



STATES' IMPACT ON FEDERAL EDUCATION POLICY  
ORAL HISTORY PROJECT

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An Oral History Interview with

*JACK JENNINGS*



Interviewer: Anita Hecht, Life History Services

Recording Date: October 2013

Place: Washington DC

Interview Length: 2.5 hours

– Oral History Interview Transcript –

## **Project Background**

While U.S. education policy is widely discussed and well documented, the impact of our nation's states on that policy has received much less attention. Launched in 2003 and led by the New York State Archives, the States' Impact on Federal Education Policy Project has worked to create and foster the use of a comprehensive, accessible, nationwide historical record that documents the efforts of states to affect U.S. education policy since the mid-twentieth century.

The Project has connected leaders in state and national education with archivists to ensure the preservation of and access to the record of education policy, and supported sustainable connections between the two communities. The policymakers are themselves repositories of stories and wisdom not captured in the written record. The interviews presented here enrich the written record of education policy during this dynamic and critical period. Our narrators helped to shape the course of education policy in the United States over the past decades. We invite you to learn from their unique experiences and perspectives.

## **To the Reader**

This printed transcript is a lightly edited record of the original oral history interview recorded in October 2013 between Jack Jennings and Anita Hecht of Life History Services, LLC, on behalf of the States' Impact on Federal Education Policy Project of New York State Archives. This transcript is accompanied by a digitally audiotaped oral history interview, as well as a narrative biographical summary of the narrator, both housed at New York State Archives.

Oral history interviews contain first-person accounts of historical events, individual experiences and significant memories. In this spirit, let it be understood that these interviews do not attempt to recount "absolute truth." Instead, they intend to relate the stories that hold meaning for the particular narrator. Interviews are not always chronological or complete with regards to specific data. Accuracy is always the goal, though there may be corrections, and certainly additions, to any oral history.

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[www.lifehistoryservices.com](http://www.lifehistoryservices.com) / 608.255.9669  
Madison, Wisconsin USA

**PROJECT NAME:** THE STATES' IMPACT ON FEDERAL EDUCATION  
POLICY ORAL HISTORY PROJECT  
Verbatim Interview Transcript

**NARRATOR:** Jack Jennings

**INTERVIEWER:** Anita Hecht

**INTERVIEW DATE:** October 15, 2013

**INTERVIEW LOCATION:** Washington DC

**INTERVIEW LENGTH:** Approximately 2 hours, 35 minutes

**Editor's note**

This document is a verbatim transcript of the oral history interview with Jack Jennings conducted on behalf of the States' Impact on Federal Education Policy Oral History Project of New York State Archives. The transcript has been reviewed, edited for clarity, and in some cases, supplemented by the Narrator with additional materials or notes. Audiences listening to the recorded interviews alongside the transcripts will note slight differences between the print transcript and the recorded interview, due to this editing process. In all cases, these changes have been reviewed and approved by the Narrator.

<b>KEY:</b>	<b>NEA</b>	<b>National Education Association</b>
	<b>ESEA</b>	<b>Elementary and Secondary Education Act</b>
	<b>NCLB</b>	<b>No Child Left Behind Act</b>
	<b>IDEA</b>	<b>Individuals with Disabilities Act</b>
	<b>NGA</b>	<b>National Governors Association</b>
	<b>ETS</b>	<b>Education Testing Service</b>
	<b>NAEP</b>	<b>National Assessment of Educational Progress</b>
	<b>OECD</b>	<b>Organization for Economic Co-operation and Development</b>

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### **HOOR 1**

#### **Hour 1/00:00** **Personal Professional History, Political Background**

*The date is October 15th in the year 2013. My name is Anita Hecht and I have the great pleasure and honor of interviewing Jack Jennings in the office of CEP, the Center on Education Policy, in Washington DC, on behalf of New York State Archives and the States' Impact on Federal Education Policy Oral History Project. And we're here to record the stories of the last fifty years of federal education policy and the impact that states have had on its development and implementation. So, thank you for agreeing to this interview.*

Well, thank you, Anita. I appreciate you being here and I appreciate the opportunity.

*Well, the first question of our interview together is a bit about you and your personal history background and how you came to be involved in federal education policy. So, let me just ask you to give us a brief history of your life and the influences of your family and politics and education and religion on your upbringing.*

Well, it was not an intentional career path. It was, as with most people, a series of events that led me in this direction. I grew up in Chicago. I attended parochial schools. I had studied to become a priest in high school and part of college. I went to Loyola University in Chicago and then I went to Northwestern law school and became a lawyer. Along the way in college and in law school, I became involved in college Young Democrats and got to know a number of elected politicians, including my home congressman, Roman Pucinski. And when I finished law school, he asked me to come to Washington to head up his subcommittee staff, which dealt with elementary [and] secondary education.

And the reason for that is that he had brought to the House floor a juvenile delinquency bill, which was an initiative of the Johnson administration – part of the Great Society programs. But he brought it to the floor right after the Republicans gained votes in the Congress in 1966 as a reaction against the Great Society. And he lost the bill in the House. And so he fired his staff (*laughter*) and then he asked me to come from Chicago. And I was twenty-four years old. So, one day, November 30th, I was sworn into the Illinois State Bar and the next day, December 1st, I was staff director to a congressional subcommittee. I knew politics and I knew government, but I didn't know the intricacies of how Congress operated or how exactly a bill became a law. I knew general stuff, but not the background stuff.

So at twenty-four, I started out as staff director to the elementary subcommittee. And I stayed for twenty-seven years on the Hill, just because I liked the blend of policy and politics. I knew politics to a degree, from my experiences in Chicago as a precinct captain and being involved with politicians. And I was interested in policy because I tend to the intellectual side in terms of issues. But I didn't like either camp alone. I didn't want to just be in politics and raise money. I didn't want to be just in policy at a university and not have any effect on anything. And so this gave me an opportunity to deal with policy and then to get it implemented through federal legislation. So I found the role very satisfying and so I stayed there. And as you know, on Capitol Hill there is no civil service. At the time I was there, they called it the "last plantation" because there were no federal laws that applied to Capitol Hill. The Congress is a separate branch of government, and the Congress would pass laws that applied to the executive branch or to the country, but not to themselves. And so anybody could be fired for whatever reason on Capitol Hill.

But I survived through four different chairmen for twenty-seven years, and I was always chief counsel or head of staff or a position like that. I always worked on a committee staff, never in a congressional office. I always dealt with the legislation and with policy. But I liked it very much. And then I decided in '94 that I'd been there long enough; I'd seen enough. Not only were the guards getting younger than I was, but the senators were getting younger than I was. *(laughter)*

So I decided that was the time to move on. I announced a year ahead of time in '93 that I was leaving. And then in '94, the Congress changed hands, but I didn't foresee that. I knew the

Republicans were going to gain votes in '94, but I didn't realize they were going to gain the Congress.

But I started a think tank in 1995 with foundation money and did that for seventeen years. That's the Center on Education Policy. The Center was totally foundation funded – no money from any government, no money from any organization – but foundation funded. It's for independence.

And we adopted it as our role to follow federal legislation, and to follow general national school reforms, and some state school reforms.

And so both parts of my career fit together in the sense that for twenty-seven years, I worked on Capitol Hill and helped make policy. And then for seventeen years, I commented on people who made policy and criticized them. (*laughter*) It was easier to criticize than it was to make policy.

*It was?*

It was, without a doubt. So for all that period of time, I saw federal programs created. When I first came on the Hill in '67, all the people who created the Great Society programs were still there. And so I would spend hours with Carl Perkins, with John Brademas, with Hugh Carey, with Edith Green, even with the senators [like] Jake Javits, with Claiborne Pell. So I understood why they created these programs and what the pressures were. And then I saw each reauthorization through '94. Then through the Center I followed each reauthorization since then. So I've had a wide long career following national education policy.

*Let me ask you a little bit more about you in terms of your own political leanings. Was your family Democrat, Republican?*

My family were definitely Democrats. They were New Deal, FDR [Franklin Delano Roosevelt] Democrats. They were Irish Catholic. My grandparents were immigrants from Ireland, except for part of my mother's family that came earlier. They were immigrants from Ireland, but they came in the 19th century. My father's family came in 1900. So they were all Irish; all Irish Catholics. They weren't what you would call flaming liberals. I mean, they had conservative points of view on many things. My mother, for instance, was very bothered by Adlai Stevenson being divorced. And so she may have secretly voted for Dwight Eisenhower because of that issue. But they were Democrats. I inherited that. But when I was in college, as with many kids, I questioned what I was given, and so I went to Republican meetings and college Young Republican meetings. I got to know the Republican leaders on campus and in the state, and I debated whether to become a Republican. And I decided, and this is my personal philosophy – I decided they were too money oriented and they were too status oriented. And that I was more comfortable with Democrats who were more interested in trying to help poor people, trying to work for civil rights. In a nutshell, I think I'm comfortable with a policy that says – this country is very capitalistic, very individualistic, and that the role of government should partially be to help people who could be hurt by such a capitalistic individualistic society. And I think Republicans don't believe that as much. They believe you should be on your own. I think the government should help people because capitalism has a pretty ugly side sometimes. If Otto Bismarck could understand that in 1870 in Germany and create social security, create a medical care system for the workers in order to help them, and he was an ultra-conservative for the Kaiser, I don't think it's necessarily a

liberal democratic position to help people who might be hurt by capitalism. But in this country, it turns out to be. And so the Democratic party is more inclined to try to help people go to college, try to help people get ready for school, try to help people with health care. And the Republicans are less inclined to. So, I'm much more comfortable being a Democrat.

**Hour 1/09:30**

**Importance of Bipartisanship, Introduction of Education Policy, Status of States' Power in '60s**

However, what I learned on Capitol Hill – I came in as very much of a Democrat, and I still am a Democrat – but what I learned on Capitol Hill was that it was far better to be bipartisan than to be partisan. So after a couple of years, I decided that all the staff meetings I would run would be bipartisan. I would not run partisan staff meetings. And so beginning in the '70s, we would create bills where we would call together the Democratic and Republican staff and we would ask – what questions are involved with renewing the Elementary and Secondary Education Act, or what questions are involved with renewing the Vocational Education Act, or the School Lunch Act, or any of these acts. And then we would call in experts and we'd all hear the experts and all question the experts and then try to build a bill in consensus. And then, inevitably, when the members of Congress got involved, there'd be some division on some partisan issues. But my operating principle was that everything should be bipartisan in education and that that means it will survive longer.

That started to break down. I could work with the Republicans in Congress until Newt Gingrich took over the House. And his policy in the 1990s was to destroy the Democratic leadership in the

House in order to take over the Congress. And he forbade Republican staffers from meeting with Democratic staffers, and he forbade Republican ranking members from working with their Democratic colleagues. He wanted destruction, and he got destruction when he got power, but he got it in a very corrosive way, which changed the whole atmosphere in Washington. And we're suffering from that today. This is the Gingrich legacy – throwing bombs in order to win. So I was able to be bipartisan, or work in a bipartisan atmosphere, until the 1990s. And then the Democrats started pulling apart, too, because they saw how partisan the Republicans were getting.

But then after I left Congress and started this organization, I decided, for credibility we had to be bipartisan. And so I refused money from the administration. I refused money from teachers' organizations and said all our money would come from foundations for neutrality. And I asked Chris Cross, who was a Republican staff director on the Hill, my counterpart, and who was a Republican assistant secretary of education under the first Bush, if he would become the chairman of my board of directors because I wanted to signal that we were going to be bipartisan. And Chris did that and he was chairman of my board for, I think, five years. And then the next chairman was Jenny Edwards, who's the publisher of *Education Week* – again, somebody who's bipartisan or non-partisan. And what we tried to do in all our research here was be bipartisan. When we had reviewers look at research studies, I'd bring in people like Rick Hanushek and other people who are clearly identified as more conservative, more Republican, and have them review our work as well as more Democratic experts.

*We could do a whole oral history project on bipartisanship.*

Yeah. It's gotten to be more difficult. But the reason this organization gained a reputation as one – it's a very small organization, but the reason it gained a reputation in the press is when – there was a survey done of the ten most influential educational organizations in the country and CEP was one of them. And the others were the federal government, the Congress, the NEA [National Education Association] – all huge organizations, and then little CEP. And the reason was that we worked at being bipartisan, objective, and timely, even as a small group. So in this organization, when I founded it, we tried to be as objective as we could, as bipartisan as we could, with procedural guaranties that that would happen.

Since I've left this organization a year and a half ago, I've been more outspoken with my own political point of view, but that's because I have no more responsibility with anybody. But I still see the value of bipartisanship, if possible. But the Republicans are making it pretty hard to do nowadays. But it's better for the country if you can work at being bipartisan. But the parties have changed and it's pretty hard with the way the parties have changed to do that nowadays. So, that's a long way of saying I've been involved for a long time. I'm a Democrat, but in Congress as well as in this organization, I've tried to be bipartisan.

*And your entrance into the field of education policy –*

Happenstance.

*Happenstance.*

It was just that Roman Pucinski, who was my local congressman and the committeeman of my ward in Chicago happened to be chairman of the Elementary and Secondary subcommittee. But that in itself is a story. You remember Adam Clayton Powell? He was the first African American – well, actually, the second African American who was a chairman of a congressional committee, but the first who was chairman of a major committee. And he was chairman of the Education and Labor committee in the 1950s and '60s, and then he got into ethical problems. He was removed just as the Great Society legislation was coming to Congress to be enacted in the 1960s. The number two person was Carl Perkins, who was from Kentucky, and he became chairman. But the Democrats on the committee – he had been chairman of the Elementary and Secondary subcommittee when ESEA [Elementary and Secondary Education Act] was going through – but when he became chairman of the full committee, the Democrats decided that they didn't want him to have both the subcommittee and the full committee and he agreed. And so they gave the subcommittee to Roman Pucinski. So Pucinski got the subcommittee, and then he asked me to be his staff director.

And then when Pucinski ran for the Senate against Percy, which was a disastrous campaign – he lost a hundred and one counties out of a hundred and two in Illinois – Carl Perkins took back the subcommittee. And by then, he was strong enough that he could take it back and the Democrats wouldn't fight him. So Perkins took back the Elementary and Secondary subcommittee and he took me with it. He asked me privately a year ahead of time if I would come with him. And so I agreed to come with him. And so I continued to head the Elementary and Secondary committee, but it was under the chairmanship of Perkins, who was the full committee chairman.

*So when you entered the fray, did you have a sense of the states' impact or reaction to ESEA?*

*Tell me a little bit about that time and the conditions leading up to this law, and then its implementation and what you experienced in the early years.*

Well, in the 1960s, when I was in college and high school, I was interested in politics. When I was a precinct captain while I was in law school, Roman Pucinski was running for Congress in 1966, when the Republican backlash occurred. Martin Luther King marched through the north side of Chicago and got all the ethnics upset about civil rights. And the Republicans were using that to gain seats in Congress. And Pucinski was a Democrat. He was very ethnic, representing a Polish/Italian/Irish Catholic area of the city. And those folks were upset with civil rights, with busing, with Martin Luther King. And so Pucinski had a very difficult campaign in 1966. He ran against Henry Hyde, who was a state representative. I made some appearances and debated Hyde for Pucinski. And I knew – in one of the appearances, I said, "Henry Hyde wants to be Congressman, but he's a state representative." In Illinois, state representatives at that time did not have physical offices. They only had a chair in the assembly. He had to do all his work sitting in the assembly, and he had no office and very little staff – as an indication of how weak state governments were and how weak state legislatures were. And he wanted to work for Congress, which is a different type of body, which has staff, which has power that state legislators don't have. I just mention that to say that I knew that state government in Illinois, and in general, was weak.

In the 1960s, states intentionally did not have much power. Most power was either not used or it was delegated to the local level. In education, there was no system of schools in Illinois. There were local school districts in Illinois. That was common throughout the country – less so in the south. In the south, because of the devastation of the Civil War, state governments tended to be a little stronger in education. But in the west, the northwest, and the northeast, state governments were traditionally very weak in education. They delegated everything to the local level, except for raising money through foundation programs, which legislators did. But they rarely legislated policy in education. They stayed away from curriculum. They stayed away from teacher requirements. They stayed away from most essential issues in education, and they just dealt with school finance.

#### **Hour 1/20:00**

#### **Introduction of ESEA to Strengthen State Governments, Federal Funding of State Agencies, Governors' Involvement in Education Policy**

So I knew that state governments were not very strong. So I presumed that when ESEA was passed, the theory of ESEA was that if the federal government was going to get involved in education, it couldn't run things directly with local school districts. It had to go through state governments. So there five titles in ESEA, five components of ESEA, and a very important one was the fifth title that was money from the federal government to state departments of education to strengthen state departments of education so that they could, in fact, run federal programs.

*Was this an impetus from the federal government to structure it that way? Was there any input from the states asking for this?*

I'm not aware of any input from the states asking for it. I am aware that Frank Keppel, who was commissioner of education, and other people who are involved in writing the laws, knew that they had to run things through the states and they knew how weak the state governments were. So they intentionally tried to strengthen state departments of education.

Now, that has led to a two-edged sword in that the federal government gives money to states to run federal programs, but state legislatures consider state departments of education state agencies, logically, because they are. And they cover them with state civil service rules. They cover them with the state pay scales and so on. And generally, state employment is not very attractive because it doesn't pay very well. State governments frequently try to cut back on spending and will have across-the-board cuts in employment, which will affect state departments of education, state agriculture departments, and everybody else. So, state departments of education are relied on by state legislatures and governors, but they [state governments] don't always support them to the degree that they should. But the federal government has always run its major programs through the state since 1965, when modern federal aid to education came about.

And so in states, over the years, it has been said that sometimes eighty, ninety percent of the staff are paid for by the federal government even though they're state agencies. And state departments of education have not always been upfront about how many of their staff are paid for with federal funds, because they didn't want to scandalize the federal government and the state legislatures. But I would guess today, without knowing precisely, I'd guess probably half the

employees in state departments of education are federally paid for, because the federal government gives states a percentage usually, of major federal programs that they operate. And that helps to pay for their staff. The federal government can't run things directly with local school districts because there are so many school districts in the country. They go through state governments. So, state agencies are in an ambiguous situation. They're state agencies, but they're also mini-federal departments of education running federal programs and sometimes are caught between the two duties.

*And like you said, they may not always attract the top of the field or the population.*

Well, I remember the commissioner of education in Massachusetts testified once that people were leaving his department of education to become high school principals in Massachusetts because the pay was better. So it's a dilemma. The rhetoric is that the state governments should run things. The state should be in control. The rhetoric is that under the Constitution, the states have powers, under the residual clause of the tenth amendment and so on. The reality is that in the United States, state governments have been traditionally very weak. And therefore, if they are to run things – like Obamacare, like education programs, like environmental programs – they've got to have the staff. They've got to have the agencies that can do it. And state legislatures generally don't adequately fund state agencies. So the federal government does it through the back door and then winds up with funding a disproportionate share of state agencies just because nobody else is doing it. But the federal government feels it has to do it just to have somebody there to operate the Individuals with Disabilities Education Act, with all its procedural guaranties, Title I for the poor, all these other programs.

*Did most states generally support the federal expansion and the funding of their state education agencies? Do you have a sense of when that went through?*

I don't know. I have never seen any documentation. Now, one thing I want to explain clearly is that in the span from the mid-1960s till the current time, 2013, generally state governors were not involved in education policy – federal education policy – until the late 1980s. Usually, the National Governors Association might submit a statement to Congress during a hearing, maybe a governor would testify, but they weren't heavily involved in the lobbying or shaping the legislation. And state legislators usually weren't heavily involved. So the federal government, when it created Title V – Aid to State Departments of Education – I think pretty much did it on its own because it realized it needed somebody at the state level to run these big new federal programs.

And for years, in the '60s and '70s, '80s, the state school superintendents would get involved with the federal government because they got so much of their staffing from the federal government and because they ran these federal programs. But they weren't always appointed by the governor. In, I think, nineteen states, state school superintendants were elected independently of governors. Now that number's gone down a little bit. And in other states, state school superintendants were appointed by boards, which were elected or which were appointed by governors. They [state superintendents] weren't directly appointed by the governors.

And so the governors did not get heavily involved in education policy at the national level until the standards movement in the late 1980s. And now, governors are very involved in education

policy, because with the standards movement, education policy at the national level changed. From 1965 until the standards movement in the late 1980s – beginning 1990s – federal education programs generally dealt with at-risk children – children with disabilities, poor children, and so on – who may have been fifteen, twenty percent of the student population, maybe. Generally, federal education policy did not affect the vast bulk of children. It did through a few programs and a few school districts, but generally not. And so the federal programs are ancillary for at-risk children. I don't think the governors saw it was worth their time to get involved.

With the standards movement coming about in the very late 1980s and especially 1990s, the picture changed because the standards movement affects all children. And the tests that they were talking about in the 1990s, and that came about in the late 1990s, and under No Child Left Behind are given to *all* children. And the penalties are assessed against *all* schools, whether they receive federal money or not. Under NCLB [No Child Left Behind], a school must test in grades three through eight, even if it doesn't receive one dollar of federal money. And so the picture changed. The federal role moved from dealing with at-risk children in maybe fifteen, twenty percent of the population, to all children. And the governors got involved.

And so today, the governors are very, very much concerned about NCLB. They're concerned about what the federal government's going to do with education policy, waivers, other things. And at the same time, they're changing their state school superintendants more often. As governors come in, they will change a school superintendant to reflect that governor's point of view. And so the chief state school officers, I think, have become more politicized than they used to be. So, it's a different situation today.

When you talk about states, conceptually you're talking of the Constitution about this entity that's created that supposed to govern a geographic area. In reality, you're talking about parts of states – who's there to run the state – the governors, the state legislators, the state boards of education, other agencies. In the past, the governors could be powerful in certain ways, but in education they generally were disinterested at the national level. And the state departments of education were running federal programs and were interested, but generally that didn't get kicked up to the governor's level. And state legislatures would get involved if it had some impact on state finances, like IDEA [Individuals with Disabilities Act] did when it mandated spending for disabled children.

**Hour 1/30:00**

**Educational Disputes on Capitol Hill, Question of Federal Involvement in '60s, Additional Funding of Title I by Johnson**

But they usually weren't that involved in education policy. But again, that all changed with standards reform. And now, everybody's involved.

*And we'll talk about what led up to that, but in the interest of doing this a bit chronologically, I'm curious about, in those days of ESEA when you first got to Capitol Hill, what the disputes were about when you went to conference committee hearings.*

The disputes were that federal aid to education had been talked about for decades, and there was federal aid consisting of land grants to establish public schools, land grant policies establishing

state universities, the GI Bill of Rights, which helped create the middle class. But there wasn't continuous on-going support by the federal government of elementary/secondary schools. And there wasn't continuous major support by the federal government of access to higher education or preschool education. That changed with the Great Society. The Great Society [program], in the mid-1960s, led to on-going federal involvement in preschool, elementary, secondary, and post-secondary institutions.

The disputes were that the southerners were afraid that federal involvement would mean desegregation of the schools. The disputes were that Catholic schools wanted to get some of the money because they had twelve percent of the enrollment in elementary/secondary at the time. Some people, especially more conservative people, especially Republicans, were concerned about federal control.

So ESEA was passed in a way that solved the religious problem for a while. The Civil Rights Act was enacted, which blunted the civil rights issue for a while. But there was still a fear of federal control. Johnson had brought in so many Democrats in 1964 that they were able to ignore the fears about federal control. They put into ESEA a part that says the federal government should not control any part of the curriculum, etc., as a failsafe against federal control. But they didn't have to worry about it that much.

When the Republicans gained votes in 1966, and when Nixon was elected in 1968, the fear of federal control became more predominant because there had been years of implementing Great Society legislation, which meant that Head Start programs were started by black groups in

Mississippi and were run by black groups instead of by counties, which were dominated by whites. In Chicago, blacks civil rights groups ran Head Start programs instead of Mayor Daley.

And so there was a reaction on the part of the Republicans because they thought it was too much federal interference, and there was a reaction on the part of mayors and governors that the Great Society was bypassing them and running programs directly and not through them. And so the disputes beginning in 1966 were whether the federal government should be involved in these areas, whether it led to too much federal control, whether it would be better to turn this money back to states and let them run it, or local entities and let them run it.

So when I first got there in 1967, the first two conference committees I sat in on, which were closed door affairs, one of them dealt with the poverty program. And the House had adopted what they called the “bosses and boll weevils amendment,” which was backed by Mayor Daley, which was backed by the southern governors, which tried to change the poverty program so that it would be run by local officials instead of by civil rights groups, especially by black groups that were acting independently. It had passed the House in a form, and it hadn't passed the Senate because the Republicans had more votes in the House than they had when Johnson was first elected.

So the first dispute was whether the federal government should be involved in the poverty program the way it was, which was bypassing elected officials. The compromise was to run some programs through elected officials and run other programs separately.

Another dispute was with the education bill, ESEA. The House had adopted an amendment that took some of the programs and put them into a block grant, which meant that it put them into a block of money without requirements, or very few requirements, and sent the money to the states to spend as they wanted to. That was defeated in the conference committee, because at the time the Senate was more liberal than the House, and the Senate just wouldn't accept it, and the conferees in the House gave in to the Senate.

The same disputes we're having today with health care are the same disputes we had in the 1960s with education. Should the federal government get involved in this area? To what degree should it get involved? What should be the requirements? To what degree should state and local elected officials have control over things? To what degree should outside groups have some influence over things? These are the same issues. They're issues of philosophy, namely – do you think that there's a problem that's being neglected at the state and local level, and the federal government should direct attention to it? There are also issues about politics. Should elected officials in Mississippi, who tend to be Republican, run a program where their heart isn't in it? And, like with Obamacare in the Republican dominated states, now they're frequently trying to undercut Obamacare. They won't run the exchanges. They won't notify people about eligibility. It's national policy, but because they don't agree with it they're finding a way around it.

So it's the same set of issues. It's the tension in the federal system with having three levels of government, and yet every now and then the federal government takes action – not that it wants to take action – because somebody's sitting around and saying, "Let's take over transportation,"

or, "Let's take over the ports in the country." It's that the other levels of government haven't done what they should do to address problems in that area.

So in education in the 1960s, the feeling was that the state governments, because of their weakness, the local governments, because there were school districts that were geographically set up to represent certain bodies, namely middle-class districts, rich districts, poor districts – they weren't addressing the issues of poverty. They weren't addressing the issues of children who didn't speak English or children who were disabled. And so the federal government stepped in and tried to direct attention to these populations. But then as it implemented these policies, there were the ripple effects throughout the system of states saying, "You're taking too much power." Local school districts saying, "That should be our prerogative." And so you've got all these arguments in the federal system.

*So, in effect, in those early years, the states' impact was one of reacting to the top down policy.*

Yes, reacting to it. But there was one, big ace-in-the-hole the federal government had, namely in 1965, there was so much money in the federal treasury that the concern was that the federal government would have so much money it would drag the economy down, unlike today. And so, when Johnson proposed ESEA, his Bureau of the Budget proposed, I think it was five hundred million dollars for Title I, and Johnson said, "No, spend a billion." And then Johnson said, "In a couple of years, we'll spend eight billion dollars for Title I, because that money will be there and we don't want it to drag down the economy, and these are social problems that need to be addressed."

So suddenly, within a matter of a couple months, ESEA was proposed in January, and it was enacted in April. It was an extraordinarily fast passage because Johnson was so adept at moving things along. Suddenly the states had a billion dollars of money they hadn't had before. It was actually a billion, two. But they had a billion dollars in Title I. School districts suddenly were getting checks for five hundred thousand, five million dollars, ten million dollars. And it was found money. They didn't have it before. States may have been concerned, but they weren't about ready to kill the golden goose because this egg had been delivered in gold. And states wanted the money. Local school districts wanted the money. And it was new money. It wasn't tied into paying for current teachers' salaries. It wasn't tied into paying for anything that was going on currently. You could use the money for whatever fitted in the general parameters of the law.

**Hour 1/39:50**

**Democratic/Republican Views on Education in '60s, Importance of Education for Children with Disabilities in '70s, Funding of Education of All Handicapped Children's Act**

States may have complained a little bit, but the complaints were weak. I don't remember any complaints. I remember in '67, the Republicans said, "Well, the states wanted to run these programs instead of the federal government." But I think it was mostly an ideological thing on the part of conservative Republicans. Now, let me go back and say not all Republicans were alike in the '60s. In the House, I believe maybe a third of Republicans – maybe it was half the Republicans in the House voted for ESEA. In the Senate, I think it was two-thirds of the Republicans voted for ESEA. The Republicans were different then than they are today.

*They supported public education to a greater degree?*

The irony is that – and I wrote an article about this. I have a blog in the *Huffington Post*. The irony is that the Democrats, at the time, represented the north – northern cities – and the south. The Republicans represented small towns and the west. And so the Republicans, since the 1860s, were very pro-public school. In fact, one of the Republican senators in, I think, 1880, proposed the Blaine amendment, which was an amendment that was put into state constitutions that forbade the use of public money for private schools. And the Blaine amendment is what is stopping some of the voucher programs today in states because Republicans had put it into the constitutions of states.

Republicans were very pro-public school until Nixon. Nixon decided on a southern strategy to take advantage of the southerners being unhappy with what Johnson did with civil rights, and the northerners being unhappy with Martin Luther King and civil rights in the big cities. And so Nixon shifted the Republican party to vouchers and anti-abortion – put the vouchers in education as a way to get the southern whites and northern ethnics to vote Republican. It was called the “southern strategy.” Until Nixon, the Republicans were very pro-public school. In fact, in 1982, when Reagan continued Nixon's strategy – he announced his campaign for president in Mississippi – when Reagan proposed vouchers, I think forty percent of the Republican senators voted against it. Today that wouldn't happen. You'd have almost every Republican voting for it.

The converse of it is that the Democrats were in favor of private schools, at least the northern Democrats. Eleanor Roosevelt was against aid to private schools as a liberal, but Democratic

congressmen who were represented from ethnic areas in Chicago, Philadelphia, New York, Boston – John Kennedy, when he was a Senator – proposed aid to private schools because they represented Catholic Democrats. But then the Democrats changed over time so they became more pro-public school and against vouchers for private schools. The Republicans conversely changed so that they became more private schools and less public school supportive. It was like a mirror image change.

*How interesting.*

This is extraneous to your project, but you can't talk about policy without talking about politics.

*Right.*

So you can't talk about vouchers without understanding the politics that lead to different parties and different people proposing vouchers.

*So, if we move into the '70s a little bit, that's where, at least in my reading, there was some movement bubbling up from the states that affected changes in federal policy, if you look at disability rights. Tell me a little bit about that shift, too, from not necessarily being only top down, but from the bottom up.*

Well, in the 1960s, there were a couple of programs for disadvantaged children at the state level. I can think particularly about Maryland having a program of aid for disadvantaged children. But

it was a handful of states that had that. In the '70s, the issue of the education of children with disabilities became more prominent. A number of states, like New York State, I believe, initiated state programs to better educate children with disabilities. Now the federal government in 1966 had put an amendment into ESEA to give aid to state institutions for children with disabilities, because at the time, in the '60s and early '70s, many children with disabilities were in institutions. They weren't in schools.

So the federal government had a program for the education of children in state institutions, for disabled children, from 1966. But in the 1970s, the movement became a more grass-roots movement among parents of disabled children. And some states enacted legislation – a handful of states – and a number of lawsuits were filed against states for not educating children with disabilities. So there was churn at the state level that wasn't present in the 1960s with the issue of equity. It was present in the 1970s with children with disabilities. So when Congress enacted the first law – it was called the Education of All Handicapped Children Act – the states were involved to a degree, but they weren't central in my recollection. Local school boards were more vociferous because that law would require – does require – that services for children with disabilities be paid for regardless of the amount of federal money provided. And so local school districts have to cough up the remainder of the money if the federal money isn't sufficient, and the federal money has never been sufficient. If there's a plan agreed upon for a child who's disabled and the plan has so many services in it, it has to be paid for. And if the federal government only provides twenty percent, forty percent of the money, the local school district has to pay for the rest.

So local school boards understood that in the 1970s. They were more concerned about the federal legislation than others. States were also concerned, but I remember local school districts being far more concerned. But the bill passed, and some states threatened not to participate in it. They were going to by-pass the federal money. I believe maybe five to ten states did that, but then after a year or two they all complied, and they all took part. So that now every state is in that program. And the same requirement applies – if the federal government doesn't provide enough money, state and local governments have to provide the remainder.

There is a progression. In the 1960s, I think the states were acquiescent. In the 1970s, they were a little more active on certain issues. In the late 1980s, they were very active with the standards movement. So there was an evolution. But it's partially the evolution of government in this country. Our basic philosophy for hundreds of years was that we didn't want government. And the Constitution was created so that government would be impeded – three branches of government and three divisions of government within each of the branches. The intention was that it would be hard to aggrandize power in the United States, as a reaction against totalitarianism in Europe.

And so the government is created to be slow. The mood of the country, because it's so big, is not to have much government interference. For the government to get involved at the state level or at the federal level takes an effort. And it's generally because there's some need that's not being fulfilled. And the federal government sometimes is more responsive or faster to react to that than state governments are. But the federal government can't act alone. It has to involve states because the country's so big. Our states are the size of other countries. And so the federal government, in

a way, drags states into these issues, and then the states react to the federal pressure and want to do it their own way. And then you have this conflict, which you're having now with NCLB and state waivers and how much testing should there be or not be. You're having it now with Obamacare. To what degree should states be involved in running these exchanges? To what degree should states adopt Medicaid changes as part of the health care bill? You're having the same issues.

*I'm curious to ask you what you see as the outcomes and the unintended consequences of some of this early legislation in ESEA and in disability policy, and the different responses maybe, to desegregation and disability legislation.*

Well, you have a gradation of federal legislation from very powerful to less powerful. At the powerful end, you have NCLB, which mandates testing, which mandates penalties and so on, and IDEA, which deals with children with disabilities, which mandates procedural requirements and allows lawsuits and mandates the spending of money that the federal hasn't provided.

**Hour 1/50:00**

**Unintended Consequences of ESEA, Demographic Support of ESEA, State Legislature's Attempts to Reduce State Government, Impact of ESEA**

Then you have Title IX that forbids discrimination against women, but it doesn't have a grant program with it, and it just is a prohibition. Then you have the Civil Rights Act, Title IV and Title VI, and there can be lawsuits, cuts-off from money, but it's procedurally difficult to do. It's rare that the federal government can really cut a state off completely. It generally threatens to cut

off a state and then reaches an agreement of some type. Then you move down to Title I, which provides money and has requirements, but it doesn't mandate – or traditionally didn't mandate much in terms of outcomes. until NCLB, which is layered on top of Title I, which does mandate outcomes.

*Why do you think these policies developed so differently, some with such teeth and sticks, and others just with a carrot?*

Because of the times and because of the issues. In 1965, politically it would be impossible to pass an IDEA type of Title I. In the 1970s, it was possible to pass IDEA, which then was called something else, because of the times. People were concerned about at-risk youth and so on. They'd gotten used to Title I. They'd gotten used to bilingual education. They had gotten used to these other programs. And – and this is very important – the area of disability policy is different than the area of poverty policy, or the area of English language policy, because children with disabilities are spread throughout the population. You have middle-class, upper income people who have children with disabilities. You have Democrats [and] Republicans, with children with disabilities. So the political base is much broader.

To me, that was brought home when the first President Bush signed the Americans with Disabilities Act that applies guarantees against discrimination to private industry in the country. And he signed it, as a Republican conservative president. And right next to him, sitting in a wheelchair, was a millionaire Republican businessman, who was a main person, at least out front, behind the legislation.

So disability policy has a broader political base than poverty policy. You will not get Republicans in Congress to ask for a repeal of IDEA. They will ask for a repeal of Title I, a repeal of bilingual education, but not of IDEA, because they have constituents who are benefitting from IDEA. Those constituents have an extra fervor about them because they've had to bring up children with disabilities, and they're going to speak up. Conservatives will complain the federal government has never funded IDEA as a promise, but they won't ask for its repeal. So the politics in that area is different.

Politics fashions what you can do with policy and the times fashion. There are certain times you can do certain things, certain times you can't. And individuals. John Kennedy could not get an education bill passed, Lyndon Johnson could. Partially because of the assassination, but partially because Lyndon Johnson was just a master politician. John Kennedy did not know the Congress like Lyndon Johnson knew the Congress. So part of it is personality, part of it is politics, part of it's the times.

*So this eight billion dollars that Johnson said was going to be available to fund the education agencies?*

It was diverted into the Vietnam War. Two years after the passage of ESEA, money that was supposed to be for education, money that was supposed to be for poverty – Head Start was going to be a massive program, the community services program was going to be massive – all that money was diverted into Vietnam. Johnson killed his own purposes, or he harmed them, by putting money that was meant for social policy into war policy.

*Were the state education agencies ever funded to the capacity that they were intended to fulfill?*

Well, this organization, CEP, has done surveys of state agencies asking them whether they have enough staffing, enough expertise, to run NCLB, to run other programs. State agencies – and these are anonymous surveys. State agencies usually said they don't have enough staffing, but they do have the expertise. So state agencies generally don't want to admit they don't have the expertise to run things, but they will admit they don't have the people to run things. Now in New York State, which sponsors this program, the state department of education, under Gordon Ambach and under others, used to be very powerful. It was modeled on European agencies with Regents Exams and so on. It was unusual among the states. I think New York state, at one time had – I don't know how many people, five thousand, four thousand people in the state department of education. Within a couple of years, that was cut in half. So suddenly the state department of education had half as many people. And that happened in North Carolina; it happened in a number of states. It was the state legislatures trying to cut back on state government. So they would cut back on the number of state employees. But some states were immune. Maryland was immune to cutbacks like that. But many states suffered big cutbacks in terms of state employees and state departments of education, because of state politics. A governor would come in and say, "I'm going to cut back on state government because it's intruding in our lives." And then he or she would get in and say, "We're going to have a twenty-five percent cutback in employees." It frequently would happen.

So these people who are carrying out federal policies were let go or they were shifted more to the federal payroll than to the state payroll, which meant that the state agencies became even more dependent on the federal money than on the state money. So, your question is whether they've ever had adequate personnel. No. But they've also not had the right type of personnel. Frequently state departments of education in the past were compliance oriented – did you carry out Section 503 of this law? Now, with standards and all this reform, people should be more reform interested, more interested in teaching and learning, in helping teachers with professional development. There should [have] more of an education expertise rather than a check-off expertise. And state departments of education are slowly making that transition, but they're suffering from the recession and cutting back. You know, state budgets were decimated. When they let somebody go, they're trying to hire people who know more about teaching and learning than about checking off boxes. But it's a struggle for them.

*So the legacy of this era that we first started talking about, the '60s and the '70s and the equity programs, and maybe it's too broad of a question, but do you think in the grand scheme balance of things, they were effective, that they had the intended outcomes of promoting greater equity or access?*

Yes. Now, a problem is that politicians over promise. So when a politician, whether it's the war on drugs under Reagan, or whether it's the wars under Bush or whatever, or the Great Society under Johnson – Johnson would stand up and say, "We're going to eliminate poverty in the country." Bush stood up and said, "We're going to make Iraq into a democracy." So they over promise in order to get the people behind them. So, in terms of the promises made for ESEA,

they were not all fulfilled. In terms of whether ESEA had a positive influence, it did. Because the federal government, through funding and through requirements, directed attention on equity when that degree of attention was not there before. But it's very hard to draw a line between a federal dollar and an effect, because the federal dollar has to go through state government, through the local school district. Title I is called a funding mechanism rather than a program mechanism, in the sense that local school districts can spend the money the way they want to, to improve education for poor children. They don't have to spend it for a specific reading program. And so some school districts spend it for school nurses. Some school districts spend Title I money for preschool. Some school districts spend it to reduce class size. There's all different ways it's used.

So, it's pretty hard for an evaluator to go in and say, in Chicago, "In this school, you spent your money on preschool. In another school, you spent your money on reducing class size one to three. Were you effective in terms of increasing test scores?" So it's difficult. But if you look at the latest results of the National Assessment of Educational Progress [NAEP], and the longitudinal results going back to the 1970s – and they were released about a month ago – what you find over that period from the early '70s to the current time is that all groups of students are doing better in terms of reading and math. But the targets of Title I – the targets of equity, namely black children, poor children, children of Hispanic origin – are doing better than white children, and have done better over the years than white children, so the achievement gap has narrowed from the 1970s in terms of reading and math. That has stalled since 2008, possibly because of the test-driven reform movement – possibly.

*And we'll pick up on that in our next hour, okay?*

Okay.

## HOOR 2

### Hour 2/00:00

### **Partisanship in the '70s, Excesses of ESEA in '70s, Reagan's Reduction of Federal Programs/Funding**

*This is hour number two of my interview with Jack Jennings on October 15th, 2013, on the states' impact on federal education policy. Let's talk a little bit about the 1970s still, and the golden era it seems, of when a lot was being done behalf of education.*

Well, I think it was a golden era in the sense of equity and in the sense of enacting programs that dealt with equity. But many of these programs were categorical programs, which meant that the money was directed to a particular population or for a particular service. It wasn't a general use type of aid. And in the 1970s, it's been called the pinnacle of categorical aid, because the different reauthorizations in 1972, 1974, 1978, would create new programs. If you look at the index and the laws, in '78 especially, you see all these new programs being created. And so it was the apex of trying to deal with equity programs or problems through targeted funding.

And it was also a time of great bipartisan cooperation. You're going to interview Chris Cross. In the 1970s, Chris was the Republican staff director on the Education Committee. I was the Democratic staff director. We worked together in 1974 on the reauthorization of ESEA. We had some disputes. His boss wanted to send all the Title I money out on test scores, and my chairman, Carl Perkins, wanted to use poverty. We won, but we gave a little something to the Republicans. But I always worked with Chris closely. And we decided that in 1974, his boss, Al

Quie, from Minnesota, was a moderate Republican – sort of moderate. Quie wanted an objective national study of ESEA before it was reauthorized, so we agreed to that. We went to the National Institute of Education under Paul Hill, and they did a study of Title I, of these other programs for almost four years. The agreement that Chris and I worked out and which our chairman [and] ranking member agreed to, was that we would use whatever report they produced. We didn't know what it was going to be – as a basis for the next bill to reauthorize. And so Perkins agreed to that; Quie agreed to that – bipartisan.

They produced their report. Paul Hill produced a good report and we translated it into a bill, and then Jimmy Carter was elected. Jimmy Carter had Mike Smith as one of his staff people, and you're going to interview Mike. Mike Smith had this whole project in the Department of Ed of rewriting ESEA. And so he had task forces and hours spent and staff memos writing memos, and they produced a bill. They didn't talk to anybody on the Hill, but they produced their bill, and they brought it up to the Hill, and we told them, "No. We're going to use this research draft as a basis for our bill, not your bill." The first Secretary of Education, Shirley Hufstедler, complained. I think it was Shirley Hufstедler. Anyway, there was a complaint that we were not using the president's bill. Perkins stood his ground, but he told me, "Give the administration something." So we gave them a couple of formula changes. Mike Smith wanted to add on a couple factors that would give poor school districts more money than they got at the time. So we wrote in a couple of formula changes. But we basically used the research bill, the bipartisan bill, as our basis. And we made the administration have to justify any amendments to our bill.

That was a high point, I think, of bipartisanship, that Perkins and Quie were willing to – Perkins especially, was willing to say no to the president – that he was going to stick with this bipartisan agreement and the administration would have to do what it wanted to do. Mike Smith may give you a different version of it, but that's the version that I remember.

It was an unusual time, but in a way we went too far. We created too many programs, and we wrote in too many provisions. We wrote in one provision that was from this research study that required that school districts had to report in great detail on teachers' salaries to make sure that poor schools were getting the same quality teachers as other schools. But it meant that school districts had to send the federal government reams of paper, and that caused a local reaction. All the categorical programs caused a local reaction. One amendment created local parental councils for Title I and gave them some powers and money, and that caused a local reaction.

*When you say local reaction?*

Local school administrators didn't like it.

*Okay.*

And so when Reagan was elected, which I think was 1980, his theory was that government was part of the problem, not part of the solution. So in education, what they did was they worked with local administrators. Republicans worked with local administrators and stripped out a number of provisions that we'd put in in the '70s.

So it was a golden era in the sense that we tried to work in a bipartisan fashion, we tried to deal with equity issues, but in a way maybe we went too far and lost local support.

*Created somewhat of a backlash.*

By the time Republicans got in, Reagan passed an education bill he called the Education Consolidation Bill and Block Grant Bill, or whatever. But it eliminated forty federal programs. It cut back on federal spending. It eliminated the provisions dealing with teacher quality and made them mush. It eliminated the parental councils under Title I. It stripped away the things that the local administrators didn't like. But it also cut back on money, which the administrators didn't like Reagan doing. But at least he got rid of what they considered cumbersome requirements.

When Reagan came in Title I was at a certain level. And ten years later, it was still at the same level because he was so successful in cutting back on the funding. And so it was a golden era, but maybe we should have been more discrete about what we were doing and not overplayed our hand. In this federal system, you can only go so far until you get a reaction, and then if you get the wrong politics, you get an over-reaction, and then you fall back. Well, we fell back in terms of funding with Reagan, which meant that the federal programs went from being significant at the local level in the 1970s to being much less significant during the 1980s, because they didn't have the money behind them.

*How much impact did the states have on you all in terms of their lobbying or their organizational influence?*

The state superintendents were always influential because they ran the federal programs. But they were also one of the organizations, not the only organization. Teachers' groups were influential, local school boards, parental groups. In individual areas like the area of disability, the Council for Exceptional Children was influential. Each area had its own group of organizations. Even today, I think Washington must have five hundred education groups out here – maybe not that many, but it seems like it has that many. When you're on the Hill, you're constantly bombarded by the parents of children with – what do you call it when you mix up words? [editor's note: dyslexia] Parents of children with a certain type of disability, parents of children with another type of disability, civil rights groups, state legislators, state superintendents – there's all these different pressures. So state school superintendants were always influential, but they weren't predominant in their influence. And in the House, the local school superintendents always tried to keep the states in check in the sense that if somebody proposed giving a state ten percent of money in a certain program, the local school superintendent would try to get it down to two percent so that more money would flow locally.

## **Hour 2/10:00**

### **Governors' Role in Education in '80s, Creation of Department of Education, Establishment of the Southern Regional Education Board**

And so there was tension between local and state, especially in the House. And the congressmen tend to represent regions of states, not states. So in the House, the tendency is to be local, not to

be state-oriented. In the Senate, the tendency is to be state-oriented, not local-oriented. The states would have greater success in the Senate with funding being kept at the state level than they would in the House.

*Interesting.*

And so, that was one of the complexities. Another complexity was that in the 1970s, but especially in the 1980s – mid '80s, late '80s – the governors became more active in education. And the National Governors Association would sometimes butt against the Council for Chief State School Officers because the state school superintendents were used to being the voice of the states during the '60s and '70s. When the governors became more active, the governors wanted to be the voice of the states because they ran everything. And Gordon can tell you, Gordon butted heads with NGA [National Governors Association] a number of times in a nice way. But he tried to maintain the state school superintendents' influence instead of getting it yielded to the governors. Over time, the governors won because they just are more powerful within a state. And as I understand it today, the life expectancy of a state school superintendent is very short because the governors tend to change them, and especially if a new governor comes in. So you don't have chief state school officers as you did in the '60s and '70s who were in office for ten years or fifteen years. Today they may be in office for a year or four years, but not for long periods of time. Gordon was deputy superintendent. Then he was state commissioner for a long period of time, maybe better than ten years. He tended to have a greater influence because of that.

So the voice of the states was heard, but it depended on who was speaking. Was it the state legislators because they were complaining about being cut out of federal legislation, or that their voices weren't heard when federal money was being allocated because they had to appropriate the rest of the money? Was it the state school superintendents and were they independently elected? Like California elects its state school superintendent today, so that school superintendent doesn't have to be beholden to the governor. They are today, but they don't have to be. Or was it an appointee of the state, [the] Governor? Was it somebody elected by the state board of education, which was independently elected in a state? Or was the voice of the state the governor? So states are not monolithic.

*Right.*

And it depends on the state. It depends on who's speaking for the state. It depends on the issue at the time. Is it an issue of how much power should a state have versus local school districts? Or is it an issue of how much power should a state have versus the federal government? It depends on the issue. And in some issues, like disability policy, some of the disability organizations, if they get well organized enough, can counter a governor because they will go to the state and they will work against the governor within the state. And suddenly a governor who's out on the Hill lobbying against something – suddenly has his office inundated with wheelchairs and other people, who are demanding he back off. And so it depends on the issue.

But since the standards movement, governors have become more personally involved in education as an issue, and they want to be heard more. They want to have an impact not only at the state level, but at the national level.

*So give me a little bit of the history of the increased involvement of the governors, and how that came about, and why that came about in the '80s. The '80s were a time when Reagan was, perhaps, responding to frustration of all of these different categorical programs and reducing budgets.*

Right. Well, let me go back a second and talk about the Department of Education. That will finish the '70s, and we'll be done with the '70s. *(laughter)* Now I remember the conflict with Mike Smith. I think education was still part of the Health, Education and Welfare Department at the time. [Joe] Califano, I think, was secretary of HEW [Health, Education and Welfare Department] at the time. And he, I think, was the one who complained that their bill was being ignored for the president. So Mike Smith may have been working for Califano.

Up until the end of the 1970s, there was this huge department, Health, Education and Welfare. Education was the smallest component of the three in terms of money. It was a division of the department. The National Education Association and many education groups argued that there should be a separate voice for education; that it was being muffled – the voice of education was being muffled in such a huge department. Califano fought that vigorously, but the president decided that he would propose a Department of Education. The bill for creating the Department of Education did not come to the Education Committee. It goes to a Government Operations

Committee because, in the House and the Senate, the Government Operations Committee decides the structure of the government, not the substantive committee.

So there was a battle royal in Congress over whether to create a Department of Education. My chairman, Carl Perkins, was not that much in favor of the Department of Education. He didn't think it would amount to much. The National Education Association was very much in favor of it, but the American Federation of Teachers was ambivalent, if not opposed. So there wasn't a unified voice. In the Government Operations Committee in the House, the key vote occurred, and I think the Department of Education passed by one vote. It may have been Ted Weiss from New York. I'm not sure. But it was one vote, and then it passed the House and passed the Senate. The fear was that the Secretary of Education would be owned by the National Education Association. That was what the Republicans said. That has not proven to be true. In fact, the NEA probably wishes a number of those secretaries weren't in place when they were. In watching all this, I've never seen the NEA have the power to get anybody appointed as secretary. I've seen where one or two lower officials could be recommended by the NEA, but it has not turned out to be the voice for the unions. It has turned out to be an influential voice for education. I don't think you would have had NCLB. I don't think you would have had Clinton's legislation in the 1990s, unless there had been a Department of Education. So, it is an influential voice for education, but it was very controversial at the time.

In the 1980s, Reagan received the *Nation at Risk* report. It said there's a crisis in the country. The country's not being well educated. He accepted it at the White House and he said this means we should have school prayer and tuition vouchers, which is not what the report said. It didn't

mention tuition vouchers or student prayer at all. But Reagan held up the report and said, “This is what it means.” It meant that he stepped back from education. He had the federal government step back so that there was no major program created for four years. There were cutbacks in funding that took ten years to recover from. They were stripping out regulations from programs, not enforcing the Civil Rights Act, and a number of other things.

So the federal government, its programs like Title I, became more tangential at the local level than they had been before. But what happened at the state level was – the 1980s was a time when states woke up to the fact that they should be more influential in education. Part of this was due to the Southern Regional Education Board, which represents the south up to Maryland, [and] down to Texas. The Southern Regional Education Board started working the area of standards and testing and program improvement. They did a number of very innovative things. The south is a little different than the rest of the country because of the Civil War.

**Hour 2/20:00**

**Demographic Breakdown of Local vs. County School Districts, Influence of Southern Politicians who Became Nat'l Leaders, Impact of Economic Global Competition on Standards Movement, Use of Testing Companies for Measuring Standards, Disadvantages of Categorical Programs**

There weren't many public schools in the south before the Civil War. With the Civil War, local wealth was pretty much destroyed. Local governments were very weak. The states were more powerful and counties were more powerful. In the south, you'll tend to have county school districts, whereas in New England, [the] Midwest and the west, you have local school districts within counties. You'll have six hundred school districts in New Jersey, and in Maryland you'll

have twenty-four. In Florida, you'll have – I think they have, I don't know – thirty school districts. Whereas, in California, they have a thousand.

The governors could be more influential in the south because they had more of a concentration of power than they could in other parts of the country. So they did innovative things through the Southern Regional Education Board, including getting involved in standards and testing and so on.

Well, as it happened, a number of southern leaders moved up to the national level: Bill Clinton, Governor Riley from South Carolina, [Lamar] Alexander, who was a governor of Tennessee, George Bush, who was governor of Texas. They all became national political figures and influential in education. I think they brought with them a feeling that the federal government should be more active, and it should be more active in standards and testing.

Now, there were other things churning. The business community was churning. The first President Bush appointed a business council headed by the head of US Steel, that recommended national standards and national tests. The first President Bush funded national standards. So, the governors became more involved. The first Bush called a conference in Charlottesville of all the nation's governors – only the second conference of all the nation's governors ever convened. The other one was convened by FDR during the '30s. President Bush I called this conference in Charlottesville, and they talked about what to do about education. That developed into the NGA – the governors' conference – endorsing the idea of a stronger federal role and of national standards. Bush proposed national standards and national tests. He couldn't get it implemented

the way he wanted to. But then Clinton, who had been governor of Arkansas, proposed state standards and state tests, and he did get it implemented. And then Bush II, who was governor of Texas, who was used to a standards and testing accountability program in Texas, proposed NCLB, which was standards and tests, but with penalties and deadlines and so on.

There was a progression, in my mind, of state influence in standards and testing and reform being brought to the national level by politicians who moved from the state level, especially as governors, to the national level. To me, that's the clearest case of state leadership having an influence on national policy and education.

*And what was the original purpose of the standards movement? Can you describe that a little bit?*

In the 1970s, the denuding of the country's industrial base began. In the 1950s and '60s, you'd have textile plants move from Maine to North Carolina. In the 1970s and '80s, they moved from North Carolina to Mexico. Then they started to move to China. And so you had a stripping out of the industrial base in the United States with factories being moved to China and other areas of the world. Governors would travel and they would see this. Governors came back very concerned that China and other parts of the world were progressing economically and that they were building up their education systems and that we weren't. And business leaders were telling them the same thing. So I think business leaders and governors became concerned that we had to do something more about education. Two things, in my mind, two forces were also at work. Business leaders are used to – you have a business plan, you set your objective, you create

something, your sales people go out and sell something, or don't sell something, they get rewarded or not rewarded, depending on their sales. Business people couldn't believe that in education – in Arkansas, in Illinois – that there wasn't an agreement on the product – namely on what was to be taught. There wasn't an agreement on a system of teaching it, and there wasn't an agreement on a penalty system or a reward system, if you taught it successfully or didn't teach it successfully.

So I think a business way of thinking influenced the standards movement so that the objective would be set, of an academic standard; the test would measure whether the academic standard was being fulfilled, and then there would be penalties if it wasn't fulfilled. I think that's one thing at work.

The other thing at work I think, was that governors just saw that Korea had this plan to create whatever – ten Harvards in twenty years, that China was creating these systems of schools, these universities, and China would have five times the number of kids in university than California, just because of the numbers. And I think the governors came back thinking they had to do something. To them, standards and tests seemed to make sense because you could agree on what the outcome would be, and then you could measure it. I think it was attractive to governors because tests are more acceptable to Americans than curriculum. In other words, if you were to ask somebody, "Well, do you think kids should be tested to see what they should know?" People say, "Yes." "Do you think a state should have a curriculum?" "Well, I'm not so sure about that. Doesn't that affect local control?" Or, "Do you think the federal government should have a

curriculum?" "Well, I don't know about that." But people are willing to accept the idea of tests. So the politicians came to this reform through a test route.

*Don't the tests have to be based on a certain curriculum of what's being taught?*

They have to be based on certain standards. But these standards that were developed by the states were usually developed in Holiday Inns by a small group of teachers and nobody paid much attention to them. So you'd get a book of standards that Iowa developed or that Illinois developed. Some of them were not very comprehensible because they were like first drafts of college essays.

But then the kicker came in, in that the state took the standards and the state went to testing companies and said, "Give us a state testing program so we can measure the standards." In this country there's only a handful of companies. I think in the '80s, there were four companies that created tests. And so these four companies had tests on the shelf that they had created. And they would go to Illinois and they'd say, "Well, we'll give you a test based on your standards." They would fidget a little bit with some of the questions, and then they would sell them the off-the-shelf test and label it the "Illinois Testing Program." So the test companies would do this around the country.

They're based on the standards, to a degree, depending on the state. But teachers couldn't always figure out what this mass of standards meant once it was converted into a test. And so yes, tests are based on standards, but there was no clear way for teachers to know how they were based, or

what was important, or what wasn't important. And so it was a defective system. It was a first draft.

*Was that fairly clear to you at the beginning of this movement? Or how were you positioned in your own philosophical and political beliefs as this came to be?*

I was a categorical person, and then I started to see the disadvantages of categorical programs. For instance, I'm from Illinois. The Winnetka school district spends eighteen thousand dollars per student and has almost no poor kids. The Cicero school district spends eight thousand dollars per student and has eighty/ninety percent poor kids. So Title I comes in and gives the Cicero school district maybe five hundred dollars extra per kid. It doesn't give Winnetka anything because it doesn't have poor kids. So Cicero has eight thousand five hundred dollars; whereas Winnetka, with no poor kids, has seventeen, eighteen thousand dollars. So categorical programs help, but they don't help a lot. And they certainly can't attract high quality teachers because they haven't changed the basic finances of the school districts.

### **Hour 2/30:00**

#### **Standards-Based Reform vs. Test-Based Reform, Inequitable Funding of School Districts, Introduction/Elimination of Opportunity-to-Learn Standards**

So, and I always listen to local administrators and hear the complaints about the regulations and one thing or another. I wasn't ready to give up on categorical programs, but I could see where there should be an alternative. I was very impressed by the fact that people were coming back saying, "The United States is the only industrialized country that hasn't agreed on curriculum or

education goals.” Japan has a booklet that gives the education goals. These other countries have curricula or an agreement on goals. We don't. And so it made sense to me that we should develop what we thought kids should know, and that we should have some type of test of what they should know. That movement was good, but the first standards that were developed were not very good. The tests that were used weren't always very good. And then when NCLB came along, it added penalties. These penalties turned out to be counterproductive in that teachers would teach to the test, or teachers would close down learning for a month while they drilled for the test. It caused resentment on the part of teachers.

So, I think standards-based reform became test-driven reform. I liked the idea of standards-based reform in the sense of identifying the goals and seeing whether you could align the whole system to the goals – align teacher training, in-service training, everything – to the goals. But they had to be better goals than the ones that were first written. And the tests had to be better tests than were first given. For, I don't know, twelve years, I served on the Board of Directors of the Education Testing Service, and so I saw all the tests that were being developed. The tests were good from ETS [Education Testing Service]. They are probably the world's premiere test creators, because they've great brain power. But they have to sell their tests to state governments, who have certain budgets and certain requirements, and so on. And the states weren't asking for the best type of test they could get that would be helpful to teachers. NCLB was structured in such a way that state accountability tests weren't providing information that was useful to teachers.

So standards-based reform was useful, but it should have been done in a different way. Maybe with the common core now, it will be done in a different way. The common core standards are

like a redraft of the original standards. We went through this state drafting – fifty different state draft programs. Now, we're having one common draft, which is drawing on international resources as well as states' resources. I'm hopeful that this will be much better. But they're having problems developing tests that fit these standards, that can fit within the school day, fit within state budgets, and be better tests. So we'll see whether they can develop the tests that common standards deserve.

*I have a lot more questions on standards, but you mentioned one thing about Winnetka versus Cicero that I thought was interesting. If we look at the equity movements that you talked about in the '70s, it starts from the place of where school financing is so inequitable. Were there movements in your world of policymaking and politics to remedy that?*

Yes.

*It seems to me if Winnetka has so much more to use because of higher property taxes and a bigger tax base –*

Three things. One is in the 1978 education amendments, I proposed and they were included – certain things that helped with school finance, like grants to states to develop better school finance programs, grants to people to become PhDs in school finance. And that had some help. That was the closest we could come to doing anything, and that wasn't immense.

But two other things happened. In 1972, the Senator from Texas [Senator Ralph Yarborough], who was chairman of the Education Committee, had a bill pass the Senate that provided general aid to school districts to equalize finance. We were in conference on the bill. And then the Supreme Court ruled by a five-to-four decision, that education was not a national right. That undercut support for any national legislation to deal with equalizing funding between the schools.

The Congress in the 1970s tried to deal with inequitable funding within a school district. This was called “comparability.” It tried to say within Chicago, within Cicero, the poor schools should have the same quality teachers as the richer schools within a school district. This was the provision that was over-regulated in the 1978 amendments. When Reagan came into power, it was watered down so much that it's on the books today, but it means nothing. All it means today is that a school district has to show a salary schedule. It doesn't really equalize things. And it certainly doesn't equalize things outside a school district's boundaries.

One other thing, and I think a fatal defect of the standards movement, was that in the 1990s the Congress created a committee under Bush I to look at the standards movement. And this committee proposed that there be academic standards and tests, but that there also be opportunity-to-learn standards. So that you'd look not only at the outputs, you'd look at the inputs. This was brought to the congressional committee and the House committee. The Democrats united behind opportunity-to-learn standards as part of a package. The Republicans said that they would walk away from the bill if they [the OTL standards] were included.

*Because?*

Because it would be regulation by the federal government of the inputs of education, such as how much money should be spent on children, teachers' salaries, and so on. So the Clinton administration and Secretary Riley, initially agreed to opportunity-to-learn standards when the Democrats supported them, but then in order to get Republican support for the whole bill, they agreed to eliminate them. They became very watered down, and by the time the bill came out of the conference committee, they were eliminated.

So, the standards movement not only had problems with writing the right academic standards in the right way, finding the tests that were proper for measuring that, and then including penalties, but the standards movement was defective in that it severed a relationship between inputs and outputs. It killed opportunity-to-learn standards and only looked at outputs. So in the State of New York or in the state of Illinois, now they're going to be common academic standards for reading and math. But kids in a school district where they spend five thousand dollars are supposed to meet those standards as well as kids in a school district that spends fifteen thousand dollars, with very different demographic characteristics of those school districts. That makes no sense. You can't expect the same outcomes when you have such variance in attributes of the school district. That's a fatal defect of the standards movement.

*It was 1994 when you left the House and decided to start this organization. In those years, what were you seeing happen in the standards movement? Were there certain state assessments that paved the way that were good or more effective, or were you looking at that?*

What happened in 1994, Clinton had been re-elected, I think in 1992. In 1994, the Congress had been Democratic and the Republicans took over the Congress in 1994's election. In 1995, they tried to repeal Clinton's standards legislation. They tried to repeal Goals 2000. They tried to repeal the amendments to Title I that encouraged states to have academic standards and tests. Clinton got enacted what the first Bush wanted, but the first Bush wanted standards and tests at the national level. Clinton got it enacted as state standards and state tests. But when the Republicans took over in 1995, they tried to repeal that. And then when they couldn't repeal it, they tried to not fund it. But they went overboard. This was Gingrich and company. And Clinton worked with the business community, and the business community helped to blunt the Republican opposition.

#### **Hour 2/40:00**

#### **Republicans' Efforts to Repeal Standards and Tests, Enactment of NCLB, Reduction in Recent NAEP Test Scores and its Meaning**

So the Republicans couldn't repeal Clinton's legislation to encourage standards and tests, and they couldn't repeal the money, but they leveled the money off. They did eliminate one council. They had one amendment to the bill. They eliminated one council that would have coordinated state efforts and called it the National School Board [*correction*: The National Education Standards and Improvement Council, created in Goals 2000 to coordinate states' efforts in creating standards] and eliminated it from the bill. It's startling echoes of today in the health care system, the health care bill.

So the Republicans came in. They tried to repeal everything. They couldn't repeal everything. Then, Bush II was elected, and Bush II is quoted as saying – I have this in a book I wrote about standards – that one reason Clinton was re-elected was that the Republicans wrote off the middle-class, suburban, female vote, and that the way to get to that vote was through education. He said that at a hotel here in DC. It was in the press and I've quoted it.

When Bush II was elected, the first bill he proposed was an education bill – No Child Left Behind. He didn't write the bill. He gave a speech and proposed it and then sent it to Congress. So Congress wrote the bill. John Boehner, who's now Speaker of the House, was Chairman of the Education Committee at the time. He wrote No Child Left Behind for the Bush administration with the Senate committee. No Child Left Behind was written by Congress and then it was enacted by Congress.

*Did it have a lot of state policy in it, coming from Texas? Was this also a case of using something that already existed?*

I think Bush II did this for political reasons, because the Republicans, who were in Congress, had to make a U-turn. Here they were opposed to a weaker law dealing with standards and testing that Clinton had enacted, and suddenly they're writing a law that's stronger than Clinton's law, mandating tests, mandating the penalties, and so on, for Bush. So they had to do a U-turn. I think Bush did it because of politics. He wanted the Republicans to gain the majority, especially among women, on the education issue. But he also did it because he was used to it in Texas. He did not write the Texas program. It was written by Governor White, who was a Democrat, years

before. Governor White of Texas worked with Perot, the businessman, and they wrote an accountability program for Texas that has standards tests, penalties for schools if they don't raise standards and tests, and so on. And it was in place in Texas. I think it's been in place for twenty years. It was in place the whole time that Bush was governor in Texas, and I think he was just used to that type of policy. So when he came up to the federal level, it wasn't that awkward for him to propose the same type of policy at the federal level.

*A policy that included sanctions and penalties, because that had been already in place in the state.*

Right, but not to the degree to which the sanctions were included in NCLB. Schools would be embarrassed because Latino kids didn't do well in Texas in a certain school, but it didn't close the school.

Maryland had a somewhat similar law. They had standards and tests, but theoretically they could move against the school, but they rarely did. NCLB mandated that there be actions against schools. The federal law, NCLB, in my opinion, is stronger than any state's standards law, including Texas.

*It's ironic that it came out of a Republican presidency when historically it sounds like the Republicans were much more about local control, and this is quite an assertion of federal power.*

Well, Bush II stood at the White House and said, "This bill encourages local control." When it did just the opposite! What politicians say doesn't always match what they do.

*Right, right. And this is also the case you were talking about where you can't talk about policy without talking about politics.*

Right. But to me, this is the clearest example of state policy being transferred to the national level in education. Unfortunately, because NCLB has not worked out well everywhere, in a way it's poisoned the well for the federal government to take stronger action in a more positive way, because people are going to say, "You tried that with NCLB and it didn't work." So it's more difficult.

Of course, Obama didn't reform NCLB as he should have the first year in office. Instead, he proposed programs that used tests for accountability purposes, when he was telling people, if he was elected, he would straighten out NCLB so that tests would be properly used. Instead, when he got elected, he proposed programs like Race to the Top and others that used test results more. I think teachers are just fed up with test-based accountability.

*And you had said earlier in the last hour, that the test scores have stalled, or achievement and improvement.*

According to the long-term NAEP [National Assessment of Educational Progress] results, which were released about a month ago, test scores went up for all groups, and the achievement gap

narrowed for all groups in reading and math in the '70s and '80s. But then in 2008, there was a stalling. Most groups did not make progress. There were just a couple of groups that made any progress. The question is – why? The particular question is – is this a result of so much emphasis on test-based accountability? Because NAEP is an independent thermometer that goes into a school and measures how well the school is doing apart from other factors. It's a constant test that's been given since the early 1970s – the Longitudinal Study. It's testing kids on the same content over the years. If there's been something that's changed in the schools, you can't exactly say what it is, but you can make an inference. And one possible inference is that test-based accountability has not produced the results it should have. Now, we don't know that, and psychometricians and researchers will tell you that's just one year. You have to look at multiple years. So we shall see. At least it raises questions.

*Before we talk a little bit more about NCLB, tell me about the Center on Education Policy, because it seems to me that, in some ways, this organization has become sort of a voice of the states or at least it assesses states, and then creates material with the hope of influencing federal policy.*

Well, from the beginning, NCLB was signed into law in January 2001 by Bush. A year later, in January of 2002, we issued a first annual report on the NCLB. It was based on state surveys, and I think we had forty-eight states that responded to our survey, I think. And then every year, we issued additional surveys of states on how they were complying with NCLB. And we also did work at the local level. We went to – I think it was forty school districts – and did research on how they were complying with NCLB.

This organization then took the information, wrote it into objective reports, and just reported it. And I think the states liked that because they could – and all the surveys were anonymous – and we compared states – Democratic states with Republican states – and we didn't see any great variance among results. And so the anonymity allowed states to tell us what they really thought, rather than saying, "Well, the president's program's wonderful because I'm from Arizona." "The president's program is rotten because I'm from Massachusetts." And so, the anonymity, I think, gave us honest answers. But it means we don't identify states. So, I think the states got to believe that this was an organization that would report honestly what they objectively thought was happening. There's been great cooperation.

**Hour 2/49:45**

**Role of Center on Education Policy, Faults of NCLB, Partisan Deadlock Over NCLB, State Waivers of NCLB**

Another area this organization deals in is state high school exit exams. And in that area, every year almost every state that has an exit exam cooperates. So it's tried to be an objective answer. We were attacked by the right [wing] for that. We were attacked by the right because they said, "Well, all you're doing is reporting the answers of people who are running the programs and using surveys." And my answer was, "That's what every other research organization does, including the US Department of Education." The right answered, "Well, that wasn't good enough. It should be done better," because they just didn't like the fact that we were objectively reporting what we found. We even went into the area of student test scores. We asked the states to give us all their data on test scores, even before NCLB, and all fifty states gave us all their test

scores. In some states, like Washington State, we go back to 1996 with their test scores and follow them all up to the present time. States were very cooperative.

Some other organizations, the Fordham Foundation and others, liked to label states like, “Arizona's the best state with charter schools,” because they allow six hundred charter schools. And “Maryland's the worst state with charter schools,” because they only allow one. They will issue annual report cards on states, and then the states have to respond in the press to these report cards. “Why are you forty-ninth out of fifty states?” The states have to explain it's because this organization likes charter schools or they like tuition vouchers, and they're using those criteria to judge whether you're good or bad. But all the headline says is, "Arizona is Number One!" We don't do that. We don't rank states. We just report objectively what they've told us, and then analyze what they've told us and draw our conclusions.

*Can you talk a little bit about some of the conclusions, what you've learned from the states about NCLB or what lessons have been learned that would maybe hopefully inform policy?*

I think with NCLB, the federal government overplayed its hand. It should not have attached penalties it did to lack of test results, because some schools are never going to avoid penalties. In this country, we've gone to more segregation of education than we had in the '80s and '90s. Today you can have schools that are almost totally Latino, or totally black, or totally black and Latino. NCLB is based on sub-group accountability. You have to raise test scores for children with disabilities, Latinos, blacks, poor kids, children learning English – all these groups. If you don't for a couple of years in a row for any one group, you're labeled a failure.

*The whole school.*

Some schools can't raise their test scores for all children with disabilities, or they can't raise their test scores for kids who don't speak English, or they're in the middle of the ghetto and they raise test scores for poor kids, but they don't raise them enough to hit the state target, because states set targets that every year have to be met. So you can have progress, it's just not progress enough. This is without extra resources. This is with inequitable funding. This is with a mal-distribution of teachers so that the better teachers go to the better school districts. Some schools just struggle year after year.

And NCLB requires that every student be proficient by a certain year. What this means is that better than half the schools in the United States are labeled as failing because they can't hit all the sub-group targets. That's silly, especially when a school is not given extra resources to change. And, unless you change the assignment of teachers so that poor schools get better teachers – better in the sense of more experience, better in the sense of being educated in the area in which they're teaching. It's an inequitable playing field. And yet, everybody's being judged by the same results.

We did case studies of some school districts. In August, Texas, a white, middle-class school district had no problem with the tests. They just blew them off because they were well educated, they were used to doing well. It was the Hispanic, Latino school districts and schools that had to totally rearrange everything in order for the kids to do better on the state tests, including drilling,

including teaching test taking skills, including, in effect, dumbing down the curriculum, hoping to just get the kids through the tests. This is not the way it should be.

*Do you see a way out of it? Throw out the whole thing?*

Well, what Secretary Duncan is doing now – there's a deadlock in the Congress to changing NCLB. No major education bill has been on the books so long without change. There hasn't been one amendment to NCLB since it was enacted, and it was enacted in 2001. Generally, with education bills, we would enact amendments a year or two later if there were technical problems, and we would certainly amend the law every five years. But the sponsors of the legislation, including the president, wanted to keep the lid on it, because they felt if they brought a bill to the Congress, the Congress would undo what they did. And they wanted to keep these policies in place for as long as they could. So, they've kept them in place, now, from 2001, so that's twelve years. But that has meant there's been no outlet for frustration. So teachers and school leaders haven't seen an opportunity to change the law. And so they've grown to resent it. And they've grown to resent the people that are keeping a lid on it. And Congress is divided. The Republicans want to gut it too much. The Democrats want to keep too much. They can't agree on what they're going to do. And the partisan politics is involved. The Republicans don't want to give Obama a success. They don't want to let him be able to sign a bill that says that it corrects a problem. They don't want to pass anything. It's a mess.

And so, ironically, what Duncan is doing is he's using an authority the Republicans insisted on, which is that the federal government can waive certain requirements of federal law because the

Republicans, in the 1990s, said, "Federal laws are too rigid. States should be able to waive requirements," or, "secretary waive requirements." Well, Duncan is using that authority to give states waivers of requirements of NCLB. So each state now is developing a different version of NCLB under a waiver authority. And some states are taking all the sub-groups and putting them together into an at-risk group, and that means it's easier for them to meet the target because they don't have to do it by sub-group. Other states are doing different things. So the law is being amended, but it's being amended state-by-state.

I think 2015 is the fiftieth anniversary of ESEA. I think now's the time to rethink the whole thing and to rethink accountability, to rethink categorical aid. I think we're too meshed in trying to correct the means of solving problems rather than going back and asking – what are the problems and what would we do differently today if we didn't have the luggage of the last fifty years? And the world's changed – what would we do differently? And I think it's time to rethink everything.

*And that's where we'll pick up on the next hour.*

## **HOUR 3**

### **Hour 3A/00:00**

#### **Suggestions for Improving States' Involvement, Political Support for Vouchers, Support for State Systems of Education**

*This is hour number three on October 15th, 2013, of our interview together, Jack Jennings, on federal education policy and states' impact. In this hour, I would like to know what you think the lessons learned are, and what the possible solutions are, realistic or not*

I know states sometimes get concerned about what the federal government does in education. And that's part of the tension of having a federal system. But the federal government usually gets involved in an issue when it's not being adequately addressed at the state or local level. So if states want to do something positive, I think they should address these problems in education more forcefully themselves. And, in my opinion, what we have now in the United States is a collection of school districts within each state with weak governance at the state level. And if we were to address some of these problems, I think the states must become more active in terms of school finance, in terms of teacher qualification, distribution of teachers, common curricula, materials for teaching teachers adequately, reforming state schools of teacher education. I think, if the states are serious – instead of just being critical – if they are serious, they should take positive action themselves. And if the states think that this means encouraging private schools or privatization, I think that's a dead-end. I don't think that's what's going to happen. The number of private schools in the United States today, or the number of children in private schools today, is under ten percent. And when I was in school in the 1950s and '60s, it was twelve, thirteen percent. And the reason is that the number of Catholic schools is closing and it seems to be a

downward trajectory, which isn't going to be reversed. Some states have enacted voucher programs, but they're only going to help open a couple of schools or keep a couple of schools open. They're not going to be a major answer. And the research has shown that the private school options – the vouchers, charter schools, semi-private schools – they don't produce any better results than regular public schools for comparable children. So, that's a dead-end. It may be that there should be private schools for religious reasons, and maybe that there should be private schools just to have an alternative, or charter schools to just have an alternative. But if states are looking to those institutions as ways to improve the education of all children or the bulk of children, they're not going to find the solutions in those areas. They have to deal with broad social, broad education policy.

*Why do you think the voucher movement has gained the support of some governors and some states?*

Because Republican politicians like vouchers, because they think it's a way to cripple the teachers' unions, and they think it's a way to encourage competition in education. It *is* a way to hurt the teachers' unions, but the competition has not proven the end-all that they had thought it has. It hasn't improved education. I think it's more ideological than anything. At the local level, you will have local Democratic politicians supporting vouchers, frequently African Americans or Latinos I think that grows out of a frustration that their kids are in rotten schools. They're in public schools, and they want a way out for their kids. So they're willing to cross a party line and join with a Republican governor, as occurred in New Jersey and California, just because they want something better for their kids.

But the evidence – at least the evidence to date – shows you don't get something better through vouchers or through charter schools. Maybe through charter schools, parents feel better because the schools are smaller, maybe they're a different style, maybe they like the idea of choice themselves because they don't have many other choices in life. But in terms of quality of education, the national data don't show that charter schools or vouchers produce an increase in student achievement.

So we're back to no simple answers. We're back to – don't try little things. If we're going to improve education for the vast bulk of children, it comes down to improving curriculum, improving teaching, improving teacher training. And these are all hard issues. And we should close some schools of education that are producing poor teachers as a signal that the country's serious about getting better teachers. With teacher salaries – the OECD [Organization for Economic Co-operation and Development] says the United States ranks twenty-second out of twenty-seven industrialized countries in terms of teachers' salaries for comparable people with similar education. We're not going to attract the best if we don't pay them, if we don't train them well.

I was talking to some people about Finland. Finland is the current rage. Everybody's looking at Finland. But Finland took something like twenty years to develop its system. It has very little testing and it has very little accountability. But it developed a common curriculum, a common set of expectations. It raised the bar for who could become a teacher so that now you have to become a highly educated – rank high at the university to become a teacher. The curriculum is common, so that people know what they should be taught in colleges of education. They know

what they should teach in the school. They know what should be involved in pre-service and professional development. People know what the expectations are. But it took them a long while to do it, and it wasn't done through a rifle approach of mandating testing. It was done through years of work developing a better system.

*And in your opinion, this should happen at the state level?*

Our states are comparable in size to countries. I don't think we should have a national curriculum. I don't think we should have a national teacher pay schedule. I think things are just too varied around the country. The federal government provides about ten percent of the cost of education in elementary/secondary. I think we should try to have state systems of education, where states address real problems themselves.

*Are there any states that are doing that, in your opinion, right now?*

No.

*That we should look to?*

Maryland is trying to deal with issues at a state level, and Massachusetts is trying to. But in Massachusetts, you'll have the commissioner, at least the former commissioner, stand up and say, "I can't tell a school district what to do with curriculum." So we have to get over that. School districts shouldn't have to decide themselves what they're going to teach. Now we are going to

get over that with the common core curriculum. Some states that have backed away from the common core, but they're a handful. We still will have the vast majority of states using the common core curriculum. As I understand it, it's based on solid research, both international and national, and it raises expectations for all kids and it does a very important thing, which is that it's progressive. They started out with what a kid should know as you finish high school, and then worked all the way back. Very few states do that now. Rather, they will have this curriculum or that curriculum or this expectation or that expectation. But they don't have a unified set of expectations and curriculum that go all the way down to first grade. This calls for a deeper thinking and inferential thinking and writing. It calls for things that kids aren't doing nowadays, especially poor kids. The common core curriculum, I think, is a wonderful equity tool.

What it will mean, if they have adequate tests and measure it, is that large numbers of kids will fail. But that means because they're not being taught adequately. They're not being taught a high enough degree of quality. We just have to work our way to that. You can't avoid – if you have a hard problem, you can't jump to an easy solution. You just have to work your way through the hard problem. I think there's a role for the federal government to encourage states to work in this direction, but I don't think there's a national curriculum or a national salary schedule that should be adopted.

### **Hour 3/10:00**

#### **Support for Federal Subsidizing of Elementary/Secondary Education, Suggested Initiatives for States' Improvement of Schools**

*And so the encouragement would come in the form of what?*

I believe – this may be a belief of one – but I believe that the federal government should pay for at least twenty percent, if not a third, of the cost of elementary/secondary education, for several reasons. One is that the federal tax base is just so much larger than any state tax base. It's easier to fund things nationally than it is by state. And we're moving toward energy independence with fracking, with natural gas. United States, this week, overcame Russia as the largest producer of energy in the world. We're moving towards energy independence. I think we should have a tax on energy, and use a little bit of the money we're going to gain through this immense emergence of energy and create a national trust for education, and have the federal government pay for a fourth or a third of the cost of education.

The other reason, besides the tax base, is that the inequities between states are enormous in terms of spending, because just as within a state, school districts have greatly varying tax bases, so states have greatly varying tax bases. In some states, they have oil. Like in North Dakota, they're swimming in money because they've got all sorts of energy. In other states like Nevada, they're sinking because people aren't going to Las Vegas like before. The national government can even out the resources among the states.

*With how many strings attached?*

I would move away from categorical funding, and I would move away from the accountability in NCLB. I would go to general aid to the states from the federal government, with conditions attached. The conditions would be that states would have to work towards ensuring that every

child has a challenging curriculum, a well-trained and effective teacher, safety, that children are healthy, that they have some involvement of parents or other adults. I would set these as elements of a good education. And then for poor children, I would ensure that these elements were carried out. If they can't be carried out with parental involvement, that they be carried out with involvement of other adults helping poor kids, mentoring poor kids.

Then I would require that states move towards equity in funding, that there be no more than a fifteen or twenty percent variance between school districts in terms of resources, with additional money given for at-risk children. But the twist I would have on this would be that I would suggest the creation of a national council of Governors, Chief State School officers, teachers, parents, local educators, and have them write the regulations to carry this out, with the US Secretary of Education as the chair of the council. But, the US Secretary of Education could only overturn the way they defined what these elements are, if they're unreasonable or won't lead to a better education for children. Otherwise, I think this council, which would be heavily state based, locally-based, should write the regulations as to how to carry out a good education. Then I would back it up with something similar to the Civil Rights Act and allow the attorney general to sue a state if there's a pattern of lack of good education – not individual cases of parents suing because they get angry at a particular teacher. But rather, if the attorney general determines that, in Idaho, there's a pattern of a state not providing a good education.

President Bush II and President Obama have both said that education is a civil right nowadays, by which they meant that it's such an important issue to do well in life that it should be considered the equivalent of a civil right. Well, I would make it a civil right by allowing the US

Attorney General to sue if it's not carried out. And I would make it a civil right by having a good education defined and providing adequate federal money and adequate financial resources to carry it out.

So if states want to do something positive instead of just complaining, this is something they should do. In New York State, where this project is based, the governor is being sued again – because New York State lost a lawsuit about inadequate funding. They were told by the court, the State Court of Appeals, which is their Supreme Court, that they have to provide more money for education. They haven't done that. So now the plaintiffs have gone back into court, and they're suing Governor Cuomo in order to have the state pay for inadequate education for children. The premise of the lawsuit is that if we're going to have a citizen who sits on a jury, that that citizen has to know certain things about reading and writing and understanding civics and government and society to serve on a jury. And the state isn't providing money so that that's adequately accomplished throughout the state.

Instead of states complaining about the federal government, they should take the initiative themselves to improve their own schools and do it in a systematic way that improves the quality of teaching and learning for all children in the state.

*But I'm hearing all these voices of state officials saying we don't have the capacity to do that.*

If they don't, then they're going to have the federal government passing laws that are going to usurp what they could do on their own, because you're not going to have less competition in the

world. You're going to have more competition in the world. And so, even if China isn't as competitive, Vietnam, other countries are going to be competitive. The United States can't sit on its hands. Other countries are educating their kids better than ever before. The world has awakened, where people want to be middle-class people. They want to have adequate housing. They want to have a good job. They want to have a good environment. They want their kids educated. In the past, we could ignore most of the world. But once China came out of isolation and once Asia woke up, once Latin America is starting to wake up, we have to do better. You can't stand still. I mean, anybody who has a digital device realizes that as soon as they walk out the store, the next generation has just been put on the shelf. Things happen so fast with technology. They're happening fast with social change, too. We can't stand still. So if states aren't going to do anything, the federal government will do something. And the federal government may not do it right, but something will be done.

*I also wanted to follow-up with NCLB and if we ever get to a reauthorization, what you think that should look like?*

I think we should re-think everything, get rid of categorical aid, get rid of NCLB, and go to block grants, or go to general aid to the states, with conditions. But with accountability, I would propose that there be testing at three levels: third grade, eighth grade, and twelfth grade. And that the testing be to see whether the kids know how to read and write in third grade to go onto fourth grade; whether kids know in eighth grade enough to go into high school, and whether kids know enough in high school to leave high school. I wouldn't test three through eight. I would just test

three times. I would require that there be other testing that is helpful to teachers, rather than for accountability purposes.

In other countries like the UK, like Japan, they have testing, but it's at the end of schooling and the burden of achieving results is on the student, not on the teacher. So the student is punished by not being able to go to university. It isn't the teacher that's labeled as incompetent.

*Or gets their pay docked or something.*

What it means is that the student has strong motivation to do well because they're going to do well. But does a student in the United States today have a strong motivation to do well on a test? There's no personal repercussion, and it's just a label on the school or on the teacher. So I would change accountability and put it on the student, and put it at certain landmarks where the student would progress on.

*You've obviously thought very deeply about how to improve education policy. It strikes me that in this country anyway, policy makers are often not educators. So, would that be part of your solution as well, to have more input from those doing practice?*

### **HOOR 3/19:50**

**Importance of Teaching Being Respected as Profession, Increasing Quality/Salaries of Teachers, Reasons for Working to Improve Public vs. Private Education, Successes in Public Education**

Right. When I was head of the Center on Education Policy, I rarely put my name on a report. I usually let the researchers write the report, and I would check to make sure it was accurate or objective, or we had outside experts review. Then they would go out under their names. The reason I did that was that I'm not an educator. I'm not a researcher. The most I've taught was in Sunday school for a couple of years. So I don't have the experience in a classroom, and I hesitate to give advice about education. But as I go off into retirement, I feel – I'm probably the only person left who saw the federal role from the beginnings in 1960s to now – that I should try to draw on what I saw to see what should be done. I am giving my advice, but I'm not an educator. I don't know whether my advice is the right advice, but in terms of politics and policy, this is what I think makes sense. What I'm going to do is put this out next year and let educators react to it.

Educators should run their own profession. I'm a lawyer. That's what happens in the legal profession. That's what happens with doctors, dentists. That's what happens with professionals. Teachers are not running their own profession. And it's because, in my opinion, teaching is not respected as a profession. And I think it has to be changed so that it is respected. That is partially due to the anti-education feeling in the country. It's partially due to the fact that teachers were women for many years, who stayed home after a certain time. It has to change so that teachers are respected, that they're highly educated, that they're well paid, that they're doing a good job. We're not at that point yet.

Instead, the politicians who are setting the policy are always looking for a cheap fast answer – charter schools, vouchers, tests, evaluating teachers on test scores. They're always looking for something on the cheap, something on the fast. You don't create a good system that lasts over

time if you adopt that approach. You have to put building blocks in place year after year and keep constantly improving. Like, I don't think we should go to saying that teachers can only be in the top ten percent of their graduating class, but I do think today we could say twenty-five percent. Then in a couple of years, maybe say twenty percent, and then maybe say fifteen percent.

But at the same time, I think we should move from being the twenty-second nation in the world to being the tenth, to being in the fifth, in terms of teacher pay. I think you have to have pay and resources go up with quality. I think you have to do it at the same time. Now, if state leaders aren't willing to do that, then the next twenty years they can complain about it not being done or the federal government messing it up. But my feeling is that the federal government is going to continue to get involved in this because states aren't involved to the degree they should be.

*You did also mention, I wondered if you comment on this, sort of cultural, anti-education movement. We sometimes have heard that if NCLB is set up to create all this failure, that may create a movement against public education or an argument against it, and I don't know how to square that.*

For whatever reason, I think in this country, we value education as a means to getting a better job. Parents will tell kids, "Stay in school to get a high school diploma because that will get you a good job." Or, "Go to college, because that will get you a good job." I don't think we value education for developing the mind or for understanding our culture better. You just look at the number of kids that were sent to Afghanistan and Iraq who had no idea where they were. And

you look at the number of people, Americans, who have been in Afghanistan and Iraq who speak the language – almost nobody. Yet they're walking through villages with guns, possibly killing people, without being able to communicate with people about who they are. How can we do this in a world? I mean, if we're going to be powerful, we have to understand the rest of the world, which means we have to be better educated in languages, in culture, in politics. We just have to know more. If we're going to be successful in business, we better know more.

We were just in China a month ago, and they certainly aren't sitting still. I'd been in Beijing thirty years ago, and they've created a whole new city within twenty years, in a city that looks like New York. They're not sitting still. If we think the schools are fine, we don't have to address these hard problems, we might as well get used to falling farther and farther behind in the world, because that will happen. The only solution is to address hard problems and keep at it. If the states want to run schools instead of the federal government, the solution is that the states have to deal with these issues and have to deal with hard issues, and not go with tricks like vouchers and other things that aren't going to work.

*One more question.*

It will never stop. *(laughter)*

*I know you said you were an expert by accident, in some ways, but you did choose to concentrate on public schools.*

Right. When I announced a year ahead of time I was leaving the Hill, I went through all sorts of interviews. I think I counted once I went to thirty interviews with research companies, law firms, universities. The law firms told me, "Well, you can be liberal, you know, and still make lots of money." I went through all these interviews. And I decided, for ten years or so, I would set up a think tank and try to improve public schools through objective information. I was partially influenced by the fact that so many groups in Washington are ideologically biased and have a solution, and they just spend their time writing reports to come to their solution. I wanted a group that would look at things and objectively say, "This is happening." Or, "That's not happening."

The reason I picked public education, when I retired, they gave three different retirement parties for me. One of them was the US Catholic Conference. It was because they said I was always fair to private schools in all my dealings on the Hill. When I went to that reception, they said, "Well, why don't you concentrate on private schools?" And I said, "No."

The reason I think it's so important to the country to concentrate on improving public schools is that today, ninety percent of kids go to public schools. Even if private schools were to double, which would be about impossible to do, you'd still have seventy-five, eighty percent of the kids in public schools. The vast majority of the future of the country is being decided in public schools today. The people who are going to become presidents, senators, business leaders, military leaders, ordinary citizens, are going through public schools today. If we don't concentrate on improving public schools, we're not concentrating on improving the future of the country. If we concentrate on private schools and expanding private schools, all we're doing is helping a slice of the country do better. There's no assurance that those are going to be the vast

majority of people. Numerically, it's impossible. Just by numbers and by common sense, you have to improve public education, as hard as that is to do. You just have to stick with it and do your best.

*What do you think the successes have been in public education? Just to end on an upbeat note.*

I can detail particular successes, such as there is a closing of the achievement gap between white kids and black kids. There is a closing of the achievement gap between Latinos and white kids. So there are equity successes. Those groups are nowhere near where they ought to be, but they're equity successes. In terms of children with disabilities – children with disabilities are in ordinary classrooms, where in other countries they are not. They're being treated as ordinary human beings, and they're going onto college at far greater rates than ever before. In terms of women, partially due to Title IX – because the Equal Rights Amendment never passed – so partially due to Title IX and other changes in society, women are finishing high school at higher rates than men. Women are finishing college at higher rates than men. Women are going into professions at higher rates than men. And women are becoming majorities in some professions where they were ostracized before. And it's partially due to Title IX.

So there are individual successes. But I would end by saying that, just in an ad hoc way, if you talk to parents about the type of – now, these are parents who have kids in the current public schools – compare the homework your kid is doing today with what you did at a comparable age when you were in school. My experience has been most parents will say the homework they're doing is more difficult than what they [the parents] had. So kids are being taught to higher

standards today and more difficult subject matter than they [the parents] were taught when they were young. That does show that we're getting improvement. We just have to keep at it, and recognize that we are doing better than before, with a more challenging student body because we have more poor kids, more immigrants, more kids learning English. We have a more challenging student body. And the test scores are not going down. They're going up. I think kids are learning more, but they're not learning what they need to know completely. So we're on our way. It's just that we have to continue on our way.

*Thank you. I'm glad that you put that piece in here.*

Right. I know sometimes you get lost in the negativism.

*But there is the power to do a lot, still. I hear you.*

Right. Good.

*All right. Thank you.*