

Hawaii Department of Education

School Accountability Plan Outline (May 2002)

Purpose

The purpose of this plan is to implement a system of school accountability that conforms to the requirements both of Act 238, Session Laws of Hawaii 2000, and of the federal “No Child Left Behind Act” of 2001, Public Law 107-110, which reauthorized the Elementary and Secondary Education Act (ESEA). The system proposed in this plan will make the State and schools accountable immediately for the achievement of their students in ways that ensure that children in each group identified by race or ethnicity, economic status, condition of educational disability, or condition of learning English as a second language meet the State’s proficiency standards in reading and mathematics of the revised Hawaii Content and Performance Standards (HCPS II). The goal of the plan is to have all children, overall and in the required subgroups, meet HCPS II proficiency standards by the 2013-14 school year.

The current document is referred to as a “plan outline” because many details are yet incomplete, even unknown. While the requirements of No Child Left Behind became effective when signed by President Bush on January 8, 2002, regulations for implementation of the Act are not yet available. Those are projected to be published in July. Consequently, the current document should be viewed as a work in progress; it will require continued development, refinement and updating.

Context

Accountability is accepting responsibility and being answerable for one’s actions – doing what you said you would, given that you have sufficient authority and resources to do so. An effective accountability system clearly links authority and adequate resources to responsibility; defines clear lines of responsibility and mutual obligation; requires continuous inspection of how well our central system and our schools are supporting student attainment of the statewide standards; and should support and motivate improved performance. Accountability is an essential part of the continuous improvement cycle. During the past decade, policymakers and others have increasingly focused attention on improving accountability within public education. Within just the last few years, that attention has culminated in legislation.

Act 238 (SLH 2000) mandates that the Department of Education implement an educational accountability system for Hawaii’s public schools that would measure and report on student attainment of statewide content and performance standards and hold everyone accountable for that performance. Key features of the Act are the provision that the Department develop a collaborative process with stakeholders, including representatives of affected bargaining units, parents, administration, and students, to determine the design of the system; the requirement that

teachers and administrators engage in continuous growth and improvement; the requirement that the system invoke a full and balanced set of appropriate consequences for observed performance; and the limitation of negotiations under chapter 89, HRS, to the impact on personnel arising from the Superintendent's implementation of the educational accountability system.

The collaborative stakeholder design process authorized by Act 238 resulted in the formation of the "Act 238 Collaborative" which issued its final report in January 2002. The Collaborative developed a series of organizing concepts and recommendations intended to aid further system design work and implementation planning. Chief among these were the ideas of defining, organizing, and aligning accountability in terms of standards, measures, and consequences. Setting standards for student achievement, safety and well-being, and civic responsibility are the three central foci for accountability. They also help to make the distinction between accountability (which includes standards, measures, and consequences) and accounting (reporting out to others), as applied to education's wide array of stakeholders.

The federal No Child Left Behind Act of 2001 (NCLB) was signed into law by President Bush on January 8, 2002. In stark contrast to Act 238, NCLB mandates a school accountability system replete with its own required standards, measures, and consequences. It should be noted that nearly all of the NCLB requirements, except for school accountability consequences (e.g., corrective action, restructuring), apply to *all* schools, not just those receiving Title I funds under NCLB. This poses a significant dilemma for the State: Not applying the NCLB consequences to non-Title I schools means, essentially, establishing dual accountability systems for the State's schools. On the other hand, applying NCLB consequences to all schools means finding the resources to assist those schools not eligible for Title I funds. The current plan is premised on developing a single accountability system for all the State's public schools.

School Accountability Measures

Through requirements for annual assessments, Adequate Yearly Progress (AYP), and school report cards, NCLB highly prescribes the ends and means for the State's school accountability system. The centerpiece of the federal school accountability requirements is the concept of AYP with associated annual, measurable objectives. The measures required are primarily those from the *HCPS II State Assessment*. Individual schools (as well as the State as a whole) will be assessed and held accountable, in large part, using results from the *HCPS II State Assessment*. Since assessment results figure so prominently in AYP, the following section provides some highlights of NCLB requirements for State assessments.

A. Standards-based AYP Assessment Measures

NCLB requires a large expansion of Hawaii's current standards-based state student assessment program and further requires a number of expanded analysis and reporting requirements. Most notable among these are the following:

- R State assessments in reading or language arts and mathematics are to be administered annually in each of grades 3 through 8 and in one grade level in the 10-12 grade span by school year 2005-06. Additionally, state assessments are to include science by the 2007-08 school year.
- For now, we will use the standards-based segments in **reading** and **mathematics** of the *HCPS II State Assessment* available for grades 3, 5, 8, and 10. Note: In determining AYP, NCLB permits averaging a school's assessment results across grade levels within content areas. We propose to do so for those grades assessed in a given school.
- R The state assessments must be aligned with and measure the State's content and performance standards and yield at least three levels of proficiency with respect to the State's performance standards: basic, proficient, advanced.
- The current standards-based segments of the *HCPS II State Assessment* were designed to measure the content and learner expectations specified for reading, writing, and mathematics by the HCPS II. Four performance levels will be established in Fall 2002: Well Below Proficiency, Approaches Proficiency, Meets Proficiency, and Exceeds Proficiency.
- R The state assessments are to be used to measure the achievement of all children. Reasonable accommodations and adaptations may be used for children with disabilities and those with limited English proficiency. All children are to be included in state assessments.
- All IDEA-eligible students enrolled in grades 3, 5, 8, and 10 must take the *HCPS II State Assessment*. Authorized accommodations for that assessment, or approved use of our "Alternate Assessment" for severely cognitively impaired IDEA students, must target the same standards as measured by the regular state assessment. Similarly, ESLL students must also be included in the *HCPS II State Assessment*.
- R Further, for ESLL students NCLB requires that the State annually and "beginning not later than school year 2002-2003, provide for an annual assessment of English proficiency (measuring students' oral language, reading, and writing skills in English) of all students of limited English proficiency in the schools served by the State."
- R The state assessment program should produce "individual student interpretive, descriptive, and diagnostic reports . . . that allow parents, teachers, and principals to understand and address the specific academic needs of students." Also required are itemized score analyses.
- R Data from state assessments must be annually disaggregated and reported for the State and each school, in readily accessible and widely distributed school "report cards," by students'

gender, major racial/ethnic groups, economically disadvantaged status, English proficiency status, disabilities status, and migrant status. If results would yield personally identifiable information about an individual, or if the number of students in a category is too small to provide statistically reliable information, disaggregated reporting is waived.

B. Other Required AYP Measures

It is required that a state's formulation of AYP include an additional "academic" indicator at each of the elementary and secondary school levels.

- R At the secondary school level (high school), NCLB requires that graduation rate be used as the other required measure in addition to the state assessment scores.
- R At the elementary and lower secondary (middle/intermediate school), we propose to use a measure of retention in grade as our other indicator. *Attachment 1* provides a rationale for the selection of retention as Hawaii's other required AYP measure.

School Accountability

A. Annual Measurable Objectives & Required Data Disaggregations

By the conclusion of the 2013-14 school year, 12 years after the end of the 2001-02 school year, states must ensure that all students meet or exceed a proficient level of academic achievement on the required state assessments and other measures. To that end, states must establish annual measurable objectives for improvement that specify the proportions of students who must make at least minimum progress toward the goal of 100 percent of students proficient in 12 years.

- R Measurable objectives must be set separately for the assessments of reading and mathematics. Measurable objectives also must be set for the other required AYP indicators (i.e., graduation for high schools, retention in grade for other schools). As required by NCLB, these measurable objectives must be the same – specify the same amount of annual improvement expected – for all schools and student subgroups.
- R The starting point or baseline for Adequate Yearly Progress is to be derived from the 2001-02 State assessment data and, as prescribed, is to be based on either the State's lowest-achieving disaggregation group or the scores of its lowest-achieving schools, whichever would require a higher threshold.
- R The State is required to set equal increments for improvement en route to 100 percent. The "bar" (level of academic achievement expected) or intermediate goals must be raised at least once every three years.

R Data disaggregations required for AYP determinations are slightly narrower in scope (less the categories of gender and migrant status) than those required for school report cards. The assessment of the measurable objectives of AYP requires the disaggregation of data for the following subgroups of students:

- Economically disadvantaged students;
- Students from major racial and ethnic groups;
- Students with disabilities; and
- Students with limited English proficiency.

R Disaggregation of data for these subgroups of students is required except in the case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

→ The Hawaii Department of Education’s “Guidelines for Reporting and Interpreting Student Data” (Planning & Evaluation Branch; August, 2000) require, for information reported to other agencies or to the general public, cell sizes of at least 10 to protect students’ privacy and subgroup sizes of at least 30 (i.e., the denominator for proportions within a subgroup) to maintain statistical reliability of inferences. Accordingly, if the number of students in a category is less than 30, disaggregation of data in that category is exempted.

B. Adequate Yearly Progress (AYP) Defined

AYP is the benchmark criterion for determining how well all public schools, districts, and states are progressing toward the target goal of 100 percent of their students meeting their state-adopted student academic achievement standards and narrowing achievement gaps among student subgroups by the end of school year (SY) 2013-2014.

Definition – AYP is “met” if the annual objectives for each required indicator, by grade level (which may be combined), for each required subgroup are met.

It may be noted that, while the focus of this plan is *school* accountability, AYP as required by NCLB is to be applied to the State as a whole as well as to schools individually. The following is Hawaii’s proposed operational definition for determining AYP.

Establish Starting Point (baseline) – Step 1a

R Data from SY 2001-02 assessments shall be used to identify the starting point. Note: The steps are conducted twice – once for reading and once for mathematics.

R The starting point, as required by NCLB, shall be based on the higher of the percentage of students at the proficient level who are in:

- 1) the State’s lowest achieving subgroup of students defined above; or
- 2) the school whose score ranks at the 20th percentile in the State, calculated using enrollment, with all schools ranked by the percentage of students at the proficient level.

Use the Higher Value as the Starting Point

% of students proficient in lowest achieving group:	% of students proficient in the school ranked at the 20 th percentile
<ul style="list-style-type: none"> - Economically disadvantaged - Each major racial/ethnic group - Students with disabilities - Students with limited English proficiency 	<ul style="list-style-type: none"> - Rank all schools by % proficient - Count up to reach 20% of total enrollment - % of students proficient at that school is the starting point

→ At present, we cannot calculate the starting point or baseline. Establishing the starting point is pending data from the first administration of the *HCPS II State Assessment* in Spring 2002 and then setting proficiency levels for it in Fall 2002.

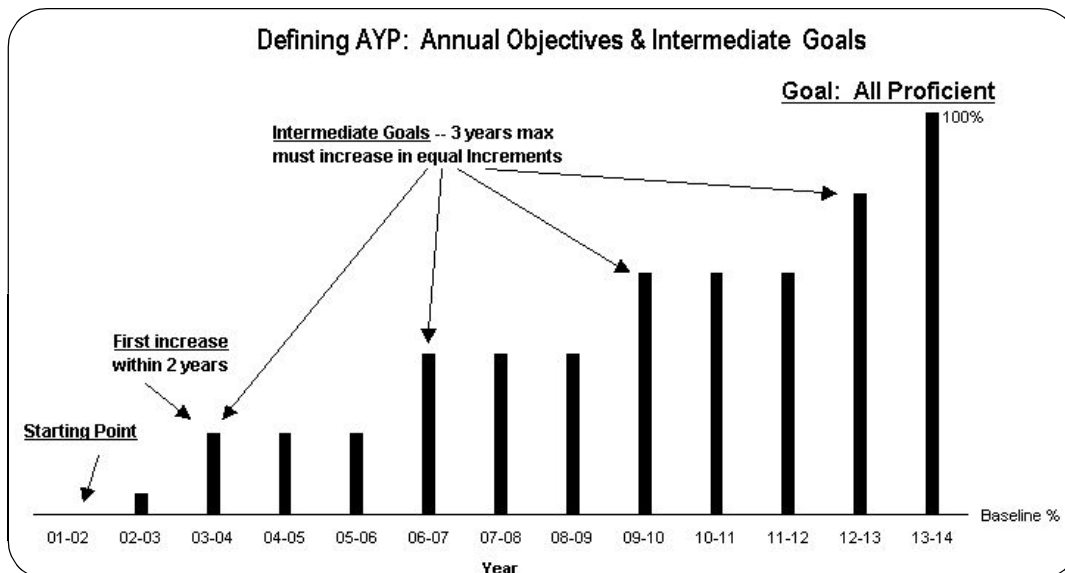
Establish Timeline – Step 1b

R Establish a timeline for AYP that ensures that no later than 12 years after the end of SY 2001-02, all students in each of the subgroups will meet or exceed the State’s proficient level of academic achievement on the State’s assessment.

Establish Intermediate Goals – Step 2

R Intermediate Goals must:

- 1) increase in equal increments over the 12 year period (SY 2001-02 through SY 2013-14)
- 2) provide for the first increase within 2 years
- 3) increase again no less than every 3 years in equal increments
- 4) Commentary: The figure (next page) depicts a model where the proficiency expectation for the first year after the starting point (SY 2001-02) could be the same, or represent a slight increase. The first appreciable increase in targeted proficiency would occur for SY 2003-04. This model also allows the annual goals to remain the same for more than one year within the intermediate goals. [§1111(b)(2)(G) (v) permits setting the same annual measurable objective for more than one year, within the interval between intermediate goals.]
 - Advantage: This model gives schools 2 additional years of stability before the proficiency expectation is raised again. Additionally, negative consequences should be applied less often.
 - Disadvantage: The magnitude of the incremental increase or jump every three years is much larger than if a uniform increase was applied each and every year for 12 years.



5) Example (fictitious): In SY 2001-02, the baseline year, 64% of economically disadvantaged students performed at the proficient or advanced level on the State’s reading assessment. Because this was the higher value (see Step 1a), this becomes the starting point for reading. (The process would be repeated to determine the starting point for mathematics.) Within 12 years, this percent must be 100%; therefore, one option is for the state to set an interim goal of 70% in 2003-04; then successive interim goals of 79% in SY 2006-07, 88% in 2009-10; and, 97% in 2012-13; concluding with 100% in 2013-14. The annual objectives for each year could remain stable in each interval and rise a full 9% every third year when the interim goal increases.

➔ Actually establishing the intermediate goals as proposed herein requires the “starting point” values for reading and mathematics. As noted previously, determining those baselines is pending data from the first administration of the *HCPS II State Assessment* in Spring 2002 and then setting proficiency levels in Fall 2002.

Establish Statewide Annual Measurable Objectives – Step 3

- R Set separate annual measurable objectives for reading and mathematics
- R Be the same for all schools and subgroups (economically disadvantaged students, students from major racial/ethnic groups, students with disabilities, students with limited English proficiency)
- R Identify a single minimum percent of students required to meet or exceed the Proficient level on the academic assessments that applies separately to each of the specified subgroups
- R Ensure all students meet or exceed the Proficient level under the 12-year timeline
- R May use the same annual objectives for more than 1 year within the same intermediate goal period

→ Note: Annual measurable objectives also must be established for the other required AYP measures: graduation rate and retention in grade.

Determine Current Annual Results – Step 4

- R Calculate the percent of students by subgroups meeting the proficiency level of performance on each indicator (e.g., proficient or advanced in reading). The denominator is the total number of students enrolled and eligible to be included in the measurement. Every subgroup's performance is calculated independently for every indicator. A state may combine across grade levels or calculate each grade level as a separate objective. As mentioned previously, for our reading and mathematics scores, we propose to combine results, separately by content area, across grade levels in a school by averaging all the grade levels assessed.
- R If the current year percent equals or exceeds the intermediate goal, then AYP is met. This is determined for every subgroup on every indicator.

Determine Whether at Least 95% of Students Are Included – Step 5

- R It is required by NCLB that at least 95% of all students eligible must be included in the determination of each AYP indicator, including those indicators based on the state assessments. If less than 95% are included in any one indicator for any one subgroup, then AYP is *not* met.
- R Additionally, ensure that only “eligible” students tested are included in the AYP analysis. For the State, eligible students include all students enrolled in the Department for one calendar year prior to testing; for individual schools, eligible students include all students enrolled in the school for one calendar year prior to testing.

Check Disaggregations for Small N-Size Related Problems – Step 6

- R Disaggregation of AYP data for the specified subgroups is required except in the case in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

Determine Whether Current Results Satisfy the Annual Objective – Step 7

- R Determine for each school whether each of the subgroups met or exceeded the annual measurable objectives within the appropriate intermediate goal period.
- R If the current year percent equals or exceeds the intermediate goal, then AYP is met. This is determined for every subgroup on every indicator.

Determine Whether AYP Can Be Met by Uniform Averaging – Step 8

- R If AYP is not met for any one subgroup on any one indicator (Step 7), then alternative comparisons may be made.

R A uniform averaging procedure allows for averaging the current year with the preceding year to determine an average level of performance. (That average may be higher than results for the current year alone).

Determine Whether AYP Can Be Met via the “Safe Harbor” Provision – Step 9

R If AYP is not met (Steps 7, 8), then a 10% improvement in the indicator from the prior year may, under certain conditions, meet AYP.

R The “**Safe Harbor**” provision allows a school to be considered to have made AYP:

- 1) if the percentage of students in that subgroup which did not meet or exceed the proficient level of academic achievement on the State assessments for that year decreased by 10% of the percentage from the preceding year (i.e., the percent is at least 10% improved over the preceding year’s percent); *and*
- 2) that group made adequate progress on one or more of the other required academic indicators (i.e., graduation rate for high schools and retention rate for grade K-8 schools).
- 3) Example: Of the 200 economically disadvantaged students at Kai High School who took the reading assessment in SY 2001-02, 30%, or 60 students, in this subgroup were not proficient. If this school can decrease by 10% of the 30% of the 200 students from SY 2001-02 who did not meet the proficient level, the “Safe Harbor” provision may apply to the AYP for SY 2002-03. In this example, the school must decrease by 6 the number of students in this subgroup who failed to meet the proficient level in reading in SY 2002-03 as compared to the preceding year.

Determine Whether AYP Is Satisfied on the Other Required Indicators – Step 10

R If AYP is met, then examine the other required AYP indicators. If any one of the other indicator(s) is not met for any one subgroup, then AYP is *not* met.

The table on the following page summarizes the above steps. AYP is met if the conditions examined in Steps 5 *and* Step 7 or Step 8 or Step 9 *and* Step 10 are simultaneously satisfied. NCLB prescribes what is known as a “fully conjunctive” accountability model. Such conjunctive approaches demand that *all* specified conditions be satisfied. ***In rough summary, then, AYP is met if the percent for every one of the subgroups on every one of the indicators, and for the school overall, equals or exceeds the percent targeted in each one of the annual measurable objectives.***

Summary: Determining Adequate Yearly Progress (AYP)

<p>Adequate Yearly Progress (AYP) is defined by the State in accord with NCLB requirements. A school must satisfy Steps 5 <i>and</i> Step 7 or Step 8 or Step 9 <i>and</i> Step 10, to be found to be making AYP. (This chart assumes all grades within a school are combined.)</p>									
<p>Step 1a. Establish starting point (baseline)</p> <p>Step 1b. Establish timeline</p>	<p>Step 2. Establish intermediate goals for each indicator with equal incremental increases at least every 3 years (but with the first increase within first 2 years)</p>	<p>Step 3. Establish annual objectives for reading & math and other indicators</p>	<p>Step 4. Calculate current year % of students meeting State’s standard for proficiency for each subgroup on each indicator</p>	<p>Step 5. Determine if at least 95% of students were included in each assessment; if less than 95% participated, AYP is not met</p>	<p>Step 6. Skip any subgroup on any indicator where fewer than the minimum number of students are available for reliability & confidentiality</p>	<p>Step 7. Calculate difference between current year % and the annual objective % to determine if AYP is met</p>	<p>Step 8. If AYP not met, compare to the uniform averaging procedure (the average percent for the current year and the preceding year)</p>	<p>Step 9. If AYP not met, determine if percent is at least 10% improved over previous year’s percent. If at least 10%, then “Safe Harbor” provision applies.</p>	<p>Step 10. Examine other indicators (graduation rate, retention in grade) that have been adopted by the state for AYP</p>

C. Accountability Consequences

A full range of performance-based school accountability consequences are required: sanctions, assistance, and recognition. It may be noted that NCLB permits the limited use of certain federal funds for financial rewards to successful schools, but would require trading-off from funds used to provide assistance to schools. For that reason, coupled with the currently precarious Hawaii economy and impending State education budget cuts, proposed herein are positive consequences limited to recognition only.

Accountability Consequences: Sanctions

The sanctions required by NCLB are serious and substantial. The following summary bullet points are meant to ensure that these are clearly understood.

- R** *School Improvement.* Schools that have not made adequate yearly progress for two consecutive school years shall be identified as “needing improvement.” Immediately after identification, these schools shall receive technical assistance to improve performance and to develop a two-year plan to turn around the school. Parents must be notified and be given the option to transfer their children to another public school that has not been identified for improvement. Additionally, in the second year of school improvement, supplemental educational services, “selected by the parents and approved for that purpose by the State educational agency in accordance with reasonable criteria,” must be provided to students in such schools.
- R** *Corrective Action.* If the identified school continues to fail to meet adequate yearly progress for four consecutive years, the state is required to implement certain corrective actions to improve the school, such as replacing certain staff, as well as continue to offer public school choice and provide supplemental services to students.
- R** *Restructuring.* A school that fails to make adequate yearly progress for five consecutive years (i.e., after one year in corrective action) must be subject to significant penalties such as reconstitution, the hiring of a private management contractor, converting to a charter school, or significant staff restructuring. Public school choice and supplemental services would continue to be required for students.

A school is no longer identified for school improvement, corrective action, or restructuring status if it makes AYP for two consecutive years.

Title I schools already identified as “needing improvement” or “corrective action” under prior federal law (the 1994 Elementary and Secondary Education Act reauthorization) are to be treated as a school needing improvement or corrective action under the provisions of NCLB as of 2001-02, the current school year. (The “clock” does *not* start over with NCLB.)

School Improvement: Year 1

1. Identification: A school is identified for school improvement if it fails to make Adequate Yearly Progress (AYP) for two consecutive years. A school is no longer identified for school improvement if it makes AYP for two consecutive years.

2. Required Consequences

a. Public School Choice: All students enrolled in a school identified for school improvement shall have the option to transfer to another public school that has not been identified for school improvement. Priority will be given to the lowest achieving students from low-income families. The State shall pay for transportation, within funding limits, for students who transfer to another public school. A student who transfers to another public school may remain in that school until the student has completed the highest grade in that school. However, the obligation to pay for transportation of the student shall end at the end of a school year if the school from which the student transferred is no longer identified for school improvement.

→ *The opportunity for public school choice will require an amendment of Chapter 13, Geographic Exceptions, of the Hawaii Administrative Rules for the Department of Education. The application of this provision to non-Title I school students is subject to State funding.*

b. Revised School Plan: Within three months of identification, the school shall revise its school plan (which is a Standards Implementation Design or a Targeted Assistance Program Application) to cover a two-year period and submit it to the State for review and approval.

c. Professional Development: A Title I school shall spend not less than 10 percent of its Title I allocation on professional development for each fiscal year that it is in school improvement status.

→ *Can a corollary be mandated for non-Title I schools?*

d. Technical Assistance: The State shall provide technical assistance by means of a Critical Ally Team as the school develops and implements a revised school plan. See section below entitled "School Support System." [For additional details, refer to (1) PowerPoint presentation, "Critical Ally Teams," dated March 7, 2002, and (2) draft, "Critical Ally Teams," dated March 2002.]

School Improvement: Year 2

1. Identification: A school is identified for Year 2 of school improvement if it fails to make AYP at the end of the first school year following identification for school improvement.

The required consequences for Year 2 of school improvement shall apply. However, implementation of the required consequences for Year 2 of school improvement shall be

delayed for up to one year if the school makes AYP for one year. Instead, the required Year 1 school improvement actions shall continue to apply.

A school is no longer identified for school improvement if it makes AYP for two consecutive years.

2. Required Consequences

- a. Public School Choice: All students enrolled in the school shall continue to have the option to transfer to another public school.
- b. Professional Development: A Title I school shall continue to spend not less than 10% of its Title I allocation on professional development.
- c. Technical Assistance: The State shall continue to provide technical assistance.
- d. Supplementary Educational Services: The State shall make supplementary educational services available to children who remain in the school, within funding limits. Priority shall be given to providing services to the lowest-achieving students. See section on Supplementary Educational Services.

→ *The application of this provision to non-Title I schools is subject to State funding.*

Corrective Action

1. Identification: A school is identified for corrective action if it fails to make AYP at the end of the second school year following identification for school improvement.

The required consequences for correction action shall apply. However, implementation of the required corrective actions shall be delayed for up to one year if the school makes AYP for one year. Instead, the required Year 2 school improvement actions shall continue to apply.

→ *It is not clear whether the required consequences for Year 1 or Year 2 of school improvement should apply.*

A school is no longer identified for corrective action if it makes AYP for two consecutive years.

2. Required Consequences:

- a. Public School Choice: All students enrolled in the school shall continue to have the option to transfer to another public school.
- b. Professional Development: A Title I school shall continue to spend not less than 10% of its Title I allocation on professional development.
- c. Technical Assistance: The State shall continue to provide technical assistance.

- d. Supplementary Educational Services: The State shall continue to make supplementary educational services available to children who remain in the school.
- e. Corrective Action Options: The State shall take at least one of the following corrective action options:

Options **not requiring** statutory, collective bargaining, and/or Board policy changes:

- (1) Institute and fully implement a new curriculum, including providing appropriate professional development for all relevant staff.

→ *The application of this option to non-Title I schools is subject to State funding.*

- (2) Appoint an outside expert to advise the school on its progress toward making AYP.

→ *The application of this option to non-Title I schools is subject to State funding.*

Options **requiring** statutory, collective bargaining, and/or Board policy changes before they can be used:

- (3) Replace the school staff who are relevant to the failure to make AYP.

- (4) Significantly reduce management authority at the school level.

- (5) Extend the school year or school day for the school.

→ *The application of this option to non-Title I schools would require State funding.*

- (6) Restructure the internal organizational structure of the school.

Restructuring

- 1. Identification: A school is identified for restructuring if it fails to make AYP at the end of the first school year following identification for corrective action.

The required consequences for restructuring shall apply. However, implementation of the required restructuring actions shall be delayed for up to one year if the school makes AYP for one year. Instead, the required corrective actions shall continue to apply.

→ *It is not clear whether the required consequences for Year 1 of school improvement or for corrective action should apply.*

A school is no longer identified for restructuring if it makes AYP for two consecutive years.

- 2. Required Consequences:

- a. Public School Choice: All students enrolled in the school shall continue to have the option to transfer to another public school.

- b. Supplementary Educational Services: The State shall continue to make supplementary educational services available to children who remain in the school.

- c. Alternative Governance Options: The State shall implement one of the following alternative governance arrangements for the school. All options require statutory, collective bargaining, and/or Board policy changes before they can be used.
 - (1) Reopening the school as a public charter school.
 - (2) Replacing all or most of the school staff who are relevant to the failure to make AYP.
 - (3) Contracting with an entity to operate the school.
 - (4) Turning the operation of the school over to the State.
 - (5) Any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement.

Title I Schools Previously Identified for School Improvement or Corrective Action

1. School Improvement

- a. Any Title I school already identified as in Year 1 of school improvement status in SY 2001-02 shall be treated as in Year 1 of school improvement status in SY 2001-02.
- b. Any Title I school already identified as in Year 2 of school improvement status in SY 2001-02 shall be treated as in Year 2 of school improvement status in SY 2001-02.

2. Corrective Action: Any Title I school already identified as in corrective action status in SY 2001-02 shall be treated as in corrective action status in SY 2001-02.

3. Required Consequences

a. Beginning SY 2001-02

- (1) A Title I school shall spend not less than 10% of its Title I allocation on professional development.
- (2) A Critical Ally Team shall provide technical assistance to a school in school improvement or corrective action status.

b. Beginning SY 2002-03

All other required consequences for schools in school improvement, corrective action, or restructuring status shall also be applied, if the necessary changes in statutes, collective bargaining contracts, and/or Board policies are made to allow the imposition of the particular consequence.

Accountability Consequences: Assistance

Supplementary Educational Services

1. Definition: The term “supplementary educational services” means tutoring and other supplemental academic enrichment services that:
 - a. Are in addition to instruction provided during the school day; and
 - b. Are of high quality, research-based, and specifically designed to increase the performance of eligible students on the State academic assessments – HCPS II State Assessment, graduation rate, and retention rate for grades K-8.
2. Eligible Students: Any student receiving free- or reduced-price lunch in a school that is in Year 2 of school improvement, corrective action, or restructuring status is eligible for supplementary educational services. Priority shall be given to the lowest-achieving students in such schools.
3. Implementation: The Complex Area Superintendents (CAS) shall arrange for the provision of supplementary educational services to eligible students requesting such services. Parents shall select a provider from a list of State-approved providers, including the Department of Education. The CASs shall apply fair and equitable procedures for serving students if the number of spaces at approved providers is not sufficient to serve all students. The CASs shall have a written statement of requirements and obligations of the Department of Education as a provider and shall enter into agreements with each provider used in the complex area. The services for each student shall continue until the end of the school year.
4. Waiver: The requirement for supplementary educational services shall be waived if no providers are available in the complex area or within a reasonable distance of that area.
5. Funding
 - a. Student at Title I school: The maximum amount of funding for each student shall be the actual costs of the services up to the county per pupil allocation amount.
 - b. Student at non-Title I school: The provision of services is subject to State funding.

School Support System

1. The State shall establish a statewide school support system. Critical Ally Teams shall provide intensive and sustained support and assistance for school improvement and corrective action schools in order to increase the opportunity for all students in such schools to meet the State content and performance standards. Through Critical Ally Teams or other means, support and assistance may also be provided to other schools that need support and assistance in order to increase the opportunity for all students to meet the State content and performance standards. [Refer to (1) PowerPoint presentation, “Critical Ally Teams,” dated March 7, 2002, and (2) draft, “Critical Ally Teams,” dated March 2002, for additional details.]

2. Composition of Critical Ally Teams

A Critical Ally Team shall be composed of persons knowledgeable about scientifically-based research and practice on teaching and learning and about successful schoolwide projects, school reform, and the improvement of educational opportunities for low-achieving students. The team members shall include the Complex Area Superintendent and other persons from within and outside the Department of Education.

3. Function of Critical Ally Team

- a. Review and analyze all facets of the school's operation, including the design and operation of the instructional program, and develop recommendations for improving student performance in the school.
- b. Collaborate with the school and parents in the design, implementation, and monitoring of a Standards Implementation Design (SID) or Targeted Assistance Program Application that can be reasonably expected to improve student performance and help the school make AYP.
- c. Evaluate, at least semi-annually, the effectiveness of school personnel assigned to the school and make recommendations to the school and, where appropriate, the State. *(This evaluative activity requires collective bargaining and/or Board changes before it can be implemented as a function of the team.)*
- d. Make recommendations to the State concerning additional assistance that is needed by the school.
- e. After one school year, may recommend that the Critical Ally Team continue to provide assistance to the school, or that the State take alternative actions with regard to the school.

Accountability Consequences: Recognition & Rewards

State Recognition

1. Academic Achievement Recognition: A school shall be recognized if the school:
 - a. Significantly closed the achievement gap within four disaggregated categories of students – economically disadvantaged students, students from major ethnic groups, students with disabilities, and students with limited English proficiency; or
 - b. Exceeded its AYP for two or more consecutive years.
2. Distinguished Schools: Schools shall be designated as Distinguished Schools, if they have made the greatest gains in closing the achievement gap or exceeding AYP. Any financial rewards are subject to funding.

D. Reporting

R Content

In keeping with the requirements of ESEA, the state will report school performance annually. The reports will begin with the 2001-02 school year and will be presented as soon after the close of the school year as practicable. The 2001-02 school year will be used for the statewide performance baseline, for setting intermediate goals, and for measuring progress toward universal proficiency. The annual reports will include the following information:

1. The aggregate performance of students on state academic assessments of reading and mathematics for grades 3, 5, 8, and 10, disaggregated by (1) race/ethnicity, (2) gender, (3) disability status, (4) migrant status, (5) English proficiency, and (6) economic status
2. A comparison of the actual achievement of each group of students in (1) above with the state's annual objectives
3. The percentages of students not tested, disaggregated as in (1) above
4. The most recent two year trend of achievement in each subject at each grade level assessed
5. Aggregate information on graduation rates (for schools having a 12th grade) and retention rates in grades K-8 (for schools not including a 12th grade)
6. a. A breakdown of the professional qualifications of teachers in the state, with percentages of teachers with emergency or provisional credentials and the percentages of classes in the state "not taught by highly qualified teachers," disaggregated by the poverty status of schools (top quartile vs. bottom quartile)

b. For each school, a breakdown of the professional qualifications of teachers, with percentage of teachers with emergency or provisional credentials and the percentage of classes "not taught by highly qualified teachers"
7. The number and percentage of schools identified as needing improvement and how long such schools have been so identified, and for each school, whether the school has been identified as needing improvement
8. For schools, comparison of achievement of students in the school with that of students statewide

R Report Preparation

The content specified in the previous section shall be presented to the public in reports prepared by the Department's Evaluation Section. The section will prepare a statewide report, covering items 1 through 5, 6a, and 7 above; and it will prepare individual reports, in the interim as a supplement to the current "School Status and Improvement Report" (SSIR), for each public school, covering items 1 through 5, 6b, 7, and 8 above. The data on students' performance, including disaggregations, needed in item 1 above will be prepared by the Department's Test Development Section and provided to the Evaluation Section.

Monitoring Unintended Consequences

Considering the high-stakes consequences for schools of failure to make AYP coupled with the substantial challenges the accountability requirements impose on school and the support system personnel, it is proposed that at least a rudimentary monitoring function be established that would examine selected, potential unintended consequences or adverse impacts. Such might include, for example:

R For students:

Increased dropouts; increased absence rates; increased transfers out of the system

R For teachers, school administrators, and complex area/state support staff:

Increased retirements, resignations; increased requests for transfers; increased absenteeism; increased rate of disciplinary incidents (especially as may be related to unprofessional conduct related to data integrity)

Rationale for Retention Rate as the “Other Academic Indicator”

As a condition of accepting federal funds under the “No Child Left Behind Act of 2001” (the newly reauthorized Elementary and Secondary Education Act), the federal government requires each State to hold schools accountable for students’ performance on standards-based tests in reading and mathematics and for performance on another academic indicator. For high schools, that second indicator must be the graduation rate. For elementary, intermediate, middle, and elementary/intermediate schools, it is required that the State select another academic indicator, and that indicator must be used in conjunction with the required standards-based assessments in determining a school’s Adequate Yearly Progress (AYP).

The law requires the use of a “fully conjunctive” accountability model. That is, each indicator in the accountability system may be used to label schools “in need of improvement” but may *not* be used to mitigate or compensate deficiencies identified by another indicator. In short, a perfect graduation rate will not compensate for low math test performance by any of the groups targeted by the mandated disaggregation of performance data, but a low graduation rate may be used to find a school with high test scores to be “in need of improvement.” The school as a whole and all required disaggregation subgroups must “pass” all measures. This fact of the law requires great care in the selection of the “other academic indicator” so that we do not create a system that unnecessarily increases a school’s chances of failing to meet AYP.

The one feasible indicator for elementary and middle schools that has properties similar to the high school graduation rate is the rate of retention in grade. Like the graduation rate, the grade level retention rate counterbalances student performance on tests. There have been clear indications of elevated retention rates in states with high stakes testing at specific grades, e.g., at 9th grade in Texas where the high stakes Texas Assessment of Academic Skills (TAAS) is administered to 10th graders. Using test performance and retention rate jointly will discourage schools from holding students they don’t expect to do well on tests in grades that are not tested. While our testing program has not heretofore had high stakes for schools, it will now. Using retention and testing in tandem will discourage the use of grade retention to artificially boost test performance.

Moreover, retention as an indicator is important in its own right. Contrary to some “conventional wisdom” and political rhetoric, research clearly indicates that grade retention rarely has the intended effect of getting a student back on track. Students who are retained tend to fall farther behind their age mates and are much more likely, when they are older, to drop out of school altogether. Given the poor prognosis for improving student achievement using retention, we should expect retention rates in elementary and middle schools to be low. Making retention rate the second academic indicator should tend to keep them low.