

From No Child Left behind to the Every Student Succeeds Act: Federalism and the Education Legacy of the Obama Administration

Patrick McGuinn*

*Drew University; pmcguinn@drew.edu

This article offers an analysis of the legacy of the Obama Administration's education agenda, focusing on implications for American federalism. Faced with partisan gridlock in Congress—which was not able to reauthorize the Elementary and Secondary Education Act (ESEA) until the last year in office—the Obama Administration opted to make education policy through creative, expansive, and controversial uses of executive power that changed the national political discourse around education and pushed states to enact important policy changes regarding charter schools, common core standards and assessments, and teacher evaluation. The administration's aggressive efforts on school reform, however, eventually led to a political backlash against those same reforms and federal involvement in education more generally and resulted in an ESEA reauthorization (the 2015 Every Student Succeeds Act) that rolls back the federal role in K-12 schooling in important ways. One of the enduring legacies of the Obama presidency may well be the invigoration and expansion of the state role in education.

This article offers an analysis of the legacy of the Obama Administration's education agenda, with a particular focus on its implications for American federalism. The election of Barack Obama as president in 2008 gave the Democratic Party an opportunity to assert a new vision of education reform. His Republican predecessor, George W. Bush, had built a K-12 schooling agenda around the passage and rigorous implementation of the No Child Left Behind (NCLB) Act of 2001. NCLB, which was a reauthorization of the Elementary and Secondary Education Act (ESEA), required states to create academic standards, annually test children in reading and math in grades three through eight (and once in high school) and hold districts and schools accountable for the results. States had to determine which students were proficient, identify schools where an insufficient number of students were proficient, ensure that specified measures were taken with regards to schools that failed to make “adequate yearly progress,” and set targets

that ensured 100 percent of children would be proficient in reading and math by 2014. The law also required that school report cards disaggregate student test score data for subgroups based on race or ethnicity, economically disadvantaged status, limited proficiency in English, and classification as in need of special education.

A school which did not meet the proficiency target for *any one of these groups* was placed in “in need of improvement status” and states were required to take an escalating series of interventions (including the offering of public school choice, tutoring, technical assistance, and restructuring) with schools and districts that persistently failed to meet AYP targets. The scope, specificity, and ambition of the law’s mandates signaled something akin to a revolution in federal education policy. With NCLB, the federal government for the first time pressured states in a sustained way to undertake systemic change in their education systems and held them accountable for the academic performance of their students (McGuinn 2006).

However, the post-NCLB era witnessed a growing divide between civil rights groups and teachers unions (two crucial members of the Democratic coalition) over school reform, as they engaged in an increasingly charged fight over school testing, accountability, choice, and teacher evaluation reforms—all of which the teachers unions generally opposed (Rhodes 2011). Many civil rights leaders believed that NCLB’s testing, disaggregated data, and accountability provisions offered an unprecedented and powerful tool in the fight for educational equity (Taylor and Rosario 2009). Many in the education community, however, believed that the law unfairly held schools responsible for resolving educational problems that have their roots elsewhere, in broader social ills like poverty (Hartney and Flavin 2011; Moe 2011; Taylor and Rosario 2009). How Obama decided to navigate these intra-party disagreements would be of enormous import for his party and for education reform.

Many observers initially assumed that Obama (with one of the most liberal voting records in the Senate) would embrace the vocal criticisms of NCLB expressed by many Democrats (particularly the influential teachers unions) and call for a move away from school accountability and a reassertion of the traditional liberal focus on school resources, integration, and social welfare programs. But to the surprise of many, this was not to be, as once in office Obama acknowledged that he accepted two of the fundamental premises of the Bush Administration and the accountability movement (Darling-Hammond 2010). One premise is that many of the problems in education have political roots and that the federal role should focus not only on the provision of additional resources but on overcoming the powerful forces of the status quo in public education to foster policy change and experimentation. Second, schools and teachers should be held responsible for improving the academic performance of all students, even (and especially) those whose educational prospects are hampered by poverty. Many observers went so far

as to call Obama's education agenda "NCLB 2.0" or "NCLB on steroids" (Mathis 2011; Ravitch 2009).

Early in his administration, President Obama called for the continuation of annual testing in ESEA, expanded federal efforts to restructure the worst performing schools, improved teacher evaluation and accountability, and a new focus on innovation and charter schools (Stout 2009). He also clearly embraced the use of federal power to spur and direct state reform efforts. During his two terms in office, the federal government would intervene more aggressively in education than perhaps any other domestic policy area other than health care. Faced with divided control and partisan gridlock in Congress—which was not able to reauthorize ESEA, the largest federal education program, until his last year in office—the Obama Administration opted to make education policy unilaterally from the executive branch with a creative, expansive, and controversial use of executive power.

Through the use of competitive grant programs such as Race to the Top (RTTT), School Improvement Grants (SIG), Investing in Innovation (I3), and the NCLB waiver process, the administration was able to push states to enact important policy changes, particularly around charter schools, common core standards and assessments, school turnarounds, and teacher evaluation processes. The administration's aggressive push on school reform, however, eventually led to a political backlash against those same reforms and against federal involvement in education more generally, which resulted in an ESEA reauthorization (the 2015 Every Student Succeeds Act (ESSA)) that rolls back the federal role in K-12 schooling in important ways. As a result, the legacy of the Obama Administration on both education politics and policy—and on the debate over the proper boundaries of federal and presidential power—is likely to be considerable.

Race to the Top

President Obama signaled his intention to pursue an activist reform-oriented education agenda with his selection of former Chicago schools superintendent Arne Duncan as Secretary of Education, who was widely recognized as a "tough love efficiency hawk" (Affledt 2011). As the administration set out to craft its school reform blueprint, it faced both a significant political challenge and an unusual fiscal opportunity. The political challenge centered around the growing opposition by states (and many in Congress) to NCLB and coercive federal education mandates (Manna 2010). States had struggled mightily to implement the law and while some studies show that it had a modest positive effect on student achievement (Dee and Jacob 2010), it did not generate as much progress in closing student-achievement gaps as was originally hoped (Mintrop and Sunderman 2009). This context, combined with a Republican-controlled house (from 2011 onward) and senate

(from 2015 onward), made it impossible for the administration to reach a compromise with congress over the pending ESEA reauthorization and foreclosed (until the very end of the second term) the administration's efforts to codify its preferred school reform strategies in legislation. It would have to identify a different strategy for driving state education policy and this is where the unusual fiscal opportunity played a crucial role.

The "Great Recession" that helped usher Obama into office in 2008 also led Congress to enact the American Recovery and Reinvestment Act (ARRA) of 2009 (colloquially known as the "Stimulus"). The \$800 billion program directed \$100 billion in spending to education, the majority of which went to preserve teachers' jobs and fund existing programs. However, ARRA also set aside a smaller pot of \$4.35 billion for "state incentive grants." The legislation provided little detail on the purposes of the grants or the process for distributing them and thus gave wide discretion to the U.S. Department of Education. Secretary Duncan ultimately decided that the grants would be distributed through a competitive state application process which he called Race to the Top (RTTT). RTTT, along with related \$3 billion School Improvement Grant (SIG) and \$650 million Investing in Innovation (I3) funds for districts and non-profits, was intended to provide a major federal investment to support promising educational reforms, and to reward states and districts at the "intersection of courage, capacity, and commitment" in Duncan's words (*Education Week* 2009). In 2009, the department announced that state applications would be graded on a 500-point scale according to the rigor of the reforms proposed and their compatibility with four administration priorities: improving teacher training, evaluation and retention policies; the development of common standards and assessments; developing better data systems; and the adoption of certain school turnaround strategies.

The use of a competitive grant process to distribute such a large amount of federal education funds was innovative and unprecedented, as most federal funds have historically been distributed through categorical grant programs that allocated money to districts on the basis of need-based formulas (Mead 2010). States and districts in this traditional model received funding automatically based on their state educational needs (the number of poor, English as a Second Language, or special education students for example), regardless of the performance of their schools or the alignment of state education policies with federal priorities. Under RTTT (as well as I3 and SIG), however, states had to compete with one another and only received a grant if they adopted (or promised to adopt) reforms that were compatible with federal goals and approaches (McGuinn 2012a). The administration's guidelines for RTTT applications were "extraordinarily prescriptive" and incentivized states to enact policies that aligned with the Obama Administration's education agenda (Smarick 2009). Timothy Conlan and Paul Posner (2010: 443–4) see this approach as part of the Obama Administration's "hybrid model of federal

policy innovation and leadership, which mixes money, mandates, and flexibility in new and distinctive ways . . . The model represents a blend of, but is different from, both cooperative and coercive federalism.”

Desperate for federal funds during a time of state budget crises, forty-six states applied during the first two rounds of the RTTT competition, with only Alaska, North Dakota, Texas, and Vermont declining to participate. Forty states applied in round one, which Tennessee and Delaware won with grants of \$500 million and \$100 million, respectively. Thirty-five states (as well as DC) applied for the second round of RTTT with ten winners: Florida, Georgia, Hawaii, Maryland, Massachusetts, New York, North Carolina, Ohio, Rhode Island, and Washington, D.C. The application guidelines also encouraged (and rewarded) states to engage a wide variety of education stakeholders in the crafting of their applications. This stimulated a lot of new conversations between education policymakers, reform advocacy groups, and practitioners and precipitated a great deal of media attention to the issue of school reform, helping to create new political coalitions to drive policy change. The *Washington Post* (2010) declared that RTTT “helped transform the national discussion on education,” while Michelle McNeil (2009) from *Education Week* wrote that it stimulated an unprecedented “national conversation” on school reform. The Policy Innovators in Education (PIE) network praised the way that “the competition spurred dramatic shifts in political will” and “created tremendous pressure on states to develop bold plans for school reform” (Colvin and Kubach 2010).

RTTT’s emphasis on expanding charter schools, adopting common academic standards and tests, and revamping teacher accountability helped open up a rift in the Democratic Party on school reform and change the political climate around these controversial issues, paving the way for states to adopt new policies. As Dana Goldstein observed in 2009, “the major fight on education policy isn’t between Republicans and unions, or even between Republicans and Democrats, but rather within the Democratic coalition” (Goldstein 2009; see also Colvin 2009). Shelley Skinner of the New Jersey Charter Schools Association observed that “the political environment in the state legislature and around the country has become much more favorable for charters, thanks in large part to the Race to the Top competition encouraging them” (Cavanagh 2010). The group Democrats for Education Reform declared that “the change unleashed by conditioning federal funding on bold and forward-looking state education policies is indisputable. Under the president’s leadership, local civil rights, child advocacy, business, and education reform groups, in collaboration with those states and local teacher unions ready for change, sprung into action to achieve things that they had been waiting and wanting to do for years” (*USA Today* 2010). The design of the RTTT application process put governors and chief state school officers in charge of drafting state applications. By empowering these “education executives,” RTTT

may be speeding up what political scientist Jeffrey Henig (2009) calls “the end of educational exceptionalism” and elevating the importance of school reform debates in mainstream politics. This appears to have accelerated the trend toward greater centralization of education policymaking at the state level and, in particular, greater involvement of governors in school reform (Fusarelli and Cooper 2009; Malen 2003).

RTTT succeeded in pushing states to enact a wide variety of education reform policies in order to make their grant applications more competitive or to fulfill the commitments they made in them. A 2011 Center on Education Policy survey of state education officials concluded that “Nearly all of the dozens of ARRA-related reform strategies included in our survey are being acted on by a majority—often a large majority of the responding states” (Center on Education Policy 2011: 3). State actions on teacher quality reforms are illustrative in this regard. Despite recognition of the importance of teacher quality to educational outcomes and considerable research that questioned the efficacy of existing state teacher evaluation, tenure, and dismissal policies, before RTTT very few states had taken action to address the issue (Glazerman et al. 2011; Gordon et al. 2006). Prior to the Obama era, the norm across the country was to give teachers tenure automatically after three years in the classroom, with no meaningful evaluation of their teaching effectiveness and little risk of their being fired during their career no matter how ineffective they were (McGuinn 2010). The opposition of teachers unions to evaluation and tenure changes had made the issue the “third rail” of education policy and stymied any effort at reform. (Hartney and Flavin 2011; Moe 2011) President Obama and Secretary Duncan effectively used the bully pulpit to draw attention to problems in existing state teacher-evaluation and tenure systems and, combined with the incentives of RTTT and NCLB waivers, prompted an unprecedented wave of reforms (Learning Point Associates 2010; Sawchuk 2010). The National Council on Teacher Quality (NCTQ 2012) reported that thirty-six states (and DC) changed their teacher evaluation policies between 2009 and 2012. There was a large increase in the number of states that required annual teacher evaluations (forty-three states), incorporated student achievement (thirty-two states), differentiated levels of performance (twenty-six states), conducted annual classroom observations (thirty-nine states) and multiple observations each year (twenty-two states), and utilized performance-based tenure decisions (nine states) (see also Mead 2012). NCTQ (2012: 9) found that “the landscape is quickly and dramatically changing when it comes to rethinking and rebuilding teacher evaluations in school systems in the United States.”

In the most in-depth analysis of the impact of RTTT conducted to date, William Howell (2015: 62) found that in the wake of the competition (2009–2014) states on average enacted 68 percent of the “reform policies” it encouraged while they averaged only a 10 percent adoption rate in the seven years before the competition

(2001–2008). Howell concludes that “The surge of post-2009 policy activity constitutes a major accomplishment for the Obama administration. With a relatively small amount of money, little formal constitutional authority in education, and without the power to unilaterally impose his will on state governments, President Obama managed to jump-start policy processes that had languished for years in state governments across the country” (2015: 66).

However, building the capacity at both the district and state education agency level to implement the reforms pushed by RTTT (and the NCLB waiver program) proved to be a major challenge across the country (McGuinn 2012b, 2015). States and districts struggled to secure the financial, personnel, and technical resources to support schools with this work (Center on Education Policy 2012a). In a 2011 survey of state education agencies (SEAs), Cynthia Brown and her colleagues noted that the wave of reforms had “put immense stress on agencies that were originally conceived as tiny departments primarily designed to funnel money to local school districts. Yet it is not at all clear that state education agencies are prepared for this demanding new role” (Brown et al. 2011). A 2011 Center on Education Policy survey found that operating budgets for a majority of state education agencies had declined by 10 percent or more since 2007, and that “only a handful of states believe they have all three elements in place—adequate expertise, staffing levels, and funding—to carry out key American Recovery and Reinvestment Act (ARRA) related reform activities” (Center on Education Policy 2011: 13–16; see also Center on Education Policy 2012b).

A 2011 study by the Governmental Accountability Office (GAO) concluded that states were struggling to implement the reforms in their RTTT applications and that their “overly optimistic” timelines were unlikely to be met (GAO 2011). The dozen winners from the competition formally amended their RTTT plans frequently—usually to scale back proposed reforms or push back timetables (McNeil 2011). District efforts to circumvent compliance with state mandates were a further challenge, as were the debates over memoranda of understanding and implementing the Obama Administration’s new school-restructuring approaches (Klein 2010). A follow-up report by the GAO in 2015 found that states were *continuing* to struggle to implement their RTTT reforms due to rapid policy adoption, short implementation timelines, and the lack of adequate capacity in their education agencies (GAO 2015). While policy enactment is significant, educational improvements are unlikely to occur absent effective implementation of those policies, and it is clear that SEAs continue to face large capacity gaps as they undertake this work (Jochim and Murphy 2013). Some observers have argued that the Obama Administration made a major strategic miscalculation with RTTT and NCLB waivers by pushing states to adopt multiple major education reforms simultaneously and to implement them concurrently on a short timetable, thus

increasing the odds of implementation problems and political pushback (Hess 2015b).

NCLB Waivers

NCLB, the latest incarnation of ESEA, had originally been scheduled to be reauthorized in 2007 but disagreements between Congress and President Obama—and between congressional Democrats and Republicans—about the future of federal education policy resulted in the law not being revised and reauthorized until December 2015. In the interim, states struggled with the costs and consequences of implementing the law as more and more schools failed to meet their NCLB-mandated goals of increased student proficiency (and 100 percent proficiency by 2014) and education leaders clamored for relief. As Kenneth Wong (2015: 409) observed, “the Obama administration saw a policy window in the absence of ESEA reauthorization to advance some of its reform priorities.” It decided to act unilaterally, announcing an ESEA flexibility plan in 2011 that would enable states to apply to the U.S. Department of Education for a waiver from NCLB’s accountability provisions. In a speech announcing the program, President Obama stated: “I’ve urged Congress for a while now, let’s get a bi-partisan effort to fix this. Congress hasn’t been able to do it. So I will. . . . Given that Congress cannot act, I am acting” (quoted in Simendinger 2011). Elizabeth Mann observed that this made strategic sense: “The ESEA Flexibility waivers allowed the Obama administration to respond to increasing pressure to change the unpopular law but also helped them avoid another legislative battle in the immediate wake of the acrimonious ACA debates” (Mann 2015).

ESEA contains a specific provision (section 9401) that permits education secretaries to issue waivers from federal regulations and previous secretaries had used this authority regularly. What was new with these NCLB waivers was that the administration made the granting of them *conditional*, which was much more controversial and appears to be unprecedented in education. Secretary Duncan created a list of eighteen sets of policy commitments across four reform areas that states had to make in order to be eligible to receive a waiver: develop a plan for SEA systems and processes to monitor and assist district school improvement efforts; adopt college and career ready standards (such as the Common Core); develop a plan to identify and improve the bottom 15 percent of schools; and create teacher and principal evaluation systems “based on multiple valid measures, including student progress over time” (Wrabel et al. 2016). As Benjamin Riley has observed, “This proposal . . . takes many of the ideas underlying RTTT and expands their application in order to slay the NCLB zombie” (Riley 2012). Members of Congress from both parties criticized the administration for attempting to legislate education policy from the executive branch, and called the conditional waiver

program a violation of the separation of powers. Rep. John Kline (R-MN), for example, remarked that: “In my judgment, he is exercising an authority and power he doesn’t have. We all know the law is broken and needs to be changed. But this is part and parcel with the whole picture with this administration: they cannot get their agenda through Congress, so they’re doing it with executive orders and rewriting rules. This is executive overreach” (quoted in [Viteritti 2012](#)).

Despite these reservations, most states were desperate to get out from under the NCLB accountability system and the majority of states applied for a waiver and as of November 2014, forty-three states had received them ([Klein 2015a](#)). Significantly, the U.S. Department of Education threatened to revoke a state’s waiver if it did not meet the commitments in its application and it issued regular state-by-state monitoring reports on their progress. The department placed several states on warning status for losing their waivers and did in fact revoke the waivers of Washington (for failing to reform its teacher evaluation system) and Oklahoma (for rejecting Common Core). As with RTTT, the application process for NCLB waivers succeeded in driving a significant—if widely varying—amount of education reform in states. An analysis of state waiver applications by the Center for American Progress concluded: “Overall, we found that states are proposing significant reforms compared to what was required or practiced under No Child Left Behind... States have proposed interesting and promising ideas in each principle area. Some states are pushing new ideas, many of which are promising or innovative, by ensuring all students graduate college and career ready, developing differentiated accountability systems, and improving teacher and leader effectiveness” ([Ayers and Owen 2012](#)). Wong meanwhile, found that while “states made greater progress in meeting some of the federal expectations than others,” overall the “administration has enjoyed substantial success in using the waiver process to leverage states to adopt policy changes” ([Wong 2015](#): 406, 411).

Common Core

Perhaps the most significant policy change spurred by RTTT and NCLB waivers was widespread state adoption of Common Core academic standards and its aligned assessments. The United States’ decentralized and fragmented education system had previously proved an insurmountable barrier to the creation of the kind of national academic standards and tests that are the norm in much of the rest of the world ([Manna and McGuinn 2013](#)). The Common Core State Standards (CCSS) in Mathematics and English language arts were developed at the behest of the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO). The CCSS set forth what students should know and be able to do in mathematics and English language arts at each grade level from Kindergarten to 12th grade. Advocates argued that high, uniform academic standards would

improve the academic performance of American students and better prepare them for college and careers. The Core was originally promoted in 2010 by a centrist bipartisan coalition that included Democrats interested in leveraging more rigorous academic standards to improve educational opportunity and moderate pro-business Republicans concerned about workforce development.

Standards advocates also believed that states needed incentives and support to build the systems necessary, but that a direct federal mandate (grant-in-aid condition) to adopt the Core would infuriate people across the political spectrum and likely doom the effort. The strategy that emerged was to cast the standards as “national but not federal” and have the federal government incent (but not require) states to adopt them. As noted above, the carrots that the federal government used to encourage states to adopt the Core were the RTTT grant competition and the NCLB waiver application process. By 2010, forty-six states and the District of Columbia had adopted the Core standards (McDonnell and Weatherford 2013). Forty-four states also initially signed on to use one of the aligned assessments which were developed by the Partnership for Assessment of Readiness for College and Careers (PARCC) and the Smarter Balanced Assessment Consortium (SBAC) and funded by the federal government (Forgione 2014).

As states moved toward full implementation of the new standards and aligned assessments during the 2014–2015 school year, however, an anti-Common Core coalition gained strength. The first organized opposition came from the far right among media and Tea Party activists. Left-wing activists were next to organize, particularly inside teacher advocacy groups and unions. As less-political parent opposition gravitated to these groups, the issue moved rapidly from the margins of the parties into the mainstream. Some objections to the Common Core were shared across ideologies: a perception that the standards took a one-size-fits-all approach, created a de facto national curriculum, put too much emphasis on standardized tests, might threaten student privacy, and undermined teacher autonomy. Moreover, the Common Core was quickly linked to the emerging anti-testing backlash. While the Core standards were separate from the new assessments—states can and have adopted the Standards but not the tests—they became conflated in the public mind.

These problems were exacerbated by the Republican electoral landslide in the November 2014 elections, during the first full year of implementation and testing. Many of the invested public officials who had made the original decision to adopt the new standards and tests were now gone. The speed and process by which states adopted the Common Core and took on the Race to the Top application process without much public discussion or debate, though it initially seemed so effective, would ultimately generate anger and resentment and a perception of subterfuge which crossed party lines. Tea Party adherents and others on the right view the Common Core as a dangerous—even unconstitutional—expansion of federal control

into education and a violation of states' rights. The Obama Administration's use of RTTT and NCLB waivers to encourage states to adopt the standards, and its funding of the two consortia that developed the aligned assessments, fed concerns that Uncle Sam was becoming the national schoolmarm. This involvement, along with the Obama Administration's vocal and oft-repeated support for the Core, made it easy for opponents to cast it as a federal initiative.

Journalist Tim Murphy's analysis found that "when states began to move forward with the implementation . . . Common Core fast became a tea party cause célèbre . . . the reform was viewed as yet another prong of Obama's devious master plan, one aided and abetted by a sinister group of politicians and businessmen" (Murphy 2014). In the aftermath of the U.S. Supreme Court decision, *NFIB v. Sebelius*, 132 S.Ct. 2566 (2012), which largely put an end to the effort to roll back the Affordable Care Act, conservative commentators and organizers seized on the Common Core and the federal role in education as the primary focus of their anti-Obama animus and the fight against "Obamacare" transitioned into the fight against "Obamacore." The crafting of new national standards also reignited long-standing conservative concerns about religion and multiculturalism, and the teaching of literature, history, and science (DeWitt 2014). They railed against the Core as a national curriculum that is ill-suited to a country with such religious, political, ethnic, and cultural diversity (Truth in American Education n.d.). Opposition to the Common Core also became a prominent theme in the 2016 GOP presidential primaries, with most candidates—including former Core supporters Gov. Bobby Jindal (R-La.) and Gov. Chris Christie (R-NJ)—saying it was not working and should be repealed.

Opponents on the left organized a bit later than conservatives and focused on some different, long-standing concerns: teacher evaluation, the role of corporations in education, and the call for greater focus on underlying social inequities (see, e.g., Ravitch 2013a, 2013c). The Business Roundtable and the U.S. Chamber of Commerce, and major corporations such as ExxonMobil, Intel, and Time Warner Cable had funded Common Core advocacy campaigns, as had foundations with close corporate ties, such as the Gates Foundation. This association of big business with the Core came at a time of unprecedented corporate political contributions and enormous economic inequality and raised considerable suspicion on the left (Strauss 2014). Some argued that the Core was a scheme intended to increase profits for big textbook providers, education tech companies, or test makers (Babones 2015). Still others saw the Core as part of an even larger conspiracy to dismantle public schools and privatize education entirely (Singer 2015). This led critics on the left such as Diane Ravitch to criticize the Common Core as yet another nefarious example of "corporate school reform" (2013b).

As state implementation of the CCSS proceeded, many teachers became concerned that states were tying evaluation systems to the new standards and

assessments before the kinks had been ironed out and feared this would result in arbitrary or unfair personnel decisions. A 2014 Gallup poll found that 76 percent of teachers continued to support the goals of the Common Core, but only 27 percent supported using computerized tests to measure student performance, and only 9 percent supported using those test scores to evaluate teachers (Lyons 2014). At its 2015 convention, the NEA formally adopted resolutions in support of the testing opt-out movement and in opposition to the use of Common Core aligned tests to evaluate teachers or rate schools (Sawchuk 2015). Finally, many left activists have argued that the Common Core movement misses the mark because it does not address the core underlying social inequities that are at the root of educational performance gaps. Thus, the debate over the Common Core became entangled with long-standing liberal concerns that governments are not doing enough to address poverty, safety, health, and other out-of-school factors affecting student achievement, and that teachers lack sufficient training and resources to meet the needs of disadvantaged students.

In many states, teachers unions and conservative organizations joined grassroots anti-common core groups in calling for legislation to repeal the standards and/or delay the stakes for teachers and students connected to test scores. While the effort to roll back the Common Core at the state level was in many places stymied—or resulted in only symbolic victories as in Indiana and Oklahoma—those very defeats encouraged the opposition to take their fight to the national level. In the wake of the “rebranding” of common core in Indiana, for example, the group Hoosiers against Common Core changed its strategy to direct more attention at federal policies and focused on the re-authorization of No Child Left Behind and reducing the power of the U.S. Department of Education over standards and assessments. It is too early to ascertain the role that anti-common core groups played in the passage of ESSA, but clearly opposition to the new standards and assessments helped to fuel growing resentment against federal influence in education.

While many have been quick to declare that ESSA, discussed in more detail below, amounts to a death knell for Common Core, it is important to note that the law itself does not automatically repeal the Core in the states—it just prohibits the federal government from mandating or incentivizing states to adopt/maintain the standards in the future. This means that whether or not individual states that have already adopted the common core (which is the majority) end up dropping the Core will ultimately come down to state level political dynamics. But, as we know from prior studies of policy durability (Thompson 2012), the more time that states are aligned with the Common Core standards, the less likely they will drop them. State governments, school administrators, and teachers have already invested a tremendous amount of time, effort, and money in implementing the Core and realigning their education systems around the new standards and assessments. These represent “sunk costs” that cannot be recouped if a state changes direction, and the

replacement of the Core with something truly new would require significant new investment to develop. As a result, states are likely to become increasingly “path dependent” with regard to the Core as time goes on (Hacker, Soss, and Mettler 2010; Pierson 2004). These dynamics mean that large numbers of states are unlikely to repeal the Core and that even in those states that do, many (like Indiana and Pennsylvania) are likely to simply rename their standards or adopt a slightly modified version. Despite the extensive media coverage, ad campaigns, social media activity, and legislative repeal efforts, as of spring 2015, forty of the original forty-five states that adopted the Common Core remained committed to them.

As we have already seen, however, it is more likely that states will pull out of the two major assessment consortium (PARCC and SBAC), which may ultimately constrain the impact that the new standards can have on American education. As of July 2015, about half of the states had withdrawn from the test consortia and states witnessed unprecedented rates of students opting out of tests during the 2014–2015 academic year. Opposition to high-stakes standardized testing mobilized opposition among parents—and particularly influential suburban parents—in a way that concern about standards did not. Nonetheless, while the Common Core “brand” has been damaged, surveys show that support for the idea of national standards remains strong among teachers and the general public (Downey 2014). Thus, the brand of the Common Core may fade, even while the concept of standards-based reform persists. In addition, in the past year several steps have been taken to address the other sources of controversy that have been connected to the Common Core. The testing consortia and state leaders have announced plans to reduce the amount of testing students will have to undertake, many states have announced a pause or postponement in the use of test scores in teacher evaluations, and ESSA explicitly bans the federal government from mandating/incentivizing states to adopt the Common Core. The newly re-designed SAT and ACT college entrance exams have also been aligned with the Core, further insinuating them into the K-16 education system.

The ESSA

Led by Senator (and former Secretary of Education) Lamar Alexander (R-TN), Congress finally advanced the long overdue congressional reauthorization of NCLB in 2015, achieving bi-partisan passage of the ESSA in December by a vote of 85-12 in the Senate and 359-64 in the House (Education Trust 2016; Klein 2016). Many observers saw the new law as a reaction against the administration’s activism in education—with Rick Hess saying it “treat[ed] the U.S. Department of Education like a national school board”—and an attempt to “curb Obama-era overreach” (Hess and Eden 2015). ESSA goes into effect—and officially replaces NCLB and its associated waivers—for the 2017–2018 academic year. Upon its passage, when

asked about the future of the federal role in education Senator Alexander remarked: “I think it will be very different. Everybody was really fed up with Washington telling 100,000 public schools so much about what to do and it was really creating a backlash on efforts to set higher standards, namely Common Core and teacher evaluation” (quoted in Klein 2015b). While much of the media coverage has emphasized that the new law “ends” NCLB and dramatically reduces the federal role in education (e.g., Layton 2015), this has been overstated somewhat. Even as the law clearly does reduce federal authority in some areas, it is important to note the many important parts of NCLB that remain in place and where the federal government will continue to have influence over state education systems.

Most significantly, the law maintains the annual testing and reporting provisions at the heart of NCLB—states will continue to be required to test all students in math and language arts in grades 3–8 and once in high school, and to test them in science at three different points in time. ESSA also maintains the requirement that states publicly report student test score data for schools and disaggregate it for different subgroups of students (special education, English language learners, racial minorities, and students in poverty). The NCLB requirement that at least 95 percent of students participate in the tests remains as well. States are, however, given greater flexibility in selecting the tests they want to use, including the option of having the SAT or ACT substitute for a state assessment in high school. States must also continue to have academic standards that are aligned to those tests; the standards are set by each state itself but they must be “challenging” and connected to college readiness. There is strong language in the law prohibiting the U.S. Education Secretary from forcing or encouraging states from adopting any *particular* set of standards such as the Common Core.

ESSA’s most significant change from NCLB is around accountability—both in terms of how states identify struggling schools and what states have to do if and when that process reveals that students in a school are performing poorly. This was the area where NCLB was most prescriptive and most controversial, establishing an “adequate yearly progress” system and a specific menu of remedies that states had to choose from to intervene in schools that failed to make “AYP” towards 100 percent student proficiency, and were therefore labeled “in need of improvement” (*Education Week* 2011). Under ESSA, states still have to submit accountability plans to the U.S. Department of Education but states are given much more latitude in picking their own academic goals for schools, though there must be an expectation of progress and schools must be rated somehow on their performance in relation to these goals. States have to include at least four indicators in these school ratings. Three of these are supposed to be academic indicators: proficiency on state tests in math and language arts, English-language proficiency, and one other such as student growth in test scores. States must also choose an additional non-academic

indicator of school quality such as a measure of student or teacher engagement, or school climate. Additionally, high school ratings must incorporate graduation rates. States also get to decide how to weight the individual indicators in their accountability systems though the law stipulates that academic factors have to count “much” more collectively than the others.

Under ESSA states are also required to identify and intervene in underperforming schools (though fewer than under NCLB) and they have been given more flexibility in deciding how they want to intervene. The law establishes three categories of schools that must receive state intervention and support. The first is “Comprehensive Support and Improvement Schools” which includes the state’s lowest performing 5 percent of schools and high schools that have a graduation rate of less than 67 percent. States must identify these schools at least once every three years and require districts to submit an improvement plan for state approval. The state must define “exit criteria” for these schools and intervene if they have not met them within four years. While this is the most prescriptive section of ESSA on accountability (and the most NCLB-like), states and districts nonetheless retain considerable discretion about how to do this work.

The second and third categories of schools are “Targeted Support and Improvement Schools,” where one or more groups of students are consistently underperforming, and “Additional Targeted Support and Improvement Schools,” which have one or more groups of students whose performance would place them in the bottom 5 percent of Title I schools. Schools in these two categories must develop improvement plans, which have to be approved by their district. If schools fail to improve within a district-determined number of years, the district has to require additional action. For schools in the latter category, the plans also have to address resource inequities and states must set exit criteria for these schools, which if they fail to meet in a state defined period of time, become Comprehensive Support and Improvement Schools.

The key takeaway here—and the big shift from NCLB—is that federal compliance monitoring of state accountability and school improvement efforts will be considerably reduced. ESSA also explicitly prohibits the attaching of conditions to federal education waivers, thus denying future education secretaries the tool that Duncan used to such effect. A federal focus on compliance auditing for civil rights violations, waste, fraud and abuse will continue but beyond this, the feds will have to rely on guidance more than enforcement to steer state accountability and school improvement policies and states are not required to intervene in 95 percent of their schools. Predictably, the reduced role of the federal government outlined in ESSA has been met with both praise and alarm, with some hope that increased state flexibility will return schools to local control and unleash innovation, while others warn that states are likely to respond by devoting less effort and resources toward improving schools, and particularly those that serve disadvantaged students

(Aldeman 2015). Thus while many of NCLB's key components remain in place and a significant role for the national government in K-12 education policy will continue, it is possible that we may well have witnessed the apogee of federal power in education.

Other aspects of the Obama Administration's education policy deserve to be mentioned, even though space limitations prevent a full exploration. One development was the increased use of the Education Department's Office of Civil Rights (and the nonregulatory guidance process) to encourage policy changes in states and districts related to school discipline, resource allocation, and the distribution of high-quality teachers (Simon 2014; Zehr 2010). Another notable development is the administration's efforts to push colleges and universities to focus more on access and affordability and to become more transparent about costs and student outcomes (Loss and McGuinn 2016). Obama put the higher education sector "on notice" and asked Congress to amend the Higher Education Act "so that affordability and value are included in determining which colleges receive certain types of federal aid" (Obama 2013). The President pushed the U.S. Department of Education to create a federal rating system ("scorecards") similar to the report cards already required of elementary and secondary schools (U.S. Department of Education 2013; Zhou 2015). He also announced a plan for "free community college" for high school graduates that emerged as a major domestic issue in the 2016 presidential election. One analysis concluded that "the Obama administration's deeper conceptual higher education legacy lays in extending the policy paradigm beyond student aid and college access to college student outcomes" (Dannenberg and Barry 2015).

Conclusion

In their 2007 assessment of the education legacy of the Bush administration in *Publius*, Wong and Sunderman made four predictions about policy development that would emerge in the future. They thought that the idea of having national standards and examinations would gain political support, that market approaches such as charter schools would continue to expand, and that "federal mandates will have to contend with implementation realities." With these three predictions, Wong and Sunderman proved prescient, as the Obama Administration used Race to the Top and NCLB waivers to successfully push states to adopt Common Core and aligned assessments, new teacher evaluation and school turnaround policies, and expand charter schools even as it gave them flexibility away from some of the reforms mandated by NCLB.

Wong and Sunderman also predicted, however, that "the future will more closely resemble the past, where there is greater federal deference to state and local priorities" (Wong and Sunderman 2007: 347). In this prediction, they were less

wrong than premature. Few observers would describe the Obama Administration's bold education agenda between 2008 and 2015 as embodying "greater federal deference to state and local priorities," and indeed it is likely to be remembered as one of the most impactful and controversial presidencies for education. And yet it was this very federal activism and lack of deference to state and local priorities during Obama's two terms that now appears likely to bring about devolution in education. Rick Hess offered this scathing assessment of the Obama legacy: "Barack Obama came to office at a time of broad bipartisan support for education reform. And he managed to simultaneously exploit and fracture this goodwill. His aggressive approach politicized nearly all that it touched, leaving in its wake unnecessarily divisive national debates over issues like Common Core . . . Although some of Obama's education moves have been inopportune, his agenda has also included a number of notions with real promise. But his administration's excessive faith in federal regulation, lack of time for the niceties of federalism, and contempt for critics helped undermine these ideas and support for reform more broadly" (Hess 2015a).

Political scientists Paul Peterson, Kenneth Wong, and Barry Rabe (1986) observed thirty years ago that federal education policy tends to go through cycles of overreach and consolidation. The Obama Administration embraced an expansive view of the federal role in education and one which built on the test-based accountability framework put into place by NCLB, even as it sought to push in some new directions (McDonnell 2010). Education reform is likely to be viewed, along with health care, as one of the most significant domestic policy legacies of the Obama Administration. While the Affordable Care Act was drafted by Congress and enacted through the "normal" legislative process, the Obama Administration opted to push its education agenda through unilateral executive branch action. The long-term impact of these actions on the separation of powers and federalism remains uncertain but may ultimately prove to be significant.

Through the use of competitive grant programs such as Race to the Top (RTTT), Investing in Innovation (I3), and School Improvement Grants (SIG), and the NCLB waiver process, the administration was able to change the national conversation around education, move the Democratic Party to embrace reform, and push states to enact important policy changes, particularly around charter schools, common core standards and assessments, teacher evaluation processes and school turnarounds. The administration's aggressive push on school reform, however, eventually led to a political backlash against those same reforms and against federal involvement in education more generally, which resulted in an ESEA reauthorization (the ESSA) that rolls back the federal role in K-12 schooling in some important ways. There is, to be sure, some debate about the extent to which ESSA undoes important elements of the Obama education agenda or in fact

codifies them into law (Weiss 2015). Nevertheless, the legacy of the Obama Administration in education is bifurcated: on the one hand, federal activism effectively advanced the standards-based accountability movement in states, but it also mobilized opposition against “federal overreach” which helped to enact a law (ESSA) that will constrain the power of the national government in K-12 schooling in the future (Ujifusa 2015).

However, ESSA for the most part is *not* likely to result in a return of education policymaking authority to the local level, but rather to the state level. A 2015 report from the Council of Chief State School Officers, for example, proclaimed that “Regardless of this uncertainty at the federal level, state education leaders remain firmly committed to state accountability systems that support educators, parents, and students by providing useful information that leads to improved outcomes for all students” (CCSSO 2015). While states have historically been relatively minor players in school reform, one of the enduring legacies of the Obama presidency may well be the invigoration and expansion of the state role in education (Anagnostopoulos 2013). Going forward states will now have considerably more latitude to determine their own education agendas, though also less political cover from federal mandates. What remains to be seen is if states have developed (or can develop) sufficient political will and administrative capacity to maintain the momentum that has built up behind education reform over the past two decades (Camera 2015). Precisely how states will utilize this newfound authority is unknown, but one thing is certain: flexibility from federal mandates will result in widely divergent state levels of commitment to school reform, a wide range of policy approaches, and widely varying levels of effectiveness in improving school outcomes across the fifty states (Weiss and McGuinn 2016). That is American federalism at work, for better or worse.

References

- Affledt, John. 2011. Will Arne Duncan be the bold education reformer Obama needs? *Huffington Post*, May 25: http://www.huffingtonpost.com/john-affledt/will-arne-duncan-be-the-b_b_153029.html
- Aldeman, Chad. 2015. New K-12 Education law leaves schools behind. *Washington Post*, December 11.
- Anagnostopoulos, Dorothea, Stacey Rutledge, and Valentina Bali. 2013. State education agencies, information systems, and the expansion of state power in the era of test-based accountability. *Educational Policy* 27 (2): 217–47.
- Ayers, Jeremy, and Isabelle Owen. 2012. No Child Left Behind Waivers: Promising Ideas from Second Round Applications. *Center for American Progress*. July. <https://www.americanprogress.org/wp-content/uploads/issues/2012/07/pdf/nochildwaivers.pdf>

- Babones, Salvatore. 2015. Education “reform’s” Big Lie: The Real Reason the Right has Declared War on our Public Schools. *Salon*, May 9. http://www.salon.com/2015/05/09/education_reforms_big_lie_the_real_reason_the_right_has_declared_war_on_our_public_schools/
- Brown, Cynthia, Frederick Hess, Daniel Lautzenheiser, and Isabel Owen. 2011. State Education Agencies as Agents of Change. Center for American Progress. July. <http://www.aei.org/papers/education/state-education-agencies-as-agents-of-change-paper/>
- Camera, Lauren. 2015. States Eager to Shirk Obama Era Education Policies. *U.S. News and World Report*, December 18. <http://www.usnews.com/news/articles/2015-12-18/states-eager-for-flexibility-in-new-education-law>
- Cavanagh, Sean. 2010. NJ Clings to Agenda despite Race to Top Loss. *Education Week*, September 7.
- Center on Education Policy. 2011. More to Do, But Less Capacity to Do It: States’ Progress in Implementing the Recovery Act Education Reforms. February 17. http://cep-dc.org/cfcontent_file.cfm?Attachment=KoberRentner%5FFullReport%5FMoreToDoButLessCapacityToDoIt%5F021711%2Epdf
- . 2012a. After the Stimulus Money Ends: The Status of State K-12 Education Funding and Reforms. February 7. <http://cep-dc.org/displayDocument.cfm?DocumentID=395>
- . 2012b. State Education Agency Funding and Staffing in the Education reform Era. February 7. <http://cep-dc.org/displayDocument.cfm?DocumentID=396>
- Colvin, Richard. 2009. Straddling the democratic divide. *Education Next* 9 (2): 10–17.
- Colvin, Richard Lee and Suzanne Kubach. 2010. The Race to Reform: How Education Reform Advocates Are Leveraging Race to the Top. *Policy Innovators in Education White Paper*, April. www.pie-network.org/c/document_library/get_file?uuid=92033314-337c-434e-80c6-a137ead3f57d&groupId=10457.
- Conlan, Timothy and Paul Posner. 2010. Inflection point? Federalism and the Obama Administration. *Publius: The Journal of Federalism* 41 (3): 421–46.
- Council of Chief State School Officers. 2015. States’ Continued Commitment to Next-Generation Accountability Systems.
- Dannenbergh, Michael, and Mary Nguyen Barry. 2015. Resources and Reform: The Obama Administration’s Higher Education Legacy and the 45th President’s Challenge. *Education Reform Now*, July. <https://edreformnow.org/policy-briefs/resources-and-reform-obama-higher-ed-legacy/>
- Darling-Hammond, Linda. 2010. Restoring Our Schools. *The Nation*, May 27.
- Dee, Thomas S. and Brian A. Jacob. 2010. The impact of no child left behind on students, teachers, and schools. *Brookings Papers on Economic Activity* Fall: 149–207.
- DeWitt, Peter. 2014. The Curriculum Wars: What Should All Children Learn? *Education Week*, December 4. http://blogs.edweek.org/edweek/finding_common_ground/2014/12/the_curriculum_wars_what_should_all_children_learn.html

- Downey, Maureen. 2014. Most Americans Support National Standards Unless they're Called Common Core. Time for Rebranding? *Atlanta Journal-Constitution*, August 19. <http://www.ajc.com/weblogs/get-schooled/2014/aug/19/most-american-support-national-standards-fewer-do/>
- Education Trust. 2016. The Every Student Succeeds Act. Education Week. 2009. An Interview with Arne Duncan. December 2. <http://www.edweek.org/ew/articles/2009/12/02/14duncan-transcript.h29.html>
- Education Week. 2011. Adequate Yearly Progress. July 18. <http://www.edweek.org/ew/issues/adequate-yearly-progress/>
- Forgione, Pascal D., Jr. 2014. Coming Together to Raise Achievement: New Assessments for the Common Core State Standards. *Educational Testing Service*. https://www.ets.org/s/k12/pdf/coming_together_to_raise_achievement.pdf
- Fusarelli, Bonnie and Bruce Cooper, eds. 2009. *The rising state: How state power is transforming our nation's schools*. New York: SUNY Press.
- Glazerman, Steven, Michelle Croft, Dan Goldhaber, Susanna Loeb, Stephen Raudenbush, Douglas Staiger and Grover J. "Russ" Whitehurst. 2011. Passing Muster: Evaluating Teacher Evaluation Systems. *Brookings Institution*, April 26. <http://www.brookings.edu/research/reports/2011/04/26-evaluating-teachers>.
- Goldstein, Dana. 2009. The Education Wars. *The American Prospect*, March 23.
- Gordon, Robert, Thomas Kane, and Douglas Staiger. 2006. *Identifying effective teachers using performance on the job*. Washington, DC: Brookings Institution. <http://www.brookings.edu/research/papers/2006/04/education-gordon>
- Government Accountability Office. 2011. Race to the Top: Reform Efforts Are Under Way and Information Sharing Could Be Improved. June. <http://www.gao.gov/new.items/d11658.pdf>
- . 2015. Race to the Top: Education Could Better Support Grantees and Help Them Address Capacity Challenges. GAO-15-295. April 13.
- Hacker, Jacob S, Joe Soss, and Suzanne Mettler, eds. 2010. *Remaking America: democracy and public policy in an age of inequality*. New York: Russell Sage Foundation.
- Hartney, Michael and Patrick Flavin. 2011. From the schoolhouse to the statehouse: teacher union political activism and U.S. state education reform policy. *State Politics & Policy Quarterly* 11 (3): 251–68.
- Henig, Jeffrey. 2009. Mayors, Governors, and Presidents: the new education executives and the end of education exceptionalism. *Peabody Journal of Education* 84 (3): 283–99.
- Hess, Frederick. 2015a. The real Obama education legacy. *National Affairs* (25): 3–19.
- Hess, Rick. 2015b. Lofty promises but little change for America's schools. *Education Next* 15 (4): 50–56.
- Hess, Rick, and Max Eden. 2015. A New Bipartisan Education Bill Curbs Obama-Era Overreach. *National Review*, November 18. <http://www.nationalreview.com/article/427238/new-bipartisan-education-bill-reins-obama-era-overreach-frederick-m-hess-max-eden>

- Howell, William. 2015. Results of President Obama's race to the top. *Education Next* 15 (4): 58–66.
- Jochim, Ashley, and Patrick Murphy. 2013. The Capacity Challenge: What it Takes for State Education Agencies to Support School Improvement. *Center on Reinventing Public Education*, December. <http://crpe.org/publications/capacity-challenge-what-it-takes-state-education-agencies-support-school-improvement>
- Klein, Alyson. 2010. District-State Tension an Issue in Race to the Top. *Politics K-12. Education Week*, January 5.
- . 2015a. States Pitch Changes as They Seek NCLB Waiver Renewals. *Education Week*, April 14.
- . 2015b. Alexander: Federal Role on K-12 Will Be 'Very Different' Under ESSA. *Education Week*, December 17.
- . 2016. The Every Student Succeeds Act: An ESSA Overview. *Education Week*, March 31. <http://www.edweek.org/ew/issues/every-student-succeeds-act/index.html?cmp=eml-enl-eu-news1>
- Layton, Lyndsay. 2015. Obama Signs New K-12 Education Law that Ends No Child Left Behind. *Washington Post*, December 10.
- Learning Point Associates. 2010. Emerging Trends Reflected in State Phase I Race to the Top Applications. June. http://www.learningpt.org/pdfs/RTTST_State_Legislation.pdf
- Loss, Christopher, and Patrick McGuinn. 2016. *The convergence of K-12 and higher education: policies and programs in a changing era*. Cambridge, MA: Harvard Education Press.
- Lyons, Linda. 2014. Teachers Favor Common Core Standards, Not the Testing. *Gallup Organization*, October 29. <http://www.gallup.com/poll/178997/teachers-favor-common-core-standards-not-testing.aspx>
- Malen, Betty. 2003. Tightening the grip? The impact of state activism on local school systems. *Educational Policy* 17 (2): 195–216.
- Mann, Elizabeth. 2015. The Long Term Impact of NCLB Waiver on ESEA Renewal. *Brookings Brown Center Chalkboard*, December 20. <http://www.brookings.edu/blogs/brown-center-chalkboard/posts/2015/12/10-no-child-left-behind-nclb-waivers-esea-renewal-mann>.
- Manna, Paul. 2010. *Collision course: Federal education policy meets state and local realities*. Washington, DC: CQ Press.
- Manna, Paul, and Patrick McGuinn, ed. 2013. *Education governance for the twenty-first century: overcoming the structural barriers to school reform*. Washington, D.C.: Brookings Institution Press.
- Mathis, William. 2011. No Child Left Behind on Steroids. *Washington Post*, August 25. https://www.washingtonpost.com/blogs/answer-sheet/post/no-child-left-behind-on-steroids/2011/08/25/gIQA92bzdJ_blog.html
- McDonnell, Lorraine M. 2010. *Surprising momentum: Spurring education reform in states and localities*. New York: Russell Sage Foundation.

- McDonnell, Lorraine M., and M. Stephen Weatherford. 2013. Evidence use and the common core state standards movement: from problem definition to policy adoption. *American Journal of Education* 120 (1): 1–25.
- McGuinn, Patrick. 2006. *No child left behind and the transformation of federal education Policy, 1965-2005*. Lawrence, KS: University Press of Kansas.
- . 2010. Ringing the Bell for K–12 Teacher Tenure Reform. Washington, DC: *Center for American Progress*, February. www.americanprogress.org/issues/2010/02/teacher_tenure_reform.html (accessed November 19, 2010).
- . 2012a. Stimulating reform: race to the top, competitive grants and the Obama education agenda. *Educational Policy* 26 (1): 136–59.
- . 2012b. The State of Evaluation Reform: State Education Agency Capacity and the Implementation of New Teacher Evaluation Systems. *Center for American Progress*, November.
- . 2015. Evaluating Progress: State Education Agencies and the Implementation of New Teacher Evaluation Systems. *Consortium for Policy Research in Education*, September.
- McNeil, Michele. 2009. Racing for an Early Edge. *Education Week*, July 9.
- . 2011. More Race to the Top Winner Push Back Promises. *Politics K-12 blog. Education Week*, July 13.
- Mead, Sara. 2010. RTTT and the Problem of Trying to Do Too Many Things at Once. *Sara Mead's Policy Notebook. Education Week*, August 30.
- . 2012. Recent State Action on Teacher Evaluation. *Bellwether Education*. <http://bellwethereducation.org/recent-state-action-on-teacher-effectiveness/>
- Mintrop, Heinrich and Gail Sunderman. 2009. Predictable failure of federal sanctions–driven accountability of school improvement—and why we may retain it anyway. *Educational Researcher* 38 (5): 353–64.
- Moe, Terry. 2011. *Special interest: Teachers unions and America's public schools*. Washington, DC: Brookings Institution Press.
- Murphy, Tim. 2014. Inside the Mammoth Backlash to Common Core: How a bipartisan education reform effort became the biggest conservative bogeyman since Obamacare. *Mother Jones*, September/October 2014. http://www.motherjones.com/politics/2014/09/common-core-education-reform-backlash-obamacare_
- National Council on Teacher Quality. 2012. *State of the States 2012: Teacher Effectiveness Policies*. Washington, DC: NCTQ. <http://www.nctq.org/pl/>
- Obama, Barack. 2013. State of the Union. February 12. <https://www.whitehouse.gov/the-press-office/2013/02/12/remarks-president-state-union-address>.
- Peterson, Paul, Barry Rabe, and Kenneth Wong. 1986. *When federalism works*. Washington, DC: Brookings Institution Press.
- Pierson, Paul. 2004. *Politics in time: history, institutions, and social analysis*. Princeton, NJ: Princeton University Press.

- Ravitch, Diane. 2009. Obama and Duncan Launch NCLB 2.0. *Education Week blog*, December 8. http://blogs.edweek.org/edweek/Bridging-Differences/2009/12/obama_and_duncan_launch_nclb_2.html
- . 2013a. Why I Cannot Support the Common Core Standards. February 26. <http://dianeravitch.net/2013/02/26/why-i-cannot-support-the-common-core-standards/>
- . 2013b. Is There a Corporate School Reform Movement? April 10. <http://dianeravitch.net/2013/04/10/is-there-a-corporate-school-reform-movement/>
- . 2013c. Linda Darling-Hammond on the Common Core Standards. October 24. <http://dianeravitch.net/2013/10/24/linda-darling-hammond-on-the-common-core-standards/>
- Rhodes, Jesse. 2011. Progressive policymaking in a conservative age? Civil rights and the politics of federal education standards, testing, and accountability. *Perspectives on Politics* 9 (3): 519–44.
- Riley, Benjamin. 2012. Waive to the Top: The Dangers of Legislating Education Policy from the Executive Branch. *American Enterprise Institute Outlook*, March 8.
- Sawchuk, Stephen. 2010. States Strive to Overhaul Teacher Tenure. *Education Week*, April 5.
- . 2015. NEA to Support Opt-Out, Oppose Common-Core Testing. *Education Week*, July 7. http://blogs.edweek.org/edweek/teacherbeat/2015/07/nea_to_support_opt-out_oppose_.html
- Simendinger, Alexis. 2011. Feeling Legislative Chill, Obama Flexes Executive Muscles. *Real Clear Politics*, September 26.
- Simon, Stephanie. 2014. Feds Push for Equal Access to Quality Teachers. *Politico*, December 23. <http://www.politico.com/story/2014/12/feds-aim-to-redistribute-quality-teachers-113753>
- Singer, Alan. 2015. Pearson Takes Big Hit in Continuing War over Common Core. *Huffington Post*, July 14. http://www.huffingtonpost.com/alan-singer/pearson-takes-big-hit-in-_b_7792202.html
- Smarick, Andy. 2009. AEI Education Stimulus Watch. *Special Report 2*, September. www.aei.org/paper/100044.
- Stout, David. 2009. Obama Outlines Plan for Education Overhaul. *New York Times*, March 10. http://www.nytimes.com/2009/03/11/us/politics/11web-educ.html?_r=0
- Strauss, Valerie. 2014. An Educator Challenges the Gates Foundation. *Washington Post*, February 8. <https://www.washingtonpost.com/blogs/answer-sheet/wp/2014/10/08/an-educator-challenges-the-gates-foundation/>
- Taylor, William L, and Crystal Rosario. 2009. National Teachers' Unions and the Struggle over School Reform. Citizens' Commission on Civil Rights, July.
- Thompson, Frank J. 2012. *Medicaid politics: Federalism, policy durability, and health reform*. Washington, DC: Georgetown University Press.
- Truth in American Education. n.d. Common Core State Standards. <http://truthinamericaneducation.com/common-core-state-standards/national-curriculum/>

- Ujifusa, Andrew. 2015. Duncan's Legacy Undercut as ESEA Rewrite Advances. *Education Week*, December 3.
- USA Today. 2010. 9 States, D.C. Receive "Race to the Top" Education Funds. August 24. http://usatoday30.usatoday.com/news/education/2010-08-24-race-to-top_N.htm
- U.S. Department of Education. 2013. Education Department Releases College Scorecard to Help Students Choose Best College for Them. February 13. <http://www.ed.gov/news/press-releases/education-department-releases-college-scorecard-help-students-choose-best-college-them>
- Viteritti, Joseph. 2012. The federal role in school reform: Obama's race to the top. *Notre Dame Law Review* 87 (5): 2087–122.
- Washington Post. 2010. Race to the Top Itself Needs Some Reform. August 27.
- Weiss, Joanne. 2015. ESSA Cements the K-12 Obama-Duncan Legacy. *Education Week*, December 10.
- Weiss, Joanne, and Patrick McGuinn. 2016. States as change agents under ESSA. *Phi Delta Kappan* 97 (8): 28–33.
- Wong, Kenneth K. 2015. Federal ESEA waivers as reform leverage: politics and variation in state implementation. *Publius: The Journal of Federalism* 45 (3): 405–26.
- Wong, Kenneth and Gail Sunderman. 2007. Education accountability as a presidential priority: no child left behind and the bush presidency. *Publius: The Journal of Federalism* 37 (3): 333–50.
- Wrabel, Stephani L., Andrew Saultz, Morgan S. Polikoff, Andrew McEachin, and Matthew Duque. 2016. The politics of elementary and secondary education act waivers. *Educational Policy* 1–24.
- Zehr, May Ann. 2010. Duncan Plans to Prod Schools on Civil Rights Laws. *Education Week*, March 8. <http://www.edweek.org/ew/articles/2010/03/08/25civilrights.h29.html?qs=Obama+and+Office+of+Civil+Rights+and+education>.
- Zhou, Li. 2015. Obama's New College Scorecard Flips the Focus on Rankings. *The Atlantic*, September 15. <http://www.theatlantic.com/education/archive/2015/09/obamas-new-college-scorecard-flips-the-focus-of-rankings/405379/>