

Public Education Primer

FOREWORD

To advance sexuality education for students in grades Pre-K through Grade 12, sexuality education professionals must work more closely with public schools. Though this may be stating the obvious, one of the key priorities identified by the Future of Sex Education Project is: the need to build understanding of—and relationships with—the public education community.

This primer is a first step in building the understanding of public education within the sexuality education community working to advance comprehensive sex education in public schools. It offers an overview of our existing public education system at the federal, state and local levels and a “roadmap” to understanding how public education policy and delivery works in each state.

BACKGROUND

According to the National Center for Education Statistics, there are approximately 50 million public school students in the United States—70 percent in grades Pre-K - 8 and 30 percent in grades 9 - 12. They are enrolled in 99,000 public schools in 13,900 school districts across the country. During the 2009-10 school year, \$543 billion was spent on public education with an average of \$10,884 per pupil.¹ About 80 percent of this funding comes from non-federal sources, including local and state taxes.²

- To find specific educational data for your state, visit the National Center for Education Statistics web site at <http://nces.ed.gov/programs/stateprofiles/> or www.schooldatairect.com.

FEDERAL

Unlike many other industrialized nations that have a centralized system that oversees all aspects of public schools, the role of the federal government in the United States is quite limited. Education is largely a state and local responsibility as dictated by the 10th Amendment of the U.S. Constitution. This amendment states that “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.”³ Because the Constitution doesn’t specifically mention education, the federal government does not have any direct authority regarding curriculum, instruction, administration, personnel, etc.

In 1965, the Elementary and Secondary Education Act (ESEA) was passed as part of President Lyndon B. Johnson’s War on Poverty. This landmark legislation was, and continues to be, the largest source of federal aid to schools. A cornerstone of ESEA is Title I, which provides federal funding to support schools who serve predominately poor children.

In 1980, the U.S. Department of Education was created; bringing together a collection of existing offices related to education. While this move centralized federal efforts and responsibilities into one office, it did not come with an increase in federal jurisdiction over the educational system.

In 1981, the National Commission on Excellence in Education was established to “examine the quality of education in the United States.”⁴ In 1983, the Commission released its report *A Nation at Risk* which focused on four specific areas of public education:

- (1) Content – The report noted that the content of curriculum was unfocused and diluted by too much attention to “appetizers and desserts” and not a main course. The report cited that “25 percent of credits for earned by general track high schools students are in physical and health education, work experience outside the school, remedial English and mathematics, and personal service and development courses, such as training for adulthood and marriage.”⁵
- (2) Expectations – Too few states had clear expectations of what students should be learning. The report noted that “minimum competency” tests fell below what students needed to learn.
- (3) Time – Generally, American students spent considerably less time on school work and instruction time was not being used effectively. The average school provided an average of only 22 hours a week on actual instruction.

(4) Teaching - Not enough highly-qualified individuals are interested in being teachers—too many are drawn from the bottom 25 percent of graduating high school students—and pre-professional training is not effectively preparing teachers for classroom instruction.

This report laid the groundwork for future reform efforts—especially in regards to achievement, testing and standards-based reform.

In 1994, under the Clinton administration, ESEA was reauthorized and renamed Improving America's Schools Act (IASA). IASA, coupled with Goals 2000: Educate America Act which also passed in 1994, provided states greater flexibility to utilize Title I funding to support learning for all students. The legislation required states to establish content and performance standards, determine methods of learning assessment and establish accountability systems.⁶ The focus was on improving educational systems and allowed states to better coordinate various federal funding efforts (i.e., the other provisions of ESEA which remained a part of IASA) into one comprehensive plan.

While IASA and Goals 2000: Educate America Act did attempt to link standards and assessment to accountability, neither act provided a “carrot or stick” to actually enforce accountability among schools.

This changed in 2002 with the passage of the No Child Left Behind (NCLB) Act under the George W. Bush administration, which tied funding directly to school performance. NCLB is another evolution of the ESEA and it significantly expanded the federal government's role in education. Like the original Elementary and Secondary Education Act, NCLB continued to provide financial aid for disadvantaged students under Title I.

The chief goal of NCLB is to increase the accountability of schools to ensure student academic progress. It requires:

- Annual testing – Students in grades 3-8 must be tested annually in reading and math and once during elementary, middle and high school in science. Individual states are required to develop academic standards and testing systems that align to the state standards.
- Academic Progress – Each state is required to meet adequate yearly progress targets—known as AYP's—so that by the 2013-2014 school year, all students are “proficient” on the state tests.
- Report Cards – Every state must issue a public report card which details percent of students tested, student achievement as indicated by test scores, trend data and other indicators.⁷

- Teacher Qualifications – Teachers who are teaching core subjects must be highly qualified. As defined by NCLB, this means a teacher must have a bachelor's degree, full state certification or licensure and prove that they know each subject they teach.

NCLB emphasized “educational practices supported by rigorous evidence” and allocated about \$1 billion to set up research-based reading programs. This has been a challenge for schools since there is not a great deal of empirical evidence to support various classroom practices. In addition, it is challenging to translate research into practice given the variance from district to district.

Advocates of NCLB claim that reading and math scores have increased and the data generated from testing helps schools meet the needs of their students. They believe that because schools are held accountable, they are doing a better job educating students. However, detractors of NCLB believe that too much emphasis is being placed on testing and that teachers are being forced to “teach to the test.” In addition, because states are developing their own standards and assessments there is wide variation among states such that student learning—and associated testing scores—vary from state to state. Finally, because of the emphasis on meeting testing benchmarks in core academics both in terms of instructional time and resource allocation, other subject areas including art, music, physical education and health receive short shrift.

NCLB expired on September 27, 2007 and is currently operating under a continuing resolution which means that it is awaiting formal reenactment. Since then, there have been numerous Congressional hearings regarding proposed revisions. A major theme among proposed revisions is to develop additional measures of accountability beyond tests. To learn more about suggested reforms, go to:

1. Education Commission of the States' NCLB Reauthorization Database at: http://www.ecs.org/html/educationIssues/NCLBReauthorization/NCLB_parapro_DB_intro.asp
2. National Educational Association at www.nea.org/esea
3. Public Education Network at www.pen.org/engagingthepublic.asp

The Obama administration has taken up the reauthorization of ESEA. (It is no longer referred to as No Child Left Behind.) In March of 2010, the Obama Administration released *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act*.

The blueprint builds from two reforms already underway: Race to the Top and the Common Core Standards Initiative.

Race to the Top

One way that the Obama administration has been able to affect change outside of the scope of ESEA is through the America Recovery and Reinvestment Act (ARRA). Four billion dollars has been allocated to the “Race to the Top” competitive grant program which outlines four priority areas:

(1) improving teacher and principal effectiveness to ensure that every classroom has a great teacher and every school has a great leader; (2) providing information to families to help them evaluate and improve their children’s schools, and to educators to help them improve their students’ learning (3) implementing college- and career-ready standards and developing improved assessments aligned with those standards; and (4) improving student learning and achievement in America’s lowest-performing schools by providing intensive support and effective interventions.

To be eligible to apply, states must have no barriers linking data on student achievement to teachers and principals for the purposes of evaluation (i.e., teachers and principals are evaluated based on how well their students perform on tests) and must allow charter schools to operate in their state. Given that most states are facing huge deficits, the prospect of this level of federal funding has propelled states—and teacher unions—to make various reforms in order to be eligible.

Common Core Standards Initiative

The Common Core Standards Initiative, led by the Council of Chief State School Officers and the National Governor’s Association, is working to establish some consistency and rigor among standards across the states. This effort complements the Obama administration’s focus on implementing college- and career-ready standards. So far, 48 states have signed up to be a part of this process. (To learn more about the Common Core Standards Initiative see www.commonstandards.org.)

At first glance, the President’s FY11 federal budget continues to build from the Race to the Top program and seeks to further consolidate and streamline federal funding initiatives around a few broad principles. There are mixed reviews regarding the balance of funding available for competitive grant programs versus formula grants. There is more funding

available for the former than the latter in the proposed budget, and this has some concerned about how this will serve all students, instead of some.⁸

STATE

With limited federal responsibility for education, each state is therefore responsible for organizing its own public education system. Typically, policies governing education are set by a state board of education which in turn works with a state department of education.

State Boards of Education

Members of state boards of education are typically elected by the public or appointed by the governor with some members serving in an ex-officio capacity depending on whether they hold another position in government concurrently. The strength of individual state boards of education varies. In some states, like New York, the state board of education is very powerful. In others states, they merely serve an advisory role and the state legislature is responsible for policy decisions. Of special interest, there are 18 states that have students on their boards of education. They include: Alaska, California, Connecticut, District of Columbia, Guam, Hawaii, Iowa, Maine, Maryland, Massachusetts, Montana, Nevada, New Jersey, North Carolina, Tennessee, Washington, West Virginia, and Vermont.⁹

State Departments of Education

Each state has a department of education headed by a chief state school officer, more commonly known as the Superintendent of Public Instruction or the Commissioner of Education (titles vary by state). State departments of education are generally responsible for disbursing state and federal funds to local school districts, setting parameters for the length of school day and year, teacher certification, testing requirements, graduation requirements, developing learning standards and promoting professional development. Generally, the chief state school officer is appointed by the Governor though in a few states they are elected.¹⁰

- To find out about the structure of your state’s Board of Education and its authority, see the National Association of State Boards of Education’s State Education Governance Model chart at www.nasbe.org.

- To learn more about your state’s board of education, go to: <http://nasbe.org/index.php/web-links/2-state-boards>
- To determine your state’s chief school officer, go to: http://www.ccsso.org/chief_state_school_officers/meet_the_chiefs/index.cfm.
- To visit your state’s department of education Web site, go to <http://nasbe.org/index.php/web-links/19-sea>.

LOCAL

At the school district level, Pre-K – 12 public schools are generally governed by local school boards (with the exception of Hawaii which does not have any local school board system). Local school boards are typically comprised of 5 to 7 members who are either elected by the public or appointed by other government officials.

In some places with chronically underperforming schools, the school board structure has been abandoned and the responsibility for managing the school district has shifted either to the Mayor or the State Department of Education. Largely, this is a phenomenon in larger urban districts including New York, NY; Washington, DC; and Cleveland, OH.

Local school boards are responsible for ensuring that each school in their district is in compliance with the laws and policies set by the state and federal government. Generally, they entrust the day-to-day operations of their district to the district Superintendent and typically are responsible for hiring, supervising, and when necessary, disciplining or firing

the local Superintendent. Local school boards also have broad decision and rule-making authority with regards to the operations of their local school district, including determining the school district budget and priorities; curriculum decisions such as the scope and sequence of classroom content in all subject areas; and textbook approval authority.

Local school districts vary tremendously in size—from a rural district with a single high school to an urban district with several high schools. There are nearly 14,000 school districts in the United States. The five largest districts include: New York City, Los Angeles Unified, City of Chicago Schools, Miami-Dade County Schools, and Clark County Schools (NV).¹¹

CONCLUSION

As the sex education field makes strides to advance comprehensive sex education in schools nationwide, it is more important than ever to understand public education delivery systems and build relationships with the general education community. There are opportunities to advance sex education through ongoing school reform and improved coordinated school health programs. As a field, we must also be able to effectively translate the many benefits of sex education for young people within the context of public education as well as public health—and be willing to learn from and partner with our public education colleagues and supporters in order to achieve our shared goal of helping young people grow into well-informed, happy and healthy individuals.

¹ <http://nces.ed.gov/fastfacts/display.asp?id=372> accessed September 21, 2009

² <http://www.ed.gov/about/overview/fed/role.html?src=ln>

³ http://www.ed.gov/about/overview/focus/what_pg3.html

⁴ <http://www2.ed.gov/pubs/NatAtRisk/intro.html> accessed on February 22, 2010

⁵ <http://www2.ed.gov/pubs/NatAtRisk/findings.html> accessed on February 22, 2010

⁶ <http://www.pearsonassessments.com/NR/rdonlyres/D8E33AAE-BED1-4743-98A1-BDF4D49D7274/0/HistoryofNCLB.pdf> accessed on February 22, 2010

⁷ http://www.publiceducation.org/portals/nclb/report_cards/report_cards.asp accessed on March 17, 2010

⁸ http://www.edweek.org/ew/articles/2010/02/01/21budget_ep.h29.html?r=1223930712 accessed on February 22, 2010

⁹ <http://nasbe.org/index.php/section-blog/32-faq-sbe/373-students-on-sboe> accessed on September 23, 2009

¹⁰ http://www.ccsso.org/chief_state_school_officers/method_of_selection/index.cfm

¹¹ http://en.wikipedia.org/wiki/List_of_the_largest_school_districts_in_the_United_States_by_enrollment accessed on October 12, 2009