

CLOSE-UP

ON EDUCATION ACCOUNTABILITY



trends • views • insights

INTRODUCTION

Over the last quarter century, a series of education reforms have come and gone leaving little impact on student achievement. These reforms were ignored, poorly implemented, challenged in court, repealed or simply watered down until they were ineffective. This trend in education reform in Louisiana may have been broken with the state's implementation of a school and district accountability program that is showing some positive results in improving student achievement. However, the program is not a miracle cure and will take several years to accomplish its objective of raising the educational achievement level of all students to acceptable levels.

PAR has undertaken a multi-year project to closely monitor the state's implementation of Louisiana's School and District Accountability System, with special attention to its impact on the Orleans Parish School System. The monitoring efforts include following national and other states' developments; attending meetings of the Board of Elementary and Secondary Education (BESE) and its accountability-related subcommittees; tracking proposed policy changes, legislation and legal challenges; and evaluating accountability reports, test results and related documents. The primary purpose of this project is to assure that the accountability reform effort is not compromised or weakened before it has had an opportunity to bear fruit.

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Current Challenges

This report focuses primarily on three major challenges facing the state's School and District Accountability Program. A number of important policy decisions need to be made this year to address these issues. The three major areas of concern include:

1. No Child Left Behind Act of 2001

Louisiana has made a number of major changes in its accountability system to meet demands of the latest reauthorization of the federal education law. The question now is whether the state can accommodate the remaining requirements of the federal law and still maintain the basic elements of its method of measuring school performance and progress which has been implemented and generally accepted.

2. "High Stakes" Testing Policy

The passing score on the state's "high stakes" tests for fourth- and eighth-graders is scheduled to be raised in 2004. Based on recent test results, the new cut-off score would raise the statewide failure rate to roughly 40% for fourth-graders and 50% for eighth-graders (80% in Orleans). This has prompted a proposal to delay implementing the higher passing score, at least for eighth-graders.

3. School Reconstitution

For the first time this fall, a number of failing schools will be entering into level III corrective action, which will require some form of school reconstitution. However, the state lacks constitutional authority to assume operation of a school or to directly undertake other actions to reconstitute a school.

No Child Left Behind Act

Since the 2001 reauthorization of the federal education law—the “No Child Left Behind Act” (NCLB)—there has been great uncertainty as to what extent the new national accountability requirements would replace elements of Louisiana’s existing accountability system. The administration had assured states they would be allowed some flexibility. However, when the regulations were finally promulgated last November, the U.S. Department of Education (USDOE) took a hard-line approach emphasizing that there would be no waivers. Adding to the confusion, the recent approval given to the first five states’ plans indicated that some latitude might be allowed in interpreting the NCLB requirements.

Because Louisiana’s accountability program was so far ahead of those in most other states, it was hoped that the basic design could be kept intact while making some concessions to the new federal requirements. It is too early to give up that hope, but the room for maneuvering may be narrowing. Louisiana is not the only state having problems with the NCLB. Some also have accountability systems in place that they do not want to change. Others, including some of those whose plans have already received federal approval, are starting almost from scratch.

Several states have even threatened to forgo federal funding to avoid the federal accountability requirements. Withholding funds is the federal government’s primary method of securing compliance, but using this club might prove politically difficult. A number of states never did fully comply with requirements of the last federal education act and funding was not withheld. However, the federal government appears to be more committed to achieving compliance with the new act.

Louisiana has filed a preliminary plan with the USDOE indicating the changes it has made or is willing to make in the existing system to accommodate the NCLB. This plan is scheduled for a peer review at the end of March. The peer review will indicate any additional adjustments or changes needed in the state’s accountability program to bring it into full compliance with the NCLB. Following the review, Louisiana education officials will begin negotiations with the USDOE in an attempt to develop an

accountability system that is mutually acceptable. A final plan must be filed in May.

One of the major differences between the state’s accountability program and the NCLB approach is the method of determining school performance. Under the NCLB process, the Annual Yearly Progress (AYP) of subgroups of students would determine a school’s performance rating rather than the average performance of its student body as a whole. The AYP would measure the performance of student groups defined by ethnicity, poverty, English proficiency and disability. If any recognized subgroup at the school failed to make adequate yearly progress in either English or mathematics, the school would fail. The poor performance of a single small group could place a school in corrective action even if all of the other students were performing at the highest level.

On the other side of this issue, Louisiana’s current method of measuring school performance can permit a serious problem with a subgroup to go unrecognized for some time. For example a school with a large gifted and talented program could have a respectable school performance score (SPS) based on the schoolwide average. But this could disguise a very poor performance in the regular program, at least in the short-run. Eventually the problem would come into focus when the gifted and talented students reached their improvement potential and the schoolwide performance growth topped out. In addition, Louisiana’s “high stakes” testing brings accountability down to the level of each individual student regardless of the group they are in.

Initially it was feared that adopting the AYP process would cause many more schools to be labeled as failing and result in parental backlash, further loss of community support, lower morale and demands for even more costly programs to repair the situation. It was seen as effectively dismantling a system of accountability that educators and others generally have come to understand and accept. However, the impact of the change, if required, could be less than originally thought.

Other state plans, already approved by the USDOE, have included refinements that mitigate the

potential for poor performance in a small group of students to negatively affect a school's rating. These include setting minimum numbers for recognized groups (30-40 students in a school) or setting a normal range of statistical deviation within which a small group's measurement could fall. If Louisiana is required to adopt the AYP process, such refinements could sharply reduce the number of additional schools that might have to be labeled academically unacceptable. Future negotiations with the USDOE will likely deal with these issues.

Adaptions to the NCLB

The state has already made or is in the process of making a number of changes in its accountability program to meet various NCLB mandates. For the most part, these modifications have strengthened the state program. The following are some of the important modifications:

Raising the School Performance Bar. The NCLB process uses the annual progress of student subgroups to identify subperforming schools and periodically would raise the bar that must be met. Louisiana continues to use a schoolwide performance measure to label schools. The lowest performing schools are labeled "Academically Unacceptable." Currently, schools with an SPS of 30 or below are in this category. The "bar" of 30 will be raised to 45 for the 2002-03 school year and to 60 for 2004-05. Only schools in this bottom category will be subject to NCLB-mandated sanctions.

Aligning Corrective Actions. Several changes have been proposed to more closely align with the federal model the state's schedule for applying sanctions (corrective actions) to schools that fail to make adequate improvement over time. As a result, more students will be eligible to use public school choice options.

Using Student Subgroup Data. The state is now reporting student progress by subgroup. However, the state is not following the federal mandate to use subgroup performance in determining a school's performance score at this time. There is a proposal to include subgroup performance as an additional indicator to determine if a school receives sanctions.

New Tests. The NCLB requires a test based on the state's content standards each year in grades three through eight, however, Louisiana has only used this type of test (LEAP) in grades four and eight. It uses a nationally normed (Iowa) test in grades three, five through seven and nine. The state is now modifying the Iowa tests by adding content standard-related questions, which will allow limited tracking of a student's performance from year to year as desired by the NCLB. These new tests should be in place by 2006.

Grade Level Expectations. The state is developing formal expectations for each grade, K-12, indicating the expected grade-level performance in English, mathematics, science and social studies. Current content standards are written for groups of grades (K-4, 5-8 and 9-12) as required by the previous federal law.

The difficult balancing act for BESE will be to continue adopting or adapting those elements of the NCLB that are complementary to Louisiana's accountability program while avoiding having to redo the whole program.

Louisiana is in no position to refuse or even jeopardize the receipt of federal education money. However, the state should not jettison its own accountability plan without first making every possible effort to gain concessions from the USDOE. Louisiana is not alone among the states in seeking flexibility or delay in the full implementation of NCLB mandates.

"High Stakes" Testing Policy

The state's "high stakes" testing policy has again become a subject of controversy. The state's accountability law requires students in the fourth and eighth grades to score at the "Approaching Basic" level on math and English tests to be promoted to the next grade. However, the law also requires that the cut-off score be raised from the "Approaching Basic" to the "Basic" level in 2004.

As shown in Table 1, raising the passing scores on the "high stakes" LEAP tests last year would have doubled the statewide failure rate on the initial mathematics tests and tripled or quadrupled the failure rate on the initial English tests for both fourth- and eighth-graders. Even assuming some improvement in performance, roughly 40% of all fourth-graders and half of all eighth-graders

might be expected to fail to meet the higher cut-off score on the spring 2004 tests. The failure rates in Orleans would likely be closer to 70% and 80%, respectively.

Students who fail either or both the English and math tests have an opportunity to attend summer school and to retake the tests. Failing one of the tests again, the fourth-grade student must repeat that grade once. The eighth-grader who fails both tests must repeat the grade, but failing only one (usually mathematics) may go on to high school, where the student would be required to take a remedial course in the failed subject.

Recognizing the potential impacts of substantially raising the passing scores, the School Accountability Commission, which advises the Board of Elementary and Secondary Education (BESE), recently examined alternatives. At its January meeting, the advisory group recommended raising the passing score for fourth-graders as scheduled, but postponing the change for eighth-graders for four years. BESE will apparently postpone making the final decision until later in the year. This will allow the board to consider other options, have additional research done and receive the spring test results before taking action.

Arguments for Raising the LEAP Passing Score in 2004

Proponents of meeting the original schedule and raising the “high stakes” tests passing grade from “Approaching Basic” to “Basic” for both fourth- and eighth-graders in 2004 offer the following arguments:

- It would signal the state’s unwavering commitment to fully implementing the accountability plan and reducing social promotion.
- Failing to implement the higher scores could be considered a step down the “slippery slope” that has undermined nearly every education reform effort in Louisiana over the past quarter century.
- The “Approaching Basic” scoring level was initially created, against strong opposition, to avoid having to

hold back a high percentage of fourth- and eighth-graders each year.

- The school districts were given four years to prepare all of their students to meet the higher standards.
- Allowing thousands of fourth- and eighth-graders to proceed through the system without achieving a mastery of at least the basic requirements of those grades would, in the long run, be more damaging to those students than having them repeat a year.
- Raising the passing scores as scheduled would certainly get the attention of parents and the media, who in turn would bring intense pressure on the districts and schools to improve.

Arguments Against Raising the Passing Score for Eighth-graders in 2004

Those supporting the advisory commission’s proposal to postpone raising the passing scores for eighth-graders for another four years offered the following counter arguments:

- The 2004 date was set arbitrarily without considering whether it was realistic.
- The “Basic” score on the test was set with a college-readiness bias and demands more than the definition of “Basic” actually calls for.

Table 1
LEAP 21 Criterion-Referenced Test
Initial Test Takers, Spring 2002

	English & Language Arts		Mathematics	
	Unsat.	Unsat. & App. Basic	Unsat.	Unsat. & App. Basic
Fourth Grade:				
Statewide	13%	40%	23%	46%
Orleans	34%	65%	50%	73%
Eighth Grade:				
Statewide	11%	49%	25%	53%
Orleans	32%	73%	56%	79%

Unsat. = Unsatisfactory

App. Basic = Approaching Basic

● The cost of remediation for the additional retentions at the fourth-grade level alone will be considerable. Attempting a simultaneous effort at the eighth-grade level could be overwhelming for some districts.

● In 2004, fourth-graders will have had all of their schooling under the accountability program. However, the eighth-graders will not have had the benefit of extra accountability efforts that have been provided in the formative K-4 years (e.g., reading program). There have not been equivalent efforts in the middle schools, and a major new initiative has only recently begun at that level. It is argued that delaying raising the bar for eighth-graders until 2008 would be more fair to the students as this would be the first class to have spent all eight years under accountability.

● Retention and summer school remediation have had more success in raising a student's performance at the fourth-grade level than at the eighth. A good summer school works, some say, because it uses the better teachers. If the need for summer schools suddenly increases, some districts won't have enough top teachers available to staff them.

● Postponing the score change would not, in fact, be a lowering of the state's standards--merely a delay in raising them. The NCLB goal is to have all students at the proficient level by 2013-14. Louisiana considers a student scoring at the "Basic" level on the state tests as being "proficient" for NCLB purposes. Waiting until 2008 to raise the "high stakes" test passing score to "Basic" for eighth-graders would not hurt the overall schedule for meeting the goal.

There is no clear-cut, optimum solution to the dilemma created by the scheduled raising of the passing score on the LEAP 21 "high stakes" tests for fourth- and eighth-graders in 2004. Strong arguments have been made for both of the main options. But, whether BESE decides to stay the course or delay the change, there will be negative consequences.

Staying on schedule could possibly result in a 40% failure rate for fourth-graders and 50% for eighth-graders statewide and tremendous increases in retentions, remedial classes, summer school enrollments and the number of students with no hope of ever passing. Schools that are currently having little success in remediating their low-performers will overnight have two or three times as many to deal with. Not only would school resources be impossibly stretched, but the political pressure from the parents of

those additional failing students could reach a flash point that could jeopardize the basic concept of "high stakes" testing itself.

On the other hand, the accountability commission's proposal to delay implementation for the eighth grade would create the appearance of backsliding and could encourage further undermining of the accountability program. The delay would inevitably allow thousands of students to be promoted over the next four years without meeting the minimum standards the state had set in current policy.

A key point of contention in this debate is whether the "Basic" grade on the LEAP 21 test adequately reflects minimum acceptable performance or if it requires a higher level of performance geared to expectations for college-bound students. Also, opinions differ as to what should be minimally acceptable. One position is that the student should minimally have the level of attainment necessary to graduate from high school. At the other end of the spectrum is the belief that all students should have at least the minimum foundation necessary to attend college whether or not they choose to do so.

If "Basic" is too high a minimum requirement, then it would be appropriate to delay raising the "high stakes" test passing score. Available data does not offer a simple scientific answer to the question. However, those arguing that "Basic" is unnecessarily high cite correlations of student scores on LEAP tests with their results on other tests (e.g., Iowa and ACT tests) to support their contentions. This question needs to be resolved and a decision made concerning the goal of K-12 education.

While raising the score for fourth-graders next year will present a number of difficulties, there is little advantage to postponing the change. It is absolutely necessary, however, to accurately estimate the impact of the change and to develop the best possible remediation plans in each district to cope with the increased need for remediation. While it would be preferable, for a number of reasons, to stay with the original schedule for eighth-graders as well, the proponents of a delay raise some very practical concerns.

If BESE opts to delay raising the bar for eighth-graders until 2008, it must make certain that an aggressive middle school improvement plan is in place and additional remedial opportunities are made available to students who will pass the eighth-grade LEAP tests with an "Approaching Basic" score.



The education system will face a massive job dealing with the consequences of raising the passing score for fourth-graders. However, the decision to delay hiking eighth-grade passing scores should not mean that the thousands of students who will be promoted with only “Approaching Basic” scores over the next four years are ignored. BESE must require middle schools to make an extra effort to remediate this

group of students and to assure that eighth-graders are ready for the higher standards by 2008. Until 2008, the districts should offer summer school and other forms of remediation, including remedial courses at the high schools, to those eighth-graders who pass the LEAP English or math tests with only a score of “Approaching Basic.”

School Reconstitution

As many as 23 schools could fail to show enough growth and enter the last phase of corrective actions under the accountability plan by this fall. These “failed” schools would be subject to reconstitution or loss of state approval and funding. Reconstitution would require a school reorganization plan prepared by the local school board and approved by BESE. A “failed” school is defined as one that is labeled “Academically Unacceptable” due to a very low school performance score, has not shown sufficient growth for four years and has reached the point in corrective actions that requires a reconstitution plan.



Reconstitution options could range from changing or replacing the staff to redesignation as a magnet or charter school. However, Louisiana is prevented by its constitution from actually taking charge of the school and employing some of the more aggressive reconstitution options used in other states. For example, the state cannot currently assume the administration of a local school, place that responsibility with a university, or contract with a private for-profit or non-profit organization to administer the school.

One proposal currently under development would allow the state to assume control of failed schools for which the local district has not presented a viable reconstitution plan. It would require a constitutional amendment to authorize the state takeover and companion legislation to fill in the details. This proposal would create a special statewide school district operated by the state Department of Education with BESE serving as the school board. The district

would be able to hire employees, enter cooperative endeavor agreements and grant charters. The district would have use of the school facilities and the local, state and federal funding attributable to the students in the schools taken over.

For Louisiana to be able to make use of the full range of options for school reconstitution, BESE would have to be constitutionally authorized to assume administrative control of local schools under certain conditions. BESE would also have to have the authority to assume control of all funds, including those locally generated, that would normally be used for the students in those schools.

Local school districts that have had years to do something about their failing schools should not have sole responsibility for implementing reconstitution plans for those same failed schools. The state should be given a free hand to step in and assume responsibility for reorganizing and operating a failed school using a wide variety of optional approaches including direct control, cooperative agreements and special charters.

The statutory detail should free the administration of such schools from any potential local impediments such as teacher contracts, seniority systems and tenure. Other statutory details that would need to be addressed would include: rights of existing teachers and administrators, funding, transportation and related costs, enrollment and transfer policies, and the procedure and schedule for returning schools to the local districts.

Louisiana's Accountability Program Achieves Positive Results

The 2002 interim School Performance Scores (SPS) improved for 67% of the state's 1,055 K-8 schools, with the state average increasing from 79.9 in 2001 to 82.1. (An SPS of 100 is the state's 10-year goal, 150 is the 20-year goal.) This was not as impressive as past increases, but the result was not unexpected. The experience with accountability programs in other states shows that improvement is not constant and there will be years with smaller increases as schools adjust to the program's requirements and effect their own reforms to increase their performance. Many of these reforms take years before they show a large positive effect on performance, so years with small increases are not a concern. Of special note was the number of K-8 schools scoring above the 10-year goal of 100 increased from 180 in 2001 to 214 in 2002. In addition, the number of these schools scoring below 45 fell from 87 to 69.

There continue to be wide performance gaps between K-8 student subgroups, but these gaps are narrowing. The Group Performance Scores (GPS) calculated by the Louisiana Department of Education are similar to the SPS but are applied to student subgroups. The data for 2002 show a statewide gap of 39.3 points between white and black students, down from a 42 GPS in 1999. The performance gap between poor and non-poor students (as determined by eligibility for free or reduced cost lunches) fell from 35.5 in 1999 to 32.2 in 2002. Releasing subgroup performance scores by school, together with closer monitoring, should help to further reduce the gaps in performance. This is a primary objective of the NCLB Act.

Unfortunately, the state's high schools did not fare as well as the K-8 schools. The statewide average SPS for high schools and combination schools had a slight decrease from 75.9 in 2001 to 75.7 in 2002. There is great concern that many of these schools will not achieve their two-year growth targets for 2003 due to the lack of progress in the interim year. Still, these schools are only in their second year of the accountability program and they will not benefit from the reforms instituted at the lower level (increased pre-K access and K-3 reading programs) for several more years.

The accountability program is not a short-term fix, and it must be continued with a high level of consistency over a long period to achieve its improvement goals. Louisiana's program is basically progressing and an occa-

sional, temporary slowing in improvement or plateauing of scores can be expected. The success to date suggests that the state's program should be continued with as few modifications as the federal government will allow.

Louisiana's Accountability Program Receives Strong Public Support

In a recent statewide poll of Louisiana voters:

- 55% indicated that they believe the state's public schools are improving either greatly or somewhat.
- 69% say they support Louisiana's school accountability program.
- 72% favor the "high stakes" tests that fourth- and eighth-graders must pass to be promoted.
- 77% of white voters and 58% of black voters support the LEAP Tests.

Major changes to the program now could erode some of this public support that has taken years to build.

Louisiana's Accountability Program Receives High Rating

Louisiana's school accountability system has once again received recognition as one of the best systems in the nation. According to *Education Week's* annual Quality Counts review for 2003, the state's standards and accountability system tied for fifth best in the nation with a grade of A-. In addition, Louisiana tied for a national ranking of 12th for its efforts in the teacher quality area.

Another group, The Princeton Review, also gave Louisiana's accountability program a high ranking. They collected information on the following areas: test alignment to the state's curriculum standards, test quality, openness of the testing program to public scrutiny and the extent to which the accountability system is used to support school improvement. By these criteria, Louisiana's system was ranked seventh best in the nation.

Louisiana is well ahead of other states in implementing a comprehensive school accountability program. It is too early, however, to tell if this will help it avoid a complete federally mandated restructuring of its program.



“PAR is an independent voice, offering solutions to critical public issues in Louisiana through accurate, objective research and focusing public attention on those solutions.”

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Conclusion

Louisiana’s accountability system faces a number of major challenges this year. The state’s tight fiscal situation will likely compound the problems. Some of the actions that must or may be taken will depend on adequate funding to be successfully implemented. Several important decisions will have to be made this year.

BESE must decide how far it can go in accommodating the federal law while still preserving essential elements of its own accountability program. The upcoming negotiations will revolve primarily around merging the state’s “whole school” approach to measuring school performance with the NCLB “subgroup” approach. The state’s adaptations to various NCLB requirements thus far appear to have been beneficial. The continuing challenge is to preserve the best parts of both the state and federal programs and avoid undermining the progress the state program has already made. Recent actions indicate that federal reviewers may now be more willing to accept a melding of the “whole school” and “subgroup”

approaches that will not undo the state program.

BESE must also make a difficult decision of whether to postpone raising the passing scores on fourth- and eighth-grade “high stakes” tests. The controversy over this decision pits those who see postponement as a weakening of the accountability program against those who fear the practical implications of a large increase in the failure rates. Several compromise options are being explored.

Another important decision would have to be made by the voters. At present the state is constitutionally limited in the actions it may take to reconstitute failed schools. Unable to take direct control of a local school, the state’s only real leverage is the threat to withhold a district’s funding. A proposed constitutional amendment to remedy the situation has been drafted for introduction in the upcoming legislative session. The voters should be given an opportunity to decide if the state should have the authority to take over local schools that need reconstitution.

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