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ACCOUNTABILITY 101: WHY THE PRESIDENT'S EDUCATION PROPOSALS WON'T MAKE THE GRADE

NINA SHOKRAII REES AND JACQUELINE CURNUTTE

At the heart of the Administration's recently introduced Elementary and Secondary Education Act (ESEA) reauthorization plan is a new program designed to boost accountability called the Education Accountability Act of 1999 (Title XI). Under this plan, to qualify for most ESEA funds, states would be required to (1) turn around low-performing schools; (2) end social promotion; (3) raise teacher quality; (4) implement a sound school discipline policy; and (5) issue report cards on schools. The Act's requirements also would apply to the recently expanded Education Flexibility Partnership Act (Ed-Flex), which offers states greater flexibility to administer some ESEA programs in exchange for meeting program goals.

The President has good reason to call for more accountability. Although the Government Performance and Results Act of 1993 requires the U.S. Department of Education to provide annual performance indicators for each program, only three ESEA programs—Title I for disadvantaged children, the Eisenhower grant program, and the Safe and Drug-Free Schools and Communities (SDFSC) Act—offer them. Their results are less than notable:

- After 34 years and \$120 billion spent on Title I—ESEA's key program—only 13 percent of low-income 4th graders score at or above the

“proficient” level on national reading tests, compared with 40 percent of the higher-income students.

- Despite spending \$358 million per year to train teachers in math and science, America ranks 19th out of 21 industrialized countries in 12th grade mathematics achievement and last in 12th grade advanced physics.
- The Safe and Drug Free Schools and Communities program has spent \$6 billion since its inception; but according to General Barry R. McCaffrey, the Clinton Administration's “drug czar,” it simply “mails out checks.”

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The lack of correlation between federal programs and academic outcomes is disturbing. Thus, although the President's diagnosis of the problems facing schools and students today is accurate, the

Administration's plan is the wrong remedy. It will complicate and retard treatment of these problems. Specifically, this plan:

- **Fails** to set academic achievement as the goal of education reform. Other than enforcing the 1994 standards-based reforms attached to ESEA Title I funds, the Administration's plan does not mention raising student achievement as the goal of the new accountability measures.
- **Continues** to fund school systems instead of students. Although it mentions school choice for students attending chronically failing schools, the extent of portability is limited to public schools even if state law allows state public funds to go to private providers.
- **Fails** to reward states that boost academic achievement and treats states that simply complete the required paperwork the same as it treats those that actually do succeed in boosting academic achievement.
- **Circumvents** state education reform efforts and encourages more bureaucratic oversight.
- **Forces** states to accept accountability methods without giving them the fiscal and legal autonomy to solve their unique problems in the best way.
- **Offers** no flexibility to consolidate all ESEA funds for the state's most urgent needs. If a state needs to focus on one goal, it could not use its share of ESEA funds to feed one key reform. States must continue using ESEA funds in the prescribed areas, regardless of need.

The experience of states that boast high academic results demonstrates that the best way to solve chronic academic failure is to offer states, localities, principals, teachers, and parents more fiscal and legal autonomy in exchange for clear academic results. In the case of federal programs, this would mean:

- **Giving** states and localities more flexibility to consolidate and administer federal funds as they see fit in exchange for agreed-upon results;
- **Recognizing, showcasing, and rewarding** states and localities that succeed in improving academic achievement; and
- **Applying** strict sanctions to states and localities that fail, including the withdrawal of federal funds in the most egregious circumstances or the transfer of funds to parents to select a school of choice.

If it is serious about boosting accountability, Congress should use Title XI to encourage states or localities to enter into a binding agreement with the federal government that outlines how they plan to boost academic achievement. In exchange, the federal government should give the states maximum flexibility and fiscal and legal autonomy to meet their goals. Under this approach, known as "Straight As," federal education dollars would shift from programs that feed inputs to ones that boost results.

The Administration's Education Accountability Act brings needed attention to many problems in the nation's schools, and its objectives are good. But its remedies miss the point and will not improve education for all children because they fail to establish *academic achievement* as the litmus test for effective reform.

The best way to assure results in education is by promoting accountability for academic performance, freeing the states from bureaucratic federal red tape, and giving the states the fiscal and legal autonomy to innovate in exchange for specific agreed-upon results. This cannot be achieved by mandating one-size-fits-all programs from Washington.

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NINA SHOKRAII REES AND JACQUELINE CURNUTTE

In his 1999 State of the Union address, President Bill Clinton acknowledged a key flaw in the federal government's K-12 education policy—the lack of academic accountability:

I believe we must change the way we invest [federal] money to support what works and to stop supporting what does not work.... [L]ater this year I will send to Congress a plan that for the first time holds states and school districts accountable for progress and rewards them for results.¹

The President has good reason to call for more accountability. The Government Performance and Results Act of 1993 requires the U.S. Department of Education to provide annual performance indicators for each of its programs. However, only three Elementary and Secondary Education Act (ESEA) programs—Title I for disadvantaged children, the Eisenhower grant program, and the Safe and Drug-Free Schools and Communities (SDFSC) Act—offer such performance indicators. If the record of these three programs is any

indication, Washington had best step aside; their results are less than notable:

- After 34 years and \$120 billion spent on Title I—ESEA's key program—only 13 percent of low-income 4th graders score at or above the "proficient" level on national reading tests, compared with 40 percent of the higher-income students.²
- Despite spending \$358 million per year to train teachers in math and science, America ranks 19th out of 21 industrialized countries in 12th grade mathematics

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1. William J. Clinton, State of the Union Address, January 19, 1999.

2. See U.S. Department of Education, National Center for Education Statistics, *NAEP 1998 Reading Report Card for the Nation and the States*, March 1999, at <http://nces.e.gov>. See also Nina Shokraii Rees, "A Close Look at Title I, The Federal Program to Aid Poor Children," Heritage Foundation *Background* No. 1271, April 13, 1999.

achievement and last in 12th grade advanced physics.³

- The Safe and Drug Free Schools and Communities program has spent \$6 billion since its inception; but according to General Barry R. McCaffrey, the Clinton Administration's "drug czar," it simply "mails out checks."⁴

The lack of correlation between federal programs and academic outcomes is disturbing. Thus, although the President's diagnosis of the problems facing schools and students today is accurate, the Administration's remedy is wrong. The proposals in the Education Accountability Act will complicate and retard effective treatment of these problems. Specifically, this plan:

- **Fails** to establish academic achievement as the goal of reform. Other than enforcing the 1994 standards-based reforms attached to ESEA Title I funds by Congress, the Education Accountability Act does not mention raising student achievement as the goal of the new accountability measures.
- **Continues** to fund school systems, regardless of their results, instead of empowering parents and focusing on students. Although it mentions public school choice if students are attending chronically failing schools, the extent of portability is limited to public schools even if state law allows state public funds to go to private providers.
- **Fails** to reward states that boost academic achievement and treats states that simply complete the required paperwork the same as it treats those that actually do succeed in boosting academic achievement.
- **Circumvents** state education reform efforts and encourages more bureaucratic oversight.
- **Forces** states to accept accountability methods without empowering them with the fiscal and

legal autonomy to address their unique problems in the best way.

- **Offers** no flexibility to consolidate ESEA funds in order to focus them on the state's most urgent needs. States must continue using ESEA funds in prescribed areas regardless of need.

The Administration's plan will be attached to the upcoming reauthorization legislation for the 1965 Elementary and Secondary Education Act as Title XI. Under this plan, states would be required to (1) turn around low-performing schools; (2) end social promotion; (3) raise teacher quality; (4) implement a sound school discipline policy; and (5) issue report cards on their schools. The Act's requirements also would apply to states that have qualified under the Education Flexibility Partnership Act (Ed-Flex) to waive select ESEA requirements from their localities.

To be sure, the President has identified sound and focus group-friendly objectives for reform. But the experiences of the states, cities, and schools that already boast high academic results demonstrate that the best way to solve chronic academic failure is to offer states, localities, principals, teachers, and parents more fiscal and legal autonomy in exchange for academic results. In the case of federal programs, this would mean:

- **Giving** states and localities more flexibility to consolidate and administer federal funds as they see fit in exchange for agreed-upon results;
- **Recognizing, showcasing, and rewarding** states and localities that succeed in improving academic achievement; and
- **Applying** strict sanctions to states and localities that fail, including the withdrawal of federal funds in the most egregious circumstances or the transfer of funds to parents to select a school of choice.

3. See <http://www.ed.gov/inits/TIMSS>.

4. Matthew Rees, "Title IV: Neither Safe nor Drug-Free," in Marci Kanstoroom and Chester E. Finn, Jr., eds., *New Directions: Federal Education Policy in the Twenty-First Century* (Washington, D.C.: Thomas B. Fordham Foundation, March 1999). *New Directions* was published in cooperation with the Manhattan Institute.

In short, if Washington is serious about achieving accountability in education, it should shift its focus from mandating more rules and bureaucracy to forming partnerships with states and localities to assure that federal education dollars no longer subsidize programs that fail to improve student achievement.

ACCOUNTABILITY IN ESEA PROGRAMS

The Elementary and Secondary Education Act, the largest piece of federal education legislation with almost \$14 billion in budget authority, authorizes over 60 programs for nearly every education-related issue from kindergarten through 12th grade. Although ESEA spending comprises a small portion of total dollars spent on education,⁵ the money carries with it a massive amount of regulation. For instance, in Arizona, approximately 45 percent of the state's education staff are needed to oversee the administration of federal dollars.⁶ In Florida, six times as many people are required to administer a federal education dollar as a state dollar.⁷ And in Georgia, nearly 30 percent of the state's education employees work full-time to administer the federal programs.⁸

Most ESEA funds are given as grants to state education agencies (SEAs) or local education agencies (LEAs). Under this "grant-in-aid" process, federal funds are allocated based on a formula or a grant competition. The grants generally are connected to "categorical" programs with a specified purpose and for a specified group. In return, the states and localities must comply with regulations that include general requirements for categorical

programs (such as how to administer the funds or who is served); crosscutting requirements for all federal grants (such as a nondiscrimination requirement); or requirements related to other legislation.⁹ The five goals of the President's proposal would take the form of general requirements tied to most ESEA funding.

The Education Accountability Act would not be Washington's first effort to inject accountability into the federal grant-in-aid structure. In 1994, Congress added specific measures requiring academic results to the administration of ESEAs largest and best-known program, Title I (Aid to Disadvantaged Students). Known as "standards-based reforms," these requirements demand that states develop and align three objectives by the beginning of the 2000–2001 school year: (1) challenging curriculum standards for learning; (2) a statewide assessment of knowledge under these standards; and (3) rigorous performance standards for all students and schools.¹⁰

Despite these changes in the law, poor students continue to lag behind their peers, and some of the state-reported improvements may be misleading. On the 1998 National Assessment of Educational Progress (NAEP), poor students lagged behind their more affluent peers by 20 percentage points. Only 42 percent of students in the highest-poverty schools scored at or above the NAEP basic level for reading, while 62 percent of students in all public schools met that standard. And only 13 percent of low-income 4th graders scored at or above the "proficient" level, compared with 40 percent of the higher-income students.¹¹

5. ESEA accounts for 5 percent to 7 percent of total education spending on average, but can account for as much as 15 percent in high-poverty school districts.
6. Lisa Graham Keegan, "Arizona: Back Off, Washington," in Kanstoroom and Finn, eds., *New Directions: Federal Education Policy in the Twenty-First Century*, p. 125.
7. Frank Brogan, testimony before Committee on Education and the Workforce, U.S. House of Representatives, 105th Cong., 2nd Sess., May 5, 1998.
8. Linda Schrenko, testimony before Committee on Education and the Workforce, U.S. House of Representatives, 105th Cong., 2nd Sess., May 5, 1998.
9. John J. DiIulio, Jr., and Donald F. Kettl, *Fine Print: The Contract with America, Devolution, and the Administrative Realities of American Federalism*, Brookings Institution Center for Public Management, March 1, 1995, p. 42.
10. U.S. Department of Education, *Mapping Out the National Assessment of Title I: The Interim Report*, 1996.

In light of these results, and faced with mounting public pressure for more accountability and better academic results, the Administration wants to add additional requirements to the distribution of federal education funds. The proposed Education Accountability Act would attach specific reforms to ESEA grants. Congress should examine each proposal to see whether it boosts academic improvement or merely burdens state and local education agencies with more regulation. The available evidence shows the latter to be the case.

State Experience Should Count. Accountability has worked well in cities such as Chicago and states such as Texas. In both places, a system of accountability has helped officials to zero in on students and schools that have fallen behind and uncover the reasons for their failure. However, accountability has been coupled in both places with fiscal and legal autonomy and flexibility, which allows the reforms to be implemented quickly and efficiently.

The Administration's plan, by comparison, will force states to accept accountability methods without giving them fiscal and legal autonomy—tools needed to help them address their unique problems. This approach encourages more paperwork and bureaucracy, and it offers no flexibility to consolidate ESEA funds and waive unnecessary rules efficiently. States would have to comply with pages and pages of federal regulation in other areas while adopting a system of reporting that may or may not be needed to reform the state's school system.

This puts the cart before the horse. If states are expected to use federal funds as they wish in exchange for clear results, they will have to implement some system of accountability. Mandating accountability *without* that flexibility would mean more paperwork and less time for states to invest in finding ways to teach their students.

If Congress is serious about boosting accountability, it should use Title XI to encourage the states or cities to enter into binding agreements

with the federal government that outline how they plan to boost academic achievement. In exchange, the federal government should give them maximum flexibility and fiscal and legal autonomy to meet their goals. Under this approach, which has been called Super Ed-Flex or Academic Achievement for All (Straight As), federal education dollars would shift from feeding inputs and compliance with regulations to implementing programs that boost academic results.

RIGHT OBJECTIVES, WRONG APPROACH

Although the five objectives of the Administration's new accountability package are sound, the approach taken in the Education Accountability Act will not achieve these objectives. It will miss the intended mark by focusing on rules and the bureaucratic process instead of demanding the academic improvement of all students.

Turning Around Low-Performing Schools

The first prong of the Administration's accountability plan asks states to identify and turn around failing schools. This is certainly a policy objective that Americans support, but the Administration's prescription for fixing the problem is misguided.

Under this provision of the Act, each state would be required to use 2.5 percent of its Title I allocation to identify the worst-performing schools and to implement corrective actions, such as intensive teacher training, support for improving school discipline, and proven approaches to school reform. This measure gives states two years to boost student achievement. If two years pass and no improvement is shown,

the proposal would require states to take additional corrective actions, such as permitting students to attend other public schools; reconstituting the school, by fairly evaluating the staff and making staff changes as appropriate; or closing the

11. See U.S. Department of Education, National Center for Education Statistics, *NAEP 1998 Reading Report Card for the Nation and the States*, March 1999, at <http://nces.e.gov>.

school and reopening it as a charter school or with an entirely new staff.¹²

Drawing from this language, the Act would impose three requirements on states that are interested in receiving their share of Title I funding. First, the states would have to find tools to enable them to identify the low-performing schools (36 states already use report cards, of varying accuracy, to rate their schools). Second, they would have to show how they intended to assess the needs of these schools and implement “corrective action plans.” Third, they would have to provide a plan of action in the event that there is no improvement in a school after two years.

Already, approximately 20 percent of all Title I schools are recognized as needing improvement (to achieve state standards).¹³ Even though the current Title I law demands that states intervene if a school fails to meet state standards for more than two years in a row, there are insufficient penalties to motivate them to improve.¹⁴

The Plan’s Shortcomings. The Administration is right to expect that all Title I schools meet the states’ standards. It is also right to force corrective action, including public school choice, if failures persist. If states were given broad flexibility to design programs based on their unique needs, the President’s proposal would seem reasonable. But in its current format, the Administration’s plan encourages the same bureaucratic path that hinders other federal education programs.

Accountability should promote outcomes. Funding in this program should be used to reward states that boost the academic achievement of low-income students, especially those trapped in failing schools, instead of rewarding states that simply put forth plans to reach this goal. Thus, this provision suffers from three shortcomings:

- **Title I law already requires states to reform failing schools.** However, there are not enough incentives for the system to reconstitute failing schools. Of the 11,000 schools identified for program improvement by the U.S. Department of Education in 1996, over half had been involved in program improvement for at least two years; almost 1,000 had been involved for at least four years; and over 100 had been involved since 1988.¹⁵

The Administration’s effort to reconstitute failing schools ignores the limitations of the 1994 reforms in Title I of ESEA. Instead of adding federal regulations, the Administration should enforce the 1994 law and sanction states that fail to take affirmative steps to reconstitute their failing schools. Today, 6,905 schools are on the Department of Education’s school improvement list. The Administration should be more concerned about assuring that students in these schools get a better education by offering them a way out of their current situation.

- **The two-year time limit for states to show results is arbitrary.** North Carolina and Texas—states often cited for their strong accountability systems—reassess school improvement efforts each year. Both states allow districts to take action, in the form of a school takeover, if a low-performing school has shown no improvement after one year. In addition, both states allow children in continually low-performing schools to enroll elsewhere in their district.

North Carolina and Texas have a remarkably lower percentage of low-performing schools than the nation has: Nationally, nearly 20 percent of schools receiving funding for disadvantaged children are low-performing; in North

12. See the Title I prospectus at <http://www.ed.gov/offices/OESE/ESEA/prospectus/titlex1.html>.

13. Stanley Pogrow, “Title I: Wrong Help at the Wrong Time,” in Kanstoroom and Finn, eds., *New Directions: Federal Education Policy in the Twenty-First Century*.

14. *Ibid.*

15. *Ibid.*

Carolina, only 8 percent are low-performing, and in Texas, only 1 percent.¹⁶ If the Administration is serious about saving students who are trapped in failing schools, its plan should allow states to set their own timelines, given their unique makeup, in exchange for clear academic results. Alternatively, it should allow students trapped in poor-performing Title I schools to change schools.

- **Students in failing schools are not given a choice of schools to attend.** This is particularly important in low-income school districts that suffer from a lack of quality public schools. Students in these settings should be allowed to attend a public, private, or religious school of choice. Most inner-city Catholic schools, for example, offer an excellent education at less than half the cost of public education. Nationally, the average tuition at public schools is \$6,631; the average tuition in private Catholic schools is \$2,178.¹⁷

In addition, school choice has been shown to boost academic achievement for inner-city poor children. In Milwaukee, home of the first publicly sponsored school choice program, low-income students who attended a private school for at least four years improved reading by 5 percentile points and 15 percentile points in math, compared with their peers in public schools.¹⁸ Similarly, studies show that low-income 4th and 5th graders who attend a school of choice in New York City (thanks to the School Choice Scholarships Foundation) fared 4 percentile points better in reading and 6 percentile points better in math, compared with their public school counterparts.¹⁹

Low-income parents favor choices beyond the traditional public school system. When financiers Ted Forstmann and John Walton put up \$100 million to sponsor 40,000 scholarships for students in failing schools to attend a school of choice, they received 1.25 million applications in just a few months. In Baltimore, Maryland, 20,145 students applied for just 500 of these scholarships in less than 5 months. This means that 44 percent of the eligible population in Baltimore applied for the opportunity to select a school of choice. In Philadelphia and Washington, D.C., 33 percent of the eligible students applied for the scholarships; and in New York City, over 29 percent applied.²⁰ This response occurred even though parents had to contribute between \$500 to \$1,500 of their own money to qualify for a scholarship.

A Better Approach. If the Administration is serious about offering students a better education, it should listen to the rallying cry of 1.25 million poor parents who sought school choice. Reconstituting failing schools and offering only public school choice are steps that will be as ineffective as rearranging the deck chairs on the Titanic; they will not save all the students attending the nearly 7,000 Title I failing schools.

Ending Social Promotions

American students' poor performance on national and international tests, especially in high school, and their low graduation rates are forcing a critical evaluation of federal policy. In Chicago, 96 percent of the children who went from the city's public schools to its colleges in 1995 had to take remedial reading and math courses before taking

16. U.S. Department of Education, Office of the Under Secretary Planning and Evaluation Service, *Promising Results, Continuing Challenges: The Final Report of the National Assessment of Title I*, pre-publication copy, 1999, p. 4-9.

17. U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics*, 1996.

18. Jay P. Greene, Paul E. Peterson, and Jiangtao Du, "School Choice in Milwaukee: A Randomized Experiment," in Paul E. Peterson and Bryan Hassel, eds., *Learning from School Choice* (Washington, D.C.: Brookings Institution, 1998).

19. See <http://data.fas.harvard.edu/pepg/>.

20. Children's Scholarship Fund, "Analysis of Scholarship Applicants and Recipients in Selected Communities," April 1999, at <http://www.scholarshipfund.org>.

regular college-level courses.²¹ Nationally, 10 percent to 15 percent of 340,000 young adults who graduate from high school but have no further formal education cannot balance a checkbook, according to the Department of Education.²²

The second provision of the Education Accountability Act calls for ending both traditional grade retention and social promotion, the practice of allowing a student to pass from grade to grade regardless of whether or not the student masters the appropriate content and skills. Naturally, if traditional retention and social promotion are eliminated, some form of transitional learning program (such as summer school and after-school programs) or alternative retention structure will be necessary.

But the Administration's plan would impose more mandates and paperwork on schools, further limiting their ability to promote academic improvement for every student. Specifically, the plan would force states and school districts to show how they will enable students to meet promotion standards on time by implementing research-based prevention and early intervention strategies to identify and support students who might need help meeting challenging standards; providing all students with qualified teachers who use proven instructional practices tied to challenging state standards; and providing continuing, intensive, and comprehensive educational intervention to students who are not meeting standards on a timely basis.²³ Additionally, the Administration's plan will require states to define three key evaluation points (grade levels), which would include high school graduation.

The Plan's Shortcomings. The Administration's plan to end social promotion by regulating from

Washington will not solve this problem. The reasons:

- **No state or locality has figured out how to end the practice of social promotion.** Social science evidence in this area is scarce, and the President's three-pronged approach could easily mire states into focusing on programmatic inputs rather than on boosting academic achievement for all students. In his State of the Union address, the President recognized that ending social promotion can promote academic gains:

Just look at Chicago, which ended social promotion and made summer school mandatory for those who don't master the basics. Math and reading scores are up three years running with some of the biggest gains in some of the poorest neighborhoods.²⁴

But Chicago's successful school reform plan was catapulted to success by unique circumstances that cannot be replicated by federal mandate. The effort to end social promotion happened in conjunction with the state's 1995 school reform effort, in which the state gave Chicago's mayor complete autonomy to fix the system.²⁵ Federal mandates cannot compel this type of reform at the state or local level, nor can they replicate the dynamic leaders of the mayor's school reform team: School CEO Paul Vallas and School Board President Gery Chico.

Second, the verdict on Chicago's effort is still out. Chicago uses the national norm-based Iowa Tests of Basic Skills (ITBS) to assess student achievement, make student promotion and retention decisions, and examine individual school performance. ITBS scores are based

21. Paul G. Vallas, "Saving Public Schools," *Center for Civic Innovation Civic Bulletin*, No. 16 (March 1999).

22. See <http://www.ed.gov/offices/OESE/ESEA/prospectus/titlex1.html>.

23. *Ibid.*

24. Clinton, State of the Union Address.

25. Michael Martinez, "For Schools, It's Only a Start," *The Chicago Tribune*, February 12, 1999, at <http://www.chicagotribune.com/splash/article/0,1051,SAV-9902120141,00.html>.

on a comparison to a national average (or “norm”). However, Chicago uses the norm group from 1988 as the basis for comparison. According to *Catalyst*, an independent news magazine that analyzes and supports reform efforts in the Chicago Public Schools, “if Chicago switched to a more recent ITBS norm, its math score likely would drop.”²⁶

Finally, as reported in *The Chicago Tribune*, despite the city’s efforts to end social promotion, approximately two-thirds of its students can neither read nor do math at grade level.²⁷ According to the Chicago Panel on School Policy, the policy of ending social promotion allows “3rd graders to be...a year behind, 6th graders a year and a half behind, 8th graders a little less than a year and a half behind, and sophomores two years behind.”²⁸

- **The after-school and summer school programs encouraged under the Administration’s plan may not improve the performance of students at risk for retention.** The Johns Hopkins University Center for Research on Effective Schooling for Disadvantaged Students conducted a study in 1993 to review past research and determine the effects of summer school on at-risk elementary and middle school students.²⁹ It reported that previous research endeavors had found that summer school had little or no effect on such students, which may be due to the limited amount of time spent in reading and math instruction, the relatively short duration of most summer school programs, the failure of schools to take advantage of innovative pedagogical approaches, or the lower student attendance in summer school.

After-school programs suffer from similar drawbacks. Although 80 percent of after-school programs reported devoting some time to reading and homework, students spend large portions of time socializing, playing board or card games, and block building.³⁰ The Administration, of course, specifies that states must provide intensive and comprehensive programs using qualified teachers and proven practices. But because Washington is too distant to monitor the day-to-day activities of these programs, and because there are no proven methods to end social promotion and retention, this policy feeds the existing system and distracts states from the chief task at hand: boosting academic results.

- **To measure the success of the plan, Washington will need to play the role of national school board.** When the Long Beach Unified School District grappled with designing new promotion standards in 1998, it asked serious questions, such as “Which grades will be used as the key checkpoints for retention? What timeline is reasonable for implementing both retention and intervention policies? How much can school sites take on and perform effectively? How will we systematically document our intervention efforts over time? What criteria will be collected that will provide the best information for improving teaching decisions? How will we train teachers to collect and use these data? What accommodations will we make for students in special education and those learning English as a second language? What will programs look like to ensure we don’t repeat a grade? How will we bring

26. Elizabeth Duffrin, “Spurring Progress: A Critical Look at Chicago’s Testing Program,” *CATALYST: Voices of Chicago School Reform*, June 1998, at <http://www.catalyst-chicago.org/06-98/0698wmm01.htm>.

27. Martinez, “For Schools, It’s Only a Start.”

28. *Ibid.* and “Summer Bridge,” an Initiative Status Report of the Chicago Panel on School Policy, Fall 1997, p. 2.

29. National Institute on the Education of At-Risk Students, *Project #7115: Summer School*, Center for Research on the Education of Disadvantaged Students, at <http://www.ed.gov/offices/OERI/At-Risk/cds1rp05.html>.

30. U.S. Department of Education, *The National Study of Before- and After-School Programs*, September 1996, at <http://www.ed.gov/offices/OUS/eval/esed/b4&afr.html>.

our parents along for early intervention and support?”

To measure the success of a state’s program to end social promotion, Washington would need to answer similar questions, but these questions are asked and answered best at the local level. This policy likely will be expensive and will force school districts to implement measures that do not solve the underlying reasons students fail to learn.

A Better Approach. The best thing Washington can do to help end social promotion is make the dollars it spends on education contingent upon academic results. That way, states could use their federal dollars to boost academic achievement for all students, including blacks, Hispanics, and low-income children, in accordance with standards they have outlined themselves. States should not be required to fill out mounds of paperwork or be held accountable for Washington-driven plans that ultimately may not lead to better students.

Raising Teacher Quality

Of all the problems plaguing the nation’s schools, ill-prepared teachers tops the list. In 1996, professor William Sanders of the University of Tennessee demonstrated that “the single most dominant factor affecting student academic gain is teacher effect.”³¹ Sanders discovered that a student who received three consecutive years of poor teaching could lag by over 50 percentile points behind his peers who received good teaching.

The Administration’s plan to raise teacher quality would require all states to adopt performance exams for new teachers to assess their subject-matter expertise and teaching skills. It also would require the states to phase out the use of emergency training certificates and the practice of

assigning teachers to subjects they are not qualified to teach, and that at least 95 percent of a state’s teachers are “(1) fully-certified, (2) working toward full certification through an alternative route, or (3) are fully-certified in another state and working toward meeting any state-specific requirements” within four years³²

The Plan’s Shortcomings. Although teacher testing, phasing out emergency certificates, and encouraging subject-matter mastery are highly attractive, the Administration’s plan fails to connect these efforts with student academic achievement. Some of the key concerns with the Administration’s proposal include:

- **Teacher testing alone will not keep bad teachers from finding work in the classroom.** Already, 38 states have some sort of teacher test or performance exam in place, yet poorly qualified individuals are still entering the teaching workforce. The Administration could require states to use a more stringent test, create its own national test, or focus instead on the root cause of the problem: poor preparation of teachers.

As noted by educator Thaddeus Lott, whose low-income students in Houston’s Mabel B. Wesley Elementary School boast high reading scores, “new teachers don’t come equipped to teach”³³ upon graduation from education schools. A lot of school time is “focused on teaching teachers how to teach. They get so little field practice in college.”³⁴ Teacher-training schools traditionally have attracted students who score on the lower rungs of the SAT ladder, and tend to offer a light dose of practical course work. Testing students who graduate from these schools will not solve the problem. Encouraging states to give principals like

31. William L. Sanders and June C. Rivers, “Cumulative and Residual Effects of Teachers on Future Student Academic Achievement,” *Research Progress Report*, University of Tennessee Value-Added Research and Assessment Center, Knoxville, Tennessee, November 1996, p. i.

32. See <http://www.ed.gov/offices/OESE/ESEA/prospectus/titlex1.html>.

33. Tyce Palmaffy, “No Excuses,” *Policy Review*, January–February 1998.

34. *Ibid.*

Lott more freedom to hire qualified applicants, and measuring success through student performance, will.

- **Outlawing emergency training certificates is counterproductive.** Because inner-city schools tend to suffer from high rates of teacher turnover and have a harder time attracting good teachers, emergency certification may be the only way to get qualified individuals into the classroom quickly. Outlawing emergency certification may leave poor students without teachers or force districts to transfer them to other classrooms, which would enlarge class sizes. States should encourage alternative certification routes and allow principals discretion in hiring good teachers. In some states, an emergency certificate is the only legal way to do this.
- **It offers limited ways to boost teacher quality (assuming a teacher certificate guarantees subject matter knowledge) and ignores such tools as merit pay, stronger recruitment efforts, or education school reforms.** There is no clear evidence that teacher certification is the best or even the most efficient indicator of future success. According to Stephanie Soler of the Progressive Policy Institute, the Democratic Leadership Council's research arm:

The problem is not that teachers are not certified. The vast majority of public school teachers—over 90 percent—are indeed certified to teach. The problem is that teacher certification simply does not translate into teacher quality, especially when it comes to subject matter mastery.³⁵

A Better Approach. The Administration's plan for improving teacher quality is appealing and may prove useful in some areas, but federal policy

should allow the states to use federal funds to pursue the strategies they determine will fit their needs and circumstances. Instead of focusing attention on a few popular teacher-quality enhancement programs, this program should be merged with other accountability programs to help boost academic achievement. States should be asked to show how their investments in their teachers have enhanced student learning (disaggregated by socioeconomic background) instead of how their plans have enhanced teachers' ability to pass a national performance test.

As outlined recently by the Washington, D.C.-based Thomas B. Fordham Foundation in a manifesto signed by 100 governors, state and local officials and education leaders, teachers, and parents, "school-level managers are in the best position to know who teaches well and who teaches badly. They have access to far more significant information than state licensing boards and government agencies."³⁶

The best way to promote teacher quality is to give states the autonomy to empower principals in exchange for academic achievement. States that boast high academic outcomes are states that invest in quality teachers. Thus, the Administration's plan to connect ESEA funds to programs that force states to measure and certify teachers' knowledge, instead of to programs that boost student learning, are misguided.

Implementing a School Discipline Policy

"To assure that our classrooms are truly places of learning," remarked the President in his State of the Union address, "and to respond to what teachers have been asking us to do for years, we should say that all states and school districts must both adopt and implement sensible discipline policies."

The recent tragic school shooting incident in Littleton, Colorado, focused the nation's attention

35. Stephanie Soler, "Teacher Quality Is Job One: Why States Need to Revamp Teacher Certification," Progressive Policy Institute *Background*, January 1999, at <http://www.dlcppi.org>.

36. See Thomas B. Fordham Foundation, "The Teachers We Need and How to Get More of Them," April 1999, at <http://www.edexcellence.net/library/teacher.html>.

on school violence once again, but such tragedies are rare. During the 1996–1997 school year, only 10 percent of all public schools reported one or more serious violent crimes to the police or other law enforcement representatives.³⁷ That same year, 47 percent of public schools reported at least one less serious or nonviolent crime to police.³⁸

Discipline problems appear to be clustered more in large schools in the inner cities and their surrounding areas. One-third of schools with 1,000 or more students reported at least one serious violent crime, compared with less than one-tenth of schools with fewer than 1,000 students.³⁹ Between 1989 and 1995, the percentage of students who reported street gangs at their schools increased from 15 percent to 28 percent.⁴⁰ In 1995, urban students were more likely to report that there were street gangs at school (41 percent) than were suburban students (26 percent) or rural students (20 percent). And 75 percent of violent crimes were related, in one way or another, to drugs.⁴¹

The Plan's Shortcomings. No school can function in chaos, and no teacher can teach when he or she must spend most of the day disciplining unruly students. Although the Education Accountability Act requires states to implement an effective discipline policy, there are several reasons why this mandate will not make schools safer for learning:

- **The current federal program to reduce violence and drugs in schools is ineffective and fraught with mismanagement and abuse.** Most of the federal funding for school discipline policies is given to the states as grants from the Safe and Drug-Free Schools and Communities Program. To date, there has

been no comprehensive national evaluation of this program or of how the states spend the funds. However, some conclusions can be drawn from smaller studies and anecdotes. Based on a five-year study of 19 school districts for the Department of Education, the Research Triangle Institute reported that (1) “drug prevention programs were found to have little or no effect on the extent of drug use among students,” and (2) “no programs were found that were as extensive as other researchers have suggested would be needed to achieve significant positive impacts.”⁴²

An audit of the SDFSC program in Michigan, for instance, found that over the past five years, more than \$10 million in federal drug education and prevention funds was used to underwrite the purchase of large teeth (\$64,500), giant toothbrushes (\$17,400), a human torso model (\$1.5 million), wooden cars with Ping-Pong balls (\$12,300), pushbutton play telephones (\$6,000), Hokey Pokey songs (\$18,500), cotton balls (\$4,000), Ping-Pong balls (\$2,000), dog bone kits (\$3,700), eye and ear models and videos (\$500,000), bicycle pumps (\$11,000), mouthpieces (\$46,500), grip strength testers (\$61,000), and “How We Feel About Sound” (\$300,000).⁴³

The Safe and Drug-Free Schools and Communities Program is a perfect example of the limitations of a Washington-driven school reform initiative. Good schools are also safe schools. To this end, Washington should promote learning and let schools decide whether they need to use federal funds to invest in a sound school discipline policy or on a sound reading program.

37. See <http://www.ed.gov/pubs/AnnSchoolRept98/natper.html>.

38. *Ibid.*

39. *Ibid.*

40. *Ibid.*

41. *Ibid.*

42. For an overview of the problems with the program, see Rees, “Title IV: Neither Safe nor Drug-Free.”

43. *Ibid.*

- **States and localities do not track disciplinary incidents consistently, and reported incidents are often anecdotal.** Different communities deal with discipline policy in different ways; some opt for zero-tolerance while others focus on increased school security and formal school violence-reduction programs. Without a clear vision of policies that are working at the state level, it is difficult to mold effective national guidelines on discipline.

As Alexander Volokh, an adjunct scholar with the Reason Public Policy Institute, wrote recently in *The Wall Street Journal*, “making schools safer isn’t about finding a program that works in all cases; it’s about setting up a system that allows and encourages schools to discover what works in their case.”⁴⁴ The federal government is too far away to measure the soundness of the discipline policies at 85,000 public schools. Discipline policy therefore should be set at the state and local levels.

- **There also are clear legal barriers confronting the enforcement of disciplinary policies.** As Kay Hymowitz of New York City’s *City Journal* points out:

[T]he legal culture produced by a pair of Supreme Court rulings makes it difficult for educators to do anything when confronted with... warning signs—or indeed even to enforce the ordinary discipline that kids need in order to be molded into citizens.⁴⁵

Although subsequent court decisions have determined that students do not enjoy the same legal rights as adults, many educators fear legal recourse for applying even the mildest punishment for bad behavior. Moreover, student handbooks like “Up Against the Law” and “A High School Students’ Bill of Rights” advise students that “you don’t have to answer a school official if he questions you,” and

“a teacher can’t make you do anything that violates your conscience.”⁴⁶

A Better Approach. Before implementing a new federal law that does not address the causes of violence in schools, Washington should find ways to allow public school principals to use legal tools to discipline students and avoid erroneous lawsuits that hinder their ability to maintain an orderly environment.

This autonomy is behind the success of Catholic schools, which often are situated next to public schools that have experienced disciplinary problems and have installed metal detectors. Catholic schools have parents’ permission to discipline students for chewing gum, yet public schools are unable to dismiss a disabled student who, for example, carries a gun to school. The federal government should let schools and states solve these problems locally. A good school is a safe school. The last things school principals need are more paperwork and experiments; what they *do* need is the freedom to use federal funds on commonsense solutions that boost academic results.

Issuing School Report Cards

The last component of the Education Accountability Act requires states to issue yearly report cards on each school and district, as well as on the states themselves. These report cards would include information on student achievement, teacher qualifications, class size, and school safety, in addition to disaggregate student data to show the achievement of racial, ethnic, and socioeconomic subgroups of the student population.

School report cards can play a crucial role as parents search for better information on their schools. A study by A-Plus Communications, an Arlington, Virginia, education policy consulting group, found that report cards are very popular with parents: “parents and taxpayers very strongly want to know how ‘their’ school compares to oth-

44. Alexander Volokh, “School Choice Could Help Alleviate Violence,” *The Wall Street Journal*, April 29, 1999, p. A26.

45. Kay S. Hymowitz, “How the Courts Undermined School Discipline,” *The Wall Street Journal*, May 4, 1999, p. A22.

46. *Ibid.*

ers within the district and the state and, to a lesser degree, the nation.”⁴⁷ The resources parents use to make such comparisons will be the key to their ability to make informed decisions.

The Plan’s Shortcomings. Although the information required under the Administration’s plan seems reasonable, federal education dollars should not reward states that simply rank their schools. Specifically:

- **It would bog states down with bureaucratic mandates and paperwork** rather than encourage them to invest in the best methods of teaching. Currently, 36 states use report cards; 17 compare the school test results to the national average, 25 compare results to the state average, and 20 compare them to the district average.⁴⁸ In addition, 26 states make the report cards available on the Internet, and 13 require the school to send report cards home.⁴⁹ As New Jersey Governor Christine Todd Whitman noted on *Meet the Press* in February, “we already have report cards for schools. I don’t need the federal government coming in and saying that, ‘You’ve got to redo it to our precise standards, our wording.’ What you see now is a huge waste of money on bureaucracy.”⁵⁰
- **Imposing a new set of criteria for the states to include on the report cards will be a costly and, in many cases, futile exercise.** States have different demographics, and their residents would like to see different issues addressed on the report cards. If states were to use federal dollars as they wished in exchange for clear performance outcomes, many more would choose to invest in assessment tools like report cards.

A Better Approach. The best information on schools tends to be provided by entities with the least vested interest in the system. State governments, being one step removed from localities, have a more objective method of measuring student outcomes; but they also are mired in politics and may not be the best entities to provide solid information—especially if their performance on the report card will result in monetary rewards or consequences. Report cards should be seen as the natural byproduct of an effort to reconstitute failing schools and provide good information to parents. They should not be ends in themselves.

THE PROPER FEDERAL ROLE IN BOOSTING ACADEMIC ACHIEVEMENT

The primary reasons why the Administration’s accountability plan faces so many challenges are that it would be administered from Washington and is focused on inputs. If Washington insists on investing in the nation’s schools, then it is fair for taxpayers to expect their dollars to yield a positive return. As Kentucky Governor Paul E. Patton recently told *The Los Angeles Times*, “[The states] need the federal government as a limited partner and us as a general partner.”⁵¹

If the federal government is interested in partnering with states to boost academic achievement, it should assume the role of shareholder. Instead of micromanaging the day-to-day activities of ESEA programs and funds and enacting the five provisions of the Education Accountability Act, it should provide funding to states and localities in exchange for agreed-upon results. If the money invested yields a high return, a wise shareholder will invest more; if not, the shareholder will look at alternative ways to generate a better return.

47. “Making Sense: Ten Recommendations for Reporting School Results to the Public,” *A-Plus Communications*, January 1999, at <http://www.apluscommunications.com/aplus/learned.html>.

48. “Quality Counts,” *Education Week*, January 11, 1999, p. 87.

49. *Ibid.*

50. Excerpts from NBC’s *Meet the Press*, February 21, 1999.

51. Nina Shokraii Rees and Kirk Johnson, “Why a Super Ed-Flex Program Is Needed to Boost Academic Achievement,” Heritage Foundation *Backgrounder* No. 1261, March 5, 1999.

Super Ed-Flex or Academic Achievement for All (Straight As). The plan to make Title XI requirements apply to the states currently eligible to waive a few ESEA regulations would, in effect, turn back the clock on Congress's recently expanded Ed-Flex program. Instead, Congress should make Title XI pick up where Ed-Flex left off by considering a true accountability package.

Dubbed Super Ed-Flex or Academic Achievement for All (Straight As), this package would require clear academic outcomes for every penny spent at the federal level. Interested states or school districts would sign a binding agreement with the federal government to assure academic results in exchange for maximum flexibility in administering K–12 education programs. This approach would require:

- **Clear performance objectives.** The binding agreements (much like the ones charter schools sign with their sponsors) would include clear performance objectives and a timetable for demonstrating academic improvement. The agreement should include target goals for students previously served by the covered programs. To test academic gains, states could use the state-level NAEP test, a commercial test, a state test, or another mutually acceptable test.
- **Rewards for meeting goals.** The federal government would reward states or school districts that met their performance goals.
- **The ability to remain in the current program.** States or school districts that do not wish to consolidate categorical programs would continue to operate them as prescribed by the new ESEA plan, to be reauthorized by Congress, and would meet the goals outlined in each categorical program.

Such a package would fulfill two important goals. First, it would acknowledge that education is a state and local responsibility and allow states to use federal funds (without bureaucratic strings) to fulfill their unique goals. Second, it would reform current ESEA programs by shifting their focus to academic achievement rather than bureaucratic inputs. Instead of focusing on specific programs such as ending social promotion, creating report cards for schools, and encouraging the implementation of school discipline policies—all of which are good initiatives for states and localities to consider—a Straight As or Super Ed-Flex package would zero in on academic achievement, letting states and localities decide for themselves how best to encourage learning.

CONCLUSION

The Administration's Education Accountability Act brings desperately needed public attention to the many problems in the nation's schools. It also focuses on sound objectives that any good education reform effort should seek. But the Administration's plan fails to identify *academic achievement* as the litmus test for effective reform. Instead, it mandates more rules and paperwork.

The best way to assure results in education is by promoting accountability for academic performance, freeing the states from bureaucratic federal red tape, and giving the states the fiscal and legal autonomy to innovate in exchange for specific agreed-upon results. This cannot be achieved by mandating more one-size-fits-all programs from Washington.

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