



STATES' IMPACT ON FEDERAL EDUCATION POLICY  
ORAL HISTORY PROJECT

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An Oral History Interview with

Gordon Ambach



Interviewer: Anita Hecht, Life History Services

Recording Date: September 2013

Place: New Haven, CT

Interview Length: 5 hours 45 minutes

– 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 September 2013 between Gordon Ambach 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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**PROJECT NAME:** THE STATES' IMPACT ON FEDERAL EDUCATION  
POLICY ORAL HISTORY PROJECT  
Verbatim Interview Transcript  
**NARRATOR:** Gordon MacKay Ambach  
**INTERVIEWER:** Anita Hecht  
**INTERVIEW DATE:** September 19, 2013  
**INTERVIEW LOCATION:** New Haven, Connecticut  
**INTERVIEW LENGTH:** Approximately 5 hours 45 minutes

<b>KEY:</b>	<b>CBO</b>	<b>Congressional Budget Office</b>
	<b>CCSSO</b>	<b>Council of Chief State School Officers</b>
	<b>ESEA</b>	<b>Elementary and Secondary Education Act</b>
	<b>FCC</b>	<b>Federal Communications Commission</b>
	<b>IEA</b>	<b>International Assessments of Education</b>
	<b>NAEP</b>	<b>National Assessment of Educational Progress</b>
	<b>NAGB</b>	<b>National Assessment Governing Board</b>
	<b>NDEA</b>	<b>National Defense Education Act</b>
	<b>OECD</b>	<b>Office of Economic Coordination and Development</b>
	<b>SIFEPP</b>	<b>States' Impact on Federal Education Policy Project</b>
	<b>TIMSS</b>	<b>Trends in International Mathematics and Science Study</b>

### **Editor's note**

This document is a verbatim transcript of the oral history interview with Gordon Ambach 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.

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## **HOOR 1**

**Hour 1/00:00**

**Educational & Employment Background, Early Involvement in Federal Education Policy, National Defense Education Act**

*The date is September 19th in the year 2013. My name is Anita Hecht, and I have the great pleasure and honor of interviewing Gordon MacKay Ambach in his home in New Haven, Connecticut on behalf of New York State Archives and the States' Impact on Federal Education Policy Oral History Project. We are here to record some of the stories of the last fifty years of federal education policy and the impact the states have had on its development and implementation. Let's just begin with the first question, Gordon how and why did you get interested in federal education policy?*

The interest began very early on in my life. My mother was an early childhood educator, and I spent lots of my early years with many educators, enjoyed their company, and in fact enjoyed my own experience in growing up in Providence, Rhode Island, where I went through the public-school system. My senior year experience, or my senior high school experience, was at Hope Street High School, a very comprehensive school. Each student there volunteered to come there, and it was one of the most integrated schools by way of race, and by way of ethnic origin, and by way of religious background, that one could find in the United States at that point. It was a really very formative experience for me of learning with children who were of very different origins and interests of mind.

I was very lucky to be admitted to Yale University, and so continued my education there, and at that point, although I had started in Engineering, I shifted over to study Americans Studies and then began preparing for a career in Education. The next step was to be a Master of Arts and Teaching at the Harvard Graduate School of Education, but before that, there was an event which intervened in my life that was extremely important by way of engaging me on the issues of federal education policy.

Through a colleague that I had come to know at Yale, I was invited to take an internship in 1956, at the United States Office of Education. It was a very tiny place at that point, was not a significant factor in terms of education policy for the country as a whole, but in this internship, I began to learn about what the federal government was doing in education. I learned about the processes of making policy and education legislation at the Congress and in the administration, and then in subsequent summers went back to the U.S. Office of Education to continue my work as an intern—partly on the beginning administration of the National Defense Education Act which of course was passed in 1958, one of the very first of the series of acts which are important for the past fifty years in federal policy.

I taught through this period of time at the Wheatley School in East Williston, New York, and coached tennis, and I also became involved in the Teachers Association. By an accident in my second year of teaching, I was the vice president of the small association and then in my third year, the president. During that time, I also was a delegate to the New York State Teachers Association, attending their annual sessions where the issues of state policy were discussed, so I

got that dimension into my life, local and the state, at the same time. And I also began to think much more about how that state level of policy connected with the federal level.

After President Kennedy was elected, I had an opportunity to go back to Washington, and in this case, I joined the U.S. Office of Education, in what they call their Program Planning and Budgeting staff. Basically, our work was to prepare the legislative program for the office, for the then Department of Health Education and Welfare, and for the President. That was an extraordinarily important experience for me.

In the early years of the 1960s, there were three major issues in education policy, which were blocking any successful moves at the Federal level on addressing education issues. One of them was the question of whether funds from the Federal government would be used in segregated schools or would be prohibited from that use. The second was whether federal funds would be used for supported education in nonpublic schools, as well as in the public schools. And the third major issue was a battle between the interest in elementary and secondary education and those in higher education as to which would prevail by way of the most important commitments of federal resources to which sector.

During the early years, and in fact, all the way through the Kennedy years, up until the assassination in November of 1963, there were no significant educational changes. So NDEA stood on the books, but nothing new. In the middle of the Kennedy years, Francis Keppel, or Frank Keppel who had been the Dean at the Graduate School of Education at Harvard, and for whom I had worked as an administrative assistant at the Graduate School, became the U.S.

Commissioner of Education. My work then shifted over more directly to work with the Commissioner on the crafting of federal legislation. One of the great lessons learned from Frank Keppel at that point was that in order to try to break through these stalemated issues in Washington, it was necessary to try to advance a comprehensive program—which became called the proposed National Education Improvement Act of 1963—and which bridged over all of the programs. It had seven different titles. It was a colossal bill for its period; elementary and secondary education, vocational education, higher and professional education, teacher training, research, etcetera, etcetera. That bill did not move in itself, but at least it a more focused attention and Frank's ingenuity in trying to bring together the different parties in Washington who had been conflicting and tried to get them to support an overall comprehensive piece of legislation.

After the assassination of course, Vice President Johnson came in. Johnson was deeply concerned about demonstrating to the American public, that the assassination would not bring the government to a stop. And so, he selected a couple of pieces of legislation, which he put on top priority for the congress to move, they were both education bills. One was Vocational Education, and the other one was the Higher Education Facilities Act. Two critical issues at that point. Within two weeks, Johnson, in his legislative, masterful way, was able to move the congress to pass those pieces of legislation. The key in that enactment was that he had promised to Adam Clayton Powell, and to those who were deeply concerned about breaking segregation, that there would be a Civil Rights Act in early 1964, and of course, there was. So that legislation moved through. It was the beginning of the whole array of great society bills and began this

period of time which we're looking at in this States' Impacts Policy Project, of an explosion of federal efforts to try to improve education in its many forms.

*Can you comment a little bit on the shift that occurred in federal government and its involvement with education because that was a big change from the 1950s and before?*

**Hour 1/09:40**

**Federal Involvement in Education Pre 1950s, Experience as New York State Education Commissioner, Regents Action Plan**

Well, right from the beginning of the U.S. Constitution in 1787, the authority for education, particularly elementary and secondary education, had been left out of the Constitution, it was reserved to the states, but that didn't mean the federal government did nothing. In the eighteenth century and the nineteenth century, began the use of federal resources, like land grants, and the commitment of funds that were gained from timber and mining in the western states, for purposes of education, and of course you had the Northwest Ordinance, which identified specific tracks of land, which would be committed to elementary and secondary education. Then you got the great Land Grant Act for colleges and universities, to state systems that would come in the latter part of the nineteenth century, and in the early twentieth century, there were bills and legislation for vocational education, and early efforts at vocational rehabilitation. Those latter bills were affiliated with the move in this country to the industrial age in the early part of the twentieth century.

There were lots of programs that had a lot to do with education during the Depression years, as a part of President Roosevelt's initiative to pull us out, and then there were, of course, several

programs in World War II, which were associated with trying to provide stronger skill developments. Right after World War II, you have the G.I. bill for a higher education, which was the most significant act in that time of support that was at the higher education level. But when you got to the latter part of the 1950s, except for the NDEA, National Defense Education Act, which of course was passed after Sputnik was sent up by the Russians, and those of us in America who thought we were on top of the globe at that point, realized that there were lots of limits on our capacity, and that it was important to start investing more of the federal government resource in the field of Education. I've talked about what happened then in the sixties, where you have these plugs, these blocks on any action, but NDEA in a way was a start toward the period of the latter half of the twentieth century, at which there was this very remarkable changeover in the level of federal education activity.

One last thought about all of this, is that this sweep of this period that we are looking at, although, over these fifty years there had been more and more complex provisions in federal legislation for regulation and for the use of the funding. The fact is that the portion of dollars in education total, particularly in the elementary and secondary education area, from state, local and federal sources, has stayed about the same for the federal level. It became about 8 or 9% in the sixties and it's still less than 10%. So you had not a huge changeover in the volume of money, but you had huge changeover in the attaching of federal education programs to specific national purposes, like economic development, international competitiveness, but you do not have a commencement growth in the resources, which many of us hoped for at the beginning of this period.

Now, after the experience that I had in Washington with the Kennedy administration and with the beginning of the Johnson administration, I returned to Harvard for some study, and then had an opportunity to go to New York State in 1967. This is a bookend, if you will, to the federal experience. There my position was as a special assistant to the New York State Commissioner of Education, for long range planning. This included the planning for the use of federal funds, and that became a larger and larger part of my responsibilities, as I became the Executive Deputy Commissioner in 1970, and began responsibility for administering these programs and other aspects of the department for the Commissioner.

In 1977, I was privileged to be selected by the Regents to become the Commissioner of Education, and then served in that role over a ten-year period, from 1977 until 1987. I might point out that on the theme of the States' Impacts on Federal Policy, and the relationship of the states and federal government, one of the major points of focus for me in the department, was to blend together the federal programs with our state programs. In many states, the federal programs were all put aside in a separate administrative organization as part of the State Education Agency. In New York we took a very different track, and that was to be certain that programs, for example that had to do with children with handicapping conditions, were merged with those of our programs of a similar sort in the state, and so on, all the way through it, bilingual education in programs serving economically disadvantaged children, and so on. That was a very important part of a concern about the relationship between federal and state, and also, how the influence vector went both ways: the federal government affecting the state, but the state also having an impact back on the federal government.

*And was that an autonomous decision on the part of the Commissioner's office, to blend federal monies and programs with state, and each state would have that decision to make on its own?*

That's correct. That was an administrative decision which could be made and was made in each of the states. In New York State it was made by the Commissioner and the Board of Regents, because it was a major policy decision. When I became Commissioner in 1977, I turned attention, particularly in the elementary and secondary education area, to development of a major comprehensive plan of education reform for the Board of Regents. It came to be known as the Regents Action Plan. It was finally passed by the Board after lengthy deliberation all across the State, with town meetings and extensive discussions because of the importance of the change, and it focused on setting new expectations or standards, if you will, for students, for teachers, and for schools. It was one of the very early forerunners of the Education Reform Movement, which took speed in the '80s and then in the '90s, but because New York State had a very, very distinguished background in accountability, in assessments through the Regents exams and other state systems, and because it had a strong capacity for setting standards it was moving at that point. So, that was another very important aspect of my own personal development about setting these policy directions and thinking about what would happen subsequently and the relationship between the federal government and the state governments.

In 1987, I chose to leave the State Education Department, which was a very difficult decision, it was the leading State Education Agency in the country by way of size. The scope was fantastic. It had elementary and secondary education, higher education, vocational rehabilitation, the professions, cultural education, all institutions. It was, without any doubt, the most interesting of

the state administrative positions in the country because of its scope, and because of its long history of more than 200 years of continuous leadership in the issue of education policy.

**Hour 1/ 19:35**

**Executive Director of Council of Chief State School Officers, Involvement with Wallace Foundation, States' Impacts on Federal Policy Project**

And so, I was able to take that experience then back to Washington, and in this case, at the invitation of the Board for the Council of Chief State School Officers, where I became the Executive Director with responsibility to run that organization from 1987, and it turned out from that point up until 2001. This meant coming to the other side once again in a way of being in Washington, not with the governmental agency, but with one of the organizations which had the responsibility for advocating on behalf of the states as to what the states wanted federal education policies to be and how they should be crafted to take advantage of the state capacity and to build joint efforts with the states toward educational improvement for all of the children. While in the council, my focus was on first strengthening the effectiveness of the council as an advocate for education policy, and that meant building coalitions with local leaders, coalitions with higher education leaders, coalitions with business leaders, coalitions with social service leaders, health, and the organizations that provided services particularly for children with economic poverty, and so on. Doing this in such a way that you could channel this energy for purposes of representing the needs for increasing federal involvement in education and expenditure, with the advocacy coming not just from the State Education Agencies or states, but the advocacy coming as well from these other partners. There's just no way that the state case could be carried alone, when you were dealing with major constituency representing teachers, representing the cities, representing all kinds of different organizations where the political clout

was stronger than it could ever have been with the states. You had to work primarily on developing the coalitions and the organizations like the Learning for First Alliance, and the Council for Supported Education in order to make these things happen.

*Your career really spans both the federal involvement starting, and then into the state, and then back to the federal government, and many administrations, and representing fifty different states, it's huge. Let's dig in.*

Well it's a broad brush, but it was tremendously interesting and a wonderful opportunity for me to actually work in, not just study, but work in and participate in key organizations which were pivotal to what was happening in the development of federal education policy over this period.

The last of the activities that I was involved in was actually at the end of the 1990s and beginning of 2000, when President Bush came into office, and that was to work on the early stages of development of the No Child Left Behind, what became the No Child Left Behind program. It was in 2001, that I actually left the Council, stayed in Washington for a couple of years to help work on certain aspects of that legislative development, but then retired from the Council and began working for private nonprofit organizations of a whole variety.

Because of my involvement with the Wallace Foundation, and because they had a system for providing an opportunity for members of the board to recommend directors grants from the Wallace Foundation (as long as they were consistent with the overall Wallace Program) that could be used by organizations or in projects which were important in education development, I

chose to commit to significant grants recommended from Wallace to be used to organize this project for the States' Impacts on Federal Policy. I did that because I knew several colleagues who were as deeply concerned as I was about making certain that the history of development in this period could be captured, and particularly making sure that what the states were attempting to do during the course of this explosion of federal activity was understood. More important, that there would be a record from the several states as well as from the national organizations about the attempts at creating states' impacts, and the results of those attempts which could inform the future development of federal legislative activity in education and help guide through some of the mistakes that had been made, particularly in the 2000 to 2010 period, on federal legislation on the basis of analyzing what did really happen, why it went wrong in certain respects, and what we've got to think about in terms of how we shape the making of federal policy in education for the future, and the structural relationship among the national government, the state government, and the local governments to determine which functions are best assigned to which of the levels and in order to get a much more effective results with student achievement. Happily the colleagues that I had agreed to be advisors and serve on our council to guide this, and the New York State Archives stepped forward to take management of this project, which meant that we were dealing in not just the "education area," but we had been able to link the forces of the Archives with the interests of education and build this capacity.

*Well maybe now is a good time to turn to the actual highlights or the significant examples that you can share about how the states have impacted policy, and maybe we should do this a bit chronologically going back to your early years in Washington?*

Or topically?

*Or topically. (laughs) Both.*

Yes, I've really not only commented on how did I get interested in federal policy, but also why and how did I get interested in the states' impact issue, and I think that I've blended really most of the points on the second question and answer with the first of them. I think I might just before going to some specific examples of the impacts, just make a few more comments with respect to why we're going about committing energy to look at these issues instead of giving the broad brush of what was happening as far as my experience was concerned.

**Hour 1/ 29:30**

**States' Support of Federal Policy, Elementary and Secondary Education Act**

The question can be asked, given the fact that the federal government was moving rapidly over this period to expand its activities, why did the states support this extensive change in the federal role, and did they really expect what eventually happened in these changes? The answer to the question about why did the states support I think I've implied earlier, but let me be very specific on that. In the '50s and in the '60s, it was clearly a period of time when the states and localities recognized that the resource base in the states and localities for education service was going to be strapped, and the potential of using federal resources particularly matched to national concerns or interests, like defense and like economic growth and development, international cooperation, presented a challenge to secure as much added resource from the federal level as possible.

Secondly, it was a recognition of considerable inequalities throughout the country, from state to state, within states, in terms of educational opportunity, and the feeling that given those differences among the states that you could not deal with certain issues satisfactorily just within the state. You had to draw on a larger pool of resources from the nation as a whole to provide that kind of focus on spreading opportunity and equality of educational opportunity throughout the country, and that would have to do with economically disadvantaged children, with children who happened to have handicapping conditions, with their place of birth, whether it was rural or whether it was urban, and so on.

The states were really very, very much concerned on those two points that there be an increase in funds and the states knew that with the resources you were always going to see a certain increase of control or regulation that would come in the way that the resources were to be used, but had to take the chance that with certain protections you would be able to limit the kind of swings in national public interest and policy that might have a bearing on education practice and be able to assure that there was still a very significant local and state control of the educational process, keeping the fundamental decisions as close to the localities as you possibly could. Provisions were put into the federal statutes from the beginning that had to do with prohibition of the U.S. Office of Education or Department of Education having any control over the curriculum in the schools, and provisions were put in place in terms of the privacy of the state laws for determining what the organizational structures would be and so on. With those, the states weighed out what would be the risks versus what would be the gains and chose to be strong advocates all the way through this period for an increasing level of programing knowing that it would also include a certain level of control that would come with it.

*There were strings attached, but they were able to negotiate those strings and what those would look like.*

To the extent that it was an acceptable bargain between the increase in resource versus what might be the strings attached.

*And at the beginning with the Great Society programs, it sounds like the states were supportive for the most part.*

Oh yeah, for the most part that's correct. I give you an example there, one of the big issues on the Elementary and Secondary Education Act which was passed in 1965, was that the states and the localities by and large had been advocates for general aid for education. But to break the log jam over the issue of using federal money for nonpublic schools, including sectarian nonpublic schools as well as in sectarian nonpublic schools as well as public schools, Title I of the Elementary and Secondary Education Act, the big program was a categorical funding program directing money to nonpublic schools as well as public schools albeit on a design that went through the public schools. Because of that provision, with a categorical grant, there was support of Title I from both the public and the nonpublic sectors. It was in a way a reluctant support at first, but over the years that became a very strong support and of course that still is the largest single elementary and secondary education program that the federal government has, and there's a very interesting lesson there with respect to the fact that in this case because the program serves both nonpublic and public schools, it has had political support all the way through, while

other programs which might have served only the public schools in many cases have had a loss of that political support. Incidentally, same thing is true with respect to the programs for children with disabilities both public and nonpublic schools provide them.

The other point that I'd like to make about why my special interest in the states' impacts is this, most of the research and the studies about education effectiveness related to federal programs over the course of the last five decades has focused on the impact of the federal program on the states. What happened to the resources from the different programs as they moved to the states? It had not focused on the other direction. What impact were the states having on the federal programs, their design, or their structure? The information that we have on the evidence of these programs or this activity over five decades is very, very heavily concentrated on the vector of influence going one direction. There's a very practical reason for that, namely that it is far easier for a researcher to look at one source as the generating focus, and then what are the impacts on the recipients, than it is to try and focus on fifty or fifty-plus units generating impacts and what difference did that make on the federal process, either the congress or on the administration in the development. That's a much, much more difficult research task.

And of course, the principle general interest was whether the expense from the point of view of the congress and of the U.S. Office of Education and Department was what's happening to the money that we're spending down there? What is the impact that we are actually making? That's been the focus. That's not wrong, but it leaves a gap.

**Hour 1/39:40**  
**States' Issues with Federal Policy, No Child Left Behind**

The gap being what was happening in this period with respect to the issue of were the states really being considered as test beds for different kinds of educational strategies. Were some of the programs in the tasks in the states actually being used as the core design for the federal efforts and in some cases as we'll see in a few moments, the answer to that is yes. Were the decisions being made on the structuring of the impact really taking into consideration what the unintended consequences might be in the states? Were there any evidences or were there any experiences in various programs over this period of time, which could have informed federal policymaking as to whether if you did this in this particular program, you could have seen it didn't work, you should have tried something differently in the next one over, or more important, on programs such as researching innovation at the federal level. Was the design system and the structure for implementation of researcher innovation effective where the federal government would support research or various kinds of activities? Was there a transmission dealt that would go through the system to have an impact and a useful set of examples for the states then to help the localities, and the localities to improve their capacity.

This issue of looking at the state side of it, these impacts and whether the "theory of federalism" which is that the multi levels of government, national, state, and local, have particular kinds of responsibilities that can help inform each other by way of what makes the most sense in a future design. That is in a way the core set of questions which led us to organize this project and to try to see if we could make a contribution on this issue of better informing future policymaking by building an archival set, by building a research design and capacity, which would be helpful for

the future policymakers. Those are really the key points of why I wanted to move with this project and why I got so much interested in the vector going the other direction.

One last point about the last decade, which is particularly important to me and I think will be to the others who are a part of this oral history project, we did not concentrate on No Child Left Behind, and while this project was started in 2003 and finished in 2008, that was the early period of No Child Left Behind. We're now at a point where we have more than a decade of experience with the No Child Left Behind legislation, and it is an extraordinarily important time for purposes of raising the level of attention to this question of state impacts' because the experience of problems in the administration of No Child Left Behind, of the dysfunctional nature of the stress on accountability, and the way that was designed, and the evidence that the congress has had great difficulty in trying to do anything about these problems, witness that it should have been reauthorized in 2007, even though proposals were made the congress and the administration failed to do it by 2008.

Five years later it still is a pending issue and one does not know how long that will go on, but in the meantime, because of changes in administrative action and the creation of programs like Race to the Top, and the competitive grant aspect that came through the stimulus program related to the recession, have significantly changed what are the ground rules under No Child Left Behind. Given that muddled picture, what can be offered at this point that might help with the structural issues of how to fix No Child Left Behind or the Continuing Elementary and Secondary Education Act so that it's more effective and the specific aspects of the program which should be significantly changed in order to much more effectively use all of knowledge

that we have now about what kinds of reforms work in other countries, and in various places throughout the country—which are very different strategies from the ones we are now seeing pushed by way of either charter schools or the whole issue of over emphasis on the accountability system, particularly on the latter. This is a signal of my own personal concern about what has to happen next and how we might hope that what we've learned through this project could help to inform solutions to that.

## **HOUR 2**

### **Hour 2/0:00**

#### **States Impacts on Federal Education Policy, National Defense Education Act, Vocational Education Act, Elementary and Secondary Education Act, No Child Left Behind, Annual Yearly Progress**

*The date is still September 19th, and we are on hour number 2 with Gordon Ambach talking about special impact topics related to federal education policy in the states.*

There are several ways in which the states have had impacts on the development of federal education policy, or the implementation of such policy and I want to review seven of them. The first is the structural and constitutional role of the states in the function of education in the United States—and this is a very central point—because all of the federal programs in the elementary and secondary education area, all the federal programs, are in fact administered by the states. These are not programs that are administered directly by the federal government to localities or individual schools. Generally speaking, the major programs are all administered through the states and therefore there is always an impact of how the state actually handles that administration, as well as how the state might have had an impact in the crafting of the program in the first place.

The federal government, as indicated earlier, has had funding for various kinds of educational activities almost since its beginning in 1787 with the various land grants, etcetera, and with early programs in the nineteenth century, and early programs in the twentieth century. These programs

were developed not with explicit authority about federal government in education, but more under the general welfare provisions of the United States Constitution, and they were developed to make sure that the resources that the federal government controlled could be targeted towards certain purposes which were national, and which needed to be implemented through the states. The structure of providing federal funds as supplementary to what the localities and the states were doing had a very important effect on the way in which education has been operated in the states.

The last 50 years or so, the increase in the federal programs has come through this whole series of actions which were targeted toward particular purposes which were considered to be national interests. This started with the National Defense Education Act in 1958, and then in the '60s a whole cluster of programs which followed the same general pattern like the Vocational Education Act and the Elementary and Secondary Education Act. The particular importance of this design was to enable the states to have a certain flexibility in how they would handle the education function and to try to minimize the swings in political or ideological direction that might be taking place at the national level in terms of acting or affecting the states at particular periods. By having the administrative authority in the states, you do put in a kind of a buffer arrangement (with respect to some fundamental issues): one whether the state chooses to participate in the program in the first place, and secondly, what are the terms and conditions on which that state might participate.

The developments over the past 50 years of a greater and greater array of categorical programs have meant that even though the structure has the states in prime control for operation, the array

of regulations and directions has increased the net influence that the federal government could have on the states. A prime example of that comes with the No Child Left Behind program which is started in 2002, where the choice made—in that particular program, to emphasize accountability—and emphasize assessments and to create a design that is pivotal by way of determining when a school, a school district or a state is performing effectively as measured by student performance, carries very significant consequences. This of course is the design for the accountability with the provisions of testing in math and reading in grades elementary, middle, and high school, and with a formula for success which is based on the idea of annual progress, Annual Yearly Progress (AYP) and the rate at which the school, the district or the state, is increasing the levels of students and percentages of students who are achieving proficiency in those various assessments.

The period of time set for this provision was fourteen years after the law was to go into effect. If you think about it, that was roughly the period of time the child starts pre-k or kindergarten. It takes one child to go all the way through school. The law chooses a 100% proficiency level as the target, which the lawmakers were advised was impossible to meet statistically, but nevertheless, they refused to yield on the idea that the target had to be 100%. That particular formula was not in place in one single school, in one single school district, or one single state in the entire country when it was first enacted. It was totally crafted just for the No Child Left Behind program. And it has created incredible difficulties and dysfunctions in the administration of the program. In fact, now because of the fact there's been no reauthorizations since 2002, the program is basically being run on a system of waivers provided by the U.S. Department of Education negotiated with various states about how they can slide past some of these

requirements of levels of achievement and if they agree to certain conditions of putting their resources and the stimulus money which has been provided toward a particular set of reforms.

Any rate, more about that later.

The key point still is that now, and unless the Congress changes it, the fundamental operation or responsibility these programs is with the states and therefore the impact of that very fact is extremely important to keep in mind by way of the partnership between the states and the local governments.

*And just to recap, it sounds like the federal role was considered (at least initially in its concept) to be supplemental, to add that extra piece on top of what the states were doing already.*

That's correct.

*Maybe to fill in the gaps, instead of to legislate a whole policy.*

## **Hour 2/10:15**

### **Federal Funding, Role and Structure of State Education Agencies, Reauthorization of ESEA**

That's correct. It was, and indeed the phrase that's used is "supplement but not supplant." The reason for that phrase and that's particularly important in a program like Title I for children who are economically disadvantaged, that the federal funding was not to be used to offset what was state and local funding so that the state and localities could reduce their funding and just use as a substitute to federal. It was required that it be on top of what the states and localities were

already putting in, so it was generally to increase the availability. The same thing has been true with all the rest of the federal programs, they have always been designed not to take the place of state and local funding, but rather to add to the top of it. This is why maintenance of effort provisions have been built into almost all of these federal programs, to assure that the states and localities would not be subtracting their own resource investment, but keeping it up, and using the federal money genuinely to supplement or add on.

*And you had said that this design was also conceived to sort of blend federal dollars with state so that the states would not set up a separate agency?*

That's correct, and that really is the second area of impact which I'd like to point out, and that is that throughout the period of the last five decades, the assignment of responsibility for the administration of the federal programs is not only been to the states, but it's been explicitly to the State Education Agencies. The reason for that assignment has been to assure that at the state level, rather than the state creating separate entities to administer the federal programs, they would be incorporated within the administration of the agency that otherwise had the authority for state aid, for state regulation, for state goal setting, for all of the rest of the aspects of state roles in the education; and again we're talking about elementary and secondary education here, not higher education. It would be incorporated within the structures the State Education Agencies that had those responsibilities. That held up all the way through over the course of the past fifty years and it is a very fundamental states' rights issue, which has been important to all of the states and particularly to the State Education Agencies, that there had not always been agreement within the various powers and authorities of the states that this way the right way to do it. In fact,

over time there have been attempts made for transfer of the assignment of authority in whole or in part to governor's offices or to the state legislatures for their determination. Those have not prevailed.

In fact, there's one very specific example which is important for understanding why this is a significant point. In the 1990s, this time there was reauthorization of the Elementary and Secondary Act being considered, and the National Governors Association advanced the concept that the administration of overall ESEA programs should be shared by the State Education Agencies and the governors. It was incorporated into an amendment which then went through the processes in the Senate and was advanced on the Senate floor in 1994, as a very specific and major change in the administrative structure. The National Governors Association strongly supported it. The Council of Chief State School Officers, and by in large most of the education organizations, strongly opposed it and opposed it on the grounds that it was a key states' rights issue. The law had always provided that whatever the state had chosen and established to be its State Education Agency, whether it was a State Board of Education, elected board, appointed by the governor, selected by the legislature, and whether it was a Chief State School Officer, an administrative staff that was appointed by the board or appointed by the governor, established in some way by the legislature, whichever way that state had chosen to set up its State Education Agency, that should prevail and that the United States Congress and the administration should not have any authority to set up an alternative structure for education administration within the state.

This amendment was the only time that this issue to my knowledge, has ever really been played through right to the action of either the House or the Senate. The Senate defeated that amendment and retained the states' rights concept so that whatever the state had as a Chief State School Officer and a Chief State Education Agency, that would prevail intact in the administration of the federal programs. That's '94, and of course that is still in effect today, nearly twenty years later. [And] I do not know whether this issue will be back again in the next reauthorization, but it does point out the fact that in this case, the argument to be made was that State Education Agencies have by and large been authorized in order to provide a certain buffer between the overall administration of state governments and the education function. They're still accountable for budgeting and for funding to the governor and to the state legislature and whatnot, but for the direct administration of education programs, they've been given a certain space and authority to operate independently because they carry a responsibility not only to administer money and laws passed by the state, but a special responsibility to represent the interests of students and children and families in providing the function of education within that state. That's why this separate status. Just in the same way that in the local levels, school boards have been established generally speaking outside of the regular functions of government, because they carry that dual role. They're administrators and they're also to a certain extent the advocates.

*And I imagine that has led to great variability in different states.*

Yes, it has, in terms of what the structure is. These structures have changed over time. There was a period of time, for example, when more of the State Boards of Education were selected by

direct election of the population, and where more of the Chief State School Officers were selected by direct election. That number has been going down over the course of the last twenty years, and an increase in the systems which have the Chief appointed by the Board, or in some cases appointed by the governor, rather than going into a direct election, which of course creates the whole issue of constituency campaigning, that kind of political activity, and that has been seen in those states that have made the change as not a healthy thing or the best way to have a Chief State School Officer designated.

**Hour 2/20:05**

**Governors and State Legislatures Impacts on Education, State Education Agency Structure, Title I Economically Disadvantaged Students**

*In your opinion, has this structure functioned in terms of what it was intended to look like?*

Yes, I think it has by and large. The action in the 1990s, which I've described, did come out of the changes in the 1980s, particularly in and among the southern governors, when there was a concern about whether the level of educational performance was up to expectations in the states. The public was looking toward the overall state government for more vigorous action, and specifically, looking to more direct action on behalf of the various governors. So you had (as I said) particularly in the southeastern states, you had several governors who really took education as their major interest and as their major functional concerns for their states. It was in a way natural that they felt if they were going to be doing that, and they were putting their political fate on improving the education performance, they ought to have more to do with directing how the expenditures were made and how the system was governed, etcetera. It was out of that that the amendment was advanced in the 1994 time.

One other factor, of course—it was the convention of the governors in the latter part of the 1980s that led to the national goals for education, and that was the governors who were at that time led by to-be-president Bill Clinton as their representative. It was in the period of first President Bush that the national goals went into effect. There was a lot greater interest on the part of the governors, which was a very good thing in my judgement, but then the question came to be whether that should be pushed to the point at which the structure really needed that fundamental change of putting the governors more in charge of the operations of education. Since 1994, there has not nearly been as much of an interest around the country in trying to do that as occurred in the early part of the 1990s.

*But the governors and the state legislatures do have some impact on the running of the state agencies?*

Absolutely. No question about that. They control the budgets, they control the funding, they have a lot of control about levels of positions and relative priorities for the activities of those agencies. There's a great deal to be done, and there's a great deal to be done between the State Education Agencies and the governor's offices and other state agencies together with the legislature in terms of what are the best ways to operate the educational system and use the federal funds. When I was Commissioner of Education, the giant portion of my time was actually spent by way of working with all of these key state leaders, the governor's office, budget division, governors personally, and then the legislature and the legislative leaders in particular in order to assure that we're all on the same page as to what the expectations were—because that was the only way that

you could be convincing for the kinds of requests that we believed were in order, and for shaping the state legislation which was significant to gain, improve, or strengthen the system of opportunity for the children in the state. That continues. There has to be that close cooperation, but it is a question of how do you balance the overall state agenda and interest with the slice of it which has to do with education. That's why the theory of separate structures goes way, way back in this country, and I think importantly still exists.

*It sounds like at least as it was originally operationalized, the federal role was really to provide funding to supplement, and not determine how exactly it would be used, but just set policy directions.*

Right. Well, when you say not decide how it was to be used, in the Federal Title I program, the money was to be used for economically disadvantaged children. Just exactly what the pedagogical technique would be, how you would staff the programs and things like that, were really in the hands of the local school districts and of the State Education Agency. The same thing was true with respect to the services for the children with handicapping conditions and bilingual education and so on. The function to be performed was specified in the federal statutes, the actual implementation was in the hands of the states, and in all of these cases it was absolutely critical to make sure that what the state was doing in its funding for the same purpose was in harmony with what the federal program was. The way you do that is you merge them together in terms of the operations.

*Let's move on to talk about that, the specifics, and also sort of how it dovetails with your time with New York State.*

I think the first specific program area to talk about should be the Title I program, or the issue of services for children who are economically disadvantaged. As a reminder, this of course takes us back into the 1960s. It's 1965, and it was in President Johnson's first elected term, and the program of the Elementary and Secondary Education Act actually included five different titles. The first one was Title I, which focused on the support of the children who were economically disadvantaged, and it was the major title. I won't go into the other titles, but I would note that Title V of that same act actually was entitled the Strengthening State Education Agencies, and it was not a huge sum of money, but it was funding which was earmarked specifically to try to help the states and the State Education Agencies build their capacity in order to be able to properly manage these new federal funds, and help the local school districts to craft the programs and the strategies that were going to be supported by these funds. It was a recognition that not only was the federal government asking the states to do this, but also providing a certain amount of assistance in that Title, and in also other administrative funds to be able to carry out the work.

*That was sort of the carrot, right?*

**Hour 2/29:55**

**ESEA, Title I Economically Disadvantaged Students, Urban Education Proposal**

Well no, that program would have been supported vigorously by the states whether that provision was in or not. It was not a case where there needed to be a carrot in order to get states' support of this program. There were many, many other factors which were far more important.

The other point I would make about the creation of this particular program, in the mid-sixties, is that this was of course a time where there was tremendous ferment in our country around the Vietnam War. It was a time where there was a very, very deep concern about social justice, about equality of opportunities, about services for the economically disadvantaged, whether it was in housing, whether it was in job creation, whether it was in early childhood services, whether it was in health programs. This was the "Great Society" period, and so you have to see the Elementary and Secondary Education Act as one of many pieces that was going through at that time—but an extremely important one to President Johnson and to the Congress and to the states and to the country.

I noted earlier that this was a period of time in which there was a very, very strong period of conflict among constituency groups with respect to education programs and appropriations. The conflicts had to do with the issue of segregation and desegregation, whether segregated schools should receive any funding. It had to do with nonpublic schools versus public schools on receiving funding, and it had to do with this collision between the elementary and secondary and the higher education sectors on which is going to get the priority, with respect to the federal dollar.

The ESEA Title I program as the lead on the biggest program which focused specifically on economically disadvantaged children of course gets strong support from the social justice advocates, civil rights advocates. It also got strong support from the education functions, and the education organizations, and it did so because the organizations recognized that in order to break through this logjam of conflict and get something passed, it was not going to be possible to get a general aid for education formula and program, that there had to be some way in which children who were in nonpublic schools could also benefit as well as children in the public schools. So you got the program which was structured to bridge that with a categorical targeted program on a certain number of children who were eligible because of economic status, and you got a program which could be used in nonpublic as well as public schools, which meant that it had the support of the authorities who were involved in those schools. Very, very critically of course at that particular time, the huge portion of the nonpublic school population was in the Catholic schools in the diocese and archdioceses systems, and so that was a very major political interest as well as a social interest. The states really did support (some reluctantly) to get this program in place, and of course once it was in place the support increased, and increased, and increased down through the years.

The program, because it had this emphasis on supplement, not supplant, and because it focused solely on economically disadvantaged children, had an unintended consequence which was not supportive of good pedagogical strategy. That was so-called effect of having the students pulled out of their regular classrooms and provided separate instruction that was designed to supplement so that you could account for the fact that this was an added program that these children were having. Of course what it meant was at the same time the other children who

weren't eligible, they weren't socially economically disadvantaged, they were all left in the regular programs, and together they were advancing typically at a higher rate than were the children who were identified and separated out because you had no longer this mix of children who were of different socioeconomic backgrounds. There was very little way to overcome that because of the structure of the program of supplement not supplant and because it was to be extra.

Over the years, there had been various ways to try to work through that in terms of the funding and the accountability, but essentially the same basic model which was established at the time and it came through has been with the program ever since. In this particular case we have a very, very significant move in the mid-sixties of a federal intervention, which was strongly supported by the states and which in many of the states became coupled with the state's own concern about trying to weight its state assistance formulas so that more money in the state was directed toward children who were economically disadvantaged. What this meant was a way to try to structure formulas that would target extra state appropriations toward children who were classified as economically disadvantaged, whether they be in urban areas or whether they be particularly in rural, poor areas, and it had to do with readjustment of the way that these state formulas would work in order to try to equalize expenditures better among the districts and particularly to help support the education of economically disadvantaged children.

In New York State, for example, in 1967, the Board of Regents created and had a position paper which was called the Urban Education Proposal. I happened to draft it for the Board, and what it did was to target about 60 districts within New York State which were the districts which were

urban, not just New York City and Buffalo and Rochester and Syracuse, but lots of the smaller cities, and they were the only cities that were eligible for this spending and then their targeted use for them was for the same children that were being supported under Title I. That program never would have gone in place if there hadn't been Title I, if there hadn't been that example of the use of this kind of targeted resource. It was a federal influence on this targeted population supported by the states and then the states in a way mirroring it, some states, not all, to use their own resources that way. Over time, then, in New York various other adjustments were made in the state aid formulas that took into account the characteristics of social status or economically disadvantaged kids so that you could wait the formula to try to get more resources where they were necessary to achieve a stronger base of equal opportunity.

**Hour 2/40:15**

**Title I Economically Disadvantaged Students, Measuring Student Performance, *Nation at Risk***

*So was it successful?*

It's a glass half empty or full story. I think the answer is yes to a certain extent, but if one looks at the current rates of progress today, with all of the changes and attempts in the formulas, the funding of the education programs has, generally speaking I think, improved the status or the progress of the target populations of economically disadvantaged, but it has not closed the gaps nearly to the extent that was desired. And one should unfortunately not be too surprised by that because, after all, at the same time that we were trying to improve the systems for the economically disadvantaged, the states were trying to improve the systems for all kids. The relative rates for progress were both moving up, but not they're necessarily closing the gaps. All

of that was starkly apparent if we move forward to the end of the 1970s. And just think for a moment about what was happening by way of pupil performance if you take a look at it in the '50s and then take a look at it in the '60s and in the '70s.

Now there weren't very many measures that you could look at which were good comparative measures across states over this period of time. The nation's attention by the end of the 1970s, and into the 1980s, had focused more on the overall level of student achievement in the United States, rather than specifically focusing on the economically disadvantaged. The measures, looking from say the '50s to the end of the '70s, at that time were not very robust as to how you measured progress or not. For example, the National Assessment of Educational Progress had never come into place since 1968, so that didn't have a very long trend line, and you couldn't get much of the trend line out of the state tests or the state testing systems. There weren't very many measures to use, but one measure to use was the SAT scores for college admission. There was a period in the '50s up until say the 1960s, 1968, when those who were like me, going on to college, each class seemed to have a higher average SAT score than the one before, and so that was taken to be a kind of indicator that yes, there was something happening by way of an increase in the level of performance. However, after 1968-69, the scores start going down and so in 1978-79, the concern is that the whole system has lost its bearings and the overall performance levels for elementary and secondary education as measured by the scores on these SAT tests (which, granted, were only scores of a certain portion of the population), but these were supposed to be the top performers. Concern was, "Uh-oh, the sky's falling, these are really dropping."

Just as a context reminder, this was the very time when Americans were looking out on the streets and they were seeing more foreign cars than they were American-made cars and a further sense that had American progress stopped or declined. And was there something going on here that was between the issue of a decline in educational performance, a decline in our capacity to produce good automobiles and sell them, or were we actually sliding farther and farther behind in terms of international competition.

This focus then led, when you got the Reagan administration coming in in the '80s, on this concern blown national and nationwide. It led to the *Nation at Risk* report, which was done by President Reagan's Commissioner of Education, Ted (Terrel) Bell, who established that commission to do it, and put out the dramatic report which was indicating that indeed the status of the U.S., when looked at this way and when they looked at certain indicators of general education performance compared in other countries, that in fact the nation wasn't healthy in its education. It was at risk. What this meant for the concern that had been central in the '60s on providing more opportunity was that that can't be the nation's only focus. The nation has got to look at the education system as a whole, and in fact there were lots of people who were concerned that the emphasis on the economically disadvantaged, and on children with disabilities, and on bilingual students or students whose native language was other than English, was important but maybe all of that attention was dragging down the rest of the performance because these students had previously not really been able to make it through into the upper levels of the educational system, and now that they were, perhaps that was the cause of the decline. I don't believe that was the case, but nevertheless there was a feeling of that sort.

At that stage, we go into the '80s and that's when you really begin to get overall in the nation this focus on standards and assessments and the need for improvement. It's another part of the answer to your question about whether the gap was being closed on these students who needed special services because of their circumstances or whether there was something else that was a problem—that the whole system was not functioning as effectively as it should have been. That meant that overall the scores were down as well as the scores continuing to be down and the gap for these students with special needs.

*Well there's also other social factors that play I would imagine, and I wanted you to talk, if you would, I don't know if now is the moment, but about desegregation and White Flight and how all of those policies had unintended consequences that affected schools.*

**Hour 2/49:30**  
**Regents Action Plan, Desegregation/Integration in Schools**

I'd be pleased to. I would point out one thing that is significant by way of states' impacts and states' actions. In the latter part of the 1970s, after I became Commissioner in New York, the Board of Regents and I put our focus on the Regents Action Plan (as I noted earlier). We did so precisely because of a concern about whether the overall system was performing effectively. In that Action Plan we significantly increased the requirements for graduation for our students in terms of numbers of years of mathematics and science to be studied, numbers of years of history, numbers of years of music and art and foreign language study. That was a state's reaction and that was also sort of the beginning period for other states and for research on standards and assessments to see whether the problem was that the expectations weren't set high enough, and

that unless you got the expectations and the measurement of those expectations up, then you really would not have the system respond; and you wouldn't have the students respond because they were going to meet the expectation that you actually set. There's a case of where you have this interplay between what was going on at the state's level and what was going on at the federal level. The states were trying to effectively implement all the series of programs that we were dealing with, expanded opportunity, and then moving toward raising the overall expectation level. And that in turn, then, by the end of the '70s, begins to have an impact on what the federal policy is going to be and how the federal government responds to the concern, which is coming out of the states.

I've given you a very specific example in New York, but you could take a look at Massachusetts, California, Texas, Florida, lots of other states, which were also building up their own capacities for standards and assessments at that point to try to increase performance. We should come back to this a little bit later, particularly to focus on the mix of state and federal roles on the whole business of standards and assessments. Let me respond now to your question about the issue of desegregation, and link it together with this issue of impacts: are the states impacting on the federal government or the federal government impacting on the state government? In this case, clearly the federal initiatives here were through the courts. The Brown vs. Board of Education decision in 1954 was pivotal on the whole question of constitutionality of segregated schools, causing actions to be taken like Little Rock, etcetera, to in fact provide for desegregation. There are subsequent decisions as well which are very important here, but those are pivotal issues.

In this project of our State Impacts on Federal Policy, we have not focused on the court decisions. They are extremely important, but we did not focus on these because the record on all of these activities is very clear. It's all in the court records, it's all in the testimony, in the experience, whether it's at the state level, whether it's at the federal level and so on, it's all there. Our focus had to be limited in certain ways and that's why we focused on what would be executive or legislative activity, not necessarily judicial activity. On the substantive this question, the federal action: which is the highest impact? is clearly the U.S. Supreme Court's decisions here. Then, of course, the Civil Rights Act in 1964 as a very pivotal act, with respect to the executive and the legislative branches, overall on Civil Rights.

The issue of supporting desegregation is an issue of federal action a little bit later in the 1960s, when there was specific provisions to support desegregation efforts. There was of course among the states a very strong difference between the southern states and the northern states on the whole question of the Supreme Court's decisions and on the questions of implementation strategies and so on. As the years moved on past the early court decisions, the issues of desegregation became very, very important in the north as well as in the south. In many, many cases, more complex in the north. The states, whether they were southern or northern, were supportive and very, very strong advocates of trying to get the federal government to boost the amount of money that it made available back to the states and localities to assist with the desegregation process.

Once the law was clear on what had to be done, then the issues were issues of implementation, which cost money. That was true in New York State, for example, as well as it was true in

others. We were very strongly supportive in New York, and as I said, overall the Council of Chief State School Officers and the states generally were very supportive for getting added funds for purposes of desegregation.

I might point out that on the experience in New York State, there is a special authority for the New York State Commissioner of Education to hear appeals on education decisions made in local school districts. That's an extraordinarily important power and that power is reviewable only on whether it's an arbitrary or capricious decision, not on whether it's just another layer of courts substituting its judgement for the previous level when it's all dealt within the state. The Commissioner has extraordinary powers and those powers were exercised in the '60s, and in the '70s in particular, and up into the '80s, by my predecessors and by me in cases that came before us with respect to the integration or desegregation of schools within a certain school districts. They might have been in Buffalo or Rochester or Syracuse. I had cases in Syracuse and then several cases on Long Island where you had smaller districts and a case would be brought that there was segregation, a lack of integration in a given local school district, and the Commissioner had to issue an order to overcome that.

This was going on within New York State and therefore we were particularly interested in having this kind of federal support where it could be used to help alleviate the isolation of kids by race and achieve the objectives of integration. You have specifics there with respect to what the federal government's doing and of what the states were doing. They're all guided in effect by the court decisions. But when it would come around to the implementation side, there really was

a pretty strong support by the states, and very strong on our part, to make sure we would get all the resources we could to help with the integration.

**Hour 2/59:55**

**Desegregation/Integration in Schools, Coleman Study on Impact of Socioeconomic Status on School Performance, Affirmative Action**

There were also going on in New York State at that point some very interesting efforts in voluntary integration in the Rochester, New York area for example. The city of Rochester and its surrounding metropolitan/suburban districts developed a voluntary interdistrict exchange arrangement so that children from Rochester could go out into the suburban schools and children from the suburban schools could go into Rochester, which lasted for quite a period of years as an example as a voluntary desegregation effort. Those were the kinds of things that we also wanted to see supported.

*Well again that question sort of remains, was desegregation successful or is it a glass half full or half empty? It's also the question of how social movement and trends impacted the implementation of it.*

Well the basic fact that has to be dealt with on this issue within a state like New York is that there is no authority in New York to require that students be transferred from one district to the next for whatever purpose you might think about. The core issue is the choice of housing, as somebody chooses to live in a particular district, like New York City or in one of the other cities, or in one of the suburban areas, then the question about the level of integration or desegregation is dependent upon what that overall population is. Over and over again the issue has been raised,

and the same thing is true with other states, and the matter of trying to provide cross district integration has pretty typically been stymied because of competing objectives, of having schools which are local and locally controlled, and so on and so forth.

The other thing that has happened of course here is that the whole issue which was raised in the Coleman Study about the impact of socioeconomic status on school performance as a broader concern than just the integration of different races of students over the years has had a significant impact on the questions of Affirmative Action policies, whether it's at the collegiate level or whether it's at the elementary and secondary education level. That's had an important effect on how much drive or enthusiasm or political will there has been to keep pressing on the issue of integration. That's been true both in the racial minority communities as well as in the majority community. Now that we have such an exceptional blend of different ethnic and racial backgrounds in a city like New York, for example, or other cities they may not be blended in the neighborhoods but if you look at the city composition as a whole, the question of how much pressure is put on simply for purposes of integrating by race as against achieving other purposes like school choice options for parents to be able to have their children go to different schools all over the city, not necessarily by criteria of their race, but by criteria of what does the school have to offer as further complicated with this issue.

When we really try to go to the bottom line about whether the issue of integration has really been successfully dealt with or not, I think the society's focus on this now is probably less on the question of let's just look to see whether in any school or in any sub-district within an overall district we see that the mix of children, whether they may be African American, Hispanic

American, Asian American, and so on, is the same as it is over the whole school district is not as significant an issue as the issues of whether there is an explicit legal block for children to be able to go to a more integrated school, or whether there is an educational purpose which the family wants to have achieved that is causing the continuation of a dynamic where a particular school doesn't reflect the whole district's population.

*The general sweep has been that racial integration is no longer sort of at the center, that it's more about choice?*

It's more about achievement levels. It's more about achievement levels than it is about the composition of the students who are there together.

*Could you trace that shift back to that time period you were talking about with lower SAT scores and the shift towards looking at quality of education?*

Yes, I think in the '80s. I think that's a period of time, especially when you're looking at it from the perspective of what was the federal government doing. It kept all of the programs which were providing equal opportunity (or were intended to provide equal opportunity) downstate in place during that period of time, but the issue of overall quality of the achievement level became more and more important because of a concern about the economic competitiveness issue: that if you didn't really have opportunities to use skill levels or educational capacities that you developed, then we better focus on that rather than trying to keep focusing on solely or specifically and sort of weight more heavily the direct issues of overall integration. As I said, population changes, and

our nation's population where they're moving much, much more towards a multiethnic, multiracial distribution, have in many respects sort of led to this focus on what's the real outcome here in terms of student scores and how is it achieved.

*So that's where we'll pick up in the next hour.*

## **HOOR 3**

### **Hour 3/0:00**

#### **Education for Students with Disabilities, Public Law 94-142 Education of All Handicap Children Act, Individuals with Disabilities Act**

*This is hour number 3 on September 19th, 2013, with Gordon Ambach. We're going to move on to your next area of special impact*

This is the area of impacts on education programs and services for students with disabilities. The initial design of the major federal act called Public Law 94-142 Education of All Handicap Children Act, occurred in 1975. There were subsequent relations of that Act, most notably the Individuals with Disabilities Act which was in 1990, and then another revision after that time. I want to focus on the initial act because of the very special circumstances of some of the states in their own programs having to do with children with disabilities which had a very direct impact on the design of this federal act. In this particular case, we do have examples where states served as testbeds for programs and service arrangements that then were incorporated in the federal action and that was as direct an impact as you can actually have.

*They were actually the models?*

They were the models, that's correct. At this time there was a continued interest in this overall scene of expanding opportunities for students who had particular needs, whether it was economically disadvantaged or in the bilingual education or whether it was indeed related to

segregation, but it was not until 1975, that the act was created that put the federal government in a very large way into the matter of serving children with disabilities.

The two states that I want to refer to in particular are Massachusetts and New York State.

Massachusetts had state laws which preceded the federal act by some time and especially on the issues of determining individual education plans and the patterns for determining how to assess each child and then make a determination about the service plan to be provided for that child, Massachusetts had some extremely good provisions already in place. New York did also, especially in the area of scope of services that needed to be provided for any child who is identified for these needs, and also on the procedures to determine the least restrictive environment which was a way of describing that the child needed to be placed in an environment which was most like a regular school classroom, it was the least restrictive on that location, that would be suitable for the child's progress with special assistance. Both states, Massachusetts and New York, had dealt with that issue and these other procedural issues for how to operate the programs.

Later when there was a revision of this Act, the federal government was able to use the experience of these two and other states and where things have been successful and where they may not have been so successful in order to re-crafting the provisions and dealing with some very, very difficult issues with respect to the cost of the programs related to the cost of a regular students education program and how determinations were made by way of the level of services that each child actually needed. That was a very complex system. It was operated with committees which were in the schools and the whole question about who was involved in those

committees, what their role was, and so on and so forth, and the overall cost of doing that individual plan, which was something very, very unusual in the educational environment although having an individual plan for any student is a good idea, but in this particular case to concentrate the resources on what it would take for these children particularly if they were severely handicapped was something that had to be dealt with over and over again as the system was refined. This is once again an impact area where it's the examples of practice in the states get picked up, transferred into the federal law, and then become embedded as major parts of the federal law.

*And the feds pick this up because of the political tenor of the day, you think? Or why then, specifically in 1975?*

Why did they do this at this point? There were lots of pressure is in the society for improving the accessibility of persons who had disabilities whether they were adults or whether they were children. There were lots of services around in the health field and the social welfare, Social Services systems for accommodating all kinds of ways in which transportation could be accorded to the disabled, overcoming hearing disabilities, sight disabilities. These kinds of things had been around a long time and so there were efforts made to make sure there were ways to overcome them. When it came to the question of education, the issue was to what extent do you attempt to apply resources to any one child? With what level of promise that it wouldn't develop those capacities to a certain extent? Not an easy task at all.

The other issue was, how do teachers and principals and others in the school system make adjustments for other children who are learning with the child who happens to have disabilities to be sure that they can be supportive also of that child's learning, and also that there is sufficient care and sufficient adult professional capacity to be able to deal with the particular needs of the disabled child so as not to disrupt the rest of the activities in the classrooms. Now these are in a way and many more complicated issues dealing with that kind of an environment and with education then was true for general accessibility questions. It meant a lot of work had to be done to provide these systems. There was also the issue of course that there were a lot of nonprofit private providers in this field, and so the question of how much was done within the public-school domain and how much was done through the private organizations had to be worked through.

**Hour 3/10:10**

**Education for Students with Disabilities, Vocational Rehabilitation Act, Bilingual Education Act**

*Back to the question of sort of outcomes and unintended consequences, how did this one play out?*

Well I think by way of outcomes, in my view, one looks back on the issues of what proportion of children who had some set of disabilities or a disability and were not accorded the opportunity for education, and look today at the system to see what that proportion is, there is a tremendous amount of progress that has been made it. It's really quite a phenomenal record of development. So many of these children just never left the home or had any opportunity in the school or

perhaps in some institution setting where they were just not provided with the education opportunities. On that scale, I think in this particular case there has been just as phenomenal change and the technologies which of course were being developed along the way; Criswell Readers, all the prosthetics and the devices that have enabled people to be able to do things that they were not able to do, and the general attitude of the society which has been changed from a focus on what does somebody have as a disability to what abilities does this individual have and how do we develop those abilities. That is a sea change by way of the care and I think with the success in providing these education services.

There is another factor here, the Vocational Rehabilitation Act which of course was before any of this, and which is designed primarily to assist young adults or not so young adults, to gain the skills capacities and work capacities that would put them into a productive employment, was pretty well developed by that point and in some of the agencies like the New York State Education Department, that whole service vocational rehabilitation was the responsibility of our agency so that expertise also have an impact on the capacity of our staff dealing before this Act with children with disabilities to recognize what would need to be done and how it needed to be done.

Then after this act and after the programs in the elementary and secondary education area and in the collegiate area get built up, you got the hinge between the vocational rehabilitation program and the education program which has made a huge difference by way of lifetime preparation, but you're not just educating and then all of a sudden there's a dependency because there's not a skill level or capacity to get to employment etcetera, etcetera. There's really a continuous pattern for

persons with disabilities to be able to move into constructive employment and stay there. I think on that front once again, there's really a very, very important success story here, not that it's ended, but it's a lot of growth.

*It strikes me also as there's a more, maybe a less political issue and something that everyone could rally around.*

You're correct. Let me put it a little different way, it has in the public a far broader base of support because the incidents of disabilities is pretty well spread through different socioeconomic background. In this case you're not talking about something that was particularly pertinent to persons who had economic disadvantages, you're talking with persons who may be at middle class, or upper middle-class upper-class backgrounds, who also happen to have the disabilities and would need the services. So, you got a support pattern in the public which is quite different from the support pattern that you had at that point with a Title I, or with bilingual education. Very different.

*Unintended consequences or overdiagnosis of a disability, or things like that that are worth mentioning?*

Whether it's an unintended consequence, whether it's a consequence that hadn't been thought through as thoroughly as it should have, and only have been revealed as the extent of these programs grew. Was the expectation of let's say a regular classroom teacher, at being able to effectively work with students who had disabilities now in the classroom together with the other

students and what capacity did that teacher have to be able to make the adaptations along with trying to deal with 20 or 22 other children, each an individual and each with their own particular style or needs, but with some of the children having very special needs almost by definition. The extent of that I think probably was much greater than had been anticipated at an earlier time taking a lot more attention to providing aids for some children, a lot more attention to special professional development programs for literally all teachers because of the fact that I know once you got the incorporation of the child with disabilities into the regular classroom it isn't that it is just for a second grade, or third grade, it's going to continue to happen all the way up and so the issue is how the schools prepare for that on the way going through. Once again, I think that's in much better focus now than it certainly was.

*It's a whole interview do we could do just on that, right? As well and several of these topics. You mentioned the bilingual education.*

The Bilingual Education Act, the first one of them, was in 1968, so we're dropping back 7 years before that Act for the children with disabilities. It was in fact a part of the Elementary and Secondary Education Act reauthorization which occurred in 1968, and then that act was amended in 1978, and again in 1994, to provide support for these programs. As was true in the area of disabilities and in the area of overcoming segregation, U.S. Supreme Court decisions were extremely important in creating the new laws.

**Hour 3/19:50**  
**Education for English Language Learners, Bilingual Education Act, Education Requirements for a Second Language, Regents Action Plan**

Once again, that's a very important component here. We did not focus on that because the record is very, very accessible with respect to what happened in the cases and what that was Lau vs. Nichols, and what the results would be. That's not the only case, but that was the primary case with respect to the education for English Language Learners. The terms have changed over the years from the education of children whose primary language is English or other than English and so on. English Language Learners is a much more common term now for these provisions. I like to refer to it as Bilingual Education and English Language Learning, and for a very special reason.

I want to give an example once again from New York and our experience. In the 1970s, we had a special unit in New York State Education Department that focused on the issue of bilingual education. It wasn't established in response to this act federally, but we had a concern there and the interest was being dealt with. Fortunately, we had also units in our elementary and secondary area that dealt with the learning of languages other than English; French and Spanish and Latin and Hebrew and so on. So we had a certain number of people who are very sensitive to the question of learning a second language or learning other languages, and that helped to reinforce the development of capacity in our organization dealing with language learning, whether it was a native English speaker learning another language or whether it was a native speaker of a different language learning English.

Our position very early on in the 1970s was that we advocated the development of a bilingual capacity for all children and this meant that whether you were Native English-speaking and you needed to learn a second language or more in order to develop the capacity so that you could in

fact function in a bilingual setting, and if you were a native speaker of a language other than English, then your program should both prepare you for capacity and proficiency in English, but also assist you in maintaining your capacity, or building your capacity actually, in that native language so that you were going to continue to be truly bilingual. This was not a very common position.

*It was pretty forward thinking.*

It was very forward-thinking.

*And that came from your office? From you?*

That's right, it came from me primarily.

*And where did that come from you?*

It came, not because I was bilingual or not because I was a particularly good language learner because I wasn't, but because I really firmly believed that as we looked ahead in terms of our country's position in the world and a country which because of the oceans on both sides had become very isolated in terms of language capacity, and in effect very little natural capacity for our people to be able to learn two languages, because of the fact that there weren't native speakers at hand, and there wasn't a lot of attention given to keeping traditions going in most of the Immigrant populations, with learn English as rapidly as you can and don't bother maintaining

the native language. As I thought about it more and more I said what a waste this is potentially down track, we are going into Global Dynamic very shortly where we will actually either have a whole set of bilingual speakers or bilingual capacities in all kinds of different languages like the variety of our population, or else we're going to go hire translators and all over the world to do our business. It wasn't just the commercial side of it or the economic side of it, I was thinking about it by way of just the cultural side of it, and the understanding of other people and their background with in their ways of life and their values. At the same time this was happening in the '70s, I was particularly interested in linking yet with our idea of requiring the study of a second language as a condition of receiving a diploma, in fact put that into the Regents Action Plan. That's where it came from, it was really somewhat of a look into the future and the determination that that's a terrible waste if you've got this natural capacity which is building or which comes up because we have immigrating populations who are already there to have their children learn their home or native language, and they ought to be learning English to function in our society, but let's not do it at the cost of losing that native capacity.

*What about its implementation, how was it implemented in New York?*

The implementation was hard work. We had started, remember I put this provision into the Regents Action Plan for a second language study of at least two years in and at the high school level, but it ran into all kinds of opposition on space within a student's schedule to do 4 years of science or four years in mathematics and four years of English and four years of history or social studies or civic learning, etcetera, and also ran into a lot of issues with respect to what about the early years? Why don't we start this when we're looking at children who may be in preschool or

kindergarten or first or second grade and then let it sort of grow up naturally. The counterpoint to that was, well that's a great idea, but unless you're willing to devote the resources to make that happen all the way through the system you're wasting your time on the terms of what happens in the child's time and the resources in the first couple of years because all of the studies would indicate to you then if you don't continue, this is a matter of formal instruction. By the time the kids move on to 4th or 5th grade they've gone, the language capacity is gone. It was a matter of not getting a real take on it because of a priority question and because of a competing resource question.

Nevertheless, the point I'm making is that the stance that we took was very different. I think it's a stance that a lot of people are comfortable with now, they weren't back at that point, but if they're comfortable with it at least to the extent that there should be a concerted effort made to help those students who come to this country whatever age they are, whether it 7 or 8 or 9 or high school years, and they've been learning a language other than English that you certainly try to make sure they can help build on that as well as learn in English. And I think it's had a certain impact and that attitude. If Jose Gonzalez is included and can participate in this, this is a very important point to pick up with him because he was paying lots of attention to this back at that point.

**Hour 3/30:50**

**States Support of Bilingual Education, States Impact on Development of Standards, State Assessment Systems, Regents Examination System**

*And were the other states generally supportive of bilingual education or is that hard to generalize?*

It's very hard to generalize on that I mean I don't have any way to give you a good qualification, of what that level of support was. I think that you could split the answer to that question if you looked across the states today and you ask what's the relative proportion of recent immigrant population in the state in one location rather than another and you'll find that where it is a relatively high immigration rate coming in that there's much more interest in bilingual education than in other states, although it doesn't split just exactly like that. I think the whole business of a global marketplace in the whole business about the global environment, the availability of Spanish language television programs and what's happening is more and more programs in different languages, Chinese, Japanese, Korean, all of those kinds of things are and may well overtake the question of what are we doing in the schools on this issue that just immerse people where it's natural to get immersed.

*The schools will either lead or they'll have to catch up.*

Well then, they'll have to catch up or they'll leave it to somebody else to do. I meet with undergraduates around Yale University here, which I do pretty often, and I look at what kind of language capacity they have at this particular point. That's a rarefied group obviously but if they haven't already studied three languages I'm surprised at this stage. It's just grown like that, so those who were really thinking about life in a global culture are getting themselves ready.

*We're going to pick up now with another state impact topic. I'll let you define it and describe it.*

This is the impact of the states on federal education policy, on the development of standards meeting student expectations and opportunity to learn, of assessments and accountability systems. The period that I'm focusing on here is quite a long one, it really starts in the 1970s and goes up through into 2000 and actually beyond, but I'm going to concentrate on that range. The types of impacts that the state had are several. The first is that several of the states had long-standing examples of State Assessment Systems. New York State for example, had the Regents Examination System, which goes back to the 1880s. This is not something 10 or 15 years before standard started and this is a very, very sophisticated system of standards for course-by-course materials and then assessments of examinations which track them.

*Both standards and curriculum?*

They all were bound together. The specifications for what was to be taught were established in the curriculum, the expectations for what the students should be able to do and know were set, and then the assessments were actually developed for the state by committees of teachers within the state and they included essay questions and short answer questions and fill in the bubbles and so on. A very, very complex system of assessments. Incidentally in the sciences, in order to take a Regents Examination in physics, the student would have to have completed 30 separate lab experiments in the field of physics which was all part of the curriculum. The measurements here were not just based on class discussions and whatnot, they were also based on the kinds of experimentation, hands-on, that had been done. At one point, Regents Examinations were offered at 27 different subject areas including, lots of them in languages, several different languages, and

they were in vocational education as well, not just in the “more academic side.” That's one particular type of assessment system, which had been in place for a long, long period of time.

*Can I ask you what those assessments were then used for? Was it to determine what areas of teaching needed improvement?*

The initial reason for establishing the Regents Examination System back in the 1880s, was that state assistance then was awarded to local school districts in schools on the basis of how many diplomas they awarded. In order to put a quality control into place on the value of a diploma, you needed to have both the requirements for what you expected to have learned in that diploma on the academic side of it, and this is all a very classical curriculum at that point, and a very small percentage of the children were actually going through the schools to that level at that point. The test would then measure whether in fact there was a successful performance of a portion of those students and determine whether they claim of so many graduates was legitimate, it was not. That was its original purpose.

Over the years that purpose was linked together with the purpose of determining the award of a Regents diploma. A Regents diploma was a state diploma in contrast with a local school district diploma, for which the state also had standards and still does but was not at the same level as the Regents diploma which has to be considered as more like an honors diploma because of the rigor of its program and its requirements. There are some other changes which have occurred subsequent to that, but I'm just giving you the backdrop. Point is, New York had such assessments in place, Massachusetts had assessment systems in place, Iowa had assessment

systems in place, Iowa Test of Basic Skills and so on. California, Texas, Vermont, all of these states and many more had Systems of Assessments before the federal government really got into the business of focusing on these assessments so there were plenty of experiences around to look at and testing companies had developed other than say the development of the New York State Regents, which were done in-house in the department back at that time. That's one way, it was the examples of assessment systems.

**Hour 3/40:00**

**National Assessment of Educational Progress, Wall Charts for Measuring State Performance, Frameworks for the Preparation of the Assessment, National Assessment Governing Board**

Second, the states had advocated development and use of the national assessment for education program. That program was begun in 1968, and the reporting of that program was done originally on a region-by-region basis. The state results were masked, but we very strongly supported at the state level the development of the National Assessment and we also were in the lead on advocating that the reporting on NAEP be state-by-state. We made that decision in the council as of 1983, and that was before other organizations really began to push as well to make those state-by-state results rather than just national or regional results.

*And you, just to place you in the context, were you already involved in the council in 1983?*

I was a member, as a matter of fact I was a vice president at that point, and yes, I had been involved with the council as early as 1974, even though I was not the Commissioner, because I would attend the meetings of the Commissioner for the then Commissioner Joe Nyquist, and so I

was very deeply involved with the council, and I was a part of the group within the council which was organized to develop support for state-by-state reporting.

*And the motivation for doing the state-by-state reporting versus the regional was to?*

It was to provide a means using these NAEP tests for being able to get an accurate comparison among the states as to levels of the dance proficient or basic. When the state tests were used alone, nobody had a good way of calibrating the relative difficulty of one state's exam system or assessment system against the next state's.

*Because they were all individual to the states criteria.*

Yes, because they created themselves. Sometimes you had two or three states using the same test, but even so, the question was, were they using the same criteria for cut points on advanced proficient or basic. The importance to us and advocating this, and it was a very tough fight within the council, very, very, very tough fight. Half the states, almost half, didn't want this to happen.

*And why was that?*

Well they wanted their own assessment system to prevail, and they thought if they were going to be subject to a crosscut benchmarking or review with the NAEP system, then they might be exposed as not being nearly as effective as they really were. That's why the controversy, but it

prevailed and so this was another case where here's the states urging at the national level, yes, do NAEP state-by-state, and it's that way ever since, and in fact the state-by-state NAEP Assessments are now used regularly to look at the overall country and determine which states are at which particular levels.

*I'm curious about New York given that there was the Regents exam and all of this going way back in time, how they fared on these NAEP tests.*

First of all, the Regents exam was hitting 40% of the population. The Regents exams were not benchmarked to NAEP or to any other state assessment system because they were course-by-course exams and they would change from one year to the next so that you really did not have statistically comparable exams from one year to the next because we didn't try to do that with them. We wanted to be sure they were course-specific. You couldn't get a good measure of what the state's performance was on NAEP related to the state's performance on.

*No, but just the NAEP and how New York compared to the other states on NAEP given that you had all of this.*

You mean where did New York stand in the NAEP numbers? New York stood in the NAEP numbers in the upper portions of the scores, at least they did up until '84, which is the last indicator that I saw or was on my watch. What was really important as you needed also to try to look, since you were taking the NAEPs, you needed to look at the relative portions of a socio-economic distribution of your populations in those states in order to try to get a little bit more

accurate measure. You take a homogeneous state like New Hampshire, like Vermont, where they tended to be pretty high on NAEPs, still are, even Massachusetts is well up there. The known rule of thumb was the closer you were to Canada, the higher your NAEP scores were. I'm not sure that that's still true in Wisconsin or Minnesota, but that was really very much a Northern known, the closer to Canada you are, the likelihood the better your NAEP scores would be. The issue of what portion was your population was urban, the Chicago's, the New York's, the Los Angeles', and all the rest of the major cities that would always bring a state down, but the key thing was the advocacy to have that information available.

About the same time in 1984, this is when Reagan is president, where Bill Bennett comes in. Bennett became the Secretary of Education after Bell, Terrel Bell, and the *Nation at Risk*. Bennett was a basher and whatnot, and Bennett created what he called the Wall Charts for measuring the performance of all the states. The only thing you could find to put on the Wall Chart with SAT scores, which of course were really biased because of the fact that only a certain portion of the children in the country ever took them, and when you measured a whole states development that way, and in a week we figured there's going to be Wall Charts forever and so let's make them good, let's be sure NAEP is in there. NAEP is the single best trend indicator that this country has period. Whenever anybody is looking to see what's the relative performance levels of our kids now state-by-state but then if you take it over large periods of time going back in the '60s, NAEP is it. Fortunately, it's stayed that way, it has not been corroded in any way.

The next way in which the states really were supporting the NAEP program, was that NAEP tests are based on what are called Frameworks for the Preparation of the Assessment. The

Framework is really an indictment what subject shall be tested within a given area and at what levels of difficulty. All of those Frameworks between 1987 and 2000 were developed through the Council of Chief State School Officers, so here you had the states with the responsibility contracted for by the so-called NAGB Board, the National Assessment Governing Board, on behalf of the Department of Education to actually prepare these Frameworks. You see how important that is for standards because the issue was do these really reflect what's going on in the states or don't they. The fact that we did that, and we won those contracts every time to do it because we did a very good job of it with experts from all the different fields in creating all those. That was a very important development by way of getting state buy in on the whole concept of the National Assessment and because they trusted it and state use of the NAEP and in addition to that, the actual administration of the NAEP program, which required sample testing of individuals for every single subject area, that's a big deal, and the states had to help manage that because the NAGB couldn't do it alone. We did all of that for NAGB in order to assure that these things were of top quality.

**Hour 3/50:30**

**National Assessment of Educational Progress, State Development of Standards and Assessments, National Goals, Goals 2000 Act**

*They were sample tests, that wasn't as if you were testing one kid or population on everything?*

No, it's a sampling process and any given test, like let's say it's a science test and it's going to be covering chemistry and biology, no child takes the whole test. Any one child takes only a part of that test and they are complex.

*You're not really measuring student performance or even school performance.*

No, you're measuring only to the aggregate of a citywide which came eventually or you're measuring to the aggregation of a state as a whole. You got to get a large enough population because with the complexity of the administration of all of these tests, you can't shortcut. Because it's done that way, it's a very reliable trend indicator because they control extremely carefully on the relative level of difficulty of that exam from one testing period to the next.

*I just wanted to have that in there to contrast it with some of the testing that goes on today.*

Yeah right, that's correct. The NAEP tests are given every other year. Some of them I think are given now every year because of their use related to No Child Left Behind assessments, but they were intended basically to be done either every four-year or every two-year period on the cycle to get the trend lines.

The next item for states impacts has to do with the creation within the Council of Chief State School Officers of these multi-state consortium to help the state develop their standards and their assessments. That was very important as a support function and this is going on primarily in the period of the latter 1980s and in the 1990s, when all of the states are busy developing their standards and their accompanying assessments. But how to do the standards, how to create them, and how to get some kind of comparability among the states was extremely important, and we provided that service to the state so that we could really move it along effectively.

*Were these standards across again many subjects?*

Yeah, they were.

*It wasn't just in reading and math?*

No, they were in sciences, they were in social studies, they were in history, there were in mathematics, they were in civics, they were in the arts, they were in geography, they were a whole range of topics, and in many cases they were quite related to the whole NAEP testing system because they were going over the same ground of subject areas and that's what the states needed. That was not limited just to reading and mathematics at all.

The next item was the states support of the creation of the National Goals in 1989. That was done explicitly by the governors meeting with the president, but the backdrop work for that, much of which was done by, achieved the organization that then had been dealing with testing at that point, an independent organization in Washington. We work very closely with them. It was important once again that that here was the issue of establishing National Goals and the states were actually very, very much in the lead on getting them established. They were not dragging their heels, but they were pushing for it.

*The governors in the organization seem to have taken the lead at that point.*

That's correct, that's exactly right. Remember I spoke earlier about the southern governors in the 1980s, and not just the southern Governors but there were lots of Governors who were outside of the South; they were in Iowa, and Tom Kean in New Jersey, and so on. They were very much also in favor of developing the National Goals and we were representing the State Education Agencies and organizations, we were very strongly in support of what they were doing. The next item on this, couple of more, was that after Clinton was elected president and was creating his federal agenda for education legislation, he wanted to have an act which focused on National Goals and realizing them, which really meant of an act which would help to provide support for the states on their standards and assessments. It was called the Goals 2000 Act. We were frankly the prime supporter of that in both the Senate and House, and Clinton got good support with the Congress both in the House and in the Senate, and that went through in 1992.

*You were involved in hearings?*

Testifying all the time on those kinds of things, and on almost all of these things over this period of time.

*This was all to promote voluntary standards and assessments? I mean the states were not bound?*

No, that's correct. No state had to do it. We were encouraging them to do it.

*And were most in support of doing it?*

Yeah, they wanted to do it their own way, but they recognize that it was very important to put their own stake in the ground that this is what we are for and these are the assessments that we want to use to do that. Now keep in mind that you also had the continuation of the ESEA which did require even before No Child Left Behind testing of students who are receiving Title I services and other students and reporting on that, so it wasn't as if there was just an open field. The states had to have certain tests. The question was whether they were going to put new rigor into the requirements or expectations and that's what we were pushing for and that's what the whole Council push for. We had no opposition within the Council on pushing this.

*Is this the time period when the opportunity to learn standards, can you talk about that? Also, it gets sort of theorized.*

Yes, it's very much the time of opportunity to learn standards. By way of a backdrop on this, in the 1980s, as there was more and more concern particularly among several very, very important test measurement academics and scholars, there was Lauren Resnick who was at Pittsburgh, and Bob Lynn who was out at Colorado, and many, many others who were dealing with assessment, there were a couple of major issues which were at stake. One of them was whether you were doing formative or summative assessments. Formative assessments are assessment which go on while a student is learning and you're making a determination as to whether it is progress and whatnot, and summative then at the end of what happens there. The issue of how assessments should be crafted, whether you build an assessment program very directly into the curriculum and into the design so you are actually making progress by testing it, and really getting a

determination there as to whether there's progress going on, or whether you just put the test in at the very end in order to see what progress you got was a very, very critical issue. There was a lot of thinking about doing that.

The other thing that was extremely important to many of us who were focusing on standards and Mike Smith was very much a part of this in the 1980s, and Bob Schwartz was and Pew Form/Pew Charitable Trust was funding lots of projects along these lines, was the whole issue of if you set up standards for what students should be able to know and do, you also had to set up standards as to what the schools must provide for those students in order for them to be able to learn to know and do those things. That was the toughest part of working with the standards because you're no longer just dealing with kind of an even idealistic wish list of the capacities that you want your students to have, but then you have to get to the hard grind of deciding well, if we want the students to be able to speak three different languages as a part of the standard, how much is it going to require for them to do that? How much study in each of these languages and so on? That's just one example but you can use it in the sciences or mathematics or wherever you want it.

*Can the system provide the environment to create the results that it wants?*

Absolutely, but the standard would be a measurement of whether the system has a sufficient capacity to be able to deliver that opportunity to learn. That's where the standard comes in.

*Let's end this hour here and then we'll start with the next one.*

## **HOOR 4**

### **Hour 4/0:00**

#### **Development of Standards and Assessments, National Commission on Standards and Assessments, Goals 2000**

*This is hour number 4 on September 19th with Gordon Ambach. Continuing on the opportunity to learn standards, that was the toughest?*

It was the toughest because there was very little experience that anybody had had in crafting these kinds of things that explicitly. On the other hand, there was a lot of experience in schools setting up course schedules, and assigning teachers, and putting in labs, and materials and equipment and textbooks, and technologies and so on, because one assumed that those were all matched on to create the opportunities for students to learn the different subject areas. But when you started to break it down into smaller details of figuring out if we have these standards in the arts what is it going to take in the school to have a student be able to meet them, then you've got a lot of calculations and determinations that have to be made that schools weren't used to doing and they certainly weren't used to writing out these as standards, as requirements in the sense that somebody could take a look at schools program of opportunity to learn standards and say, yes this school appears to be equipped to be able to produce the result that you're trying to get accomplished.

*And if they're not equipped then who's responsible for getting them to that level?*

That's correct, if you're not equipped then you should not expect that the students are going to be able to meet that standard. That was really the purpose of having them. As I said the experience in trying to write such standards was very scant and there was also a very important political domain and dimension here. There came to be a National Commission on Standards and Assessments in the early '90s, which was charged with the responsibility of trying to make recommendations on what should happen with the whole of the standards and assessments business.

This is about the same time that the Department of Education still under first President Bush and Diane Ravitch as the Assistant Secretary for Research, was moving to fund various projects for voluntary national standards and they were funding these standards projects primarily with organizations which were the specialty; English teachers would be funded to set the standards for the teaching of English and science teachers and so on. That activity was going on in the beginning of the 1990s, and this National Commission was put in place in order to try to help make sense about what was going on with those voluntary standards with the National Goals Panel, with the implementation of strategies toward the national goals, etcetera.

When that Commission looked at the issue of standards, the governors who were on that panel strongly opposed the idea of even keeping the concept of opportunity to learn standards or providing any authority that the federal government should be responsible for setting these opportunity to learn standards. They neither wanted a burden on the states to create them, nor to have somebody else created because they were worried that this was an open ticket to invite very expansive thinking about how much would it cost to realize these standards and then set those up

which, from the point of view of those who might think litigiously on this, would mean if I got this set of standards that says you got to have these things in place an order for those achievement standards to be realized then it doesn't happen, I'm going to sue you because you are not in fact meeting what you're saying you're going to be doing. They didn't want anything like that to happen. They didn't want that set of expectations to be raised which might have in fact increased their budgets very, very significantly, or would have at least created a tension between the appetite for expanding the size of the standard than the difficulty of it when you had to keep raising up the opportunity to learn every time you increase the difficulty of the standard.

*But you and the CCSO were in favor of these?*

We were in favor of creating them, but it was really on, I would have to say, more of a theoretical base of doing it because of the experience that was occurring with the creation of some of these voluntary national standards, where the groups, which had a particular interest in the subject area, would feel no restraints or boundaries on how much they would put into a set of standards for literature or English or mathematics or science. They had no reason to hold back. They had every reason to expand, and so if you had that happening in all these different sets of standards and they were all being done sort of simultaneously, but without any single template or design on what they should be, then you would have been left with a useless pattern because somebody would have to come in there like a good gardener and prune all of them back so that they were manageable. You weren't going to put something together that required six years of English literature in a 4-year high school program, etcetera. The issue was more than just this theoretical business about how to do it, but was it even manageable?

*Or realistic?*

Realistic without having a pretty good test of the crafting of these kinds of standards. I would have to say that I can't recall seeing any very detailed matched academic achievement standards and opportunity to learn standards. We all thought we knew what we were getting at, but nobody could say, "hey here's an example, is this what you want," because they really weren't done. Everybody knew that you needed to have something which indicated the bill for offering the opportunity, but you didn't really have a system to produce all of that.

The bottom line is that the idea of opportunity to learn standards slipped right down through the cracks, and that did mean that when anybody thereafter was creating standards or expectations, whether it was in a school district or whether it was a state or whether it was a voluntary organization, was left with the task of kind of making judgments as to about how much can we fit into a one, two or three year program and not calibrating it very closely by way of what would be the real cost of doing that. So, it never really got very far, doesn't mean it isn't a good idea, but it just didn't happen, other things crowded it out.

When the Goals 2000 program was enacted in 2000, for the development of standards and assessments, there really wasn't any reference to opportunity to learn standards at all built within that. That was a matter of focusing on the expectations for what's to learn in the subject area and not what would be the likely cost or resource allocation you needed to get there.

**Hour 4/09:55**

## **Development of Standards and Assessments, No Child Left Behind, Regents Examination System**

Just two more things here. The states during the same period of time were clearly not focus solely on reading and mathematics. The states were focused on standards which really went across the board and they certainly picked up civic responsibility, the arts and humanities, as well as science and math and economic competitiveness.

The last point on standards and assessments is a major concern which has developed in the implementation of No Child Left Behind where the emphasis and the use of standards and assessments has been almost solely on creating systems of accountability and making determinations of failure and consequences associated with failure, the state's interest in standards and assessments certainly was related to accountability, but there was another aspect of the interest and that was using standards and assessments to motivate and attempt to generate within the classrooms and with teachers and students higher expectations for what they should be learning, not just to get over a bar, but for just creating more learned citizens after their education program was completed. Because of the focus on the lower end of things and cut points to determine whether somebody, a school or a child or a teacher, is a failure and let it go at that, which is basically what's happened in that accountability system to really use the standards and assessments as a strong means of encouraging higher performance.

If I can just finish by way of dropping back to the Regents Examination System, that system was really focused on the higher end of the academic performance and focused on what would be expected of a student if you were really provided an advanced educational opportunity. In a way,

how do you pull the whole system up. I would argue in part that the presence of that Regents Exam System in New York through most of the nineteenth century and on into the twentieth century, was one of the very important generators of a reach toward equality of opportunity, because all across the state, whether it was a rural, a city, a suburban school district, you were setting a bar of performance which was really a high level of academic performance, and although it wasn't for every student, it would generate that kind of an approach within the schools and increase the motivation of I think lots of students who would not otherwise have a strive for such a level of achievement to try to get there. Lots of other states, now what they're doing is they're using advanced placement courses for the same purpose and for challenging their students who can handle them and also for the reputation of proportions of the kids who are actually trying for AP scores, and what it means by way of having a faculty which also has got the capacity to be able to teach their students at this level and be successful with it. This is a continuing major concern now with the No Child Left Behind program and how it may be possible to try to reincorporate the concept of standards and assessments as encouraging stronger motivation at higher levels of performance rather than just seeming to be focused on cut scores at the bottom that determine the difference between whether if somebody fails or gets over the bottom bar.

*Right, standards as a good idea sort of morphed into this test-driven accountability that is punitive it sounds. Or No Child Left Behind, rather than encouraging, it's punishing.*

That's correct. The whole emphasis in the scorekeeping on the formula that was put into No Child Left Behind, is on determination as to whether people can or can't get over the proficiency bar.

*We talked a little bit off tape about why it was set up that way, or the historic influences that allowed this to happen, and I wonder if you want to mention that again.*

The historic influences on the creation of that formula were that the No Child Left Behind provisions on standards and assessments and accountability were established in the period of time after 9/11, in 2001, and there was a lot of pressure to roll through and get it done. President Bush wanted an accountability system and the reading program, and the leaders who were negotiating doing this found themselves in a kind of bidding contest to get up the requirements of what should be expected, for annual yearly progress and for the total sums of performance which would provide that somebody was over the bar or wasn't over the bar. That's when they created the target that 100% of all of the students by 2014, had to be over this proficiency level or any one school would be considered a failure. Some of them recognized I think at least theoretically that there would be no schools over that bar by 2014, but perhaps it could be fixed, or that metric could be fixed by that time. Nevertheless, they were not willing to settle for a measure less than 100%, nor were they willing to settle for an indicator less than proficiency, which of course had been initially designed in most of this testing to measure what was probably about the 65th percent level of performance. The basic level of performance was probably down more toward 40% achieving it.

The creation of that metric once it got started, never could be reversed because of the issue that neither representatives from either parties wanted to be tagged as they being soft on what the requirements would be or backing off on the rigor that was necessary. So, it went in place and it's created all kinds of difficulties ever since. That is one of the key reasons why the use of the same metrics in transferring the results of these tests for students into determinations of teacher performance is such a bad idea because it's flawed doubly.

*In terms of States Impact on this particular No Child Left Behind act, do you have states who are just opting out of it? Or can they, I mean if they don't want the federal funding?*

**Hour 4/19:55**

**No Child Left Behind, Federal Funding, Title I Economically Disadvantaged Students, English-Language Learners**

Well, the federal funding in this case is of such volume that it's very difficult for a state to just simply say, "I don't need this. The amounts are just too large." No, what's happened is that the system of waivers has been employed for a state to file for variations on the use of these metrics and these indicators, and the secretary has reviewed them and I think by and large after perhaps some negotiation and change they've approved almost all the waivers that have been submitted. So, those states which had really wanted to have that curtain lifted on some of the aspects of assessments and accountability have done so by agreeing to the other provisions which the Secretary and the Department had wanted to put in place on the use of funds. That's the status now.

The most important point is that we are now in 2013, this act was passed in 2002, there's never been one reauthorization and 11 years and it's really very outdated and muddled and instead of just plugging along with what's there, it is extraordinary important to get a new clear design and set of purposes there and then craft the rest of the proposals around doing that. These funds are much too important in the overall purpose of raising the levels of performance of students who are economically disadvantaged, which is what the Title I money is all about, is too important to see it eroded. This is a program which was designed for children who are economically disadvantaged, and its specifications are now being applied to the entire school system, public school system, they don't apply to the nonpublic schools even though students in the nonpublic schools are still getting aid under Title I. This is not something that's just a part of the Title I funding arrangement, this is pervasive throughout the entire system.

*These standards don't apply to all student populations either, or can't, if you're looking at English language Learners?*

Oh yes, they do.

*Is that appropriate though?*

The levels of performance which are expected are meant to be across the board.

*Also, for kids with disabilities?*

Sure, unless there's an IEP provision that indicates that that's just not realistic for that particular child.

*Well in the lessons learned portion of this, maybe you can talk a little bit about the impact you hope the states can have.*

Or what's got to be done over all by way of remedying this? Can we move on to the next area? We've got three more.

*Absolutely.*

This is impacts having to do with early childhood education, early childhood learning. Once again, just as a historical note for federal participation in this area, during the Depression in the 1930s, the federal government did support Early Childhood Learning and Services for Families in Need—also a program which was designed to help employ teachers and aids who would otherwise be involved in the education of these children. During the Second World War, you also had federal funds being used for early childhood care and education for the children of mothers who were working in the defense effort where the fathers were in the military, and so it was necessary to provide some kind of support backup. There were experiences early with the federal government in working with early childhood education. In the 1960s, it was through the Head Start program, which was one of the Great Society Anti-Poverty programs. It was outside of the education bills, but nevertheless it was intended to provide both care and education for children who were economically disadvantaged, and it was named Head Start. It was never

administered by the U.S. Office of Education and depending upon the state it might have been administered through a State Education Agency, or it might have been administered through a Social Service Agency. It would probably be more the latter than the former for the reason that there were a whole variety of settings in which the programs could take place, not just in the public school systems, but in public schools and nonpublic schools and community centers and other locations which weren't necessarily authorized or certified or licensed by the education authorities.

That has from the beginning always create an issue with respect to the standards for the services, the opportunities provided in these centers, the standards for the education program, were they really rigorous, were they really what children needed or were they primarily a Care standard, which was important certainly, but not necessarily up to what most experts in the early childhood education field consider was the right set of standards for challenging children who were of this age and providing for their learning. During the 1960s, there were several states which actually did have or started preschool programs.

*New York?*

Yes. You couldn't do this under Title I that really could go down to kindergarten, but you couldn't really get into the preschool years. In New York State in 1965, the State established an experimental pre-kindergarten program. It was one that was run through public school systems and a very rigorous set of standards were put in place as to what was expected in the program. This is the same time incidentally that in Ypsilanti you had the program which had a very

accurate very careful measurement of student performance and the results of which were and have been touted as a major reason and value for preschool ever since. There were various projects going on around the country. Most of those were really pilots. They were not of any great extent.

In 1967, in New York State, the border regions issued a policy paper, which was on early childhood education. That paper, which used the experiences in the experimental program plus other evidences which were around, to call for State funding for all four-year olds for preschool education within a period of some two to three years following that date in New York State. That was to be followed by an effort to provide pre-K programs for all three-year olds in the State, not requiring them to attend, but on a voluntary basis for attending them throughout the State.

**Hour 4/30:15**  
**Education Funding Sources**

This was about as bold a proposal as had been advanced. It went before the state legislature, it was not dealt with at that point, and I am sad to say that it never has been dealt with since that time. I cite it because it's an indication that at least in New York there was a judgment which is widespread now, that the most important level of education to be supported was essentially the very early years, that if you did not provide for the opportunity at that time, then students, particularly those who are economically disadvantaged, would begin falling back on language mastery. They would begin falling back on conceptual thinking. They would begin falling back on just communication capacities, and in every other way, that it's essential for building a basis so that the rest of your learning is going to proceed effectively. And, you don't get a second

chance on that; you go one time around. So, if you don't do it, then you probably are going to have a lot of difficulty in recouping. In any event, there was no success with it, but it was a precursor that the State of New York and the Board of Regents were ready at any point to try to advocate that the federal government join with the states in advancing a very substantial program of pre-K service with a shared formula of service but that it was for all, it was not just going to be for some. The federal government never had until the early '90s, a concerted effort to try to start such a program.

In 1992 and 1993, the coalition was formed between the Children's Defense Fund, with Marian Wright Edelman, and some of us who were in school leadership positions, including the NEA, the AFT, the Council of Chief State School Officers, and others who were advocating for the authorization of this kind of a federal program. It moved pretty effectively in the Senate, and we thought that we would have some success with it there, weren't certain about the House.

President Clinton was in support of it, but the agreement on the program as it started out that services could be provided by public and nonpublic schools and non-profit providers, which was necessary in order to try to get an across-the-board support for this, and also was very necessary because these organizations—the organizations and the nonpublic schools—were already providing an extensive amount of pre-kindergarten work anyway. So, he had to figure out a design for allocation of funds that would include them. There was no way that you were going to be able to provide just an added program in the public schools and then say, “All right, now you folks over here in the nonpublic or nonprofit sector, you just carry on with your own resource.” It had to be across. At the last hour of negotiations, the National Education Association bowed out, opposed the provisions for the nonpublic and the nonprofits, and the whole thing died. There

hasn't been any major proposal like that that I'm aware of since, that's had serious attention. President Obama has advanced more, if you will, sort of the pilot or small-scale demonstration programs in the early childhood field with some of the stimulus money and then presumably to be carried through with new appropriations for a regular authorization of pre-K.

In the current debates over the budget and sequestration and complications of funding, that doesn't seem to have moved very far. The Country's still left with the fact that support for pre-kindergarten is very sporadic, some states have a pretty substantial program now, other states don't have any, also we don't have any uniformity with this, and yet all the evidence just keeps piling up that the critical nature of either closing gaps in performance or increasing the capacities of the entire student population are really dependent upon getting that early start for everybody and making sure that through whatever organizations in the country, we provide the opportunity to do that.

*That's a frustrating one then.*

Yes, it is. It is particularly for me. I wrote that paper again, the basic work for it. The Regents have long advocated just exactly this position, but it's been very difficult to get and to keep attention on it because of the fears of cost. It is in fact one of the issues that's looming as a more and more significant generational contest. Do you put the money into healthcare at the end of life, or do you put the money into education care at the beginning of life? The farmer is winning out and there's enough problems in trying to find a legislative solution that deals with

incorporating a whole array of services they're already out there in pre-k and early childhood into an overall nationwide pattern and system.

*Above and beyond Head Start.*

Yeah, above and beyond Head Start. Doing so with the proper set of standards for what the services should be, splitting the difference between the childcare and the educational services, and making sure that the transition and funding so it's fair, works.

**Hour 4/39:20**

**Learning Technologies, Universal Services Act, Federal Communications Commission**

The next area of impacts is on learning technologies. From the 1960s forward, both the states and the federal government have been supporting developments for the use of learning technologies; radio, television, various delivery devices, computers, and the internet; with digitization of materials for instruction. Various research projects and demonstration efforts have been funded by the U.S. Education Department and by the National Science Foundation in this area, and some by other federal agencies. Indeed there is a lot of development in technology through the Defense Department, which of course are now being shifted over, or given over, provided as examples of how to use technologies in education, and those are being used now in more and more school systems, just the concepts that come from them.

Simultaneously with these projects and efforts, there have been developments in the telecommunications delivery system, which have been supported by the government. These

started really in the rural areas and they had to do with telephone services and then with TV access and then later for the internet.

In the mid-1990s, a bipartisan coalition of Senators and House members and the administration developed what came to be called The Universal Services Act in 1996. That built on a provision for expanding telephone service that was actually crafted back in the 1930s, and that was designed to bring telephone services to the rural areas where the cost of landlines was enormous and the spaces were big, and so they couldn't get any kind of services, while the rest of the country in the urban areas were getting telephone. The program was established then and that provided subsidies to get that accessibility, and that was the basis for working the Universal Services Act. The states particularly through the Council of Chief State School Officers in this case, was a very strong advocate for this act, worked with the Senators of both parties on supporting it, on bringing together the folks who were in the library communities because they were eligible. and of course. we were in New York, running the State Library of New York, and we were providing all of the library funding from the state level, so we had a special interest in this, and also were very much interested in putting money into subsidizing the internet for all the schools, public and nonprofit, I might point out, because they were all eligible.

*So when you're talking about subsidizing the schools, you're talking about bringing internet service to the school. Does it also include the hardware and the software to connect?*

Yes, there's a mix of some hardware and some software, but it was basically a subsidy which would provide support to the schools or to the libraries. They would buy the equipment.

*They would have to have their own resources to do so?*

Yeah, they would have to be able to start it up, but the subsidy would give them a special deal on rates and provide that it was possible and affordable in areas throughout the country to actually develop this sort of service. If you today go into rural areas, or where I spend some time in Maine during the summer, the principal source of the internet up until about this year is in the middle of the town, and it's the public library. They have a wi-fi system and it runs 24 hours a day. They don't even open the library. You park outside and you go in to attempt and you get your services right through the air. That's a kind of an example of where something was offered, created because of this federal intervention and it's one which is an example of a very specific state recommendation and impact. Getting the program enacted in the first instance and also then of getting it implemented because this is one case where a program was not designed to flow through the states. This was a program which was to be run from the FCC directly out to the communities all over the country with no intermediate authorities to help organize it.

*Did that make its implementation easier or more difficult?*

No, it made it much more difficult, not having that system because the big issue was making a determination about who is eligible to receive the funding and at what levels and on what basis were the calculations to be made because it's a relatively open source, if you will, so you had to determine whether those criteria were met. What we did was work with our counterparts in the

different states, the libraries and the schools together, and then they in turn would work with the FCC because the FCC has no structure state by state by state to do this kind of thing.

There's an important impact there, both advocacy and implementation, and that has made an enormous difference on the speed with which the schools and libraries could actually come up to a capacity and to a level of digitization of being able to provide services through their communities. A program still is moving right along. We're not talking about a trivial amount I think, it's probably a billion and a half dollars a year across the country and perhaps more. I may be underestimating what it is right now. It's clearly not the only thing to do in learning technology but it's part of the delivery system and it's a very good example of an impact. Going forward in this area, the world of information technologies is spinning so rapidly that it's really only the major companies and corporations which can keep up with the design of the development. So, it's a puzzlement all the way around as to how much direct subsidy or support the federal government needs to put into this, which way does that happen versus what the states do by way of assembling resources together with the localities to make the advance with the technologies occur. It's especially puzzling because the net cost of producing and developing these services is dropping so fast that it may be that new technological developments bring into range affordability that wasn't heard of five years ago.

*And how all this technology will actually affect your education and practice and teaching standards.*

Right, right. I won't get into that at the present time, but that's the impact lesson.

*Yeah.*

**Hour 4/49:10  
International Benchmarking of Education Practices and Results, International Assessments of Education, TIMS Study, Office of Economic Coordination and Development**

The seventh and last example of impacts is on the topic of international benchmarking of education practices and results. The United States government through the U.S. Office of Education and the U.S. Education Department has supported the early efforts to establish international projects for comparing education practices and student results in elementary and secondary schools for several decades. The projects actually began back in 1958, when the U.S. Office of Education was funding an organization referred to as IEA for International Assessments of Education. The studies were in several subject areas over this period of time, but usually not on a very regular and periodic basis because they were done by groups of researchers in the various countries and the issue of getting consistent funding was a problem for that to happen. These were very early trial runs on what did it take in order to do acceptable international studies where you had the comparisons. It had to be cross translated and you were trying to get measures of both practice and performance in countries that had very different languages and different curriculum sets and different expectations for students.

The development of these studies is something that we in the states really began to support in the 1980s. This was at the same time that there was a concern about state-by-state results under the NAEP program, and it was of course a time of concern about the issues raised in a *Nation at*

*Risk*, about our relative position in the world and comparison with other developed countries, both on education and on economic issues. It was not an unusual thing that we were interested—as was the federal government in trying to get a much better, more systemic system for measuring these comparative indicators over periods of time so we would have good trend lines in order to determine whether practices in certain countries were more effective than they were in other countries.

*When you say “we” now, you’re talking in terms of the CCSSO?*

I’m talking in terms of this states collectively as the “we,” but as represented by the CCSSO in this particular case, very particularly in this case.

During the 1980s, both the National Science Foundation and the U.S. Education Department went to the National Academy of Sciences and asked the economy to organize a structure which would provide a sort of umbrella oversight of the development of these international studies. A special committee was organized in that framework. I was appointed as a member of it. Mostly, it was persons who had done research on international comparative studies and representatives of the various governmental agencies and testing authorities and experts through the country.

I was asked to serve on behalf of the United States and the Council as the United States delegate to the IEA General Assembly, the organization that managed all of these programs. The designation was done for a couple of reasons. One, it meant that rather than the United States being represented by an official of the U.S. government, the U.S. was being represented by a

person whose basic representation was of the states, which in this country had the prime responsibility for education. Different countries had different types of people who were the representatives, in some cases it was from a Ministry of Education, in some cases it was a researcher, in some cases it was an official in one of the subunits within the country.

At the time that this was occurring, it was primarily Western European, the Nordic, Canada, the United States, English-speaking world countries, and some others who were participants up to about 25 countries. At the same time this was happening, we were doing the frameworks for the NAEP, for the NAGB, the National Assessment Governing Board, and so it was a wonderful opportunity to see the interweaving of the national developments and of the international developments. The United States had a very high stake in all of this because actually our government with the principal funder of the major studies which were being done, that is U.S. government was funding the core assessment costs and the management of these studies. Each country had to manage the testing in the way that the system worked. There were vital U.S. interests in making sure that it worked well, and there were at that point, in my judgment, very critical down track issues by way of building out this benchmarking system so that we would have a much better read on how progress in education was going within the United States as compared with the trend lines on the same test in other countries. It was the right move to make. It was quite unusual for a council such as ours to actually do this because we were involved in the International Adventure, albeit one that was important to finding out just exactly how well was our performance going related to the rest of the world.

*So there was the development of an international assessment? How did you do a comparative analysis?*

There were developments of not only one but several international assessments. There were assessments in mathematics, there were assessments in sciences, there were assessments in reading, there were assessments in one's own language area, there were assessments in the use of learning technologies, there were assessments in civics. It was quite an array of topics which were actually measured.

The process of doing these assessments at the time, was one in which the general assembly of the IEA would determine the subject area to be assessed, would determine whether the periodicity of it, whether it would be every four years or one every five years or even one every 10 years if it was a subject area that wasn't as vital as trying to measure say mathematics and science. Those became the principal focus point of these studies, but also reading literacy was a very key one for all of the countries and that was continued on a regular basis.

*And continues today?*

Continues today, and in fact, there are now two sets of these international studies. There is the set that the IEA does and in mathematics and science that's called the TIMS Study. The other set that's done through the OECD, the Office of Economic Coordination and Development, that's done out of Europe that measures performance at a different age point than do the TIMSS or the IEA studies, but they're still intended to try to capture comparative results and very important

particularly for TIMSS and the IEA, the studies are designed to capture practice, so it's not just "what's the score," it is what is the program, what's the curriculum, in a way, what's the opportunity to learn that is provided for getting the results. These studies have been carried on, and TIMSS, since the early 1990s, and they're going still today. They have been very, very important in the context of trying to get a handle on whether we are staying in the same relative ranking position as we have been for decades, whether we're moving up, whether we're moving down by way of the status, and that's all very important information. Equally important information as far as I'm concerned is to try to get a handle on the particular practices of the various countries.

**Hour 4/01:00:25**

**TIMS Study, Office of Economic Coordination and Development**

*That are succeeding?*

Yes, that's right.

*How are we fairing?*

First of all, you have to know that from about 20 to 25 countries which were doing this, let's say back in 1990, that the number of countries that are participating in the TIMSS is moved up more toward 50, and the number of countries that participate in the OECD is moving more toward about 70. So, you have what was basically Europe and the English-speaking countries to start with, expanded by Southeast Asian countries, expanded by Eastern Europe, and its expanded by

some countries from the Middle East, and from South America. That's what has swollen the numbers. When you look at rank ordering and whatnot, in one case you're going back to maybe 20-25, in the other case you are looking at 75. The United States in the mathematics and science area on TIMSS, now is about where it was in relative rank order back in about 1990. That's not been a decline. If you look at the OECD numbers on this, the United States sits pretty much in the middle or upper part of the middle pack of countries. Interestingly enough, it's the same pack of countries who sit in that spot in the TIMSS studies and who sat in that spot in the TIMSS program back in 1990. In a way what's happened is, you had an expansion of the Southeast Asian countries, many of which have ended up there in the top rungs, like Singapore, and Hong Kong, and Japan, and Korea, and Taiwan. When China gets measured, they're measuring one city, they're not measuring the country, they're measuring either Beijing or they're measuring Shanghai, so in my book that's not really country representation, that's a city-state representation. The group below that is the Eastern European countries on these over, and then the group tends to be a mix of Western European, Australian, New Zealand, the United States, they're really very much bunched in the middle, and then you got African, and you got the Middle East, and you got South American countries which tend to fall down below.

The press, when it sees all these reports of course, is all full of stories about the fact that the United States ranking has gone way down since these were started and the studies were started way back in the '60s. The U.S. was never at the top. The U.S. was always somewhere sort of in the middle of the pack and it's still there. Would we like to see it above that? Absolutely, of course we would, but that's where it is and that's why it's important to have these kinds of benchmarking studies. The buildup of doing this, because of the state's activity and the state's

influence, is in my view an extremely important state impact that has occurred over the course of the past 20 to 25 years.

*And will continue.*

It will continue, but practically nobody thinks about that as anything that the states had an impact on doing. That's all something else that occurred by the federal government or I'll hear some place by various organizations that analyze them. That's in fact really a very important impact contribution of the states.

*Good that we got it down for the record. Thank you.*

## **HOOR 5**

### **Hour 5/00:00**

#### **Lessons Learned from States' Impact in Federal Education, Structure of the Federal Government, Roles of the States and the Federal Government in Education**

*The date is September 20th, 2013 and we're on hour number 5 of our interview together. Gordon Ambach on States Impact in Federal Education Policy. Let's spend this hour talking about what you consider the lessons learned about states impact and how this history should inform the next steps the government should take in educational policy.*

I think the threshold question of lessons learned is whether the intended effects of the several kinds of state actions to impact federal policy were effective, especially with respect to the seven different examples that I have provided. What kind of actions, which impact seemed to be more effective than others, and in the aggregate whether the overall actions of the states in this broad perspective of 50 years of change in the relative roles in education have been a plus or whether they have not, and if not then what should be done next by way of shaping the way that federal policy is established and is implemented.

Let me comment about the seven different points and just briefly note what would be my own take on the net effectiveness factor for the ways in which the states tried to have an influence and whether they were successful.

The first one has to do with the overall structure of the federal government and what were the relative roles of the states and the federal government, what authorities were there. On that one,

the key issue was the primacy of state administration for these several federal programs and over the 50-year period, that principle held. The State Education Agencies and the states do have the principal responsibility for operations together with the localities. All of the work done by way of trying to assure that the concept was built into these federal actions, I would have to rate as an effective one.

I would make a similar point with respect to the second statement about impacts and that was the continued authority given to State Education Agencies, specifically in the federal statutes, by way of the administration of federal programs. That has held throughout the 50-year period. I think that it's important to know that framework, that aspect of this relationship, is still in place. In my judgment, it's been a wise set of decisions to keep that in place (even though this relationship has been strained in certain respects) and various ways in which there is a linkage have been improved, and other ways exposed with respect to how the overall system works. There is, for example, still a very, very loose connection in the field of elementary and secondary education between the design and conduct of research about practice in the schools, whether it's the creation of the curriculum, the preparation of teachers, organization of schools, use of technologies, all of these different very important areas. It's a very loose connection between the decisions on which research should be undertaken and how that research would be used in implementing strategies, when you're looking at the states—and particularly the schools and the local school districts—because unlike what happens in most major companies where that research function is bound in tightly with the management of the organizations (I'm talking about the huge companies, the Bornings and other enterprises which are huge just like the education enterprises) the research that's down there and the development and the innovation that's done

has a very purposeful connection with how it's going to have an impact on actually changing the system. That connection has not really been well structured or developed over this time as between the levels of government at these functions. The research very often has been done with all goodwill that it's meant to affect practice, but it's not closely hinged to the delivery system for practice and that is an aspect of relationships among the levels which certainly needs to be improved for the future.

Let me turn now to the issue of the impacts on the several opportunity programs which we reviewed. First on the ESEA and especially the Title I program. Here again I would suggest that the relationship developed between the states, localities and the federal government on the impacts and Title I have, by and large, really been pretty effective. That is, they've been effective until we got to the difficulties which occurred with No Child Left Behind, and I'd like to comment more about that in just a few minutes, particularly related to the whole issue of standards assessments and accountability. The relationships and the impacts going both ways on the matter of desegregation and integration attempts, I think, as well have worked fairly effectively. Keep in mind these have been attempts to try to get authorized expenditure to implement programs rather than the issues of the primary cases which set the ground rules as to what the policies should be. Although the amount of money that the federal government ever put into this area was nowhere near what was advocated by the states for purposes of help with the desegregation programs. Again, with respect to services for the disabled populations of students, I did note there that in crafting the initial legislation for this purpose, the federal statute drew heavily on experiences of the states. There's a particularly good example of the federal system using experience of the component states and using it well to create the design for what would

happen after there was already certain experience with that, and therefore increasing the effectiveness rate because of that experience. That did occur in the area of serving children with disabilities to a considerable extent.

**Hour 5/10:20**

**Lessons Learned from States' Impact in Federal Education, Federal and State Funding, Standards and Assessments**

Once again the financial side of it—namely expectations as to what support levels would come from the federal government and what were indicated as potential levels of support by the federal government when these acts went into place—what portions would come from them have never been close to realized, so that the structure of requirements put in place and yet the burden of providing the resources to implement really cast primarily on the states and the localities for assuring that the services were in place.

*So, in many cases some of these were sort of unfunded mandates or partially funded mandates but never funded to the capacity that the states wanted or the original programs...?*

Or expected. That's particularly true with the programs for children with disabilities because the level of prescription or detail that has occurred with the IEPs (crafted at the local level, of course), but nevertheless required by the federal provisions, and the service levels, especially for children with very severe disabling conditions, on the expense of providing for those has far exceeded what the expectations were in the initial design. This is a place where there's clearly been a funding shortfall. When you measure the effectiveness of the impact of the states on the

capacity to get the resources in this program, it's not been as effective as it should be, from the state's perspective.

*And they're dealing with federal governments who may not place the same import, you think, on the programs or is it...?*

The issue has been the tradeoffs within the federal budgeting process and appropriations process of how much is going to go into which particular function of government across the array of functions, whether it's defense or whether it's transportation or health or education. So, it's in those priority decisions that you generate the result. Which takes me back in this context to say well, the advocacy for greater spending here by the states, which was an attempted state impact, hasn't been as effective as the states had hoped it would be for whatever reason.

The next issue on the Bilingual and English as a Second Language programs. As a reminder, the federal actions here were also primarily in the form of judicial determinations as to the policy, and then the issue of subsequent acts is around the support provided at the federal level to bolster the capacity of the states and localities to be able to deliver the appropriate levels of education. Here again, the authorization requirement levels I think have not been the problem, but it's been a funding problem. From the state's perspective, not an adequate level of federal commitment to at least meet the expectations that states have had for help in trying to carry through these programs.

If you take this set of the major funding efforts by the federal government and sum it up by way of state effectiveness, of the effectiveness of state impacts, it would be to say that I think the states would generally feel as though the federal actions had been responsive to the state's interest by way of the identification of the particular needs for the student populations. It's matched on to the way that the states see those expectations. That's a good thing. But the downside of it has been that there has not been a commensurate level of federal funding to help the states meet those expectations.

*So, in a way the states have responded or acted in all the ways you would hope, but the federal government hasn't.*

I'm talking about it in the context of what the states advocated, not what they responded. What the states advocated for the federal government to do namely to be involved in these areas of support and to make a nationwide commitment to these areas, whether it be for the disabilities, for the economically disadvantaged, and so on. The states wanted the federal government to target in these areas and that happened. The states also wanted the federal government to provide what they consider their share of the cost of taking on these very specific causes, and on that front, if you look at the full sweep of the 50-year period, and you look at the fact that the net proportion of federal spending in elementary and secondary education related to state and local spending hasn't fundamentally changed over its percentage 50 years ago. Then you have to conclude that this is a disappointment because it was this paired objective of both recognition and establishment of nationwide needs and provision of state and nationwide resources that the states were really advocating.

*Are there recommendations you would make for different kinds of advocacy which would have greater impact in this area?*

No, this is a straightforward issue. You're advocating for increased resources and you have to keep doing it, and you have to keep doing it. You have to make the effective case that these are important supplemental programs for the federal government and the nationwide resources, the resource that should be tapped, to assist in providing them. It's very straightforward.

On the topic of standards and assessments, here there has very clearly been a responsiveness of the federal government in terms of the importance of good standards for instruction and student outcomes and for matched assessment programs and there have been many, many ways that I described earlier about the ways in which experiences of the states were, in fact, incorporated into positions and policies of the federal government.

**Hour 5/19:55**

**Lessons Learned from States' Impact in Federal Education, Accountability Provisions, Standards and Assessments, States' Impacts on Early Childhood Education**

That's all a plus. The downside issue, once again, occurred really in the developments within the 21st century and that is the overreach which was made, and overemphasis which is placed in the accountability provisions of the Elementary and Secondary Education Act or the No Child Left Behind Act. I spoke to that earlier so I won't repeat the kinds of difficulties which have occurred, but the lesson learned in particular here, or lessons twofold, are these: One, that in this case there should have been much more analysis before the No Child Left Behind Accountability

Provisions were actually enacted related to the practice of using standards and assessments and accountability systems in the field then there was in order to develop scenarios about what would be the consequences, or the unintended consequences, if this accountability system had gone into place. There wasn't such analysis done.

The final enactment was made in such a short period of time after the critical formulas and designs were created that there just was no time taken for this to happen. The lesson learned here is twofold; one, that whenever there is a very major change made in any kind of federal education statute or program, there really needs to be a rigorous review of current practice and what is the likely consequence of making the change on the overall operational conduct of practice, not just on the testing system alone, but how that has an impact on everything else that occurs within the system.

The question is how to do that, and my own view is that a specific lesson learned is to take the example which is used now in the Congress of the Congressional Budget Office, or the CBO, where on a fiscal front there's always a review about the likely impacts of major pieces of legislation which informs that way, and either have an organization like the CBO, which would be a congressional independent group to analyze this kind of potential effect, or use an organization like the National Academy of Sciences, which does this kind of reviewing in all kinds of topics, whether it be air safety, whether it be in transportation, whether it be in atomic energy use, and so on, and get a very, very important independent analysis of what probable impacts there would be. Those studies aren't always necessarily followed, but nevertheless, it provides a scientifically-based set of information that can be used by both the interested parties

in the field and the Congress and the administration to come to final conclusions about what the effect is going to be if the particular proposal is implemented. In this day and age where the scope of federal actions now is so widespread, affecting in the case of No Child Left Behind virtually every public school in this country and school systems, not just the particular students and particular teachers who may be involved in the specific federal programs, that it is imperative that there be a far better system of preliminary review and learning from experience with other similar types of efforts now in place, or practices in place, to make the determination as to whether this is a sound policy move or not.

*It does sound from your description yesterday though that even though there wasn't this kind of independent analysis of the potential impacts that your organization, the CCSSO and others did try and warn against some of the proposed changes and it just wasn't heeded?*

Personally, I did. Things were moving so rapidly at the period of time when this finally moved through, and you're talking about the months of November and December when the deliberations were going on and the final conferencing on the design of this when all of the structure of the accountability system actually was created. Finally created. I'm not speaking for the overall CCSSO position or the position of the states broadly because things were happening very, very quickly, but there were several experts who were involved as psychometricians or who understood education assessment programs and their impacts very well, who voiced concern. And I did myself, but I'm not trying to suggest that there was anything like a concerted review (even within some of the organizations) of exactly what was being crafted and that matched against what was the likely consequence of putting these things in place.

What I'm trying to suggest is that was totally inadequate at the time, and the lesson learned is these stakes are too high for that to happen when, as a result, 11 years later we now have basically the same program on the books being twisted and turned and whatnot through a variety of waivers just to make it continue. That's not an effective way to have the federal capacity used for shaping education.

*It also puts a lot of authority and power in one person's hand, who's ever going to decide to grant waivers.*

That it does. It's never one person, it's always an agency or an organization, but it has done that, that's correct. Just on the last couple of specific examples I've given of states' impacts on early childhood education. Here the very bold recommendations which were made by some of the states, including New York as early as 1967, for universal access of the threes and fours for education and in spite of all of the evidences which have been accumulated over time about the critical importance of those early years for the lasting effects of education in our population, and achieving an equal opportunity, there has never been a really overall position taken by the federal government on this issue. That is a disappointment and it means that all of the advocacy, or even the examples which have been advanced, haven't yielded that hope for result.

#### **Hour 5/30:10**

#### **Lessons Learned from States' Impact in Federal Education, Best Practices and Education Advocacy, Importance of Bipartisanship**

The lesson learned is keep pushing on this. It's just going to take continued, continued, continued advocacy and more and more evidence which will lead us toward, I hope, not decades away, a set of policies which really do provide not just the burden on the federal government to provide this, but which provide for the establishment of the system, shared with costs by the states, the localities, as well as the federal government, to assure this opportunity.

*I do have a question about best practices and advocacy. You're talking about let's advocate, and you've spent a lot of time advocating. Do you have any recommendations on that topic of building coalitions, lobbying? What creates positive impact in terms of practice?*

Good practice creates a lot of energy for impacts, whether it's in Congressional hearings, whether it's in reviews that the executive does before taking action on certain kinds of areas, and coalitions are absolutely critical to move these things. The lesson learned is that no organization or no one level of government—meaning the state level without the localities pushing along—can put through or can get the Congress or the executive to move any major pieces of legislation. Coalitions are absolutely essential and the broader the coalition drawing in the education organizations, the critical groups which deal with child welfare policy, the interest of children and students, the business community, and so on. That's a very, very important set of activities and it takes time and it takes a lot of energy and it takes a lot of people to do that. It doesn't just happen by accident. It has to be well-organized and it has to be targeted toward the key decision-makers in the Congress and in the executive to be sure that it does happen. It really is fundamental to building the political will and the political support which has to underpin in the establishment of greater resources of particular designs of programs. It's a very major part of the

work of any organization like CCSSO to invest in outreach to others, rather than just trying to work within your own membership.

*One other thought I'm having is that we are in the age or era of great partisan politics and it sounds to me that you were involved in years where there was more bipartisanship. If you have any thoughts on the importance of bipartisanship and crossing the lines?*

Overall, in the 50-year period that we're looking at I would say that most educational efforts which have been successful have been because there was a genuine bipartisan interest and that there were leaders of the major parties in the area of education, and leaders overall in both the Senate and the House, and in the White House, who recognize the importance of education as a foundation concept and as a foundation service for our country. As they move the federal government more and more deeply into the area of education, they did it in a bipartisan fashion that goes back to the NDEA in 1958 with the Eisenhower Administration, which worked very closely with Democratically-controlled Congress to do this. It is extended through for most of the periods of action that I've been talking about, and the topics on which there's been a considerable impact of the federal government related to the advocacy of the states. The climate of relationships (or lack of relationships) because of partisan interests, which has been with us for a certain portion of the 1990s, and then to a great deal of the period in the 21st century, has made it more difficult to come to bipartisan agreement. The fact that there's no reauthorization of the Elementary and Secondary Education Act, of the No Child Left Behind Act for the past 11 years, is an evidence of that. One always hopes that the members themselves of the two Houses find ways in which it's more to their advantage to work in a bipartisan way than it is not to do

that. I think the important lesson learned right now is what causes and what has caused this very sharp split in the issue of bipartisanship, and the fundamental cause of it has been that the country as a whole is very much divided between blue and red within states and among states, so that there's a very close margin in both the House and the Senate, or has been much closer than was typically the case back at an earlier time, which means that the edge to be gained politically from one election to the next hinges on fewer and fewer seats, and that means that there is just a tremendous pressure within and for the capturing of those seats to swing that majority that causes a pullback from any attempt to try to work together which might give the other party a bit of an advantage. We have to remember that what's happening in the Congress is a reflection of what is going on across the country by way of this sharpened split of interests and political orientations throughout the country. It's much, much more difficult to find super-majorities or large majorities on issues in most areas of the country, and that of course is occurring in Washington as well. One can only hope that issues of education which, as I've said, have really had over the years pretty strong bipartisan support, that somehow the country can get together more on the directions to be taken.

#### **Hour 5/39:45**

#### **Lessons Learned from States' Impact in Federal Education, Bipartisanship, Learning Technology, International Benchmarking**

But this will require very large agreements and consensus on certain major issues, such as what is the level of choice to be afforded by way of providing elementary and secondary education which is to be supported by governmental action. That's a major contention in terms of education strategies, and that is what underpins so much of the ideological battles across the country, which are in part over trying to capture the public's attention on which kinds of systems perform better

than the others and has very, very intensely funded these campaigns in this activity. But reaching some kinds of broader agreements on this across the country are very, very important in terms of what's in turn going to happen in Washington by way of next generations of the federal support, because they will be very much reflective of what is the experience both in the states and the localities. This is true with the Early Childhood Program, it's true with these other several programs, and it's especially true with the whole issue of which reform strategy or set of strategies is really going to work best by way of reaching the target of significantly improved student performance in the country, which is where it all sort of funnels down to.

Just let me finish with a couple of comments about the learning technology front. I put an emphasis on the action for the Universal Services Program and how important that was by way of the delivery system of the internet and the digitization of materials and experiences for use in education programs. I think the lesson learned there is that education strategies are not just in the hands of those who run the U.S. Education Department or the U.S. Office of Education. They are also in the hands of organizations like the Federal Communications Commission, and we have to be very cognizant of any kinds of significant potential that there is for using these capacities, resources of the federal government, for purposes of strengthening education performance. We got a very good example of how that happened in the 1990s, with the Universal Services Act, and need to keep watching that and make sure that if there are any ways to be able to grow that function for supporting delivery that we do it.

Finally, on the issue of the International Benchmarking, the lesson learned is that issues which many people do not associate with the states or the state interest, like international comparisons

of education, when picked up and dealt with by the states or the state organizations, like the Council of Chief State School Officers—in terms of advocacy of building these systems, in terms of direct work and assistance to make them built—those are impacts which have a very, very powerful effect down track, just as we have seen in this area of creating the international systems for comparing national performance and national student results of students in upwards of seventy countries now is an extremely important benchmarking resource that we need to use. Continued support for doing this and advice on the relative effectiveness of the different international systems which have grown up through the IEA for example, and the OECD, and there are differences in the way they're doing their measurement, but examination of those toward determining which are the more effective by way of assisting in the real issue, which is how do you learn from these other countries to improve your capacity, is a very important factor. It's not just getting the score card out. It is much more than that. It's understanding the practices of the education systems which caused the results of the student scores. That is most important to learn about.

I think one of the lessons here is to link this issue of crafting these international measurement and assessment systems with the issues of how might they help us understand practices in other federal countries, and the differences between the United States and its federal structure, its assignments of various roles in education versus those and other federal nations like Canada, like Australia, like Germany. To determine whether there are some lessons there that would help us work our way out of some of the problems that we now have here, and unwinding or rewinding No Child Left Behind, and in terms of crafting what's the best aspect of operations among the

three governmental levels on our elementary and secondary strategies, or what are better than the current array of federal requirements that we now have under No Child Left Behind.

*Are there any models that come to mind for you that you've seen in other countries that in part or in whole you think we might seek to emulate?*

There are lots of recommendations which are made along the lines of what practices are most important by way of leading to student result gains, like preparation of teachers and like the types of assessments which get used, and how they get used, for what purposes are they used to measure students or to measure school systems and uses of technology. There are lots of practices which are now increasingly described and touted in blogs and all kinds of other reports that we get, but I'm talking about a different cut of this. I'm talking about the structural approach of at which level of government are these particular functions designed, established, and implemented. That's a more esoteric, if you will, challenge but it's a very, very critical challenge. And on that point, I don't know of any particular works that really deal with that and attempt to burrow down underneath the levels of what are the neat descriptions, of what functions or roles there are at different levels of government and get to the issue of what really happens in the schools and which level of government is particularly responsible for making that happen.

#### **Hour 5/50:10**

#### **Lessons Learned from SIFEPP, Documenting the Past, Suggestions for the Future**

An example here again is this whole connection between research and development and actual practice. How does that get done in other countries and are there some secrets or are there some

ways that suggestions could be made to see how one would try to borrow on those characteristics. In the context of this project, the issue is a governmental organization, roles, assignments, responsibilities, and there isn't nearly enough investigation of that. It could very well be an excellent follow-through on the kinds of things that we have been doing and looking for the levels of impact.

*How about lessons learned from this project? Are you ready to move to that?*

I think I'm ready at this stage to suggest a couple of areas of inquiry, not specific recommendations. I am eager to see what my colleagues, who will be interviewed for the project, have as their own suggestions for what might happen as of follow-through of this project. Not necessarily of this particular project, but of the core intention that we took on back in 2003, of trying to see if we could find the record for the states, to see if we could better devise ways for capturing the record of the past and then suggestions for the future. I don't want to lay my cards out at this particular point without the advantage of seeing what other suggestions were made.

I should point out that the advisors to this project when we began agreed that we were not going to try to make specific recommendations on what states should do in terms of their advocacy, of state interest or how they should do it, or get into the business of selecting particular areas at the states ought to especially work at, in terms of trying to craft statements of agreement or positions for the advisors to the project. That was not the role that we really created with each other because we wanted to leave open the issue of this being a project that was really exploratory, and was attempting to try to lift the lid on looking at a very, very important set of issues, but not one

that was intended to drive toward a Commission or a Council report that this, that and the other thing should be done.

In that context I have, in just a few minutes past, made a couple of suggestions of where there are very good potential items that would draw interest. and that is based on the impact of what we've done in this project, of surfacing certain things like the issue of preliminary analysis at the Congressional and executive level of very key policy revisions or additions by way of looking at the experience that's going on now, state and local, in that same area before action is taken. That is an example of a lesson learned from trying to see the dynamics of how this relationship between the states and the federal government has developed and it would be something, I think, worth a lot more study by people who are experts in reading and understanding the current structure of the way that federal decision-making occurs, and which agencies or entities really should be involved at what particular stages and how in other fields, where there's had to be an address of major policy changes, how have these things been vetted in advance successfully that might help to inform the next stages in education policy development. I think that's one kind of broad lesson that we have learned just from the fact of having this project focus in this way.

Now there are other lessons about what's the net impact of the project itself. It may be too early to be able to judge what they are, given the limited amount of resources and time and the broad scope of study here. I think perhaps we might have helped to show the way toward how somebody else could continue this inquiry without having to sort of start it again. I think that the project has shown that although there may be strong archival activities going on in certain states, that when one tries to look across the country as we have done at how strong is the capacity at

the state level for archival activities to capture this kind of information, what we found is it's really very, very weak priorities in state archives on the issues what states are doing don't necessarily include what states do by way of trying to impact on the federal level as a matter of course. The records that one really has to rely on are records of what kind of advocacy have the states had over the years for federal action. They have to rely on perhaps looking at various reports that the states have done, but they're usually back to the federal government on very particular questions about the implementation of a particular program. So, those aren't really reports designed to direct the vector back to the federal government, to tell you how did the federal initiative have an impact on the states and the localities.

I think we have to say that when you look back at this period, there was simply not very much attention given through the time that all of these developments were occurring to try to record, or at least do logs or commentaries or some thoughtful reviews within State Education Agencies, on the question how are we doing? What's really going on here and are we having any kind of impact on what the federal action is or aren't we or where should we be having it? That's pretty scant evidence.

**Hour 5/59:50**  
**Lessons Learned from SIFEPP, Capturing the Record**

And then beyond all of that, of course, is the concern of bottom line. For all of us is what's the net impact on students and the schools and the systems of all of this activity. There is not a huge appetite out there in classrooms to try to understand what was going on among the different levels of government—state, local, federal—that were creating various things which were

impacting the schools. Concern and appetite there is, what are these programs doing with respect to my practice? Therefore, there's not been really any organized way to try to really capture that part of the story. One has to weigh off how much does it cost to capture that kind of thing versus how valuable is it going to be in the long haul.

That's a set of issues which I think is a lesson learned here that we were thinking about and thinking about. All right, what kind of organized role among the state archival capacities of the country could be organized to really better compile the record for doing this? When it comes around to the core question of should you try to keep this kind of effort going specifically? Should you adjust it? Should you select certain pieces of it? Perhaps even just particular federal interventions not trying to go across the board that would really help inform future policy direction? I'm not prepared to answer those now, but those are the kinds of things that I would hope my colleagues and I might be able to generate some wisdom on through our reflections over these interviews and make some suggestions that somebody might be interested in funding for further inquiry.

*You have to capture history in order to learn from it, so I applaud your efforts to do this.*

Thank you. We have had a very interesting experience in doing this. It has helped us to think back over this period with a little different set of lenses than we were looking at the period while we're going through it. That is what is really most important, because this has been a colossal change in the way in which education is now being conducted in the United States in the last 50-year period. It's not a question of let's roll it all back or let's try to change it totally, because that's

not going to happen. It's the question of calling out what aspect of these changes really are most effective and what are not, and then being smart enough to learn how you go from here toward an understanding of what are the major issues we are about to confront in the field of elementary and secondary education, and help to inform them by this historical experience. I think that can be done. I think it can be done to a considerable extent, but while there's still lots of voices around who have lived through the 50-year experience. It's important to make sure that we record them, that we make certain that that record just doesn't disappear because there is nobody else around who is going to be able to put it in memorable condition right now.

*I think we've made a good start.*

Let's hope so.

*We will continue on at a later date. Thank you.*

Thank you.

## **HOOR 6**

### **Hour 6/0:00 SIFEPP Origins and Framework**

*The date is September 20th in the year 2013 and I'm interviewing Gordon Ambach. Let's spend some time today talking about the States' Impact on Federal Education Policy Archive Project, its origins and framework.*

If we look back at the midpoint of the twentieth century, and the federal role in education at that time, we would see a very, very different picture from what we have right now at the beginning of the twenty-first century. There has been an incredible growth in the variety and impact of the federal programs in areas for educational opportunity in accountability, in direct support, and in innovation and reform attempts. There's also been considerable change in the relationship among the different levels of government in our federal structure. If you looked at a typical textbook representation of United States Education Policy overall in the 1950s, it would have a schematic that looked like a layer cake, with three different layers. One of them would be the federal or national government, and the tag on it would be a concern for education. The second level would be the state level of governance, and the tag would be responsibility for elementary and secondary education. The third level would be the local level, the operations of elementary and secondary education. If you fast-forward to the current time, that schematic or that cake which did look like a layer cake, now looks more like a marble cake. The different aspects of policy-making operations controls are much more mixed through the three levels and through the three layers. This has happened not necessarily with any grand design that was created back in the mid

part of the twentieth century, but by the circumstance of the federal level creation of a whole series of supplemental programs, categorical in nature, designed for specific national issues and national purposes, and how the creation of those programs, those policies then became interwoven into the actual authority and operations of the state and local portions of the system.

Through this period, most of the attention about the effects of what was happening at the federal level were shown through studies and reports about how the national level action impacted on the states and the localities. These of course were the results of requirements that the Congress and the executive had to find out what did happen when a Title I ESEA program was begun on the different states or the different localities and so on all across the board. Very, very little research has actually been done on the question of what kind of impact were the states having and the localities having on both the creation of these national policies and then the implementation of these policies. The practical reason why this didn't occur, it was much easier for researchers to look at a vector which went from one direction, one agency or one level of government down through 250 different states and 15,000 different school district taking samples even to decide or to see what happened rather than trying to collect evidence from 50 states or a number of different local entities and determine how did they try to make changes in what was going on and what impact did that have on the federal actions. We have very little record of why it was that the states and the localities reacted as they did. Were they active by way of helping to create and design the federal issues? Were they not active or reactive to what was happening? How was it that the states and localities actually tried to create their influence and their impact? Our concern in this project focuses on the state level and the way it attempted to make an impact. We did not try to consider the local impacts, that's yet a different level of

study, much more complicated than even trying to track the states. We focused on the states and we had done that in a very particular way. To look at different kinds of actions by either individual states, by organizations which represent the states, or individuals who may have been representing the state of perspective, and trying to find where is the record, what is the record, of what specifically did they attempt to advocate for, and then to determine on the basis of what happened in the creation of the federal programs, what level of impact did they actually have, and on the implementation of the federal programs, to determine what impact was there on students, on schools, and on school districts, by way of the operation of education.

The need to look at the record caused me in particular because I had generated the idea for the project, to seek out a source which has the business of archiving and understands the processes and knows well the processes of how do you try to first collect the record, and then make it accessible and usable for those who want to study this area over time. I was very privileged in advancing the idea to the New York State Archivist and to her colleagues that we might jointly seek some resources from The Wallace Foundation on which board I was sitting at this time back in 2003, about the possibility of a director's grant or grants that could support this particular project. Fortunately, the Archives enthusiastically accepted the idea with something quite different from what the organization had done, but they recognized that from the perspective of New York State as well as all states, that if this could be successfully analyzed and recommendations made and a model at least in one state of New York about how one would not only capture the past but also set up a design that would enable the future information about this to be captured and accessible, that this would be a real contribution in the archival field and a major contribution to studies of how the structure and responsibilities of different levels of

government have an important effect on the results that are hoped for in the function, in this case elementary and secondary education.

**Hour 6/09:50**

**SIFEPP Origins, Wallace Foundation, Project Objectives and Limitations**

So, we began with the Wallace funds and with the Archives engaging personnel who would guide to study, with the development of a set of advisers who would meet from time to time in order to provide guidance on how we should administer this project and what our major points of focus should be. These advisors were all persons who had had deep personal experience either in the administrative side or with the federal government or state governments or local governments or had devoted their professional activities to research about federal policies, federal government actions, and education issues. We had an exceptionally gifted and diverse set of advisers, and that proved to be a tremendous asset by way of guiding this project along which was an active project for approximately five years. The total of expenditure that went into this project over the five-year period was less than \$500,000, and so clearly there was a limit as to how much original research or action that we could take while we were trying to meet these several objectives.

The first objective was to see if we could get some reading on how much information was available in archival form or could be accessed in State Education Agencies or other State Agencies where their records would indicate what positions had been taken on these federal issues.

The second issue was to determine whether and what might be done to create a special example in the New York State Education Department which houses the New York State Archives for doing this kind of work at least in one state, and that of course had work which was primarily within the New York State educational environment.

Thirdly, whether we could determine ways in which we could explore beyond New York State in other states for their archival recording and their interest in also trying to carry out this purpose, and finally to think about what were the impacts that we sensed were the most important ones on the parts of the states, and how we could pursue any further investigation of them or set down a framework for that to be done by a successor project which would focus on the same issue of trying to find out what the states were doing, why they were doing it, how they were doing it, in order to have this impact through a period of time in which from the bird's-eye point of view, it appeared as though the totally dominant role was increasing at the national or federal level, which certainly seemed to be in contrast with the history of our country, which has a constitution that doesn't even mention education, and which had a programmatic history of the federal level of perhaps more than 150 years where there were some federal interventions, but they were nowhere close to the level of intensity and effect as occurred beginning in the 1950s, and going up through to the beginning of the 21st century.

That's a capsule view of why it is and somewhat how it was that this project was begun. Now, fortunately, after that first five years of activity capped by a major conference in Washington D.C. on the topic, we are able to have the oral history taken of many of the members of the Advisory Council and other significant persons who were a part of the development of the

impacts, both from the federal side and the state side, and capture those reflections and capture their ideas and recommendations which would, we hope, guide further inquiry about creating this history, and ways in which going forward we can better capture the history as it moves on, and thirdly, to determine whether there are specific recommendations that this inquiry signals toward improving the capacity of our own federal structure for education, as it must deal with increasingly global issues of education and global issues of security and economic and cultural growth of which the education process is a vital part.

*You mentioned earlier that there were some limits that you put on the inquiry. Can you talk a little bit about that?*

These were very important limits because of time factors, because of resource factors, and also limits which were related to the particular expertise of the advisors and the persons who were associated with this project.

The first limit was focus on elementary and secondary education. We did not attempt to try to deal with the overall issues of federal government impacts in higher education, that's a different dynamic, and we did not attempt to deal with a variety of other issues where the federal government was involved, like the Agriculture Department and the Food Services school lunches, breakfasts, and so on, which is a large operation, nor did we try to deal with issues which would be primarily in agencies of the federal government other than the United States Education Department or its predecessor Office of Education or the National Science

Foundation, which are the two agencies that are most directly connected with elementary and secondary education operation.

A second very important limit was that we are focusing on executive and legislative actions. Judicial actions in this field are also extremely important. Supreme Court decisions, the United States Supreme Court decisions on issues of segregation and desegregation, on other issues of bilingual education, education for children who happen to have disabilities, and so on, are very, very important. The record on all of these court cases is very, very clear and accessible. The description of the issues, the parties at stake, and the resolutions, so that we were not really trying to duplicate that work.

**Hour 6/19:55**

**SIFEPP Limitations, Project Definition of Impact, State Advocacy**

However, where court decisions have then been accompanied subsequently by specific federal actions or programs, and again, this is true in the areas of services for the disability and services for the needs in bilingual or English-as-a-second language. There we do have reference to the court actions, but we did not think it necessary to pursue that. The gap here in knowledge about this period is really focused on how did these legislative enactments come to be either through administration and legislative initiative, what did the state prospective, how did it get represented, and what impact did that representation have both in the development of the programs and in the implementation. That's what we have really focused on. Those are the two significant limitations.

*Maybe you can also talk about how you all defined impact, the different ways in which states acted or reacted as you said, that you're looking at. Break it down for us a little bit.*

That's a very important question because there are impacts which occur because of a specific recommendation or advocacy, there are impacts which occur because there is a marshalling of political voice, there is an impact because of organizing the representatives of the several states and then having a voice and a presence on issues there, and there are other kinds of impacts. First of all, we were looking at the advocacy impacts, representations by the states or state authorities. Now these might have been by State Education Agencies, the principal operating agencies for elementary and secondary programs. They might have been by Governors. They might have been by legislatures at the state level, or organizations which represent these. A particular focus here on the representation by the education authorities at the state's levels, and representations by other organizations concerned about education, which were not "education agencies," but they would be very significant on policy development.

*Can you give me an example?*

Yes, the business community, and that was at various periods extremely important by way of its representation. Child advocacy organizations, like the Children's Defense Fund. You have organizations which were representing civil rights interest, very important. Organizations in almost all of these targeted areas where there is a special purpose to be achieved but it's not going to be done or it's not going to be advocated just by those who happen to be involved in the education side, it's going to also be advocated or positioned advocated for those who have other

health concerns, social welfare concerns related to education. So, there is the advocacy side, and once again, our principal focus has been on the representation from the state perspective by its organizations or by individual states.

The second kind of impact which has occurred is on the examples of programs which the states had already been operating before there jalled a federal interest, or enough concern for federal action. Again, an example here in the area of assessments and standards and accountability systems, states had long-standing records in some cases of their own systems for testing accountability and in other cases, states had developed practices in the 1970s and the 1980s, for standards assessments. These examples became models or experiences which could be examined and reviewed in order to determine what the shape of the federal programs and interventions ought to be. That is a second very important kind of impact to look at.

I have mentioned the issue of the court decisions in various ways and in many cases, there were court decisions or administrative decisions made at the state level which then had significant effect. In some cases, those decisions having gone all the way up into the Supreme Court. New York State, once again for example, the commissioner has a responsibility for reaching decisions where there are disputes on educational practice at the local school district level. The decisions of the commissioner there are reviewable within the state court structure only on the question of whether they were arbitrary or capricious, so there's an immense power there of determination, but those decisions can be reviewed and were being reviewed particularly in the 1970s, when I was commissioner, on the whole issue of implementation of programs for children with

disabilities. That's another impact source. Once again that's well covered in terms of an archival sense with the court records but it's an example of a way in which impacts are made.

Another very important aspect of having impact made by the states, is in the organization of coalitions or the organization of various groups interested in the topic, but not necessarily concerned directly about the state impact issue, but to muster together their support or acquiescence if you will, to an agreement with the advocacy of what the state's perspective is on these issues has become extremely important over this period of time. One example here would be that on issues like the control of education policy at the state level, should it be with the State Education Department or should it be outside that department and through the governor's office plus the SEA or through the governor's office. That's an issue which is with a vital interest and concern to the State Education Agencies as well as to the governor's offices, but it's also a very, very important issue for lots of other organizations who are concerned about states' rights and what is the right of the state to organize its own capacities for a certain function like education and so that would lead other groups that might not be expected to step up on an issue like that to want to join in the coalition to support it.

**Hour 6/29:40**

**SIFEPP, Education Funding, Court Decisions on Education, State Reactions to Federal Funding**

Or, another example would be that the actual appropriation or funding of these federal acts is something that comes after the authorization. There is always the budget fight about appropriations, whether it's within and among the education programs or whether it's across education into health and social services, in defense and so on. The organization of the education

forces in total as was being done during this period through the committee on education funding, is a very, very critical part of advocacy and of impact, particularly with respect to how much federal resource is going to be allocated and in what priority order for the education functions. That's a huge issue as far as the states are concerned.

*Can you give me an example in New York of one of those organizations that wouldn't normally be considered part of the discussion that weighed in on a particular issue?*

One organization would be the business community, for example in New York, and we had very close relationships with the business leaders with respect to state policy, but on certain issues that would have to do with federal policy to join with the business groups and get their assistance in and their work with the U.S. Chamber of Commerce or the other business organizations in Washington or individuals in New York who would be on various boards or committees or advocacy groups in Washington on business issues. That becomes an extremely important source.

*Sure, because education is also a business for a lot of people, whether it's assessments or testing.*

During the period of the 1980s and 1990s, the interest of the business community were really front and foremost by way of what needed to be done and the importance of bringing the federal level much, much more deeply into assistance and support of education in this country, example

very strong support the national goals, very strong support for trying to improve on standards and reform practices, and so on.

*Other impacts that should be mentioned? Maybe states as failures in certain regards?*

That's again a very important concern. If you look at the court actions, and I could take the issue of segregation as an example or one could take a look at the court actions having to do with children with disabilities or with the issue of providing services for children whose native language is other than English, those court actions at the U.S. Supreme Court level, were taken primarily because there was a case that the states were not adequately dealing with these issues at the state level. Once again, the issue of segregation and *Brown vs. Board of Education*, the subsequent cases, the Civil Rights Act, and so on, were very direct federal actions to overcome certain state policies and state policies in this case where the country was split in terms of whether the federal government really should be intervening or not. At least it was very split when the cases were occurring. Violently split as a matter of fact. That is a case where you have a federal action because of inaction or failure at the state level to address an issue. What needs to be addressed then is not just that particular action where it was as far as some states were concerned, not appropriate or inappropriate. What happens next by way of follow-through and by way of a remedy once the U.S. Supreme Court has actually reached its determination.

Throughout this period, much of the focus of certain of the federal programs was on remedy. It was how do you assist through federal pressure and through federal funding to bring about integration, desegregation of the schools, how do you provide opportunities for children with

disabilities, and so on, right through the several opportunity programs that were there. You get the second loop if you will and a very, very important one in which once the nationwide decisions had been reached, then states by and large coming together to agree on the need for the federal resource then to come into the state level and the local level in order to provide assistance on the remedy. That's the second phase, but it's a very important circumstance where there was indeed a failure to act.

*Busing in the early '70s would have been what you're talking about?*

Absolutely.

*Or response to federal ruling and then the states reactions and then how that fed back?*

And then the need for resources for a remedy. That's absolutely right. There are of course also circumstances where you have on the part of individuals a various social interest or various advocacy groups, whether it has to do with prayer in the school, whether it has to do with the issues of girls and women and their opportunities for education where there is an advocacy that develops because there's a concern that the education system isn't really properly focused on this area and dealing with it. There are then judgements to be made at the federal level whether this is an appropriate way for the federal government to intervene or not, and you would get cases of involvement of states in terms of trying to impact those decisions or at least shape them in such a way that the remedy can be effectively worked out between the national and the local and state levels. There are several different strings on the pole here that need to be dealt with.

**Hour 6/38:40**

**SIFEPP, States as Test Beds for Standards and Assessments**

Our task in this project was to try to identify certain key areas which were nationwide in scope, and where we believe that it was possible to focus on those and develop the record and the information and the interest on them which would really help people understand what's gone on over the course of the past 50 years. That means it was not an attempt to try to blanket the activity in all the states all over the country and all types of issues, but in this case, to determine where there were very specific kinds of state actions and impacts which can be used to illustrate the ways in which these levels of government can work together in order to realize more effective resolutions together for the critical education issues. You don't have to look at 100% of the different issues to do this. What you need to be is smart enough to figure out which of them are most important, which are the key examples that ought to be considered, and then try to mine those toward helping with what is done by way of shaping the next generations of federal decision making and the relationships structurally among the different levels of government. So that's what we've been trying to do and that's what we hope will come through on this set of oral histories from the very experienced and able people who have been invited to provide them.

*I have two more questions, if it's alright. When is, and you touched a little bit on it, but states as test beds? I think that's a very current concern because of all of what's happened with standards and assessments and No Child Left Behind that states are actually now having to implement this federal policy, and it's a test sort of now to look at how it's working. Is that an impact as well?*

Yes, it is and the feedback loop on this from this experience is extremely important by way of what the next generation of the Elementary and Secondary Education Act ought to be. There's another issues that I'm concerned about, and it is the fact that when the No Child Left Behind design for standards, assessments and accountability was created at the very end of 2001, after 9/11, just before the Act was passed in the beginning of 2002, there was practically no vetting of that design and any analysis of judgment about what would happen in terms of intended or unintended consequences by virtue of putting that design in place. There was at the time plenty of experience all across the country in states about the ways in which the different state assessment systems were structured, the components of them, and those could have been analyzed together with what was in the design of No Child Left Behind. In my judgment, if that had been done, that design would have been changed significantly before it was put in place. That's not quite a test bed circumstance like we had back in the 1970s, with the experience of some states on programs serving children with disabilities, which became the models of crafting the federal act, Public Law 94-142, but it's still is an example of looking at real experience, testing if you will over periods of time, how to effectively put into place an assessment system that should have been carefully reviewed and analyzed, either by some organization like the Congressional Budget Office, CBO, within the Congress, or an organization like the National Academy of Sciences and it's review capacity, to bring to bear an independent focus on what would likely have happened. That did not occur. There is another kind of test bed or use of real experience.

*In that case it seems like the test was formulated without the inputs and then the states failed the test and the problem is actually with the test perhaps.*

I think that might be stretching the terms a little bit beyond, but you got the point. We hope that this introduction to the SIFEPP project, including its origins and something about the way it's been conducted, our expectations, and then some statements about limitations of what we were able to analyze, and the way in which we think about impacts, whether they'd be at the state level or at the federal level, has been a helpful notice of what's to come in enjoying the several oral history presentations which are to follow.