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Commentary

The Public Affairs Research Council of Louisiana

High Stakes for High Standards

Accountability, constitutional integrity and democratic principles should guide the adoption and review of state educational academic standards.

The state has entered a high-stakes phase of deciding the future implementation of Common Core State Standards. Some elected officials are seeking to repeal the standards despite considerable investment of time and money by the state, local districts and teachers. While both sides of the debate want to see a new and transparent process to review state standards and establish a framework for the future, the plans for pursuing that goal are vastly different.

Gov. Bobby Jindal has proposed a plan to get rid of Common Core and develop new Louisiana standards. The centerpiece proposal would have the state return to old standards, known as the Grade Level Expectations (GLEs), that were adopted by BESE in 2004-2005 and used until 2010. The proposal would administer old LEAP and iLEAP tests for math and English with new questions and create a policy process for developing new standards. The adoption of new standards would be subject to the Administrative Procedures Act and a new level of legislative authority. The governor's plan would mean that over a four-year period Louisiana teachers and students would be coping with three different sets of academic standards and assessments.

The Public Affairs Research Council of Louisiana has long been a supporter of improvements for public education, including reforms brought by Gov. Jindal. If there is one lesson that Louisiana has learned through the years of implementing education reform, it is that accountability matters. The state needs to pull through this current debate quickly and refocus on accountability measures, which are slipping. This commentary identifies concerns about the governor's plan and the potential waste of time and money in revamping the current state standards. It also suggests that the state in the long run is best served by observing existing Constitutional and democratic principles, even if the state standards are changed.

Governance and Accountability

The Louisiana Constitution states in Article VIII, Section 3 that the State Board of Elementary and Secondary Education (BESE) shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools. BESE has the authority to govern Louisiana public schools and to create policies that govern the statewide operations of schools. State law, including La. R.S. 17:24.4, directs BESE to determine the academic content standards taught in Louisiana schools as well as the aligned assessments, requiring they be based on nationally recognized standards.

Statewide standards are developed by the Department of Education with the approval of BESE. Also, implementation of standards is done at the department as approved by BESE, with recommendations prior to approval and advice from educators and personnel from the K-12 level and colleges and universities across the state. The state department of education and BESE has defined roles in adopting standards and assessments.

The governor's plan would restructure the process for development, review and adoption of state standards by making BESE's ability to create academic standards subject to legislative approval. Also, some candidates and policymakers are now proposing the creation of separate commissions or independent panels to write new standards and replace the current accountability tests. This approach would create a competing review process and encroach upon BESE's and the Department of Education's constitutional authority over public education.

BESE has a constitutional and statutory responsibility to implement Louisiana's academic standards and aligned tests. Louisiana has a system that elects and appoints individuals to serve on the board. Citizens have an opportunity to voice their approval for candidates of their choice through the election process.

Standards Review

BESE is required to review academic content standards every seven years to ensure that the state is up to date. The most recent review process took place in 2010, at which time BESE considered the Common Core State Standards for Louisiana's math and English-Language Arts standards. Until recently Gov. Jindal was an advocate of the plan. Under the direction of former state Superintendent Paul Pastorek, the department of education solicited reviews of the standards from 10 Louisiana educational groups, including teachers' unions and associations for school boards, principals, superintendents and educators in the fields of math and English. The input included meetings, teleconferences and written responses from group members and teachers. The results of the input and the department recommendations were presented for public review for a 30-day period. The standards were reviewed and discussed in BESE public meetings and the board voted to approve the new standards. John White, who became state superintendent in 2012, has continued the education department's support for Common Core.

The next scheduled review is for 2017. In light of public concerns expressed about Common Core, BESE has decided to expand and accelerate this process one year earlier. A Standards Committee selected by BESE will serve as a steering committee and oversee the work of the content committees during the 2015-2016 review and will meet on an annual or as-needed basis in subsequent years. The Standards Committee is responsible for bringing recommendations to BESE and is empowered to do so at any time. BESE has full authority to make adjustments to the standards as recommended by the committee or as determined by the board to ensure student success and compliance with the law.

This review process should be done under BESE and driven by individuals with appropriate expertise and the credentials to recognize academic standards of high quality and appropriate rigor. The goal of the new review process should be to provide an objective and expert-driven review of current state standards under a decision-making system that maintains the constitutional authorities of BESE.

The governor and other critics of Common Core have criticized the 2010 process. The governor has said that no process exists in state law for the adoption and review of state standards; however, the governor also has

said that this circumstance “allows BESE to circumvent the public process.” So, the governor’s evaluation of whether the state has a process is, at best, unclear.

The governor wants the BESE standards revision to “include the public” and to “be controlled within Louisiana using Louisiana teachers.” He also wants to make the process “more transparent and easier to understand.” These are worthy goals that appear to be shared by many people on all sides of the current discussion. The question is how best to achieve that process.

Complicated procedures

Common Core opponents have recommended that the standards process be subjected to the Administrative Procedures Act (APA). The APA is an extensively detailed system that provides a way for the government to propose and establish regulations. It is designed to handle administrative and regulatory procedures and includes legislative oversight and public comment at certain stages. Typical examples would be the collection of fees or the imposition of regulatory fines.

Whether the APA is legally required for educational standards is a controversial issue. BESE used it in the past under former state Superintendent Paul Pastorek. When Common Core was adopted in 2010, the APA was not used. The education department has contended that the process in 2010 was more extensive and incorporated more public comment than the APA would have required. When BESE was challenged in court last year for avoiding the APA in adopting Common Core, the judge did not rule on the question of whether the APA is required. The case was rejected on the basis that the plaintiffs had waited too long to file suit.

Current law requires that BESE adopt standards after consulting with educators in public schools and state universities. A more thorough process – above and beyond what is minimally required in the law – would be appropriate for publicly vetting a new or revised set of academic standards. This goal could be achieved without necessarily adopting the APA, which is better designed to handle regulatory and bureaucratic matters. In fact, due to the red tape involved with the APA, both the opponents and proponents of Common Core could eventually regret a formal adoption of the APA process for statewide educational standards.

Another recommendation by Common Core opponents is that the Legislature, in addition to its role under the APA, should become directly involved in approvals of specific educational standards. Whereas both sides of the Common Core discussion have decried the interference of politics in the process of setting educational standards, it is difficult to see how this new legislative authority would meet either side’s criteria for an improved decision-making system. This new role for lawmakers would be the most direct move yet to put politicians in the classroom. The Legislature has been and should continue to be in charge of setting the broad goals and principles for state educational standards. Also, legislative committees should continue to monitor developments in state education standards. But the Legislature should not play the role of actually determining specific classroom standards. Common Core opponents, as well as proponents, should be wary of this initiative.

In summary, BESE has a constitutional and statutory responsibility to implement Louisiana’s academic standards and aligned tests. Louisiana has a system that elects and appoints individuals to serve on the board. Citizens have an opportunity to voice their approval for candidates of their choice through the election process. Creating new channels of authority in the decision-making process would poorly serve all involved, most notably the students. On a practical level, the board and the education department have the budget, staff and resources to execute this mission. However, the standards review process should be

transparent and should provide more than adequate time and input for teachers and the public to participate. This goal can be achieved with a clearly identified process, but it need not go so far as to subject the standards review to the APA and specific legislative approvals.

Lessons from another state

Some other states have created advisory councils, committees or work groups to review and make recommendations relative to academic standards. For example, North Carolina lawmakers passed a bill last year that creates a politically appointed Academic Standards Review Commission that is examining standards and is supposed to recommend changes by the end of 2015. In the meantime, Common Core standards, which are part of the current North Carolina Standard Course of Study, are still in place. The Commission will report to the State Board of Education, which will then be required to take those suggestions into account while conducting its own review of the academic standards. A revised or new set of standards is supposed to begin in the 2016-17 school year.

Some lessons might be noted from the North Carolina experience, which is still in progress. The full appointments to the Commission were not made until after the panel was supposed to begin meeting. The Commission at first had no funding to take on its enormous task. It has needed staff and financing to perform its work, even though these resources might be duplicative of what was available through the regular state education agencies. Some Commission members, who are volunteers, soon found that the workload was overwhelming; a Commission co-chair stepped down as a result. The process has been criticized for a lack of direct guidance or understanding of specific duties. The Commission did eventually receive funding from the N.C. General Assembly.

Investment in Common Core

BESE, the Louisiana Department of Education and school districts made substantial investments in implementing Common Core. The state agencies expanded their role beyond being solely a compliance entity. Estimations of the costs to school districts, charter schools, and non-public schools vary depending on the level of investment they have made in curriculum, staffing, professional development and technology. The exact amounts spent on Common Core preparation are sometimes difficult to disaggregate from money the districts spent on other district and state initiatives pursued at the same time.

West Feliciana estimated that it spent nearly \$1 million in investments on Common Core; however, the estimate does not include the calculation of time all personnel spent toward preparing for Common Core. One large school district spent \$6.5 million in the past three years on teacher training and instructional materials, while a smaller district reported spending \$3 million, according to the education department. Because local school systems have typically incurred costs for training and instructional materials on a seven-year cycle, they might not be prepared financially to incur those costs again so soon.

A harder cost to quantify is the impact on teachers in the classroom. For several years, teachers and students have been preparing for Common Core. Reverting back to GLEs temporarily and then switching to another new system would be unnecessarily burdensome for educators, parents and students.

The Governor's Plan

Gov. Jindal would like to go back to the state's 2010 standards until new standards are developed. This is not a simple solution. The state would have to revert to an old curriculum and resources, including textbooks and materials of editions that may be out of print. The education department would have to work with publishers willing to reprint for a short time, and only if the districts are willing to repurchase those items. Also, the education department would have to vet all materials to ensure proper standard alignment before releasing. The financial implications of the governor's plan to both the state and local school system are significant.

If the state were to return to GLEs and the tests aligned to them, an additional \$2.7 million would be required for the first year's test development and field testing. This expense would be due to the fact that items from those tests have been released over time and are no longer valid for testing purposes. If GLE-based tests continue beyond one year, additional item development would be an additional \$4.4 million annually. Going back to GLEs will also likely be a cost for local school systems. They would have to reacquire instructional materials that may have been discarded as the transition progressed over the past few years to Common Core standards and its related instructional materials. Given the potential monetary costs of a Common Core rejection, the Legislature should require a fiscal note on proposed reform bills. Fiscal notes, which attempt to gauge the fiscal impact of legislation, are a routine part of the legislative process for any measures that entail an expense or revenue gain for the state.

Governor Jindal's Plan		
	<i>Required Implementation Steps 2015-16</i>	<i>Required Implementation Steps 2016-17 & 2017-18</i>
Standards	-Schools will use 2010 GLEs -State will be developing new standards to begin use in school year (2017-18)	-SY 2016-17 - Schools will use 2010 GLEs -SY 2017-18 - Schools will use newly developed Louisiana standards
Assessments	LEAP and iLEAP will be administered	-SY 2016-17 - LEAP and iLEAP will be administered -SY 2017-18 - New assessments will be administered based on new standards
Accountability	Students, teachers and schools will not be held accountable for student test scores in 2015-16	Students, teachers and schools will not be held accountable for student test scores in 2016-17

BESE's Plan		
	<i>Required Implementation Steps 2015-16</i>	<i>Required Implementation Steps 2016-17 & 2017-18</i>
Standards	-Schools will continue using Common Core State Standards -Standards review process will begin	-SY 2016-17 - Schools will continue using Common Core State Standards -SY 2017-18 - Schools will use standards based on 2016 Standards Review
Assessments	PARCC	-SY 2016-17 - PARCC -SY 2017-18 - Assessments based on 2016 Standards Review
Accountability	Students, teachers and schools will not be held accountable for student test scores in 2015-16	Accountability begins

If the state adopts new standards, the education department and local school systems will need to help re-train the state's 60,000 teachers, develop or locate curriculum and instructional materials aligned to the new standards and develop new assessments to align to those new standards. The new standards may or may not align with instructional materials available through publishers, depending on what is adopted. The time and money costs of this effort will depend on whether the new standards are an upgrade consistent with the current standards or a rejection of the entire current approach.

Aside from teaching and materials costs, new assessments will be required, as tests must measure what teachers are expected to teach and what students are expected to learn. Developing brand new tests for English, language arts and math from scratch would cost the state approximately \$25.2 million over the next five years. Some have suggested the purchase of off-the-shelf norm-referenced tests instead of creating Louisiana's own. Those tests cost about \$3.5 million but might not be aligned to state standards, whether that of Common Core or some other home-grown alternative.

Conclusion

On all sides of the current debate, citizens have called for a more public and deliberate process for moving to the next stage of academic standards in Louisiana. This central theme should be applauded and an agreement should be reached about how best to advance the process with robust participation of stakeholders.

Reverting to old standards in the meantime would be disruptive, time-consuming and costly for districts and teachers. The governor's plan would mean that over a four-year period Louisiana teachers and students would be coping with three different sets of academic standards and assessments. This is unacceptable.

A thorough and publicly open process is needed for adoption of any new or revised standards. Subjecting the new process to the Administrative Procedures Act, as if academic standards were a regulatory fee or some other governmental administrative matter, would establish a long, complex and probably unnecessary series of hoops for the public and agencies to jump through.

The Legislature should not encroach on the Constitutional authority of BESE. Citizens dissatisfied with BESE decisions can work within the democratic system to seek election of BESE members they prefer. They also can seek their preference of election for governor, who has appointment powers for some BESE seats. Disputes over state academic standards, as important as they are, should not be used to dismount the state Constitution and the sensible delegation and separation of certain powers.

Legislative control over specific academic standards would in the long run place more politics and politicians in the classroom and likely would be regretted by many involved on both sides of the current debate. For example, Common Core opponents who want a different set of standards currently need to persuade BESE to get much of what they want. Under the governor's plan, they also would need to prevail in the APA process and persuade the Legislature of their views.

Unfortunately, the current discussion on Common Core has caused the state to lose focus on the key issue of accountability. Since accountability methods and other important reforms have been implemented in the past 15 years, student achievement measures have gradually climbed in Louisiana. Setting statewide academic standards is an integral part of Louisiana's accountability program. Writing new standards through a new commission, developing new tests or waiting to see who else has an assessment to sell are tasks that will delay the state from monitoring student performance in a reliable way.

Louisiana is already into a delay of its major accountability measures during the implementation of Common Core. For the 2014-15 and 2015-16 school years, teachers and districts are essentially held harmless of any consequences with regard to academic progress. Further delays waiting on the development of adequate standards and an accompanying test to replace the PARCC means we have deficient accountability in public education during that time.

Eventually, some new review process for academic standards will be undertaken. Let's get to that process soon, with an eye on progress toward accountability and with sound Constitutional and democratic principles.

For more information contact: Robert Travis Scott, President, 225-926-8414 ext. 221
robertscott@parlouisiana.org
P. O. Box 14776 * Baton Rouge, LA 70898-4776 * Phone: (225) 926-8414 * Fax: (225) 926-8417
Web Site: www.parlouisiana.org