

ABSTRACT

PRESTON, JENNIFER JOLYNN. Cooperation or Coercion? A Comparative Case Study of Relationships between the Tennessee and Washington State Education Agencies and the Federal Department of Education. (Under the director of Dr. Lance D. Fusarelli).

In 2011, the Department of Education (ED) announced an opportunity for states to apply for a waiver from many of the provisions of the No Child Left Behind Act (NCLB), which was, at that time, the most recently authorized version of the Elementary and Secondary Education Act (ESEA). On the surface, the ESEA waivers represented an increase in the power of the states; they exchanged federal requirements for policies they drafted in alignment with a set of federal principles. However, the actual implementation of the ESEA waivers should give researchers and policymakers pause. The ED denied, and rescinded, waivers that did not comply with its framework for educational improvement. We are all left to wonder: who really controls education policy in the United States?

The purpose of this instrumental, multiple-case study was to describe federalism with regard to waivers from the ESEA granted by the ED to Tennessee and Washington and how those waivers shaped the balance of power between the state education agencies and the ED in those states. Specifically, I used the study to explore the extent to which the waivers in those states represented cooperative or coercive federalism. After collecting a wide range of documents related to ESEA waivers in these states, I completed discourse analysis to examine the power dynamics between the ED and the state education agencies in Tennessee and Washington.

Given the evidence, I found that ESEA waivers represent coercive federalism, with a notable exception: cases in which the ED and a state education agency are tightly aligned on policy priorities and have a shared understanding of the policies needed to improve

education. In these cases, the federal government's need to be able to point not only to a successful state implementation of these federally preferred policies, but also to one with demonstrated evidence of improved outcomes as a result, overrides any federal inclination to hold that state accountable for any weaknesses.

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Cooperation or Coercion? A Comparative Case Study of Relationships between the
Tennessee and Washington State Education Agencies and the
Federal Department of Education

by
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DEDICATION

I dedicate this work to Caridad Aguilar and in memory of Faith Hedgepeth, both 2010 graduates of Warren County High School. Even though I was technically their teacher, Caridad and Faith were actually the ones who did more teaching than I would have imagined.

They personified dedication and perseverance in the face of immense challenges, all the while teaching me that educational improvement needs to happen today, not next month or next year or in the next decade. The futures of so many young people, including these two young ladies, depend on the quality of the nation's schools, and they have inspired me to dedicate my life's work to those institutions.

BIOGRAPHY

Jennifer Preston grew up in the New York City suburbs and attended public school for grades K-12. She graduated summa cum laude from Franklin & Marshall College in Lancaster, Pennsylvania with a bachelor's degree in government and sociology. Upon graduation, she joined Teach For America and spent two years as a high school social studies teacher in rural North Carolina. She then earned her Master of Public Policy degree from the Sanford School of Public Policy at Duke University.

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I was employed full-time during the entirety of my doctoral degree. My graduation is possible due to the understanding and support displayed by the various individuals who served as my managers during this time. For their steadfast encouragement, I thank Dr. Rebecca Garland, Dr. Angela Quick, Mr. Adam Levinson, and Mr. Philip Price with the North Carolina Department of Public Instruction; Dr. John White and Mr. Adam Armstrong with the SAS Institute, and Dr. Greg Nicholson with College Advising Corps.

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LIST OF ABBREVIATIONS

ARRA: American Recovery and Reinvestment Act

ED: United States Department of Education

ESEA: Elementary and Secondary Education Act

ESSA: Every Student Succeeds Act

IASA: Improving America's Schools Act

NAEP: National Assessment of Educational Progress

NCDPI: North Carolina Department of Public Instruction

NCLB: No Child Left Behind Act

PARCC: Partnership for Assessment of Readiness for College and Careers

RttT: Race to the Top

SES: Supplemental Educational Services

TDE: Tennessee Department of Education

WOSSPI: Washington Office of State Superintendent of Public Instruction

CHAPTER 1: INTRODUCTION

The United States Constitution establishes a set of enumerated powers specifically for the national government, including the power to provide for the country's defense and the ability to regulate interstate commerce. According to the Constitution, any power not specifically under the purview of the national government is reserved to the states. Education is not one of the enumerated powers written into the Constitution.

Yet, any parent, educator, and citizen who picks up a newspaper or watches the evening news is aware that the federal government is, indeed, very involved in education in the nation's fifty states. This engagement in education policy has been a gradual push and pull between the states and the United States Department of Education (ED). During certain periods, the states have reigned supreme over education. In others, the federal government has asserted its interest more forcefully. This longstanding struggle for power over education policy provides scholars of intergovernmental relations an excellent opportunity to enhance their understanding of federalism, particularly of the cooperation and coercion that have characterized this policy area (Kincaid, 1990).

Purpose of the Study

The purpose of this case study was to describe federalism with regard to waivers from the Elementary and Secondary Education Act (ESEA) granted by the ED to Tennessee and Washington and how those waivers shaped the balance of power between the state education agencies and the ED in those states. Specifically, I use the study to explore the extent to which the waivers in those states represent cooperative or coercive federalism. In brief, cooperative federalism is defined as the extent to which state education agencies and the ED

cooperate to achieve shared policy goals. Coercive federalism is the extent to which the ED forces policy goals onto the state education agencies.

Background of the Study

In 2011, the ED announced an opportunity for states to apply for a waiver from many of the provisions of the No Child Left Behind Act (NCLB), which was, at that time, the most recently authorized version of the ESEA. States that were willing to commit to several key educational reforms, for example, the inclusion of student growth in teacher evaluation, could apply to the ED and request permission to implement those reforms in lieu of the sanctions required under NCLB.

At the time, the ESEA waivers represented the most recent federal education initiative, one in a line that dates to the initial passage of ESEA in 1965. While states and local school districts have typically controlled education policy, ESEA represented the first time that the federal government moved into K-12 education in a meaningful way. As part of President Lyndon Johnson's War on Poverty, ESEA focused on educational equity. Title I, perhaps the trademark of ESEA when originally passed and since, specifically provided states with funding that they could pass along to districts for use in educating disadvantaged students (McGuinn, 2006a). Over time, Congress expanded its definition of disadvantaged students so that Title I funding could be used to provide services not only for low-income students, but also for children of immigrants and students who were at risk of dropping out of high school (Hess & Petrilli, 2006).

In the 1980s, the dialogue around public education changed. Rather than being a discussion about inputs (such as per pupil spending on education), it became a discussion about outputs. What skills and knowledge did American students have upon graduation from

high school? Could they be competitive in an increasingly globalized world? One group offered an answer to these questions. In 1983, the members appointed to the National Commission on Excellence in Education by President Ronald Reagan published *A Nation at Risk*, a scathing report that decried the effectiveness of America's public schools (National Commission on Excellence in Education, 1983). The election of President George H.W. Bush in 1988 marked the ascension of the first in a series of self-proclaimed "education presidents." While President Bush would not see any of his education reform plans passed by Congress, it was during his time in office that the nation's governors (at a conference called by the president) first began to discuss the potential benefits of shared academic content standards and assessments.

After President Bush's electoral defeat, President Bill Clinton took office and began to work for congressional support of his Goals 2000 education reform package, which was quite like the set of policies that President Bush had proposed and Congress had refused to pass (Fuhrman, 1994). President Clinton also oversaw the reauthorization of ESEA as the Improving America's Schools Act (IASA). Under IASA, states had to complete five tasks in order to receive federal education funding: develop school improvement plans and set standards in crucial academic areas, develop assessments to measure students' progress toward the new standards, set goals for the progress that students should make from year to year, publish test results to allow for the identification of struggling schools, and take action, including withholding funds, to improve those schools falling short of meeting standards (McGuinn, 2006a).

While IASA, in theory, represented a dramatic shift of the federal government into education policy, in practice, not much changed. In the six years after IASA's passage, only

19 states actually implemented the academic content standards and aligned assessments required in the law (Wong & Sunderman, 2007). Thus, when it came time for Congress to reauthorize ESEA again, the education community might have thought that it was in for much of the same, particularly with a Republican president and the political party's history of uneasiness about federal involvement in the nation's schools. However, things were about to change dramatically.

With NCLB, President George W. Bush proposed a massive expansion of the federal role in education. Like its predecessors, the legislation still focused on increasing the achievement of students from disadvantaged backgrounds and called for new reporting that would highlight achievement gaps. However, unlike prior legislation, NCLB required states to implement student assessment programs, set out requirements for teacher credentialing, mandated an outcome for America's schools (all students proficient by 2014), established escalating pathways of intervention for low-performing schools, and included sanctions for failure to meet goals (McDermott & Jensen, 2005).

After NCLB's passage, the ED made it very clear that the agency, and the president, intended to hold states accountable for meeting the requirements of the law (McGuinn, 2006a). This resolve stood in stark contrast to the opposition to those mandates from states and school districts across the nation, including lawsuits filed against the ED by states and the National Education Association and state legislators' insistence that the federal government either fully fund the expenses they would incur while implementing the law or radically alter it (Wong & Sunderman, 2007).

Even as the states resisted NCLB, the ED was softening its stance. At the start of President Bush's second term in office, Margaret Spellings replaced Rod Paige as Secretary

of Education. Rather than enforcing lockstep compliance with the many components of NCLB, Secretary Spellings offered to work with states on their implementation of the law as long as they did not attempt to skirt any of its most significant requirements, including annual testing and reporting of test results in disaggregated subgroups, progress toward the goal of increasing teacher quality, and a better flow of communication between schools and parents about students' educational options (Wong & Sunderman, 2007). As Secretary Paige did during his time as Secretary, Secretary Spellings made general offers of flexibility on various provisions of NCLB to all states and school districts. However, she was about to move into the more uncharted waters of NCLB's waiver provision, Section 9401. I will explore this section of NCLB in more detail below.

In addition to the waivers from NCLB, another significant federal education policy initiative in the 21st century was the federal Race to the Top (RttT) competitive grant program. Like NCLB, RttT pushed the boundaries of previous federal involvement in the nation's schools, boundaries that had been drawn around issues of civil rights and equality for students. With RttT, the executive branch moved the ED into the realm of teacher evaluation, academic content standards, the use of technology in instruction, and the specific methods used to intervene in low-performing schools (Galey, 2015). Under RttT, the federal government made available five billion dollars in funding for states that committed to a set of education policies and initiatives. While only 11 states and the District of Columbia ultimately received RttT awards, 46 states applied for funding; in 34 of these states, legislatures and governing bodies for public education systems made policy changes to make their states more competitive for the funding (Kolbe & Rice, 2012; McGuinn, 2012). The influence of the grants extended far beyond their actual recipients.

As I mentioned above, Secretary Spellings granted waivers from NCLB to several states as they worked to meet its goals through different pathways than those outlined in the law. Under President Barack Obama, Secretary of Education Arne Duncan offered a new kind of ESEA waiver to the states. In the past, states had approached the ED with their proposals to deviate from NCLB. Under the next generation of waivers, the ED offered flexibility to the states in exchange for their adoption of specific education policies, including the adoption of rigorous academic content standards and aligned assessments, the creation of updated school accountability models that would reward Title I schools making progress and support those falling behind, the inclusion of student growth measures in the evaluation of teachers and school administrators, and the reduction of administrative burdens on districts and schools (Fusarelli & Fusarelli, 2014; Saultz, McEachin, & Fusarelli, 2016). In exchange, states would be freed from NCLB's universal proficiency requirement and would therefore have greater flexibility in their use of federal funding, as there would no longer be thousands of schools under sanction for reading and math proficiency rates of less than 100 percent (United States Department of Education, 2012).

On the surface, the ESEA waivers represented an increase in the power of the states; they exchanged federal requirements for policies they drafted in alignment with a set of federal principles. However, the actual implementation of the ESEA waivers should give researchers and policymakers pause. The ED denied, and rescinded, waivers that did not comply with its framework for educational improvement. We are all left to wonder: who really controls education policy in the United States?

Statement of the Problem

To date, scholars have theorized on whether ESEA waivers increased the power of state education agencies or decreased the power of state education agencies by forcing them to adopt certain policies, including some that were controversial. Similarly, there is debate on whether states really had a choice about whether to apply for an ESEA waiver (Bowling & Pickerill, 2013; Grissom & Herrington, 2012; Kolbe & Rice, 2012; Marsh & Wohlstetter, 2013; McGuinn, 2012). However, to date, no one has undertaken a systematic inquiry into actual relationships between state education agencies and the ED. A thorough understanding of the intergovernmental dynamics of the ESEA waivers could shape how everyone from politicians and policymakers understand how education policy in the United States truly comes into being.

In December 2015, President Obama signed the Every Student Succeeds Act (ESSA) into law. While I will describe the key tenets of ESSA in more depth in Chapter Two, it is important to note that, even as states implement this new law, some state education agencies have already signaled their intent to use apply for waivers from ESSA. For example, Florida seeks to be exempt from:

- Measuring achievement gaps between economically disadvantaged and/or minority students and their more affluent and/or white peers,
- Administering proficiency exams in students' native languages and measuring the achievement gaps between the performance of those students learning English and native speakers,
- Reporting school accountability metrics for schools in which fewer than 95 percent of the students took the state assessments, and

- Using grade-level assessment scores for school accountability metrics for those students who also take high school assessments (Burnette, 2017).

Additionally, while Kentucky is not proposing as significant a waiver as Florida, the state has indicated that it intends to seek a waiver for ESSA's limitation on the number of students who can be assessed with an alternate exam (Burnette, 2017). If Florida and Kentucky's intentions are a sign of what is to come, the days of waivers from federal education policies are far from over.

Research Questions

A set of well-developed research questions must drive any study. The research questions I posed were:

- How did the ESEA waivers shape the balance of power between the Tennessee Department of Education (TDE) and the ED?
- How did the ESEA waivers shape the balance of power between the Washington Office of the State Superintendent of Public Instruction (WOSSPI) and the ED?
- Considering similarities and differences in those two balances of power, how did the ESEA waivers change the balance between cooperative and coercive federalism in federal education policy?

Significance of the Study

The most important contribution of this study is the way in which it delves into the balance between federal and state control over education policy in the wake of a significant period of state-level waivers from the prevailing federal education law of the last decade. As President Donald Trump navigates his time in office, the media and policymakers have speculated that his presidency will represent a return of education policymaking power to the

states. However, it is also clear that President Trump intends to pursue some policies that would impose federal education goals on the states. For example, he and Secretary of Education Betsy DeVos propose a plan for each child living in poverty to have options when it comes to his or her school (Donald J. Trump for President, Inc, 2016; Green, 2017). While the ESEA waivers may be a thing of the past, the extent to which presidents and other officials at the federal level influence state-level policies is very much relevant. President Trump will introduce his policies, which scholars and policymakers will attempt to contextualize in the absence of any study on how states and the ED most recently worked together, or did not work together, concerning the ESEA waivers. RttT and ESEA waivers may have accustomed states to particular kinds of relationships with ED; the nature of the relationships may well depend on the experiences that the states have had with ED around ESEA flexibility and RttT. Such knowledge and understanding could inform the discussions and eventual education policies advanced by the ED under President Trump, particularly given the intentions of at least two states to pursue waivers under ESSA.

This study also contributes to the field's understanding of federalism, particularly how intergovernmental dynamics in the age of RttT and ESEA flexibility may not characterize the coercive and cooperative federalism they appear to represent. The events of the last five to seven years make it clear that Kincaid's theories of cooperative and coercive federalism (1990) need to be updated. Scholars of federalism can no longer categorize federalism with a cursory examination of who or what level of government appears to be in power. Rather, we need to dig deeper. What appears to be a cooperative partnership might indeed be coercive, and what appears to be coercion could be cooperation under wraps for some political or policy reasons.

Overview of Methodological Approach

This study was an instrumental, multiple-case study focused on two units of analysis (Creswell, 2013): the relationship between a state education agency and the ED for two states. It was critical that I used a sound sampling strategy to select focus states that allowed me to explore the balance of power between states and the ED with one eye to generalizability and a second eye to the reality that states and their education policies are diverse. As such, I employed maximum variation sampling to select the states of Tennessee and Washington for investigation. Using maximum variation sampling, the researcher purposefully selects heterogeneous cases because they are different in a key way that relates to the research question (Patton, 2002).

In this case, the ED rewarded Tennessee's educational reform plans not only with a RttT award in the first round of the grant program, but also an ESEA waiver. Additionally, the ED praised Tennessee for its reform efforts through public recognition, positive monitoring reports on the state's RttT and ESEA waiver implementations, and use of the state's plans as exemplars for other states struggling with implementation of their own reform plans (United States Department of Education, 2014d; United States Department of Education, 2015c).

In stark contrast, the ED ranked Washington's second-round RttT application as 32nd out of 36 proposals (United States Department of Education, 2011b). Furthermore, after initially granting an ESEA waiver to Washington, the ED rescinded the waiver in spring 2014, making the state the only one to have had its waiver revoked and not reinstated (United States Department of Education, 2014c). The ED's explicit support for Tennessee and its open critique of Washington have led to different kinds of relationships between the federal

agency and education agencies in those states. In line with Yin's concept of theoretical replication (2014), the apparent dissimilarities in the relationships led me to believe that these intergovernmental relationships will be characterized by dissimilar balances of power.

Power dynamics in any type of relationship – be it between two groups, two individuals, or two government units – can be challenging to study. For the purposes of this study, power allows one government unit to make decisions for another government unit or exercise influence over the second unit's decision-making. Power often lives in unspoken signals and allusions rather than clear statements. Discourse analysis represented the best methodological approach to seek out and analyze the balance of power in the respective relationships between Tennessee, Washington, and the ED. When completing discourse analysis, the researcher examines texts within the context in which they were created to discern the messages sent explicitly or implicitly to recipients of these texts (Fairclough, 2003). The texts for this study included written communication (usually in the form of memos) between the ED and the two state education agencies, as well as reports produced by the ED as the agency monitored each state's implementation of its ESEA waiver.

I completed three cycles of coding, drawn from Saldaña's (2012) work. Through first-cycle coding (structural coding), I identified text dealing with power in the relationship between the state education agency and the ED. Through second-cycle coding (in-vivo coding), I coded specific language used to assert power from within the text dealing with the relationship between the state education agency and the ED. Through code-mapping, I grouped the in-vivo codes into categories based on the rhetorical strategies used to assert power. Lastly, through third-cycle coding (pattern coding), I identified patterns and major themes. I then drew the findings for the study from these key patterns and themes.

Organization of the Study

This study is organized into five chapters. In Chapter 2, I explore the literature that is relevant to this study, including research on the basic tenets of federalism and the types of federalism that scholars have described. I then trace the expansion of the federal role in education, beginning with ESEA and ending with President Obama's RttT competitive grant program, before analyzing the balance of power between the states and the federal government during that period. I move on to dig deeper into the ESEA waivers as I describe the waivers and use the literature to build arguments for how they represent three types of federalism (coercive, cooperative, and executive).

In Chapter 3, I present the methodology for my study, including the literature that support my methodological choices. I first establish my study as an instrumental, comparative case study (Stake, 2005). I then describe my selection of maximum variation sampling as my sampling method and the data used to select the two states on which I focus. I describe my data collection process, including the collection of relevant documents, before detailing how I use discourse analysis and a three-cycle coding process to identify patterns that shine a light on the true balance of power between the ED and the TDE and the ED and the WOSSPI.

In Chapter 4, I examine several key rhetorical strategies used by the state education agencies and the ED when communicating about the states' reform plans. I next turn to my first two research questions and explore how these strategies, and the power dynamics they reflect, influenced the balance of power between the TDE and the ED, as well as the WOSSPI and the ED. I then delve into my final research question by exploring how this

multiple-case study informs our understanding of how the ESEA waivers shaped the balance between cooperative and coercive federalism.

In Chapter 5, I discuss my findings and situate them within prior research related to federalism in education policy. I next consider implications of this study on policymaking and implementation related to education in the United States. I then explore the ways in which this study can inform future research on the distribution of power within the realm of education policy, particularly as the ED and the states continue to implement ESSA. I conclude with a summary of the study and its significance.

Summary

In this chapter, I have provided critical background information for my study; set out the problem that I am addressing with this research; posed the research questions that guide my work; explained how my study contributes to the existing research on federalism in education policy, as well as our understanding of the education policies that will be offered during President Trump's time in office; provided an overview of the methodological approach used to answer the research questions; and outlined the remaining chapters of this study.

As I noted above, before beginning the study, I needed to develop a thorough understanding not only of federalism as a theory, but also the balance of power on education and how it has shifted with some of the major federal education initiatives in the last sixty years. I turn first to this topic.

CHAPTER 2: REVIEW OF THE LITERATURE

In this review of the literature, I situate my study within the existing scholarly work on federalism; trace the history of federal involvement in education policy from the birth of the ESEA to the federal RttT competitive grant program; and analyze the distribution of power between the states and the federal government in the decades between ESEA's passage to the ED's selection and monitoring of RttT recipients. Next, I describe the ESEA waivers granted by the ED to states over the last five years and evaluate the extent to which these waivers have changed, or simply upheld, the balance of power between the states and the federal government in the arena of education policy. I conclude with a review of the passage of ESSA. Even though I will not examine ESSA in depth in my research, it holds the potential to represent another swing in the balance of power between states and the federal government around education policy.

In surveying the literature for this study, I focused on research studies and theoretical examinations of federalism generally, with a particular focus on those scholars who have considered federalism within the confines of education policy. As a result, the literature included below pulls from a variety of disciplines, including public policy, public administration, sociology, economics, education, and political science. Taken together, these works provide a foundation upon which I can build and offer my own contributions to the evolving understanding of federalism and how it shapes education policy in the United States.

Federalism in the United States: Layer Cakes and Picket Fences

Federalism is a dynamic principle that undergirds the power struggles between the national government and states, states and local governments, and even the national

government and local governments. Federalism is complex, and it can be difficult to explain. As evidence, consider the wide range of analogies used to illustrate how federalism works, including layer cakes, birthday cakes, fruit cakes, picket fences, and tug of war ropes (Grissom & Herrington, 2012). Aside from the analogies, scholars of intergovernmental relations have traced the rise and fall of distinct types of federalism; for the purposes of my study, the most salient forms of federalism are cooperative, coercive, and executive.

In “From Cooperative to Coercive Federalism,” Kincaid (1990) explores how the federal government became more involved in a wide-ranging set of policy areas to promote equality and ensure that guaranteed civil rights truly extended to all Americans. In some cases, the states welcomed these interventions and happily cooperated with federal authorities. The federal involvement sometimes came with funding, and it often provided political cover for local officials who wanted to advance civil rights and equality, but could not openly push such efforts (Kincaid, 1990). In the end, both the federal government and the equality-minded local officials got their desired outcome, a rare “win-win” situation in politics, and a symbol of the promise of cooperative federalism.

However, by allowing the national government to be in control, at least for appearance’s sake, the sub-government officials actually contributed to a sentiment that the control was real (Kincaid, 1990). In the mid-1970s, the federal government began to assert itself over the states; the shift to coercive federalism had begun.

There were two vehicles for the enhanced federal control: funding and regulations. While funding originally offered during the mid-1900s continued, it now had new conditions of aid attached. In some policy areas, the federal government promulgated regulations and policies without any funding (Volden, 2007). It is in this era that the term “unfunded

mandate” became a rallying cry of the states. State leaders resisted both policy mandates that came with no funding to enact them locally, as well as those requirements that came with insufficient funds to do so. As Kincaid (1990) aptly notes, the American public knows too little about federalism to understand the idea of unfunded mandates. Because they do not understand it, and therefore do not reject it, they are not going to hold the federal government accountable for issuing them (Kincaid, 1990). In later sections of this study, I will examine the extent to which Kincaid’s assertion may no longer be true in the policy world that exists after the ESEA waivers. While the public may not be using political science language of “unfunded mandates” to decry federal involvement in education, there has been a discernable increase in their concern about the appropriate role of the ED.

The third type of federalism that is critical to my study is executive federalism. Over time, various scholars have used this term to refer to the executive branch’s policy creation or revision through non-legislative avenues. In a chapter in *Institutions of American Democracy: The Executive Branch*, Gais and Fossett (2005) offer a thorough description of the ways in which the president and his appointees are able to shape policy without action by Congress.

Executive departments (led by presidential appointees) can offer competitive grant opportunities to states, cities, school districts, non-profit groups, and a host of other types of organizations and select recipients that propose programs and policies aligned with the president’s goals (Gais & Fossett, 2005). Through the rule-making process, executive departments have the power to craft the regulations that will be used to operationalize a law passed by Congress and signed by the president (or subject to a congressional override of a presidential veto). While a federal law may be dense on its own, the accompanying

regulations that define terms used in the law, set out schedules for compliance, and provide details on programs and policies are often even more complicated and comprehensive (Birkland, 2010). Consider that NCLB was a 670-page law passed by Congress and signed by President Bush. The accompanying regulations, finalized over the course of years, totaled more than 1,000 pages. In addition to rule-making, the executive branch may also use a variety of management strategies to influence federal policy, for example, by creating executive offices within the White House to lead studies on particular issues (Gais & Fossett, 2005) or using the presidential bully pulpit to draw attention to state-level policies that the president applauds or finds troubling (Manna, 2006a).

The same executive departments that lead the way in the federal rule-making process negotiate with states when considering and approving waivers to federal law. The executive branch can signal its openness by offering waivers before states have even requested flexibility from the provisions of a specific piece of legislation. Conversely, the federal government can consider and approve waivers after one or more states has made a formal request for flexibility. No matter which level of government initiates the waiver, there will be negotiations between the relevant executive department and state agencies before the department will issue an approval or rejection of a waiver (Rose & Bowling, 2015; Shelly, 2012; Wong, 2015). In recent years, these negotiations are likely to be at least somewhat transparent, for example, formal correspondence between departments and state agencies is often posted to public websites (Vergari, 2012). However, the compromises and concessions that categorize discussions on the waivers may take place through other modes of communication, such as phone calls, which are not available to the public. Additionally, no matter whether the details of the negotiations are made public or not, waivers are still being

granted or denied without congressional approval (Gais & Fossett, 2005; Rose & Bowling, 2015; Shelly, 2012; Wong, 2015).

It is important to consider the reasons why the executive branch may engage in executive federalism, particularly in today's world. As Rose and Bowling (2015) note, Washington D.C. is home to partisan rancor and legislative gridlock due to divided government and internal divisions within the major political parties, particularly among Republicans. Due to the slowdown of any legislative activity on major policy issues, the executive branch may feel that it is filling a policy gap that, left open, will lead to negative consequences for citizens. The executive branch may believe that it is simply being responsive to the needs of the states when they appeal to executive departments for flexibility in implementing federal laws, especially when the laws are due to be updated by Congress and the House of Representatives and Senate are not likely to act upon them. Lastly, and perhaps most significantly, the executive branch may simply be using waivers to achieve policy goals that a presidential administration knows would not be agreed to by Congress (Gais & Fossett, 2005).

Cooperative, coercive, and executive federalism have each played a role in the evolution of the federal responsibilities in education policy. In the next section of this review of the literature, I trace the history of federal involvement in education policy from the birth of the ESEA to the federal RttT competitive grant program.

History of Federal Involvement in American Education Policy: Expansion and Contraction

On January 8, 2002, President George W. Bush signed the NCLB into law; education policy in the United States was about to change dramatically. NCLB was the most recent in

a series of federal laws related to education, a series that reaches back to the 1960s (Mantel, 2005). Indeed, the federal government has played a major role in education, a policy area usually reserved for the states and local school boards (McGuinn, 2006a).

Prior to NCLB, the most sweeping piece of legislation affecting education was ESEA. Signed into law by President Lyndon B. Johnson on April 11, 1965, ESEA authorized the use of \$1.3 billion (in 1963 dollars) to provide funding to school districts to assist disadvantaged students. It was one of the integral components of the War on Poverty that President Johnson had launched in his 1964 State of the Union Address (Reese, 2011). Throughout the early 1960s, education advocates fought for greater federal support of K-12 education. Generally, Republicans were suspicious of any federal action in the arena of education (Hess & Petrilli, 2006). The Constitution did not address education; until that point, the schooling of the nation's children had been left largely to the discretion of the county's fifteen thousand school districts that acted as agents of state governments (Kantor, 1991).

“At the heart of the ESEA regime was a powerful equity rationale for federal government activism to promote greater economic opportunity through more equal access to more equally funded schools” (McGuinn, 2006a, p. 25). Despite resistance, President Johnson forced his education bill through Congress, just as he did with many pieces of his social policy agenda (Bresnick, 1979). In addition to Johnson's personal power with Congress, Francis Keppel, his Commissioner of Education, had created a solution to quell much of the opposition to the legislation and the broader issue of federal involvement in education (Kantor, 1991). By creating a plan that included both public and private schools from many different states and congressional districts, the government spread funding in such a manner that most of the major constituencies in opposition to the act stood to benefit

financially from its passage. This landmark education legislation originally included five titles, all of which were related to the law's overarching goal of providing high-quality education to allow disadvantaged students to advance in society (Mantel, 2005).

The most famous of the provisions was Title I. Title I specifically targeted school districts in high-poverty areas for additional funding to increase their per-pupil spending (Bresnick, 1979). Indeed, of the \$1.3 billion appropriated for ESEA, school districts received \$1.06 billion under Title I. As members of Congress scrambled to secure Title I funding for their districts, the funding formula changed to more accurately reflect the true intent of the legislation. The final formula ensured that some amount of "categorical aid" to educate disadvantaged students went to nearly all (94 percent) of the school districts in the nation, which also guaranteed that funding was dispersed in the majority of congressional districts (McGuinn, 2006a). Title I gave school districts the freedom to spend their funds on a variety of different programs, including support for educational research, the hiring of additional staff, the development of new curriculum, and the purchase of new classroom technology (Kosar, 2005).

However, this seemingly positive freedom for school districts was built on true uncertainty about the best way to educate disadvantaged students. No one knew whether the answer to the puzzle of educational equality was more teachers, or better textbooks, or after-school programs. Without a clear solution, ESEA cast an expansive net to cover the wide range of educational spending that might produce results (McGuinn, 2006a). Even after the passage of ESEA, there were lingering concerns that did not disappear. The main concern was that school districts simply would not make strides in their efforts to effectively educate disadvantaged students. In garnering support for its passage, Commissioner Keppel had

promised that ESEA would be subject to careful evaluation and review. It would be two decades before anyone would systematically study the legislation and its effects, and thirty years before the nation would truly begin a dialogue about the accountability of schools under ESEA (Hess & Petrilli, 2006).

A variety of difficulties in implementation and interpretation plagued ESEA during its first years; conflicts of authority between school districts and the federal Office of Education caused most problems. One of ESEA's major shortcomings was that it contained no enforcement mechanisms to ensure that districts used their Title I funds for appropriate purposes (Reese, 2011). Even if the act had included such provisions, it is unlikely that the then-unorganized Office of Education would have been able to utilize them. In lieu of federal oversight, state education departments assumed responsibility even though their shortcomings had been the basis for ESEA. By the 1970s, the Office of Education had found its place in education policy and was much more active in the regulation of districts' Title I spending.

A convergence of other structural changes made it easier for the Office of Education to compel districts to cooperate with the spirit of ESEA. Many states began to centralize the crafting of education policy in state education offices. The policymakers in these offices started to design programs to provide state funds to match federal funds spent on the education of disadvantaged students. In addition, the number of school districts in the country gradually decreased throughout the decades after the passage of ESEA. With fewer districts to supervise and more of those districts' policies in the hands of centralized state education authorities, federal management of Title I spending became much more streamlined (McGuinn, 2006a).

Over the years, Congress expanded Title I funding to groups other than “disadvantaged students,” including children of immigrants and high school students in danger of dropping out of school. As it expanded its purview to include additional students, proponents of the ever-growing ESEA heralded the federal government’s dedication to equality in the nation’s schools. However, as the 1980s began, critics had begun to question whether equality was the key issue at stake in education policy (Hess & Petrilli, 2006). What were our students learning? Were they able to better their futures through education? In the face of the emphasis on equality, were the schools actually educating students to be productive citizens?

This questioning only became louder as empirical studies proved that ESEA had not decreased the difference between rich and poor districts in terms of per-pupil expenditure (Verstegen, 1990). During the 1980 presidential election, Governor Ronald Reagan seized the issue of education and used it in his cry to shrink the size of the federal government. He claimed not only that the government was removing parents’ rights to supervise their children’s education, but also that local school districts and school boards were much more qualified to address issues related to education. Upon his election, President Reagan offered the Education Consolidation and Improvement Act, which decreased federal education funding by 20 percent and allowed states more flexibility in their use of federal funding (Verstegen, 1990). Then, in 1983, a bombshell of sorts hit American society.

In 1981, President Reagan appointed Terence Bell as Secretary of Education. Secretary Bell in turn selected several individuals to serve on a National Commission on Excellence in Education and charged the commission with making a thorough examination of American education. Their report, *A Nation at Risk: The Imperative for Educational*

Reform, implored federal, state, and local officials to take action to address the increasingly dismal situation in American schools (Kosar, 2005). In particular, the report harkened back to the days of concern about American education in response to the Soviet Union's launch of *Sputnik* (Mantel, 2005). *A Nation at Risk* highlighted how far American students had fallen behind students in other developed nations in a comparison of academic ability and how this achievement gap could hurt the United States in the global economy (National Commission on Excellence in Education, 1983). Rather than endorsing President Reagan's plan to abolish the ED, the Commission advocated an *increased* federal role in education. It was not the report for which the Reagan administration had bargained.

In addition to greater federal responsibility for education, the Commission called for stricter standards, higher requirements for high school graduation, better pay for teachers, the establishment of a national core curriculum, and more strenuous training for teachers (National Commission on Excellence in Education, 1983). In the aftermath of the release of *A Nation at Risk*, the Reagan administration struggled to formulate a response. After debating whether or not to even acknowledge the report and its conclusions, President Reagan did eventually accept the report during a ceremony at the White House (Kosar, 2005). From then on, he continued to emphasize the importance of education and encourage local school districts to tackle the problems highlighted in the Commission's work. He also all but abandoned his call to eliminate the ED. The climate had forced even President Reagan, one of the era's bastions of states' rights and a smaller federal government, to acknowledge education as a federal area of concern (McGuinn, 2006a).

There was certainly a great deal of discussion about education during the remainder of President Reagan's time in office. During the next few years, many commissions,

organizations, and individuals published works related to the crisis in education. From Allan Bloom's *Closing of the American Mind* to the Carnegie Foundation's *High School*, publication after publication called for improvements and reforms in education (Reese, 2011). In 1988, reauthorization of ESEA required school districts to evaluate the effectiveness of their use of Title I funding and develop plans to increase efficiency. However, other than those changes during the reauthorization, the Reagan administration did not take much action on the issue. Even though the American public finally considered education to be one of its top-ranked issues in the 1984 presidential election, the Republican Party still opposed greater federal involvement in education. However, they were simply not in touch with the desire of the American people to use the ED and the federal government as a means to improve their communities' schools (McGuinn, 2006a).

Prior to his election as president in 1988, George H.W. Bush had served as director of the Central Intelligence Agency and American ambassador to the United Nations. Yet, in his presidential campaign against Democrat Michael Dukakis, this foreign policy expert proclaimed, "I'd like to be the education president. See, I believe as I look into the future...education has to be the priority" (President Bush quoted in McGuinn, 2006a). Only three months after taking office, President Bush sent the Education Excellence Act of 1989 to Congress; the legislation called for the reallocation of \$441 million in ED funds to new initiatives, for example, greater public school choice, financial rewards for teachers, and drug prevention programs (Kosar, 2005). Due to staunch opposition from Democrats who felt that the legislation did not go far enough and a cool response from conservative Republicans who lamented their party's move toward greater federal involvement in schools, the bill died in Congress (McGuinn, 2006a). However, if President Bush could not use Congress to advance

his education agenda, he was willing to use his position to garner attention from the nation's governors.

In the fall of 1989, President Bush brought together the nation's governors in an education summit in Charlottesville, Virginia. This group created a series of proposed goals under the banner "America 2000" (Fuhrman, 1994). The goals included ensuring that children enter school ready to learn, the country becomes a leader in math and science education, high school graduation and adult literacy rates improve to prepare all Americans for employment and citizenship, and creating schools that are free from violence and drugs (Reese, 2011). To follow progress toward these objectives, President Bush created the National Education Goals Panel, but the panel could not find enough reliable data to truly track any advancement in these areas (Kosar, 2005). The panel found itself caught in the middle as the battle between those in support of increased federal involvement in education and those in support of state and local control again reared its ugly head.

One of the major charges of the National Education Goals Panel was the creation of a system of voluntary examinations called "American Achievement Tests" for fourth, eighth, and twelfth grade students. Although the use of the tests was not mandated, the panel offered them to governors as models for states to use. The panel coupled the tests with other provisions of America 2000, including a controversial new private school choice project, the establishment of a "New American Schools Development Corporation" to create plans for successful schools, and merit pay for teachers and school administrators (Kosar, 2005). President Bush soon sent the America 2000 plan on to Congress for its approval. In many ways, his administration had crafted a revolutionary piece of legislation that, for once, shifted the discussion of education from inputs to results. However, Democrats in the House

stripped the bill of most of its components in conference; the bill that they sent for consideration by the full chamber did include national academic standards. It also returned to the debate over school funding by the states and the federal government. Republican Senators filibustered the conference report and the bill never came up for a vote (McGuinn, 2006a). President Bush, the self-proclaimed education president, ended his time in office without passing one piece of education reform legislation.

As President Bush struggled to make progress on his education agenda, Arkansas Governor Bill Clinton, a Democrat, was becoming a nationally known leader in education reform. He actively argued for the implementation of strict education standards and for more accountability and testing for teachers and students in Arkansas (Reese, 2011). President Bush and Governor Clinton battled over the issue of education throughout the campaign. Governor Clinton made education policy the center of his shift to the middle of the political spectrum as he moved away from the traditional liberal wing of the party. Education policy, he claimed, was not about redistributing resources throughout the nation. Rather, it was about increasing the efficiency of the use of funds in the country's schools. This alteration in approach to the issue of education would become even more significant after the election (Kosar, 2005). Governor Clinton won the White House and Democrats held on to their advantage in Congress; President Bush's years of divided government had ended. However, the Democratic Party still had to face the differences in political philosophy that had been brought to light during the election and the discussion of education.

The cornerstone of President Clinton's education agenda was his Goals 2000 plan, which built on the six key goals of the America 2000 plan and proposed optional standards and assessments for specific grade levels (Kosar, 2005). While some criticized Goals 2000

as a mere rewording of America 2000, there were some significantly different provisions. Goals 2000 gave states the freedom to design their own standards and assessments, but required approval by the ED before any Goals 2000 funds could be dispersed to the states (Fuhrman, 1994). Despite the marked differences, President Clinton's plan was not well-received by Congress because it did not provide the wealth of funds that some Democrats felt would be necessary for the poorer school districts to meet the new standards (Kosar, 2005). When Goals 2000 reached the floor in the House of Representatives, just as they had done with America 2000, Democrats added a variety of amendments that shifted the focus of the bill from education results to education funding. Cries erupted from the Republican side of the aisle. In the end, President Clinton was able to persuade the Democrats to weaken some of their stronger amendments, and the bill passed the House of Representatives. Passage in the Senate went much more smoothly, save the defeat of a filibuster by Senator Jesse Helms on the issue of school prayer. Despite disagreements, Congress had passed Goals 2000 by a fairly wide margin and President Clinton signed the act into law in the spring of 1994 (McGuinn, 2006a).

In comparison to the scope and level of funding of Goals 2000, ESEA was still the Goliath of all education policy (it included over \$10 billion in funds by this point), and it had been six years since the last reauthorization of the legislation. President Clinton's reauthorization plan, the Improving America's Schools Act (IASA), built a direct connection between Title I funding and meeting Goals 2000 standards (Fuhrman, 1994). Even disadvantaged students were expected to meet the new academic standards and perform satisfactorily on new assessments. IASA passed in the House of Representatives and Senate and headed to conference, where House Democrats emphasized the need to require states to

create opportunity to learn standards (plans that demonstrate how the states will prepare children to be able to learn the skills and knowledge necessary to meet their new standards) as a prerequisite to federal funding (McDonnell, 1995). A weaker Senate version of the bill had only suggested that such standards be created. Through including Goals 2000 in the reauthorization of ESEA, President Clinton had succeeded in further cementing his plan for education policy (McGuinn, 2006a).

The final versions of IASA and Goals 2000 represented a significant shift in direction for federal education policy. For the first time, the ED no longer suggested the implementation of standards-based reforms and student assessments; it mandated the changes in the states. While education funds offered under Goals 2000 depended on a state's design of standards and assessments for all students, states did not have to accept any of the funding. However, because all fifty states already accepted considerable funds under ESEA, making the disbursement of the monies contingent on their implementation of standards and testing effectively tied the states' hands on those issues. Under IASA and Goals 2000, states had to complete five tasks in order to receive federal education funding: develop school improvement plans and set standards in crucial academic areas, develop assessments to measure students' progress toward the new standards, set goals for the progress that students should make from year to year, publish test results to allow for the identification of struggling schools, and take action, including withholding funds, to improve those schools falling short of meeting standards (McGuinn, 2006a).

However, as the ED began to require states to complete these steps, it continued to allow the states to design their own standards and assessments with little federal oversight (McGuinn, 2006a). In essence, IASA and Goals 2000 required states to design and

implement new standards and assessments without any investigation into what students were now required to learn and how they were tested on their skills and knowledge. Nevertheless, President Clinton's bold move on standards- and assessments-based federal requirements for the disbursement of ESEA funds showed that the ED was going to be watching the states with newly invigorated energy. The two pieces of legislation also foreshadowed the even more sweeping education reform that would be enacted in only a few short years.

The 1994 midterm election and Speaker Newt Gingrich's Contract with America greatly changed the American political climate. During the campaign, Republicans sent a clear message as to their plans for education in the United States; they intended to abolish both Goals 2000 and the ED. Indeed, the Republican Congress took some strides toward these goals as they repealed some of the sections of Goals 2000 that they considered most invasive, including the National Education Standards and Improvement Council that was responsible for the creation of suggested national academic standards (Fuhrman, 1994). All the while, the Republican assault on President Clinton's education policies was unpopular with the American people, and the party toned down its rhetoric and actions as the 1996 presidential election approached. As Republican presidential candidate Senator Robert Dole remained somewhat mum on the topic of education, the Clinton campaign ran with the issue and touted his actions in the area of education. He emerged from Election Day as the victor.

In the aftermath of the election, a call from within the Republican Party emerged; Republican candidates needed to soften their stance on education. This change in position was manifest in the party's response to President Clinton's 1998 State of the Union Address. The Academic Achievement for All Act (nicknamed Straight A's) was the Republicans' plan for the 1999 reauthorization of ESEA. They sought to use block grants to give money and

decision-making ability back to the states (Hess & Petrilli, 2006). At the same time, a group of moderate Democrats led by Senators Joseph Lieberman and Evan Bayh offered the Public Education Reinvestment, Reinvention, and Responsibility Act (nicknamed The Three R's), which held that states and local entities had the most influence on a school's performance, but that the federal government also had an important role to play (McGuinn, 2006a). With the 2000 presidential election approaching, all groups stepped back from their proposals as the Republicans postponed reauthorization and the spotlight shifted to Vice President Al Gore and Texas Governor George W. Bush.

To this point, education had been a contentious issue in American politics. No one disputed the importance of educating the nation's children to the best of our ability; however, many elected officials and policy experts had different ideas about the best way to achieve this goal. Education highlighted the gulf between the two parties, as well as schisms within the parties. For every step that a president would take forward, the opposing party was there to reverse the action or change it substantially. In the 2000 presidential campaign, education was not only a decisive issue, but voters also saw a dramatic shift in the traditional stance of the two political parties. For once, a Republican candidate agreed with a Democratic candidate that the federal government needed to play an enhanced role in education. And, for once, voters ranked education as the most important issue at play in the election (McGuinn, 2006a).

Throughout the campaign, Governor Bush touted himself as a "compassionate conservative," one who was not afraid to actively involve the federal government in the solutions to the nation's problems. On the issue of education, Governor Bush stood firmly on his record in Texas and the state's emphasis on accountability in the schools (Kosar,

2005). He also offered a specific education plan for the nation that encompassed some of the successful reforms in Texas. He offered a \$13.4 billion increase in federal education funding over five years, and he endorsed the use of standards and testing. However, schools would not be subject to explicit federal regulation.

With a Republican candidate running on the issue of education, the Democrats were walking in uncharted territory. Usually the more active party on education issues, the Democratic Party now found itself facing a nation that believed that widespread school reform was needed and that throwing money at the schools would not ameliorate the problems. With Governor Bush advocating for aggressive reforms, Vice President Gore had no choice but to join the chorus demanding action. His eventual education plan included \$115 billion in additional funding for schools to use for a variety of purposes, including teacher recruitment and class size reduction, as well as limited school choice programs (Kosar, 2005). Interestingly, Vice President Gore did include some accountability measures that sounded quite a bit like those included in Governor Bush's plan; however, they never garnered as much public attention as Governor Bush's measures.

The 2000 presidential election reshaped the landscape of education policy in the United States. Both candidates acknowledged, and advocated for, ambitious reforms in education; both had agreed that the federal government had an important role to play in these reforms; and both believed that all children, not just those specifically labeled as disadvantaged, deserved a good education. They had established something that had been lacking in the entire education debate to date: a true common ground.

The two parties built a great deal of compromise upon this common ground. President Bush hit the ground running immediately after his inauguration. On January 22,

2001, he sent NCLB to Congress. He did not send a full bill that addressed technical issues, rather a twenty-eight page outline of his proposal that included the four principles that were to buttress his education plans: increased accountability, a streamlined bureaucracy that would increase flexibility, parents with greater options and power, and an emphasis on demonstrated successes in education programs (Hess & Petrilli, 2006). The eventual full NCLB proposal that was sent to Congress addressed seven main areas: testing, vouchers, school choice, quality of teachers, flexibility for states and local school districts, improvement of reading skills, and rewards and consequences for districts. In the area of testing, a prerequisite for the receipt of Title I funding was that states must test all students in grades three through eight in basic reading and mathematics skills. In the area of vouchers, students who attended schools that did not make adequate yearly progress for three years in a row were entitled to Title I funds to transfer to a better public or private school, or to pay for additional academic support. School choice was a bit more ambiguous as the proposal only indicated that the Secretary of Education would control grant money to award to creative programs to enhance parents' ability to have choices about their children's education. Similarly, states and districts were allowed to use federal money to develop strong teacher education and training programs. In terms of flexibility of the proposal, states and districts were offered "charter agreements" with the ED to allow them to substitute a plan for academic performance for meeting the federal regulations. The proposal also offered funds for states that established reading programs that were based on empirical studies of how students learn how to read. Lastly, states that excelled in their efforts to improve education for all students were eligible for additional funding, while states that did not meet their goals were subject to reductions in funding (Sack, 2011).

NCLB met opposition from liberal Democrats who viewed its testing and accountability requirements warily and felt that the act did not offer enough federal funding to states and school districts, as well as from conservative Republicans who thought that it infringed on the power of the states. However, even these conservative Republicans had to see that President Bush had benefited politically from his move to the middle on education (Kosar, 2005). In addition, the political climate had become one in which the public was expecting substantial and innovative education policy proposals.

President Bush's plans for testing also came under fire from Republicans and Democrats; Democratic Representative Barney Frank and Republican Representative Peter Hoekstra offered an amendment to remove all mentions of testing from the bill. On this occasion, White House lobbying and the persuasive efforts of NCLB supporters Democratic Representative George Miller and Republican Representative John Boehner, who also served as chair of the House Education and Workforce Committee, were able to contain the efforts to remove testing. Many business groups desperate for a better-educated workforce also served as effective lobbying agents against efforts to eliminate testing provisions (McGuinn, 2006a). Indeed, if the thrust of NCLB was its testing requirements, stripping the bill of those provisions would be tantamount to writing a new piece of legislation.

Although many conservative Republicans grumbled that President Bush had spent too much time and energy pleasing Democrats and too little time working to solidify the support of his political base, they did fall in line in support of the legislation. The House of Representatives passed its version of NCLB on May 23, 2001 with a vote of 384 – 45; the Senate passed its version on June 14 with a vote of 91 – 8. NCLB still had one hurdle left to jump: the House-Senate conference committee. Given President Bush's fairly broad and

brief proposal, many details were left to Congress and the ED. The Senate and the House had recommended disparate funding levels for NCLB; neither chamber had created usable standards for what was deemed “adequate yearly progress” for schools. Just as compromise had reigned supreme in both the Senate and the House, the conference committee would work through differences as it produced what would become the final version of NCLB that President Bush signed on January 8, 2002 (McGuinn, 2006a).

Thus, NCLB was a piece of legislation born of a shift in Republican ideology, crafted with compromise, and passed through bipartisanship. It was a revolutionary change in our nation’s approach to education policy, and its signing was just the beginning of the debate on its implementation, interpretation, and effectiveness. Immediately after its passage, the ED moved forward with the implementation of NCLB. On the evening of January 9, 2002, just one day after President Bush signed the act into law, Secretary of Education Roderick Paige held a meeting with thirty state education agency heads in which he made clear his intention to fiercely enforce compliance with NCLB (McGuinn, 2006a). While the ED may have stood firmly behind the new policies, the same certainly cannot be said about many states and school districts in the nation; NCLB was met with fierce opposition in many quarters, including lawsuits filed against the ED by states and the National Education Association and state legislation demanding changes to the law and/or increased funding for states to meet its demands (Wong, 2015).

Interestingly, litigation and legislative resistance from the states came in the face of increasing flexibility and lenience from the ED, particularly after Margaret Spellings replaced Paige as Secretary of Education at the start of President Bush’s second term. When Spellings was appointed and confirmed as Secretary of Education, she immediately offered a

new stance on NCLB and its implementation, what she called “a new common sense approach” that would focus on the “bright lines,” or particularly significant aspects of NCLB: annual testing and reporting of test results in disaggregated subgroups, progress toward the goal of increasing teacher quality, and a better flow of communication between schools and parents about students’ educational options. Secretary Spellings stated that districts that made progress in these areas would receive credit for their efforts if and when they submitted requests for flexibility in NCLB implementation to the ED (Wong & Sunderman, 2007). As Secretary Paige did during his time as Secretary, Secretary Spellings made general offers of flexibility on various provisions of NCLB to all states and school districts. However, she was about to move into the more uncharted waters of NCLB’s waiver provision, Section 9401. I will explore this section of NCLB in more detail in a later section of this chapter.

Along with the waivers from NCLB, another federal education policy initiative in the 21st century has been the federal RttT competitive grant program. Like NCLB, RttT pushed the boundaries of previous federal involvement in the nation’s schools, boundaries that had been drawn around issues of civil rights and equality for students. With RttT, the executive branch moved the ED into the realm of teacher evaluation, academic content standards, the use of technology in instruction, and the specific methods used to intervene in low-performing schools (Galey, 2015).

In 2008, the nation found itself in the midst of an economic recession unlike any in recent memory. While the federal government used deficit spending to stay largely afloat, states struggled to maintain basic services for citizens as they crashed into the balanced-budget constitutional amendments in all states except Vermont (Volden, 2007). In response to the dearth of resources, President Barack Obama announced the availability of \$100

billion in funds for education as part of the American Recovery and Reinvestment Act (ARRA) of 2009 (Fusarelli & Fusarelli, 2014). Of these funds, five billion dollars were available for the RttT grant competition, which provided funding to states that proposed educational reform plans aligned with the Obama administration's key policy goals:

- Adoption of rigorous academic content standards that prepare students for success in postsecondary education and jobs in the increasingly globalized workforce;
- Creation of data systems that provide educators with access to meaningful data on students and measure student progress;
- Identification of effective teachers and school leaders through robust educator evaluation systems that explicitly include measures of student progress and the use of results from those evaluation systems to retain, reward, and recruit effective educators, especially in low-performing schools; and
- Interventions to turnaround low-performing schools (United States Department of Education, 2015d).

Across the nation, chief state school officers and governors scrambled to draft their RttT applications and ensure that state-level policies aligned with the federal priorities described above. Forty-six states and the District of Columbia applied for RttT awards over the three phases of the grant application; thirty-four of these states revised or passed new education policies or laws in order to strengthen their applications for awards (Kolbe & Rice, 2012; McGuinn, 2012). In the end, eighteen states, and the District of Columbia, received federal funding through RttT (Galey, 2015).

During RttT, the ED attempted to play the dual roles of program monitoring by watching the extent to which states followed through with the commitments from their grant

applications and technical assistance by supporting states with their plans, particularly those areas in which all states struggled (for example, measuring student learning in subjects not assessed by state tests) (McGuinn, 2012). As states encountered implementation challenges, they were able to submit amendments to their implementation plans to the ED, which tested the staff members' roles as program monitors working to make sure the states implemented their reform plans with fidelity. As of December 2015, the nineteen RttT recipients had received federal approval for 277 separate amendments to their plans (United States Department of Education, 2015a). Some of these amendments represented significant delays in the implementation of critical components of RttT, including instructional data systems and teacher evaluation models (McGuinn, 2012). While the Department of Education issued stern warnings to states for delays and unrealized programs in their plans, only the State of Georgia received a financial penalty; the federal government withheld approximately \$10 million of the state's \$400 million total award for failure to implement a pay-for-performance plan as described in the state's application (United States Department of Education, 2013b). The withheld funds represented only two and a half percent of the state's funding for RttT. Below, I will consider the role of these amendments in the balance of power in education between the ED and the states.

RttT has now come to an end. The ED required the District of Columbia and eleven states that received awards during the first two phases of the competition to spend all grant funds by September 30, 2015 or revert those funds (United States Department of Education, 2013a). The seven states that received awards during the third phase of RttT had until December 31, 2016 to spend their funds (United States Department of Education, 2014a). While the ED has begun to publish some summative evaluations of the grant program

(United States Department of Education, 2015c), the realization of gains in student outcomes due to educational reforms takes years to trace. As a result, researchers will continue to study the extent to which the race to the top was “won” for the next decade.

Federalism in American Education Policy: A Brief Review

In general, education policy has followed the federalism road map described in the first section of this chapter. Federal involvement in education first began in the mid-20th century as Congress and various presidents concerned themselves with equality and civil rights in America’s schools. The original ESEA provided targeted funding to states in an attempt to level the playing field for children from disadvantaged backgrounds (Elmore & Fuhrman, 1990). The national government also became involved as states resisted school integration mandated by *Brown v. Board of Education of Topeka, Kansas* (1965). As Kincaid (1990) described, federal involvement in education was limited to issues of civil rights.

The 1990s, however, represented a period of more aggressive state policymaking around education and less assertive federal involvement. The reasons behind this power shift were twofold. First, in some states, state courts issued rulings that the states were not providing all students with necessary educational opportunities. States responded to these rulings in various ways, including increased monitoring of student outcomes and plans for intervention in low-performing schools and districts, as well as targeted funding to under-resourced and low-performing schools (Grissom & Herrington, 2012).

Second, the only real federal policy activity during that decade, the IASA, required states to move in the same direction they were already heading (toward the development of academic standards and accompanying accountability systems to measure outcomes).

Additionally, the legislation had no “teeth.” As the 21st century began, no states that had failed to meet requirements in the IASA faced any sanctions from the ED (Wong & Sunderman, 2007).

The passage of NCLB represented a dramatic expansion of the federal government’s traditional role in America’s schools. Like its predecessors, the legislation still focused on increasing the achievement of students from disadvantaged backgrounds and called for new reporting that would highlight achievement gaps. However, unlike prior legislation, NCLB required states to implement student assessment programs, set out requirements for teacher credentialing, mandated a high-level outcome for America’s schools (all students proficient by 2014), established escalating pathways of intervention for low-performing schools, and included sanctions for failures to meet goals (McDermott & Jensen, 2005).

This renewed federal engagement in education raises the question of why there is currently such federal interest in this policy area. If federal involvement in education began because of a national interest in equality and civil rights, what drives the interest today? Perhaps equity remains a major concern; Young and Fusarelli (2011) note that educational outcomes for at-risk children may have been most at risk during the recent economic downturn because many of the programs on which they depend, for example after-school programs and parent engagement initiatives, are the first to be cut when budgets must be trimmed. Perhaps it is the potential of investment in education to fuel future economic growth, not only for those who receive the education, but also for other citizens. Perhaps it is a larger sense of responsibility among national elected officials that education is a public good that brings social benefits to all communities. Perhaps it is a sense that maintaining our nation’s status as a democracy requires an educated citizenry (Fusarelli and Young, 2011).

No matter what the cause, the 2000s brought about an era of federal involvement in education that was different than any the nation had seen before.

NCLB differed from previous federal education programs in that President Bush and his education secretary vowed that the ED would vigorously enforce the requirements of the law. The days of non-compliance and cooperative federalism under IASA were over (Manna, 2006a). Researchers reviewing the Bush administration's implementation of NCLB report mixed findings on their execution of the law (Elmore, 2002; Grissom & Herrington, 2012; Manna, 2006a; Manna, 2012; McGuinn, 2006b). While Secretary Paige sanctioned two states for failure to meet NCLB requirements, the amount of funding withheld was minimal compared to the states' entire pot of funding from the federal government (Manna, 2006a).

The states' response to NCLB has been varied and evolving. Initially, states resisted the entire legislation because it catapulted the federal government into a new series of policy areas: teacher qualifications, student assessment, and intervention in struggling schools, to name a few. Other states challenged the legislation as an unfunded mandate, especially after Congress scrapped federal funding increases planned as part of NCLB (Wong & Sunderman, 2007). Despite state assertions about the over-reaching nature of NCLB, the law only applied to districts and schools receiving federal funding to support education. In theory, states had the option to refuse the requirements of NCLB and surrender any federal dollars. The extent to which this choice was real is subject to vigorous debate. Was it feasible for states to reject the funding through NCLB and the conditions of aid attached to it? Despite threats, lawsuits, and political maneuvers, no state did.

In summary, beginning in the mid-20th century, federal education policy has focused on increasing the equality of opportunity for disadvantaged students. Offering funding to states to achieve this goal has been a critical piece of that strategy. However, after years of loose federal enforcement of requirements and middling student outcomes, the federal government has begun connecting more requirements to federal aid. These increased state obligations raise the question about whether or not states really have the choice to refuse federal funding and the strings attached to it. If the choice is nothing more than a specter, has the federal government moved from cooperating with states around education policy (as they did in the mid-1900s) to coercing them to adopt desired policies and programs?

The RttT grant program provides an excellent opportunity for scholars to debate this question. Indeed, the research community has not reached consensus on how to interpret RttT through the lens of federalism. In some minor ways, RttT represented cooperative federalism. As I will discuss in more detail below, the federal government is removed from the actual classrooms in which educational policies are implemented, sometimes as intended, sometimes in a completely different manner than what was intended, and sometimes in between those two extremes. Because of this reality, no matter what policies the ED adopts, the agency has very little control over what actually happens in classroom. That control rests with education and district leaders (Elmore, 2002; Grissom & Herrington, 2012; Krane, 1993). Other scholars point to the broad language in RttT; states that submitted successful applications differed widely in the types of policies and programs they planned to implement to meet the overarching goals of the grant (Grissom & Herrington, 2012). Given the diversity in the applications that the ED chose to fund, some argue that the agency did not have a prescribed set of programs and policies that it needed to see in an application in order

to select it as a winner (McGuinn, 2012). Still others point to the RttT amendment process described above as evidence that the ED has been willing to negotiate and cooperate with RttT recipients as they propose revisions to their education reform plans.

Lastly, as mentioned above, the ED launched RttT at a time when states were feeling the brunt of the economic recession that hit in 2007-08. As state coffers were not flush with funding for education, RttT represented an opportunity for state leaders to launch new initiatives and policies without needing additional state funds (Finch, 2017). Henig (2009) notes that governors are becoming increasingly involved in education policy, even in states in which the chief state school officer is popularly elected. Some of them are more active in education policy because they have a genuine interest in the issue; others feel that they have no choice because the public holds them (not the governing board(s) or chief state school officers) accountable for the quality of education provided in the state (Manna & Harwood, 2011).

In 2010, Nicolson-Crotty and Staley (2012) completed a study of the political climates in all states and then used that information to isolate characteristics of states that chose to apply for RttT, in some cases, during multiple application rounds. They considered a number of factors, including mentions of education in governors' State of the State speeches and characteristics about states' teachers' unions (for example, whether they engage in collective bargaining and the percentage of teachers that join a union). They found that the strongest relationship between political characteristics of states and a state's submission of a RttT application (or multiple applications) was the extent to which the governor had spoken about education in his or her State of the State address. The authors conclude that, having staked themselves out on the issue of education, these governors most wanted the

federal funds to use in reforming state education agencies (Gais & Fossett, 2005; Nicholson-Crotty & Staley, 2012).

There is also substantial evidence that RttT represented a further step in the move to coercive federalism begun by President Bush. Kolbe and Rice (2012) cleanly articulated this element of the coercive federalism argument in writing "...were states competing for Race to the Top funds because they were deeply committed to the federal reform agenda or because they desperately needed additional funds to maintain their education systems" (p. 206)? In considering how desperate the states may have felt, it is important to note that forty-six states and the District of Columbia spent time and resources to put together applications; when the ED announced RttT, its leaders estimated that each application would be approximately 1,000 pages in length and take approximately 642 hours for a state to write (Nicholson-Crotty & Staley, 2012). Knowing this, the 46 states and the District of Columbia dove into writing their applications for a grant program with a total appropriation of less than one percent of the annual budget for K-12 education spending (Kolbe & Rice, 2012). In the two states of focus for this study, Tennessee and Washington, the proposed budgets for RttT represented relatively small percentages of the overall state funding for education.

Tennessee's proposed budget for RttT totaled \$501,792,892, which represented 12.9 percent of the total \$3.9 billion in state funding for education (State of Tennessee, 2009; State of Tennessee, 2010). Washington's proposed budget for RttT totaled \$249,999,560, which represented 1.4 percent of the total \$16.8 billion in state funding for education (State of Washington, 2010; State of Washington Senate Ways and Means Committee, 2010). The states' willingness to expend so much time and energy on a competitive grant worth a

comparatively small amount of funding indicates their intense need for even minimal financial support (Bowling & Pickerill, 2013).

Of course, a state could not win a RttT grant without submitting an application, but it also could not win without ensuring that the ED's "state reform success criteria" were in place. An example of the "state reform success criteria" is state laws that allow the growth of charter schools and do not place a limit on the number of such schools that can operate in the state. Even given the controversy surrounding this, and other, "state reform success criteria," researchers estimate that between fifteen and thirty-five states changed their statutes so that they would be eligible to apply for funding from RttT (Grissom & Herrington, 2012; Kolbe & Rice, 2012; McGuinn, 2012). In the case of Tennessee, Governor Phil Bredesen called legislators to a special session focused solely on the Tennessee First to the Top Act of 2010, a law that revised educational policies to make Tennessee more competitive for RttT (Finch, 2017).

Additionally, the fact that so many states were not intimidated by the controversial nature of many reforms called for in RttT indicates how much they needed funding. The adoption of more rigorous academic standards and aligned assessments leads to lower proficiency rates, which the public often view as evidence of a failing school system. Online data systems generate concern about student privacy and whether or not schools have compelling reasons to collect data on sensitive issues, such as children's medical conditions. More comprehensive teacher evaluation systems that include student growth have been the proverbial third-rail of education policy for years, especially in states with well-organized teachers' unions and collective bargaining agreements. RttT required states to commit to all three of these politically charged reforms, as well as others. Some researchers offer that only

states desperate for funding would agree to tackle simultaneously all of these reforms (Patrick, 2012).

Some scholars offer that RttT is, in an interesting way, an unfunded mandate, although it may be more accurate to refer to it as an “underfunded mandate.” In considering whether or not RttT is an unfunded mandate, the question is whether or not the grant awards provide sufficient funding for the states to enact their reform plans. By examining RttT budgets from winning states, Kolbe and Rice (2012) conclude that most states will need to supplement their RttT awards with funding from other sources (including state funding, local funding, and other grants). When writing about intergovernmental grants more broadly, Volden (2007) noted the flypaper effect, which refers to cases when states increase spending on a certain policy area after they have received a federal grant to work on issues in that area. For example, at the outset, states know that certain federal grants will not cover all the anticipated costs for a project. In other cases, the grant covers the anticipated costs, but actual expenses require the state to dedicate more funding (Volden, 2007). Either of these scenarios is plausible for explaining Kolbe and Rice’s finding that RttT states were spending additional funds on reforms.

As I have demonstrated, RttT does not clearly conform to the notion of coercive federalism or the idea of cooperative federalism. The grant program did, however, clearly set the stage for the Obama administration’s next major education initiative: ESEA waivers.

ESEA Waivers: Targeted Flexibility for the States

Section 9401 of NCLB states that “...the Secretary may waive any statutory or regulatory requirement of this Act...” for school districts or states who request flexibility in NCLB implementation, provided that the waivers will ultimately improve the quality of

instruction for students or improve academic achievement (No Child Left Behind Act, 2002, p. 528). While Secretary Paige did grant several waivers to NCLB during his tenure as Secretary of Education, Secretary Spellings proved to be much more willing to grant such waivers to specific states and school districts. She allowed both North Dakota and Utah to consider veteran teachers (those who receive certification because of their many years spent teaching in schools) to be highly qualified. Secretary Spellings also allowed a group of states to pilot the use of a growth model to track adequate yearly progress, although the end results of the adequate yearly progress remained the same (100 percent student proficiency in reading and math by 2014). A waiver allowed the State of California to label a district as “in need of improvement” only if the same subgroup failed to reach adequate yearly progress for two consecutive years, not if one subgroup failed to meet the goal one year and a different subgroup failed to do so the following year (Hess & Petrilli, 2006)

Despite the granting of the abovementioned waivers, Secretary Spellings did not completely ease the ED’s stance on NCLB. She refused to grant Connecticut a waiver to test its students every other year rather than once a year; the refusal was prominently featured in the state’s lawsuit against the ED. Even as Secretary Spellings introduced her “common sense approach” in early 2005, she fined the State of Texas \$450,000 for failing to quickly notify parents that their children were eligible to transfer to better-performing schools in their school district (McGuinn, 2006a). A key theme was that Secretary Spellings, and, for some time, the subsequent Secretary of Education, Arne Duncan, allowed states flexibility in how they implemented policies and programs as long as the requests for flexibility did not weaken the law’s major components, such as the requirement for all students to be taught by highly-

qualified teachers, or its overall goal of universal student proficiency by 2014. Things were about to change.

As 2014 approached, and congressional reauthorization of NCLB seemed elusive, the Obama administration announced that the ED would consider states' applications for waivers from the original goal of NCLB: universal proficiency by 2014. As Wong (2015) notes, the waivers offered by the Obama administration were different than waivers of the past "...in that they were designed to address broad changes in K-12 in nearly all 50 states and not in response to specific-state concerns or to foster experimentation on a focused set of issues" (p. 1). Instead of approving or rejecting state proposals for flexibility or authorizing a pilot program of some kind, the ED's newest wave of ESEA waivers offered freedom from the universal proficiency requirement of NCLB. States would set their own annual measurable objectives for each school year and track progress toward them. With the universal proficiency requirement waived, states would also have greater flexibility in their use of federal funding as there would no longer be thousands of schools under sanction for reading and math proficiency rates of less than 100 percent (United States Department of Education, 2012).

In exchange, states had to commit to the implementation of a set of policies and programs. The requirements sounded familiar to any state education agency staff member who had read the call for proposals for RttT. To receive a waiver, states had to:

- Adopt college- and career-ready academic content standards and implement assessments aligned to those standards. Furthermore, the results of the assessments had to be used to measure student growth;

- Implement a new school accountability model in which Title I schools were rewarded for meeting annual measurable objectives and Title I schools failing to meet those goals were identified as either “focus” or “priority” schools and supported in turnaround efforts by the states;
- Evaluate school administrators and teachers with comprehensive appraisal systems that included measures of student growth; and
- Reduce unnecessary burdens on districts and schools by streamlining reporting requirements (United States Department of Education, 2012).

For states, the potential of an ESEA waiver was promising. But states were left to ponder the political, financial, and policy costs of a waiver.

ESEA Waivers: Cooperative, Coercive, and Executive Federalism in Action

On the surface, the ED’s offer of ESEA waivers appeared to be olive branches offered to the states after a period of turmoil in the wake of NCLB. The ED offered states flexibility with implementing key provisions of NCLB; states interested in changing some elements of the law were required to submit detailed plans for how they would use the flexibility to improve outcomes for students, narrow achievement gaps, and design accountability systems to monitor improvements (McGuinn, 2012). Were the ESEA waivers what they seemed to be? Were they opportunities for states to advance their own agendas with support from the federal government? Or, were they something different - potentially mandates cloaked under the guise of choices: a choice by a state to apply for an ESEA waiver?

ESEA Waivers as Cooperative Federalism. Scholars that see President Obama’s education efforts as a shift toward more cooperative federalism point to several key features

of the American education system, the initiatives themselves, and the complex relationship between state education agencies and the ED. Next, I examine each of their arguments concerning the educational governance landscape in the United States.

Education policymaking in general is so removed from the classroom and students that the government at the state, federal, and even district levels has very little control over what happens in schools. Try as they might, federal officials do not fill several key roles in the education system. They are not teachers, principals, or even adults that interact with students on a day-to-day basis. In light of this, some scholars offer that, despite appearances, the ED, state education agencies, and even some school districts actually have very little control over education (Grissom & Herrington, 2012).

Krane (1993) provides support for this idea when he offers that some policy areas require bottom-up implementation; policies are enacted millions of times each day as agents of the government interact with clients. While he does not specifically mention education, it is easy to see how it is a policy area in which bottom-up implementation is key. For example, policy is being implemented each time a teacher decides whether to teach a new academic standard or simply to re-use a lesson plan from the previous year that adheres to different standards. It is crucial for policymakers to consider the number of people who will be required to take distinct steps to implement policies they pass (Vergari, 2012).

However, the idea that the important role of teachers, principals, and other educators necessarily translates into a loss of control by all levels of government is a stretch. Districts must be responsive to requirements from state education agencies, particularly in light of recent state efforts to seize control of under-performing school districts, as well as districts that are not compliant with state policies (Marsh & Wohlstetter, 2013). Most state

constitutions reference education, which gives state education agencies legal grounding when issuing mandates and requiring compliance from schools and districts (Elmore, 2002).

The Obama administration was beholden to the states because their policy implementation determined if initiatives were successful, and, by extension, if President Obama was successful with his education agenda. Through ESEA waivers, the Obama administration clearly showed a preference for a number of educational policies, including evaluation of teachers based on student growth and the adoption of career- and college-ready standards and assessments. But President Obama did not control his own fate; the public has, and will continue to, judge his educational initiatives as successes or failures based on how states implement those policies.

Simply put, if states implemented them well, and student outcomes improved, the Obama administration could claim victory. If states implemented them poorly or not at all, and student outcomes stagnated, the Obama administration failed (Galey, 2015). These determinations of success or failure are over-simplified; they leave out the debate about whether or not President Obama's initiatives were actually the right levers to improve student achievement (Kolbe & Rice, 2012) and the way in which the administration could blame failures on state implementation. However, the reality that success for President Obama was dependent on success of the states empowered them in ways that seem to align more with cooperative federalism than with coercive federalism.

ESEA waivers set broad policy goals but do not provide specifics. Those scholars who argue that the ED was embracing cooperative federalism point to the fact that ESEA waivers set out broad policy areas that must be addressed, but provided flexibility for states to determine how to address those areas (Grissom & Herrington, 2012). As an example, the

waivers required states to include student growth as a “significant component” of teacher evaluation systems; however, the states implemented teacher evaluation systems that differ from one another in very substantial ways (McGuinn, 2012).

President Obama was providing “political cover” for reforms that state leaders wanted to implement. The Obama administration’s education initiatives also included a key element of the cooperative federalism that dominated the mid-1900s. As described above, states and districts often secretly welcomed the federal government’s intervention in schools because it allowed them a scapegoat for the implementation of policies they supported but could not enact (Kincaid, 1990). Some critics of ESEA waivers are cynical in that they assume that governors, chief state school officers, and state boards of education have no interest in the reforms advanced under those programs. While it is challenging to know the true feelings of those leaders, it is possible that some of them saw the ESEA waivers as “political cover” for reforms that they wanted to pursue (McGuinn, 2012; Vergari, 2010). Writing in 2006, Manna used the concept of “borrowing strength” to refer to policy changes in which federal policymakers ride the coattails of states that have already begun to implement a president’s preferred policies (Manna, 2006a). Perhaps “borrowing strength” works in the reverse as state policymakers ride the coattails of the federal government as they work to implement their preferred policies.

States had the ability to interpret broad language ESEA waivers, and they often did so in ways that met their goals and needs. When the ED thrust NCLB upon the states, state education leaders proved themselves skilled at complying with requirements in word only (Kolbe & Rice, 2012). They took advantage of loosely defined terms and requirements to make decisions that were arguably not in keeping with the intent of the law. One example is

the states' ability to decide what level of student performance is "proficient" on state exams. Because NCLB focused on student proficiency levels, some states set the bar low so that even students who correctly answered less than 40 percent of the questions on a state exam would be considered proficient (McDermott & Jensen, 2005).

State education agencies could have continued their practice of "creative interpretation" as they pushed forward with implementation of ESEA waivers, as there were few people to stop them. Writing in 2012, McGuinn noted that the ED could not seem to decide whether its employees involved in the ESEA waivers should be monitors or technical assistance providers. As monitors only, staff members might have time to review the details of implementation plans and highlight cases in which states were interpreting requirements in ways that did not match the intent of the grant or the offers of waivers. As technical assistance providers only, staff members would not spend time immersed in details, unless they were assisting the state with how to attack specific policy challenges (McGuinn, 2012). Given the ED's indecisiveness, federal program officers functioned in both capacities, which left them little time for detailed monitoring that would inspect state interpretations of mandates.

To illustrate further the power of interpretation held by state education agencies, Manna (2012) offers that the individuals at the state education agencies can follow regulations to the proverbial "letter of the law" even if their policies and programs fall short of the sentiment of the legislation. They can also pass along gray areas of law to local school districts for interpretation (Hamann & Lane, 2004). With this course of action, they absolve themselves of blame for any locally made interpretations with which the federal government

takes issue (Mintrop & Sunderman, 2009). They can also take political credit for the ever-popular step of giving more control to local education agencies (Manna, 2012).

ESEA waivers were characterized by high levels of negotiation between the federal government and state education agencies. Negotiation between two parties does not necessarily indicate that the two groups are cooperating. However, in the case of President Obama's education initiatives, most negotiations took the form of states asking, and receiving, flexibility for changes to their ESEA waivers. As with the implementation of NCLB, there were few sanctions for failure to comply, and those sanctions were fairly small in the overall scope of funding available to states through ESEA. Marsh and Wohlstetter (2013) offer that, while the federal government increased its power through ESEA waivers, federalism is not a "zero-sum game" (p. 276). As I discussed above, the federal government cannot enact any of its educational reforms without successful implementation in the states. As the power of the federal government has increased, so has the bargaining power of the states.

This increased power is particularly relevant in the ED's approval of so many of the waiver applications submitted. As of December 2015, the ED had rejected a waiver application from only one state (California) and revoked a waiver that had been granted in only one case (Washington). Two states simply never applied for waivers (Montana and Nebraska), while two states withdrew their waiver applications before the ED reached a decision on approval (North Dakota and Vermont) (United States Department of Education, 2015d). The fact that the ED approved waivers that proposed a diverse range of policies, and only rejected one waiver even as many states struggle to implement the policies and programs described in their approved waivers, shows the ED's restraint and willingness to

compromise as states engaged in the challenging work of comprehensive education reform (Wong, 2015).

Why was the federal government so willing to acquiesce to states' requests to change their reform plans and to sanction them in only minor ways for failing to follow through on their commitments? Ultimately, the success of the Obama administration's education initiatives depended on the success of the states. If the states' justification for amendments was that the requested changes increased the likelihood of success, the ED would have been hard-pressed to reject them. Additionally, the ED had to consider carefully the partisan politics of these intergovernmental relationships (Krane, 1993; McDermott & Jensen, 2005). The Department (led by a political appointee of a Democratic president) raised more than a few eyebrows in state education agencies across the nation when it withheld RttT funds from Georgia, a state led by a Republican governor and Republican state superintendent of schools.

The arguments presented above provide support for the assertion that President Obama's approach to education policy was one that embraced cooperative federalism and acknowledges the power, and importance, of the states in any successful educational reform effort. However, other scholars argue that what seems to be cooperation represents federal coercion of the states.

ESEA Waivers as Coercive Federalism. Those who believe that President Obama's education initiatives represent a shift toward coercive federalism argue that his administration was not only forcing policy mandates on the states, but also that it was doing so under the guise of choice. These scholars point to several key points that demonstrate the shift to coercive federalism. Next, I explore each of these arguments and examine evidence

offered by scholars who charge the Obama administration with a more coercive federalism than previous administrations.

The ED offered ESEA waivers as the end of the 2013-14 school year approached; according to NCLB, all students should be proficient by 2014. Anyone involved with accountability programs at a school, district, or state is aware of the cliff that 2014 represented (Wong, 2015). While NCLB allowed states to set their own targets for raising proficiency rates on the road to 2014, the year 2014 brought no flexibility: this was the year when all students in the United States were to be proficient. Of course, all states in the country were far from this goal, one that was called unrealistic even as Congress passed, and the president signed, NCLB (Wong & Sunderman, 2007).

According to estimates, approximately 80 percent of the nation's schools stood to lose federal funding for their failure to meet the requirement for 100 percent proficiency by 2014. Given the dismal budget forecasts, the loss of this money simply was not an option for most states; by extension, these states did not have a true choice on whether or not to apply for an ESEA waiver (Bowling & Pickerill, 2013). Indeed, only two states decided not to apply for it (United States Department of Education, 2015d).

ESEA waivers disregarded the lack of capacity in state education agencies for launching and sustaining major reforms. Writing in 2002, Elmore castigated the ED for what he considered a major failure of NCLB. Just because the federal government requires states to implement large-scale testing and accountability programs, support low-achieving schools, and update educator licensure requirements does not mean that the state education agency capacity to do so simply appears (Elmore, 2002). The concern about state-level capacity to implement reform is more pronounced when considering ESEA waivers. States

submitting ESEA waivers had to agree to many of the same reforms articulated in RttT, including the use of student growth in teacher evaluation and the adoption of career- and college-ready standards and assessments. However, unlike with RttT, the states received no funding to transition to these new standards or design and implement an enhanced teacher evaluation system (Marsh & Wohlstetter, 2013).

The ED was unwilling to confront major challenges to the philosophical foundations of the reforms called for in RttT and ESEA waivers. Beginning with NCLB, the ED has been concerned about how the states perceive it as the enforcer of federal requirements. The Department feared that the lack of sanctions for failures to meet IASA requirements had affirmed to the states that the agency was either scared to take action or simply did not care whether or not requirements were met (Manna, 2012; Wong & Sunderman, 2007). Under NCLB and ESEA waivers, the Obama administration negotiated with states to avoid any major public arguments. However, President Obama refused to re-consider the philosophies on education that are embedded in RttT and ESEA waivers, even as some scholars cried for a moment of reflection. The mixed research on the effectiveness of charter schools called into question the RttT “state reform success criteria” that mandated that states not limit the number of permitted charter schools (Manna, 2012).

McGuinn noted that, in the Obama administration’s eyes, there would be “good” and “bad” states that failed to achieve the goals they set out in RttT and ESEA waivers (2012). “Good” states would be those that tried their best to implement programs and policies in support of their goals. “Bad” states would be those that re-considered the plans they offered in their RttT applications and ESEA waivers and eschewed reform because it was challenging work and they preferred the status quo; they may well have been raising

questions about whether or not the reform elements offered in RttT and ESEA waivers were in fact what was needed to improve educational outcomes (2012).

ESEA waivers represented unfunded mandates. When considering this assertion of some educational policy scholars, we need to consider separately the two words in the phrase “unfunded mandate.” As I discussed above, specific researchers have made the case that states have no choice but to apply for ESEA waivers.

If we accept this argument, we can next consider the extent to which they are underfunded. States that received approval for their ESEA waivers continued to receive federal funding under the legislation, but there were no additional resources that could be used to implement the initiatives necessary for an ESEA waiver to be approved and maintained. This lack of additional funding, scholars offer, makes the ESEA waivers an excellent example of an unfunded mandate (Kolbe & Rice, 2012).

Above, I have presented several facets of the argument that President Obama’s ESEA waivers represent a continued move toward coercive federalism, in line with President Bush’s push in that direction. There are many elements that characterize a federal system in which there is a national government and subnational governments that share responsibility for some policy areas. One of the most important characteristics of that federal system is the balance of power between the national government and those subnational units, in this case, the states. While the research community may be torn on the extent to which ESEA waivers signify that the balance of power is coercive or cooperative, there is greater consensus on how to interpret around another element of the federal system: the balance of power between the different branches of the national government.

ESEA Waivers as Executive Federalism. After its initial passage, NCLB was due for reauthorization in 2007. Despite reauthorization attempts led by congressional leaders and presidents, Congress only reauthorized the law in December 2015. Reauthorization attempts were unsuccessful due to differences of opinion within the federal government, not only divided government in which one political party controls the White House while another political party controls one or both houses of Congress, but also divided government in which factions within one political party (most recently, the Republican Party) could not agree on the tenets of legislation to reauthorize NCLB (Rose & Bowling, 2015). Congressional inaction on NCLB, combined with the approach of 2014 and its goal of universal student proficiency in reading and math, created a policy window for President Obama (Fusarelli & Fusarelli, 2014; Kingdon, 2003; Wong, 2015). Among the states, and anyone involved in education policy, there was a consensus that *someone* had to do *something*. President Obama and his Secretary of Education decided that they would be that someone.

As I have discussed above, the Obama administration's ESEA waivers were different than previous administrations' waivers from NCLB because they fundamentally changed the goal of the law. In their waiver applications, states proposed annual measurable objectives to track their progress rather than adequate yearly progress measures building toward all students being proficient in reading and math. Because the waivers represented a substantial change to NCLB, rather than simple approval of an alternate means of getting to the same end, some scholars have offered that the waivers are unconstitutional and represent a presidential usurpation of congressional power (Black, 2015; Petrilli, 2014; Saultz, McEachin, & Fusarelli, 2017).

While the argument of legality is a question for another study, it is clear that the Obama administration's ESEA waivers represented executive federalism. President Obama used Section 9401 of NCLB to offer waivers to states, negotiate with those states about their reform plans, approve waivers that aligned with presidential priorities for education reform, monitor state compliance with their plans, and sanction those states that do not do as promised in their waiver applications (Fusarelli & Fusarelli, 2014; Wong, 2015). All of these actions took place squarely within the executive branch with little consultation with Congress. In the face of congressional inaction, the waivers represent President Obama's effort to draw attention to his education policy ideas (McCann, Shipan, & Volden, 2015) and then use freedom from NCLB sanctions to entice states to implement those ideas (Saultz, Fusarelli, & McEachin, 2017).

ESSA: More of the Same or a New Page?

In the months after the passage of ESSA, scholars debated whether the law returns power to the states, maintains a high level of authority for the ED, or strikes a balance between the two (Goelzhauser & Rose, 2017; McGuinn, 2016). First, it is important to establish some of the key elements of ESSA. ESSA maintains NCLB's requirement that states test students annually in math and reading in grades three through eight, as well as assess them in science at least three times. States must continue to report on the performance of student subgroups, a policy that was critically important to civil rights organizations during the debate around ESSA (McGuinn, 2016). While ESSA continues the federal focus on the identification of low-performing schools, the responsibility for classifying schools, the metrics used to do so, and the methods for intervention in those schools are now in the hands of the states (Goelzhauser & Rose, 2017).

While the editorial board of the *Wall Street Journal* called ESSA “the largest devolution of federal control to the states in a quarter century” (quoted in Goelzhauser & Rose, 2017), other scholars of education policy argue that states have already been implementing the state-specific educational policies that they set out in their ESEA waivers (Goelzhauser & Rose, 2017). Because some states are still working to gain federal approval for their plans for implementing ESSA, it is too early to assess the extent to which the ED will exercise its authority in requiring changes to plans submitted by the states.

As I discussed in Chapter 1, at least two states have expressed their intent to apply for a waiver from key components of ESSA. Indeed, ESSA does allow for waivers at a number of levels. A school can apply for a waiver to its local education agency, which then, if it approves the waiver, forwards it to the state education agency. If the state education agency approves the waiver, it then sends the waiver to the ED for approval. Similarly, a local education agency can apply to the state education agency for a waiver that encompasses all of its schools. If the state education agency approves the waiver, it sends the waiver to the ED for approval. Lastly, a state education agency can submit a waiver request for all of the state’s schools to the ED. Regardless of the original applicant for the waiver, the waiver application submitted to the ED must:

- Identify the federal programs affected by the waiver;
- Describe the specific ESSA requirements that are the subject of the waiver;
- Describe how the waiver will improve academic achievement for the affected students;
- Describe the methods that the applying entity will use to evaluate the extent to which the waiver is implemented with fidelity, and

- Describe how schools will continue to provide services for the student populations affected by the waiver (Every Student Succeeds Act, 2015, p. 413).

ESSA also sets out the criteria used by the ED when determining whether to approve or deny a waiver. Specifically, the ED can deny a waiver when the request does not outline how the waiver will improve academic achievement for affected students or outline an evaluation of the programs and policies put into place under the waiver (Every Student Succeeds Act, 2015, p. 414-415).

While such criteria are fairly standard and aligned with waiver language included in previous versions of ESEA, ESSA's Section 8401(d)(3) includes a specific set of limitations on the ED's authority to approve or deny waiver requests. The ED cannot request that a state either remove from or include in its waiver request:

- Specific academic standards (with a specific mention of the Common Core State Standards as an example of standards that the ED cannot request be included or removed from a state's waiver request);
- Use of an assessment system aligned with the specific academic standards mentioned in the previous bullet; or
- Any specific elements of the state's:
 - Academic standards
 - Assessment program
 - Accountability model
 - Teacher and school leader evaluation systems (Every Student Succeeds Act, 2015, pp. 416-417).

It is clear that the ESEA waivers granted by the Obama administration left a mark on

the lawmakers responsible for crafting ESSA. The provisions in ESSA clearly prevent the ED from forcing states to adopt, or abandon, specific elements of their policies around academic content standards, assessment, accountability, and educator evaluation (the policy hallmarks of RttT and the ESEA waivers). Because ESSA requires that the ED provide feedback when denying a state's request for a waiver, the agency will be left to walk a fine line of providing that information without noting which specific elements of a state's plan do not lead to improved academic improvement for students, particularly when the areas of content standards, assessment, accountability, and the strength of the education workforce are widely seen as the key levers for strengthening academic performance. As waivers are submitted by states, and approved or denied by the ED, the ever-changing balance of power in education will likely continue to change.

Summary

In this review of the literature, I examined the existing research on federalism as a dynamic theory used to understand the workings of American governance and reviewed the history of federal involvement of education, concluding with President Obama's RttT grant program. I then used scholarly works to analyze the rise and fall of federal power in education policy through the RttT program. I introduced the ESEA waivers before using literature to build arguments that the waivers represent coercive, cooperative, and executive federalism.

While there is little disagreement that the ESEA waivers represent executive federalism, there is much debate over the extent to which they embody coercive or cooperative federalism. Power dynamics in any type of relationship – be it between two groups, two individuals, or two government units – can be challenging to study. Power often

lives in unspoken signals and allusions rather than clear statements. To appreciate fully the extent to which the ESEA waivers are coercive or cooperative, I need to dive into the world of that hidden power. In the next chapter, I set out my plan for how to do just that.

CHAPTER 3: METHODOLOGY

This study was an instrumental, multiple-case study focusing on two units of analysis (Creswell, 2013): the relationship between a state education agency and the ED for two states. Because of the depth with which I intended to study specific relationships, I chose to delimit my work to a comparative case study of two states and their education agencies' relationships with the ED. It was, therefore, especially important that I employed a sampling method that allowed me walk the fine line of pursuing generalizable findings that can be applied to relationships other than those between the selected state education agencies and the ED while also appreciating the reality that no two states, state education agencies, or relationships that these agencies had with the ED are alike. During maximum variation sampling, the researcher purposefully selects heterogeneous cases because they are different in a key way that relates to the research question (Patton, 2002a). It was the sampling methodology that best positioned me to use my data to reach conclusions that extend beyond my sample while taking into account the vast differences between states and their education policies. In this chapter, I will provide details on my use of this strategy to select Tennessee and Washington as my focus states for this study.

My ability to answer my research questions hinged on the extent to which I could capture the dynamics of the relationships between the TDE and the ED and the WOSSPI and the ED and then analyze them in a systematic way. Discourse analysis represented the best methodological approach to seek out and analyze the balance of power in these relationships. When completing discourse analysis, the researcher examines texts within the context in which they were created to discern the explicit or implicit messages in these texts (Fairclough, 2003). Through discourse analysis, I could examine not only clear statements

through which the state education agencies and the ED asserted their power, but also the messages sent less overtly between the two entities. Below, I outline how I selected the texts and specific language to study in more depth, as well as how I used three cycles of coding to complete the discourse analysis.

In this chapter, I not only build out my sampling strategy, plans for data collection, and use of discourse analysis to analyze the texts I gather, but I also set out the steps that I took to establish the trustworthiness of my study, discuss my subjectivity and how I guarded against any influence my own biases may have on my study, and offer a frank assessment of the limitations of my research.

Use of Comparative Case Study and Discourse Analysis

Case studies as powerful examples. Within qualitative research, the case study method is one of the more popular methodologies adopted by scholars. Case studies are especially useful when a researcher is attempting to describe a phenomenon or explain why something has taken place in a particular way (Stake, 1995; Stake, 2005). Within the field of case study research, it is important to determine whether a single-case or multiple-case design should be used, as well as whether there will be one unit of analysis (a holistic case study) or multiple units of analyses (an embedded case study) (Yin, 2014).

While multiple-case studies demand more data collection and analysis from the researcher, they hold the potential to lead to more meaningful findings that cut across the different locations, individuals, time periods, etc. represented by the different cases (Stake, 2005b). Specifically, researchers can engage in direct replication and select cases that they believe will produce similar results and research findings. Conversely, they can choose to study cases that they predict will have different results because of some ways in which the

cases are dissimilar; a case study in which this approach is used focuses on theoretical replication (Yin, 2014). Later in this chapter, I set out how my study design included a multiple-case approach that, due to my sampling strategy, allowed me to engage in theoretical replication.

Discourse analysis and the power of words. When completing discourse analysis, the researcher digs into examples of text to identify the implicit and explicit messages sent to the intended, and sometimes unintended, audiences who consume the text (Fairclough, 2003). It is important to note that text is defined broadly in discourse analysis. In its simplest form, text can be written words, for example, a magazine article or a blog post. Text can also be a speech or verbal comments made during an interview. A researcher completing discourse analysis must be mindful not only of the context in which a text is produced and shared, but also the recipients of the text (Strauss & Feiz, 2014). Words, and their meanings, are context-dependent; they cannot be examined in a vacuum. The researcher must be aware of general happenings at the time a text was produced. For example, a speech given by a city mayor who just started a term in office is different than a speech given by that same mayor when he or she is locked in a close election for the position. Discourse analysis of these speeches must take into account, for example, how the mayor may be using the first speech to set a decisive tone for his or her time in office and the second speech to attack his or her opponent in the upcoming election.

Continuing with this same example, we can consider how a researcher conducting discourse analysis must also attend to the various audiences for a specific text. Perhaps this city mayor has taken office and knows that he or she must work with

a city council controlled by members of the opposing party. While the actual audience may be the individuals who have gathered at a meeting on a particular issue, the mayor may intend for the city council members to be the ones who take something away from his or her words. A mayor running for re-election may be speaking not only to those citizens gathered in a meeting room, but also to the voters who will cast ballots in the upcoming election. While I have offered a simple example here, I do so because it illustrates the many facets of discourse analysis, as well as the care that must be taken to understand so much more than simply the meaning of the exact words used in a text. In the data analysis section below, I outline how I conduct careful discourse analysis during this study.

Depending on the research questions being answered, scholars can use different types of discourse analysis to examine texts. Critical discourse analysis explores the extent to which people use words to maintain power and established hierarchies of influence (Korotkova, 2010; Liasidou, 2011). When conducting interdiscursive analysis, the researcher considers a group of texts as a unit and explores the messages they send (Ayers, 2012). In any type of discourse analysis, a researcher can hone in on why specific words are used and what those words communicate (Nicoll & Edwards, 2004), or he or she can focus the analysis on themes conveyed by larger blocks of text, not specific words and phrases (Mehta, 2014). As I will discuss below, I drew on all of these approaches to discourse analysis in my study.

Research Questions

Thus far in this chapter, I have situated my research methodology within the literature on case studies and discourse analysis. Before I begin detailing how I planned to conduct my

study, it is important to return to the research questions I set out in Chapter 1 as they drove the methodological choices that I made. The research questions I answer are:

- How did the ESEA waivers shape the balance of power between the TDE and the ED?
- How did the ESEA waivers shape the balance of power between the WOSSPI and the ED?
- Considering similarities and differences in those two balances of power, how have the ESEA waivers changed the balance between cooperative and coercive federalism in federal education policy?

Site Selection

At I began to conceptualize my research study, I considered the need to delimit my investigation to a small number of states. However, I was hesitant to select only a few states for inclusion in the study because I know that each state's journey through the days of RttT and ESEA waivers has been different and that each state had a unique relationship with the ED. Given my use of coercive and cooperative federalism as guiding principles for this work, I thought that the most useful way to incorporate these ideas into my sampling strategy was to use them as the endpoints of a spectrum. At one end, state education agencies and the ED had collegial relationships in which states vigorously pursued reform agendas aligned with the ED's articulated vision for school improvement while the ED offered robust support for the state education agencies, even when those agencies had to deviate from their ambitious plans for reform. At the other end of the spectrum, not only did states and the ED differ on the key changes needed to improve public education, but the state education

agencies and the ED publicly voiced their disagreement and each attempted to assert their power over the other side.

As I built out my conception of this spectrum of relationships between state education agencies and the ED, maximum variation sampling emerged as the best sampling strategy to capture lessons from both ends of the continuum. If I could reach conclusions that held true for states in cooperative relationships with the ED, as well as more coercive relationships, it would be likely that these conclusions would be true for many of the states somewhere in the middle. Similarly, I could use Yin's (2014) concept of theoretical replication to test my own hypotheses about federalism: after sampling states with what I perceived to be very different relationships with the ED, I would naturally expect the balance of power between the ED and those state education agencies to be quite dissimilar. The ways in which the differences in the relationships did, or did not, result in divergent trends in the balance of power and nature of federalism were excellent findings on which to build my conclusions. The next step was to select the cases that represented the ends of the spectrum from cooperative federalism to coercive federalism.

Selection of the first case: Strong collaboration with the ED. To identify the state with what seemed to be the strongest relationship with the ED, I examined the number of points awarded to all of the states' RttT applications (United States Department of Education, 2011b) as well as when the states that received grants under RttT were selected as recipients (United States Department of Education, 2015e). I also considered the states to which the ED granted waivers from ESEA. Next, I considered the ED's final report on the successes of RttT, *Fundamental Change: Investing in America's Schools under Race to the Top*, as well as publications by the ED-supported Reform Support Network.

During the first round of RttT, 41 states applied for grant funding. Of those states, a group of peer reviewers selected by the ED chose 16 as finalists before another set of reviewers selected two winning states. After the initial review, Delaware lead the pack with 454.6 points out of a possible total of 500 points while Tennessee received the second highest number of points with 444.2. However, after the second review completed on the applications from states selected as finalists, the rankings switched. The reviewers awarded the highest total number of points (443.4) to Tennessee while Delaware's number of points dropped to 438.4 (United States Department of Education, 2011b). At the end of the review of finalists' applications, the ED announced that only two states (Tennessee and Delaware) were receiving RttT funding in the amounts of \$500 million and \$100 million, respectively. While there were indeed two winners of the first round of the RttT competition, it is clear that Tennessee took "first place" given the number of points awarded to the state's application during the review of finalists' applications.

The ED rewarded Tennessee's educational reform plans not only with a RttT award in the first round of the grant program, but also an ESEA waiver. The ED announced the opportunity for states to apply for ESEA waivers on September 23, 2011. The TDE submitted its application for a waiver on November 14, 2011; the ED notified the state of its approval of the application on February 9, 2012, making it one of the first 10 states awarded flexibility by the ED. Since that time, the ED approved both of Tennessee's requests to amend its ESEA waiver, as well as granted one extension and one renewal to the state (United States Department of Education, 2015b).

In July 2014, the ED notified the TDE that the state's decision not to continue its administration of standardized tests for reading/language arts and mathematics through the

Partnership for Assessment of Readiness for College and Careers (PARCC) raised some concerns about the extent to which Tennessee was fulfilling its obligation to track student achievement with rigorous assessments aligned to career and college ready standards. However, the ED did not take any action against Tennessee. Instead, the ED simply noted that the TDE had assured the agency that the state was developing a new assessment program that would meet requirements, and the ED required Tennessee to submit documentation on the new assessments to demonstrate that their assurances were true (United States Department of Education, 2014e). As with RttT, the ED and the TDE have had a smooth and collaborative relationship with regard to the state's approved flexibility from ESEA.

In addition, the ED praised Tennessee for its reform efforts through public recognition, positive monitoring reports on the state's RttT and ESEA waiver implementations, and use of the state's plans as exemplars for other states struggling with implementation of their own reform plans (Reform Support Network, 2012; United States Department of Education, 2015c; United States Department of Education, 2015f). While the ED's public commendations on Tennessee's reform efforts were fairly broad in nature, the agency specifically praised the TDE for the addition of student growth to its teacher and school leader evaluation systems, including those for educators in non-tested grades and subjects, its use of teacher-leaders to build support and understanding about the Common Core State Standards in the education workforce, and its efforts to hold teacher preparation programs accountable for the effectiveness of their graduates. The ED even took the step of linking Tennessee's reforms with improved student scores on the National Assessment of Educational Progress (NAEP), a connection that most scholars completing rigorous impact evaluations of RttT and ESEA waivers have been hesitant to make (Institute of Education

Sciences: National Center for Education Evaluation and Regional Assistance, 2016; United States Department of Education, 2015c) .

When selecting the first case for this study, I set out to examine the extent to which the evidence pointed to one state as a clear example of cooperation between the ED and a state education agency. After completing analysis of the selection process through which the ED selected Tennessee as a first-round RttT recipient, the timing process of the ED's approval of Tennessee's request for ESEA flexibility, the ED's communication with the TDE in the face of the state's changes to its assessment program, and the ED's use of Tennessee as a model for reform policies being implemented throughout the nation, I am confident that I selected the best state to anchor the end of the federalism spectrum that is rooted in cooperation.

Selection of the second case: Contentious conflict with the ED. As I discussed above, I began my case selection process with an evaluation of the ED's review of states' RttT applications. Washington did not submit an application in the first phase of applications for RttT; however, the state did submit an application during the second phase of the program. During the second round, the ED ranked Washington's application as 32nd out of 36 proposals and awarded it 290 out of a total 500 possible points. The only states to score lower in total points than Washington were Maine (283.4 points), Mississippi (263.4 points), Montana (238.4), and Alabama (212 points) (United States Department of Education, 2011b). Table 3.1 below summarizes the number and percentage of points per RttT selection criterion awarded to Washington by the ED's grant application reviewers.

Table 3.1: Summary of Review of Washington’s RttT Application by the ED Grant Application Reviewers.

<u>Selection Criterion</u>	<u>Possible Number of Points</u>	<u>Number of Points Awarded to Washington</u>	<u>Percent of Points Awarded to Washington</u>
State Success Factors	125	73	58.4
Standards and Assessments	70	48	68.6
Data Systems to Support Instruction	47	42	89.4
Great Teachers and Leaders	138	59	42.8
Turning Around the Lowest-Achieving Schools	50	42	84.0
General	55	12	21.8

(United States Department of Education, 2011a)

As shown in Table 3.1, the ED’s reviewers had major concerns about Washington’s plans to include student growth measures in evaluations of teacher and school administrator effectiveness and implement policies and programs to increase the effectiveness of those educators already working in schools, as well as those training to become teachers and school administrators. The reviewers also awarded few points to the state for the general criterion, which includes factors such as a lack of limits on the growth of charter schools, a legislative commitment to funding the public schools, and plans to address equity in school funding (United States Department of Education, 2015e).

While Washington’s poor performance in the competition for RttT funding was certainly evidence to use in selecting it as my second case study, the events surrounding the state’s ESEA waiver provided even more critical support for my decision to select it as a focus. After initially granting an ESEA waiver to Washington, the ED rescinded the waiver in spring 2014, making the state, at that time, the only one to have had its waiver revoked. In

ending Washington's flexibility under ESEA, the ED cited the state legislature's refusal to implement policies requiring local education agencies to include measures of student growth on rigorous assessments aligned with the state's college and career ready standards into their teacher and school administrator evaluation systems (United States Department of Education, 2014c).

In August 2014, the ED revoked the ESEA flexibility of a second state: Oklahoma. In this case, the revocation of the waiver rested upon the passage of legislation to end the use of the Common Core State Standards in English Language Arts and Mathematics and restore the Oklahoma Priority Academic Student Skills, the content standards that had been in place prior to the state's adoption of the Common Core Standard Standards. While the ESEA waivers were not conditional on states' implementation of the Common Core State Standards specifically, the ED required states to adopt academic standards that had been deemed to be college and career ready by their institutions of higher education. At the time that the state transitioned back to its older content standards, the Oklahoma State Department of Education could not provide any evidence its institutions of higher education had evaluated the standards and regarded them as college and career ready, nor could the Department articulate any specific plans for such an evaluation (United States Department of Education, 2014b).

However, approximately three months after the revocation of the waiver, the Oklahoma State Regents for Higher Education completed an investigation of the Priority Academic Student Skills and pronounced that they aligned with expectations of college and career readiness for the network of higher education institutions in the state. Upon learning of this news, the ED reinstated Oklahoma's ESEA flexibility, leaving Washington as the only state to have had its waiver revoked and not put back into place by the time that the

legislation was reauthorized in December 2015 (United States Department of Education, 2014b).

My synthesis of evidence from both the RttT selection and ESEA waiver processes led me toward my choice of Washington as a state that exemplifies disagreement and conflict with the ED. Clearly, the ED did not hold much regard for the state's proposals for educational reform as articulated in its RttT proposal and has critiqued the state's implementation of its ESEA flexibility plans. However, before definitively selecting Washington as my second case for this study, I did return to the list of states that scored fewer points than Washington in the RttT application review process. While none of these states had enough disagreement with the ED to result in the revocation of their waiver, perhaps there was some other type of discord in the ESEA waiver application process.

Of the states that received lower scores than Washington on their RttT applications,

- Maine received an ESEA waiver from the ED in summer 2013 and a renewal of that flexibility in summer 2015;
- Mississippi received an ESEA waiver from the ED in summer 2012 and a renewal of that flexibility in summer 2015;
- Montana elected not to apply for an ESEA waiver after receiving earlier permission from the ED to reset proficiency targets under NCLB (McNeil, 2011); and
- Alabama received an ESEA waiver from the ED in summer 2013 and a renewal of that flexibility in summer 2015 (United States Department of Education, 2015d).

While Maine, Mississippi, and Montana received fewer points when the ED reviewed their RttT proposals, their application for and receipt of flexibility under ESEA was smooth and timely. With no evidence of discord, I determined that none of these states should

supplant Washington as my second case for this study. Montana is an interesting case. When announcing that the state would not seek an ESEA waiver, State Superintendent of Public Instruction Denise Juneau decried what she saw as the unfunded mandates of the flexibility process (McNeil, 2011). The ED had no public response to her statement. While it is possible that the State of Montana and the ED had a contentious relationship, the state's decision to bow out of the ESEA waiver process limits the amount of possible evidence that could be analyzed for this study. As a result, I determined that I would continue my work with Washington as my second case for this study.

After considering the full landscape of RttT applications and ESEA waivers, I selected Tennessee and Washington as the end results of my maximum variation sampling. The ED's explicit support for Tennessee and its open critique of Washington represented the two ends of the spectrum of federalism that I discussed above. RttT and the ESEA waivers led to different kinds of relationships between the federal agency and education agencies in these states. In line with Yin's (2014) concept of theoretical replication, the apparent dissimilarities in the relationships led me to believe that these intergovernmental relationships were characterized by dissimilar balances of power. The next step was to gather evidence on those relationships.

Data Collection

To analyze thoroughly the discourse relevant to the relationships between the ED and the TDE and the ED and the WOSSPI, I needed to collect a wide array of texts involving those relationships. As I discussed above, in the context of discourse analysis, text can take many forms. The texts for this study included written communication between the ED and the two state education agencies, as well as reports produced by the ED as the agency

monitored each state’s implementation of its ESEA waiver. Below, I detail the steps taken to collect these examples of discourse.

Selection of documents. Much of the written communication between the ED and the two state education agencies took the form of written memos and reports. I first included in my analysis any official correspondence sent from the ED to the TDE or the WOSSPI. To identify this correspondence, I took advantage of the fact that the ED posted online all correspondence and reports provided to states that applied for RttT or a waiver from ESEA. Rather than sampling from these documents, I included all of them in my data collection and analyses. Table 3.2 lists these written communications.

Table 3.2: List of Official Communication on ESEA Waivers and RttT Sent from the ED to the TDE or the WOSSPI.

<u>Title of Communication</u>	<u>Subject of Communication</u>	<u>Recipient Agency of Communication</u>
Letter Regarding Peer Review Feedback	ESEA Waiver	TDE
Secretary’s Approval Letter	ESEA Waiver	TDE
Implementation Letter	ESEA Waiver	TDE
Other Title I, Part A Waivers Approval Letter	ESEA Waiver	TDE
Amendment Determination Letter		
Amendment Determination Letter	ESEA Waiver	TDE
Assessment Principle 1 Letter	ESEA Waiver	TDE
Extension Approval Letter	ESEA Waiver	TDE
Renewal Approval Letter	ESEA Waiver	TDE
Award Letter	RttT	TDE
Scope of Work Decision Letter	RttT	TDE
Amendment 1 Decision Letter	RttT	TDE
Amendment 2 Decision Letter	RttT	TDE
Amendment 3 Decision Letter	RttT	TDE
Amendment 4 Decision Letter	RttT	TDE
Amendment 5 Decision Letter	RttT	TDE
Amendment 5 Update Letter	RttT	TDE
Amendment 6 Decision Letter	RttT	TDE
Amendment 7 Decision Letter	RttT	TDE
Amendment 8 Decision Letter	RttT	TDE
Amendment 8 Update Letter	RttT	TDE
Amendment 9 Decision Letter	RttT	TDE

Table 3.2 (continued).

Amendment 10 Decision Letter	RttT	TDE
Amendment 11 Decision Letter	RttT	TDE
Amendment 12 Decision Letter	RttT	TDE
Amendment 13 Decision Letter	RttT	TDE
Amendment 13 Update Letter	RttT	TDE
Amendment 14 Decision Letter	RttT	TDE
Amendment 15 Decision Letter	RttT	TDE
Amendment 16 Decision Letter	RttT	TDE
Amendment 17 Decision Letter	RttT	TDE
Amendment 18 Decision Letter	RttT	TDE
Amendment 19 Decision Letter	RttT	TDE
Amendment 20 Decision Letter	RttT	TDE
Amendment 21 Decision Letter	RttT	TDE
Amendment 22 Decision Letter	RttT	TDE
Amendment 23 Decision Letter	RttT	TDE
Letter Regarding Peer Review Feedback	ESEA Waiver	WOSSPI
Secretary's Approval Letter	ESEA Waiver	WOSSPI
Implementation Letter	ESEA Waiver	WOSSPI
Principle 3 Letter	ESEA Waiver	WOSSPI
Extension Letter	ESEA Waiver	WOSSPI
Field Testing Flexibility Determination Letter	ESEA Waiver	WOSSPI

Note. Appendix A provides direct links to each document included in this table.

Next, I examined the feedback provided to the TDE and the WOSSPI on both their RttT applications and requests for waivers from the ESEA. Again, I used the ED's website to identify the documents that include the feedback. Table 3.3 lists these documents.

Table 3.3: List of Feedback on ESEA Waivers and RttT Applications Provided by the ED to the TDE or the WOSSPI.

<u>Type of Feedback</u>	<u>Subject of Feedback</u>	<u>Recipient Agency of Feedback</u>
Waiver Application Peer Panel Notes	ESEA Waiver	TDE
Score Sheet	RttT	TDE
Reviewers' Comments and Scores	RttT	TDE
Waver Application Peer Panel Notes	ESEA Waiver	WOSSPI
Score Sheet	RttT	WOSSPI
Reviewers' Comments and Scores	RttT	WOSSPI

Note. Appendix A provides direct links to each document included in this table.

Third, I examined the monitoring reports provided by the ED to the TDE and the WOSSPI. In Tennessee’s case, this documentation included monitoring reports by the ED on the state’s ESEA waiver and its RttT award; in Washington, the documents collected included monitoring reports on the state’s ESEA waiver prior to its revocation. As with the other documents collected to date, I relied on the ED’s website for my data collection as all monitoring reports were posted online. Table 3.4 sets out these documents.

Table 3.4: List of Monitoring Reports on ESEA Waivers and RttT Provided by the ED to the TDE or the WOSSPI.

<u>Title of Monitoring Report</u>	<u>Subject of Monitoring Report</u>	<u>Recipient Agency of Monitoring</u>
Monitoring Part A Report	ESEA Waiver	TDE
Monitoring Part B Report	ESEA Waiver	TDE
Year 1 Report	RttT	TDE
Year 2 Report	RttT	TDE
Year 3 Report	RttT	TDE
Year 4 Report	RttT	TDE
Monitoring Part A Report	ESEA Waiver	WOSSPI
Monitoring Part B Report	ESEA Waiver	WOSSPI

Note. Appendix A provides direct links to each document included in this table.

Next, I set out to collect examples of communication between the TDE and the WOSSPI and the ED. The TDE’s website included a section on First to the Top (the state’s name for its RttT plan), but links to all documentation simply directed users to the section of the ED’s website that I had already surveyed in gathering the documentation in Tables 3.1-3.4. I instead searched the TDE’s archive of press releases to identify statements in which leaders of the TDE specifically mentioned the ED. I employed the same search methodology to review the WOSSPI website and its online archive of press releases. Additionally, after the ED’s revocation of Washington’s waiver from ESEA, the WOSSPI submitted a variety of

requests to amend its implementation of the original NCLB mandates. The WOSSPI’s website included links to these requests, as well as responses from the ED.

Table 3.5: List of Public Statements on ESEA Waivers and RttT Applications Issued by the TDE or the WOSSPI

<u>Title of Press Release</u>	<u>Subject of Press Release</u>	<u>Agency Issuing Press Release</u>
First to the Top ESEA Waiver	RttT	TDE
Tennessee Receives Approval for Continued Freedom from Federal Education Law Provisions	ESEA Waiver	TDE
Granted. Request for LEAs in Washington that Receive Subgrants under Title III of the Elementary and Secondary Education Act of 1965, Section 3122(a)(3)(A)(iii) for the 2015-16 School Year	ESEA Waiver	WOSSPI
Request for LEAs in Washington that Receive Subgrants under Title III of the Elementary and Secondary Education Act of 1965, Section 3122(a)(3)(A)(iii) for the 2015-16 School Year	ESEA Waiver	WOSSPI
Granted. Request a One-Year Waiver of the Title I, Part A Regulatory Provision that Prohibits a State from Approving Schools and Districts in Improvement as Providers of Supplemental Educational Services	ESEA Waiver	WOSSPI
Request a One-Year Waiver of the Title I, Part A Regulatory Provision that Prohibits a State from Approving Schools and Districts in Improvement as Providers of Supplemental Educational Services	ESEA Waiver	WOSSPI
Granted. Request a One-Year Waiver of the Title I, Part A Regulatory Provision that Limits Carryover in Section 1127(a) of the Elementary and Secondary Education Act for the 2015-16 School Year	ESEA Waiver	WOSSPI
Request a One-Year Waiver of the Title I, Part A Regulatory Provision that Limits Carryover in Section 1127(a) of the Elementary and Secondary Education Act for the 2015-16 School Year	ESEA Waiver	WOSSPI
Request to Waive Provisions of Section 1116(e) of the Elementary and Secondary Education Act	ESEA Waiver	WOSSPI

Table 3.5 (continued).

Requirement for Supplemental Educational Services		
Washington State Response to Partially Granted Waiver	ESEA Waiver	WOSSPI
Partially Granted. Request to Waive Student Growth on State Assessments in Teacher and Principal Evaluations for Washington State’s School Improvement Grants (SIG) – Cohort III	ESEA Waiver	WOSSPI
Request to Waive Student Growth on State Assessments in Teacher and Principal Evaluations for Washington State’s School Improvement Grants (SIG) – Cohort III	ESEA Waiver	WOSSPI
Granted. Request to Waive Accountability Determinations Based on Achievement Results for Assessments Administered During the 2014-15 School Year	ESEA Waiver	WOSSPI
Request to Waive Accountability Determinations Based on Achievement Results for Assessments Administered During the 2014-15 School Year	ESEA Waiver	WOSSPI
Granted with Conditions. Request to Waiver 14-Day Notice Requirement for Public School Choice for 2014-15 School Year		
Request to Waiver 14-Day Notice Requirement for Public School Choice for 2014-15 School Year	ESEA Waiver	WOSSPI
Granted. Request to Waive Provision on Approving an Identified School or LEA as an [sic] Supplemental Education Service Provider	ESEA Waiver	WOSSPI
Request to Waive Provision on Approving an Identified School or LEA as an [sic] Supplemental Education Service Provider	ESEA Waiver	WOSSPI
Granted. Washington State’s Waiver Request to Waive the Provision that Limits Title I Carryover (Revised)	ESEA Waiver	WOSSPI
Washington State’s Waiver Request to Waive the Provision that Limits Title I Carryover (Revised)	ESEA Waiver	WOSSPI
What Do We Need to Do to Be Competitive for Race to the Top?	RttT	WOSSPI
Washington: First State to Lose Flexibility Waiver	ESEA Waiver	WOSSPI
Dorn Requests Adequate Yearly Progress Relief	ESEA Waiver	WOSSPI

Table 3.5 (continued).

State Test Scores in a Waiverless World	ESEA Waiver	WOSSPI
Dorn Applauds Senate Passage of Evaluation Bill	ESEA Waiver	WOSSPI
Statement from State Superintendent Randy Dorn on Every Student Succeeds Act	ESEA Waiver	WOSSPI

Note. Appendix A provides direct links to each document included in this table.

Taken together, the extensive set of documents collected provided ample discourse to analyze as I pursued the identification of power dynamics between the ED and the TDE and the ED and the WOSSPI.

Original plan to use interviews. To supplement the lessons that I learned from analyzing the documents described above, I originally planned to use semi-structured interviews with current and prior staff members at the ED, the TDE, and the WOSSPI. I believed it was possible that the balance of power between state education agencies and the ED may be different “behind the scenes” compared to what is presented publicly. My original sample consisted of two staff members from the ED and each of the state education agencies. I used snowball sampling to select the interviewees for this study. Through snowball sampling, a researcher identifies a stakeholder in the community from which he or she is attempting to sample. The researcher shares the purpose of the study and the criteria for participation before asking the stakeholder to make recommendations on individuals who meet those criteria and may be willing to participate (Patton, 2002). For this study, I began my snowball sampling by reaching out to a senior adviser to then-Secretary of Education Duncan. This staff member advised Secretary Duncan on policy questions related to educator effectiveness and was involved in both RttT and ESEA waivers as both required states to implement enhanced teacher and leader evaluation systems. This individual agreed

to serve as an interviewee for this study, as well as to use the contacts he made while working at the ED to recommend other interviewees. Based on his recommendations, in addition to this individual, the sample included:

- Current senior adviser for strategy at the Office of the State Superintendent of Education for the District of Columbia and former education program specialist at the ED.
- Current deputy commissioner for data and research at the TDE and former deputy director of the office of research and policy at the TDE.
- Current executive director of the Tennessee Education Research Alliance and former education policy advisor to Tennessee Governor Phil Bredesen, former RttT director at the TDE, and former assistant commissioner for data and research at the TDE.
- Current chief of staff at the WOSSIP.
- Assistant superintendent of special programs and federal accountability at the WOSSIP.

I also established a plan through which I would continue snowball sampling to replace any potential interviewees who declined to participate or could not be contacted to inquire about their participation.

As I completed the collection and analysis of discourse drawn from the documents I collected, I began to reach out to the individuals listed above. The original potential interviewee used to begin my snowball sampling plan has, sadly, become quite ill and left the world of education. Another potential interviewee agreed to participate while noting that her memory of exactly which interactions with the ED have taken place with regard to ESEA and

which have been focused on other policies and programs is “quite fuzzy.” One of the potential interviewees agreed to participate, but he indicated the research office within his state education agency would need to approve his participation and that he did not expect this approval to be granted within the next year given the volume of research being conducted about his employer.

As I considered moving to a second round of individuals to interview, I paused to reflect on the effectiveness of this component of my data collection plan. I knew that, as I moved further and further down the list of possible interviewees, I would need to include individuals who were less involved in RttT and the ESEA waivers, as well as less likely to have been involved directly in discussions with the ED. During my initial defense of my proposal for this study, my committee had questioned whether I would gain much additional useful information from the interviews. After initially defending my plan to complete interviews, I carefully considered my position and found myself asking the same question.

I additionally reflected on the limitations of the interviews. Through my work with the North Carolina Department of Public Instruction (described below), I have personal relationships with three of the individuals who would have been interviewees in the study (one of the staff members from the TDE and the two staff members from the ED). It is important to note that those relationships are not why I selected these individuals as potential interviewees. While I did ask my initial interviewee to serve as an interviewee for the study due to my personal relationship with him, he did not know whether or not I have, or have had in the past, any relationships with the individuals he recommended. Because of my relationships with those individuals, it is possible that they may have been more guarded during their interviews. They are aware that we are both members of a community of

individuals who have worked on similar education reforms and may fear that I will share their comments with other individuals in this community. While I establish a plan to limit the effect that my personal subjectivity may have had on this study; however, it is important to call out these relationships as a factor that could have limited my study's effectiveness.

Independent of my relationships with my interviewees, it is important to note that my inability to protect the identity of my interviewees (as discussed above) may have limited their willingness to share their frank reflections with me. Four of them continue to work in positions in which they are directly involved in their state's interactions with the ED and may feel that speaking negatively about the power dynamics associated with RttT and ESEA waivers will damage those relationships. While the remaining two interviewees do not interact with the ED directly through their work, there is always a chance that it might at some point. This fear could have limited their candor. Given the limitations and challenges, I decided to revise my plan to eliminate interviews and rely on data collected from written documents.

Data Analysis

Discourse analysis is an iterative process through which multiple rounds of coding illuminate patterns and themes. While there are many approaches to coding that can be applied to the analysis of discourse, I chose to complete three cycles of coding that aligned with Saldaña's manual on coding for qualitative researchers (2012). I used Excel workbooks with conditional formatting to code specific sections of text and track the themes and patterns they illuminated, as well as identify the prevalence of these topics. Figure 1 shows the cycle of structural coding, in-vivo coding, code-mapping, and pattern coding that I

used in completing my analyses. The figure also highlights the definition of each type of coding, when it is useful, and how I used it in my study.

First-Cycle Coding Structural Coding	
<p><i>Definition</i></p> <p>Use research questions to identify text that is related to one or more of those questions.</p> <p>Useful for studies in which there are multiple data sources and fairly unstructured data to analyze.</p>	<p><i>Purpose in This Study</i></p> <p>Identify text dealing with power in the relationship between the state education agency and the ED.</p>
Second-Cycle Coding In-vivo Coding	
<p><i>Definition</i></p> <p>Use direct words and phrases from within the text to code larger sets of text.</p> <p>Useful for studies in which participant-generated words contribute to an understanding of a phenomenon.</p>	<p><i>Purpose in This Study</i></p> <p>Using the text coded through first-cycle coding, identify specific language used to assert power from within the text dealing with the relationship between the state education agency and the ED.</p>
Code-Mapping	
<p><i>Definition</i></p> <p>Combine and synthesize initial codes into broader categories of code.</p>	<p><i>Purpose in This Study</i></p> <p>Group the in-vivo codes into categories based on the rhetorical strategies used to assert power.</p>
Third-Cycle Coding Pattern Coding	
<p><i>Definition</i></p> <p>Use codes from first-cycle coding to identify themes emerging from the text.</p> <p>Useful for shaping the results of earlier cycles of coding into more meaningful findings.</p>	<p><i>Purpose in This Study</i></p> <p>Identify patterns and major themes.</p>

(Saldaña, 2012)

Figure 3.1: Definitions and Purposes of Coding Methodology

After finishing three cycles of coding, with one cycle of code-mapping as I transitioned from second-cycle in-vivo coding to third-cycle pattern coding, the result of my

analysis was a set of key patterns, drawn from the language used in written documents and rooted in my research questions. I present these findings in my next chapter.

Trustworthiness of the Research

Because my study is qualitative in nature, I strive to demonstrate its trustworthiness rather than its validity and reliability. Lincoln and Guba (1985) set out four components that, when present, establish a research study as trustworthy: credibility, transferability, dependability, and confirmability. Before providing evidence on how my study attends to each of these criteria, I consider what it means for research to be credible, transferable, dependable, and confirmable.

When research is credible, it answers the questions it intended to answer, and those knowledgeable on the field of research feel that the results found are congruent with what is taking place in the “real world” outside of the research being conducted. While by no means an exhaustive list, some of the strategies that can be used by a researcher to increase the credibility of his or her study are using well-established, rigorous methods for data collection and analysis, triangulation of findings from different sources, and member checks in which the researchers asks participants in the study, for example, interviewees, to not only review the data collected for accuracy, but also to provide feedback on the extent to which the researcher’s findings and conclusions align with the data provided by the participants. When research is transferable, the findings apply not only to the specific study conducted, but also to other situations and contexts. Even qualitative researchers who delve into studies of one or two cases must challenge themselves to think about how they can establish that the findings are applicable to other cases. Some common strategies to build the transferability of a study are including well-developed descriptions of the topic being studied and the context

of the fieldwork so that other researchers can identify how the findings may or may not relate to their own work and acknowledging the boundaries and limitations of the study so that readers do not assume the transferability of the findings to other situations (Schwandt, Lincoln, & Guba, 2007).

The third aspect of Lincoln and Guba's (1985) trustworthiness framework for qualitative research is dependability. When a study is dependable, it is possible for other researchers to repeat it and obtain the same results, given the knowledge that some factors may have changed in the ever-changing world in which we all live. A researcher can establish the dependability of his or her study by describing the approach used in detail, including the processes used to select sites for participation, sample respondents, and collect and analyze data, as well as reflectively noting any times in which he or she deviated from the planned methodology. The final component of trustworthiness in qualitative research is confirmability. When a researcher sets out the confirmability of his or her study, it is critical that he or she acknowledge any predispositions or bias and how he or she strove to limit their influence on the research design and findings. Specific steps that can be taken to do so include clearly stating the limitations of the study, including those imposed by the researcher, and maintaining an audit trail in which the researcher tracks the data he or she collected and analyzed, including the different decisions made along the way, the options from which those choices were selected, and the rationales for the pathways taken (Schwandt, Lincoln, & Guba, 2007).

In Table 3.6, I use Lincoln and Guba's constituent ideas of credibility, transferability, dependability, and confirmability to establish the trustworthiness of my study.

Table 3.6: Trustworthiness of Present Study

<u>Component of Trustworthiness</u>	<u>Strategies Used in Present Study to Address Component</u>
Credibility	<ul style="list-style-type: none">• Maximum variation sampling to represent the various types of relationships that exist between state education agencies and the ED.
Transferability	<ul style="list-style-type: none">• Inclusion of clear statements on the application of findings to other states, as well as discerning when specific findings are likely to only be relevant to one of the cases studied.• Thick descriptions of the characteristics of the relationships between the TDE and the WOSSPI and the political and policy contexts in play in those relationships.• Acknowledgement of the limitation of the studies and boundaries I have imposed.• Maximum variation sampling to represent the various types of relationships that exist between state education agencies and the ED.
Dependability	<ul style="list-style-type: none">• Detailed description of processes used to select cases for study, documents for review, and the cycles of coding used to analyze interview transcripts and documents.
Confirmability	<ul style="list-style-type: none">• Audit trail for data gathering and data analysis.

Subjectivity Statement

In 2010, the ED selected North Carolina as a RttT recipient. The NCDPI quickly moved to hire a team of project coordinators, each of whom would be responsible for managing the design and implementation of the policies and programs set out in the state’s successful grant application. The agency hired me to serve as the project coordinator for the teacher and leader effectiveness section of RttT. The many political, policy, and logistical challenges inherent in the effort to update the educator evaluation systems in use in the state, and explicitly include student growth in those systems, caused the NCDPI to focus my efforts completely on the teacher and administrator evaluation systems set out within this expansive section of the grant.

It is while working on these controversial and complicated efforts that I often found myself involved in the relationship between the agency and the ED, specifically the RttT program officer assigned to North Carolina, but also with senior leadership at the ED, including the Secretary himself on some occasions. As North Carolina proposed both successful and unsuccessful amendments to its RttT plans, I prepared the requests and was often one of two individuals negotiating with the ED as they determined whether or not to approve the amendments. Some approved amendments led to increased scrutiny of North Carolina's educator effectiveness model, and I prepared additional status reports requested by the ED, as well as provided verbal status updates during newly-required check-in calls with the state's program officer and members of the Secretary of Education's leadership team.

When the ED opened the doors to applications for flexibility from ESEA, North Carolina submitted a request. I authored one of four sections of the state's waiver application: the section on the design and implementation of an educator evaluation system that includes student growth as a significant measure. As I did with RttT, I wrote status reports on the state's efforts and was one of two NCDPI staff members to speak to the ongoing work during the yearly ESEA monitoring visits made by the ED staff.

I left the NCDPI in March 2014, after I had begun my graduate work at North Carolina State University but before I had solidified a topic for my dissertation or begun writing. Nonetheless, my experiences working at the agency directly informed the research questions I have drafted. While at the NCDPI, I developed my own professional relationship with the ED, as well as contributed to the overall relationship between the NCDPI and the ED as organizations. There were occasions on which I knew that the dynamics that, to onlookers, seemed to characterize the relationship between the education agencies were the

exact opposite of what was actually taking place. Times when the media reported that the ED was forcing North Carolina to take a course of action that the NCDPI felt was not best for the state actually represented situations in which the ED had agreed to give political cover to the NCDPI so that the agency could pursue reforms that were politically unpopular in the state. Likewise, there were situations in which the ED would leave the NCDPI with no option except to pursue an undesirable course of action, yet the NCDPI would publicly state that the effort was the best option for the state, thereby allowing the NCDPI to save face.

I found these situations to be fascinating, not only because of how they affected my day-to-day work at the NCDPI, but also because of the academic fascination with federalism that had taken root during my undergraduate honors project on the role of non-governmental agencies in crafting federal education policy. I felt that the complicated dynamics between the ED and the state education agency in North Carolina existed in other states, although I had no preconceived notions of how those complicated relationships had unfolded and the levels of cooperation and coercion that characterized each of them. What if, I thought, I could develop my understanding of the relationships by studying the most contentious one and contrasting it with the one characterized by the most collaboration between a state and the ED? If I could do that, I further mused, I could deepen my understanding of federalism in education. These questions ran through my head without any organization or real plan until I began my doctoral studies. As I learned key methodologies for qualitative research, my research questions and proposed study began to take shape. As I explored NCLB and the federal role in education in my coursework, my interest in, and commitment to, this topic further solidified.

As I completed this study, I had to be aware of the ways in which my personal and professional experiences influenced my role as a scholar. Like many researchers, I approached my research questions with hypotheses for what answers I would find; in my case, these hypotheses were informed by my own involvement in RttT and the ESEA waivers, as well as my prior academic work on federalism. I needed to take care to be systematic in my document review and coding. I analyzed documents with only limited context of what was happening in the relationship between the state education agency and the ED when they were produced. The way I may have interpreted written statements from the ED when I worked for NCDPI, and was privy to much more of the relevant context, could not influence how I coded and evaluated documents related to Tennessee and Washington. I do not feel that my personal involvement in my research topic should have deterred me away from studying it systematically; indeed, my experiences directly contributed to the passion and attention to quality with which I approached this work. With a keen awareness of the ways in which I had to remain neutral and protect my findings from my own biases, I strove to limit my own subjectivity and produce a trustworthy final body of research.

Limitations of the Study

No study is without its limitations, and mine was no exception. While my use of maximum variation sampling was intended to guard against generalizations on the relationships between state education agencies and the ED, I still focused this study on the states of Tennessee and Washington. Each state's relationship with the ED was unique and depended on politics, policies, and personalities. While I challenged myself to draw conclusions that were true based on two very different states, it is possible that those conclusions do not reflect the power dynamics in place between the ED and other states.

Summary

In this chapter, I have explained my selection of the comparative case study and discourse analysis as my key methodological approaches for this study. I explained my use of maximum variation sampling to select the two states upon which I focused my work. I next set out my plan for collecting data, in this case, discourse, through document collection from the ED, the TDE, and the WOSSPI. I then provided details on my use of three cycles of coding, combined with one cycle of code-mapping, to identify key themes in the discourse I examined.

It is also important to build a strong foundation for the trustworthiness of my study, which I did by taking steps to ensure its credibility, transferability, dependability, and confirmability. Given my own work on RttT and ESEA waivers with a state education agency, it was also critical that I took care with setting out my own subjectivity and the steps I took to prevent it from affecting my research process. Lastly, I outlined the limitations of my study. With my research plan established and executed, I next move on to share my findings.

CHAPTER 4: RESULTS

By executing the data collection plan set out in the previous chapter, I gathered a wide range of rich examples of discourse used by the ED, the TDE, and the WOSSPI to assert their power and control over education in Tennessee and Washington, respectively. In this chapter, I begin by exploring several key rhetorical strategies used by the state education agencies and the ED when communicating about the states' reform plans. I next turn to my first two research questions and explore how these strategies, and the power dynamics they reflect, influenced the balance of power between the TDE and the ED, as well as the WOSSPI and the ED. I then delve into my final research question by exploring how this multiple-case study informs our understanding of how the ESEA waivers shaped the balance between cooperative and coercive federalism.

Key Rhetorical Strategies Used

Through analyzing the discourse collected, I identified a number of key rhetorical strategies used by the ED when communicating with both the TDE and the WOSSPI. I also identified strategies employed by the agency only when communicating with the TDE. Lastly, I isolated a set of strategies used by the WOSSPI in a specific timeframe: after the ED revoked the state's ESEA waiver. Indeed, the rhetorical strategies used by the agency after this important milestone in its relationship with the ED are different, and, as I will detail below, markedly stronger in the state's assertion about its needs to shape its own educational policies.

In this chapter, I report on the percentage of the discourse between the ED and the state education agencies that aligns with a particular theme or rhetorical strategy. I use this approach rather than simply reporting on the raw number of examples of discourse aligned

with a theme or pattern because I examined more communication between the ED and the TDE than the ED and the WOSSPI. In total, I examined 49 documents related to the TDE and 35 documents related to the WOSSPI. During code-mapping, I identified 53 individual categories of codes. I applied these categories to discourse related to Tennessee 410 times and to Washington 189 times.

Key Rhetorical Strategies Used by the ED When Communicating with Both the TDE and the WOSSPI. The ED used specific rhetorical strategies consistently throughout its communication with the TDE about RttT and the TDE and the WOSSPI about the ESEA waivers.

Using Passive and Active Verb Tense. Any student of grammar knows that, when a writer uses active tense, he or she clearly identifies the entity acting in the sentence. The use of the passive voice is more ambiguous and can leave the reader wondering about the source of the action in the sentence. When approving plans and requests submitted by the TDE and the WOSSPI, the ED always used the active verb tense, for example, in writing to the TDE on its application for ESEA flexibility, Secretary of Education Arne Duncan wrote, “I am pleased to approve Tennessee's request for ESEA flexibility” (Appendix A, Document 2). However, when declaring that a state had not met requirements, the ED shifted to using passive voice. For example, in writing to the WOSSPI about its compliance with the third principle of ESEA flexibility, Assistant Secretary of Education Deborah Delisle wrote “...it is determined that Washington has not yet adopted guidelines for teacher and principal evaluation and support systems that meet all requirements of ESEA flexibility” (Appendix A, Document 41).

Interestingly, when rejecting a state’s request for a change to one of its plans, the ED did not use passive voice, but also did not use the most direct sentence structure possible. Rather than rejecting four specific proposals for changes from the WOSSPI, Assistant Secretary Delisle wrote that she was “...declining to exercise my authority to waive ESEA...” (Appendix A, Documents 63, 68, and 72). While not an example of passive voice, it is clear that the ED avoided other, more direct verbs, for example, “reject” when refusing to approve state plans.

Committing to Partnerships with State Education Agencies. During communication with both states around their ESEA plans, the ED frequently committed to improving educational quality in partnership with the TDE and the WOSSPI. Beginning with the approval letters for both states’ ESEA waivers, the ED made frequent reference to the use of education experts from other state education agencies who reviewed and provided feedback on the proposals. The ED was clear to emphasize that these state-level experts had been partners in the decisions to approve or deny the waivers. Writing to the TDE, Acting Assistant Secretary of Education Michael Yudin wrote, “...the expert peers considered each component of Tennessee’s request and provided comments in the form of Peer Panel Notes to inform the Secretary’s decision whether to approve Tennessee’s request” (Appendix A, Document 1).

The ED also made numerous offers of technical assistance to both the TDE and the WOSSPI in an effort to help with the challenging work of education reform. These offers began during RttT, with the ED’s creation of the Implementation and Support Unit within the agency. In the year 1 RttT report on Tennessee, the ED explained that the purpose of the Unit was to “...provide assistance to states as they implement unprecedented and

comprehensive reforms to improve student outcomes” (Appendix A, Document 52). In total, in the documents examined, offers of technical assistance represented three percent of the total communication I coded between the ED and the TDE and two percent of the total communication I coded between the ED and the WOSSPI.

Praising and Criticizing States. The ED used a variety of strategies to praise both the TDE and the WOSSPI for their programs and policies. I outline these strategies, along with examples of the discourse used, in Table 4.1.

Table 4.1: Strategies Used by ED to Praise and Criticize the TDE and/or the WOSSPI.

<u>Strategy Used for Praise or Criticism of the TDE and/or the WOSSPI</u>	<u>Strategy</u>	<u>Example of Discourse</u>
Praise	Appreciation of states’ hard work	“We appreciate the hard work required to transition to college- and career-ready standards...” (Appendix A, Document 38).
Praise	Acknowledging that states have taken on challenges in education	“...the State has already begun to take on some of the tough educational challenges” (Appendix A, Document 1).
Praise	Referring to states’ work as successful	“...ESEA flexibility has been effective in enabling Tennessee to carry out important reforms to improve student achievement...” (Appendix A, Document 8).
Praise	Expressing approval for states’ specific actions	“The guidance and resources provided by the State built stronger relationships with LEAs to ensure successful implementation...” (Appendix A, Document 52).
Praise	Showing trust in states to execute on their plans	“Our decision is also based on Tennessee’s assurance that it will meet these four principles...” (Appendix A, Document 2).
Praise	Highlighting states’ contributions to other states	“Tennessee was also featured in publications describing approaches to measuring growth in student

Table 4.1 (continued).

Praise	Acknowledging that states are showing leadership in education reform	achievement” (Appendix A, Document 55). “We are encouraged by the innovative thinking and strong commitment to improving achievement for all students that is evident in Washington’s request” (Appendix A, Document 39).
Criticism	Pointing to specific instances of states’ shortcomings	“...the State does not have a process for ensuring that its LEAs with focus schools...conduct timely and comprehensive monitoring of these schools” (Appendix A, Document 51).
Criticism	Expressing a lack of confidence in states	“...the panel cannot have sufficient confidence that WOSSPI’s plan is realistic or of sufficient quality” (Appendix A, Document 47).
Criticism	Questioning states’ authority in educational matters	“The panel is concerned that WOSSPI has neither the authority nor capacity to implement turnaround principles...” (Appendix A, Document 47).

While the ED did praise and criticize both the TDE and the WOSSPI, there was not an equal balance between the two for each state. Praise represented 24 percent of the communication I coded between the TDE and the ED; criticism represented only seven percent. In contrast, praise for the WOSSPI represented only nine percent of the communication I coded between the agency and the ED while criticism represented 18 percent.

Asserting Authority over States. The ED used a variety of strategies to assert its authority over both the TDE and the WOSSPI and their plans for educational improvements in their states. In Table 4.2, I outline the strategies and provide examples of each.

Table 4.2: Strategies Used by the ED to Assert Authority Over the TDE and the WOSSPI.

<u>Strategy</u>	<u>Example of Discourse</u>
Placing limits on states' freedoms	"Please note that this waiver is being granted based on specific, unanticipated circumstances affecting a limited number of Washington LEAs..." (Appendix A, Document 76).
Completing monitoring to ensure that states make progress	"...ED has designed a monitoring process to assess a SEA's implementation of the principles of ESEA flexibility and the State-level systems and processes needed to support that implementation" (Appendix A, Document 51).
Requiring approval of any changes to states' plans	"Washington may not implement any changes to its approved request until those changes have been approved by the Department" (Appendix A, Document 40)
Reinforcing commitments that states have made	"The Department expects that Tennessee will fulfill the commitment it made in its Race to the Top application" (Appendix A, Document 16).
Requiring states to share more data with parents	"However, I believe there is benefit, even in cases where there are no public school choice options available in a district, that parents are notified that the right exists under the statute and that they are provided an explanation of why the LEA is unable to offer them a choice" (Appendix A, Document 72).
Asserting ED's responsibility for improving educational outcomes for students	"It is our responsibility to ensure that...states continue to increase the quality of instruction and improve achievement for all students, but especially those most at risk of academic failure, including low-achieving students, English Learners, and students with disabilities" (Appendix A, Document 1).
Requiring the submission of reports, data, and evidence from states	"To receive approval to implement ESEA flexibility through the end of the 2013–2014 school year, Washington must submit to the Department for review and approval an amended request incorporating: (1) the

Table 4.2 (continued).

	<p>final version of the new index, including by attaching to the amended request any technical documentation, administrative rules, and other relevant information; (2) rules regarding the use of student growth as a significant factor in teacher and principal evaluation and support systems that Washington’s Teacher and Principal Evaluation Project Steering Committee is expected to recommend by December 2012; and (3) a copy of the amended State statute that requires each focused evaluation to use student growth data” (Appendix A, Document 39).</p>
Threatening revocation of funding and/or flexibility	<p>“...if Washington fails to submit the required information or fails to receive approval of its amended request, the waivers granted to Washington through ESEA flexibility will expire...” (Appendix A, Document 40).</p>
Claiming that USED’s priority programs and policies will lead to improved academic achievement for students	<p>“Please describe the tangible rewards that Washington will provide to reward schools, such as bonuses, grants, or increased autonomy and address the concern that the rewards and recognitions proposed do not go far enough to meaningfully capture and disseminate successful practices from reward schools and do not provide opportunities for higher-performing schools to mentor lower-performing schools” (Appendix A, Document 38).</p>
Placing conditions on states’ flexibility and/or funding	<p>“...Washington must submit additional evidence that satisfies the condition originally placed on its approved request as well as the outstanding requirements identified above before receiving approval to continue implementing ESEA flexibility during the 2013-2014 school year” (Appendix A, Document 41).</p>
Allowing states to only select from specific policy options	<p>“The Department provided a SEA with three options to address how it would meet the requirement to develop and administer high-quality assessments aligned with</p>

Table 4.2 (continued).

Establishing authority over changes to states' plans	college- and career-ready standards” (Appendix A, Document 7). “As a result of TDOE no longer administering PARCC in the 2014-2015 school year, it must amend its ESEA flexibility request to demonstrate how it will meet the requirement to development and administer high-quality assessments aligned with college- and career-ready standards” (Appendix A, Document 7).
Determining what education programs and policies are in the public interest	“...SEA flexibility has been effective in enabling Tennessee to carry out important reforms to improve student achievement and that this extension is in the public interest” (Appendix A, Document 8).
Citing specific legislation to establish authority	“I am granting OSPI a limited one-year waiver of section 1116(b)(1)(E)(i) of the ESEA and 34 C.F.R. § 200.37(b)(iv) that together require an LEA to provide parents of eligible students with notice as to their public school choice options at least 14 days before the start of the school year” (Appendix A, Document 72).
Requiring states to communicate in certain ways	“...the State will communicate with LEAs about this progress in a manner that is also consistent with previously issued award letters, frequently asked questions, and in person communications” (Appendix A, Document 14).
Urging states to reconsider their plans	“We respect their right to make that choice under the requirements of this package, but we strongly recommend that State leaders reconsider that decision” (Appendix A, Document 44).

I found many examples of the ED’s assertion of its power over the TDE and the WOSSIP in the discourse I analyzed. Indeed, statements of ED’s authority represented 32 percent of the discourse between the ED and the TDE and 31 percent of the discourse between the ED and the WOSSIP that I coded for this study.

Key Rhetorical Strategies Used by the ED Only When Communicating with the TDE. When analyzing the discourse selected for this study, I identified three rhetorical strategies that the ED used in its communication with the TDE and either never or only seldomly used when communicating with the WOSSPI.

Equivocal Language. When expressing concerns about the TDE’s reform plans, the ED seemed hesitant to state, outright, that policies were in conflict with federal requirements or would result in negative consequences for some students. Instead, the agency used terms such as “could” and “appear to” in its communication. For example, rather than stating that the use of a single “non-white subgroup” rather than race-specific subgroups would prevent the public from seeing achievement gaps between students of specific races, the ED wrote that “...the use of a ‘non-white’ combined subgroup...could mask achievement gaps for individual student subgroups...” (Appendix A, Document 1). As another example, the ED wrote “...the method for identifying reward schools does not appear to meet the Federal requirement that any significant gaps are narrowing” (Appendix A, Document 44) rather than simply stating that Tennessee’s plans did not meet federal requirements.

Requesting Information Rather than Changes to State Plans. A second rhetorical strategy found only in communication between the ED and the TDE is the framing of criticism as requests for additional information rather than requirements to change programs and policies. Consider the following statement: “...it was not evident if and how the COREs ensure that each LEA provides incentives and supports to other Title I schools in which students consistently miss performance targets” (Appendix A, Document 51). The ED could have simply stated that the COREs (regional support offices) in Tennessee do not provide enough support for LEAs with underperforming Title I schools. Instead, the ED stated that

there was no information on how the COREs provide such support, thereby leaving open the door to the possibility that they do and the TDE had simply not described it in their reports to the ED.

Deferring to States' Beliefs. Fifteen percent of the discourse I coded between the ED and the TDE were statements in which the ED was deferring to TDE's beliefs about its education system, often without any supporting data. For example, when writing about a delay in the development of Tennessee's early warning data system, the ED wrote, "Upon completion of the pilot, the state elected to delay statewide implementation of the system to address technical issues and ensure data quality" (Appendix A, Document 53). Nowhere in the communication between the ED and the TDE around this delay did the TDE provide information on the technical challenges or data quality issues encountered, and the ED never requested such details. Rather, the ED put its trust in Tennessee and its explanations for the delay.

These three rhetorical strategies found in the discourse between the ED and the TDE provide insight into the relationship between the two agencies. The fact that the ED rarely or never used these strategies with the WOSSPI illuminates significant elements of their relationship, as I will discuss later in this chapter.

Key Rhetorical Strategies Used by the WOSSPI After ED Revocation of ESEA Flexibility. In spring 2014, the ED revoked Washington's ESEA flexibility waiver due to the state legislature's refusal to implement policies requiring local education agencies to include measures of student growth on rigorous assessments aligned with the state's college and career ready standards into their teacher and school administrator evaluation systems (United States Department of Education, 2014c). As Washington transitioned back to the

requirements of NCLB, the WOSSPI submitted a number of requests for waivers of specific elements of NCLB. As examples, the state requested permission to allow districts and schools identified for improvement, corrective action, or restructuring to serve as supplemental educational service (SES) providers (Washington Office of State Superintendent of Public Instruction, 2014b) and to skip the step of notifying parents that their students qualified for public school choice when there were no options for transfer (as almost all schools in Washington failed to meet AYP when the state returned to NCLB requirements) (Washington Office of State Superintendent of Public Instruction, 2014a).

As the WOSSPI submitted these proposals, the agency began to be more forceful and, by any standard, fiery in its demands for flexibility. Additionally, as the state dealt with the ramifications of the shift back to NCLB, State Superintendent Randy Dorn became openly critical of the federal and state-level politicians that he claimed were to blame for the state's predicament. Below, I examine the strategies used by WOSSPI and Superintendent Dorn.

Citing evidence that the ED's requirements are not effective in improving student outcomes. As mentioned above, the WOSSPI requested a waiver to allow its school districts to provide SES rather than paying outside providers to provide supports for students. In its request for this flexibility, the WOSSPI cited both its own internal research that SES had been ineffective in improving student achievement, as well as research on the failures of SES in peer-reviewed journals. Using internal research conducted by the agency, the WOSSPI wrote "...Washington school districts expended approximately \$48,202,663 on SES with little evidence of improved academic achievement by students who participated in the program" (Appendix A, Document 66). The WOSSPI also pointed to evidence from external researchers, writing that:

Research by Heinrich and Burch (2012) noted that extremely high per-pupil provider costs, especially for online programs, limited the number of hours of service that LEAs are able to provide to a number below what has been shown to be statistically significant in improving student academic achievement. (Appendix A, Document 66)

The WOSSPI also questioned the ED's own belief in the importance of SES, writing that:

To date, there has [*sic*] been 43 states that have been granted ESEA flexibility, with the majority not providing SES. This proves there is a demand to remove the requirement of SES and substitute other interventions that are more effective for districts, schools, and students. (Appendix A, Document 66)

In appealing to the ED to allow districts and schools to provide SES, the WOSSPI relied not only on its own data, but also research completed in other regions of the country and, even, precedent set by the ED by approving ESEA waivers in which states did not propose to continue SES.

Opposing the ED forcefully. Thus far, the examples of discourse I have presented in this chapter have been detached, bureaucratic statements of fact rather than emotional appeals by impassioned education officials. Upon its return to the sanctions of NCLB, Washington found itself in a position in which almost all of the schools in the state were failing, yet NCLB required parents of students in failing schools to be offered the choice to transfer to another non-failing school. In WOSSPI's eyes, because there were so few non-failing schools to which students could transfer, there was no true alternative for parents. As such, the WOSSPI asserted, notifying parents about public school choice was a moot point.

In making this argument to the ED, the WOSSPI joined forces with the Washington State School Directors Association to make a joint request on behalf of both organizations.

Their request warned of the consequences for the state and its students if almost all parents received notice that their local school was failing:

The only other impacts of sending these letters are punitive.... The letters' misrepresentation that our schools are failing will erode public support for local funding - and, we think, will needlessly and dangerously distract Washington's voters and lawmakers at a time when transparent, truthful information about our schools is most critical. (Appendix A, Document 66)

The letter also pointed to the state's perception of hypocrisy at the ED.

The mislabeling of our schools is damaging far beyond the local perception.

Washington's schools have been recognized by many, including the U.S. Department of Education, for achievements in graduation rates, closing the achievement gap, NAEP scores, ACT/SAT scores, and our early learning commitment. That these same schools will be designated as "failing" by unarguably flawed NCLB standards will undermine public confidence in our schools and our governance. (Appendix A, Document 66)

From the discourse examples above, it is clear that education officials in Washington felt passionately about their stance on public school choice and were unafraid to share that emotion with the ED.

Asserting states' beliefs about their education systems. Above, I described one of the strategies used by the ED in communication with the TDE: deference to the state's beliefs. While fifteen percent of the discourse I coded between the ED and the TDE were statements in which the ED was deferring to TDE's beliefs about its education system, only

.5 percent (one statement) of the discourse I coded between the ED and the WOSSPI were statements in which the ED deferred to the WOSSPI.

This trend, however, did not stop the WOSSPI from asserting its own beliefs about how to improve its education system in its communication with the ED. When requesting waivers related to the provision of SES, the WOSSPI wrote:

OSPI believes this waiver would be beneficial for all participating students and would improve the academic performance of low income students throughout Washington.

OSPI believes that LEAs are the best qualified to implement tutoring or other supplemental academic enrichment services that are of "high-quality, research-based, and specifically designed to increase student academic achievement" (ESEA, Section 116[e][12][C]). (Appendix A, Document 66)

In this specific instance, the WOSSPI not only argued that its school districts could most effectively meet the academic needs of students, but it also quoted directly from the language of ESEA when making this assertion. Similarly, in the text of other requests to ED for waivers from specific elements of ESEA, the WOSSPI asserted that it (and, by extension, not the ED) knew what policies would lead to increased academic achievement for Washington's students.

Criticizing federal and state elected officials. While the WOSSPI never criticized members of Congress or members of the Washington state legislature in official correspondence with the ED, Secretary Dorn did so in his public statements and press releases. I examined the seven examples of these types of communications related directly to waivers from ESEA for this study.

The ED revoked Washington’s ESEA flexibility because of the state’s failure to incorporate student growth into the teacher and administrator evaluation systems. In Washington, laws passed by the state legislature, not regulations or policies passed by a state education agency or state board of education, govern the educator evaluation systems. After the waiver revocation, Secretary Dorn issued a press release in which he accused the members of the legislature of acquiescing to the demands of the state teachers’ union. He said:

But to get our waiver renewed for next year, the Department of Education was clear: The Legislature needed to amend state law to require teacher and principal evaluations to include student growth on state tests, when appropriate. I agree: Student progress should be one of the multiple elements in a teacher's evaluation. Unfortunately, the teacher's union felt it was more important to protect their members than agree to that change and pressured the Legislature not to act. (Appendix A, Document 80).

When ESSA became law, Secretary Dorn used the occasion to issue a press release applauding the federal action, while also using it as a call to action for the state legislature, writing that he hoped “...our state legislators can use this as an example when they come back to Olympia in January to tackle the ongoing lack of full funding for basic education. We need leaders to do what's right for our state's kids” (Appendix A, Document 84).

Secretary Dorn also did not spare members of Congress from his reproach. While Washington’s failure to enact a policy change around teacher evaluation may have led to the revocation of the state’s waiver, Secretary Dorn clearly felt that Congress was to blame for

the situation that led to a need for waivers in the first place. In a statement, Secretary Dorn wrote:

Congress really needs to do its job and rewrite No Child Left Behind. The law raised a lot of awareness that all students need to be proficient in math and reading.

Unfortunately, it also punished schools and districts unfairly, and it set unrealistic goals that no school or district can meet. (Appendix A, Document 79).

In other statements, Secretary Dorn referred to a congressional failure to act, not the state legislature's failure to update its educator evaluation policy, as the reason why Washington was forced to return to the requirements of NCLB.

Thus far in this chapter, I have identified a number of key rhetorical strategies used by the ED when communicating with both the TDE and the WOSSPI, as well as strategies employed by the agency only when communicating with the TDE. I also provided a review and examples of the rhetorical strategies used by the WOSSPI in the time period after the ED revoked its ESEA flexibility. Now, I return to my research questions to consider how these strategies, and the underlying power dynamics they represent, provide an understanding of how the ESEA shaped the balance of power between the ED and the states of Tennessee and Washington.

Research Question 1: How did the ESEA waivers shape the balance of power between the TDE and the ED?

Summary Answer. During the years in which RttT and ESEA waivers were the dominant federal education policy initiatives, the TDE was able to use its policy alignment with the ED to tilt the balance of power toward the state.

Race to the Top. Led by an education reform-minded governor, Tennessee built its Race to the Top application on a foundation of initiatives that were already underway, including:

- The approval of new, more rigorous academic standards in 2008;
- The implementation of a value-added reporting system, including analysis of the impact of specific teachers on the growth of their students, for over a decade;
- The elimination of policy barriers to alternate pathways to teacher certification;
- The existence of centralized groups with authority over parts of the education system (for example, the Tennessee Higher Education Commission coordinates the activities of the University of Tennessee system, the state's community college system, and the technical institutes operating in the state); and
- The precedent of categorizing schools based on academic performance and providing differentiated support from the state based on the category assigned.

In such an environment, Tennessee seized the opportunity presented by RttT and secured one of the first grants awarded by the ED. The actual implementation of the RttT plan was not without its challenges, as indicated by the state's submission of 23 amendments to make changes to its programs and policies (Appendix A). Some of these changes were not inconsequential, including:

- Significant delays in the launch of the Achievement School District (Appendix A, Documents 16, 18, 19);
- Significant delays and reduction in the scope of information provided through the early warning data system (Appendix A, Document 30); and

- Cancellation of a program to recruit and place mid-career professionals into high-needs schools (Appendix A, Document 29).

While the ED noted these changes, as well as others, in their amendment decision letters and annual reports on RttT implementation, the agency never placed the TDE on any type of warning status for its departures from its original plan. Nor did the ED ever withhold, or even threaten to withhold, funding for the projects that were delayed or cancelled. Quite to the contrary, the ED approved the TDE's requests to shift funding from cancelled projects (such as the program for recruiting and placing mid-career professionals described above) to other initiatives. In all of the discourse I examined for this study, I did identify some cases in which the ED conditionally approved a change requested by the TDE with the understanding that the state would provide more information at a later date (for example, the ED required interim reports and specific benchmarks for the TDE related to the establishment of the Achievement School District). However, I did not identify a single instance in which the ED denied the TDE's request for a change to its RttT plan.

Why was there such flexibility? I offer that there are two explanations for why the ED offered such flexibility to the TDE in changing and even falling short on some of its RttT promises. First, the TDE and ED were able to point to increases in academic achievement that took place during RttT and claim them as evidence that the policies and programs advanced by the Obama administration were, indeed, working. Second, the TDE came to be a willing partner in the ED's efforts to support other states with their RttT plans. TDE became an example of "the state that could," and the ED was not shy in highlighting the state and its advancements. Below, I examine each of these explanations in more detail.

Tennessee as evidence of RttT success. One of the key themes identified in the

discourse analysis and described above is the ED's praise for states, specifically their references to specific indicators that demonstrate the success of a state's reform efforts. In the ED's third annual report on RttT in Tennessee, the agency stated that "...Tennessee's State assessment results show continued growth across grades and subjects, with particularly notable progress exceeding the State's Race to the Top targets in grades 3-8 and high school mathematics" (Appendix A, Document 54). In that report, the ED also praised the TDE for its implementation of the Achievement School District and the academic gains posted by students attending the District's schools. Lastly, the ED pointed to Tennessee's significant improvement on the NAEP (an improvement of 21 points) as evidence of the promise of educational reform aligned with the agency's priorities (Appendix A, Document 54).

Tennessee as an example for other states. Another key theme identified in the discourse analysis was ED's actions to highlight the work done through RttT by specific states. I identified seven instances in which the ED featured Tennessee in its technical assistance webinars, convenings, and publications for RttT grantees. Examples of the spotlights on some of the more challenging initiatives within RttT include:

- The Achievement School District's approach to training and recruiting teachers (Appendix A, Document 54);
- The state's use of educator evaluation results to hold educator preparation programs accountable (Appendix A, Document 55); and
- The TDE's plan for communicating with school districts (Appendix A, Document 3).

As the ED frequently mentioned to the TDE, the work required by RttT was not easy for states, and grantees faced many challenges when implementing their plans. The ED returned to Tennessee time and time again to highlight its successes.

ESEA Waiver. When the ED announced the ability for states to apply for flexibility from the ESEA, Tennessee submitted its application within two months of the ED’s offer and was one of the first 10 states to receive a waiver. In its review of the state’s waiver application, the peers noted that “The State has already begun to take on some of the tough educational challenges” (Appendix A, Document 1) and that it had “...built on its successful Race to the Top plan...” (Appendix A, Document 1). With its flexibility in hand, the TDE continued its work on educational improvement for Tennessee’s students. However, a major challenge lay ahead. In 2014, while its ESEA flexibility was still in effect, Tennessee departed from PARCC after the passage of House Bill 1549.

When offering ESEA flexibility, the ED had provided three options for states seeking to show that they were assessing students on rigorous college- and career-ready standards: participation in PARCC or the Smarter Balanced Assessment Consortium, the development of new state assessments aligned with the standards, or evidence that existing state assessments aligned with the standards. Tennessee initially chose to participate in PARCC (Appendix A, Document 1). However, in spring 2014, the Tennessee General Assembly passed House Bill 1549, which directed the TDE to use the same state assessment administered in 2013-14 in 2014-15 and to issue a Request for Proposals for a new assessment vendor for future years (Gewertz, 2014).

Upon learning of this development, the ED wrote to the TDE to notify the agency that it must provide evidence on how its existing state assessments were aligned to its college- and career-ready standards (Appendix A, Document 7). There was no mention of sanctions for failing to do so. After an exhaustive search, I could not find the evidence submitted to the ED from the TDE about the existing state assessments. In the documents available online,

there are references to phone calls between TDE and ED staff, and it is possible that such discussions took place during those communications. The ED must have been satisfied with the information provided as the agency approved an extension to Tennessee's flexibility less than three months after requesting the information on the state assessments. ED's treatment of Tennessee is starkly different than its treatment of Oklahoma, which I discussed in the second chapter of this study. The ED revoked Oklahoma's waiver until the state could demonstrate the alignment of its assessments with its standards. With Tennessee, ED allowed the waiver to stay in place as the TDE gathered and submitted its evidence on this same question.

Summary. Above, I have demonstrated the ways in which the TDE was able to make substantial changes to its RttT and ESEA plans because of its alignment with and support of the policy and program initiatives advanced by the ED. The TDE maintained its control of its own educational destiny as it continued the work it had begun pre-RttT and sustained that work throughout the grant period and the years of ESEA flexibility. It did so on its own timeline and with the flexibility it needed to shape initiatives. Indeed, the ED needed Tennessee, both as an example of the success of such initiatives, as well as to provide an example to other states of how the challenging reform work was, in fact, possible. In this state education agency-ED relationship, the state gained the upper hand.

Research Question 2: How did the ESEA waivers shape the balance of power between the WOSSPI and the ED?

Summary Answer. During the years in which RttT and ESEA waivers were the dominant federal education policy initiatives, the ED stripped Washington of much of its control of its own education policy and programs for failure to align with federal priorities.

ESEA Waiver. Earlier in this chapter, I outlined the ways in there were more examples of discourse in which the ED was exerting control over the WOSSPI than cases in which the ED was forcing the hands of the TDE. I would be remiss to state that the ED refused to give the WOSSPI any flexibility with its education policies. For example, after the ED revoked Washington's ESEA flexibility waiver and the state returned to the sanctions set out in NCLB, the ED approved the WOSSPI's request to allow districts in corrective action or improvement to provide SES to their students (Appendix A, Document 74). However, in some significant ways, the ED refused to allow the WOSSPI to take steps it thought in the best interest of its students.

Incorporation of student growth into the educator evaluation system. In a revealing example of the power of discourse, the battle between the ED and the WOSSPI around Washington's educator evaluation system came down to which agency had the power to define two critical terms: "student growth" and "significant." When approving the WOSSPI's request for an ESEA waiver, the ED made its decision conditional on additional laws related to educator evaluation that the Washington General Assembly was expected to pass. When the WOSSPI provided this information, the ED responded with the following:

Although staff from your office provided information about how Washington intends to incorporate student growth as a significant factor in teacher and principal evaluation and support systems, ED staff learned that Washington's interpretation of including student growth as a significant factor in educator evaluation systems is inconsistent with the ESEA Flexibility definition of "student growth." Specifically, in accordance with Washington State law, a local educational agency (LEA) has

discretion as to whether or not to include data from Statewide assessments in determining a teacher's student growth rating. (Appendix A, Document 42)

As I described above, this example of discourse clearly shows how the ED asserted its power to establish definitions related to states' educator evaluation systems. Later in this letter to the WOSSPI, the ED placed the state's waiver on "high-risk" status (Appendix A, Document 42). Nine months later, with the failure of the Washington State Legislature to pass any changes to the state's educator evaluation statement, the ED revoked the waiver, writing that Washington had been "...unable to fulfill the commitment made in its waiver application..." (United States Department of Education, 2014c). In framing the reason for the revocation in this way, the ED sent a message that it faulted the state not for failing to align with federal policy requirements per se, but, rather, for failing to deliver on a commitment that it had willingly made (see Table 4.2 for another example of ED's use this specific rhetorical strategy in its assertion of power over the TDE and the WOSSPI).

Provision of SES. As I outlined above, the WOSSPI resisted ED's insistence that students in failing schools be provided with SES through a number of rhetorical strategies. The agency cited evidence from research studies that demonstrated that the interventions did not meaningfully improve student achievement. The WOSSPI further argued that it, not the ED, knew the needs of its own students and how to best meet them. Lastly, the WOSSPI pointed to the fact that SES were not required for a state to obtain a waiver from ESEA as evidence that ED itself did not believe in their importance (Appendix A, Document 66). As mentioned above, while the ED did allow the WOSSPI to permit school districts to serve as SES providers, the agency rejected Washington's proposal to halt the provision of SES entirely. Even though the WOSSPI had identified a number of issues with the quality of the

SES offered by private providers, the ED noted that “...one of the benefits of SES is the choice of public and private providers it affords to low-income parents” (Appendix A, Document 63). The ED determined that it, not Washington, would make the decision about what was in the best interest of low-income parents in the state. Washington then had no choice but to continue to offer SES through a variety of public and private providers.

Parental notification on failing schools. The best example of impassioned discourse in this study came in the WOSSPI’s request to skip the NCLB requirement of notifying parents of their school choice options when their children attend failing schools. As I described above, the WOSSPI felt that such a notification was pointless as, with almost all schools in the state labeled as failing, there were no real choices for parents. Despite the case made by the WOSSPI about how the parent notifications would harm the public schools in immeasurable ways, the ED rejected the request. In response, an official at ED wrote:

I appreciate that some LEAs in Washington may not have available schools of choice. However, I believe there is benefit, even in cases where there are no public school choice options available in a district, that parents are notified that the right exists under the statute and that they are provided an explanation of why the LEA is unable to offer them a choice. Moreover, the notice provides parents with other valuable information, such as an explanation of what the identification means, what the school is doing to address problems of low achievement, and how parents can become involved in addressing academic issues that caused the identification. (Appendix A, Document 72)

This issue represents another case in which the ED took away WOSSPI's control of its own education system and forced the agency to act in a way it felt was detrimental to the success of the state's schools.

Summary. After revoking the state's waiver from NCLB, ED began requiring Washington to enforce the NCLB sanctions on its failing schools, even as the WOSSPI argued that the sanctions made little sense and could do irreparable harm. The ED was unwilling, first, to compromise with Washington on the definitions of "student growth" and "significant" in the context of an educator evaluation system and, second, to work with the state to return to NCLB in a way that, the state argued, would result in improved outcomes for students. In this state education agency-federal relationship, it is clear that the ED reigned supreme.

Research Question 3: Considering similarities and differences in those two balances of power, how did the ESEA waivers change the balance between cooperative and coercive federalism in federal education policy?

Summary Answer. The ESEA waivers moved the United States into a place in which one cannot describe the balance of power within education as purely cooperative or purely coercive. Rather, the balance of power depends on the extent to which states and the federal government agree on overarching policy goals and the strategies that need to be enacted to achieve those goals.

Cooperative Federalism. In Chapter 2, I outlined a number of arguments offered by scholars as to why the ESEA waivers represent cooperative federalism. Below, I return to each of the arguments and analyze them in light of what I have learned through this study.

Education policymaking in general is so removed from the classroom and students that the government at the state, federal, and even district levels has very little control over what happens in schools. This study refutes this argument. Consider ways in which decisions by the ED shaped the day-to-day schooling experience for students in Washington. Students at struggling schools were required to spend time receiving SES in an effort to boost their achievement, even as states with flexibility from ESEA were allowed to move away from this type of intervention. Additionally, state, district, and school leaders, as well as students, had to operate in a system in which almost all schools had been not only labeled as failing, but also in which the ED-mandated letters to parents highlighted the low levels of success and non-existence of alternatives for their child's education.

The Obama administration was beholden to the states because their policy implementation determined if initiatives were successful, and, by extension, if President Obama was successful with his education agenda. This study affirms this argument. As I described above, the ED frequently pointed to Tennessee as a proof point that the policy and program priorities outlined in the requirements for ESEA flexibility resulted in improved student achievement. Not only did the ED highlight improved scores on the state assessments, but the agency also linked the state's reforms to substantial gains in NAEP scores. During RttT, the ED highlighted a number of Tennessee's specific initiatives as successful and set the state out as an exemplar to be followed by other states. While the ED shined the spotlight on Tennessee prior to the time period covered by this research question, the fact that it did so in the years immediately prior to the ESEA flexibility still makes the practice worthy of note.

ESEA waivers set broad policy goals but did not provide specifics. States had the ability to interpret broad language ESEA waivers, and they often did so in ways that met their goals and needs. This study refutes these arguments. The ED not only required states to include “student growth” within their educator evaluation systems, but also to do so in a “significant way.” Furthermore, as I described above, ED maintained that it had the power to define these terms in very specific ways, even if states believed that there were alternative definitions that would align with their state priorities.

President Obama was providing “political cover” for reforms that state leaders wanted to implement. This study affirms this argument while demonstrating that the idea of “political cover” might not work in the way originally described by scholars. In Washington, the state superintendent pointed to the president and his policy preferences when advocating for reform. In the second chapter of this study, I described how scholars believe that state-level leaders welcome federal mandates in education because it allows them to advance policies that they *privately* want. In contrast, Secretary Dorn *publicly* pointed to the federal government, stating, for example, “These are initiatives that President Obama wants...” (Appendix A, Document 78). In Tennessee, when advocating with the state legislature about the TDE’s desire to remain a participating state in PARCC, the agency *publicly* pointed to the commitments that it had made to ED that hinged on the administration of those assessments (Appendix A, Document 7).

While leaders in Tennessee and Washington may have attempted to use President Obama as “political cover,” their efforts were not as successful as they might have wished. The Washington State Legislature refused to update its laws around educator evaluation to include student growth in a way aligned with federal requirements; their refusal, despite pleas

from Secretary Dorn, was the primary reason for the ED's revocation of the state's ESEA waiver. The Tennessee General Assembly still passed legislation that required the TDE to administer state-specific exams to students rather than the PARCC assessments. While these realities do not change that there is evidence that the ESEA waivers did represent cooperative federalism, it is worth acknowledging that the cooperation was not always successful in achieving its intended goals.

ESEA waivers were characterized by high levels of negotiation between the federal government and state education agencies. This study largely affirms this argument. As I mentioned in Chapter 2, negotiation between two parties does not necessarily indicate that the two groups are cooperating. As I have described above, the ED awarded great latitude to the TDE in its plans for education reform; this trend began during RttT and continued into the era of ESEA waivers. The ED did not deny a single request for flexibility submitted by the TDE.

The analysis around Washington is more complicated. It is clear that the ED was willing to engage in negotiations as illustrated by the 13 requests that the WOSSPI submitted after ED revoked its ESEA waiver and it returned to NCLB's policies and provisions. Furthermore, the ED had granted a one-year extension on the required timeline for implementation of an educator evaluation system that included student growth as a significant factor, prior to its revocation of the waiver. As I described above, the ED did grant some of the requested flexibility to the WOSSPI, but failed to do so on some of the most important issues to Washington: parental notification on failing schools and SES for students in those schools.

The arguments presented above provide some support for the assertion that the ESEA waivers embraced cooperative federalism and acknowledged the power, and importance, of the states.

Coercive Federalism. Next, I revisit the arguments offered by scholars who assert that the Obama administration and its ESEA waivers represent a new wave of coercive federalism.

The ED offered ESEA waivers as the end of the 2013-14 school year approached; according to NCLB, all students should be proficient by 2014. This study affirms this argument. For Tennessee, a waiver represented the opportunity to be freed from NCLB sanctions for failing schools while continuing the work that the state had begun even before the Obama administration announced RttT. However, for Washington, the ESEA waivers represented a hoop that had to be jumped through in order to avoid having every school in the state labeled as failing. As evidence for this assertion, consider that, while the Washington State Legislature did require the use of student growth in educator evaluation, it showed no interest in doing so in the specific way demanded by the ED. As Secretary Dorn himself indicated, aligning with federal priorities was the best way to “...help regain the waiver from the No Child Left Behind law” (Appendix A, Document 83).

ESEA waivers disregarded the lack of capacity in state education agencies for launching and sustaining major reforms. This study neither refutes nor affirms this argument, unless the definition of “capacity” is stretched to include “authority.” If the definition is extended in this manner, this study affirms this line of thought. As I outlined earlier in this chapter, the ED questioned whether the WOSSPI had the authority to implement some of the reforms called for by the ESEA waivers. Notably, some of these

concerns emerged most saliently in the peer review process, prior to ED's approval of the waiver request from the WOSSPI. Despite the concerns raised by the peers, the ED gave approval to the WOSSPI before beginning to raise concerns about policies that were simply not within the control of the agency. In fact, Secretary Duncan wrote the following immediately prior to the sentence in which he revoked the waiver:

I recognize that requiring the use of statewide assessments to measure student learning growth requires a legislative change, and that Governor Inslee and your office worked diligently to obtain that change. I thank you for your leadership and courage in those efforts. (United States Department of Education, 2014c)

The ED was unwilling to confront major challenges to the philosophical foundations of the reforms called for in RttT and ESEA waivers. This study affirms this argument. Above, I outlined how the WOSSPI questioned the reforms that undergird the ED's requirements under ESEA, as well as the NCLB requirements to which the state returned after the revocation of its waiver. The ED was either unwilling to engage in these discussions by sidestepping them in responses to the WOSSPI or simply re-asserted those principles when denying requests for flexibility.

ESEA waivers represented unfunded mandates. This study neither refutes nor affirms this argument. In the discourse I examined, neither the WOSSPI nor the TDE made reference to fiscal challenges regarding their ability to carry out their ESEA waivers.

Above, I have examined the ways in which this study largely affirms the arguments made about how the ESEA waivers represent coercive federalism.

Summary. As the ED introduced the ESEA waivers and states began to submit applications, the research community was conflicted on the extent to which they signify that

the balance of power is coercive or cooperative. Through this in-depth study of Tennessee and Washington, I conclude that the ESEA waivers represent coercive federalism with the exception of cases in which the ED and a state education agency are aligned on policy priorities. In these cases, the need for the federal agency to point to a state as a success story trumps its inclinations to hold that state to account for its shortcomings and deviations from its plan. In the next chapter, I examine the significance of this study for future research of my findings for future policymaking.

CHAPTER 5: CONCLUSION

In this chapter, I discuss my findings and situate them within prior research related to federalism in education policy. I next consider implications of this study on policymaking and implementation related to education in the United States. I then explore the ways in which this study can inform future research on the distribution of power within the realm of education policy, particularly as the ED and the states continue to implement ESSA. I conclude with a summary of the study and its significance.

Discussion

Table 5.1 summarizes how my study of Tennessee and Washington affirms or refutes each of the main claims made by researchers studying the educational governance landscape in the United States, particularly with regard to ESSA. Below the table, I explore each of the assertions and the study’s support or rejection of the claim in more detail.

Table 5.1: Summary of Key Assertions on ESEA Waivers as Cooperative and Coercive Federalism and This Study’s Support and Rejection of the Claims

<u>Type of Federalism</u>	<u>Key Assertion</u>	<u>This Study’s Support and Rejection of Claim</u>
Cooperative	Education policymaking in general is so removed from the classroom and students that the government at the state, federal, and even district levels has very little control over what happens in schools.	This study rejects this claim.
Cooperative	The Obama administration was beholden to the states because their policy implementation determined if initiatives were successful, and, by extension, if President Obama was successful with his education agenda.	This study affirms this claim.
Cooperative	ESEA waivers set broad policy goals but did not provide specifics. States had the ability to interpret broad language ESEA waivers, and they often did so in ways that met their goals and needs.	This study rejects this claim.

Table 5.1 (continued).

Cooperative	President Obama was providing “political cover” for reforms that state leaders wanted to implement.	This study largely affirms this claim.
Cooperative	ESEA waivers were characterized by high levels of negotiation between the federal government and state education agencies.	This study largely affirms this claim.
Coercive	The ED offered ESEA waivers as the end of the 2013-14 school year approached; according to NCLB, all students should be proficient by 2014.	This study affirms this claim.
Coercive	ESEA waivers disregarded the lack of capacity in state education agencies for launching and sustaining major reforms.	This study neither refutes nor affirms this argument, unless the definition of “capacity” is stretched to include “authority.” If the definition is extended in this manner, this study affirms this claim.
Coercive	The ED was unwilling to confront major challenges to the philosophical foundations of the reforms called for in RttT and ESEA waivers.	This study affirms this claim.
Coercive	ESEA waivers represented unfunded mandates.	This study neither affirms nor rejects this claim.

Education policymaking in general is so removed from the classroom and students that the government at the state, federal, and even district levels has very little control over what happens in schools. Writing in 1993, Krane did not specifically mention education as a policy area that necessitates bottom-up implementation; however, some researchers argue that the educational policies in place across the country are implemented – or not – by teachers and administrators working with students (Grissom & Herrington, 2012). Other scholars have argued these individuals working in the field of education have less control than one might think, particularly in an era in which courts are holding states

accountable for providing the education promised in some state constitutions and federal and state legislators demand state intervention in low-performing schools (Elmore, 2002; Marsh & Wohlstetter, 2013). This study refutes the arguments of researchers who attest to the limits of federal control of schools. In Washington, the ED's insistence on the provision of SES dramatically influenced the day-to-day schooling experience of students in the state.

The Obama administration was beholden to the states because their policy implementation determined if initiatives were successful, and, by extension, if President Obama was successful with his education agenda. If states implemented President Obama's hallmark educational reforms poorly or not at all, and student outcomes stagnated, the Obama administration failed (Galey, 2015). The reality that success for President Obama was dependent on success of the states empowered them. This study affirms this argument. The ED frequently pointed to Tennessee as a proof point that the policy and program priorities outlined in the requirements for ESEA flexibility resulted in improved student achievement. Not only did the ED highlight improved scores on state assessments, but the agency also linked the state's reforms to substantial gains in NAEP scores. During RttT, the ED highlighted a number of Tennessee's specific initiatives as successful and set the state out as an exemplar to be followed by others.

ESEA waivers set broad policy goals but did not provide specifics. States had the ability to interpret broad language ESEA waivers, and they often did so in ways that met their goals and needs. Those scholars who argue that the ED was embracing cooperative federalism point to the fact that ESEA waivers set out broad policy areas that must be addressed, but provided flexibility for states to determine how to address those areas (Grissom & Herrington, 2012). As an example, the waivers required states to include

“student growth” as a “significant component” of teacher evaluation systems; however, the states implemented teacher evaluation systems that differ from one another in very substantial ways (McGuinn, 2012). This study refutes these arguments. ED maintained that it had the power to define the terms “student growth” and “significant component” in very specific ways, even if states believed that there were alternative definitions that would align with their state priorities.

President Obama was providing “political cover” for reforms that state leaders wanted to implement. While it is challenging to know the true feelings of governors and heads of state education agencies, it is possible that some of them saw the ESEA waivers as “political cover” for reforms that they wanted to pursue (McGuinn, 2012; Vergari, 2010). This study affirms this argument while demonstrating that the idea of “political cover” might not work in the way originally described by scholars. In the second chapter of this study, I described how scholars believe that state-level leaders welcome federal mandates in education because it allows them to advance policies that they *privately* want. In contrast, leaders in Washington and Tennessee *publicly* pointed to the federal government as supportive of their preferred policies.

ESEA waivers were characterized by high levels of negotiation between the federal government and state education agencies. In the case of President Obama’s education initiatives, most negotiations took the form of states asking, and receiving, flexibility for changes to their ESEA waivers. Indeed, the ED approved waivers that proposed a diverse range of policies and only rejected one waiver even as many states struggled to implement the policies and programs described in their approved waivers (Wong, 2015). This study largely affirms this argument. As I have described above, the ED

awarded great latitude to the TDE in its plans for education reform; this trend began during RttT and continued into the era of ESEA waivers. The ED did not deny a single request for flexibility submitted by the TDE. It is clear that the ED was also willing to engage in negotiations as illustrated by the 13 requests that the WOSSPI submitted after ED revoked its ESEA waiver and it returned to NCLB's policies and provisions. As I described above, the ED did grant some of the requested flexibility to the WOSSPI, but failed to do so on some of the most important issues to Washington: parental notification on failing schools and SES for students in those schools.

The ED offered ESEA waivers as the end of the 2013-14 school year approached; according to NCLB, all students should be proficient by 2014. According to estimates, approximately 80 percent of the nation's schools stood to lose federal funding for their failure to meet the requirement for 100 percent proficiency by 2014. Given the dismal budget forecasts, the loss of this money simply was not an option for most states; by extension, these states did not have a true choice on whether or not to apply for an ESEA waiver (Bowling & Pickerill, 2013). This study affirms this argument. For Tennessee, a waiver represented the opportunity to be freed from NCLB sanctions for failing schools while continuing the work that the state had begun even before the Obama administration announced RttT. However, for Washington, the ESEA waivers represented a hoop that had to be jumped through in order to avoid having every school in the state labeled as failing.

ESEA waivers disregarded the lack of capacity in state education agencies for launching and sustaining major reforms. The concern about state-level capacity to implement reform is pronounced when considering ESEA waivers. States submitting ESEA waivers had to agree to many of the same reforms articulated in RttT, including the use of

student growth in teacher evaluation and the adoption of career- and college-ready standards and assessments. However, unlike with RttT, the states received no funding to transition to these new standards or design and implement an enhanced teacher evaluation system (Marsh & Wohlstetter, 2013). This study neither refutes nor affirms this argument, unless the definition of “capacity” is stretched to include “authority.” If the definition is extended in this manner, this study affirms this line of thought. The ED gave approval to the WOSSIP waiver before beginning to raise concerns about policies that were simply not within the control of the agency, even though the peers reviewing the waivers on behalf of the ED had raised concerns about this exact point.

The ED was unwilling to confront major challenges to the philosophical foundations of the reforms called for in RttT and ESEA waivers. Under NCLB and ESEA waivers, the Obama administration negotiated with states to avoid any major public arguments. However, President Obama refused to re-consider the philosophies on education that are embedded in RttT and ESEA waivers. McGuinn noted that, in the Obama administration’s eyes, there would be “good” and “bad” states that failed to achieve the goals they set out in RttT and ESEA waivers (2012). “Good” states would be those that tried their best to implement programs and policies in support of their goals. “Bad” states would be those that re-considered the plans they offered in their RttT applications and ESEA waivers and eschewed reform because it was challenging work and they preferred the status quo; they may well have been raising questions about whether or not the reform elements offered in RttT and ESEA waivers were in fact what was needed to improve educational outcomes (2012). This study affirms this argument. The WOSSIP questioned the reforms that undergirded the ED’s requirements under ESEA, as well as the NCLB requirements to which

the state returned after the revocation of its waiver. The ED was either unwilling to engage in these discussions by sidestepping them in responses to the WOSSIP or simply re-asserted those principles when denying requests for flexibility.

ESEA waivers represented unfunded mandates. As I discussed above, specific researchers have made the case that states had no choice but to apply for ESEA waivers. States that received approval for their ESEA waivers continued to receive federal funding under the legislation, but there were no additional resources that could be used to implement the initiatives necessary for an ESEA waiver to be approved and maintained. This lack of additional funding, scholars offer, makes the ESEA waivers an excellent example of an unfunded mandate (Kolbe & Rice, 2012). This study neither refutes nor affirms this argument. In the discourse I examined, neither the WOSSIP nor the TDE made reference to fiscal challenges regarding their ability to carry out their ESEA waivers.

Given the evidence, I found that ESEA waivers represent coercive federalism, with a notable exception: cases in which the ED and a state education agency are tightly aligned on policy priorities and have a shared understanding of the policies needed to improve education. In these cases, the federal government's need to be able to point not only to a successful state implementation of these federally preferred policies, but also to one with demonstrated evidence of improved outcomes as a result, overrides any federal inclination to hold that state accountable for any weaknesses.

Implications for Practice

While the ESEA waivers are a policy of the past, states and the ED still have much to learn from them. This study has demonstrated the ways in which the ED used ESEA waivers to empower states to implement programs and policies that they believed would result in

improved academic outcomes for students, as well as to disempower states from taking steps they believe to be in the best interest of students. The states have emerged from the last eighteen years with experience in navigating waivers from federal education policy, and they will seek additional flexibility as they seek to implement ESSA in their own state-specific contexts. Indeed, if Florida and Kentucky are any indication, the ED can expect to see requests to modify the law in both major and minor ways, all in pursuit of greater state control in the sphere of education policy.

When evaluating states' requests for flexibility, the ED will need to consider the ways in which Congress has limited its authority to establish "deal-breakers." As I discussed in Chapter 3, the ED cannot request that a state either remove from or include in its waiver request:

- Specific academic standards (with a specific mention of the Common Core State Standards as an example of standards that the ED cannot request be included or removed from a state's waiver request);
- Use of an assessment system aligned with the specific academic standards mentioned in the previous bullet; or
- Any specific elements of the state's:
 - Academic standards
 - Assessment program
 - Accountability model
 - Teacher and school leader evaluation systems (Every Student Succeeds Act, 2015, pp. 416-417).

Because ESSA requires that the ED provide feedback when denying a state's request for a waiver, the agency will be left to walk a fine line of providing that information without noting which specific elements of a state's plan do not lead to improved academic improvement for students, particularly when the areas of content standards, assessment, accountability, and the strength of the education workforce are widely seen as the key levers for strengthening academic performance. It is possible that the ED will find it more challenging to justify rejecting state requests for flexibility given these congressional restrictions. No matter the eventual decisions on states' requests for flexibility, the ED is now operating in a much different context with regard to waivers than it was prior to the passage of ESSA.

States that seek federal flexibility from ESSA can learn from a number of this study's findings. States should consider that they may be able to capitalize on policy areas in which there is state and federal agreement. Embracing policies and systems aligned with the federal policy goals, especially if they produce improvement in educational outcomes, can provide states with bargaining power if they seek to make changes to areas in which there is not such tight federal-state alignment. No matter how attractive the flexibility may seem, state education agencies should fully consider their authority to put federally preferred policies into place, a lesson quite salient from this study's examination of the ED's revocation of Washington's ESEA waiver.

States will also need to consider the new restrictions placed on ED's ability to grant waivers, especially as those restrictions may make it easier to receive the flexibility desired. Under the Trump administration, desire for "small government" and a return of power to the states, combined with the restrictions described above, may push the ED to grant state

requests for waivers from ESSA. Like President Obama, President Trump has policy preferences related to education (Donald J. Trump for President, Inc., 2016). While President Trump's overall conservative philosophy on governing makes it more likely that states will experience additional freedom in the realm of education policymaking, leaders in states across the country will need to attend closely to how the power dynamics shift if a state or states move against some of the president's policy priorities.

Implications for Research

ESSA represents an opportunity to continue to engage in research around the distribution of power between the states and the federal government, especially given the general consensus in the research and policy communities that the legislation represents a devolution of control to the states (Egalite, Fusarelli, & Fusarelli, 2017; Saultz, Fusarelli, & McEachin, 2017). Egalite, Fusarelli, and Fusarelli (2017) adopt an interesting lens through which to continue a study of federalism in education: the lens of equity. In Chapter 2, I explored how the federal government first became involved in education policy through the passage of the original ESEA, which focused on increasing equity for disadvantaged students. Given some states' interest in the use of "super-subgroups" for accountability reporting under ESSA (Gordon, 2017), future research could focus on the extent to which the ED enforces the components of ESSA that are intended to shine a light on education inequities within states and require action to address them. Likewise, this research could consider the extent to which states appeal to a need to address issues of equity when requesting waivers from ESSA.

As I discussed above and in Chapter 3, Congress quite intentionally placed limits on the ED and its ability to require states to include or remove specific policy elements prior to a

federal approval of states' waivers (Saultz, Fusarelli, & McEachin, 2017). This constraint on executive federalism merits further study as scholars and policymakers experience its implications first-hand. It is easy to imagine a scenario in which the ED expresses a desire to grant a state's waiver request while pointing to its inability to do so given the restrictions included by Congress in ESSA. Such situations could lead to a split in the traditional state-national government federalism as a state and one part of the federal government align against a second part of the federal government.

Conclusion

In Chapter 2, I examined the existing research on federalism as a dynamic theory used to understand the workings of American governance and reviewed the history of federal involvement of education, concluding with President Obama's RttT grant program. I then used scholarly works to analyze the rise and fall of federal power in education policy through the RttT program. I introduced the ESEA waivers before using literature to build arguments that the waivers represent coercive, cooperative, and executive federalism.

In Chapter 3, I explained my selection of the comparative case study and discourse analysis as my key methodological approaches for this study. I detailed my use of maximum variation sampling to select the two states upon which I focused my work. I next set out my plan for collecting data, in this case, discourse, though document collection from the ED, the TDE, and the WOSSPI. I then provided details on my use of three cycles of coding, combined with one cycle of code-mapping, to identify key themes in the discourse I examined. I built a strong foundation for the trustworthiness of my study by taking steps to ensure its credibility, transferability, dependability, and confirmability.

In Chapter 4, I evaluated each of the main claims made by researchers studying federal control with regard to ESEA with the findings from this study on Washington and Tennessee.

This study finds that the landscape of education policy governance in the United States shifted to a more coercive federalism under ESEA than had been in place previously. The notable exception to this general trend is when the federal government's policy priorities are aligned with those of a state and its interest in being able to point to such a state as evidence of policy success trumps any desire to hold the state accountable for shortcomings in its policies or policy implementation. Scholars of federalism and education policy should continue to examine the balance of power between the states and the federal government as both implement ESSA and continue in their efforts to chart a course toward educational improvement for students.

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APPENDIX

Appendix A: Links to Written Documentation Collected

Document Number	Table in Chapter 3	Title of Document	Recipient Agency	Link to Documentation
1	2	Letter Regarding Peer Review Feedback	TDE	http://www2.ed.gov/policy/eseaflex/peer-review-feedback/tn.pdf
2	2	Secretary's Approval Letter	TDE	http://www2.ed.gov/policy/eseaflex/secretary-letters/tn.html
3	2	Implementation Letter	TDE	http://www2.ed.gov/policy/eseaflex/implementation-letters/tn-implementation-letter.pdf
4	2	Other Title I, Part A Waivers Approval Letter	TDE	http://www2.ed.gov/policy/eseaflex/title-i-waiver/tennessee-letter.doc
5	2	Amendment Determination Letter	TDE	http://www2.ed.gov/policy/eseaflex/secretary-letters/tn2.html
6	2	Amendment Determination Letter	TDE	http://www2.ed.gov/policy/eseaflex/secretary-letters/tn-determinationltr.html
7	2	Assessment Principle 1 Letter	TDE	http://www2.ed.gov/policy/eseaflex/secretary-letters/tn717p3ltr.html
8	2	Extension Approval Letter	TDE	http://www2.ed.gov/policy/eseaflex/secretary-letters/tn2extltr914.pdf

9	2	Renewal Approval Letter	TDE	http://www2.ed.gov/policy/eseaflex/secretary-letters/tnrenewalltr2015.pdf
10	2	Award Letter	TDE	http://www2.ed.gov/programs/racetothetop/phase1-awards/tennessee.pdf
11	2	Scope of Work Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/sow-letters/tennessee.pdf
12	2	Amendment 1 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee.pdf
13	2	Amendment 2 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-2.pdf
14	2	Amendment 3 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-3.pdf
15	2	Amendment 4 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-4.pdf
16	2	Amendment 5 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-5.pdf
17	2	Amendment 5 Update Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-5-asd.pdf
18	2	Amendment 6 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-6.pdf
19	2	Amendment 7 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-7.pdf

20	2	Amendment 8 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-8.pdf
21	2	Amendment 8 Update Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-9.pdf
22	2	Amendment 9 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-9a.pdf
23	2	Amendment 10 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-10.pdf
24	2	Amendment 11 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-11.pdf
25	2	Amendment 12 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-12.pdf
26	2	Amendment 13 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-13.pdf
27	2	Amendment 13 Update Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-13- update.pdf
28	2	Amendment 14 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-14.pdf
29	2	Amendment 15 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-15.pdf

30	2	Amendment 16 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-16.pdf
31	2	Amendment 17 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-17.pdf
32	2	Amendment 18 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-18.pdf
33	2	Amendment 19 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-19.pdf
34	2	Amendment 20 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-20.pdf
35	2	Amendment 21 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee-21.pdf
36	2	Amendment 22 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee22.pdf
37	2	Amendment 23 Decision Letter	TDE	http://www2.ed.gov/programs/racetothetop/amendments/tennessee23.pdf
38	2	Letter Regarding Peer Review Feedback	WOSSPI	http://www2.ed.gov/policy/eseaflex/peer-review-feedback/wa.pdf
39	2	Secretary's Approval Letter	WOSSPI	http://www2.ed.gov/policy/eseaflex/secretary-letters/wa.doc

40	2	Implementation Letter	WOSSPI	http://www2.ed.gov/policy/eseaflex/implementation-letters/wa-implementation-letter.pdf
41	2	Principle 3 Letter	WOSSPI	http://www2.ed.gov/policy/eseaflex/secretary-letters/wap3.html
42	2	Extension Letter	WOSSPI	http://www2.ed.gov/policy/eseaflex/secretary-letters/waextendedapproval.html
43	2	Field Testing Flexibility Determination Letter	WOSSPI	http://www2.ed.gov/policy/eseaflex/secretary-letters/wa4.html
44	3	Waiver Application Peer Panel Notes	TDE	http://www2.ed.gov/policy/eseaflex/panel-notes/tn.pdf
45	3	Score Sheet	TDE	http://www2.ed.gov/programs/racetothetop/phase1-applications/score-sheets/tennessee.pdf
46	3	Reviewers' Comments and Scores	TDE	http://www2.ed.gov/programs/racetothetop/phase1-applications/comments/tennessee.pdf
47	3	Waver Application Peer Panel Notes	WOSSPI	http://www2.ed.gov/policy/eseaflex/panel-notes/wa.doc
48	3	Score Sheet	WOSSPI	http://www2.ed.gov/programs/racetothetop/phase2-applications/score-sheets/washington.pdf
49	3	Reviewers' Comments and Scores	WOSSPI	http://www2.ed.gov/programs/racetothetop/phase2-applications/comments/washington.pdf
50	4	Monitoring Part A Report	TDE	http://www2.ed.gov/policy/eseaflex/monitoring/tnrpt2012.doc

51	4	Monitoring Part B Report	TDE	http://www2.ed.gov/admins/lead/account/monitoring/reports13/tnpartbrpt2014.pdf
52	4	Year 1 Report	TDE	http://www2.ed.gov/programs/racetothetop/performance/tennessee-year-1.pdf
53	4	Year 2 Report	TDE	http://www2.ed.gov/programs/racetothetop/performance/tennessee-year-2.pdf
54	4	Year 3 Report	TDE	http://www2.ed.gov/programs/racetothetop/performance/tennessee-year-3.pdf
55	4	Year 4 Report	TDE	http://www2.ed.gov/programs/racetothetop/phase1-report/tnrttyrpt42015.pdf
56	4	Monitoring Part A Report	WOSSPI	http://www2.ed.gov/policy/eseaflex/monitoring/warpt2013.doc
57	4	Monitoring Part B Report	WOSSPI	http://www2.ed.gov/admins/lead/account/monitoring/reports13/wapartbrpt2014.pdf
58	5	First to the Top	TDE	https://www.tn.gov/education/topic/first-to-the-top
59	5	ESEA Waiver	TDE	https://www.tn.gov/education/article/esea-waiver
60	5	Tennessee Receives Approval for Continued Freedom from Federal Education Law Provisions	TDE	https://www.tn.gov/education/news/16418
61	5	Granted. Request for	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/WA-AMAO3approvalletter9-28-15.pdf

		LEAs in Washington that Receive Subgrants under Title III of the Elementary and Secondary Education Act of 1965, Section 3122(a)(3)(A)(iii) for the 2015-16 School Year		
62	5	Request for LEAs in Washington that Receive Subgrants under Title III of the Elementary and Secondary Education Act of 1965, Section 3122(a)(3)(A)(iii) for the	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/WashingtonStateWaiverRequestTitleIIIAMAO3WaiverOctober1-2015.pdf

		2015-16 School Year		
63	5	Granted. Request a One-Year Waiver of the Title I, Part A Regulatory Provision that Prohibits a State from Approving Schools and Districts in Improvement as Providers of Supplementa l Educational Services	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/EDResponseLEAExtendedDayCarryover ImprovementSES.pdf
64	5	Request a One-Year Waiver of the Title I, Part A Regulatory Provision that Prohibits a State from Approving Schools and	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/WaiverRequestStateApprovesSchoolsIn ImprovementAsSESProvidersJuly2015.pdf

		Districts in Improvement as Providers of Supplemental Educational Services		
65	5	Granted. Request a One-Year Waiver of the Title I, Part A Regulatory Provision that Limits Carryover in Section 1127(a) of the Elementary and Secondary Education Act for the 2015-16 School Year	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/EDResponseLEAExtendedDayCarryoverImprovementSES.pdf
66	5	Request to Waive Provisions of Section 1116(e) of	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/WAStateWaiverRequestSupplementalEdSvs-TheHonorableDeborahSDelisle-6-8-2015.pdf

		the Elementary and Secondary Education Act Requirement for Supplemental Educational Services		
67	5	Washington State Response to Partially Granted Waiver	WOSSPI	http://www.k12.wa.us/ESEA/pubdocs/ResponseUseOfStudentGrowthSIGCohortIII10-14-2015.pdf
68	5	Partially Granted. Request to Waive Student Growth on State Assessments in Teacher and Principal Evaluations for Washington State's School	WOSSPI	http://www.k12.wa.us/ESEA/pubdocs/ApproveWaiveStudentGrowthTeachPrincEval.pdf

		Improvement Grants (SIG) – Cohort III		
69	5	Request to Waive Student Growth on State Assessments in Teacher and Principal Evaluations for Washington State's School Improvement Grants (SIG) – Cohort III	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/WaiveStudentGrowthTeacherPrincipal Eval.pdf
70	5	Granted. Request to Waive Accountability Determinations Based on Achievement Results for Assessments Administered During the	WOSSPI	http://www.k12.wa.us/ESEA/pubdocs/WaiveAssessmentResults2014-15SYDetermineAYP.pdf

		2014-15 School Year		
71	5	Request to Waive Accountability Determinations Based on Achievement Results for Assessments Administered During the 2014-15 School Year	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/WaStateRequesttoWaiveAccountabilityDeterminationsBasedonAchievementResultsforAssessmentsAdministered2014-15SY.pdf
72	5	Granted with Conditions. Request to Waiver 14-Day Notice Requirement for Public School Choice for 2014-15 School Year	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/WATitleIPartAwaiverletter7-18-2014.pdf
73	5	Request to Waiver 14-Day Notice Requirement for Public School	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/Delisle14DayWaiverRequestLtr2014.pdf

		Choice for 2014-15 School Year		
74	5	Granted. Request to Waive Provision on Approving an Identified School or LEA as an [sic] Supplementa l Education Service Provider	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/WATitleIPartASESRequirementWaiver6-11-2014-ApprovalLetter.pdf
75	5	Request to Waive Provision on Approving an Identified School or LEA as an [sic] Supplementa l Education Service Provider	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/WAStateWaiverRequesttoWaiveProvisionLEAs-SESProvider.pdf
76	5	Granted. Washington State's Waiver	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/GRANTEDWaiveProvisionsCarryoverLimitationApril2014.pdf

		Request to Waive the Provision that Limits Title I Carryover (Revised)		
77	5	Washington State's Waiver Request to Waive the Provision that Limits Title I Carryover (Revised)	WOSSPI	http://www.k12.wa.us/ESEA/Waivers/WAStateWaiverRequesttoWaiveProvisionsofCarryoverLimitationRev7-2-14.pdf
78	5	What Do We Need to Do to Be Competitive for Race to the Top?	WOSSPI	http://www.k12.wa.us/Communications/PressReleases2010/Statement-Racetothetop.aspx
79	5	Dorn to Apply for No Child Left Behind Waiver	WOSSPI	http://www.k12.wa.us/Communications/PressReleases2012/NCLBwaiver.aspx
80	5	Washington: First State to Lose	WOSSPI	http://www.k12.wa.us/Communications/PressReleases2014/FlexibilityWaiver.aspx

		Flexibility Waiver		
81	5	Dorn Requests Adequate Yearly Progress Relief	WOSSPI	http://www.k12.wa.us/Communications/PressReleases2014/AYPRelief.aspx
82	5	State Test Scores in a Waiverless World	WOSSPI	http://www.k12.wa.us/Communications/PressReleases2014/StateTestScores.aspx
83	5	Dorn Applauds Senate Passage of Evaluation Bill	WOSSPI	http://www.k12.wa.us/Communications/PressReleases2015/EvaluationBill.aspx
84	5	Statement from State Superintendent Randy Dorn on Every Student Succeeds Act	WOSSPI	http://www.k12.wa.us/Communications/PressReleases2015/Statement-EveryStudentSucceedsAct.aspx