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SECONDARY EDUCATION IN THE USA: THE RETROSPECTIVE ANALYSES OF LEGISLATION

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The purpose of the article is to analyze the key laws in education that over the past decades have shaped the educational policy of the United States. It was revealed that the result of the American educational policy is that today the average graduate ratings are the highest, the rate of decline is minimal. These achievements provide a solid foundation for further work to expand educational opportunities and improve learning outcomes. It is concluded that the current legislation forms the guidelines for the development of modern American education, structuring it according to trends, such as improving quality by optimizing accountability at all levels and ensuring equal access to quality education by introducing special programs at the federal and state levels. Educational policy in the United States is focused on meeting the individual and national needs of society.

A quality education for every child depends on highly qualified teachers who keep students at a high level, on a regular assessment to see what works and what doesn't. It depends on the parents involved, armed with choice and information. Today we see a new striving for excellence, caused by the Law «No Child Left behind Act». Of course, there are new problems. Students' interest in science and technology is declining as other countries seek to fill this gap. But for the first time in a long time, America considers itself responsible for the results. Thanks to significant federal and state-level reforms and innovations at the state and local levels, education in the United States is constantly evolving and growing. The country seeks to help children unleash their high potential, both individuals and citizens in a world where freedom is on the verge.

Key words: key laws, legislation, learning outcomes, educational policy, strategies

Метою статті є аналіз ключових законів в освіті, які протягом останніх десятиліть формують освітню політику США. Виявлено, що, результатом американської освітньої політики є те, що сьогодні середні рейтинги випускників є найвищими, темпи падіння – мінімальними. Ці досягнення



забезпечують міцну основу для подальшої роботи щодо розширення можливостей освіти та покращення результатів навчання. Зроблено висновок, що чинне законодавство формує орієнтири розвитку сучасної американської освіти, структуруючи його за тенденціями, як підвищення якості шляхом оптимізації підзвітності на усіх рівнях та забезпечення рівного доступу до якісної освіти шляхом запровадження спеціальних програм федерального рівня та рівнів штатів. Освітня політика у США орієнтована на задоволення індивідуальних та національних потреб суспільства.

Ключові слова ключові закони, законодавство, результати навчання, освітня політика, стратегії

Introduction. The United States consists of 50 states, five territories and the District of Columbia. Education in the United States is highly decentralized. Each state has the authority to develop and implement educational policies within its jurisdiction, unless such policies violate the provisions of the U.S. Constitution or federal law. In most states, education is addressed in the state constitution, and state legislatures have ultimate power over education. These powers include the legislation adoption on education and the public funds allocation for education. The Tenth Amendment to the United States Constitution (1787) states: «Powers which is not delegated by the Constitution of the United States and is not prohibited by it (states) belong to the states or the people, respectively» Therefore, the general authority to establish and manage public schools is reserved for the states. There is no national school system and no national framework laws that prescribe curricula or control most other education aspects. The federal government, while playing an important role in education, does not establish, license, or manage educational institutions at any level (Corsi-Bunker, 2017).

Materials and methods. To solve certain problems and achieve the goal, the following methods were used: analysis, synthesis, and comparison, generalization (for studying and generalizing the scientific literature on the specific scientific methodology of the problem, conducting a categorical analysis of basic concepts and determining the relationship between them). The methods of generalization and comparison made it possible to analyze secondary education in the United States through the prism of legislation

Main part. The decentralized education policy of the United States dates back to the early history of the United States. In the 17th and early 18th centuries, the territory that was to become the United States was established as separate colonies founded by settlers from several European countries. In the 13 British colonies that formed the primary United States, colonial governments or, in some colonies, local communities were responsible for education. In each locality it was customary to create and maintain their own schools and to teach their children according to their own priorities, values and needs. This story helps to explain why state and local governments today retain primary responsibility for the primary and secondary education management in the United States.



Typically, state legislatures delegate significant policy-making powers to the state council for education. State education councils are bodies of citizens appointed by the legislature or the governor, elected by the population depending on the state. The State Council is responsible for approving the national educational policy and determining budget priorities. In some cases, the state council is responsible for all levels of education, including vocational and higher education, while in many states the council concentrates on primary and secondary education (Snyder, Dillow, & Hoffman, 2009).

Most states have a state department of education, which is the executive body of education. The public school principal is usually responsible for overseeing the state department of education and reports periodically to the state council, the legislature, and the governor for education. Depending on the state, this person may be called the manager, commissioner, director or minister of education. Most senior public school officials are appointed by the state council or governor, and some are elected by popular vote. As described above, education is primarily a state and local responsibility. However, the federal government plays a limited but important role in influencing education policies and practices at all levels and across the country (Corsi-Bunker, 2017).

The US Congress is the highest legislative body in the country and passes numerous laws that directly or indirectly affect education. For example, in late 2001, Congress passed the No Child Left Behind Act, which revised the Primary and Secondary Education Act to reflect key principles proclaimed by President George W. Bush, including increasing accountability for results, greater choice for students and parents, greater flexibility and local control, as well as the use of research-based learning (Ruiz de Castilla, 2018).

The Federal Department of Education is the main body of the federal government that enforces laws passed by Congress to support education at the federal level. At the same time, the Department sets policy, manages and coordinates much of the federal financial aid for education in accordance with these laws. In 2005, the department employed more than 4,400 people and had a budget of more than \$72.8 billion. Its stated mission is to «ensure equal access to education and promote the education quality throughout the country» (Corsi-Bunker, 2017).

The department fulfills its mission in two main ways. First, the secretary and the Department play a leading role in the ongoing national dialogue on how to improve education for all students. It includes measures such as raising the population and society awareness about the educational problems facing the nation, disseminating the latest discoveries about what works in teaching and learning, and helping communities to work out solutions to complex educational problems. Secondly, the Department has two objectives: access and advantage through the administration of programs that cover all areas of education and range from preschool education to post-doctoral research (US Department of Education, 2005).

The No Child Left Behind Act (NCLB, signed by George W. Bush in 2002) (Elementary and Secondary Education Act (ESEA), 2001) introduced an education reform based on the high standards philosophy and the specific tasks definition for



schools, which will improve individual outcomes for public school students. The law required states to develop standardized tests and assess all students in designated classes for federal funding. Each state was responsible for developing its own standards. The Common Core State Standards Initiative is a program of state-wide standards in English and high school math. It is an American educational initiative that quantifies English and math in every class from kindergarten to high school.

As part of the liability provisions set forth in the law, «No Child Left Behind Act» set a goal for each child to achieve a qualification level in accordance with state educational standards before the end of the 2013-14 school years. To achieve this, benchmarks have been developed in each state to measure progress and ensure that every child is educated. States are required to conduct annual grades on reading and math for students in grades 3–8 and report on the results, disaggregating among different subgroups so that overall averages do not mask the inability to meet the educational needs of key student groups. The data are analyzed separately for children of different racial and ethnic groups, students with disabilities, students from dysfunctional families and children studying English as a second language. This analysis allows schools to identify groups of students who need extra help to meet state academic expectations (Elementary and Secondary Education Act (ESEA), 2001).

In accordance with the section in the Law «No Child Left Behind Act», schools that do not meet the state's definition of «adequate summer progress» for two consecutive years (at the school level or in any main subgroup) are defined as «in need of improvement», and they assisted in improved training. Annual assessment data helps schools identify subject areas and teaching methods that need improvement. For example, if reading grades do not reach state level, the school knows that it needs to improve the reading program. In the past, these schools may not have received the attention and help they needed to improve the educational process. Due to the fact that not a single child is left behind, each state has committed itself, it will no longer ignore when schools do not satisfy the needs of each student in his care (Elementary and Secondary Education Act (ESEA), 2001).

Improving the academic achievement of disadvantaged grants for states and local school districts and schools with a high concentration of students from low-income families to help them to improve the education of students from disadvantaged families, expand low-grade schools, improve teacher training, and expand parental choices. When it becomes clear that the school is «in need of improvement», school officials should work with parents, school staff, district, and external experts to develop a plan to improve the performance of all students attending school (Hoffman & Llagas, 2003).

The school improvement plan should include strategies based on scientifically based research that will improve the teaching of basic academic subjects, especially in those subject areas, as a result of which the school was identified, which requires improvement. Schools in need of improvement are also expected to develop strategies that facilitate effective parent involvement in the school and include a teacher mentoring program (Nguyen, 2018)

The annual monitoring of children's progress provides teachers with



independent information on the strengths and weaknesses of each child. With this knowledge, teachers can develop lessons to meet each student academic needs and to meet or exceed state-approved standards and targets for program content. In addition, directors can use this data to evaluate learning outcomes, and navigate where the school should invest resources, for example, in professional development. «No Child Left Behind Act» outlines the minimum qualifications required for teachers who work on any aspect of classroom instruction and obliged the states to develop plans to ensure that all teachers of core academic subjects are highly qualified by the end of the 2005-2006 school year (American Association of State Colleges and Universities, 2017).

«No Child Left Behind Act» pays particular attention to the educational programs implementation and practices that have been clearly demonstrated to be effective through rigorous scientific research. Federal funding is intended to support such programs, and schools are expected to use research and evidence of effectiveness to identify and select educational resources, teaching methods, and professional development strategies. For example, under the Reading First program, 1 billion US dollars of federal funds are allocated annually to help reading teachers in the lower grades strengthen old skills and acquire new ones in teaching methods which evidence-based research has proven effective (Ries, Cabrerab & Carriedoc, 2016).

«Every Student Succeeds Act» is the main federal law for K-12 general education. It covers all students in public schools. When it was passed in 2015, ESSA replaced the controversial «No Child Left Behind» (Google for Education, 2019). The two laws are different, but they have some things in common. The Every Student Succeeds Act (Every Student Succeeds Act, 2015) is the main federal law for K-12 general education. It covers all students in public schools. When it was passed in 2015, ESSA replaced the controversial No Child Left Behind (Public Law, 2015).

According to the Law «No Child Left Behind Act», each state must measure the success of each public school student in reading and mathematics in each of the grades 3 to 8 and at least once during grades 10 to 12. In 2007-2008 school year, science learning outcomes. These grades must be consistent with national academic content and achievement standards. They provided parents with objective evidence of strengths and weaknesses in teaching their child. The 2015 Law on Every Student Succeeds Act (Public Law, 2015) signed by President B. Obama, is a significant addition to the 50-year-old Elementary and Secondary Education Act (ESEA). The law underlines a long tradition of commitment to equal access to education. For the first time since the 1980s, the law narrowed the role of the US federal government in primary and secondary education. The ESSA retains the annual requirements of Act 2001 in standardized testing, but transfers federal responsibility to the state level. It was revealed that the result of American educational policy is that today the average graduate ratings are the highest; the rate of decline is minimal. These achievements provide a solid foundation for further work to expand educational opportunities and improve learning outcomes. It is concluded that the current legislation forms the guidelines for the development of modern American education, structuring it according to trends, such as improving quality by optimizing accountability at all levels and ensuring equal access to quality education by introducing special



programs at the federal and state levels. Educational policy in the United States is focused on meeting the individual and national needs of society (Elementary and Secondary Education Act (ESEA), 2001).

The application of federal laws prohibiting discrimination in programs and events that receive federal funds. The Department of Civil Rights (OCR) of the Ministry of Education enforces laws prohibiting discrimination based on race, color, national origin, gender, disability, and age in programs that receive federal financial assistance from the Ministry of Education. These laws include: Section VI of the Civil Rights Act of 1964 (prohibiting discrimination based on race, color, and national origin); Section IX Amendments to Education 1972 (prohibition of discrimination based on sex in educational programs) Section 504 of the Rehabilitation Act of 1973 (prohibiting discrimination on the basis of disability); Age Discrimination Act 1975 (prohibiting age discrimination); and Section II of the Americans with Disabilities Act 1990 (prohibiting disability discrimination by government agencies, regardless of whether they receive federal financial assistance or not) (National Research Council, 2010). The OCR also enforces the Boy Scouts Equal Access Act of America, passed in 2002 under the Neither Underperforming Child Act. According to this law, no public elementary school or state or local educational institution that allows one or more groups outside of youth or the community to meet at school premises or in school facilities should not be denied equal access or fair opportunity to meet or discriminate against any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Section 36 of the United States Code as a patriotic society (US Department of Education, 2005).

The OCR's primary mission is to quickly investigate the applicants' allegations of discrimination and to determine whether civil rights laws and regulations have been violated. OCR also initiates compliance reviews and other proactive initiatives to focus on specific civil rights issues in education, especially those that are acute or national in scope. In addition, OCR seeks compliance by federal recipients by issuing regulations that enforce civil rights laws, developing clear policy guidelines, interpreting these laws, and disseminating this information widely in many different media outlets, including through the Internet, and by directly providing technical assistance, educational institutions, parents, students and others (National Institute on Student Achievement, Curriculum, and Assessment, 1999).

Conclusion. In addition to the above mentioned, education in the United States depends on many people at many levels of government. But it is designed to achieve one result: a quality education for every child. Achieving this goal is not easy. It depends on highly qualified teachers who keep students at a high level, on a regular assessment to see what works and what doesn't. It depends on the parents involved, armed with choice and information. In 1983, the landmark American study, *The Nation in Danger*, was published. He concluded that the US education system is not prepared for the requirements of an increasingly competitive global economy. It took years to agree on what to do at the national level. Today we see a new striving for excellence, caused by the Law «No Child Left Behind Act». Of course, there are new problems. Students' interest in science and technology is declining as other countries seek to fill this gap. But for the first time in a long time, US



considers itself responsible for the results. Thanks to significant federal and state-level reforms and innovations at the state and local levels, education in the US is constantly evolving and growing. The country seeks to help children unleash their high potential, both individuals and citizens in a world where freedom is on the verge.

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