

Background

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Reducing the Federal Footprint on Education and Empowering State and Local Leaders

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Abstract: *Increasing federal intervention and the resulting burden of complying with federal programs, rules, and regulations has caused a significant growth in state bureaucracy, much of which has a parasitic relationship with federal education programs, straining the time and resources of local schools. Instead of responding first to students, parents, and taxpayers, federal education funding has encouraged state education systems and local school districts to orient their focus to the demands of Washington. Instead of building on the failed policies of the past and continuing top-down education reform from Washington, a drastically different approach should be taken to significantly limit the federal role in education and empower state and local leaders. The proposed Academic Partnerships Lead Us to Success (A-PLUS) Act directs educational accountability to those with the most at stake in student and school success: parents and taxpayers. At the same time, policymakers should downsize the Department of Education by drastically reducing program count and putting an end to the education spending spree. Heritage Foundation education policy expert Lindsey Burke explains how the A-PLUS approach, combined with measures to eliminate and consolidate the majority of federal education programs, could decrease the failed federal role, and return appropriate control of education to states and localities.*

The Obama Administration has called for the reauthorization of the Elementary and Secondary Education Act (ESEA), the largest federal law governing K–12 education policy, before the start of the 2011–2012 school year. ESEA has been known as No Child

Talking Points

- Eight reauthorizations of the Elementary and Secondary Education Act—now known as No Child Left Behind (NCLB)—have significantly increased the federal role in education. The Department of Education operates well over 100 grant programs. Complying with these programs has cost state and local education agencies time and money best directed at the classroom.
- Instead of reauthorizing NCLB, a very different approach should be taken to restore state and local control over education and downsize the Department of Education.
- The conservative alternative to NCLB—the Academic Partnerships Lead Us to Success (A-PLUS) Act—would allow states to opt out of the problematic law.
- Federal policymakers should simultaneously simplify the programmatic labyrinth within the Department of Education by eliminating or consolidating most grant programs.
- Federal policymakers should also allow states to make federal Title I dollars portable, so that the money follows students to a school, public or private, of their choice.

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Left Behind (NCLB) since its last reauthorization in 2001, which created new requirements for schools across the country in areas such as teacher certification, student assessments, and reporting of achievement results for students.

NCLB has been plagued by problems and heavily criticized by teachers, policymakers, and education reformers. The prescriptive nature of the law, most visible in provisions such as Adequate Yearly Progress (AYP) and the requirement for all children to be proficient in math and reading by the year 2014, has led to serious unintended consequences, such as a weakening of state achievement standards and a loss of transparency to parents and taxpayers about students' real academic performance.

Worse still, NCLB significantly expanded the size and scope of the federal role in education. Its last reauthorization continued an unfortunate trend whereby state and local leaders continue to see their educational decision-making authority weakened, while being burdened by bureaucratic red tape handed down from Washington.

Despite these problems, President Barack Obama wants to re-authorize NCLB and continue top-down education reform from Washington. This approach, as has been the case for nearly a half century, is unlikely to improve academic achievement and will continue to fail the nation's most vulnerable children. Instead, a very different, twofold approach should be taken to begin restoring state and local control over education and downsizing the Department of Education.

The proposed conservative alternative to NCLB—the Academic Partnerships Lead Us to Success (A-PLUS) Act (S. 827)—would allow states to opt out of the problematic NCLB. A-PLUS, introduced in April 2011 by Senators Jim DeMint (R–SC) and John Cornyn (R–TX), would increase state and local control in education while increasing transparency of results to parents and taxpayers.

At the same time, conservative policymakers should work to eliminate ineffective and duplicative programs, simplify the programmatic labyrinth within the Department of Education, and increase flexibility at the state and local levels. These reforms would make state and local leaders more accountable to those they are supposed to serve: parents and taxpayers—not bureaucrats in Washington.

Federal Education Intervention— A Legacy of Failure

For nearly half a century, the federal government has tried to improve public education by continually increasing spending and creating new programs. The Elementary and Secondary Education Act of 1965, last reauthorized a decade ago as No Child Left Behind, intended to increase accountability and close achievement gaps between disadvantaged students and their peers. The bill that was ultimately signed into law by President George W. Bush in 2001 greatly increased the federal role in education, weakened state educational authority, and did very little to empower parents.

In fiscal year (FY) 2011, the federal government will spend nearly \$25 billion on the more than 60 competitive grant programs and some 20 formula grant programs that currently fall under NCLB.¹ This wide range of programs strains school-level management as states and school districts must spend their time completing applications, monitoring federal program notices, and complying with federal reporting requirements.²

Demonstrating compliance with the numerous programs through which federal education funding flows has required significant work by state and local education agencies over the decades. According to a 1994 report by the General Accounting Office (GAO), now called the Government Accountability Office, the burden on states to comply with federal regulations caused states to hire 13,400 employees to oversee these programs. The GAO noted that in 1994, while just 7 percent of education funding was

1. U.S. Department of Education, "Guide to U.S. Department of Education Programs: Fiscal Year 2010," 2010, at <http://www2.ed.gov/programs/gtep/gtep.pdf> (May 28, 2011).

2. Jennifer A. Marshall, "Freeing Schools from Washington's Education Overreach," Heritage Foundation *WebMemo* No. 3214, April 6, 2011, at <http://www.heritage.org/Research/Reports/2011/04/Freeing-Schools-from-Washingtons-Education-Overreach>.

provided by the federal government, 41 percent of the paperwork burden imposed on states was due to compliance with federal regulation.³

No Child Left Behind, the eighth ESEA reauthorization, compounded this federal-compliance burden and further entrenched the role of Washington in education policy. Estimates from 2006 found that the new guidelines and regulations created by NCLB increased state and local education agencies' annual paperwork burden by 6.7 million hours, at a cost of \$141 million.⁴ According to Representative John Kline (R-MN), chairman of the House Education and the Workforce Committee, the federal burden has continued to grow since that time. "States and school districts work 7.8 million hours each year collecting and disseminating information required under Title I of federal education law. Those hours cost more than \$235 million. The burden is tremendous, and this is just one of many federal laws weighing down our schools."⁵

One Virginia school district reported that "the cost of setting aside a single day to train the roughly 14,000 teachers in the division on the [NCLB's] complex requirements is equivalent to the cost of hiring 72 additional teachers."⁶

Representative Duncan Hunter (R-CA), chairman of the Early Childhood, Elementary and Secondary Education Subcommittee, made similar observations:

Currently, the paperwork burden imposed by the Department of Education is larger than that of the Department of Defense, the Department of Energy, the Department of Housing and Urban Development, the Department of the Interior, and the Department of Justice. From 2002 to 2009, the Department of Education's paperwork burden increased by an estimated 65 percent—an astounding number that continues to grow.

In addition to program compliance, states and school districts must monitor the numerous program regulations handed down from Washington. The U.S. Department of Education has issued guidance on K–12 education programs in more than 100 separate instances since NCLB was authorized in 2002.⁷

Washington's ever-expanding role in education—evident most recently in No Child Left Behind—has been paralleled by a significant growth in non-teaching staff at the school level. Since the 1950s, the number of teachers as a percentage of school staff has declined from 70 percent to approximately 51 percent. Over the same time, administrative support staff increased from 23.8 percent to 30 percent.⁸ In the mid-20th century, public schools employed 2.36 teachers for every non-teacher on their rolls; today, the ratio is closer to one-to-one.⁹

3. U.S. General Accounting Office, "Education Finance: The Extent of Federal Funding in State Education Agencies," GAO/HEHS-95-3, October 1994, p. 11, at <http://archive.gao.gov/f0902a/152626.pdf> (May 28, 2011).
4. *Federal Register*, Vol. 71, No. 202 (October 19, 2006), p. 61,730, and Jennifer A. Marshall, testimony before the Education Subcommittee on Early Childhood, Elementary, and Secondary Education, Committee on Education and the Workforce, United States House of Representatives, March 15, 2011, at http://edworkforce.house.gov/UploadedFiles/03.15.11_marshall.pdf (June 1, 2011).
5. Press release, "Kline Statement: Hearing on Education Regulations," Committee on Education and the Workforce, March 1, 2011, at <http://edworkforce.house.gov/News/DocumentSingle.aspx?DocumentID=226697> (May 28, 2011).
6. "The Cost of Fulfilling the Requirements of The No Child Left Behind Act for School Divisions in Virginia and Report to the Governor and General Assembly on the Costs of the Federal No Child Left Behind Act to the Virginia Department of Education," Virginia Department of Education, September 2005, at http://www.doe.virginia.gov/federal_programs/eseal_reports/appendices_cost_fulfilling_requirements.pdf (April 4, 2011).
7. U.S. Department of Education, "Significant Guidance Documents," March 16, 2011, at <http://www2.ed.gov/policy/gen/guid/significant-guidance.doc> (May 28, 2011).
8. Lindsey Burke, "Education Spending in the American Recovery and Reinvestment Act: Stimulating the Status Quo," Heritage Foundation *WebMemo* No. 2868, April 16, 2010, at <http://www.heritage.org/Research/Reports/2010/04/Education-Spending-in-the-American-Recovery-and-Reinvestment-Act-Stimulating-the-Status-Quo>.
9. Matthew Ladner, "Memories of the Way We Were," Jay P. Greene's Blog, April 15, 2010, at <http://jaypgreene.com/2010/04/15/memories-of-the-way-we-were/> (May 26, 2011).

Moreover, the federal government is an inefficient provider of education funding; it filters taxpayer money from the states through the Department of Education, back down to state education agencies, and, ultimately, to local schools. Each step along the way diminishes the funds that are available to serve the needs of students. A 1998 estimate suggested that just 65 cents to 70 cents of every education dollar leaving Washington makes it into the classroom.¹⁰

Instead of continuing to try to reform education from Washington, policymakers should instead pursue an agenda that would lessen federal bureaucracy and empower states, allowing them to spend their own money in ways that will best meet their students' needs. Reauthorizing NCLB in the pattern of the past half century of failed education policy is a proposal destined to fail.

In the decades that followed ESEA's 1965 enactment, the federal role in education and corollary spending grew significantly. Yet, despite a tripling of federal per-pupil expenditures and a \$2 trillion taxpayer investment since that time, academic achievement and graduation rates have remained relatively flat, achievement gaps between low-income and upper-income children and white and minority children persist, and American students still rank in the middle of the pack with their international peers.¹¹

A better path forward includes allowing states to consolidate funding from the programs under NCLB, to opt out of the many federal requirements associated with those programs, and to use those funds in a way that best meets the needs of local students. This approach is embodied in the A-PLUS act.

A-PLUS—a Better Way

Increasing federal intervention and the resulting burden to comply with federal programs, rules,

and regulations has caused a significant growth in state bureaucracy, much of which has a parasitic relationship toward federal programs. Instead of responding first to students, parents, and taxpayers, federal funding has encouraged state education systems to orient their focus toward the demands of Washington.

The conservative alternative to NCLB—the Academic Partnerships Lead Us to Success (A-PLUS) Act—aims to remove the bureaucracy handed down to states from Washington and allow states to lead education reform by directing how their education dollars are spent. Through the A-PLUS approach, states will have the authority to spend more of their own money on priorities that state and local leaders deem most important for improving educational excellence for students.

The A-PLUS Approach. In 2007, the A-PLUS act was introduced by Senators DeMint and Cornyn with the goals of restoring state and local control over federal education funding and reducing much of the regulatory burden handed down from Washington. Representative Pete Hoekstra (R-MI) introduced companion legislation in the House of Representatives. Both bills sought to fundamentally reform the relationship between the states and Washington by restoring local control of education while improving academic achievement and increasing transparency.

In April 2011, Senators DeMint and Cornyn re-introduced A-PLUS, which has the following goals: (1) “To give States and local communities maximum flexibility to determine how to boost academic achievement and implement education reforms”; (2) “To reduce the administrative costs and compliance burden of Federal education programs in order to focus Federal resources on improving academic achievement”; and (3) “To ensure that States and communities are accountable to the public for advancing the academic

10. “Education at a Crossroads: What Works and What’s Wasted in Education Today,” Subcommittee Report, Subcommittee on Oversight and Investigations, Committee on Education and the Workforce, U.S. House of Representatives, July 17, 1998, at <http://www.eric.ed.gov/PDFS/ED431238.pdf> (May 28, 2011).

11. Andrew J. Coulson, “The Impact of Federal Involvement in America’s Classrooms,” testimony before the Committee on Education and the Workforce, United States House of Representatives, February 10, 2011, at http://edworkforce.house.gov/UploadedFiles/02.10.11_coulson.pdf (May 28, 2011).

achievement of all students, especially disadvantaged children.”¹²

Under the A-PLUS Act, states can choose to enter into a five-year performance agreement with the U.S. Secretary of Education, and may then consolidate their federal education funds to be used for any lawful education purpose they deem beneficial. This allows states to opt out of the prescriptive programmatic requirements of NCLB and use funding in a way that will best meet their students’ needs.

Under the A-PLUS arrangement, states must demonstrate that they have increased academic achievement for all students and have narrowed achievement gaps. States must disaggregate performance data for various student demographic groups and provide a description of the state’s accountability system to the Secretary of Education. States must also outline how they plan to improve education for disadvantaged students. A state must have the approval of at least two out of three state entities on their proposed performance agreement submitted by the state (the Governor, state legislature, and state education agency). States are also required to meet all requirements of federal civil rights laws.

The A-PLUS approach directs educational accountability to those with the most at stake in student and school success: parents and taxpayers. States would report to Washington for the resources allocated to them.

Benefits of A-PLUS

Under the A-PLUS approach, any program that falls under NCLB is eligible to be included in a state’s performance agreement. The benefits of such an approach are numerous.

Better Allocation of Resources. Under the A-PLUS agreement, states would receive their share of federal education funding in a lump sum (block grants) for the programs a state chooses to consolidate. This enables states to submit one application for funding to the Department of Education, reducing paper-

work and compliance burdens. State and local leaders would determine how to best allocate resources to improve educational quality; states would no longer be constrained by the dictates of federal programs that may not be beneficial to local students.

If, for example, a state wanted to use its share of federal education funding for a budding English language learner (ELL) population, or to provide additional resources to special needs students, under A-PLUS the state could choose to allocate its resources to those student groups. Ultimately, providing states with flexibility in funding allows state and local leaders to target their resources to the areas most in need, and allows innovation in funding allocation.

Relief from the NCLB Compliance Burden. The A-PLUS approach would also relieve the burden on states to demonstrate compliance with the myriad federal program requirements and regulations associated with NCLB. This could substantially reduce administrative costs.

Relief from the bureaucratic compliance burden handed down from Washington would not only be fiscal; teachers would also be able to focus on providing quality instruction to students instead of completing volumes of paperwork. Dr. Edgar Hatrick, Superintendent of Loudoun County Public Schools in Virginia, argues that teachers in rural school districts probably feel the negative effects of the federal compliance burden even more so than teachers in larger school districts.

We estimate that in Loudoun County Public Schools it takes the equivalent of six full-time professional staff to meet all of the reporting requirements for various federal, and I would include some state agencies. I don’t know what happens in a rural district where there aren’t six staff to work on this. I think it gets pushed down to the teacher...the people who wind up providing this data are the people who are supposed to be teaching children.¹³

12. Academic Partnerships Lead Us to Success (A-PLUS) Act (S. 827), April 14, 2011, at <http://www.gpo.gov/fdsys/pkg/BILLS-112s827is/pdf/BILLS-112s827is.pdf> (May 28, 2011).

13. Education and the Workforce Committee, U.S. House of Representatives, “Education Regulations: Weighing the Burden on Schools and Students,” March 1, 2011, archived Web cast, at <http://edworkforce.house.gov/Calendar/EventSingle.aspx?EventID=226021> (May 28, 2011).

The A-PLUS approach offers accountability through academic transparency to parents and fiscal reporting to Washington. It allows states to spend their own money in ways that allow state and local leaders to better target resources. Moreover, bureaucratic red tape is reduced, freeing up time and resources for classroom teaching. It is a policy that aligns incentives with the needs of parents and taxpayers, not the demands of Washington.

Downsizing the Department of Education

While A-PLUS would allow states to opt out of the programs authorized under NCLB and target education funding to those education areas most in need, NCLB would remain in force for any states that do not opt out. Therefore, in addition to providing an opt-out for states, federal policymakers should simplify existing law by eliminating many programs and allowing cross-program flexibility among the remaining K–12 programs operated by the Department of Education.

There are some 60 competitive grant programs and approximately 20 formula grant programs that fall under NCLB. In all, the Department of Education operates more than 100 competitive and formula grant programs.

Formula Grants

Formula Grant Programs. Nearly 20 formula grant programs operate under No Child Left Behind. These programs comprised almost all of the education spending under NCLB at nearly \$23 billion in 2010.

Shortcomings in Formula Grant Programs. Although most formula grant programs are designed to improve educational outcomes for disadvantaged children, the complexity and multiplicity of formula funding streams hinders maximum resource allocation to students in need.

Title I. Title I, Part A of No Child Left Behind provides federal funding via formula grant to low-income school districts across the country. At \$14.5 billion, it is the largest program under NCLB, for which total funding for all programs is approximately \$25 billion.

Although Title I, Part A was created to augment education resources for low-income children, the complexity and opaque nature of its multiple funding formulas has limited the program's ability to provide resources to those children most in need. Title I is currently composed of four major funding streams: (1) the Basic Grant, which provides additional federal resources to states based on the number of low-income children in a state; (2) Concentration Grants, which supplement Basic Grant funding by providing yet more federal resources to low-income school districts; (3) Targeted Grants; and (4) Education Finance Incentive Grants, both of which provide even more resources to low-income school districts. The Targeted and Education Finance Incentive Grants have incredibly complex formulas, which states must take into consideration in addition to the Basic and Concentration Grant formulas. Susan Aud, an expert in Title I funding, notes that

Clearly, determining the amount of federal aid generated by a particular student living below poverty is extremely complex. Nonetheless, once the four grant categories have been calculated, adjusted, and recalculated for each LEA [Local Education Agency] or county, they are summed for each of the 50 states. This amount is that state's Title I, Part A allocation. As a result of this complicated process, the underlying calculations are not well understood, either by those administering the program or by the public in general.

Aud also notes that the complexity of the Title I funding formula streams has created a program that is complex and unaccountable:

The funding formulas used to determine each school district's total Title I, Part A allocation are prohibitively complex, with provisions that render the final results substantially incongruent with the original legislative intention. Additionally, as grants have been added to the program, the complexity of the funding system has increased exponentially. Consequently, it is likely that no more than a handful of experts in the country clearly understand the process from beginning to

end or could project a particular district's allocation based on information about its low-income students. The result is a funding system that is opaque and unaccountable.¹⁴

This complexity means there is little connection between resource allocation and district poverty. States such as Kentucky, Mississippi, and Missouri, which have relatively high levels of child poverty, receive fewer Title I dollars per pupil than other states.¹⁵

Aud also suggests that the amount of funding provided to local schools through Title I is substantially diluted before reaching the classroom. Because of administrative costs and set-asides, in some instances an LEA receives only 64 percent of the Title I allocation provided through the formula grant for use in local schools.¹⁶ According to Aud:

In fiscal year (FY) 2004, the U.S. Census Bureau estimated that there were approximately 8,400,000 children eligible for Title I, Part A. As the total allocation for that year was nearly \$13 billion, the average amount per eligible child would have been \$1,500. However, in Florida, for example, the average amount of Title I, Part A funds allocated to the school level was \$554 per student.

Not only is the Title I funding formula complex, but the Basic Grant has competing criteria, including hold-harmless clauses, arbitrary funding cutoffs, and counterproductive formulas. These problems prevent the Title I program from being student-cen-

tered, diminishing its effectiveness.¹⁷

Instead of continuing to funnel \$14.5 billion in Title I funding through four complex and opaque formulas, the nature of which diminish the program's ability to target resources at those children most in need, the funding formulas should be simplified. Similarly, states should be allowed to make funding portable to follow children to the school of their choice.

Other Formula Grant Programs. There are a dozen other formula grant programs housed under NCLB. Many of the formulas for these programs allocate resources based on the number of low-income children in a state, similar to the way in which Title I dollars are allocated.

For example, the funding formula for 11 of the 18 non-Title I formula grant programs under NCLB¹⁸ is structured so that "Funds are allocated to States in proportion to each State's share of funds in the previous fiscal year under Part A of Title I of the ESEA," or are based on the number of children who "come from families with incomes below the poverty line."¹⁹ Precious state resources are spent applying for and complying with these multiple formula grant programs.

Competitive Grants

Competitive Grant Programs. There are some 60 competitive grant programs under NCLB. The number of programs has grown throughout the years as the federal government became further

14. Susan Aud, "A Closer Look at Title I: Making Education for the Disadvantaged More Student-Centered," Heritage Foundation *Special Report* No. 15, June 28, 2007, at <http://www.heritage.org/Research/Reports/2007/06/A-Closer-Look-at-Title-I-Making-Education-for-the-Disadvantaged-More-Student-Centered> (May 28, 2011).

15. *Ibid.*

16. *Ibid.*

17. For more information on the complexity of and problems with the Title I program, see *ibid.*

18. When including programs that are slated for elimination by President Obama, the number of programs with funding structures similar to Title I, Part A, decreases from 11 of 18 to eight of 14. Four of the original 18 programs have been targeted for elimination by President Obama: (1) the Comprehensive School Reform Program, (2) Reading First, (3) Safe and Drug-Free Schools and Communities: Governors' Grants, and (4) Safe and Drug-Free Schools and Communities: State Education Agencies' Grants. One of these programs, the Comprehensive School Reform Program, does not have a formula structure similar to Title I. (See footnote 19.)

19. The exceptions to this rule are the Comprehensive School Reform Program, Grants for State Assessments, Prevention and Intervention Programs for Children and Youths, English Language Acquisition for States, Impact Aid, and Improving Teacher Quality State Grants. Two grants—Migrant Education and English Language Acquisition Grants—are designed to target specific demographics of children, such as migrant children or English Language Learners.

involved in systemic education reform, leaving no aspect of school policy off-limits to Washington. When all programs are included, there are more than 70 competitive grant programs operated by the Department of Education.²⁰

Problems with the Competitive Grant Approach. Competitive grant programs are yet another reason that states and localities have become fixed on the demands of Washington—not on the needs of local families and taxpayers—as they vie to secure federal funding. The complex application processes waste time and resources that could be better employed in the classroom. Competitions for funding for niche programs give leverage for Washington to take a top-down approach to systemic education reform that reaches into all areas of education.

Fixated on the Demands of Washington. The proliferation of competitive grant programs has redirected states' orientations upwards to the federal funding stream instead of horizontally to the demands of parents and taxpayers. States must complete numerous applications, track federal program regulations and notices, and adhere to significant reporting requirements, which “erodes coherent, school-level strategic leadership based on the needs of individual students.”²¹

Wasting Time and Resources. The Race to the Top competitive grant program provides an example of the paperwork burden on states that wish to apply for funding. Originally funded at \$4.35 billion in 2009, the program received lengthy applications from 40 states and the District of Columbia. Florida's application was 354 pages long and included a 630-page appendix; Illinois submitted a 245-page application with a 615-page appendix; Massachusetts

turned in a 213-page application with a 1,072-page appendix; and New York's 455-page application included a 1,155-page appendix.²² Despite the time and resources spent on the application process, just 11 states and the District of Columbia were awarded grants.

Financing Washington's Overreach. The many niche competitive grant programs have multiplied as the federal government continued its efforts to reform education from Washington, expanding into almost all areas of local education. These programs range from Women's Educational Equity and Grants to Reduce Alcohol Abuse to Smaller Learning Communities and Partnerships in Character Education. Most recently, the Race to the Top program gave preference on grant applications to those states that agreed to adopt national education standards and tests, an area regarded by tradition and law as a state and local matter.

The many competitive grant programs also add to the problem of program duplication. The GAO, for example, recently identified “82 programs supporting teacher quality, which are characterized by fragmentation and overlap.”²³

While competitive grant programs are numerous, combined funding is just \$2 billion out of the nearly \$50 billion spent on K–12 education programs by the Department of Education. Divvying up these resources through the many federal competitive grant programs is not the best way taxpayer dollars could be spent.

Current Efforts to Streamline Education Programs

In all, the Department of Education operates well over 100 competitive and formula grant programs.

20. Other competitive grant programs operated by the Department of Education include grants under the 2010 Consolidated Appropriations Act, the Civil Rights Act of 1964, the American History and Civics Education Act of 2004, the Education Sciences Reform Act of 2002, the D.C. School Choice Incentive Act of 2003, the Assistive Technology Act of 1998, the America COMPETES Act, the Educational and Technical Assistance Act of 2002, the American Recovery and Reinvestment Act of 2009, the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act.

21. Marshall, “Freeing Schools from Washington's Education Overreach.”

22. U.S. Department of Education, “Race to the Top Fund: States' Applications for Phase 2,” at <http://www2.ed.gov/programs/racetothetop/phase2-applications/index.html> (May 28, 2011).

23. U.S. Government Accountability Office, “Opportunities to Reduce Potential Duplication in Federal Teacher Quality Programs,” GAO-11-510T, April 13, 2011, at <http://www.gao.gov/new.items/d11510t.pdf> (May 28, 2011).

Just as A-PLUS would allow state and local officials to more efficiently and effectively deploy their education resources, measures should be pursued at the federal level to ensure that Department of Education resources are being targeted wisely and being used efficiently.

Conservatives in Congress are working to reduce the federal footprint in education and fundamentally reshape the relationship between the states and the federal government. Representative Hunter has introduced the Setting New Priorities in Education Spending Act, which repeals the authorization for 43 programs under NCLB, eliminating the programs completely. The bill was passed by the House Education and the Workforce Committee on May 25, 2011. As the committee stated:

Congress must permanently repeal the authorization for inefficient federal education programs to ensure taxpayer dollars are well spent. This will help encourage a more focused, streamlined, and transparent federal role in the nation's education system.²⁴

In all, the Department of Education operates more than 70 competitive grant programs. These programs make states fixate on the demands of Washington instead of the needs of families, have complex application processes that waste time and resources, and have resulted in an ever-expanding federal role in education. In calling for the elimination of some 43 NCLB programs, the Education and the Workforce Committee is creating a clear path for streamlining the Department of Education.

Meanwhile, President Obama has proposed eliminating four of the 18 formula grant programs that fall under No Child Left Behind in addition to Title I, Part A: (1) the Comprehensive School Reform Program, (2) Reading First (3) Safe and Drug Free Schools and Communities: Governors' Grants, and (4) Safe and Drug Free Schools and Communities: State Education Agencies' Grants.

These efforts are steps in the right direction. Policymakers should go further to reduce duplication

and inefficiency, to ensure that more dollars reach needy students, and to restore decision making to those closest to the student.

Recommendations for National Policymakers

- **Allow states to opt out of federal K–12 programs authorized under the Elementary and Secondary Education Act and direct funding to the programs of their choice.** Congress should give states more freedom in how federal education dollars are spent so that state and local leaders can use those resources in a way that will best serve student needs. The A-PLUS approach would create direct accountability to parents and taxpayers, aligning the incentives of states with the needs of families, not compliance with Washington. By allowing states to opt out of ESEA and consolidate the many federal programs operated under the law, state leaders would be able to direct funding to the most pressing education needs. It would also reduce federal red tape, limit the bureaucratic compliance burden and associated man hours and paperwork, ensure transparency, and provide direct accountability to parents and taxpayers.
- **Reduce the federal footprint in education by eliminating and consolidating programs.** In conjunction with measures such as A-PLUS, federal policymakers should streamline the many programs operated through the Department of Education. Instead of funneling money to the states through more than 100 competitive and formula grant programs operated by the Education Department, federal policymakers should scale back the number of programs and consolidate funding among many others. The vast majority of competitive grant programs operated within the Department of Education should be eliminated,²⁵ and formula grant programs that are similarly structured should be subsumed under Title I of the Elementary and Secondary Education Act. In addition to the numerous competitive grant programs, there are also a

24. Press release, "H.R. 1891, The Setting New Priorities in Education Spending Act," Education and the Workforce Committee, U.S. House of Representatives, May 13, 2011, at <http://edworkforce.house.gov/News/DocumentSingle.aspx?DocumentID=241209> (May 28, 2011).

handful of miscellaneous programs that should be eliminated entirely: the National Writing Project, Advanced Certification of Teachers, and Reading is Fundamental are a few examples of the miscellaneous ESEA programs that should be cut. These programs should not be under the purview of the federal government.

- **Simplify Title I and consolidate formula funding programs to better target funding to needy students.** The Title I funding formula should be simplified using a set per-pupil allocation to ensure maximum funding reaches poor children, rather than diluting it due to formula complexity and administrative requirements. Many existing formula grant programs should be consolidated to more efficiently target funding to needy students. Eleven of 18 formula grant programs base funding on the number of low-income children in a state, similar to how Title I dollars are allocated. Following program elimination called for by the Obama Administration, these programs should be consolidated with Title I, and the formula should be simplified to ensure maximum funding reaches poor children.²⁶

Instead of requiring states to complete numerous applications for these federal funding streams, program consolidation would simplify state application to Washington for funding for disadvantaged student populations, reducing the paperwork burden. It could also mean a reduction in reporting requirements, further reducing the time local schools must devote to bureaucratic compliance, which could instead be spent on classroom instruction or time with students.

Congress should also permit states to make Title I funding portable, allowing funding to follow a child to the school of his parents' choice—public, private, virtual, or otherwise.

Conclusion

As No Child Left Behind comes up for another reauthorization, federal policymakers face two options: continue to repeat the failures of the past by spending limited taxpayer resources on the numerous federal programs, or reform federal law in a way that would empower states and create student-centered education policy.

For more than 45 years, Washington has tried and failed to reform education. Academic achievement languishes, graduation rates have stagnated, and achievement gaps stubbornly persist. The most significant education reforms and improvements have come from the state and local levels. The state of Florida, for example, has significantly narrowed the achievement gap between white and minority students through commonsense, state-driven reforms.

It is time for Washington to hand back the reins to state and local leaders, and let go of the federal government's stifling grip over education policy. Senator Jim DeMint described the path federal policymakers should take to reform education best: "No longer can we think in terms of what government must do but instead in terms of what government must let go of."

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25. There are four exceptions: Indian Education because of contractual obligations; the National Assessment of Educational Progress (NAEP); the D.C. Opportunity Scholarship Program, which provides vouchers to low-income children living in the District of Columbia where education is under the jurisdiction of Congress; and the Charter Schools Program, which could be subsumed under Title I and restructured as a formula grant program. The Charter Schools Program could be combined with Title I formula funds to provide more public school choice. Consolidating the Charter Schools Program in this way would maximize dollars and provide enhanced school choice options for state and local leaders.
26. Programs that cannot be subsumed under Title I include: the Comprehensive School Reform Program, Grants for State Assessments, Prevention and Intervention Programs for Children and Youth, English Language Acquisition for States, Impact Aid, and Improving Teacher Quality State Grants.