



# COMMENTARY

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## **PAR Says Strengthen Accountability to Strengthen Education Reforms**

Gov. Bobby Jindal has proposed a broad set of K-12 education reform measures that legislators will debate this session. The centerpiece proposal would create school choice options across the state, including state-financed vouchers for private school attendance by low-income students in average or poorly performing public schools. This initiative offers an extraordinary opportunity for families of limited economic means who desire more options for their children's education. For Louisiana children in failing public schools, progress is desperately needed.

In addition, the governor's package proposes a new charter school category, more options for high school students who want to take courses outside of the traditional classroom and a parent trigger option to help move schools into the state-run Recovery School District more quickly. Other measures would set a higher bar for teacher tenure based on the new teacher evaluation system that weighs student performance during the academic year. Proposed legislation would establish a more consolidated early childhood education system and create a tax rebate program for those who want to donate money to nonprofit tuition scholarship organizations.

This is an extraordinarily ambitious, laudable agenda. If the reforms can be achieved without creating onerous administrative burdens, time-consuming paperwork and stifling bureaucracy, then the results could be profoundly positive locally and statewide. Toward this goal, the state is seeking a waiver from the U.S. Department of Education to reduce federally required regulatory responsibilities.

The education reform bills are scheduled to be heard in the House and Senate education committees this week. The administration is correct to get straight to the debate on these bills during the first week of the session. But these bills are complex and contain many ideas new to the Louisiana education scene. The legislation should be given thorough discussion reflective of the massive changes they entail. The committee stage is an appropriate venue to address controversial issues and draft carefully discussed changes to the bills. It is difficult to imagine that this process can be performed adequately and with due respect to the magnitude of these reforms if all the initiatives are to be debated and passed by committee in a single day. Haste is a poor companion of genuine progress.

PAR has long been a supporter of improvements for public education. In Louisiana's many years of working toward education reform, a sustaining lesson is that accountability matters. The proposed plans should be designed so that they are not vulnerable to an outcome in which the new system unintentionally fails the very children it aims to serve. The debate on this point has

focused on the role of parents to make the decision for their children to move to a private school with public funding. Louisiana has established a standardized, and nationally recognized, threshold of accountability for children being educated with public dollars. While parental choice should remain an essential part of the reforms, the state should not dilute the accountability standards for students educated with public dollars.

PAR has studied and identified key elements of education reform in the past, including the availability of school choice options for parents of children attending academically unacceptable public schools. In 1999, PAR proposed a pilot voucher program focused on K-7 students in poorly performing schools that would allow them to transfer to another traditional public school, a charter school or a state-approved private school. Gov. Jindal implemented a similar pilot program in New Orleans that has been popular with the participating students and their parents. PAR's 1999 proposal recommended several accountability measures if a voucher student's state assessment scores were unsatisfactory.

As Louisiana's leaders contemplate expanding the school voucher program this legislative session, PAR is gratified to see the accountability measures that are outlined in the reform bills. These measures could be strengthened by adding specific consequences for a student who fails to pass a high-stakes test and for the non-public school that is charged with educating the child.

Currently, public school fourth-graders who do not score high enough on the LEAP test to be promoted to fifth grade must be allowed to participate in a fourth-grade transitional program and receive remedial instruction. Public school eighth-graders who do not meet the ninth-grade promotional standards and who do not qualify for the career diploma track are held back for a year. Under the governor's school choice plan, voucher students attending non-public schools would take all of the state-mandated assessment tests. The plan appears to allow voucher students who fail the high-stakes tests to be socially promoted with few questions asked. Further measures should be taken to implement consequences if those students fail or, at a minimum, there should be some requirement for a remedial plan.

PAR has examined the voucher programs in several cities and states, including the Milwaukee Parental Choice Program, which was established in 1990. That program, which has been revised a few times since its inception, now specifies fairly rigorous standards that participating non-public schools must meet in order to remain in the program. Among those requirements is one that each participating school adopt a written policy detailing the criteria for promoting a student from fourth to fifth and from eighth to ninth grade. These criteria include the student's score on Wisconsin's examinations, the student's academic performance, recommendations of teachers and any other academic guidelines determined by the school's governing body. Students who fail to meet the written promotion criteria cannot be promoted.

Louisiana's new voucher system should seek to emulate these or similar accountability measures. Gov. Jindal's proposed legislation requires that all participating Louisiana non-public schools provide parents with a written copy of their academic policies. This proposal could be improved by requiring that those policies specifically address promotion or remediation.

The governor's plan requires the state Department of Education to publish the most recent aggregate average proficiency rates on state assessments for voucher students every year, the rate at which the students complete the highest grade level offered at participating schools, the retention rate for voucher recipients and the percentage of parents or legal guardians of voucher students who are satisfied with the participating school. All of that is valuable information for parents and the public, but it does not fully address the question of the participating schools'

accountability. PAR recommends that, at the very least, participating non-public schools be required to specify what criteria they will use to promote students and what, if any, remediation or intervention efforts they will be able to provide.

There is no provision in the school choice bill for removing non-public schools from the voucher program if their voucher students repeatedly fail to demonstrate academic proficiency. The only reason a non-public school can be dropped from the voucher program is if it fails to comply with state-mandated financial audit requirements. Since the state will be using public money to pay non-public schools to provide a service, PAR believes it is imperative that the schools adhere to specific performance standards and that the consequences for failing to do so are clearly spelled out.

Accountability also should be applied to another element of the school choice legislation—the Course Choice Program. This initiative could provide innovative education solutions and niche courses to a wide variety of students seeking non-traditional instruction, including those students who are home-schooled. The measure includes a wealth of opportunities, such as online, university and technical college courses that could be especially useful for remedial work and for students in rural areas with limited access to a strong variety of course offerings. The Course Choice Program, which would be paid for through the state's Minimum Foundation Program funding formula for public schools, has received less attention than it deserves.

The inclusion of home-schooled students, however, raises questions about the use of MFP money for children who otherwise are not part of the public school system. Public school students who take private school vouchers are counted in the calculations for the MFP. If the reform proposal is structured to steer MFP dollars to the course providers for home-schooled students, then the state could be opening a new conduit of state spending for a class of non-public school children.

Under the proposal, the state Board of Elementary and Secondary Education would authorize course providers for an initial period of three years. After the second year, BESE would be required to conduct a review of the course provider and its student achievement performance. If student performance did not meet BESE standards, the course provider would be put on probation. These are critical elements for oversight. Not every student will be suited to non-traditional instruction, and not every course will prove to be effective. The state and local school systems will need to develop ways to weed out the problems. The probation system should be developed with a clear mechanism for removing a course provider from the program. For instance, how long would the probation last? What would a course provider have to do to be removed from probation? What would happen to a provider that repeatedly failed to meet performance expectations? Either legislation or rules implementing the legislation could address these issues.

PAR has concerns about the accountability in another component of the governor's education reform package—the proposed tax rebates for donations to nonprofit tuition scholarship programs. The proposal requires non-public schools who accept students receiving these tuition scholarships to give participating students all state-mandated tests and to report the results to the students' parents. The plan ought to include consequences for the student and the school if the student fails the test. Also, the plan should specify that the test results must be reported to the Department of Education.

In each of these cases, the state is making an investment of public money to help expand students' and parents' school choice options. Given that, the public should have an accounting of

both how the money is being spent and whether the overall goal of improving educational outcomes is being achieved.

PAR is pleased to see the provision in the proposed school choice bill that would prevent newly established non-public schools from having more than 20 percent of their enrollment consist of voucher students. This rule helps the state determine if a school has the capacity to take on its voucher-sponsored educational role and it discourages fly-by-night profiteering by newly created private academies. According to the legislation, the Department of Education can waive that requirement if either one of the following conditions is met: 1) the governing authority of the school demonstrates a proven record of successful operation of other schools, or 2) the governing authority of the school demonstrates its financial viability by submitting to the department a letter of credit or a surety bond from an accredited financial institution authorized to do business in this state. A case certainly can be made for the first condition, but the second condition is a very large loophole that could defeat the whole purpose of the 20-percent restriction. A school operator would just have to demonstrate it has adequate financial resources, not any particular ability to educate children.

The primary goal in expanding the voucher program is to increase the educational opportunities for students attending C, D and F public schools. However, the measure also includes a provision that allows low-income parents of kindergarten-age children to bypass the public school system and apply for a voucher to send their child directly to a non-public school. Even if the child would have attended kindergarten at an A or B school, the student's parents can opt for the non-public school as long as they meet the income requirement. Long term, this would seem to start a process in which, in a matter of years, a whole new population of students will be attending non-public schools at state expense even if they live within the boundaries of A or B schools.

In sum, reforms in Louisiana education are needed. PAR supports much of the reform agenda but urges leaders to strengthen the accountability measures to assure that children who benefit from a voucher, scholarship or an academic course offered through another entity are receiving the quality education they deserve.

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