at the state and local levels (New York State Education Department, 2006). President Bush launched his educational plan, titled America 2000, at the conference. The major themes that emerged from the conference were the necessity for a highly educated workforce to compete in the global market, tough academic standards, voluntary testing, and the reinvention of schools (Spring, 2002). No vehicle for federal enforcement of the standards was recommended by America 2000, which relied on the states' accepting the National Education Goals (DeBray, 2006). As President, Bush called for educational reform through competition among schools, improved training for job skills, creation of magnet schools, and the provision of tuition tax credits (Kurian & Schultz, 1997).

In 1994, Democratic President Bill Clinton urged the Congress to impose the first federal accountability mandate on the states. The Democratic majority in the House and Senate passed both Goals 2000, which many view as the precursor to No Child Left Behind, and the Improving America's Schools Act (IASA), which reauthorized ESEA. Goals 2000 claimed to establish a framework to identify world-class academic standards, measure student progress, and provide the support that students might need to meet the standards (Robelen, 2005). The IASA required states to develop standards and align assessments to the standards for all students. Districts were to identify schools that failed to make adequate yearly progress (AYP) and improve them. Even though this was the core idea of the accountability provisions of NCLB, the statute was vague, many state plans were not designed well, and enforcement on the federal level was lax. Nevertheless, passage of the law showed bipartisan support for school accountability (West & Peterson, 2003). Within the Improving America's Schools Act the Educational Flexibility Partnership (Ed-Flex) was created, allowing nine states to waive many of the statutory education regulations in exchange for a comprehensive improvement plan. Under this plan, districts were allowed to let students from failing schools move to other, non-failing public schools within the district. Federal grant programs were established to facilitate public school choice through magnet and charter schools (Rudalevige, 2003).

An influential paper written by Andrew Rotherham (1999) of the Democratic Leadership Council Progressive Policy Institute claimed that the way to achieve equity in education was not to equalize the amount spent in each school, but to equalize quality, which was measured by student achievement. To do this, the federal government had to issue tough standards and hold schools accountable for student achievement results. He

proposed that when ESEA was reauthorized, the categorical grants be reduced to five performance-based grants on innovation, Title I, English proficiency, teacher quality, and public school choice. He argued that the permanence and importance of public school choice should be recognized, and that charter and magnet schools were an important part of the educational community. He also asserted that school report cards were the most important piece of effective public school choice.

Polarization between parties increased in the 1990s and created an opening for conservative think-tanks to gain a foothold and begin to influence educational policy. Even though liberal, neoconservative, and even centrist foundations outspent conservative institutions in the arena of public policy, the latter had favorably provided concrete ideas to journalists, the public, and political leaders about limiting the federal government, the superiority of market-driven solutions for education, and national educational testing and standards (DeBray, 2006). During the 1990s, various conservative think tanks advocated a number of programs including: privatization of school operations; promoting vouchers in California and school choice in Milwaukee; gathering data on charter school effectiveness; and advocating increased parental control over schools. Assorted groups then repeated, expanded, and refined pro-choice positions through various specialists arguing comparable points (DeBray-Pellot, 2007). Support for vouchers also came from a group of minority parents and educators who viewed vouchers as a way to escape persistently failing urban public schools (Mathews, 2000).

During the 106th Congress, Republicans controlled both houses of Congress and pushed a bill called the Academic Achievement for All, or Straight A's Act. It consisted of a block grant approach but was opposed by President Clinton. Under a veto threat,

Congress approved a compromise bill that combined block grants with teacher training and class-size reduction, which the President liked. Another bill, called the Student Results Act (SRA) or H.R. 2, reauthorized Title I of the ESEA and contained much of the language that would be used in NCLB two years later. SRA, which passed the House with bipartisan support, required that each state's adequate yearly progress (AYP) plan disaggregate student progress, include annual measurable goals for improving the results of all groups, and narrow the achievement gaps of all sub-groups. If a school failed to make AYP for two years in a row, it was labeled for school improvement and had two more years to improve. If the school did not improve within the given time, SRA required the district to take more drastic coercive action, including reopening the school as a public charter school, and required the district to pay for transportation. Under H.R. 2, schools could use Title I funds to pay for school choice and charter schools. When the bills made their way to the Senate, portions were combined into an omnibus measure called S. 2. One of the changes in the Senate version of the bill mandated public school choice, including transportation, after a school was identified as needing improvement for two years instead of four (Rudalevige, 2003). According to an interview with an unnamed House committee aide from the Democratic side, a large majority of the work that became No Child Left Behind was done by the 106th Congress (personal communication, June 15, 2009).

Liberal Democrats, conservative Republicans, and New Democrats agreed on little during the 106th Congress' debates on education legislation. Republicans insisted on vouchers, which derailed a possible compromise with New Democrats, but opened the door to talks about the portability of funds for supplemental educational services. The

idea of supplemental services entered the political arena for the first time, but no agreement was reached. As debate on the floor bogged down, all sides decided to wait and see what resulted from the upcoming presidential election. For the first time since it was enacted in 1965, ESEA was not reauthorized (DeBray, 2001). Instead, Congress passed a continuing resolution funding the law at the previous level (Rudalevige, 2003).

The Republican Party platform during the 2000 campaign included the position of allowing federal money to travel with students to the school of their choice to empower needy families and help them escape the failing schools their children were required to attend (Spring, 2002). George W. Bush described himself as a compassionate conservative. He claimed that his compassion was for students who were victims of inflexible school bureaucracies and the soft bigotry of low expectations. His conservatism consisted of maximizing flexibility for local spending and increasing parental choice (Rudalevige, 2003). During the 2000 presidential campaign, Democratic candidate Al Gore criticized George Bush for promoting vouchers and private school choice because he claimed that not all students would receive the vouchers and would therefore be trapped in failing schools, and that vouchers funneled public money into private schools that were not accountable. Gore proposed more choice and competition within the public school system by tripling the number of charter schools, putting forward a plan of universal public school choice, and implementing reforms targeted at helping all children from one-hundred of the lowest-performing school districts in America reach high standards (Spring, 2002).

By the election of 2000, both parties advocated school choice as the solution to low student achievement. The options of portability of Title I funds to “go with” an

individual student, public school choice, and supplemental services emerged in the Congress for several reasons. These factors included the resurgence of focused voucher programs in Title I, increased advocacy of school choice by think tanks to improve the academic achievement of economically disadvantaged children, and support of the executive branch for choice in both the Clinton and Bush administrations (DeBray-Pellot, 2007). The only difference between the two major political parties concerning choice was that Republicans advocated including private schools in the choice equation while Democrats wanted to keep choice in the exclusive purview of public options (Spring, 2002; Rudalevige, 2003; DeBray, 2006). In applying Allison and Zelikow's (1999) framework to the historical context of the original ESEA legislation and subsequent reauthorizations prior to NCLB, members with differing political positions proved unwilling to "bargain" on the issue of allowing public funds to go with a student to a private school.

The 107th Congress and No Child Left Behind

During the election of 2000, for the first time both candidates and major political parties agreed that the federal government had an important role in American school reform, but agreement on the large principles of reform did not imply consensus after the election on the specific resources, methods, and timetables necessary to achieve those principles (McGuinn 2006).

President Bush made two strategic decisions that were crucial to how the legislative process proceeded for NCLB. First, he submitted a 30 page outline of his ideas for education reform instead of offering specific legislative language. Presenting a

blueprint instead of a full bill allowed for flexibility and collaboration, instead of getting bogged down in the legislative details and being attacked for every word, punctuation mark, or subheading (Rudalevage, 2003). Second, he chose to seek bipartisan support for the bill rather than try and force it through Congress utilizing the narrow majority the Republicans held in both the House and Senate. Some wanted to force a conservative bill that contained block grants, vouchers, and other reforms that Democrats opposed. Bush had promised to promote a new spirit of bipartisanship during the elections. Keeping in mind his controversial win in 2000, he felt he could begin his administration with a joint compromise on education reform and build an important symbol of his centrist compassionate conservatism. In addition, Bush's views on education reform were more closely aligned with New Democrats than with conservative Republicans (McGuinn, 2006).

Education proposals for candidate Bush were largely created by Barnett A. "Sandy" Kress. He and Bush had worked together on testing and accountability reforms in Texas since 1993. Kress, an attorney and former Dallas school board president, was an unlikely Bush ally. He was the former chair of the Dallas County Democratic Party and a member of the centrist Democratic Leadership Council (DeBray, 2006). Kress indicated that the foundation for President Bush's emphasis on education was his opinion that students, particularly low income students, were just passed along and were in danger of dropping out of school or receiving meaningless diplomas (B. A. Kress, personal communication, April 23, 2009).

In the 1980s and 1990s opposition to vouchers was a core component of the Democratic education strategy and securing government support for private schools was

a core part of the Republican agenda. Several conservative groups and legislators felt that Republican control of the White House and both houses of Congress was an unprecedented opportunity to include vouchers in the legislation. Conservative groups including the Eagle Forum, Family Research Council, Focus on the Family, and the Traditional Values Coalition publically stated that they would not support the final bill if it did not include vouchers. Moderate Republicans asserted that vouchers were of unproven effectiveness and were not popular with the public as evidenced by their defeat in California and Michigan in 2000 and argued that support for vouchers had politically hurt the Republican Party (McGuinn, 2006).

In spite of support for private school choice by the Republican leadership, the concept failed to pass GOP-dominated 106th and 107th Congresses. Legislators have little motivation to support controversial initiatives (Statsky, 1984). DeBray-Pellot (2007) explained that moderate Republicans may have been unwilling to pass a voucher bill that was perceived to take money from public schools. Constituents from suburban, rural, or affluent districts were less likely to support private school choice and during the 1990s, voucher proposals were defeated 2 to 1 in California and Michigan. Members of Congress and their staffs were skilled at reading the political winds and determining the correct timing to support an issue. On the other hand, Democrats may have been willing to consider compromise on the legislation because pressure was being placed on them by two key elements of their traditional base. Some African-American and Latino groups were frustrated with the lack of school reform progress and the perception that poor students were being left in failing schools. Many felt that if public schools were left alone, did not change, and student achievement did not improve, public pressure would

demand a voucher system that would ultimately undermine public schools (McGuinn, 2006).

Meeting in Texas

In December of 2000, President-elect Bush invited several Republican and Democratic members of Congress to Austin, Texas to discuss his plan for education. To underscore the president's desire to forge a Republican-New Democrat partnership, established Democrats, like Senator Ted Kennedy (D-MA), were conspicuously missing from the meeting (Rudalevige, 2003). Initially, Representative George Miller (D-CA) was not invited to the meeting, but John Boehner (R-OH) insisted on his inclusion. Republicans knew it was important to have Miller on their side. He had been willing to negotiate and was not afraid to cross party lines (DeBray, 2006). The president had been told that pressing too hard on school vouchers would end that coalition and reassured the group that vouchers were not a deal breaker. Democrats at the meeting were satisfied and the partnership seemed possible (Gorman, 2001; Milbank, 2001).

Thirty-Page Outline

Three days after President Bush's inauguration, he sent a thirty-page legislative blueprint to Congress outlining his ideas for education reform and reauthorization of ESEA. The President chose this strategy instead of sending a piece of draft legislation. The outline included broad principles that Bush proposed on the campaign trail and ideas taken from the proposals of the 106th Congress. Sandy Kress was appointed to be the administration's chief negotiator on the bill and decided to let members of Congress and their staffs develop the actual legislation (Rudalevige, 2003; DeBray, 2006). Many of the

corrective action requirements for failing schools were not specifically delineated, but public school choice and vouchers for private school tuition or supplemental services were included in that outline (Rudalevige, 2003).

The original outline of No Child Left Behind that Bush sent to Congress in January included proposals that students in disadvantaged schools failing to make adequate yearly progress for three years in a row could use Title I funds to transfer to a higher-performing public or private school or pay for supplemental educational services. The outline also allowed the secretary of education to award grants for innovative efforts to expand parental choice (Sack, 2001). The Bush proposal focused on accountability, consolidation, flexibility, and school choice and contained many of the ideas found in the Three Rs plan introduced by the Senate in 1999 and supported by New Democrats in both Houses (McGuinn, 2006). The legislative blueprint included public school choice and exit vouchers for private school tuition or supplemental services as a consequence when schools did not make progress for three consecutive years (DeBray, 2006). When President Bush proposed vouchers as part of NCLB, Democrats knew that he had not always vigorously fought for them and might be willing to remove vouchers as part of the legislation, so they strongly opposed them from the beginning. Democrats labeled the President's proposals for private school vouchers as a deal-breaker (McGuinn, 2006).

The House and Senate simultaneously worked on and passed their education bills so that several issues were dealt with independently (Cross, 2004). Reauthorization of ESEA needed bipartisan coalitions. This often meant that specific policies were trumped by agreement on broad principles. During debate on NCLB, the term *accountability* was used to mean both coercive and free-market accountability. In coercive accountability,

standardized assessments were used to measure student performance across schools, thus forcing schools to improve. In free-market accountability, students and parents were able to choose schools and force competition, again theoretically resulting in school improvement. By using the same term to cover both definitions, legislators were able to use the same vocabulary to make different policy conclusions (Rudalevige, 2003).

House Committee

In the 107th Congress, Representative John Boehner (R-OH) was made the new chair of the Committee on Education and the Workforce and an unlikely advocate of an increased federal role in education by the government (Rudalevige, 2003). He had previously recommended eliminating the Department of Education, opposed the 1994 reauthorization of ESEA, successfully attached a public school choice amendment to the bill, and voted in favor of private school vouchers (DeBray, 2006), but he was loyal to the President and anxious to gain a quick legislative victory, especially considering the controversial Presidential election victory in 2000. Boehner had a dilemma. He knew several conservatives who would never support the testing element of NCLB, especially without vouchers being part of the law. On the other hand, for Democrats to support annual testing, Republicans would have to compromise on block grants and vouchers. Boehner created a bipartisan working group outside of the normal committee structure. He explained to the President that if he wanted a bipartisan bill, he would need George Miller (D-CA) to help (Rudalevige, 2003). According to a Democratic House aide who had worked with Miller, the Representative from California was mainly attracted to

“brining a sense of accountability to public education that hadn’t really been there, ever (personal communication, June 15, 2009).

Representatives Boehner and Miller, who had spent most of their careers in the House arguing against each other, became unlikely allies in the committee (Clymer & Alvarez, 2001). Both agreed with Bush about focusing achievement on the poorest students and knew that the House had been able to find common ground during the 1999 ESEA reauthorization process. Nevertheless, debate over Title I vouchers during committee deliberations was heated. Republicans argued that disadvantaged students could only escape failing schools through vouchers. Democrats contended that voucher amounts were insufficient to significantly help students and would waste valuable educational resources. Boehner argued in favor of vouchers, but knew he needed Democratic votes in order to get the House version out of committee (DeBray, 2006).

The first draft of H.R. 1 was a mixture of bills previously debated by the 106th Congress, components of the blueprint Bush brought to office, and ideas from New Democrats. Vouchers were stripped from the bill on the first committee roll-call vote. Markup was suspended so that Boehner, with help from Sandy Kress, could meet privately with committee conservatives and assure them that vouchers would be brought up on a floor vote (Nather, 2001b). According to Kress (personal communication, April 23, 2009), the deal struck by Boehner and Miller, which coincided with requests made by members of Congress, was that those in favor of vouchers would get a vote in committee and on the floor. The votes were held but they just didn’t have enough votes to pass.

Representative Miller proposed an amendment in committee that removed requirements for schools to provide vouchers for an amount equal to the per-child Title I

funding that could be used to pay for private school tuition. It also took out supplemental service options after a year of corrective action, grants for private school voucher programs, and Title VI block grants to expand private school choice for disadvantaged students in failing schools (Miller, Levin-Epstein, & Cutler, 2001). The committee approved the Miller amendment 27-20, with all of the Democrats and five Republicans voting for it, thus ensuring continued support of the bill by committee Democrats (DeBray, 2006). Some Republicans complained that the bill kept few of Bush's original proposals. Undersecretary of Education Eugene Hickok explained that the President was not willing to save school choice at the expense of accountability, upon which some argued that educational accountability required choice (Rudalevige, 2003).

Both parties were able to find something ideologically appealing about supplemental educational services. Republicans who favored private school choice felt that it was a first step for more privatization measures in future reauthorizations of ESEA. Democrats noted that use of public money to contract out some services had been done in other programs, such as Head Start and America Reads. Democrats also negotiated a 15 percent cap on the amount of Title I funds that could be spent on supplemental services and ensured that public schools would manage the money. The bill's accountability provisions and sanctions for schools that had not made adequate yearly progress had bipartisan support because they were designed to apply pressure to schools, especially low-performing schools, to improve student achievement (DeBray, 2006). A Democratic House committee aide stated that they were not initially concerned about the idea of tutoring or supplemental services, but did not like the idea of a large amount of Title I funds being expended on a system that was not yet constructed (personal communication,

June 15, 2009). In March 2001, H.R. 1 was approved by House Committee on Education and Workforce Services (DeBray, 2006). The final committee vote was 41-7 (Rudalevige, 2003). Unity in committee was maintained by delay, and specific issues were put off until the floor debate (Nather, 2001a).

Senate Committee

At the beginning of the 107th Congress, then Republican Jim Jeffords (VT) was the chair of the Health, Education, Labor and Pensions Committee (HELP). Judd Gregg (R-NH) and other conservatives in the Senate, who were not happy with the HELP Committee's education bill in the previous Congress, feared that Jeffords would again team with liberals on the committee, including ranking Democrat Edward Kennedy (Rudalevige, 2003) and present a bill that contained President Clinton's priorities concerning funds for school construction and class-size reduction.

Senator Kennedy was left out of the Texas summit, but not out of the debate in Washington DC. Bush and his advisor Sandy Kress began to court the senior Senator from Massachusetts early in the legislative process. In coordination with the more centrist New Democrats, they decided that without Kennedy, it would be difficult to hold together the committee coalition on the Senate floor. Kennedy's experience and leadership on educational issues was instrumental in providing cues to other Democrats on educational policy matters (DeBray, 2006). In committee, when Gregg first introduced an amendment to allow students from failing schools to use Title I funds to receive tutorial services or transfer to private schools, Kennedy argued that Title I had always targeted concentration of poverty within schools rather than on individual students

(Schemo, 2001). During the legislative process, Senator Kennedy's position on supplemental services shifted. As Kennedy began to negotiate with Sandy Kress, he joined the game by agreeing that some form of supplemental services portability, block grant flexibility, and program consolidation could be part of the Senate bill (Gorman, 2001). Kennedy dropped his opposition to supplemental services and convinced Democrats that they could live with the compromise because states would be able to approve the providers of SES (DeBray, 2006).

The President knew he had to heal the bipartisan division in the Senate, so he and his advisors would have to circumvent the HELP Committee (DeBray, 2006). The administration accomplished that by meeting outside the normal committee with New Democrats and moderate Republicans and by dealing mainly with Republican Senator Judd Gregg, instead of Chairman Jim Jeffords (Rudalevige, 2003). Between March and April the negotiating group met separately from the HELP committee to draft an alternative bill that became the basis for the Senate bill rather than the bill produced in the committee (DeBray, 2006). During the day, this select group met with staffers and other members of the HELP committee and at night they would meet with each other. This pattern continued until early April (Gorman, 2001). These negotiations also helped lure Senator Kennedy to the table. When he learned that these meetings were happening without his involvement, he approached the White House, during the markup of the bill in the Senate committee, and indicated that he would be willing to compromise on the bill. (Rudalevige, 2003).

Formulation group members agreed to suppress amendments that threatened the basic principles of the bill. In fact, little changed in the accountability provisions of the

bill as various proposals were voted down to maintain the status quo within the committee. For example, when Democratic Senator Paul Wellstone proposed that annual testing requirements be deferred unless funding was tripled for Title I, fellow Democratic Senators Kennedy, Lieberman, and Bayh all voted against the proposal. A voucher pilot program was also introduced that would only affect ten school districts. It was easily defeated with eleven Republicans voting no. On March 8, 2001, S. 1, the Better Education for Students and Teachers (BEST) Act of 2001, was approved by Senate Health, Education, Labor, and Pensions Committee.

House Floor Debate

On May 9, 2001, H. R. 1 went to the full House of Representatives (DeBray, 2006). Floor debate put the definitions of accountability on the main stage, especially during the discussion of vouchers. Those on the left argued that private schools were exempt from corrective action mandated in the law and therefore exempt from accountability. Some on the right countered that private schools were accountable to parents (Rudalevige, 2003). President Bush desired a bipartisan education bill. Strong opposition from Democrats and moderate Republicans caused vouchers to be removed from the legislation early in the process, but conservative Republicans tried several times without success to add vouchers in to the House version of the bill (McGuinn, 2006). Republican Richard Armey (R-TX) proposed two voucher amendments on the House floor that he tied to the unsafe or failing schools programs he had proposed during the 106th Congress. Both failed by a larger margin than before, with Republicans comprising 75 percent of the “no” votes (DeBray, 2006). Armey proposed a second amendment to

implement five voucher demonstration programs. This amendment was also defeated 186-241. The House floor debate illuminated differences in Representatives' definitions of accountability. Representative Tim Roemer (D-IN), argued against vouchers, pointing out that private schools were exempt from the bill's testing mandates and therefore exempt from the bill's accountability provisions. Majority Leader Arney, retorted that private schools were accountable to parents, not the government (House Report, 2001).

From the beginning, teachers' unions were adamantly opposed to the choice options proposed in the legislation. DeBray (2006) explained that the private school choice option existed in seven different areas in the original proposal. When representatives from the National Education Association met with Republican staffers, they went down the list and rejected each of the seven.

Toward the end of the negotiations, an unlikely coalition of Representatives from the far right and far left attempted to eliminate the annual testing requirements from the bill (Rudalevige, 2003). After fervent lobbying from the administration and with very little changed from the committee version of the bill, H. R. 1 was approved 384-45 on May 23 (Nather, 2001c), with Republicans representing about seventy-five percent of the no votes.

Senate Floor Debate

In May while S. 1 was on the floor of the Senate, HELP Chair Jeffords chose to leave the Republican Party and become an Independent, giving control of the Senate to the Democrats. He chose to do that, in part because he was angry at the White House for refusing to attach increased funding of the Individuals with Disabilities Education Act,

which was scheduled for reauthorization the next year, as part of the negotiations for NCLB. That move by Jeffords made Senator Kennedy the chairman of the committee and Senator Gregg became the ranking Republican (DeBray, 2006). Rudalevige (2003) argued that this had little effect on the bill since Kennedy's decision to work with Bush had already made him a major player in the process and Sandy Kress had already been working with Gregg.

Vouchers were not part of the Senate committee bill, but Senator Judd Gregg was determined that choice provisions would be added to the bill on the floor. He proposed an amendment to create a new program to provide \$50 million each year to fund private school choice initiatives in ten districts across three states. In order to address objections, he proposed that only students in schools that were low-performing for three years would be eligible, and that their annual family income would have to be under \$32,000 (Miller, 2001). The amendment failed 41-58, but did not follow cleanly along party lines (Alvarez, 2001). On June 14, the bill was overwhelmingly approved by the full Senate with a vote of 91-8 (Rudalevige, 2003).

Conference Committee

The conference phase of the legislation went from July to December. It was one of the largest conference committees ever assembled, with twenty-five Senators and fourteen Representatives serving. Little White House involvement was evident in the conference (DeBray, 2006). The conference committee had the task of rebuilding bipartisan bridges and revising and rewriting the more than 2,750 differences in the House and Senate versions of NCLB (Nather, 2001b). Many of the provisions of the bill

that were pushed through the House and Senate committees with a promise of a later fix had to be not only revised, but rewritten (Rudalevige, 2003). Staff members from all thirty-nine members of the conference met daily during the summer recess. This group was so intent on working out the bill that neither the Capitol Hill anthrax scare nor even the terrorist attacks of September 11 swayed them from their task. In the months after the terrorist attacks on the Twin Towers and the Pentagon, an increased tone of unity and bipartisanship sounded throughout Washington DC, which may have added to the Congressional leaders' willingness to reach an agreement on the legislation. The attacks also made Bush put added pressure on the Big Four to complete this piece of domestic legislation before he had to focus attention on defense and homeland security (DeBray, 2006). Danica Petroshius (personal communication, April 22, 2009) recalled that Boehner, Gregg, Kennedy, and Miller really drove the negotiation on supplemental services. During much of the conference committee process, Senator Kennedy and Representative Miller and their staffs would meet together to align their position on specific issues before meeting with the rest of the committee. Often, before the Congressmen would come to the table, the educational staff members would meet, knowing where each member stood, and resolve the easier items of the bill. Then, the Senators and Representatives would come to the meeting and work on the tougher issues. When it came down to the "nitty-gritty, it was the Big Four alone a lot."

The discrepancies between the laws passed by the House and Senate ranged from things as small as word choice for similar ideas to items as large as funding for special education. The Senate version recommended fully funding IDEA and the House version offered no funding. The committee negotiated funding levels for education that were

between what Democrats and President Bush wanted. Under the agreement, the number of programs consolidated was less than what the New Democrats or Bush wanted (Rudalevige, 2003). The conference committee’s position on Adequate Yearly Progress was basically set by late September, but it was not reported openly so they could avoid pressure from special interest groups and have the ability to make minor adjustments as needed (Gorman, 2001).

As illustrated in Table 4, several choice and privatization measures for Title 1 were considered in committee and on the floor. All were ultimately defeated with the exception of the supplemental educational services program (Debray-Pellot, 2007).

Table 4:

Privatization Votes in the 107th Congress Reauthorization of ESEA in the

<u>Location</u>	<u>Proposal</u>	<u>Provisions</u>	<u>Result</u>
House Committee	Miller Amendment	<ul style="list-style-type: none"> ■ Removed all private school voucher provisions ■ Removed requiring SES after just one year of school in corrective action 	Approved
House and Senate Committees	Supplemental Services	<ul style="list-style-type: none"> ■ For schools in the second year of corrective action 	Approved
House and Senate Committees	Public School Choice	<ul style="list-style-type: none"> ■ For schools in the second year not making AYP 	Approved
Senate Floor	Gregg: 10-State Voucher Pilot	<ul style="list-style-type: none"> ■ 10 districts could apply 	Defeated
House Floor	Armey: Public Safety and Family Choice Act	<ul style="list-style-type: none"> ■ \$1,500 vouchers to parents of students in “unsafe” schools 	Defeated
House Floor	Armey: Academic Emergency Act	<ul style="list-style-type: none"> ■ \$3,500 vouchers to parents of students in low performing Title I schools 	Defeated

After vouchers for private schools dropped from Title I discussions, bipartisan compromise was possible and Democrats became more willing to seriously consider supplemental services as a compromise. With SES, members of both parties found something they could agree with ideologically. (DeBray, 2006). Tutorial services were not a new concept in the 107th Congress. Senator Gregg's staff had successfully inserted Tuition Assistance Grants (TAGs) into the Reading Excellence Act (REA). TAGs allowed parents to purchase reading tutorial services from private providers using money allocated through REA (D. Petroschius, personal communication, April 22, 2009). Those on the right argued that with supplemental services, for the first time federal funds were being spent in a private setting, and that SES was the first stage toward proving to the public that schools were not working properly and that vouchers were the next logical step (McGuinn, 2006). Senator Kennedy's educational aide, Danica Petroschius (April 22, 2009) explained that after President Bush removed vouchers and block grants from the negotiating table, Republicans needed to have some type of choice in the bill and supplemental services, along with charter schools and public school choice, met that need. Sandy Kress, in an interview with the author (personal communication, April 23, 2009), stated that Democrats clearly did not want vouchers or any choice measures to be part of the legislation. On the other hand, the Republicans felt they had a moderate fall-back position where choice would only be triggered as a consequence for schools that had continuous records of failure and an unwillingness to improve. Kress viewed SES as a way that Democrats reached back to Republicans on the issue of choice, so Democrats could say they were willing to compromise to a certain extent, but no further. Some on the left were upset about using public funds for private services, but many found

supplemental services to be consistent with their opinion on accountability. They did not oppose schools using private providers, as long as the schools managed the money (DeBray, 2006). Petroschius (personal communication, April 22, 2009) added that at that point in the legislative process, Senator Kennedy felt that providing free tutoring to poor families was a good idea.

Social issues were the final obstacle in the negotiations. Conservatives wanted to guarantee nondiscrimination in hiring by religious SES providers. In other words, they did not want providers to be approved or not approved based on hiring tutors of their own denomination. In contrast, Democrats refused to ratify the conference agreements unless they contained provisions preventing supplemental service providers from churches or other religious groups from discriminating against employees or students. The Big Four held a fifteen-hour negotiating session and decided that they needed to reach a compromise on this issue in order to continue negotiations on the rest of the law. In the compromise, Kennedy's staff was able to bar religious discrimination against children receiving the services and employees providing the services and required a non-ideological curriculum. The Republicans got a requirement that schools had to certify that they did not prevent constitutionally protected prayer and an agreement that school districts that discriminated against the Boy Scouts or other groups that barred homosexuals as leaders would lose federal funding (DeBray, 2006, p. 118).

The conference report was adopted by the House on December 13 and the Senate on December 18. On January 8, 2002, the NCLB Act was signed into law by President Bush in Hamilton, Ohio (Cross, 2004). He was surrounded by elated member of Congress

and was cheered on by students. The President stated that the law put America's schools on a new path of reform and results (Rudalevige, 2003).

In an interview with a Democratic aide from the House Committee on Education and the Workforce, he explained that the process of passing *No Child Left Behind* was quick, but typical to the way other bills were passed (personal communication, June 15, 2009). Sandy Kress (personal communication, April 23, 2009) stated that the legislative process happened the way it was supposed to happen, the way the "average citizen wants government to work." He explained that the people "sitting at the table" were the people one would expect to be involved and that the law "was produced by everybody who was at the table." Danica Petroschius added that the level of engagement by the Big Four and their staff was unprecedented in her experience and that such momentum and drive rarely happens.

Implementation

In order to reach bipartisan agreement on *No Child Left Behind*, a certain amount of ambiguity had to exist and specific questions concerning funding and function were postponed to the implementation stage (Rudalevige, 2003). According to a House Education and Workforce Committee aide, the model for supplemental services was created in a political compromise by congressional staff members, so little research existed concerning this type of program before it became part of the law (personal communication, June 15, 2009). There has not been much more research on supplemental education services since the law was implemented. The small number of studies on SES focused on two aspects of implementation. One type examined program issues and was

limited to student eligibility, participation rates, and state and district compliance with the statute. The other type of study looked at how SES affected student achievement (Burch, 2007).

SES Program Studies

From 2002-2004, the number of schools required to offer supplemental services increased from 800 to 2,500 (GAO, 2006). The majority of students eligible for SES were from low-income families, second-language learners, and children of color (Sunderman & Kim, 2004). The number of eligible students varied across states and even districts. In some districts, between two and ten percent of students were eligible to receive services. In other districts, the range was between 40 and 86 percent (U.S. Department of Education, 2005). In New York State during the 2004-2005 school year, about 1000 students were eligible for SES in Buffalo and more than 200,000 were eligible in New York City (Sunderman, 2006). Eligibility rates for supplemental services were much higher than enrollment rates. Burch (2007) estimated that fewer than 20 percent of all eligible students received SES. The Government Accountability Office (2006) found that 20 percent of districts required to provide services had no students receiving SES. Most of those were rural districts with too few eligible students to attract the private tutoring providers. So far, research on enrollment patterns of special education students, English language learners, and very low socio-economic children has been sparse (Burch, 2007). Research suggested that students and parents who wanted to participate in supplemental education services likely faced obstacles which could explain low enrollment figures, such as lack of transportation, language barriers, and inadequate information (Whitty, 1997).

Low SES enrollment levels could be explained by insufficient NCLB funds.

According to a report from the Center for Education Study (2005), the reserved portion of Title I funds allowed districts to serve an average of only 22 percent of eligible students. The U.S. Department of Education (2005) reported similar problems of underfunding in a study of supplemental services in several school districts. Federal funds available for SES increased from \$1.75 billion in 2001 to over \$2.5 billion four years later. There were also large differences in funding by region. During the period from 2001-2005, New England received a 33 percent increase, the South region 47 percent, the West 52 percent, and the Southwest 63 percent. Nine states, California, Florida, Georgia, Illinois, Michigan, New York, Ohio, Pennsylvania, and Texas, plus Puerto Rico, received 59 percent of the supplemental services funding in 2005 (Burch, Steinberg, & Donovan, 2007).

Profit potential contributed to an increase in the number of SES providers. From 2003 to 2004 the number of approved providers increased 90 percent (Burch, Steinberg, & Donovan, 2008). The Center on Education Policy (2005) found that private, for-profit companies constituted half of all approved providers, non-profit companies made up 18 percent, and school districts contributed 14 percent. Nine percent of SES providers had religious affiliation (Ascher, 2006).

The supply side of the supplemental services industry has grown, but research concerning instructional practices of providers has not. Available evidence suggests that a wide variety instructional practices were used including direct instruction using a scripted curriculum, one-on-one tutoring, independent study, and homework help (Burch, 2007). The student-teacher ratio also varied. SES providers that served a larger number of children had larger class sizes of 1:8 to 1:10 than those with a smaller share of the market

that had a ratio of 1:1 to 1:3 (Burch, Steinberg, & Donovan, 2008). SES was also administered in a variety of settings. It took place in classrooms, lunchrooms, gyms, public libraries, boys and girls clubs, churches, and homes. Larger companies used their own off-campus learning centers (Steinberg, 2006).

Beyond what the SES companies reported in their marketing brochures and websites, little was known about what students were actually taught in after-school tutoring. The curriculum was described in vague terms like “literacy skills” or “problem solving skills.” Given the specific goal of SES to provide students with targeted help in academic subjects (Government Accountability Office, 2006), the vague information about curriculum was problematic (Burch, 2007). The GAO (2006) reported that providers were trying to align curriculum with district and state instruction by communicating with teachers of participating children and hiring teachers familiar with the curriculum.

Supplemental service providers must hire and train their own instructors. NCLB was very clear that only highly qualified teachers work in schools (No Child Left Behind, 2002). Supplemental education services guidance contained no requirements for instructors (Burch, 2007). The Department of Education (2005) surveyed 24 SES providers and found that nine did not require tutors to hold teaching certificates. Some that did not require certification had other requirements that suggested teacher preparation was required, including taking and passing a teacher development program offered by the tutoring company. Most SES instructors were certificated teachers, but others were high school students, college students, or even college graduates with no teaching experience.

Supplemental educational services was directly connected to market forces. Thousands of providers were approved across America, but only two percent were approved in ten or more states. Those large firms unsurprisingly gravitated to states with more Title I funding. Concentration of large, national providers in specific states had implications for students. Larger firms brought strengths to the market that could benefit eligible students. They had the potential to provide integrated services, experience in other districts that could help future clients, and financial solvency (Burch, 2007).

Under NCLB, supplemental service providers were not required to serve students who were learning English or those with disabilities (U.S. Department of Education, 2005), two groups that typically required more expertise or resources. In a study of supplemental services in an urban school district, Burch, Steinberg, and Donovan (2007) reported that none of the top eight providers of SES served special education or ELL students. Districts usually stepped in to serve these children because they often included members of the subgroups that did not meet proficiency goals outlined in the law. That dynamic placed extra financial burden on school districts that were already financially strained. Supplemental education services placed extra responsibilities on school districts but did not provide any extra funds (Sunderman, 2006). For example, districts were required to inform parents of eligible students, create specific performance contracts, monitor provider payment, respond to current and potential providers' questions, provide legal information to providers, and monitor student achievement (Burch, 2007).

Opinions about how well districts were performing the required responsibilities were mixed. Some research claimed that districts were making good faith attempts to implement supplemental services by hiring staff specifically to administer the program,

making sincere efforts to notify parents and enroll students, tracking attendance, and monitoring providers (Cassery, 2004). Critics argued that some parents described lack of communication from districts and only a vague understanding of available services (Anderson & Laguarda, 2005).

Providers were able to decide how much to charge districts for tutoring services, and various firms' per-hour charges varied. That had an impact on those who were supposed to benefit from supplemental services. Given a set amount of money allocated for each student to receive help, higher hourly rates equaled fewer hours of individual tutoring. Some states tried to set cost caps, but lobbying groups strongly opposed such measures (Burch, Steinberg, & Donovan, 2007).

States also had considerable responsibility for administering SES. Like districts, they had limited resources to effectively perform their responsibilities. States were in charge of screening providers, compiling an approved provider list, monitoring providers for misconduct, ensuring district compliance, and evaluating academic achievement records of SES providers (U.S. Department of Education, 2005). Studies suggested that states were beginning to screen, monitor, and evaluate service agencies, including most requiring evidence of research-proven curriculum and evidence of prior success in improving academic achievement (Burch, Steinberg, & Donovan, 2007). The GAO (2006) surveyed 49 state SES coordinators and found that 75 percent claimed they conducted on-site reviews of providers. Many of the coordinators indicated they were collecting information from schools, parents, and districts to hold providers accountable.

In spite of reports about state monitoring, the truth was that much of the information about supplemental service providers programs was not collected by neutral

assessors, but based on information from the SES providers (Burch, 2007). Sunderman and Orfield (2006) claimed that states also appeared to lack the necessary capacity to effectively perform their mandated functions. Most of the state SES coordinators reported that judging the quality and effectiveness of providers was a moderate or serious challenge (GAO, 2006). Burch, Steinberg, & Donovan (2007) asserted that few states conducted anything but a basic screening of providers and inadequately helped parents and students make informed decisions about supplemental services when confronted by aggressive marketing techniques.

Evidence showed that districts and states made good faith attempts to carry out the SES requirements in the legislation, but limited capacity and resources stifled their ability to effectively execute essential tasks, including satisfactorily monitoring service providers (Burch, 2007).

Student Achievement

Few relevant studies have been conducted on how SES has affected student achievement. One was completed in Chicago (Chicago Public Schools, 2005), one in Minneapolis (Heistad, 2005), and another in Kentucky (Muñoz, Potter, & Ross, 2008). A Democratic House committee aide explained that Democrats were concerned about being able to see results from the money spent on supplemental services, and were disappointed that little information was available about the impact it has had on children (personal communication, June 15, 2009).

The Chicago Public Schools (CPS) attempted to document any achievement gains in reading and mathematics affiliated with supplemental services (2005). Researchers compared scores from the Iowa Test of Basic Skills for students in fourth to eighth grades

who were all eligible to receive SES. Results for students who did or did not receive services were examined in terms of expected gains. The study showed that students who participated in at least 40 hours of tutoring had greater gains in mathematics and reading than eligible students who received fewer than 40 hours of SES. Of the 17 providers studied, seven (including the CPS tutoring service) had higher reading gains than the district average. There did not appear to be any relationship between achievement score gains and cost of services.

The CPS study had several methodological limitations. For example, the study failed to account for student population differences. The larger gains by tutored students may have been the result of something other than the supplemental services they received. Greater average gains could have been the result of selection bias. Parents who participate in choice programs tend to have higher engagement in their children's schooling, have more intrinsic motivation, and are often better educated than parents who do not (Burch, 2007). Addressing those limitations would strengthen the research.

The Minneapolis Public Schools (MPS) attempted to determine supplemental services impact by conducting two paired studies (2005). The first study compared reading gains of 602 students who took the Northwest Achievement Levels Test in the spring of 2004 and again in 2005. The researchers compared the growth rate for students who received SES to the rate in national grade-level norms. The second study compared students who participated in tutoring provided by the district's largest providers with students with similar demographic characteristics who did not receive supplemental services. The studies found that students who received services had lower gains than the matched samples. Further, none of the SES providers serving 10 or more clients showed

gains averaging close to the expected, nationally-normed growth rates. In fact, the average growth for students receiving tutoring was only 66 percent of the expected rate.

There were also methodological limitations in the design of the MPS study. Even though the study compared the achievement gains to the national norm, variations in the two populations was not addressed. The MPS students who received SES were disproportionately low-income and minority children (Burch, 2007).

In the Kentucky study, the effects of participation in SES programs on student achievement were evaluated. Overall, findings showed nonsignificant effects in student achievement outcomes. Results on the Kentucky Core Content Test in both reading and mathematics were found to not be significantly superior for students who received supplemental services compared to matched control students who did not receive tutoring (Muñoz, Potter, & Ross, 2008).

The assumption in NCLB was that increasing pressure on administrators and teachers in high-poverty schools would somehow close the achievement gap (DeBray, 2006). Critics argued that certain aspects of the law compounded negative effects on schools (Burch, 2007). The SES provisions in the legislation required districts to move money from other Title I activities to pay for tutoring costs. Districts that failed to make AYP were usually prohibited from providing SES themselves and were required to pay for outside providers. The percent of districts providing tutoring fell from 43 percent in 2002-3 to 13 percent in 2004-5 (Center on Educational Policy, 2005). Under the law, districts were subject to harsh penalties if they failed to make AYP. On the other hand, SES providers received the same per-pupil allocation no matter how students performed. The system for holding providers accountable for student achievement was also more

ambiguous and less rigid than standards for schools (Burch, 2007). If providers failed to improve student achievement, they could be taken off the approved list (U.S. Department of Education, 2005). A recent study reported that half of the states surveyed relied on annual site visits to evaluate providers instead of test data. In addition, only half reported that they had removed an SES provider from the state approved list because of a lack of demonstrated effectiveness or another infraction (Burch, Steinberg, & Donovan, 2007).

Research on SES offered little information about the academic impact of SES and what types of data might best determine benefits and costs of various programs. In spite of the current accountability emphasis, there is considerable debate about the narrow focus of current assessments and validity of test scores as indicators of student learning in schools (Burch, 2007). There appears to be a strong likelihood that test results drive curriculum for supplemental service providers.

Research on after-school programs suggested that they have a positive impact on non-cognitive areas like athletics and leadership skills (Lauer, et al, 2006). The more after-school programs were evaluated by test results, the more likely it would be that their programs would also be driven by tests. It is possible that SES-funded after-school programs would focus more on test preparation for students in mathematics and reading instead of areas like the arts, sports, or music. In higher socio-economic areas, students participated in music and dance programs, debate clubs, and sports teams. High achievement in reading and mathematics is important for all students, but the mandate from the federal government to focus on academics for low-income students may deny low-income students access to important enrichment opportunities that could help them become well-rounded and successful citizens (Weiss & Fine, 2004).

Children served by SES were predominantly poor, non-white, and attended schools with many special education and English language learner (ELL) students (Sunderman, 2006). Even though federal laws were in place to protect ELL and special education pupils, evidence suggested that supplemental services for those students were limited, even with an increase in available federal funding. SES providers did not appear eager to produce special programming for high-need, and therefore high-cost children (Ascher, 2006).

In a ruling issued on November 20, 2008, the Third Circuit Court of Appeals found that the parental notice and tutoring provisions of the federal No Child Left Behind Act did not allow a private right to sue in *Newark Parents Association v. Newark Public Schools*. The group claimed that parents of students in schools in need of improvement were not notified of the schools' status or of the opportunity to receive supplemental services. The court ruled that NCLB offered notice and tutoring services in the aggregate, but not on an individual student's right to receive the service. Even though the ruling was only binding in the Third Circuit, the decision is consistent with the opinion of every district court which has heard the issue (Walsh, 2008).

Summary

In the first section of chapter four, a brief history of the Elementary and Secondary Education Act (ESEA) and school choice was described. Legislative action concerning ESEA was broken into three periods. During the first period, administrators tried to determine the specific purpose of the Title I funds. The legislation was originally intended to target the poorest of students, but some claimed that it was really a thinly

veiled aid-to-general-education bill (Rudalevige, 2003). In the second period, research and foundations began to play important roles in the organizational effects of the program. Congress created a plan that determined a specific level for low socioeconomic students in which funds to be used to serve all students instead addressing only those living in poverty (DeBray, 2006). During the second period, there also began to be a shift toward accountability for specific results (Jennings, 1991). In the third period, reformers tried to alter the program to support equal academic expectations for all students, based on evidence showing little to no achievement gains for high-poverty schools (DeBray, 2006).

The next section of the chapter discussed the process by which the No Child Left Behind Act, including supplemental educational services, was passed. In order to give his educational ideas a better chance for Congressional passage, President Bush decided to submit a 30-page outline of his ideas instead of presenting specific legislative language (Rudalevage, 2003) and chose to seek bipartisan support for the bill, feeling it desirable to begin his administration with a joint compromise (McGuinn, 2006). As the bill moved through Congressional committees, floor debate, and into the conference committee, supplemental educational services emerged as a hotly negotiated compromise on private school choice that both Republicans and Democrats stated they could “live with” (Rudalevage, 2003; DeBray, 2006).

Finally, the initial implementation of the supplemental education services was addressed. Little research existed on the effectiveness of supplemental services in relation to student achievement (Burch, 2007). Many states relied on annual site visits instead of test data to evaluate SES providers. Also, only about fifty percent had removed an SES

provider from the state approved list (Burch, Steinberg, & Donovan, 2007). Walsh (2008) explained that some parents complained that they were not notified of the schools in need of improvement status or of the opportunity to receive supplemental services. They sued, and the court ruled that NCLB was required to offer notice and tutoring services in the aggregate, but not on the basis of an individual student's right to receive SES.

CHAPTER 5

SUMMARY OF FINDINGS AND CONCLUSION

In the previous four chapters of this study several themes were presented, including: the standards and accountability movement; a summary of the basic elements of the No Child Left Behind Act and the supplemental educational services component of the statute; political factors and processes that influence policymaking; the concepts of tutoring, remediation, privatization, and school choice; policy implementation; the statement of the problem and research questions; a brief history of the Elementary and Secondary Education Act (ESEA); the process by which the No Child Left Behind Act, including supplemental educational services (SES), was passed; and the initial implementation of the supplemental education services provision of the statute.

Chapter five will address the research questions introduced in chapter one of this study. The first two research questions of how and why SES became part of the statute will be discussed through the lens of Alison and Zelikow's (1999) governmental politics model (GPM). The third question dealing with the initial implementation of supplemental services will be considered using Putney, Wink, and Perkins' (2006) critical action research matrix application (CARMA). Finally, the significance of the study and recommendations for further study will be presented.

Research Questions

Within the governmental politics model (Allison & Zelikow, 1999), government actions and decisions are described as political resultants: political because emergent actions and decisions rise from bargaining among individual members of the government along specific channels; resultants because what happens comes not from a planned solution to a problem but instead from conflict, compromise, and even confusion of members with varied purposes and disparate influence.

1. How did the supplemental educational services element of the No Child Left Behind Act become part of the legislation?

Supplemental educational services became part of No Child Left Behind as a compromise between legislators, almost exclusively conservative Republicans, who favored using public funds to pay for private school choice and lawmakers, a mix of moderate Republicans and moderate Democrats, who did not. Without this compromise, the bill may have narrowly passed, or could have just as likely stalled as in the previous Congress. Moderate Republicans, many of whom were from suburban, affluent, or rural districts, were not overwhelmingly in favor of spending public money on private schools. Moderate and especially liberal Democrats would not have supported a bill with strong private school choice provisions.

During the 106th Congress, moderate Democrats were unwilling to compromise on choice because Republicans insisted on vouchers. When President Bush gave the outline for his educational ideas to the 107th Congress, it contained private school choice as a sanction for schools that did not make adequate yearly progress. Early in the

legislative process, the President pulled vouchers off the table and asked key legislators if they would then be willing to accept the accountability measures he proposed. According to the governmental politics model (Allison and Zelikow, 1999) this action opened the door that allowed bargaining to take place concerning private school choice.

2. To what extent can passage of the supplemental educational services element of the No Child Left Behind Act be explained by Allison and Zelikow's (1999) governmental politics model?

Authorization for the Elementary and Secondary Education Act (ESEA) expired in 2000. Since the 106th Congress had failed to reauthorize it, added pressure was placed on the 107th Congress, which was even more closely divided than the previous one, to pass a bill. Even though many of the necessary policy elements already existed, several political factors were needed to get the law passed this time. First, a partnership was formed between New Democrats and many Republicans who believed that even though billions of dollars had been spent on education since ESEA began in 1965, federal education policy had not demanded results for that funding. Even liberal Democrats like Senator Ted Kennedy saw the political advantage of being on the side of educational accountability. Second, many Republican lawmakers wanted to help President Bush fulfill his campaign priority on education, so many of the same positions they had previously rejected became more appealing. Third, the President and his staff were personally engaged in the process, which was important in pushing the bill through obstacles. He was able to persuade conservative Republicans to accept proposals they had previously opposed. Lastly, bipartisan working groups in both houses of Congress

created valuable relationships that caused members to be willing to discard provisions, like private school choice, that only one party favored and to accept compromises, like supplemental services.

Within the framework of Allison and Zelikow's (1999) governmental politics model (GPM), supplemental services became part of NCLB, not because of the influence of a single person, or because of the desire of any individual organization, but because of the "pushing and pulling" that is politics. Factors involved in that process include players in positions, goals and interests, power, action channels, and the 51-49 principle. Each of these factors will be discussed in turn.

Players in Positions

Governmental actions are an accumulation of independent acts and decisions by groups and individuals involved in various games, combined with formal acts and decisions that depict a mix of preferences and influence of governmental players or subsets of players. Individuals become players in the game by occupying a position in the midst of action-producing channels of national policy. Players' positions characterize what they may as well as must do (Allison & Zelikow, 1999).

Many people were involved in the discussions and negotiations of NCLB. Thirty-nine members of Congress, not to mention members of their staffs, took part in the conference committee alone (DeBray, 2006). Nevertheless, the majority of the load for completing the bill was borne by the Big Four, with help and urging from members of the Executive Branch. Representatives Boehner (R-OH) and Miller (D-CA) and Senators Kennedy (D-MA) and Gregg (R-NH) were personally invested and involved in the

legislative process and negotiations (D. Petroschius, personal communication, April 22, 2009).

John Boehner was the new chair of the Committee on Education and the Workforce in the House. He was a proponent of decreasing the federal role in education and an advocate of private school choice, including vouchers. In fact, he had attached a private choice amendment to the 1994 reauthorization of ESEA. He also supported President Bush and wanted, in his new position of influence, to help successfully pass the President's first piece of domestic legislation. Therefore, he entered the game willing to give ground on some of his previous positions in order to advance the process and persuade Democrats to compromise and accept certain elements they had previously rejected, such as annual testing. Boehner knew that if they were going to have a truly bipartisan bill, he would need to enlist the help of George Miller.

Representatives Miller and Boehner had spent much of their careers on opposite sides of issues, but had some common beliefs concerning education. Both wanted to bring more accountability to public schools and liked the idea of focusing achievement efforts on the poorest children. During the committee meetings, they argued about vouchers, but kept meeting outside the formal procedure to move the bill forward. Miller successfully attached amendments to the committee bill that weakened proposed choice measures, but struck a deal with Boehner insuring that voucher advocates would get a vote in committee and on the floor.

During the time when the Health, Education, Labor and Pensions Committee (HELP) was working on NCLB, Jim Jeffords was a Republican and chair of the committee. Still, much of the work was done by Senator Kennedy even before he became

the chair of the HELP committee as a result of Senator Jeffords becoming an Independent. Ted Kennedy was not invited to President Bush's bipartisan education junket in Texas, but soon became a key player in the process. He joined the game for two reasons. First, Kennedy did not want a major piece of legislation to be passed without his input and influence. Second, Bush knew he would have a difficult time enlisting the support of Democrats, even moderate ones, without Kennedy's leadership. Therefore, they agreed to work together to meet their individual needs. In fact, Kennedy, who had originally opposed SES, convinced members of his own party that supplemental services, with the safeguards he had negotiated, were a compromise they could accept.

Even before he became the ranking Republican on the HELP committee, Senator Judd Gregg was the primary liaison between the White House and moderate Democrats. He was also part of the bipartisan negotiating group that met outside of the normal committee process and agreed to help suppress amendments in committee that threatened the basic principles of the bill. Gregg did propose a pilot private school choice initiative on the Senate floor. It was defeated, but not along party lines.

President George W. Bush was able to oversee a bipartisan bill for several reasons. First, the legislative blueprint he submitted to Congress left room for negotiations. Second, he quickly backed away from the controversial matter of vouchers and used that action to convince Democrats to agree on certain points that had bogged down legislation down in the past. Finally, Bush's views on education aligned closely with the New Democrats and moderate Republicans. He was willing to take on the most conservative Republicans and persuaded many GOP members to support measures they

had opposed in the 106th Congress as part of their willingness to help their Republican President.

Factors Shaping Perceptions and Stands

Within the GPM framework (Allison & Zelikow, 1999), defining a specific issue or determining what is to be done is influenced by the position from which the question is examined. Representatives of specific groups and the organization as a whole are usually sensitive to the group's orientation, so their stands and perceptions can often be predicted.

The perceptions and positions of all of the players involved in creating No Child Left Behind were influenced by a couple of factors. First was the federal involvement in education and the desire to help improve the academic achievement of needy students. Second was the standards and accountability movement which emphasized the desire to increase the academic achievement of all students. These positions were built on a history of federal education policy. When the Elementary and Secondary Education Act (ESEA) was first passed in 1965, it was part of President Johnson's war on poverty and was designed to assist the neediest of students. Through thirty-five years of reauthorizations, Title I of ESEA shifted from money targeted for anti-poverty programs, to general aid to education, and then to programs that would serve all students. By the 1990s, critics from both political parties argued that little academic gain was being realized by students in schools receiving Title I money. In 1983, Secretary of Education T. H. Bell had published *A Nation at Risk*, which argued that American students were falling behind students of other nations in educational achievement.

Building on the foundational idea that improving academic achievement would contribute to a stronger workforce that could better compete in the global market, the George H. W. Bush and Bill Clinton administrations called for tough academic standards and increased accountability. School choice also emerged as a possible way to compel schools to improve as they competed for students, the difference being that Republicans advocated private school choice while Democrats argued that it be limited to public school choice. During the election of 2000, Democratic candidate Al Gore argued that vouchers funneled public money into private, unaccountable schools, but promoted universal public school choice. George W. Bush contended that federal money should go with individual students to empower needy families who were victims of inflexible school bureaucracies and the bigotry of low expectations.

Legislators have little incentive to support controversial issues. Increased accountability for schools was a popular position, but was based upon different definitions for different people. Those who advocated coercive accountability felt that using tests to measure student performance from school to school would force schools to improve. Those who favored free-market accountability argued that allowing parents to choose the schools their children attended would make schools improve. Vouchers were not a popular position during the 107th Congress. Lawmakers knew about a perception that vouchers diverted money away from public schools. Furthermore, voucher plans had been defeated by voters two-to-one in California and Michigan.

Goals and Interests

Although many national political interests are widely accepted, individuals often disagree about how the broad goals pertain to specific issues. Therefore, other variables

come into play, including personal, political, and organizational interests. Actions and decisions directly affect each player's perception of personal, organizational, and national concerns as well as operational objectives. These overlapping objectives comprise the stakes for which the game is played. Stakes are a mix of each player's interests within the framework of the issue at hand. An individual decides on a stand based on those stakes (Allison & Zelikow, 1999).

During the debate and negotiations on NCLB, there existed a difference of opinion that could have become a "deal-breaker." Conservative groups stated that they would not support an education bill that did not include vouchers. Moderate Republicans and Democrats argued that vouchers were an unproven tool and was not popular with the public. When President Bush expressed willingness to take vouchers out of the equation, supplemental educational services (SES) emerged to fill the void. Both sides found a degree of ideological compatibility with SES. Conservatives saw supplemental services as the first step toward more privatization measures in future reauthorizations. The other side concluded that public money had been used to contract out educational services in the past, and they felt it would be possible to hold the service providers accountable to the public through requirements delineated in the statute.

Power

Allison and Zelikow (1999) define power as the "effective influence on government decisions and actions" (p. 300). In practice, power is harder to define. It is a mix of bargaining advantage, which comes from formal position, responsibility, and authority and its accompanying control over information and resources; skill and willingness to use bargaining advantage, which result from charisma, personal

relationships, and persuasiveness; and the perception of other players concerning the first two elements.

Most of the power in the NCLB legislative process was held by President Bush, Senators Kennedy and Gregg, and Representatives Boehner and Miller and members of their respective staffs. Each held formal positions in key areas, which included not only the power, but also the responsibility to move the process forward. Additionally, they were each viewed by others in the process as people who could get things done. Sandy Kress, who was Bush's chief negotiator throughout the discussions explained that the people who were most visible, the ones offering amendments and such, were the key players in causing the bill to be passed (personal communication, April 23, 2009).

Action Channels

Negotiating and bargaining games are neither arbitrary nor careless. The players whose positions and actions count are the individuals in positions that place them in the middle of the action-channels. Action-channels are standardized means of governmental action on a particular issue (Allison & Zelikow, 1999). Action-channels frame the game by predetermining the key players who will be involved, the usual entrance points into the game, and what specific advantages and disadvantages there are to each game.

When President Bush introduced his educational plan to Congress, he presented a thirty-page outline instead of the traditional proposal that already included legislative language. By so doing, he established that the action-channel would be one in which specific canons would be negotiated instead of criticized and attacked. He also sought bipartisan support through the meeting with Democrats and Republicans in Texas, allowing Representative Boehner to approach Representative Miller, sending Sandy

Kress to court Senator Kennedy, and standing up to conservative Republicans on their positions pertaining to private school choice.

Throughout the legislative process, traditional routes were not strictly followed. Kennedy and Gregg agreed to suppress committee amendments that threatened the basic principles of the bill. Before Kennedy and Miller met in their own committees, they would pre-meet to align their positions. Outside working groups were held in the Senate, House, and during the conference phase. The Senate group actually drafted a bill separate from the committee bill that served as the foundation for the bill approved by the whole Senate. Representative Boehner held meetings outside the normal committee procedure that were attended by moderate Democrats and Republicans. The conference committee had to rectify the nearly 3,000 differences in the House and Senate bills and rebuild bipartisan bridges. Much of the work was completed by staff members. They would meet with an agenda and take care of the easy items first; negotiate tougher provisions second, knowing the position of each Congressman; and defer the most difficult decisions until the Big Four could attend.

One of the most significant action-channels for the legislative process occurred when Congressional leaders and the President would convince members to allow the process to move forward, even though the bill contained provisions the member previously opposed. They were able to do this by promising members that they would have their issue voted on during floor debate. They honored their word by allowing various amendments to be brought forth, some of which passed, while most did not. Therefore, even without the law's containing key provisions supported by specific groups of legislators, the statute passed with strong bipartisan support.

Bargaining

If an action is performed by a government, it is the resultant of bargaining by groups and individuals within that organization. As explained by the governmental politics model (Allison & Zelikow, 1999), the nature of politics allows for reasonable people to disagree about how to solve policy problems. Within politics, bargaining occurs among hierarchically positioned players and along regular paths. Those players do not make “decisions by a single, rational choice but by the pulling and hauling that is politics” (p. 255).

When ESEA was being considered for reauthorization during the 106th Congress, Republicans insisted on including vouchers as part of the legislation. New Democrats were unwilling to compromise on that point either, so the process stalled. In contrast, the 107th Congress was willing to bargain on private school choice because of several factors. First, No Child Left Behind was a combination of ideas currently debated and some which were agreed upon during the previous legislative session, proposals from Republican President George W. Bush, and recommendations from New Democrats. Second, tutorial assistance grants had been approved as part of the earlier Reading Excellence Act, so paying outside vendors to provide a service for public school students on a small scale had already been tried without a lot of negative feedback. Third, school choice was advocated by several groups including conservative think-tanks, some African-American organizations, and Latino groups who were frustrated with lack of school improvement. Finally, the President’s willingness to compromise early in the process let leaders from both parties know that bargaining was not only acceptable but was expected.

The 51-49 Principle

Players face hundreds of deadline-driven decisions within the game, so reasonable players must make tough policy decisions in a short period of time without agonizing excessively over those choices. They must also argue their positions more fervently than if they had the luxury of serving as detached judges (Allison & Zelikow, 1999).

Matthews (1988) explains that in order to determine how many votes are needed to pass a piece of legislation, someone only needs to count the number of voting members, divide the number in half, and add one. In contrast to this formula, President Bush wanted his first domestic proposal to have wide, bipartisan support. Members of his own party wanted to support him in this decision and Democrats saw an opportunity to have some of their priorities included in the legislation. Thus, he was able to get NCLB passed by an overwhelming margin.

3. During the initial implementation stage of the statute, to what extent can the intended supplemental educational services outcomes be compared to the actual supplemental educational services outcomes, as viewed through the critical action research matrix application (Putney, Wink, & Perkins, 2006)?

Sometimes, when two groups or individuals have different views on a specific course of action, one triumphs over the other. More often, those pulling in different directions produce a result different from what either group or person intended (Allison & Zelikow, 1999). In coming together and compromising on NCLB in general and supplemental services in particular, members of Congress sometimes ignored differences in policy preference, resulting in added importance to the implementation process. West

and Peterson (2003) state that when strict accountability is first proposed, it is quite popular, but it meets political resistance as attempts are made to implement it. In the beginning, there is vague backing from general groups, but as the mandatory penalties begin to take place, those most directly affected begin to complain. In order to quiet the criticism, exclusions are permitted, standards are reduced, and consequences are delayed.

The initial implementation of the statute was viewed through the lens of Putney, Wink, and Perkins' (2006) critical action research matrix application (CARMA). The NoteTaking stage examined intent of the legislation and actual implementation, the NoteMaking stage looked at results and conclusions, and the NoteRemaking stage considered recommendations.

Intent of the Legislation: NoteTaking

Originally, the Title I section of the Elementary and Secondary Education Act was intended for the education provisions of President Johnson's War on Poverty and was designed to help the neediest of children. Funding was shifted from pulling single students to helping all students in high-poverty schools. Over the course of several reauthorizations, ESEA moved toward accountability for specific results. With little evidence of student achievement, the focus evolved to equal expectations for all students.

The NCLB debate disclosed three Congressional factions relating to education policy. Many conservative Republicans opposed any federal intervention in schools and saw No Child Left Behind as a local threat to schools while at the same time advocating private school vouchers to force public schools to improve. Liberal Democrats favored preserving federal education programs and wished to greatly increase federal spending. They were strongly against private school choice and generally disagreed with strict

accountability and testing. The views of moderate Republicans and Democrats tended to be quite similar to each other. They were frustrated with the perceived lack of improvement in America's schools and generally supported tough standards and new federal education reform (McGuinn, 2006).

As the 107th Congress opened, Republicans held a slim majority in the House and Senate as well as the Presidency. Some conservative Republicans wanted to use that advantage to force private school choice, including vouchers, into federal education legislation. As negotiations continued on the bill and they realized that moderate members of their party were unwilling to vote for voucher amendments, they agreed to pass supplemental services as a compromise. Their intent was to use the private tutoring program to reveal the shortcomings of public schools and to sway public opinion to their view that offering private choice to parents would force public schools to improve. They also argued that it was the first step in a plan to include more choice provisions in future ESEA reauthorizations and educational laws.

Because of the partnership between moderate Democrats and Republicans concerning educational accountability, liberal Democrats had little power in the legislative process to include things they wanted, but they were able, through formal and informal power, to influence the bill and attach civil rights provisions and other checks and balances they felt were important. For example, Senator Kennedy said he was not against getting free tutoring for students as long as public accountability existed for the money that was spent (D. Petroshius, personal communication, April 22, 2009).

The intent of supplemental services for moderate Republicans and Democrats was less obvious. Both groups believed in standards and accountability and felt that higher

student achievement equaled better performance in the global economy. Moderates were caught between those on one side who wanted vouchers and those on the other side who wanted more federal funding and less testing. Following the lead of President Bush, who had courted both groups, they quickly dropped vouchers from the bill so they could keep the tough accountability measures intact. Using private providers to administer tutoring to students was not strongly advocated by either side but became the compromise that allowed the middle to stand against both ends. Adding supplemental services to the bill was intended to keep the legislation moving forward.

Actual Implementation of SES: NoteTaking

Yogi Berra once said that in theory there is no difference between theory and practice. In practice, there is (Berra & Kaplan, 2001). That philosophy is also true for the implementation stage of supplemental services. Since the tutoring provisions contained in the law had not existed before, the practice of identifying who was served, monitoring providers, funding for the program, oversight, and measuring student achievement all had to be created from scratch.

Most of the students eligible for SES were from low-income families, were second-language learners, and were children of color. Less than 20 percent of eligible students actually received SES. This occurred for a several reasons. First, the funding formula for SES only provided enough money for an average of about 22 percent of eligible students to receive tutoring. Second, students and parents who desired to participate in supplemental services but did not participate, faced obstacles like language barriers, lack of transportation, or inadequate information. Third, about one-fifth of

districts who were required to provide tutoring, most of which were in rural areas with too few eligible students to attract private providers, had no students receiving services.

The number of approved supplemental service providers has greatly increased since the law was passed. Half of providers were private, for-profit companies. Just under 10 percent of approved providers were affiliated with religious organizations. Only two percent of the thousands of providers were approved in 10 or more states. Large tutoring firms gravitated to states with more Title I funding. Those larger companies brought advantages to their students that smaller providers didn't have. They possessed the ability to provide integrated services, experience, and financial strength.

The student-to-teacher ratio varied from 1:1 to 1:10. Curriculum was described in advertising literature in ambiguous terms that did not match the specific language for improving academic achievement in reading and math contained in NCLB, but providers did attempt to align their curriculum with state and district standards. The per-hour fee charges varied across providers. A set amount of money was allocated for each student, so a higher hourly rate meant fewer hours of tutoring. Some critics complained that tutoring companies did not have to follow the strict teacher quality standards in No Child Left Behind. In actuality, most SES instructors were current or retired teachers, but others had no degree or teaching experience.

Extra responsibilities were placed on districts and states while no additional federal funds were provided. Districts were required to inform parents, create performance contracts, monitor payments, respond to current and potential providers' questions, and monitor student achievement. States screened providers, oversaw the approved provider list, ensured district compliance, and evaluated providers' academic

achievement records. Also, SES providers did not have to serve students with disabilities or second-language learners and none of the top eight providers did so. This placed an extra financial burden on school districts that usually provided extra services to these children, who were often in subgroups that caused a school to fail to make adequate yearly progress. If a district failed to make AYP, it was required to divert 20 percent of its funds for supplemental services and transporting students to other schools. SES agencies received the same per-pupil funding no matter how students performed.

Some claimed that districts made good faith efforts to administer the program, but critics cited parents' frustration at having an incomplete understanding of the available services coupled with a lack of communication from schools. The majority of state SES coordinators claimed they conducted on-site reviews and collected data from schools and parents to evaluate the providers. Nevertheless, most stated that judging effectiveness and quality was difficult. Most of the information furnished to parents about the providers was done by the agencies providing the tutoring, not by neutral third parties. Agencies could be taken off the approved provider list, but only half of the states reported that they had ever removed a provider from the approved list for any reason.

Few studies have been conducted on supplemental services and student achievement and the studies that were conducted had methodological limitations. One study claimed that students who participated in at least 40 hours of tutoring outperformed eligible students who received fewer than 40 hours of tutoring in both mathematics and reading. Another study found that students who received SES actually had lower gains in reading than matched samples. Variations in the sampled populations were not addressed in either study. Gains in the first could have been a result of selection bias. Students who

participated in the tutoring may have come from homes with more involved, better educated parents, but that variation was not considered. In the second, socioeconomic status and ethnicity were not factored into the study.

Research suggests that after-school programs have a positive effect on nonacademic areas like leadership skills, the arts, and athletics. If the success of programs is judged exclusively by test results, it is likely that they will focus less on traditional activities and be driven more by test preparation. This is especially problematic in poor areas of the country where students may lose access to important enrichment activities.

The bottom line evidence showed that districts and states made good faith attempts to carry out the SES requirements in the legislation, but limited capacity and resources stifled their ability to effectively execute essential tasks, including satisfactorily monitoring service providers. On the other hand, providers also seemed to be trying to do their best to help students, but felt frustrated with communication and did not think districts had been aggressive enough in giving parents information about these choices.

Results and Conclusions: NoteMaking

Different groups of legislators had varying ideas about what they wanted from supplemental services. Conservative Republicans hoped SES would create more need for private choice for public school children. Liberal Democrats viewed it as a way to provide free tutoring to needy students without fundamental change to other federal education programs. Moderate lawmakers of both parties used it to move the accountability provisions of the statute forward while still adhering to their political positions.

For conservatives, the results of supplemental services have been mixed. There are now many more providers than before NCLB was passed. Most of the agencies are for-profit companies or have religious affiliations. In most locations, parents are able to choose which providers to use. On the other hand, there has not been an overwhelming call from the public for private school choice. Many rural areas had no students receive tutoring because there were not enough of them to attract any providers, let alone the large companies. Further, if the next reauthorization of the Elementary and Secondary Education Act happens within this Congress, private school choice will probably not be considered, because there is a Democratic majority in both the Senate and House and the President is also a Democrat.

The result for liberals have also been mixed. SES succeeded because the majority of eligible students were those that were the neediest. One of the biggest problems was that only one-fifth of eligible students received the services. Funding was inadequate. The poorest students faced transportation, language, and information barriers. A future consideration will be the pressure from teachers' unions who have voiced opposition to choice measures in ESEA and some Latino and African-American groups who are starting to support choice.

For moderates of both parties, the supplemental education services compromise accomplished the purpose of moving the standards-based legislation forward through the legislative process. Republicans got some private choice into the law and Democrats were able to keep public accountability for the federal funds. One of the unforeseen results was the added responsibility placed on the states and districts without extra money to administer those duties. One glaring void throughout the whole process was whether or

not the use of Title I funds to pay for supplemental educational services raised student achievement.

Recommendations: Note Remaking

Recommendations concerning supplemental educational services will vary, depending on the group with whom someone is affiliated. Right-wing Republicans, left-wing Democrats, and moderates will each approach future reauthorizations of the Elementary and Secondary Education Act from different perspectives. If previous statutes are any indicator, the law will continue to evolve. Where that evolution will take federal educational policy will depend on the influence of the players involved in the game of politics.

From the perspective of conservative Republicans, supplemental services brought a measure of private choice to the education discussion. They felt that schools and districts could have made a greater effort to promote SES, and that problems with the program could be fixed by market forces. They have not yet convinced voters to support a voucher initiative, but in the *Zelman v. Simmons-Harris* case (2002), the Supreme Court ruled in favor of private school voucher plans. Their recommendations would be to continue working with providers to improve service and dissemination of information to parents, to promote studies produced by conservative think-tanks about the benefits of standards and private school choice, and to continue working to regain control of Congress and the White House.

For liberal Democrats, supplemental services were not a bad thing. The program offered free tutoring to needy children, received mostly positive reviews from Latino and African-American families, and did not cause an immense amount of criticism from

teachers' unions. Their recommendations would include increasing funding for the program, continued vigilance in making sure the civil rights protections important to them remain in place, and a continuation of discussions with their constituency groups.

Finally, for moderate lawmakers, the key recommendation would be to continue to work together and discover the next compromise that will allow educational legislation and future ESEA reauthorizations to move forward. Because of the growth that has taken place in the tutoring industry, it would be difficult, but not impossible to disband the program. Legislators would need to look at supplemental services through the lens of accountability and improving student achievement to determine if what they gain from the program would be worth the political costs. A major player in the next installment of SES may be traditional after-school providers and school districts who feel they can provide the same level of service for less money.

Conclusion

Since the Elementary and Secondary Education Act was first passed, the law has been revised and updated several times. Title I, one of the major funding mechanisms of the statute, has also evolved since 1965. The original intent of the legislation was to employ the money for anti-poverty purpose, but it was often used for general education programs. Some critics argued that federal interventions fragmented school curriculum by creating different instructional programs for those served by Title I and the rest of the students. As a result, funds were allocated to provide service to all students in high-poverty schools instead of targeting individual students. When evidence showed little to

no achievement gains for high-poverty schools, reformers tried to alter the program to support equal academic expectations for all students.

The standards and accountability movement grew out of the perception that public schools were failing to raise the academic achievement of American students. By linking standards, assessment, and consequences, accountability advocates felt they could increase academic success for all students, narrow the achievement gap, and build a workforce that could better compete in the global economy. Standards and accountability supporters came from the moderate factions of both political parties. Presidents George H. W. Bush, Bill Clinton, and George W. Bush all introduced legislation that supported that view. The only difference between their positions was that Democrats advocated public school choice as an option for students from schools that were designated as failing and Republicans wanted to add private school choice as an alternative.

Along the continuum of private school choice, the supplemental educational services initiative was somewhere in the middle. Through bipartisan negotiations on reauthorization of ESEA, SES became an acceptable compromise between those who wanted vouchers to be part of the law and those who did not. President George W. Bush wanted a bipartisan bill, so he took actions that were outside of the traditional approach to passing legislation. First, he met with moderate Democrats and Republicans to introduce his educational ideas. Next, he coordinated his efforts with people who supported his position rather than with formal leaders, if those leaders were members of his same party. He also encouraged bipartisan bargaining and brought players from various ideological perspectives to the table. In order to encourage negotiation, he submitted an outline to Congress that contained the big ideas he wanted included and expected the lawmakers to

iron out the details. Finally, early in the process, he removed vouchers from his proposal, letting everyone know he was willing to give up something to move the process forward and that he expected them to do the same.

Even though supplemental educational services was an untested program created by lawmakers and congressional staff members as a legislative compromise and not by educational practitioners, it does not look like it is going away. The No Child Left Behind Act was built on a foundation of federal involvement in education, standards, accountability, and the legislative process. It will be interesting to see what becomes of SES during future reauthorizations of ESEA.

Implications for Further Research

There are several subjects that were not addressed in this study which require further scrutiny. Those areas include research on total school improvement, increased academic achievement of Title I students, the future of private school choice, and future reauthorization of the Elementary and Secondary Education Act.

One of the most pressing subjects that needs to be answered by further research is the effect that sanctions within NCLB will have on compelling low-performing schools to improve their performance. Because this program was created by legislators and Congressional aides, relevant research did not exist at the time of deliberation pertaining to its effectiveness. It will be important to study how tutoring programs affect the achievement of Title I students, including a comprehensive cost analysis of the effectiveness of SES.

The *Zelman v. Simmons-Harris* (2002) Supreme Court ruling in favor of private school voucher plans will inevitably change the educational policy environment. There is a certain incompatibility between standards-based accountability reforms for public school improvement and publicly funded private school vouchers. The Republican Party will have to contend with that philosophical disconnect in future negotiations. It will also be interesting to watch how much influence unions, who have long opposed private school choice, will have in future legislation. This is especially true if poor and minority parents, who are traditional supporters of Democrats, start to favor private school choice and become more vocal about it.

Since NCLB was originally passed, there has been a change in the White House and Congress. It will be a subject of future study pertaining to the next reauthorization of ESEA to observe to what extent supplemental services will be scaled-back, modified, or expanded into larger choice initiatives. Supplemental services were often funded at the expense of other services, such as curriculum development, parent involvement programs, professional development, or other proven programs. Therefore, it is imperative that a comprehensive analysis of cost effectiveness of SES be conducted in order to ensure that financial interests in the private sector do not supplant the needs of students served by Title I. It will also be interesting to see how much SES will be opened up to providers who focus not only on tutoring, including traditional after-school providers like Boys and Girls Clubs, and what percentage of the Title I funds will be required to support their initiatives.

APPENDIX 1

DANICA PETROSHIUS INTERVIEW (APRIL 22, 2009)

SENATOR KENNEDY'S EDUCATION AIDE

How did the supplemental services become part of No Child Left Behind?

I read through these questions and I have lots of thoughts, but I may answer more than one question in the first answer or the second answer, because a lot of these things tie together . . . and then if you can ask for clarifying questions and all that. I'm not intentionally jumping around, it's just that I don't feel like I can answer without jumping around a little bit.

Do whatever you need to do.

So, a little known fact of the supplemental services . . . evolution, I should say is that it actually started long before NCLB . . . not long, but fairly long in a bill, or law . . . that became law in '97 . . . though it could have been signed in '98 called the Reading Excellence Act. Have you heard about those?

I've heard of it, but I'm not as familiar with it as I am with No Child Left Behind.

Right. So, what Reading Excellence Act happened under the Clinton administration and it was a fairly small bill but it was predominantly done . . . Clinton was very interested in having a program targeted just to improve reading. And he was also very interested in, you know, doing something for education before he got into the issue of class-size he was working on. So Bill Goodlow who at the time was a Republican from Wisconsin in the House was also very interested in the reading stuff, and they forged kind-of a partnership. And that partnership led to a partnership to do both the class-size reduction with Reading Excellence Act. As part of Clinton getting the . . . part of the Reading Excellence Act included this thing called the targeted assistance grant. And at the time, they were called TAG. Those actually in structure and purpose, but not detail, is supplemental services. Everyone thinks supplemental services were created in NCLB, but they really weren't. The reason they came about in that particular thing was they did come about more from the Republican side. So, a little bit goes to the values you asked about. Generally, and more so at the time, even though it's pretty still true now, Republicans in Congress . . . they predominantly really don't want a huge federal role. And their, sort-of messaging and purpose is around we shouldn't have a federal role. There should be less federal role . . . less control and more control given to the parents. If you look at the continuum of what

we'll call parental choice issues, there's private school vouchers, which is obviously the far, far end of the choice issue, where you are literally handing over. And then there is public school choice, you know the inter-district, inter-school stuff. Then there's the charter school, like other things like charter schools in the mix. And then, supplemental services is considered one of those choice options in that framework. And so the value proposition . . . the Republicans really see it as one thing on the continuum of choice that you can offer parents. So when you think of this at the sort-of 30,000 foot level . . . to get a negotiation, to get a new investment in education, like . . . the Reading Excellence Act. You really need to give something to the Republicans that they feel like fits into that bucket. In addition to that, from the position of the civil rights community, which obviously is not traditionally Republican, it's more liberal Democrat. They stop short of vouchers, but the rest of that continuum . . . around public school choice, charters, supplemental services, they see that . . . going back to the days of deseg, as a huge value. The schools on a whole and school systems take a long time to improve, and when you have poor and minority kids in these really troubled systems . . . let's say DC that I like in . . . well, the kid who's going through 4th through 8th grade in the DC system, and the DC system's not going to make tremendous improvement in that time . . . at a minimum, could we offer that child some directed services after school, outside of school, so maybe they have a chance to stay on grade or close to it or get something while they system changes. Or the school that they're in that's so ridden with all kinds of problems that's not serving them changes. So supplemental services, much like accountability and standards, are a strange set of bedfellows coming together to support that. On the flip side of positive values . . . against that value is what I consider to be the more school-based people, so Great City Schools or superintendents and principals and administrators who really feel that supplemental services is just kind-of a distraction. And that when you get the Title I dollars you shouldn't have to give 20% of it to choice and supplemental services, or where it started in the TAG grants, your reading money was supposed to fix reading in the schools. But this is just one more sort-of federal intrusion and they argued that with Title I programs, we have Sylvan in our schools, and we have our own after-school programs, and we do all kinds-of tutoring and all that on our own. We don't need to be told. And some years it might be 5% and some years it might be 30% of our Title I funds, but let us make that decision. They really fought against this overall. The teacher unions didn't like it because a lot of it's basically saying that teachers aren't doing their job during the day, so we're going to let some private providers do it better.

So the TAG grants . . . and if you go back and look at the language, you can see that this is the first attempt at some much smaller programs and it set the structure. But when we got to NCLB, we had an even bigger political problem for the Republicans, which is . . . the Republicans, besides George Bush . . . all the other Republicans, basically . . . do not think that NCLB moved to stronger accountability, higher standards, more results, more transparency, all that . . . or what they consider to be federal intrusion was a good idea, but their leader, George Bush thought it was a very very good idea. So when we looked at the whole of NCLB, and George Bush said okay . . . you know, to the four education leaders in Congress . . . they said we want to move in the reauthorization on ESEA, we want to call it No Child Left Behind, and we want to have these certain things in it, which

was basically testing. And the Republicans at the table said well we want vouchers and block grants and the Democrats said we're not going to get vouchers and block grants 'cause there's not going to be a bill. So Bush said take vouchers and block grants off the table, can we work together on the rest of it? The Republicans really needed to have supplemental services to be able to at least feel like they had something to hang-on . . . and charter and public school choice provisions. So that was okay with Democrats, because Democrats . . . you know, not all Democrats like sup services believe me, because there are a lot of Democrats that side with the local control side of things, as the Republicans. There were enough Democrats, from a civil rights perspective . . . and I worked for Kennedy, and his point was, if we can give poor families free tutoring, I have no idea why we wouldn't do it. Quality and all that stuff, let's work on it, but standing on principal, we have to do this as another thing that these kids can get.

So then we got to . . . supplemental services was by far not the hardest issue we did in this law. I mean, NCLB had much bigger fish to fry. But this was an important one and the constituencies I talked about cared deeply about this. So then you get to the stage of the details and when you get to the details, the details are very simple, but they were hard to work-out. So at that time . . . and I'll even talk a little about where we stand now, which is really interesting, I think. But at the time, one of the other Republicans . . . from the Republican point of view . . . it's the supplemental services and sort of the privatization piece of it. Which is, that they really want to tip the hand to private providers and for-profit providers, because from their model those people can do education better schools who are just stuck in their bureaucracies . . . yadda, yadda, yadda . . . and that it's going to be more cost effective that way. Now, from a civil rights, Democrat or public point of view, that doesn't fit well. That notion doesn't fit well with Democrats because Democrats feel like . . . listen, if you're public and publically accountable . . . you're going to . . . we have the ability to hold you accountable. In the private sector, we don't have the ability for civil rights protections and stuff like that that go into that. So we discussed the details how you marry those two ideas, and that's where you really get the somewhat convoluted, I'll admit, somewhat convoluted law where the state is setting these lists of providers who are of a certain quality. But I will tell you right now, that no Democrat thought the quality indicators were where they should be. And we foresaw this problem where we're in now, where some states just have this ridiculous list of every mom and pop shop across the world . . . you know, that can be a provider. We certainly felt that we had to go forward to get the big picture done, and certainly decided that one of our priorities was that it had to be targeted to the poorest kids and the lowest achieving kids. And that non-profit, and other public sector providers, had to be on equal footing with private providers. That's where we ended up.

Fast forward to a little bit of implementation where the Bush administration took those laws . . . geared implementation . . . geared it to favor the private providers in a lot of ways. Now states did some of their own stuff, but the private providers really got a leg up in a lot of ways. I'll say, as we've learned through some of the evaluations, the private providers and the public providers, do an equally crappy and good job. It really doesn't matter; it's all about what services you provide, and what results you get, right? They

both have the same issue that there's an overall mismatch, where the district is saying listen, if we're paying you guys and you guys have to hold to almost the same AYP standards as we do. And they're saying, whether private or public or non-profit . . . I should say for-profit or non-profit . . . they're all saying the same thing, where you can't expect one or two hours of tutoring a week to have the same impact as all day in a classroom, you know all the time. And be the full cause of AYP in the school in reading going from loser to winner. But there remains clearly a public pressure 'cause they're saying you're getting these significant dollars per child, and you claim to be able to get great results, but you can't get there. So there's a real tension, and that tension is not worked out today. That's one of the issues that will be hotly debated and is currently being festered around in a good way. So those providers . . . all those people that were in that mix, the districts are saying we could do a better job. And in some cases, that's counter-intuitive. Well, if you're a district that gets SES dollars for those kids, well you're failing those kids all day; what makes you think you can do better after school, right? But on the flip side, it doesn't make intuitive sense, but on the other hand it does make sense that if you put those kids in a place and you do have the right-trained teachers and services directly toward them, and they don't have all the other things going on in the classroom, maybe you can make a difference. So the jury's not out on that either, but the current administration just opened up SES to school districts. So in the new regs they put out, you know school districts are able to do this themselves. Some cases they were before . . . so accountability issue . . . of who gets to do it issue, and then just the whole, it's become clear to everybody the whole mechanism at the state level . . . and quality indicators, and who gets on the list and why, and that it varies so widely by state, whether they're taking it seriously or not. But that has to be re-thought. It appears to me that across the board, everybody seems to think that it's not going to go away. Now will it be a lesser percentage . . . or will it be . . . well, it will definitely be different, for sure. But even the sort-of traditional after-school community . . . the Boys and Girls Clubs or something; they want to have it more open so they can access those funds. Where they say part of what we do is tutoring so we should access SES even those we're not a solely tutoring entity. So there's going to be another push on that and I think you'll end up in a different place in that area too. So what you see in DC right now, is you have the sort-of private provider community and the for-profit . . . outside the school district for-profit providers, outside the school district non-profit providers, and then the school districts . . . kind-of . . . and then sort-of more of the after-school community. All four of those, kind-of thinking what do we want SES to be. I see a lot of alignment around where the for-profit and non-profit outside providers are going to be, including some of the after-school programs. That you could see them rallying around a set of indicators that improved quality . . . that improve accountability, but still make it fair to what they can provide. This doesn't mean that Congress will take these things, but I could see them lobbying in this way. And then probably something that opens the door a little bit wider to more traditional after-school communities, without losing the core of tutoring, which kind-of opens it a little bit more. Um, that I see happening. And the reason that's interesting is because . . . and really going after the states on quality . . . and the reason that's interesting is because it's almost like . . . what's the . . . I don't know what the analogy is, but these for-profit and non-profit providers that are actually getting really good results . .

. and sort-of rise to the top . . . and there's a series of them across the country . . . probably Sylvan, this group Think Together . . . that seem to have really good results. They feel brought down and get a bad name because of all the bad actors. So they're kind-of thinking strategically about how they can . . . even the non-profits and for-profits together . . . rally around some quality indicators, because; A, that's good business . . . higher quality that they can meet that these other guys can't . . . better business; but B, it's the right thing to do, right? Otherwise these resources are just wasted. So that's kind-of a little piece that's happening now.

I don't think that the basic players have changed much. I see the chief state school officers will definitely want to have a say in this, although I really have a hard time imagining what . . . they just don't have, I feel a leg to stand on because they've been really all over the map implementing this. But my guess is though that eventually, the quality bandwagon . . . and they'll have to come to some agreement within their own world about . . . you know, there are good actor states and bad actor states here, and they'll have to figure that out. I'm not quite as clear how the chiefs will come out, but they'll clearly have something to say. The chief's were actually very involved in the TAG grants creation because they were trying to making sure that . . . there aren't many education programs that . . . federally . . . that create provider lists at the state level that the districts choose from, and so this was kind-of a weird concept to them. And they were as much trying it out as much as the next person. And so this structure was forced on them to some extent and they tried to make it as good as possible. But they didn't want to be accountable, at the end of the day, if there was a local bad actor . . . if they got on the list. Let's say Sylvan statewide in Maryland is great, but the one in Baltimore City really was terrible . . . well the state doesn't want to be accountable for that one program. That does make sense.

So, that was a real struggle for them and how that worked. I talk about Sylvan a lot because they're in our back yard and certainly they're a recognizable name. But there's certainly a lot more players and there's no question that the other interesting thing since the TAG grants, which were a little money, but then since SES, it's been a growth industry, right? Like all the sudden you have this market coming out . . . we do tutoring and make all this money because there's all these federal funds for it. You have a lot more players in this arena, and a lot more competition and you get some of these home-grown programs, too. I think that those are kind-of the big things.

You asked here what SES was intended to provide?

Yes.

There's no question it's pretty simple, it's just free tutoring for the poorest and lowest achieving kids.

Did you feel that both the Republicans and Democrats felt that?

Yes.

So that was pretty much across the board what they were trying to do.

Yah. They come at it from different perspectives, but they all have the same goal. Like the goal is free tutoring for the poorest and lowest achieving kids, but the Republicans

coming at it from the choice angle, the Democrats coming at it from the civil rights angle . . . like it's just a different perspective on the same goal.

Did you get pressure from the think-tank organizations? You know the people who were putting out position papers and doing some research. What was their role?

I'll be honest, Heritage probably played a huge role in how the Republicans approached the negotiations. I've never read a single thing by Heritage . . . I might have read one thing, and I thought it was ridiculous . . . in my world, that never would have informed me, because they are so partisan as a think-tank. I don't know about their exact influence, but I can assume they had a huge influence in shaping how the Republicans shaped their negotiation positions on this. And one of the ways I know that is simply the woman was sort of the head of the sort-of Heritage education think-tank stuff, Nina Reese, became Bush's head of the innovation office.

Was there anything on the Democratic side? There was that civil rights group out of Harvard.

They're not particularly players on this. The group that tends to play a lot on the civil right arena is the CCR . . . something Commission on Civil Rights. But it's Bill Taylor and Diane Pishay are the two leaders and they're civil rights lawyers. And Bill Taylor probably did the first deseg case in Kansas City, way back when. They are the huge leaders, and were at that time on public school choice and SES as civil rights options for kids. And so they really played a leadership role. A few of the other civil rights organizations get in there on this, but not as much as you would think. But I think now . . . they were sort -of . . . this is a little bit off topic, but civil rights groups have come so far through this process on accountability and standards and choice. And today, you'll see . . . going into the next reauthorization, you'll see a lot more civil rights groups interested in SES. But again, it's from that perspective in which they play.

You asked . . . I presume you asked about the congressional players. The 4 key negotiators on NCLB, overall, were Judd Gregg from New Hampshire . . . Senator Gregg, Senator Kennedy, George Miller . . . Representative Miller from California, and Congressman Boehner from . . . where the hell's he from, I forget where he's from . . . the minority leader though in the House now, but at the time he was the chairman of the House committee.

Ohio

Yah, Ohio, that's it. The interesting part, we started this . . . I'm trying to think . . . so Kennedy was the Democratic chair, 'cause we were leadership. Then, Boehner was the Republican leader in the House. And so, differing parties were in power. And so those were the four, and I'll tell you that those four guys drove most of NCLB. I mean, we did tons . . . other members on the Senate side, we worked with them and we did lots and lots of work bringing in all these different members. But there's no member on the Democratic side that really championed SES policy . . . Barbara McKowski of Maryland because she . . . Sylvan is based there, tends to be very locally proprietarian. So she was very supportive of SES because Sylvan was, but she wasn't a policy driver of it. Frankly, on SES . . . which wasn't true on all the issues . . . but on SES, those 4 really drove the negotiations. I remember . . . I mean I can vividly remember the meetings that we had to

discuss this particular issue, partially because my grandmother died in the middle of them, so it's like engrained in my head. But it was very much the four of them sitting around a table with their staff and really hammering out what these details would look like . . . what the quality indicators. And it was an absolute negotiation. So where you see quality, but maybe not as high as you'd want it to be, there was a reason for that. There's a middle ground, because there's this notion of free market versus this federal sort-of insistence on quality indicators. The sort-of state-based list providers, and the sort-of somewhat tipping the hand to the for-profits, again a negotiation. But Democrats winning to really target the poorest and lowest-achieving, to make sure civil rights laws had to be protected when implementing these things. That they had to get some kind-of results to stay on the list over time, which has been obviously not enforced. At least from a policy perspective, you tried to get there. So it's a real mix, and I think the interesting part is now . . . the fight to me is . . . I think everybody wants to move the quality forward and everybody wants to move the outcome forward . . . even the people who would have fought before to keep the quality indicators more free-market . . . they're saying now, yah, we need better quality. But I think you're going to see a lot of argument around how much they should be opened up to providers who don't fully focus on tutoring. How much is it going to be opened up to . . . how much percentage of Title I will it be required, that kind of thing. We put quality indicators on the provider's teachers . . . that was a big fight, but it was a hurdle that got us to have the unions at least live with it. That actually has turned out to be not bad. I had a conversation with someone about Sylvan recently, and the majority of their tutors are qualified teachers. In fact, they're current teachers making extra money or they're retired teachers. In fact it was this huge policy battle that turned out to be not that big of a deal in implementation. So that was another interesting battle, but one that was a big sticking point. And then of course there was the negotiation around the percentage. Should it be 50% of Title I? And then you just go back and split the difference and yadda yadda. I mean nobody thought it should be 50%, but there was this notion that you had to spend 20% and 10 of it had to be on choice and 10 of it had to be on SES. And we argued that's ridiculous and some places there is no choice. If you go to Wyoming, where are you going to send them? And it's just silly. So we have that sort-of 5 and 5, with middle 10 spongable.

Within the negotiations that those four and their staffers would do, what were the procedures they would use if they had conflicting viewpoints? How would they resolve those?

Some of this I can speak to for the Democratic half and some I can speak to for the whole. So the Democrats, one of the things we did very successfully in all this and we did it very purposefully was Kennedy and Miller. So cross House and Senate, but align Democrat, pre-meet on almost every issue. And there were some sticky issues where they disagreed, but we really fought those fights before we got in with the Republicans. And so we would really go in with our position kind-of aligned, and we knew if one had to push the other farther, at least we would know that. Those were really helpful and what we would do was the Democratic staff would meet ahead of time, and this is true of the larger committee too on most issues. But when we got down to end of game, nitty-gritty, it was the Big Four alone a lot. We would pre-meet and we would talk . . . we would each

do our homework talking to different groups on the phone and saying what would you do, what works, what doesn't work. Kennedy had us . . . I don't know how many school districts in Massachusetts we talked to about it . . . you know, what this would do and whether it was useful and how this would work . . . we would do all kinds of research. The process would be, once Kennedy and Miller would get some agreement and we had to go to the Big Four meeting, we'd usually have an agenda. We'd say, okay in SES, there's six core issues that we have to get to. Let's say, one is the funding pot . . . the 20% versus 10 versus whatever. One is the quality indicators. One is the outcomes. One is who can be providers. We would sort-of list the categories. There were always some that Democratic and Republican staff together could get done ahead of time. So whatever staff could get done without the members present, knowing where the member stood, we would get those done, we'd put those on the top of the list and we'd say, staff agreed on these things, do you all agree. And we'd walk them through it and they'd bless it, usually. Sometimes they'd have questions, sometimes not, but usually we'd get to that. Then when the members met, they were really focused on the things staff just could not, knowing the parameters of where their bosses were and knowing the parameters of the issue politically, they just couldn't be the one to make those decisions. I know you're relying a little bit on my memory here, and I have really good notes in a box somewhere, but definitely the percentage and how that percentage split worked was finished by members. How the accountability at the end . . . and what the results they had to do I think was a staff level, 'cause that was pretty not too hard. The civil rights they had to follow, the civil rights requirements was definitely a member issue. I'm pretty sure that the issue about who could be . . . the qualified teacher – definitely member. I'm pretty sure, but this is a little hazy, that the tilting and the for-profit . . . Democrats were arguing, school district where they show that can show that they can do this stuff should be providers, should be able to be providers. So, who was a provider eligible was negotiated at the member level. And then what we'd do is the members, and this is like being on the board of directors, right. They make an agreement and then staff walk away and say, "What did they just agree to?" So then there's another level of detail negotiation that staff go back and forth with. And sometimes that was successful and sometimes that would require another member intervention to fix it. But usually we could work it out. We had a pretty good . . . you know, most of the time staff is just so relieved that the members made the tough political decision that you just work it out. But there's always a few sticking points. So that was basically the process. So that was, so to speak, in our larger process be like, "Okay, SES is done. Hand it over to the lawyers to draft the actual legislative language." And move on to the next issue, whatever it was, what we were dealing with.

Did you notice . . . Senator Kennedy and Senator Boehner had an official position of power . . . a formal position of power. Were the formal and informal powers the same?

On the face of it, Miller and Gregg have a considerable amount of power because they are in charge of the minority on that committee. So they have a significant power, but there's no question that Kennedy and Boehner have more. Because they're the chairmen and that's just how the process is set-up. But I'll say informally, Kennedy and Boehner

just clicked. They don't agree on anything politically. They don't agree on anything, sort of, you know how to get things done . . . I mean policy-wise. But they just both understood how to move a process. They understood each others' need to make decisions, cut deals, kind-of move forward. And that informal power is really powerful. And also, I think, the informal power in any of these things that Kennedy carries goes beyond and above anything else. So the power Kennedy brings informally to . . . if I walk away, there ain't nothin' happening. You can't do education and health care without me. And he doesn't wield it in that way, but at certain moments he does. And I'll tell you, we were at the very end of the process and staff had worked ridiculous hours. I mean, if I every write a memoir about the abuses of labor on the Hill . . . we could not agree on . . . and this is not SES, it's the overall law . . . that NCLB, that there should be a continued blanket, sort-of protection for civil rights across programs. And the Republicans don't like that because it limits the amount that faith-based organizations can access these funds directly. Staff could not decide this and we had a conference meeting set-up. And we did decide that we would move certain Titles in the conference meeting and get those done, and then we'd move a few more Titles and get those done, kind-of publically. So this was the very last one in that string and it was scheduled for like nine in the morning . . . everybody was there, and Kennedy and the Democrats on the conference committee didn't come in the room. Because we are not moving forward if we're not having civil rights protected, and that was a big deal. And he would never do that if it really didn't matter. You're not going to use that unwisely. But that's an informal power . . . you had a packed room of groups and everything, and they ended up doing it in a side room and finally working out the language that everyone could live with and move forward, but had to do that because there was no other way to do it. So that informal power is very powerful. The other informal power . . . and I'm not sure if it's formal or informal . . . but the fact that George Bush was far more aligned with the Democrats, the civil rights Democrats, than he was with his own party was a huge reason this happened. So the Republicans, like Judd Gregg, kind-of sitting in the background just taking it, kind-of, was a really unusual situation. 'Cause the majority of the Republican Party did not want this to happen, but they couldn't say that their beloved new President's big signature item couldn't pass. So they were kind-of stuck between a rock and a hard place and that was a very important dynamic. I don't think this would have gotten done otherwise. Truly, and we might still be with the old ESEA now and I have my opinions about that. Nobody in the big picture thinks these things are perfect and that's why they are reauthorized every five or six years. No one thought in 1965 they'd done it perfectly. So this is an evolving piece, but it was important stuff. People refer to it as kind-of the stars aligning and it's an important piece for SES or anything else. We wouldn't have been at that table and had such drive and kind-of . . . Kennedy . . . I mean I talked to him . . . you know he has a lot of stuff going on: immigration, health care, labor, blah, blah . . . I talked to him every day for almost a year. I saw him . . . he would be with these members in four hour meetings weekly, plus private meetings with Miller. I mean, there was an unprecedented level of engagement by all these guys, not to mention staff, who worked every weekend for almost a year and all night and stuff like that. That kind-of drive and momentum rarely happens and it only happened because all of the . . . you know Bush had this goal that he wanted to achieve based on his campaign promises. He led his Republicans where they

didn't want to go. Democrats saw an opportunity . . . in particular civil rights Democrats, and jumped on it and went with it. And then the group sought out the details. And some were thrilled, and some not happy and all that stuff, but that could never have happened . . . the other little background fact that you should know is that education laws never get reauthorized in one year. And this didn't happen in one year, it happened over three years. It was actually up for reauthorization . . . you know there were two years of different feels and we tried to get it reauthorized in 2000 when Jeffers was in charge. There were all kinds of skips and starts and just really built up to that, even though the hardest work was done in the year, it was really over a three year period. And for education, three years was actually pretty quick. I mean, you look at NCLB now, we're already a couple years behind and we haven't really even started. That's a little perspective as you go doing your paper and the bigger picture of how this fits in the context and whether the stars will align with this current administration.

Were you guys aware of some of the compromises that President Bush had made when he was the Governor in Texas?

I don't know if I was aware of compromises, but we were very aware of the policies that were in play. And the things that did work and didn't work, and some things like slowly finding out how test scores might have looked better because they were really masking drop-outs and stuff like this. And those things came to light over time. So we also paid a lot of attention to North Carolina and Massachusetts, of course, who'd been doing this since '93. The states that had a lot of progress on the things that we were talking about were few, but we did look in depth, and we had lots of experts come and talk to us about the challenges. I mean, that same conversation today would be so different . . . even though we don't have enough data and it's not organized a lot, it's still way more than we had then. And we have a lot more experience in these things. So yes, we did look at that, but would I say we had all the information we needed? I don't think so, because it wasn't available. But certainly we did look at that for sure. And nobody . . . we wanted to better than Texas. Nobody, at least on our side, was saying Texas was the model.

I was thinking specifically that Bush, as the governor, was so quick to not use the privatization. Because they were trying to push that in Texas as well and he compromised pretty quickly on that . . .

Actually, that's a really important point. I actually didn't know that before going in to what we did. But the way he approached this was very similar to what you just said. So he came in and he said . . . and he said this in an early-on White House meeting with the Big Four. And he said, "I want these tests. I want annual tests, reading and math, three through eight. That's what I want." And really the signal was, I really don't give a shit what else happens. You know it wasn't quite that clear, but pretty clear. And he wanted a robust AYP system tied to it. So when you look at that, and then the Republicans say, "Well, we need vouchers and block grants." And Kennedy says, "Well, then I'm leaving." And Bush just says . . . just speak to the hand . . . "Okay, no vouchers and block grants." I mean, there's a lot of things I can complain about Bush, but he knew what he wanted and he got it. Like he knew how to make that cut and he knew he had the power of the Republicans. He knew he needed Kennedy. He knew these things would bog down

this bill forever, let's get rid of them. Let's do the policy we can agree to and find middle ground. I mean in that moment, he's very savvy. I think that he achieved a lot . . . for his goals. I'm not saying they were perfect or the law was perfect, but what he wanted to do . . . and he did it the same way you just described in Texas, which was, don't get caught up things that are going to drag this thing down. The other informal piece, he had a pretty good . . . at the time anyway . . . couple of pretty good ambassadors. I mean Margaret Spellings and Sandy Kress were his two on staff people and they were pretty good. I mean they were good at working with different staff and different parties and continuously moving the process. I mean, the Big Four really moved the process, but they were there at any moment to help when it was needed whatever it was needed. I guess that was part of the informal success, too. You know, that really helps.

APPENDIX 2

ALEXANDER “SANDY” KRESS INTERVIEW (APRIL 23, 2009)

PRESIDENT BUSH’S EDUCATION AIDE

The two questions I’m asking are, “Why did supplemental services become part of NCLB?” and “How did it become part of the legislation?” Then I’m going to move a little bit into the implementation.

It was interesting. It’s a fascinating history as to how it got in here. It probably started with some ideas on the part of the administration, shared by some in Congress, that if schools were performing poorly . . . students not doing well . . . that there ought to be some opportunities for those students. That they ought to have some access to some help. Some would call it choices. Some would call it just advanced tutoring or other kinds-of help that, so that irrespective of the poor performance of the school, a student or student’s parents who took studies seriously and wanted to do well . . . either having problems or not . . . particularly low income youngsters, that they have access to some additional services. This was part of the thought that went into the recommendations on reform, which later became No Child Left Behind, and it was part of the discussion in the Congress. It was interesting. It was not a very prominent piece of it until some folks, and I’ll tell you who they were in a moment, got the idea that supplemental services might be an interesting compromise between Republicans mostly, who wanted some form of vouchers and choice for students, particularly students in failing schools and Democrats, who were sort of, I would call them “middle-way” Democrats . . . Democratic Leadership Council-type Democrats, who said, “You know, we can’t support vouchers, but we understand what you’re saying. Why don’t we support tutoring?” And the tutoring could be private, but the school would be public. So it was seen as kind-of a middle ground. I remember a person who really picked up on this quickly was John Breaux, the Democratic Senator from Louisiana, who just got it in his head one day . . . and there was a group . . . and I can’t remember the name of the group. There was a group of kind-of moderate Democrats and Republicans who would meet and talk about policy. One day John Breaux went to that group, he was a member of the group, and he said, “Hey, in education, for example, we could do this. Which would be a kind-of common ground position we might be able to achieve. We agree that there are students who are stuck in schools that are persistently poor-performing. And they might need some extra help, and maybe the district and the school aren’t meeting their needs, because the school is

performing poorly, which is evidence of it. The republicans want that student to be given a voucher. We can't go that far, but maybe we can do this." So it was seen as a compromise, and there was kind-of a little flurry of activity around it, the kind-of thing that happens when people have an "ah hah" moment. You know, maybe we've solved a political problem here, too. I just became a little bit of a darling policy idea. Some of the Senators, Senator Frist from Tennessee, who was a rising star at the time, kind-of picked it up and started advancing it. And some of the Democrats were working with him. I think at that point that Senator Kennedy understood all of this . . . understood all of what was going on, and he and his staff pledged with Frist that they would work with him to craft this. And try to work with him to get in a shape where even a broader range of Democrats could be supportive. So, that kind-of how it got going.

I was looking for the impetus. I always thought there was something before the floor debate. How did that see the light of day, instead of . . . ?

At this point remember, Kennedy was the ranking member on the committee until Jeffords switched from Republican to Independent, at which time Kennedy became the chair of the committee. Of course, Kennedy had been powerful all along. He was powerful as the ranking member and he was powerful as the chairman. Kennedy was all about making a deal and getting everybody together, and he did that quite well. This was an area that gave the Democrats another reason to oppose vouchers. It actually probably strengthened their hand, because they were acting in good faith to find alternatives. That was always one of the strongest arguments for vouchers. "See, we're not for vouchers everywhere," the voucher advocates would typically say. "We're just wanting to rescue these kids that are stuck in these horrible schools. And if you don't like vouchers, what would you do?" That's what the pro-choice crowd would go back at the Democrats with. Well, now the Democrats, and I think that was the wisdom of John Breaux and some of these other moderate Democrats, they kind-of said, "Well, we have an answer to that. We're willing to agree to this idea that has been kind-of floating around on supplemental services, and so we'll back it." So these moderate Democrats, and I'm talking about the Libermans and the Bayhs and the Breauxs and all that crowd. But Breaux was the one that really picked it up, but they kind-of started saying this. Well, Kennedy saw all the political advantages of doing that, so he made clear to Frist that he would work with him on it. What happened basically, and we were always . . . the administration took the view that wherever we could get . . . and we worked very closely with the Congress . . . we didn't try and do all the work ourselves. If there was some energy that was developing within the Congress, we thought that was great. Let them . . . you know, let it bubble up from there. What happened was, Frist's people and Kennedy's people started working together on drafting the details of how supplemental services would work. Other people came in, too. It was more than just the two of them, but it was principally the staff of those two Senators on the committee who . . . and Frist was playing an increasing role. He was not yet in the leadership, but he was playing an increasing role. In any event, their staffs worked on it. We sat in on all those meetings, but it really put together by the staff of those two Senators, with help from others.

Okay, what happened on the House side?

I don't have as clear a recollection on the House side. I think, but I may be wrong, that this work was done on the Senate side, and then the conference . . .

In the conference committee, okay.

. . . you probably have reviewed this more recently. You know, eight years. The House bill may have . . . I don't want to give you an answer, because I just don't know. I know that the language that was knocked out by Kennedy and Frisk is the language that's in the law. They did look at it. I just can't remember whether there was a fleshed-out position on supplemental services in the original House bill.

Who do you think influenced the Senators and Representatives, and frankly President Bush, specifically on supplemental services, but on No Child Left Behind as well? Why did this become so important to President Bush?

Well, he was extremely interested in public education, going back to his first campaign for governor of Texas. It was just a big issue for him, one of the top three. He spent a tremendous amount of time on it during his six years as governor. There was always an initiative here. Lifting the standards, doing something about early reading, dealing with social promotion, getting into high schools and improving them, it was always an issue to him. He was worried about students, particularly low income students who were just passed along and not really ready for much of anything and would drop out or have a meaningless diploma. He was proud of the fact, and even though this done before he was governor, that Texas had this system of using disaggregated data and paying attention to all groups. Nobody succeeds unless all groups are kind-of moving ahead. He just began to believe this stuff. It became really important to him. It was part of his presidential campaign and it was a high priority for him to do as soon as he went in. And sure enough, we put a lot of energy into this in the first year . . . got the bill passed. I don't think there was a lot of magic or mystery to it. It was in his own head. It wasn't as if outside groups . . . I mean there were some business leaders and some community leaders who heard about it too, but it was sort of people bringing it to him.

So more, it felt like it all just sort-of came together at the same time. So we had some of the folks in Texas . . . some things already going on.

Right. There was momentum back then. I mean, you had all the states, and Clinton had started up a little bit, and the states were doing things, and there were other governors . . . Hunt in North Carolina . . . the other things. I think he saw it as an extension of what was happening in the states and in Texas, so he put a big emphasis on it. I think the supplemental services again came out of the view . . . I don't think that anybody had any real influence on him. I don't recall . . . you know, a lot of people . . . if you read the blogs and stuff on the internet, you'll have people thinking that all these people . . . you know, Harold McGraw was a friend of the Bushes . . . and he was going to make a lot of money, and that's the reason this thing was passed. I was in there the whole . . . and then I was in it for money. I didn't represent anybody back when we were doing these reforms. I've certainly helped some people out since. I don't remember there being much of any influence from the outside. And you have all these supplemental service providers now, and they're getting rich. I hate to laugh, but I don't recall there being any thought of

who they might be, or people coming in and lobbying. I don't remember any of it. Not only a little, I don't remember any. Truly, I think it was simply . . . Bush, he believed a lot in the individual child. He would often say, "It's what you know not how old you are." It hurt him, it pained him that students wouldn't have access to opportunities to learn when they were in a school that was really not doing well by them, so he just saw it as a remedy. I don't think it very big on our list when we started off, although there was the idea of this tutoring. And it was in our minds that there be something short of a voucher, or ahead of a voucher I should say. That is to where there is something done before you would let the kid actually leave the school, and that would be kind-of an ultimate thing. So the idea was in the campaign positions in 2000, and in the ideas as we proceeded to get busy with the Congress. Then, as I say, it blew up into something more important when it was seen as kind-of a compromise. But there wasn't a whole lot of magic in how it appeared in his list.

In the Congress, specifically the Senate, there were some people with formal power. Was there anyone with informal power or influence?

On the supplemental services?

Yes, but also on No Child Left Behind, because it's all tied together. You can't pull that one tread out, even though that's what I'm doing my dissertation on. You can't pull the one thread without touching the threads on transportation and AYP and everything else.

You know, this is actually a case, and I know conspiratorialists go nuts about this, but this is actually a case about the people who you think had influence were actually the ones who did. I think . . . and they were all there. One thing I'm proud of, and I think we're all proud of . . . this didn't happen much then. It's not happening much today. This thing literally was produced by everybody who was at the table. I mean, we didn't have meetings with just Democrats or Republicans. You know, we had some games that were played with Kennedy before we knew he was going to play ball . . . where some Democrats and Republicans went off in kind-of a little rupp group, because we didn't think that Jeffords and Kennedy were going to . . . well that got clarified in basically mid-February of 2001. And after that it was just . . . you know, it was what someone like me who kind-of has done government my whole life, you just say "thank God" I had this experience because it was the way it's supposed to be. It's the way I think the average citizen wants government to work. We literally, in the Senate, I mean Kennedy kind-of ran the show and the Republican President worked with him and he built the coalition the old-fashioned way beginning with his Democratic members. He would try and take their points of view into account, and he wanted to. He was very good at that. And he wanted us to help as much as we could. And he knew he couldn't get everything. I mean, it was a classic kind of governmental process. The Republican . . . Judd Gregg was probably the most significant Republican player, and he worked closely with the administration and his fellow Republicans. And they worked closely with Kennedy. And it was just done consensually. If you read the floor debate, you know when the bill first came up, there was quite a long time . . . a lot of time was devoted to this. Very carefully done . . . I think very effectively done, but the key players are the people you see right there. I mean, the people who are offering the amendments, the New Democrats were active . . . Lieberman

and Bigh and Mary Landrew . . . you know, they had a role, but so did the other Democrats. I mean, Hillary Clinton had a little role, and she was pretty new at the time. But Kennedy was very good about involving all the Democrats. On the Republican side, as I said, Frist took a little bit of an interest. You know, there were people trying to push vouchers. They didn't succeed. It was just a really democratic process. On the House side, same thing. I mean, Boehner and Miller were excellent partners. And again, I think unlike anything since then, sadly, it was all done with everybody at the table. I was at those meetings almost every day and the staff would get together. But it wasn't Democratic staff or Republican staff, they all sat . . . Alex was there a lot and Charlie Barone from Miller's shop. Alex was working for Kildee at the time. But they were at the table and Boehner's people were at the table and Castle's people were at the table . . . and we just worked . . . and Sally Lovejoy. I mean, we had these old fashioned . . . you know staff directors.

I've talked to Danica.

Danica was terrific. Danica was very active in this supplemental services work herself. In fact, some would say . . . I know the opponents of supplemental services don't want to hear it, but Danica . . . and I don't know how she characterized it for you . . . but Danica played a very significant role in the drafting of the details on supplemental services. What happened was, and this is the brilliance of Ted Kennedy, what happened was as soon as he kind-of said, "Hey, I'll help on this deal." And he's got staff as smart as Danica, and he did, then Danica would begin driving the train. So Kennedy had some control over the issue by having his person deeply involved in the drafting.

What was your observation on how the groups resolved competitive perceptions and preferences?

The Democrats were pretty clear. They didn't want any vouchers. They didn't want any choice. And we tried, you know, a hundred different ways and I thought we had a pretty kind-of moderate fall-back position. You know, just horribly failing schools year after year. You know, only then . . . and that's what the administration did. There were others who wanted choice more broadly. In other words, pilots or a certain amount of money and people could have some of it or various provisions. Essentially, the deal that Boehner and Miller struck and that was struck on the Senate side too was that the voucher people would always get their votes. That was something I really liked about this too. There was none of this, particularly on the House side, where the Republicans could have . . . 'course they wanted to have the votes. I don't know if the Democrats would allow a vote today. Basically, people just said, "Let me have a vote." And there was a vote in the committee, there was a vote on the floor, there were votes on both floors, and there never were the votes to pass it. So, they had their chance and they didn't win. Some of the voucher people were mad at Bush, that he sold them out and all. It's just not true. You know, we tried our best. The voucher people tried their best. They just lost, and that was the way that got resolved. The key thing was, it's not like, "If we don't get this, we're packing up our bags and our toys and going home." So you just moved on to the next issue. And then as you see on the supplemental services, that was a way in which Democrats reached back out to Republicans and said, "Well, we'll go along with this. Now we can't go any further, but we'll go along with this." And so that's kind-of what

kept going on. That was sort-of the process. That was the modus operandi. It was kind-of, let's just keep working until we solve it. You know, people would come as far as they could. And groups were coming in all the time, you're right. I remember Kennedy saying he had a member who wanted, for example . . . Clinton had had a class-size reduction initiative where they put a lot of money . . . the feds did . . . but it wasn't that much. I mean, they put some money in class-size reduction. Well, we took the view, and most Republicans took the view that the feds really . . . the feds don't put enough money into education to affect any serious class-size reduction. And it's just a waste of money. We're willing to talk about more money, and we did increase the budget . . . I mean, nothing like what we've seen here recently. But we'll put more money into teachers, but please don't mandate that it be for class-size reduction. If a district wants to use it for class-size reduction, great. If they want to use it for better training, or professional development, or they want to use it for something else . . . differentiated roles. Whatever they want to do, let them do it, but let's not have mandate. So he had a Senator who really wanted that . . . I think the unions wanted more money, and Kennedy understood that that just wasn't going to happen. So he tried, and it didn't work. He appreciated that we considered it seriously and we just couldn't do it . . . he couldn't do the vouchers. So you kind-of begin to knock the stuff out at the extreme. Then the stuff in the middle, you just try to negotiate as best you could. So that's kind of the way it was handled.

In your opinion, what was SES originally intended to provide?

I really think it was meant to do exactly what it said, which was to really give options to students who, with their parents, would really like to do more . . . would like to have a crack at some resources above and beyond what's being provided in the school. And that they were empowered to be able to get that extra help. Maybe perhaps, parents and students who might not want to leave the school . . . they're happy to be at the school, or at least they're okay to be at the school. But it would be a better experience if they could get some additional help that the school's not providing. I think that was intended. And as to implementation, I think it's only been done sort-of okay but not very well. And I don't think . . . there was kind-of a little, I don't want to say naïveté. I think there was kind-of a hope that states and districts would implement the law in good faith. What you ended up having was disappointment kind-of all around. States and districts and Democrats thought that there should have been much increased funding after the first year or two, when there was increased funding. I think a lot of the conservatives thought, you know, but you're not implementing the law in good faith. You're supposed to really be aggressive about giving parents these choices. And as you know, there was a lot of foot dragging and "oh, do I really have to do it" or maybe I'll give notice . . . and they blame the test scores would come in . . . and they give people notice mid-semester. You've read about all of the implementation problems that people have had. Or we really don't want to do it or golly we don't like these . . . you know. And then there are questions about the quality of these programs. And Danica really, I think, wrote some pretty good provisions on that. But then the states were supposed to have a grading system or an evaluation system and many states were late to doing it and then they'd say, "Well we don't have the budget to do that anyway." And then you kind-of got into all this finger pointing. Be that as it may, it was really the intention to provide those kinds of opportunities to those kinds of

students. I'm glad we got a moment at the end to talk about implementation. I'm not really sure what the future holds for the program and what the implementation solutions will be. And I think that's just a tip of an iceberg of a broad range of issues that we'll just touch on at the end of our conversation. And these are going to be issues that Duncan and Obama are going to face with a heck-of-a-lot more money. But even with the additional money, how do you get a real partnership going between the federal government, the state government, the local governments, and the teachers in the classrooms? How do you get shared goals, and how do you really get people pushing in the same direction . . . with flexibility obviously? How do you do all these things? And I think that the whole supplemental services story, which I know you're going to address and write about here, I think is emblematic . . . these issues and that story, I think, are emblematic of the broader kinds of issues and problems of how do we get people pulling in the same direction toward high goals.

APPENDIX 3

DEMOCRATIC HOUSE AIDE INTERVIEW

(JUNE 15, 2009)

What I'm looking for is how SES became part of NCLB.

It was a proposal brought forth from the Bush administration. A lot of the work for NCLB actually got done in the previous Congress when the Clinton administration was still in the White House. I forget the name of the bill that we passed, but Title I, Title III, a lot of the major decisions got worked on, not that there weren't major contributions when Bush came into office, from the Congress, from Democrats, from Republicans, from the White House. I would say 75, 80% of the work was done then. One of the big signature items that the Bush administration brought to the table, which not many people in the business connected with them. I don't know if people know in the hinterland where SES came from, but it was really a Bush administration proposal. I think their thought behind it was that it would cause some, I don't know if private sector innovation is exactly the right word, but non-traditional school thinking innovation to kind-of inform instruction. A lot of Republican staffers walked around talking about how they thought this would make public school instruction better. That it would bring a new and different perspective to the table.

Was that Sandy Kress who brought that to you guys?

Yes, as the agent for the White House. There were a couple of people working on it. Sandy was probably the one who first uttered the words. I don't know if he was the one who coined the phrase per se, but working with him were Nina Reese and another woman, I forget the other woman's name, who were both campaign people who worked with Bush on his campaign. There was a team of three of them including Sandy. Nina was part of the crowd that really pushed supplemental services. Sandy's probably best recognized as the main White House staffer that kind-of brought it to the Congress' attention.

How did you guys respond to that, as the House?

You mean as a House Democrat, because obviously the House Republicans were for whatever Bush was proposing.

Yes

We were at first very naturally suspicious of it. Wary of it's a better word rather than suspicious. It was essentially the idea of taking public Title I dollars and essentially doing after-school, Saturday school kind-of tutoring services with them. What made us first concerned wasn't the idea of extra help or tutoring. More time on task for kids that need it is a great educational gift or resource. Repetition is something that's powerful, especially when it's done the right way. The idea that you literally had a big reservation of Title I funds going out for a system that had yet to be constructed. This was essentially a big effort to construct a system, a product, a mindset. System might not quite be the word. Systems have never really developed in this area. Commercial systems, but not systems in the public domain to do accountability and things like that. Really, to put money out there, in some places big amounts of money; in Boston and these other places in the northeast where they have high Title I, per pupil allocations, you know, reserving the money for them, all the way up to the per pupil amount; meant some pretty big per-kid grants. You know, what that money would do walking out of the public school system. The idea of more time on task was not something we were allergic to, per se. We were glad the Republicans thought that was a useful reform. I think the thing that concerned us was investing a lot of money in a system that had never really been tried on that scale before.

What caused Representative Miller to go along with this?

Like any major piece of legislation that's that big, it had over 1000 pages, when you compromise, you're going to take things that you probably, if you wrote that bill yourself, you wouldn't have done it that way. There were lots of other things we got. The main thing ranking member Miller was attracted to was bringing a sense of accountability to public education that hadn't really been there ever. From a systemic scale. There were obviously places where it was going on, but no one was focused on . . . I mean a couple of states were doing something with a few racial categories, maybe income. But no one was focused on all racial categories. No one was focused on kids with disabilities and LEP kids. There just weren't any accountability systems out there that looked at it. Pro or con, really revolutionized a lot people's way of thinking, including data and instructional approaches, that opened a lot of eyes and caused a lot of change in a really short period of time for education. Education doesn't move very quickly.

Whose values or influence brought those issues, specifically those of privatization, to the table?

I think the existing vendors that were out there, Sylvan Learning, Kaplan. People who were doing test prep and/or tutoring were the primary drivers of it. I'm not accusing the Republicans of being totally driven by that ideology, but the moment that proposal came out we got visited by . . . Sylvan Learning was really the biggest person who was all over the place on that. I don't know because I'm not a Republican staffer and they didn't invite me to their meetings when they talked about this, but . . . I don't know for a fact . . . Sylvan could have been reactionary. It seemed like they were pretty tuned-in, so even if it was reactionary, I think the Bush folks were looking for an ally. I get that, that's politics.

How about think tanks?

I think maybe a couple of papers.

The interesting aspect that I think plagues supplemental services today, is a real lack of data to speak to its effectiveness or lack thereof. Because these systems weren't created, people were not pointing to reams of data to show that this particular model was going to work. The model was created, really, in the halls of Congress by congressional staff . . . the details of it. It wasn't so much that a bunch of researchers sat down and thought through how to do this. It was really created in a political compromise and there was no model for them out there, so people didn't know whether it was going to work or not. So think tanks were devoid of speaking to the idea, at least decent ones, because of the fact that there was no model for this.

When they brought over the SES model, what do you think it was intended to do? Maybe there are two parts to the question. First, how did they represent it to be intended? Second, what do you think it was really intended to do?

What they were probably intending to do, even though I never had that conversation where I asked what they intended to do, but it was kind-of obvious that they were trying to involve the private sector. The private sector has been involved in a couple of cities in school take-overs . . . in Philly and Baltimore. Whatever your views are on whether that is effective or not, but I think their intent was to try and bring some private sector thinking into the public schools. I mean, their people hatched all sorts of various thoughts and plans about what they really intended to do . . . you know, vouchers and all sorts of things. Obviously, they were for private school vouchers in that reauthorization. That proposal was defeated in House committee, our committee actually. The private element really wasn't missing. There are lots of private efforts and interventions in public schools. The textbooks people buy are privately produced by commercial companies. As you know, all the way down from contractors and vendors . . . I viewed it as a little bit interesting, but that's what they did. That would be my guess, at least in terms of their intent.

How about the process, especially with two Republicans and two Democrats negotiating and compromising? How did that work?

What Democrats were mostly concerned about at the time was the accountability for the money. You know, to track and see results from the money. The Republicans were frankly resistant to doing a lot of that. Their thought behind it wasn't that they didn't want results for the money, they wanted to also foster ingenuity and new thinking and kind-of out-of-the-box thinking. If things were too rigid in their minds, you wouldn't get new actors to system, new ideas. Unfortunately, the way this has played out is that today, we still don't have a ton of information about the impact of supplemental educational services. A lot of money has been used in that arena and there are a lot of commercial interests built up around it now. And again, the commercial interests are fine if the market's out there. The issue is what are we getting, what bang are the kids getting for the buck.

For the public buck.

Tax payer dollars are being used for that. The question is, “Is it a good use of funds?” and that’s partially about what these reauthorizations of ESEA will be in the future.

Would you meet with the House Republican staffers? Was that how it was done?

That’s how it was done in the committee, on the House side. As you probably know from looking at this issue and from your own work, the way typical bills are considered and this bill was typical in that. House passed a bill, Senate passed a bill, and then we did a conference. From the House’s perspective, there was a big negotiation in the House to produce a bill that then got negotiated with the Senate. We certainly did both at different times.

So, nothing out of the ordinary as far as the legislative process?

No. Pretty quick process, but a pretty typical process . . . traditional process I should say.

I think you have covered all my research questions. Thanks for your time; I know how busy you are.

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