ADMINISTRATIVE DISCRETION IN PUBLIC POLICY IMPLEMENTATION:
THE CASE OF NO CHILD LEFT BEHIND (NCLB)

by

Gilvert Angervil

A Dissertation Submitted to the Faculty of
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This dissertation was prepared under the direction of the candidate’s dissertation advisor, Dr. Khi Thai, School of Public Administration, and has been approved by the members of his supervisory committee. It was submitted to the faculty of the College for Design and Social Inquiry and was accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

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This dissertation analyzes administrative discretion in public policy implementation in application of a new framework of integrative approach to administrative discretion developed from deficiencies of the citizen participation, representative bureaucracy, and private-interest groups democracy frameworks. The new framework holds that public agencies use discretion to integrate in decision making views of elected authorities, private-interest groups, public-interest groups, and other groups that seek to influence implementation. The No Child Left Behind (NCLB) policy is used as the case study, and the U.S. Department of Education (DOE) is the implementation setting. The dissertation answers the following question: How integrative of group views was DOE’s discretionary decision making in the implementation of NCLB? This research applies a structured content analysis method that consists of content analysis and a content analysis schedule (see Jauch, Osborn, & Martin, 1980). Using a Likert question,
the dissertation developed six integration levels of DOE’s discretionary decision making from not at all integrative to extremely integrative and found that most decisions were very integrative.
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CHAPTER 1: INTRODUCTION

Traditionally, the public policy process has been divided into policymaking, policy implementation, and policy evaluation. However, scholars’ neglect of the implementation led Hargrove (1975) to refer to it as a missing link in the policy process. This neglect could be explained by a tendency of policy researchers to assume that when policymakers adopt policies, their implementation is automatic; that is, when a law is enacted, it will be implemented as intended (Smith, 1973; Younis & Davidson, 1990). Therefore, it is assumed that administrators play no role in policymaking, but simply carry out the policymakers’ will. The separation of policy from administration was advocated by Woodrow (1887) through his famous principle of politics-administration dichotomy. He argued that the administrative function is the execution of policy made by political authorities toward achieving efficiency, productivity, and effectiveness. The objective was to make public administration a science free from political values and pressures, and whose operations result from rational processes to produce results based on specific pre-defined criteria.

Throughout the first four decades of the twentieth century, the politics-administration dichotomy view dominated the literature. Weber (1978) proposed a rational bureaucracy hierarchically organized, governed by laws and detailed rules, run by experts or professionals, and defined by the division of tasks to achieve pre-defined goals. He considered this form of organization the most efficient to direct social action and implement policy. Additionally, Goodnow (1900) argued that policy is reserved for
politics and is the will of the state, while the execution of that will is the function of administration. He also argued that the existence of administration is due to its function of executing the state’s will in a quasi-judicial manner; that is, almost without impartiality and according to established laws, and in a semi-scientific manner with the use of statistics or observations. But he said in order for administration to execute the state’s will, there should be smooth relationships between the two separate bodies of government. Gulick (1937) further stated that the work of the chief executive is POSDCORB: planning, organizing, staffing, directing, coordinating, reporting, and budgeting (p. 13). His theory of science of administration is based on the organization of tasks, where individuals work in ways to achieve common goals, carry out higher authority plans, be aware of the relationships between goals and means, and predict outcomes in an efficient manner. Taylor’s (1947) writings about scientific management in the private sector also contributed to the development of the legal-rational perspective in public administration. This latter view thrived during the 1930s and 1940s, where public administrators were known for their professionalism (Whicker, Olshfski, & Strickland, 1993).

By the end of the 1940s, the classical approach to administration began to face fierce challenges. Even though he also pursued a scientific agenda, Simon (1947) considered those views as proverbs and coined the concept of bounded rationality to refer to public administrators’ incapacity to apprehend every aspect of public issues. Simon further argued that in implementing policy, administrators take into consideration their environment. Dahl’s (2006) analysis of democracy theory assumes that the politics-administration dichotomy view is flawed. Appleby (1949) asserted that the politics-
administration dichotomy does not exist, for administrators are involved in the process of policymaking when they implement policy. This argument is reinforced by researchers’ (Nakamura & Smallwood, 1980; Waldo, 1984) notorious view that interaction exists between politics and administration. Waldo (1984) even affirmed that there is some sort of symbiosis between the two fields, and stated that it is impossible to separate them. He said that politics should be contained by keeping it within certain limits. Also, V.O. Key observed a significant role of administration in policymaking (cited in Waldo, 1984). Waldo considered those then new views as a new path toward a new theory of administration based on the integration of politics and administration to protect public resources and energy. While complaining about the absence of a true theory of administration, Gaus (1950) contended that “a theory of administration means in our time a theory of politics also,” with administration being a collective activity rooted in its community (p. 168).

Additionally, the effort to support the notion of a science of public administration separate from politics was weakened in the early 1970s. The classical approach got its greatest hit with the first implementation research endeavor that began with Pressman and Wildavsky’s study (1984) of public programs created by the federal government in Oakland, California. Those programs were aimed at creating employment opportunities mostly for black people and at improving their existence. The research’s initiative was born out of the 1973 economic crisis (Rose & Peters, 1978) and the failure of governmental policies, such as the Vietnam War and the Great Society programs (Dye, 1978; Rose & Peters 1978). Pressman and Wildavsky’s report described implementation as dynamic, unpredictable, contextual, and out of control. The report alluded to the
complexity of joint actions of multiple agencies involved in the implementation process; it stated that the complexity was due to multiple interests, conflicts, delays, and oppositions at the federal, state, local, and agency levels. The report maintained that implementation is so difficult; it would be a surprise to see under the best circumstances that it would yield a minimum of positive results. This study left no place for the idea of a science of administration, where rational means would be used to predict policy outcomes.

Despite Pressman and Wildavsky’s (1984) shattering findings and scholars’ unfavorable views toward the classical approach, the latter found its way through contemporary policy research. Modern implementation students furthered the approach, by assuming that public managers are just policy executors (e.g., Van Meter & Van Horn, 1975; Pressman & Wildavsky, 1984; Lowi, 1985; Mazmanian & Sabatier, 1989). Mazmanian and Sabatier (1989) suggested that policymakers can control the behavior of lower-ranking implementers and that of target populations. Lowi (1985) alleged that it is policy that determines organizational behavior and action, and that the state realizes its intent through its institutions. Therefore, implementation is presented as occurring through vertical relationships between policymakers and subordinates as well as through compliance of policy targets (Hanf & Toonen, 1985). This implementation approach is reflected in scholars’ definitions of the field. For instance, Pressman and Wildavsky (1984) said, “implementation, to us, means just what Webster and Roget say it does: to carry out, accomplish, fulfill, produce, complete” (p. xxi). Mazmanian and Sabatier (1989) offered a broader and more detailed definition of implementation:
Implementation is the carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions. Ideally, that decision identifies the problem(s) to be addressed, stipulates the objective(s) to be pursued, and, in a variety of ways, “structures” the implementation process. The process normally runs through a number of stages beginning with passage of the basic statute, followed by the policy outputs (decisions) of the implementing agencies... (pp. 20-21)

Rather than seeing implementation as automatic, other scholars view it as a process of political communication. According to Barrett and Fudge (1981), implementation should not be viewed as the sequential actions of planned activities, but as a process of interaction and negotiation between policymakers and implementers that is mediated through organizational conditions and political environments. Elmore (1979) developed a different view of implementation called backward mapping, in contradiction with forward mapping inspired by the classical view. Backward mapping stresses bargaining relationships among political actors at various levels of the implementation process (Elmore, 1979). Allison (1971) argued that players (implementers) managing governmental organizations having diverse conceptions of goals bargain over implementation. Nakamura and Smallwood’s (1980) implementation theory explains the role-sharing between politics and administration made possible through communication. The theory emphasizes constant contacts between implementers and policymakers that argue over policy goals and means to achieve them; it states that the two sides achieve those goals through bargaining and negotiation. Jenkins (1978) viewed the study of implementation as that of politics at a lower level looking into “how organizations
outside and inside the political system conduct their affairs and interact with each other; what motivates them to act in the way that they do, and what might motivate them to act differently” (p. 203). Implementation is to Percy (1989) a “game” that each party seeks to win in their interactions with implementation agencies. The type of interaction between public agencies and interest groups can be either bargaining or symbiotic interests (Peters, 2001). Those views align with Schofield’s (2004) suggestion that a good definition of implementation should take into account several elements, such as conflict, bargaining, and negotiation. The two latter elements lead to decisions that do not conform to the original policy (Allison, 1971; Nakamura & Smallwood, 1980; Peters, 2001). These scholars’ accounts have somehow weakened the claim of the separation of policymaking from implementation, by assuming that administrators exercise discretion.

Administrative discretion is discussed in broader terms and more overtly by other scholars. Gulick, who was a member of the classical school, acknowledged that administrators’ work cannot be understood without discretion, stating, “it is impossible to analyze the work of any public employee from the time he steps into office in the morning until he leaves at night without discovering that his every act is a seamless web of discretion and action” (quoted in Waldo, 1984, pp. 117-118). Though Goodnow (1905) strove to develop a scientific theory of public administration, he was very concerned with increased discretion that public administrators had enjoyed to face complex industrial, financial, and social issues in ways that threatened individual freedom. Woodrow Wilson even believed that it is necessary to allow discretion by administrators but for expertise and scientific purposes to achieve efficiency while holding administrators accountable (cited in Bryner, 1987). White (1955) argued that, through discretion, administrators have
increasingly engaged in public policy initiatives taking place when they implement vague or broad legislation. Kaufman’s (1960) famous work on the Forest Service management of national forests describes forest rangers’ exceptional discretion, using initially their expertise and interacting later with affected parties for decision making. According to Fording, Soss, and Schram (2007), one characteristic of intergovernmental relations is the grant of broad power by the federal government to state and local governments as well as on-site employees in the provision of welfare services. Using this authority, states respond differently to local and organizational factors in implementing welfare programs (Keiser, 1999), where field locations prevent consistency in the implementation of federal policies, due to special circumstances and dissimilarities in values and preferences (Kaufman, 1960). Administrative discretion became so evident that Lowi (1985) called for more delegation of power to administrators through clear mechanisms in order to control their discretion and prevent them from becoming policymakers. The acknowledgment of administrators’ discretion by classical theorists and explanations by later scholars about its occurrence legitimize the rejection of the politics-administration dichotomy.

Discretion occurs in fields where public administrators had been believed to act strictly in accordance with the law. For instance, the carrying out of budget, once considered by political scientists as automatic, was found to be affected by administrative discretion (Hale & Scott, 1977; Dougherty, Klase, & Soo Geun, 2003). In fact, city, state, and federal public administrators transfer funds, cut budgets, or reallocate funds, due to insufficient funding of programs and shortfalls in revenues or unpredictable situations (Hale & Scott, 1977; Goodisman, 1983; Forrester, 1993). Also, those administrators
overspend because of more revenues than expected (Hale & Scott, 1977; Forrester, 1993). However, the use of discretion in budget execution by local and state administrators is very limited and does not affect in significant ways the original budget, where decisions are mostly technical (Hale & Scott, 1977; Forrester & Mullins, 1992). This implies that administrators may be unable to make political changes in budget law by assigning new values and preferences or modifying and eliminating original ones. This inability unlikely exists in the implementation of social policies. The extent to which discretion affects a policy likely depends on the nature of the given activity that the policy addresses, as well as on the level of statutory or legislative control over administrators.

While the discovery or identification of administrative discretion dismisses the assumption of their exclusion from the policymaking function, public administrators do not exercise discretion in all instances. For instance, engineering and technological tasks are less likely to be subject to administrative discretion, where hard science and expertise are expected to be applied to lead to verifiable outcomes. Knowledge and expertise are also applied in education, economics, finance, health care, and other fields; yet, discretion oftentimes occurs in these areas.

Different uses are made of discretion in policy implementation. Bureaucracy exercises discretion to execute the legislative intent (Meier, 1979; O’Connor & Sabato, 2000), face uncertainties (Shapiro, 1983) and unpredictable situations (Meier, 1979; Shapiro, 1983; Bryner, 1987), promote implementers’ preferences (Nakamura & Smallwood, 1980; Lipsky, 1980; Winter, 1990), address difficulties (Meier, 1979; Lipsky, 1980), as well as to plan and organize tasks (Meier, 1979; Shapiro, 1983). In
these uses of discretion, administrators generally make policies that overwhelmingly reflect their views or use discretion toward achieving policymakers’ goals. However, public administration research maintains that administrative discretion is used to integrate group views and values in decisions. This view will hereafter be called integrative approach to administrative discretion, which is a phrase coined for this dissertation.

Integrating group preferences in decision making can be a complex situation where the implementation environment is made up of multiple actors having different views, values, and interests. Additionally, the agency has to take into account the general interest. Given the complexity its task can face, the integrative approach to administrative discretion deserves a particular attention; therefore, it is the focus of this dissertation.

There are three main frameworks of integrative approach to administrative discretion. The first one is citizen participation. It allows public administrators to include in decision making the concerns, views, values, and interests of the public, which consists of citizens or their representatives and interest groups (Creighton, 2005). Public administrators, by developing various kinds of communication tools and other techniques, create conditions for citizens’ participation to be possible and effective (Kweit & Kweit, 1987). Hyneman (1978) noted that administrative discretion does three useful things for citizens to participate in decision making: (a) informs citizens through different types of communication techniques, (b) creates means to assemble citizens in same places, and (c) creates structures to collect their views in order to come out with decisions without exclusion. Research has argued that conflict takes place in citizen participation, where groups having different views and interest seek to control decision making (e.g., Creighton, 2005; Kweit & Kweit, 1987). Due to conflict, citizen
participation is sometimes inefficient (Kweit & Kweit, 1987; Desario & Langton, 1987), where the decision-making power remains in the hands of the agency. However, according to Moynihan (1970), in citizen participation, decision-making power is shared between citizens or interest groups and administrators.

The second framework is representative bureaucracy. It argues that administrators base their policies on views, values, and interests of those in their communities having the same social, economic, and racial characteristics as they have (Mosher, 1968). Several studies found that public administrators having the same characteristics as those of the society segments they are supposed to represent to make policies that improve living conditions of the represented (e.g., Dolan, 2000; Selden, 1997). Especially, administrators make policies responding to values and interests of vulnerable groups in society (Brudney, Hebert, & Wright, 2000) and minority groups (Meier & Stewart, 1992; Meier, 1993). Efforts to create a more representative bureaucracy in the United States leading to positive results in the 1960s were supported by civil right organizations, social organizations, and public officials (Kranz, 1976; O’Connor & Sabato, 2000). Those efforts led to special policies made in favor of minorities and the poor. However, as Esman (1999) found in other countries, conflicts occurred among groups that fought to maintain control over policies and those that sought to get their values integrated in decision making. There has been a continued battle by organizations, citizen groups, and political figures against opponents of representative bureaucracy to enhance the representation of minorities, poor citizens, and other disadvantaged social categories. Research focuses more on the integration of disadvantaged groups—probably because better-off groups are already integrated. Policies developed in favor of the former usually
conflict with preferences of the latter—a situation that explains the opposition to representative bureaucracy.

The third framework of integrative approach to administrative discretion is called private-interest groups democracy. It considers administrative discretion as a tool to integrate views and values of special-interest groups or regulated agencies. Shapiro (1983) developed a discretion theory holding that agencies can engage in negotiation with interest groups to develop ways to implement policies or approve agreements found among groups through negotiation, mediation, and arbitration. Lowi (1969) and Stigler (1971) radicalized this approach, assuming that administrative discretion is essentially governed by views and values of interest groups that capture or control public agencies. The only role that Stigler recognizes to political actors is that of selling to interest groups what the latter need. Both scholars considered, for instance, public agencies and elected officials as puppets in administrative rulemaking.

**Problem Statement**

The three frameworks of integrative approach to administrative discretion neglect some groups whose views and values would likely be included in decision making. For instance, none of them considers or focuses on public-interest groups consisting of issue groups, think tanks, and others that are important actors in the policy process at all government levels. Neither do they consider elected officials or institutions that are granted power to preside over society’s welfare through public agencies and that generally influence administrative decision making. The view about integration through citizen participation assumes that only inputs of citizens, their representatives, and interest groups are considered in decision making, but the latter groups are not defined.
The view about integration through representative bureaucracy focuses on social groups that benefit from public policies. Scholars of private-interest groups democracy believe that administrative discretion essentially reflects views and preferences of special-interest groups and neglect agency customers, social organizations, and other interest groups that may not have to comply with a regulation or rule. Those neglected groups can have legitimate reasons to be concerned with the activities of private-interest groups, and their views are generally taken into account in policy implementation.

Also, the conflicting nature of decision making is overlooked in representative bureaucracy and poorly discussed in private-interest groups democracy. This perhaps results from the neglect of conflicts between agencies and groups and/or among groups in the policy implementation environment. Political, economic and other social interests, as well as ideologies, are factors that generally explain conflicts among groups in policy implementation and the likely combination of contradicting or mixed views in decision making.

Moreover, agencies’ relative autonomy or views are minimized in private-interest groups democracy and neglected in representative bureaucracy. Since bureaucracy is supposed to be neutral and represent the general “public” in a democratic society, it will likely use its discretionary power to include in decision making the views of different groups in ways that may add to their views or not fully correspond to their expectations. Views of public agencies, in this case, can somehow affect the integration of group views in decision making.
Purpose Statement

This dissertation fills the gaps in the literature by developing a more comprehensive framework of integrative approach to administrative discretion. It is based on the competition among various parties in the implementation environment in order to influence decision making. The new framework essentially includes interest groups and elected officials whose inputs are likely to be taken into account in decision making, and it remains open to other groups that may be omitted. It assumes that public agencies make decisions that have a conflicting nature. It also assumes that decisions are made according to group views as well as those of public agencies—a strategy that suggests some sort of autonomy. The framework holds that public agencies use discretion to integrate in decision making views of elected authorities, private-interest groups, public-interest groups, and other groups that seek to influence implementation. The new framework is used to analyze administrative discretion in the implementation of public policy, and the No Child Left behind (NCLB) policy is used as the case study, with the U.S. Department of Education (DOE) as the implementation setting. NCLB was adopted in 2001 during the Bush administration to address chronic performance problems in public education, following the failure of other education policies developed by the federal government and the judicial power to achieve the same objective (see Meyer & Fienberg, 1992; Samuels, 2014; Cochran, Mayer, Carr, & Cayer, 2006; Umpstead, 2008). NCLB was replaced in 2015 with the Every Student Succeeds Act (ESSA). The dissertation answers the following question: How integrative of group views was DOE’s discretionary decision making in the implementation of NCLB?
Why Focusing on NCLB’s Implementation?

NCLB’s implementation offers characteristics that relate to the new framework developed and used in this dissertation. Due to radical changes NCLB made in education policy, its implementation was highly controversial and experienced high political involvement of various actors in the process. Since the early implementation, elected officials and other political actors, conservatives, liberals, advocacy groups, think tanks, teacher unions, and other interest groups that disliked one or several aspects of the law pushed the DOE to deviate from the law’s intent, while other groups supported the law (DeBray-Pelot, 2007). In other terms, groups opposing NCLB or parts of it exercised significant pressures on DOE to modify the law’s planned implementation, based on their views and values (see DeBray, 2004; Shelly, 2008; Pinder, 2010); whereas proponents wanted the opposite. NCLB’s controversial implementation augured discretionary decisions that should have taken into account views and preferences of parties that sought to influence DOE’s decision making. Therefore, NCLB’s implementation is suitable to the application of the new framework of integrative approach to administrative discretion.

Study Delimitations

The dissertation is delimited as follows. First, it covers the law’s implementation from 2002 to 2012, with the former year representing the beginning of the implementation and the latter one indicating the last year of DOE’s major decisions before the law was amended in 2015. Second, it studies NCLB’s implementation at the federal level; therefore, federal policies, stands toward the law, and relations between DOE and states, districts, interest groups, as well as other actors are the focus of this dissertation. The choice of the federal implementation of the law is explained by the fact
that groups’ efforts to influence the implementation were not directed toward states and school districts but DOE, which is the regulating agency. As a result, this choice offers more room to examine the framework. Third, the dissertation focuses on NCLB’s implementation regarding public schools, but not on charter schools and private schools that were also affected by the law. Fourth, NCLB consists of 10 titles, but this dissertation focuses on Title I: Improving the Academic Achievement of the Disadvantaged. Since Title I relates to the other titles, which mostly cover programs aimed at helping achieve its goals and objectives, it is sometimes necessary and useful to make references to them.

Significance

This dissertation contributes to public administration research in the following ways. It adds to the literature by developing a new framework of integrative approach to administrative discretion that extends the integration of views by agency essentially to political and public-interest groups, beyond private or especial-interest groups and other social groups. The framework can be used to somehow investigate implementation from the views of citizen participation, representative bureaucracy, and private-interest groups democracy. Moreover, the dissertation highlights agency autonomy and supports several public administration theories or frameworks about decision-making process.

Structure of the Dissertation

The dissertation consists of five chapters. Chapter 1 provides an overall view of the research. Chapter 2 reviews the literature of the integrative approach to administrative discretion and develops the new approach used in this research. It also reviews the literature of NCLB’s implementation focusing on its political aspect. It further provides
information to contextualize the two reviews. Chapter 3 describes the research’s methodology. Chapter 4 reports the data analysis and findings. Chapter 5 discusses the dissertation’s findings and concludes the research by providing a brief overview of the dissertation, discussing implications, recommendations, and limitations; and encouraging future research.
CHAPTER 2: LITERATURE REVIEW

This chapter discusses mainly two literatures: The literature of the integrative approach to administrative discretion and that of NCLB’s implementation. Each review is preceded by some background information. The chapter is divided into two subsections, which are theories of administrative discretion and NCLB’s policymaking process context, overview, and implementation.

Theories of Administrative Discretion

This subsection does two things. First, it provides a general overview of administrative discretion. The overview is important, in that it provides information to apprehend general aspects of administrative discretion and establishes the context for the integrative approach to administrative discretion, which is the focus of this dissertation. Second, it reviews the literature of three frameworks of integrative approach to administrative discretion and develops a new framework based on limits of the former.

Overview of administrative discretion. This overview discusses the definitions, sources, and general types of discretion, and uses made of those types of discretion.

Definitions and sources of discretion. Scholars define discretion in two main ways. It is the exercise of significant policymaking authority granted to agencies (Bryner, 1987) and/or a choice from various alternatives to implement legislative intent (Friedrich, 1963; Davis, 1969; Lipsky, 1980; Prattas, 1979; Handler, 1986; O’Connor & Sabato, 2000). Scott (1997) presented the two definitions in two perspectives: a macro-perspective view relative to the large autonomy a public agency has to make decisions.
and a micro-perspective view linked to when it is the street-level bureaucrats that make a choice based on circumstances of the environment. But it is difficult to draw a line between these two perspectives, due to their similarity and to the fact that they are not mutually exclusive. Bryner (1987) admitted that their separation is not clear, though he considered the second form of discretion as mirroring the first one.

Administrative discretion has multiple sources. Agencies are granted statutory power to use unlimited authority to define policies in order to meet statutory goals (Shapiro, 1983). Public administrators also have latitude to use discretion even when it is not authorized (Hawkins, 1992)—a view that was also alleged by John Locke (cited in Bryner, 1987). Handler (1986) said that since discretion is not to be commanded by rules; participation and agreement are needed, for alternatives are chosen under uncertainty and do not guarantee success. Referring to the legality of discretion, Shapiro (1983) underlined that administrators will always find a piece of law to justify their discretion even when there is no legal basis for it. This research argues that discretion may lead to major decision making when it is granted by substantive policy, due to the control of higher authorities on administration that can prevents administrators from exercising broad discretion when it is not legally allowed.

**Types or uses of discretion.** Research discuses several types of administrative discretion and uses made of them. However, although they are different, they are not all mutually exclusive. Presented and described here are different kinds of discretion that are generally found in the literature.

**Rule discretion.** Agencies exercise statutory discretion in developing rules through rulemaking, regulation, and adjudication (O’Connor & Sabato, 2000).
Rulemaking is a quasi-legislative process similar to that of legislation that applies to all actors regulated by a given agency and is a requirement of the Federal Administrative Procedural Act (APA) (Meier, 1979; O’Connor & Sabato, 2000), while “regulation is rule that governs the operation of a particular program and has the force of law” (O’Connor & Sabato, 2000, p. 215). In both cases, agencies have to submit the proposed rule to interested parties and the public for comments. Agencies have the freedom to choose the part of the law about which they want to receive external inputs and make the last decision as to what the rule should be. As for adjudication, it is a quasi-judicial process that replaces the formal application of the law, and it allows administrators to use due process to expose the law’s violations by an agency and make decisions as a result (Meier, 1979). Although administrators use their discretion in these three areas of administrative activities, policymakers have some control over their power. This can be explained by the fact that there is some sort of expectations of what the rule should be, even though implementation is not always what is legally expected.

*Discretion to initiate action.* The fact that administrators make decisions or do not make decisions is an act of discretionary power (Shapiro, 1983). Shapiro addressed this form of discretion in relation to adjudication and rulemaking. He alleged that due to limited resources, agencies may not choose the prosecutorial means to enforce policy, unless it is required by law. He said that where the agency chooses the rulemaking means, its power can be decreased compared to that exercised under administrative adjudication, even though the latter can be constrained by specific requirements. According to Shapiro, the reduction in discretionary power is explained by the fact that the resulting decision making will affect all agencies’ clients, and that the process occurs
in a transparent way. To Shapiro, discretion can be also constrained by precedent administrative actions in developing rulemaking.

*High-volume, low-level decisions.* Shapiro (1983) referred to this discretion as a wealth of decisions made by agencies in the provision of services that have insignificant effects on recipients. He said that individuals who are being served by those agencies do not have legal rights for services they are seeking, and for this type of discretion, there are no established minimum standards that allow control over decision making. He also said that since administrative agents are free of control, a lot of bad decisions lead to the suffering of beneficiaries. Shapiro’s illustration is the issuance of parking tickets, but the author recognized that the high-volume, low-level decisions are used in social programs for needy individuals. Therefore, negative impacts on clients can lead to public issues that may necessitate the development of some control mechanisms.

*Waiver discretion.* Waiver authority allows agencies to waive certain policy requirements to provide flexibility and allow adaptation of policy to unexpected situations (Bryner, 1987). Waivers are granted to agencies as an exception to the rule to address or avoid negative policy effects for groups that may be unequally or more severely treated compared to others (Shapiro, 1983). The more negative effects a policy is expected to have, the more the number of waivers can increase, but there are “pseudo-waivers” that may be made without needs (Shapiro, 1983, p. 1504). Shapiro contended that waivers can be made not to address the needs of those who are suffering from a policy but based on common characteristics of regulated agencies. He added that, sometimes, a waiver can also take the form of rulemaking without the agency following
the requirements for the latter, where it develops mandatory policies for all its clients and then creates some sort of flexibility as secondary requirements.

*Task discretion.* Tasks are associated with much discretion exercised by agencies. Bureaucracy exercises its power in executing broad tasks in coordinating the activities of significant number of employees across the nation (Meier, 1979, p. 53). Task discretion also relates to the setting of priorities (Taylor & Kelly, 2006) or to “thematic statutes or lottery statutes,” where an agency has to rank goals in terms of importance (Shapiro, 1983, pp. 505-506). Shapiro believes this decision is made when broad goals are established without indication for each one’s weight. Also, task discretion has to do with “subtle and complex assessments of human characteristics” in the delivery of social services, where agencies need power to deal with unforeseeable situations in regard to family relationships and unity, child’s welfare, and the sense of community (Shapiro, 1983, p. 1503). Other task discretions are the reduction of a work’s volume and decisions made by agencies to meet broad or long-term performance goals for which legislators do not provide any detail (Shapiro, 1983).

*Decisions under conditions of high uncertainty.* Bureaucrats make decisions under “high and equal level of uncertainty” about potential outcomes for different policy alternatives (Shapiro, 1983, p. 507). Sometimes, bureaucrats may be confident about their policy choices; however, in some instances, they find themselves in situations where they have to make choices based on their judgments that the one they pick may work, or try decisions used in previous similar situations.

*Unexpected circumstances discretion.* Administrators exercise discretion to face new circumstances. During the course of implementation, agencies may encounter
complex situations that lead them to make decisions not prescribed by law (Shapiro, 1983). Implementers affect policy in the face of changing circumstances, by seeking adaptations to new implementation realities (Majone & Wildavsky, 1984). Particular situations that can lead implementers to make decisions affecting a policy may be the emergence of supplementary information from the implementation process (Meier, 1979) and getting new information based on feedback and/or implementation evaluation (e.g., Hyder, 1983; Majone & Wildavsky, 1984).

Administrative discretion to promote implementers’ preferences. Discretion takes place at every organizational level, from the highest to the lowest levels (Hawkins, 1992). Organizations have their particular interests to protect in policy implementation and use discretion to implement policies according to their views and goals, as opposed to those found in a given policy (Winter, 1990). Agencies use discretion as a result of their perceptions and attempts to get support for their implementation tasks (Nakamura & Smallwood, 1980), seek to control the implementation (Elmore, 1985), or reallocate values from civil liberties to property rights (Davis, 1969). Allisson’s (1971) theory of bureaucratic decision making assumes that agency discretion takes place through negotiation and compromise. Considering implementation as a game, he argued that higher organizational players, who have diverse conceptions of goals and who are divided over what action to take, bargain over the process in a non-consistent manner, or coalesce and compromise to win in the game. The task of developing such general organizational policies relates to the use of discretion exercised by higher agency decision makers.
At the lower organizational level, there is the street-bureaucrats’ discretion. The theory of street-level bureaucrats mainly argues that bureaucrats develop their own rules and procedures to deal with problems encountered during policy implementation (Lipsky, 1980). Street-level bureaucrats make policies when confronted by the real environment of those receiving public services (Lipsky, 1980; Prottas, 1979; Scott, 1997) in ways not intended by the law that they are supposed to implement (Lipsky, 1980). In social welfare agencies, the local environment is described as client characteristics and behaviors, time pressures, and the number of clients to serve (Prottas, 1979). Client characteristics are social status and background; behavior relates to respectful, polite interactions or disrespectful, impolite interactions between the public administrator and the public service seeker (Hawkins, 1992). Second, street-level bureaucrats also use discretion when organizational resources are limited or when original policies are unclear and ambiguous by developing their own rules and procedures (Lipsky, 1980). They exercise a high degree of power over social service beneficiaries, forcing them to conform to the rules in order to receive benefits (Lipsky, 1980). According to Lipsky (1980), this approach sometimes leads to clients’ opposition and a state of confrontation, but clients have little impact on street-level bureaucrats’ behavior.

*Integrative approach to administrative discretion.* This last type of discretion is the one in which this research is interested. Discretion is assumed to be used as a way to make bureaucracy responsive to groups by integrating their views and values in decision making. Responsiveness means either the right for the public to define public agencies’ goals or to control or have its representatives take part in the tasks aimed at achieving those goals (Rourke, 1969) or is exercised through citizen actions or their representatives,
citizen associations, and interest groups (Mainzer, 1973; Kranz, 1976; Lowi, 1969; Meier, 1979). Responsiveness entails a link between administrative decisions and the wants of those in the public office representing the people (Rourke, 1969) and “implies organizational acquiescence to popular demands” (Daley, 1984, p. 476). According to Daley (1984), “While it may include administrative initiatives in identifying and proposing solutions to problems, the general public remains the ultimate legitimate source of authority” (pp. 476-477). This form of discretionary policy implementation is an element of pluralism envisioning that responsible policies result from interactions between interest groups and citizens on one side and the public service on the other (Lowi, 1969). In a prescriptive way, “Bureaus should act as an open system, that is they should be sensitive to the environment and the demands that the environment places on the organization” and be open to criticisms and flexible in executing policy administration (Meier, 1979, p. 111). As opposed to the other uses of discretion where implementers are generally in control of the implementation, the integrative approach of administrative discretion reduces the domination of bureaucracy in favor of the broader environment.

There are other instances of discretion uses where bureaucracy includes actors’ views in decision making, but the objectives or procedures are different from those of the integrative approach. For instance, the latter goes beyond the use of broad discretion aimed at developing policies to meet policymakers’ goals as intended and assumed in rulemaking and regulation. With the integrative approach, the latter are assumed to be used to allow citizen groups, interest groups, and other groups to influence decision making according to their views and interests. This reason also makes it different from
street-level bureaucrats’ discretion, where in welfare services, street administrators may include views of their individual clients in decision-making or consider their individual needs, while they fully or almost fully retain the control of decision-making. Indeed, a Maynard-Moody and Musheno’s (2000) survey aimed at apprehending street-level bureaucrats’ views about their decision-making behaviors reported that the respondents alleged their decision making is based on particular situations, individuals, and relations with their clients and coworkers. Next, the literature review of the integrative approach of administrative discretion will be presented.

**Literature review: Integrative approach to administrative discretion.** Citizen participation, representative bureaucracy, and private-interest groups democracy are three main frameworks of integrative approach to administrative discretion discussed here. The review essentially discusses how effectively they include relevant interest groups or actors in their formulations and the extent of the inclusion of the latter’s views and values in decision making.

**Integrative approach to administrative discretion through citizen participation.** Citizen participation promotes political communication justified by the failure of the rationalistic and instrumental approach of public administration that encourages no exchanges among policy stakeholders (Meade, 1971). It was argued that social programs in the 1930s, including aid to families and housing programs, failed because they were based on the instrumental approach (Jun, 2007). Also, the American people were disappointed by the failure of the Vietnam War and that of the Great Society programs (Dye, 1978; Rose & Peters 1978) and by the 1973 economic crisis that led governments to lose authority to the public (Rose & Peters, 1978). Because technical expertise and
knowledge used by public administrators to address citizens’ needs had not been effective, many citizen reform groups throughout the nation expressed their dissatisfaction with the outcomes of the expert or technocratic administrative process and called for more public accountability through direct inclusion of citizen members in local and state agencies (Desario & Langton, 1987). Governments have responded at all levels to criticisms of the rationalistic and instrumental approach, by trying to establish a new generation of public decision making that incorporates both citizens and experts (Desario & Langton, 1987). The majority of agencies created the obligation of citizen participation before the Administrative Procedure Act (APA) of 1946 established this requirement (Ethridge, 1987). Adopting a prescriptive tone, Meade (1971) termed that administrative policies must integrate all the social system to end the exclusion of citizens, citizens groups, and special interests.

In fact, citizen participation assumes that public administrators use discretion to integrate citizens’ views in decision making (Desario & Langton, 1987). Bureaucratic discretion is important for public administration to promote citizen participation and integrate their views in decision making (Scott, 1997). Citizen participation refers to citizens or their representatives and interest groups participating in administrative decision making (Reagan & Fedor-Thurman, 1987). Governments allow or promote freedom of associations (Appleby, 1952), in order for them to participate in public decisions. To Creighton (2005), public agencies use citizen participation to include the public’s concerns, views, and values in policies in order to get support. He also said that it leads to decision making based on a market model resulting from the link it establishes between citizens and decision makers. He, however, stated that the main decision-making
authority remains in the hands of agencies because they have a legal obligation for policy implementation, as well as legal and contractual constraints. This phenomenon led Creighton to argue that conflict over decision making does not, oftentimes, come from contradictions among the public, but is based on what the agency has to do as the one that will pay for the cost of its decisions. These accounts implicitly or explicitly assume that bureaucrats retain a certain autonomy that allows them to also have their views included in decision making.

Agencies’ discretion is exercised through two steps: it is used to (a) facilitate citizens’ participation in discussions and (b) include their views in policy. Agencies decide whether public participation is needed; and if so, who should be involved in decision analysis and what level of participation is required (Creighton, 2005). Agencies also determine who the decision makers will be; indicate the kinds of decision to be made or the problem to be addressed; specify the stages in the decision-making process and the schedule for those stages; and identify institutional constraints and special circumstances that could influence public participation (Creighton, 2005). They are responsible for determining programs for which they need citizens’ involvement; forming governing teams, planning, identifying the stakeholders; and defining the issues, concerns, as well as the goals and objectives they pursue (Creighton, 2005). They also provide venues to citizens to participate in the decision-making process, by developing a variety of participation techniques, including different communication tools, structures, and problems-solving methods that are all tailored to different audiences (Creighton, 2005). Agencies choose the techniques for engaging citizen participation activities based on the matter at hand (Creighton, 2005). The most popular methods to get citizens’ views are
neighborhood governments, advisory boards, and advisory or citizen committees (Kranz, 1976). Neighborhood governments are city hall governments created by some mayors in some cities (Kranz, 1976), and they represent a form of deliberative decision making. Citizen boards can control community action programs created to allow the control of a policy area by citizens rather than by city public officials (Mainzer, 1973). One notes that agencies have broad discretion in the preparation of citizen participation.

Kweit and Kweit (1987) referred to two other citizen participation methods that agencies use: Delbecq’s Nominal Group Technique and Delphi Technique. The first technique gathers citizens and creates citizen groups, but each one works separately in the beginning to prevent the others’ influence. They are then asked to outline what they have seen as problems, which can be ranked according to priority. This process can take place in one or several settings over a certain period. The second technique was created by Strauss and Zeigler in 1982 and is important for long-term achievements. It is used to obtain quality and useful information. Its first step is the use of questionnaires to get experts’ views or those of group representatives; in the second step, the administrator resubmits the responses to the respondents and asks them to confirm or change their answers, or he/she plans another round. The administrator seeks a middle ground position or has to be convinced by justifications and arguments. Kweit and Kweit said that these models can help bureaucrats better understand problems and eliminate ambiguity for decision making; but, according to them, the question of whether citizens’ inputs will be included in the decision making remains unanswered. They also said that conflict may happen between conflicting groups, but offered no formal ways to address such situations. Neither, did they raise possibilities of conflict between public agencies and
interest groups—a situation that can affect citizen participation. To Kweit and Kweit, the decision of agencies to get citizen input invokes a cost-benefit analysis, and the cost (in terms of time and effort) should be minimized for both the citizen and the bureaucrat.

Generally, a popular view about citizen participation is that it is used in local and regional decision making. However, it is also viewed as a decision-making process taking place at higher levels of government. Both West (1985) and Bibby (1995) considered rulemaking as one form of citizen participation in decision making at the federal level. West said that through rulemaking citizens participate in decision making, and agencies respond to the public’s demands based on the citizens’ values and interests. Moreover, Bibby said that the 1946 APA was designed to ensure that rulemaking occurs openly and systematically, so that all interested parties can be heard. Agencies publish proposed regulations in the Federal Register, where the public is provided an opportunity to comment on them (public hearings may be included) before administrators make final decisions, which will be published as official versions of government regulations. Bibby added that the exercise by agencies of administrative discretion and its rulemaking powers make bureaucracy an integral part of the political or policymaking process, where the opportunity is offered to losers of a policymaking battle at the Congress level often seek to affect the policy in the implementation phase. The two scholars consider citizen participation more in terms of citizens through interest groups that are disconnected from public administrators. Although rulemaking upholds different premises of citizen participation, it lacks the most important point, which is the sense of community among participating citizens and in their relationships with public administrators.
Scholars have raised concerns regarding the working of citizen participation. Ethridge (1987) said that studies found mixed results about citizen participation’s effectiveness. He argued that decisions resulting from citizen participation do not follow the democratic bureaucracy processes. West (1985) alleged that the use of discretion by responsive bureaucracy through citizen participation does not reflect true representation; however, he said that citizen participation continues to be the best bureaucratic approach as compared to the scientific approach to decision making, since legislators will always have to grant flexibility to administrators. According to Reagan and Fedor-Thurman (1987), studies show that public participation does not equate general representation. The authors argued that participation in hearings, written testimony, or recommendations do not represent constituencies—because agencies may lack resources in terms of time and money to assemble enough citizens and develop strategies to gather information from large bodies of the electorate. Kweit and Kweit (1987) said that public meetings and surveys are two primary means used to determine citizens’ needs and preferences, but do not work due to low attendance, non-meaningful discussions, transformation of spaces into forums for dissidents, and groups’ advocacy stands. Desario and Langton (1987) alleged that conflicting positions among interest groups lead to no consensus, and they stated that, based on their experiences, “public hearing and advisory committees,” which are considered as the most popular form of citizen participation, represent real failures. Desario and Langton doubted that citizens can really participate in decision making related to technology or have any weight in decision making. Under such conditions, there is a high probability that decisions will be made by small groups and approved by public agencies or made by agencies themselves.
Citizen participation-based administrative discretion was even assumed to reflect elite views and interests. Kranz (1976) said that although advisory committees, advisory boards, neighborhood governments allow individuals or interest groups to participate in decision making, the participation of society’s weakest members is reduced in favor of the strongest ones. Kweit and Kweit (1987) said that “advisory boards or committees can help citizen representatives become familiar with bureaucratic routines, get expertise, and improve their communication with bureaucrats, but there are risks that they are dominated by individuals with high “socio-economic status” (1987, p. 31). Ethridge (1987) argued that citizen participation processes benefit those who already have power, and stated that one area in which that is mostly true is environmental policies. According to Moynihan (1970), citizens do have power, but citizen participation fails because it is the business of better-off individuals.

This category of people may consist of economically-strong actors and experts or technicians. Referring to the latter, one can say that citizen participation may not require high knowledge for people taking part in some public decisions. Local problems regarding security, police functioning, water billing, trash removal, taxes, fees, traffic, and others are areas that affect citizens’ daily lives. For such problems, citizen participation can be somehow effective, even though certain of their aspects require technical knowledge from administrators. For instance, a vivid form of discretionary power enhancing participation is community-oriented policing considered as a democratic form of policing in modern states (Skolnick, 1994). Based on the researcher’s experience of attending public hearings, true participation is an empty discourse because the number of citizens attending public meetings is lamentably insignificant. The
preparation of city budgets is one local government activity to which citizens are regularly invited. Sometimes, there can be three or four people in a meeting room coming to voice their concerns and propose a course of action. Participating organizations, if there are any, may be mostly those that receive funding from the city government, and they intervene only to congratulate officials for their actions and ask for more help. Even though that experience has been with a few cities, other accounts from students and professors report similar situations in most cases.

Despite concerns for true participation of low-social-status citizens in decision making, there are reasons to believe that administrative discretion may include views and values of citizens, their representatives, or interest groups. Public agencies seek legitimacy (Moynihan, 1970) or support (Creighton, 2005) for their actions through citizen participation; therefore, citizens’ views will be somehow included. This may be necessarily true whenever there is important participation of citizens or interest groups. Administrators are aware that if views and values of well-organized citizen groups are not considered, they will face opposition. Moynihan (1970) observed that with the development of citizen participation, legislators lost the control of bureaucracy, where bureaucrats and citizens hold the real power. He argued that without the legitimacy that citizen participation provides to bureaucratic decisions, the latter would be rejected.

This research notes one major limit in the citizen participation approach. The citizen approach overlooks views and values of important parties in administrative discretion. First, there is no focus on the integration in decision making of views and values of other interest groups, such as think tanks, foundations, issue groups, and others. Those groups exist in most or all policy arenas and play a significant role in policy
implementation, but are not defending private interests or representing particular interest groups. Issue networks are formed with individuals and groups from various institutions, professional fields, interest groups, other groups, and concerned individuals who generally have differences and hold different opinions without connections with a particular public organization or institution (Bibby, 1995). Issue groups are different than interest groups, which are formed with individuals having common goals; being organized; seeking to affect policy through stable alliances; and being able to come together as one side of the “iron triangle” or elements of “subgovernments” to defend interests that benefit them (Bibby, 1995). As for think tanks, they are research groups formed with high-profile professionals who, most of the times, have occupied high public and/or private administrative and advisory functions (DeBray-Pelot & McGuinn, 2009; McDonnell & Weatherford, 2013; McDonald, 2014). They go beyond their primary function of research to be involved in political or ideological activism (see McDonald, 2014), in order to affect implementation. Issue groups, foundations, and think thanks can be considered as what Krislov and Rosembloom (1981) called public-interest groups interested in making public agencies representative and participating in decision making in the society’s interests; conversely to private-interest groups whose members are self-interested. They express their views of collective interests in decision making through “challenging, monitoring, and participating” (Krislov & Rosenbloom, 1981, p. 174). One cannot deny that those groups may have some relationships with other interest groups for funding and other purposes, but are reputed to be autonomous or independent. While studies about public-interest groups may focus more on national, state, or regional policies; those groups—especially issue groups and foundations—actively participate in
the policy process at local levels of government. Public-interest groups are powerful for reasons linked to having high-profile members, power, active participation in policy, and public objectives.

Second, views and values of elected officials do not get attention, as if the principal-agent relation between politics and administration totally disappeared. Legislators know that citizens’ demands can affect policy implementation, but oversee the process so that it does not get away completely from the original policy. Elected officials may hold preferences that are not in the statute and that those officials want to be considered in administrative decision making. As a result, elected officials should be considered as constituencies for agencies, as are citizens and interest groups. However, elected officials also may share those preferences with their constituencies, as well. Whether it is based on a policy or personal preferences, bureaucracy responsiveness to elected officials is there to stay, and public administrators are likely to consider that when engaging in citizen participation. Therefore, discretionary decision making will accommodate both views of elected officials and those of citizens. On this basis, it is inaccurate to assume that administrative discretion is based only on citizens’ views and values. Mladenka (1981) deplored that scholars tend to think that for bureaucracy to be responsive, creating structures of citizen participation is the only answer to address social problems as if responsiveness was only valuable for the relationships between bureaucrats and citizens, while bureaucracy’s accountability toward elected officials and the latter’s role in responding to citizens’ preferences were excluded. Mladenka said that this thinking suggests that bureaucracy has the priority to determine what equity is, and
she stated that reducing responsiveness to direct interactions between the citizen and the bureaucrat is dangerous.

**Integrative approach to administrative discretion through representative bureaucracy.** Kingsley (1944) used the representative bureaucracy expression in relation to bureaucrats acting on behalf of aristocrats and plutocrats in Great Britain. Since then, it has evolved to be employed differently. There are two forms of representative bureaucracy: passive and active representation (Mosher, 1968). The former is when administrators hold the same characteristics (origin, values, ideologies, race, income level, and associations) as those they represent (Mosher, 1968); it is the traditional form of representation consisting of filling positions with individuals from particular society segments even at high organization levels without changing organizational policies and practices (Kaufman, 1971). This literature covers the latter form of representation hereafter representative bureaucracy, which refers to administrators making decisions that reflect views, values, and interests of represented groups (Mosher, 1968; see also Meier & Llyod, 1976). Putting it a different way, Meier and O’Toole Jr. (2006) contended that representative bureaucracy assumes that bureaucrats exercise discretion to uphold their values and, as a result, those of the represented; it is assumed that both sides have the same values. This view echoes in George Mason’s statement that in true representation, “the number of representatives ought to be adequate; they ought to mix with the people, think as they think, feel as they feel, ought to be perfectly amenable to them, and thoroughly acquainted within interest and condition” (quoted in Rohr, 1990, p. 67). With such a representation, Meier and O’Toole Jr. considered that bureaucracies happen to be representative through policy implementation, in comparison with
bureaucracies being representative in relation to a special clientele—as, said the authors, the Department of Veterans’ Affairs and the Department of Agriculture represent veterans and farmers, respectively.

Discussing representative bureaucracy, Long (1952) praised administration for doing what Congress fails to do, which is representing different values and interests, where various social, economic, and racial groups recognize themselves. He contended that representative bureaucrats will most likely respond to the needs and preferences of demographic groups they represent more than a small group of elected representatives, who give back their power to their supporters. But he said that for bureaucracy to be truly representative, all social values have to be represented. Krislov (1974), however, argued that complete representation is impossible, due to groups’ plurality of views, and that the more discretion is in bureaucracy, the more representation will be fragmented. Therefore, he argued that universal representation is a lure. Krislov is not against the theory, which he thought is beneficial for policy legitimacy and peace in society; but, his view implies that the integration of some values will reduce the chance for a group’s all values to be represented. I believe that it can still be possible to have complete representation when the policy scope is not broad; there are a few parties; groups have a very few preferences; some groups have fewer preferences than others and those preferences do not contradict others’ preferences. Despite the call for all groups to be represented in decision making, Mainzer (1973) and Krislov (1974) noted that representative bureaucracy has been employed mostly to refer to bureaucracies acting on behalf of disadvantaged segments of society.
This view is implemented by bureaucracy through multiple mechanisms. Mechanisms such as training, education, summer programs, the creation of low-competency jobs, the use of minority language in job recruitments, relaxing job examination requirements for minorities, and job recruitment in poor communities and minority schools are those used by public agencies in favor of socially disadvantaged groups to make bureaucracy representative (Mainzer, 1973, p. 130). These mechanisms were created by federal and local bureaucracies to facilitate the integration of minorities, the poor, and less educated people into the job market, and to repair latent discrimination in dealing with particular communities—because the merit system does not necessarily lead to better performance (Mainzer, 1973). For instance, the City of New York granted up to 12 points to individuals who participated in job examinations for clerical positions if they were poor, lived in poor areas, and were between 55 and 63 (Mainzer, 1973, pp. 130-131). The use of quotas, equal opportunity, and compensatory opportunity, and affirmative action are other techniques to enhance representativeness in public agencies (Krislov, 1974). Affirmative action increases the number of Blacks and women in the federal agencies toward achieving parity in federal workplace (Kellough, 1990). Through this discretion, society’s minority members are hired by public agencies to promote and defend the rights and interests of their fellow members. The integration is reported to be done at the bottom level, where beneficiaries are not really placed in administrative positions to make decisions, but to support high-level employees in their tasks or execute decision making. Therefore, values of disadvantaged groups may not be represented in decision making, as expected. While this may be a general trend, there are cases in which minority members are also promoted to high administrative positions.
The representative bureaucracy approach has several limits; some are more obvious than others. One of its major limits is that it does not take into account views and values of public officials, private groups, public-interest groups and other advocacy groups in administrative integration. This may be due to the lack of focus on politics or political processes leading to discretionary decision making. Elected officials have embraced the cause of representative bureaucracy, and their views in policies promoting the integration of worse-off groups in society cannot be neglected in administrative integration. Meier and O’Toole Jr. (2006) noted that the relationship between politics and discretion of representative bureaucrats is overlooked or missing in the literature. They argued that values that will be represented in bureaucracy are those that reach political saliency and are objects of policymaking. Private interests are generally present in policy implementation and affect decision making. Mosher (1968) considered the representation of private-interest groups in public agencies as an obstacle to equity pursued by representative bureaucracy. Also, from the 1960s through the 1970s, welfare, civil rights and Women organizations, federal laws, and judicial decisions helped make participation in bureaucracy a public issue and got it on the political agenda (Kranz, 1976). Civil rights and Women organizations asked for special policies in favor of Blacks and women to address prior discrimination (O’Connor & Sabato, 2000). Social movements reached to public education, universities, cities, and intergovernmental actions for decentralization to force the integration of minorities and the poor in decision making supported by public institutions, influential citizens, and Democratic legislators (Kaufman, 1971). Krislov (1974) further reported that faced with group pressures inside and outside organizations, governments and other institutions included diverse ethnic and social groups in public
affairs in order to get support for policies. Krislov concluded that bureaucracies were forced to open to more social and ethnic groups based on the presumption that their integration would lead to fair and effective decision making and smooth policy enforcement. While civil rights and other social organizations tend to be more representative of minorities and the poor, several of them may have majority members who share views and values of disadvantaged groups. In other terms, advocacy groups are or may be formed with people from different social conditions and racial origins; therefore, views and values embedded in decision making promoting representative bureaucracy may not be common only to socially disadvantaged groups.

Another major limit is that the approach does not pay attention to the opposition of certain groups to integrating views and values of disadvantaged groups in decision making. Public officials and interest groups could oppose this form of citizen participation on the basis that it leads to little use of expertise in public affairs, or results from political partisanship or presidential intervention in their sphere of power (Kaufman, 1971). The democratization of public administration can be conflicting, where citizens or administrators who may feel that they are victimized or concerned with the minimization of the merit system can stand against representative bureaucracy practices, and local citizens and groups may also undertake actions to get support from elected officials to obtain positions (Mainzer, 1973). Krislov (1974) alleged that social and racial problems are transformed into bureaucratic conflicts among administrative units. His analyses of a number of cases of representative bureaucracy show that the integration of group representatives into bureaucracy was obtained at the cost of rude battles that, sometimes, happened to be bloody.
Two kinds of policy illustrate the opposition to representative bureaucracy. First, until the 1960s, the equal employment principle in favor of Blacks, Hispanics, and women was facing political barriers when the federal government boosted the number of members of these social categories in the federal civil service (Krislov, 1974). Second, affirmative action, which is used to ensure broader participation in bureaucracy, has been considered as a reverse discrimination and illegal; agency and community members who are not part of those receiving special treatments view this use of discretion as discriminatory and non-democratic (O’Connor & Sabato, 2000). Affirmative action was stuck in political battles in Congress, and several cases against it were brought before the Supreme Court, which upheld the policy at times and struck it down at other times, making affirmative action programs difficult in some states (O’Connor & Sabato, 2000). According to O’Connor and Sabato (2000), Presidents Ronald Reagan and George H. W. Bush weakened affirmative action programs supported by Democrats, who, by the way, lost members of their White constituencies for supporting those programs. To face the opposition, officials from the Civil Service Commission had to defend in a 1968 report the sense of affirmative action, fending off the allegation that “reverse discrimination is being practiced to the detriment of the merit system… [, arguing that] the program is intended to remove racist barriers which have kept competent men and women out of Government” (Krislov, 1974, p. 117). Individuals or groups that oppose the two policies are generally members of the majority that are enjoying political, social, and economic privileges and may be afraid losing their advantages.

Theorizing representative bureaucracy without referring to confrontations among social groups over values leads to the omission of the likely contradictory nature of
decision making. In other terms, conflict among different groups may lead to
administrative discretion combining opposing views and values. Subramanian (1967)
noted that “If the various classes represented have all different and conflicting interests
and if their members in the bureaucracy advocate mainly class interests…., the result is
likely to be a divided and even ineffectual bureaucracy (p. 1014). Esman (1999)
explained how, in the post-era of the apartheid regime, the new Black dominated-South
African government implemented policies that did not respond to all the desires of the
Black majority; but accommodated preferences of both Blacks and Whites into
incremental policies to ensure democracy, peaceful cohabitation, and economic
development. He said that similar policies have been also implemented in India to
develop a multicultural integration, after the country’s independence from the British.
Additionally, in the United States, and likely in other countries seeking to integrate
values of disadvantaged groups in decision making, the merit system is not eliminated in
recruitment, although there may be some considerations in favor of minorities and the
poor in terms of quotas and others. Thereby, the values of efficiency and effectiveness
that had been used before to exclude minorities and the poor still exist in representative
bureaucracy. Further, many public programs serving primarily minorities and being
managed by minority members also serve majority members, on different bases. Having
said that, it would be senseless to think that public administrators would give to
disadvantaged groups having the same characteristics as they have all they want, while
majority members have their wants that may be different in many cases.
To deal with views and interests of different social groups, bureaucracy has to exercise certain autonomy, which is not discussed in the theory. This lack of discussion hides or contributes to the neglect of public agencies’ likely views in decision making.

Other limits of representative bureaucracy are viewed by research as impediments to true integration of views and values. Meier (1979) pointed out three kinds of limitations. First, the community of origin between administrators and members of their groups does not guarantee that the former will be responsive to the latter, because family backgrounds, education, and social status have influence on values and can lead to decisions not meeting the needs and preferences of demographically represented groups. Second, socialization is not limited to origin considerations, but develops during the course of individuals’ lives. Third, bureaucracies affect values through rules and practices that make bureaucrats different from those having the same origins as they have. Meier’s points are important, in that bureaucrats often act conversely to preferences of citizens with whom they share common origins. For instance, when representative bureaucrats practice corruption, they behave against preferences and interests of the whole society, including members of their racial origins. Also, citizens or social/demographic groups having the same origins as bureaucrats may consider that their representatives’ actions do not meet their interests and contest their policies. In reference to Meier’s third point, Angervil (2015a) provided specific details about how agencies can affect employee behavior, which is set from the “hiring process” or based on standard operating procedures, organizational practices, as well as employment length (p. 285). Based on those elements, it is arguable that bureaucrats may make decisions that do not reflect the values of those they represent.
Despite these limits, research on representative bureaucracy found bureaucrats use discretionary power in favor of represented groups (e.g., Selden, 1997; Selden, Brudney, & Kellough, 1998). Bureaucratic discretion promoting minorities and socially vulnerable people has a positive impact on state policy (Brudney, Hebert, & Wright, 2000). High-ranking women employees promote women’s interests in offices, in dealing with women issues (Dolan, 2000), and teachers and school districts representing minorities make decisions that promote the interests of the latter and improve their performance (Meier & Stewart, 1992; Meier, 1993; Meier, Wrinkle, & Polinard, 1999). Meier and Bohte (2001) found that there is more active representation in organizations that allow more discretion to their personnel, and that minority students improve their performance in organizations that grant discretion to minority teachers. As Kranz (1976) said, discretion is used to democratic ends, including “social equity” or “[social] justice” (p. 32), where bureaucrats are committed to acting on behalf of specific disadvantaged groups they represent to improve their lives and end social discrimination.

This aspect of representative bureaucracy reflects the New Public Administration (NPA) theory. NPA advocates public administrators’ bias in favor of society’s disadvantaged and weakest people through the use of values of fairness, justice, and social equity in implementing policies (Meier & O’Toole Jr., 2006). According to NPA proponents, since administrators are responsible for the weakest’s bad fate, they are the ones who should fix the problems by decentralizing decision making and developing structures allowing the disadvantaged to participate in policymaking that addresses their needs in accordance with their preferences (Meir, 1979). People or groups may question representative bureaucracy’s biasedness, but it seems that major political forces do not
exercise formal or fierce opposition to having public power structures or policies deal with problems of minorities and the poor, at least in the United States. Conservatives may reduce public funding of programs that help the disadvantaged or weaken those programs; but, generally, they do not eliminate those programs.

**Integrative approach to administrative discretion through private-interest groups democracy.** The framework of private-interest groups democracy assumes public agencies use discretion to integrate in decision making preferences of special-interest groups. This approach to the use of administrative discretion is discussed here through two sub-approaches. The first one is Shapiro’s (1983) theory of discretion based on negotiation, mediation, and arbitration facilitated by public agencies. The theory considers interest groups as representatives of the public interest, as suggested by the pluralism theory. It argues that agencies use discretionary power in two ways, with regard to negotiation. First, agencies can directly enter a bargaining process with regulated agencies to develop implementation rules. Shapiro said that an agency can be in a weak position, if the statute determines minimum standards or a “reserve price” for implementation, while the other parties’ preferences are unknown. He also said that the agency can, however, improve its bargaining position by informing the interested parties that it had fixed a new “reserve price” or new minimum standards as a condition of the negotiation or by threatening to resort to rulemaking if a satisfactory bargain is not reached, increasing thereby the probability of a good bargain. In order for this scenario to work, Shapiro said that statutes have to grant unlimited discretion to the agency, since it is the incapacity of regulated parties to know the agency’s limits that can guarantee a better deal for the agency. Shapiro was concerned with the possibility for an agency to
“give away” everything in the store to interest groups (p. 1513). He said the public interest can be protected when a reasonable amount of opposing interest groups participate in a negotiated agreement; but noticed that, sometimes, the bargaining structure is not open enough to ensure that the public interest is represented except by the agency. The question of who is responsible for determining when there is enough participation remains unanswered; but, for discretion to be considered as being made in the public interest, Shapiro insisted on the participation of “relevant interests” in decision making.

Shapiro (1983) contended that an agency may negotiate with regulated agencies to seek reduced compliance with a policy. He said that voluntary compliance may be offered to agencies when regulating agencies face scarcity of means. He, however, acknowledged this can have adverse consequences for regulators, if social benefits considered as entitlements are at stake. For instance, he said that if workers are entitled to a safe workplace, and that non-statutory policies do not guarantee their entitled rights, they can contest agencies’ decisions and seek administrative review and perhaps judicial review. He added that agencies can also bargain to obtain incomplete compliance with the law to anticipate negative political impacts, if they realize that full statutory compliance will lead to opposition from regulated agencies. He also said in case of opposition to regulations, regulated agencies may seek complete administrative review of the latter and use political venues that can lead to changes in program statutes at the administrators’ expense.

Moreover, Shapiro (1983) alleged that agencies may not participate directly in negotiations, but use discretion to arbitrate them or mediate between or among
conflicting parties by approving their agreement. He stated that agencies are not obligated to approve their bargain, but must provide extensive explanations for their refusal to do so. This implies that discretionary decision making to settle conflict between parties may not be accepted by the latter. Shapiro further said that agencies’ discretionary decision making to approve a bargain can be subject to higher judicial review, for being an enforcement act of private interests. Possible denials of mediation outcomes by opposing actors attest difficulties associated with the agencies’ task.

Discussing Shapiro’s theory, Bryner (1987) contended that discretion favors the process approach of implementation, opens a room for interest groups to participate in administrative policymaking, and promotes bargaining and negotiation. According to Bryner, these processes make bureaucratic discretion a main tool for “pluralistic democracy” (p. 5). This observation somehow lacks accuracy, since Shapiro’s view of administrative discretion is restricted to regulators and regulated agencies or interest groups that are supposed to comply with a policy. More on this is said later in this section.

The second sub-approach is found in several studies and assumes that interaction between public agencies and private-interest groups leads to administrative discretion reflecting the interests or essentially the interests of the latter. Stigler’s (1971) capture theory argues that interest groups govern the rulemaking process to their advantages through the control of public administrators, lobbyism, and bargaining. Stigler considered a regulation as the acquisition made by small interest groups with the use of public powers to primarily serve them at others’ expense. However, he also recognized that some of weak groups’ interests are taken into account in administrative policymaking. He
went on to say that in order for powerful interest groups to acquire the regulation they want, they must negotiate with political parties or politicians to provide them with votes and resources. In Stigler’s view, elected officials and public agencies have no real inputs in decision making, since they just respond to interest groups’ preferences.

Similarly, Lowi (1969) argued that agencies are controlled by groups defending private interests at the expense of the public interest. He criticized bureaucratic discretion for serving interest groups functioning in a new liberal system, which he called “interest groups liberalism.” He stated that it is policy that determines organizational behaviors and actions, and the state realizes its intent through institutions; “a policy, then, is a rule formulated by some governmental authority expressing an intention to influence the behavior of citizens, individually or collectively, by use of positive and negative sanctions” [italicized by the author], said Lowi (p. 70). He viewed the phenomenon of legally opening policymaking to interest groups’ influence as a violation of democratic governance principles, including legitimacy and accountability. He stated that interest-groups democracy fails because it does not have a plan, and it is based on bargaining; therefore, it cannot address social problems. He called for the replacement of this form of democracy by legal or judicial democracy, which guides and plans through law, and where elected officials rule on behalf of their constituencies.

Other scholars explain the hold of interest groups on agency discretion in different terms. David Vogel argued that “Administrative discretion can facilitate the bringing together of interests affected by and concerned with administrative initiatives in developing mutually accepted policies” through cooperation (quoted in Bryner, 1987, pp. 7-8). In a similar vein, West (1985) argued that in administrative rulemaking, “the
struggle over administrative procedures is sometimes as intense as the struggle over substantive policy, and institutional arrangements are often the product of accommodation among competing interests” (p. 7). Bryner (1987) reduced bureaucratic discretion to the power of private interests, by criticizing discretionary decision making for allowing interest groups that are not accountable to the people to find their ways through agencies and influence policies to their advantages.

Two points can be made against the argument related to the control of administrative discretion by private-interest groups. First, scholars of this view neglect contradictions between public agencies and interest groups that may emerge from policy implementation. Agencies may oppose group views if they are against social values or deemed illegal or unconstitutional, or when they hinder other group views and interests. In such cases, administrative decisions may not represent only group views, but may need to be balanced in favor of some sort of public interest.

Second, research denies the assumption that administrative discretion is controlled by private-interest groups’ preferences. Bernstein (1955) acknowledged that those interest groups exercise substantial influence on decision making, but said it is a failure of understanding to consider that regulation is developed to their sole advantages, and insisted on national goals pursued by governments through rulemaking. Truman (1951) stated that group liberalism is fundamental in the policymaking process and that “the behaviors that constitute the process of government cannot be adequately understood apart from the groups, especially the organized and potential interest groups” (p. 502). Truman, however, contended that bureaucratic discretion reflects not only interest groups’ preferences, but also those of the society in general. He said that the society’s
general values and interests are not represented by organized groups or interests, but
engrained in governmental organizations and in those who manage them. He went on to
say that citizens are trained in those general standards or unorganized interests in their
families, schools, and other social institutions; when becoming public officials, they act
in accordance with them or with what he called the “rules of the game” (p. 512). He said
that there is overlap, where organized interests are broadly represented in unorganized
interests, and that the latter may not have predominance or not have precedence all the
times in the institutions. But he added that interest groups are not represented in
government with adequacy as suggested, and if that were the case, there would be no
interactions among them to get their policy preferences accepted.

Some researchers explain views that are similar to those of Bernstein and Truman
in more detailed ways. Viewing administration from an agent perspective, Wamsley
(1990) theorized that administrators are citizens’ agents working to achieve their
principals’ collective will. He said, to achieve the common good, administrators have to
consider the interests of most powerful groups, but also those of non-organized interests
or all actual or future citizens to form the public interest, which is beyond that of pressure
groups or interest groups democracy promoted by certain theories. Wamsley further said
that bureaucratic discretion should not be viewed, in any ways, as serving the interest of
special or private interests but as a strategic position through actions pursuing the public
interest and common good greater than those achieved by “interest group liberalism” (p.
119). Talking about the role of bureaucracy in negotiations among special interest groups,
Appleby (1952) said that bureaucracy does not process their interests as some believe,
and that there is the larger public interest that it takes into account. However, Appleby
noted, for instance, that the consumer interest is unorganized and thus dominated by well-organized interest groups, which sometimes are supported by political public officials. Despite such a situation, he alleged that bureaucracy exercises discretion in ways that appear to be the public interest or some sort of public interest, which he defined as the addition of private interests and those of the larger society. Friedrich (1963) provided a different but not conflicting view of public interest, focusing on mediation between parties. He stated that settlers have to explain their decisions, and their explanations have to persuade interested parties rather that provide conclusive views. He went on to say that “When an arbitrator or mediator acts in accordance with such general standards as reasonableness or good morals, it or he is supposed to do so within a range typically fixed by law or custom, including precedents,” in order for decisions to be seen as legitimate and have authority for conflicting parties (p. 426). Friedrich’s illustration implies that mediators in management and labor conflict have to take into account the society’s values and general standards in settling dispute. As in Truman (1951), unorganized interests common to Wamsley and Appleby are vaguely discussed and lack adequate explanation to help us understand when administrative power reflects them, and the same point can be made for Friedrich’s social morals. However, these researchers’ works are important, in that they argue or imply that non-private interests are represented in public policies and suggest, at the same time, that interest groups cannot be viewed as fully controlling administrative decision making.

Despite the relevance of the arguments against the view that agency policy is the expression of private-interest groups’ preferences, one knows that in pluralist implementation, powerful interests or alliances of powerful interests can get out with
more from administrative decisions than can the rest of the society. This is due to those
groups’ relationships with power structures or powerful incumbents, their importance in
their fields, their advantageous financial conditions, and to their capacity to participate in
policy discussions or negotiations. However, public agencies may still maintain their
autonomy to decide how to accommodate groups’ interests and those of the citizens or
political actors in quest of popular credit, though some may consider their decisions as
unfair. As Lindblom (1965) alleged, bargaining occurs among parties in policy
implementation for mutual adjustment between or among interest groups; but it is only
one aspect in administrative policymaking, since the bureaucracy has its own processes
that allow it to exercise its authority on those affected or involved in its policy process.

The limits described for this sub-approach make it different from that of Shapiro,
whose theory implies two important points: some kind of public agencies’ autonomy
from private-interest groups and the likelihood of conflict between the two players.
However, there exist similar limits.

The two sub-approaches omit the inclusion of views of other potential actors in
decision making. They leave out elected officials’ preferences, as do the citizen
participation and representative bureaucracy approaches. While campaigning,
presidential candidates make promises to citizens and supportive interest groups. They
expect particular policies in return, once or if their candidates come to power. In order to
get support from legislators and their constituencies and hope to be reelected, presidents
strive to deliver on their promises as much as they can, and one way to achieve this
objective is to seek to affect regulations. Moe (1982) found that regulation activities are
influenced by Democratic and Republican presidents to control interest groups’
behaviors. This assumes that regulations also reflect their views. Oftentimes, legislators support regulations that meet interests of particular interest groups among their constituencies and pressure agencies to behave accordingly. Overall, it can be assumed that administrative discretion is influenced by elected officials for electoral and ideological reasons.

Also, both sub-approaches do not take into account parties that do not have to comply with the policy, but may seek to influence administrative decision making, if they are affected one way or another. Those parties can be citizens, issue groups, think tanks, and other social or interest groups that can affect administrative discretion. As Meier and O’Toole Jr. (2006) said, the environment of regulation is filled with consumer advocacy groups that regulating agencies have to take into account, and that attempts to satisfy the former will upset the latter, as efforts to meet regulated agencies’ expectations anger consumers. Such situations lead to pressures exercised on regulators by both conflicting sides. Also, the problem of externalities is a factor that can explain other parties’ involvement in decision making, which primarily concerns private-interest groups. The involvement of other parties is likely if the latter deem that bargains between or among private groups will affect their interests. If a policy issue divides and polarizes the public, it can be difficult or even impossible for implementers to make decisions to settle the problem that reflect only their views and values and those of private-interest groups. As Bibby (1995) argued, other political forces are among obstacles that keep interest groups from getting all they want.

New framework of integrative approach to administrative discretion. Limits of the three frameworks of integrative approach to administrative discretion require the
development of a new one. Below are described its theoretical foundations and conceptualizations.

**Theoretical foundations.** The new framework is built upon research focusing on various parties that are affected by and/or interested in policy implementation as well as compete to influence decision making, and whose preferences are included in the latter. Therefore, it considers the main premise of the citizen participation, representative bureaucracy, and private-interest groups democracy frameworks holding that views and values of private-interest groups or other special social groups are included in administrative decision making. It also considers agency autonomy in citizen participation as well as contradictions and competition among groups in the implementation environment acknowledged by citizen participation and private-interest groups democracy.

The new framework then considers the works of political scientists and students of implementation. Truman (1951) said that bureaucracy opens multiple access points to groups, so they can participate in decision making. Heclo’s (1978) issue networks theory argues that large issue groups formed with individuals having expertise in policy areas interact to influence public programs’ implementation. Ripley and Franklin (1986) made a quasi-similar point, stating that coalition is one way used by interest groups to influence implementation; they added that this strategy makes some benefit more than others. When making decisions, bureaucrats consider pressures in the political environment of the administrative action that come from citizens and their representatives (Rosenbloom, 1983). Yates (1982) used the expression of “segmented pluralism” to refer to bureaucracy strategies to develop policies that include demands of different interest groups, public
officials, and other players, in order to maintain some control over different policy parts (pp. 105-106). Segments in the pluralistic environment are especially “constituents, professional guilds, policy subgovernments, issue networks, citizen participation, and organizations of local officials” (Yates, 1982, p. 107). Yates (1982) said that the term of segmented pluralism counters Lowi’s view of bureaucratic behavior as essentially captured or controlled by special-interest groups. This contention identifies bureaucracy as a “phantom” (Yates, 1982, p. 106). These accounts suggest that pressures on public agencies come from various public and/or private groups, and assume that bureaucrats consider actors’ views and preferences while somehow controlling decision making.

Those general characteristics of the decision-making process are extensively discussed in the literature of federal policy implementation. At this implementation level, administrative integration takes into account federal, state, and local political requests, as well as interactions with interest groups to facilitate enforcement (Scholz & Wei, 1986). Bernstein (1955) explained interest groups’ influence on administrative policy, using the regulation of economic activities. He said that regulation is generated through the political and social environment, where groups seek the support of incumbents or power structures to dictate the behavior of organizations and individuals toward private or public ends. Seidman’s (1980) research about regulation refers to the struggle for power between the federal government and federal agencies and among politicians, congressional committees, and interest groups regarding how to execute public programs. According to Moe (1985), in the regulatory process, agencies respond with policies that arrange in hierarchical order the interests of organizational, political, and economic forces, as well as agency behavior. Addressing administrative discretion, Burns and
Peltason (1972) provided some insights about why federal public agencies integrate views and interests of a broad range of actors in decision making. They asserted that despite having significant discretion, administrators are constrained by and have in view internal forces, experts internal and external to their agencies, other implementing agencies, affected interest groups, the media, the general public, political parties, elected officials, and maybe non-national powers (Burns & Peltason, 1972, p. 532). Due to this large number of actors, the implementation of federal policies may experience more integration than those at local and regional levels of government.

Political scientists and implementation scholars are somehow interested in separate groups or parties to the process, but they all assume that administrators make decisions in response to their political environments. While the studies used for the rationales of the new approach do not develop a quite common view; together, they suggest that bureaucracy integrates views and values of target populations, affected parties, different political, public, and private groups that seek to influence decision making, as well as public or implementation agencies.

**Conceptualizations.** The new framework is based on the assumption that the implementation environment is made up of conflict among different actors seeking to control policy execution. It also considers agencies as being responsive to the demands of different kinds of interest groups, political actors, and others. Therefore, it also assumes that decisions have conflicting natures that reflect the conflicting environment of NCLB’s implementation. The approach is developed into one premise, along with other assumptions, and holds: Public agencies use discretion to integrate in decision making views of elected authorities, private-interest groups, public-interest groups, and other
groups that seek to influence implementation. The three previous frameworks of integrative approach to administrative discretion discuss the inclusion of either views or views and values in decision making. Since it can sometimes be difficult to separate views from values, and given that views are generally developed around values or values may have different meanings for different groups, the new framework focuses only on views. It is distinct from the other frameworks, in that it includes interest groups and political actors whose inputs were overlooked in decision making. Additionally, it attempts not to leave out views of potential groups in the implementation environment, while it remains open to those it may not specifically include in its formulation. It especially includes elected officials, who cannot be excluded from administrative decision making. Whatever the ways chosen by agencies to include actors’ views and preferences in policy implementation, it is difficult to think of integration without considering elected officials. Exceptional cases where they may not influence decision making should not be considered as a rule. Although elected officials may not intervene in some instances to get their views included in administrative policies, administrators will make sure that their views are reflected in decisions. Administrators may be aware of those views through congressional hearings, meetings, media, electoral campaigns, or policies. Further, there has been a multiplication of public-interest groups in all or most policy areas whose views are valued in policy process. Many of them receive funding from governments and private groups to pursue public objectives. As public-interest groups are part of the public policy process, their views have been included in the new approach. Since groups belonging to same communities or societies generally share some
common values while holding opposing views, some views included in decision making may be common to conflicting groups.

The new framework of integrative approach to administrative discretion results from agencies behaving rationally. Agencies want to get support from both interested parties and legislators. As a result, they address criticisms, concerns, and demands of opponents, as well as evaluate support to implementation. They may seek to maintain the policy’s fundamental aspects that oftentimes represent the political consensus leading to legislative action. While the legislative function is assumed to be carried out in the public interest, legislators’ main interest is reelection. Therefore, implementation policies that can endanger their political interests will not be welcomed. For their policy or program activities, implementers need annual funding allocated by legislators, which generally renews program budgets based on implementation performance. The latter is used in Goggin, Bowman, Lester, and O. Toole’s (1990) sense of compliance with policy but not outcomes. Agencies also seek public support, which, according to Rourke (1970), is needed to allow them to get or enhance their power. Down (1972) explained that policy may lose public support during the implementation process for several reasons, including change of interests and deception. He went on to say that once constituents withdraw their support to programs, resources that were previously allocated to the latter can be reduced or eliminated. One way for agencies to maintain or get public support in democratic societies is to listen and respond to demands of program constituencies and other groups that can affect policy at higher policymaking levels. Interest groups exert direct pressures on agencies, but may bypass them to seek satisfaction from elected officials. Some of those groups constitute political electoral bases and have political
weights to make their voices heard. Dahl viewed bureaucracy as part of “the normal” American political process as “one in which there is high probability that an active and legitimate group in the population can make itself heard effectively at some crucial stage in the process of decision” (cited and quoted in Yates, 1982, p. 5). Dahl went on to say that “When I say that a group is heard ‘effectively’ I mean more than the simple fact that it makes noise; I mean that one or more officials are not only ready to listen to the noise, but expect to suffer in some significant way if they do not placate the group, its leaders, or its most vociferous members” (quoted in Yates, 1982, p. 5). Agencies have interest to prevent such situations, and their political rationality should help them deal with political tensions in the implementation environment.

The use of discretionary power by agencies does not equate with their seeking to control implementation for the sake of prestige, positive image, and positions. These interests are secondary to those of citizens. Agencies have a minimal control of implementation mainly to limit ambitions of interested parties and accommodate antagonistic views, in order to protect the general public or maintain some sort of social equilibrium. Even though agencies may include their views in the policy, this cannot greatly affect the pluralistic nature of the discretion primarily devoted to integrating views of external actors. Agencies also manage to get things done toward achieving statute goals and satisfying various groups, while serving the public in general. Their competition for a minimal control can help them achieve their public objectives, as opposed to interest groups (Yates, 1982). As discussed earlier, several scholars (Truman, 1951; Appleby, 1952; Bernstein, 1955; Friedrich, 1963; Lindblom, 1965; Wamsley,
1990) explained some agency autonomy by the fact that administrators defend the general interest while taking into account group interests.

**NCLB’s Policymaking Process, Overview, and Implementation**

This subsection of the literature covers the NCLB policy through general contexts surrounding the law’s adoption, the process leading to its adoption, a summary of its Title I, and the implementation of Title I.

**NCLB: Contexts of adoption and Title I’s overview.** Described here are different contexts in which the law was adopted, the policymaking process, and a detailed overview of the law’s Title I. This information is useful to help readers understand the law’s implementation process.

**Historical performance context: Achievement gaps in public schools.**

Performance gaps among American public education students had been historically significant. Limited English Proficiency (LEP) students or English language learners (ELLs) were outperformed by non-English language learners (Non-ELLs). A 1908 survey found 62% of minority language students failed to attend high school against 30% of majority students in Boston; in Chicago, New York, Philadelphia, and St. Louis, the percentages were 82% against 58%, 87% against 68%, 87% against 73%, and 90% against 73%, respectively (Brisk, 2006, p. 23). In 1973, the United States Comptroller evaluated 16 projects across the country and concluded that ELLs were widely outperformed by non-ELLs in reading and mathematics (San Miguel, 2004). From the 1970s to 1998, performance gaps in mathematics, reading, and writing between Hispanic teenagers and White ones oscillated between 10 and 12 points, with the latter group ahead (DOE, 1998). In 2001, the National Black Caucus of State Legislators reported that
30 of 100 white kindergartners graduated from college while 16 of 100 Black kindergartners reached the graduation phase, and in grade 10, 42.1% of Asian-Americans against 34.1% of Whites and 25.7 of Blacks against 22.6% of Hispanics attended college-preparatory courses (Borja, 2001, p. 1). The data show that, for decades, important achievement gaps existed between minority and majority children, where native English students (majority) did better compared to nonnative English students (minority).

**Policy context: Federal policies to address achievement gaps.** Through different policies, federal power branches attempted to address the education needs of disadvantaged children to improve their performance. The federal government began to be really involved in K-12 education in the 1950s with the landmark Supreme Court case Brown v. Board of Education, which ruled against discrimination in public schools that segregated Blacks and Whites, as well as with the 1958 National Defense Education Act as a result of the Soviet Union’s launch of its first satellite, Sputnik (Umpstead, 2008). However, the first massive effort took place in the 1960s with President Johnson’s Great Society programs providing aid to schools and disadvantaged children through Title III of the Elementary and Secondary Education Act (ESEA) of 1965 (Cochran, Mayer, Carr, & Cayer, 2006). ESEA was enacted as part of the president’s war on poverty. It was aimed at helping low-income pupils and ending inequality in education, by financing diverse federal education programs (San Miguel, 2004). Although the Act did not overtly specify bilingual education, it opened the way by funding school districts interested in programs meeting ELLs’ special education needs. In 1968, ESEA was amended, and the Bilingual Education Act was enacted under the Title VII (Government Accountability Office [GAO], 1994). Afterwards, from 1968 to 1988, about 19 judicial, federal, and state public
education policies recommended, supported, or adopted bilingual education (Meyer & Fienberg, 1992). ESEA was followed by Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, the Equal Educational Opportunities Act of 1974, and the Education for all Handicapped Children Act of 1975, which is now known as the Individuals with Disabilities Education Act of 1990 (Umpstead, 2008). In 1994, Clinton’s Improving America’s Schools Act amended ESEA’s Title I by increasing its funding to serve more disadvantaged children in high-poverty educational agencies; create programs to address unsafe environment, hunger, and health problems in schools; encourage parental involvement in children’s education; support professional development; and develop stronger standards in core academic subjects (U.S. Government, 1994). The Act extended the role of the federal government in the implementation of bilingual programs and ensured research development, production of materials, and technical assistance focusing on upgrading schools’ capacity serving LEP students and training of LEP students’ teachers (U.S. Government, 1994). The Act also granted to schools and teachers more freedom in decision making, but increased their accountability for student achievement (U.S. Government, 1994). The federal government also created the Early Head Start program in 1994 to support families with young children up to 3 years-old (Samuels, 2014).

Other most known federal policies are charter schools and school vouchers. These are market-based education policies that encourage competition between public schools deemed ineffective and non-public schools. Charter schools are created or opened by professionals or groups of professionals but generally funded by governments. School vouchers are financial bonds provided by governments or private institutions to families
that use those monies “at whatever public, private, and parochial schools they choose” (Greenberg, Smith, Greenblatt, & Mariani, 2008, p. 493). Vouchers were proposed in 1955 by Milton Friedman to reduce poor performance and the domination of public schools (Cochran et al., 2006). While voucher programs were supported by the federal government under the Reagan administration, they are essentially state-led programs.

**Ideological context: Groups’ educational views or values in the 1980s and 1990s.** The 1983 *A Nation at Risk* report played a significant role in policy proposals made during the 1980s and 1990s. Prepared by the National Commission on Educational Excellence (1983), the report indicated that the American society was surpassed by its world competitors in many areas, including industry, science, and technology. It also stated that the degradation of the education system was one of the main reasons for this problem and called for deep education reforms based on higher educational performance to save the nation from a potential debacle. From 1983 to 2003, the report pushed decision makers to consider education as the highest priority, and it was a catalyst for states to focus on excellence in education, accountability, national common standards, and higher performance standards for students and teachers (Fuhrman, 2003). The call for national education standards was weakened by both Presidents Reagan and George H. W. Bush who did not favor strong federal involvement in education policy (Debray-Pelot & McGuinn, 2009). Although Bush organized a conference in 1989 in Charlottesville to encourage such standards on an at-will basis, no important changes occurred at the federal level, and it was states that individually responded to the report’s proposals (Debray-Pelot & McGuinn, 2009).
The national standards movement was reinforced by interest groups’ fighting to get appropriate policies adopted by the federal government. Business organizations, including the Business Coalition for Excellence in Education (BCEE), the U.S. Chamber of Commerce (U.S.CC), the National Alliance of Business (NAB), and the National Association of Manufacturers, advocated federal standards (DeBray-Pelot, 2007). This position contradicted the traditional position of the business community in favor of states’ rights or autonomy (Debray-Pelot & McGuinn, 2009). However, in their effort to get output-based education, business organizations got support from the National Governors Association (NGA), the Council of Chief State School Officers (CCSSO), and the National Education Association (NEA); their proposition for national standards was adopted in Goals 2000 and other 1994 school reforms (DeBray-Pelot, 2007). The 1994 Goals 2000 Education Act established a framework for the development of national education standards and high-quality assessments to increase education quality and equity. The Act developed a number of goals to reach by 2000 that are related to achievements of 4th, 8th, and 12th graders in different subjects, high school graduation, teacher qualification, American domination in science and mathematics, American competition in the global economy, citizen’s rights and civic duties, school security, parent involvement, and children’s growth (U.S. Government, 1994). The 1994 Goals 2000 and other reforms also encouraged standards, accountability, and testing, but DOE had no legal authority to force states to implement them, due to difficulties for divided federal legislative actors to create legal conditions; by 2002, only 16 states were in phase with the legislation’s requirements (McGuinn, 2006, p. 181). Robelen reported that the Citizens’ Commission on Civil Rights (CCCR) criticized the Clinton administration for
not strongly enforcing national standards prescribed by the 1994 ESEA amendments (cited in DeBray-Pelot & McGuinn, 2009).

However, conservative groups had different approaches to education policy. They opposed national education standards, demanded the elimination of the federal role in education, and advocated school vouchers, school tax credits, and more deregulation through charter schools (DeBray-Pelot, 2007), in order to address public education performance problems. Also, Conservatives were against teacher unions and defended teacher merit-based pay (McGuinn, 2006). Most of these positions were supported by conservative think tanks, such as the American Enterprise Institute, National Center for Policy Analysis, Empower America, Manhattan Institute, Heritage Foundation, and the Hudson Institute; they defended the idea that the market approach was better than the public school system to improve educational performance (DeBray-Pelot, 2007). Not all conservative think tanks opposed federal involvement in public education. With regard to education, scholars described conservative think tanks as neoliberals or neoconservatives, with both favoring the privatization of public education in pushing for “competition, charter schools, vouchers, market mechanisms, and the language of entrepreneurship” as well as opposing teacher organizations and educational policies in favor of minorities (McDonald, 2014, pp. 848-849). Scholars reported that conversely to neoliberals, neoconservatives want states to have significant power with regard to standards and testing, and they even encourage national standards (McDonald, 2014). Scholars also reported that conservative think tanks shifted the debate from the focus on equal opportunity and more funding for education to “oversight and accountability,” and argued that despite increased education spending, disadvantaged students continued to perform
poorly and performance gaps in public schools kept increasing (McDonald, 2014). This shift was supported by the Business Roundtable, U.S.CC, and the NGA that focused on educational outputs and results while neglecting the debate about more federal funding for education (McDonald, 2014). According to two studies conducted by Apple and Detweiler, respectively, conservative religious groups rejected the federal authority in education policy; for developing and reinforcing cultural division, sexual freedom, and humanism (cited in DeBray-Pelot & McGuinn, 2009).

As conservatives, liberals or progressives were also divided on education policy (McDonald, 2014). Some conservative views were embraced by a group of Democrats called New Democrats. The latter supported the law’s principles of “accountability, standards, and charter school provisions,” all of which in application during the Clinton Administration, and “parental choice;” but they opposed the provision of public education services by for-profit entities (Spring, 2005, p. 65). Generally, New Democrats focus on “progressive ideals, mainstream values, and innovative, non-bureaucratic, market-based solutions” and sought to attract White middle-class folks who abandoned the Democratic Party to integrate the Republic Party due their opposition to affirmative politics, educational welfare policies, and policies based on culture and identities supported by Democrats (Spring, 2005, p. 65). Liberal Democrats and civil right groups had been opposed to standards-based education and accountability on the basis that these policies do not take into account the problem of insufficient financial resources faced by schools while developing illusory goals for students to meet (Debray-Pelot & McGuinn, 2009). Those groups thought of educational equity in terms of inputs; that is, more funding to raise academic performance of poor and minority students as well as other
disadvantaged children (Debray-Pelot & McGuinn, 2009). Civil right groups linked to the Democratic Party advocated federal intervention in education policy but also increased accountability to offer better opportunities to disadvantaged children (DeBray-Pelot, 2007). Also, groups such as the Education Trust (Ed Trust) and the Progressive Policy Institute (PPI) of the centrist Democratic Leadership Council were created in 1989 and 1990, respectively, to thwart educational views of liberal Democrats and traditional civil right groups, advocating testing, accountability, and national standards (DeBray-Pelot & McGuinn, 2009). Most influential education interest groups such as the NEA and the American Federation of Teachers (AFT) opposed the aforementioned conservative views from 1965 to 1994 (DeBray-Pelot & McGuinn, 2009). Since the end of the 1969s, NEA and AFT coalesced with the CCSSO and the Council of Great City Schools (CGCS), which represents state and local education authorities, to advocate for more federal funding and to fight vouchers (DeBray-Pelot & McGuinn, 2009). Divisions existed between liberals who focused on government accountability and those who offered a centrist approach focusing on government and school accountability.

**The passage of NCLB.** As promised during his campaign, President Bush began to address educational problems in the early days of his presidency. On January 23, 2001, Bush highlighted the main points of his education policy during an official ceremony at the White House (Sack, 2001). Bush’s plan contained annual assessment, flexibility to states in implementing federal requirements, private school vouchers in failing Title I schools (schools receiving NCLB’s funding for Title I programs), rewards and penalties to hold educational institutions accountable for student achievement, comprehensive reading programs, school choice, technology, teacher quality, school safety, charter
states, and flexibility for districts in managing federal funds against more accountability (Sack, 2001). While the president’s plan addressed the problems of inequality and poor performance in public schools, as would do a liberal proposal, it reflected largely strong conservative views.

Bush’s plan encountered harsh opposition and support from educators holding different ideologies. The testing proposal, as that of Clinton in the 1990s, was opposed by both liberal democrats and educators that considered it as being excessive and unfair to children, and by Republicans, who viewed it as a step toward a national curriculum (McGuinn, 2006). Vouchers were opposed by the majority of civil right organizations (McGuinn, 2006) and influential education groups, such as the NEA, which considered this policy to be a divisive plan (Sack, 2001). While they opposed federal educational policies (DeBray-Pelot & McGuinn, 2009), conservative groups, such as family Research Council, Focus on the Family, the Eagle Forum, and the Traditional Values Coalition, said they would not support the law if vouchers were taken out (McGuinn, 2006, p. 173). Although the National Association for the Advancement of Colored People (NAACP) and other groups were cautious about testing and accountability principles, the CCCR, Ed Trust, and others allied with New Democrats to force liberal Democrats to support the bill, which they thought would make positive changes in public schools (McGuinn, 2006). There also was great public support, where 77%, 75%, and 55% of Americans surveyed were favorable to more flexibility to states, school accountability, and higher standardized tests, respectively (McGuinn, 2006, p. 175). Generally, no groups totally opposed the plan but parts of it, while supporting others. In the middle of this intense conflict, Republicans proposed to use their slight majority to pass the bill with its most
Refusing to consider his fellow Republicans’ strategy, Bush opted for a bipartisan approach and expressed his conviction that dismantling the federal role in education would not bring change (McGuinn, 2006). Bush began to negotiate with leading Democrats in Congress, including Rep. George Miller and Sens. Joseph Lieberman and Evan Bayh that were members of the New Democrat movement (McGuinn, 2006). In 1999, Sen. Evan Bayh proposed the Three R’s policy (the Public Education Reinvestment, Reinvention, and Responsibility Act) supported by Sen. Joseph Lieberman, who rejected the use of federal funds for school vouchers and proposed increased federal funding for poorest schools (McGuinn, 2006). Talking about Bush’s education plan and his, Sen. Bay said that “80 percent of our proposals are common grounds” (McGuinn, 2006, p. 168), including “increased accountability and focus on results, increased funds to disadvantaged students, [and] increased local flexibility and performance-based funding” (https://adamsmith.house.gov/media-center/press-releases/new-democrats-hail-education-bill). However, Bay’s plan did not have the proposal for charter agreements among states and districts that leaned more to the Republican 1990s proposal for Straight A’s block grants (McGuinn, 2006). The Straight A’s (Academic Achievement for All) bill also aimed to improve in five years student performance in the strict autonomy of states and local districts, and states that failed to do so during this period would lose their autonomy and pass under federal control (http://www.ncpa.org/sub/dpd/index.php?Article_ID=10525). Although he was neglected by Bush in the beginning of the negotiations, Sen. Ted Kennedy, who was an influential
liberal in education policy and who had been a long-standing advocate for equity and an opponent to testing and accountability, was later invited by the president to the discussions (McGuinn, 2006).

The future of the bill was at the center of ideological fighting and hard negotiations in the Congress. Throughout the talks leading to the final bill, major educational organizations and think tanks, due to their radical views, were kept out of the negotiations (DeBray-Pelot, 2007). Members of Congress worked with new conservative think tanks associated with Republican staff, civil right groups linked to Democratic Committee staff, and the PPI, which played a brokerage role among ideologically divided think tanks and legislators (DeBray-Pelot, 2007). Ed Trust worked closely with Democrats and the EXPECT coalition, which was created in 1998 and whose governing board was formed with the representatives of 15 new conservative think tanks and organizations (DeBray-Pelot, 2007). Ed Trust also worked with Republicans in the House with main objectives to weaken the unions’ power and to channel public funding to public schools in urban areas (DeBray-Pelot, 2007). Four Congressional groups such as liberal Democrats, New Democrats, conservative Republicans, and “Main Street” Republicans were formed; they reflected the 1990s divide (McGuinn, 2006, p. 169). Liberal Democrats wanted to retain the federal policies in place, along with increased funding, while being against vouchers, testing, and accountability; conservative legislators opposed the federal intervention in local educational policies promoted by the bill; New Democrats and moderate Republicans supported rigid federal policies to deal with public education problems (McGuinn, 2006). Vainly, lobbyists for the NAB, Achieve Inc., and BCEE fought very hard to defeat the bill’s standards, testing, and
accountability provisions (McGuinn, 2006). The legislative debate about vouchers and
the proposal to integrate private schools in the school choice program for schools that
failed to meet federal standards was heated (McGuinn, 2006). Moderate or Main Street
Republicans said that Americans did not want vouchers and argued that the Republican
support for this policy negatively affected the Party (McGuinn, 2006). Following several
unsuccessful attempts by conservative legislators to incorporate an amended voucher
provision in the bill, Bush had to remove his voucher proposal (McGuinn, 2006).
Conservative John Boehner, who was the chair of the House Education and Workforce
Committee, had been an opponent to federal education policy and voted in 1996 to
eliminate the DOE; he happened to be one of the most vocal supporters of the NCLB bill
and convinced his fellow Republicans to abandon their Straight A’s proposal (McGuinn,
2006) to facilitate the negotiations.

The final negotiations were entrusted to leading Democrats and Republicans in
Congress and White House representatives. Kennedy and Miller represented Democrats,
whereas Boehner, as well as Bush’s advisers, Margaret Spellings and Sandy Kress, were
Republican negotiators (McGuinn, 2006). Democratic representatives and senators asked
for $10 billion and $15 billion increases in education funding, respectively; while Bush’s
plan proposed a $1.6 billion increase (McGuinn, 2006, p. 174). Kennedy and Miller
agreed to negotiate with their fellow Democrats to vote for the bill in exchange for
increased education funding (McGuinn, 2006). The bill was passed on May 23, 2001 by a
384-45 vote in the Chamber of Representatives and by a 91-8 vote in the Senate.
However, it was adopted in two different versions, with the Senate voting for a $14.4
billion increase and the House for 4.6 billion, along with unrealizable education
achievement expectations from students (McGuinn, 2006, p. 176). The Conference committee, composed of Senators Kennedy and Greg and Representatives Boehner and Miller, was charged to negotiate in order to harmonize the $4.6 billion increase and overachievement expectations from students (McGuinn, 2006). The votes of the Conference report were 381-41 in the House and 87-10 in the Senate.

The bipartisan vote resulted from consensus over several parts of the original NCLB bill. The consensus eliminated school vouchers fiercely opposed by Democrats and their allied civil right groups and education organizations, but kept the charter school provision (DeBray-Pelot, 2007). The new bill also kept the prominent role of the federal government in education policy through national standards opposed by conservatives but wanted by liberal groups and the business community (DeBray-Pelot, 2007). Democrats also won in defeating Bush’s block grant proposal for state and districts, as well as the major consolidation effort to come up with a demonstration program; however, Democrats accepted federal mandates of teacher quality, testing, and accountability provisions wanted by conservatives (McGuinn, 2006). In conclusion, while the final bill satisfied the federal engagement sought by education unions and liberal groups, it kept the rigid accountability regime that most of them and some civil right organizations opposed. Since organizations did not participate in the negotiations leading to the vote of the bill, they were infuriated after its adoption (DeBray-Pelot, 2007), without exception with regard to ideology. Conflicting views from the 1980s and 1990s reflected in the work of Congress, which was itself divided on the original bill proposed by the Bush administration (DeBray-Pelot, 2007), but was able to produce a final consensual version.
Overview of NCLB’s Title I. This overview relates to NCLB’s goal, objectives, and basic requirements. NCLB is “an act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind” (Sec. 1). The purpose of Title I “is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments” (Sec. 1001). To accomplish its purpose, Title I mainly aimed to enhance professional development, reinforce and improve accountability, teaching, and learning, provide states with flexibility and sufficient resources, support parents’ participation in education activities, meet the educational needs of disadvantaged children, and close the achievement gap between low-performing children and high-performing students as the law itself seeks to achieve (Sec. 1001). Schools, local education agencies (LEAs), and states were held accountable for the academic achievement of all children. The law applied to all state education agencies (SEAs) and LEAs that received funding for its programs, and receiving agencies had to manage the federal funds according to specific conditions. NCLB had 10 Titles, but this overview covers NCLB’s Title I under consideration in this dissertation, which is “Improving the Academic Achievement of the Disadvantaged.” The other Titles are Preparing, Training, and Recruiting Highly Quality Teachers and Principals; Language Instruction for Limited English Proficient and Immigrant Students; 21ST Century Schools; Promoting Informed Parental Choice and Innovative Programs; Flexibility and Accountability; Indian, Native Hawaiian, and Alaska Native Education; Impact Aid Program; General Provisions; Repeals, Redesignations, and Amendments to Other Statutes. Title I was the bedrock of the law,
while the other titles were programs or dispositions to help achieve Title I’s goals and objectives. As mentioned earlier, schools that received funds under Title I for any of its program were called Title I schools, which were higher-poverty schools while lower-poverty schools were non-Title I schools.

**Academic requirements (Sec. 1111).** NCLB required states to develop same standards for all children and educational programs to address the needs of disadvantaged children, so that they could meet the same challenges as all other children. State standards had to be developed in core academic subjects such as mathematics and reading or language arts from the beginning of the implementation and in science by 2005-2006. The policy mandated states to develop annual measurable objectives (AMOs) that students should meet to become 100% proficient by the end of 2013-2014 school year with annual incremental gains in percentage of proficient students to happen in the first two years of the law’s implementation and yearly beginning in the third year. Annually, states had to test students and report measurable adequate yearly progress (AYP) for all students divided into subgroups by socioeconomic background, race-ethnicity, English language proficiency, and disability, as well as for LEAs. In order to make AYP, a state had to test 95% of students in each subgroup, reach graduation rates for students of public secondary schools, achieve its AMOs, and meet standards for any other academic indicator chosen at the state’s discretion. By the end of the 2001-2002 academic year, states had to define schedules to make AYP and ensure that all students in each group meet or exceed state proficiency levels of academic achievement in state assessments.

**School and LEA improvement (Sec. 1116).** NCLB also set accountability standards for states and districts to intervene in schools not making AYP. In the federal
education legislation, interventions to be made are considered as sanctions (Casserly, 2004). After two consecutive years of failure, those schools would be identified for improvement consisting of different activities and actions, including sanctions. First, LEAs would label those schools failing schools and commit them to develop new education plans and supplemental education services (SES) for failing students that could be provided during school break times, after schools, or during trimester breaks. LEAs would require failing schools to offer public school choice to parents in the first day of the school year following the identification, so that parents could transfer their children to higher-performing public schools. If the amount authorized to provide the above services was insufficient, LEAs would address parents’ demands based on lowest-performing children. LEAs also had to provide specific technical assistance to schools being improved, including helping determine whether problems exist in implementing parent involvement, assessment methods, instructional methods, and professional development and look for solutions to such problems. They would also help revise schools’ budgets and allocated funds, if needed. The provision of assistance could be done by the LEAs, SEAs, and Higher Education Institutions. Second, LEAs would continue to provide technical assistance, SES, and public school choice, if schools did not make AYP one year after implementing improvement plans. Schools would leave their improvement status after two consecutive years during which they had been making AYP. Third, if a school, however, failed to make AYP after two years of improvement; the LEA would take corrective actions consisting of continued SES, school choice to all students, and technical assistance. The LEA would also adopt at least one the following actions: replacing the staff responsible for the failure, implementing a new curriculum based on
scientific research, reducing staff’s management authority, hiring an external expert to advise the school’s staff, extending the school year or day, or restructuring school’s internal organization.

Fourth, if a school failed to make AYP after one full-year of correction made during two years of improvement, the LEA would restructure it. School restructuration included the provision of technical assistance, SES, and school choice to all students. In addition, the LEA would take one of these actions: replacing all or most of their staff (including principals), converting the school into a public charter school, turning its management to a private institution reputed successful in education, turning its operations to the SEA, or taking any other actions that it deemed necessary to improve students’ achievement.

LEAs had some discretion in the last three cases. LEAs could delay for one year their decisions related to improvement actions required when a school failed to make AYP after one year of being identified for improvement; two years after the identification; that is, when it came to taking corrective actions; three years after the identification—a period that represented the time of restructuration.

Moreover, when schools were identified for improvement, correction, or restructuration, LEAs would carry out the following requirements. They would provide or pay for transportation for all students transferred to other schools. They would promptly inform parents in understandable languages of the reasons for schools’ failures; detail what the schools and the LEAs had planned to address those problems; explain to the parents the option to transfer their children to other public schools; and publicize and disseminate through available means the actions taken. Also, LEAs had to involve
parents, teachers, principals, schools, school staff, and communities in developing plans and evaluation plans. To make involvement effective, LEAs would train and provide assistance to parents to help build their capacity, coordinate participation activities, build schools’ capacity, evaluate parents’ involvement annually, train teachers and children, and explain the importance of parent participation. Moreover, LEAs had to review activities that those schools had undertaken with respect to parental involvement and professional development, and others. They also had to review those schools’ progress to see whether they made AYP. Further, LEAs had to report all activities and review results to their SEAs and disseminate them to reach all stakeholders in order for the latter to keep working on improving instruction conditions and help children meet required academic standards.

States would have to technically assist LEAs in improving schools and ensure that they fulfilled all their obligations. SEAs would provide technical assistance to schools under improvement, corrective action, or restructuration and would make available to the public assessment results in schools under improvement before the next school year began. SEAs would inform the Education Secretary of factors that were said to be responsible for schools’ failures and could take appropriate actions against LEAs that did not respond to their obligations related to school improvement.

As failing schools, LEAs could also be identified for improvement. When SEAs identified LEAs for improvement, they would require them to develop improvement plans that would be reviewed and executed under states’ supervision, and provide them with technical assistance. If an LEA made AYP for two consecutive years and exceeded AYP as defined by its state after implementing its improvement plan, it would be
rewarded by its SEA. However, if it failed to make AYP, the state could take corrective actions by deferring or reducing its funding, implementing new curricula based on state and local programs, replacing its personnel, withdrawing schools from its jurisdictions, appointing trustees to administer it in replacement of its superintendent and school board, closing or structuring it, or transferring its students to other LEAs while providing for all expenses associated with those student transfers. SEAs had to publicize their actions, provide SES, determine the amount of funds to provide SES, ensure that competent SES providers were engaged, and look for strategies and solutions. SEAs also had to integrate LEAs and other local stakeholders in the improvement process and report to them.

Requirements for highly qualified teachers (HQT) (Sec. 1119). Beginning with the first year of the implementation of the Act, LEAs would ensure that teachers of core academic subjects were highly qualified. However, by the 2005-2006 school year, all teachers were to be highly qualified, regardless of the subjects that they taught. LEAs had to develop annual plans toward fulfilling this obligation, while SEAs had to adopt their own annual measurable objectives for LEAs toward meeting the HQT requirement. SEAs had to require LEAs to publish annual reports beginning with the 2002-2003 school year about their progress toward meeting this requirement. SEAs would also report to the Secretary, who would annually publish the reports of SEAs, LEAs, and schools regarding HQT measurable objectives.

Appropriations and funding management (Secs. 1002, 1113). The following annual amounts were authorized by NCLB for the above requirements: $13,500,000,000; $16,000,000,000; $18,500,000,000; $20,500,000,000; $22,750,000,000; $25,000,000,000

Receiving agencies had to allocate federal funds to schools according to families’ and children’s poverty percent levels. LEAs would use their funds in schools where children’s percentages were as high as those of low-income children from low-income families in the areas that they served. If the funds received by an LEA were insufficient, the LEA would determine the eligibility of areas by ranking them, based on the number of children belonging to low-income families whose percentage exceeded 75% from the highest to the lowest, without regard to grade spans. However, if funds remained after serving all eligible areas, LEAs would annually rank remaining eligible areas by grade spans or for the entire educational agency according to the previous ranking procedure for eligibility purpose.

NCLB did make available some flexibility for LEAs. Generally, LEAs had discretion to allocate funding to schools where at least 35% of their children came from low-income families. In the eligible areas, LEAs would provide to schools a per-pupil amount equal to at least 125% of the per-pupil amount they received from the federal government, but this requirement did not apply where LEAs served schools in which the children’s poverty rates were 35% or higher. LEAs could serve schools in non-eligible areas if the percentages of their low-income children were equal to or higher than those in other schools that they served. LEAs could also serve for one year a non-eligible area or a school that was eligible in the previous school year. LEAs would determine the number of children attending private schools without regard to public schools served in the same areas. LEAs could reduce the amounts of their allocations to eligible areas or schools
corresponding to the amounts of supplemental funds that those schools or areas received from state or local sources. Reserved monies would be used for homeless children not attending public schools, or neglected and delinquent children housed in local institutions, as well as neglected children in community day school programs. Finally, LEAs could consolidate funds received for eligible areas for school-wide programs aimed at enhancing student achievement in schools in which not less than 40% of their children came from low-income families. Schools would use these funds to supplement, but not to supplant, other funds from non-federal sources already available.

The law’s goal, objectives, responsibilities, and requirements have been detailed. These elements represented the law’s fundamental aspects and determined the direction of the implementation. The law’s implementation is discussed in the following paragraphs.

**NCLB’s implementation environment.** Following NCLB’s enactment, different groups pushed for changes to the law, in order to get their concerns addressed (DeBray-Pelot & McGuinn, 2009). Groups involved in this battle were mainly of two ideological spheres. On one hand, there were liberal groups, including teacher unions, civil right organizations, organizations representing administrators, and others that fought for policies based on finance-based equity and deep federal involvement in education policy. While these groups coalesced to advocate common policies, they were divided on certain points. On the other hand, there were those who advocated conservative ideas, including accountability, oversight, and the market approach to public education based generally on school vouchers, charter schools, and entrepreneurship approaches. Moreover, there were also state and federal officials that sided with liberals or conservatives, or supported
views from both sides, although they were either liberals or conservatives. Finally, different ideological groups from multiple sectors joined together to make their voices heard. Discussed next are actors’ concerns and the conflicting environment of the law’s implementation, along with implementation challenges and outcomes that can help better understand different parties’ positions.

**Concerns and complaints of states and professional organizations about NCLB’s funding and mandates with regard to rural and special education and requested actions.** Several states and interest groups were concerned with and complained about the application of NCLB’s accountability provisions to rural schools and special education students and teachers. Clarke (2004) reported that the governor of Indiana, Joe Kernan, wrote to Secretary Paige and federal legislators to voice his concerns linked to likely inaccurate assessments of students’ annual progress and the rigidity in assessing the performance of students having a disability (cited in Fusarelli, 2005). Also, states expressed grievances against the testing and accountability requirements regarding severely disabled and LEP students (Jennings & Rentner, 2006). States were of the view that high-stake tests would not allow them to get necessary information, due to cognitive incapacities of students with disabilities (SWD) and little knowledge of LEP students (Jennings & Rentner, 2006). In a 2004 position paper on NCLB, Pennsylvania Democratic governor Ed Rendell and his Secretary of Education Vicki Phillips said that AYP’s provisions were too rigid and a school should not be considered as in need of improvement after one year of falling to make AYP (Toland & Chute, 2004). On October 10, 2003, New Jersey Democratic governor James E. McGreevey said in a letter to Secretary Rod Paige that most schools in his state did not
make AYP due to the fact that a small number of impaired or LEP students were not prepared with regard to required standards (Richard, 2003). The governor deemed that a great number of schools were “falsely characterized” as failing schools and blamed AYP accountability (Richard, 2003, p. 25). Disadvantaged students seemed to become more disadvantaged under NCLB. LEP students generally live in family and neighborhood environments where English is not the first language and is rarely spoken, which may reduce their capacity for high-value works in English education settings. Also, some disability may reduce a SWD’s learning capacity and keep them from meeting high educational proficiency standards. Further, the education advisor to Montana governor, Kris Goss, said that most state’s schools could not meet the HQT requirement, because many teachers might teach several subjects in more than one grade (Richard, 2003). Montana Governor Judy Martz (Republican) stated that “The law has good things, but it affects us negatively-so I can’t imagine there’s anybody in rural America that doesn’t have problems with it” (Dillon, 2003, para. 10). Governor Ed Rendell, said the funding provided to pursue the law’s goals is insufficient (Toland & Chute, 2004). In September 2003, the former California governor Gray Davis signed with 25 other fellow-Democratic governors a letter to leaders of both parties in the U.S. Senate criticizing the law’s funding (Fusarelli, 2005). Governor Davis reminded them that “The federal government has promised states and local school districts funding to implement these important education programs and reforms [NCLB’s provisions]. Thus far, states have been shortchanged” (quoted in Fusarelli, 2005, p. 128).

To face these problems posed by NCLB’s accountability and that of funding, states demanded several courses of action. On October 6, 2003, after meeting with the
Western Governors Association, rural governors Bill Richardson of New Mexico (Democrat) and Judy Martz of Montana (Republican) wrote a letter to Secretary Rod Paige in which they indicated that their states needed more flexibility to address particular problems in small-size schools (Richard, 2003). The two governors requested additional funding, more flexibility regarding the deadline to measure AYP, the waiver of the HQT mandate, “a one-year” relief from “test-score requirements,” additional support to find a more effective way to evaluate the achievement of small-size-school students, and the postponement of sanctions “against rural schools” (Richard, 2003, p. 27). The governors stated that “Without collective determination to address these problems from both the state and federal levels, Montana, New Mexico, and many other rural states will continue to experience difficulties in these crucial stages of implementation” (Richard, 2003, p. 25). Governor Ed Rendell asked for complete funding of Title I and $200 million in annual funding under the Education Sciences Reform Act to allow states to deal with the NCLB’s data mandate (Toland & Chute, 2004, para, 6), and said to the federal government “Don’t ask us to test, then leave us without the resources” (Toland & Chute, 2004 para, 7). In their letter earlier mentioned, Governor Gray Davis and his colleagues demanded full funding of the law (Fusarelli, 2005, p. 128). Additionally, Governor James E. McGreevey advocated more funding (Richard, 2003). For governors, positive responses to those demands could solve the problems encountered by the states.

State concerns were similar to those of professional organizations. The latter demonstrated that NCLB’s HQT and evaluation requirements and the lack funding were the main sources of their problems. Ferrandino and Tirozzi (2004) reported that the Association of Elementary School Principals and the National Association of Secondary
School Principals signed a statement severely critical of the law, considering it as “an unfunded mandate that cannot work in its current form” (cited and quoted in Nelson, McGhee, & Meno, 2007, p. 702). In 2003, the American Association of School Administrators (AASA) said that the AYP measure might not be accurate due to small sizes of rural schools (Kossar, Mitchem, & Ludlow, 2005), while the Rural School and Community Trust stated that one fundamental problem for rural districts in getting HQT is significant salary gaps between poor and rich districts (Neill, 2006). In 2002 and 2004, the National Association of State Directors of Special Education (NASDSE) and the Council for Exceptional Children (CEC), respectively, complained that the increase of SWDs was not accompanied with that of qualified teachers (Kossar et al., 2005). In their 2002 and 2004 respective statements against the law, NASDSE and CEC complained about special children’s weak performance, the risk of disaggregation that AYP results might have for special children, the lack of common standards of statewide tests, and the lack of knowledge regarding appropriate accommodations for SWDs (Kossar et al., 2005). NASDSE and the Council of Administrators of Special Education (CASE) said that their main difficulties were to ensure AYP for all special education learners, sustain attention for all subgroups, and implement required improvement interventions linked to SES and choice options with regard to SWDs in failing rural schools (Purcell, East, & Rude, 2005). Due to these issues, CEC and NASDSE advised care in the application of the law’s provisions, especially the AYP mandate, to special education teachers and students (Kossar et al., 2005).

While states’ and organizations’ worries related to rural or special education, difficulties posed by NCLB’s mandates such as school improvement and the HQT
requirement represented serious problems for almost the whole school community. First, studies reported scant results from the provision of school-choice. In 2003, 10% of schools had to implement this provision, whereas “only one percent” of children attending those schools were transferred to a different school, with most of them not coming from poor families (Sanders, 2008, p. 593). Since 2002, there had been a meager percentage of only two percent of eligible students transferred from schools failing to make AYP to a different public school of their choice, and 20% of those qualified for SES had received them (Jennings & Rentner, 2006, p. 112). A DOE’s 2009 evaluation of the school choice and SES programs across states and local districts showed “the number of students participating in Title I public school choice and SES increased substantially from 2002-03 to 2005-06, but the percentage of eligible students participating remained constant, with most eligible students not participating” (DOE, 2009a, p. xvi). Especially, the report indicated that the percentages stuck at around one percent of eligible students participating in the school choice program and 17% in the SES (p. xvi). Slight differences among the data reported by the two sources can be explained by the fact that they were not collected at the same year and because some of them represent more than one year, but they all present a similar, dire situation regarding the implementation of both school choice and SES.

Second, difficulties to meet the HQT requirement were experienced by rural and other schools. As the 2005-2006 deadline was imminent, the requirement of having qualified teachers in core and non-core subjects represented significant challenges for small, rural educational institutions (Neill, 2006). Despite most school districts having indicated that they would be complying with the law’s HQT mandate for core subjects by
2005-2006, concerns still existed in rural schools for non-core subject teachers, who were generalists (Jennings & Rentner, 2006). Moreover, five years after the law’s enactment, a majority of educational institutions in the Pacific Region were unable to meet the HQT mandate and could not provide even training toward fulfilling this requirement (Heine & Emesiochl, 2007). Further, by 2006, 36 of 50 states reported that they did not have qualified teachers to carry out NCLB’s requirements (Jennings & Rentner, 2006, p. 112).

**Opposition of school districts and states to NCLB.** From the very beginning, the law faced opposition and criticisms from local and state actors. School districts filed motions to U.S. Federal District Courts against DOE. Those motions pertained to the lack of federal funding and the requirements related to public school choice, standards, and standardized tests (Pinder, 2010). In School District of Pontiac v. Spellings, the district contended that the law was unfunded, and the district should not have been required to comply with the law’s mandates (Pinder, 2010). Especially, the lawsuit was based on the argument that it is illegal for the federal government to force states to apply its policies without providing appropriate funding; after having been upheld, the action was rejected by a Federal District Court upon appeal (McGuinn, 2006). A motion filed by the Richmond County School District (Georgia) requested a one-year delay of the choice mandate in order to analyze the effects of this requirement on its school system (DeBray, 2004). The Court approved the request arguing that the segregation policy of school choice violated a 1972 court order requiring school desegregation in the County, and declared that the district needed sufficient time to examine the effect of school choice implementation on desegregation, students, and transportation cost for the district; where most students were from low-income families (DeBray, 2004). Following the decision,
DOE asked the district to get the court to modify the order, while attempting unsuccessfully to force its leaders to implement the school choice policy (DeBray, 2004). Finally, in agreement with DOE, it was in the next year that the district offered transfers to the poorest students in ways that did not disturb the racial balance (DeBray, 2004). A 2004 suit of the Pinellas County School District (Florida) was somehow similar. The district’s leaders asked a federal Court to turn down the requirement of school choice, due to a court order establishing a racial balance in the school system in a previous desegregation case; the judge responded positively ordering that the then actual balance remain unchanged (DeBray, 2005). DOE had the same reaction as in Richmond’s case, but failed to convince the district’s leaders to ask the court to revise the order.

State governments and legislatures also expressed discontent with NCLB. Connecticut undertook a legal action against the law, suing DOE on the basis that the law is unfunded (Pinder, 2010). The state complained about costly and burdensome federal requirements and about the arbitrary rejection by the DOE of its waiver requests regarding an exemption to the requirement of testing grades 3-8 annually and changes to the requirement of testing special education and LEP students (Ward, 2005). Standing against federal intrusion, Nebraska Republican governor Mike Johanns considered the law as “the biggest federal grab in the history of education” (quoted in Fusarelli, 2005, p. 130). Moreover, in 38 state legislatures, resistance to the law was expressed through resolutions, bills, or laws against parts of the law to ask their state education departments to opt out of the law, request more funding, and/or to criticize federal intrusion in state education policy (Shelly, 2008, p. 444). In 2004, Maine, Utah, and Vermont endorsed their legislatures’ actions against NCLB, with Utah clearly deciding in April 2005 not to
implement parts of the law that contrast with the state’s educational goals (McGuinn, 2006, p. 185). Utah’s 2005 law gave precedence to the state’s rules over those of the NCLB, while Maine’s law demanded that the Attorney General sue the federal government for the lack of funding to implement it (Shelly, 2008). In February 2004, Republican lawmakers in Arizona and Minnesota introduced bills to prevent states from implementing parts of NCLB or opt out of it, and Utah Republicans voted to implement NCLB where appropriate funding is available (Dobbs, 2004). Vermont’s bipartisan 2003 law banned the state and local education institutions from using their own monies to complement federal funding in carrying out the law’s mandates, while Hawaii’s legislature adopted a resolution requiring school administrators not to receive NCLB’s funding (Mathis, 2005). Virginia House’s Delegates expressed their anger with the federal “unwarranted intrusion” in the state’s education policy (Mathis, 2005). Virginia’s 2004 resolution, passed with 98 votes for and one dissenting Democrat, considered the law as “the most sweeping federal intrusion into state and local control of education in the history of the United States, which egregiously violates the time-honored American principles of balanced federalism and respect for state and local prerogatives” (Silber, 2008, p. 19). In 2004, Arizona lawmakers reported that the Republican and majority leader in the Arizona House declared, “I want to tell the feds they shouldn’t be involved in local education” (quoted in Fusarelli, 2005, p. 130). In 2007, state legislatures sought to obtain legislative changes to the law (Paley, 2007), but the reauthorization due in that year did not take place. By the way, state legislatures and Republicans-controlled state senates had opposed the NCLB bill and insisted on sufficient funding to be provided and states’ autonomy to be respected (Silber, 2008). This report suggests that state legislators’
opposition began before the law’s adoption. State legislative actions against the law and the issues are reported in Tables 1 and 2, respectively.

Table 1: State Legislatures Introducing Bills and Resolutions against NCLB

<table>
<thead>
<tr>
<th>Legislative Actions</th>
<th>States</th>
</tr>
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<tbody>
<tr>
<td>Have introduced a resolution or bill asking Congress to modify NCLB</td>
<td>Alaska, Arizona, Florida, Iowa, Kansas, Maryland, Nebraska, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Washington, Wisconsin, and Wyoming</td>
</tr>
<tr>
<td>Have passed a resolution through at least one house of legislature.</td>
<td>California, Idaho, Indiana, Kentucky, Minnesota, Oklahoma, Rhode Island, and West Virginia</td>
</tr>
<tr>
<td>Have passed a resolution through legislature and executive.</td>
<td>Hawaii, Louisiana, and New Mexico</td>
</tr>
<tr>
<td>Have passed a law placing state in formal opposition to NCLB through one House of legislature.</td>
<td>Nevada, New Jersey</td>
</tr>
<tr>
<td>Have passed a law placing state in formal opposition.</td>
<td>Colorado, Connecticut, Illinois, Maine, Utah, Virginia</td>
</tr>
</tbody>
</table>

Source: Shelly (2008, p. 446)

Table 2: Key Issues of Opposing States

<table>
<thead>
<tr>
<th>Issue</th>
<th>States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fully funded/ stop unfunded mandate</td>
<td>Connecticut, Delaware, Columbia, Florida, Illinois, Iowa, Maine, Maryland, Minnesota, Nebraska, New Mexico, Oklahoma, Oregon, Washington, Wisconsin, and Wyoming</td>
</tr>
<tr>
<td>Opt out provisions</td>
<td>Colorado, Hawaii, Maryland, Minnesota, Vermont, Wyoming</td>
</tr>
<tr>
<td>Waivers for achieving schools</td>
<td>Connecticut, Oregon, Virginia</td>
</tr>
<tr>
<td>Change highly qualified teachers</td>
<td>Arkansas, New Jersey, North Dakota</td>
</tr>
<tr>
<td>State rights</td>
<td>Arizona, Connecticut, Maine, Minnesota, Utah, Vermont, Virginia, Wyoming</td>
</tr>
<tr>
<td>Provisions for small rural cities</td>
<td>Idaho, New Mexico</td>
</tr>
<tr>
<td>Other general concerns</td>
<td>Hawaii, Idaho, Indiana, Minnesota, Mississippi, Oklahoma, Vermont</td>
</tr>
</tbody>
</table>

Source: Silber (2008, p. 16)
The opposition to the law came from the whole political elite. Dissatisfaction with the law was expressed by state legislatures controlled by Democrats and Republicans, but with most of them being dominated by the latter (Fusarelli, 2005). According to Scott Young, an analyst with the National Conference of State Legislatures (NCSL), “Republicans tend to see this [NCLB] as federal intrusion into state rights, while Democrats complain more about insufficient funding. But the two concerns overlap” (Dobbs, 2004, p. 2). The Associated Press (2004) reported that the opposition brought together “GOP conservatives who resent what they regard as federal intrusion into a state area of responsibility; educators and liberals who object to standardized tests and more stringent teacher qualifications; and politicians from both parties who resent unfunded mandates…” (p. 1). In view of these studies, it appears that both Republicans and Democrats were concerned with federal intrusion in state education policy and the lack of funding. However, it is evident that Republicans were more concerned with the federal intrusion than Democrats, who believed that the federal government had to be involved in state and local policies in order to promote equity.

Fundamental issues that seemingly led to tensions between states and the federal government were the law’s funding, the federal intrusion in state and local education policy, and the lack of flexibility in the law. One can be tempted to say that NCLB took from states their right to make their own education policies—a privilege that they had jealously preserved. However, states could still retain that right if they did not accept federal funding for the law in exchange for its implementation.

The main problem was that states faced a dilemma. While they opposed some of NCLB’s provisions, they feared losing federal funds if they did not implement the law.
Indeed, the chair of the Utah House Education Committee, Margaret Dayton, said that she faced the choice of rejecting $106 million the state would get from implementing the law or implementing the law and thus giving away the state’s power to the federal government (Dobbs, 2004, p. 2). Following the meeting of Secretary Paige’s advisor, Ron Somalis, with Utah lawmakers to inform them that the state would lose that money if they opted out of the law, the legislators changed their language and their position by requesting that the law should be wholly funded (Dobbs, 2004). According to Lynn (2004a), the Republican governor of Utah Olene Walker said that she was also against the federal intrusion but stated “We cannot afford to lose that amount of money in our public education system” (cited and quoted in Fusarelli, 2005, p. 130). Dobbs (2004) said that so far no states were ready to abandon the law’s implementation, which would amount to losing federal funds, but sought to avoid most costly provisions of the law.

Losing federal funds was a concern—that could have negative impacts on states’ financial capacity to continue to provide their services, and that states could face public outcry for denying federal monies in favor of popular policies (Shelly, 2008, p. 447).

Opposition, criticisms, or proposals of governmental associations, professional organizations, civil rights organizations, and think tanks. Organizations were dissatisfied with NCLB’s provisions and proposed revisions to the law. Governmental associations are composed of what Fowler (2000) called government actors in education policy, and are state and local governmental associations. The latter include the National School Boards Association (NSBA) and the Council of the Great City Schools (CGCS). NSBA strongly opposed federal intrusion in local education policy and criticized the law for imposing on local districts very costly policies (http://www.nsba.org/advocacy). The
organization fought for local decision-making authority and flexibility, while ensuring accountability to high educational services (http://www.nsba.org/advocacy). Further, it also was against “tuition tax credits” and vouchers; it advocated the use of public funds to reinforce public education, but supported charter schools when allowed by local districts (http://www.nsba.org/advocacy). Conversely to NSBA, CGCS did not embark on criticizing the law, but was careful with the consequences of school failures (Casserly, 2004). Also, city school leaders also became frustrated when facing difficulties in the implementation of the school choice and SES policies (Casserly, 2004). By 2006, both organizations were in coalitions seeking to get the law revised.

State governmental associations are the NCSL, NGA, NASBE, and CCSSO. Since the adoption process, NCSL had showed deep hostility to NCLB (see DeBray-Pelot & McGuinn, 2009). The organization particularly attacked the testing requirements in harsh terms (DeBray-Pelot, 2007); but, generally, its opposition was geared toward the law’s accountability principles (Manna, 2006). In December 2003, it called for revisions in the law through regulation and legislation, and declared that it would initiate discussions on what could be done to improve the policy (Prah, 2003a). In fact, in 2005, the NCSL’s education program director, David Shreve, created a task group which produced a report titled Delivering the Promise: State Recommendations for Improving the No Child Left Behind Act, in which he stated that the law had “questionable constitutional underpinnings” and criticized its aspects relative to teacher quality, special education, and LEP students (DeBray-Pelot & McGuinn, 2009, p. 30). The NCSL’s report also called for more flexibility to be given to states and the revision of the 100% proficiency goal (McGuinn, 2006). In 2002, NGA and CCSSO urged the DOE to grant
states flexibility in the law’s implementation (Olson, 2002). In 2003, the National Association of State Boards of Education (NASBE) expressed doubt about the AYP’s soundness to accurately measure performance in rural schools (Kossar et al., 2005). A year before, NASBE, along with AASA, called for significant flexibility to be granted in favor of rural and small schools educating LEP children and having limited resources (NASBE & AASA, 2002), and in March 2004, relief from the law’s requirements was demanded by 14 chief state school officers (Mathis, 2005). The Ed Trust’s policy director admitted that it was fine to give flexibilities to states, but in ways that should not have affected the law’s fundamental aspects upon which different actors had agreed (Prah, 2003b). NGA also pushed for the inclusion of the value-added growth model in the calculation of AYP (Fusarelli, 2005). This was a request for the revision of how student progress must have been evaluated under the law; the growth would not eliminate AYP, but change its process. The growth model measures each student’s gains from one year to another, rather than assessing achievement based on increases made by a student group from a last-year test score in a subject to the next-year test score in that subject as required by the status model (Hoff, 2007). The U.S. Government Accountability Office reported that several states had been using different growth model methods before NCLB, the education and research community, as well as advocacy groups agreed that growth should have been used in calculating AYP (cited in Furgol & Helms, 2011). NEA (2009a) added that state legislators also asked for new accountability principles in order to fairly and reliably measure student achievement—an objective that the growth model assumes. In April 2007, CCSSO, NASBE, and NGA endorsed a document in view of the law’s reauthorization, demanding “growth models” and new accountability principles
(Klein, 2007). According to this collective group, the growth model would have allowed stakeholders to recognize states’ contribution in increasing student individual performance, in addition to meeting proficiency for all student groups (Klein, 2007); this view had been that of the NGA years before. The group’s accountability proposals would grant states the authority to develop policies of “rewards and consequences” for schools failing to meet the law’s performance requirements and to establish school intervention policies, such as tutoring for low-achieving students; while the federal government would have to create “bonus” systems as incentives for high-maintaining standards and achieving schools (Klein, 2007, p. 28). Another component of the accountability would also provide states with authority to change HQT requirements to especially allow rural school teachers and those of LEP and special education students to be recognized as highly qualified, if they met standards in main subjects they were teaching as well as progressed toward meeting high state standards in other subjects (Klein, 2007).

Moreover, the group requested the use of “alternate or modified assessments” based on “individualized education programs” for SWD; more flexibility in measuring LEP students’ AYP and progress through alternative assessments and in extending their English learning time (Klein, 2007, p. 28). Further, it asked for financial support to evaluate state standards through international education benchmarks (Klein, 2007). The group was fundamentally interested in having more flexibility, which would allow state officials to have more power in the law’s implementation.

However, other organizations were reluctant to fully support the group’s proposals. According to Rhode Island Republican Gov. Donald L. Carcieri, who directed the committee on NCLB with Washington Democrat Gov. Christine Gregoire within the
NGA, the law generally indicates what has to be done, but needs some fixing through tweaks and adjustments based on many years of observation of the implementation (Klein, 2007). However, an Ed Trust’s leader, Ms. Wilkins, objected to more flexibility for LEP students, arguing that most of them were born in the United States (Klein, 2007). Wilkins also worried about the possibility that more flexibility could hurt or prevent equity, which is the law’s main pursuit in favor of disadvantaged students (Klein, 2007).

While Andrew J. Rotherham, a co-director of think tank Education Sector (ES), applauded the group’s disposition for more “benchmarks and transparency,” he regretted that states kept refusing to accept the mandatory character of the law’s standards (Klein, 2007). Rotherham, who is a co-founder of the ES, worked with the Progressive Policy Institute and President Bill Clinton (Rotherham, 2006). Mary Kusler, who was AASA’s assistant director of government relations, criticized the group’s stand for not deeply elaborating on the issue of too much federal involvement in state education policy (Klein, 2007). NCSL was part of the group at the start, but did not endorse the proposals because, according to its education program director, the document was prepared “unilaterally and internally” by the NGA, which prevented his organization from voicing its concerns (DeBray-Pelot & McGuinn, 2009, p. 28). One of the director’s complaints was that the group asked for growth model, while supporting full proficiency for all students, which he considered as confusing (Klein, 2007). The document’s signatories just wanted some flexibility while implicitly accepting most of NCLB’s same requirements.

State governmental associations, except NCSL, are considered more powerful groups in education policy (Debray-Pelot & McGuinn, 2009), and thus more influential than their local counterparts. This results from their constitutions giving them the highest
authority in the field, and “School districts are essentially administrative agents of the states that can be created, dissolved, or merged by state-level decisions” (Manna, 2010, p. 5). CSSOs generally supervise states’ public school systems and head the SEAs and NASBE’s members (SBEs) have “quasi-legislative and quasi-judicial” roles and considerable implications in state education policy (Fowler, 2000), while NGA’s members essentially have the higher political power. NCSL does not enjoy such high power because it works only with state legislators and their staff on public issues to help Senators and Representatives make sound policies.

Professional organizations such as NEA, AFT, and AASA are discussed in this subsection. In 2002, NEA and AFT did not overtly demonstrate their opposition to the law, but began to criticize some of its aspects and asked for amendments (Koppich, 2005). Especially, they raised their voices against NCLB’s one size-fit-all solutions, testing requirements, sanctions, evaluation provisions, unrealistic goals, and narrow focus on the language arts and mathematics (Hess & Petrilli, 2006; Koppich, 2005). From 2003 to 2004, NEA clearly expressed its hostility to NCLB’s evaluation accountability and sanctions (Koppich, 2005). Its former president Reg Weaver said his organization was seeking a state to sue the federal government (DeBray, McDermott, & Wohlstetter, 2005). NEA was, in fact, associated with the School District of Pontiac and other allies in the 2005 lawsuit against DOE, due to the lack of funding for NCLB’s requirements (Munich & Testani, 2005). NEA (2011) also disapproved of the “automatic” approach of the teaching career in favor of the process approach; it endorsed alternative routes to attain teacher quality based on rigid and national standards (NEA, 2009b). To ensure that every classroom has HQTs, state and federal governments have to reinforce teacher
evaluations, be accountable for teacher professionalization, institute teacher recognitions and rewards, hold teacher continued training, and develop performance measures (NEA, 2002). NEA blamed standardized tests for requiring too much time and advocated less testing to allow more time and resources in schools so that they can focus on students’ real needs and improve performance (http://www.nea.org/home/18526.htm). It requested the development of quality programs and high, rigid academic standards for all students; the use of growth model and other instruments to measure student progress; flexibility in assessing SWDs and LEP students and for states to make wide academic and administrative decisions; the postponement of sanctions against failing schools for an additional year; the provision of SES before offering school choice to students; more funding to educational agencies; and financial, professional, and technical support from the federal, state, and local authorities to educational agencies, teachers, and parents (NEA, 2006). The union denounced the use of public monies to fund SES and the control of public education by private companies; and advocated teacher control over classroom activities, the reinforcement of educators’ and schools’ leadership capacity, and sharing of responsibility among parents, communities, educators, and other stakeholders (NEA, 2006). NEA also called for teacher evaluation to be based on various performance measures, including the use of high-stake tests of high-quality in a restrictive way, student growth, teaching practice, and student learning; asked for reasonable deadlines to be given to teachers to improve their capacity before they can be dismissed for failure to meet the law’s required standards (NEA, 2011). NEA rejected NCLB’s main approaches or principles to ensure high-quality and equitable education.
The illusion of NCLB’s goals that NEA complained about was approached in multiple ways. The 100% performance goal is unrealizable due to the limitation of the 2014 deadline (Linn, Baker, & Betebenner, 2002; Linn, 2003; Olrich, 2004, Smith, 2005); the impossibility for SWDs to make it (Moores, 2004) and to bridge performance gaps between LEP students and English proficiency students by 2014 (Rossel, 2005); uneven distribution of disadvantaged students in public school (Smith, 2005); meager past NAEP test results showing huge gaps between minority and majority students (Linn et al., 2002; Linn, 2007). According to Linn (2003), past experiences and performances should help determine goals that are achievable, and “we should not set a goal for all schools that is so high that no school has yet achieved it’ (p. 4). NEA’s contention that the equal performance goal is an illusion is rooted in research.

AFT criticized the law with a more conciliatory tone, while making proposals to address its limits. The union had expressed a mixed position toward the law in the beginning, but really took a clear stand asking for the law to be amended, when it was evident that serious obstacles hampered its implementation across states (DeBray et al., 2005). Its former president Sandra Feldman stated that the law requires educators to show their creativity, while acknowledging that fighting against what is unacceptable is still needed (DeBray et al., 2005). Sandra regretted that the Bush Administration was unable to successfully implement the law, but declared: “If all we do is focus on the potential harm that can be done by the law, then we’ll be doing a disservice to our students, our profession, [and] our union” (DeBray et al., 2005, p. 14). A series of AFT’s annual resolutions clarify its positions regarding the law. In 2002, AFT voiced its disapproval of high-stake tests for their “misuse, overuse, and abuse;” blamed NCLB for encouraging
different standards; called for raising and developing stricter national standards to
promote educational “excellence and equity” (http://www.aft.org/about/resolutions). AFT
also attacked standardized tests for their low quality and inappropriateness, and for
requiring too much school time and leading to the neglect of other academic subjects.
Moreover, the union demanded the use of incentives to improve low-performing schools;
the development of high-quality tests; the possibility for students to “retake high-stake
tests;” the identification and dissemination of programs that support teacher development;
the collection and presentation of clear learning evidence as more desirable than the
results of high-stake tests; the standardization of the teaching profession; and the
participation of teachers in all decisions relative to student learning, assessment, and
promotion. AFT further requested support to enhance schools’ capacity; necessary
funding for educational programs and activities; the provision of clear information to
different stakeholders; and the adoption of policies that favor LEP students and that
accommodate, waive certain requirements for, SWDs. In 2004, AFT denounced the law’s
lack of funding and its focus on sanctions; argued that the HQT requirement is
unrealizable and that the validity and reliability of the AYP measure are not scientifically
proven; required the use of flexibility available in the law and the extension of deadlines
even when they are not authorized by the law (http://www.aft.org/about/resolutions).
From 2006 to 2012, AFT adopted several others resolutions that expressed its opposition
to the narrow focus of the curriculum on mathematics and the English language; pushed
for greater focus on other academic subjects, the use of LEP students’ culture in
education, and the provision of funding to prepare teachers, so they can provide tailored
services to these students (2006); called for the development of common, yet high,
educational standards and encouraged states to adopt and promote them (2010); called for
the use of the “language, culture, and history of Native American students” in education
(2011); asked testing organizations to integrate teachers’ views in developing tests that
must be aligned with high common standards; urged an ending to low-quality
assessments and sanctions that impede creativity; and requested teacher assessment based

AFT’s questioning of the AYP’s validity and reliability deserves further
discussion. This is important since AYP is the main tool to measure and compare student
performance. How states determined their AYPs raised the issue of the lack of common
standards across states, which led Porter, Linn, and Trimble (2005) to point out AYP’s
inaccuracy. Several ways are used to determine AYP attainment, including the
postponement of AYP increases (back loading), use of previous year increases (front
loading), and use of straight-line increase, with the back loading and the straight-line
approaches being more popular among states (Porter et al., 2005). Other design decisions
involve the number of students in disaggregated groups, the use of confidence interval,
and the nature of the confidence interval (Porter et al., 2005). The absence of standards
support Elmore’s (2003) contention that “The AYP requirement, a completely arbitrary
mathematical function grounded in no defensible knowledge or theory of school
improvement, could, and probably will, result in penalizing and closing schools that are
actually experts in school improvement” (p. 7). Moreover, Smith (2005) argued that
demographic and environmental factors represent main threats, where uneven distribution
of students with different racial and socio-economic backgrounds will have important
impacts on AYP. Further, others addressed the issue focusing on student mobility. For
instance, AYP can be affected by instability resulting from moving those achieving proficiency to other subgroups (Abedi, 2004). Cohorts of students are constantly changing, which may lead to AYP results within a 3-year period that reflect only the performance of an insignificant proportion of students from year to year (Linn et al., 2002). Adaptation can be an important factor to consider in measuring achievement. When students are transferred to new schools, they may need some time to get accustomed to their new environments as well as to the schools’ teaching and learning practices. AYP measurements cannot catch these potential variables that can negatively affect students’ performance. Also, measurement errors are possible because not the same students with the same characteristics are assessed from one period to another. It is evident that AYP is not a scientific tool to measure school or student performance, as AFT asserted it.

Based on NEA’s and AFT’s positions and other reports, it is clear that the two unions generally held similar views about NCLB. Among others, both of them called for adequate funding; the reinforcement of teachers’ and schools’ capacity; a restrictive use of high-stake tests; teacher evaluation based on student growth and other activities; flexibility relative to testing and accountability; the elimination of poor tests for decision making; the elimination of or flexibility in sanctions against schools. Additionally, they recommended the elimination of the AYP, the 100% proficiency goal, teacher evaluation based on students’ test results (value-added evaluation), and of the private approach to education (Jennings, 2011). The unions were not strongly against testing and valued-added evaluation, but wanted them to be used along with other activities. While the two organizations were harshly opposed to the most criticized parts of the market approach
(sanctions, performance-based teacher pay, privatization, vouchers, and others), they favored or accepted other parts of it. For instance, they did not show opposition to charter schools, but received it with coldness (Koppich, 2005). As for the NEA, it voiced support for charter schools, but said they should be held accountable as other traditional public schools are and be open to the public (NEA, 2011)—a position that it had had before NCLB. NEA and AFT also supported reward, incentives, or recognitions to encourage effective teachers and turn out low-performing schools. In reality, what the two unions were looking for was a radical revision of the law to get rid of its core accountability provisions that threatened the control of educational processes by educators, especially teachers.

As for AASA, it was one of the rare organizations that had overtly expressed their opposition to the law since its adoption (Maxwell, 2008), and it also outlined its general views about educational accountability. AASA opposed the law more than any other organization, a behavior that cooled its relationships with DOE leaders (Mathews, 2008). In 2007, AASA’s executive director Paul D Houston identified NCLB’s “Seven Deadly Sins” whose five of them were “conflating test results with student achievement; overlooking the drag of poverty on schools doing their best; coercing teachers to drill students for the tests; being too complicated; ignoring the advice of education experts” (Mathews, 2008, para. 41). AASA considered that focusing on a reduced curriculum, testing, and bubble or stimulus assessments creates more performance and social disparities rather than equity at the expense of disadvantaged students, and it is likely that their schools will be labeled failing schools (Rothstein, Richard & Jacobsen, 2007), since economically and socially worse-off students would generally perform at lower levels
than better-off ones. AASA said that those practices limit student knowledge and hurt their creativity (Matthews, 2008). In 2007, AASA renewed its attachment to its 1938 main principle, which is preparing students to become full citizens to take on political, social, moral, and intellectual responsibilities by seeking to develop all their human capacities (Rothstein et al., 2007). AASA and NEA called for a gathering of education stakeholders to create a commission in order to work on new policies that would focus on “self-realization, human relationships, economic efficiency and civic responsibility” (Rothstein et al., 2007). In a 2008 document, the organization demanded that the federal government focus on the “total child,” meaning that students have to be viewed as being both in classrooms and living in social environments, which often have negative impacts on what they learn at schools (Maxwell, 2008). This position implies that AASA disagrees that schools, teachers, and education leaders alone should be held accountable for students’ performance. However, the organization said it was not against the law’s accountability provisions but their state (Maxwell, 2008). According to AASA, educational accountability had to be restructured to focus on broader goals and a broader curriculum, which does not restrict the development of students’ human capacities (Rothstein et al., 2007). Although AASA opposed the law, along with NASBE, it had prepared a guiding document for leaders of rural and small schools on how to implement diverse aspects of it, including AYP, testing, and school choice; while asking for flexibility in the implementation (NASBE & AASA, 2002), as mentioned before.

Moreover, civil rights organizations were also very critical of the law. At a 2004 conference of civil rights groups, the NAACP’s chairman, Julian Bond, criticized NCLB’s testing and accountability provisions for punishing the school community and
decreasing education quality (http://www.fairtest.org/civil-rights-brown-and-nclb). In their final statement, the civil right groups rejected high-stake tests and recommended their use along with other evaluation means to assess student performance, and they also called for the law to be fully funded, so that schools could meet requirements rather than have their grants reduced for failing to meet the goals (http://www.fairtest.org/civil-rights-brown-and-nclb). They, moreover, called for a solid curriculum and community’s and parent’s empowerment to ensure their effective participation in improving education (http://www.fairtest.org/civil-rights-brown-and-nclb). It is clear that the conference objected to sanctions in favor of funding that was considered as the main factor of equity. Additionally, in 2005, the National Indian Education Association convened educational leaders of the Indian education community from about 11 states in Denver, Colorado, to discuss NCLB’s issues in relation to the Indian students and schools (Beaulieu, 2008). The gathering took place in the presence of the then first Lady Laura Bush, who was invited to attend. Their criticisms of NCLB were essentially made in view of the Indian culture affected by the law. Participants said that the law stood against its aims of leaving no child behind, by undermining the culture and language of the Indian communities and local education policies of tribal governments. Participants said that high-stake tests discourage students and teachers and do not connect with the realities of the Indian children. They also said that the law’s HQT requirement did not match the teaching practices in the Indian schools. They did reject the one-size-fits-all solution of the law in favor of the measurement of student performance through continued student progress instead of the yearly performance results accountability that they viewed as flawed. They argued that NCLB has negative impacts on the Indians schools, especially those in the
rural areas, and called for Indians’ language and culture to obtain an important place in Indian students’ education. Further, the Mexican-American Legal Defense and Education Fund (MALDEF), which is a major liberal advocacy organization, opposed the law and called for its complete revision (DeBray-Pelot & McGuinn, 2009). During the 2007 debate for the law’s reauthorization, MALDEF stated that the law failed to meet its main objective to eliminate or reduce achievement gaps, due mainly to the fact that LEP students have difficulties mastering the English language and becoming knowledgeable in other subjects (MALDEF, 2007a). It added that the lack of funding and commitment of the governments involved in the implementation contributed to the failure (MALDEF, 2009). To address these problems, it asked for the reduction of English requirements and the use of multiple evaluation measures for LEP students in accordance with their “specific academic and linguistic needs” (MALDEF, 2007a). Also, MALDEF (2007b) asked Congress to fund the law, use caution in its revision, and keep the provisions related to high standards and the aim of performance equalization for all children, while promising to work with parents to enhance their participation in educational activities.

Further, both liberal and conservative think tanks took positions to criticize and/or propose remedies to the law. In February 2002, the Education Leaders Council (ELC) wrote to DOE asking for significant flexibility in the implementation of the law, especially in AYP (Olson, 2002). ELC is a right-wing think tank (Smith, 2004) of state groups and state officials pushing for accountability in education (Olson, 2002). In 2005, the conservative Cato Institute (CI) accused the federal government of centralizing education policy the same way as the Soviet’s planners, and asked for freedom in the law’s implementation (Hess & Petrilli, 2006). CI stated that “NCLB may end up giving
us the worst possible scenario: unconstitutional consolidation of power in Washington over the schools, with that power being used to promote mediocrity rather than excellence” (Hess & Petrilli, 2006, p. 20). As a conservative organization, the CI was more concerned with the intrusion of the federal government in state education policy. Its position aligns with the view of states and unions that wanted to maintain their control of the education system, with the unions pushing for more equity. Both ELC and CI requested more flexibility, but only the latter expressed its opposition to NCLB.

The Center on Education Policy (CEP) is another think tank that implicitly criticized the law though its research reports. It is a liberal, influential think tank led by former House Democratic congressional aide Jack Jennings (DeBray-Pelot & McGuinn, 2009). In its 2006 research about NCLB’s implementation effects on schools and the extent to which the law was meeting its objectives, the think tank found that the law was not effective and that (a) Poor policies considering achievement as the percentage of students scoring at the state proficiency levels lead to large variations in state standards, which make it difficult to assess gains in student performance; (b) too much time spent on math and reading in poor schools leads to neglect of other subjects, such as social studies; (c) too much attention is paid to bring curriculum and instruction together, score data analysis, and use research to make decisions; (d) failing schools do not undergo true structuration as required by the law, but are generally transformed through better curricula and changes of school staff and leadership; (e) the HQT requirement represents a burden for states; and (f) the law leads to a significant increase of tests for students (Jennings & Rentner, 2006). Also, a CEP’s 2007 study found that there were gains in achievement and that the gaps did not widen, but the organization alleged that there are
no indications gains in schools are linked to NCLB (Chudowsky, Chudowsky, & Kober, 2007). It also alleged that performance measured through AYP can be the result of increased teaching to the test, test leniency, and scoring or data analysis (Chudowsky et al., 2007). CEP’s findings and negative views about the law’s implementation processes could fuel opponents’ arguments. Harsh reactions of the law’s proponents to liberal think tanks and educational researchers suggest the latter play a non-negligible role in education politics (see Smith, 2004). Below, this last point is discussed in the section related to the support to NCLB, where DOE’s officials and conservative think tanks attacked researchers whose findings show the law’s implementation was not effective in achieving its goals and objectives.

While those research accounts do not clearly indicate CEP’s views about NCLB, the organization expressed its positions about certain aspects of the law in a proposal document. CEP (2007) recommended multiple courses of action to improve the law in several areas. In the evaluation area, it advocated high-quality tests and the extension of testing to other academic subjects for accountability purposes. CEP also advocated the use of the growth model in the calculation of AYP at the expense of the 100% proficiency performance, but said that additional measures of performance other than mathematics and English language arts should be included in that new AYP. In the school improvement area, CEP said that schools should be forced to improve only in cases where same student groups do not meet states’ AYP standards in same subjects for 2 or 3 years. There should be promotion of effective school improvement strategies; multiple ways to restructure failing schools; and more funding to states, districts, and schools to support school improvement. States should be able to develop high-quality
assessments for LEP and SWD students and choose levels of technical assistance deemed necessary for districts or schools in need of improvement. School improvement should be an option but not a requirement. When it comes to teacher quality, the think tank called for flexibility based on revision of the HQT provisions to meet special situations linked to difficulties getting teachers fully proficient in certain subjects and special education. Also, states should be encouraged to create their own standards for the determination of teacher effectiveness to be measured through certification and licensure of experienced teachers. For the purpose of sharing information, states should have the capacity to develop a data system made available to stakeholders. Last, the think tank demanded that more funding and other kinds of assistance be provided to states, so the latter can carry out those tasks and other law’s requirements. In 2010, it pressed the federal legislators and the President to quickly reach an agreement to renew ESEA and save the education system from the NCLB’s flawed system characterized by unfair policies relative to the AYP measure and sanctions (Jennings, 2010).

Last, the National Center for Fair and Open Testing (FairTest), which is a liberal think tank (Smith, 2004), fiercely criticized NCLB. Its executive director, Monty Neill, charged that the law is preparing schools to fail (Prah, 2003b). FairTest pointed out two big flaws in the law: “Boosting standardized test scores should be the primary goal of schools [and] schools can best be improved by threatening educators with harsh sanctions, since poor teaching is the primary cause of unsatisfactory student performance” (Neill, Guisbond, & Schaeffer, 2004, pp. ES1-ES2). The first assumption leads schools to focus on preparing students for tests rather than on tasks that ensure excellent education to all students, while the second one can encourage educators to
inflated test results and neglects factors such as poverty and the lack of funding that are the main explanations for children’s weak performance (Neil et al., 2004). FairTest also argued that the law’s narrow focus on testing and the resulting limited curriculum affects education quality and harms poor students, which increases education inequality between well-off and worse-off students (Guisbond, Neil, & Schaeffer, 2012). FairTest alleged that schools have difficulties teaching children whose poor family, economic conditions, and broader social environments constitute impediments to their learning, and that there is a common agreement among scholars that it is quasi-impossible for children living in ill socio-economic conditions to have equal educational performance with their better-off counterparts (Guisbond et al., 2012). Moreover, it stated that NCLB’s AYP is flawed, due to the assumption that the resources to bring all students to efficiency already exist and that school staff have to manage to use them and work toward enhancing teaching and learning without considering the problems of big classes, lack of materials, poor technology, as well as factors not controlled by schools such as poverty and student mobility (Guisbond & Neill, 2004). FairTest further argued that the law failed due to the mandate of meeting standards and the annual AYP requirement for each student group without taking into account the conditions in which schools work (Guisbond et al., 2012). FairTest’s criticisms align with its advocacy for quality and equity in education.

Three of FairTest’s arguments—that the use of extended time for specific subjects harms schools, that the risk of cheating is associated with high-stake testing, and that the law’s performance is poor—seem real. First, research reported that testing has negative impacts on schools by reducing the time for other activities or requiring important resources (Zellmer, Frontier, & Pheifer, 2006; Musoleno & White, 2010; Guisbond et al.,
Second, research also reported several cheating cases associated with the fear of high-stake testing by educational agencies and schools across states (Associated Press, 2006; Guilfoyle, 2006; Silber, 2008; Guisbond et al., 2012). Third, NCLB was not effective in helping students meet standards (Chudowsky, Chudowsky, & Kober, 2007; Guisbond et al., 2012) in mathematics or the English language. From 2002 to 2011, performance gaps between Blacks and Hispanics, Blacks and Whites, or Hispanics and Whites were not bridged; majority students performed better than minority students in 4th, 8th, 8th, and 12th grades (Guisbond et al., 2012; Editorial Projects in Education Research Center [PERC], 2011; National Center for Education Statistics [NCES], 2011a; 2011b). Moreover, from 2005 to 2009, the rates of White and Asian/Pacific Islander students graduating from high schools were higher than those of Black, Hispanic, and American Indian students (NCES, 2011b; PERC, 2011); in 2009, the high school graduation rate for ELLs was greater than that for SWD (NCES, 2011b) while that for low-poverty school students was higher than that for high-poverty school students (PERC, 2011). These data justified concerns and complaints of educational organizations and supported FairTest’s view that NCLB was not reaching its intended objectives or goals.

To improve education, FairTest proposed state, local, internal accountability among educational stakeholders. The organization recommended federal, state, and local collaboration toward establishing fair educational conditions; a plurality of means to assess student learning; the provision by governments of “adequate, equitable funding” and other resources to schools; the participation in educational activities of stakeholders inside of schools and from the community; the creation of opportunities for knowledge sharing among teachers to help them improve; states’ obligation to promote equity and
civil rights; and feedback to teachers and children on high-quality educational assessments (Neil et al., 2004, pp. ES4-ES5). Several of these proposals already exist in NCLB. In fact, the Act aims to ensure safety in schools and requires states’ support to teacher development, participation of community and parents in educational learning, feedback to teachers and schools, and publication of performance results. However, the quest for shifting away from sanctions, for more funding to help achieve these objectives, and for new evaluation methods at the expense of AYP was new. FairTest requested more funding, but shifted away from the top-down approach of the NCLB’s accountability.

**Positions of issue groups against NCLB and for changes to the law.** The issue groups are coalitions of different organizations that were fighting for changes to NCLB. By 2006, FairTest was successful in building an important coalition called the Forum on Educational Accountability (FEA) (DeBray-Pelot & McGuinn, 2009). FEA’s members are schools and civil rights, disability, religious, and child advocacy groups that form what FEA’s executive director Monty Neill called an alliance of education and civil rights (DeBray-Pelot & McGuinn, 2009, pp. 31-32). Neill (2006) alleged that there are disagreements within the coalition, where civil right groups want the federal government to play a strong role in education while other groups such as NSBA and AASA oppose federal “micromanagement” (cited in DeBray-Pelot & McGuinn, 2009, p. 32). Neill (2006) also reported that major interest and civil right groups, including the Council of the Great City Schools (CGCS), state organizations, the National Parent Teacher Association (PTA), and MALDEF, did not join the coalition. This fact, said Neil, could be the result of the alignment of the Citizens’ Commission on Civil Rights (CCCR) with
the law and “AFT’s passive support for it” (cited in DeBray-Pelot & McGuinn, 2009, p. 32). However, the fact that MALDEF sought a full revision of the law (see DeBray-Pelot & McGuinn, 2009) might explain its refusal to join the coalition. Referring to the CCSSO, DeBray-Pelot and McGuinn (2009) alleged that it could not overtly oppose NCLB, since it got significant financial resources from the DOE in the aftermath of the law’s adoption. As for PTA, it is a large parental national organization composed of parents, business leaders, administrators, and educators; it trains parents and creates conditions to enhance their participation in school activities (http://www.pta.org/). PTA also advocated teacher quality; federal support to education; the reinforcement of the capacity of educational agencies, schools, and teachers; and the preparation of students for college and opportunity (http://www.pta.org/). PTA worked with local stakeholders to develop education programs in favor of special need students, called for high standards and multiple assessment measures, and focused on annual assessments in mathematics, reading, and science (http://www.pta.org/). Even though those major organizations did not join the FEA Coalition, several of their views were reflected in its statements, as indicated later.

As the 2007 deadline to reauthorize the law approached, hundreds of organizations forming the Forum joined their efforts to enhance their criticisms of the law and advocated the elimination of its rigid requirements (FEA, 2007). Those organizations signed a statement recommending a certain number of policies for consideration (FEA, 2007). The statement’s main details were the elimination of current AYP accountability and its replacement with mandatory implementation of policies to improve educational performance; states’ monitoring and action to empower education personnel and improve
educational agencies and schools; states’ engagement in training parents and other community members to develop their capacities to participate in achieving educational goals; and state’s flexibility to use the Title I funding to implement useful and equitable policies (FEA, 2007). The organization said, “Overall, the law’s emphasis needs to shift from applying sanctions for failing to raise test scores to holding states and localities accountable for making the systemic changes that improve student achievement” (FEA, 2007, p. 1). This statement acknowledged the right of the federal government to require states to implement policies and propose general policy frameworks, but states would have the power to decide on particular policies and their implementation. Additionally, FEA (2011) reproduced main points of a statement of 153 organizations asking for educational equity and requiring the provision by the federal government of adequate financial support to states along with the revision of accountability toward achieving this goal. According to Silber (2008), even the law’s allocations had never been implemented, though the funding increased in 2002, which is the law’s implementation’s first fiscal year. From the 2005-2006 fiscal year to that of 2007-2008, school districts got far less than what they were supposed to receive from Title I and II funding, as established by Congress (Silber, 2008, p.20). Although the FEA Coalition holds to its support to education stakeholders, it focuses more on local accountability to improve educational performance.

FEA’s positions reflect overt divisions among civil rights organizations or between civil rights groups and other student advocacy groups. For instance, whereas NAACP, the Council for Exceptional Children, and the National Association for Bilingual Education endorsed the coalition’s accountability criteria focusing on the
responsibility of the federal, state, and local governments to provide adequate resources to schools or educational agencies; Ed Trust, CCCR, and the National Council of La Raza (NCR) continued to support NCLB’s “test-based accountability” to promote equity, (McDonnell, 2012). The former group of actors pretty much returned to the old view of accountability and equity existing before NCLB and consisting mainly of the provision of resources to schools toward improving student performance (especially the performance of disadvantaged students). That view was untenable, due to the popularity of the standards-based accountability and the division in the camp of those who had long supported it. Teacher unions that had ferociously opposed standards-based accountability understood that reality and then chose to negotiate, in order to better defend the interests of their members (McDonnell, 2012).

A second issue group was built by the NGA in favor of national standards. Under the leadership of NGA’s Center for Best Practices and the CCSSO, the common core movement began in 2007 to address the lack of standardization in education by working on common core standards, in order to bridge differences among educational standards and performance across states (Whiteboard Advisors, n.d.). NGA (2009) announced that 49 states and territories were members of the Common Core Standards Initiative to develop common standards in language arts and mathematics for grades K-12. States can add more standards, but Common Core State standards (CCSS) should represent not less than 85% of their standards (NGA, 2009). NGA would also later develop common standards in “sciences, social sciences, and humanities” (Whiteboard Advisors, n.d.). The CCSS’s criteria are based on high, clear and rigorous academic standards based on research and evidence that prepare students for college, career, competition in the global
market and the 21st century (Common Core, 2014). While the CCSS (state) outline what knowledge students should acquire, they do not mandate curricula, which should be decided by school districts (Kathleen & Sol, 2013). This latter point would be an incentive for local education leaders.

Beyond states, the CCSS got significant support from various groups. The process was conducted with the participation of teachers, university professors, experts, and state leaders, and the public that produced more than 10,000 comments on many drafts (Whiteboard Advisors, n.d., para. 3). More than 170 organizations supported the CCSS (Tienken, 2011). Advocacy groups promoting equity affirmed that their support was explained by the opportunity offered by common core standards to eliminate difference gaps among different student groups across the nation, so all children could have equal chances to succeed (McDonnell & Weatherford, 2013). Among those groups supporting the CCSS were NAACP, Ed Trust, PTA, CGCS, MALDEF, NCR, the Campaign for High School Equity (CHSE) (McDonnell & Weatherford, 2013), and the NSBA (http://www.nsba.org/advocacy). PTA was favorable to the view of preparing students for college and has been a long-time advocate of national standards whose adoption should be left to the states’ discretion (http://www.pta.org/). McDonnell said that one reason for some groups’ support was to protect accountability policies in application for then two decades (cited in McDonnell & Weatherford, 2013). For instance, Ed Trust and NCR, two strong backers of NCLB’s testing accountability, understood that the law’s problems could endanger the entire standards-based reforms (McDonnell & Weatherford, 2013); they were convinced that action should have been taken to address some of them. CHSE worked with its constituting organizations to make disadvantaged groups aware of the
participation means and procedures (McDonnell & Weatherford, 2013). NEA, AFT, the National Council of Teachers of Mathematics and the National Council of Teachers of English also encouraged their members to provide feedback on the standard drafts (Common Core, 2014). McDonnell and Weatherford (2013) reported that NASBE, AFT, and NEA played important roles in convincing their members to support the initiative, and they contended that union teachers might support the CCSS because, compared to the NCLB law, these standards establish less accountability for teachers. Bill and Melinda Gates, Hewlett, and General Electric Foundations, as well as other business groups supported the CCSS’s activities and provided hundreds of millions to organizations and state and local officials to promote and support the CCSS and college-and career-ready standards (McDonnell & Weatherford, 2013). Private providers of educational services such as the assessment consortia were also supportive of the movement (McDonnell & Weatherford, 2013). Their main interest could be the benefits they would gain from having been potential contractors for developing standardized assessments. Lastly, policymakers affirmed that their support was based on a 2008 NGA’s report that the United States was weak in the global economic competitiveness and human resources (McDonnell & Weatherford, 2013). Members of the coalition explained that the main factor that united them was the fact that NCLB’s controversial accountability issues were not included in the project (McDonnell & Weatherford, 2013).

Moreover, think tanks promoted the CCSS. Influential think tanks such as the Alliance for Excellent Education (AEE), Aspen Institute (AI), Center on Education Policy, and the right-of-center American Economic Institute (AEI) pushed for national standards (DeBray-Pelot & McGuinn, 2009, p. 34). AEE is a research organization
advocating higher academic standards in secondary education that is managed by a competent professional who used to work for the U.S. Senate (DeBray-Pelot & McGuinn, 2009). Also, it is a nonpartisan policy organization advocating more education funding and working so that every student can be ready for college courses after their graduation from high school and be successful in their career (http://all4ed.org/about/). Upon AI’s initiative, “the independent Commission on NCLB funded by the MacArthur and Gates Foundations,” met in 2007 under the auspices of former governors Tommy Thompson of Wisconsin and Roy Barnes of Georgia, advocated in its reports national standards in mathematics, science, and reading and demanded that Congress take action (DeBray-Pelot & McGuinn, 2009, p. 34). Supportive think tanks such as “the right-of-center” Thomas B. Fordham Institute (FI) organized a conference with “the left-of-center” Center for American Progress (CAP) in 2005 to work to implement national standards (McDonnell & Weatherford, 2013, p. 490). Even though think tanks had different views, they worked together toward common objectives (DeBray-Pelot & McGuinn, 2009).

The national standard movement also took a foothold in Congress. Democratic and moderate Republican leaders proposed bills that called for national common standards, but did not get enough support to call for vote, since more conservative Republicans opposed those efforts (DeBray-Pelot & McGuinn, 2009). The U.S. legislators in Congress who favored national standards probably found it made sense to back the CCSS movement.

Some think tanks and other groups opposed the CCSS. Based on their conservative views, the Cato Institute and the Pioneer Institute did not approve of it (McDonnell & Weatherford, 2013). The National Conference of State legislatures
(NCSL) also rejected the CCSS, arguing against providing new power to the federal
government, while NCLB’s accountability had not been addressed yet (DeBray-Pelot &
McGuinn, 2009). Opponents feared more federal intrusion in state and local education
policy. McDonnell and Weatherford (2013) observed that a very few actors offered weak
opposition to the initiative, whereas support for the CCSS was very high with numerous
supporting actors.

Supporters of national education standards argued several benefits that could be
gained from their adoption. They affirmed that national standards would solve
discrepancies among state standards and raise the quality of education undermined by
NCLB’s requirements, which motivate the development of low standards by states
(DeBray-Pelot & McGuinn, 2009). Mathews (2006) reported a discrepancy published in
a Washington Post’s report indicating that Virginia had announced 86% of its fourth
graders were proficient in reading, whereas NAEP data showed 37% of them were at or
above proficiency (cited in DeBray-Pelot & McGuinn, 2009, p. 35). Several researchers
(Dahlin, Xiang, & Durant, 2010; Payne-Tsoupros, 2010) expressed concerns about
negative impact that the focus on low-performing students or NCLB’s rigid
accountability could have on high-quality education at the expense of all children.

While NCLB encourages states to develop their own standards, differences across
states in the school system had existed before the law’s enactment. States had been
always using disparate education programs, curricula, and standards due the fact that
education policies were mainly the responsibility of the state and local governments.
NCLB could not require unique regulations for all states, since the United States’
Constitution bans the federal government from mandating uniform education policies to
States have a right to adapt the law to their local conditions, and this explains why NCLB allows for dissimilar education policies, even though it still is a federal mandate for states that receive federal funding for its education programs.

**Convergence of views between the law’s critics and federal public officials.**

Several of these criticisms seemed to find support of public officials. During the 2007 debate for the law’s reauthorization, more than 60 Republicans from the Senate and the House stood against the law and proposed to change it in ways that would give flexibility to states in order to get out of the testing mandates; also, based on feedback from their constituents, 10 Democratic Senators wrote a letter in April 2007 stating that they supported revision of the testing requirements for the latter being “unsustainable” (Silber, 2008, p. 25). Republican legislators were increasingly opposed to the law and even undermined a proposal of a commission led by the Aspen Institute to exclude from the education system all teachers whose students did not improve (Paley, 2007). In June 2008, the *No Child Left Behind Recess Until Reauthorization Act* was introduced in Congress to amend NCLB through its school improvement provisions; the bill was aimed at suspending for the 2008-2009 academic year the requirements to identify schools and educational agencies as needing improvement and sanctions against them for AYP failures (https://www.govtrack.us/congress/bills/110/hr6239/summary). The Act was a bipartisan bill sponsored by three Democratic and one Republican representatives, but failed to pass (https://www.govtrack.us/congress/bills/110/hr6239/details). During the 2008 presidential campaign, Barack Obama embraced the common core promoted by states and supported by many organizations (McDonnell, 2009), and promised he would improve NCLB’s assessment and accountability system, double the law’s funding to
support innovation and more knowledge development, and increase the quality of early-child education and care (Obama, 2008). Under his administration, DOE acknowledged that standardized tests put significant pressure on teachers and considered those tests as their main complaint about NCLB (Guisbond et al, 2012). Supporting complaints from the school community, Education Secretary Duncan always referred to the law as restricting the curriculum and leading to flawed tests that impede school improvement (Guisbond et al, 2012). As a result, the Obama administration advocated new tests that require critical thinking and help students become creative, rather than choose from multiple answers (Toch, 2011). However, Obama did not support all the criticisms of the law. After being elected, he publically voiced his support for charter schools and merit pay (DeBray-Pelot & McGuinn, 2009).

**Support of different actors to NCLB.** While NCLB was massively attacked, the law also got significant support from different types of advocacy and interest groups as well as from key federal players. Those proponents viewed the law as a useful policy to solve chronic underachievement in public schools, by imposing accountability and promoting equity and the market view of public education. Some also fought back specific criticisms of the law, and argued that its implementation was succeeding, as opposed to failing as alleged by critics. Some actors expressed their disagreement with some of NCLB’s aspects and advocated for changes, but had supported the law after its enactment and in the early implementation. Reported and discussed in the following paragraphs are positions of some NCLB’s supporters.

**Governors.** Most governors across the nation approved of NCLB’s goals, though there was some gubernatorial opposition (Fusarelli, 2005). From the 1970s to the 1990s,
several researchers reported that gubernatorial policies responded to views of the public and the business community about education through accountability, school choice, teacher career programs, report cards, graduation requirements, state common standards, high standards for students and teachers, more testing, as well as programs for at risk-children (Fusarelli, 2005). This explained a general consensus on the part of governors agreeing with fundamental aspects of the law, including closing achievement gaps, holding schools and teachers accountable for student performance, and raising standards (Fusarelli, 2005). Rudalevige (2003) stated that NCLB was not truly a federal government’s creation, but a product of testing requirements and educational goals and standards that had been developed by former governor George H.W. Bush as well as his other counterparts. This view is similar to that of former Secretary of Education Rod Paige’s advisor, Ron Tomalis, who said that NCLB’s core principles aligned with governors’ views and policies (see Fusarelli, 2005). NCLB seemed to be a continuity of the states’ education policies.

From 2001 to 2004, several governors showed keen interest in implementing NCLB, although they were requesting broad flexibility, as mentioned earlier. Connecticut governor John Rowland relied on NCLB’s requirements to states to increase education funding and offered vouchers to hundreds of children whose schools would fail to make AYP in order to transfer to other schools; the Pennsylvania governor (2004) requested the state’s legislature to allot hundreds of millions to increase education funding in support to NCLB as required by the latter; North Carolina governor James Hunt (2002) said that the law mandate states to reinforce accountability “by including specific provisions to close minority achievement gaps;” in 2001, Michigan governor Engler stressed that no child
would be left behind and declared the following year that “I urge you [the legislature] to pass promptly a package of bills that will bring Michigan into full compliance with the No Child Left Behind Act,” while criticizing the state’s board of education for not doing enough to implement tougher standards; Tennessee governor Phil Bredesen (2004) said, “No Child Left Behind has underlined for us that we have schools and classrooms with difficult challenges” (cited and quoted in Fusarelli, 2005, pp. 124-125). These reports suggest that, in the beginning, governors wholeheartedly supported the law; which, in fact, was some sort of legitimation of their policies and could help reinforce their control on education policy. However, governors began to turn against or show some opposition to the law when districts started to face difficulties to meet the law’s mandates and schools began to fail to make AYP, which indicated that the situation would be worse in later years (Fusarelli, 2005). Governors then asked for more funding and fought for complete revision of the accountability standards (Manna, 2006) through significant flexibility, as well as innovations.

*U.S. legislators and government.* NCLB also got backing from Congressional and governmental public officials. Speaking at one of his weekly radio shows in January 2003, President Bush said that NCLB was fully funded, while his Secretary of Education Rod Paige declared to a journal during the same month that the law was “more than fully funded,” and that there was an increase of 51% of the Title I budget following the enactment of the law (Mathis, 2005, p. 92). In February 2004, Secretary Rod Paige stated that the opposition to NCLB resulted from a lack of school and state administrators’ understanding of the law’s complexities, and that most opposition comes from the “Washington-based union establishment that has mounted ‘deliberate and highly financed
effort to distort information’ about the law” (National Science Teachers Association, n.d., para. 9); he even treated the NEA as a “terrorist organization” (McGuinn, 2006, p. 186). Responding to critics of high-stake tests, Paige accused them of supporting a failed system that neglected students and praised the law for holding schools accountable for results (Smith, 2004). Further, in 2004, DOE responded to states’ opposition by this twofold statement, “NCLB is here to stay, so stop complaining and start complying; and if you do not comply with the law you will forfeit your state’s share of federal education funds” (McGuinn, 2006, p. 185). The advisor to Secretary Rod Page Tomalis declared during his 2004 visit to Utah lawmakers that “Right now, between 40 and 50 percent of children are reading on grade level. Say we don’t get to 100 percent, we only get to 85 or 90 percent, we will still be in a much stronger position than we are now” (Dobbs, 2004, p. 2). In the conflict opposing the state of Connecticut and DOE, Secretary Spelling also criticized the state in harsh terms, saying, “I think it’s un-American…for us to take the attitude that African-American children…are not going to be able to compete [and] be prepared to compete in this world and are not going to be educated to high levels” (Salzman, 2006, para. 11). Spelling (2005) warned states that DOE would cut their funding if they did not do anything to show how they would fairly implement the HQT requirement across their schools (Hess & Petrilli, 2009). Speaking about Utah’s threat to opt out of the NCLB, Spelling criticized the state for not caring for minority children and stated that progress was evident in states adopting the law (Hess & Petrilli, 2009). Spellings also stated that the 2007 national Report Card about mathematics and reading showed “student achievement is on the rise” and that 48 states and Washington D.C. improved or remained stable (Silber, 2008, p. 23). However, this statistic ignores
“cheating and loopholes” in the law’s implementation that states use to meet required standards (Silber, 2008).

Three years after NCLB was adopted, the Republican-Democratic legislative coalition that helped pass the bill showed their unity in keeping their support to the law (McGuinn, 2006). Key liberals such as Rep. George Miller and Sen. Ted Kennedy renewed their support for the law’s fundamental principles (McGuinn, 2006); but later in 2007, Miller acknowledged that the law seemed to “be the most negative brand in America” (Guisbond, 2014, para. 4). House Republican leader John Boehner declared that the law generally was working as planned without intent from the government to waive parts of it, and disadvantaged students for whom the law was made continued to receive the kind of help they needed (McGuinn, 2006). In 2004, Boehner also attacked the NEA stating that he doubted that the law was underfunded, but instead believed the union sought to fail school reform (Mathis, 2005). He further underlined significant funding increases and charged states complaining about NCLB’s underfunding of seeking to make money out of the law (Mathis, 2005). However, Miller later said to President Bush: “You’re cutting education for disabled students, cutting funding to the most economically disadvantaged students, and at the same time you’re going to take $100 million and give it to private schools?” …“It shows such disregard for the public school system” (Davis, 2006, pp. 24-26). To critics, Miller (2004) said that the law works as expected, that the time for funding hidden performance gaps has gone, and that though its implementation faces difficulties, “it’s making a positive change for a lot of children and families who weren’t part of the education equation [before]” (McGuinn, 2006, p. 189).
In response to the Secretary Spellings’ intent to give some flexibility in the law, both Boehner and Miller jointly stated,

The integrity of the law must be maintained…[while] every effort must be made to ensure smooth and effective implementation…We firmly believe that the effort must be based on the law as it is written, not on a smorgasbord of different waivers for different states and districts. (McGuinn, 2006, p. 189)

Further, during the 2004 presidential electoral campaign, the Democratic ticket formed with Senators John Kerry and John Edwards backed the law even though their traditional ally the NEA fiercely opposed it (McGuinn, 2006). As other Democrats in Congress, Kerry requested complete funding of NCLB, but he and his running-mate stated, “We will use testing to advance learning….by developing high-quality assessments that measure complex skills students need to develop. We will make sure that…[the] law operates with high standards and common sense, not just bureaucratic rigidity” (McGuinn, 2006, p. 190). The candidates’ focus on testing was at odds with the view of their allies NEA and AFT that happen to be important political forces for the Democratic Party in providing “money, votes, and campaign volunteers” and participate in choosing the presidential candidate (Debray-Pelot & McGuinn, 2009, p. 18).

Support of governmental and professional organizations. NCLB got support from important governmental and professional groups. In 2001, NGA congratulated the White House and Congress for their endeavors and stated that the law “builds upon the work already done by governors,” including provisions for annual assessments, strengthened literacy and after-school programs, and expanded public school choice (Fusarelli, 2005, p. 127). In 2003, NGA’s Education Division director Dane Linn stated that “The No
Child Left Behind Act provides governors an incredible opportunity to focus on students in schools with the greatest needs” (quoted in Fusarelli, 2005, p. 127). Also, in 2003, NGA’s Center for Best Practices initiated programs to help states address difficulties in the law’s implementation in reinforcing “tutoring and mentoring’ programs in favor of poor-performing students (cited in Fusarelli, 2005). Kentucky governor Paul Patton, who led NGA in focusing on bettering poor-achieving schools to meet the law’s requirements, declared that “Educating each and every one of America’s young people is the paramount responsibility of governors” (quoted in Fusarelli, 2005, p. 127). NASBE and CCSSO might passively support the law, since their members are generally appointed by governors and Secretaries of the state education boards that are themselves nominated by governors (see Fowler, 2000 for the appointment process). NASBE and CCSSO overtly took positions against some of the law’s provisions, when governors or the NGA began to frontally attack or ask for changes to the law. Further, as indicated earlier, AFT had expressed moderate support to the law before quickly turning against it. The union had considered that accountability principles of the law could help improve learning and teaching in schools, and sought to negotiate with DOE on how to improve it (DeBray-Pelot & McGuinn, 2009). AFT membership of the CCSS coalition and actions against the law show that it could not get everything it needed through negotiations.

Support of business organizations. These organizations had been backing NCLB since the adoption process. During 2001 hearings or meetings with lawmakers on Capitol Hill and in public interventions about the NCLB bill, business organizations strongly supported active federal participation in K-12 education policies to enhance educational performance and prepare students for the global market (DeBray-Pelot & McGuinn,
Following the enactment of NCLB, the chairman of the Business Roundtable (BRT) and CEO of the State Farm Insurance Companies stated, “Passage of this legislation will show that, at long last, America has gotten serious about providing a quality education for all of its students” (Manna, 2006, p. 131). In 2002, BRT prepared and made available a “tool kit” for businesses containing means that can “help business leaders seize specific opportunities to partner with educators and political leaders in the next year to implement reforms called for by the legislation” (quoted in Manna, 2006, p. 131). In December 2003, under BRT’s leadership, business organizations across the nation, such as the National Association of Manufacturers and U.S. Chamber of Commerce (U.S.CC), renewed their full support to the law and opposed changes demanded by states and the school community, while showing some flection in their position (Prah, 2003a). In 2005, BRT was also part of a coalition called the Achievement Alliance, which created a website to defend NCLB against the allegations made by NCSL in its 2005 critical report of the law and the NEA’s claim that the law was unfunded (DeBray-Pelot & McGuinn, 2009). In 2004, U.S.CC’s leader Tom Donahue stated, “We strongly support [NCLB] because it works to create a….system that is more competitive with the educational systems of other industrialized nations and will lead to a better educated and more highly skilled American workforce in the future” (quoted in Manna, 2006, p. 162). Businesses funded think tanks’ activities, with the bulk of their monies going to conservative think tanks (McDonald, 2014), to promote or support their market views of education, increased use of technology, and rigid accountability. In their effort to influence policy, businesses developed strategic alliances with liberals and
conservatives on educational issues (see McGuinn, 2006; DeBray-Pelot & McGuinn, 2009), although they lean more to the latter.

Support of civil rights organizations. Many civil rights advocates saw in the law an occasion to promote equity in public education. Although Ed Trust, NAACP, and NCR were also part of the national standards coalition, they had been always supportive of NCLB. Along with Just for the Kids/National Center for Educational Accountability, these groups were members of the Achievement Alliance (DeBray-Pelot & McGuinn, 2009, p. 30). When, in 2004, Utah decided not to implement NCLB, Ed Trust accused the state’s lawmakers of racism and stated that “some lawmakers and educators in Utah are expending enormous energy to fend off…the federal law that aims to raise overall achievement and close gaps between groups” (Hess & Petrilli, 2009, p. 62). Ed Trust and other liberal groups got the 100% proficiency goal and the HQT provisions included in the NCLB bill (Hess & Petrilli, 2009). Since the 1990s, Ed Trust and CCCR were two civil rights groups that stood in favor of desegregation while focusing on educational equity (Hess & Petrilli, 2009). Ed Trust said that NCLB’s accountability provisions, especially the AYP and others, are essential to promote equity in favor of most disadvantaged students (https://edtrust.org/search/?q=nclb issues&filters=%5B%5B%22location%3ANational%22%5D%5D). NAACP firmly sided with the Bush administration when the state of Connecticut sued the DOE on the basis that the law promoted minorities’ rights; the civil right group’s president in Connecticut, Scot X. Esdaile, said his organization stood behind the administration “on this particular issue and only this particular issue” (Salzman, 2006, para. 7). NAACP’s assistant general counsel Victor L. Goode stated that “One can’t help but remember back in the Dixiecrat
period when certain Southern states asserted that they were not required to comply with certain federal civil rights laws designed to protect people’s rights” (DeBray-Pelot & McGuinn, 2009, p. 31); in 2006, NAACP continued to voice its support to the law (DeBray-Pelot & McGuinn, 2009). NCR and other partner civil rights organizations, including CCCR, had fully supported the law’s accountability provisions (DeBray-Pelot & McGuinn, 2009). These organizations backed the law for its focus on educational equity, but held different views about certain requirements. As mentioned earlier, NAACP was cautious about testing and other accountability requirements, which were strongly backed by the other groups. In the discussion above relative to groups’ opposition to NCLB, a 2004 statement from the then NAACP’s chairman was against the law; the group was also a member of the FEA Coalition, which called for the revision of the law’s accountability system. When comparing its contradictory positions, it seems evident that NAACP gave more support to the goals of the law than to its strategies.

The support of civil rights organizations to NCLB held, even though the groups realized the law contained imperfections. In June 2008, the Leadership Conference on Civil Rights (LCCR) wrote to the U.S. House of Representatives urging them not to support the NCLB Recess Until Reauthorization Act (mentioned above), which they considered as a violation of disadvantaged children’s civil rights to a quality education, for proposing to suspend the accountability requirements relative to school improvement or sanctions for failing educational institutions (LCCR, 2008). However, LCCR recognized that the law needed to be strengthened and improved but through reauthorization. It appears that there were differences among organizations within the LCCR on the issue, since some of the members did not support this position, as indicated
at the bottom of the statement. In a letter to the Representatives, Ed Trust vehemently expressed its opposition to the bill and called on them to reject it (Ed Trust, 2008). The group argued that the bill denied resources and support to struggling schools and underperforming students, and undermined stakeholders’ efforts across the country to improve schools and opportunities for most needy students. As the LCCR, Ed Trust agreed that the law had flaws, but argued that it remained the most robust federal policy to help schools improve for all children. From 2003 to 2011, in a series of press releases and hearings with the House Committee on Education and the Workforce, Ed Trust continued to support the HQT requirements and criticized states and the DOE for not making enough to implement the HQT provisions, while asking for the reduction of unnecessary administrative burdens for schools and more funding to implement the law’s requirements (https://edtrust.org/search/?q=nclb
issues&filters=%5B%5B%22location%3ANational%22%5D%5D).

Support of think tanks. Think tanks of different ideologies also supported NCLB. The Progressive Policy Institute (PPI) (2004) developed various strategies to achieve the objectives of the 21st Century Schools in the NCLB and promote early childhood education programs aimed at addressing the needs of poorest families, in order to improve the education of their children and get them ready to compete in the job market (cited in Spring, 2005). Influential think tanks such as the Center for American Progress founded just before NCLB, the New America Foundation, and the Education Sector created after the law fiercely defended the law (DeBray-Pelot & Guinn, 2009). These three think tanks were founded by Democratic professionals who worked with President Bill Clinton, Senator Edwards Kennedy, and the Democratic Leadership Council and the
PPI, respectively (DeBray-Pelot & Guinn, 2009). These organizations advocated views that combined both the market approach to public education and rigid accountability.

NCLB also was forcefully backed by conservative think tanks. The Fordham Institute supported NCLB’s education standards (Debray-Pelot & McGuinn, 2009). Its president, Chester Finn, spent years in DOE under the Reagan and Bush I administrations (McDonald, 2014). The Hoover Institution (HI) (2004) stated that the law was almost fully funded and that only a small amount of money was needed (Mathis, 2005). The Education Leadership Council (ELC) criticized researchers for arguing that high-stake tests did not improve student and school performance (Smith, 2004, p. 216). ELC (2004), which is favorable to accountability and school vouchers, stated that the law was overpaid by the federal government (cited in Manna, 2006). Its director Lisa Graham Keegan stated that “Many researchers are funded by groups of liberal-leaning foundations that have not warned top reform. Many, too, are based at colleges of education and loath to venture outside their personal experiences and training...” (Smith, 2004, p. 217). Even though some conservative think tanks held a different view, it seemed that there was a general consensus that the law was underfunded, based on states’ reaction, research, and the fact that the federal government did not fund the law as required. Congressional Democrats criticized George W. Bush for not holding his promises on education funding and underfunding Title I by requesting Congress to allot 13.3 billion for that program while the law authorized $20.5 billion for it in the 2005 fiscal year (Robelen, 2004). HI’s and ELC’s positions on the funding reflect the conservative view opposing the allocation of significant funding to public social programs in favor of funding of private social activities. Further, in conformity with its
support to school choice and accountability toward parents, the Manhattan Institute, whose educational views were favored by Bush and whose members occupied important positions in his administration, stated that “accountability reforms are devoted to improving educational achievement by focusing on imparting knowledge and skills and making teachers, administrators, and students accountable for success or failure” (Spring, 2005, p. 34). In summer 2004, the Heritage Foundation (HF) expressed its support to NCLB through guidelines addressed to parents of public school children, by inviting them to start purchasing their children’s school materials and looking for higher-performing schools, and by praising the requirements for schools to provide parents with information relative to students’ performance by grades in reading and mathematics, school improvement, writing, choice, and tutoring—information that reinforces parents’ power to choose their preferred schools (Spring, 2005, p. 45). About two weeks after HF’s publication of its guidelines to parents, the American Enterprise Institute organized a conference on NCLB to implicitly support the law and push for more conservative views (Spring, 2005). Its education policy leaders Chester Finn, Jr. and Frederick Hess considered that NCLB failed to support the neoconservative values in education and stated that, “More creative options need to be explored, including charter schools, home schools, cyber-schools, private schools, and inter-district transfers” while suggesting a national consensus over academic standards and other accountability provisions (Spring, 2005, p. 45).

With differences, media (newspaper, radios, and televisions) were means through which most powerful think tanks reached their audience. Prestigious or mainstream newspapers such as New York Times, Washington Post, Washington Times, New York
Sun, USA Today, and other important local newspapers were main media citing or debating the views of conservative think tanks, including the Manhattan Institute, American Enterprise Institute, Fordham Institute, Cato Institute, and others (McDonald, 2014). Obviously, influential centrist and liberal think tanks also had access to these media, but trailed their conservative counterparts (McDonald, 2014). McDonald (2014) reported that, from 2001 to 2009, conservative think tanks were cited in the media far more than their liberal counterparts (Economic Policy Institute, Center on Education Policy, Center for American Progress) and received more money than they did from private foundations and businesses to promote conservative views (see also Smith, 2004 for donations to think tanks); while centrist think tanks such as Brookings Institution, National Center for Public Policy, Education Sector, and Higher Education, RAND Corp, and others were behind their liberal counterparts. Centrist think tanks express views that do not allow people to place them in any ideological category (McDonald, 2014). Spring (2005) and Smith (2004) also pointed out the collaboration between conservative foundations and high-caliber scholars and cited Chester Finn, Jr. and Diane Ravitch as two “high-profile” researchers who received enormous funding from these foundations to promote their views. There are differences among think tanks of the same categories that McDonald does not take into account. Note that the American Enterprise Institute was cited by DeBray-Pelot and Guinn (2009) as a right-of-center think tank, and both the Fordham Institute and the Center for American Progress were considered by McDonnell and Weatherford (2013), as right-of-center and left-of-center think tanks, respectively. Yet, these three two think tanks took a centrist stand in education policy. They also encouraged national standards and undertook several activities toward that end. Donald
(2014) cited several studies finding that governments extensively refer to think tanks’ works in decision making. Publications of think tanks known for their expertise in educational issues about NCLB could be used by DOE as references for decision making or to influence the behavior of DOE’s constituencies (see McDonnell & Weatherford, 2013), who could appropriate them as tools in their battle to reach policy objectives.

*Support of public charity and volunteering organizations.* Multiple nonprofit organizations reinforced NCLB’s school reform in ways that reflect their support for core values of the law. Groups such as Teach for America, New Teacher Project, New Leaders for New Schools, and High Tech High Ed School mobilized across the country to train competent teachers toward helping schools meet NCLB’s HQT requirement (Hess & Petrilli, 2009, p. 56). Another NCLB backer was the New Schools Venture Fund (Jennings, 2011) that enhanced the development of charter schools by financing entrepreneurs for those schools (http://www.newschools.org/). Also, successful charter school providers such as Knowledge Is Power Program, Uncommon Schools, Achievement First, Aspire Public Schools, and the Green Dot Public Schools stepped up their activities to support NCLB’s school choice (Hess & Petrilli, 2009, p. 56). The focus of all these groups is education equity. These groups have close ties with liberals and Democrats and their occasional alliances with conservatives and businesses to pursue common objectives (Jennings, 2011). Also, they have built their influence with educators that they trained, but their main influence resides in their large presence on the media and significant funding received from public actors and private foundations:

Teach for America, for instance, reported net assets in 2008 of $261.5 million on its tax form 990, and this was before receiving a $50 million grant from the
Obama Administration in 2010. By contrast, [NEA and AFT], which together have 4.6 million members, reported assets in 2008 of $87 million for both organizations. (Jennings, 2011, para. 36)

Table 3 presents actors cited in NCLB’s literature review. Its structure follows Fowler’s categorization of major actors in education policy (Fowler, 2000, p. 141-159). This table will be used later to define the four categories of groups discussed in this dissertation.

Table 3: Actors in NCLB’s Implementation Environment

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<tr>
<th>Government Actors</th>
<th>Nongovernmental policy Actors</th>
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<td>1. U.S. legislators</td>
<td>1. Education interest groups</td>
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<td>• Ted Kennedy</td>
<td>a) Governmental associations</td>
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<td>• John Boehner</td>
<td>• Council of the Great City Schools</td>
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<td>• George Michel</td>
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<td>• John Kerry</td>
<td>• Council of Chief State School Officers</td>
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<td>• John Edwards</td>
<td>• National Association of State Boards of Education</td>
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<td>• Barack Obama</td>
<td>b) Professional organizations</td>
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<td>• Others</td>
<td>• National Education Association</td>
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<td>2. Presidents</td>
<td>• American Federation of Teachers</td>
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<td>• George Bush</td>
<td>• National Association of State Directors of Special Education</td>
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<td>• Barack Obama</td>
<td>• American Association of School Administrators</td>
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<td>3. State legislatures</td>
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<td>• Alabama</td>
<td>• National Association of Elementary School Principals</td>
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<td>• Arkansas</td>
<td>• National Association of Secondary School Principals</td>
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<td>• Delaware</td>
<td>• National Council of Teachers of Mathematics</td>
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<td>• National Council of Teachers of English</td>
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<td>• Massachusetts</td>
<td>• Council for Exceptional Children</td>
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<td>• Michigan</td>
<td>c) Public charity and volunteering organizations</td>
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<td>North Dakota</td>
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<td>Oregon</td>
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<td>Pennsylvania</td>
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<td>Tennessee</td>
<td>Green Dot Public Schools</td>
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<td>Vermont</td>
<td>Achievement First</td>
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<td>Washington</td>
<td>Minority and Civil right organizations</td>
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<td>Wisconsin</td>
<td>Education Trust</td>
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<td>National Indian Education Association</td>
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<td>California</td>
<td>Campaign for High School Equity</td>
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<td>Idaho</td>
<td>Parental organization</td>
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<td>Indiana</td>
<td>National Parent Teacher Association</td>
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<td>Kentucky</td>
<td>2. Noneducation interest groups</td>
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<td>Minnesota</td>
<td>a) Business organizations</td>
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<td>Oklahoma</td>
<td>• U.S. Chamber of Commerce</td>
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<td>Rhode Island</td>
<td>• Business Roundtable</td>
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<td>West Virginia</td>
<td>• National Association of Manufacturers</td>
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<td>Hawaii</td>
<td>b) Civil rights organizations</td>
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<td>Louisiana</td>
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<td>New Mexico</td>
<td>• Mexican-American Legal Defense Education Fund</td>
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<td>Nevada</td>
<td>• National Council of La Raza</td>
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<td>New Jersey</td>
<td>• Citizens’ Commission on Civil Rights</td>
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<td>Colorado</td>
<td>c) Governmental associations</td>
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<td>Connecticut</td>
<td>• National Governors Association</td>
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<td>Illinois</td>
<td>• National Conference of State Legislatures</td>
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<td>Maine</td>
<td>3. Policy networks</td>
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<td>Utah</td>
<td>• Common Core State Standards Coalition</td>
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<td>Virginia</td>
<td>• Forum on Educational Accountability</td>
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<td>Virginia</td>
<td>4. Policy planning organizations</td>
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<td></td>
<td>a) Liberal</td>
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<td></td>
<td>• Center on Education Policy</td>
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<td></td>
<td>• Economic Policy Institute</td>
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4. Governors
- Paul Patton
- Mike Johanns
- Olene Walker
- Joe Kernan
- Ed Rendell
- James E. McGreevey
- Bill Richardson
- Judy Martz
- Gray Davis
- Donald L. Carcieri
- Christine Gregoire
- John Rowland
b) Left-of-center
- Center for American Progress

c) Centrist
- Aspen Institute
- Progressive Policy Institute
- Alliance for Excellent Education*
- New America Foundation*
- Education Sector
- Brookings Institution
  National Center for Public Policy and Higher Education
- RAND Corporation

d) Right-of-center
- Fordham Institute
- American Enterprise Institute

e) Conservative
- Cato Institute
- Pioneer Institute
- Manhattan Institute
- Hoover Institution
- Education Leadership Council
- Heritage Foundation

5. Foundations
- Hewlett Foundation
- General Electric Foundation
- Gates Foundation
- MacArthur Foundation

(*) On their websites, these planning organizations define themselves as independent, nonpartisan, or not attached to any ideology (see https://www.newamerica.org/our-story/; http://all4ed.org/about/). For the ideology of the other policy planning organizations (see Smith, 2004; Spring, 2005; McGuinn, 2006; DeBray-Pelot, 2007; Debray-Pelot & McGuinn, 2009; Jennings, 2011; McDonald, 2014).
CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

This dissertation uses qualitative research methodology through structured content analysis developed by Jauch et al. (1980). Qualitative methodology is used in research to address how or what questions (Creswell, 2011; Merriam, 2015) “about the nature of the phenomenon, the meaning or understanding people construct regarding some phenomenon” (Merriam, 2015, p. 126). In other terms, “Qualitative research is designed to uncover and identify a phenomenon of interest” (Merriam, 2015, p. 128). The following subsections describe the type of documents and unit analysis, data collection, and data analysis used for the research.

Document Types and Unit of Analysis

This dissertation uses primary decision-making documents. It considers administrative decisions regarding NCLB’s contentious parts, which are documented in the law’s overview and literature review. The contentious parts of NCLB often discussed in the literature are teacher quality, school improvement, educational standards, curriculum, evaluation, funding, and funds management considered as policy items. These aspects of NCLB provoked heated debate and high conflict among different groups and raised awareness about their views regarding the law and its implementation. As Zhang and Wildemuth (2009) said, in qualitative content analysis, researchers intentionally select texts relevant to the research question under investigation.

The decision-making documents were retrieved from DOE’s websites and contained administrative decisions from the first year of the law’s implementation in
2002 until 2012. The dissertation uses only discretionary administrative decisions and considers the definition of discretion as the exercise of decision-making authority that an agency has in policy implementation (Bryner, 1987). This authority given to DOE was contained in NCLB through regulation and waiver (see PL 107-110 Sections 1901 and D. 9401, respectively). The unit of analysis for this study was decisions that were made. Sixty-seven DOE’s decisions were retrieved from 5 regulations, 144 policy letters, 5 reports, and 1 document waiver—all directly related to NCLB discretionary decision making. Table 4 reports the decision-making documents used for the analysis and the policy items that are objects of the decisions.

Table 4: DOE's Decision-Making Documents

<table>
<thead>
<tr>
<th>Yr.</th>
<th>Document type</th>
<th>Count</th>
<th>Policy item</th>
</tr>
</thead>
<tbody>
<tr>
<td>02</td>
<td>Regulation</td>
<td>1</td>
<td>Funding, evaluation, high quality teacher</td>
</tr>
<tr>
<td></td>
<td>Policy letter</td>
<td>1</td>
<td>Funds management, autonomy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>03</td>
<td>Regulation</td>
<td>1</td>
<td>Testing, evaluation</td>
</tr>
<tr>
<td></td>
<td>Policy letter</td>
<td>2</td>
<td>Teacher quality</td>
</tr>
<tr>
<td>04</td>
<td>Policy letter</td>
<td>3</td>
<td>Teacher quality, evaluation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>Policy letter</td>
<td>3</td>
<td>School improvement</td>
</tr>
<tr>
<td>06</td>
<td>Regulation</td>
<td>1</td>
<td>Evaluation</td>
</tr>
<tr>
<td></td>
<td>Policy letter</td>
<td>9</td>
<td>School improvement</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>07</td>
<td>Regulation</td>
<td>1</td>
<td>Evaluation</td>
</tr>
<tr>
<td></td>
<td>Policy letter</td>
<td>8</td>
<td>School improvement</td>
</tr>
<tr>
<td></td>
<td>Report</td>
<td>1</td>
<td>Funds management, evaluation, school improvement</td>
</tr>
<tr>
<td>08</td>
<td>Regulation</td>
<td>1</td>
<td>Evaluation, funds management</td>
</tr>
<tr>
<td></td>
<td>Policy letter</td>
<td>29</td>
<td>School improvement, evaluation</td>
</tr>
<tr>
<td></td>
<td>Report</td>
<td>1</td>
<td>Funds management, evaluation, school improvement</td>
</tr>
<tr>
<td>09</td>
<td>Policy letter</td>
<td>45</td>
<td>School improvement, funds management, educational standards</td>
</tr>
<tr>
<td></td>
<td>Report</td>
<td>2</td>
<td>Funds management, school improvement, evaluation</td>
</tr>
<tr>
<td>10</td>
<td>Policy letter</td>
<td>34</td>
<td>School improvement, evaluation</td>
</tr>
<tr>
<td></td>
<td>Report</td>
<td>1</td>
<td>School improvement, funds management, evaluation</td>
</tr>
<tr>
<td>11-12</td>
<td>Waiver document</td>
<td>1</td>
<td>Educational standards, curriculum, goal evaluation, teacher quality, funds</td>
</tr>
</tbody>
</table>
All the decisions are not available in one document. Some of them were found in one document; this was mostly the case for decisions found in policy letters, the document waiver, or the regulations. As for other decisions, they were constructed with the use of several documents. A policy document may indicate that DOE grants waivers to SEAs and LEAs, but conditions attached to them can be found in a different document. Therefore, the researcher combined the information regarding those waivers by using two or more documents to provide a more complete picture of the decision making. Also, decision letters sent by DOE to states were used to build decisions. However, when DOE offered pilot programs to a few potential eligible states based on defined conditions, the information about those decisions is generally found in one document. Since decisions generally contain a wealth of information, the latter was summarized with a focus on relevant parts as they relate to the dissertation’s purpose. Some documents contain different decisions made about a single item of the law. However, successive decisions about an item that occurred at different times without modifications are considered as the same, while those which were changed were treated as separate policies. Moreover, many decisions about different items of the law were found in single policy documents (see the law items in Table 4). Finally, as the dissertation’s approach is based on the role of the political environment in decision making, administrative decisions made to address problems related to hurricanes, diseases, court decisions, and other specifics inherently
related to the law are not considered; although they are based on several items contained in decisions under study.

**Data Collection Method and Analysis**

The structured content analysis used in this research is a “technique relies on content analysis and content analysis schedules” (Jauch et al., 1980, p. 517). This method was developed to study cases; therefore, it was described in application to cases. Information from each case has been coded using pre-coding, which is itself based on theory or predefined constructs guiding the research (Jauch et al., 1980). In their 1980 study, Jauch et al. contended that “The content analysis schedule is similar to a questionnaire” (p. 519). For instance, “information from cases is coded on a content analysis schedule much as a respondent would complete a questionnaire” (p. 517). They argued that content analysis cases are like questionnaire respondents; as the questionnaire researcher asks specific questions related to the research constructs and the phenomenon under inquiry, the content analysis researcher seeks specific information relevant to the research problem. Cases that do not provide adequate information to address the study problem are discarded, “like a blank questionnaire is considered a non-response” (Jauch et al., 1980, p. 519). Also, researchers who use structured content analysis draw conclusions from the examination of several cases, as do those who use questionnaires to analyze responses from several individuals (Jauch et al., 1980). The analysis of the research questions is performed in reliance on the theory supporting the content analysis schedule (Jauch et al., 1980). Although structured content analysis was developed and used to analyze case materials, it is applied in this dissertation to the analysis of
decisions. The following paragraphs operationalize the structured content analysis method for this research.

**Content analysis.** Structured content analysis uses qualitative content analysis to draw information from documents. Content analysis is a form of document analysis referring to data examination and interpretation in search of meaning, understanding, and knowledge development, which requires researcher’s ability to identify appropriate information (Corbin & Strauss, 2008). Documents are one among various sources of qualitative data (Patton, 2002), and “documents of all types can help the researcher uncover meaning, develop understanding, and discover insights relevant to the research problem” (Merriam, 1988, p. 118).

Hsieh and Shannon (2005) identified three approaches to qualitative content analysis, including conventional, directed, and summative approaches. In the first approach, coding categories emerge from the data itself; in the second one, codes are guided by theory or appropriate research findings. The third approach refers to counting and comparing keywords that are emergent and have come from the literature. All three coding processes are followed by interpretations of their underlying contexts (p. 1277). A directed qualitative content analysis process was used for this research because the analysis process was guided by theory. When a study is theoretically driven, the use of appropriate research findings or theory-based themes in qualitative content analysis is aimed at supporting or adding to the theoretical framework or theory (Hsieh & Shannon, 2005). One way to code in directed qualitative content analysis is to identify key concepts as starting categories and then define the categories based on the theory or prior research (Potter & Levine-Donnerstein, 1999). One can code a word, sentence, phrase, or
paragraph to develop concepts (Rubin & Rubin, 1995) or categories, which “are intellectual boundaries we put on the world in order to help us apprehend it and live in an orderly way” (Stone, 1988, p. 307). In qualitative content analysis, researchers are allowed to use texts [or words, paragraphs, phrases, and sentences] in different categories, because of significant difficulties to use them in specific categories (Tesch, 1990). As Hsieh and Shannon (2005) said, qualitative content analysis involves “subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns” (p. 1278). According to Miles and Huberman (1994) and Hsieh and Shannon (2005), when using directed content analysis, researchers revise the initial coding throughout the data collection process, in view of new arising information. This is often called constant comparative coding in qualitative methods (Miles & Huberman, 1994).

With regard to the theory applied in this dissertation, the researcher coded provisions of NCLB’s administrative decision making based on different categories of views (i.e., views) from the initial coding for groups and DOE (see Tables 6 and 7). To do so, the researcher read the decisions, looking for words or concepts, phrases, paragraphs, and/or sentences, and interpreted them as reflecting the initial coding, with some of them falling into different categories of views used for the analysis. The initial coding for groups was performed from organization-expressed supports, demands, and proposals found in the literature review of NCLB’s implementation. As for DOE, the researcher searched several of its websites to examine its organizational structure and read about its vision, mission, and objectives (http://www2.ed.gov/about/landing.jhtml) to develop categories of views considered as its proxy views regarding the law’s
implementation. While collecting data from the content analysis, new information found in decision making required an additional search of NCLB’s literature and DOE’s organizational structure. Therefore, some categories of the initial coding are constantly revised and refined to catch as many ideas as possible.

The following tables present the dissertation’s groups and the latter’s composition (Table 5), the categories of views, views’ descriptions, and the groups in NCLB’s implementation environment (Table 6), and DOE’s category of views along with its descriptions (Table 7), respectively.

Table 5: Composition of Groups

<table>
<thead>
<tr>
<th>Category</th>
<th>Composition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elected authorities</td>
<td>State legislatures, U.S. legislators, governors, presidents</td>
</tr>
<tr>
<td>Private-interest groups</td>
<td>Business organizations</td>
</tr>
<tr>
<td>Public-interest groups</td>
<td>Policy planning and related organizations, parental organization, policy networks, governmental associations, public charity and volunteering organizations, civil rights organizations</td>
</tr>
<tr>
<td>Other groups</td>
<td>Professional associations</td>
</tr>
</tbody>
</table>
Table 6: Categories of Group Views in NCLB's Implementation

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flexibility</td>
<td>a. Groups asked for flexibility regarding testing requirements.</td>
<td>1. Elected authorities (state legislatures, U.S. legislators), public-interest groups (conservative policy planning organizations, governmental associations, civil rights organizations), professional organizations (a, b, and c)</td>
</tr>
<tr>
<td></td>
<td>b. Groups asked for flexibility regarding the AYP requirement.</td>
<td>2. Public-interest groups (conservative policy planning organizations, governmental associations), professional organizations (d)</td>
</tr>
<tr>
<td></td>
<td>c. Groups asked for flexibility regarding the HQT requirement</td>
<td>3. Elected authorities (state legislatures), public-interest groups (conservative planning organizations, governmental associations, policy network), professional organizations (e)</td>
</tr>
<tr>
<td></td>
<td>d. Groups asked for flexibility in the application of sanctions against failing schools</td>
<td></td>
</tr>
<tr>
<td></td>
<td>e. Groups asked for more decision-making authority</td>
<td></td>
</tr>
<tr>
<td>Support to criterion-referenced evaluation</td>
<td>a. Groups supported the use of status-model evaluation (AYP)</td>
<td>Public-interest groups (state and local governmental associations, civil rights organizations, left-of-center, centrist, right-of-center, and conservative policy planning organizations), elected authorities (U.S. officials), private-interest groups (a, b, and c)</td>
</tr>
<tr>
<td></td>
<td>b. Groups supported the use of high-stakes testing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. Groups backed value-added teacher evaluation.</td>
<td></td>
</tr>
<tr>
<td>Support to teacher quality</td>
<td>Groups wanted all classroom teachers to be highly qualified in their teaching fields</td>
<td>Private-interest groups, public-interest groups (state governmental associations, civil rights organizations, left-of-center, centrist, and conservative policy planning organizations, public charity and volunteering organizations), elected authorities (U.S. officials), parental organization</td>
</tr>
</tbody>
</table>
| New evaluation system | a. Groups advocated the use of growth model for student evaluation  
  b. Use of multiple evaluation measures  
  c. Groups demanded the elimination of AYP.  
  d. Groups required teacher evaluation based on student growth (valued-added evaluation) and other class activities. | 1. Elected authorities (governors, president), public-interest groups (state governmental associations), professional organizations  
  2. Public-interest groups (civil rights organizations, parental organization), professional organizations  
  3. Public-interest groups (policy network, state governmental association), professional organizations  
  4. Professional organizations |
|---|---|---|
| Support to market-based education | a. Groups supported the use of sanctions (SES, school choice, correction, and restructuration).  
  b. Groups supported performance-based teacher pay.  
  c. Groups supported the use of competition in education.  
  d. Groups supported the use of charter schools  
  e. Groups supported the use of incentives, rewards, or recognition to turn out low-performing schools.  
  f. Groups supported the use of vouchers. | 1. Public-interest groups (state governmental associations, left-of-center, centrist, right-of-center, and conservative policy planning organizations, civil rights organizations, public charity and volunteering organizations) elected authorities (U.S. officials), private-interest groups (a, b, and c)  
  2. Public-interest groups (state and local governmental associations, left-of-center, centrist, right-of-center, and conservative policy planning organizations, civil rights organizations, public charity and volunteering organizations) elected authorities (U.S. officials), private-interest groups, professional organizations (d and e)  
  3. Public-interest groups (right-of-center and conservative policy planning organizations), elected authorities (conservative governors and U.S. officials), private-interest groups (f) |
<p>| Elimination of market-based education | a. Groups called for the elimination of sanctions (SES, correction, and restructuration) against LEAs and schools that | Public-interest groups (liberal policy planning organizations), professional organizations (a and b) |</p>
<table>
<thead>
<tr>
<th>New curriculum</th>
<th></th>
<th></th>
<th>1. Public-interest groups (policy network)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Groups advocated CCSS to replace the law’s scattered standards.</td>
<td>b. Groups advocated national standards to replace the law’s scattered standards.</td>
<td>2. Private-interest groups, public-interest groups (state and local governmental associations, liberal, left-of-center, centrist, and right-of-center policy planning organizations, parental organization), elected authorities (U.S. officials), professional organizations</td>
<td></td>
</tr>
<tr>
<td>c. Groups required more emphasis on broader educational subjects rather than narrow focus on language arts and mathematics.</td>
<td></td>
<td>3. Public-interest groups (Liberal policy planning organizations, policy network), professional organizations</td>
<td></td>
</tr>
</tbody>
</table>

| Stakeholders’ participation in educational activities | Groups called for participation of parents, students, community, educators, states, and schools in educational activities | Elected authorities (U.S. officials), public-interest groups (policy planning organizations, policy networks, civil rights organizations, parental organization), professional organizations |

<table>
<thead>
<tr>
<th>Building of stakeholders’ capacity</th>
<th>a. Groups advocated more funding for education</th>
<th>1. Elected authorities (U.S. officials, governors, state legislatures), public-interest groups (civil rights organizations, policy network, charity and volunteering organizations, local governmental associations, liberal policy planning organizations, parental organization), professional organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Reinforcement of the capacity of educational agencies, teachers, parents, and others to participate in educational activities.</td>
<td>c. Groups asked for the provision or dissemination of data in schools and/or sharing of knowledge among stakeholders.</td>
<td>2. Public-interest groups (civil rights organizations, policy network, charity and volunteering organizations, governmental associations, liberal, left-of-center, and centrist policy planning organizations, parental organization), professional organizations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Public-interest groups (civil rights organizations), professional organizations</td>
</tr>
</tbody>
</table>
| Goals revision | a. Groups called for the preparation of students for college, career, and competition in the global market.  

b. Groups called for the elimination of the 100% proficiency performance goal. | 1. Public-interest groups (policy network, state and local governmental associations, charity and volunteering organizations, elected authorities (U.S. officials)), private-interest groups  

2. Public-interest groups (governmental association), professional organizations |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Autonomy</td>
<td>Groups rejected the federal intrusion in local or state education policy.</td>
</tr>
</tbody>
</table>
| Accountability | a. Groups demanded that educational agencies, schools, teachers, parents, and students be accountable for results or student achievement.  

b. Groups wanted educational agencies and schools to be liable to the federal, state, and local governments, parents, as well as the public | Public-interest groups (policy planning organizations, civil rights organizations), elected authorities (U.S. officials), private-interest groups, professional organizations (a and b) |
| Educational excellence | Groups demanded to raise educational standards | Public-interest groups (Policy network, civil rights organizations, public charity and volunteering organizations, governmental associations, policy planning organizations, parental organization), elected authorities (U.S. elected officials), private-interest groups, professional organizations |
Table 7: Categories of DOE's Views in NCLB's Implementation

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
</table>
| Support to education improvement efforts | 1. DOE supplements and complements education efforts of state and local stakeholders as well as public, private, and nonprofit organizations to improve the quality of education.  
                                         | 2. DOE ensures management improvement of federal education activities.  
                                         | 3. DOE supports innovation to improve educational performance.  
                                         | 4. DOE monitors and evaluates federal education programs. |

Source: U.S. Department of Education (http://www2.ed.gov/about/landing.jhtml; http://www2.ed.gov/about/overview/fed/role.html)

Content analysis schedule. The schedule is a Likert item. Likert items are statements [or questions] followed primarily by subjective value categories or degrees from which survey respondents will be asked to choose one to express their feeling, desires, or perceptions of a reality (Göb, Mccollin, & Ramalhoto, 2007). Respondents can also be asked to give to an item a quantitative value based on their subjectivity. Scores or grades (degrees) are orderly-ranked in an ascending way (or descending way) in regard to the value statement (or question) with a neutral grade in the middle; 5-grade and 7-grade Likert scales are the most popular (Göb et al., 2007). The middle grade keeps respondents from being forced to choose among the opposite values from both extremes. However, the middle point can be eliminated in Likert variations (Clason & Dormody, 1994) or the neutral grade may not be placed in the middle, which leaves more options on one side (Joshi, Kale, Chandel, & Pal, 2015) and thus breaks the symmetry in the Likert scale. Generally, variations of Likert items containing paired scales up to 10 alternatives (see
Boone & Boone, 2012; Joshi et al., 2015) present such cases. There are two kinds of Likert analysis, including Likert-type and Likert-scale analyses. When answers or scores to individual items are analyzed separately from those of other items to measure traits about a single variable, the researcher conducts a Likert-type analysis; however, if scores of several items are summed up to yield a composite number to get individuals’ unidimensional traits about similar issues, the researcher conducts a Likert-scale analysis (Joshi et al., 2015). As Joshi et al. (2015) put it, the distinction depends on the researcher’s objective. The Likert scale can be considered as either ordinal or interval (Joshi et al., 2015). In the first case, measures of central tendency, such as mode or median, and descriptive statistics like frequencies and others are the right tools to measure the data; in the second case, the researcher should use parametric statistical tests, such as t-tests, regression, and analysis of variance (Boone & Boone, 2012; Edmondson, Edwards, & Boyer, 2012). The use of Likert’s technique is flexible. Beyond surveys or questionnaires, Likert’s technique can apply to other methods of data collection. For instance, it was used in observation and structured content analysis research (see Jauch et al., 1980; Lakshman, 2009; Beidas et al., 2014). Also, it can be used in several other domains, other than attitude measurement, provided that its main principles are applied (http://www.john-uebersax.com/stat/likert.htm). Since the integration of group views is the only phenomenon of interest in this dissertation and because the latter is a qualitative research, Likert-type scale is considered as ordinal and resulting data are analyzed accordingly. Based on the findings of the content analysis, Likert data for this dissertation are drawn from DOE’s views and group views embedded in decisions.
Since the dissertation’s approach suggests decision making is made of DOE’s views and group views, one writes \textit{Decision Making} = \textit{DOE’s View and Views of Groups} and the following figure represents the model.

\textbf{Figure 1: Decision-Making Model}

\begin{figure}[h]
\centering
\includegraphics[width=0.5\textwidth]{decision_model.png}
\caption{Decision-Making Model}
\end{figure}

The dissertation’s research question is “\textit{How integrative of group views was DOE’s discretionary decision making in the implementation of NCLB?}” Since views in this dissertation are categories of views, they contain one or several elements of views that the researcher calls strings of views; therefore, the integration of the views involves the inclusion of one or more of their strings. Moreover, since the strings of views are quantifiable, the researcher developed the following content analysis schedule and applied it to each decision to collect the Likert data: DOE integrated in decision making group views through the inclusion of their strings, and the number of strings of views (Q) in each decision is equal to the addition of the strings of the DOE’s view and those of group views; that is, \( Q = \# \text{DOE’s view’s strings} + \# \text{group views’ strings} \). Tables 6 and 7 presenting views for groups and DOE are used to assess the integration level of the discretionary decision making with respect to group views on the following six-scale measurement.
1. **Not at all integrative** = the percent of group views’ strings in the decision making is 0% of the number of strings of views in the decision making.

2. **Slightly integrative** = the percent of group views’ strings in the decision making is 1-20% of the number of strings of views in the decision making.

3. **Somewhat integrative** = the percent of group views’ strings in the decision making is 21-40% of the number of strings of views in the decision making.

4. **Moderately integrative** = the percent of group views’ strings in the decision making is 41-60% of the number of strings of views in the decision making.

5. **Very integrative** = the percent of group views’ strings in the decision making is 61-80% of the number of strings of views in the decision making.

6. **Extremely integrative** = the percent of group views’ strings in the decision making is 81-100% of the number of strings of views in the decision making.

The analysis of the Likert-type data is descriptive, counting scores for each of the six categories of values, calculating score percentages of the total scores for each category.

Conversely to quantitative research, qualitative research does not yield statistical values as evidence measures to convince readers of findings, which can be done through narrative or description (Hsieh & Shannon, 2005). Therefore, along with the findings, the researcher provides information regarding DOE’s decision-making process. Also, an analysis of the probabilities of actors’ influence on DOE’s decisions is conducted as further supportive evidence. Further, in the discussion of the findings, the researcher uses research related to U.S. education policy, public administration, and NCLB. This last
approach was suggested by Hsieh and Shannon (2005) for the discussion of qualitative research findings.
CHAPTER 4: DATA ANALYSIS AND FINDINGS

This chapter analyses DOE’s discretionary decision making from 2002 to 2012, which is the period of the law’s implementation under investigation. It traces 67 decisions while focusing on their evolution. The analysis has two tasks: a) coding provisions of decision making into categories of views, by using the initial coding of views for groups and DOE; b) determining the integration level of each decision with regard to group views. The following methods are used to calculate the integration levels of DOE’s decisions: Level Not at all integrative is calculated based on the simple observation of the number of group views’ strings and that of DOE, where the number of group views’ strings in the decision making is zero; Levels slightly integrative, somewhat integrative, moderately integrative, very integrative, and extremely integrative are determined in dividing the number of group views’ strings in the decision making \((P)\) by the number of strings of views in the decision making \((Q)\), and the result \(R = \frac{P}{Q}\) is transformed into percentage. This chapter also provides information about the decision-making processes and the probabilities of actors’ influence on each view.

Study Findings

The study’s findings are summarized in Table 8. The integration level of each of the DOE’s 67 decisions is calculated, and the results are used to conduct the Likert-Type data analysis for the six integration levels of the Likert question. Six decision-making analysis examples are provided following the table.
Table 8: Frequency of the Integration Levels of DOE's Decisions and Percent Level

<table>
<thead>
<tr>
<th>Value</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not at all integrative</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Slightly integrative</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Somewhat integrative</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Moderately integrative</td>
<td>19</td>
<td>28.35</td>
</tr>
<tr>
<td>Very integrative</td>
<td>46</td>
<td>68.65</td>
</tr>
<tr>
<td>Extremely integrative</td>
<td>2</td>
<td>2.98</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>67</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Cases of decision-making analysis. The following decision-making analysis cases illustrate the three integration levels found in this study, including moderately integrative, very integrative, and extremely integrative. Most of the decisions chosen are also used to help enhance the discussion of the study’s results. The decisions and the analyses are reported together.

Decision 1. To be eligible to receive Title I funds, a school had to have a poverty rate as high as that of the number of low-income families’ children served by an LEA throughout the district or at least 35% (DOE, 2013a). If an LEA were to serve a school below the 35% poverty rate level, it would have to allocate 125% of the DOE’s Title I per-pupil amount it received for the year (DOE, 2013a). However, beginning in 2003, DOE allowed school districts to provide Title I funds to schools with poverty rates below the required 35%, while allocating less than 125% of DOE’s per-pupil amount (DOE, 2013a, 2013b). This waiver was granted to Illinois (2003, 2009, and 2010) and
Decision making = View of groups: flexibility (more decision-making authority: Elected authorities [state legislatures], public-interest groups [conservative planning organizations, governmental associations, policy network], professional organizations) + DOE’s view: support to education improvement efforts (management improvement of federal education activities).

# Group view’s strings = 1 and # DOE’s view’s strings = 1; then the number of strings of views in the decision making = Q = 2.

Level 4 integration = DOE’s decision making was moderately integrative.

**Decision 2.** In 2005, DOE adopted the growth model pilot program (GMPP) to allow states to track student achievement over time as a new basis for accountability rather than NCLB’s status model-based assessment (DOE, 2008a). These models requested by states were promising for being reliable and innovative means to measure student performance (DOE, 2008a). As general conditions to be granted the waiver to use this program, states had to indicate the schools were making AYP under both the NCLB’s original model and the new growth model, and got their assessment systems approved (DOE, 2008a; 2013a). States also had to share those data with DOE, which would gather the information provided by states and make it available to other states and the public (DOE, 2008a). DOE would also evaluate the implementation of the pilot program for continued approvals and other purposes (DOE, 2009c). Under the above conditions, DOE opened the pilot program to all eligible states in December 2007 (DOE, 2008a). This flexibility was granted to Tennessee and North Carolina (2005, 2008), Alaska, Arizona, and Iowa (2006, 2007, 2008), Arkansas, Delaware, and Florida (2006,
Colorado (2009-2010) and Pennsylvania, Minnesota, and Texas (2009-2013) (DOE,
2009c, 2013a).

Decision making = View of groups: flexibility (more decision-making authority: Elected
authorities [state legislatures], public-interest groups [conservative planning
organizations, governmental associations], professional organizations) + View of groups:
new evaluation system (growth model for student evaluation: Elected authorities
[governors], public-interest groups [state governmental associations], professional
organizations) + View of groups: support to criterion-referenced evaluation (status-model
evaluation: Public-interest groups [state and local governmental associations, civil rights
organizations, left-of-center, centrist, right-of-center, and conservative policy planning
organizations], elected authorities [U.S. officials], private-interest groups) + View of
groups: building of stakeholders’ capacity (provision/dissemination of or sharing
information with stakeholders: Public-interest groups [civil rights organizations],
professional organizations) + View of groups: accountability (results; liability to the state
and federal governments and the public: Public-interest groups [policy planning
organizations, civil rights organizations], elected authorities [U.S. officials], private-
interest groups, professional organizations) + DOE’s view: support to education
improvement efforts (support to innovation; management improvement of federal
education activities; supplement or complement to stakeholders’ efforts; evaluation of
federal education programs).

# Group views’ strings = 6 and # DOE’s view’s strings = 4; then the number of strings of
views in the decision making = Q = 10.

*Level 4 integration =* *DOE’s decision making was moderately integrative.*

**Decision 3.** In 2009, DOE created the race to the top (RTT) program that it associated with NCLB (2009d). RTT focuses on preparing all students for college and career and developing high and common standards (DOE, 2009d). The program also focuses on great teachers and great leaders in every school who use growth and multiple other performance measures, use assessment to improve performance, and increase learning time and the number of students prepared for and being successful in college; these criteria would be used to evaluate the greatness of educational leaders and teachers (DOE, 2009d). Other focuses are reinforcement of the capacity of schools, educational agencies, and teachers; participation of community organizations, educational leaders, teachers, parents, and other stakeholders; equity and opportunity for all students; raising the bar and rewarding excellence; and promoting innovation and continuous improvement (DOE, 2009d). The program supports alternative routes for teachers to meet the HQT requirements (2009c). RTT is a competitive program that encourages the use of international education benchmarks; rewards states and LEAs for developing innovative programs and reforms promoting excellence and charter schools; develops, retains, and rewards high-performing principals and teachers; and turns around poorest-performing LEAs and schools. The program was offered to states and funded through ARRA (DOE, 2009d). To receive the RTT grant, state applications had to be approved by DOE and no policies had to exist at the state level that could prevent teachers’ and principals’ evaluation based on student achievement (DOE, 2009d). The program also offered competitive grants for testing organizations to develop higher-quality tests to replace the
then NCLB’s assessments (DOE, 2009d).

*Decision making* = View of groups: flexibility (more decision-making authority: Elected authorities [state legislatures], public-interest groups [conservative planning organizations, governmental associations, policy network], professional organizations; related to the HQT requirement: Elected authorities [state legislatures, U.S. legislators], public-interest groups [conservative policy planning organizations, governmental associations, civil rights organizations], professional organizations) + View of groups: support to criterion-referenced evaluation (high-stake testing: Public-interest groups [state and local governmental associations, civil rights organizations, left-of-center, centrist, right-of-center, and conservative policy planning organizations], elected authorities [U.S. officials], private-interest groups) + View of groups: support to market education (charter schools; reward: Private-interest groups, public-interest groups [state and local governmental associations, civil rights organizations, left-of-center, centrist, right-of-center, and conservative policy planning organizations], elected authorities [U.S. officials], professional organizations; competition: Public-interest groups [state governmental associations, left-of-center, centrist, right-of-center, and conservative policy planning organizations, civil rights organizations, public charity and volunteering organizations] elected authorities [U.S. officials], private-interest groups) + View of groups: new evaluation system (growth model for student evaluation: public-interest groups [state governmental associations], professional organizations; teacher evaluation based on student growth/valued-added evaluation and other class activities: professional organizations; multiple evaluation measures: Public-interest groups [civil rights organizations], professional organizations + View of groups: goals revision (preparing
students for college, career, and competition in the global economy: Public-interest
groups [state governmental associations, charity and volunteering organizations], elected
authorities [U.S. officials], private-interest groups) + View of groups: educational
excellence (raising of educational standards for students and teachers: Public-interest
groups [civil rights organizations, public charity and volunteering organizations,
governmental associations, policy planning organizations, parental organization], elected
authorities [U.S. elected officials], private-interest groups, professional organizations) +
View of groups: stakeholders’ participation in educational activities (participation of
education stakeholders and community: Elected authorities [U.S. officials], public-
interest groups [policy planning organizations, policy networks, civil rights organizations,
parental organization], professional organizations) + View of groups: building of
stakeholders’ capacity (reinforcement of educational agencies and support to teachers:
Elected authorities [U.S. officials, state legislatures], public-interest groups [civil rights
organizations, policy network, charity and volunteering organizations, governmental
associations, liberal, left-of-center, and centrist policy planning organizations, parental
organization], professional organizations) + View of groups: accountability (liability to
the state and federal governments: Public-interest groups [policy planning organizations,
civil rights organizations], elected authorities [U.S. officials], private-interest groups,
professional organizations) + DOE’s view: support to education improvement efforts
(support to innovation; management improvement of federal education activities;
supplement or complement to stakeholders’ efforts).

# Group views’ strings = 14 and # DOE’s view’s strings = 3; then the number of strings
of views in the decision making = Q = 17.

Level 6 integration = DOE’s decision making was extremely integrative.

**Decision 4.** In 2011, DOE made available flexibility regarding annual schedules required by NCLB for states to measure student annual progress and get them reach the 100% proficiency goal by 2013-2014 (DOE, 2012b). SEAs did not need to follow the instructions in the law to set AMOs toward determining AYP. This flexibility would be provided if states developed their own AMOs in reading or language arts, mathematics in priority, and other subjects (DOE, 2012b). States also had to take into account student growth for an individual student between two or more points in time, graduation rates, and school performance over time toward making AYP (DOE, 2012b). Also, states had to develop CCSS with the participation of parents, teachers, students, teacher and student representatives, university, business organizations, and community organizations, as well as focus on college-and career-ready standards for all students (DOE, 2012b). Moreover, they had to develop differentiated recognition, accountability, and support plans or programs; encourage effective instruction and leadership; and reduce duplication and unnecessary burden to focus on what students really needed to improve (DOE, 2012b). Finally, states had to associate diverse and relevant groups to the preparation of their educational improvement plans and waiver requests, and agree to participate, along with DOE, in the evaluation of at least one of their programs (DOE, 2012b). This waiver was granted to Washington and Kansas (2011) (DOE, 2013a).

**Decision making = View of groups: flexibility (flexibility related to AYP: Elected authorities [state legislatures, U.S. legislators], public-interest groups [conservative policy planning organizations, governmental associations, civil rights organizations],**
professional organizations; more decision-making authority: Elected authorities [state legislatures], public-interest groups [conservative planning organizations, governmental associations, policy network], professional organizations) + View of groups: new evaluation system (growth model for student evaluation: public-interest groups [state governmental associations], professional organizations; multiple measures: Public-interest groups [civil rights organizations], professional organizations) + View of groups: goals revision (elimination of the 100% proficiency goal: Public-interest groups [governmental association], professional organizations; preparation of students for college, career, and competition in the global market: Public-interest groups [policy network, state and local governmental associations, charity and volunteering organizations], elected authorities [U.S. officials], private-interest groups) + View of groups: new curriculum (CCSS: public-interest group [policy network]; national standards: conservative private-interest groups, public-interest groups [state and local governmental associations, liberal, left-of-center, centrist, and right-of-center policy planning organizations, parental organization], elected authorities [U.S. officials], professional organizations; more emphasis on broader educational subjects rather than narrow focus on language arts and mathematics: Public-interest groups [civil rights organizations, policy network], professional organizations) + View of groups: support to criterion-referenced evaluation (status model: Public-interest groups [state and local governmental associations, left-of-center, centrist, right-of-center, and conservative policy planning organizations], elected authorities [U.S. elected officials], private-interest groups) + View of groups: support to market-based education (reward: Private-interest groups, public-interest groups [state governmental associations, civil rights organizations,
liberal, left-of-center, centrist, and conservative policy planning organizations], elected
authorities [U.S. officials], professional organizations) + View of groups: building of
stakeholders’ capacity (reinforcement of schools’ capacity: Elected authorities [U.S.
officials, state legislatures], public-interest groups [civil rights organizations, policy
network, charity and volunteering organizations, governmental associations, liberal, left-
of-center, and centrist policy planning organizations, parental organization], professional
organizations) + View of groups: stakeholders’ participation in educational activities
(participation of parents, students, community, educators, states, and schools in
educational activities: Elected authorities [U.S. officials], public-interest groups [policy
planning organizations, policy networks, civil rights organizations, parental
organization], professional organizations) + View of groups: accountability (liability to
the state and federal governments: Public-interest groups [policy planning organizations,
civil rights organizations], elected authorities [U.S. officials], private-interest groups,
professional organizations) + DOE’s view: support to education improvement efforts
(support for innovation; management improvement of federal education activities;
supplement or complement to stakeholders’ efforts; evaluation of federal education
programs).

# Group views’ strings = 14 and # DOE’s view’s strings = 4; then the number of strings
of views in the decision making = Q = 18.

Level 5 integration = DOE’s decision making was very integrative.

**Decision 5.** In 2011, changes made to school improvement requirements
establishing schools not meeting standards for at least two successive years were not
considered as failing; corrective action and restructuration were not required (DOE,
Therefore, LEAs or schools had no obligation to take prescriptive improvement actions (DOE, 2012b). However, SEAs could require or allow LEAs to take such measures (DOE, 2012b). Rather than restructuring schools as an absolute requirement, interventions in schools should have focused on tutoring, public school choice, capacity-building efforts, incentives and recognition, for a three-year period as opposed to a two-year one previously (DOE, 2012b). LEAs could make context-specific improvements while being exempt from all administrative and reporting requirements linked to NCLB’s school improvement policy (DOE, 2012b). States had to develop CCSS with the participation of parents, teachers, students, teacher and student representatives, university, business organizations, and community organizations, as well as focus on college-and career-ready standards for all students (DOE, 2012b). They also had to develop differentiated recognition, accountability, and support plans or programs; encourage effective instruction and leadership; and reduce duplication and unnecessary burden to focus on what students really needed to improve (DOE, 2012b). Finally, states had to associate diverse and relevant groups to the preparation of their educational improvement plans and waiver requests, and agree to participate, along with DOE, in the evaluation of at least one of their programs (DOE, 2012b).

Decision making = View of groups: flexibility (more decision-making authority: Elected authorities [state legislatures], public-interest groups [conservative planning organizations, governmental associations, policy network], professional organizations) + View of groups: support to market-based education (sanctions through school choice, SES, correction, or restructuration; competition: Public-interest groups [state governmental associations, left-of-center, centrist, right-of-center, and conservative
policy planning organizations, civil rights organizations, public charity and volunteering organizations, elected authorities [U.S. officials], private-interest groups; reward, incentives, and recognition: Private-interest groups, public-interest groups [state governmental associations, civil rights organizations, left-of-center, centrist, right-of-center, and conservative policy planning organizations], elected authorities [U.S. officials], professional organizations; more emphasis on broader educational subjects rather than narrow focus on language arts and mathematics: Public-interest groups [civil rights organizations, policy network], professional organizations] + View of groups: stakeholders’ participation in educational activities (participation of parents, students, community, educators, states, and schools in educational activities: Elected authorities [U.S. officials], public-interest groups [policy planning organizations, policy networks, civil rights organizations, parental organization], professional organizations) + View of groups: building of stakeholders’ capacity (reinforcement of schools’ capacity: Elected authorities [U.S. officials, state legislatures], public-interest groups [civil rights organizations, policy network, charity and volunteering organizations, governmental associations, liberal, left-of-center, and centrist policy planning organizations, parental organization], professional organizations) + View of groups: goals revision (preparing students for college, career, and competition in the global economy: Public-interest groups [policy network, state and local governmental associations, charity and
volunteering organizations], elected authorities [U.S. officials], private-interest groups) + 
View of groups: accountability (liability to the state and federal governments: Public-
interest groups [policy planning organizations, civil rights organizations], elected 
authorities [U.S. officials], private-interest groups, professional organizations) + DOE’s 
view: support to education improvement efforts (support to innovation; management 
improvement of federal education activities; supplement or complement to stakeholders’ 
efforts; evaluation of federal education programs).

# Group views’ strings = 11 and # DOE’s view’s strings = 4; then the number of strings 
of views in the decision making = Q = 15.

Level 5 integration = DOE’s decision making was very integrative.

**Decision 6.** In 2012, DOE provided flexibility regarding AYP. LEAs receiving 
funds for school improvement were not required any more to use state academic 
assessments and any other indicators or their own high-quality academic assessments and 
any other indicators to measure the annual progress of schools in making AYP (DOE, 
2012b). Neither did SEAs need to review the annual progress of LEAs receiving funds 
for improvement to determine whether they and their schools were making AYP and 
whether LEAs were fulfilling their responsibilities of supporting and rewarding schools, 
encouraging parent involvement, and having HQTs and paraprofessionals (DOE, 2012b). 
Rather, both SEAs and LEAs had to report schools’ performances based on their AMOs 
for all student groups and use the performance results to keep improving Title I schools 
(DOE, 2012b). States had to develop CCSS with the participation of parents, teachers, 
students, teacher and student representatives, university, business organizations, and 
community organizations, as well as focus on college-and career-ready standards for all
students (DOE, 2012b). They also had to develop differentiated recognition, accountability, and support plans or programs; encourage effective instruction and leadership; and reduce duplication and unnecessary burden to focus on what students really needed to improve (DOE, 2012b). Finally, states had to associate diverse and relevant groups to the preparation of their educational improvement plans and waiver requests, and agree to participate, along with DOE, in the evaluation of at least one of their programs (DOE, 2012b).

Decision making = View of groups: flexibility (flexibility related to AYP: Elected authorities [state legislatures, U.S. legislators], public-interest groups [conservative policy planning organizations, governmental associations, civil rights organizations], professional organizations; more decision-making authority: Elected authorities [state legislatures], public-interest groups [conservative planning organizations, governmental associations, policy network], professional organizations + View of groups: new curriculum (CCSS: Public-interest groups [policy network]; national standards: Private-interest groups, public-interest groups [state and local governmental associations, liberal, left-of-center, centrist, and right-of-center policy planning organizations, parental organization], elected authorities [U.S. officials], professional organizations; more emphasis on broader educational subjects rather than narrow focus on language arts and mathematics: Public-interest groups [civil rights organizations, policy network], professional organizations) + View of groups: support to criterion-referenced evaluation (high-stake testing: Public-interest groups [state and local governmental associations, civil rights organizations, left-of-center, centrist, right-of-center, and conservative policy planning organizations], elected authorities [U.S. officials], private-interest groups) +
View of groups: support to market-based education (reward: Private-interest groups, public-interest groups [state and local governmental associations, civil rights organizations, left-of-center, centrist, right-of-center, and conservative policy planning organizations], elected authorities [U.S. officials], professional organizations) + View of groups: stakeholders’ participation in educational activities (participation of parents, students, community, educators, states, and schools in educational activities: Elected authorities [U.S. officials], public-interest groups [policy planning organizations, policy networks, civil rights organizations, parental organization], professional organizations) + View of groups: building of stakeholders’ capacity (reinforcement of schools’ capacity: Elected authorities [U.S. officials, state legislatures], public-interest groups [civil rights organizations, policy network, charity and volunteering organizations, governmental associations, liberal, left-of-center, and centrist policy planning organizations, parental organization], professional organizations) + View of groups: goals revision (preparing students for college, career, and competition in the global economy: Public-interest groups [policy network, state and local governmental associations, charity and volunteering organizations], elected authorities [U.S. officials], private-interest groups) + View of groups: accountability (liability to the state and federal governments: Public-interest groups [policy planning organizations, civil rights organizations], elected authorities [U.S. officials], private-interest groups, professional organizations) + DOE’s view: support to education improvement efforts (support to innovation; management improvement of federal education activities; supplement or complement to stakeholders’ efforts; evaluation of federal education programs).
# Group views’ strings = 11 and # DOE’s view’s strings = 4; then the number of strings of views in the decision making = \( Q = 15 \).

**Level 5 integration = DOE’s decision making was very integrative.**

**Decision Making and Interactions**

The inclusion by DOE of group views in decisions was made with the participation of relevant stakeholders. Reading the decisions, one can assume that interactions took place between DOE and state and local education agencies, but there is no discussion of them. This subsection provides a general approach to those interactions and more insights related to interactions in the decision-making process. Decisions occurred through negotiations between DOE and interest groups. In order to develop NCLB’s first regulations, DOE used the negotiated rulemaking process, creating a group consisting of the “federal, state, and local education administrators, parents, teachers, and members of local boards of education” to negotiate on standards and assessments (http://www2.ed.gov/news/events/rulemaking.html). However, interest groups, including civil rights organizations, criticized the DOE because parents and students were underrepresented in the negotiation panel, an allegation that was rejected by the agency (Robelen & Olson, 2002). Negotiated rulemaking is legally conceived to deal with parts of a law that are subject to more complexity and conflict not addressed in public comments (Olson, 2002). The latter takes place upon the invitation by the public agency (in this case, DOE) to the public to comment on the proposed rulemaking, when the negotiated rulemaking process is not used. Both approaches were used in the case of NCLB’s implementation. Although comments had effects on notices of proposed rulemaking parts linked to DOE’s discretionary decisions analyzed in this research (see
DOE, 2002b, 2003, 2006, 2007), the researcher is unable to determine that those comments were made by particular groups reported in this dissertation. However, it is certain or highly probable that some of those groups participated in the public comment processes. For instance, states applauded the DOE for taking into account their concerns in relation to their accountability plans (Olson, 2003). The negotiated approach taken by the DOE to work on state accountability plans was especially applauded by representatives of the CCSSO and the Kentucky education department (Olson, 2003). According to the Council of Administrators of Special Education, it was through notice and comment rulemaking that relevant parties worked together to develop NCLB’s implementation rules (cited in Furgol & Helms, 2011).

Negotiations also took place outside the negotiated rulemaking setting. DOE worked with states on their accountability plans to get approval, and some were approved based on special treatments (Olson, 2003). One should note that most elements of those plans are not parts of discretionary decisions discussed in the dissertation. Other exchanges between DOE and groups did not directly relate to accountability plans. For instance, in a research report on NCLB policies during the first four years of the implementation, Sunderman (2006) explained how negotiated decisions changed the law in its provisions regarding HQT, disadvantaged students, school improvement, and evaluation. Sullivan reported that the CCSSO’s executive director Thomas Houlihan said that the organization chose to negotiate several issues with DOE instead of confronting it (cited in DeBray-Pelot & McGuinn, 2009). Even though the organization used to negotiate with the DOE, the 2004 decision by the latter of softening the calculation of students’ participation rates in determining the AYP took place not too long after a
meeting between the CCSSO and President Bush, who assured the organization that more flexibility would be granted in the law to address implementation problems raised by the group (McGuinn, 2006). Regardless of those that influenced decision making, waivers and flexibilities led SEAs to continuously change their accountability plans. In other terms, as SEAs and LEAs were being granted flexibility or waivers, they revised their plans to accommodate them with new federal requirements. Therefore, it can be said that negotiations over NCLB policies establish a link between accountability plans and group demands taking place in the implementation environment.

Sometimes, negotiations between DOE and educational agencies were very difficult. For instance, in 2005, the Chicago School District opposed contracting with private SES providers and was backed in this position by the city’s mayor (Wong, 2008). Negotiations between the mayor and DOE allowed the district to keep providing SES against opening the service to private providers (Wong, 2008). DOE’s threat to cut federal education funding provided to Utah came after 15 months of negotiations with the state’s officials (Sunderman, 2006). Also, several other states spent months negotiating with DOE (McNeil & Maxwell, 2013; McNeil, 2013a, 2013b, 2013c). DOE conducted several rounds of negotiations with eight districts (Fresno, Long Beach, Los Angeles, Oakland, Sacramento, San Francisco, Sanger, and Santa Ana) forming the California Office to Reform Education (CORE) to find agreements on the conditions of flexibility to be implemented in the 2013-2014 school year (McNeil & Maxwell, 2013). These districts began to seek and secure their waivers following the denial by DOE of California’s flexibility demand for not having a plan corresponding with the “student growth-based teacher evaluation;” but the state, educational groups, civil rights groups,
and other stakeholders contested the DOE’s decision that could, according to them, seriously affect the services provided to students under the NCLB (McNeil & Maxwell, 2013). Hard negotiations took place between DOE and a group of states, including California, Kansas, Oregon, Washington, and Hawaii, to raise the cap for charter schools in order for them to qualify for RTT grants (McNeil, 2013a). DOE threatened to stay waivers granted to these states or take away part or all of their RTT funding if they did not develop accountability plans regarding student growth-based teacher evaluation or graduation rates in conformity with federal policies (McNeil, 2013b). Despite months of negotiations, Arizona and DOE did not reach accord on DOE’s requirements regarding “high school graduation rates and teacher evaluations;” thus, the state was on the verge of losing its waiver (McNeil, 2013c). The state’s rule was not in accordance with federal regulations, and the state had to change its rule constantly (McNeil, 2013c). Maine was provided waivers for the 2013-2014 school year after almost one year of negotiations with DOE (Cousins, 2013). Student growth-based teacher evaluation and measurement standards to evaluate teachers in “non-tested subjects” represented the most difficult problems for states in their dealing with DOE (McNeil, 2013a, 2013c). The approval process took significant time, when DOE’s peer-review panel held several reviews and the agency asked states for more information (McNeil, 2013a). These situations displeased state education officials, who were frustrated and severely criticized the DOE (McNeil, 2013a; 2013b; McNeil, 2013c). However, some states deemed the experience as worthwhile. For instance, the Maine department of education recognized that the process is frustrating, but expressed great satisfaction with the outcome since the schools would
be able to use their resources (time and others) to focus on what was needed to improve educational performance (Cousins, 2013).

**Probabilities of Actors’ Influence on NCLB’s Decision Making**

Coplin and O’Leary (1983) developed the PRINCE System to forecast public decisions and develop strategies to affect them. It is used in this dissertation to analyze the probabilities of actors’ influence with regard to each view in all of DOE’s 67 discretionary decisions regarding NCLB’s implementation. Because one is dealing with past decisions in this research, PRINCE should be considered as being used to determine what could be the probabilities of actors’ influence on NCLB’s issues. To conduct the PRINCE analysis, Coplin and O’Leary (1983) recommended the following steps: the definition of the issue, identification of actors, assessment of positions, power, and salience for each actor, calculation of the weights for each actor and for all actors combined, and the calculation of the probability of influence. The information used in the analysis is drawn from NCLB’s literature review.

**Identifying policy issues.** Issues should be controversial and need to be defined in a precise way, starting with an active verb, in order to clearly identify actors’ positions as being for, against, or neutral (Coplin & O’Leary, 1983). NCLB’s implementation issues considered in this dissertation are not defined with active verbs but presented as views having proponents, opponents, and/or neutral actors. This study identified 13 main issues, but issues 8, 12, and 13 are not part of the analysis, because no clear controversy was found for them in the literature. Generally, our issues have several strings of views, and if an issue or a string was not controversial, it is not included in the analysis. The following is the list of the issues.
1. Flexibility
2. Support to criterion-referenced evaluation
3. Support to teacher quality
4. New evaluation system
5. Support to market-based education
6. Elimination of the market-based education
7. New curriculum
8. Support to stakeholders’ participation
9. Building Stakeholders’ capacity
10. Goals Revision
11. Autonomy
12. Accountability
13. Educational excellence

**Identifying issue positions.** Actors’ positions are rated by designations from strongly opposed (-3) to strongly supportive (+3); score zero (0) is used for indecisive or impartial/neutral positions; a score of (+3) or (-3) is used for actors who will likely stick to their positions; scores of (+1) and (+2) as well as (-1) and (-2) denote milder positions (Coplin & O’Leary, 1983). In estimating positions, the analyst should read actors’ statements, identify divergences among individuals or groups “within a collective actor” as well as contradictions in an individual actor’s position, analyze actors’ statements in light of their substantial interests, or deduct actors’ positions based on their potential interests (Coplin & O’Leary, 1983). Those strategies were used in scoring positions, but not all actors were considered in every issue. Each actor’s position about an issue was identified as for, against, or neutral/indecisive and assigned an appropriate score. Since the issues in this research are categories of views, and some of them are made up of several strings of view, scores were assigned to actors’ positions in relation to issues or issue strings (see Table 6 for information about views).

**Identifying major actors.** Actors to be included are those having considerable legal authority regarding an issue or political influence to foster or block a decision about an issue, or both being exposed to a decision’s severe effects and having the ability to
facilitate or hamper the implementation of that decision (Coplin & O’Leary, 1983). The number of actors should be limited to 10, and this can be done by grouping actors in ways that indicate a general presentation of power in a fair manner (Coplin & O’Leary, 1983). Individuals, groups, or organizations can be combined to form “collective actors” (Coplin & O’Leary, 1983). The grouping process should be done in considering actors’ common economic interests and their agreement on an issue (Coplin & O’Leary, 1983); however, with the great diversity of groups and their involvement at different levels in NCLB’s implementation, the focus was also put on actors’ activities, ideologies, or advocacy. Also, actors that are very powerful on an issue should not be grouped with those that are far less powerful than they on that same issue (Coplin & O’Leary, 1983). Some actors, for being exposed to immediate consequences of the law, had more stakes than others in particular aspects of the NCLB policy. As aforementioned, Shapiro (1983) would call these actors “relevant” groups, while Dahl would consider them as “legitimate” groups (cited in Yates, 1982, p. 5) that DOE probably thought about in developing policies about controversial issues.

Fowler (2000) developed a list of major actors in education policy with their types of power and power resources. This list was used and extended to present major actors considered in this analysis (see Table 9); the structure and most of the information come from Fowler’s list (see Fowler, p. 2000, p. 42). Muth’s definition of power as “the ability of an actor to affect the behavior of another actor” (Fowler, 2000, p. 27) is used in this research. There are two points to be made: (a) Fowler presented the types of power and power resources for governmental bodies, teachers, school administrators, and parents, but they were used for associations or organizations to which those actors belong; (b) the
Asterisks indicate the researcher’s inclusion of additional information or actors in the table along with their types of power and power resources. Power is not necessarily formal, and actors can manage to get other types of power than those given to them by law and positions or roles (Fowler, 2000).

**Table 9: The Power of Major Actors in Education Settings**

<table>
<thead>
<tr>
<th>Actors</th>
<th>Types of Power</th>
<th>Power Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elected Authorities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U. S. Legislators</td>
<td>Adoption of law</td>
<td>Official positions</td>
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<tr>
<td></td>
<td>Withholding funds</td>
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<tr>
<td></td>
<td>Budget adoption</td>
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<td>State Legislatures</td>
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<td><strong>Governmental Associations</strong></td>
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<td>1) State governmental associations: CCSSO, NGA, NASBE, and NCSL</td>
<td>Economic dominance</td>
<td>Access to money</td>
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<td>Budget proposal</td>
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<td>Adoption of rules, policies</td>
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<td>2) Local governmental associations: CGCS and NSBA</td>
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<td><strong>Professional Associations</strong></td>
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<td>2) Teacher unions</td>
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<td>NEA and AFT</td>
<td>Economic dominance</td>
<td>Control over information about classroom activities</td>
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<td>Work shoppages</td>
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<td>Tenure (job protection)</td>
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<td>Legal authority</td>
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| Parental Organization Parent-Teacher Association | Control over classroom Persuasion* | Political activism or political affiliation
| Planning Organizations* Liberal (Center on Education Policy, Economic Policy Institute, and FairTest) | Knowledge Expertise Economic dominance Persuasion | Numbers Organization
| | | Research activities Political affiliation Donations Professional experience Political militancy or political affiliation Ideological militancy
| Planning Organizations* Left-of-center (Center for American Progress) | | |
| Planning Organizations* Centrist (Aspen Institute, Progressive Policy Institute, Alliance for Excellent Education, New America Foundation, Education Sector, Brookings Institution, National Center for Public Policy and Higher Education, and RAND Corporation) | | |
| Planning Organizations* Right-of-center (Fordham Institute, and American Enterprise Institute) | | |
| Planning Organizations* Conservatives (Cato Institute, Pioneer Institute, Manhattan Institute, Hoover Institution, Education Leadership Council, and Heritage Foundation) | | |
| Civil Rights Organizations* NAACP, MALDEF, National Council de La Raza, Education Trust, and National Indian Education Association | Economic dominance Persuasion Mobilization of minority members | Organization Donations Political militancy or political affiliation
| Businesses Organizations* U. S. Chamber of Commerce, Business Roundtable, and National Association of Manufacturers | Economic dominance | Economic activities Organization Political activism Donations
| Policy Networks* | Economic dominance | Organization
| FEA Coalition and CCSS Coalition | Expertise  
Knowledge  
Persuasion | Public Charity and Volunteering Organizations*  
Teach for America, New Teacher Project, New Leaders for New Schools, High Tech High Ed School, New Schools Venture Fund, Knowledge Is Power Program, Uncommon Schools, Aspire Public Schools, Green Dot Public Schools, and Achievement First | Economic dominance  
Mobilization of volunteers  
Expertise | Donations  
Organization  
Professionalism |

**Assessing power.** The PRINCE power assessment has to be done in considering power relativity and context (Fowler, 2000), but not the assumption that an actor is more powerful than another at all times and on all issues (Coplin & O’Leary, 1983). Power is scored from 1 to 3, with 1 being assigned to weaker power, 2 to moderate power, and 3 to high or significant power, in particular when an actor has the ability to prevent or veto a decision (Coplin & O’Leary, 1983). In assigning scores to the power of a collective actor (group of individual actors or group of organizations) or an individual actor (a single organization), the researcher considered whether the actor had legal authority or a capacity to promote, to block, to prevent a decision about an issue, or to distort a decision’s implementation; also, attention was paid to allies, opponents, and the amount or extent of actors’ resources (see Coplin & O’Leary, 1983). Moreover, the researcher considered actors’ active participation in the law’s implementation and their proximity with high-level political authorities. Further, those considerations were paired with a focus on the larger implementation context of the NCLB policy. For instance, the
researcher examined implementation results and actors’ difficulties in the law’s implementation. Last, the researcher considered the issues at hand by paying attention to the level of conflict around each issue and the relevance of each issue to actors. Actors considered as less powerful in certain cases sometimes get a higher score for issues relevant to them than what they usually get for issues that are not relevant to them. As a result, an actor who is known or said to be more powerful in education policy than others does not automatically get a higher score than them. Power assessment was made to balance each actor’s power, since DOE might not decide in favor of some actors without considering other counterparts.

**Assessing salience.** A score from 1 to 3 is assigned to salience (Coplin & O’Leary, 1983). The latter is determined mainly based on the importance of an issue to actors, how much the latter referred to an issue in their official positions, and the frequency and intensity of their activities (Coplin & O’Leary, 1983). In addition to these criteria, the researcher considered responses given to actor requests throughout the law’s implementation. Actor activities related to issues tended to decrease once problems were being addressed. Therefore, issues could become less salient, but were still important to actors. In such cases, a lower score was assigned to salience than the one it was previously getting. However, same scores were maintained for salience when an issue was considered as essential for actors, or when actors generally deployed the same efforts throughout the implementation to pursue their objectives.

**Assigning scores to position, power, and salience.** The scoring of these three elements of the PRINCE System was done separately for 10 controversial issues in this research. Before proceeding with this task, it is essential to make some remarks. While
most actors who were part of the education policy environment had existed before NCLB, a few of them, such as the FEA and CCSS Coalitions, were created during the law’s implementation. Although these new actors appear in Table 10 along others in relation to an issue, their influence was assessed from the year of or after their creation, depending on the decisions’ dates. As NCLB favored the emergence of new issues, actors considered as influencing a decision about those issues generally took positions on such issues. However, since Coplin and O’Leary (1983) also suggested the use of deduction to determine positions based on actors’ potential interests, the positions of state legislatures, professional organizations, CGCS, and NSBA, were determined this way in certain issues, even though these actors were not reported as taking positions on those issues a year or more after decisions were made about them. This strategy was used not only because there was high probability that those groups were interested in those issues, but their positions toward them had been known before President Bush proposed the NCLB bill and during its adoption process (see Chapter 2). Those considerations were made only for groups reported as remaining active during the law’s implementation. For instance, state legislatures were not reported as very active after the first two years of the implementation, but some of them continued to push for changes in the law. Also, state legislatures are institutions whose positions or actions probably remained valid for decision makers throughout the life of the law. As Fowler (2000) said, actors can influence policymakers or decision makers without being aware that they exercise power. Moreover, actors were also considered as influencing certain decisions, based on their criticisms of some of NCLB’s aspects or of their implementation relative to those decisions, even though they did not express clear demands or propose remedies to
address what they found as problems in the law. It can be said that in controversial implementation environments, public agencies make decisions based on actors’ expressed demands and interests or perceived demands and interests, especially when actors are active participants in the process. Further, since actors’ types of power and resources have been already described; only some of those factors were referred to in the following discussions about issues.

**Flexibility.** This category has five strings of view: (a) *flexibility regarding testing requirements*, (b) *flexibility regarding AYP*, (c) *flexibility regarding HQT*, (d) *flexibility in the application of sanctions against schools not making AYP*, and (e) *more decision-making authority*. However, only the first four (a, b, c, and d) were used; because the fifth one (e) is too vague and therefore not appropriate for the PRINCE analysis. Due to difficulties faced by states, educational agencies, and schools to meet certain requirements, flexibility appeared to be inevitable. This might explain why opposition to this issue was not significant. Generally, state governmental associations were more interested in flexibility, from the very beginning of the law’s implementation. It is important to note that in the first string of view, U.S. elected officials changed positions from being opponents to becoming proponents over the course of the law’s implementation.

Position scores for all actors in the four strings of view are generally moderately opposed (-2) and weakly opposed (-1) or strongly supportive (+3), moderately supportive (+2), and weakly supportive (+1). Scores of (-2) and (-1) or (+2) and (+1) were assigned to collective actors whose very few members were vocal in opposing or supporting
flexibility, respectively; when there are differences within a collective actor; when actors soften their positions; or when actors express their positions with reservations.

Power scoring was based on the following observations. At the state level, decisions regarding testing, AYP, HQT, and sanctions could be implemented upon authorization given by members of state governmental associations; or the decisions could be implemented directly by those members. In other terms, the latter had the power to block, hamper those decisions or contribute to the success of their implementation. Members of local governmental associations and professional organizations were exposed to severe consequences of schools’ failures and could promote or hurt the implementation of the strings. State legislatures and U.S. elected officials had different power over budgeting regarding programs related to the four strings. Civil rights organizations were relevant, since they advocated in favor of disadvantaged student groups to whom the law was primarily intended, and decisions about the strings would have directly affected those students. Attention was also paid to the political influence of certain actors, including teacher unions and civil rights organizations. These factors might increase actors’ influence, compared to other participating actors. Supporters of the first four strings of view are considered in the first place. In the first string (flexibility regarding testing requirements) and the second or third one (flexibility regarding AYP or flexibility regarding HQT), power assessment related to proponents is (3) for state governmental associations, (2) for teacher unions, state legislatures, civil rights organizations, and U.S. elected officials, and (1) for policy planning organizations, local governmental associations, school administrators and principals, and Parent-Teacher Association. As for the fourth string of view (flexibility in the application of sanctions
against schools not making AYP), state governmental associations got a score of (3) for power, and U.S. elected officials and teacher unions each got a score of (2); while local governmental associations, policy planning organizations, school administrators and principals, and civil rights organizations got each a score of (1). As for opponents in each of the four strings, they were a few organizations compared to the number of proponents, and they were not immediate actors or targets of the law and had no direct roles in the flexibility issue; in each of the strings, they got a score of (2) or (1) for power.

Further, salience toward flexibility was not stable throughout the implementation. Scores assigned to salience decreased from (3) to (1) for certain actors, because supporters and opponents reduced their efforts after gains or losses related to flexibility in each string of view. This behavior could be explained by actors’ conviction that gains were quasi irreversible.

**Criterion-referenced evaluation.** This issue has three strings of view: (a) use of status-model evaluation, (b) use of high-stakes testing, and (c) use of value-added teacher evaluation. Actors in these strings are generally the same, and the issue was a law’s key provision relevant to proponents and opponents. The former considered the issue necessary to hold the education community accountable, while the latter were against this objective or happened to realize that it was a burden for the whole school community and educational agencies. Members of state governmental associations and professional organizations were the most relevant actors in the issue. In the first string, NGA’s favorable position was strong at the beginning but changed by 2004 with its pushing for the inclusion of the growth model in the law’s evaluation system; therefore, its position on this issue was assigned (+3) before the year of 2005 and (+2) in the years that
followed. But professional organizations held a strong position against the issue that remained the same (+3). U.S. elected officials’ position got a score a (+3) and then (+2), for the group reducing its support to the law over time. Other actors’ positions against or for the strings of view generally remained very strong (-3, +3); but there was a radical change with civil rights organizations becoming a neutral or indecisive actor in 2007. In scoring power, the researcher considered the fact that two major actors such the NGA and professional organizations were on different sides of the issue, with the former being proponents and the latter opponents. Governors allowed the implementation of NCLB’s programs in their states, yet had power to block or hurt them. As for members of professional organizations, they were directly involved in NCLB’s evaluation and had control over information and power in relation to testing and evaluation. In addition to professional organizations, other opposing actors were legislators and business organizations, policy planning organizations, and civil rights organizations that were not directly concerned with the issue or did not have a direct influence on it. After considering high controversy around the issue, balancing the number of conflicting actors, and comparing the power of the two major conflicting actors as well as interests the power of the other participating actors, the researcher developed the following scoring for power. A higher score of (2) was assigned to the power of three governmental associations (NGA, NASBE, and CCSSO) as a collective actor and to that of U.S. elected officials, and (1) to teacher unions’ and other actors’ power. The salience of the issue was generally moderate for the actors (2). The same reasoning generally applied to the second string, except that there were no neutral actors and that only U.S elected officials changed from having a strong position to having a weaker position, and the number of opponents
is reduced by one. The reasoning for the first string also applied to the third one in a
general way, except that there were no neutral actors and no changes in the positions and
saliences, and the number of opponents was reduced by two.

**Support to teacher quality.** This issue has one string of view: *all classroom
teachers must be highly qualified in their teaching fields.* Proponents had very strong
positions conversely to opponents, who held moderate positions. The latter could be
explained by the fact that opponents were not inherently against the string, but were
concerned about the possibility that non-HQTs could be kicked out of classrooms.
Opponents believed that the HQT requirement ought not to be automatic, but had to be
seen as a continued process. Some of them complained about the lack of financial and
human resources. Governmental associations, professional organizations and public
charity and volunteering organizations were the most relevant actors, who had the power
to block, hamper, and promote the issue or could be affected by it. The issue was
generally salient for all actors throughout the implementation period. Proponents were
business organizations, state governmental associations (NGA, NASBE, and CCSSO),
civil rights organizations, left-of-center, centrist, and conservative policy planning
organizations, public charity and volunteering organizations, U.S. elected officials, and
Parent-Teacher Association having position, power, and salience scores of (+3, 1, 2),
(+3, 3, 3), (+2, 1, 2), (+3, 1, 2), (+3, 2, 3), (3, 1, 2), and (+3, 1, 2), respectively.
Opponents were professional organizations, local governmental associations, and liberal
policy planning organizations with their position, power, and salience scores being (-2, 2,
3), (-2, 1, 2), and (-2, 1, 2), respectively.
New evaluation system. This issue has four strings of view but two are appropriate for the analysis. The first string is use of growth model for student evaluation. Governors or state governmental associations (NGA, NASBE, and CCSSO), as well as professional organizations, were very relevant in this string and strongly supported it. Other supporters were not reported as being too vocal about this string. Opponents generally held strong opposition toward the string. Generally, this string was very salient for the actors, but became less important over time for some of them. Maybe, this could be explained by the fact that, after having been progressively granted to all states, the growth model could not be removed from the evaluation system. Given that governors or governmental associations had more power on this string, in that they could allow, execute, or promote it; given that professional organizations could promote it and had the capacity to hurt the implementation for having a direct role in evaluation; given that the string would affect a law’s key provision (AYP)—which elected officials might not be willing to accept; given that the other actors (proponents and proponents) were not too relevant in this string; the following scoring was developed. With regard to supporters, scores assigned to position, power, and salience are (+3, 2, 3), (+3, 2, 3-2), (+2, 1, 1), (+3, 1, 3), (+3, 1, 2), (+3, 1, 2), and (+2, 1, 2) for governors, state governmental associations (NGA, NASBE, and CCSSO), local governmental associations, teacher unions, school administrators and principals, liberal policy planning organizations, and civil rights organizations, respectively; with regard to opponents, they are (-3-2, 2, 2), (-3, 1, 2), (-3, 1, 1), and (-2, 1, 2-1) for U.S. elected officials, business organizations, left-of-center, centrist, right-of-center, and conservative policy planning organizations, and the National Council of State Legislatures, respectively.
The second string of view is elimination of the status-model evaluation or AYP. It was very controversial, with a greater number of opponents to this string than the number of proponents. Teacher unions were the main major professional groups calling for the elimination of the AYP measure. This string was a core aspect of the law and had great support of Congress to hold schools and educational agencies accountable to the improvement of disadvantaged students’ performance. Groups supporting AYP had political power or high political acquaintance with the highest political elites, who also supported it. But since teachers were to be evaluated based on student performance, professional organizations were very relevant actors in this string. Because of high controversy surrounding this string, power could be generally low, but its salience for the actors was generally moderate (2). On the support side, scores of position, power, and salience are (+3, 1, 3), (+2, 1, 2), (+3, 1, 2), (+3, 1, 2), and (3, 1, 2) for teacher unions, school administrators and principals, the FEA Coalition, the National Council of State Legislatures, and liberal policy planning organizations, respectively; on the opposition side, they are (-3, 1, 2), (-2, 1, 1), (-3-2, 1, 2), (-3, 2, 2), (-3, 1, 2-1), and (-2, 2, 2) for left-of-center, centrist, right-of-center, and conservative policy planning organizations, local governmental associations, civil rights organizations, U.S. elected officials, business organizations, and state governmental associations (NGA, NASBE, and CCSSO). From being an opponent, civil rights organizations became a neutral or indecisive actor in later years of the law’s implementation, due to high contradictions among them; 0, 1, and 2 are their position, power, and salience scores as a neutral actor.

**Support to market-based education.** This issue is comprised of five strings of view, but three of them are appropriate for the analysis. The first one relates to the use of
sanctions (SES, school choice, correction, and restructuration). This was a key point upon which elected officials from all sides agreed, and it was very controversial. Among actors strongly supporting this string were groups that could either promote it or directly participate in its implementation (public charity and volunteering organizations and state governmental associations) or authorize, block, and hamper its implementation (state governmental associations). Other supporting actors were not directly involved in the implementation of this string. For instance, businesses or business organizations provided a lot of funding to organizations promoting this string, and policy planning organizations highly promoted it. On the opposition side, there were professional organizations and local governmental organizations that were very relevant in the string, for being targeted for sanctions. Both actors were considered as having a moderate position against it, for making controversial statements about it and expressing their support with reservations. Conversely to professional organizations, local governmental associations played a significant role in the string’s implementation, but their influence was probably reduced because of state organizations’ support to it. On the neutral side, there were civil rights organizations. During the first years of the implementation, their position as a group was moderate in favor of the issue, but changed later with too many contradictions within the group. Since this string highly related to ideology and deep social and economic interests, most actors were fighting throughout the implementation for their positions with high intensity. On the support side, scores of position, power, and salience are (+3, 3, 2), (+3, 1, 3), (+3, 1, 3-2), (+3-2, 2, 2), (+2, 1, 2), and (+3, 2, 3) for state governmental associations (NGA, NASBE, and CCSSO), left-of-center, centrist, right-of-center, and conservative policy planning organizations, business organizations, U.S. elected officials,
civil rights organizations, and public charity and volunteering organizations, respectively. The scores related to the opposition are (-2, 2, 3), (-1, 1, 2), (-2, 1, 1) (-3-2, 1, 3), and (-3, 1, 3) for teacher unions, school administrators and principals, local governmental associations, liberal policy planning organizations, and the FEA Coalition, respectively. Civil rights organizations became a neutral actor, due to contradictions among them; their new scores as a neutral actor are 0, 1, and 2.

The second string is use of competition. This string was very important for elected officials from all sides, and it was very controversial. Among actors strongly supporting this string were groups that could either promote it or directly participate in its implementation (public charity and volunteering organizations and state governmental associations) or authorize, block, and hamper its implementation (state governmental associations). Other supporting actors were not directly involved in the implementation of this string. On the opposition side, there were local governmental organizations that were very relevant in this string, for being involved in its implementation; but their influence was probably reduced because of state organizations’ support to it. Local governmental associations are assigned a moderate position, for holding controversial statements about sanctions linked to some elements of the string. Generally, actors were fighting throughout the implementation for their positions with high or moderate intensity. On the proponents’ side, scores of position, power, and salience are (+3, 3, 2), (+3, 1, 3), (+3, 1, 2), (+3, 2, 2), (+2, 1, 2), and (+3, 1, 3) for state governmental associations (NGA, NASBE, and CCSSO), left-of-center, centrist, right-of-center, and conservative policy planning organizations, business organizations, U.S. elected officials, civil rights organizations, and public charity and volunteering organizations, respectively; the scores
related to the opposition are (-2, 1, 3), (-1, 1, 2), (-2, 1, 1), and (-3, 1, 3) for teacher unions, school administrators and principals, local governmental associations, and liberal policy planning organizations, respectively.

The third string of view is *use of vouchers*. This point was excluded from the compromise leading to the law’s adoption and was the most divisive aspect of the market education. For those reasons, there was no or only a very low possibility for school vouchers to be included in NCLB’s decision making. While vouchers were not in the law, actors kept standing for or against them during the implementation. Several policy planning organizations of all ideologies were strongly supportive or strongly unsupportive. Not all actors considered this string highly salient. Among U.S. elected officials, positions were very contradictory. On the support side, scores of position, power, and salience are (+3, 1, 3) for conservative and right-of-center policy planning organizations; on the opposition side, they are (-3, 2, 3), (-3, 1, 2), (-3, 1, 2), (-3, 1, 3), (-3, 1, 2), and (-3, 1, 1) for teacher unions, school administrators and principals, civil rights organizations, civil rights organizations, liberal, left-of-center and centrist policy planning organizations, local governmental associations, and Parent-Teacher Association, respectively; whereas, they are (0, 2, 2) for U.S. elected officials as a neutral actor.

**Elimination of market-based education.** This issue is made of two strings of view. The first one is *elimination of sanctions* (*SES, school choice, corrected action and restructuration*) against LEAs and schools that failed to make AYP. It was very controversial and the salience was mostly moderate and high. Proponents’ positions were generally moderate, whereas opponents’ were generally strong. Moderate positions were
mainly due to inconsistencies and contradictions in actors’ statements. Because of high controversy surrounding the string and its extremist nature, actors’ influence could be generally low. U.S. elected officials and state governmental associations could be more powerful on this issue. The former actor could react with severity against a decision that would eliminate the implementation of this key aspect of the law, while the latter one that had already begun to implement some of its elements before the law’s adoption would severely blame DOE and continue to implement them under state laws. On the supporters’ side, scores of position, power, and salience are (+2, 1, 3), (2, 1, 1), (+2, 1, 2), (2, 1, 1), and (3, 1, 3) for teacher unions, school administrators and principals, liberal policy planning organizations, local governmental associations, and the FEA Coalition, respectively; whereas on the opponents’ side, they are (-3, 2, 2), (-3, 1, 3), (-3, 1, 3), (-2, 1, 2), (-3, 2, 2), and (3, 1, 3) for state governmental associations (NGA, NASBE, and CCSSO), left-of-center, centrist, right-of-center, and conservative policy planning organizations, business organizations, civil rights organizations, U.S. elected officials, and public charity and volunteering organizations, respectively; they are (0, 1, 2) for civil rights organizations as a neutral actor.

The second string is elimination of competition. As the previous string, this one was very controversial, the salience was generally moderate, and the actors were almost the same. Also, the proponents and opponents were almost the same, with the former having moderate positions and the latter holding strong ones, in general. The moderation of proponents’ positions could be mainly explained by the fact that their advocates more or less supported charter schools, while the adoption of this string would have led to the abandonment of charter schools, along with the end of student transfers to better-
performing schools and competition between public schools or among private providers of educational services. Actors having more power on policies regarding competition opposed its elimination, and they were the group of three state governmental associations (NGA, NASBE, and CCSSO) and U.S. elected officials. States had been implementing policies linked to competition in education long before NCLB and elected officials considered competition as a key point of their consensus to hold educational institutions accountable. School administrators and principals and local governmental associations that supported the string played a direct role in implementing policies relative to competition, but they had less power than state governmental associations. On the proponents’ side, scores of position, power, and salience are \((+2, 1, 3), (+2, 1, 1), (+2, 1, 2)\), and \((+2, 1, 1)\) for teacher unions, school administrators and principals, liberal policy planning organizations, and local governmental associations, respectively; on the opponents’ side, they are \((-3, 2, 2), (-3, 1, 2), (-3, 1, 2), (-2, 1, 2), (-3, 2, 2)\), and \((-3, 1, 2)\) for the group of three state governmental associations (NGA, NASBE, and CCSSO), group of left-of-center, centrist, right-of-center, and conservative policy planning organizations, business organizations, civil rights organizations, U.S. elected officials, and public charity and volunteering organizations, respectively.

**New curriculum.** This category is comprised of three strings but two of them were relevant for this analysis. The first string is *use of CCSS to replace the law’s scattered standards*. This string was controversial, but an overwhelming majority of actors were strongly supportive of it. Most powerful actors that had the power to block, hamper, authorize, or execute the string supported it. Also major education and non-education actors that had direct or indirect interests backed the string. Groups opposing
the string held a very strong position and fought it, but they had no direct role in the law’s implementation and the number was quite insignificant. Scores for the position, power, and salience of the CCSS Coalition supporting the string are (+3, 3, 3); whereas on the opposition side, the scores are (-2, 1, 2) and (-2, 1, 2) for conservative policy planning organizations and the National Council of State Legislatures, respectively.

The second string is use of national standards to replace the law’s scattered standards. Actors involved in this string held a strong position and were very vocal. Most supporters of this string had a direct role in the implementation or had the power to adopt, block, hamper, and/or promote it. The number of supporters was very high compared to that of opponents. Problems of poor standards in certain states gave an incentive to many groups to adhere to this string. On the support side, position, power, and salience scores are (+3, 2, 3), (2, 1, 2), (+3, 1, 3), (+3, 2, 3), (+3, 1, 3), (2, 1, 2), and (2, 1, 2) for the group of three state governmental associations (NGA, NASBE, and CCSSO), local governmental associations, business organizations, teacher unions, liberal, left-of-center, centrist, and right-of-center planning organizations, civil rights organizations, and Parent-Teacher Association; on the opposition side, they are (-2, 1, 2) and (-2, 1, 2) for conservative policy planning organizations and the National Council of State Legislatures, respectively; they are 0, 1, and 2 for U.S. elected officials as a neutral actor.

Goals revision. This issue is made up of two strings, but only one is relevant for the analysis, which is elimination of the 100% proficiency performance goal. This string was controversial but not many actors were interested in it. This could be due to the fact that it was not worth fighting around this string linked to a goal that appeared illusory. Also fighting for a goal set to be reached in 12 years might not be necessary for some
actors. On the proponents’ side, scores of position, power, and salience are (+3, 1, 3),
(+3, 1, 2), and (2, 2, 2) for teacher unions, school administrator and principals, and
governmental associations, respectively; whereas on the opposition side, they are (-2, 1, 1)
and (-1, 1, 1) for civil rights organizations and U.S. elected officials, respectively.

**Autonomy.** This issue has one string of view: rejection of the federal intrusion in
local or state education policy. Proponents criticized the intrusion of the federal
government in certain aspects of state and local education policy, while requesting
federal intervention in other aspects, such as provision of resources to states. This view
was fiercely opposed by major and most actors that did not cease to ask for more federal
intervention to offer equal access to education to all students. On the support side, scores
of position, power, and salience are (+1, 1, 2) and (+1, 1, 2) for conservative policy
planning organizations and state legislatures, respectively; while on the opposition side,
scores are (-3, 1, 2), (-3, 1, 2), (-3, 1, 2), (-3, 1, 2), (-3, 1, 2), and (-3, 1, 2) for teacher unions, school administrators and principals, liberal, left-of-center,
centrlist, right-of-center and policy planning organizations, public charity and
volunteering organizations, state governmental associations, local governmental
associations, Parent-Teacher Association, and U.S. elected officials, respectively.

**Building of stakeholders’ capacity.** This issue has three strings of view: (a) more
funding for education, (b) reinforcement of the capacity of educational agencies,
teachers, parents, and others to participate in educational activities; and (c) provision or
dissemination of data in schools and/or sharing of knowledge. Since no opponents were
reported for strings b and c, only string (a) was analyzed. Most major groups strongly
supported this string and considered it as a priority throughout the implementation. This
string was the backbone in the fight of most actors representing minority and
disadvantaged students, who were the main beneficiaries or main targets of the law aimed
at equity in education. Opponents did not have a strong position about it, but argued the
law’s original funding was enough. Contradictions also existed within one collective
actor, leading to a neutral position. Since this string is a general issue, actors’ power
might be generally low. However, because states are not required to implement federal
policies when the latter are not funded, governors could have more influence than the
other actors on the string. Based on these considerations, position, power, and priority
were scored as follows for proponents: governors (+3, 2, 3), state legislatures (+ 3, 1, 3-2),
civil rights organizations (+ 3, 1, 3), the FEA Coalition (+3, 1, 3), public charity and
volunteering organizations (+3, 1, 2), local governmental associations (+3, 1, 2), liberal,
left-of-center, and centrist policy organizations (+3, 1, 3), Parent-Teacher Association
(+3, 1, 3), and professional organizations (+3, 1, 3); On the opposition and neutral sides,
the scores are (-2, 1, 2) and (0, 1, 3) for conservative policy planning organizations and
U.S. elected officials, respectively.

**Probability of influence.** This is the last step in the PRINCE analysis. It is
calculated in four main steps: (a) multiplying the scores of each supporting actor and
adding the results to get a total support or the weight; (b) multiplying the scores of each
opposing actor and adding the results to get a total opposition or the weight; (c) adding
the weights of all supporters and the absolute value of the weights of all opponents to get
a total weight for the system; (d) dividing the total weight for all supporters by the total
weight for the system, and the result is the probability that the decision will be adopted.
However, if there are indecisive or neutral actors, the probability is calculated in a
different way; the total weight for all supporters is added to \( \frac{1}{2} \) of the total weight for the neutral actors, and the result is divided by the total weight for the system. Note that, for a neutral actor, the position score \((0)\) is not used in the multiplication aimed at calculating the support or weight; only power and salience scores are multiplied (see Coplin & O’Leary, 1983).

Table 10 presents the scores of position, power, and salience and the total support or the weight for each actor. However, the combined scores of the supporting, neutral, or opposing actors and the total weight for the system are not reported in the table, neither are the probabilities of influence. Calendar years listed after the names of several actors represent the starting dates of their positions and activities. A year followed by \(X \times Y \times Z\) after a name means the scores are the same from that year to 2012 [example: Name (2002) \(2 \times 3 \times 3\)], with 2 for position, 3 for power, and 3 for salience from 2002 to 2012. A range of years followed by \(W-X \times Y \times Z\) after a name means the score of position changes from \(W\) beginning the first year to \(X\) after the second year [example: Name (2002-2004) \(+2-1 \times 3 \times 3\)], with \(+2\) for position from 2002 to 2004 and \(+1\) after 2004 until 2012 (position score is positive here because the actor is considered as supportive in this example). A range of years followed by \(R, S, T-U\) after a name means the score of salience changes from \(T\) beginning the first year to \(U\) after the second year [example: Name (2002-2004) \(+3, 3, 2-1\)], with \(2\) for salience from 2002 to 2004 and \(1\) after 2004 until 2012. Scores of power do not change in any cases. There are no restrictions relative to the names after which no years are marked, since actors’ positions about issues and issues’ salience for those actors began to take place before the adoption of the law or in 2002 or before decisions about issues were made, and remained the same throughout the
period studied; or based on their assumed interests in certain issues, actors were considered as having positions and priorities related to issues for the implementation period studied, even their views and activities are not discussed in the literature review. If the total support for an issue is equal to X (with X=15), this number is used for the analyses of all decisions made about that issue. But if the total support appears as X, Y (20, 25), the first number is used from the first year to the last year of the range of years and the second number applies to the analysis of the decisions made after the last year. With regard to certain issues, some actors are reported as both proponents and opponents or as proponents/opponents and neutral, but at different times, where a position ceased before another one began. The position score for neutral actors is 0. Also, in some issues, actors belonging to a same category had conflicting positions; then they are placed on different sides of the issues as proponents and opponents. Last, though the dissertation focuses on four groups (elected authorities, private-interest groups, public-interest groups, and professional organizations); the latter were not considered as actors in the PRINCE analysis, because it would be difficult, even impossible, to assess the weights of those groups formed with multiple actors with different positions, power, or priorities toward issues. As a result, the researcher used those group members considered as actors in the analysis.
Table 10: Scores of Actors' Position, Power, and Salience in Relation to NCLB Issues

<table>
<thead>
<tr>
<th>Issues and Actors</th>
<th>Issue</th>
<th>Position</th>
<th>Power</th>
<th>Salience</th>
<th>Total Support By Actor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>-3-0+3</td>
<td>1-3</td>
<td>1-3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>×</td>
<td>×</td>
<td>×</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>-3-0+3</td>
<td>1-3</td>
<td>1-3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>×</td>
<td>×</td>
<td>×</td>
<td></td>
</tr>
<tr>
<td>1. Flexibility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Flexibility regarding testing</td>
<td>For</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>requirements</td>
<td>Policy planning organizations</td>
<td>+2</td>
<td>1</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>State governmental associations (2002-2007)</td>
<td>+3</td>
<td>3</td>
<td>3-2</td>
<td>27-18</td>
</tr>
<tr>
<td></td>
<td>Local governmental associations</td>
<td>+2</td>
<td>1</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Teacher unions</td>
<td>+3</td>
<td>2</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>School administrators and principals</td>
<td>+3</td>
<td>1</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>State legislatures (2002-2004)</td>
<td>+3</td>
<td>2</td>
<td>2-1</td>
<td>12-6</td>
</tr>
<tr>
<td></td>
<td>Civil right organizations (2002-2004)</td>
<td>+2</td>
<td>2</td>
<td>1-2</td>
<td>4-8</td>
</tr>
<tr>
<td></td>
<td>U.S. elected officials (2007)**</td>
<td>+3</td>
<td>2</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Parent-Teacher Association</td>
<td>+2</td>
<td>1</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Total For</td>
<td></td>
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<td></td>
<td>Against</td>
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<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Business organizations (2002-2004)</td>
<td>-2</td>
<td>1</td>
<td>2-1</td>
<td>-4-2</td>
</tr>
<tr>
<td></td>
<td>U.S. elected officials (2002-2006)**</td>
<td>-2</td>
<td>2</td>
<td>2</td>
<td>-8</td>
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<tr>
<td></td>
<td>Total For</td>
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<td></td>
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<td></td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>b. Flexibility regarding AYP</td>
<td>For</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy planning organizations</td>
<td>+2</td>
<td>1</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>State governmental associations (2002-2007)</td>
<td>+3</td>
<td>3</td>
<td>3-2</td>
<td>27-18</td>
</tr>
<tr>
<td></td>
<td>Local governmental associations</td>
<td>+2</td>
<td>1</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Teacher unions</td>
<td>+3</td>
<td>2</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>School administrators and principals</td>
<td>+3</td>
<td>1</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>State legislatures (2002-2004)</td>
<td>+3</td>
<td>2</td>
<td>2-1</td>
<td>12-6</td>
</tr>
<tr>
<td></td>
<td>Civil right organizations (2002-2004)</td>
<td>+2</td>
<td>2</td>
<td>1-2</td>
<td>4-8</td>
</tr>
<tr>
<td></td>
<td>Parent-Teacher Association</td>
<td>+2</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Total For</td>
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<td>Against</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Business organizations (2002-2004)</td>
<td>-2</td>
<td>1</td>
<td>2-1</td>
<td>-4-2</td>
</tr>
<tr>
<td></td>
<td>U.S. elected officials (2002-2006)**</td>
<td>-3-2</td>
<td>2</td>
<td>2</td>
<td>-12-8</td>
</tr>
<tr>
<td></td>
<td>Total For</td>
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<tr>
<td></td>
<td>c. Flexibility regarding HQT</td>
<td>Same analysis as b</td>
<td></td>
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<tr>
<td></td>
<td>d. Flexibility in the application of sanctions</td>
<td>For</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>against schools not making AYP</td>
<td></td>
<td></td>
<td></td>
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</table>

197
<table>
<thead>
<tr>
<th>Group</th>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>State governmental associations (2002-2007)</td>
<td>+3 × 3 × 3-2 = 27-18</td>
<td></td>
</tr>
<tr>
<td>Local governmental associations</td>
<td>+3 × 1 × 3 = 9</td>
<td></td>
</tr>
<tr>
<td>Policy planning organizations (2002-2005)</td>
<td>+2 × 1 × 2-1 = 4-2</td>
<td></td>
</tr>
<tr>
<td>Teacher unions</td>
<td>+3 × 2 × 2 = 12</td>
<td></td>
</tr>
<tr>
<td>School administrators and principals</td>
<td>+3 × 1 × 2 = 6</td>
<td></td>
</tr>
<tr>
<td>Civil rights organizations</td>
<td>+1 × 1 × 2 = 2</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Against</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. elected officials (2002-2006)</td>
<td>-2 × 2 × 1 = -4-2</td>
<td></td>
</tr>
<tr>
<td>Business organizations (2002-2004)</td>
<td>-2 × 1 × 2-1 = -4-2</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

e. More decision-making authority

For

State legislatures (2002-2004)
State governmental associations (2002-2007)
Local governmental associations
Policy planning organizations
Teacher unions
School administrators and principals
FEA Coalition (2007)
**Total**

Against

U.S. elected officials (2002-2006)
Civil rights organizations (2002-2006)
Business organizations (2002-2004)
**Total**

2. Criterion-referenced evaluation

a. Use of status-model evaluation or AYP

For

Group of three state governmental associations (NGA, NASBE, and CCSSO) (2002-2004)
Local governmental associations
Group of left-of-center, centrist, right-of-center, and conservative policy planning organizations
Business organizations
U.S. elected officials (2002-2006)
Civil rights organizations (2002-2006)**
**Total**

Against

Teacher unions
National Council of State Legislatures (2002-2007)
School administrators and principals
Liberal policy planning organizations
FEA Coalition (2007)

<table>
<thead>
<tr>
<th>Group</th>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group of three state governmental associations</td>
<td>+3-2 × 2 × 2 = 12-8</td>
<td></td>
</tr>
<tr>
<td>Local governmental associations</td>
<td>+2 × 1 × 1 = 2</td>
<td></td>
</tr>
<tr>
<td>Group of left-of-center, centrist, right-of-center, and conservative policy planning organizations</td>
<td>+3 × 1 × 2 = 6</td>
<td></td>
</tr>
<tr>
<td>Business organizations</td>
<td>+3 × 1 × 2 = 6</td>
<td></td>
</tr>
<tr>
<td>U.S. elected officials (2002-2006)</td>
<td>+3-2 × 2 × 2 = 12-8</td>
<td></td>
</tr>
<tr>
<td>Civil rights organizations (2002-2006)**</td>
<td>+2 × 1 × 2 = 4</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teacher unions</td>
<td>-3 × 1 × 3 = -9</td>
<td></td>
</tr>
<tr>
<td>National Council of State Legislatures (2002-2007)</td>
<td>-3 × 1 × 2-1 = -6-3</td>
<td></td>
</tr>
<tr>
<td>School administrators and principals</td>
<td>-2 × 1 × 2 = -4</td>
<td></td>
</tr>
<tr>
<td>Liberal policy planning organizations</td>
<td>-3 × 1 × 2 = -6</td>
<td></td>
</tr>
<tr>
<td>FEA Coalition (2007)</td>
<td>-3 × 1 × 3 = -9</td>
<td></td>
</tr>
</tbody>
</table>
Total  
Neutral  
Civil rights organizations (2007)**  \(0 \times 1 \times 2 = 2\)  
Total  

b. Use of high-stakes testing  
For  
Group of three state governmental associations  
(NGA, NASBE, and CCSSO)  \(+3 \times 2 \times 2 = 12\)  
Local governmental associations  \(+2 \times 1 \times 1 = 2\)  
Group of left-of-center, centrist, right-of center, and conservative policy planning organizations  \(+3 \times 1 \times 2 = 6\)  
Business organizations  \(+3 \times 1 \times 2 = 6\)  
U.S. elected officials (2002-2006)  \(+3-2 \times 2 \times 2 = 12-8\)  
Civil rights organizations  \(+2 \times 1 \times 3 = 6\)  
Total  
Against  
Teacher unions  \(-2 \times 1 \times 3 = -6\)  
School administrators and principals  \(-2 \times 1 \times 2 = -4\)  
National Council of State Legislatures (2002-2007)  \(-3 \times 1 \times 2-1 = -6-3\)  
Liberal policy planning organizations  \(-2 \times 1 \times 2 = -4\)  
Total  

c. Use of value-added teacher evaluation  
For  
Group of three state governmental associations  
(NGA, NASBE, and CCSSO)  \(+3 \times 2 \times 2 = 12\)  
Local governmental associations  \(+2 \times 1 \times 1 = 2\)  
Group of left-of-center, centrist, right-of center, and conservative policy planning organizations  \(+3 \times 1 \times 2 = 6\)  
Business organizations  \(+3 \times 1 \times 2 = 6\)  
U.S. elected officials  \(+3 \times 2 \times 2 = 12\)  
Civil rights organizations  \(+2 \times 1 \times 3 = 6\)  
Total  
Against  
Teacher unions  \(-2 \times 1 \times 3 = -6\)  
School administrators and principals  \(-2 \times 1 \times 2 = -4\)  
Liberal policy planning organizations  \(-2 \times 1 \times 2 = -4\)  
Total  

3. Support to teacher quality  
All classroom teachers to be highly qualified in their teaching fields  
For  
Business organizations  \(+3 \times 1 \times 2 = 6\)  
Group of three state governmental associations
<table>
<thead>
<tr>
<th>Organization Type</th>
<th>Multiplier</th>
<th>Number of Groups</th>
<th>Weight</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>(NGA, NASBE, and CCSSO)</td>
<td>+3</td>
<td>3</td>
<td>3</td>
<td>27</td>
</tr>
<tr>
<td>Civil rights organizations</td>
<td>+2</td>
<td>1</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Group of left-of-center, centrist, and conservative policy planning organizations</td>
<td>+3</td>
<td>1</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Public charity and volunteering organizations</td>
<td>+3</td>
<td>2</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td>U.S. elected officials</td>
<td>+3</td>
<td>1</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Parent-Teacher Association</td>
<td>+3</td>
<td>1</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>27</strong></td>
</tr>
<tr>
<td>Against</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional organizations</td>
<td>-2</td>
<td>2</td>
<td>3</td>
<td>-12</td>
</tr>
<tr>
<td>Local governmental associations</td>
<td>-2</td>
<td>1</td>
<td>2</td>
<td>-4</td>
</tr>
<tr>
<td>Liberal policy planning organizations</td>
<td>-2</td>
<td>1</td>
<td>2</td>
<td>-4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>-12</strong></td>
</tr>
</tbody>
</table>

4. New evaluation system

a. Use of growth model evaluation

For

Governors*                                                                | +3         | 2                | 3      | 18    |
Group of three state governmental associations (NGA, NASBE, and CCSSO) (2007) | +3         | 2                | 3-2    | 18-12 |
Local governmental associations                                           | +2         | 1                | 1      | 2     |
Teacher unions                                                           | +3         | 1                | 3      | 9     |
School administrators and principals                                     | +3         | 1                | 2      | 6     |
Liberal policy planning organizations                                    | +3         | 1                | 2      | 6     |
Civil right organizations                                                 | +2         | 1                | 2      | 4     |
**Total**                                                                |            |                  |        | **18** |

Against

U.S. elected officials (2002-2006)                                        | -3         | 2                | 2      | -12   |
Business organizations (2002-2004)                                        | -3         | 1                | 2-1    | -3    |
Group of left-of-center, centrist, right-of-center, and conservative policy planning organizations | -3         | 1                | 1      | -3    |
**Total**                                                                |            |                  |        | **-4** |

b. Elimination of the status-model evaluation or AYP

For

Teacher unions                                                             | +3         | 1                | 3      | 9     |
School administrators and principals                                      | +2         | 1                | 2      | 4     |
FEA Coalition (2007)                                                       | +3         | 1                | 2      | 6     |
National Council of State Legislatures                                    | +3         | 1                | 2      | 6     |
Liberal policy planning organizations                                     | +3         | 1                | 2      | 6     |
**Total**                                                                |            |                  |        | **16** |

Against

Group of left-of-center, centrist, right-of-center, and conservative policy planning organizations | -3         | 1                | 2      | -6    |
| Local governmental associations | -2 | 1 | 1 | = -2 |
| Civil rights organizations (2002-2004)** | -3 | 2 | 2 | = -6-4 |
| U.S. elected officials | -3 | 2 | 2 | = -12 |
| Business organizations (2002-2004) | -3 | 2 | 2-1 | = -6-3 |
| Group of three state governmental associations (NGA, NASBE, and CCSSO) | -2 | 2 | 2 | = -8 |
| **Neutral** | | | | |
| Civil rights organizations (2007)** | 0 | 1 | 2 | = 2 |
| **Total** | | | | |

c. Use of multiple evaluation measures

**For**
Teacher unions
School administrators and principals
Civil rights organizations
Parent-Teacher Association

**Total**

**Against**
No actors found

d. Teacher evaluation based on student growth and other class activities

**For**
Teacher unions

**Total**

**Against**
No actors found

5. Market-based education

a. Use of sanctions (SES, school choice, correction, and restructuration).

**For**
Group of three state governmental associations (NGA, NASBE, and CCSSO)
Group of left-of-center, centrist, right-of center, and conservative policy planning organizations
Business organizations (2002-2004)
U.S. elected officials (2002-2006)
Civil rights organizations (2002-2006)**
Public charity and volunteering organizations

**Against**
Teacher unions
School administrators and principals
Local governmental associations
Liberal policy planning organizations
(2002-2006)  \(-3-2 \times 1 \times 3 = -9-6\)  
FEA Coalition (2007)  \(-3 \times 1 \times 3 = -9\)  
Total  
Neutral  
Civil rights organizations (2007)**  \(0 \times 1 \times 2 = 2\)  

b. Use of competition

For

| Group of three state governmental associations (NGA, NASBE, and CCSSO) | +3 \times 3 \times 2 = 18 |
| Group of left-of-center, centrist, right-of center, and conservative policy planning organizations | +3 \times 1 \times 3 = 9 |
| Business organizations | +3 \times 1 \times 2 = 6 |
| U.S. elected officials | +3 \times 2 \times 2 = 12 |
| Civil rights organizations | +2 \times 1 \times 2 = 4 |
| Public charity and volunteering organizations | +3 \times 1 \times 3 = 9 |

Total Against

| Teacher unions | -2 \times 1 \times 3 = -6 |
| School administrators and principals | -1 \times 1 \times 2 = -2 |
| Local governmental associations | -2 \times 1 \times 1 = -2 |
| Liberal policy planning organizations | -3 \times 1 \times 3 = -9 |

c. Use of vouchers

For

| Group of right-of-center and conservative policy planning organizations | +3 \times 1 \times 3 = 9 |

Total Against

| Teacher unions | -3 \times 2 \times 3 = -18 |
| School administrators and principals | -3 \times 1 \times 2 = -6 |
| Civil rights organizations | -3 \times 1 \times 2 = -6 |
| Group of liberal, left-of-center, and centrist policy planning organizations | -3 \times 1 \times 3 = -9 |
| Local governmental associations | -3 \times 1 \times 2 = -6 |
| Parent-Teacher Association | -3 \times 1 \times 1 = -3 |

Total Neutral

| U.S. elected officials | 0 \times 2 \times 2 = 4 |

d. Use of charter schools

For

| State governmental associations |
| Local governmental associations |
| Business organizations |
| Policy planning organizations |
Civil rights organizations
Professional organizations
U.S. elected officials
Public charity and volunteering organizations
Total
Against
No actors found

e. Use of incentives, rewards, or recognition to turn out low-performing schools

For
State governmental associations
Local governmental associations
Business organizations
Policy planning organizations
Civil rights organizations
Professional organizations
U.S. elected officials
Public charity and volunteering organizations
Total
Against
No actors found

<table>
<thead>
<tr>
<th>Issue and Actor</th>
<th>Issue</th>
<th>Position</th>
<th>Power</th>
<th>Salience</th>
<th>Total Support By Actor</th>
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<td></td>
<td></td>
<td>-3-0-+3</td>
<td>1-3</td>
<td>1-3</td>
<td>=</td>
</tr>
</tbody>
</table>

6. Elimination of market-based education
Elimination of sanctions (SES, correction, and restructuration) against LEAs and schools that failed to make AYP

For
Teacher unions
School administrators and principals
Liberal policy planning organizations
Local governmental associations
FEA Coalition (2007)
Total

Against
Group of three state governmental associations (NGA, NASBE, and CCSSO)
Group of left-of-center, centrist, right-of-center, and conservative policy planning organizations
Business organizations
### Civil rights organizations (2002-2006)**

<table>
<thead>
<tr>
<th>Organization</th>
<th>Count</th>
<th>Weight</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. elected officials</td>
<td>-3</td>
<td>2</td>
<td>-12</td>
</tr>
<tr>
<td>Public charity and volunteering organizations</td>
<td>-3</td>
<td>1</td>
<td>-18</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0</strong></td>
<td><strong>1</strong></td>
<td><strong>2</strong></td>
</tr>
</tbody>
</table>

### Neutral

- Civil rights organizations (2007)**
  - 0 | 1 | 2 | 2 |

### Elimination of competition

**For**

- Teacher unions
  - 2 | 1 | 3 | 6 |
- School administrators and principals
  - 2 | 1 | 1 | 2 |
- Liberal policy planning organizations
  - 2 | 1 | 2 | 4 |
- Local governmental associations
  - 2 | 1 | 1 | 2 |
- **Total**

**Against**

- Group of three state governmental associations (NGA, NASBE, and CCSSO)
  - -3 | 2 | 2 | -18 |
- Group of left-of-center, centrist, right-of-center, and conservative policy planning organizations
  - -3 | 1 | 2 | -6 |
- Business organizations
  - -3 | 1 | 2 | -6 |
- Civil rights organizations
  - -2 | 1 | 2 | -4 |
- U.S. elected officials
  - -3 | 2 | 2 | -12 |
- Public charity and volunteering organizations
  - -3 | 1 | 2 | -6 |
- **Total**

### New curriculum

**a. Use of CCSS to replace the law’s scattered standards**

**For**

- CCSS Coalition
  - 3 | 3 | 3 | 27 |
- **Total**

**Against**

- Conservative policy planning organizations
  - -2 | 1 | 2 | -4 |
- National Council of State Legislatures
  - -2 | 1 | 2 | -4 |
- **Total**

**b. National standards to replace the law’s scattered standards**

**For**

- Group of three state governmental associations (NGA, NASBE, and CCSSO)
  - 3 | 2 | 3 | 18 |
- Local governmental associations
  - 2 | 1 | 2 | 4 |
- Business organizations
  - 3 | 1 | 3 | 9 |
- Teacher unions
  - 3 | 2 | 3 | 18 |
- Group of liberal, left-of-center, centrist, and right-of-center policy planning organizations
  - 3 | 1 | 3 | 9 |
- Civil rights organizations
  - 2 | 1 | 2 | 4 |
Parent-Teacher Association  
Total  
Against  
Conservative policy planning organizations  
National Council of State Legislatures  
Total  
Neutral  
U.S. elected officials  

c. More emphasis on broader educational subjects  
For  
Teacher unions  
School administrators and principals  
Civil rights organizations  
Total  
Against  
No actors found  

<table>
<thead>
<tr>
<th></th>
<th>For</th>
<th>Against</th>
<th>Neutral</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent-Teacher Association</td>
<td>+2 × 1 × 2 = 4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservative policy planning organizations</td>
<td>-2 × 1 × 2 = -4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Council of State Legislatures</td>
<td>-2 × 1 × 2 = -4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. elected officials</td>
<td>0 × 1 × 2 = 2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. Goals revision  
a. Elimination of the 100% proficiency performance goal  
For  
Teacher unions  
School administrators and principals  
Governmental associations  
Total  
Against  
Civil rights organizations  
U.S. elected officials  
Total  

b. Preparation of students for college, career, and competition in the global market  
For  
Policy planning organizations  
State governmental associations  
Local governmental associations  
Public charity and volunteering organizations  
CCSS Coalition  
U.S. elected officials  
Business organizations  
Parent-Teacher Association  
Total
### 9. Autonomy
Rejection of the federal intrusion in local or state education policy

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservative policy planning organizations</td>
<td>+1 × 1 × 2 = 2</td>
</tr>
<tr>
<td>State legislatures</td>
<td>+1 × 1 × 2 = 2</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>Teacher unions</td>
<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
<td>School administrators and principals</td>
<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
<td>Group of liberal, left-of-center, centrist, right-of-center and policy planning organizations</td>
<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
<td>Public charity and volunteering organizations</td>
<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
<td>State governmental associations</td>
<td>-3 × 2 × 2 = -12</td>
</tr>
<tr>
<td>Local governmental associations</td>
<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
<td>Parent-Teacher Association</td>
<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
<td>U.S. elected officials</td>
<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

### 10. Building of stakeholders’ capacity

#### a. More funding for education

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governors</td>
<td>+3 × 2 × 3 = 18</td>
</tr>
<tr>
<td>State legislatures (2002-2004)</td>
<td>+3 × 1 × 3-2 = 9-6</td>
</tr>
<tr>
<td>Civil rights organizations</td>
<td>+3 × 1 × 3 = 9</td>
</tr>
<tr>
<td>FEA Coalition (2007)</td>
<td>+3 × 1 × 3 = 9</td>
</tr>
<tr>
<td>Public charity and volunteering organizations</td>
<td>+3 × 1 × 2 = 6</td>
</tr>
<tr>
<td>Local governmental associations</td>
<td>+3 × 1 × 2 = 6</td>
</tr>
<tr>
<td>Group of liberal, left-of-center, and centrist Policy planning organizations</td>
<td>+3 × 1 × 3 = 9</td>
</tr>
<tr>
<td>Parent-Teacher Association</td>
<td>+3 × 1 × 3 = 9</td>
</tr>
<tr>
<td>Professional organizations</td>
<td>+3 × 1 × 3 = 9</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>Conservative policy planning organizations</td>
<td>-2 × 1 × 2 = -4</td>
</tr>
<tr>
<td>Neutral</td>
<td></td>
</tr>
<tr>
<td>U.S. elected officials</td>
<td>0 × 1 × 3 = 3</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

#### b. Reinforcement of the capacity of educational agencies, teachers, parents, and others to participate in educational activities

| For | |
|-----||
|  | |

---

Against
No actors found

**Against**
No actors found

**9. Autonomy**
Rejection of the federal intrusion in local or state education policy

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservative policy planning organizations</td>
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<td></td>
</tr>
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<tr>
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<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
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</tr>
<tr>
<td>Public charity and volunteering organizations</td>
<td>-3 × 1 × 2 = -6</td>
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<td>State governmental associations</td>
<td>-3 × 2 × 2 = -12</td>
</tr>
<tr>
<td>Local governmental associations</td>
<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
<td>Parent-Teacher Association</td>
<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
<td>U.S. elected officials</td>
<td>-3 × 1 × 2 = -6</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

**10. Building of stakeholders’ capacity**

#### a. More funding for education

<table>
<thead>
<tr>
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<th>Against</th>
</tr>
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<tbody>
<tr>
<td>Governors</td>
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</tr>
<tr>
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<td>+3 × 1 × 2 = 6</td>
</tr>
<tr>
<td>Group of liberal, left-of-center, and centrist Policy planning organizations</td>
<td>+3 × 1 × 3 = 9</td>
</tr>
<tr>
<td>Parent-Teacher Association</td>
<td>+3 × 1 × 3 = 9</td>
</tr>
<tr>
<td>Professional organizations</td>
<td>+3 × 1 × 3 = 9</td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>Conservative policy planning organizations</td>
<td>-2 × 1 × 2 = -4</td>
</tr>
<tr>
<td>Neutral</td>
<td></td>
</tr>
<tr>
<td>U.S. elected officials</td>
<td>0 × 1 × 3 = 3</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

#### b. Reinforcement of the capacity of educational agencies, teachers, parents, and others to participate in educational activities

| For | |
|-----||
|  | |
Civil rights organizations  
FEA Coalition  
Charity and volunteering organizations  
Governmental associations  
Liberal, left-of-center, and centrist  
policy planning organizations  
Parent-Teacher Association  
Professional organizations  
Total  
Against  
No actors found  

<table>
<thead>
<tr>
<th>For</th>
<th>Civil rights organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Professional organizations</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>Against</td>
<td></td>
</tr>
<tr>
<td>No actors found</td>
<td></td>
</tr>
</tbody>
</table>

(*): Scores for governors relative to the new evaluation system issue are not used after 2006 but those of the three governmental associations (NGA, NASBE, and CCSSO).

(**): These actors changed their positions over time, and scores are assigned only to their new positions.

Table 11 reports the probabilities that views or issues would be adopted by DOE. Probabilities are provided for each controversial view or issue in a decision, but if a category of views/issues is made up of several strings of views/issues, the probability was calculated for each of them. The probabilities are reported with their frequencies in parenthesis; that is, the number of times a string has a same probability throughout the analysis of the decisions. Views or issues not figured in this table are those that were not adopted by the DOE and those that are not appropriate to be analyzed through the PRINCE System because they are too vague or have no opposition.
Table 11: Probabilities of Actors' Influence on NCLB's Issues

<table>
<thead>
<tr>
<th>Issues and Strings</th>
<th>Probability and Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Flexibility</strong></td>
<td></td>
</tr>
<tr>
<td>a. Flexibility regarding testing requirements</td>
<td>87% (2) 89% (3)</td>
</tr>
<tr>
<td>b. Flexibility regarding AYP</td>
<td>83% (3) 84% (2) 88% (2) 87% (3)</td>
</tr>
<tr>
<td>c. Flexibility regarding HQT</td>
<td>83% (4) 87% (2)</td>
</tr>
<tr>
<td>d. Flexibility in the application of sanctions against schools not making AYP</td>
<td>91% (3) 92% (3)</td>
</tr>
<tr>
<td><strong>2. Criterion-referenced evaluation</strong></td>
<td></td>
</tr>
<tr>
<td>a. Use of status-model evaluation or AYP</td>
<td>63% (9) 60% (3) 47% (2) 49% (4)</td>
</tr>
<tr>
<td>b. Use of high-stakes testing</td>
<td>69% (3) 70% (4)</td>
</tr>
<tr>
<td><strong>3. Support to teacher quality</strong></td>
<td></td>
</tr>
<tr>
<td>All classroom teachers to be highly qualified in their teaching fields</td>
<td>78% (5)</td>
</tr>
<tr>
<td><strong>4. New evaluation system</strong></td>
<td></td>
</tr>
<tr>
<td>a. Use of growth model evaluation</td>
<td>67% (1) 71% (4)</td>
</tr>
<tr>
<td><strong>5. Market-based education</strong></td>
<td></td>
</tr>
<tr>
<td>a. Use of sanctions (SES, school choice, correction, and restructuration)</td>
<td>74% (3) 73% (3) 67% (9)</td>
</tr>
<tr>
<td>b. Use of competition</td>
<td>75% (19)</td>
</tr>
<tr>
<td><strong>6. New curriculum</strong></td>
<td></td>
</tr>
<tr>
<td>a. Use of CCSS to replace the law’s scattered standards</td>
<td>77% (15)</td>
</tr>
<tr>
<td>b. National standards to replace the law’s scattered standards</td>
<td>88% (15)</td>
</tr>
<tr>
<td><strong>7. Goals revision</strong></td>
<td></td>
</tr>
<tr>
<td>a. Elimination of the 100% proficiency performance measure</td>
<td>88% (1)</td>
</tr>
</tbody>
</table>

A case of probability analysis. One analysis case of probability of actors’ influence is provided. The case reflects different requirements for, includes different possibilities in, the PRINCE analysis. Based on the discussion of the PRINCE System, in each view/issue or strings of views/strings of issues, For represents the total weight for the actors supporting the view or issue; Against represents the total weight for actors opposing the view or issue; Neutral represents the total weight of indecisive actors; Total represents the total weight for the PRINCE system; Probability of influence was the likelihood that the view or issue would be adopted. Since the PRINCE system is
recommended to be used in issues that are controversial and precise, some views or issues and string of views or strings of issues of the dissertation are not appropriate for analysis. The views or issues of support to stakeholders’ participation, accountability, and educational excellence were not analyzed, because no position to them was reported in literature. Moreover, neither were the following strings of views or strings of issues in parenthesis analyzed for the same reason: New evaluation system (use of multiple evaluation measures; teacher evaluation based on student growth and other class activities), new curriculum (more emphasis on broader educational subjects rather than a narrow focus on language arts and mathematics), goals revision (preparation of students for college, career, and competition in the global market), and building stakeholders’ capacity (reinforcement of the capacity of educational agencies, teachers, parents, and others to participate in educational activities; provision or dissemination of data in schools and/or sharing of knowledge among stakeholders to better education). Last, in the flexibility issue, the string of view more decision-making authority was not analyzed because it is considered too vague.

**Decision.** In 2008, DOE launched a “differentiability accountability pilot” program under which states were granted waivers to develop their own interventions for school improvement, determine the magnitude of their improvement activities, and identify resources helpful to their objectives (DOE, 2008b). In order to participate in this program, states had to propose an accountability plan which included innovative means and specific interventions, as well as show its capacity to reform schools and improve performance; clearly define their types of intervention and categorize struggling schools in which they would intervene. Also, states had to calculate AYP with any growth
measure approved by DOE, continue to focus on low-performing schools and have at least 20% of Title I schools identified as needing improvement (DOE, 2008b). Further, states needed to have a plan aimed at meeting HQT requirements, have no prior violations of the Individuals With Disabilities Education Act (IDEA) and NCLB, and make AYP information available to the public on a timely basis; states with late AYP notifications more than once in the previous two years would not be approved (DOE, 2008b). Finally, states opting for implementing SES or both SES and public choice in the first year of school improvement had to show that providers helped increase student achievement; to have at least to begin collect data toward that evaluation; to agree to share the data about the effects of the program on students’ performance; to take part in an evaluation; and to provide timely report to DOE about the program (DOE, 2008c). This flexibility was granted to Florida, Georgia, Illinois, Indiana, Maryland, and Ohio (2008), and Louisiana, New York, and Arkansas (2009-2013) (DOE, 2013a).

Decision making = View of groups: flexibility (more decision-making authority: Elected authorities [state legislatures], public-interest groups [conservative planning organizations, governmental associations, policy network], professional organizations; flexibility in the application of sanctions against failing schools: Public-interest groups [conservative policy planning organizations, governmental associations], professional organizations) (view 1) + View of groups: new evaluation system (growth model for student evaluation: public-interest groups [state governmental associations], professional organizations) (view 2) + View of groups: support to criterion-referenced evaluation (status model evaluation: Public-interest groups [state and local governmental associations, civil rights organizations, left-of-center, centrist, right-of-center, and
conservative policy planning organizations, elected authorities [U.S. officials], private-interest groups) (view 3) + View of groups: support to market-based education (sanctions through SES and school choice; competition: Public-interest groups [state governmental associations, left-of-center, centrist, right-of-center, and conservative policy planning organizations, civil rights organizations, public charity and volunteering organizations] elected authorities [U.S. officials], private-interest groups) (view 4) + View of groups: support to teacher quality (classroom teachers to be highly qualified in their teaching fields: Private-interest groups, public-interest groups [state governmental associations, civil rights organizations, left-of-center, centrist, and conservative policy planning organizations, public charity and volunteering organizations], elected authorities [U.S. officials], parental organization) (view 5) + View of groups: building of stakeholders’ capacity (provision/dissemination of or sharing data with stakeholders: Public-interest groups [civil rights organizations], professional organizations) (view 6) + View of groups: accountability (results; liability to the public and the state and federal governments: Public-interest groups [policy planning organizations, civil rights organizations], elected authorities [U.S. officials], private-interest groups, professional organizations) (view 7) + DOE’s view: support to education improvement efforts (support to innovation; management improvement of federal education activities; supplement or complement to stakeholders’ efforts; evaluation of federal education programs) (view 8).

View 1: string 2: For = 49, Against = 4, Total = 53, Probability of influence = 49:53 = 92%.

View 2: For = 39, Against = 16, Total = 55, Probability of influence = 39:55 = 71%.
View 3: For = 30, Against = 31, Neutral = 2, Total = 63, For + ½ of Neutral = 31,
Probability = 31:63 = 49%.

View 4: string 1: For = 63, Against = 31, Neutral = 2, Total = 96, For + ½ of Neutral = 64, Probability of influence = 64:96 = 67% AND string 2: For = 58, Against = 19, Total = 77, Probability of influence = 58:77 = 75%.

View 5: For = 73, Against = 20, Total = 93, Probability of influence = 73:93 = 78%.
CHAPTER 5: DISCUSSION AND CONCLUSION

Discussion

The analysis of DOE’s discretionary decisions was based on the dissertation’s theoretical framework. As already discussed, the theory is based on the researchers’ view that bureaucracy is responsive of different group views, including those of private, public, political, or other social groups seeking to control administrative decision making (e.g., Appleby, 1952; Bernstein, 1955; Burns & Peltason, 1972; Yates, 1982; Rosenbloom, 1983; Scholz & Wei, 1986; Moe, 1985). The study was guided by the research question how integrative of group views was DOE’s discretionary decision making in the implementation of NCLB? This subsection discusses the findings of the research focusing on the integration of group views in decisions and the separation of DOE’s and groups’ views in decision making. Moreover, based on the PRINCE analysis, this subsection also discusses the power relationships among groups.

Integration of views of different types of interest groups in decision making.

The analysis found that DOE integrated in decision making views of elected authorities, private-interest groups, public-interest groups, and other groups, which are in this case professional associations. These findings contrast with views developed in the frameworks of citizen participation, representative bureaucracy, and private-interest groups democracy that do not consider inputs of elected authorities, public-interest groups, and other groups in administrative discretion (see the literature review of the integrative approach to administrative discretion). They also support the dissertation’s
assumption of the conflicting nature of DOE’s decision making, where the agency integrated in its decisions conflicting views or group views opposed by other groups. Public administration theorists broadly explained how public agencies consider different interests and views for decision making, due to conflicting environments (see Yates, 1982; Dahl, 2006). Based on conflicting interests and preferences as well as strong support to NCLB’s fundamental values, DOE seemed to take a consensual approach in NCLB’s implementation, which supports the assumption of the dissertation’s framework that public agencies exercise some autonomy while responding to groups’ demands. DOE’s policies combined views of flexibility and market education; new evaluation system and market education; flexibility and criterion-referenced evaluation; new curriculum and market education; new evaluation system and support to criterion-referenced evaluation in decision making; defended oftentimes by opposing groups. Sometimes, decisions also combined conflicting approaches or views; for instance, the growth model (new evaluation system) and the AYP (status-model evaluation) were integrated in same decisions. DOE’s strategy aligned with Lindblom’s (1965) allegation that bureaucracy possesses its own ways to process views of different parties in the policy process.

However, in many cases, DOE integrated in decision making views common to different groups. For instance, building stakeholders’ capacity, which is mainly a view defended by professional organizations, civil rights organizations, public charity and volunteering organizations, governmental organizations, and liberal policy planning organizations, was also defended by conservative policy planning organizations, business organizations, and other groups. The views of accountability, market-based education,
and educational excellence that are generally defended by conservative think tanks and business organizations were also supported by professional organizations, governmental associations, liberal policy planning organizations, and others. In reality, professional organizations, which are mostly liberals, and liberal policy planning organizations do not oppose high standards or educational excellence; but they are wary because excellence has been used by conservative groups to exercise social domination. Disadvantaged groups often times are not able to satisfactorily compete with advantaged groups, where excellence is required. Further, the view of stakeholders’ participation in educational activities integrated in decision making was supported by all groups. Discussing educational issues, DeBray-Pelot and McGuinn (2009) argued that the convergence of views among groups was due to the fact that different groups realized that the traditional equity-based accountability did not yield expected results, and that competition in education and accountability based on results and outputs were to be adopted to reinforce and enhance educational equity and improve the performance of disadvantaged student groups. Probably, Republican governors and state legislators supported, as did their Democratic counterparts, more federal involvement to help build stakeholders’ capacity because they had to bear this responsibility while they lacked sufficient resources. Also, the presence of common views in some decisions could be sometimes influenced by compromises existing among groups themselves. Referring to alliances forming the CCSS coalition, McDonnell and Weatherford (2013) observed that business organizations wanted policies that would prepare children for the market; minority or civil right groups pushed for more equity and accountability; state governors were more interested in having more authority in decision making; teachers sought to eliminate high-
stake tests, rigid accountability, and sanctions and have more control over classroom activities. Most of these values were, in fact, included in the CCSS decision making, although several of them do not correspond to some other groups’ values. For instance, the views of goals revision, support to market-based education (some elements of it), new curriculum, new evaluation system, flexibility, accountability, and opposition to certain elements of market-based education were supported by the CCSS coalition members, as a result of a group principle, and included in the CCSS decision making.

Somehow, DOE’s discretionary decision making seemed to be departing from the traditional view that administrative decision making integrates separate views belonging to conflicting groups. Although this observation appears to be valid, in view of the findings; it should be noted that views somehow remained separate, in that they are fundamental for certain groups but not for others. As a result, groups generally did not really depart from their main views; while some of other groups supporting views contrary to what constitutes the core of their values seemed to not fully embrace those views, but casually supported them for particular reasons.

Further, the aforementioned findings support scholars’ contentions developed in the politics of implementation framework. Brodkin (1990) viewed “implementation as policy politics—a continuation of conflicts to define social policy” (p. 108). Hargrove (1975) argued that the politics of the policymaking process does not stop after the adoption of policy but continues in the implementation process. He maintained that political scientists “begin with a policy as it was initially shaped by the politics of reaching agreement and then chart the continuing politics of program administration in which politicians, bureaucrats, interest groups and publics vie for control over the
direction of the program” (p. 3). Processes leading to policies and DOE’s strategies in developing them suggest similarities between policymaking and implementation.

**Separate views of DOE and groups in decision making.** The findings contrast with the views in the frameworks of representative bureaucracy and private-interest groups democracy that ignore, pay little attention to, or minimize views of public agencies in decision making. As assumed by the dissertation’s framework and discussed earlier, administrative discretion contains views of public agencies that are different than those expressed by different kinds of interest groups seeking to influence decision making (see Truman, 1951; Appleby, 1952; Bernstein, 1955). The integration level *moderately integrative* amounts to 28.35%, meaning that neither DOE nor groups have more view strings than the other or both of them have a reasonable amount of view strings. This finding explains that groups have some influence on DOE’s decision making. The integration level *very integrative* (68.65%) or the integration levels *very integrative* and *extremely integrative* amount both to 71.63%, which means that groups generally have a considerable amount of view strings compared to DOE. This finding reflects that groups have significant influence on DOE’s decision making; this somehow confirms the argument of private-interest groups democracy that agencies are generally controlled by interest groups. The difference here is that the control is not exercised by private-interest groups but by a combination of private, political, public, and professional groups, with several non-private groups being more powerful than private groups. Maybe, if the case study were more about private businesses, the control would be more on their side. DOE’s views embedded in the decisions do not conflict with those of different groups, but play a role of support to or control of the implementation of their
views according to the agency’s requirements. As Yates (1982) alleged, the control of public agencies is aimed at achieving public objectives, which would be the interests of the general public or national standards to which others theorists referred (see Truman, 1951; Appleby, 1952; Bernstein, 1955; Friedrich, 1963; Wamsley, 1990).

There are no decision-making instances where an integration level is not at all integrative, slightly integrative, or somewhat integrative. This means that, at least, never did DOE make decisions without including group view strings or weakly include them. These findings deny that public managers are just executers of the legislative authority, as theorists (Van Meter & Van Horn, 1975; Lowi, 1985; Mazmanian & Sabatier, 1989) argued. This denial has been long established in public administration literature (see Goodnow, 1905; Appleby, 1952; White, 1955; Allison, 1971; Smith, 1973; Hargrove, 1975; Meier, 1979; Nakamura & Smallwood, 1980; Younis & Davidson, 1990).

Finally, this dissertation’s findings support the suggestion that the role of public agencies’ expertise in policy implementation has decreased (see Lowi, 1969; Rose & Peters, 1978). This also casts doubt about administrators’ control of implementation through bargaining argued by Allison (1971) or for the pursuit of their personal goals (Winter, 1990). DOE’s decisions mimic legislative work, by including views of different groups. DOE introduced in NCLB’s implementation the growth model evaluation and the CCSS demanded by groups. It created the RTT policy, which was not required by groups but whose content was generally made up of their views. The growth model, CCSS, and RTT were not about waivers of some parts of or relief from certain aspects of the law to facilitate the implementation, but the making of completely new policies. These new policies are prime examples of creativity and innovation reflecting essentially group
preferences. The American democracy has been based on pluralism, with interest groups dominating the process. This is true in the realm of public administration, and also in the electoral process; groups collect money, organize activities, use knowledge, and lobby to get particular policies adopted or seek to convince citizens to embrace their views or values. This explains why if candidates or political parties do not have powerful groups supporting them or their views, they may never be heard of. While groups influenced DOE’s decisions, the agency still exercised great authority. For instance, it conditioned waivers and flexibilities offered to states with the adoption by the latter of the CCSS and/or defined specific requirements regarding their implementation and expectations.

**More influential actors.** Research suggests that more powerful groups in a policy area get more out of decision making (see Truman, 1951; Appleby, 1952; Stigler, 1971; Shapiro, 1983; Moe, 1985; Ripley & Franklin, 1986). As discussed in Chapter 2, even theorists of citizen participation (Kranz, 1976; Ethridge, 1987; Desario & Langton, 1987) also recognized that the strongest interest groups have more power on decision making than do the weakest ones. The PRINCE analysis of power relationships demonstrates that the group of three state governmental associations (NGA, NASBE, and CCSSO) and teacher unions were generally more influential actors on NCLB’s decisions, with the state groups being the most influential. This can be seen in the rank order for a limited number of very influential actors on each view/issue provided in Table 12. The group of state governmental associations generally dominated on the most contentious issues, including support to criterion-reference evaluation, support to teacher quality, and support to market education. The group of state governmental associations also dominated on the issues of new evaluation system and new curriculum. As for teacher unions, they were
very powerful on issues which were generally less controversial, such as flexibility, new evaluation system, new curriculum, and goals revision. Generally, the two actors had moderate weights. State groups’ and teacher unions’ advantages were probably due mainly to their legal authority or their power to prevent, promote, or hamper the implementation of decisions at the highest level. Also, as key stakeholders or big players in the education system, they were more relevant in more issues than were many other actors. In some issues, the group of state governmental associations and teacher unions had equal influence; or the former was more influential than the latter in the beginning of the law’s implementation and ended up having equal influence with them (see Table 10 above), whenever over time, the group’s positions toward an issue happened to be less strong or the priority given to an issue decreased.

As shown in Table 12, other actors were likely very influential on some issues. For instance, U.S. elected officials ranked first or second in view strings related to the criterion-referenced evaluation and market-based education issues. Their influence on these issues could be explained by the fact that the latter represented key negotiated aspects of the law upon which Republicans and Democrats counted to improve educational performance in public schools, especially that of disadvantaged students. Also, U.S. elected officials, especially ranking members of the Senate and House Education Committees on Education, had budgeting and monitoring power and could exercise high political pressures on the DOE. Moreover, the CCSS Coalition weighed very high in the new curriculum issue, but was the only supporting actor. Further, the group of all governmental associations (NGA, NASBE, CCSSO, and NCSL) dominated in the flexibility issue, while governors did for a short time in the new evaluation issue.
The weights of these two last actors were very high, and the fact that the two issues were not too controversial (especially the flexibility issue) probably played an important role. These findings and the previous ones about the group of three state governmental associations just discussed indicate how great its influence could be on issues. Finally, public charity and volunteering organizations also had great weights in the teacher quality and market-based education issues. The weights may be explained by their support to these issues in carrying out activities to train teachers or opened/funded charter schools.

Table 12: Rank Order of More Powerful Actors by Issue

<table>
<thead>
<tr>
<th>Issues</th>
<th>Actors</th>
<th>Rank</th>
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<tr>
<td><strong>1. Flexibility</strong></td>
<td></td>
<td></td>
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<tr>
<td>a. Flexibility in testing requirement</td>
<td>State governmental associations (NGA, NASBE, CCSSO, and NCSL)</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>Teacher unions</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt;</td>
</tr>
<tr>
<td>b. Flexibility regarding AYP</td>
<td>State governmental associations (NGA, NASBE, CCSSO, and NCSL)</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>Teacher unions</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt;</td>
</tr>
<tr>
<td>c. Flexibility regarding HQT</td>
<td>State governmental associations (NGA, NASBE, CCSSO, and NCSL)</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>Teacher unions</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt;</td>
</tr>
<tr>
<td>d. Flexibility regarding sanctions</td>
<td>State governmental associations (NGA, NASBE, CCSSO, and NCSL)</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>Teacher unions</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>2. Criterion-referenced evaluation</strong></td>
<td></td>
<td></td>
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<tr>
<td>a. Use of status-model evaluation or AYP</td>
<td>Group of three state governmental associations (NGA, NASBE, and CCSSO)</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>U.S. elected officials</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
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<tr>
<td>b. Use of high-stake testing</td>
<td>Group of three state governmental associations (NGA, NASBE, and CCSSO)</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>U.S. elected officials</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt;</td>
</tr>
<tr>
<td>c. Use of valued-added evaluation</td>
<td>Group of three state governmental associations</td>
<td></td>
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<tr>
<td>3. Support to teacher quality</td>
<td>(MGA, NASBE, and CCSSO)</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
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<tr>
<td>Groups wanted all classroom teachers To be highly qualified</td>
<td>Group of three state governmental associations (NGA, NASBE, and CCSSO)</td>
<td>1&lt;sup&gt;st&lt;/sup&gt;</td>
</tr>
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| 4. New evaluation system | Group of three state governmental associations (NGA, NASBE, and CCSSO) | 1<sup>st</sup> | Public charity and volunteering organizations | 2<sup>nd</sup> |
| Use of growth model | Governors/Group of three state Governmental associations (NGA, NASBE, and CCSSO)* | 1<sup>st</sup> | Teacher unions | 2<sup>nd</sup> |

| 5. Market-based education | Group of three state governmental associations (NGA, NASBE, and CCSSO) | 1<sup>st</sup> | Public charity and volunteering organizations | 1<sup>st</sup> |
| a. Use of sanctions (SES, school choice, correction, and restrucuturation) | | | | |
| b. Use of competition | Group of three governmental associations (NGA, NASBE, and CCSSO) | 1<sup>st</sup> | U.S. elected officials | 2<sup>nd</sup> |

| 6. New curriculum | CCSS Coalition (one influencing actor) | 1<sup>st</sup> |
| a. Use of CCSS to replace the law’s scattered standards | | | |
| b. Use of national standards to replace law’s scattered standards | Group of three state governmental associations (NGA, NASBE, and CCSSO) | 1<sup>st</sup> | Teacher unions | 1<sup>st</sup> |

| 7. Goals revision | Teacher unions | 1<sup>st</sup> |
| Elimination of the 100% performance measure | Governmental associations | 2<sup>nd</sup> |

(*) Governors were the actor in the beginning before the group of state governmental associations became the actor.

Although the group of three governmental associations (NGA, NASBE, and CCSSO) is considered as the most powerful actor in the implementation and was a member of the coalition being the most powerful actor on the flexibility issue, it was not fully satisfied. Throughout the implementation period considered for this study, the group
of three was given satisfaction on most of its requests. Since the first years of the implementation, flexibility was given from rigid accountability regarding funds management, teacher quality, testing, and evaluation. Hess and Petrilli (2009) explained how DOE retracted on the strict application of NCLB’s requirements, providing billions from Title II to states so they could explore alternative programs for HQT, which, they said, angered Ed Trust and Rep. George Miller. These two NCLB backers had never supported flexibilities or any waivers that could derail the law’s goal. Wong (2008) viewed in the 2005 flexibilities regarding the HQT requirement DOE’s readiness to respond to states’ worries. Referring especially to flexibilities and waivers granted to states and local school districts in 2011 and 2012, researchers (Berry & Herrington, 2011; McNeil, 2011; Jennings, 2011; Kober & Riddle, 2012; Derthick & Rotherham, 2012; House, 2013; Polikoff, McEachin, Wrabel, & Duque, 2014) pointed out significant benefits these stakeholders got from these policies. In fact, DOE always referred to and praised states’ and LEAs’ role in influencing its decisions (GMPP, CCSS, and others), which it considered as being based on their initiatives (DOE, 2008a, 2012b). However, DOE’s policies were also viewed as creating new cumbersome requirements for states. In fact, NGA and state officials complained that too many strings were attached to the waivers (McNeil, 2013b), while NGA and CCSSO hoped for greater flexibility in keeping the CCSS unlinked to federal funding (Jennings, 2011). U.S. Sen. Lamar Alexander, who headed the Senate education committee, opined that the waiver power granted to DOE was used in ways that increased the power of the Education Secretary; the waivers imposed conditions to SEAs and LEAs, which should define their own policies (McNeil, 2013a). Writing about DOE’s policy during the Obama administration,
Berry and Herrington (2011) stated that the federal government sought to circumvent the problems that states were facing, but not to solve them. For instance, DOE’s policies are attached to NCLB’s fundamental aspects, “including support for an accountability system that holds states and districts to rigorous standards and requires targeted interventions for persistently low-performing schools” (Berry & Herrington, 2011, p. 272). Also, keeping the testing requirement would continue to pose financial challenges to states (Guisbond et al., 2012). Derthick and Rotherham (2012) contended that waivers imposed new encumbering requirements that the government called principles, and conditions imposed by the government had no legal basis under the NCLB law. They added that such a situation could pose problems if states decided not to respect them. Referring to the CCSS, NCSL said that the worry was to see states lose their influence on the education system (Jennings, 2011). Those concerns are understandable, because education policy had been considered previously as a states’ prerogative; therefore, states would prefer less federal involvement in education. But states’ financial incapacity to fully fund their educational activities explains why they accept serious infringement by the federal government in their rights to govern their education systems. DOE’s imposition of rigid new requirements implies that the inclusion of state group views in decision making does not necessarily mean complete satisfaction for them.

In reality, state groups were not sole beneficiaries of DOE’s decisions. The growth model, flexibilities, and waivers were responses to demands or concerns of nearly all governmental associations (state and local) and nongovernmental organizations, including teacher unions and others. For instance, NEA and AFT requested the growth model and flexibility from the testing requirements in favor of disadvantaged students.
They also rejected most of HQT’s requirements and demanded alternative routes for teachers to become competent. Also, criterion-referenced evaluation and market-based education policies satisfied other actors’ expectations such as policy planning organizations, business organizations, or U.S. elected officials. The focus on state governmental actors in the literature could be explained by the fact they were first order implementers of the law and had more legal authority on those issues, as well as the education in general, which made them generally more relevant, more visible, more powerful actors.

Teacher unions also had main demands which were not fully addressed. They wanted the elimination of the AYP, the 100% proficiency goal, and of most elements of market-based education. Under the Obama administration, AYP accountability was dismantled but still maintained; however, the requirement for states to achieve 100% proficiency by 2014 was eliminated. Moreover, aspects of market education opposed by the teacher unions were not eliminated, but could be used at the states’ discretion. These organizations might expect that all or most of their main concerns regarding the law would be addressed with the election of a Democratic president, but the reality was different. The three issues are associated in the literature fundamentally with teacher unions probably because they were more vocal and became leaders in those areas. Other groups also moderately or highly supported those issues, though they generally did that to a lesser degree of salience.

Research criticized DOE’s responses to actors’ demands. NCLB’s waivers were considered as insufficient (see Weiss & May, 2012; Guisbond et al., 2012). Referring to the 2005 waiver related to the GMPP, Weiss and May (2012) argued that it did not
address the problems, for its likeness to the original accountability. While actors requested the growth model evaluation, the retention of AYP diminishes its true sense; as discussed before in the literature review of NCLB, the combination of the growth model and the AYP was one of the reasons for which NCSL refused to sign the 2007 statement of the three state groups (NGA, NASBE, and CCSSO). Moreover, Guisbond et al. (2012) denounced and charged the Obama administration of continuing NCLB’s unfair and inaccurate practices, while considering changes to NCLB as “sour wine with new labels” (p. 10). In fact, teacher unions were pushing for the elimination of high-stake testing and the focus on narrow subjects; however, even though policies referred to the use of other evaluation criteria and multiple subjects for decisions, the main focuses remained high-stake testing and subjects such as mathematics, English language, and reading (see DOE, 2012b). DOE’s decisions encouraged schools and educational agencies to broaden their focus, but this was not a requirement. According to Guisbond et al. (2012), new policies maintained sanctions for failing schools and pointed out testing’s increasing importance. One of CCSS’s impacts is that it would create, according to the U.S. Secretary of Education Arne Duncan, “a new generation of tests” linked to the 21st century education (Fletcher, 2010, para. 4). Further, Batagiannis (2007) attacked Obama’s education policy for being a commitment to individualization and increased privatization, control, and punishment, and for blaming educators for uncontrolled social ills and promoting schooling rather than education. These criticisms of DOE’s policies in the Obama era crystallize in Ravitch’s argument (2009) that “Obama has given President George W. Bush a third term in education policy and that Arne Duncan is the male version of Margaret Spellings” (p. 1).
The fact that state governmental associations and teacher unions are more influential actors did not minimize others’ role in DOE’s decision making. They shared the power with business organizations, U.S, elected officials, state legislatures, policy planning organizations, policy networks, public charity and volunteering organizations, and civil rights organizations that generally exercised low or moderate power on decisions regarding issues. Sometimes, more influential actors had to ally and coalesce with multiple other actors to get their views adopted. Alliances and coalitions were possible because views defended by more influential actors were somehow shared with less influential ones. NCLB’s alliances and coalitions also suggest that no groups generally known as more powerful controlled totally DOE’s decision making, as do the research’s findings relative to power relationships, despite their legal authority, significant resources, political affiliation, sound organization, or other assets. As Truman (1951) stated, if interest groups could really have all their views included in policy, they would not ally to push for the acceptation of their preferences.

Conclusion

The conclusion provides a brief overview of the main aspects of this dissertation relative to its theoretical framework and findings. It also discusses the study’s implications, recommendations, and limitations, and suggests other research.

Overview. This dissertation used a new framework of integrative approach to administrative discretion holding that public agencies use discretion to integrate in decision making views of elected authorities, private-interest groups, public-interest groups, and other groups that seek to influence implementation. This framework has two main assumptions: (a) decision making results from the combination of public agency
views and those of different kinds of interest groups referred to as group views; (b) public organizations exercise some autonomy in decision making. The framework is developed from limits uncovered in the review of three frameworks of integrative approach to administrative discretion, including citizen participation, representative bureaucracy, and private-interest groups democracy.

The new framework was used to analyze DOE’s administrative discretion in NCLB’s implementation through the use of Jauch et al.’s (1980) structured content analysis. The analysis consists of two steps. The first one is a qualitative content analysis realized with the coding of the provisions of DOE’s decisions based on the initial coding of group demands, proposals, and requirements found in the literature review of the law’s implementation; as well as the initial coding of ideas for DOE embedded in its mission, vision, goals, and organizational structure. The coding of group positions yielded 13 categories of views: flexibility, support to criterion-referenced evaluation, support to teacher quality, new evaluation system, support to market-based education, elimination of market-based education, new curriculum, stakeholders’ participation in educational activities, building of stakeholders’ capacity, goals revision, autonomy, accountability, and educational excellence. The dissertation’s groups are private-interest groups (business organizations), elected authorities (state legislatures and federal legislators, governors, presidents), public-interest groups (policy planning and related organizations, parental organization, policy networks, governmental associations, public charity and volunteering organizations, civil rights organizations), and others (professional organizations) divided over several views and united over others. The coding of DOE’s ideas yielded one category of views: support to education improvement efforts. The
second step of the analysis, which is built on the first one, is the content analysis schedule developed through a Likert question permitting to determine the integration level of DOE’s discretionary decision making with regard to group views on a six-value scale, from not at all integrative to extremely integrative.

The analysis leads to the following conclusions. The findings support the dissertation’s framework and show DOE’s decisions were moderately, very, extremely integrative; with a clear trend to be very integrative. In sum, groups had considerable influence in NCLB’s implementation. Their influence led to deep administrative changes to the law. For instance, the HQT requirements were softened; the AYP was revised to include the growth model; the scattered state curricula were replaced with a quasi-national curriculum, which was the CCSS; the 100% performance goal was eliminated in favor of the new goal of preparing students for career, college, and the global market; required sanctions were left at the states’ discretion. These administrative changes to NCLB took place under both conservative and liberal administrations, with more and deeper changes occurring under the latter, as it was clear the law would not achieve its main goal by the 2014 deadline. Also, the policies generally concerned the same issues throughout the law’s implementation. It can be said that those decisions might not be based on the ideology of those who headed DOE; while on that basis, it is highly probable that an agency behavior may change with the change of DOE leadership.

However, not all group views were integrated in decision making. For instance, elimination of market-based education related to the elimination of SES, competition, and sanctions (correction and restructuration) against LEAs and schools that failed to make AYP) and new evaluation system related to the elimination of AYP were not
included in DOE’s decisions. The elements of these two views were supported by the
major groups across the board that supported the law and represented key aspects in the
compromise leading to the adoption of the legislation. Therefore, the probability that
those views were adopted was very low. Moreover, neither was autonomy (related to no
federal intrusion) included in any DOE’s decisions. This could be explained by several
factors. First, most groups opposed that view, and several powerful actors were part of
the coalition. Second, it would have been impossible for the federal government not to
intervene in state and local education policies, because NCLB was a federal law requiring
federal regulations and imposing federal mandates to states. Also, once a state agreed to
receive federal monies to implement the law’s programs, the absence of the federal
government’s intrusion in its policies was no longer appropriate and could not be
expected. This is valid for either block grants or categorical grants. There was a blatant
contradiction; where, generally, those who demanded states’ full autonomy also
requested DOE to adopt certain policies related to the law. Complete autonomy remains
an ideological view in American politics, but its materialization is unlikely, for the
federal system is more like “marble cake” federalism. Further, the view of building
stakeholders’ capacity related to more funding for education was not found in decision
making. This could be explained by the fact that increasing the law’s budget had to be a
legislative decision upon DOE’s proposal. However, NCLB’s budget highly increased
from 2002 to 2012 compared to what was authorized in the original law (see NEA,
n.d.)—even though actual funding appropriations were always less than the authorized
allocations.
Despite groups’ influence on NCLB’s decision making, DOE enjoyed important autonomy. It chose how to balance different group interests by combining in decisions those views wanted by some groups but opposed by others, leading both to satisfaction and dissatisfaction of actors separately. Additionally, it developed requirements to follow or be met by groups in return to their having been given satisfaction in relation to their concerns, problems, or demands. If state and local educational agencies did not meet requirements established for particular issues, they could not continuously enjoy benefits attached to decisions made about those issues. For instance, waivers were denied to educational agencies in many instances, for not meeting DOE’s requirements (see DOE, 2013a). Also, when agencies benefited from a decision, they had to show that its implementation occurred as planned, in order to get it renewed. Groups had power to get their views integrated in NCLB’s decision making, but DOE held significant power in granting policy advantages on a case-by-case basis and controlling the implementation of the policies.

DOE’s discretionary decisions analyzed through the lens of the new framework occurred through institutional settings that were not quite hostile or were used as pretexts. Decisions somehow aligned with DOE’s value of support to education improvement efforts through supplementing or complementing stakeholders’ efforts, supporting innovation, and making the management of programs more amenable; even though groups had to forcefully fight to reach their objectives. One can argue that while DOE appears to be open to stakeholders’ inputs in policy implementation, political fighting was needed to get openness transformed into action to the point that NCLB was fundamentally affected. Further, administrative discretion was legally allowed, but this
authority was used beyond limits. In fact, whether, a discretionary decision was legal or not, DOE always referred to NCLB to justify it.

**Research implications.** This dissertation has several implications related to NCLB’s implementation and evaluation research and to the public policy process. First, it shows the original law had never been implemented but different “versions” of it had (see Angervil, 2015b), because the opposition to the law led to its dismantlement throughout the implementation process. This contention results in a second implication, in that studies pointing to NCLB’s failure are “inaccurate and misleading” (Angervil, 2015b, p. 12). Also, there is quasi-unanimity on the view that NCLB failed to reach its goals and objectives. A law that did not have a chance to be fully implemented from enactment to repeal cannot be evaluated. Third, this research is a challenge to the constitutional, legal role of public administrators as policy implementers, by showing DOE’s discretionary decision making took the form of policymaking by non-elected officials. In fact, in addition to exercising legal discretion, DOE also used off-the-law discretion that made substantial administrative changes to the law. Fourth, the research suggests that interest groups can get wanted changes to law in policy implementation, as in the legislative process. Groups in NCLB’s implementation environment were able to obtain changes from the DOE through informal or formal coalitions. They were seeking those changes through the legislature, but could not get them because of ideological divisions in the Congress over how to amend the law. Groups have high power to influence decision making, but they are not “the people,” even though they may represent citizens of most walks of life. Because the exercise of power by groups is unequal, some may get more benefits at the expense of others or the general public.
**Recommendations.** Based on the dissertation’s findings, the researcher has derived several recommendations, without the intent to generalize those findings to all other instances of public policy implementation. First, the integrative approach to administrative discretion should not be restricted to the study of the integration of views of private-interest groups, citizen groups, or disadvantaged social groups. The responsiveness of public agencies to these group demands generally occurs in a political environment, where other kinds of interest groups having or not necessarily having immediate interests in a policy also fight to get their views adopted. In the public policy process, views of groups such as elected authorities and public-interest groups should be accounted for in decision making. While this latter point can be generally considered as a fact in policy implementation with high political involvement, the kind of other involving groups will depend on the nature of the policy. As a result of this bureaucracy openness, decisions made to satisfy particular groups may not contain in their entirety only views of beneficiary groups, but also those of other groups being part of the implementation environment.

Second, the study of the integrative approach to administrative discretion should pay significant attention to views of public agencies in decision making. Public agencies implement policies of general interest, and they have the obligation to process interest group demands in ways that somehow reflect that interest stipulated in policy. Their own views come from the search of means to control the behavior of the groups and balance the interests of different groups and those of the rest of society or people for whom the policy was mainly made, although beneficiaries may not be active in defending their
rights. This results in public agencies exercising important autonomy, despite the influence of interest groups.

Third, while public agencies are influenced by interest groups, their decisions should not be considered as responding to all group expectations. As Shapiro (1983) suggested, if a group receives everything it wants, that would hurt the public interest, which he defined as the combined interests of private groups—conversely to this dissertation that views it in a broader sense. Although decisions may contain views common to different groups, they are generally accommodating separate group views, mimicking the pluralistic aspect of the social environment. As a result, groups cannot be fully satisfied with public agencies’ decisions but partially, and will continue their permanent battle to control implementation, making the latter a never-ended process, and so is decision making. Percy’s (1989) institutional implementation model explains this characteristic of decision making, though his approach is limited for not taking into account non-public actors, who do not sit and let public officials make decisions on their behalf.

Fourth, there should be some control over administrative discretion. This is important to prevent more powerful groups from getting too much out of policy implementation and thus avoid excessive social imbalances or inequalities. The control of administrative discretion is implicitly the control over the power of groups. One way to do that could be to follow rules presiding over the regime of political representation. Generally, there are legislative controls in place for the exercise of administrative discretion in cases of regulation, rulemaking, waiver, flexibility, and others. However, there are instances where administrators may choose to use any of those legislative
authorities to innovate without legal provisions for control. Innovation-based policies should be discussed with legislative commissions competent in the policy field or with structures of legislative authorities at local levels of government.

These recommendations have to be taken with caution for several reasons. The dissertation is a case study, and no other research had been conducted before using the applied framework. The latter is still considered as a theoretical proposition, even though this research’s findings support it. However, because the approach has been developed from generally accepted theories or frameworks in public policy literature, these suggestions should be examined with interest.

**Research limitations.** The dissertation has several limits. First, the initial coding schema of group demands, proposals, or requirements and that of DOE’s ideas could have been done differently by other researchers. That is, some of them could fall into different categories of views, or more or less categories of views could be developed. In developing the categories of views, the researcher took into account the practice reported in the literature of content analysis where the coding of data is done in ways that allow researchers to get more or relevant information out of the text under analysis (see Miles & Huberman, 1994; Hsieh & Shannon, 2005). One point that is certain is that this apparent limitation does not affect the consistency of the content analysis.

Second, the framework lacks structuration, conversely to citizen participation, representative bureaucracy, and private-interest groups democracy. At least, these frameworks explain how decisions are made, despite their limits. DOE’s decisions were made through administrative tools such as regulation, flexibility, and waiver; but these tools are not available in all agencies, or other means may be used depending on the
implementing agency, the type of policy, and the governmental level involved in the implementation. While the new framework is different than the three previous ones, its decision-making methods need not to be different than or conflict with theirs, but can include them. Based on information from the decision-making processes in citizen participation, representative bureaucracy, and private-interest groups democracy, and from the works of political scientists and students of implementation that constitute the main rationales for the new approach, the latter may need to focus on strategies such as negotiation, bargaining, agreement, feedback-based initiation of action, or others leading to decision making. In this case study, the decisions and the literature used for the discussions do not provide sufficient information to confirm a prevalent strategy. However, it seems that agreement was largely used in combination with negotiations. For instance, DOE seemed to establish its own terms of accountability and seek agreements over them, since waivers or flexibilities granted to SEAs and LEAs were generally executed under common requirements.

Third, the methodology used does not yield fully reliable information regarding the integration of groups’ views in decision making. The results and the evidence provided to support them are based on document analysis and literature, respectively, with no relevant actors’ accounts about NCLB’s implementation. Generally, public administrators praise their decisions for integrating stakeholders’ views, whereas the reality can be quite different or at least over-described or overstated. Actors may be invited by public agencies to discuss policy development, but the outcomes may reflect little the former’s views and values. Also, arguing that particular groups influence policies based on secondary data may lack strength to convince readers.
Future research. Research is encouraged on two aspects. First, scholarship endeavors can relate to the framework’s lack of structuration. Especially, other studies can seek to get more information about implementation facts related to different strategies used by public agencies in developing integrative policies. While literature search may yield data about this element, surveys of public administrators involved in decision making could be a useful tool to get more information about it. A significant number of studies regarding this point could help improve the framework over time in adding to its decision-making process. Second, studies can seek to get more information relative to the DOE’s integration of groups’ views in NCLB’s decision making. Those who directly participated in the process such as DOE officials, state and local officials, schools administrations, teacher union leaders, and other actors could provide useful information to this end. Interviewing or surveying them could offset limits of the document analysis method used to analyze the integration of groups’ views in decision making. Research efforts in those two areas would enhance the public policy literature.
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