

# STATE BOARD OF EDUCATION

**HEARING TYPE:**       X   INFORMATION/NO ACTION

**DATE:**             OCTOBER 27, 2006

**SUBJECT:**           **ACCOUNTABILITY DISCUSSION**

**SERVICE UNIT:**     State Board of Education  
                          Edie Harding, Executive Director

**PRESENTERS:**       Scott Palmer and Jon Furr  
                          Holland & Knight, Washington D.C. and Chicago

## **BACKGROUND:**

Scott Palmer and Jon Furr will provide an overview of accountability from the federal and state perspectives, with an emphasis on integrating the requirements of No Child Left Behind with state accountability provisions. They will share the experiences of other states in developing and implementing accountability systems, what practices have been successful, and systems for recognition, assistance, and intervention.

The goal of the discussion and presentation is to provide board members a national context, ideas about what has worked in other states, and how the board might proceed in modifying Washington's K-12 accountability system that successfully integrates NCLB and state accountability requirements.

Attached is information on Scott and Jon's background, a copy of the Washington accountability overview that Bob Butts presented to the board in May, and the State Board's current accountability responsibilities.

## **Scott Palmer, Holland & Knight LLP**

**Scott Palmer** is a partner and co-leader of Holland & Knight's education policy team. He provides legal, policy, strategic planning and advocacy services to education leaders across the country. Mr. Palmer's focus is on preventive law --helping states, school districts, higher education institutions, private education providers and education associations understand how to structure their programs in ways that best serve their educational goals and meet federal and state legal requirements, thereby improving education while reducing the risk of litigation or enforcement. He also focuses on federal advocacy before the United States Department of Education and Congress on key education issues. Mr. Palmer works on issues such as the No Child Left Behind Act, accountability, standards and assessment, services for English language learners, services for students with disabilities, and diversity programs.

Mr. Palmer served until January 2001 in the Clinton Administration as Deputy Assistant Secretary of the U.S. Department of Education's Office for Civil Rights (OCR). In that capacity, Mr. Palmer was responsible for the development of civil rights legal policy in education, including the promulgation of regulations and policy guidance on issues such as high-stakes testing, resource equity/adequacy and affirmative action. Mr. Palmer previously served as a legal and policy adviser with the President's Initiative on Race in the White House, where he was responsible for education and civil rights issues.

Mr. Palmer speaks regularly on education legal and policy matters, and has published numerous articles on issues such as the proper use of tests and the value of diversity in education. He is currently Vice Chair of the ABA's Public Education Committee of the Individual Rights and Responsibilities Section. He has also served as Senior Legal Fellow at the Harvard University Civil Rights Project and as Adjunct Professor at the University of Maryland, where he has taught education law and policy.

Mr. Palmer received his J.D. from the University of California, Berkeley, School of Law (Boalt Hall), his Masters in Public Policy from Harvard University's John F. Kennedy School of Government, and his B.A. with Honors from the University of Maryland. Mr. Palmer has been named by his peers to the 2007 edition of *The Best Lawyers in America* for Education Law.

## **Jonathan Furr, Holland & Knight LLP**

**Jonathan E. Furr** is a Senior Counsel in the Chicago office of Holland & Knight LLP and practices in the area of state and local government, environment and land use, real estate development, and education. Mr. Furr's experience is widespread and includes environmental and educational policy, real estate and construction, zoning and land use, and other transactional matters.

Prior to joining the firm, Mr. Furr served as the General Counsel for two major State of Illinois agencies. As General Counsel for the Illinois State Board of Education, he was responsible for the development of legislation, regulations and policy impacting public schools, including the agency's approach to the oversight of private tutoring companies and school district sanctions under the federal No Child Left Behind Act. As General Counsel for the Illinois Department of Natural Resources, Mr. Furr provided legal and policy advice on the State's conservation and outdoor recreation programs. He negotiated a major economic development agreement to attract an international event to Illinois, and structured the project agreements for the 1,500-acre event site. He also worked on a variety of natural resources matters involving wetlands protection, natural resources damages, endangered species and natural areas consultation, and water use and conservation. Mr. Furr has lectured on the regulation of private tutoring companies, school district reorganization, reducing educational "red tape" and natural resources damages.

Mr. Furr received his bachelor's degree, *cum laude*, in Architecture and History from Washington University (St. Louis) in 1995. He received his law degree, *cum laude*, in 2000 from the University of Michigan Law School and his Masters in Urban Planning degree in 2001 from the University of Michigan's Taubman College of Architecture and Urban Planning.

# Overview of K-12 Education Accountability: State Policies

Robert Butts  
Office of Superintendent of Public Instruction

State Board of Education meeting  
May 11, 2006



## The Big Picture: School and District Accountability



- Types of Accountability
  - Political
  - Financial
  - Staff qualifications
  - Student access and “opportunity to learn”
  - Student achievement results

## Political Accountability



- School Board elections
  - Candidates win and remain in office for a variety of reasons
- Levy and Bond elections
  - Approx. 20% of your budget is at risk every 2-4 years
  - Will not be able to build/renovate schools without trust
- Meeting the needs of parents
- Local Newspaper stories and editorials

## Financial Accountability



- Districts are complex, often large, business enterprises
  - Largest business in many communities
  - Funding is dependent on many variables
- Reliance on levies -- which requires districts to stay in the good graces of their communities
- Have active unions that want to meet the financial and working condition needs of their members
- Compliance with fiscal requirements:
  - State Auditor
  - Federal Review Teams
  - Legislative Accountability and Evaluation Program
  - Legislatively mandated studies

## Staffing Accountability



- Teachers, librarians, counselors, principals, and other professional staff must meet certification requirements
  - Includes teaching assignments
- Fingerprint background checks
- Code of Conduct enforcement
- NCLB: “Highly qualified” teacher requirements
- Parent expectations

### Pre-Education Reform

## Access and Opportunity to Learn



- WA Constitution
  - Access for all children
- Basic Education Act of 1977
  - Accountability for adults (e.g., discipline)
  - Instructional offerings
    - Content areas, # of school days, total instructional hours
  - 25 hours of teacher contact/week
  - Class size (K-4 smaller than 5-12)
  - Created new funding system
    - Basic allocation based on FTEs
    - Categorical programs
    - Increased funding equity (e.g., levy lids)
- Compulsory coursework
  - Must offer certain courses (e.g., US History)
  - Must have courses that are needed for college
  - Credit-based graduation requirements

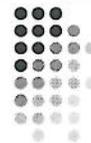
## Pre-Education Reform

# Norm-referenced Tests



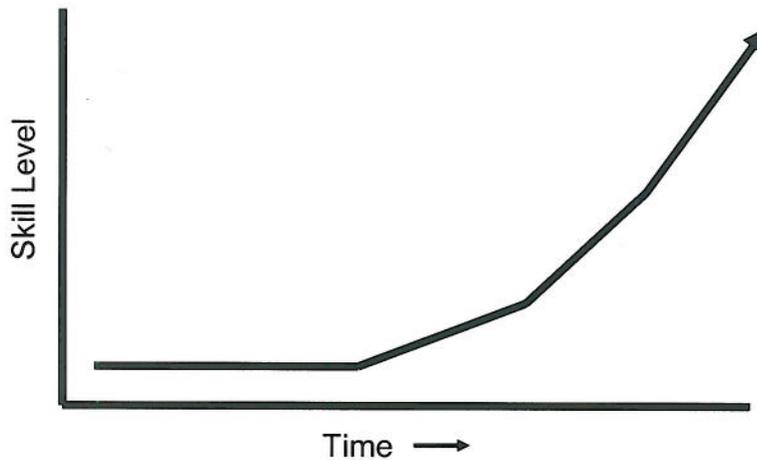
- The beginning of statewide accountability for results
- Legislature required districts administer national norm-referenced tests in the 1980s
  - Initially grade 4, expanded to middle and high school
- Widely reported in newspapers
- Results based on a curve and designed to sort
- No “standards”
- Not reported by ethnic/racial/income
- Were repealed in 2005

## House Bill 1209 (1993)



- Commission on Student Learning
  - Essential Academic Learning Requirements
  - WASL
  - Ad Hoc Accountability Task Force
    - Reading Goals/Establish an Accountability Commission
- Reporting requirements
  - OSPI
  - School Annual School Performance Report
- Certificate of Mastery required for graduation
  - Once the State Board finds the WASL “valid and reliable”

## The Increasing Need for Skills and Knowledge

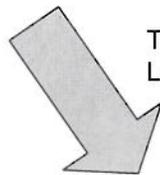


## Student Accountability

The Major Conceptual Change



Access and  
Opportunity to Learn



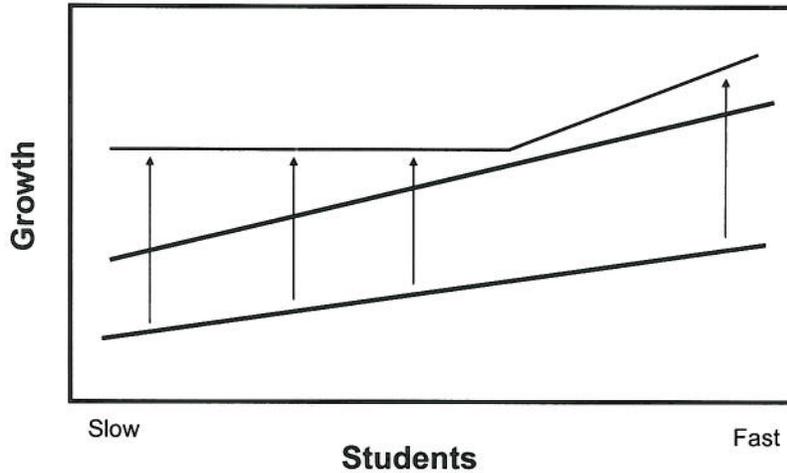
To Access and Opportunity to  
Learn AND

Student Achievement Results

## How do we now define Success?



From a "Year's growth" to "meeting or exceeding standards"



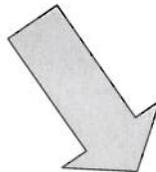
## High School Graduation Requirements



**From Credits**

(with passing grades)

to



**Credits and Skills**

## Other Current Accountability Measures

### 2<sup>nd</sup> Grade Reading Fluency



- Legislators, others wanted an earlier indicator of reading achievement
- Administered by teacher one-on-one
  - Student reads a passage
  - Teacher checks for errors and speed
  - Optional comprehension check also available
- If a student does not pass, assistance to be provided and student retested in the spring
- Results NOT reported to the state
- Still required and being administered

## Other Current Accountability Measures

### Reading and Mathematics Goals



- Started with 4<sup>th</sup> grade reading.
  - Expanded to mathematics and additional grades
- Based on a “continuous improvement model”
- Individual school and district goals
  - 25% reduction in the number of students NOT meeting standards
- Was a consideration in early efforts to identify schools for the “School Improvement” program
- Also distributed banners and plaques
- Was overshadowed by NCLB

## **Other Current Accountability Measures House Bill 2195 – CAA/CIA**



- In 2005, Legislature modified the graduation requirements
  - Created the Certificate of Academic Achievement and Certificate of Individual Achievement
  - Established implementation dates
    - Class of 2008: Reading, writing, math
    - Class of 2010: Science added
  - Directed OSPI to develop Alternative method recommendations
  - Mandated retake opportunities
- In many ways, this is the MOST important accountability measure

## **Models Discussed by the A+ Commission**



- Value-added
  - Tracks progress of individual students and measures annual gain
  - Can be aggregated by classroom, school, district
  - Must have annual, linked assessments, preferably in multiple content areas
  - Emphasis is on one-year growth: Not moving students to standards

## **Models Discussed by the A+ Commission** (continued)



- Schools that “beat the odds”
  - Strong correlation between achievement and poverty
  - However, there are schools with students who out-perform students in schools with similar student demographics
  - The reverse also occurs
  - Should this analysis be part of the accountability system, and if so, in what way?

## **Models Discussed by the A+ Commission** (continued)



- Providing Rewards and Incentives
  - Difficult to reach agreement
    - School or individual-based?
    - Based on what criteria?
    - Growth or “point in time” performance?
    - What unintended behaviors will result?
    - Would we be taking \$s away from more “needy” schools?

## What's changed in the past several years?



- Annual reading and mathematics assessments
  - Grades 3-8, 10
- Additional years of WASL data
  - Can average out beginning and ending years
- Data that links WASL scores with individual students who are poor
  - How well do low-income students do school-by-school?
- Spring of 2008 will soon be here