



# A Political Framework on How ESSA's Devolved Federal Authority Influences State Policymaking Toward Educationally Disadvantaged Students

James G. Cibulka

Martin E. Orland

Kenneth K. Wong  
Brown University

The Every Student Succeeds Act of 2015 (ESSA) grants states unprecedented discretion in implementing many of the federal law's requirements concerning the needs of the nation's educationally disadvantaged students. This theoretical paper addresses a void in the policy implementation literature on why ESEA reform efforts have not been more effectively sustained. It synthesizes previous research on ESEA by proposing the use of multiple political science frames to guide new empirical research on ESSA's impacts. These alternative models—ESSA's Legal Framework, Institutional Actors, and Stakeholder Bargaining—can inform the law's national impacts on equity for disadvantaged students and the key conditions affecting differences in state responses to the equity challenge ESSA presents.

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Policymaking Toward Educationally Disadvantaged Students

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The Every Student Succeeds Act of 2015 (ESSA) grants states unprecedented discretion in implementing many of the federal law's requirements concerning the needs of the nation's educationally disadvantaged students. This theoretical paper addresses a void in the policy implementation literature on why ESEA reform efforts have not been more effectively sustained. It synthesizes previous research on ESEA by proposing the use of multiple political science frames to guide new empirical research on ESSA's impacts. These alternative models—ESSA's Legal Framework, Institutional Actors, and Stakeholder Bargaining—can inform the law's national impacts on equity for disadvantaged students and the key conditions affecting differences in state responses to the equity challenge ESSA presents.

The Every Student Succeeds Act of 2015 (ESSA), the latest reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA), is the nation's major federal education policy addressing the needs of economically and educationally-disadvantaged students. Now over half a century old, ESEA was a landmark expansion of federal influence in PK-12 education. It was also a cornerstone of President Lyndon B. Johnson's "War on Poverty" (McLaughlin 1975). Until ESSA's passage in 2015, each of four successive reauthorizations of ESEA expanded federal authority and influence. While ESSA retains some elements of the previous No Child

Left Behind (NCLB) version of the law (2001), for the first time it *reduces* federal authority significantly by devolving to states unprecedented discretion in how to implement many of the law's requirements.

ESSA's change of policy direction comes at a troubling time for American PK-12 public education. Despite these five decades of federal investments in ESEA, the many evaluations of Title 1, some Congressionally-mandated (e.g., US Department of Education 2007), have documented only modest achievement gains for disadvantaged students. These troubling findings fit within a larger syndrome of student under-performance on a range of assessments. American pupils lag far behind peers in many nations on international tests such as PISA, and the performance gap for disadvantaged subgroups remain wide on the nation's report card NAEP. Wide achievement gaps persist across race/ethnicity and social class. Consequently, equity in educational opportunities afforded America's educationally disadvantaged students remains a major national challenge (Jackson and Moffitt 2017). These concerns are exacerbated by evidence of rising income inequality and declining social mobility in American society and their potential impact on schools and children's life chances (Duncan and Murnane 2011) as well as a societal disinvestment in the well-being of America's children and youth (Putnam 2015). Federal education policy, ESSA in particular, must address both persistent failings in the nation's public educational system alongside a fraying socio-economic and political fabric.

Given this current context, ESSA's framework of federal devolution deserves to be studied carefully with a focus on state policies impacting disadvantaged students whom the law is

designed to serve. This paper's purpose is the development of a conceptual framework toward understanding how states, using their newfound flexibility, will implement ESSA.

### A Political Science Perspective on ESSA Policy Implementation

This paper draws on a political science perspective to extend our understanding of ESSA's potential impact. It is useful to begin with a few comments on implementation research, which had its origins in political science, in particular with an effort to explain why federal policies often failed to meet the expectations of policymakers (Pressman and Wildavsky 1984; Derthick 1972). In the intervening decades, scholars of education policy have made valuable contributions to the policy implementation literature, e.g., Berman and McLaughlin's (1978) mutual adaptation approach and Spillane, Gomez, and Mesler's (2009) work on instructional practices in local organizational contexts. Much of this research, however, draws only marginally or not at all on political science as an analytical framework. Instead, as implementation research has matured as a field of study, it has become much more interdisciplinary. In the subfield of education policy research, one now finds contributions drawn from economics, anthropology, cognitive science, psychology, learning theory (including organizational learning), and other fields. This led Honig (2009, 334) in her review of implementation research in education to conclude that political science contributions no longer dominate the field as they did initially. Despite this diversification of the field, or perhaps partly because of this shift in focus, there remains a dearth of empirical research on how reforms are mediated in their local political contexts and linked across the educational policy system. This has resulted in a systemic weakness in the reform literature "in understanding why reform efforts have not been more effectively sustained." (Datnow and Park 2009, 359).

An indication of how far implementation research has wandered from its political science roots can be found by examining the initial research on ESSA. That research has been dominated by policy analyses of official state plans submitted to the US Department of Education for approval. These studies illustrate an increasing emphasis in policy implementation research focused on prescriptive policy design and implementation. In the case of ESSA, various advocacy groups have conducted studies which evaluate how states plan to implement various provisions of the law. The studies delineate many documented deficiencies in state plans and document a large gap between the spirit of the law and the written intentions of state policymakers.<sup>i</sup> They signal that states' implementation of the new law's requirements may encounter significant problems. However, none of the studies offers insight into *why* state plans fall so far short of the implementation criteria the researchers employ. Moreover, they represent a strand of research, often conducted under the auspices of "think tanks" with particular policy or political agendas, which McDermott (2009) labels "research as advocacy," and she argues that they may be crowding out more neutral research.

We believe that returning to a political model can help close this knowledge gap and provide valuable insights on how to strengthen federal education policy. In a relevant analysis offering a political science perspective on education policy analysis, McDonnell (2009, 57) argues that the starting point for applying political science research to education is largely *descriptive*, rather than *prescriptive*. She acknowledges that political science research may not directly address how to improve student learning. However, its "empirically-based theories can help specify the conditions under which policies are likely to change or remain stable, explain how politics

shapes education policy, [and] how those policies influence political participation and future policy design.”

#### A Conceptual Framework to Inform Research on ESSA

Political science offers multiple models and theories from which to choose in understanding policy problems. Some focus on policy adoption, others seek to explain policy change and diffusion, and so on. We shall draw upon them opportunistically within a conceptual framework that addresses federal policy implementation in a fragmented federal system.<sup>1</sup> The framework we present draws on a research tradition that applies multiple conceptual models to a particular policy problem or context, in order to provide a composite picture of the “truth” or to find one or more models which can be empirically shown to demonstrate superior explanatory power.

Examples include Cohen, March, and Olsen's (1972) garbage can model, which proposes four streams (problems, solutions, participants, and choice opportunities), adapted subsequently by Kingdom (1995) with three streams (problems, policy, and politics). Similarly, Allison and Zeikolow (1999) analyzed several models to understand the “essence” of the Cuban missile crisis, while Peterson (1976) analyzed school politics in Chicago by testing the relative efficacy of unitary and bargaining models.

As the above studies have shown, applying multiple models to a policy domain or problem can advance our understanding. Not unlike Allison and Zeitlow’s analysis of a foreign policy

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<sup>1</sup> We are not the first to attempt to conceptualize this federal policy implementation problem. An early example in the literature is Sabatier and Mazmanian’s (1979) systems model incorporating legal, political, and socioeconomic variables in the implementation process.

problem, these models can help us better understand implementation problems and challenges in a domestic policy context, namely, federal education policy addressing the needs of disadvantaged children.

Table 1 lists three conceptual models we have identified as most relevant to an understanding of state responses to ESSA's Title I requirements. We refer to these models as "synthetic frameworks" because they carry the potential to integrate significant numbers of previous research findings within each perspective.

INSERT TABLE 1 ABOUT HERE

Model 1, the *Legal Framework* model, describes how ESSA's statutory and regulatory provisions as well as court decisions set forth the parameters guiding federal, state, and local policy. Model 2, the *Institutional Actors* model, describes ESSA's implementation by examining the roles played by actors at different levels and branches of government with shared responsibilities for overseeing and implementing ESSA. Model 3, the *Stakeholders Bargaining* model, provides a third way to understand ESSA implementation by describing political bargaining among key ESSA stakeholders, as they seek to influence state implementation of federal legal requirements.

These three models provide different potentially competing ways of understanding state implementation of ESSA. Does one model best explain the implementation problems ESSA has faced since its inception, or are multiple models, perhaps depending on the issue under review, needed to understand implementation breakdowns? It may be that all three models are needed to provide anything close to a full understanding of successful implementation and implementation

breakdowns. Empirical analysis employing one or more of these models can help forecast ESSA's likely success as well as how to make improvements moving forward. As Table 1 indicates, each model suggests different possible solutions to avoid implementation breakdowns.

Examples of implementation research that has been conducted, drawing on a particular model either explicitly or implicitly, are described below. For space reasons, this review offers examples but does not try to be comprehensive.

### *Model 1: Legal framework*

Laws are, of course, political responses to a perceived social problem or need. As pointed out above, they only very loosely resemble textbook models of rational-comprehensive policymaking in which a clearly defined problem is addressed with unambiguous, internally consistent provisions. Instead, laws often reflect multiple, even conflicting goals born of compromises among contending interests. Also, goals are often stated vaguely initially to attain consensus (Kirst and Jung 1980; Orland 2013). Consequently, implementors must cope with divergent interpretations of a law's intent, setting the context for political battles to come over its implementation.

### Ambiguities in the Original ESEA Legal Framework

Moffitt and Cohen (2015) demonstrate that the original ESEA did not emerge from a textbook example of a rational design either to end poverty, promote civil rights, improve instruction, or address funding inequities. Rather, at least three competing "stories" underlie the law's origins (Gamson et.al. 2015), each with some claim to veracity. One story emphasizes the legislation as



a funding compromise that emerged as a federal aid program conferring broad benefits to schools and students nationwide. In this view, ESEA's major section Title 1, which shall be our focus in this article, became a compensatory education program that resolved longstanding opposition to federal education aid from several powerful constituencies--southern racial conservatives, local control advocates (including traditionalists in state departments of education not eager to have their authority usurped by federal authorities), civil rights advocates and Catholics voicing both constitutional and funding concerns. This impasse had blocked federal education aid to education, and ESEA resolved, at least partly and for a time, their partisan concerns.

A somewhat different view was held by some other influential advocates of federal aid. They embraced ESEA as an opportunity for the federal government to attack student poverty. From this view, reducing the widespread inequalities in educational funding would attack lack of educational development and poor educational performance by students in impoverished circumstances. This understanding of ESEA focuses on the need to target federal resources to break the poverty cycle and to assure full educational opportunity to all children regardless of family income and school district wealth. While it overlapped with the view of ESEA as a categorical program providing compensatory education, its purpose was more explicitly linked to economic and political empowerment for its recipients. As a policy goal, it was more ambitious than the first because it linked federal aid to an expanding vision of equal educational opportunity rather than the narrower conception of merely providing revenue enhancements for poor disadvantaged students.

A third view held by some advocates was that the new federal education law should be used to stimulate educational innovation, a controversial concept because it implied that state-local education programs, for which local school boards and education professionals had responsibility, were failing many children. Some policymakers at each level of the intergovernmental system also feared that a federal law seeking innovations in teaching and learning might lead to federal usurpation and control in contravention of state-local authority.

As Gamson et. al. explain, these “divergent rationales” for ESEA’s creation influenced how the law was interpreted by state and local officials and how they put the law to use. Most critically, because the language in the law itself lent itself to different conceptions of its purposes, advocacy coalitions organized around these contending perspectives, and policy entrepreneurs attached their own aspirations to the law. (These political dynamics will be discussed in Models 2 and 3)

These arguments over ESEA’s purposes mirror Lowi’s (1964) distinction between allocative (distributive) and redistributive policy. Each type of policy tends to rest on a different rationale and evokes different political processes. Allocative policy provides benefits to all citizens or groups while redistributive policy favors provision of benefits and redistribution of wealth that favors one social group over another to satisfy equity concerns. From the beginning, ESEA stakeholders who resisted federal intrusion tended to emphasize ESEA as an allocative policy, favoring spreading resources as widely as possible with loose eligibility requirements and minimal targeting mechanisms. By contrast, other stakeholders could legitimately view ESEA as an anti-poverty program to redress educational inequities. They argued for specific eligibility

requirements to benefit students and school districts with the greatest needs, tight targeting of resources, and strong regulatory oversight to assure state-local accountability and fidelity to the law's goals.

ESEA's ambiguous legal framework has given legitimacy to both policy perspectives in national funding decisions and Congressional reauthorizations over many decades. Moreover, the law's unsettled legacy has flowed down to the way state officials interpret and implement the law, emphasizing either its redistributive or distributive aspects (i.e., as categorical aid narrowly targeted to meet the needs of specific students with the greatest needs or alternatively as akin to general aid with broad goals to be implemented with maximum flexibility within the law's strictures).

Over the years, each reauthorization of ESEA created still another legal framework within which competing visions of federal law and power were contested. For the most part, these arguments were restatements of, or variations on, the original conundrums which ESEA had created.

### The NCLB Legislative Framework

In the reauthorization of ESEA in 2002, the No Child Left Behind Act (NCLB), President George W. Bush did not entirely break new federal ground in his revisions to ESEA. ESEA and the federal role in education was generally transitioning toward a program of national standards, student testing, and accountability since the 1980s. Bush's NCLB framework did break from the past, however, by endorsing a novel conception of ESEA's civil rights legacy, asserting that "the tyranny of low expectations" was "the civil rights issue of our time." Bush broke with

longstanding Republican orthodoxy and the resistance of many Congressional Republicans by dramatically expanding federal education authority through NCLB. He achieved this with a bipartisan compromise bill that, among other things, established annual testing, reporting of test results by subgroup, and setting consequences for low-performing schools, although each state set its own standards and requirements. As a result, in responding to NCLB, states and LEAs made substantial changes to their own accountability and assessment systems, school improvement policies, curricular foci, and other related areas (Dee and Jacob 2010).

Despite the increase in federal authority under NCLB, continued ambiguities in the legal framework resulted in how NCLB was implemented in different jurisdictions as well as widely shared pushback to federal goals. In a study of three states' responses (Illinois, Rhode Island, and Washington) to NCLB conducted by the Center for Education Policy, Manna (2011) documented the gap between the putative intent of federal accountability and the ways it was implemented at state and local levels. They also responded in ways that created unintended consequences that undermined the goals of federal policy, e.g., a narrowing of the curriculum, a focus on test preparation in classroom instruction, attention to "bubble" students who might artificially raise student scores to meet accountability targets, etc. Manna describes these state-local realities as creating a "collision course" with the aims of federal policy.

#### Obama Era Modifications to the NCLB Framework

If NCLB appeared to push federal power too far in the direction of prescriptiveness, this perception was magnified during President Obama's administration. Initially unable to achieve a reauthorization of ESEA, the Obama administration turned to the power of the purse and federal

regulatory tools to launch a dramatic escalation of federal education authority, first with the 2009 Race to the Top (RTTT) program and later the provision of Education Flexibility Waivers (Ed-Flex) beginning in 2011. Multiyear RTTT awards were given in 2010 and 2011 to 11 states and the district of Columbia based on the quality of state plans to implement ambitious comprehensive *federally-defined* state and local policy reforms focusing on four areas – standards and assessments, teachers and leaders, transforming low performing schools, and data systems. However, because nearly every state applied for RTTT, and because each state’s application had to demonstrate state capacity and commitment to implement the proposed reforms (e.g., a commitment to ambitious state standards such as found in the Common Core), RTT’s influence on state and local policy extended well beyond those states who ultimately received funding.

Ed-Flex waivers enabled states to avoid what would otherwise have seen significant system-wide disruptions caused by their failure to meet mandated student improvement targets under NCLB. Granted by the U.S Department of Education between 2012 and 2015, 45 states applied for Ed-Flex waivers with 43 having their waivers approved. Because of the specific and detailed conditions outlined by the federal government for receiving a waiver, these states and their school districts implemented many new policies in critical areas of educational governance including setting college and career-ready standards, defining and implementing system-wide assessment and accountability systems, identifying and assisting lowest performing schools with federally defined improvement models, and developing new policies for test-based teacher evaluation and support.

The Obama-era reforms to NCLB, not unlike NCLB in the Bush years, influenced state-local politics. Authority over assessment, accountability, and teacher quality shifted from school districts to governors and state education agencies implementing new federal policy prescriptions. However, many states lacked the capacity to meet their ambitious goals (propelled by federal review and approval of their RTTT proposals or Ed-flex waiver plans) to help school districts improve low-performing schools, introduce meaningful teacher evaluation, and address other performance challenges inherent in the NCLB mandates (Hess and McShane 2018). The Obama administration's strong encouragement that states adopt the Common Core as part of RTTT led to backlash and lukewarm implementation in many states and undercut the conditions most likely to lead to its successful implementation (Loveless 2018). The same could be said for teacher evaluation reforms incorporated in NCLB in these years (Kraft 2018).

### The ESSA Legal Framework

Partly as a reaction to Bush-Obama era federal policies, this inexorable nearly two-decade expansion of the federal policy role in K-12 education was sharply curtailed with the 2015 reauthorization of ESEA. ESSA moves substantial decision-making authority in nearly every aspect of the law from the federal government to state departments of education. The new framework contains outright prohibitions on federal policymaking in certain areas (e.g. requirements for teacher evaluation systems or curricula, granting of conditional waiver authority such as practiced through Ed-Flex) and severely circumscribes federal prerogatives in others (e.g., defining state standards and accountability systems). States now have the flexibility to define performance measures, set progress goals, and include indicators of school quality. At the same time, while states now are responsible for accountability policies, the legislation preserves

the federal role in civil rights enforcement and the authority of the Office of Civil Rights. Also, the law contains new federal requirements imposed on states such as evidence of stakeholder involvement (discussed later) and reporting on school-by-school spending with an eye to making inequities more transparent.

Our review of the long-history of ESEA's legal frameworks suggests that they do matter in how a law is implemented. They influence the politics of education surrounding the law, state governance structures and processes, and state policies impacting disadvantaged children. Yet the above review of research on ESEA also suggests that there is no clear consensus on whether federal policy has been too prescriptive or not prescriptive enough. Berman and McLaughlin (1978) argued that implementation of federal policy should be viewed as a process of "mutual adaptation" between federal goals and state-local realities. Elmore (1982) also concluded that because federal policy interacts so differently with existing state policies, federal policy must be flexible enough to enable states to develop new policies and political coalitions while at the same time protecting vulnerable populations. In her review of state education policy and intergovernmental relations, McDermott (2009) argued for reexamining the assumption that prescriptive federal policy is needed to protect vulnerable populations. It appears that the empirical research, instead of resolving the ideological debates about federal power, often mirrors the longstanding ambiguities at the heart of ESEA's legal framework.

An important question is whether ESSA will lead to a significant rethinking and strengthening of previous state policies enacted under NCLB. ESSA's new legal framework is, of course, layered on top of five decades of ESEA policy, with its continuing conflicts over federal purposes and

power. A study by the Heritage Foundation (Butcher 2017), for example, disputes the claim that ESSA offers states sufficient flexibility. Many earlier ESEA regulations remain in the law and may inhibit states and school districts from having the flexibility to pursue promising implementation strategies (O’Day and Smith 2019). Yet compared with the NCLB requirements, ESSA affords states with newfound flexibility and decision-making responsibility in many areas that were previously prescribed at the federal level. Only careful empirical study of ESSA’s implementation will provide actual evidence of how this new legal framework is impacting state governance, and state policies benefiting disadvantaged children.

### *Model 2: Institutional Actors’ Responses to ESAA*

Political scientists have long studied how political institutions shape the behavior of actors. Actors’ make “rational” decisions in an institutional context that includes rules, shared meanings, and cultures, as well as standard operating procedures in routine situations (Cyert and March 1963; March and Simon 1958). Institutional behavior also includes identities, interests, and the actor’s subjective concepts of the “common good” as they seek to interpret the rules within which they operate (March and Olsen 1995).

America’s federal system of divided powers among levels of government, as well as the constitutional and political decentralization in the arena of PK-12 education, is the paramount starting-point for understanding how institutions shape actors’ behavior. Wong (2013, 165) reminds us that despite the evolution of ESEA to what he describes as performance-based federalism, “federalism is not designed to support accountability uniformly across states.” Even federal laws with clear goals, adequate funding, and competent federal oversight must filter their



way through an institutional labyrinth where state-local officials are primarily responsible for establishing and administering K-12 educational policy. Given this decentralized institutional system, Peterson, Rabe, and Wong (1986) argued that even under cooperative federalism, federal policies in education, housing, and health led to variable outcomes and effectiveness.

### Gubernatorial PK-12 Authority and Support for ESSA

There is no better example of how federalism complicates federal ambitions in administering ESSA than gubernatorial authority and leadership. Not all states empower their governors equally. First, states vary widely in their authority to mandate local school system change (Manna 2013). The legal autonomy of local school districts varies from state to state.

Second, regardless of the degree to which local control is protected, institutional frameworks give governors varying degrees of control over state education agencies and state boards of education (Manna and Harwood 2011). A governor's authority to appoint a like-minded chief state school officer (CSSO) and members of the state board, without legislative consultation, is a far more centralized model than one in states where the CSSO or state board is elected, or where the governor must consult with members of the legislature, possibly from the other political party, before an appointment can be confirmed. Further, in some cases gubernatorial appointments to the state board are staggered, rendering the governor dependent on vicissitudes of the calendar.

These state by state differences in gubernatorial authority potentially impact a governor's decision whether to expend political capital on education reform initiatives. Several studies

underscore the importance of this variable. Nicholson-Crotty and Staley (2012) found that potential electoral benefit influenced whether a governor applied for a RTTT award. This finding supports a competitive theory of federalism which emphasizes that governors (as well as other public officials at all levels of government) pursue benefits for citizens when they can claim credit for them (Peterson 1995).

Governors enjoying the advantage of more centralized control of education governance are more likely to pursue and shape use of federal funds because they see a higher probability of successful outcomes. They may act as “policy entrepreneurs” (Manna (2006, 15) who champion particular ideas and raise the salience of an issue about which they care deeply, using their formal and informal power to mobilize political support in moving an agenda forward. Manna and Harwood (2011) also found that governors in states with more centralized control of education governance imposed higher demands on local school districts. Because more centralized control conveys a greater probability of success in influencing school district policies, they had a greater incentive to exercise their leadership and authority in this area.

Governors in states with more centralized authority may thus be more motivated than governors of other states to play an active role in setting ESSA policies and deploying federal funds consistent with their priorities.<sup>ii</sup> That said, while Henig (2013) found that formal authority explains much gubernatorial leadership on education issues, it is not always predictive. Some governors choose not to exercise their plenary authority. In other cases, they use their informal power effectively. James Hunt of North Carolina, a four-term governor often held out as the prototypic education governor, had little formal authority. Clearly, the role that gubernatorial

authority plays alongside other potentially important factors such as partisan affiliation, deserves further empirical examination.

### CSSO Leadership and SDE Capacity

Another example of how implementation of federal policy is shaped by institutional realities in our federal system is the role of chief state school officers (CSSO) and their state departments of education (SDE). CSSO/SDEs often have common institutional interests in limiting the federal role. Vergari (2012) examined how states protected their institutional interests not only during negotiations over NCLB's passage, but particularly after NCLB was passed. Connecticut challenged the law in federal court, while Utah passed legislation giving priority to state rather than federal academic standards.

States also have many options for engaging in minimum compliance and have exploited NCLB loopholes, secured waivers and bargains, or simply counted on weak federal enforcement to protect their institutional interests. For example, more than 50% of states ignored NCLB guidelines for identifying "persistently dangerous" schools. Where they had discretion, many states set low pass thresholds on student tests, effectively inflating the performance of their pupils. Many minimized student failure rates by relying on their own pre-NCLB proficiency rates, effectively grading themselves on a curve (Davidson et. al. 2015). Also, they could manipulate the size of student subgroups that would be included or excluded for meeting proficiency standards.

A critical question for understanding CSSO/SDE responses to ESSA is to examine *variability* in their institutional contexts and how it affect ESSA implementation and ultimately local policies and practices. There is abundant research evidence that the leadership of CSSOs and their SDEs can play an important role shaping local school district responses to ESSA goals. Lusi (1997) found that the way state departments of education in Kentucky and Vermont implemented their plans affected the ability of schools and districts to implement reform. More recently, an empirical study by Chiefs for Change (2019) found that whether states help districts adopt high-quality instructional materials depends less on their level of control over curriculum matters than their willingness to play an active role. To the extent that SDEs provide weak guidance and support, many local school districts have corresponding difficulties meeting the law and less incentive to do so.

Variability in SDE commitment and capacity to support federally-mandated reforms has been a longstanding issue in ESEA (Orland and Goettel 1982; Center on Education Policy 2007). Several factors can be expected to shape CSSO/SDE institutional responses in implementing ESSA's goals and requirements both in school improvement and other areas of the law. First, just as is the case for governors, in some states local school districts still enjoy substantial autonomy from state oversight, enshrined in legal precedents and tradition. The principle of subsidiarity, which holds that education policy should be delegated to the lowest appropriate level in our federal system, persists as an ideology in many states despite decades of centralizing tendencies that have encroached on a "theology of localism" (Fusarelli and Fusarelli 2015: 203-207).

Second, a large body of research calls into question whether some SDEs possess the political will to enforce federal goals. It is difficult to disentangle CSSO leadership and agency because the two often are mutually reinforcing. If CSSOs are not fully in support of federal goals, compliance is a minimalist approach to state oversight and less likely to encounter local resistance.

Third, even when SDEs possess the necessary authority and political will to implement federal objectives, the issue of their capacity may well remain a challenge. Indeed, state inaction may often reflect tacit acknowledgement that their agencies have limited capacity to address the goals of the federal law.

One of the biggest manifestations of limited SDE capacity, and an accompanying lack of political will, is a tendency to focus on fiscal accountability rather than providing LEAs support for instructional improvement. Even if willing, they often have little knowledge or wherewithal on how to make this strategic shift. Many SDEs still reflect roles historically created in the Progressive era (Moffitt and Cohen 2015). Orland (2013) distinguished SDE implementation of ESEA on the twin dimensions of “directiveness” (i.e., the extent to which it viewed its appropriate role as directing school district policies and behaviors) and “substantive thrust,” i.e., the extent to which the principal focus of SDE activity was on compliance with federal requirements vs. local program improvement. These differences in SDE role orientation persist today. How chief state school officers and their SDEs exercise leadership around their new ESSA responsibilities, the factors shaping their approaches, and the resulting strategies developed in working with local districts bears careful study.

In sum, a large body of research on ESEA's implementation problems over five decades can be subsumed under Model 2. Fragmentation in governing authority within our decentralized federal system plays a large role in education policy. Governors, chief state school officers, and their state education departments pursue potentially conflicting role interests, reflecting different governance, political, and policy contexts, as well as differing organizational capacities to enact and implement policies favoring disadvantaged children. If Model 1 illustrates how ambiguities in the legal framework can foster implementation breakdowns, Model 2 stresses how the nation's institutional framework for education policymaking can lead to highly variable, uncertain implementation outcomes.

What is not fully understood is how some leaders such as governors and CSSOs use their authority to overcome institutional barriers to promote policies favoring Title 1's goals for disadvantaged children. Further complicating the role of state institutions is the increasing polarization of public policy along partisan lines. As elected leaders in Republican dominated states embrace the Trump administration's agenda for federal deregulation and school choice, implementation of ESSA in these states may reflect a different approach to addressing the needs of the disadvantaged students. Alternatively, implementation breakdowns may reflect a state's political culture, as we will discuss below.

### *Model 3: Bargaining among Key Stakeholders Shaping State Responses to ESSA*

Thus far our conceptual models have focused on the legal frameworks surrounding the law and institutional structures. We turn now to another political model widely employed to explain

policy adoption, implementation, and outcomes. Exchange conceptions of political action examine the pursuit of utility-maximizing behavior by actors. Both interest groups and public officials pursue their self-interest through rational bargaining, negotiation, coalition formation, and exchange, e.g., March and Olsen, 1995, Riker, 1962, Niskanen, 1971, Downs, 1967. Public officials, for example, have the ability to empower and mediate among partisan interests through their control of rule-making, enforcement, budgets, jobs and contracts, and other political resources.

Working within these assumptions, political scientists have employed several theoretical models to analyze policy implementation as a bargaining arena. *The advocacy coalition framework* was first introduced by Sabatier (1988) and Jenkins-Smith and Sabatier (1993) and since refined, e.g., Jones and Jenkins-Smith, 2009. It describes how actors with similar beliefs within a policy subsystem such as PK-12 education, seek allies to create advocacy coalitions which typically consist of individuals from diverse stakeholder groups including interest groups, elected officials, researchers, etc. A related, overlapping literature, focuses on *issue and policy networks* (Heclo 1984; Rhodes 2008). These networks also involve a large number of stakeholders, around which there may be competing advocacy coalitions. Policy enactment and implementation are driven by the actions of such coalitions who use their influence strategically to shape both policy enactment and implementation. Although these theories have not received extensive attention in education, there are some exceptions, e.g., Orland 2009); McLendon et. al. (2015); Marshall et. al. (2017); Seashore-Louis 2017; Stone,1989).

*State political cultures* represents another theoretical perspective that has received attention in education policy research. Wirt et. al. (1989) drew on Elazar's earlier conceptualization to characterize different state political cultures as traditionalistic, moralistic, or individualistic. Distinct state cultures influence how various interests are able to mobilize and bargain to achieve their goals. For example, Seashore Louis et. al. (2015) contrasted Nebraska's individualistic political culture with North Carolina's traditionalistic culture. These state cultural differences have shaped each state's reactions to the international/national movement to increase standards and accountability in education. Nebraska's political culture and resulting politics favored local interests resulting in relatively weak state influence on school district policy and practice. This was in contrast to the political culture in North Carolina whose centralized politics privileged state interests and a more proactive state role.

#### The relevance of stakeholder bargaining models to ESEA politics

As was already noted, interest groups were important in the passage of ESEA and remained active in promoting their interests after the law's passage (Bailey 1975). School boards, administrator associations, teacher unions, and other professional groups with vested interests in current policies, programs, and governance were particularly powerful in ESEA's early years, and in many respects that power has persisted. Sometimes states banded together to call for greater flexibility in meeting NCLB rules and their positions were often heeded. The Council of Chief State School Officers, the National Governors' Association, and the National Conference of State Legislatures were politically active in pursuing "universal" state interests seeking to curb NCLB's expansion of federal power. In other cases, a group of states pursued "categorical"



interests pertinent to key constituencies in their states, such as the needs of their rural areas or of English-language learners.

In time, however, the dominance of these traditional producer groups over ESEA weakened. New vertically organized producer networks such as state Title I directors organized politically to advance their interests and created a new dynamic in the politics of education surrounding ESEA. A variety of local, state, and national consumer groups also mobilized around education issues, and many wanted a voice in ESEA policy implementation. A loosely-connected, but vocal civil-rights coalition advocated for disadvantaged students and advanced proposals to reform ESEA. From their point of view, ESEA grants-in-aid were expected to address social welfare goals such as funding inequities, fiscal stress, and concentrated poverty, as well as underachieving schools (Wong 1999, Cibulka 2003).

At the same time, business-oriented coalitions endorsed school-reform initiatives such as student testing, accountability and teacher quality, shifting ESEA's earlier focus on equitable inputs toward a new national politics of education productivity (Cibulka 2001). McGuinn (2006) used regime theory to analyze the emergence of NCLB, arguing that over four decades an equity regime that had dominated ESEA from its inception was destroyed and reconstructed as an accountability regime. New stakeholders such as governors and business groups replaced a few powerful interest groups on the left (unions) and right (religious groups) who had forestalled changes in federal policy. As these new kinds of stakeholder interest-groups have mobilized in recent years, the politics of education surrounding ESEA has become a much more complex, densely organized policy space than it had been at ESEA's origin in 1965, with a variety of

interest groups now mobilized at national, state, and local levels. In designing state policies, state education agency staff must manage competing interests of federal, state, district, and external actors. (Anagnostopoulos et. al 2013).

### Political bargaining around ESSA

Two particular features of ESSA are likely to make a stakeholder bargaining model useful in understanding state responses to the new law. First, the politics surrounding ESSA is likely to be, if anything, more conflictual than in the past because of the fact of ESSA's devolutionary framework. This has been foreshadowed in the political bargaining after ESSA's adoption. Not all interest groups were pleased with devolving more power back to the states. After the U. S. Department of Education released its draft regulations for ESSA in 2016, a coalition of over 30 civil-rights organizations expressed concerns about key areas in which the draft regulations fell short. Their concerns intensified when the Trump administration implemented its authority under ESAA much less prescriptively than previously (Saultz et. al. 2017). They have objected to purported deficiencies in various state plans such as how states choose to incorporate student subgroup performance in their school rating systems. While negotiations on these issues have occurred at the national level, there is some evidence that these groups are also mobilizing in state capitals. This is unsurprising given the additional authority states are explicitly given in ESAA's legal framework compared with NCLB.

Second, ESSA may empower advocacy coalitions to engage in political bargaining because of new stakeholder engagement requirements in the law itself. Civil-rights organizations and their allies won a major concession when ESSA was passed. The law mandates that states involve key

stakeholder groups in planning and implementation. Groups specifically mentioned are public policymakers and officials such as the governor, state legislators, the state board of education, school district leaders and staff; consumer groups such as Native Indian tribes and parents; and alternative producer groups such as charter school leaders. Depending on how states choose to implement this new requirement, ESSA has the potential to create more state-level political bargaining than was witnessed under NCLB.

It remains to be seen how much influence civil-rights oriented interest groups will have in shaping state and local ESAA policy implementation. Earlier we cited research evidence on how some states met federal requirements while making only minor alterations to existing state policies. In addition, some interest groups opposed to aspects of the NCLB civil rights agenda may hold more sway in state capitals than they did in Washington DC under NCLB. While in some states powerful coalitions of business leaders, legislators, and others that supported NCLB reforms can be expected to protect policies they fought hard to achieve, in others such reforms may prove vulnerable. Teacher unions for example are likely to oppose strong testing provisions and to attempt to constrain policies based on test-based teacher accountability for student performance. Similarly, school boards and superintendents have vested interests in maintaining local autonomy and avoiding inter-group conflict. They too may have more ability to protect these interests than was the case under NCLB.

One is reminded of Schattschneider's (1960) classic precept that "inevitably the outcome of a contest is controlled by the level at which the decision is made" and that the nationalization of politics weakens old power monopolies and sectional power. Will ESSA empower these

sectional interests and return us to the politics of an earlier era, will it merely preserve the status-quo, or will it empower new voices to strengthen ESSA’s implementation? What kinds of coalitions will be active in state capitals, and what policies will they advance in support of or impeding the interests of disadvantaged students? An empirical analysis that employs a stakeholder bargaining model offers a way to examine these alternative outcomes.

## Conclusion

A strength of American federalism is that responsibilities are shared among levels of government. This power sharing provides state and local political systems with the flexibility to address challenges such as the achievement gap, fiscal disparity, and innovation in new ways (Wong et. al. 2018). ESSA provides such an opportunity. It ends a decades-long expansion of the federal policy role in PK-12 education by moving substantial decision-making authority to state departments of education, seeking to redress ESEA’s long-term performance disappointments.

Yet there is debate about whether ESSA will improve past performance shortcomings in ESEA or, as some argue, magnify them. We have argued here for additional research on ESSA that is grounded in political science because it can help us understand ESSA’s actual impact on state governance, politics, and policies favoring educationally disadvantaged children. In this paper we conducted a selective review of the voluminous literature on ESEA to examine this question. We drew on three alternative synthetic frameworks to organize this literature: *Legal*, *Institutional Actors*, and *Stakeholder Bargaining*. We found that research on ESEA implementation has offered different analyses of why the law has encountered implementation “breakdowns.” As we

described in Table 1, the models differ in their diagnoses. Each focuses on key attributes that shape ESEA implementation: primary political forces/actors, causes of implementation breakdowns, and most speculatively, possible solutions.

It is apparent from this review that these three models are not mutually exclusive. A research agenda is needed that incorporates each perspective and explores the relationship between them. Such research has the potential to provide a better understanding of ESSA's national impacts as well as variability in state-by-state implementation. Only by closely examining the political forces underlying ESSA's implementation can researchers and policymakers improve our understanding of how to strengthen the performance of the nation's premier law addressing the needs of educationally and economically disadvantaged children.

TABLE 1

*Three Synthetic Frameworks Informing Implementation of ESSA*

Synthetic Frameworks for Understanding States' Implementation of ESSA				
Key Attributes Shaping Implementation	Model 1: ESSA's Legal Framework	Model 2: Institutional Actors Framework	Model 3: Stakeholder Bargaining Framework	
Primary Political Forces/Actors	<ol style="list-style-type: none"> <li>1. Legislation</li> <li>2. Executive regulations</li> <li>3. Legislative oversight</li> <li>4. Court opinions</li> </ol>	<ol style="list-style-type: none"> <li>1. Governance structures in our federal governmental institutions</li> <li>2. Interests of actors as they interpret their roles and opportunities</li> </ol>	<ol style="list-style-type: none"> <li>1. Coalitions of decisionmakers and interest groups</li> <li>2. Bargaining over goals, processes, and measurement of outcomes</li> </ol>	
Causes of Implementation Breakdowns	<ol style="list-style-type: none"> <li>1. Ambiguities and/or internal contradictions in law's design</li> <li>2. Lax enforcement and/or oversight by federal officials</li> <li>3. Overregulation that inhibits motivation and ability to achieve the law's goals</li> </ol>	<ol style="list-style-type: none"> <li>1. Fragmentation of authority in a federal system</li> <li>2. Competing institutional interests</li> <li>3. Uneven capacity across levels in our federal system</li> </ol>	<ol style="list-style-type: none"> <li>1. A dominant coalition shapes implementation and impedes accountability for successful implementation</li> <li>2. Competing coalitions prevent consensus on implementation goals, strategies, and preferred outcomes</li> </ol>	
Possible Solutions to Address	<ol style="list-style-type: none"> <li>1. Reauthorize legislation to address design flaws</li> </ol>	<ol style="list-style-type: none"> <li>1. Reform inter-governmental relationships to</li> </ol>	<ol style="list-style-type: none"> <li>1. Change law or regulation to empower participation,</li> </ol>	

Implementation Breakdowns	2. Change regulatory oversight strategies	strengthen capacity at state and local levels 2. Create new incentives for state and local actors to respond to the law's goals	potentially creating new coalitions of actors to disrupt the status-quo
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Notes

<sup>i</sup> See, for example, Results for America (2018); Achieve (2018); Bellwether Education Partners (2017); National Urban League (2019); Ushomirsky, Smith, and Bommelje (2017); and Wright and Petrilli (2017).

<sup>ii</sup> It is however important to note that ESAA, like its predecessor authorizations, funnels federal funds through state departments of education rather than the governors' offices, a sore point with the latter. Governors tried unsuccessfully to amend the draft NCLB bill to give them rather than chief state school officers control over NCLB's funding streams (Manna, 2013, pp. 147-148). This continued aspect of ESAA's legal framework may dampen governors' desires to become more involved in shaping state ESAA policies.

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