The Politics of Capacity: No Child Left Behind

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I explore the conditions under which states decide to comply with federal intervention involving funding. I focus on the assessment component of No Child Left Behind (NCLB), legislation requiring states to create tests and report student achievement in order to receive federal education funds. I argue that both political indicators – governor partisanship, the election calendar, and teachers' union strength – and compliance costs were central to NCLB compliance decisions. State wealth, Black and Hispanic/Latino populations, student achievement on exams, and state education funding from the federal government affect the cost of compliance, and therefore played a substantial role in decisions to comply. To test the relative influence of these political factors and measures of state capacity, I create an original dataset to test my hypotheses. Using logistic regressions, I find that capacity is significantly related to compliance, although student proficiency did not to play a role. Gubernatorial partisanship, teachers' union strength, and the presence of an election year also demonstrated significant influence over the decision to comply. My findings suggest that compliance with perceived federal mandates is a function of both capacity and political consideration.

I. Introduction

In 2004, the National Conference of State Legislatures (NCSL) condemned both President George W. Bush and the Republican led Congress for burdening states with $29 billion in unfunded mandates. The NCSL attributed $20 billion of that amount to the Individuals with Disabilities Education Act and No Child Left Behind (NCLB) (Broder 2004). NCLB, the 2002 reauthorization and extension of the 1965 Elementary and Secondary Education Act, dramatically increased federal involvement in education. Although NCLB represented an increase in federal education funding, many state officials called the bill an unfunded mandate arguing the increase was not enough. Unfunded mandates are federal or state regulations that require state or local action without funding. One school superintendent in Malborough, Connecticut told the state they wanted to reject NCLB Title I funding to avoid stipulations, "...If it didn't exceed our cost of dealing with it, we would do it,…but this needs to be more lucrative" (qtd. in Gordon 2003). [1] The state of Connecticut and the National Education Association, the country's largest teacher's union, filed two separate lawsuits against the United States Secretary of Education, arguing that NCLB was an unfunded mandate and unconstitutional under the Unfunded Mandates Reform Act of 1995 (Heise 2006).

The federal government has continued to become involved in traditionally state issues, most notably under the Affordable Care Act and NCLB (McGuinn 2005). The U.S.

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[2] Under NCLB a state is required to adopt rigorous standards, and create math, reading, and science (2008 and after) assessments given annually to children in 3rd through 8th grade, and at least once in high school. Performance on these assessments then determine if a school, and in aggregate a district and state, are making Adequate Yearly Progress (AYP), annual academic benchmarks for schools. If a school does not make AYP, the district and state work together to develop a two-year plan for improvement. If a school does not make AYP for two years and receives Title I funds, it must be designated as "in-need-of-improvement," and students are given the option to transfer out. If AYP is not made for three years the school must provide tutoring, after-school programs, and summer school. If AYP continues to not be met for four consecutive years, the state must ultimately restructure the school, which can include hiring new administrative and some teaching staff, potentially becoming a charter or magnet school, among other restructuring possibilities. Schools, districts, and states must also publically publish test scores and AYP progress disaggregated by race, English-Language-Learners, and students with disabilities (Mantel, 2005).

Constitution does not give Congress any authority over education, which left it as a primarily local and state affair for the majority of American history. President Lyndon B. Johnson's Elementary and Secondary Education Act of 1965 expanded into education, but it focused entirely on schools with disproportionally large low-income populations. The NLCB reauthorization affects all students (McDermott and Jensen 2005). The state rhetoric around these expansions has focused on the cost of compliance. State actors' often highlight the lack of state capacity to comply with NCLB's extensive requirements (Mantel 2005). Literature regarding federal expansion has centered on either the politics or the capacity of increased intervention, rather than a combination of indicators. Few comprehensive studies have empirically examined the various state compliance responses to an intervention of this size.

In light of this contemporary incursion of the federal government into a historically state right, I explore the question: under what conditions do states comply or not comply with federal intervention? I focus on states' decisions to comply with the assessment component of NCLB. To do so, I create an original compliance dataset based on the assessment approval letters sent from the U.S. Department of Education to each Chief State School Officer.[2] I then collect independent variables from a variety of sources to consider the relative influence of both state capacity and state politics on compliance. I hypothesize that compliance is a function of both capacity and political indicators. Capacity is defined through wealth, diversity, educational achievement, and state education budgets. Political indicators include governor partisanship, election year, and teachers' union strength. Given

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[2] http://www2.ed.gov/admins/lead/account/nclbfinalassess/index.html

the federal government's continuous expansion into historically state issues, this study provides insight into how a state might respond to such intervention and why.

The following section provides an overview of the federalism literature that intersects with the study of compliance. The third section an overview of NCLB and the compliance decision process. I explain the details of my main argument and layout hypotheses in the fourth section. Data and methods are outlined in the fifth, with an analysis of the results in the sixth section. My conclusion lists potential next steps, and discusses this study's limitations.

II. An Overview of Compliance and Unfunded Mandates

My question, under what conditions do states comply with federal intervention, addresses the boundaries of federalism, or the relationship between the state and federal government. The beginning of the United States of America was characterized by dual federalism – states held most of the power and each level of government had a distinct set of responsibilities. After the New Deal, the U.S. moved into a period of cooperative federalism in which the federal government gained more power and shared responsibilities with the states. The period prior to the Great Society of 1965 was defined by cooperative federalism: "the federal government and the states agreed on the goals…[and] only the federal government and the states were involved in the programs. Cities and other units of local government were not full partners..." (Katz 1997). Through President Lyndon B. Johnson's Great Society of 1965, grants-in-aid multiplied and the federal government involved itself in all areas of governance, including areas states were unhappy with (Katz 1997). In the 1980s, however, President Ronald Reagan successfully decreased the amount of grant-in-aid funding, and directed the devolution revolution, in which states gained more

decision-making control and flexibility (Katz 1997). The presidency of George W. Bush initiated a centralizing trend, characterized by increased federal intervention as part of his "compassionate conservatism," a shift continued by President Barack Obama (Krane 2007; Adler 2011). Despite the Unfunded Mandate Reform Act of 1995, this renewed expansion of the federal government came with an increase in conditional spending, which states often saw and reacted to as unfunded mandates (McDermott and Jensen 2005). In 2005, municipal officials ranked unfunded mandates as second in a list of major issues (Jones 2005).

Since the passage of NCLB and ACA, there has been a rise in formal state action against the federal government, as well as an increase in the percentage of states who resist complying with these perceived unfunded mandates (Shelly 2007, Adler 2011).[3,4] This relatively new phenomena raises questions regarding, if recent large-scale federal interventions succeed in encouraging states to comply. As a perceived unfunded mandate with costly stipulations, states are making compliance decisions, rather than default compliance. Kenneth Wong notes that, "regardless of the future of the No Child Left Behind Act, federal presence in education accountability will remain a key feature in our intergovernmental system" (2008, S184). By turning to the particularly contentious assessment component of NCLB, I provide insight into the capacity and political factors behind state compliance.

There are two approaches to federalism literature that intersect with this study's focus on compliance. The first approach uses state characteristics to explain state behavior, **

[3] I use the word "perceived" in regards to NCLB has an unfunded mandate, because in several lawsuits against NCLB, the courts found NCLB to not *legally* be an unfunded mandate due to a state's ability to say no to the stipulations and federal funding.

[4] In 2010, 30% of states still resisted NCLB compliance and eight states maintained noncompliance for all four years. Two years after the passage of ACA, 19 states are still resisting Medicaid expansion. (http://kff.org/health-reform/state-indicator/state-activity-around-expanding-medicaid-under-the-affordable-care-act/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D).

and often specifically looks at states as "laboratories of democracy" (Adler 2011, Volden 2006). [5] This approach, however, focuses on state behavior after complying with federal legislation, rather than on state decisions to comply (Fellowes and Rowe 2004; Lieberman and Lapinsky 2001; Soss et. al 2001). Authors took advantage of recent federal intervention to explore extreme state reactions to a more centralized government. Although exploring extreme state action through lawsuits and state legislative action is necessary, especially considering its new prevalence, formal action is different from the most basic response to unfunded mandates: compliance. One study focuses on legal and legislative action taken by states against NCLB; actions that demonstrate the strong state attitudes against perceived unfunded mandates (Shelly 2007). However, some states with the strongest legal actions against NCLB are states that also comply. For example, Connecticut, whose lawsuit was largest formal challenge to NCLB, also complied for all four years (Shelly 2007, 446).

The second approach to federalism literature focuses on specific legislation. Much has been written on NCLB covering a wide array of topics, from political origins to implementation and effectiveness. This literature does discuss compliance. Some discuss the effect of financial and human capacity within state education departments as the main barriers to compliance (Sunderman and Orfield 2006; Goertz 2005). Others point to the anger of state-level elected and appointed officials as affecting compliance (McDermott and Jensen 2005; Krane 2007). Although there are a wide variety of studies that focus on various indicators of compliance, few combine both capacity and political factors, choosing to isolate one type. Many of these claims also use exposition and description to support their argument, rather than an empirical study. Although the exposition has been helpful in

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[5] Increased flexibility allows states to experiment with policy making, essentially acting as "laboratories." (Adler 2011, Volden 2006)

developing the theory and argument of this study, an empirical approach may lend another dimension to their arguments. This paper utilizes an observational study in the hope to provide an empirical lens to compliance with perceived unfunded mandates.

III. An Overview of No Child Left Behind

A. No Child Left Behind Assessment Compliance

As a comprehensive piece of legislation, there are many requirements to NCLB, including provisions on teacher qualification, accountability measures, data reporting, assessment creation and administration, and school choice, among others. I chose assessment as the focus of this analysis, because it is both one of NCLB's foundational tenets, as well as one of its most contested components. Assessment compliance is also well-defined and tracked through approval letters between the federal government and the states.

To initially comply with the assessment component, a state must adopt rigorous standards for what their students should accomplish. The next step is to create assessments to test these standards, administered annually, starting in 2005, to children in 3rd through 8th grade and at least once in high school (2001-2005 was meant to allow states' time to prepare). Before the passage of NCLB, children were tested only four times between kindergarten and high school graduation. Initially, NCLB only required testing in mathematics and reading. Starting in 2008, schools were also required to test science. These assessments then determine if a school (as well as racial and other subgroups within a school) and, in aggregate, a district and state are making Adequate Yearly Progress (AYP), annual academic benchmarks for schools. The state decides what AYP looks like for them, with the goal to reach complete proficiency in math and reading by 2014. To maintain

compliance, if a school does not make AYP, the district and state work together to develop a two-year plan for improvement. If a school does not make AYP for two years and receives Title I funds, it must be designated as "in need of improvement," and students are given the option to transfer out. If AYP is not made for three years, the school must provide tutoring, after-school programs, and summer school. If AYP continues to not be met for four consecutive years, the state must ultimately restructure the school, which can include hiring new staff, potentially becoming a charter or magnet school, among other restructuring possibilities. Many states apply this to all schools in a Title 1 district (even those who do not receiving Title I funding). The last aspect is the requirement for schools, districts, and states to then publically publish test scores and AYP progress disaggregated by race, English-Language-Learners, and students with disabilities (Mantel 2005, 473).

B. Deciding to Comply

The main actor in deciding to comply with the assessment component of NCLB is the Chief State School Officer. Compliance discussions differ between states, and occur between many agencies. These discussions often include a state's board of education and governor, and are affected by laws either previously in place or later enacted by a state's legislature. Ultimately, however, it is a state's Chief State School Officer, who is responsible for the final decision (Sargrad 2016). This officer "is the chief executive of a state's education agency and [often] the chief administrator for the state board of education" (Zeehandeleer et al. 2015, 12). In 37 states the governor appoints the Chief State School Officer. In the remaining states the officer is elected either via partisan or nonpartisan ballots.[6]

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[6] Chief State School Officer appointment data is from the National Association of State Boards of Education's governance matrix http://www.nasbe.org/wp-content/uploads/Governance-matrix-January-2016.pdf

The basic decision is whether to comply with assessment requirements. If the state does not comply, there are no further decisions and the state must face the consequences of losing federal funding. If the state does comply, including the creation of assessments and data reporting systems, a percentage of their schools will make Adequate Yearly Progress (AYP) and a percentage of their schools will not. For the schools that do *not* make progress, the state must go through the sanctions and steps outlined above. Although states do receive some funding from the federal government for school sanctions, many states have complained that funding is not enough (Mantel 2005). If a state does not comply with these sanctions, then the state once again faces the potential consequence of loosing federal funding.

A Chief State School Officer might begin by estimating the percentage of schools that would fail, determine the cost of potential sanctions, add that to the cost of initial compliance and compare it to the cost of losing federal funding. The cost of sanctions, such as school restructuring, providing tutoring services, etc. can be hefty. However, the main costs are incurred in initial compliance. First, the cost of developing assessments is high. According to the U.S. General Accountability Office, if states only developed multiple-choice exams – the least effective and least expensive form of assessment – they would spend a combined 1.9 billion dollars (2003, 3). After development, tests must then be administered and scored, incurring further costs – i.e. are they administered via computer or printed? From there, states must also develop extensive data systems from which to analyze and store individual student scores, aggregate and then re-disaggregate them by the required subgroups, and report the data to the public and federal government.

In the decision process described above, a state would comply if the costs of compliance (estimated percentage of failing schools included) were less than the costs of losing the federal funding. Of course this model is simplified and there are many more "benefits" and "costs" than federal funding. There are political influences that likely factor into compliance decisions. Although funding often becomes one of the main points of contention, there are also political consequences to publishing student achievement. In particular, defining an individual school as "in need of improvement" can anger the school's surrounding community, and the overall percentage of schools "in need of improvement" can shock a statewide constituency, leading to electoral consequences for state level officials, such as the governor. Assessments, in and of themselves, are also hotly debated, especially if tied to teacher evaluation, which is strongly disliked by teachers' unions (Disare 2016).

C. The Politics of No Child Left Behind

As one of President Bush's central platforms in the 2000 election, he quickly introduced and championed NCLB as part of his compassionate conservatism (DeBray, McDermott, and Wohlstetter 2005, 6). Because the Republican Party is often defined by its belief in limited government, one might have expected NCLB to constrain the federal role in the education. However NCLB is by far the largest federal intervention into education, a stark shift from previous incremental change (McDermott and Jensen 2005, 40; Krane 2007, 4). The expansion was "extraordinary given the longstanding opposition of conservatives and states' rights advocates to federal influence in education," and surprising given that a Republican rather than Democratic President introduced NCLB (McGuinn 2005, 43-44). NCLB also passed with bipartisan support; out of the 87 yeas in the Senate, 44 were

Republican, 43 were Democrat.[7] Combined, these elements paint an unclear partisan picture for NCLB.

Despite the bipartisan beginning, once it reached state and local actors, NCLB was quickly challenged (Krane 2007, 2-4). Under NCLB, the federal government "encouraged" states to adopt their education plan by threatening loss of funding. Many states cited it as an unfunded mandate, requesting third party studies to discover the full monetary cost of compliance, and the National Council of State Legislatures propositioned a law firm to discover how NCLB might be legally challenged as an unfunded mandate (McDermott and Jensen 2005). Some states found that full implementation would cost not just federal money, but also dip into state funds, and Utah passed legislation "declaring the state's education law would have precedence over NCLB" (Mantel 2005, 471; Krane 2007, 3). NCLB went from finding "a receptive audience in Congress," to being despised by many state and local governments (DeBray, McDermott, and Wohlstetter 2005, 6).

IV. Theories of Compliance

How do state characteristics affect compliance with NCLB? I argue that state compliance is a function of both state capacity and state-level politics. Expository literature has been written on compliance with NCLB. Some studies touch upon the political factors, others touch upon the capacity of states. However, few studies take an empirical look at a totality of indicators traversing both politics and capacity.

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[7]Although outside the scope of this paper, Elizabeth DeBray-Pelot wrote an essay (citation below) giving an in depth discussion of how NCLB was passed by ignoring many old interest groups and traditional voices in education reform, and forming a new coalition around NCLB.

DeBray-Pelot, Elizabeth. "Dismantling Education's "Iron Triangle:" Institutional Relationships in the Formation of Federal Education Policy between 1998 and 2001." *To Educate a Nation: Federal and National Strategies of School Reform*. Ed. Carl F. Kaestle and Alyssa E. Lodewick. Lawrence, Kan.: U of Kansas, 2007. 64-89. Print.

The rhetoric around NCLB at the state level was negative. Thirty-eight states, both Democratic and Republican, took some sort of legal or legislative action against NCLB, primarily under the claim that it was an unfunded mandate (Shelly 2007).[8] Connecticut alleged, "it would have to spend $41.6 million of its own money to comply with the law" (Mantel 2005, 478). NCLB was unpopular, perceived as an unfunded mandate, and difficult to comply with, creating a complex system of (dis)incentives for state actors to comply. I develop hypotheses regarding several state capacity and political traits: state wealth, racial and ethnic diversity, state educational achievement, state education budget percentages from the federal government, gubernatorial partisanship, election year, and teachers' union strength.

A. Capacity Indicators

I define capacity as state characteristics and resources that limit or enhance a state's ability to take certain actions, in this case assessment compliance. I consider the four variables, wealth, diversity, educational achievement, and state education budget breakdown, as capacity indicators. Many states described the bill as an unfunded mandate, placing funding at the forefront of rhetoric surrounding NCLB (Shelly 2007). For example, Ohio's Department of Education stated that the annual cost of implementing NCLB was $1.5 billion, despite receiving $44 million from the federal government (Mantel 2005, 480). I chose these four variables as an indication of capacity, because they contribute to the calculation of the cost of compliance. A state's wealth is the most basic capacity variable. If a state has a low income or too much debt, there may simply be no way to afford compliance. Percentage of federal funding, as a measure for reliance on federal funds,
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[8] For the purpose of this study, Democratic and Republican states are defined by the partisanship of their governor. I also operate under the traditional understanding that Democrats support an extensive federal government, whereas Republicans support a more limited government.

works similarly. A state's diversity and educational achievement affects the estimated number of schools that might fail and require sanctions, contributing to the potential cost of compliance, and may also have electoral consequences.

1. Wealth Hypothesis

I hypothesize that poor states and wealthy states will be less likely to comply than states with medium finances. I use two measures of wealth: debt per capita measures the wealth of a state's government, and personal income per capita measures the wealth of a state's residents. In my argument, I treat these two measures as having the same general effect on compliance. If a state is poor (high debt and/or low personal income per capita) they may be unable to comply. Despite the fact poor states may also significantly rely on federal funding, the costs of developing and administering rigorous assessments, as well as subsequent sanctions, are extensive and may not be feasible. A wealthy state (low debt and/or high personal income) is also less likely to comply, because they are not reliant on federal education funding and can supplement money lost with state or local funds. The loss of minor federal funds would be compared to both the hassle and expense of compliance, which many states found to be far-reaching (United States General Accountability Office 2003). A state in the middle-income range (median debt and/or median personal income) is the most likely to comply, because they have the financial ability to comply, yet still maintain a level of reliance on federal funding.

2. Diversity Hypothesis

I hypothesize that high diversity states will be less likely to comply than low diversity states. Soss et al.'s study on state variation in welfare, finds that states with larger minority populations, especially Black, adopt more punitive and restrictive measures.

Although education and the welfare state are not often discussed together, it is worth extending Soss et al.'s findings to this paper, especially because one of the goals of NCLB is to raise minority achievement and ensure equal education for all students. Due to the large and growing achievement gap, schools with high minority populations tend to have lower standardized tests scores. The National Center for Education Statistics issued a report on the effect of school racial composition on the Black and White achievement gap. They found that "the achievement gap was not different" between schools with high density Black populations, which tend to be higher poverty, and schools with low density, which tend to be lower poverty (2015, 1). Further, Hispanic/Latino populations have a higher percentage of English language learners. English language learners require additional supports and types of testing. NCLB tolerates only a small amount of students, 5% (usually Special Education and English language learners), in a state opt out of testing. States with large populations still learning English may be unable to have the entire population opt out of testing, holding English learners to the same standards as native English speakers. This is thought to bring down student proficiency rates, requiring more schools to implement sanctions. It would be more expensive for states with high levels of diversity to comply, due to the potential for more schools to be "in-need-of-improvement."

Beyond these financial considerations, it may also be politically embarrassing for a state with high diversity to comply. As discussed above, a high diversity state will most likely have a significant achievement gap between White and minority students. NCLB required the publishing and reporting of educational achievement data at an unprecedented level, including, for the first time, data disaggregated by race at the local, state, and national level. A state may not want to officially publish the existence of this

achievement gap. A large achievement gap, especially in comparison to other states, can be depicted as involving racist undercurrents and an inability, or even refusal, to provide adequate education for all students, a value present since *Brown v. Board of Education* (Labaree 2010). Data publishing could also contribute to negative electoral consequences for both state and local level elected officials, as minority populations respond to the failure of the state to support their children – Black and Hispanic women, in particular, place education in their top 5 priorities.[9]

3. Educational Achievement Hypothesis

To indicate educational achievement, I turn to the National Assessment of Educational Progress, a national level exam given to a representative sample of students in each state. I specifically look at the average percentage of students who demonstrate below basic proficiency on math and reading. Under NCLB states develop their own assessments and definition of AYP. To account for this variability between state assessments, I make the assumption that NAEP proficiency is similar to proficiency on state exams.

I hypothesize that a state with low NAEP scores is less likely to comply than a state with a high NAEP score. Under the assumption that NAEP and state assessment proficiency are similar, a state with a low NAEP proficiency levels will have a higher percentage of students, and therefore schools, fail state assessments. Under NCLB, schools that continue to fail require sanctions, costing additional money and increasing the cost of compliance. A low achieving state will therefore be less likely to comply with NCLB. If a state scores high on the NAEP, a higher percentage of schools will pass state assessments and will not

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[9] Survey results are from a Center for American Progress 2016 poll of Black and Latina Women Voters in Battleground States, for results view https://cdn.americanprogress.org/wp-content/uploads/2016/06/08170610/CAP-2016-Wmn-Svy-Toplines-002.pdf

require sanctions. Therefore, complying with NCLB is less expensive for states with high educational achievement.

This capacity indicator may also have political ramifications. Similar to the discussion of the achievement gap discussed in the *diversity hypothesis*, if a state has low educational achievement overall, they will have to designate a high percentage of the state's schools as "in-need-of-improvement." A state may not want to officially publish that the government is failing to provide adequate education for their residents, especially because education is hailed as the equalizer and opportunity provider in the United States (Labaree 2010).

4. Education Budget Hypothesis

The last capacity variable I take into consideration is state education budgets, specifically the percentage of funds that come from the federal government and Title I program. I include state education budgets to account for the varying structures of state education systems. I hypothesize that states, which receive a large percentage of federal education funding and/or a high percentage of Title I funding, will be more likely to comply than states with smaller percentages of federal and/or Title I funding. If a state does not comply, they stand to lose a portion of federal education funding. Therefore, if a state's education system is more reliant on federal funds, the cost of losing the funding may be more expensive than compliance. I isolate Title I funding because it is designated to provide extra monetary support for schools with a high level of low-income students, who tend to demonstrate less academic proficiency (Lacour and Tissington 2011, 522). Because of this, a state that receives a lot of Title I funding may feel more equipped to handle the provisions of NCLB than a state that has not received substantial Title I funding.

B. Political Indicators

As discussed in the Section III.C., the politics surrounding NCLB are complex. Passed at the national level with bipartisan support, NCLB was soon criticized by state and local officials, who had strong reactions to the increase of requirements. Although President Bush was Republican, NCLB's expansion was more characteristic of a Democratic agenda. This created a unique political situation at the state level, which I account for in this section. I consider three political variables, gubernatorial partisanship, presence of an election year, and teachers' union strength. Gubernatorial partisanship considers the influence of either party loyalty or party ideology. Presence of an election year takes electoral incentives into account, and teachers' union strength looks at the effect of one of the largest interest groups in education.

5. Gubernatorial Ideology Hypothesis

I hypothesize that states with Democratic governors are more likely to comply than states with Republican governors due to the ideological framework of the bill. NCLB was one of the first extensive pieces of legislation introduced and championed by Republican President George W. Bush (DeBray, McDermott, and Wohlstetter 2005, 6). However, as the largest federal intervention into education, NCLB aligns much more with the Democratic Party's belief in a strong federal government than with Republican support of limited government. According to Cox and McCubbins political parties are most unified on president's proposals and issues central to party brand name (1993). However, in the case of NCLB, the president's proposal did not align with his party's ideology. Rather than remain loyal to President Bush, state stayed true to their party's ideology, perhaps due to the partisan confusion and NCLB's unpopularity.

6. Election Year Hypothesis

In gubernatorial election years, compliance should decrease due to the public criticism surrounding NCLB. A little under two-thirds of news articles from 2003-2005 expressed negative rhetoric regarding NCLB.[10] In 2009, 25% of Americans thought NCLB actively made education worse off, another 39% thought it simply did not make much of a difference.[11] Elected officials, such as the governor, count votes as one of the highest rewards (Smith et al. 2013, 95-98). Numerous studies have also found elected officials are more sensitive to constituents' preferences in an election year, taking advantage of voters' shortsightedness and tendency to vote on the most recent atmosphere (Bartels 2008, 98). For example, Kubik and Moran found that state governors are more likely to confirm an execution of a defendant in an election year (2003). This is consistent with Gallup Polls regarding the death penalty over the past 15 years in which an average of 43% of respondents thought the death penalty was not imposed enough.[12] With votes at stake, a governor up for reelection should be less likely to comply with NCLB than a governor who does not have to consider electoral consequences during a nonelection year.

7. Teachers' Union Hypothesis

Several studies regarding teachers' unions assert that "[Teachers'] unions'…act as an interest group advocating for policies that favor their members and the union itself. Teachers' unions have considerable resources…drawn for the most part from…sheer size…and from the dues each of these members pay" (Cowen and Strunk 2014, 13). With these resources in mind, I hypothesize that as teachers' union strength increases,

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[10] News article analysis is from a broad LexisNexis search for "No Child Left Behind"

[11] The survey results are from a Gallup Poll on NCLB, http://www.gallup.com/poll/156800/no-child-left-behind-rated-negatively-positively.aspx

[12] For Gallup Polls on the death penalty: http://www.gallup.com/poll/1606/death-penalty.aspx

compliance will decrease. Teachers' unions have demonstrated a strong dislike for NCLB. The largest teachers' union in the nation, National Education Association, filed a lawsuit against NCLB in 2005 (Keller 2005). In a poll of 5,600 public school teachers, only 1% believed NCLB was effective, 37% of those polled found assessments "somewhat useful," but another 42% thought assessments were "not at all" beneficial.[13] Teachers' unions also have an incentive to maintain the status-quo, because they hold a position of power in the current system (Moe 2003). NCLB completely threatened to overturn the status quo. Due to unions' dislike of NCLB, as teachers' union strength increases, compliance should decrease.

Ultimately, these characteristics do not operate in isolation. The politics of NCLB can be informed by both partisan ideology and state capacity. The bill's complex departure from normal partisan ideologies and its unpopularity at the state and local level, created unique political and capacity situations in each state based off a combination of the factors discussed above. This argument may seem specific to NCLB. However, as federal intervention increases, especially into traditionally state areas, I argue that capacity, alongside political considerations, affect a state's decision to comply.

V. Data and Methods

My dependent variable is a binary indicator of compliance with NCLB's assessment component. Cases are each state in each year from 2006 to 2010. I consider the effect of a wide variety of state-level capacity and political indicators: wealth, diversity, educational attainment, education budget, gubernatorial partisanship, election year, and teachers' union strength. In this original dataset, I also included additional control variables for the

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[13] Data is from a 2007 Teachers Network survey, for full results view http://teachersnetwork.org/tnli/survey_highlights.htm

year and path dependence. To test how these variables influence state compliance, I utilize logistic regressions.

A. Dependent Variable

I define assessment compliance through the Standards and Assessment Approval Letters sent by the U.S. Department of Education to each state's Chief State School Officer.[14] A peer review board and the Education Department checked assessment quality and determined the level of compliance, which could range from Full Approval, Full Approval with Recommendations, Approval Expected, Approval Pending, and Not Approved. For this study, I combined these statuses into two groups, compliance (Full Approval and Full Approval with Recommendations), or noncompliance (all other categories), which was then coded as a binary variable, 1 or 0 respectfully.

The Department of Education sent approval letters to states starting in 2005 (the year completion of state assessment systems was required), and, for states with particularly long approval processes, continued through the 2010-2011 school year. In 2008, states were also required to add science assessments. Some states alternated back and forth on compliance, while other states switched once they gained control of their assessment systems, and some maintained compliance or noncompliance for all 4 years. Not all states received final confirmation regarding their assessment approval, so there are 22 missing values out of an N = 250, which I treated as missing. I also removed Nebraska from the dataset, due to the state's unique unicameral legislative system. The mean of the dependent variable is .63, meaning that nearly two-thirds of the cases (state/years) saw compliance. Table 1 contains the breakdown of state movement on compliance over the 4

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[14] http://www2.ed.gov/admins/lead/account/nclbfinalassess/index.html

years considered. 42% of states simply switch to compliance, which may simply suggest a delay in logistical readiness to comply. However, a quarter of states either switched to noncompliance or stubbornly maintained noncompliance, a substantial challenge to NCLB. The remaining third of states either alternate or maintain compliance.

TABLE 1. State Compliance Movement Breakdown from 2006-2010					
	Alternating	**Switch to Compliance**	**Switch to Noncompliance**	**Maintain Compliance**	**Maintain Noncompliance**
Number of States	8	21	3	8	10
Notes: N=50. A state's "compliance movement" is based off the years available for that state. At least two years per state are available.					

B. Independent Variables

I consider several independent variables. First, I consider the wealth of a state defined through debt and personal income per capita. I then look at state diversity, through the proportion of a state's population that are either Black or Hispanic/Latino (the two groups most affected by the achievement gap). I utilize the National Assessment of Educational Progress (NAEP) to measure state educational achievement. State education budget breakdown accounts for reliance on federal education funding. Party loyalty versus party ideology is measured by governor partisanship, Republican or Democrat. Gubernatorial election year measures the effect of electoral politics. Lastly, teachers' union strength, as a robust lobbying force in education politics, represents the influence of interest groups.

I argue that both rich and poor states will be less likely to comply, whereas medium wealth states will be more likely to comply. The two indicators included are debt per capita

and personal income per capita collected from 2006 through 2010.[15] As debt per capita becomes a negligible amount below the mean (one standard deviation below) or increases to large sums above (one standard deviation above), states should comply less, whereas if state debt remains around the mean compliance should increase. Personal income per capita should demonstrate a similar relationship. With this in mind, I hypothesize that both economic variables will have a u-shaped relationship with compliance. To test this non-linear hypothesis, I categorize debt and personal income per capita into high, medium, and low, based on whether they fall in the top, middle, or bottom third of the distribution. A regression was also run with the continuous form of these variables.

I define state diversity through Black and Hispanic/Latino populations from the 2001 Census.[16] As one or more of these populations increase I argue that compliance should decrease.

To maintain the same definition of educational achievement across states, I use NAEP 4th grade math and reading scores from the 2005-2006 school year.[17] I average the percentage of students who score with below basic proficiency in those subjects. As the percentage of students who score below basic decreases, compliance should increase.

I focus on the proportions of a state education budget that come from the federal government or Title I funding.[18] The data is from 2006-2010. I expect both forms of funding to have a positive relationship with compliance. As a state receives more money from the federal government, they will be more likely to comply.

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[15] Wealth data is from the United States Bureau of Economic Analysis and Ballotpedia.com and was collected for all years included in this study.
[16] Racial break down is from the United States Census Bureau, specifically from the 2001 Census.
[17] NAEP proficiency percentages are from the National Center for Education Statistics, and were collected for the 2005-2006 school year. The NAEP is taken by a representative sample of students from every state and territory.
[18] State education budgets were pulled from the Public Elementary–Secondary Education Finance Data collected by the United States Census Bureau.

Governor partisanship is collected for 2006-2010, which I transform into a dummy variable.[19] I argue that a state with a Democratic governor is more likely to comply than a state with a Republican executive – party ideology over party loyalty.

To account for electoral considerations and influence, I include a dummy variable for governors' election year.[20] When it is a gubernatorial election year, the year is given a value of 1, when it is not an election year, the year is given a value of 0. I expect compliance to decrease in an election year.

The last variable, teachers' union strength, is ranked on a scale from 1-5, with 1 as the strongest and 5 as the weakest. The scale was created and each state ranked via a 2012 Thomas B. Fordham Institute report.[21] As teachers' union strength increases (the numerical value on the scale decreases), I expect compliance to decrease.

Other control variables are used to avoid omitted variable bias and control for variations across states. These variables include the year (2006-2010) and a dummy variable for compliance-the-year-prior. The year is included to account for natural variation over time. The variable, compliance-the-year-prior, is included to account for path dependence. Compliance does increase overall from 2006 to 2010. Because of this increase, I expect the variable for prior compliance to have a positive relationship with compliance.

VI. The Intersection of Capacity and Politics

My main argument is both political indicators and capacity variables play a role in the politics and cost of NCLB compliance. I run three different logistic regression models,
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[19] Gubernatorial partisanship was collected from Ballotpedia.org for all years included in this study, with some additions from auxiliary sources.
[20] Election year data is from MultiState Associates Incorporated (https://www.multistate.com/) and CNN (http://www.cnn.com/ELECTION/2006/pages/results/governor/full.list/)
[21] Winkler, Amber, Janie Scull, and Dara Zeehandelaar. *How Strong Are U.S. Teachers' unions: A State-by-State Comparison*. Washington D.C.: Thomas B. Fordham Institute, 2012. http://files.eric.ed.gov/fulltext/ED537563.pdf

summarized in Table 2. All models include the variables within my argument. Model 1 serves as my base model, in which I ground the majority of my analysis. This first model accounts for the u-shaped relationship I expect wealth to have with compliance. States' personal income and debt were split into thirds and categorized into high, medium, and low. Models 2 and 3 slightly deviate from the first model. Model 2 uses non-categorized wealth data: continuous variables for debt and personal income per capita. Since there is a general trend towards compliance over time, Model 3 includes an additional dummy variable to account for if a state complied the year before.

In at least two regression models, wealth indicators, Hispanic/Latino population, governor partisanship, election year, and/or union strength are statistically significant. Educational achievement and education budget variables, however, are statistically insignificant across all models.

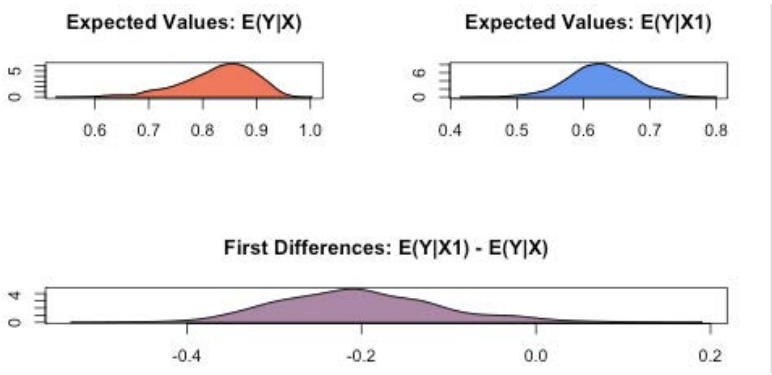
In Model 1, high levels of debt, low levels of personal income, and Hispanic/Latino population are statistically significant. High levels of debt and low levels of personal income signify a poor state. These wealth variables have a positive relationship with compliance. In my *wealth hypothesis*, I argued that wealth had a u-shaped relationship with compliance, or wealthy and poor states would comply at lower rates, while middle income states would be the most likely to comply. However, my model points away from that hypothesis suggesting that poorer states are more likely to comply. Based on simulations from Model 1 and illustrated in Figure 1, states with high amounts of debt are around 20% more likely to comply than states with low amounts of debt. There is a similar difference between states with low and high personal income. Although compliance with NCLB is

TABLE 2. State Compliance with No Child Left Behind (2006-2010)			
Variable	**Model 1**	**Model 2**	**Model 3**
Governor Democratic Partisanship	0.866**	0.810**	0.677*
	(0.371)	(0.364)	(0.403)
Governor Election Year	-0.868*	-0.972**	-1.052**
	(0.476)	(0.471)	(0.496)
Black Population Proportion	1.926	1.785	0.905
	(2.437)	(2.408)	(2.647)
Hispanic/Latino Population Proportion	-5.923**	-5.412**	-6.280**
	(2.613)	(2.576)	(2.856)
Personal Income Per Capita (logged)		-0.581	
		(2.066)	
Personal Income Category High	0.341		0.849
	(0.543)		(0.589)
Personal Income Category Low	0.834*		0.547
(Omitted Variable = Personal Income Category Medium)	(0.506)		(0.544)
Debt Per Capita (logged)		1.903**	
		(0.903)	
Debt Category High	1.106*		0.917
	(0.580)		(0.632)
Debt Category Low	-0.637		-0.741
(Omitted Variable = Debt Category Medium)	(0.487)		(0.514)
Education Budget Percentage: Federal	4.564	3.599	6.323
	(7.960)	(8.174)	(8.595)
Education Budget Percentage: Title I	-4.015	-1.503	-8.195
	(23.745)	(23.967)	(24.946)
Teachers' Union Strength	0.466**	0.480**	0.458**
(1 = Strongest, 5 = Weakest)	(0.177)	(0.176)	(0.196)
NAEP Average Score: Percentage Below Proficient	-2.202	-1.303	0.403
	(4.185)	(4.026)	(4.476)
Complied the Year Before			2.526**
			(0.569)
Year 2006	-3.394**	-3.130**	-1.148
	(0.787)	(0.770)	(0.496)
Year 2007	-2.133**	-2.038**	-0.406
	(0.807)	(0.809)	(0.935)
Year 2008	-1.926**	-1.900**	-1.452*
	(0.795)	(0.793)	(0.917)
Year 2009	-0.982	-1.017	-0.295
(Omitted Variable = Year 2010)	(0.867)	(0.869)	(0.839)
Intercept	1.166	-9.546	-1.325
	(1.438)	(20.281)	(1.645)
Observations	223	223	223

* = p-value = .1
** = p-value <.05

Notes: All regressions included are logistic regressions, cases are state and year. The dependent variable is state compliance with the assessment component of NCLB. Table suggests that a complex mixture of political and capacity variables affect state compliance.

Figure 1. Plot of Statistical Difference between High Debt and Low Debt on NCLB Compliance



Notes: States with high debt were more likely to comply than states with low debt. Predicted probability of compliance for states with low debt (in blue) and with high debt (in red) with all other variables held at their means or medians. Differences are presented in the bottom panel (in purple). At the most likely values for each variable, the statistical difference in compliance between the two categories is 20%. Plot is based on simulations and was created with the Zelig R package.

costly, poor states may place higher monetary and political/social value on federal education funding than wealthier states (Shelly 2007; Mantel 2005). The relationship between personal income and debt per capita, federal funding percentage of state education budgets, and compliance, is visually represented in two scatter plots below. In Figure 2, there are 78 cases (state/year) that have below average personal income per capita and above average federal education funding – 74% of those cases comply. In Figure 3, there are 54 cases (state/year) that have above average debt per capita and above average federal education funding – 61% of those cases comply. Although complying with NCLB is expensive, it is wealthy states that have the luxury to view federal funding as politically or economically unnecessary. It also interesting to note that in Model 2, where wealth variables are continuous and not categorized, personal income per capita loses significance. The lack of significance as a continuous variable compared to a concentrated group of low-income states highlights the effect of state poverty.

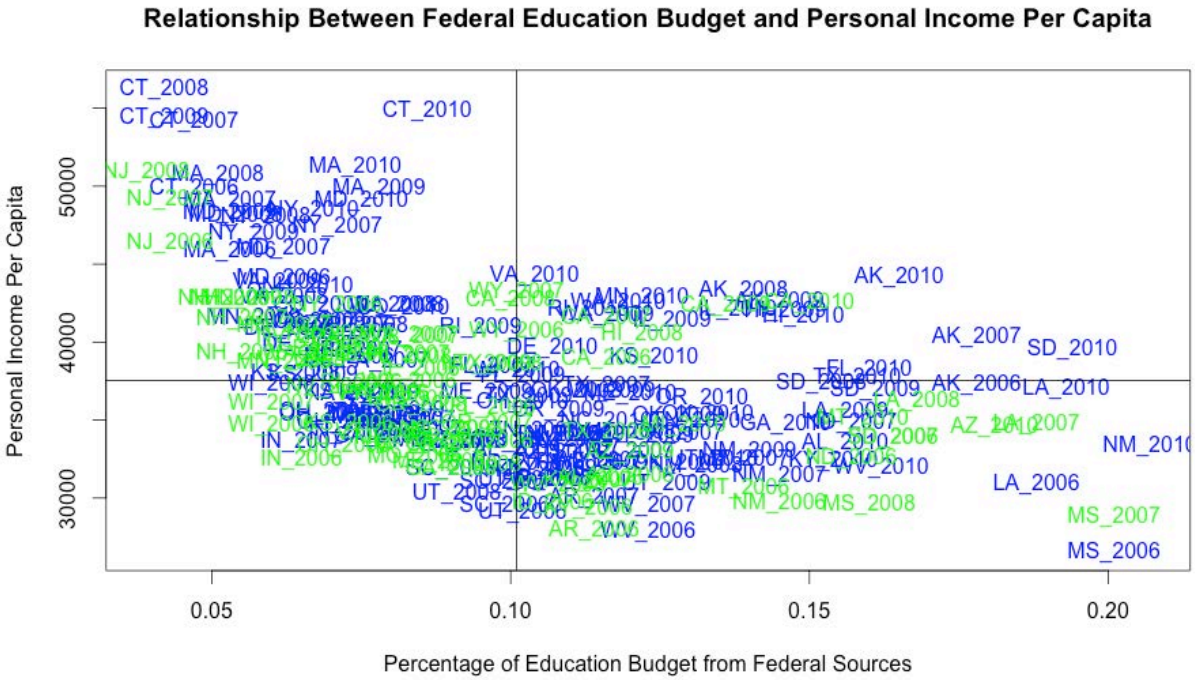


Figure 2. Notes: The horizontal line indicates mean value for personal income per capita ($37530) and the vertical line indicates mean value for education budget percentages (10.1%) over the four years covered in this study. Blue indicates compliance, green indicates noncompliance.

Hispanic/Latino population is statistically significant across all three models, and maintains a negative relationship with compliance. The negative relationship is consistent with my predictions and with Shelly's findings on state legal action against NCLB (2007). The Hispanic/Latino population has a large proportion of nonnative English speakers. The negative relationship perhaps points towards NCLB's requirements for testing English language learners. NCLB only let's a small percentage of students (generally Special Education and English language learners) in a state opt out of testing. States' with large populations who are still learning English may not be able to have the entire population opt out of testing. Therefore, they're still held to the same standards as the native English speaking population. Generally, the thought is this lowers the percentage of students who

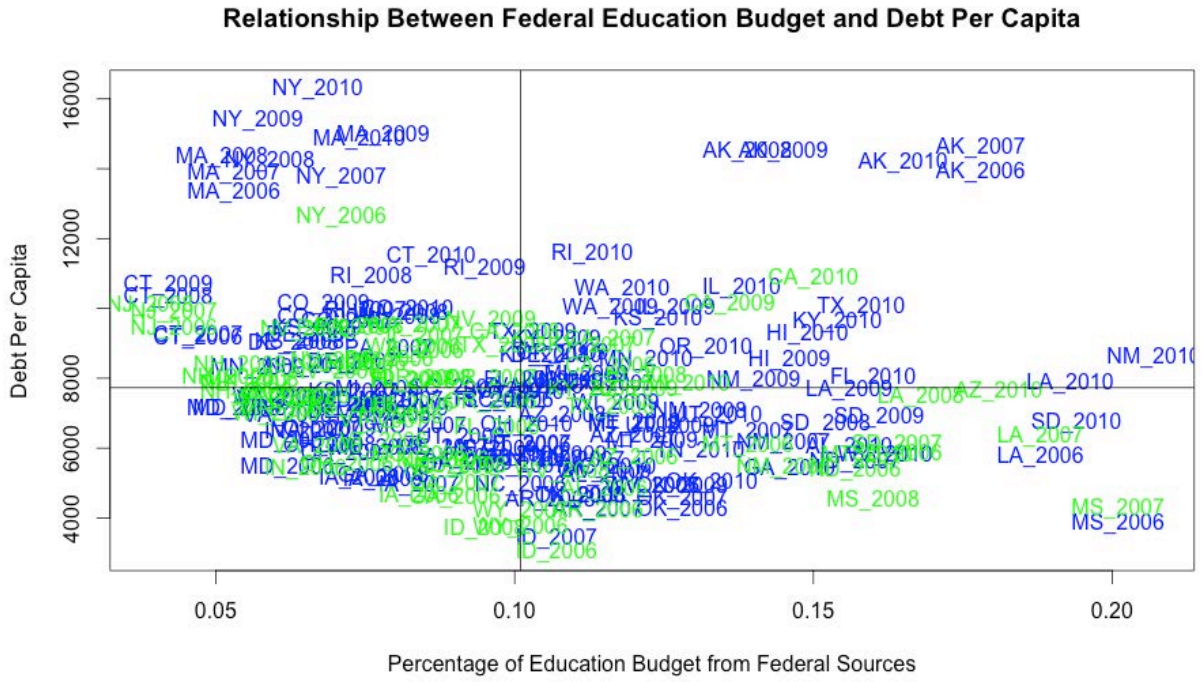


Figure 3. Notes: The horizontal line indicates mean value for debt per capita ($7731) and the vertical line indicates mean value for education budget percentages (10.1%) over the four years covered in this study. Blue indicates compliance, green indicates noncompliance.

demonstrate proficiency, resulting in more schools failing and more potential sanctions. States are allowed to develop assessments in other languages, such as Spanish, but the monetary and time cost of creating assessments is also extensive (Shelly 2007). Although statistically insignificant, it is also worth noting that the Black population actually has a positive relationship with compliance, which is inconsistent with my hypothesis. This positive relationship can perhaps be attributed to NCLB's perception as positive for Black students and families, due to its emphasis on boosting minority students.

Despite the fact that NCLB is an education law meant to focus on educational achievement, these regressions ironically suggest that a state's educational achievement plays only a small role (if any) in a state's decision to comply. NCLB was created to raise educational achievement. However, the lack of statistical significance for educational

achievement suggests that a state's compliance decision was not effected by student performance. There are two other noteworthy possibilities for the lack of statistical significance. One, my basic decision tree model is partially incorrect. I factor in the number of schools who may fail and the potential sanction costs in the total cost of compliance. However, the lack of significance could stress that states focus much more on the upfront costs of creating assessments and reporting mechanisms than on the costs of potential sanctions. The other possibility is the inaccuracy of using the NAEP to measure achievement on state level assessments. NCLB allows states to develop their own standards, assessments, and definitions of proficiency. States could create standards and assessments that represented themselves well to the Department of Education, at least somewhat lessening the amount of failing schools and sanctions. For example, in 2003, Mississippi reported that 88% of their fourth graders were proficient in reading, however only 18% of Mississippi fourth graders demonstrated proficiency on the NAEP.[22] Despite no statistical significance, educational achievement does have a negative relationship with compliance, which is consistent with my hypothesis. State education budget breakdowns were also statistically insignificant, meaning that the budget percentage from the federal government is not substantially considered in a state's compliance decision.

I argued that ideology rather than partisanship would factor into a state's compliance decision. My hypothesis was correct. Democratic governors are more likely to comply than Republican governors. Across all three models, governor partisanship maintained some level of statistical significance. In Model 1, states with Democratic governors are around 20% more likely to comply than states with Republican governors

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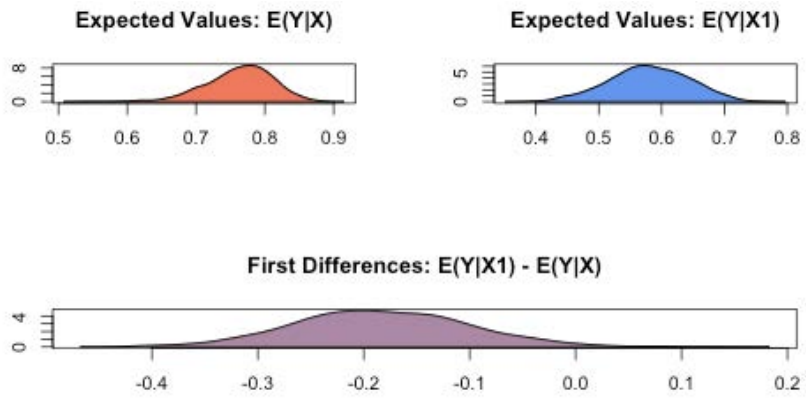
[22] From a comparison between scores on the NAEP and Mississippi tests (http://www.mde.k12.ms.us/osa/map).

(see Figure 4). It is interesting that partisanship remains a statistically significant component, when the party most likely to comply is not that of the president who

Figure 4. Plot of Statistical Difference between Democratic and Republican Governors on NCLB Compliance



Notes: States with Democratic governors were more likely to comply than states with Republican governors. Predicted probability of compliance for states with Republican governors (in blue) and with Democratic governors (in red) with all other variables held at their means or medians. Differences are presented in the bottom panel (in purple). At the most likely values for each variable, the statistical difference in compliance between the two categories is 20%. Plot is based on simulations and was created with the Zelig R package.

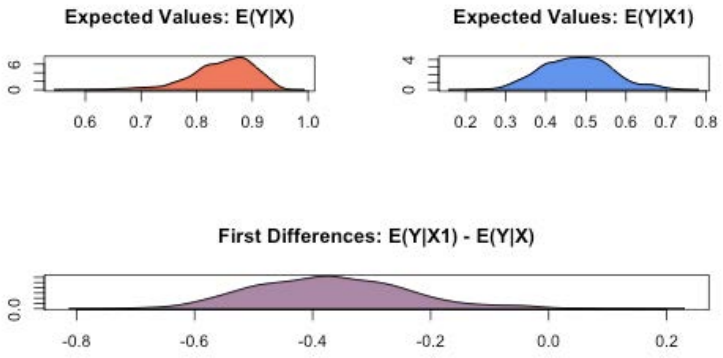
introduced NCLB. This raises some interesting questions outside the scope of this paper about whether presidents can count on the support of states in their party to back pet legislation and initiatives. Another speculation is Democratic states may have more robust taxation systems and might simply have more public funds to comply with. Beyond this speculation, however, the statistical significance of Democratic partisanship points to party ideology, rather than party loyalty, as playing a role in the decision to comply.

In line with my *election year hypothesis*, election year has a statistically significant negative relationship with compliance. When governors run for election, a state is less likely to comply than on a nonelection year. This is consistent with the general negative public rhetoric and opinion surrounding NCLB. In 2009, 25% of Americans thought NCLB actively made education worse off, 39% thought it did not make much of a difference, and

another 14% were not familiar with the law.[23] This points to electoral incentives as contributing to a state's compliance decision, which is consistent with the vast body of literature placing electoral wins as a main "goal" of elected officials (Smith et al. 2013, 95-98).

Teachers' union strength (1=strongest) has a positive statistically significant relationship with compliance, which is consistent with my expectation that states will be less likely to comply when teachers' unions are strong. The largest teachers' union in the nation, National Education Association, filed a lawsuit against NCLB in 2005 (Keller 2005). A state with a union strength rating of 5 (weakest) is about 40% more likely to comply than a state with a rating of 1 (strongest), and 20% more likely to comply than states with a 3 (see Figure 5). This statistically significant positive relationship with compliance perhaps points to the influence of interest groups in a state's response to a federal mandate like NCLB. It might be interesting to further test for a similar relationship between interest groups and ACA state responses.

Figure 5. Plot of Statistical Difference between States with Teachers' Union Rating of 1 and 5



Notes: States with weak teachers' unions were more likely to comply than states with strong teachers' unions. Predicted probability of compliance for states with strong teacher unions (in blue) and with weak teacher unions (in red) with all other variables held at their means or medians. Differences are presented in the bottom panel (in

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[23] The survey results are from a Gallup Poll on NCLB, http://www.gallup.com/poll/156800/no-child-left-behind-rated-negatively-positively.aspx

purple). At the most likely values for each variable, the statistical difference in compliance between the two categories is 40%. Plot is based on simulations and was created with the Zelig R package.

Although not a part of my main argument, the prior compliance variable included in Model 3 is highly statistically significant. The addition of "complied-the-year-before" also shifts the statistical significance demonstrated in the other two models. The variable's positive relationship with compliance was expected and paints a picture of path dependence. Once a state has complied it is likely to continue to comply, rather than to back out. This is consistent with the small percentage of states that alternate between compliance and noncompliance, 16% (see Table 1). This variable has the strongest relationship with compliance, and perhaps signifies that what is required for a state to comply with large federal requirements is simply time to catch up. It is also interesting to note that 2008 maintained a small level of significance even when prior compliance was included in the model. This might be due to the science assessment requirement added that year. States may not have been ready to implement this additional assessment.

There is a complicated mixture of variables that play a role in state compliance with federal intervention and perceived unfunded mandates. Although many of these variables are specific to NCLB and education reform, such as teacher union strength and educational achievement, this mixture of significant political and capacity variables speaks to not one indicator that uniquely affects how states respond to intervention. Perhaps, this combination of capacity and politics speaks to the conjecture that capacity is not always about what a state can accomplish, but is instead a political consideration, effecting electoral consequences. Beyond the scope of this study, but consistent with the complex milieu of variables, partisan ideology might effect how a state considers different capacity variables, such as race, when it comes to federal intervention. A state's decision to comply

with a large federal expansion into a historically state right is complicated, and it may have simply been this complex decision that led to the equally complex rhetoric surrounding NCLB. It is not just politics or capacity that significantly informs a state's position towards federal intervention, it is a combination of the two.

VII. Conclusion

NCLB is the largest federal expansion into the United States' education system in history (McDermott and Jensen 2005; Krane 2007). States perceive new federal interventions as unfunded mandates and are taking unprecedented formal action against these federal requirements. It is important to consider how states interact with such interventions at the basic level of compliance (Shelly 2007; Adler 2011). This paper begins to explore state compliance with federal expansion through the question: under what conditions do states comply or not comply with federal intervention? I use NCLB as a case study, and argue that state compliance is a function of both politics and of state capacity. Ultimately, a complex set of variables demonstrate a statistically significant relationship with compliance: states with high debt and/or low personal income per capita, Hispanic/Latino population, governor ideology, election year, teachers' union strength, and prior compliance. This medley of factors, points to interactions between a state's capacity and political characteristics when it comes to a compliance decision.

This study could expand by accounting for various state decision making structures, or examining in detail how Chief State School Officers and other officials came to their compliance decisions. A few Chief State School Officers are elected instead of appointed. Including such detail may have lent more nuance to the role of party ideology versus party loyalty. I also did not account for the possibility that state actors may anticipate the federal

government might not actually withhold money in the long run (ultimately the federal government did slightly loosen assessment requirements through the introduction of NCLB waivers, and most recently NCLB's replacement by the Every Student Succeeds Act). This paper is also highly specific to NCLB and education reform. Despite these limitations, the majority of variables were statistically significant and provide evidence for a mixture of political and capacity factors.

This study raises additional questions and it would be beneficial to have more studies completed in this area. Some questions go beyond the argument and topic of this paper, such as: can a president count on state governors of the same party to support their pet legislation? A comparative study across multiple federal interventions into historically state areas might also provide more inclusive results. Another layer of analysis might be to bring the study of compliance down to the local level, as officials like the Superintendent of Malborough, Connecticut have complaints of their own. The results of this study have pointed to a complex relationship between state-level capacity, politics, and partisanship, a relationship, which could continue to be explored more specifically and in depth.

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Appendix A. Table of Summary Statistics of Independent Variables

TABLE 3. Independent Variables: Summary Statistics						
Variable	**Minimum**	**1st Quartile**	**Median**	**Mean**	**3rd Quartile**	**Max**
Debt Per Capita	3024	5863	7412	7731	9016	16290
Personal Income Per Capita	26540	33630	36670	3753	41020	56250
Black Population Proportion	0.003	0.031	0.068	0.100	0.151	0.363
Hispanic/Latino Population Proportion	0.007	0.021	0.047	0.080	0.090	0.421
Education Budget Percentage: Federal	0.039	0.073	0.097	0.101	0.121	0.207
Education Budget Percentage: Title I	0.000	0.017	0.022	0.023	0.029	0.047
Teacher Union Strength	1	2	3	2.95	4	5
NAEP Math Score: Percentage Below Proficient	0.090	0.160	0.190	0.198	0.250	0.350
NAEP Reading Score: Percentage Below Proficient	0.200	0.300	0.350	0.357	0.400	0.520
Notes: As binary variables, summary statistics for Governor Partisanship and Gubernatorial Election Year are not included.						

Appendix B. Table of State Characteristics

TABLE 4. Characteristics of States by Compliance Movement

Characteristics of States, Maintain Noncompliance from 2006-2010

State	Governor Partisanship	Black Population	Hispanic/Latino Population	Debt Per Capita	Personal Income Per Capita	Education Budget: Federal	Education Budget: Title I	Teacher Union Strength	NAEP Math Score Below Proficient	NAEP Reading Score Below Proficient
Mississippi	Republican	High	Low	Low	Low	High	High	5	High	High
North Carolina	Democratic	High	Medium	Low	Medium	Medium	Low	4	Medium	Medium
Utah	Republican	Low	High	Medium	Low	Medium	Low	4	Medium	Medium

Characteristics of States, Switch to Compliance from 2006-2010

State	Governor Partisanship	Black Population	Hispanic/Latino Population	Debt Per Capita	Personal Income Per Capita	Education Budget: Federal	Education Budget: Title I	Teacher Union Strength	NAEP Math Score Below Proficient	NAEP Reading Score Below Proficient
Alabama	Republican	High	Low	Low	Low	Medium	Medium	2	High	High
Arkansas	Democratic	High	Medium	Low	Low	Medium	Medium	5	Medium	High
Colorado	Democratic	Medium	High	High	High	Low	Medium	4	Medium	Medium
Georgia	Republican	High	Medium	Low	Medium	Medium	Low	5	Medium	High
Idaho	Republican	Low	Medium	Low	Low	Medium	Medium	4	Low	Medium
Illinois	Democratic	High	High	High	High	Medium	Medium	1	High	Medium
Indiana	Republican	Medium	Medium	Medium	Medium	Low	Medium	3	Low	Medium
Kansas	Democratic	Medium	Low	High	Medium	Low	Low	4	Low	Medium
Maine	Democratic	Low	Low	Medium	Medium	Medium	Medium	3	Low	Low
Michigan	Democratic	Medium	Medium	Medium	Medium	Medium	Medium	2	Medium	Medium
Missouri	Republican	Medium	Low	Medium	Medium	Medium	Medium	4	Medium	Medium
Montana	Democratic	Low	Low	Medium	Medium	Medium	Medium	1	Low	Low
New Mexico	Democratic	Low	Medium	Medium	Low	High	Medium	4	High	High
New York	Democratic	High	High	High	High	Low	Medium	1	Medium	Medium
North Dakota	Republican	Low	Low	Medium	Medium	High	High	3	Low	Low
Ohio	Democratic	Medium	Low	Medium	Medium	Low	Low	2	Low	Medium
Oregon	Democratic	Low	Low	Medium	Medium	Medium	Medium	1	Medium	Medium
Rhode Island	Republican	Medium	Medium	High	Medium	Medium	Medium	1	Medium	Medium
South Dakota	Republican	Low	Low	Medium	Medium	High	High	4	Low	Low
Washington	Democratic	Medium	Medium	High	High	Medium	Medium	1	Low	Low
Wisconsin	Democratic	Medium	Medium	Medium	Medium	Low	Medium	2	Low	Medium

Characteristics of States, Maintain Noncompliance from 2006-2010										
State	Governor Partisanship	Black Population	Hispanic/Latino Population	Debt Per Capita	Personal Income Per Capita	Education Budget: Federal	Education Budget: Title I	Teacher Union Strength	NAEP Math Score Below Proficient	NAEP Reading Score Below Proficient
California	Republican	Medium	High	High	High	Medium	Medium	1	High	High
Hawaii	Republican	Low	Medium	Medium	Medium	High	Medium	1	High	High
Kentucky	Democratic	Medium	Low	Medium	Low	Medium	Low	3	High	Medium
Minnesota	Republican	Medium	Medium	Medium	High	Low	Low	2	Low	Low
Nebraska	Republican	Medium	Medium	Medium	Medium	Medium	Medium	3	Medium	Medium
Nevada	Republican	Medium	High	High	Medium	Low	Medium	3	High	High
New Hampshire	Democratic	Low	Low	Medium	High	Low	Low	3	Low	Low
New Jersey	Democratic	Medium	High	High	High	Low	Low	1	Low	Medium
Vermont	Republican	Low	Low	Medium	Medium	Low	Medium	2	Low	Low
Wyoming	Democratic	Low	Medium	Low	High	Low	Medium	3	Low	Low

Characteristics of States, Maintain Compliance from 2006-2010										
State	Governor Partisanship	Black Population	Hispanic/Latino Population	Debt Per Capita	Personal Income Per Capita	Education Budget: Federal	Education Budget: Title I	Teacher Union Strength	NAEP Math Score Below Proficient	NAEP Reading Score Below Proficient
Alaska	Republican	Low	Medium	High	High	High	Medium	2	Medium	High
Connecticut	Republican	Medium	High	High	High	Low	Low	2	Low	Low
Delaware	Democratic	High	Medium	Medium	Medium	Low	Medium	2	Low	Low
Maryland	Democratic	High	Medium	Medium	High	Low	Low	3	Medium	Medium
Massachusetts	Democratic	Medium	Medium	High	High	Low	Low	3	Low	Low
Oklahoma	Democratic	Medium	Medium	Low	Medium	Medium	Medium	5	Medium	High
South Carolina	Republican	High	Medium	Medium	Low	Medium	Medium	5	Medium	High
Tennessee	Democratic	High	Low	Low	Medium	Medium	Medium	4	High	High

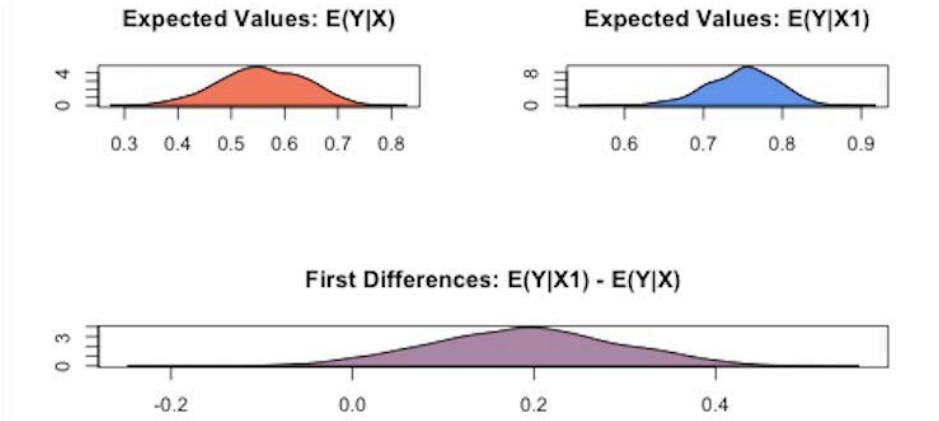
Characteristics of States, Alternating from 2006-2010										
State	Governor Partisanship	Black Population	Hispanic/Latino Population	Debt Per Capita	Personal Income Per Capita	Education Budget: Federal	Education Budget: Title I	Teacher Union Strength	NAEP Math Score Below Proficient	NAEP Reading Score Below Proficient
Arizona	Democratic	Low	High	Medium	Low	Medium	High	5	High	High
Florida	Republican	Medium	High	Medium	Medium	Medium	Medium	5	Medium	Medium
Iowa	Democratic	Low	Medium	Low	Medium	Low	Medium	3	Low	Medium
Louisiana	Republican	High	Medium	Medium	Medium	High	High	5	High	High
Pennsylvania	Democratic	Medium	Medium	High	Medium	Medium	Medium	1	Medium	Medium

Texas	Republican	Medium	High	Medium	Medium	Medium	Medium	5	Low	Medium
Virginia	Democratic	High	Medium	Medium	High	Medium	Low	5	Medium	Low
West Virginia	Democratic	Medium	Medium	Low	Low	High	High	2	High	Medium

Notes: Variables (excluding partisanship and union strength) have been split into thirds and categorized into high, medium, and low for comparison between states. For variables collected over multiple years, this table uses the value from 2008 as the middle year. For a simple table of compliance movement see Table 1.

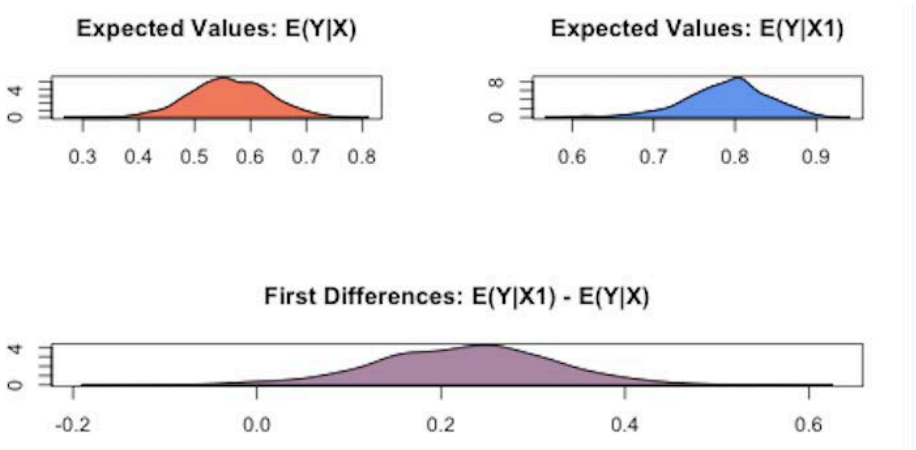
Appendix C. Plots, Not Included in Section VI, of Statistical Difference between Significant Variables

Figure 6. Plot of Statistical Difference between of Gubernatorial Election Year and Non-Election Year on NCLB Compliance



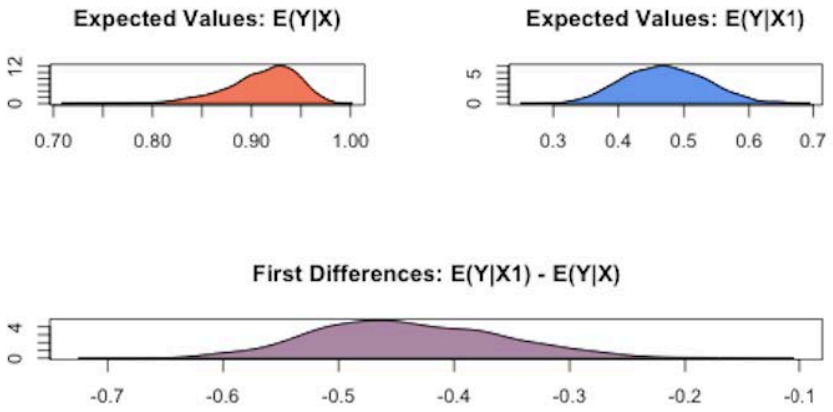
Notes: States in a gubernatorial election year are less likely to comply than states not in an election year. Predicted probability of compliance for states not in an election year (in blue) and in an election year (in red) with all other variables held at their means or medians. Differences are presented in the bottom panel (in purple). At the most likely values for each variable, the statistical difference in compliance between the two categories is 20%.

Figure 7. Plot of Statistical Difference between High Hispanic/Latino Population Proportion and Small Hispanic/Latino Population Proportion on NCLB Compliance



Notes: States with large Hispanic/Latino populations are less likely to comply than states with small Hispanic/Latino populations. Predicted probability of compliance for states with small Hispanic/Latino populations (in blue) and with large Hispanic/Latino populations (in red) with all other variables held at their means or medians. Differences are presented in the bottom panel (in purple). At the most likely values for each variable, the statistical difference in compliance between the two categories is 25%.

Figure 8. Plot of Statistical Difference between Complied the Year Before and Did Not Comply the Year Before on NCLB Compliance



Notes: States who complied the year before are more likely to comply than states with who did not comply the year before. Predicted probability of compliance for states that did not comply the year before (in blue) and states that did comply the year before (in red) with all other variables held at their means or medians. Differences are presented in the bottom panel (in purple). At the most likely values for each variable, the statistical difference in compliance between the two categories is 47%.