



**House  
Legislative  
Analysis  
Section**

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**SCHOOL ASSESSMENT AND  
ACCREDITATION**

**House Bill 5879 (Substitute H-3)  
Sponsor: Rep. Wayne Kuipers**

**House Bill 5880 (Substitute H-3)  
Sponsor: Rep. Brian Palmer**

**House Bill 5881 (Substitute H-2)  
Sponsor: Rep. Charles LaSata**

**First Analysis (5-21-02)  
Committee: Education**

***THE APPARENT PROBLEM:***

Over nearly two decades, policy initiatives to encourage school reform have emerged in a first, second, and third wave, each recorded and carefully described by those who track educational policy making. The efforts have been remarkably similar in both the United States and the United Kingdom, as policy makers in both countries and from both sides of the political spectrum have shared ideas in a bipartisan approach that seeks to foster school improvement and to promote and sustain student achievement. In both countries, reform efforts are prompted by pressures for a better educated workforce to enhance economic competitiveness (and in both countries many skeptics have questioned the narrow focus of these reformers' motivation and their policy tools).

The first wave of reform focused educators' attention on higher standards in the learning disciplines. During this phase, national goals were adopted and curricular frameworks were developed to make explicit the knowledge and skills school children should be able to know, and to do, as well as the necessary habits of mind and dispositions necessary if the students were to be inclined to apply themselves more seriously to their studies. In the shorthand of the reformers this is sometimes called "the knowledge, the know-how, and the know-to". This wave of reform tends to emphasize new centralizing forces: national goals; disciplinary standards and benchmarks in the core curriculum (generally for mathematics, science, social studies, and English language arts, and sometimes the arts and humanities); as well as developmentally appropriate goals by grade level so that age-appropriate objectives are written for lower and upper

elementary students, and middle and high school students in an articulated curriculum that spans, in coherent ways, their 13 years of education in a school system.

The second wave of school reform focused policymakers' and parents' attention on greater choice--more options to select from--for example, magnet schools and charter schools, and the availability of vouchers or fungible, per capita funding grants (such as Michigan's foundation grant) that followed the student as he or she enrolled in a school of choice. This second wave of reform tends to emphasize decentralizing forces: it is market-oriented and designed to rely on customer choice and satisfaction, although policy makers have been pressed during the evolution of the market approach to consider the adverse effects of competition in some choice models (chronicled, for example, by Ladd and Fiske), and to offer safeguards against the customary in-egalitarian effects of unregulated competition in markets.

Generally, economists who are proponents of social choice theory note two commonplace requirements of healthy markets: first, full and complete product information; and second, price competition. Public K-12 schools seldom compete openly on price; no one believes the cheapest schools are the best schools, over time. (Indeed, the lack of price competition is one way in which public education *systems* mitigate the conventional 'race to the bottom' logic of unchecked market economics, since higher, rather than lower, prices generally connote higher academic quality.) However, public schools are increasingly information-rich, and it has become

customary for them to communicate their mission, success, and school improvement reports to the public.

Recently policymakers have called for substantially more information than the amount provided during the second wave of school improvement. Consequently, a third wave of reform began to emerge in the mid-1990s--a nationwide movement toward far greater external accountability, often at the level of the individual student's achievement or at the level of a group's achievement, rather than external accountability for an entire school. For example, in Michigan, the Center for Educational Performance and Information (CEPI) is collecting data to create a Single Student Record data warehouse, assigning each student in the state a "unique number" in order to track their mobility between schools and follow their intellectual growth and achievement. See *BACKGROUND INFORMATION*, "CEPI", below. According to the Education Commission of the States, not all state governments are proceeding with academic surveillance systems that track the learning of individual students. In contrast, some will continue to sample the learning of individuals or groups, as they improve their school-based external accountability models [such as the model developed in Texas (by grade), and the model developed perhaps even more effectively in North Carolina (by cohorts within a grade)]. In these states, they will focus educational resources upon learning opportunities for the lowest groups of achievers, and allow policymakers to close the gaps between differently advantaged groups of children.

As the accountability movement has gained momentum in this third wave of reform, the kind of accountability that has been eagerly sought is the kind most easily reported. Consequently a new and heightened reliance on standardized tests has emerged, to measure learning at each and every step of the student's education--mostly in math and reading. This very popular kind of external accountability distills the first wave of centralized standards-based reform to its essence: a report (often a letter grade) that reflects an individual student's mastery of a standard or objective in two skills (math and reading) rather than the student's proficiency in a broader set of the learning disciplines. Then, in addition to individual accountability in math and reading, a second kind of external accountability is one that distills the second wave of reform to its essence: a report (often a letter grade) that reflects each and every school's success and improvement on the state's math and reading curricular frameworks, rather than its overall success on core curricular

frameworks that were developed to raise the academic standards in many subject areas. This second kind of external accountability is not entirely new, although it is far more focused and likely will be far more often publicly reported. Indeed, here in Michigan the North Central school accreditation process was among the first established in the nation, and has been in place for more than 100 years. Using North Central evaluation frameworks, the administrators, faculty, staff, and parents in more than half of Michigan's public schools undertake continuous year-long "self-study"--a form of external and internal accountability--in order to gain and then to maintain their schools' much-prized accredited status. Soon, the North Central accreditation process will be complemented by a state-run accreditation program called Education: YES!, developed by the Michigan Department of Education, in conjunction with the Departments of Treasury, Career Development, and also the Center for Educational Performance and Improvement. See *BACKGROUND INFORMATION* "Accreditation: North Central," and also "Accreditation: Education YES!" below.

Accountability is easier to understand when it is easy to report, so accountability programs generally rely on standardized tests--the same test to measure performance by all students as they learn the same, intended curriculum. Teachers are generally wary of standardized tests because they are seldom sensitive to the 'big ideas' or organizing concepts of a learning discipline. Instead the standardized tests customarily stress the details--a snap-shot rather than continuous growth. Further, the standardized off-the-shelf test seldom has a feed-back loop for teachers that informs their curricular and instructional practices. Consequently teachers, less interested in ranking and sorting their students than they are in pushing at the edge of their competence, generally look for multiple measures and performances to assess their students' intellectual growth and development over time. That way they also can balance the pernicious effects of poverty on their students' different opportunities to learn, and overcome a long-known effect of standardized tests--the manner in which they penalize those who are poor. See *BACKGROUND INFORMATION*, "Fair Test," below.

However, despite their well-known limitations among teachers, standardized tests have grown increasingly popular among policymakers outside the classroom, because the standardized scores enable comparisons among the students; indeed, comparisons can be made between many subsets of the student population--learning cohorts of all kinds--

as well as among teachers, schools, states, regions, and even nations. To make comparisons among individual students easier some states, such as Michigan, have developed a single record database, or have plans to do so. Other states rely on careful and periodic sampling of school-based student achievement, with an eye mainly to narrow the achievement gap among top and low scorers at a particular grade level and within several learning disciplines. This exercise--one that requires policymakers and teachers to look closely at the learning of subgroups of students who take a standardized test--is commonly called "disaggregating the data," and although those who are determined to close the achievement gaps between groups of learners acknowledge the need to disaggregate test scores to check on the progress of under-achieving groups, they also acknowledge that researchers' technical ability to disaggregate the data in meaningful ways is highly experimental. Several states have been attempting the exercise in different ways over the last decade, and none has yet found a consistently reliable and statistically valid way to get the job done.

Nonetheless, on January 8, 2002, the president signed into law the act that re-authorized the Elementary and Secondary Education Act of 1965 (ESEA), an act that has more commonly come to be called the "No Child Left Behind Act of 2001" (or the NCLB Act), and the new law calls for the disaggregation of standardized test data. The act, which enjoyed broad bi-partisan support when it passed the U.S. Congress, establishes a new federal role in K-12 education, and is designed to ensure that achievement will be lifted for *all* children, regardless of poverty, gender, race, limited language proficiency, or disability. In short, the NCLB Act has been designed to strengthen Title I accountability by requiring states to implement statewide accountability systems covering all public schools and students. These external accountability systems must be based on challenging state standards in reading and mathematics, annual testing for all students in grades 3 - 8, and annual statewide progress objectives ensuring that all groups of students reach proficiency within 12 years. Assessment results and state progress objectives must be broken out by poverty, race, ethnicity, gender, disability, and limited English proficiency to ensure that no group is left behind. School districts and schools that fail to make adequate yearly progress (AYP) toward statewide proficiency goals will, over time, be subject to improvement, corrective action, and restructuring measures aimed at getting them back on course to meet state standards. Schools that meet or exceed AYP objectives or close achievement

gaps will be eligible for state academic achievement awards. See *BACKGROUND INFORMATION* "No Child Left Behind Act," below.

The sweeping changes in the external accountability system that are proposed by the federal law do not address the necessary internal accountability system that must be in place within schools in order that external accountability works. Consequently, many concerns, including those about reliable ways to disaggregate data and then target technical assistance, have been raised about state compliance with the federal law, both by educators during committee testimony, and by researchers who are knowledgeable about school improvement. The policy leaders in more advanced states where experimental models have been developed and tested, caution state level policymakers to exercise patience, and allow the research on the various models to proceed, in order to identify their limitations and to make necessary modifications. See *BACKGROUND INFORMATION*, "State Compliance," below.

In Michigan, legislation has been introduced in order to implement provisions of the federal No Child Left Behind Act. The legislation would establish an independent State Assessment Governing Board in the Department of Treasury, and in doing so the state legislation would look to a federal model, the National Assessment Governing Board which has for 30 years administered the National Assessment of Educational Progress, called NAEP (pronounced "nape"). See *BACKGROUND INFORMATION*, "NAEP," below. Further, the legislation would provide a broad external accountability framework for the Michigan Department of Education, which, in turn, would be responsible to design and implement an external accountability system that aligns with the NCLB Act. The legislation also would set aside \$1.3 million for technical assistance, redirecting funds from the current Golden Apple Award program. Further, the legislation would include the social studies MEAP test in the Michigan Merit Award Scholarship Program.

### ***THE CONTENT OF THE BILLS:***

The bills would amend various acts to establish the Michigan Assessment Governing Board; to revise the Michigan Educational Assessment Program (MEAP), the accreditation program, and the annual education report; and to repeal certain acts. House Bill 5879 is tie-barred to both House Bills 5880 and 5881, and each of those bills is tie-barred to House Bill 5879. A more detailed description of each bill follows.

House Bill 5879 would add Part 20c to the Revised School Code, a section entitled "Michigan Education Assessment Program," and also amend six existing sections (MCL 380.627 et al.). Under Part 20c the Michigan Assessment Governing Board would be created as an independent board within the Department of Treasury. However, the department would provide staff for the board, and its budgeting and procurement functions would be supervised by the state treasurer.

Assessment Governing Board Duties. Under the bill, the Assessment Governing Board would do all of the following: a) administer the Michigan Education Assessment Program; b) administer the assessment system under the accreditation program; c) administer the state endorsement test program under the Michigan Education Assessment Program; d) administer the Michigan Merit Award Program as provided under the Michigan Merit Award Scholarship Act; e) administer other testing programs established for public school students under state or federal law; f) make Golden Apple Awards as provided under the School Aid Act; and g) perform other functions as provided by law.

Assessment Governing Board Membership. The Assessment Governing Board would have 13 members: six members appointed by the governor, two members appointed by the State Board of Education, and four members appointed by the legislative leaders of the Senate and House, and also would include the governor (or a designee). The governor's appointees would include the following people: i) one public school teachers; ii) one public school administrator; iii) two individuals who were experts in academic testing and measurement; iv) one individual who was chief executive officer of business; and v) one member who represented the general public and who was the parent of a school-aged child. The state board-appointed members would have to be from different political parties, as would the two members appointed by the Senate Majority Leader and the two members appointed by the Speaker of the House.

Michigan Education Assessment Program. House Bill 5879 specifies that the assessment governing board would administer an assessment program to all public school students in the subject areas of reading, mathematics, language arts, science, and social studies. The board also would designate the grades in which each assessment was to be administered, but would be required to ensure that each subject area assessment be administered to students in at least one of grades one to five, in at least one of grades six to

eight, and in at least one of grades nine to 12. These tests could be used for the purposes specified in section 1279 of the act (which concerns the MEAP subject matter high school test and endorsement) or section 1280b of the act (which concerns annual elementary school tests for children in grades one to five, and if the bill were adopted would concern annual tests for grades one to eight), and for the purposes of Part 20c.

Objective-oriented tests. The bill specifies that assessments used in the Michigan Education Assessment Program would have to be objective-oriented and consistent with the model core academic content standards objectives. Further, the bill specifies that the State Board of Education, the Assessment Governing Board, and the boards of each school district would be required to ensure that the MEAP tests not be used to measure students' values or attitudes.

Statewide toll-free telephone line. Under the bill the board would be required to establish a statewide toll-free telephone line and Internet access to receive questions, comments, and complaints concerning the MEAP, including but not limited to complaints of student cheating on an assessment test, complaints or comments about specific assessment test questions or testing conditions, or other questions, comments, or complaints relations to the development, preparation, distribution, scoring, or dissemination of results of an assessment test.

Annual report to legislature. Not later than July 1 each year, the Assessment Governing Board would be required to submit a comprehensive report to the legislature on the status of the assessment program. The report would include at least all of the following: a) the annual student assessment data; b) a description of the feedback provided to students, parents, and schools; c) a description of any significant alterations made in the program by the governing board; and, d) any recommendations for legislative changes.

Assessment Governing Board terms; member compensation; board contracts. The bill specifies that the members of the board would serve four-year terms, except that of the members first appointed by the governor, three would be appointed for a term of two years, and three for a term of four years. A vacancy would be filled for the balance of the unexpired term in the same manner as was an original appointment. The members would not receive compensation for services, but the authority could reimburse members for expenses. The board

members could enter into a contract or agreement with another agency or entity, including but not limited to a school district, intermediate school district, another state or political subdivision of another state, or a state or national association, to provide services or management related to an assessment instrument.

In addition to adding the new chapter to the Revised School Code that is described above, House Bill 5879 would make changes to six sections of the code. A brief description of those changes follows.

Annual Educational Report Card; Disaggregation of Data; Benchmarks. Currently under the law, a school district must prepare and publish an annual educational report card, in order to receive accreditation. House Bill 5879 would require that beginning in 2003, the board of a school district ensure that information it publishes in its annual educational report card (except that concerning parent-teacher conference attendance) be disaggregated by race/ethnicity, socioeconomic level, gender, and migrant status, and by whether the student has a disability or speaks English as a second language (as specified under federal law).

Under the bill, the superintendent of public instruction, the Michigan Assessment Governing Board, the Center for Educational Performance and Information, and the Department of Information Technology would be required to develop and implement a coordinated system for public reporting of the disaggregated information, at the state, school district, and school building levels. The system would make the state- and school district-level information available to school districts so they could distribute it with the school building-level information.

House Bill 5879 also would require that the board of a school district ensure that the annual educational report card for each of its schools include a description provided by the department of the annual benchmarks being used for that year, for measuring adequate yearly progress for accreditation purposes, and a description of the measures the school district had implemented or planned for encouraging meaningful parental involvement.

Achievement Gap Addressed in School Improvement Plan. Currently under the law, all gender equity issues raised in the disaggregated information must be addressed as part of the planning, development, implementation, evaluation, and updating of the school improvement plan of each school within a

school district. House Bill 5879 would eliminate that requirement to require instead that all achievement gap issues revealed in the disaggregated information be addressed.

High School Test. Currently under the law, each school district or public school academy administers a state assessment (more customarily known as the grade 11 MEAP test) to high school students in the subject areas of communication skills, mathematics, science, and social studies. House Bill 5879 specifies that if the assessment governing board determined that it would be consistent with the purposes of this provision, it could designate the grade 11 MEAP tests as the assessments to be used for the high school test. The bill also specifies that the assessment governing board could use the same categories and scaled score ranges as those now being used.

Throughout this provision, the bill eliminates references to the department and to the superintendent of public instruction, and instead makes reference to the Michigan Assessment Governing Board. The bill also would delete the requirement that the Department of Education appoint an 11-member assessment advisory committee. Further, the bill would eliminate an outdated requirement that the department make an annual comprehensive report about the state assessment program to the legislature, as well as an outdated provision that allowed students to re-take the high school test in the 1997-1998 school year.

Standards-based accreditation for schools. Currently under the law, accredited schools are certified by the state board as having met or exceeded state board-approved standards established for six areas of school operation: administration and school organization; curricula; staff; physical plant and facilities; school and community relations; and school improvement plans and student performance. The building-level evaluation used in the accreditation process includes, but is not limited to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan. These standards would be eliminated under the bill. Instead, the bill requires that the standards be based on a) parental involvement; b) student achievement, including status, change, and annual individual student progress; c) quality of teachers; d) quality of schools; and e) community involvement. Under the bill, not later than July 1, 2002, the department would be required to develop and distribute to all public schools proposed accreditation standards that met these requirements. Currently under the law, the

department is required to hold statewide public hearings on standards, and after reviewing the testimony, revise the standards. Under the bill, this provision would be eliminated.

The bill also would eliminate the provisions of the law that provide for summary accreditation based on student performance on the MEAP test.

Legislative approval of revised standards. The bill specifies that if the department decides to revise the accreditation standards or processes under this section, then it would be required to submit the new proposed standards to the state board. After a review and revision, if appropriate, of the proposed revisions, the department would be required to submit the proposed revision to the Senate and House standing committees on education. Upon approval by those committees, the department would be required to distribute and implement the revisions, while ensuring that the existing standards and processes continued to be applied until the revisions were finalized, approved, and fully implemented.

October 1 notice of unaccredited schools. Not later than October 1 of each year, the department would be required to publish and also submit to the legislature a list of unaccredited schools.

Unaccredited schools; Priority schools. If a school is unaccredited for one year, it would be required to develop a learning action plan, submit it to the department for approval, and implement it within the next school year. Under the bill, if a school has been unaccredited for two consecutive years, all of the following would apply: a) the department would place the school on a list of priority schools, identifying it as in need of special assistance; b) notify the school district and provide the reasons; and then proceed with the following protocol.

Partnership for success team; Local ensured learning team. Within 30 days of designating a priority school, the department would identify methods for assisting the school. As part of this assistance the department would be required to establish a Partnership for Success Team for the school, and that team would have at least two members having expertise the school needed. Under the bill, a Partnership for Success Team would work with the local Ensured Learning Team to assist in the development and implementation of the Learning Action Plan, and provide technical assistance to the school and the school district. Within 30 days after being notified that one or more of its schools had been included on the priority school list, the board or

board of directors of the school district would establish a local Ensured Learning Team. The Ensured Learning Team would have nine members, including the following: a member of the board or board of directors; the superintendent; the intermediate superintendent of the ISD in which the school district was located; a principal or chief administrator; a teacher selected by a majority vote of the teachers; two parents; a representative of the local business community; and, a representative of the general public (who could be a representative of a local law enforcement, social service, or health care agency working with the school).

Under the bill, the local Ensured Learning Team would, in collaboration with the school's Partnership for Success Team, develop a new Ensured Learning Action Plan, adopted by a majority vote of the Ensured Learning Team within 60 days after the first meeting. Within 20 days, the local Ensured Learning Team would submit the action plan to the board, or board of directors, making certain the plan was available for review at the school district offices at least 10 days before submitting it to the board. Within 30 days, the board would be required to approve the plan, or return it to the Ensured Learning Team with specific suggestions for modifications.

The bill requires that an Ensured Learning Action Plan contain specific measures to increase parental involvement as the top priority of the Action Plan. In addition the Action Plan would be required to contain or address at least all of the following: i) creation of building-level academic standards that met or exceeded state academic standards (addressing both content and skill level); ii) performance goals, benchmarks, and timetables for improvement of academic performance; iii) revision to curriculum, instructional practices, or programs that would enable students to meet the described academic standards; iv) a system of assessments to measure the performance of the school to ensure that the performance of every student was improving over time (under the bill, the system would include at least MEAP assessments developed by the Assessment Governing Board, and the Ensured Learning Action Plan would be required to address how the results of the assessments would be used to improve instruction at all grade levels); v) specific procedures to help increase the information available to parents about school performance, and to encourage parental participation; vi) specific policies to increase the authority granted to and responsibility for performance expected of the school (including the possibility of granting the principal greater control over personnel, budget, and educational programs);

and vii) the contents of the annual report to be filed with the department each year while the school is on the priority schools lists.

Under the bill, the local Ensured Learning Team would be required to submit an annual report to the department each year that one or more schools were included on the priority schools list. Further, the Ensured Learning Action Plan could also address the ability of the school district to use one of the following options to assist the school: a) conversion of one or more schools to a public school academy; and, b) contracting with a private management firm for the management of a school.

Under the bill, while a school district had one or more schools on the priority schools list, the board or board of directors could not terminate the employment of the superintendent or chief administrator of the school district without prior approval by the ISD school board in which the district was located. The bill specifies that this would apply to either a discharge or a non-renewal of a contract.

House Bill 5879 also would require the superintendent of public instruction to take effective steps to help a parent or legal guardian of a child who attended the school to enroll the child in an accredited public school with an appropriate grade level that was either within the school district, or was open for enrollment of nonresident students.

Priority school for two consecutive years. If a school were included on the priority school list for two consecutive years, the superintendent of public instruction would be required to take effective steps to help a parent enroll a child in an accredited public school that was either within the school district, or was open for enrollment of nonresident students. Further and under the bill, the superintendent of public instruction would be required to do one or more of the following: a) appoint an administrator for the school at the expense of the affected school district or public school academy; b) align the school with an existing research-based school improvement model, or establish an affiliation for providing assistance with a college or university; and c) order the school district or board of directors to close the school, and to make arrangements for the students to be educated at an accredited public school with an appropriate grade level either within the school district, or within a district that had open enrollment of nonresident students.

Detroit not subject to Ensuring Learning Action Plans and Teams. House Bill 5879 specifies that a school that is located in a school district that is a qualifying school district and has a school reform board in place (such as Detroit) would not be subject to the measures that would create the Ensured Learning Action Plans, local teams, and partnership teams.

Funding for partnership for success teams. Finally, House Bill 5879 specifies that the department would implement these provisions using funds appropriated under the School Aid Act that are designated for Partnership for Success Teams. The number, size, and scope of activities for Partnership for Success Teams for a particular fiscal year would be determined by the sufficiency of the funding appropriated. The department would prioritize the placement and functions of the teams, based on the priority schools with the greatest need for assistance. The bill also specifies that if a school were required under Title I of the Elementary and Secondary Education Act to take corrective action as provided under federal law, the school would be subject to the measures under the bill, in addition to being required to take corrective action as required under federal law.

Annual Elementary and Middle School Assessments. Currently under the law, the board of a school district or the board of directors of a public school academy administers each school year to all students in grades one to five, a nationally-recognized norm-referenced test or other assessment, which can include a locally-adopted assessment approved by the superintendent of public instruction. Further, a school district or academy can use the Michigan literacy progress profile to assess literacy in grades one to three. House Bill 5879 would retain these provisions, but specify that after implementation of the grades three to eight assessments (see below), this provision would apply only to grades one and two.

In addition, the bill specifies that not later than the 2005-2006 school year, the board of a school district, or board of directors of a public school academy that operates any of grades three to eight, would be required to administer annual assessments in reading and mathematics to all students in grades three to eight. Further and under the bill, the Michigan Assessment Governing Board would be required to develop and implement this aspect of the assessment system. The bill specifies that these assessments could include the Michigan Education Assessment Program (MEAP) tests developed by the governing board, and the tests would be required to be aligned with the Michigan Education Assessment Program

development by the governing board, as well as with the state board recommended model core academic curriculum content standards. Under the bill, the assessment governing board would be required to ensure that the reading and mathematics assessment instruments that were used resulted in scoring that allowed for all of the following: a) comparison of pupil performance from year to year; b) comparison of pupil performance to Michigan Education Assessment Program results; c) disaggregation of results by race, gender, and socio-economic status, and by whether a pupil had a disability or spoke English as a second language; and, d) timely return of results so that they could be used as a diagnostic tool, but not later than October 1 of the next school year.

Finally, the bill specifies that the legislature encourages the development and implementation of online assessments for the purposes of these provisions.

Repealed sections. The bill would repeal section 1279c of the Revised School Code (MCL 380.1279c), which specifies that MEAP tests cannot be used to measure students' values or attitudes (this would be included in a different section of the act). Further, the bill would repeal Public Act 38 of 1970 (MCL 388.1081 to 388.1086), which created the original Michigan Educational Assessment Program (what was then called an assessment of educational progress and remedial assistance).

House Bill 5880 would amend the Michigan Merit Award Scholarship Act (MCL 390.1452 and 390.1456) to specify that the board that would administer the scholarship program would be the Assessment Governing Board established by House Bill 5879, rather than the Merit Award Board currently located as an independent board within the Department of the Treasury. In addition, the bill would repeal section 4 of the scholarship act, which establishes the seven-member Michigan Merit Award Board and describes how that board was appointed, the terms of its members' offices, and some of its powers and duties, including the requirement that it operate a toll-free telephone line and Internet access in order to receive questions and complaints about the assessment test. Then the bill also would eliminate provisions that required that board to conduct its business in compliance with the Open Meetings Act, meet at least annually, keep a record of its proceedings, and make available its written documents under the Freedom of Information Act.

Social studies MEAP test. In addition, House Bill 5880 would amend the Michigan Merit Award

Scholarship Act to include the use of a student's results from his or her social studies assessment for purposes of qualifying for the merit award scholarship. Currently a student qualifies with scores earned on subject area tests in reading, writing, mathematics, and science, but not with scores earned on the social studies subject area test. The inclusion of social studies test results would begin with assessment tests taken by students after the 2003-2004 school year.

Currently under the law, the Michigan Merit Award Scholarship program makes \$2,500 scholarships available to eligible high school students who enroll in approved post-secondary in-state educational institutions (or \$1,000 scholarships if enrolled out-of-state), if a student has taken assessment tests in the subject areas of reading, writing, mathematics, and science, and received qualifying results in all of them; or in all but one or two of them but received an overall score in the top 25 percent of a nationally recognized college admission examination; or received a qualifying score or scores on a nationally recognized job skills assessment test. House Bill 5880 would retain these provisions and include, in addition, the assessment in the subject area of social studies, beginning with assessment tests taken by students after the 2003-2004 school year.

In addition and under the law, the scholarship program makes awards to students while in grades 7 and 8 when they earn qualifying results on subject matter tests in reading, writing, mathematics and science. A student receives a \$250 scholarship for qualifying results on two of the four tests; a \$375 scholarship for results on three of the four tests; and, a \$500 scholarship for results on all four of the tests. House Bill 5880 specifies instead that beginning with assessment tests taken by students after the 2003-2004 school year, qualifying results while in grades 7 and 8 in two of the five subject area assessments of reading writing, mathematics, science, and social studies would earn the student a \$200 scholarship; qualifying results in three subject matter assessments, \$300; qualifying results in four subject matter assessments, \$400; and qualifying results in all five, \$500.

The bill would define "social studies" to mean that term as defined in section 1279 of the Revised School Code. [Section 1279 defines social studies to mean "geography, history, economics, and American government."]

House Bill 5881 would amend the School Aid Act (MCL 388.1622b et al.) to revise its provisions



concerning the accreditation and MEAP programs. Currently, the act requires that a district administer in each grade level that it operates in grades 1 to 5, a standardized assessment approved by the department of grade-appropriate basic educational skills. The act also specifies that a district can use the Michigan literacy progress profile to satisfy this requirement for grades 1 to 3. House Bill 5881 would eliminate this provision, and require instead that a district comply with section 1280b of the Revised School Code (which concerns the MEAP grades 1 to 8 annual assessments that would be created by House Bill 5879).

In addition, House Bill 5881 would eliminate the monetary award that accompanies the Golden Apple Award designation, and would place responsibility for the program with the Michigan Assessment Governing Board. Currently the law specifies that an award consists of \$1,000 per each full-time employee who works in an eligible elementary school, plus \$10,000, to be allocated to the principal for the school for school improvements, and it cannot be less than \$50,000 for each school. The current law also specifies that these awards are made from an appropriation that cannot exceed \$1,320,000 for fiscal year 2002-2003. After eliminating the monetary aspect of the Golden Apple Award, House Bill 5881 would redirect those funds now set aside for the awards. Instead of the current allocation, the bill specifies that from the state school aid fund money appropriated in section 11, there would be allocated \$1,320,000 for 2002-2003 for school accreditation purposes. Further, the bill specifies that the funds would be allocated by the department either as direct payments to districts to assist unaccredited schools, or by contracting with intermediate districts to provide technical assistance to districts.

Currently, the act specifies that in order to receive state aid, a district must administer state assessments to high school students in the subject areas of communications skills, mathematics, science, and social studies. The bill would retain these provisions. However, the bill would replace references to the Department of Education and the state superintendent of public instruction, to instead make reference to the Michigan Assessment Governing Board concerning the design and administration of assessments. Further, the bill specifies that if the Michigan Assessment Governing Board determined that it would be consistent with the purposes of this section, the board could designate the grade 11 MEAP tests as the assessments to be used for the purposes of this section. In addition, the bill specifies that the board

could use the same categories and scaled score ranges as those used before the bill's enactment into law.

Currently under the law, all assessment instruments developed or selected and approved by the state under any statute or rule for a purpose related to K-12 education must be objective oriented and consistent with the model core academic content standards objectives under section 1278 of the Revised School Code. Under the bill, this provision would be eliminated.

Finally, House Bill 5881 would delete an outdated provision of the act that required that not later than July 1 of each year until the year 2000, the department submit a comprehensive report to the legislature and the state budget director on the status of the assessment program.

### **BACKGROUND INFORMATION:**

Center for Educational Performance and Information (CEPI). According to the ESEA 2001 Policy Brief concerning State Information Systems prepared by the Education Commission of the States (ECS), the new Elementary and Secondary Education Act (ESEA) does not explicitly require states to have specific database structures, but it endorses databases that link students' test scores, the length of time they've been enrolled in given schools, and graduation records over time. ECS observes that all but nine states collect student-level information about achievement on state tests, and many can report broadly about how various groups of students are doing. But in general, state systems aren't yet able to put together different types of information--like enrollment and achievement--to look at the performance of individual students. This means they can't identify students who have moved from district to district, or from school to school, and they can't look at individual student learning over time.

According to the policy brief, Michigan is one of 17 states that has begun to develop a longitudinal database system, and 10 additional states are planning such a system. Indeed, three states among the 27 are planning a cross-state collaborative system, in which the unique identifiers piloted in Oregon in 2001 will be used in Washington and Idaho, as well. However, as many as 20 states have no plans to match student records statewide by identifier. They have chosen to maintain a decentralized system rather than a central state repository, in which school districts keep some information and the state retains other data. They have selected the decentralized external

accountability approach in consideration of student privacy, cost containment, and their enhanced ability to target limited technical assistance resources (money and people) to the schools that need it most.

Here in Michigan, a longitudinal data base that assigns a unique number to each student has been under development for several years. According to the working draft (dated 8-3-99) of a report entitled a "Technical Manual and Data Dictionary", the Michigan Education Information System (MEIS) is a process that was begun by the Michigan Department of Education in 1996. (The manual itself was developed through the cooperative efforts of 12 pilot sites that included local and intermediate school districts, the Michigan Department of Education, the organization of Michigan School Business Officials, and the Michigan Pupil Accounting and Attendance Association.) The purpose of the information system, MEIS, is to develop an infrastructure for the educational community that would gather school data via the Internet, store the data in a warehouse that is secure, and make the data accessible for decision makers. The goal is to establish the essential student data elements that must be maintained and reported by districts on each public school student in Michigan. This goal--to establish student data elements--is referred to as the Single Record Student Database.

The primary focus of the Single Record Student Database is the accurate accounting of student information which, when stored in the MEIS warehouse, will be relationally linked to teacher, fiscal, and performance data. The system is expected to replace the current paper driven method which captures aggregate information by school. It will require that 1) the educational community move from multiple data elements and different definitions to a common language, 2) school districts move from multiple collections to single student records, 3) the department move from multiple databases to a single relational data model, and 4) the state move from several reporting dates to three reporting dates.

The data system builds from individual student records including test scores. Each student will be assigned a ten-digit unique identification code (UIC). The creation of the UIC allows relations to be created and linked with achievement, fiscal, and teacher databases; allows tracking of students from the fall to the end of year count as well as longitudinal studies; and, provides the flexibility of merging data from different files to promote richer analysis without threatening exposure to personally identifiable information. According to the report, each school

district would be responsible for the accuracy and completeness of its student data, while the intermediate school district would use a cooperatively developed error checking process to validate district data. Student data would be entered and exported from a school district only through acceptable channels and by staff with appropriate clearance. Data would be transmitted from intermediate school districts to the department using a file transfer protocol at the department transfer site: [ftp://mde.state.mi.us](http://mde.state.mi.us).

School accreditation: North Central. The North Central Association of Colleges and Schools, customarily called North Central by educators, is headquartered in Ann Arbor, Michigan, and is the largest of six regional accrediting associations that monitor schools here in the United States and throughout the world. North Central accreditation status is hard-earned, and highly valued among school and community leaders. North Central has been in operation for more than a century (founded in 1895), and is a non-governmental, voluntary membership association that serves more than 9,000 schools in our 19-state region, as well as Department of Defense schools throughout the world, and also Indian schools throughout the Navajo Nation. In Michigan, 1,840 schools and public school academies--about 53 percent of the state's K-12 schools and also 10 percent of its private schools--are accredited by North Central. In order to become a member of North Central, a school must demonstrate that it meets or exceeds established standards, and then also demonstrate improvement on an annual basis to remain in good standing.

Recently North Central implemented a research-based Performance Accreditation process (developed in conjunction with the National Study of School Evaluation) to utilize a program evaluation approach to monitoring. The accreditation process places schools in one of four stages of performance, and schools that do not improve are placed on 'warned' status. North Central sets standards for teaching and learning, to provide a clear focus on the qualifications of educators in the classroom. Improvement is guided by a school-wide improvement plan based on a data profile that includes student performance goals, assessments, teaching strategies and interventions, and aligned staff development. The organization requires that improvement be demonstrated by multiple measures (at least three), in order to avoid over-reliance on standardized tests. (In Michigan, MEAP scores are customarily one of the three measures.) The organization points out that according to internationally recognized evaluation

experts (such as Michael Fullen from the University of Toronto, who heads the team that is evaluating the systemic school reform effort in the United Kingdom), a technical assistance program requires a commitment of at least three consecutive years with a clearly defined intervention plan. Consequently, North Central Michigan also employs a cadre of regional representatives to provide technical assistance to schools and school districts, upon request.

According to committee testimony, North Central and the Michigan Department of Education accreditation program called Education YES! will be aligned, although neither program would substitute for the other.

School accreditation: Education YES! On March 14, 2002, the State Board of Education adopted the Education YES!--A Yardstick for Excellent Schools. Education YES! is an external accountability system with three educational standards: 1) All Michigan elementary and middle school children will read independently and use math to solve problems at grade level; 2) All Michigan students will experience a year of academic growth for a year of instruction; and 3) All Michigan high school students, in addition to demonstrating high academic achievement, will have an individual educational plan leading them to being prepared for success. (This third standard would be done in conjunction with the Department of Career Development, and data to accomplish the first and second standards would be collected by the Center for Educational Performance and Improvement, as well as the Michigan Department of Treasury MEAP program office.)

In addition to three standards, the Education YES! accreditation program comprises 11 indicators to *Measure School Performance* which includes indicators of engagement [to evaluate i) performance management systems, ii) continuous improvement, and iii) curriculum alignment], indicators of instructional quality [to evaluate iv) teacher quality and professional development, v) extended learning opportunities, vi) arts educational and humanities for all students, and vii) advanced coursework], and indicators of learning opportunities [to evaluate viii) family involvement, ix) student attendance and drop-out rates, x) four-year educational and employment plans, and xi) school facilities].

In addition, the Education YES! accreditation program embodies *Measures of Student Achievement* which includes achievement status (to measure how well a school is doing in educating all students,

utilizing three years of scaled scores from the MEAP), achievement change (to measure whether student achievement is improving or declining, which will be reported on a three-year trend-line and consistent with the "adequate yearly progress," or "continuous and substantial academic improvement for all students" requirement of the federal No Child Left Behind Act), and achievement growth (to measure whether students are receiving at least one year of academic growth for each year of instruction, which will encourage curricular alignment from grade-to-grade and from school-to-school particularly as students move from elementary to middle to high school).

According to committee testimony, each of the six components of Education YES! will be reported with a score on a scale of 0 to 100, and common letter grades--A, B, C, D, F--will be used to report to the public. The school achievement and student achievement measures will be combined to yield a composite individual school scores, and letter grade. A school's score will be weighted: one third (33 percent) of the weight will be equally divided among the eleven indicators of the *School Performance Measures*--that is, indicators i)- xi) described above. The remaining two-thirds (66 percent) will be equally weighted among the three *Student Achievement Measures*--that is, achievement status, change, and growth.

More information about the Education YES! accreditation program, including a list of commonly asked questions and often rendered answers, can be found at the Michigan Department of Education's web site: [www.state.mi.us/mde](http://www.state.mi.us/mde).

Fair test. The fairness of off-the-shelf standardized tests to children who are poor and have limited opportunities to learn outside their school environments has been the concern of social justice advocates for decades. Many of these educators have joined together to create a nonprofit organization whose purpose is to publicize the pernicious and stigmatizing effects of low test scores on a student's interest and opportunity to learn. That organization, called Fair Test, has a web address: [www.fairtest.org](http://www.fairtest.org).

In effect, many who are stigmatized as low performers come to mistrust their ability to overcome their particular challenges. Often the adults in their lives, including some teachers, exacerbate that problem by setting low expectations. Consequently, those who question the fairness of test-based external accountability systems say that rather than stigmatizing test scores, low or slow achieving

students need very well prepared teachers who know the subject matter that they teach, and those teachers need multiple measures of assessment, all of which must have feedback loops that are designed to align with, and inform, the teachers' curricular and instructional practices. Further, that feedback must guide the adult learning of the teachers, so that their professional development is content specific, and geared to instructional practices located within their learning disciplines and aimed at lifting an individual student's learning. Average scores for a school or group do little for classroom educators who seek this type of internal accountability--the kind that values coherent teaching, learning, curricular, and assessment practices.

In addition to the stigmatizing effects of standardized testing, and their limited ability to ensure internal accountability at the level of the classroom, many argue that policymakers' and school administrators' expectations for the standardized tests are simply overblown. For example, in 2001, Nicholas Lemann wrote a best-seller entitled *The Big Test: The Secret History of the American Meritocracy* to tell the story of how and why the Scholastic Aptitude Test (SAT) and standardized testing developed, under the guidance of psychometricians and university elites headquartered on the campus of the Educational Testing Service. Further, a recent feature article in the *New York Times Magazine* entitled "The Class War Over School Testing" by James Traub (5-7-02) reports the increasingly limited usefulness of the New York Regents Test in three progressively wealthier ring suburbs of New York City, as the MEAP-like test loses the respect of teachers and students in wealthy school districts, while standardizing the teaching practices of those who work with poor students, as they require more rote memorization and less higher order thinking.

No Child Left Behind Act of 2001. When the Elementary and Secondary Education Act of 1965 was re-authorized by the U.S. Congress and signed by the president on January 8, 2002, it enjoyed overwhelming bi-partisan support. The new act embodies sweeping reforms, and redefines the federal role in K-12 education. Elected officials of both parties joined together with President Bush to promise that this sea-change in federal education policy would ensure that "no child would be left behind"; that neither poverty nor race nor gender nor disability nor limited English language proficiency would ever again excuse limited achievement and inadequate opportunities to learn; that the act would help close the achievement gap between disadvantaged and minority students and their peers.

According to the U.S. Department of Education, the act is based on four principles: stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on teaching methods that have been proven to work. A summary of the act can be found at [www.ed.gov/offices/OESE/esea/exec-summ.html](http://www.ed.gov/offices/OESE/esea/exec-summ.html).

In short, the NCLB Act will strengthen Title I accountability by requiring states to implement statewide accountability systems covering all public schools and students. The state systems must be based on challenging state standards in reading and mathematics, annual testing for all students in grades 3 - 8, and annual statewide progress objectives ensuring that all groups of students reach proficiency within 12 years. Assessment results and state progress objectives must be broken out by poverty, race, ethnicity, disability, and limited English proficiency to ensure that no group is left behind. School districts and schools that fail to make adequate yearly progress (AYP) toward statewide proficiency goals will, over time, be subject to improvement, corrective action, and restructuring measures aimed at getting them back on course to meet state standards. Schools that meet or exceed AYP objectives or close achievement gaps will be eligible for state academic achievement awards.

In addition, the NCLB Act is designed to significantly increase the choices available to the parents of students attending Title I schools that fail to meet state standards, including immediate relief--beginning with the 2002-2003 school-year for students in schools that were previously identified for improvement or corrective action under the 1994 ESEA reauthorization. For students attending persistently failing schools, local education agencies (LEAs) must permit low-income students to use Title I funds to obtain supplemental educational services from the public or private sector provider selected by the students and their parents. Providers must meet state standards and offer services tailored to help participating students meet challenging state academic standards, and school districts will be required to spend up to 20 percent of their Title I funds to ensure school choice and supplemental educational services.

Another important set of provisions are those concerning state funding flexibility. For example, the NCLB Act includes authority for states and local education agencies to transfer up to 50 percent of the funding they receive under four major state grant programs to any one of the programs, or to Title I.

The covered programs include Teacher Quality State Grants, Educational Technology, Innovative Programs, and Safe and Drug-Free Schools. The new law also includes a competitive State Flexibility Demonstration Program, as well as a competitive Local Flexibility Demonstration Program.

In addition, the NCLB Act establishes the new Reading First Initiative, and increases the federal investment in "scientifically based reading instruction programs in the early grades," in an effort to ensure that every child can read by the end of the third grade.

A list of frequently asked questions and answers about the NCLB Act can be found at [www.nclb.gov.next/faqs/accountability.html](http://www.nclb.gov.next/faqs/accountability.html).

State Compliance with Test-based Accountability. Since early in 2002 and despite significant modifications to the law during the year it was developed in the U.S. Congress, education leaders in some states have been warning that more modifications are needed in the federal "No Child Left Behind Act," before it can be implemented. The have urged policymakers at the state level to proceed with caution and patience, until the act can be amended and coherent rules adopted.

Concerns about value-added instruction and "annual yearly progress" in Texas, North Carolina, Arizona, Tennessee, California, and Illinois. Although the federal NCLB Act generally is thought by policymakers to be modeled on the systemic curriculum and assessment reform efforts in Texas and North Carolina, and most especially Texas, the policy designers in those two states and in a handful of others (Arizona, Tennessee, California, Illinois), as well as the researchers (mostly economists) who are evaluating those designs, have undertaken very different experiments in an effort to model a series of workable 'annual value-added instruction' accountability systems, and then to understand those different models' effects--for example, by grade level in one school (in Texas), and by grade level and cohort in one school (in North Carolina). According to Kane, Staiger, and Geppert (2002), there are three common variants in the accountability systems: North Carolina, Arizona, and Tennessee rate their schools with a measure of a school's value-added using the growth in performance for a given group of students since the end of the preceding school year; other states, such as Texas and Illinois, rate their schools on the percentage of students scoring above certain thresholds; still other states, such as California, rate their schools based on their change in

test scores from one year to the next. A fourth category of states rates schools based on some mixture of value-added, levels, or changes. [Michigan's Education YES! would evaluate all three: status, change, and growth.]

The problem with the NCLB Act is that there is no succinct federal definition of 'adequate yearly progress', and further, if any one definition is adopted, it is likely to conflict with at least one of the state accountability plans already in place. The authors note, "states that have been rewarding schools based on value-added measures or on changes in scores may be required to sanction the very school they have been rewarding."

Nationwide concerns about statistically reliable measurement. Another unanswered question raised by the federal legislation is the number of students it takes to create a separate racial, ethnic, or socioeconomic subgroup for accountability purposes. The NCLB Act only requires that there be a sufficient number of students to yield statistically reliable information in order for the subgroup to count separately. However, most elementary schools have an average of 68 students at a grade level, and that number is far too low to measure reliably, much less to subcategorize, without extraordinary variability from year to year. In short, inferential statistics--that is, the law of large numbers that washes out outlier effects in order to arrive at reliable averages--does not work in meaningful ways when sample sizes are small. (However, economists can sometimes separate "signal" from "noise" in even small samples of a given measure of performance, by weighting different year's data differently on several years' worth of scores.) Nonetheless, small samples are notoriously unreliable, and value-added and change scores are less reliable. For example, Kane, et al. point out that each year since 1997, North Carolina has recognized the 25 elementary and middle schools in the state with the highest scores on the "growth composite," a measure reflecting the average gain in performance among students enrolled at a school. Winning schools receive financial awards. One indicator of the volatility of test scores is the rarity of repeat winners. Between 1997 and 2001, 101 awards were handed out . . . Those 101 awards were won by 90 different schools, with only 9 schools winning twice, and only one school winning three times. No school was in the top 25 in all four years." The authors note that "one year's worth of test score data is insufficient to discern differences [in school performance, or technical assistance] in a meaningful way," and this knowledge has helped policymakers to

better understand the limitations of short-term financial and other incentives.

The article entitled "Randomly Accountable," by Kane, Staiger, and Geppert is available at the web site of the online journal *Education Next*, [www.educationnext.org/20021/56.html](http://www.educationnext.org/20021/56.html).

Despite these important warnings, positive effects in the behavior of elementary school principals have been measured in research undertaken by economists Ladd and Zelli at the Duke University Institute of Public Policy. In their two-year study of the reforms in North Carolina called "School-Based Accountability in North Carolina: The Response of School Principals" which was published in July 2001, the authors found that the incentives of the North Carolina ABCs accountability program were powerful, "inducing school principals to undertake various new actions consistent with the state's goal of focusing attention on the basic skills of reading, math, and writing, and that they directed new attention to low-performing students." In particular, principals reported spending more time on the state tests in their meetings with teachers, developing extracurricular programs focused on math and/or reading; using the end of grade test for diagnostic purposes; spending more time with teachers on classroom instruction; integrating the curriculum by encouraging greater focus on math and reading in the teaching of science, social studies, and other subject areas; re-directing funds to math and/or reading; and spending more time on test-taking skills--in effect, teaching to the achievement tests that had been designed to align with state curricular standards. What is more, principals reported spending substantially more time attending to the needs of low-performing students (and, interestingly, high performing students), in order to help those students to demonstrate achievement gains that would win financial rewards for their teachers and schools.

To review the report in its entirety, visit the Duke Public Policy Institute web site: [www.pps.duke.edu](http://www.pps.duke.edu).

Concerns about performance trajectory, wide-spread "failure," and subgroup segregation in North Carolina. The director of the North Carolina Education Research Council recently advised the governor's education cabinet and policymakers in the state assembly that compliance with the No Child Left Behind Act will require time, a high level of technical competence, tough negotiations on rule-making, modification of the federal legislation, new features in the state's accountability system, and an unusually high degree of patience from policymakers.

Nonetheless, he embraces the effort to lift the educational achievement of all students. Charles Thompson's report, "Research-Based Review of Reports on Closing Achievement Gaps," cites five limitations of the NCLB Act, including two ways the act is very different from the Texas model that many policymakers think it is based upon.

First, the federal law requires states to track many more groups than does the Texas system, and each group must make "adequate yearly progress"--that is, must score along or above a trajectory that leads roughly from where the groups are now to 100 percent by 2012.

Second, while the Texas model started low and gradually raised the bar (beginning at 25 percent of students at or above grade level in the early 1990s, and then raising the threshold 5 percent a year so that it now stands at 55 percent), the federal legislation requires an aggressive initial benchmark of about 65-70 percent proficiency for each of the ten identified groups. Further, the starting point for the AYP trajectory will mean that the slope of improvement for some groups---such as handicapped students and students with limited English proficiency--will be so steep that it will prove virtually impossible to achieve. The author notes that under the federal legislation, failure to produce AYP for any one group on any test will mean that the whole school will be regarded as low performing. In North Carolina it is projected that a majority of all schools might well fall into the low performing category in the federal system. Such a high rate of "failure" seems likely to create confusion and to call either the education system itself or the federal accountability system into question. He notes, "if an accountability system is intended to raise expectations and thus performance over time, precipitating a crisis of this sort scarcely seems productive."

Third, such widespread failure will make it difficult to target interventions where they are needed most--in schools that both fail to make their growth targets and fail to reach a certain threshold of absolute performance. By comparison, the federal legislation makes no distinction between a school that misses an achievement target for one subgroup versus the school that misses the mark for many subgroups. This makes targeting resources for intervention difficult to discern at the state level.

Fourth, the small size of some groups at the school level can cause serious problems in the reliability of disaggregated data. A school that analyzes its scores and makes adjustments in curriculum and instruction

accordingly could change things in ways that actually impairs subsequent performance.

Fifth, for technical reasons of analysis, the federal system will penalize schools that must bring more subgroups to levels of academic proficiency, and unfairly reward those who have fewer underachieving groups. The more groups there are in a school, the more difficult it will be for that school to make "adequate yearly progress." This becomes important in the context of policy regarding achievement gaps because a system that demands disaggregation of a large number of groups could inadvertently create an incentive to segregate ethnic groups rather than to desegregate them (and such a strategy would probably be more than offset by the disadvantages of segregation, since segregation clearly depresses student achievement).

Concerns about compliance with external, test-based accountability. What is more, Richard Elmore, the principal investigator of the U.S. Department of Education's systemic initiative research project that would scale-up school reform, and also professor of educational leadership at the Harvard Graduate Education School, suggests in "Unwarranted Intrusion," published in the on-line journal *Education Next* [www.educationnext.org/20021/30.html], that when the U.S. Congress re-authorized the Elementary and Secondary Education Act (ESEA), commonly called the No Child Left Behind Act, "there was no genuine opposition in Washington to accountability rules that simply fail to understand the institutional realities of accountability in states, districts, and schools." Further, "the law's provisions are considerably at odds with the technical realities of test-based accountability." Elmore continues, "Never, I think, in the history of federal education policy has the disconnect between policy and practice been so evident, and possibly never so dangerous." Elmore warns, and then admonishes: "The federal government is now accelerating the worst trend of the current accountability movement: that performance-based accountability has come to mean testing, and testing alone. It doesn't have to. In fact, in the early stages of the current accountability movement, reformers had an expansive view of performance that included, in addition to tests, portfolios of students' work, teachers' evaluations of their students, student-initiated projects, and formal exhibitions of students' work. The comparative appeal of standardized tests is easy to see: they are relatively inexpensive to administer; can be mandated relatively easily; can be rapidly implemented; and deliver clear, visible results. However, relying only on standardized tests simply dodges the complicated questions of what

tests actually measure and of how schools and students react when tests are the sole yardstick of performance."

Elmore points out that "the working theory behind test-based accountability is seemingly--perhaps fatally--simple. Students take tests that measure their academic performance in various subject areas. The results trigger certain consequences for students and schools--rewards, in the case of high performance, and sanctions for poor performance. Having stakes attached to test scores is supposed to create incentives for students and teachers to work harder and for school and district administrators to do a better job of monitoring their performance. If students, teachers, or schools are chronically low performing, presumably something more must be done--students must be denied diplomas or held back a grade; teachers or principals must be sanctioned or dismissed; and failing schools must be fixed or simply closed. The threat of such measures is supposed to be enough to motivate students and schools to ever-higher levels of performance." Elmore continues, "this may have the ring of truth, but it is in fact a naïve, highly schematic, and oversimplified view of what it takes to improve student learning." In contrast, Elmore reports findings from research that he and colleagues have done on accountability. They have learned that "internal accountability precedes external accountability. That is, school personnel must share a coherent, explicit set of norms and expectations about what a good school looks like before they can use signals from the outside to improve student learning. Giving test results to an incoherent, atomized, badly run school doesn't automatically make it a better school. The ability of a school to make improvements has to do with the beliefs, norms, expectations, and practices that people in the organization share, not with the kind of information they receive about their performance. Low-performing schools aren't coherent enough to respond to external demands for accountability."

Elmore notes that the accountability and school improvement research demonstrates that "the work of turning a school around entails improving the knowledge and skills of teachers--changing their knowledge of content and how to teach it--and helping them to understand where their students are in their academic development. Low-performing schools, and the people who work in them, don't know what to do. If they did, they would be doing it already. You can't improve a school's performance, or the performance of any teacher or student in it, without increasing the investment in teachers' knowledge, pedagogical skills, and understanding of

students. This work can be influenced by an external accountability system, but it cannot be done by that system. Test scores don't tell us much of anything about these important domains; they provide a composite, undifferentiated signal about students' responses to a problem."

He concludes, "test-based accountability without substantial investments in capacity--internal accountability and instructional improvement in schools--is unlikely to elicit better performance from low-performing students and schools. Furthermore, the increased pressure of test-based accountability, without substantial investments in capacity, is likely to aggravate the existing inequalities between low-performing and high-performing schools and students. Most high-performing schools simply reflect the social capital of their students; they are primarily schools with students of high socioeconomic status. Most low-performing schools also reflect the composition of their student populations. Performance-based accountability systems reward schools that work against the association between performance and socioeconomic status. However, most high-performing schools elicit higher performance by relying on the social capital of their students and families rather than on the internal capacity of the schools themselves. Most low-performing schools cannot rely on the social capital of students and families and instead must rely on their organizational capacity. Hence, with little or no investment in capacity, low-performing schools get worse relative to high-performing schools. Some changes in the new law provide relatively unrestricted money that states can use to enhance capacity in schools if they choose to. However neither state nor federal policy is currently addressing the capacity issue with anything like the intensity applied to the test-based accountability issue. So, an enormous distortion is occurring in the relationship between accountability and capacity, a distortion that is being amplified rather than dampened by federal policy."

National Assessment Governing Board. The independent Michigan Assessment Governing Board that would be located in the Department of Treasury under House Bill 5879 is modeled after the National Assessment Governing Board, which has administered the National Assessment of Educational Progress (NAEP) for more than 30 years. The NAEP examinations are offered in reading, math, and other subjects, and they are given only to a sample of students, each of whom takes only part of a test, so no individual school or district scores can be reported. With students and teachers facing no

consequences for doing well or poorly, there is no incentive to prepare specially for the exam. Consequently, the exam results are thought to provide accurate snap-shots of grade-level proficiency among a sample of students in the United States, and they are used to compare the status of the United States educational system with the educational systems of other countries.

However, according to a recent article in the *New York Times* entitled "National Test Is Out of Tune with Times" by Richard Rothstein (3-27-02), the national assessment has run into problems, stemming from the failure of education officials to admit that they can never precisely know how achievement has changed--and to acknowledge that only rough estimates are possible. In an effort to measure achievement too precisely, the NAEP Board has used the same test for 30 years, and consequently it does not reflect the evolving curriculum in most schools. (Eventually an unchanging test ceases to reflect new discoveries in science, or history, or new techniques in mathematics such as computing and the need to know estimation, in order to double check a calculator's approximate accuracy.) To overcome the problem the National Assessment Governing Board adopted a second set of tests in the 1980s, called the Main NAEP, but the board members have not yet jettisoned the original test (called the Trend NAEP) for fear they will lose their ability to track achievement precisely. Interestingly, math scores on the Main NAEP (the test that tracks the current curriculum) have been rising, but math scores are flat on the Trend NAEP (the older test). According to the report, the NAEP board may decide to merge the tests at its meeting this month. If it did so, it would be solving the problem in the way that economists typically do as they update indices of many kinds, such as the Consumer Price Index (CPI), when obsolete products (such as typewriters) must be dropped from the consumer basket of good, and new products (cell phones) added. In order to have a meaningful measure of student achievement, students must be tested on what they are taught.

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency notes with regard to House Bill 5879 that, according to the Department of Treasury, current appropriations would be sufficient to administer the proposed governing board and advisory committee. (Travel reimbursement would be the only compensation given to board and committee members, and that could be covered by existing funding sources). Further, test modification and assessment costs could be covered by using



current Michigan Merit Award Trust Fund appropriations, as well as recently awarded No Child Left Behind Act federal funding.

The agency further notes that there may be additional costs to a school district for disaggregating data required to complete the annual education report card, and for meeting the process requirements if the school became unaccredited. However, the agency notes that these costs are currently indeterminate.

The HFA reports that House Bill 5880 would have no fiscal impact for 2001-2002, but would have an indeterminate impact in fiscal years 2004-2005 and beyond.

Finally, with regard to House Bill 5881, the House Fiscal Agency notes that the bill would revise three sections of the School Aid Act. The first revision would require standardized basic educational skills tests annually in grades 3 to 8 in reading and mathematics. Currently Michigan requires annual tests in grades 1 to 5. Consequently, the agency observes that this provision should have no state cost other than that cost incurred to amend the test. However, House Bill 5881 could have a negative local fiscal impact, because districts would lose part of their state aid if the new assessment requirements were not properly met.

The second revision to the School Aid Act would shift the current \$1.32 million appropriation designated for Golden Apple awards, instead using those funds to provide accreditation assistance to school districts. This provision would have no state fiscal impact, as it would simply shift funds from one purpose to another.

The third revision to the School Aid Act concerns the high school assessments. The bill would make the governing board responsible for the assessment, rather than the Department of Education. The agency notes that this should have no state or local fiscal impact. (5-21-02)

## **ARGUMENTS:**

### ***For:***

Early this year, the Elementary and Secondary Education Act of 1965 (ESEA) was re-authorized by the U.S. Congress. The federal law has come to be called the No Child Left Behind (NCLB) Act of 2001, and after receiving broad bi-partisan support, it was signed into law by President Bush on January 8, 2002. This legislation would implement the federal

NCLB Act here in Michigan, making an effort to align the new provisions of the federal law with the state's existing Michigan Educational Assessment Program (MEAP), as well as the Education YES! Accreditation program adopted by the State Board of Education on March 4, 2002.

Among the guiding principles in the NCLB Act is that *all* children have an opportunity to learn challenging curriculum in reading and mathematics, most especially in the early years of their public school education. To that end, these bills would create the Michigan Assessment Governing Board, an independent board in the Department of Treasury that, among other things, would be required to assure that reading and math exams were administered to all students in grades 3 to 8. These examination results would be entered into the Single Student Data Base, under development at the Center for Educational Performance and Information (CEPI). Then, that achievement information would be used by the state's new school accreditation program, Education YES!, to account for 66 percent of a school's success.

Under the federal law, states are encouraged (but not required) to design assessment systems that track the achievement of each student, in order to ensure his or her opportunity to learn throughout a public school career. Further, the system of examinations should be reported in ways that allow educators to monitor the achievement for subgroups of students--by gender, race and ethnicity, limited English language ability, disability, and poverty--ensuring that all groups of students reach proficiency within 12 years. And, the annual tests should enable policymakers to know whether schools and school districts make "adequate yearly progress" (AYP) toward statewide proficiency goals. If they do not, the schools would be subject to improvement, corrective action, or restructuring.

In line with the federal law, this legislation would require the Michigan Department of Education, through its accreditation program, to identify priority schools by October 1 each year, and then target intervention services and technical assistance when they are needed. House Bill 5879 would require that Partnership for Success Teams, and also Local Ensured Learning Teams, be assembled for each priority school within 30 days of their designation. Together they would develop a learning action plan to turn the school around--a plan that would, among other things, increase parents' involvement in the education of their children.

**For:**

House Bill 5880 would amend the Michigan Merit Award Scholarship Act to include the use of a student's results from his or her social studies assessment to qualify for the merit award scholarship. Currently a student qualifies for the \$2,500 scholarship to attend in-state post-secondary schools (or a \$1,000 scholarship if enrolled out-of-state) with the scores he or she earns on subject area tests in reading, writing, mathematics, and science, but not with scores earned on the social studies subject area test. The inclusion of social studies test results would begin with assessment tests taken by students after the 2003-2004 school year.

**For:**

For the first time ever, this legislation would set a policy that *all* children can learn to higher standards and can master more challenging curriculum. To make good on that promise, House Bill 5879 would require that annual assessment results be disaggregated by subgroups of students--by race, gender, language proficiency, disability, and poverty. Disaggregating these data will empower school administrators and teachers, as well as policymakers, with important information about the nature of achievement in a school building. That information will enable them to undertake informed problem-solving, and to design strategically focused teaching and learning interventions. Disaggregation has been piloted in several states for a few groups in a school's population. For example, in Texas and North Carolina, particular attention has been paid to narrowing the achievement gap between the white majority and minority groups such as Native Americans, African Americans, and Hispanics. Careful growth in Texas over nearly a decade has been measured, as the achievement bar has been slowly but systematically raised, and the gap between achievers has, indeed, been narrowed. Results have been more dramatic in Texas than in North Carolina, but both states have moved the bar higher and reduced the range between their learners' highest scores and their lowest scores. Michigan should do the same, or better.

**Response:**

Although disaggregation of test scores by student subgroups is a laudable aim, it must be undertaken carefully and in technically accurate ways in order to have meaningful results. Economists are coming to recognize that the federal No Child Left Behind Act poses enormous obstacles to the accurate disaggregation of test scores, because it is significantly flawed in the way that it has been written. In fact, some who are knowledgeable about

testing and psychometric measurement say the federal law must be amended before it can be implemented. There are at least five problems, most having to do with the volatility of small sample sizes and the lack of valid test scores that result, as well as the steep trajectory for success that would be required for many disabled and non-English speaking students, since the base-level proficiency rate begins at a high level, rather than starting with a low threshold and gradually increasing over time.

**Against:**

Opponents of this legislation point out that an effective external accountability system is intended to raise expectations and then to lift performance over time. They question the wisdom of an external accountability system that would identify so many schools as low performing, priority schools, and worry that such a high rate of "failure" will cause confusion and cynicism--calling either the education system itself, or the external accountability system, into question. As one spokesperson for a stakeholder group put it: "When the bar is raised so high as to be beyond reach, then formerly enthusiastic and hard-working people either give up altogether, or more likely, ignore the policymakers."

Spokespeople for a number of organizations have expressed concern that there are inadequate technical assistance resources within the state educational system to address the many needs of priority schools. According to committee testimony, there may be between 500 and 700 schools and public school academies among the 3,400 schools in Michigan that need assistance. The funds appropriated in the fiscal year 2002-2003 budget for technical assistance could, perhaps, provide help to 50 schools, less than 10 percent of that total. Although House Bill 5881 was amended by the committee to eliminate the \$1.3 million set-aside in the State School Aid Act for Golden Apple Awards, and redirect that money to technical assistance for priority schools, the amount of money available for technical assistance falls far short of what is needed.

Further, spokespeople for a number of organizations have expressed concern that the Single Record Student Database, upon which the external accountability system depends, is unreliable. The progress of its development has been slowed by technical complexities beyond its designers' ability to anticipate and control. Consequently, the hodge-podge of data in the data-fields jeopardizes the new accreditation project.

***Against:***

Some who oppose the legislation fear that external accountability programs serve chiefly to embarrass, indeed, humiliate, public schools, since they weaken them without acknowledging the necessity for a solid, research-based two-part system that entails both external and internal accountability. They argue that genuine school improvement requires curricular overhaul, more school spending that is targeted to increase the instructional capacity of poor districts, and social change.

One educational researcher, Richard Elmore, observes that the accountability and school improvement research demonstrates that "the work of turning a school around entails improving the knowledge and skills of teachers--changing their knowledge of content and how to teach it--and helping them to understand where their students are in their academic development. Low-performing schools, and the people who work in them, don't know what to do. If they did, they would be doing it already. You can't improve a school's performance, or the performance of any teacher or student in it, without increasing the investment in teachers' knowledge, pedagogical skills, and understanding of students. This work can be influenced by an external accountability system, but it cannot be done by that system. Test scores don't tell us much of anything about these important domains; they provide a composite, undifferentiated signal about students' responses to a problem."

Elmore continues: "Test-based accountability without substantial investments in capacity--internal accountability and instructional improvement in schools--is unlikely to elicit better performance from low-performing students and schools. Furthermore, the increased pressure of test-based accountability, without substantial investments in capacity, is likely to aggravate the existing inequalities between low-performing and high-performing schools and students. Most high-performing schools simply reflect the social capital of their students; they are primarily schools with students of high socioeconomic status. Most low-performing schools also reflect the composition of their student populations. Performance-based accountability systems reward schools that work against the association between performance and socioeconomic status. However, most high-performing schools elicit higher performance by relying on the social capital of their students and families rather than on the internal capacity of the schools themselves. Most low-performing schools cannot rely on the social capital of students and families, and instead must rely on

their organizational capacity. Hence, with little or no investment in capacity, low-performing schools get worse relative to high-performing schools."

Elmore concludes: "Some changes in the new [federal No Child Left Behind] law provide relatively unrestricted money that states can use to enhance capacity in schools if they choose to. However neither state nor federal policy is currently addressing the capacity issue with anything like the intensity applied to the test-based accountability issue. So, an enormous distortion is occurring in the relationship between accountability and capacity, a distortion that is being amplified rather than dampened by federal policy."

***Response:***

According to committee testimony, although federal funds for technical assistance have not yet been appropriated, it is expected that millions of dollars in federal funds will become available from several targeted program areas: Reading First grants; 21<sup>st</sup> Century Learning Centers grants; Teacher Quality grants; Technology grants; and Title I increases. It also is expected that private vendors who have professional development and school improvement expertise will be able to supplement the technical assistance capacity currently available at the intermediate school districts, and within the Michigan Department of Education.

***Against:***

A substantial part of the external accountability system that is described in House Bill 5879 is a test-based accreditation system that likely will rely on grade-level off-the-shelf standardized tests, as well as the MEAP subject matter tests. Fully 66 percent of the Michigan YES! accreditation program will rest on the status, change, and growth of student achievement, as it is measured by paper and pencil tests of this kind. This is a very narrow measure of human competence. And tests of this kind do little to ensure that each student will be encouraged by a teacher to push beyond the edge of his or her competence. Customarily, standardized tests put an inordinate emphasis on details, and distinct skills, and exclude the big ideas in the field of knowledge that is being tested. That is why many teachers believe "teaching to the test" is a bad idea--it encourages students to concentrate on discrete details and rote memorization.

In a recent article entitled "States Teeter When Balancing Standards with Tests" (*New York Times*, 5-1-02), Achieve, Inc., a nonprofit consulting firm that

evaluates tests (headed by Governor Engler and the Chairman of I.B.M.), found that only the Massachusetts 10<sup>th</sup> grade tests were relatively well-aligned with the state's standards. [Achieve's evaluations can be seen at [www.achieve.org](http://www.achieve.org).]

The article noted: "There are generally two criteria for judging whether tests and standards are aligned, but states typically fulfill only one. First, every test question must assess a skill actually found in the standards. This mostly happens. Second, every required standard must be assessed, either by tests, student work samples, or other evaluations. Overall skills should have the same *relative importance* in the tests as in the standards. Otherwise, teachers will have incentives to give less emphasis to skills not found on tests. States have mostly failed to keep this balance between standards and test questions." Further, states' tests generally emphasize identification of details, not the main idea. A test with this flaw might have a passage about Harriet Tubman but then have pupils identify her home state, (Maryland), without asking them to articulate the theme of the passage: how the Underground Railroad advanced anti-slavery struggles. Educators call identifying details a "basic skill." In contrast, discerning a main idea is a "higher-order skill." Typically state tests overemphasize details, and consequently they do little to encourage higher order thinking.

### **POSITIONS:**

The Department of Education supports House Bills 5880 and 5881, and also supports the concept of House Bill 5879. (5-20-02)

The Department of Treasury supports the provisions in House Bill 5879 that would create the Michigan Assessment Governing Board, opposes the elimination of funding for the Golden Apple Awards in House Bill 5881, and has no position on House Bill 5880. (5-20-02)

The Michigan Education Association supports the bills. (5-17-02)

Oakland Schools supports the bills. (5-17-02)

The North Central Association supports the concept of accountability and offers its expertise to the Department of Education as the state accountability system is designed and implemented. (5-17-02)

The Middle Cities Education Association has concerns about the bills and questions whether there

exists the technical capacity to implement them. (5-17-02)

The Michigan Federation of Teachers and School-Related Personnel has concerns about the bills. (5-17-02)

The Michigan Association of School Boards has concerns about the bills. (5-20-02)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.