

# Fiscal Research Program

## SCHOOL FLEXIBILITY AND ACCOUNTABILITY

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**Table of Contents**

Introduction ..... 1

Flexibility ..... 3

    A. Flexibility Within An Accountability System..... 3

    B. Who Gets Flexibility?..... 10

    C. What Are The Vehicle(s) For Granting Flexibility?..... 12

    D. What Flexibility Ought To Be Granted? ..... 13

Accountability ..... 18

    A. Additional Incentives Through Rewards and Interventions ..... 18

    B. Alternative Rewards and Interventions..... 19

Conclusion..... 27

## Introduction

This issue paper presents a discussion and a menu of alternatives for the members of the Governor's Education Reform Study Commission (GERSC) 2000 to consider regarding school flexibility and accountability. HB 1187, passed by the Georgia General Assembly last year and signed into law by Governor Barnes, set up a state accountability system for public education in Georgia. For the first time in Georgia history, this accountability system is based on the end product of education—student learning. 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 a high quality curriculum. Within an accountability system, the purpose of rewards and interventions is to motivate school personnel and the wider community to offer each child the best education possible. Rewards and interventions give educators an incentive to work together to find and implement educational strategies that best serve their unique student populations. Rewards recognize educators for their success, and interventions rescue children from low quality schooling. The purpose of a system of rewards and interventions is not to be punitive; the purpose is to increase the quality of education offered to each child.

Without a significant degree of control over the means for education improvement, such as budgets, personnel, and curriculum, schools and educators cannot ultimately be held accountable for achieving the assigned end of improving and achieving a high level of student learning. Suppose the state were to give a school, for example, student learning targets and a prescription for how to achieve those targets. If the school obediently implemented the state's prescription and the level of student learning was low and was not improving, then this failure is the state's fault—not the school's. This school could be held accountable for properly implementing the state's prescription; the school cannot be held accountable for student learning.

One approach to accountability is to have the state and local education authorities articulate the desired standards for student achievement and hold schools and educators accountable for properly implementing a centrally prescribed education program. A different approach is to have state and local education authorities

## School Flexibility and Accountability

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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. If Georgia chooses the second path, the path of **accountability for student learning and flexibility on “how to” meet the goals**, parents and educators could be encouraged and empowered to produce their own road maps for success, and each would be held accountable for the results of their initiative.

This issue paper covers two subjects:

- A discussion of alternative flexibility models within a results-based accountability system.
- Alternatives for providing incentives for high student achievement, incentives not contained in HB 1187.

### Flexibility

#### A. Flexibility Within An Accountability System

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. Some believe that the level of flexibility that is desirable under a results-based accountability system is much larger than that which is desirable under the old way of doing things—accountability based on inputs, process, and implementation. They feel that within a results-based accountability system educators and schools have strong incentives to do **whatever it takes** to achieve the specified student learning goals.

Results-based accountability is a different world than the previous type of input/process/implementation accountability. This section presents the reasons why some feel that increased flexibility is desirable, and possibly necessary, within a results-based accountability system. We discuss these reasons, not to advocate them, but to provoke a discussion over the appropriate levels and types of flexibility that is desirable in this new era of educational accountability in Georgia.

In this new era of 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.

In a world without results-based accountability in many education rules and regulations are necessary. The goal of rules and regulations is to elicit high school performance, students learning beyond expectations. Some 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—Schools have little incentive to act in the best interest of children without the rules if they are not held accountable for outcomes—it

is human nature. For example, if a principal is held accountable only for implementing a central authority's prescriptive regulations by merely "dotting all i's and crossing all t's" what is to stop him or her from hiring a relative 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).

If principals and schools are held accountable for meeting the goals for student learning, the desired ends of education, there is a case for eliminating some portion of the current laws, rules, and regulations governing schools: Schools and educators truly held accountable for student learning (results) have a strong incentive to do **whatever it takes** to meet the specified goals for student learning. In a well-functioning accountability system, failure to meet those goals will result in interventions to rescue the children from low performing schools; exceeding the goals will result in rewards.

Doing whatever it takes may require that individual schools do things differently than prescribed under current laws and regulations. Advocates for flexibility suggest that in the previous era of no accountability for results those laws and regulations were absolutely necessary; in the era of accountability, many may be impediments to some school improvements.

**Interestingly, there are opportunities for obtaining flexibility available to local schools under current 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, the vast majority of them are for the same two or three things. 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 QBE law was enacted, and, to our knowledge, there has been only one application. As stated previously, Georgia is in a new era of results-based accountability, 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. The question facing Georgia today is whether the current level of flexibility

is enough, or is it desirable to give more flexibility? Who should be able to receive any increase in flexibility?

### 1. Guiding Principles of Flexibility

We offer three guiding principles for any central authority deciding whether to grant flexibility to local schools, systems, and educators:

- *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.
- *Trust but verify.* Flexibility should only be granted in exchange for accountability, a promise that student learning will 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.
- *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.

### 2. Categories of Flexibility

State laws and/or State Department of Education regulations can be repealed to provide local educators with flexibility over four broad areas:

- Reporting Requirements
- Financial Resources
- Human Resources
- Curriculum.

#### Reporting Requirements

Local educators, in both districts and 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. Under Georgia's new results-based accountability system, there may be some redundant reporting given the overall results-based assessments that will be completed by the Office of Education Accountability. In addition, many view assessing education outcomes as more important than education processes, especially under the assessments and performance measurements for student learning that the state will conduct under its new results-based accountability system.

Even with the state's consolidated grant applications and streamlining, 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.

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

- Have the state Department of Education (DOE) satisfy much of the reporting requirements imposed by the federal government; the Georgia DOE has the information necessary to fill out much of this paperwork. If the state DOE assumed this reporting burden, local educators—the educators closest to the students—would have more time to focus on teaching and learning.
- 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. This type of flexibility is described in the next section.

### Financial Resources

Public school systems receive monies from the state 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 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 examples:

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.

Individual school districts get English to Speakers of Other Languages (ESOL) dollars from the state. Some 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 important for their particular student populations.

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 systems 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. 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, some suggest that there should be increased flexibility over that state money. Suppose local educators believe that because of their superior guidance counselors or students (of for any 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. The money may 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.

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 an FTE basis.
- Allow 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 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 they permit 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. In addition, the State of Georgia 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. The state could target these prospective teachers to subjects and geographical areas of the state with teacher shortages.

Another process for granting flexibility over personnel is easing requirements for alternative certification—making it easier for individuals deemed competent teachers by principals and/or a central authority to enter the teaching profession.

Last year's decision to amend Georgia's "fair dismissal" (tenure) law created a large controversy—many supported the change, many felt that the changes were not dramatic enough, and many wanted no changes at all. Flexibility over "fair dismissal" 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. Proponents of flexibility suggest that, held accountable for results, individual systems and schools now have the incentive to create fair dismissal policies that allow them to maximize student learning.

The state has a minimum salary schedule for teachers 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.

HB 1187 imposed smaller class sizes on local systems and schools. Prior to HB 1187, local systems were using state monies earmarked to make class sizes smaller on other things they deemed more important for teaching and learning; local educators had flexibility over use of those monies, and this flexibility was taken away. Prior to the results-based accountability begun by HB 1187, such class size restrictions may have been necessary to ensure that the state money was spent wisely. However, under the incentives in the new results-based accountability, can we trust local educators to spend that money wisely? Are smaller classes always the best use of those funds?

### 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.

### **B. Who Gets Flexibility?**

Differing degrees of flexibility may be granted to the following groups of schools:

- All schools
- Schools who demonstrate a high level of performance
- Schools who demonstrate a low level of performance.

Under the new results-based accountability system, Georgia may wish to grant all schools a larger degree of flexibility than they now have. As stated previously, the purpose of this flexibility is to empower local districts, schools, and educators to create their own roadmaps for success. Advocates of flexibility suggest that an increase in flexibility is only possible because of the new era of results-based accountability in Georgia.

## School Flexibility and Accountability

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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 we have been told that 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. Interestingly, the law also contained specific language to prevent the Texas Education Agency (Texas’ equivalent of Georgia’s state DOE) 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.

At this time, we are unsure about how much flexibility local educators have over financial resources they receive from the state. We were told that Texas’ school finance system had been recently overhauled due to equity litigation, and the legislature did not want to tinker with finances given the recent litigation and big changes in funding policies. 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 recent 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, some suggest that local educators are unprepared for any large increase in authority and would require training. Others say “why rock the boat” if the school is already high performing. Advocates of flexibility want to “rock the boat” because they believe that added flexibility 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.

### **C. What Are The Vehicle(s) For Granting Flexibility?**

Alternative vehicles for granting flexibility include:

- 1) An entity that, within the next two years, analyzes each and every state rule and regulation and decides which ones are not needed (and are able to be abolished without changing state laws) in this new era of accountability. This entity would be analogous to 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 regulation on local systems and schools. Regulations deemed to be impediments to teaching and learning would be eliminated by the entity.
- 2) The General Assembly and Governor who could analyze each and every state law and decide which are no longer needed in this new era of results-based accountability. Only the General Assembly and Governor can change existing state laws. The General Assembly could devote some portion of its next term to reviewing existing state laws regarding education and deciding which laws are antiquated given the new era 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.
- 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 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.

Under these alternative vehicles for increasing flexibility, persistently low performing schools would receive increased flexibility from any blanket elimination of regulations given to all schools, and these schools would have the opportunity to petition the permanent “flexibility” entity to receive even greater flexibility, in exchange for increased accountability.

### **D. What Flexibility Ought To Be Granted?**

This question is too important to be answered in one part of one issue paper. Nevertheless, an important discussion of this question is necessary, and this issue paper seeks to start that discussion. Some advocates of increased flexibility believe that failure to judiciously increase flexibility may lead to a gradual erosion of the accountability measures passed in HB 1187. 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 stable politically. Those wrongly blamed will make arguments that they are held accountable for things beyond their control, and the end result could be the erosion of accountability based on student learning.

Many suggest that schools that are doing a great job, properly measured, can be rewarded greater degrees of autonomy than other schools—to see if these schools can do an even better job.



One level of flexibility is the current level of regulation applied to private schools. A less extreme level of flexibility is the flexibility requested or the flexibility actually granted to “traditional” charter schools in Georgia and other states. Prior to the 1998 Charter School law, twenty-seven Georgia public schools converted to charter school status. These schools are different than traditional charter schools in that they 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. By traditional, we mean charter schools that are not neighborhood public schools; traditional charter schools are schools of choice. Traditional charter schools have a stronger set of incentives than other public schools; they are held accountable for results—twice, by a central authority and by 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 the terms of the charter, a local school district or a state may revoke the charter, which means the school closes. In addition, 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. Before a central authority has closed failing charter schools in other states, there have typically been dramatic drops in student enrollments at these schools.

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

For this issue paper, we interviewed several individuals about their experiences with flexibility and the flexibility given to charter schools:

Beverly Shrenger	Coordinator, GA Charter Schools, GA Dept. of Education
Deborah McGriff	Edison Schools, Inc.
Rich O'Neill	Edison Schools, Inc.
Greg Giomelli	Principal, Drew Elementary School
Regina Merriweather	Principal, Druid Hills High School
Jeffrey Williams	GA School Superintendent's Association
Paul Hill	University of Washington, RAND Corporation

### **Charter Schools And Rules And Regulations They Perceive As Impediments to Teaching and Learning**

According to the 1998 Charter Schools Act, charter schools are exempt from all “state and local rules, regulations, policies, and procedures”. In order to obtain a charter, however, the petitioning schools must obtain sponsorship from either the local district or the State Board of Education. In practice, this approval process leads to substantial, but not complete, freedom from state and local rules, regulations, policies, and procedures.

Based on our interviews and some research, we have compiled a list of rules or regulations that charters typically want to opt out of:

- 1) *District Salary Schedule.* Many charters want 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. It should also be noted that many charters want to ensure that teachers are allowed to participate in their state pension fund.
- 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%.

## School Flexibility and Accountability

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- 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 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 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 requires 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.
- 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. According to the Center for Education Reform, over 96% of charter schools use standardized tests. This indicates that charter schools are not looking to opt out of state testing requirements, but instead looking to supplement state accountability testing programs with additional testing practices.
- 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.

Georgia charter petitions do, however, ask to opt out of rules and regulations that are consistent with those in other states, In fact, researchers have been able to identify eight broad categories of exemptions sought in most charter petitions regardless of state: curriculum, instruction and assessment, school organization, leadership and governance, staffing, parent and community involvement, scheduling, technology, and financing. Regarding governance, charter schools in Georgia are required to give parents more authority over governance than parents on the new school councils will have.

### Accountability

#### A. Additional Incentives Through Rewards and Interventions

HB 1187 contained several rewards for high student achievement and interventions to rescue children from persistently low performing schools and personnel. The purpose of the rewards and interventions in the law is to provide parents, teachers, other educators, schools, and systems with incentives to work together to increase student learning beyond expectations. This section presents a series of additional rewards and interventions—additional incentives to meet our education goals. These alternatives are not necessarily exhaustive or mutually exclusive. In addition, some of these alternatives are hybrids of what has been tried in other states or in Georgia, and some, because no state does an adequate job of holding schools accountable (see the introduction to Education Week's Quality Counts '99: Rewarding Results and Punishing Failure), have never been tried.

A single alternative or any group of rewards and interventions does not constitute an accountability system. An accountability system is a three-legged stool that contains goals, measurement of progress toward the goals for student learning, and rewards for success and interventions in the case of persistently low or decreased levels of student learning. Goals and measurement are outside the scope of this issue paper, and we work under the presumption that the goals will be excellent and the measurement will be accurate. These alternatives are based on the following ten characteristics of an effective rewards and interventions system. Within a comprehensive accountability system, rewards and interventions should be

- 1) Focused on increasing learning for all students.
- 2) Designed to provide schools and school personnel with incentives to increase student learning of a high quality curriculum beyond expectations.
- 3) Designed to develop the ability of school leaders and staff to plan for and achieve continued improvements towards high standards.
- 4) Based on both absolute standards and improvement.
- 5) Supported with adequate and sustained financial resources and personnel.
- 6) Fair, consistent, equitable, and understandable to all school and system personnel.

- 7) Implemented in a manner that allows time to improve low performance.
- 8) Based on rewarding sustained exceptional performance or improvement.
- 9) Making parents/caregivers more responsible for and involved in the education of their children.
- 10) Working to harness the resources of the community to improve student learning.

With each alternative reward and intervention come potential benefits and potential risks. These potential risks should be made public in order to help citizens and policymakers make choices and improve the design, implementation, and future reform of the system of rewards and interventions.

### **B. Alternative Rewards and Interventions**

#### **1. Rewards**

Possible school and personnel rewards for high and/or improving student achievement include,

*Pay for performance to individual teachers.* According to Helen Ladd, the problems with merit pay for individual teachers include,

“the lack of consensus about what makes for effective teaching, the associated difficulty of measuring meritorious performance, and, most importantly, the inappropriateness of using a reward system based on individual behavior given that gains in student achievement reflect not just the actions of an individual teacher, but also the more general environment for learning in the school.” (The context of this quote was Professor Ladd’s understanding of teachers’ arguments against merit pay. See Ladd’s chapter in  Holding Schools Accountable  for details.)

Nevertheless, merit pay may attract more and better college graduates into teaching if they believe that there will be a stronger link between pay and performance. Some believe that the lack of merit pay presents an equity issue—teachers who do a poor job are paid the same as successful teachers, if they have the same tenure and credentials.

*Giving successful schools and systems even greater flexibility over their resources, curriculum, and personnel—beyond any increase in flexibility given to all schools.* Instead of petitioning the state for single waivers, individual schools who have a track record of high performance could be given increased flexibility over a wide range of areas. Schools that failed to continue high performance could lose their increased flexibility.

This reward would be very inexpensive and may save the state money through reduced monitoring costs. However, individual schools may require one-time technical assistance from the state on how to manage resources. This reward and several alternatives for implementing flexibility in a world of results-based accountability are described at length in the next section.

## 2. Interventions

Each of the following interventions may be prescribed by the state or an intervention team as a strategy for improving student achievement in low performing schools. Possible school and personnel interventions to rescue children from low performing schools include,

- 1) *Requiring all schools to draft an improvement plan—especially low performing schools.* For low performing schools these improvement plans would be subject to approval by the state and/or local school board.
- 2) *Giving exemplary teachers and administrators financial incentives to serve in low performing schools.* To get strong, veteran teachers and administrators to serve in low performing schools, especially low performing schools in rural areas, would require financial inducements, and these inducements could be expensive. Higher performing schools that lose quality personnel for a period of time also face a cost.

- 3) *Requiring staff development tailored to specific needs for all staff—especially low performing staff.* Staff development could be in the form of additional formal training in pedagogy or content. Formal training could be provided by a school of education, local districts, the private sector, or by RESAs. Staff development can also be in the form of mentoring from successful peers from the teacher’s school. If a low performing teacher completes staff development and does not improve, then the principal will be more able to dismiss such a persistently low performing teacher.
- 4) *Giving parents/caregivers the option to enroll their children in a charter school(s).* Although Georgia has a newly strengthened charter school law, Georgia has relatively few charter schools. The state could make it easier for groups of parents and other private entities to start charter schools.
- 5) *Giving parents/caregivers the option to enroll their children in another public school.* Typically this option does not provide much of a choice for families because receiving schools have no requirement and little incentive to expand to accommodate additional children, and low performing schools tend to be geographically clustered.
- 6) *Offering scholarships that can be used to offset tuition payments at private schools to parents of students at continually low performing schools.* Parents of children in low performing schools could be given scholarships that can be used at private schools that they deem better for their children. Supporters of this proposal see it as a safety net for children in low performing schools, while opponents see private school scholarships as not providing any benefits for the children who receive the scholarships and/or causing potential harm for the children who turn them down.
- 7) *Closing low performing schools.* Are there public school spaces nearby? Are the nearby public schools substantially better for the students than the low performing school that was closed?
- 8) *State takeovers/annexation.* Although this option may be necessary in some cases this may require a constitutional amendment to be feasible in Georgia.



9) *State mandated reconstitution.* Although reconstitution may dramatically improve a low performing school or system, in other states, reconstitution typically means that the personnel from reconstituted schools are merely transferred.

10) *Opening state schools in neighborhoods of low performing schools.* As referenced previously, the pertinent part of Article VIII, Section I, Paragraph I of the Constitution of the State of Georgia reads

The provision of an adequate public education for the citizens shall be primary obligation of the State of Georgia.

In addition, the pertinent part of Article VIII, Section V, Paragraph VII, Section a reads:

*Special schools.* The General Assembly may provide by law for the creation of special school in such areas as may require them and may provide for the participation of local boards of education in the establishment of such schools under such terms and conditions as it may provide. ... Any special schools shall be operated in conformity with regulations of the State Board of Education pursuant to provisions of law. The state is authorized to expend funds for the support and maintenance of special schools in such amount and manner as may be provided by law.

It appears that the General Assembly has the authority to provide schools in the neighborhoods of low performing schools if it chooses. These schools could be charter schools, where the charters are approved by the state only; schools managed by private entities under contract to the state; or schools managed by the state Department of Education directly.

11) *Year round school.* Year round school could be mandated by the state or by individual systems or schools. Further, there may be cases in which year round school may be used as an intervention for low performance.

12) *After school remedial academic programs.* The state could mandate after school programs for all schools, especially low performing schools. Further, extended hours could be prescribed by an intervention team as an intervention for low performing schools.

### 3. Student Accountability

Students can be held accountable by:

- 1) *Making promotion contingent on passing state curriculum-based tests, including high school graduation tests.* This measure is currently a national trend as well. Research from Chicago has shown that having standards for students increases student achievement. Offering remediation during the school year and summer school to all students who need this extra attention can offset any ill effects of these measures.
- 2) *Recognition.* The state can establish benchmarks for students and recognize those students who reach a high level of achievement and those students who make large improvements. In addition, children who excel in a particular subject area should be allowed to place out of courses that will not challenge them. Allowing these student who excel to place out of such classes will allow them to enroll in more challenging courses.
- 3) *Tiers for HOPE Scholarships.* HOPE scholarships provide a large incentive for preK-12 students to do well in school. Under current law, HOPE scholarship awards are the same for all qualified students who attend a particular institution of higher learning. The state could increase HOPE awards to students who achieve at even higher levels, for example. One way to increase incentives through HOPE scholarships would be to provide a monthly living stipend for each student who achieves A or A- average in the core high school courses.
- 4) *Student support teams (SST's).* Student support teams could design individual student improvement plans. For example, all staff who know a particular student could be pulled together in a team to design a customized plan suited to the unique learning needs of the student. Currently, Georgia has the option of using SST's.

### 4. Parent Accountability

Parents can be held accountable by:

- 1) *Making student report cards available via parent-teacher conferences only.* This provision would compel parents/caregivers to have at least some interaction with their child's teacher. For parents who cannot meet with teachers during school hours, teachers would have to be made available outside of school hours. In some cases, teachers may have to visit parents at their homes.
- 2) *Making their children's school and/or public privileges depend on good behavior and attendance.* Children who are unruly or chronically absent could lose parking privileges or any other school privilege. Children could also lose or be denied a drivers' license. Good behavior and/or attendance would allow the child to reclaim the lost privilege.
- 3) *Citations and/or fines for neglect and/or bad attendance records of their children.* Citations, issued by school personnel, could be shared with the Department of Family and Child Services (DFACS), police, and the courts system.
- 4) *School-parent contracts.* These contracts can stipulate what is expected of the parent in order to maximize the child's learning. Having parents read and sign the contracts may provide increased motivation for parents. Contracts can stipulate that parents who physically threaten and/or abuse school personnel will face limited access to school facilities. Schools of parental choice, such as charter schools and private schools, have much more latitude over what can be expected of parents than neighborhood public schools.
- 5) *Give parents more authority and responsibility over their children's education.* This authority and responsibility could come from enhanced school choice through charter schools, public school choice, and/or taxpayer-funded scholarships to offset tuition payments to private schools. Giving school councils majority parent representation would also give parents more authority and responsibility. However, these alternatives must be effective to empower and hold parents accountable: school choice must be easy to exercise and individual school councils must have real power and authority. Care must be taken to ensure that any increase in the authority of school councils does not duplicate

responsibilities currently held by other entities. Any duplication of authority would lead to an increase in impediments to change, via increased bureaucracy.

### **5. Community and State Accountability**

The community and the state can be held accountable by:

- 1) *Publicizing the level of student achievement in Georgia.* All schools, state and local social service agency locations, and participating private businesses could be given posters to display that show how Georgia's schools rank nationally worldwide on the NAEP and international math and science exams. This accountability is similar to private companies posting their stock prices. This publicity would reinforce the notion that the entire community benefits when each child secures a better education.
- 2) *Publicizing the levels of state funding that each district and school receives.* The State of Georgia could define what fully funding the QBE means, and the percentage of that level that each school receives could be publicized. This valuable information would allow citizens and policymakers to debate the merits of the definition of "fully-funded" and to see clearly the levels of funds made available to each district and school. The percentages of QBE funds made available could be recorded for all individual schools, including alternative schools. Making this information available will allow citizens and policymakers to make their own judgments about whether the state is providing adequate resources for each student, including students with special needs.
- 3) *Making schools and parents more aware of available social services.* For example, recent news reports have suggested that many households eligible for food stamps do not receive them. Low-income parents can provide higher levels of nutrition for their children if they receive food stamps. Children who are better nourished will learn more in school.
- 4) *Breaking the monopoly over technical assistance and professional development.* Allow individual schools and districts to shop for the best technical assistance and professional development available. Competition among providers would compel the state Department of Education (DOE) and other entities in the community to provide the best services to local schools or districts or risk losing customers—and funding. For example, individual schools could be given

improvement funds that can be used at their own discretion. Suppose a school decides that it needs more staff development. The school could use those funds in a myriad of ways, including purchasing courses at a university or college school of education, buying formal training from private entities, RESAs, or the state DOE; and paying its own strong teachers to mentor lower performing and/or new teachers. Truly holding schools and school personnel accountable for student learning will insure that these funds are spent wisely. Allowing individual schools and districts to choose among providers of improvement teams, other technical assistance, and professional development would be a powerful mechanism to hold those providers accountable for increasing student achievement. Providers whose services did not increase student learning would lose customers as schools and districts shop elsewhere for these services. Allowing school personnel who are themselves held accountable to “shop” for technical assistance and professional development will align the incentives of school personnel and providers of these services. Having the same incentive to increase student learning will make them work together and mitigate any tendency for these two groups to point fingers at each other if a school did not improve.

5) *Providing technical assistance to schools to support school improvement planning.* If the state is imposing accountability for local schools, then it can make the transition smooth by providing technical assistance to schools to support local school planning, management and other accountability efforts.

6) *Service learning.* If schools allow students to do community service projects, then the community must coordinate with schools to provide meaningful opportunities for students to improve their communities. To hold the community accountable for providing these meaningful opportunities, schools should use the mass media to publicize the service performed by their students.

7) *State road and infrastructure money.* Localities that tolerate persistently low school performance could be subject to the loss of non-education state money such as state funding of roads and other infrastructure.

8) *Leadership definition and development.* In order to make sure that schools have the leaders they need to show improvement, the state could assume more responsibility for leadership development.

### Conclusion

With the passage of HB 1187, Georgia's educational system has entered a new era of accountability—results-based accountability. The state will set expectations for student learning and systems, schools, personnel will be rewarded for exceeding the standards and the state will intervene to rescue children from schools that are persistently falling below the standards.

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. Some believe that the level of flexibility that is desirable under a results-based accountability system is much larger than that which is desirable under the old way of doing things—accountability based on inputs, process, and implementation. They feel that 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 their successes and their students are rescued with interventions for any failures, the more flexibility that may be granted to local educators. To that end, we have presented a long list of alternative rewards and interventions. The purpose of rewards and interventions is to provide parents, teachers, other educators, schools, and systems with incentives to work together to increase student learning beyond expectations.

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## School Flexibility and Accountability

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