Education is a power specifically reserved to the states in the US Constitution. If that is the case, then why does there exist a US Department of Education and federal laws regulating education in the states? It is very simple – the use of categorical aid. The proverbial carrot on a stick where the federal government offers money to the states in return for the states advancing specific policy objectives of the federal government. Perhaps the largest and most well known of these federal programs is the Elementary and Secondary Education Act. The first half of this presentation will trace the history of the act from it being signed into law by President Johnson, through the enactment of NCLB, and ending with the current Every Student Succeeds Act. The second half will take an in-depth look at how one state, Illinois, has interpreted ESSA in order to help all school districts in the state of Illinois provide the best possible education to all students in the state of Illinois.

**History of Elementary and Secondary Education Act**

The year was 1965 when President Lyndon Johnson signed into law the Elementary and Secondary Education Act (ESEA). The largest single financial component of ESEA was Title I, a method to provide financial aid to local school districts for the education of children from low income families. In the words of President Johnson, “full educational opportunity should be our first national goal.” In essence, ESEA was considered one of the numerous civil rights laws passed during the Johnson administration. Under ESEA, while money flowed from the federal government, decisions on curriculum, standards, and personnel remained primarily in the control of local states and school districts. Between 1965 and 1980, ESEA was amended four times, each time with the intention of ensuring that federal monies were being appropriately used to educate disadvantaged students.

In the 1980s appeared the “excellence agenda” for education. This was a movement supported by business leaders and civil rights organizations. The core of this ideology was that, by increasing the rigor and expectations in schools it would increase the improvement of all students and would help the flagging economy. The Education Consolidation and Improvement Act of 1981 was passed, changing Title I into Chapter I and cutting federal funding to

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education.\(^5\) Embedded in the 1988 reauthorization of ESEA was the Hawkins-Stafford Elementary and Secondary School Improvement Act which required states to define the level of achievement expected for Title I students and to identify schools that were not making sufficient progress.\(^6\)

Standards based education was an outgrowth of the excellence agenda. In 1989 President George H.W. Bush held an education summit for state governors, during which a plan was developed for the federal government to support the creation of national goals to improve education and make the nation more competitive on a global level.\(^7\) This plan, America 2000, while espousing national standards was still voluntary. Although America 2000 was never enacted into law, it started the momentum toward national standards, testing, and accountability.

Under the Clinton administration, Goals 2000: Educate America Act was the agenda for standards-based reforms, once again encouraging the development of voluntary national standards and providing grants to states to align standards and tests.\(^8\) The reauthorization of ESEA was entitled the Improving America’s Schools Act (IASA). Under IASA the concept of report adequate yearly progress (AYP) was introduced.\(^9\) Final decisions and flexibility still resided with the states.

The No Child Left Behind Act (NCLB) was signed into law in 2002 by President George W. Bush. It represented a significant step forward in creating transparency as to where students were making progress and where they were falling behind, regardless of race, income, residence, disability, language or ethnicity. NCLB put in place measures that exposed achievement gaps which started a national dialog on disparity in education. The focus was on accountability. Although passed with bi-partisan reports and with the good intention of fix some of the historical shortcomings of ESEA, some of the very prescriptive requirements under NCLB were simply unworkable at the local and state level. Even after all these reforms, however, educational opportunity and achievement varied greatly across the nation. NCLB was supposed to be reauthorized in 2007, but agreement could never be reached. In 2012, the Obama administration began granting flexibility to states regarding specific requirements of NCLB in exchange for rigorous and comprehensive state-developed plans under the modification of NCLB, Race to the Top.

The ESEA was finally reauthorized in 2015 during the Obama administration with the passage of Every Student Succeeds Act (ESSA). It confirmed the nation’s long-term

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commitment to equal opportunity for all students. From [www.ed.gov/essa](http://www.ed.gov/essa) some highlights of ESSA include:

a. Advances equity by upholding critical protections for disadvantaged and high needs students
b. Requires that all student be taught to high academic standards to prepare them for either college or careers
c. Requires annual statewide assessments that measure student progress towards those standards
d. Helps support and grow local innovations developed by local leaders and educators
e. Invests in high quality preschools
f. Maintains and expectation of accountability and action to effect positive change in the lowest performing schools, where groups of students are not making progress, and where graduation rates are low over extended periods of time

Comparison of NCLB and ESSA

Below is a summary of some basic differences/similarities between NCLB and ESSA. Information was obtained from [www.understood.org](http://www.understood.org):

**State vs Federal Authority**

- **ESSA** – States are responsible for holding schools accountable for student achievement. The law provides a framework, but it’s a flexible framework. Each state can set its own goals for student achievement within that federal framework.
- **NCLB** -- States were responsible for holding schools accountable for student achievement. The law provided a framework for states, but there was less flexibility for states to set their own goals. The law also put forward a universal goal that every student in every school be proficient in reading and math.

**Annual Testing**

- **ESSA** – States must test students in reading and math once a year in grades 3 through 8, as well as once in high school. They must also test kids in science once in grade school, middle school and high school. Students with IEPs or 504 plans can get accommodations on tests. States can use their own tests or nationally recognized tests such as SAT and ACT. Only one percent of all students can be given alternate tests. Most importantly, ESSA encourages states to get rid of unnecessary testing.

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• **NCLB** – States had to test students in reading and math once a year in grades 3 through 8, as well as once in high school. They also had to test kids in science once in grade school, middle school and high school. Students with IEPs or 504 plans could get accommodations on these tests. States didn’t have the option to use tests other than their own state tests. There was no limit on the number of students who could take “alternate” tests.

**Academic Standards**

• **ESSA** – States have to adopt “challenging” academic standards in reading, math and science. The federal government can’t try to influence a state’s decision.

• **NCLB** – States had to adopt “challenging” academic standards in reading, math and science. The law didn’t bar the federal government from encouraging states to adopt a particular set of standards.

**Accountability Measures**

• **ESSA** – States must consider more than just test scores when evaluating schools. Each state must use four academic factors that are included in the law. States can choose a fifth factor that impacts school quality. The required academic factors must be:
  o Reading and math test scores
  o English-language proficiency test scores
  o High school graduation rates
  o A state-chosen academic measure for grade schools and middle schools

The school-quality factor could include things like:
  o Kindergarten readiness
  o Access to and completion of advanced coursework
  o College readiness
  o School climate and safety
  o Chronic absenteeism

Overall, states must give more weight to the academic factors than to the school-quality factors.

• **NCLB** – Focused solely on student academic achievement and primarily used state reading and math test scores when evaluating how schools were doing.

**Achievement Targets**

• **ESSA** – States must set achievement targets for students in schools. States must also set ambitious goals for groups of students who are the furthest behind, like students in special education. These goals should help close the gap with other students. There are no federal penalties for struggling schools. Instead, these schools will get more funding and will have to develop a plan to improve.

• **NCLB** – States had to bring all students up to the “proficient” level on state tests, including special education students. States also had to set targets for improvement, called *adequate yearly progress* (AYP). If a school didn’t meet AYP, it could be labeled as “needing improvement.” It could be required to fire its staff and face other federal penalties.
**Struggling Students and Schools**

- **ESSA** – States and school districts must have a plan for helping schools that:
  - Have high drop-out rates
  - Are consistently struggling, or
  - Have a specific group of students, like those in special education, who are struggling

  Decisions about what to do may be made by the state, or by local school districts and schools and must use evidence-based methods to help these struggling schools and students.

- **NCLB** – If a school or subgroup of students was struggling, the federal government offered the state a specific set of actions to take to improve the school. There was limited local decision-making.

**State and School District Report Cards**

- **ESSA** – Schools must publicly report test results, other measures of student achievement, and information about how much funding they are receiving. They must break these down by “subgroups” of students. The reporting has to show the performance of students in special education, minorities, those in poverty and those learning English. If a state identifies a school or student group as struggling, it must tell parents.

- **NCLB** – Schools must publicly report test results, other measures of student achievement, and information about how much funding they are receiving. They must break these down by “subgroups” of students. The reporting has to show the performance of students in special education, minorities, those in poverty and those learning English. If a state identifies a school or subgroup as struggling, it must tell parents.

**Literacy Programs**

- **ESSA** – Has a literacy education grant program. This program authorizes up to $160 million in literacy grants to states and schools.

- **NCLB** – Had several literacy programs that have since been defunded.

In addition, included in ESSA but not in NCLB was creation of a literacy center, endorsement of Universal Design in Learning and personalized learning, required input from parents and families in the creation of state plans, and allowing state opt-out laws.