

The States' Impact on Federal Education Policy Project: New Perspectives on Research and the Historical Record

Transcript of Session 1: The Context and Changing Nature of Federalism in Education

Carl Kaestle: Good morning. I'm Carl Kaestle. That long "a" sound signifies that I do not read the news to you in the morning on NPR. I'm, in fact, in residence this semester at the Spencer Foundation in Chicago, writing a book on the federal role in education in its formative decades. I am on the advisory board of this wonderful project, The States' Impact on Federal [Education] Policy Project.

A prominent feature of this day's activities are discussions around the tables you are now sitting at, and we intend to keep a schedule that is going to make that amply possible. I don't know about you but I was really pleased when I read through the list of attendees at this meeting. Not only is it nice for me to see some old friends' faces out there and lots of new people to meet that do things that are very relevant to this conference, but the mix of policy practitioners, and researchers, and graduate students, and archivists. So that's why you have been actually assigned to a table, to keep that mix going, so we hope you will abide by those table assignments during the whole day.

Our two commentators and our highlighted speaker this morning are going to constrain themselves, in Lorraine's case, to a twenty minute presentation based on that wonderful paper that she circulated to you. In Jeff and Katie's cases, six or seven minutes of commentary so that we can make sure we allow that good amount of time for you to be in table discussions.

I am going to give you a few more details about the conduct of those discussions after I introduce the panelists. Let me do that first, and then we are going to go right into the presentation and comments, and then I will be back to make the segue to the table discussions.

Lorraine McDonnell is Professor of Political Science and Public Policy at UC Santa Barbara. She has written influential articles and books at many, many stages of the policy process on hot topics and policies about teachers, about testing and assessment, about the politics of the standards movement, and so forth. Now with an interesting new project to add into her well-known work on the politics of testing is the subject "deliberative democracy as a way to engage the public and communities in schools." Her latest book is called *Politics, Persuasion, and Educational Testing*. She is a member of many prestigious boards. She is the current President of the American Educational Research Association. I had the pleasure of working with her for seven years on the National Research Council's Board on Testing and Assessment. I am happy to introduce my colleague and friend Lorraine McDonnell.

Lorraine McDonnell: I managed to slip in a puddle this morning so I am hobbling around. Gordon has carefully laid out the purposes of this conference, but continuing the gray hair theme,

I realize that for those of us who are rapidly advancing into senior citizen status, that we could think of this conference a little bit differently. And that is that we are: the people who have lived through the last forty years. Many of you were making the policy of state and federal education policies. So our job today is to kind of grapple with that policy and look at its implications and interpret it. At the same time we want to try and persuade early career scholars who are here that federalism is a worthy topic of study. So that is what I hope to do in my presentation, but in the interest of time my coverage of federalism is going to be necessarily selective.

I am going to be covering three topics. First of all, an overview of the trajectory of federal and state education policy, and I want to show that they had similar kinds of institutional histories, and that over time the policy goals have converged. Then I want to do a characterization of contemporary federalism that...I borrowed the term “fragmented centralization” from the Stanford Sociologist John Meyer, and by that we are talking about the fact that over time, state and federal policies have become more coherent and more centralized. But at the same time fragmentation continues in the various institutions that constitute the federal system. Then, finally, I will be talking about some unanswered questions that I think might constitute a research agenda.

In terms of the trajectory of federal and state education policy, if we think back to the early years of the Republic, both the federal government and the states were basically trying to persuade local districts to establish common schools. They had to persuade them because they really didn't have the authority to mandate it. So it is what Tom James calls “constitutive authority,” so we can think of the Northwest Ordinance, the constitutions of newly emerging states. During the Progressive Era state authority was strengthened by compulsory schooling through district consolidations. You also had the new administrative structures that came with professionalization, with bureaucratization of local school districts. During that period the assumption was that once those administrative structures were in place you didn't need continuing regulation from higher levels of government. The federal role during that period was basically to enhance the capacities of the states and local districts, so you get vocational education; you get the post-Sputnik reforms in math and science education.

With the Supreme Court decision in *Brown*, with the establishment or passage of federal categorical programs beginning with the ESEA, and then also with the state school finance decisions that weakened locally-controlled financing of schools, we moved into a more regulatory state that continues today. Along with that regulatory state has become a very dense institutional environment. The administrative structures that are implementing those programs, but also the political actors, the elected officials who become much more involved and, of course, the governors are preeminent in that group. That has led – this increased policy activism – to something that the political scientist Paul Manna calls “borrowing strength.” What he means by that is that policy entrepreneurs at one level of government, people who are advancing a policy agenda, can borrow the justifications, the rationale, and the capabilities from other governmental levels and use that to leverage. Those of us who have written about No Child Left Behind have argued that that was only possible because of the state policies in the '80s and '90s.

Now along with this dense institutional environment of governmental institutions has come this widening circle of interest groups. I don't have to tell many of you because you represent those

groups. They operate, obviously, at the state and the national level, and they do something that the political scientists call “venue shopping.” They look around. They look at the executive branch, the legislative, judicial branch, state and local, and they say, “Where can we best advance our interests?” That process, obviously, is aided by federalism because it has multiple points of access, but in choosing those different venues, basically, these groups are helping to perpetuate this fragmented institutional system. You can see as I am talking about this, I am really focusing on the policies and the institutions, and I think we need to look at both of that.

In terms of the converging policy goals, I argue in my paper that although state policies were less focused on social equity goals prior to the 1980s, the connection that emerged in the mid-1980s between economic development and education has really led to a reframing of the issue that has brought those goals together. Basically, what happened is that because there is now this argument that education was the way to advance economic development, that policies to aid underachieving students were now less viewed as sort of special categorical programs. They were more integrated into the general educational program. The ideology changed. It was no longer justifying additional resources for students with special needs as a way to redistribute, as a way to remedy past injustices, but rather it was a way to ensure broad-based access to the tools that individuals would need for economic self-sufficiency, and also to advance greater national and economic productivity. So this reframing basically said you can use the same strategy to get equity and excellence, that there didn’t have to be the trade-offs.

So if we look at this institutional history we really see this parallel institutional development and this mutual dependence here. The states have come to depend on the federal government not just to augment their program budgets, but also to build their administrative infrastructures. At the same time, obviously, the federal government is dependent on the states to implement their programs. And even though those of you who are dealing with No Child Left Behind may see it as more regulatory, the situation is still the idea that federal programs have given the federal government an opportunity to bargain with the states.

Let me talk a little bit about what I see in contemporary federalism, and this is where we get to this paradox of fragmented centralization. When John Meyer first coined that term in the late 1970s he was basically talking about the fact that you had these different federal categorical programs. They were coming in separate funding streams into different agencies within a state education agency’s different offices and also within local districts. So he argued that this situation generated “a massive middle-level educational bureaucracy poorly linked with the classroom world below, little integrated around broad educational policies and purposes, and organized around reporting to a fragmented, wider, funding and control environment.” Now clearly that situation is much improved today.

At the administrative level, application for federal and state categorical programs is usually consolidated, as is reporting. It’s much more streamlined. More importantly, at the school level, the separate categorical pullout programs of the 1970s have largely been replaced by instructional programs that are based on standards and assessment that are common to all students within a given state or local district. Yet considerable fragmentation remains, and I have listed some of the ways that that exists, and also some of the reasons. The roots of this

persistent fragmentation, despite these policy shifts moving toward greater coherence and centralization, is really the nature, and deeply imbedded in the nature of institutional federalism.

Constitutional principles have placed education policy and governance on a historical path that is really now well embedded in institutions, and they are difficult to alter. There are certainly a number of interests out there that are advocating greater centralization. Certainly those who want to have greater uniformity of educational opportunities. However, you still have this maze of institutions, each with their own dynamics and reflecting localized interests, and they have worked against significant centralization. I think the paradox of this centralized fragmentation is really most notable in the implementation of programs in this kind of loosely joined governance system that moves from the federal level to the state to local district offices, and then down to the school level. It is a pattern that David Cohen and Jim Spillane talked about fifteen years ago, and they talked about the collision between rapidly expanded policymaking and fragmented governance. This had become a hallmark of the U.S. education.

How is this evident in a contemporary context? I have just listed four things here. I think this fragmented centralization helps explain, for example, why we have policymakers continually relying on high stakes testing even though they recognize there are problems with it. If they need to permeate this fragmented system and actually get into the classroom to alter instruction, they really have very few tools available, and this is one of them. I think that this suggests that the movement now [is] to try and get more uniformity in the system, you know, for example, people are talking about common content and performance standards that would go across several states rather than being unique to each state. I don't know whether that is a good idea or not but if it were to happen I would argue that it would still have quite different profiles from state to state and local institutions, unless those institutions were fundamentally altered, so changing that policy may not really change that much.

This fourth effect of cost shifting; I think this warrants greater attention. It is not a direct effect of fragmented centralization but I would argue in the current context it's certainly an effect of this reliance on high stakes testing, so it's sort of a secondary effect. If we think about the theory behind standards-based reform, certainly there is a big part about accountability putting pressure on local units to basically provide better education. However, that same theory assumes, and people like Peg Goertz have written about this, that the guidance is going to be offered in terms of how you translate those standards into curriculum. That support would be provided in the form of pedagogical and analytical tools. But what has happened in reality is that the pressure has been there much more than guidance or support, so what that has done has imposed a lot of costs on local districts in terms of teacher and student supports, in terms of diminishment of local priorities, greater community pressure, competing demands. So these costs have been fiscal costs, they have been political costs, they have been opportunity costs.

I think this particular situation really illustrates that centralizing policies without an adequate institutional infrastructure are likely to fail both the policymakers putting them in place and the people on the ground who have to implement them. Not only will the achievement of centralized policy goals be less likely, but this downward cost shifting really exacerbates the fragmentation, and certainly the kind of geographic inequities that we are all familiar with. It's happening at a time when expectations about educational equality have become more uniform.

Let me just talk about some possible unanswered questions. These are necessarily selective and I have taken kind of a political (I am a political scientist. What else would I do?) , I have taken a sort of political institutional perspective and I am talking about something that is called “policy feedback.” What we are talking about here is something that the political scientist E. E. Schattschneider talked about seventy years ago and he said, “New policies create new politics.” Usually when we think about politics we think about politics effecting policies. This reverses the causal arrow and it says when you have a new policy you create new interest, you create new administrative capabilities, you create new public expectations. So that is what I am suggesting in some of these questions.

Clearly the first question, after you look at fragmented centralization, you have to ask, “Is this inevitable?” I think that they are two competing hypotheses. One would say it is embedded in constitutional principles. It is likely to continue unless there is some kind of significant change in constitutional interpretation, say a reversal of the *Rodriguez* decision or something. An alternative hypothesis would say fragmentation is not inevitable or foundational, rather it persists because the federal government and the states have not paid adequate attention to institutional design, so that when they pass policies they are not thinking enough about questions of capacity and capability. They are not thinking enough about structures of delivery systems. We are kind of stuck on bureaucratic kinds or outsourcing and we really haven’t thought about this. So those are competing hypotheses and I think that there is a number of ways that we could look at this, all of which would probably involve archival research.

We could look at how states vary within their own states; more or less fragmentation and how that is related to how much downward cost shifting, differences in resources, whether delivery comes through regional or local units. We could also look at critical junctures in policy, where policy could have gone in a different direction. For example, what would have happened with ESEA if there had not been the decision to broadly allocate resources?

My second question about the intergovernmental lobby, of which many of you belong. Up to now much of what we know about the intergovernmental lobby comes from basically studying it as it affects particular policies. I think that we have to look at it as the unit of analysis, and ask about when does it decide to borrow strength, when does it decide to be a veto group, because we need to look at, kind of – it is bargaining on specific policies but those bargains accumulate over time, and understand how those get institutionalized.

Then I have listed the politics of increased privatization. I told Jeff I was beginning to read his new book on the plane, and he has a lot about the research on charter schools and vouchers. But we haven’t really looked at all the other kinds of privatization that is going on in terms of tutoring, school management, testing and so on. We know from other policy areas that when you have privatization you have more subterranean, less transparent politics. We don’t know if that is the case here. We also don’t know whether this contributes to fragmentation. Maybe more choices would. On the other hand we know there is concentration in the testing industry. So things have to be looked at there.

In conclusion, an analysis of federalism could certainly have taken a number of different ways. I avoided a normative approach. I don't talk about in my paper, about what the division of responsibility and authority between the states and the federal government should be. I made the assumption that over the past forty years it has been defined instrumentally and it will continue to be. I also assumed that the nature of federalism, at any given time, is a product of these institutions and interests that develop around federal and state policies, and that the policies themselves are the product of former political or prior political dynamics.

New policies emerge when groups that are not satisfied with the status quo are able to advance new ideas and novel approaches. But it is much easier, as most of you know, to change policies than to change institutions. So what happens is old institutions persist, new ones come on the scene, and what happens is we get this paradox of fragmented centralization where we have this myriad of institutions with differing interests and capabilities that endure and even increase over time, even as policy is becoming more coherent, and even some authority more centralized. Now if this view of federalism is valid then the challenge, I think, for researchers, is to produce systematic analyses of these policy feedback cycles so that policymakers are better informed about these institutional relationships that are embedded in federalism and how they might be designed to make more effective links between policy goals and organizational capacity. Thank you.

Carl Kaestle: We begin our day, by design, with a prospectus from the world of scholarship about politics and education, so at a somewhat theoretical level. I was reflecting while Lorraine was talking that not only Lorraine, but Jeff and Katie are examples of people who have successfully combined worlds that are often considered frustratingly and unfortunately separate in the world of research on education and the world of practice in education; the world of schools of education and the world of disciplinary departments who have outstanding people looking at education in them. So in introducing Jeff and Katie I want to keep that in mind.

Jeffrey Henig is Professor of Political Science at Columbia University and Professor of Politics and Education at Teachers College, Columbia, where he heads the revitalized program in politics and education. I asked him about that program the other day and he said basically, "Carl, it's me." He heads this program and he is the program.

As a historian I appreciate the fact that Jeff's characteristic mode of representing his research to the world is through books, and so I could only barely scratch the surface. The latest one has a great title and it is a very important book it is called *Spin Cycle*. Get the pun? *Spin Cycle: How Research is used in Policy Debates; The Case of Charter Schools*. So he and a group of colleagues, with NSF support, have been studying cities and civic capacity of people in cities, and it resulted in a large number of co-authored and co-edited books ranging from mayors who have taken over school systems. Before that, Jeff wrote one of the most balanced and most respected books on the choice issue; so he is now much in demand as a commentator on education policy, a person who bridges those worlds of theoretical political science and knowledge of the world of education.

At a slightly younger career stage thus, is Katie McDermott doing the same thing. She is an Associate Professor of Education and Public Policy at the University of Massachusetts at

Amherst. Her first book was called *Controlling Public Education: Localism vs. Equity* that set a dynamic out that she has been following for some time, and to cut directly to their comments I will only say you can do wonderful things on Google right now, so I found Lorraine reviewing Katie's first book yesterday, in which she said she was, "One of an emerging group of talented women from Yale." When I went to Yale that was a concept that was difficult to grasp. [laughter] The talented women from Yale were a group of political scientists trained in the Department of Political Science at Yale who have gone out there and found out all about the world of education and the world of education practice, and have been examining what Lorraine called "democratic dilemmas" in education – centralism vs. local control, equity vs. democratic control, and so forth. So I give you without further ado six or seven minutes each by Jeffrey Henig and then Kathryn McDermott.

Jeffrey Henig: Thank you, Carl. I do want to say that when Carl characterized me as saying the politics and education program is me, it sounded awfully de Gaulle-like to my ears. I want to make it clear that what I was saying is that they won't let me hire another political scientist. So I was talking to Gordon last night very briefly about how thirty years ago or so, when I took my first academic job, I was an urbanist or political scientist focusing on cities, and they told me I had to teach about state and urban politics. I knew states were supposed to be important but I didn't know a lot about them, and I went off to read a little just so I could stay ahead of the class, and I told Gordon that what I discovered was, yes, states are important but boy the stuff that is written about them is deadly dull. I think that is changing, but I am going to pick up a little bit on the theme set by Lorraine by suggesting that at least one way to revitalize interest in what goes on in the states is not just to burrow in and look at what is going on in state legislatures and state committees, but to better understand the system of federalism within which states are located and how increasingly, as I'll argue and as Lorraine does, the politics of the country is played out across that system.

So federalism has long been noted as providing multiple veto points – institutional points of fortification, if you will, where mobilized interest groups, even if they are minorities, are able to block progressive policies and protect the status quo. The classic case that people talk about, of course, is the ability of the southern states for years, both prior to and for at least ten years subsequent to *Brown v. the Board of Education*, to fend off the Civil Rights Movement and efforts to desegregate schools. Another case, arguably, is the ability of local governments, localities, to evade pressures emanating from the federal government or from the state courts to significantly address fiscal inadequacy and balances in the country.

I suggest that the institutional and policy convergence that Lorraine described in her talk suggests that the game board on which interest groups play out the politics of federalism may be changing in important ways. I want to do that by expounding a little bit on the concept of the venue shopping that she raised, and draw some implications in terms of where politics may be heading. When venues, just to beat again on a sort of a political science term, venues are institutional arenas in which political conflicts are worked out and policy commitments are made. You can think of political scientists, think of venues in a horizontal sense, in that legislatures may be one venue, courts may be another venue, or one committee of Congress may constitute a venue versus another committee in Congress. Or we can think of them vertically in terms of federalism, the national-level politics, state-level politics, local politics. What's

important about venues is that each venue comprises its own distinct set of norms, its own rules of engagement, its own criteria for decision-making, its own currency – its own political currency about how resources translate into power and influence, and its own dominant interests.

As a result, issues and interest groups that are losers in one venue may, as a result, fare better if they can shift decision-making into another arena. So venue shopping is the deliberate tactic by interest groups to take advantage of this by selectively steering decisions to the institutional arena in which they feel they are more likely to prevail. So, for example, a polluting industry in a state with tough regulations might seek to push to activate federal agencies to intercede on the grounds that the state regulations are preempting federal responsibilities. Or in the case of education, citizens or teachers who are unhappy with the high-stakes testing regimes imposed by NCLB, in principle, might seek to pressure state officials to drag their feet in complying with the law, or to file suit challenging the authority of Congress to intrude on reserved powers of the states or to enact unfunded mandates.

The thing about venue shopping is it is not always easy. The laws and the norms of the day may fairly authoritatively assign particular kinds of decisions to particular levels of government. The cost of shifting decisions across venue shopping is greater than the cost of fighting out battles on the normal, accepted terrain. So in the normal course of events, groups often stay and fight it out in the normal arena in which the decisions are played out.

Federalism in the U.S. has never literally mirrored the sharply defined layer cake analogy in which there are separate arenas with distinct responsibilities. But in education, augmented by the political and cultural norms of education as a local responsibility, it came reasonably close. The relatively sharp distinction among the levels of government, in terms of the spheres of responsibility around education, I want to suggest, meant that some kinds of issues typically played out at the state or the local level, limiting the potential for groups to venue shop; so that, for example, prior to 1975 and the passage of the Education of All Handicapped Children Act, parents of children with disabilities, pretty much for the most part, had to constrain their efforts to meet the needs of their children by focusing on local arenas to find services that they could get for their kids.

The changes that Lorraine talks about – the growing role of the states in the 1980s, the muscling up of the federal government and No Child Left Behind – have blurred and, to some extent, complicated the boundaries between the levels of government. This, I think, makes venue shopping more possible. The boundaries are less clearly demarcated and more likely to succeed.

So what does this mean in terms of the future of federalism, politics, and policy in the education field? First I want to acknowledge and reinforce Lorraine's point that this is an area in which we need a lot more thinking and research. This is really something that is only beginning to emerge as a place for people to really work out the patterns that apply. But in the interest of stirring the pot, let me just offer a couple of speculations, if you will. First, I think the blurring of the boundaries makes the game of venue shopping available as a proactive tool; a strategy for planting the seeds of policy change, and not simply as a strategy for vetoing policies for protecting the status quo. Interests that are blocked from initiating a new policy approach at the national level, for example, may invest time and energy in a campaign to find a more receptive

venue, a state, and then turn their success there into a beachhead for further advances. It's possible to consider aspects of the school choice movement as a case in point.

During the Reagan era, the Reagan administration tried unsuccessfully to push vouchers and market-based reforms at the national level, could not succeed. What you then saw was interests that had a mission promoting market-based reforms turning to the state level, instituting vouchers in Milwaukee where they could find a responsive legislature, in Wisconsin, and the charter school movement beginning in Minnesota, and moving quite rapidly around the country. The point is that for those who believe in their cause, winning at the state level may seem like a small gain compared to winning at the national level, and may initially seem like a disappointment. But by putting the policies in place somewhere, the groups can use that in order to promote a broader political campaign by showing that the policy or program they are pushing is politically and legally and administratively feasible. This isn't just an abstract idea. Here it is. It's working here in this state. By establishing a research base for success, by getting a program in place in a city or in a state, you can begin to develop research to show that it works, if indeed it does, and to demonstrate to politicians in other venues that this is an issue or program on which you can stake a political career and make some hay. So for these kinds of reasons I think that the proactive use of venue shopping may be attractive and increasing.

Second point. It is possible, I think, that lowering the obstacles of venue shopping will have an equalizing effect on the politics of education. The argument here is that well-resourced groups have long held the ability to create and exploit loopholes, and to exercise veto power. But by shredding the boundaries and opening the game up to groups that previously had been forced to fight on their own turf, this new arena of venue shopping may become feasible for groups that previously were blocked from the process. But I think, at least I'll argue for the time being, that the greater likelihood is that the resource demands of playing on the larger game board of federalist politics will be sufficient to disqualify many interests, and that some of the power that relatively under-resourced and disadvantaged groups might have had to influence their fate at the local and neighborhood level – be it community organizing, being ward-based electoral regimes, electing school boards, and the like – will be eroded as more advantaged groups selectively pull some issues further up the ladder of federalism where they believe they could more easily prevail.

I will make one final suggestion here, and this is regarding something that Lorraine talked more about in the paper than here today, which is privatization and the growing role of what she, quoting Rowan, calls the “school improvement industry.” I think that, at least in my mind, there is little question that larger, integrated, corporate interests – companies that are increasingly combining, publishing, testing; supplemental educational services responsibilities; managing schools; running charter schools – are rather uniquely situated to take advantage of this new landscape. They have the information, political and legal resources, and the mobility to hunt out the venues in which they can more easily win battles, sidestepping high cost, high visibility battles in favor of lower cost victories.

So I think that increased leverage and the threat of moving issues open to the private education sector is an important phenomenon coming up. I just want to say we are going to talk today a lot, Katie may as well, about state capacity. And I propose that as we talk about the capacity at

the state level, that we consider not only, then, the administrative and bureaucratic capacity to the ability to carry out policies efficiently and well, which is the way the term capacity is most typically used in this discussion., but also political capacity; the ability of states and other levels of government to fairly and democratically adjudicate battles among conflicting interests in an era in which some, more than others, will have the leverage of venue shopping as an option to shift policy discussions to more compatible arenas. Thank you.

Kathryn McDermott: Thanks Carl, and everybody who is involved in organizing the conference. It's been really fun so far. It's a pleasure to be here. I highly recommend, if you haven't had a chance to read Lorraine's paper, that you read it because I could just stop here and say I agree with everything Lorraine said and my job as a discussant is now done. Instead, I want to build on two of the conference objectives that Gordon Ambach describes in the introductory paper that you've also got.

The first one is to raise concern about why the design of education federalism is so critical for effectiveness of future national actions to improve education. When we think about the state influence on federal policy, we tend to think about the design stage. How do the states' experiences and activities influence the design of federal policy? I want to pick up on what Lorraine said about infrastructure, and remind everybody that the states' influence on federal policy is also on the back end, on the actions that states' take to implement federal policy. I would love to see federal policymakers pay more attention to administrative capacity. I tend to lean toward the "failure to consider institutional design" explanation of why we have the system that we have. It would be, I think, a good thing for education as an area if there were more attention given to what states can reasonably expect to do. Lorraine cited Paul Manna's concept of the federal government borrowing strength from state governments. It's also clear from the experience with the No Child Left Behind Act that the area of implementation capacity, the federal government is also occasionally stuck with borrowing weakness from the states.

Congress recognizes this is a problem, and the early years of the Elementary and Secondary Education Act included funds specifically intended to strengthen the staffing of state agencies. But even after that growth, many state agencies are still not exactly lavishly staffed. I know in Massachusetts, where I live, the state education agency had grown, and I assume this was with the federal funds, to have almost a thousand staff members at one point in the 1980s. That staff gradually whittled away to the point where when Massachusetts enacted its own education reform law in 1993, there were fewer people working for the State Department of Education than there were school districts in the state of Massachusetts. When you consider that many of those people are answering telephones and processing teacher certification paperwork, that doesn't leave a lot of people available for monitoring and assistance to schools. I have never yet heard of a state legislator who rode to a successful political career by arguing for more funding for education bureaucrats. So I think we need to think of a zippier way to package the idea.

Clearly, this capacity issue remains both for implementing state policies and for implementing federal policies. In Massachusetts, we were somewhat fortunate in that when the federal government enacted No Child Left Behind it was fairly consistent with what the state of Massachusetts was doing anyway, so there weren't a lot of changes in direction pushed on the state as a result of the new law. But it has certainly been the case elsewhere that it has been a

much bigger increase in demand on the states. Just to underscore a point that Lorraine makes in the paper about the apparent low cost of test-based accountability, I think we definitely see it at the state level when the states begin to attempt to implement these laws. There is a different sort of implementation challenge that comes up in states that may not want to lend their administrative strength to implement federal policies. I am thinking here of the state of Connecticut, which actually sued the federal government over the direction of the No Child Left Behind Act.

We will hear more about the fit between state and federal policies in the next section of the conference. I bring the issue up here just to make a transition into the second of Gordon's conference objectives that I would like to comment on, which is to promote accessible archiving of past records, including oral accounts of states' impacts on federal policy. Here I would like to recommend to researchers, and to archivists, and to those who set budgets for archivists that we think as broadly as possible about what kinds of state policy activities might turn out to be relevant to federal policy.

Many of the challenges in implementing the No Child Left Behind Act arose from inconsistencies between existing state policies and new federal requirements; policy directions that states have chosen to take that were very different from where the federal government later pushed them to go. This suggests to me that pretty much any state education policy could turn out to have an impact on federal policy downstream, particularly policies related to standards-based education reform and policies related to the treatment of students with disabilities. If these issues don't come up at the design stage, they will certainly come up at the implementation stage because these are the policies that are the sources of state capacity or incapacity to implement the federal law. I have had some very interesting and rewarding experiences with researching development of state education policies. I found out that I really enjoy archival research if only because I don't have to wait for the archives to return my phone calls. But I hope that future researchers on state education policy won't have to rely as much on luck as I often have.

I have one great set of documents about the development of Massachusetts accountability policies which I received, complete with mildew and water stains, from a former Board of Education member who had been keeping them in his basement, thinking that somebody might find them interesting some day. I got another great research lead in New Jersey. These were documents that were publicly available, but I would never have known to go looking for them if a former gubernatorial staff member whom I contacted for an interview hadn't said, "Well I can't speak to you because of the position I am currently in, but you should know that if you go to the State Archives and request a certain set of materials from Governor Byrne's archives they will be very helpful to you." In the three days that I was in Trenton it wouldn't have occurred to me to go dig there if she hadn't told me to.

So if I had my own foundation to pay for archiving I think what I would like to see done first is more of the oral history interviews that could then become part of the public record and be publicly available. I mentioned to somebody last night that maybe a plug for getting people to sit for these oral history interviews might be that it will reduce the requests that you get later for interviews from researchers. It would be great, like the experience I had in New Jersey shows, if we could get more of a catalogue out there of what already exists that might be relevant to

education. I was in the Vermont State Library, which is this beautiful little Victorian house. It's a tiny little entity but somebody there just said, "Oh, you are interested in state accountability policies. Let me go get you the microfiche of Representative so-and-so's papers." Again, I wouldn't have known to look there.

It would also be fantastic if we could get funding for somebody to go and either make digital copies of, or ideally, transcribe the hundreds of hours of taped and videotaped hearings and legislative debates that are out there. This seems to be a direction that a lot of states have gone in with their archives and it is better than nothing, but on the other hand, to know that you need to go sit and actually listen to fifty hours of taped testimony is kind of a daunting prospect for a researcher. It is a lot harder to skim audio tape than it is to sit down and skim a print document looking for the little tidbits that might be interesting.

So to conclude, I will reiterate that states influence the implementation of federal education policy in ways that are very hard to predict, and thus I think we should think broadly about what might constitute state influence and the range of archival materials that might be relevant to research on state influence. Thank you.

Carl Kaestle: I have been asked to make this transition to our discussions, which are going to start momentarily, almost immediately. We are almost on schedule. We were planning to have a half hour of discussions at the tables from the time I close my mouth. There are discussion leaders at each table. They have been encouraged to take part in the discussion. They will ask at each table for one of you to volunteer to be a note taker and to try and focus our feedback since, as Gordon said, we are not trying to come to conclusions and recommendations and so forth, but have dialogue. We are going to ask each table if you could, on note cards, come up with one question for the panel that you think, after your discussion, is loose-ended, that you would like to hear some feedback for from them. And to the extent that we have time we will select some of those and have them give you some feedback before we quit this session. And one question on things you think would be good for future research.

If, in the course of your conversations, anything comes up about emerging scholars; emerging little, unknown places that have materials and archives; people who are doing interesting research; please note them down. This is an ongoing project. All of this stuff will be kept and pondered by us in our periodic meetings up in Albany. The panelists are going to join a table, each table, during the discussion, but not to lead it, but to participate in the discussion. Are there any other questions? I think the discussion leaders can handle any details that will come up at the tables. You're on. Thank you.

Question and Answer Period following table discussions

Carl Kaestle: Oh my. We will have continuing seminars here at the State Education Department in Albany. I am going to read a couple of questions so that you can take from them what you would like to respond to, ok? And any member of the panel can do it, and we'll do about ten minutes of this, just to get this process going. A lot of these questions are going to merge on over into Mike Smith's session coming up soon. Oh my, so many good ones.

“Is there a better way to develop a feedback loop from schools and classrooms so that the reauthorization of ESEA could be more effective?” Secondly, (I am going to read about four of them and then solicit whatever responses the panel wishes to give.) “Please define the term capacity.” Now a question for perhaps Senator Obama. “Is there a way to incorporate the pursuit of the greater good that would transcend the interests of individual constituencies and venue shopping?” The last one I am going to read. You’ve got all these riveted in your minds right? Then I am just going to turn it over to the panel. “If you are reauthorizing ESEA,” this conversation will continue on during the day, “what proportion of funding should be at the state level,” whether from the feds or not, but at the state level, “for the state to put into support for improving instruction at the local level?” So that is a complicated one. How do you get the capacity of state SEAs to actually go out and help districts improve instruction rather than the other many things they may have to do? Panelists, what turns you on?

Kathryn McDermott: Do you want to take a crack at defining capacity? That might be a good place to start.

Carl Kaestle: Ok.

Kathryn McDermott: I can’t define it for once and forever but when I have studied it, I thought of it in terms of just sort of money and people available at the state level to do whatever it is that the state needs to get done. As a discussion at my table reminded me, this doesn’t necessarily need to be people who actually work for the state. It could be funding that the state can leverage to hire other people who might know more than somebody at the state department does about a particular issue, to go in turn and help school districts and schools learn to do what they need to do. Is that roughly what you meant?

Lorraine McDonnell: I want to pick up on what Jeff said. I think when you think about capacity you need to think about the kinds of things that Katie is talking about, which is resources, and I want to throw in besides money and people, time. I think that is a really important part of implementing capacity. But I think we also need to think about what Jeff is talking about; I would call it capabilities; political capabilities that government has the ability to, as he said, adjudicate in a fair and transparent way. But I also think it has to do with information. I am really struck when I was teaching teachers and also when I was doing research, how little they knew about what state policymakers were expecting of them. I would just ask them the simple question, “This policy. What do you think the state wanted to have happen?” More than half the time they couldn’t tell me. It wasn’t because they were stupid. It was because no one was communicating it to them in meaningful ways. So I would say a big part of capacity or capability is the political dimension. It’s information, it’s time, and it’s the resources that Katie is talking about. Jeff, you could take up the common good because he is the least cynical of the three political scientists sitting here. So you start with that one. [laughter]

Jeff Henig: Carl, do you have that in front of you?

Carl Kaestle: If I can recall it, because I have all these pieces of paper around the stage, it was, “How can we promote policies that will actually serve the common good rather than being the

function of a constituency working for its interests or someone who is venue shopping?” I think that phrase was met with a certain amount of cynicism.

Jeff Henig: I don’t know, is the first and honest answer. But of course it is because we have been wrestling with this for a long time. Early in the 20th century the Progressives, reformers argued that systems that were built around ward-based interests interfered with efforts to identify the good of the city. The concept was again, and it is one that is appealing, which that as a broader community there are some things that are in our common interests. Then we ought to push decision-making to the arena that it will arrive in.

The challenge, obviously, is that we are in disagreement as to what those issues are and the effort to define the common good at the national level bangs up against regional and cultural differences and differences in communities, because they are constituted with different demographic groups and different mixes. So we can talk about that abstractly, and I think that to some extent we can do it, and I think that to some extent we can do it more today. Now obviously when the country was formed, the states and the colonies represented distinct communities in terms of norms and values and religious traditions and immigration trends much more than they do today. I mean, in some real senses we are more a national country. People move around to a greater extent, so I think it is more realistic than it used to be to talk about a national interest. I think it is also more realistic than it used to be to talk about a national interest around things like economic development given the broadly accepted recognition that globalization and the pressures of competing internationally are real and affect the country. But nonetheless, both legally, because constitutionally we do have a system that reserves authority to the states, and realistically, in terms of actually getting buy-in at different levels of government and getting communities to embrace policies that may have been shaped further away, we are going to always be wrestling with this problem, I think, of competing visions of what is in the common interest.

Kathryn McDermott: We don’t have a good venue in which to have the discussion in a lot of areas because of how fragmented our system is. I worked, when I was in graduate school, with a faculty member, Rogers Smith, who was a constitutional scholar and he would go to these local hearings about voluntary programs to bring kids together from cities and suburbs in Connecticut, and he would stand up and say things like, “I am a resident of Gilford, Connecticut but I am also a citizen of the state of Connecticut, and it matters to me what is going on in the city of New Haven.” His neighbors would look at him like he was insane. I mean, it’s not a conversation that we are used to having, but I would love to hear more about Lorraine’s work with deliberative democracies because it is certainly a conversation we ought to have.

Carl Kaestle: Shall we end with that?

Lorraine McDonnell: Well, we have been looking at it in local communities and there are a number of other people who are doing it, and I think it is a hopeful thing. But one of the things we have realized is that political jurisdictions are not always natural communities. I think there are ways to bring people together to talk about it. I think even making it more transparent that there are these differing interests and why they exist, and having the people who have to put

these policies in place say, “Well, where are the areas of agreement and disagreement?” And making that explicit would help a lot, so people would understand why they disagree.

Carl Kaestle: I am going to read a few questions just so we can get a sense of sharing the kind of discussions that are going on in here. Then in deference to the next panel and its process I am going to let you go. “What about multi-state collaboration?” This came up from some other table and I know it was part of my table. “Can we work on state capacity in subgroups?” These are horizontal organizations of several states where stronger states can perhaps support less strong states. Turning on its head one of the statements that was made early on about looking at the process as a whole because the research literature seemed to have looked at particular policy issues, one table decided that it was important to push back and say, “How meaningful is the debate about federalism and the vision of governmental authority without discussing particular policy problems?” “How would the panel view a national exam? In terms of sharing relationships,” I’m sorry. I’m not quite sure what the last clause said. I think it was about the relationship with federalism to the issue of a national test. “Why are the LEAs missing from this discussion?” “How will we ever balance diversity of states?” I think we are not talking about the capacity now. We are talking about differences among the states in their...essentially, their mandate to organize their education goals and systems. “How will we be able to balance diversity of states with federal goals?” Finally, where are the restrooms? They are to the left, down the hall near FEMA, but don’t try and get in there. Ask the FEMA people where the rest rooms are. And there is coffee in the hall. Let’s hold this, if we possibly can, to ten minutes. Thank you.