

Can the national government be effective?

Those who move on a national stage - journalists, scholars, policy advocates, some foundations, officials in national office - want to be seen doing something about a problem the public cares about. So they offer ideas, plead for and promise action. The notion is that a problem occurring everywhere in the country must have a national solution; meaning, action by the national government. Too few ask whether national action could be effective.

The conventional assumption - that a very large problem requires a large organization to deal with it - is misleading. Often the larger the problem the more important it is to get a large number of small actors each doing a little. Think about the energy crises of the 1970s, relieved in the end not by a single action to increase energy supply but by a large number of small local and private actions that were driven by incentives to reduce energy use.

In areas of domestic policy that are a national concern, but that exist under state law and are constitutionally beyond its reach, the national government often tries to act through its power to appropriate money and to impose regulations on the use of that money. Members of Congress and officials in the executive branch long ago came to the idea of hanging requirements onto the categorical-grant programs as a way of 'doing something' in policy areas their legislation cannot reach directly. The assumption is that the states will never reject the aid, so will accept any regulations attached to it. That is the approach built into No Child Left Behind.

But if it is to work the new law will need help that only the states can provide. The law does change some of the rules of the game for the K-12 institution. It introduces measurements and promises consequences. It essentially commands improvement. It assumes that the various parts of the institution will then comply; will adjust and adapt, change and improve, accordingly. But the schools and districts must have the capacity to adapt and to improve.

Unless they can change, the incentive for the districts will be to defy the law and to press the states not to comply. This resistance could be effective. The states were offended by the national government using its seven per cent contribution to K-12, in a period when the states' finances were tight, to coerce them into compliance. By 2004 states' resistance was visibly rising. This will increasingly test the national government's willingness to enforce the consequences. And the states are aware the government may not hold the cards it needs. They know that before 2002, as the

lobbyist for the National Conference of State Legislatures wrote, the federal government almost never withheld any education money from any state.

If things proceed along this course the new initiative for improvement will suffer the fate of the National Goals effort that emerged from the first presidential education summit in 1989. None of the goals was accomplished. The new accountability apparatus could fall of its own weight.

A little history may be instructive.

A mandate that failed: The case of metropolitan growth

In the 1960s and '70s the national government tried to use the 'requirements' approach to achieve the goal of orderly development and management of the nation's metropolitan areas - another major area of domestic policy constitutionally the responsibility of the states.

America was increasingly an urban nation. The regions were living, growing entities with nobody explicitly in charge of planning and managing their life-support systems: energy supply, waste disposal, transport, housing, public safety, communications, water supply, land-use and the environment. There was no public body responsible for raising and resolving their large, strategic issues or for balancing the development of the suburban fringe and the redevelopment of the urban core. Their municipalities' dependence on the local property tax worked powerfully to distort development and to create inequities in service levels and tax burdens. So urban growth became 'a national problem'. And in the days of The New Frontier and The Great Society the national government tried to act, moved to take control.

Federal legislation could not reach the major elements of the urban system, however. The structure of local government and its financing, the property tax, the laws governing land use and development, housing construction and housing occupancy – most all the public elements of the urban system - exist in state law. So the federal government moved to attach requirements to its programs of aid for urban development and re-development.

In 1966 Congress required that plans for roads, transit, parks, sewer and water systems, housing, airports, urban renewal and local planning be consistent with an

adopted regional plan. And required that regional planning bodies be established to develop the plans and to review all requests for federal aid in order to ensure that projects conformed to these plans. The makeup of these regional clearinghouses was specified in the national law. Failure to comply would result in the loss of aid. From this structure and process, the theory of action solemnly pronounced, orderly metropolitan development would proceed.

It was a disaster. Washington politics dictated that the regional planning mechanisms be constructed as “councils of governments”, composed of persons serving in elected municipal and county office. This asked local officials whose property-tax revenues depended on getting development to locate within their own boundaries to think and act in the larger, regional interest. Interests and objectives were misaligned.

The result was predictable. The city and county officials were no way going to put their federal aid at risk because a project “did not conform to the regional plan”. Nor were these local officials going to support regional decision-making about development. They did of course want the money. So they faked it. The regional clearinghouses became what David Walker of the Advisory Commission on Intergovernmental Relations called “paper mills”, routinely approving almost every application. Some never found any project that did not conform to the regional plan, or never developed a plan to which projects proposed by its local-government members would not conform.

There was nothing, really, that the national government could do. The whole effort was shut down by the new administration that came into office in 1981. Quickly the regional-planning apparatus withered. Functioning regional management and planning institutions survived mainly in a few metropolitan areas where they had been established in state law: the Twin Cities area of Minnesota, perhaps Atlanta and the San Francisco Bay Area.



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