

Illegal Operation:

Federal Involvement in America's Schools

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Education is an extremely important topic, for it literally deals with the future of America. And that future is beginning to look endangered as America's education system slips further and further in ratings, producing poor results. There is a renewed vigor in examining the schools. As more citizens study the education system, more are beginning to realize the huge, and illegal, involvement the federal government has in state education. Indeed, the federal government is controlling state education, control that conflicts directly with the United States Constitution.

The idea of federal control in education is actually a new one. The government only began to tamper with education in 1965 when the Elementary and Secondary Education Act was passed. With the passage of the No Child Left Behind Act, federal involvement in education has reached unprecedented levels. The federal government offers impressive, attractive incentive programs that give out huge sums of cash if local schools follow federal regulation. The bureaucracy of the federal education system has gone from the small Office of Education to the immense Education Department.

Education, however, is clearly not a federal responsibility. It is local control and parental involvement that must govern state education. A reform is needed in the American education system, one that returns the schools to local control and cuts the massive federal budget. To properly understand these arguments, it is necessary to quickly examine the history of the American education system.

### Beginning of Public Education and Federal Control

The first true idea of public education was the 1647 Old Deluder Satan Act passed in Massachusetts. It was "intended to ensure that all members of the colony were sufficiently literate to read the Bible, enabling them to fend off the inducements of

Satan,” (McClusky, 2004, p. 3). The school funds came from tuition, with scholarships awarded from public funds to need-based students. This model of public education was pretty exactly the same throughout the years. The early 1900s saw the majority of states run required-attendance schools as the education system slowly began to centralize. However, the federal government stayed out of education for the most part. That is, until 1958.

In 1958 the National Defense Education Act was created, born out of the fear of the ‘Red Menace.’ The Act was to spur American education to keep up with the Soviets. It would set a dangerous precedent as the federal government began offering money to state schools in return for academic standards. When President Kennedy was assassinated, it paved the way for Vice President Lyndon B. Johnson to take control of America and the immense federal educational control.

Johnson enacted the aggressive “Great Society” program that was to wage war on poverty, pushing through massive amounts of legislation in record time. A huge, unparalleled expansion of the federal government into the area of welfare and social programs arose out of the Great Society. Johnson’s education commissioner, Francis Keppel, put together an ambitious act called the Elementary and Secondary Education Act (ESEA). It only a few months, it was forced through Congress and passed into law in 1965.

In the 1980 President Carter moved the Office of Education out from under the now-defunct Department of Health, Education and Welfare into its own cabinet-level status, giving birth to the modern day Department of Education. Neal McClusky (2004) notes, however, that this action wasn’t popular, “Education was elevated by a hotly contested bill that passed the House of Representatives by only four votes, and its future

was uncertain in its first few years, especially since one of Ronald Reagan’s campaign promises . . . was to eliminate the department,” (McCluskey, p. 5). It was a shaky start for the Department, but it managed to avoid getting cut.

From there, it was a steady increase of federal regulation and control. In the name of ‘Civil Rights’ the government leveraged its way into schools. In Franciosi’s *The Rise and Fall of American Public Schools* (2004), an impressive number of statistics is given that clearly demonstrates the immense leap in regulations. From “1964 to 1976, the number of pages of federal regulations multiplied over 10 times, from 92 in 1965 to nearly 1,000 in 1977. In the last 4 years of the 1960s, there were over 1,200 decisions by the federal courts affecting education,” (Franciosi, p. 162). In another example of dangerous governmental involvement, Franciosi notes “In the name of sexual and racial equality, the Office of Civil Rights became involved in writing textbooks . . . Washington imposed performance requirements and administrative procedures on local schools,” (2004, p. 163).

#### How Federal Control Is Achieved

With the advent of the No Child Left Behind Act (NCLB), which renamed and restructured ESEA, federal control is at peak levels. This control stems from a critically important part of the federal K-12 policy, Title I grants. Title I grants is primarily how the federal control manages local schools. Let us first look at Neal McClusky’s (2004) definition in his Policy Analysis:

Title I is the core of the ESEA, and Grants to Local Education Agencies (meaning, generally, school districts) disburses most of the funds – \$12.3 billion in 2004 . . . Money from this title flows through states to districts on the basis of formulas that have changed frequently, generally to allow increasing amounts of

money to go to greater numbers of students. Title I is also the bait the federal government uses to entice states and school districts to follow the most contentious of its education regulations, including requirements for standardized testing, teacher qualifications, and reading curricula. States that refuse to follow the provisions of NCLB risk having their Title I funds revoked – a potential loss of more than a billion dollars for some states,” (pp. 10-11).

Thus the Federal government uses the threat of withdrawing funding if states do not comply with NCLB, an effective control method. Before NCLB, federal funds were merely offered to schools, who could accept them with some form of regulation. Now however, if states refuse to follow NCLB’s non-Title I regulations, all funding will be cut. This forces an extraordinary amount of control upon the state education system.

NCLB doesn’t signal the extent of federal control. More and more federal control will be implemented, a trend that will only increase. As schools get sucked further and further into the federal domination, the question remains: why do schools accept such federal funds?

#### Reasons for Federal Funding

It is very difficult for a school to pass on money that is ultimately from the state taxpayers themselves. National academic scores are very low; currently the worse state the American education system has been in. The solution of absorbing huge amounts of cash to fix the problem is very tempting. Teachers themselves clamor for more money, as is evident in this *New York Times* article, “Mrs. Fiske, [a second-grade teacher], has [spent] about \$4,000 of her own money ... Ms. Fiske has funneled roughly 5 percent of her total earnings from her new career back into a school system that has long scrimped

on everything from writing paper to paper towels,” (Goodnough, 2002, p. 1). Such apparent deficit leads to the belief that all schools really need is money, and sums of it.

The topic itself is one that lends to the belief to do “whatever it takes.” Children have long formed an important image, an image of future and responsibility. Some would argue that the nation should strive to support and create the best future generation possible. Any opposition seems to be harmful to the children. An example is an article that shows how to win grants from the federal government, “As a general rule, I believe that if you are part of an education agency, every project you attempt to get funded should be built around the children,” (Tahouri, 2005, p. 46). The most interesting part of this argument is a quote where the writer informs her readers that if “you lose sight of the fact that it has to benefit the children, you risk not making a compelling argument about the long-term benefits of your project,” (Tahouri, 2005, p. 46).

The writer gives advice that project ‘*has*’ to benefit the children, as if such a reminder is needed. Thus the question must be asked if these educators are seeking grants for welfare of children or if it is the survival of their institution that is truly being considered. Such consideration is not from any sort of malice that educators harbor but rather springs from the complex and thoroughly bureaucratic federal grant system.

The benefit of the children makes a strong and heart-wrenching argument. It seems that the maximum amount of effort and funds needs to be directed towards the schooling system. However, there are many reasons why education needs to be returned to the decentralized control of local, state and parental systems, for economic to Constitutional reasons.

#### The Case for Federal Withdrawal

Federal spending has increased dramatically in public education, from \$25 billion in 1965 to \$108 billion a mere 37 years later in 2002, all figures adjusted for inflation (McCluskey, 2004). According to the *National Center for Education Statistics*, for 2008-2009 expenditure on public and elementary schools was expected to increase by a possible 32 percent in 1999 (p. ix). Research shows, however, that all this money is not producing any effects.

Looking at several examples, it is clear that the idea of “throwing money” at the problem does not work. The 21<sup>st</sup>-Century Community Learning Centers Program is a clear-cut example of massive governmental waste. Created in 1995, it was to expand and support afterschool programs that help develop children. These afterschool programs were to help kids stay out of trouble and develop good behavior. Its budget was \$847,000 in the beginning, expanding almost \$1 billion by 2004. Yet it has done nothing, as McCluskey of the CATO Institute think-tank shows:

Presumably the program has been working miracles. However, a January 2003 Department of Education report found that after-school centers funded by the program ‘had limited influence on academic performance, no influence on feelings of safety or on the number of “latchkey” children and some negative influences on behavior’. It turns out that the program has received funding increases despite doing almost the opposite of working miracles,” (2004, pp.17-18).

What exactly did the program achieve? There are no concrete results. Keep in mind that this is a very limited look at just one of many inefficient, wasteful programs that plague the federal education system. In addition, SAT scores have dropped and

highschool graduation has remained unchanged since 1964 (McCluskey, 2004). Thus these extensive education programs do not have solid results to show.

The idea of federally set standards doesn't even work either. In an effort to avoid controversy, the national standards have been worded so abstract that a solid standard to gauge education is impossible. In *Contemporary Education*, an article cites this problem, explaining that the "National Council of Teachers of Mathematics believes 'students should have opportunities to develop their own performance standards and to use those standards in assessing their work.' In other words, the students decide how much math they should learn," (LaHaye, 1997, p. 240). The idea that the children will get a better education with increasing funds and control of a large federal government is clearly absurd.

Economics isn't the only reason. Another motive for federal withdrawal is the idea of decentralization; removing education from huge centralized, bureaucratic entities and into smaller, multiple decentralized control groups. Decentralization allows greater local control, control from state and parental levels. This idea is not a new one; it is the exact reason why the Founding Fathers used the idea of States, to spread control throughout the populace. Decentralization "promotes the two fundamental methods . . . of influencing an organization: voice and exit. Small, decentralized organizations make control through voice easier," (Franciosi, 2004, p. 134). Instead of massive systems from federal government imposing regulations, parents could voice more effectively opinions on how their local schools are doing. It is interesting to note that more private schools are found in centralized countries, as educational standards in the public system are sub-par and direct control by regions is not allowed. (Franciosi, 2004).



Thus decentralization shifts the ability to set standards, fund and control schools to local, parental and state levels. This is how the American system was established initially, and with success. Those who are most concerned with education will be those who are closest to it, a massive council in Washington D.C. will not have the same capabilities as a state or local committee of concerned parents. Smaller units of government are more in direct line to the needs and wants of its people.

Perhaps the most important and vital argument, however, is that of the Constitution. Following a strict Constitutionalist model it is obvious that the federal involvement is not permitted, if not illegal. The Tenth Amendment shows that any power not delegated in the Constitution to the Federal Government is instead redirected to the People and the States. A quick look at McCluskey's statement shows this richly lucid:

As the Tenth Amendment makes clear, 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.' It is unambiguous: *the Constitution confers no power to the federal government to regulate or finance education.*'

One could argue with all due reason that any arguments for or against federal involvement in education is therefore irrelevant and unneeded, for it goes against the very foundation that the American government is structured upon. Unfortunately, such simplistic and idealistic arguments are discredited and paid little heed. Nonetheless, it is clear that a multitude of arguments and reasons exist that clearly and with all due logic show that federal involvement is unnecessary, unneeded and downright irresponsible.

### Conclusion

Through extensive laws such as the Elementary and Secondary Education Act and the No Child Left Behind Act, the federal government has encroached upon the territory

of states and parents. Billions of state taxpayer dollars have been spent with a mere handful of results. The arguments for the need of additional funding and the protection of Americas future is illogical, as federal programs are wasteful and unproductive. Local, state and parental control would much better serve the education system, ensuring quality control by those who have immediate access to the local schools.

For a restoration of American schools to take affect the NCLB should be repealed, the Department of Education shutdown and federal education programs stopped. A decentralization movement is needed throughout the education system. States and parents must assume responsibility once again of the public schools. Federal control of education is illogical, illegal and ill-advised.

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