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## Local Flexibility within an Accountability System

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### **Abstract**

Over the past decade, several states have created comprehensive accountability systems designed to increase student learning in public schools. These accountability systems are based on "high-stakes" standardized testing of a state curriculum. Rewards and interventions for local educators are based largely upon students' performance on these tests. Using the recent accountability reforms in Georgia as a backdrop,

this article considers the role of local flexibility within such an accountability system--flexibility over paperwork, resources, personnel, and curriculum for local educators. Increased flexibility for local educators is not merely an option in a world where local educators are subject to a comprehensive accountability system imposed by a state--it is a requirement for success. We make a case for providing local flexibility and provides a discussion regarding types of flexibility, vehicles for granting flexibility, and who should receive flexibility.

## **I. Introduction**

Over the past decade, several states have created comprehensive accountability systems designed to increase student learning in public schools. These accountability systems are based on "high-stakes" standardized testing of a state curriculum. Local educators face consequences based on how well their students do on these exams. They receive rewards for good student performance and are subject to interventions to rescue children from low-performing schools. Using the recent accountability reforms in Georgia as a backdrop, this article considers the role of local flexibility within an accountability system--flexibility over paperwork, resources, personnel, and curriculum for local educators.

This increased flexibility involves a decentralization of authority that is broader than, but inclusive of, school-based management. To implement the increased flexibility for local educators contemplated in this article would require profound decreases in the dizzying array of state and federal regulations governing local districts, schools, and personnel.

Increased flexibility for local educators is not merely an option in a world where local educators are subject to a comprehensive accountability system imposed by a state--it is a requirement for success. Failure to provide local educators with flexibility to meet statewide learning goals for students would lead to blurred lines of accountability, and would not capitalize on the unique talents of local educators and other unique local circumstances, both of which would ultimately prevent accountability systems from realizing their full potential. In addition, this failure will likely prevent accountability systems from surviving the political battles that periodically surround public education. This article makes a case for providing local flexibility within an accountability system and provides a discussion regarding the granting of flexibility, types of flexibility, vehicles for granting flexibility, and who should receive flexibility.

To those ends, section II provides an overview of comprehensive accountability systems that measure school and student performance and hold local educators accountable for this performance. Section III describes the appropriate role for local flexibility within such an accountability system. Types of local flexibility and vehicles for granting this flexibility are presented in sections IV and V. Section VI discusses who should get flexibility, including guiding principles for state policymakers. Section VII contains concluding remarks.

## **II. Overview of Accountability**

Several states, including Florida, Kentucky, North Carolina, and, most recently, Georgia, have created comprehensive accountability systems designed to increase

student learning in public schools. A "comprehensive" accountability system has each of the following three components:

1. **Goals** for student learning at all grade levels.
2. Accurate **measurement** of student learning outcomes.
3. **Rewards** for local educators (superintendents, principals and other administrators, and teachers) for good student outcomes and **interventions** to rescue children from failing schools.

We served on the staff of the Governor's Education Reform Study Commission (GERSC) that led to the creation of the comprehensive accountability system for Georgia's public schools.<sup>1</sup> At the first Commission meeting in June 1999, Georgia Governor Roy E. Barnes announced the "charge" for GERSC:

Let us come to the table and pool our best ideas, let us bring our best-hearted intentions, and let us steel up our best resolve to ensure for our children tomorrow a better system of public education than we find today.

--Georgia Governor Roy E. Barnes<sup>2</sup>

In his speech, Governor Barnes announced the formation of four committees, the most ambitious of which was titled "Accountability."<sup>3</sup> In describing the role of the Accountability Committee, the Governor said he wanted an end to "excuse-based education" in Georgia public schools. The committee members included business executives, legislators from both major political parties, retired educators active in education policy circles, and a retired college president (who is currently a professor).<sup>4</sup> The Accountability Committee heard testimony from several local, regional, and national researchers and professional educators about accountability approaches in other states and important conceptual issues in designing an accountability system. Many of the individuals who made presentations were veterans of the standards and accountability movement and recommended comprehensive standardized testing on public school students in several subjects.<sup>5</sup> The committee members were told that these exams should be curriculum-based exams called criterion-referenced tests, and these exams could be used as an important measuring stick for evaluating the performance of individual students, educators, schools, and districts. Using such exams for accountability purposes is commonly known as "high stakes testing."

Although the Accountability Committee made no formal recommendations, the committee members coalesced around the following ideas:

- Students in grades 3 and above should take curriculum-based exams at the end of each school year, based on the state of Georgia's Quality Core Curriculum.
- There should be threshold scores on these exams that indicate how well each student has mastered the material.
- Local districts, schools, and educators should be held accountable for how well their students performed on these exams by a system of rewards for good performance and interventions for persistently low levels of student learning.
- These rewards and interventions should be based on levels of student learning and improvements.
- There should be a new, agency, independent of the state's Department of

Education, created to monitor performance of the exams and other educational outcomes and to administer rewards and interventions.

House Bill 1187, passed by the Georgia General Assembly in the Spring of 2000 and signed into law by Governor Barnes set up a state accountability system for public education in Georgia that closely followed the thinking of the members of the Accountability Committee (Chapter 20 Section 14 of the Georgia Official Code).

For the first time, Georgia had an accountability system based on the end product of education--student learning. The state Department of Education, which prior to the formation of the education commission had already begun refining the state curriculum (QCC) and creating curriculum-based exams, would administer statewide exams to students in grades 3 and above. These exams were first administered in some grades and subjects in the Spring of 2000, and they will be fully implemented in all grades and subjects by 2002. For both schools and educators, the law provides several rewards for good performance and interventions for persistently low performance--performance defined in terms of student learning of the state's curriculum and other, currently unspecified, student outcomes. Rewards and interventions will be implemented once the exams are fully implemented. The rewards and interventions passed under the new accountability law include<sup>6</sup>: 1) Two grades (A through F) will be awarded to each school, where one grade will be based on levels of student learning outcomes and the other grade will be based on improvements in student learning outcomes; 2) All certified personnel at a school will be given a \$1,000 bonus for each "A" grade the school receives and a \$500 bonus for each "B" grade.

"If a school has received a grade of D or F for a period of two consecutive years or more, the State Board of Education could appoint a school master or management team to oversee and direct the duties of the principal of the school in relation to the school until school performance improves and the school is released from intervention by the director, with the cost of the master or management team to be paid by the state."<sup>7</sup>

"If a school has received a grade of D or F for a period of three consecutive years or more, the State Board of Education shall implement one or more of the following interventions or sanctions, in order of severity:

- (A) Removal of school personnel on recommendation of the master or the school improvement team, including the principal and personnel whose performance has continued not to produce student achievement gains over a three-year period as a condition for continued receipt of state funds for administration
- (B) Allow for the implementation of a state charter school through the designation by the State Board of Education;
- (C) Mandate the complete reconstitution of the school, removing all personnel, appointing a new principal, and hiring all new staff. Existing staff may reapply for employment at the newly reconstituted school but shall not be rehired if their performance regarding student achievement has been negative for the past three years;
- (D) Mandate that the parents have the option to relocate the student to other public schools in the local school system to be chosen by the parents of the student with transportation costs borne by the system; or
- (E) Mandate a monitor, master, or management team in the school that shall be paid by the district."<sup>8</sup>

Although the newly created Office of Education Accountability (OEA), independent of the state's Department of Education, has not yet determined what student learning outcomes will determine these school-level grades that will drive the rewards and interventions. Nevertheless, it is mandated in HB 1187 that student performance on the curriculum-based exams, both levels of performance and improvements, will be the main determinant of each school's grades.

The cash bonuses to teachers and the potential interventions, especially public school choice and opening a state-funded charter school in the neighborhood of a failing school are not widespread across the U.S.<sup>9</sup>

Although the issues involved are extremely important, our purpose here is not to discuss the merits or demerits of accountability systems based on high stakes testing and state mandated rewards and interventions.<sup>10</sup> This article considers the appropriate role of local flexibility within a comprehensive accountability system and several implementation issues, including what kind of flexibility to grant, how to grant it, and to whom should flexibility be granted.

### **III. Flexibility Within An Accountability System**

In this section, a case is made for providing local educators and schools with flexibility--if and only if the local educators are held accountable for their performance by an outside entity.<sup>11</sup> At the end of this section, we discuss the issues of negative unintended consequences that may be present in systems of comprehensive accountability and governance in a decentralized system.

The argument for flexibility under a system of accountability has been made before (Hanushek, 1994; Hannaway, 1996). We reiterate their claims and discuss implementation and political economy concerns as well.

Comprehensive accountability means three things: goals for student learning, student learning outcomes are accurately measured, and local educators (school boards, superintendents, principals and other administrators, and teachers) are subject to rewards for good student outcomes and interventions to rescue children from failing schools. If truly held accountable for student learning *outcomes*, local educators have strong incentives to do *whatever it takes* to achieve the specified student learning goals.

Without a significant degree of control over the means for education improvement, such as budgets, personnel, and curriculum, local educators cannot ultimately be held accountable for achieving the assigned end of improving and achieving a high level of student learning. This point is best demonstrated by considering two polar opposite forms of "accountability."

#### **Accountability over Inputs, Process, and Program Implementation**

Suppose the state were to give each school student learning targets and a prescription for how to achieve those targets. If a particular school obediently implemented the state's prescription and the level of student learning was low and was not improving, then this failure belongs to the state--not the school. This school would be responsible for properly implementing the state's prescription; the school would not be ultimately responsible for student learning. Local educators, who possess better information about their own unique talents and the local circumstances, including the types of students, resources, and environment, may wish to deviate from the centrally prescribed education formula because they deem such changes as beneficial in their local

situation. Local educators who acted on those wishes would be subject to sanctions for not following the script they were given.

This approach to "accountability" makes state policymakers responsible for student learning outcomes and local educators responsible for implementing the state's prescription. This blurs the lines of accountability, because lawmakers, parents, and other citizens will inevitably blame local educators for any low performance by students. In addition, the unique talents of local educators and circumstances of local schools are not exploited to best achieve the state's goals. Taken together, these two problems will frustrate local educators and could lead to poor implementation of state education policy, higher teacher and administrator attrition, and even a reversal of state education policy regarding standards and accountability as local educators make credible arguments that state policy inhibits local creativity and misplaces blame for any failures.

### **(Results-Based) Comprehensive Accountability**

A second approach is to have state and local education authorities articulate the desired standards for student achievement and hold schools and educators accountable, through rewards and interventions, for meeting or failing to meet the standards. Choosing the second path, the path of accountability for student learning and flexibility on "how to" meet the goals, local educators are encouraged and empowered to pursue their own paths for success, and, thus, they would be ultimately responsible for the results of their own initiative.

The purpose of flexibility within a results-based accountability system is to allow educators and schools to create their own roadmaps for educational success given their unique student populations, circumstances, and personnel. Although local school systems, schools, administrators, and teachers across the nation have varying degrees of flexibility, even when there is little or no local accountability, the level of flexibility that is desirable under a results-based accountability system is much larger than that which is desirable under the typical notion of "accountability"--accountability over on inputs, process, and program implementation.<sup>12</sup>

School-based management plans (flexibility plans) implemented in various states across the nation do not typically provide much local flexibility, and there is not any evidence that school-based management alone leads to better student outcomes (Summers and Johnson, 1996). In fact, an Education Commission of the States report cites a RAND study that concluded that no school-based management effort "has yet created the hoped-for dramatic improvements in school quality (Education Commission of the States, 2000)."

State policymakers in Georgia, and in other states as well, are reluctant to give local educators more autonomy. This reluctance is understandable given the lack of true accountability in most states. In a world without results-based accountability, many education rules and regulations are absolutely necessary: Relative to a world with no accountability over process or results, such rules and regulations promote good student outcomes. The goal of rules and regulations is to elicit good school performance, students learning beyond expectations. However, most local educators believe that many of the current laws and rules, through unintended consequences, hinder them from offering the best possible education to each child. However, eliminating such rules is not necessarily warranted--local educators have little incentive to act in the best interest of children without the rules if they are not held accountable for student outcomes--it is human nature. This is not a characteristic of educators, but one of humans in general.<sup>13</sup>

If given autonomy, what incentive does a local educator have to pursue whatever it takes to make sure that students achieve if they are not held accountable for student learning outcomes? If given autonomy over hiring decisions, what is to stop a principal from hiring a relative or friend who may not be competent as a teacher? Nothing unless there are certification rules and other regulations to drastically mitigate the chance of this occurring. (Of course, no set of rules can completely eliminate all corruption or well-intentioned, but misguided, policies). However, these rules limit the principals' flexibility over who he or she can hire to teach. These rules are desirable if the principal is not held responsible for student learning outcomes. If principals are held responsible, such rules may not be necessary, and may even harm student learning by denying some good teachers the ability to teach in our public schools.

Given the reluctance of state lawmakers and officials to grant local flexibility, local educators, who desire more flexibility over resources, personnel, and curriculum, because they believe that their students will benefit from doing things in different ways, will have to accept results-based comprehensive accountability (student learning goals, measurement of progress toward the goals, and rewards for success and interventions to rescue children from persistent failure) in exchange for the increased flexibility. But there is another side to that coin: State policymakers who wish to impose results-based comprehensive accountability systems on local educators may have to grant increased flexibility to see their accountability reforms realize their full potential and to make their accountability reforms "stick" politically. Failure to judiciously increase flexibility may lead to a gradual erosion of accountability measures. If local educators who have little or no flexibility to improve schools are blamed for any school failures, then such a situation is not likely to be politically tenable. Those wrongly blamed will make the arguments that they are held responsible for things beyond their control, and the end result could be the erosion of accountability based on student learning--and any benefits that would come from such an incentive system.

There are opportunities for obtaining flexibility available to local schools under current Georgia laws and regulations, and, by and large, local educators are not taking advantage of them. These opportunities include the waiver process, charter school conversions, and demonstration schools. Although there are many waiver petitions to the state's Department of Education to gain relief from state regulations, the vast majority of them are for the same two or three things (e.g. block scheduling). Charter school conversion opportunities have been available since 1993, and there have been less than 30 conversions (out of 1,887 schools). The similar demonstration school process has been available since the mid-1980s, and, to our knowledge, there has been only one application. Georgia has recently begun implementation of a results-based accountability system, and this new era will likely result in a large increase in the interest of local educators in utilizing the existing flexibility to do things in different ways--because they are now held accountable for student learning. If local educators under a system of accountability do not wish to increase their autonomy over resources, personnel, and curriculum, then we suspect that the rewards for good performance and/or the consequences for failure are not providing strong incentives or motivation. That is, the accountability system would not be comprehensive because it does not contain adequate rewards and interventions.

### **Negative Unintended Consequences and Increased Local Flexibility**

Many education policymakers and researchers have expressed concerns about negative unintended consequences that may result from inaccurate measurement of

student and school performance--which may cause schools with low and high average student performance from being incorrectly sanctioned or rewarded; measuring only some student outcomes--which will likely lead to too much emphasis on what is easily measurable; and incentives--which may distort educators' efforts in unintended, undesirable ways, such as a decline in collegiality which decreases inter-teacher professional development. Hannaway (1996) suggests that parents, the actors in a child's education closest to the situation, can be empowered, via decentralization, to act as monitors of the education process to minimize the harm caused by any negative unintended consequences of incentives and flexibility (decentralization). Through local (individual) school councils or via some form of parental school choice, parents will be empowered to make their voices heard regarding the actions of individual schools. Under its 2000 accountability reforms, Georgia created local school councils composed of two parents, two "businesspeople," two teachers, and the school principal--the majority is non-school employees. Legally, these school councils have almost no power, but it will be interesting to see the impact of their mere existence on school and district-level decision-making.<sup>14</sup>

## **Governance**

Under regimes of centralized decision-making in public education, citizens exert their influence by electing school board members and/or federal, state, and local lawmakers who in turn make decisions regarding school policy. Providing increased autonomy to un-elected local educators would disenfranchise parents and other citizens from a large degree of the education policymaking process. Therefore, it is likely that any increase in decentralized authority would not survive politically if parents and other taxpayers did not have some mechanism of exercising their political rights over their children's schools, or the schools they finance. As stated above, two ways to implement this mechanism include local school councils and enhanced school choice. Given this line of reasoning, one may include "parents and other citizens" in the list of local educators who receive increased autonomy under increased local flexibility. This issue is not necessarily one of giving parents and other citizens more *direct* decision-making authority; the issue is at what level do the citizens' representatives make education policy decisions.<sup>15</sup>

## **Issues for State and Federal Policymakers**

The first issue facing policymakers is whether there is a comprehensive accountability system that is solid enough to contemplated large increases in local flexibility. If yes, then the second issue is whether existing, perhaps largely unused, flexibility under current laws and regulations is enough to empower local educators to make whatever changes are necessary to increase student learning, which makes local educators ultimately responsible for student learning. A third issue is whether parents and other citizens are empowered to participate in education decision-making and to monitor their local schools to minimize the harm caused by any negative unintended consequences. This next section discusses areas in which states may consider granting increased flexibility to local educators.

## **IV. Types of Flexibility**



Under a comprehensive accountability system focused on student learning outcomes, state and federal laws and/or regulations can be repealed to provide local educators with flexibility over four broad areas: Reporting Requirements; Financial Resources; Human Resources; Curriculum. We briefly discuss decentralizing authority in order to increase local flexibility over these four areas, and then we list specific examples of increased flexibility that could be granted to local educators, where these examples come from the flexibility offered to public schools that currently operate under a high degree of accountability: charter schools.

## **Reporting Requirements**

Local educators, in both district offices and individual schools, must complete a lot of reports for both the state and federal governments. This paperwork is typically in the form of reports that must be completed before and after the receipt of funds from federal and state education programs. The pre-funding reports are typically plans on how the particular pot of money would be spent, and the post-funding reports tend to be assessments of how successful the particular program was at implementing the program--the program's effect on student learning is all too often amorphous or nonexistent in post-funding reporting. Thus, the purpose of this oversight is to ensure that the money is spent in ways the state or federal government deems best for the students. Under the new comprehensive accountability system in Georgia, the Office of Education accountability will conduct results-based assessments. These will be formal assessments and performance measurements for student learning such as standardized curriculum-based exams. Given that these assessments directly measure--student outcomes--what the current oversight measure indirectly, much of the current reporting requirements may be superfluous.

Filling out paperwork is arduous for local schools and systems, especially for smaller school systems. One associate superintendent of a small school district who we spoke with said that he spends about 30% of his time on filling out reports--time that he feels could be better spent on instructional and programmatic improvements. In addition, the time and resources previously devoted to filling out and monitoring paperwork could be used to train local educators to be better managers of their increased flexibility.<sup>16</sup>

Reduced paperwork has practical flexibility benefits as well. For example, some school districts have directors of technology. These directors must fill out a lot of paperwork on how state technology monies are spent. Any time these directors spend filling out paperwork is time not spent training teachers how to use the technology.

We list two alternative ways for the state to reduce reporting requirements on local educators:

1. Have state education departments satisfy much of the reporting requirements imposed by the federal government; under accountability reporting requirements, state departments of education have the information necessary to fill out much of this paperwork. If the state assumed this reporting burden, local educators--the educators closest to the students--would have more time to focus on teaching and learning.
2. Give local schools systems and schools more flexibility over financial resources. Having flexibility over financial resources would allow local educators to spend less time reporting (to the state) how each dollar is spent.

## Financial Resources

Many public school districts receive monies from states through foundation grants and categorical grants. Individual public schools, in turn, receive monies from school systems. Superintendents and principals could be empowered to spend more state monies in the ways they deem most appropriate to best educate their unique student populations. In addition, any state regulations, explicit or implicit, of local money could be repealed as well. The purpose of flexibility over financial resources is to empower those closest to the children to try new things, to augment existing programs that are working, and reduce or eliminate programs that are not working for their particular students (such programs may work in other places for idiosyncratic reasons). A by-product of this flexibility would be to reduce paperwork for system and school administrators and teachers, which would allow them to spend more time focusing on doing whatever it takes to improve their schools.

A good way to demonstrate flexibility over financial resources is through an extended example. Individual school districts in Georgia typically get English to Speakers of Other Languages (ESOL) dollars from the state. Many small school districts have only a small number of ESOL students, so the state money they receive for the ESOL program does not cover a full teacher's salary. School districts that have such scale issues must use locally generated funds or other state funds for personnel to pay the balance of an ESOL teacher's salary. In addition, the district would have to use local funds for ESOL materials. Authority to use other state funds to purchase ESOL materials would free up the local money for other programs that local educators deem most important given their particular student populations, faculty, staff, and environment.

Where would "other state funds" come from? Wouldn't those other state funds be better spent on the programs for which they were earmarked by the state? Perhaps, but consider an additional scenario. School districts in Georgia often receive money from the state based on the system's "needs," needs as determined by the state, and these needs tend to be driven by overall FTE counts and FTE counts for various student sub-groups that are calculated to the hundredth decimal place. For example, a system may receive state funding for 2.35 guidance counselors. Per state regulations, the system that received funding for 2.35 guidance counselors must hire two guidance counselors. Under Georgia law, the remaining 35% of a guidance counselor must be spent on guidance counselors or direct teaching personnel, or else the money reverts back to the state. That is, the local system must use all that state money for guidance counselors or direct teaching personnel or lose it. Allowing local schools and systems to use the guidance counselor money for guidance counselors or direct teaching personnel is an example of flexibility over resources available under current laws and regulations. However, there could be increased flexibility over that state taxpayer money. Suppose local educators believe that because of their superior guidance counselors or students (or for any other idiosyncratic reason) that the money that was originally intended to hire 35% of a guidance counselor does not need to be spent on guidance counseling or direct teaching personnel. Suppose the school system would rather use those state funds for a competing, albeit worthy, program. Suppose the school system wants to use those funds for ESOL materials. Under current Georgia law, this money must be spent on hiring a third guidance counselor or part of a teacher, and this requirement may not lead to the highest and best use of those funds.

Another good example is maximum class size restrictions.<sup>17</sup> Without a comprehensive accountability system, such class size restrictions may be necessary to

ensure that the state money is spent wisely. However, under incentives from a comprehensive accountability system, can states trust local educators to spend that money wisely? Are smaller classes always the best use of those funds?

Alternatives to give local educators flexibility over financial resources include having fewer state programs and give the monies formerly earmarked for programs to local schools on a foundation basis, and allowing local educators to spend monies earmarked for less than 50% of a position in any ways they deem necessary.

## **Human Resources**

Regarding what types of individuals may be hired for some tasks and how much individuals are paid, systems and individual schools in Georgia are bound by three major state laws: teacher certification, "fair dismissal" (tenure), and the salary schedule.

The purpose of certification is to ensure that only individuals of a sufficient competency are permitted to be teachers. Under certification laws and regulations, sufficient competency of potential teachers is determined centrally, not by local systems and schools. This is in contrast to higher education and private K-12 education where potential teachers are evaluated by individual schools and departments within schools. An unintended consequence of certification requirements is that some prospective teachers feel that they face too large of a barrier to offering their services to schools. How many prospective educators are deterred is unknown.

Individual schools and systems could be granted flexibility over who is permitted to teach. The elimination of certification requirements, including alternative certification requirements, would open the doors to teaching to individuals who are not willing to go through the process of obtaining certification. For example, programs such as Teach for America carefully screen recent college graduates and place them as teachers in schools. These new college graduates typically did not study education, and many of them wish to teach for only a short period of time. Local systems and schools could be empowered to decide for themselves if they wish to screen new college graduates, older folks looking for second careers, or others who are not certified to see if any or many of them would make good teachers. Thus, the issue is not one of teaching quality; it is a question of who decides whether an individual is competent to teach. In addition, states could recruit and screen exceptional college graduates who did not study education as undergraduates and any others interested and market these potential teachers to local systems and schools. Such a state program would provide local educators with flexibility by expanding the pool of possible teachers.<sup>18</sup>

Flexibility over "fair dismissal" (tenure) provisions could be granted to local schools or school systems--individual school systems or schools could be granted the authority to design their own "fair dismissal" policies. Held accountable for results, individual systems and schools would have the incentive to create fair dismissal policies that allow them to maximize student learning. Georgia decentralized its statewide tenure provisions, by severely weakening them, as part of its 2000 education reform law. Only the Clayton County school district, so far, has created its own tenure provisions that provide more protections than the new state law. Nevertheless, these provisions are weaker than the previous state fair dismissal protections (Sansbury, 2000).

Many southern states have a minimum teacher salary schedule that is based on years of service and training. Elimination of a state-mandated salary schedule for teachers would allow individual schools or systems to decide whether they want to pay less to some teachers so that they may pay more to teachers they deem as important

contributors to the overall mission of the school. Used judiciously, such policies could help schools retain good teachers, and provide incentives for bad teachers to find something else to do. An additional form of flexibility would be to allow for schools to lure teachers by offering to start them at a higher step on the schedule than their years of service and training would dictate. This flexibility would allow schools to pay more to better teachers, which may enhance retention of these superior teachers.

## **Curriculum**

In the new standardized testing in Georgia, students will take exams designed to test Georgia's Quality Core Curriculum (QCC). The QCC is designed to be the minimum amount that students should learn in the various grade levels and subjects. Local educators could remain free to augment the QCC in new and creative ways. Of course, mandating statewide curriculum-based testing severely restricts local educators' autonomy over curricular decisions. Therefore, states are responsible for the quality of the curriculum, and, under flexibility, local educators are responsible for whether students' master the curriculum.

### **What specific flexibility ought to be granted?**

One level of flexibility is the current level of state and federal regulation applied to private schools, which is minimal. A less extreme level of local flexibility is the flexibility requested or the flexibility actually granted to "traditional" and "conversion" charter schools. Traditional charter schools that are public schools that are not neighborhood public schools; traditional charter schools are schools of choice. Traditional charter schools face a stronger set of incentives than other public schools; two outside actors hold them accountable for results, a central authority and parents. Traditional charter schools are, in theory, able to gain a large degree of autonomy in exchange for the possibility of a death sentence--if the charter school does not meet performance goals specified in their charter, a local school district or a state may revoke the charter, which means the school closes. In addition, traditional charter schools are held accountable by parents who may or may not decide to enroll their child in the charter school. Where traditional charter schools exist, parents have the option of sending their child to their neighborhood public school or the charter school. Typically, before central authorities have closed failing charter schools, there have been dramatic drops in student enrollments at these schools.

Given these strong incentives to provide a high quality education to its students, traditional charter schools have the incentive to seek to free itself from any rules and regulations that hinder teaching and learning. Therefore, any state or federal entity that seeks to identify any rules and regulations that may hinder teaching and learning in neighborhood public schools should look to rules and regulations that charter schools seek to escape, and the rules they actually escape.

Conversion charter schools are neighborhood public schools that have received increased flexibility from the state. These schools are different than traditional charter schools in that they are not schools of choice. According to officials in the Georgia Department of Education, conversion charter schools ask for, and receive, far less local autonomy than traditional charter schools. Conversions have maintained most of their previous organizational structure and curricular goals, but asked to be exempt from such things as report cards regulations, how they handled certain categorical funds, and when

they tested their students. It is likely that these schools could not obtain even more flexibility, and do not seek to do so, because they are not schools of choice. That is, they do not operate under the strong accountability faced by traditional charter schools. Perhaps the change in school governance in Georgia via school councils will provide the accountability and citizen authority necessary for conversion charter schools to ask for and receive increased flexibility.

For the research reported here, we interviewed several individuals about their experiences with flexibility and the flexibility given to charter schools:

- Beverly Shrenger, Coordinator, Georgia Charter Schools, Georgia Department of Education;
- Deborah McGriff, Edison Schools, Inc.;
- Rich O'Neill, Edison Schools, Inc.;
- Greg Giornelli, Principal, Drew Elementary School, a traditional charter school in Atlanta, GA;
- Regina Merriweather, Principal, Druid Hills High School, a conversion charter school in DeKalb County, GA;
- Jeffrey Williams, Georgia School Superintendent's Association;
- Paul Hill, University of Washington, RAND Corporation.

Based on telephone interviews, we compiled a list of rules of regulations that charters typically seek to avoid. Any central authority considering whether to abolish rules and regulations facing local educators should look to the relief given to charter schools because, under comprehensive accountability for results, all neighborhood public schools will have at least one important characteristic of charter schools--responsibility for student outcomes and consequences based on those outcomes.

1. *Salary Schedules.* Many charters want relief from salary schedules in order to have the capability to pay what Edison Schools, Inc. refers to as "comparable and competitive" salaries. These salaries are made up of an hourly rate, a yearly percentage increase, incentives and bonuses, and stock options.
2. *Curriculum.* Schools want the ability to develop the criteria for their own lesson plans. Some charters use such prescribed curriculums as Core Knowledge while others are totally innovative and use curriculums particular to that school. For example, Edison schools prefers to use its own curriculum for at least 70% of class times, and the state or district can dictate the remaining 30%.
3. *Non-Categorical Use of Funds.* Traditional charters typically receive complete freedom over their budget allocations at the school site. Conversion schools typically ask for only limited flexibility or one-time flexibility. For example, conversion charter schools may ask to use some funds ear-marked for extra-curricular activities to buy technology.
4. *External Reporting.* The type and amount of process reporting to chartering agencies, school boards, and the Georgia State Department of Education is often less than what is required of traditional public schools.
5. *Grading.* Many charter schools want to have the ability to deviate from traditional grading scales. Druid Hills Charter, a conversion, changed its grading scale so that the letter grade "D" was inclusive of the 60<sup>th</sup> to 69<sup>th</sup> percentile. Some schools want to implement a policy of no grading, checklist reports, or even rely strictly on portfolio's to show students achievement.

6. *Seat Time and Scheduling.* Charters have asked to be exempt from the states requirement of 150 hours of clock time per year. Edison Schools have a longer school year than most public schools, while some charters opt for longer school days. This coincides with the request to alter the daily schedule for students (i.e. block schedule) that require different time configurations than most districts currently operate under.
7. *Textbooks.* Since many charters wish to fully implement their school design, they request the ability to choose textbooks that may or may not be approved by the local school board.
8. *Certification.* Teacher certification has not been a large issue for many charters thus far, as most charters have hired primarily certified teachers. Charters do exercise their ability to hire non-certified teachers in hard to fill subjects such as math, science, and world language. Additionally, some charters allow teachers certified for grades k-3 to teach 4<sup>th</sup> grade, for example.
9. *Promotion and Retention.* Charters want the opportunity to choose which students are promoted and retained each school year. Charters feel that this exemption is imperative if they are going to be held accountable for each student's eventual success or failure.
10. *Assessment instruments.* Some charter schools like to perform their own assessments, and request waivers from assessments, such as norm referenced testing, that are not used for accountability purposes.
11. *Technology.* Charter schools like to use technology in a way that is consistent with their instructional goals. According to the U.S. Department of Education, 96% of charter school classrooms nationwide were equipped with computers. However, charters like the capability of choosing their own software, the amount of time each student uses a computer and the ability to buy computers with multi-media capabilities.
12. *Service Providers.* Charter schools are typically allowed to choose what non-educational (maintenance, janitorial, insurance, purchasing, legal, health, social, before/after school, transportation, athletic, etc.) services are offered and who will be the provider of those services. More than two thirds of charter schools nationally either provided the service themselves or used outside providers.

Suppose a state government decides to provide local educators with flexibility over at least some of these areas. This local flexibility raises a governance issues regarding consent of the governed. Parents and other citizens, through their influence on the political process, may permit schools of choice more latitude over their resources, personnel, and curriculum because no parents are forced to send their children there. Since traditional charter schools are schools of choice, all parents who choose one for their children have revealed they support what the school is doing differently than the neighborhood public school. This argument would suggest that flexibility given to conversion charter schools is the appropriate amount of flexibility to provide, in exchange for accountability. However, under Georgia's new accountability law, individual school councils were created. Although these councils do not currently have much authority, they would surely be megaphones for parents' and other citizens' voices to be heard in school-level discussions of how to best use any increased flexibility. Therefore, under the stronger consequences facing local educators under Georgia's new accountability reforms and the presence of the local school councils, the wider latitude given to traditional charter schools is possible for neighborhood public schools. Another mechanism to solve the governance problem would be some form of public school

choice.

## **V. What are the vehicle(s) for granting flexibility?**

Once a state, or federal, government decides to grant increased local flexibility because of heightened accountability for local educators, how can it complete that task? Alternative vehicles for granting flexibility include:

1. An entity that analyzes each and every state, or federal, rule and regulation and decides which ones are not needed, and which ones may be abolished without changing a law. This entity would be analogous to then Vice-President Gore's National Performance Review that was created in 1993. This new entity, or a piece of an existing entity, could be charged with analyzing each and every state (federal) regulation of local systems and schools. Regulations deemed to be impediments to teaching and learning would be eliminated by the entity.
2. A legislature and executive could analyze each and every state law and decide which are no longer needed under a comprehensive accountability system. Only the legislature and executive can change existing state (federal) laws. The legislature could devote some portion of a legislative term to reviewing existing laws regarding education and deciding which laws are antiquated given an environment of results-based accountability. Perhaps a one-time bipartisan committee could be formed to begin the task. This vehicle for granting flexibility was used in Texas and Florida.<sup>19</sup>
3. A permanent entity that has the sole responsibility of hearing petitions from individual schools and decides whether to grant a large degree of autonomy to individual schools in exchange for a promise of increased student learning beyond normal expectations. This is similar to the Georgia waiver process. The difference is that flexibility will be granted for a whole range of items at one time, in exchange for tangible, measurable promises of increased student learning. A permanent new entity, or piece of an existing entity, whose sole mission is to hear petitions from local systems and schools for large degrees of flexibility in exchange for accountability would provide a permanent vehicle for enhancing flexibility and accountability. Creating an entity that has hearing these petitions as its sole mission would expedite the waiver process, and one of its goals would be to become less arduous than the current waiver process. Agreements between this entity and individual schools or systems would be akin to performance contracts. Failure by the local educators to live up to the increases in student learning specified in the agreement could result in the loss of the flexibility. Any significant regression in student learning after receiving the new flexibility could result in a state-mandated intervention, which would mean less local autonomy than was initially present.

## **VI. Who Gets Flexibility?**

Under comprehensive accountability based on student learning (results), flexibility could be granted in three ways: as a feasible alternative, in a world of accountability based on results, to empower **all** local principals and teachers find their own roadmaps for success given their unique student populations, circumstances, and personnel; as a reward to a school or system for high levels and/or improvement in student learning; as

an opportunity to low performing schools to improve.

Thus, differing degrees of flexibility may be granted all schools, only schools that demonstrate a high level of performance, and/or only schools that demonstrate a low level of performance. Texas, for example, dramatically reduced the regulations that the Texas Education Agency imposed on local systems and schools. After the passage of their accountability law in 1993, the Texas House and Senate Education Committees met jointly to eliminate all state laws and policies that addressed "how" local educators should provide schooling to children. At that time, the chairs of each committee were from different political parties, and the "scrubbing" of their state laws and policies went very well and was bipartisan. The flexibility law that subsequently passed stated that local systems had to abide by the accountability code and the funding code. The law also contained specific language to prevent the Texas Education Agency from making any policies that did not pertain to the accountability or funding portions of the Texas state code. The relationship between the state and local school systems in Texas is one of "if it is not in the accountability or funding code, then you can do it. No questions asked." Examples of regulations that were eliminated in Texas include: the length of the school day and year, seat time for specific subjects, and the minimum required number of library books per pupil.

Texas has not yet been able to document to what extent the increase in flexibility led to its recent increases in student achievement. (We obtained all information about Texas from a phone interview with Dr. Criss Cloudt, Associate Commissioner, Office of Policy, Planning, and Research, Texas Education Agency. Dr. Cloudt made a presentation to GERSC 1999.)

Schools who demonstrate a high level of performance and/or improvement have demonstrated that they have "what it takes" to manage a school under the current rules and regulations. Such successful leadership could be entrusted with even greater flexibility, to see if they could increase school performance even higher. However, one could argue, "Why rock the boat?" if the school is already high performing. We want to "rock the boat" because we suspect that added flexibility, under accountability, will allow high achieving schools to do even better. Texas provides additional flexibility to schools that receive an "exemplary" rating from the state.

Schools whose students are persistently low performing may credibly suggest that state laws and regulations are due part of the blame for this low performance. Some suggest that these schools should be given added flexibility, above what is given to other schools, in order to see if they can improve. Others argue that giving these schools added flexibility would reward failure.

### **Guiding Principles of Granting Flexibility**

Based on the arguments made here, we offer three guiding principles for any state or federal policymakers deciding whether to grant flexibility to local schools, systems, and educators:

1. *Keep your eyes on the prize.* The purpose of flexibility is to allow educators to better organize their systems, schools, and personnel in order to increase student learning.
2. *Trust but verify.* Flexibility should only be granted in exchange for accountability, a promise that student learning would increase beyond normal expectations. Failure to meet the terms of the promise should result in loss of flexibility. If under the flexibility, student learning in the school significantly regresses, the



school should receive help, which would leave the school with less flexibility than it had initially. Under this principle, flexibility could be given to all schools, including low performers.

3. *Remove existing barriers to creativity that strives for excellence.* Any system or school that wants to improve should be allowed to try, in exchange for accountability for results.

## VII. Conclusion

With the passage of HB 1187 in the year 2000, Georgia's educational system has entered a new era of comprehensive accountability--results-based accountability. The state will set expectations and measure student learning outcomes; systems, schools, and local educators will be rewarded for exceeding the standards; and the state will intervene to rescue children from schools that are persistently falling below the standards. Given the movement toward comprehensive, results-based, accountability systems in several states, it is time to revisit the issue of decentralization in public education. Education researchers and policymakers should carefully consider the issue of decentralization within such accountability systems. To the extent that the rewards for success and interventions to rescue children from low performing schools prove to be significant in state accountability systems, local educators, in these states and in other states implementing similar incentives, should be given increased flexibility over paperwork, resources, personnel, and curriculum.

The purpose of flexibility within a results-based accountability system is to allow educators and schools to create their own roadmaps for educational success given their unique student populations, circumstances, and personnel. The level of flexibility that is desirable under a results-based accountability system is much larger than that which is desirable under the typical way of doing things, which in Georgia pre Y2K reforms meant accountability based on inputs, process, and program implementation. Within a results-based accountability system educators and schools have strong incentives to do whatever it takes to achieve the specified student learning goals.

Any increase in flexibility is only possible because of the new era of accountability. The more that systems, schools, and personnel are rewarded for successes and subject to interventions for any failures, the more flexibility that may be granted to local educators. The combination of empowerment through local flexibility and consequences through rewards and interventions would give local educators the motivation and incentives to do whatever it takes to make sure the students in their care succeed.

State-imposed comprehensive accountability systems are dramatic increases in state regulation of curriculum and assessment coupled with incentives for increased student learning. By themselves, these new state regulations may lead to better student outcomes, just as many centrally imposed regulations perhaps lead to better outcomes--in the absence of accountability based on student outcomes. Nevertheless, without increased flexibility for local educators--flexibility over paperwork, resources, and personnel--these standards and accountability reforms will not achieve their full potential because they fail to capitalize on the initiative and industry of local educators and they better information they have about unique local talents and circumstances. In addition, failure to empower local educators while holding them ultimately responsible for student learning outcomes will lead to an exodus from public education among local educators at best and political pressure from within to emasculate accountability reforms. For these reasons, we recommend large increases in autonomy for local

educators under comprehensive accountability systems.

Potential negative unintended consequences from high stakes testing, incentives, or local flexibility can be mitigated by school governance changes such as school councils and school choice.

### **Agenda for Policy Research**

As noted by Hanushek (1995) and Hannaway (1996), how well students learn under comprehensive accountability systems coupled with local flexibility will determine the success of this, and any, education reform. In particular, a system of incentives and/or local flexibility may cause unintended harm to student learning by focusing too much attention on what is easily measurable and/or allowing autonomy to be misused without responsibility. Therefore, education research must increase efforts to evaluate the effects of these reforms on student learning. In addition, given that the basis for increasing local flexibility is premised on accurate measurement of student outcomes and significant incentives through rewards and interventions, education research must also analyze the extent to which measurement of student outcomes is accurate and incentives are meaningful. Without these conditions present, states and the federal government should be wary of going down the path, despite its promise, of increased flexibility for local educators.

### **Notes**

<sup>1</sup> Scafidi and DeJarnett served on the staff of GERSC in 1999 and 2000, and Freeman served on the GERSC staff in 2000.

<sup>2</sup> The full text of this speech is available on-line at <http://ganet.org/governor/edreform/speech.html>

<sup>3</sup> The other three committees were:

Funding: which studied ways to increase equity of school funding across the state.

School Climate: which, in the wake of the Columbine (Colorado) and Heritage High (Georgia) violence, studied ways to make schools safer.

Seamless Education: which studied ways to make the transitions from k-12 to technical colleges, and k-12 to two-year colleges easier.

<sup>4</sup> None of the accountability members were officials in teachers' unions or professional organizations or any of the other professional organizations for educators (school board, school superintendents, etc.).

<sup>5</sup> For example, Georgia State University Professor Gary Henry made several presentations to the accountability committee very early in the process. Previously, he served as an education official in Virginia and consulted with the state of North Carolina when they set up a testing and accountability system. Gwinnett County (GA) School Superintendent Alvin Wilbanks, who instituted high stakes testing in his district's schools, served as a Committee member as well. These individuals, as well as education

officials from Texas and North Carolina who also made presentations to the accountability committee, seemed to support very strongly the "Standards and Expectations" recommendation of the 1983 "A Nation at Risk" report, which called for "rigorous and measurable standards, and higher expectations, for academic performance and student conduct."

<sup>6</sup>Many states that have implemented accountability systems such as Georgia's have rewards and interventions. For example, Kentucky and North Carolina give bonuses to teachers at schools deemed successful (based on their students' outcomes). Florida allows students at schools deemed failing to transfer to other public schools in the district, at the district's expense and offers them a modest scholarship to attend a private school (the private school portion of this school choice option is currently under litigation).

<sup>7</sup>Georgia Official Code 20-14-14

<sup>8</sup>Georgia Official Code 12-14-41

<sup>9</sup>Examples of these consequences around the nation include cash bonuses to teachers in schools deemed successful in Kentucky and North Carolina and public school choice for students in schools deemed persistently failing in Florida. For schools deemed failing, many states have reconstitution and removal of school personnel at the behest of the state, but these provisions are rarely implemented. Failure to utilize interventions leads to an elimination of any motivational benefits that come from having consequences.

<sup>10</sup>Helen Ladd has wondered, "whether the undesirable side effects of accountability and incentive systems can be kept to a tolerable level (Ladd, 1996)." Issues surrounding standards and accountability include the accuracy and quality of curriculum-based exams, whether such exams and incentives in general cause too many unintended consequences that harm teaching and learning, and whether all children benefit from these exams and from comprehensive accountability systems. Good references on these debates over accountability and the validity of high stakes testing include, Behn (1997), Betts (1998), Hannaway (1996), Kohn (1999), Ladd (1999), Koretz, et al (1996), Grissmer, et al (2000), Klein, et al (2000), and the contents of the volumes  Holding Schools Accountable (1996), edited by Ladd, and  Improving America's Schools: The Role of Incentives, edited by Hanushek and Jorgensen.

<sup>11</sup>Thus, federal government efforts to provide local educators more flexibility over federal taxpayer resources could be made contingent upon the existence of comprehensive state-level accountability systems.

<sup>12</sup>While working for GERSC, we heard several Georgia state employees suggest that it was "impossible" to have local flexibility and accountability at the same time. Their comments suggest that the culture of state monitoring of local inputs, process, and program implementation is alive and well--despite the passage of a results-based comprehensive accountability system the previous year. Examples of "accountability" for inputs, processes, and implementation include state regulations on maximum class size, state prescribed curricular programs, and teacher salary schedules. For each of these examples, many states hold local educators "accountable" for adhering to and

implementing these state mandates. These examples are in contrast to states holding local educators accountable for results--student learning outcomes.

<sup>13</sup> Surely college professors would love to avoid annual reviews of their research productivity, student evaluations of their teaching, and deans watching the number of students signing up for their courses and the national rankings of their departments. Each of these output measures is used to determine annual pay increases. In the absence of these measures of productivity, strong rules and regulations would be needed to govern professors' activities. Similar analogies can be made for all occupations, inside and outside of education.

<sup>14</sup> Chicago public schools have school councils that have real power--each school council hires its school's principal. See Bryk, et al (1998) for more details of the school governance structure in Chicago. Given the vast differences in authority, it is likely that the impact of Georgia's school councils will be much smaller, under existing legislation, relative to the Chicago experience.

<sup>15</sup> Under a school choice regime principals and teachers would be the local educators who directly make educational decisions, while parents vote to give local educators power to make decisions for their children through their school choice decisions.

<sup>16</sup> Hannaway (1996) suggests that local educators who are given, for the first time, a large degree of autonomy need training in "the range of production possibilities in education" as well. If empowered to make changes, held sufficiently responsible for their decisions, and skilled in management, local educators will take it upon themselves to discover and create "possibilities in education."

<sup>17</sup> In its 2000 education reform law, Georgia began to enforce decreased maximum class sizes.

<sup>18</sup> The Massachusetts Institute for New Teachers (MINT) is such a state program. MINT recruits college graduates to enter its summer program. MINT students teach summer school in the morning and take teacher preparation courses in the evening. Individual public schools in Massachusetts are permitted to hire MINT graduates and grant them full certification. By expanding the pool of available teachers, the state has given local educators more flexibility over personnel (Scafidi, 2000).

<sup>19</sup> Interview with Texas education official Dr. Criss Cloudt and documents from the Florida Department of Education and Florida Senate Bill 1770.

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