

Harkin-Enzi Reauthorization Legislation October 2011 – FairTest Notes/Summary/Analysis

“SEC. 1116. SCHOOL PERFORMANCE.

(a) SCHOOL ACCOUNTABILITY AND IMPROVEMENT SYSTEM.—

[page 111 ff of the initially introduced Harkin-Enzi bill; side comments on the bill text are in brackets where I think it needs to stand out from my bill text summaries. Monty]

“(1) IN GENERAL.—Each State receiving a grant under this part shall, as part of the accountability system required under section 1111(a)(3), establish a school accountability and improvement system to differentiate public elementary and secondary schools by levels of performance, in accordance with subsections (b) through (e), and to provide such schools with intervention, as needed.”

First the bill explains identification of ‘achievement gap’ schools, then of lowest achieving high and non-high schools (elementary, middle, any school that does not provide HS grad, hereafter elementary).

Gap schools are 5% of schools with the greatest gaps among various groups (e.g., black vs white), based on “being on track for college and career readiness” (which in the bill means test scores in reading and math (or more subjects) intended to indicate this it) and, for high schools, the graduation rate. Schools in this category need a “data-driven” plan to close the test-score gaps; if they do not do so within 3 years, the districts of which they are a part are ineligible for any “priorities, preferences” or grants under ESEA.

“Persistently lowest achieving” schools are based on the most recent year’s data or on rolling 3-year averages. This includes: The 5% of elementary schools with lowest state test scores or lowest “growth” rates (“growth” calculations are a state option). It also includes the 5% of high schools with the lowest scores and lowest graduation rates, and optionally another test-related calculation, and “the public high schools in the State that have less than a 60 percent graduation rate.” (This may mean more than 5% - ?).

An identified school will stay in the category for five years, though a State can apply to the US Secretary of Ed for a waiver allowing the school out, but in that case any assistance targeted for improvement of the 5% will continue to flow to the school for the remainder of the 5 years.

Next, the Local Education Authority (LEA; district, generally) conducts a needs analysis of each identified school, to include data analysis (test scores etc); “an analysis of the school governance, curriculum, instruction, student supports, conditions for learning, and parent and family engagement practices”; and the resources available at school, district and community level to support improvement and implement a turnaround strategy. This is overall good at a level of specificity perhaps appropriate for fed policy. (The general areas for review follow FEA recommendations, though FEA was more detailed in what it would expect, and does not reduce “achievement” to test scores; see our “Turnaround” document at <http://www.edaccountability.org/pdf/FEA-TurnaroundStatementJune2010.pdf>).

Next, the LEA must develop a plan for each identified school based on the needs analysis, with also a plan to monitor the improvement efforts, provide assistance, and other things, most of which, in a good context, make good sense (some likely do not). There is a sizeable list of required items, including things like professional development and parent engagement. FEA calls for the needs analysis, planning, ensuring needed resources are provided, ongoing monitoring and adjusting – quite similar to what is in the bill up to here. If this were in service to more than boosting test scores and if it had stopped there, it would have been fine and quite consistent with FEA’s “turnaround” proposal.

But here the bill goes awry since it requires selection of one “improvement strategy” from a list of 6. The 6 options are not based in evidence or in feasibility. They can be expected to have many negative consequences. Note that unlike in Race to the Top, there are no limits set on how many of any one option a district can select. The six requirements are a carryover from the RTTT waivers and the calls from various quarters to “get tough” with persistently low-scoring schools. The 6 are:

i – transformation: fire principal if has been there 2 years or more; staff reapply for jobs, so potentially all could be fired; don’t require other schools to take the teachers and admins not rehired. [I don’t know if there are protections for existing contracts elsewhere in the bill, or if this is expected to override any contracts.]

ii - strategic staffing – replace principal, who can bring in “key leadership” team of teachers and admins (team size limited to 5 in elem, 20 in high).

iii – turnaround – replace principal, screen teachers and keep no more than 65% of them

[Assumptions of 1-3 is that principal should be replaced (without an evaluation; FEA had called for an evaluation of the leadership), and many or not-so-many teachers and admins should be replaced; the numbers seem arbitrary. Presumably, the findings of the needs analysis and the improvement plan are then applied to the school and the staff who remain. The issue of finding good staff in both isolated poor rural and urban schools remains. But option ii is not necessarily bad (depending on the team and relationship with existing staff, etc). Option iii could allow a district to run roughshod if there is no contract safety allowed —we’ve seen such things in Chicago, NY, etc.]

iv – whole school reform. “—A local educational agency implementing a whole school reform strategy for a school shall implement an evidence-based strategy that ensures whole school reform. The strategy shall be undertaken in partnership with a strategy developer offering a school reform program that is based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, including more than 1 well-designed or well-implemented experimental or quasi-experimental study.” [There are likely to be few of these entities, and since their approval has to be based on previous studies, at least in the short term there is not much room for new companies to come into being (which may prevent fly-by-night, which is good). Very unlikely to be available to rural schools or many in general.]

v – restart strategy [p 130] includes: charterize or turnover to an EMO (privatize the management); create a magnet. It does require former students to be able to enroll in the new school [hence precluding shrinking the schools, etc., as in Chicago].

vi – school closure – enroll the kids elsewhere in higher-performing schools in reasonable proximity, provide transportation for kids to get there.

[Presumably the schools in options iv-vi must apply the needs analysis, though how that would work if the school is turned into a magnet or charter I don't know. Still, there is a sense of having analyzed the staff and students and community, so to extent is same kids and some same staff would be relevant analysis and plan.]

The bill would allow a very limited 'rural flexibility' (p.133) – but that pertains to the locally-developed plan, not to the list of 6. Rural schools will be able to modify not more than one of the required components of the local plan.

The critical questions are: 1) can anything be done to make the focus on the bill not reduce to standardized test scores (and graduation rates)?; 2) will adequate resources actually be provided; and 3) how harmful will the 6 options turn out to be? A few could be OK, survivable, if implemented well, esp. the "strategic staffing." As it is, the emphasis in the bill on test scores means the intense pressure to turn schools into test prep will continue in low-income areas, which are disproportionately people of color.

“(7) IMPROVEMENT.— state can remove a school from the 5% list, but money (if any) for improvement will keep going to the school.

“(8) REPEATED CLASSIFICATION AS PERSISTENTLY LOW-ACHIEVING.— For each public school identified under paragraph (2) for any portion of a 5-year period and that is reidentified under such paragraph for the subsequent time period, the local educational agency shall carry out the requirements of this subsection for the subsequent period by implementing, with respect to such school, the restart strategy or school closure strategy under clause (v) or (vi) of paragraph (6)(B).” [p134]

This refers to a school that has finished the 5 years and then gets re-identified as in the bottom 5% - those schools must restart or close. FEA recognizes that a school that cannot improve should not remain open. Our caveat was that the school had to really have the financial and other supports to improve, along with enough time, or it becomes a sort of 'blaming the victim.' Richard Rothstein has correctly raised the issue that schools are facing lots of cuts, and the students' families and communities are often hurting, all of which will affect schools in general, particularly the schools serving low-income youth. So this might well be unfair in such circumstances. Given the time frame, this will be happening as ESEA is again up for reauthorization.

“(d) SCHOOL IMPROVEMENT FUNDS.— [134]

This section explains how the money is to be allocated. There is planned a pot of money for Section 1116 separate from the general pot of money for Title I. There is no indication of how much money will be authorized (says "such sums of money as may be needed") never mind

actually appropriated. Thus, it is not at all clear that anywhere near enough money overall will be appropriated to really help the '5%' schools. This is a competitive grant program; who knows what happens to districts/schools that get no improvement money but must carry out the improvement plans as a requirement of receiving Title I funds. If there is not enough money, it either will be spread too thin or some schools/districts will not receive funds, in which case the resources clearly will not be available. FEA had proposed that a calculation be made on how much funds would on average be needed, and if funds are not appropriated, the number of schools that must go through this process should be reduced so that those that do get enough to make the difference.