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# FEDERAL ROLE IN EDUCATION

## KEY ISSUES

The majority of decisions on public education are made at the state and local levels, but the federal government does contribute resources to North Carolina's public school system. Although it fluctuates year-to-year, about 12% of North Carolina's education comes from the federal government.

In December 2015, President Obama signed the Every Student Succeeds Act (ESSA) into law, reauthorizing the Elementary and Secondary Education Act (ESEA) for the first time since 2001 when No Child Left Behind was signed into law.

## OVERVIEW

In the United States, it is the responsibility of states and communities to establish schools, develop standards and curricula, set graduation requirements, and determine the logistics of school governance. While education policy is mostly determined by state and local administrative units, the federal government plays an important role in funding, overseeing, and developing education policies. The federal government currently provides about 12% of the funding to schools in North Carolina in the forms of grants and recurring support.

Much of that funding is channeled through the US Department of Education, but portions of it come through the Department of Health and Human Services (Head Start Program) or the Department of Agriculture (School Lunch Program). Generally speaking, these funds are targeted to areas of highest need. Allocating federal funding in a targeted way has allowed the U.S. Department of Education to become an "emergency response system," to fill in funding gaps between state and local support in areas of highest need. The role of the federal government in education is minimal when compared to the state and local roles, but the federal government does play an important role in guiding and overseeing education on a national scale.

## U.S. DEPARTMENT OF EDUCATION

The U.S. Department of Education was created in 1867 and became a Cabinet level agency in 1980. The Department's mission is to promote student achievement by ensuring equal access and developing efficient school systems. The chief tasks of the U.S. Department of Education include:

- Establishing, allocating, and monitoring federal financial aid programs for education
- Collecting data on schools nationwide
- Focusing national attention on key educational issues
- Prohibiting discrimination and ensuring equal access to education

## FEDERAL PROGRAM MONITORING AND SUPPORT SERVICES DIVISION

The NC Department of Public Instruction (NC DPI) houses the Federal Program Monitoring and Support Services Division, which provides oversight of state and local programs to ensure compliance with federal regulations and to guard against waste, fraud, and abuse. The division oversees federal programs such as Title I (discussed in more detail below), Title IV, the Rural Education Achievement Program, and Homeless Education. This division monitors the allocation of federal funds to ensure that such funds contribute to student achievement and progress. The Division is subdivided into two sections: the Program Monitoring Section, which works to ensure that all children have a fair, equal, and significant opportunity to access a high-quality

education; and the Support Service Division, which aids LEAs in preventing violence and illegal substance abuse at schools to ensure a safe and healthy learning environment for students.

## RACE TO THE TOP

North Carolina received one of 12 federal Race to the Top (RttT) competitive grants in 2010, bringing nearly \$400 million to the state's public school system over a four year period. The RttT grant was designed to spur public school innovation, and was awarded to states with promising plans and concrete goals toward school improvement.

This funding enabled North Carolina to remodel our state system through the READY initiative, an ambitious plan to increase student achievement, close achievement gaps and continue to increase the number of career- and college- ready graduates by making sure every student has an excellent teacher.<sup>1</sup>

## TITLE I: IMPROVING ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Title I provides financial assistance through State educational agencies (SEAs) to local educational agencies (LEAs) and public schools with high numbers or percentages of poor children to help ensure that all children meet challenging state academic content and student academic achievement standards.

Schools enrolling at least 40 percent of students from poor families are eligible to use Title I funds for schoolwide programs that serve all children in the school. Schools with poverty rates below 40 percent, or those choosing not to operate a schoolwide program, offer a "targeted assistance program" in which the school identifies students who are failing, or most at risk of failing, to meet the state's challenging performance standards, then designs, in consultation with parents, staff, and district staff, an instructional program to meet the needs of those students. Both schoolwide and targeted assistance programs must be based on effective means of improving student achievement and include strategies to support parental involvement.

Title I reaches about 1.5 million students enrolled in both public and private schools. Title I funds may be used for children from preschool age to high school, but most of the students served (65 percent) are in grades 1 through 6; another 12 percent are in preschool and kindergarten programs.<sup>2</sup>

## NATIONAL TITLE I DISTINGUISHED SCHOOLS PROGRAM

The National Title I Distinguished Schools program recognizes exemplary Title I schools that hold students to high standards and demonstrate exemplary school effectiveness in:

- Teaching and learning based on the approved state curriculum,
- Use of research-based instructional strategies,
- Opportunities provided for all students to achieve,
- Established partnerships with parents, families, and the community,
- Implementation of sustained research-based professional development, and
- Innovation and modeling for other schools.

Selected schools are recognized in one of two categories. Schools in the Sustained Achievement category are recognized for showing a high (at least 80 percent) level of student proficiency in reading and mathematics and making Adequate Yearly Progress (AYP) for the most recent two years. Schools in the Closing the

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<sup>1</sup> NC DPI, NC Race to the Top. Available at <http://www.dpi.state.nc.us/rttt/>.

<sup>2</sup> NC DPI, Title I. Available at <http://www.dpi.state.nc.us/program-monitoring/titleIA/>.

Achievement Gap category are recognized for making significant progress in closing the achievement gap between student groups.

Since 1996, North Carolina has recognized Title I schools through this program, sponsored by the National Title I Association. Each year two North Carolina schools are recognized at the national level.

## HISTORICAL FEDERAL LEGISLATION

### ELEMENTARY & SECONDARY EDUCATION ACT

The Elementary and Secondary Education Act (ESEA) was signed into law by President Lyndon B. Johnson in 1965 as part of the “War on Poverty” program. ESEA has been the most far-reaching federal legislation affecting education passed at the national level. The bill aims to narrow the achievement gaps between students by allocating funding for primary and secondary education, emphasizing equal access to education, and establishing high standards and accountability. The act was originally authorized through 1965; however, the government has reauthorized the act every five years since its enactment until 2001. The current reauthorization of ESEA is the Every Student Succeeds Act, signed in December 2015.

Below are the main provisions of the original ESEA and a few of the earliest additions to the act.

- Title I—Financial Assistance To Local Educational Agencies For The Education Of Children Of Low-Income Families
- Title II—School Library Resources, Textbooks, and other Instructional Materials
- Title III—Supplementary Educational Centers and Services
- Title IV—Educational Research And Training
- Title V—Grants To Strengthen State Departments Of Education
- Title VI—General Provisions
- New Titles Created by Early Amendments to 1965 Law
- **1966 amendments (Public Law 89-750)**
- Title VI - Aid to Handicapped Children (1965 title VI becomes Title VII)
- **1967 amendments (Public Law 90-247)**
- Title VII - Bilingual Education Programs (1966 title VII becomes Title VIII)

## NO CHILD LEFT BEHIND

### MAJOR POLICY PROVISIONS OF NCLB

On January 8, 2002, President George W. Bush signed the No Child Left Behind Act of 2001 into law, which reauthorized the Elementary and Secondary Education Act at that time. The major focus of the legislation was to raise academic standards for all students and to hold states accountable for student performance. NCLB was based on four principles of President George W. Bush's education reform plan:

1. Stronger accountability for results
2. Expanded flexibility and local control
3. Expanded options for parents
4. Emphasis on teaching methods that have been proven to work

NCLB mandated that by 2005-06, states must annually test students in grades 3-8 in reading and mathematics and by 2007-08, students must be tested once in elementary, middle, and high school in science. States were also required to participate in the 4<sup>th</sup> and 8<sup>th</sup> grade reading and mathematics National Assessment of

Educational Progress (NAEP) tests to provide a common measure of comparison across states. The law required that all students must be proficient on state assessments by 2013-14. Adequate Yearly Progress (AYP) has been used to determine school proficiency. To make AYP, each subgroup of students within a school and the school as a whole must have 95% participation in state exams and must meet state-set proficiency targets.

## FLEXIBILITY AND NCLB WAIVERS

In May 2012, North Carolina was granted flexibility waivers from many of the NCLB provisions. Waivers granted by the U.S. Department of Education made significant changes to North Carolina’s implementation of ESEA’s requirements especially in the areas of Adequate Yearly Progress (AYP), parent notifications, public school choice and Supplemental Educational Services. This flexibility allowed North Carolina’s public school system to move forward with strengthened College and Career Ready expectations for all students, new ways to hold Title I schools accountable for students' academic proficiency, and new initiatives to support effective instruction and leadership. Many of the former strict federal requirements regarding AYP and sanctions for schools that do not make AYP were no longer required statewide and were left to the local school districts to address.

With the waiver, schools were still measured against Annual Measurable Objectives (AMOs) calculated and reported under NCLB, but they are more flexible than AYP. AMOs include more specific achievement targets for each student subgroup, guarantee that at least 95 percent of students participate in testing, establish high school graduation rate targets for each student subgroup, and attendance rate targets for K-8 students.

## EVERY STUDENT SUCCEEDS ACT (ESSA)

The Every Student Succeeds Act is the latest reauthorization of the 1965 Elementary and Secondary Education Act and was approved by Congress in December 2015. This law provides significant federal support for programs to serve students in kindergarten through 12th grade and replaces the No Child Left Behind legislation. North Carolina and all other states will operate under its current federal plan until the final rules are completed for the Every Student Succeeds Act, which is expected in the winter of 2016-17.

### General Timeline for Developing North Carolina's Every Student Succeeds Plan

<b>2016</b>	
January	Completion of timeline and work group assignments
April/May	Regional Public <u>Comment Sessions</u> in Wilmington, Cary, Charlotte, Bethel, Kernersville, and Black Mountain Initial meeting with Committee of Practitioners and external stakeholders External stakeholders input collected
June/July	Develop NC's draft plan
September/October	Plan revisions based on additional stakeholder input Public comment period Conduct regional public comment sessions state-wide
November	Finalize state plan
December	Seek State Board of Education approval of plan 30-Day Governor's review period
<b>2017</b>	

January	Present to General Assembly Education Committee(s)
February	Submit to the US Department of Education

Source: NC DPI, Every Student Succeeds Act (ESSA). Updated March 9, 2016.  
 Available at <http://www.ncpublicschools.org/program-monitoring/succeeds/>.

Some of the aspects of the new law are below<sup>3</sup>:

## GENERAL

- ESSA places many limitations on the authority of the U.S. Secretary of Education, including the inability to require additions or deletions to a state’s academic content standards or to prescribe specific goals of progress, specific assessments, weights of measures or indicators, etc.
- The U.S. Department of Education will still need to issue regulations but they cannot add new requirements that go beyond what is required in the law.
- All current ESEA Flexibility Waivers will be null and void as of August 1, 2016.
- Any schools currently identified as priority and focus schools must be maintained for the 2016-17 school year.
- Implementation of new state plans (once approved by the U.S. Department of Education) will start with the 2017-18 school year.

## ASSESSMENTS AND REPORTING

- ESSA maintains annual assessments in grades 3-8 and high school.
- It reaffirms that states are in control of their standards (which must be challenging) and assessments.
- It eliminates “adequate yearly progress” (AYP) under NCLB.
- It provides for innovative assessment pilots at the state level so states can research new and improved methods of measuring student progress from year to year. Up to seven (7) states may be selected but that number could increase over time. It will be up to the Secretary of Education to determine the application process and timeline for submission to be one of the pilot states.
- It maintains many reporting requirements including the State Report Card (SRC). SRC data are expanded to include information on homeless students, foster youth, students of parents on active duty in the military, information on acquisition of English proficiency by English Learners and professional qualifications of teachers.

## ACCOUNTABILITY

- It sets parameters for a state’s accountability systems, but gives each state the flexibility to design a school accountability system that best meet the needs of the students in the state.
- The accountability plans must include goals for academic indicators (improved academic achievement on state assessments, a measure of student growth or other statewide academic indicator for elementary and middle schools, graduation rates for high schools, and progress in achieving proficiency for English Learners) and a measure of school quality and student success (examples include student and educator engagement, access and completion of advanced coursework, postsecondary readiness, school climate and safety). Participation rates on the assessments must also be included in the plan.

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<sup>3</sup> NC DPI, Brief Highlights of the Every Student Succeeds Act (ESSA).  
 Available at <http://www.ncpublicschools.org/docs/program-monitoring/succeeds/highlights.pdf>.

## TEACHER QUALITY

- ESSA gives states the flexibility to work with local stakeholders to determine how educators should be evaluated and supported each year.

## DISTRICT AND SCHOOL INTERVENTIONS

- There is no set of required federal sanctions, but interventions used in schools needing assistance and support must be evidence-based.
- States will have to identify, at a minimum, the lowest 5% of Title I schools and high schools with graduation rates lower than 67%. These are the schools that are part of Comprehensive Support and Improvement (CSI).
- LEAs must develop and implement CSI plans for lowest-performing schools – State must approve plans.
- States also have to identify schools with consistently underperforming subgroups for Targeted Support and Improvement.

## FUNDING AND FORMULAS

- Eliminates the federal School Improvement Grants (SIG), but allows states to reserve 7% of Title I funds to make grants available to low-performing schools.
- A portion of State Assessment grants will be made available as a separate allocation to states to conduct audits of state or local assessments as a way to reduce redundant assessments.
- Combines some 50 programs into a big block grant under Title IV.
- Authorizes a Preschool Development Grants Program through the Department of Health and Human Services.

For more information on North Carolina's transition to ESSA, visit <http://www.ncpublicschools.org/docs/program-monitoring/succeeds/essa-faq.pdf>.