

Investing in America's Future: The Outdated Education Federalism in Response to Equity

This brief presents an alternative federalism model to update and improve education federalism and its current defunding of our public education system.

The state of intergovernmental relations in regard to the American education system is and has been in previous years classist and polarized due to the states inpractice of funding and progress for the education system. States may lag in implementing structural reforms that result in creating equity in public education, and an invest and action protocol is in desperate need. Under the current model of education federalism states practice dual federalism leading to inconsistent and various responses by the states.

This duality of federalism is traditional and may work for some state-local-federal governmental relations but not for our education system. This system must be stable and updated consistently and this can be done by updating education federalism to cooperative federalism. Cooperative federalism does not ask for complete control from the federal government over our public schools. However, it will allow the federal government to untie their hands and lay a foundation for education federalism. Because of this, intergovernmental relations will cooperate to create a stabilized education system across the nation; defeating the lack of equity and inaction by the states.

Public, Education, Federalism, Structural, Reform, Funding, Duality, Cooperative, Education Federalism

Sarah Hakim, sfh0004@uah.edu; University of Alabama in Huntsville

Education federalism is failing our children across the nation; a continuous shift of roles in the government regarding education has created an unstable institution that is directly affecting the instability of K-12 education. As of 2008, under the Great Recession, states have lagged in implementation of structural reforms and investment in their public schools and the COVID-19 pandemic is only exacerbating these outcomes. Negative shocks of household income and parental unemployment along with constraints on state revenue toward local and state funding for schools have all impacted the way states allocate their fundings. (Shores and Steinberg 2017, #2). While financing public education among the states varies, the advancement of one nation is left in the hands of fifty states with fifty different approaches to the investment and implementation of rescuing K-12 education.

Due to the relationship between the federal government and state governments in regard to education, the federal government has had shifting roles in its oversight of education equity and achievement gap accountability. This instability of the role of federal government and state governments over education is directly affecting our education system. By tying the hands of the national government with the practiced federalism of duality this model has proved itself untrustworthy and lacking the call for investment and rescue. To be clear, increasing our federal funding and oversight of education would create a floor of educational equity for every state to be supported by. I advance in Part II of this paper how federal oversight and funding would increasingly provide equal access to high quality and industrialized education for American public schools.

Part I: Education Federalism

With many models of federalism in existence, the U.S. Department of Education implies that the specific model of federalism practiced in regard to our public education is dual federalism through the reiteration of the lack of federal investment and action (U.S. Department of Education 2017). Public education is primarily a state and local responsibility, reinstating a dual approach, in which both the federal and state government work within their respective powers in separate spheres. About 92 percent of funding toward elementary and secondary education comes from non-federal sources. Leaving about 8 percent of federal contributions from the Department of Education and other agencies, that play important roles in providing safety net measures against those that hinder the success of children, such as the Department of Health and Human Services' Head Start program and the Department of Agriculture's School Lunch program (U.S. Department of Education 2017). This lack of investment is due to the historical development of the federal role that allows the federal government to serve as an

emergency response system for education when critical situations arise, not as a substantial means of response and funding at all times.

Cooperative federalism, according to the EPA is when the federal government works collaboratively with state, local, and tribal governments to implement laws rather than a “one-size-fits-all mandate from Washington, (United States Environmental Protection Agency). Cooperative federalism was once the given model for education federalism. In 1965, under President Lyndon B Johnson, Congress had passed the Elementary and Secondary Education Act (ESEA) one of the many civil rights acts made during this era, which pushed federal oversight to increase educational equity especially in low income areas and among minorities. During this time and under this act, the federal government exercised its capability and tools to increase educational equity. According to the Learning Policy Institute, if this collaboration of federal action and investment along with state efforts continued and progressed the achievement gap between African American students and Caucasian students would have been “fully closed” by the twenty first century. Under President Johnson, America experienced one of the largest closings of achievement gaps, with cooperative federalism serving as the model of education reform (Learning Policy Institute 2020).

I. Obama vs Trump: The Ongoing Shift of Federal Role

Education is a power that was not distributed among the federal or state government by our Founding Fathers. However, by the Tenth Amendment of the Constitution, any power that is not delegated to the U.S. by the Constitution is reserved to the States. Therefore, it is often argued that education remains and should be a state issue. This has led to a continuous shift of the government’s role over education based on administrative terms, creating an unstable relationship and an unclear role of the federal government. This is clearly seen under the Obama

administration when compared to its successor, the Trump administration. The Obama administration, much like its predecessors, executed administrative power to equalize education. Under the No Child Left Behind Act (NCLB), Obama held states accountable for the progress of public schools. He was actively engaged in policies that inhibited the federal government to strengthen its roles within the states and broaden the equity agenda among the nation. He granted waivers to 90 percent of states who met proficiency goals under the NCLB and provided federal funding and incentives to reach these goals (Wong Kenneth K. 2015). During Obama's second term, the NCLB was unduly burdensome, prompting the new ESSA in 2015; however accountability of the states was still required. In 2017, the shift between the Obama administration into the Trump administration also came with the shift of the federal role in education. Trump was ready to roll back on many of the policies set by Obama, and allowed state flexibility on the civil rights issues that were once handled by federal policies. Trump's Department of Education along with his Department of Justice justified withdrawing the guidance of policy stated by the federal government over civil rights issues at school by claiming "states and local school districts play the primary role in establishing educational policy." (Brookings 2020). The Department of Education and Department of Justice under Trump rolled back on many of these guidance policies including: *The Racial Diversity Guidance* that consisted of documents designed to promote student diversity, under the statement that this policy went beyond the Constitution's requirements, and *The Transgender Guidance* when the administration claimed that this issue was best solved at the state level. This shift from pressing oversight from the federal government on civil rights issues under Obama to diminishing federal direction on civil rights in our education under Trump enabled a great amount of state variation in the progress of public education, closing achievement gaps, and obtaining education equity.

II. The Bad Apples: Academic Failure Within the State

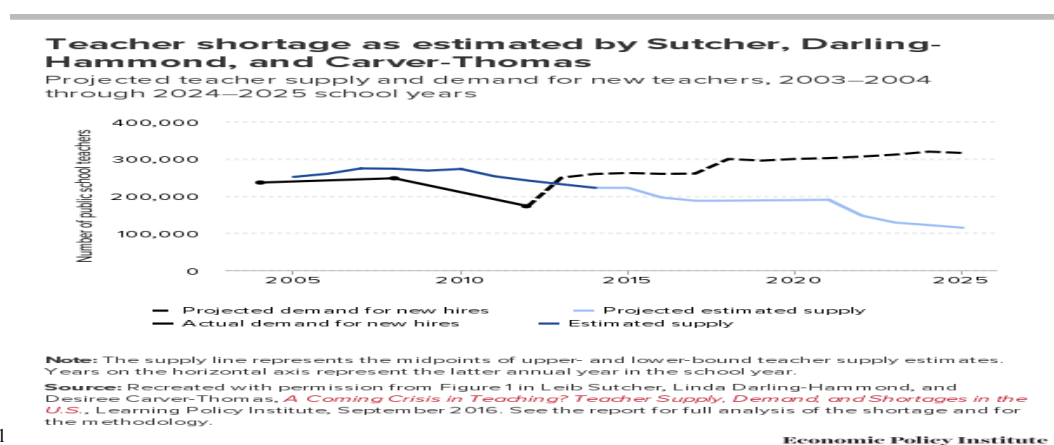
According to The National Center for Fair and Open Testing, ten percent of schools in America are experiencing the first level of sanctions by the ESEA and are expecting the failure of 3.5 million students; all of who are now eligible to attend different schools because their own are not meeting proficiency standards. Depending on the state, education excellence varies; in Michigan 40 percent of schools are considered failing under the ESEA, however Arkansas has none (Fairtest 2020). The proficiency standards among all the states are different because they are allowed to set their own assessments and difficulty levels. So, while forty percent of the schools in Michigan are failing, they perform above the average on the National Assessment of Educational Progress while Arkansas has one of the lowest scores. The majority of the failing schools consist of minority students and students from low income families. In New York and Chicago, 95 percent of African American and Latino students attend majority-poverty schools (Boschma Janie and Ronald Brownstein 2016.). And of the 232 failing schools in Illinois, 179 of these schools are located in Chicago and only one is not a majority-poverty school. Thus leaving the statistic that 95 percent of African American and Latino students are not only attending poor-majority schools but they are attending failing schools. This lack of equity and hypersegregation in the American education system runs rampant. Schools differ among the states but the statistics prove the same thing, that low income children attend low income schools, therefore causing a cycle of poverty fed by the education system. These children lack investment and action from both the state and the federal government in their rescue, hindering their success and causing a poverty cycle.

III. *Why the Educational Floor is Rotting*

In comparison to industrialized nations such as Canada, Finland, and Shanghai, the United States falls short in educators and in supporting these educators. The 2008 recession and the recent COVID-19 pandemic has dilated the inequality among rich and poor schools in supporting their teachers. These circumstances have resulted in unprepared educators to enter the workforce and studies from the University of Pennsylvania have shown that teachers without preparation are two to three times more likely to leave than those who are prepared (Ekchian Vivian). Subsequently, low income schools are usually stuck with under-prepared teachers and this instability of teachers directly affects the stable education these students deserve to receive.

The United States has invested far less than its competitors in funding high quality education, research for learning models, and even in the salary of our educators. Teacher salary being at an all time low has been a leading cause of teacher shortages. According to the Economic Policy Institute, as of 2019, research has found that teacher shortages are growing worse and by 2025 our demand for teachers in correspondence to our current number of teachers is increasing greatly (García Emma and Elaine Weiss 2019).

Figure 1.



¹ This graph by the Economic Policy Institute, reiterates the shortage of educators in correspondence to our current number of teachers, as well as estimates the demand for our teachers through the course of the next couple years and our estimated number of educators.

As a result, unprepared educators and a shortage of teachers are threatening students' abilities to learn in a stable environment and the majority of poverty stricken students are stuck with these educators, lacking the strength from the school system to succeed.

Among the industrialized nations, the United States has the most inequitably and underfunded public schools (Learning Policy Institute 2020). This discrepancy is largely due to property tax being a substantial funding for the states' education system. According to the Lincoln Institute of Land Policy, research has found that more than 80 percent of school funding comes from property taxes (Lincolnist). So why is property tax a problem? The achievement gap between the nation's wealthiest and poorest students is dramatically growing, due to local property wealth being a determinant of funding for schools. A system where lower class families will receive lower funding for their education system, meaning that the opportunities and resources given to these students is ultimately determined by where they live which is ultimately determined by family income. Indubitably, another cycle of these children being born into lower income families only to encounter systemic service gaps even in their education that hinder their success and progress in education and later the workforce, thus causing poverty and resegregation in schools to be not only pertinent but also growing. As a result, studies have shown that K-12 education is becoming hypersegregated based on race and poverty levels that are directly affecting the academic achievement of these students.

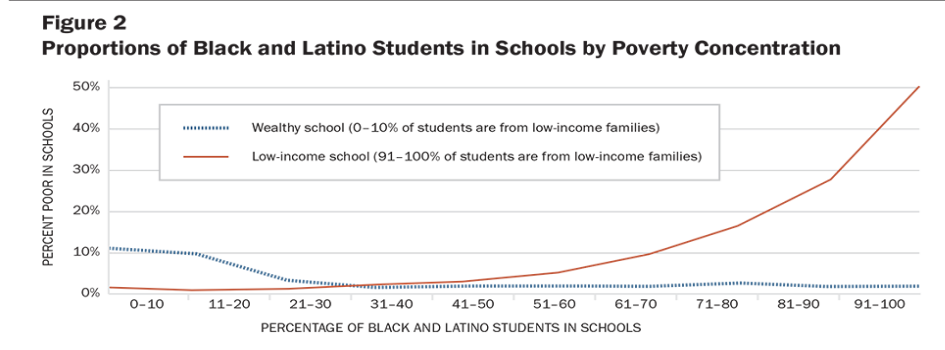


Figure 2

Part II: To Bettering our Education System

I. Federal Policy Targeted Solutions (Contributed by the Learning Policy Institute)

The Learning Policy Institute provides many federal policy targeted solutions that follow the premise of increasing federal support and federal investment along with state and local action; with objectives to achieve educational equity and close the achievement gaps among race and poverty in the United States. Federal policymakers should take advantage of policies that have helped us achieve closing gaps in the past, and use the states as laboratories of education so that progress in educational equity made in certain states can provide a foundation implemented by the federal government for all states to follow. By advancing the federal policies researched by the Learning Policy Institute, the U.S. will be able to compete once again with the industrialized nations in education.

II. Research is Key to Policy Making

The first of the solutions plans to support high quality teaching and learning, by prompting our researchers, psychologists, and educators to put forward the best model of learning. The Foundation for Economic Education claims that our education system has changed in many forms, but the way we are taught has not, by stating that literacy has stagnated since 1971 and that math has not progressed since 1990 (Boyce Paul 2019). It is clear that many of our schools offer outdated models of teaching for children in a world where knowledge of the basics is not enough. Our advancement in technology and the fast paced job market has led to a nature of our future in that our needs are no longer assembly line work, the world is in need of people who can intake high levels of data and

² This graph provided by the Learning Policy Institute, demonstrates the proportions of minority students in schools by poverty concentrations. In which the minority-poverty ratio being higher in low-income schools and lower in wealthier schools.

media and think critically, artistically, and analytically. This new world of advancements calls for a new education model that teaches kids the requirements for the workforce.

Expanding research, through federal funding, on learning will allow us to smoothly transition learning models. This research will not only include learning models but will also include the best ways to implement this model through policies and practice -once again, by using the states as laboratories of education-.

III. Supporting Pillars of Education

As claimed in Part I Section 3, the United States lags in creating a stable profession out of education. Compared to its competitors, the United States falls behind in supporting these educators in making sure they are paid well and have the education they need to fill out the requirements to advance our children (National Center on Education and Economy 2017). If our educators are not supported, no other education reform can work because they are the implementers, the importance of education is in the hands of educators.. The first step is to fund research for these educators to have access to the best learning models to implement in their classrooms, but the second step is to make sure this profession is paid appropriately. Substantial amounts of research done by the Learning Institute has found that implementation is directly related to and affected by pay. How long these teachers stay and stabilize their profession as well as the quality of these teachers is highly dependent on the amount of money they make not only salary wise, but also in funding they receive for their classrooms. Teachers, so often, reach into their own pockets to support their classrooms thus leading us back to our circular argument that the children and educators in these poverty stricken districts get the short end of the stick. While the federal government has very little say in the salaries of teachers, as that

remains a local and state issue, the federal government can implement an income tax credit that will further expand the pockets of these teachers financially. This structure should be executed so that the amount received makes a mark on the payroll, and so that teachers teaching in higher poverty districts will receive more.

IV. Administering Funding for Equity

Largely due to property tax being a substantial fund for public schools, public schools in the U.S. have remained one of the most inequitably funded out of all of the industrialized nations. While property tax may be easy to blame because funding comes from household incomes and property value is a direct result of hypersegregation of poorer students attending a poorer school and vice versa, property tax is not at fault. Property tax is a sufficient way to fund schools, however it is inequitable in that it segregates the amount of money going into the system based on the high property value surrounding that school. Property tax is a problem when it becomes the substantial means of funding for schools. There should be a floor of funding, set by the federal government. Research done by edlawcenter, (Baker, Bruce D Danielle Farrie and David Scarria 2018) has proven that wealthier states spend about three times more than what poor states spend on their education. The quality of education received in the U.S. should not rely on what state you are fortunate enough to live in, and in what neighborhood one's family can afford. To repair the inequitable distribution of funding, the federal government should intercede to expand and allocate federal funds across all the states and should provide incentives for states to adequately provide resources that are needed to excel in the classroom.

V. Advancing From the Poverty Cycle

This recurring cycle of poverty among the education system, must be addressed. The “way out” by many is considered to be through education but if our systems are corrupt in that children are being reinserted to a poverty cycle then how do we expect our future to progress. A 2016 report done by the GAO has found that a growing number of schools have become hypersegregated in that the student population of these schools is 90 percent minorities, especially African Americans or Latino/a (United States Government Accountability Office 2016). While learning in these schools and in these poor settings directly hinders these students' achievement, these children are locked within a system in which they can not break out of. Federal policies should make it that equity in our school systems should be a must, the freedom to equitable learning is a right that every student regardless of socioeconomic status should obtain. By utilizing federal tools and resources to implement socio-economic diversity among schools and rezone children regardless of racial or economic background then the states will follow with action to make sure these steps are taken. Steps such as creating a program that provides aid and incentives to states who are actively implementing and rezoning schools under the mindset of equity and equality in academic achievement. The Department of Education should set guidelines that encourage school integration among the states so that states who lag in integration can have specific guidelines and aid to execute and perform these steps of diminishing our poverty cycle within the education system.

Inquisition

Education is salient and powerful on the national level but also to the individual.

Education increases the economic growth of a nation, and for the nation to excel among its peers and competitors it is necessary and vital for our citizens to be educated. This education can not

differ so greatly among the states, it is not fair or equal for a student to lag in the future of their success due to whether or not they were fortunate enough to live in a state with high quality education. As an entire nation, across the board, our education system must remain reliable, equitable, and indifferent enough that it does not affect students' growth and development toward success. If our states are the primary power holders and actors over the advancement of our nation then with fifty different states and fifty different approaches we will remain stagnant or merely decrease; not intentionally there is no stability from the federal government to implement a foundation of education that all states must achieve to advance the nation, improve equity in education, and close achievement gaps among socio-economic factors.

Conclusion

By increasing federal roles and oversight over education through funding, resources, and tools, we will approach cooperative federalism. Currently under dual federalism, the states hold the power in their spheres over education, in which states lag in improving academic achievement, and equity gaps among the system. Furthermore, it is critical for the federal government to set foundations through policies to help states on this urging issue that has resurged hypersegregation of race and class among schools, and has escalated failing schools with a lack of appreciation toward educators and their field. With federal investment and state actions, the nation will be able to advance the policies to deplete these glaring insecurities among the states and the education system. After all, the children of this country deserve better.

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