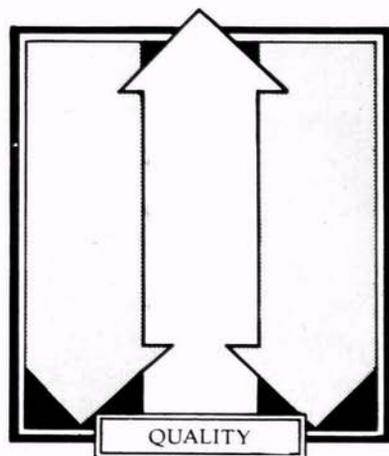


# ESEA Comes of Age: Some Historical Reflections



**Samuel Halperin**

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*Now thirteen years old and maturing, the Elementary and Secondary Education Act is the product of political and educational leadership.*

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In Jewish tradition, maturity and adult responsibilities begin with the bar mitzvah at age 13. Before then, the Jewish child's education emphasizes careful preparation for responsible performance in later life.

If only Americans held that mellow view of gradual change when faced with complex social interventions! On the contrary, we seem in constant quest of instant solutions to the most intractable problems. No sooner is the ink dry on intricate proposals with far-reaching consequences than accountability-crazed legislators and media watchdogs, in the apt words of a former U.S. Commissioner of Education, "pull up the new programs by the roots to see how they are growing!"

When the Elementary and Secondary Education Act of 1965 passed its bar mitzvah on April

11, 1978, the "event" went largely unnoticed. But only a few months later the Congress of the United States gave ESEA a resounding re-endorsement as the centerpiece of the federal government's commitment to equity and quality in elementary and secondary education. By margins of 86-7 in the Senate and 350-20 in the House of Representatives, the Congress approved a \$50+ billion, five-year reauthorization of ESEA and related legislation and, in the process, approved many of the Carter Administration's recommendations for "fine-tuning" the Act.

The 1977-78 congressional hearing record on ESEA's operation and accomplishments is unprecedented in its size, scope, and quality. Backed up by NIE's Compensatory Education Study, the first comprehensive evaluation of Title I since its enactment, the House's authorizing committee,

with a near unanimous bipartisan majority, declared:

Title I has matured into a viable approach for aiding the disadvantaged. . . . Title I does direct substantial Federal aid to areas with the highest proportions of low-income children. . . . Title I has a greater redistributive effect than other State and Federal aid to education programs. . . . Title I funds are indeed being used to provide special additional services to eligible children . . . the program is making an important contribution to the educational experiences

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of disadvantaged children . . . compensatory services can be extremely effective in enhancing the achievement of participating students . . . the goals of the program are sound . . . the need for a Federal commitment to disadvantaged children has not diminished.

What a change from the dismal days of 1961 when President Kennedy's school aid proposals, having passed the Senate, were scuttled in the House Committee on Rules. How different from 1965 when ESEA was bitterly contested at every step of the legislative process. Then the bill's outcome was uncertain well into the final hours of House action as a determined coalition of Republicans and Southern Democrats sought to kill this first pillar of Lyndon Johnson's newly proclaimed Great Society.

So eager were the bill's proponents to avoid an unanticipated last-minute upset that the Senate swallowed its pride and accepted the House-passed bill without the usual conference to resolve differences.

For HEW's legislative architects who shaped the character of ESEA in 1964-65, the central problem was how to avoid repeating a 100-year history of frustrated attempts to enact federal elementary-secondary legislation. That bloody history had seen, almost biannually since World War II, school aid proposals "beaten down in every way known to parliamentary man."<sup>1</sup>

The architects' dilemmas were numerous and severe: (a) How to get the renewed attention of the education community, the Congress, and the country-at-large for a new attempt to pass education legislation when almost all before had gone down to defeat? (b) How to channel aid to public schools without alienating private school parents and educators, and their extremely powerful representatives? (c) How to direct funds to the blighted big cities and depressed rural areas without incurring a veto from the representatives of wealthier, less densely populated and suburban areas? (d) How to assure that the proposed federal aid would enhance racial integration, rather than be used to maintain segregation? (e) How to assure that federal funds would actually improve schooling, rather than increase expenditures for the same levels of performance? (f) How to strike a balance in the federal system between national leadership and state and local control? And, finally, (g) How to build a coalition of educators and others sufficient to overcome the entrenched anti-federal aid forces?

### Getting Their Attention

Most presidents have spent little time on educational issues, but something unprecedented happened in the case of ESEA: Lyndon Johnson decided to dedicate his newly-won 1964 electoral landslide to breaking the federal aid logjam. First, he took pains to ensure that his bill would be the largest money authorization ever proposed for the nation's schools. While the NEA's general aid bill, for example, called for \$666 million of outlays annually, ESEA authorized an unprecedented \$1 billion for Title I alone. Moreover, planners' projections for other parts of the bill and for the growth of the total program carried price tags as high as \$8 billion by the end of the decade. These large dollar signs, coupled with LBJ's mastery of press relations, gave ESEA an early boost when it was unveiled to the public.

<sup>1</sup> See: Robert Bendiner. *Obstacle Course on Capitol Hill*. New York: McGraw-Hill Book Co., 1964; Hugh D. Price. "Race, Religion, and the Rules Committee: The Kennedy Aid-to-Education Bills." In: Alan F. Westin. *The Uses of Power*. New York: Harcourt, Brace, 1962; and Eugene Eidenberg and Roy D. Morey. *An Act of Congress*. New York: Norton, 1969.

Johnson's timing was also attention-getting: ESEA was ready to go, and hearings began in the House on January 22, only two days after the 89th Congress had assembled. The entire White House and HEW lavished attention on the bill on a daily basis with the press duly reporting that something unusual was afoot: the President himself had taken personal charge, proclaiming passage of ESEA a first priority for the Great Society. Presidential pressure never faltered, and ESEA became law less than three months after it was introduced—a legislative feat unparalleled for its speed since the first Hundred Days of the Great Depression.

### Public Schools vs. Private Schools

The Johnson Administration was determined not to stir up the "holy wars" that characterized federal aid fights in previous years. Private school parents insisted that they were entitled to a portion of the tax dollars voted by the Congress for the improvement of American education. Just as stridently, public school forces and many anti-church groups insisted that the Constitution would be violated if any funds flowed into private school coffers.

The artfully woven compromise—which had been several years in planning—involved the "public trustee" or "pupil benefit" theory. Public funds would flow only to public institutions. These, in turn, would have the legal responsibility to provide services to all children in the community eligible for them, regardless of the school they attended. Private and public school authorities were asked to discuss constitutionally and educationally feasible ways to provide assistance to disadvantaged students under Title I. Similarly, all school children were to be assisted under Title II with improved textbooks and library resources provided by state authorities for the benefit of all pupils. Under Title III, supplementary centers and services were to be created in many communities to serve the academic, cultural, recreational, and other needs of the children of the community. Thus, while private school advocates were not to receive direct financial assistance from the federal treasury, their children were entitled to receive benefits as much like those enjoyed by public school students as the Constitution and public-private negotiations would permit.

### Urban and Rural, Wealthy and Poor

Pre-ESEA federal aid efforts had proposed to distribute funds on the basis of public school enrollments or average daily attendance. This did not provide the degree of financial equalization that the Administration believed was consistent with the philosophy of Title I, namely, to meet "the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability

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of local educational agencies to support adequate educational programs."

After many months of sifting and considering the distributive effects of various formulas, HEW settled on family income data, as reported by the U.S. Census Bureau. This objective criterion was shown to be highly correlated with educational attainment and became a politically acceptable proxy for addressing a striking national need. Many persons otherwise opposed to federal aid to education saw the merits of a broad categorical program especially designed to assist "the children of poverty" who were very much on America's mind in the mid-1960s.

More important for the bill's passage was the fact that a distribution of federal funds based upon income concentrated the bulk of available funds in large urban and poor rural areas, particularly in the South. The formula, therefore, had the effect of recementing the historical Democratic alliance between the urban North and East and the agrarian South. When members of Congress saw the effect that the ESEA Title I formula would have upon their districts, most Democratic representatives were gratified that the distribution was far more favorable than under previous federal aid formulas, for example, the

National Defense Education Act and the vocational education statutes.

### **Promoting Desegregation**

For years, the threat that federal aid funds would be used to enforce desegregation on an unwilling South had led southern representatives to abandon their natural affinity for federal aid to the poorer parts of the country. However, passage of the Civil Rights Act of 1964, with its unequivocal assurance that no person shall be "denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance" had broken the back of southern resistance to school integration. The inevitability of desegregation loomed large in 1965, and the carrot of large-scale federal assistance—as much as 40-50 percent of some southern school districts' budgets—made the bitter pill somewhat easier to swallow.

Thus, the South had mostly returned to the pro-school aid column when ESEA was considered by the Congress. Later interpretations by the Executive Branch continued the process by allowing children who would have received the benefits of Title I assistance have that aid follow them to their newly-integrated classrooms. This, together with a vigorous enforcement of the Civil Rights Act, helped to remove one of the greatest obstacles to the enactment and implementation of ESEA, although the legislation was still to experience many rear-guard actions in the form of legislative riders to prevent busing and to retard affirmative action.

### **Quality vs. "More of the Same"**

The Administration built its case for ESEA as a special measure, rather than as a permanent general aid program. In this way, it was able to attract the support of many private school parents and those concerned about the special plight of poor children in our midst. A related Administration theme was that ESEA, particularly in its several programs accompanying Title I, would improve the quality of schooling instead of merely substituting federal funds for state and local dollars. Federal funds in all ESEA titles were to be spent only for new and special projects with an-

nual planning and approval mechanisms. Moreover, the rhetoric and advocacy accompanying the bill stressed that the real purpose of Title I was to assist educators everywhere to devise special solutions for the problems of educationally disadvantaged students, not to support the costs of schooling as a whole. To be approved by the state, each project had to be "of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of educationally deprived children" in poverty-defined schools.

General improvement of teachers' salaries, school construction, and other general aid practices were thereby ruled out in the administration of Title I. Together with the proposed improvement in reading materials and in exemplary school projects, the Administration appealed to all those who were interested in innovation and improved school practices, and not only in the federal government's financial largesse.

### **Federalism in Education**

The proponents were acutely aware that fear of federal control of education could once again torpedo ESEA. Therefore, they leaned over backwards to strengthen state and local prerogatives. All projects under Titles I and III were to be devised locally within a very broad range of permissible limits. The states would give only written "assurances" to the U.S. Commissioner of Education that the broad requirements of Title I were being met. The library and textbook title was to be administered directly by state departments of education, and very significant assistance was afforded to the SEAs through Title V to enable them to strengthen themselves and their new leadership responsibilities. In provision after provision of the entire Act, state and local discretion was stressed by the legislative planners and bolstered in refinements of the House Education Committee. Only in Title III did the Administration believe that it should have the deciding power to judge which supplementary centers and services were exemplary and which did not deserve to be funded. After much bitter controversy and the tremendous difficulty experienced by a small federal staff in choosing winners among some 15-20,000 applications, the federal role was

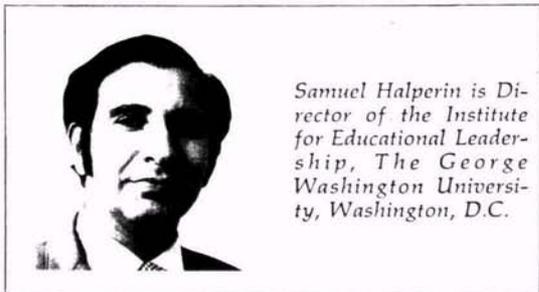
sharply pruned and the hegemony of the SEAs reasserted in 1967.

Overall, ESEA was perceived by the education community and the Congress not so much as an unwanted intrusion but as a vast energizing act that enabled local authorities and state education administrators to plan and conduct an extremely wide array of educational offerings that had been stalled for lack of resources or public support and encouragement.

### Coalition Politics

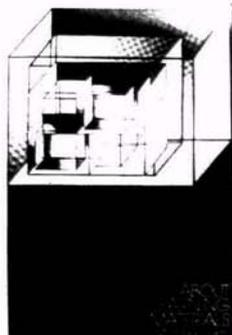
All of the above, when carefully tallied, helps to explain how ESEA was enacted by an unusual coalition never before assembled. New members of Congress elected in the anti-Goldwater campaign of 1964, a vigorous and skillful President who put education at the top of his domestic priority list, HEW planners sensitive to the lessons of history that had defeated previous school aid proposals, an apportionment formula that united needy urban districts with an impoverished countryside, provisions that appealed to educational reformers as well as schoolpersons concerned with maintenance, benefits to all children regardless of the schools they attended, services that could be extended without regard to race or creed, and political and administrative arrangements that observed the realities and traditions of the American federal system in education. All of these, combined with effective educational and political leadership, created PL 89-10 and enabled it, in 1978, to reach the age of 13.

And, if after 13 years of testing and refinement, ESEA has finally come to maturity, may we not ask, in the closing words of a recent American best-seller: "So now we may perhaps to begin. Yes?"



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