

Defining Adequate Yearly Progress: Strengthening Responsibility for Results Without Toppling State Accountability Systems

By Mary Jean LeTendre

Introduction

As Congress considers the House's No Child Left Behind Act and the Senate's Better Education for Students and Teachers Act, the issue of adequate yearly progress – or AYP, as it has come to be known to federal program administrators and education policy wonks inside the Beltway – often eludes conversations about school accountability and education reform. The policy debates swirl around improvement, responsibility, and achievement. Underneath the debate lies what may seem to some just a technical consideration in the design of school accountability systems. But make no mistake. Adequate yearly progress is at the core of any school accountability effort. And the decisions Congress makes about AYP have the potential to make or break state accountability systems.

Adequate yearly progress poses the following questions to policymakers. If we are to hold schools responsible for results, for student performance, and for school progress – just how much should we expect? How good is good enough? Should schools be responsible primarily for getting a certain percentage of their students to a proficient level of performance against state standards? If so, how many students need to be performing well for a school to be considered performing adequately? Should schools be expected to make continuous progress each year until ALL students are proficient? If so, what would be a reasonable timeline for such an accomplishment? Should special attention be given to ensuring that schools help the lowest performing students reach proficiency or make progress toward that goal every year?

The whole system of school accountability rides on these questions, which are now being debated on Capitol Hill, and where both the House and the Senate are considering prescribed definitions of AYP that all states would need to use to determine if public schools in their states are to be identified as in need of improvement and intervention.

As Congress considers the new administration's education proposal, the issue of adequate yearly progress needs to be front and center in the policy debate. To the extent Congress intends to improve and perhaps prescribe in more detail how adequate yearly progress is to be defined, legislators need to be aware that the U.S. Department of Education and the states already have had some experience with the issue, since states were required to adopt standards, tests, accountability systems and definitions of adequate yearly school progress under the 1994 reauthorization of the Elementary and Secondary Education Act (ESEA). The lessons we have learned in the years since the last reauthorization of the ESEA should be instructive for how the federal government ought to define – or not define – adequate yearly progress for the states.

State Progress in Developing Standards-Based Education Systems

A recent *New York Times* article noted, after interviewing top education officials in all 50 states, that many states were concerned about the new administration's education proposal because it ignored the fact that "virtually every state has developed comprehensive new standards and testing systems" since the last reauthorization.

Based on a model laid out by Congress in 1994, every state but Iowa has statewide academic standards in place. All states have developed or adopted tests to measure student progress, and the majority of states have statewide school accountability systems in place. States have developed report cards to publicly report on school performance. And states are making progress designing technical assistance and interventions for schools identified as failing.

The challenges remaining are great, to be sure. But the point is, we are not starting from scratch in 2001. It is worth standing back and taking stock of the great progress of the last decade. Under both Republican and Democratic leadership, states have made enormous changes in their education systems and revolutionized expectations and responsibility around student achievement. Federal legislation was a driving force in these changes. But the model allowed for diversity and for states to take their own path to accountability. We ended up with 50 different systems. That was the point. Now we need to nurture and support these changes if our goal is to see strengthened accountability for student achievement and improvements in learning in our schools.

As former Director of Title I, the federal government's largest education program serving economically and educationally disadvantaged students, and the program under which standards, tests, and school accountability were mandated in 1994, I would like to share some thoughts and reflections about the role the federal government has and should play in directing the design of state accountability systems.

I want to argue that there are ways to strengthen the federal law around adequate yearly progress by adding elements of some of the best systems states have developed. The Bush administration should be applauded for its focus on accountability and for its particular attention to the children who traditionally have been left out and left behind.

However, a single, federally-mandated definition of adequate yearly progress **will not** work for all states. If we push states to adopt a uniform definition of adequate yearly progress that prescribes a minimum threshold of performance for every school and an absolute timeline for all students to reach proficiency, we need to consider the possible implications and consequences for the workings of state accountability systems. I suggest that, if enforced, the micromanagement of state accountability systems by the federal level through a prescribed AYP definition has the potential to either topple state accountability systems or make them virtually meaningless to schools, educators, and the general public.

Adequate Yearly Progress Since 1994

As part of the 1994 reauthorization of the Elementary and Secondary Education Act, states were required to define, for the purposes of Title I accountability, a definition of adequate yearly school progress based on student assessment results. The definition was to be such that schools would be expected to maintain "continuous and substantial improvement" so that, within a "reasonable" timeframe, **all** students in the state would reach a proficient level of performance against state standards. This definition of school progress would be the benchmark against which states would identify and assist schools in need of improvement and, if the schools continued to fail to make adequate progress, step in with more drastic interventions to turn the schools around and get them on the right track.

While these definitions were transitional – not considered final until states' entire testing systems were complete – what was clear was that no state came at the task of defining AYP in the same way.

What we saw in the definitions were tradeoffs. Some state definitions of AYP took continuous progress as the centerpiece and required overall school growth in tests scores every year. For example, in Pennsylvania, AYP required an increase of 5 percent of students attaining proficiency on the state test every year until each school reached 100 percent proficiency. However, the definition gave no special attention to the lowest performers. Indeed, even very high-performing schools could be identified for state intervention under this model. Depending on where a school starts, it could take a very long time, under this definition, for a low-performing school to get to all students to meet expectations. Still, the definition aimed to judge all schools on their progress in getting all students to proficiency.

Other states, such as Texas, placed special attention on low-performing, high-poverty, and minority students who are often left behind, and for whom programs such as Title I are designed. Texas' adequate yearly progress definition asks, among other things, that 50 percent of students in a school reach proficiency – and 50 percent of students in all subgroups reach proficiency also. It means that the lower-achieving half of students in a school, often poor or minority students – cannot be ignored. This was a unique approach among the states. And yet, at the same time, the definition did not emphasize the "continuous" and "all" part of the 1994 adequate yearly progress legislation. That is, at 50 percent proficiency, a school would no longer be identified as in need of improvement. Eventually Texas plans to "ratchet up" the 50 percent proficient goal. But that sets out a very long "reasonable" timeline for all students to reach proficiency in Texas.

Some state definitions had no absolute threshold or continuous improvement model of accountability. For example, in Utah, a school was judged to be making adequate progress if the average percent of students at the basic or proficient levels was at least as high as the state average percent of students at the same levels. This definition, while identifying below average schools, did not explicitly address the need for continuous improvement or for helping all students reach proficiency.

Organizations such as the Consortium for Policy Research in Education have laid out various “models” of AYP based on the definitions states adopted during their transitions to final assessment and accountability systems. But even with attempts to categorize approaches to AYP, the bottom line is that, without knowing the particular context of the state's capacity to intervene in schools, where the state set the bar for student proficiency, the rigor of state tests, and the details of a state's accountability system, little is known about how effectively these definitions functioned.

Promising Features of Adequate Yearly Progress in H.R. 1 and S. 1

The new conceptions of adequate yearly progress share much in common with the 1994 legislation. H.R. 1 and S. 1 require states to develop definitions that constitute adequate yearly progress of public schools and local educational agencies in the state, toward enabling all public school students to meet the State's student academic achievement standards, that apply the same high academic standards of academic performance to all public school students in the State, and that measure the progress of public schools and local educational agencies based primarily on academic assessments. The new AYP would retain concern with reaching the goal of all students performing proficiently to the same high expectations for all.

The House and Senate education bills of 2001 also do several things to tighten up and improve on the 1994 reauthorization of the ESEA. First, the bills seem to require a single, statewide accountability system that ensures that schools and districts make adequate yearly progress. As the U.S. Department of Education's *First Annual Report on School Improvement*, released in January of this year suggests, more than half the states have two accountability systems in place – one system to identify low-performing schools under Title I and another system that applies to all schools in the state.

Second, the legislation under consideration also mandates that states consider information in addition to assessment results when they are determining school progress. This is a positive development. States must consider school completion or dropout rates and at least one other academic indicator in their reviews of school progress.

The bills also mandate that 95 percent of students need to be tested for school accountability purposes. No longer can states and schools exclude large numbers of students – usually those students schools fear will drag the school down, but of course exactly the students federal programs aim to help.

In addition, the bills provide for the Secretary of Education to review all AYP definitions to determine whether they are adequate to meet these goals. Departmental review of state accountability systems is a strong point in the legislation.

Finally, demanding that states focus on closing achievement gaps strengthens federal legislation. State accountability systems must become attentive to the performance of economically disadvantaged students, students with disabilities, students with limited English proficiency, migrant students, and students by racial and ethnic groups. These are the children for whom

Title I was created – and drawing explicit attention to the needs of those students needs to be a central piece of state accountability efforts.

Concerns About Congress' Prescriptive Vision for AYP

There are promising provisions in H.R. 1 and S. 1 that build on the strengths of the 1994 ESEA. But there are some new AYP provisions included in the House and Senate bills that, while promising on paper and sensible in theory, will cause difficult and substantial problems for the states. The proposed legislation passed by the House would require:

- A timeline that uses as a baseline year the year following the date of enactment of the No Child Left Behind Act of 2001; and establishes a target year by which all members of each group of students shall meet or exceed the State's proficient level of academic performance except that *the target year shall not be more than 12 years from the baseline year*; and
- An indication of a *minimum percentage of students who must meet the proficient level* on the academic assessment, such that the minimum percentage is the same for each group of students; or
- An indication of an *annual minimum amount by which the percentage of students who meet the proficient level among each group of students shall increase*, such that the minimum increase for each group is equal to or greater than 100 percent minus the percentage of the group meeting the proficient level in the baseline year divided by the number of years from the baseline year to the target year.

The S. 1 language contains a shorter timeline and prescribes the development of a formula states should use to determine AYP. According to that bill state AYP definitions must include:

- A timeline for meeting the goal that each group of students will meet or exceed the State's proficient level of performance on the State assessment *not later than 10 years after the date of enactment of the Better Education for Students and Teachers Act*; and
- A *detailed description of an objective system or formula* that incorporates and gives appropriate weight to the progress of each of the groups of students in meeting the State's annual measurable objectives for continuing and significant improvement and in making progress toward the 10-year goal. *The formula shall give greater weight to the groups-- performing at a level furthest from the proficient level; and that make the greatest improvement.* The system or formula shall be subject to peer review and approval by the Secretary of Education.

The proposed legislation in both the House and Senate versions changes the AYP provisions from 1994 by including an explicit 10-12 year timeline for all students in states to reach proficiency, a minimum percentage of students who must reach the proficient level each year, and a minimum increase in performance for each group of students. Furthermore, the bills shorten the amount of time it would take for schools to be identified for improvement. In the

1994 legislation, it took two consecutive years of failing to make adequate yearly progress for a school to be identified as in need of improvement. In the current bills:

- A local educational agency shall identify for school improvement any elementary school or secondary school served under this part that fails, *for any year*, to make adequate yearly progress.

The new proposals for AYP are prescriptive and lay out just what formula and minimum achievement level each state should require under its accountability system and AYP definition. I would like to take the opportunity to explain why I believe these well-intentioned efforts to strengthen school accountability have the danger of overwhelming state accountability systems and rendering those systems meaningless to schools, educators, parents, and the public.

Issues and Considerations

The Federal Government Must Not Minimize What It Will Take To Close the Achievement Gap

We are all concerned with the low levels of student achievement in some of our nation's schools. And no one wants to set a long timeline for students reaching high standards. A 10-12 year timeline promises significant change within a student's school career. We wanted this in 1994 when we asked states to get all students to proficiency on a "reasonable" timeline. We struggled with how states could get the levels of improvement necessary so that we would not have to wait for another generation of students to pass through schools before all schools were high-performing schools.

But was it realistic? And would stronger federal regulation make a difference?

We have a long way to go in the United States to get all students to reach high standards. Despite improvements in test results from the National Assessment of Educational Progress, student performance remains underwhelming. In 2000, just 32 percent of 4th graders performed at or above proficient in reading and in 1996, 24 percent performed at or above the proficient level in mathematics. The figures for Black and Hispanic 4th graders reveal huge gaps. On the same tests, just 12 percent of Black students and 16 percent of Hispanic students scored at or above proficient in reading; and just 5 percent and 8 percent respectively scored at or above proficient in mathematics.

The most recent state NAEP results show wide variation across the states in overall performance. Connecticut, for example, had the highest student performance on NAEP in the nation, with 46 percent of 4th graders reaching proficiency in reading in 1998 and 31 percent reaching proficiency in math in 1996. But other states such as Louisiana, Hawaii, California and Mississippi had 20 percent or fewer 4th grade students scoring proficient or higher in reading. California and Mississippi had 11 percent and 8 percent of students, respectively, scoring at least proficient in math in 1996. Even those states with higher levels of achievement overall, still show significant gaps among racial/ethnic groups. In Connecticut, the highest performing state, 55 percent of white 4th graders scored at or above proficient in reading in 1998. But only 13

percent of Black 4th graders and only 17 percent of Hispanic 4th grade students scored at or above proficient.

The NAEP achievement data highlight, I believe, several key issues. First, we must strengthen accountability in ways that will address the achievement gap. But we must recognize that the gap is large. Second, states are starting their improvement efforts from very different places. Some have further to go than others. So we need to recognize where we are now and consider what it will take to get student achievement where it needs to be across all of the states. Twelve years is a lofty goal. But if the federal law is to be taken seriously by the states, it cannot set up false expectations. Finally, we must understand that mandating a prescriptive definition of AYP may change the way schools identify failing schools, and increase the number of schools identified, but it alone will not make those schools better.

Setting Thresholds of Performance For All Schools at the Federal Level Will Result in an Over-Identification of Low-Performing Schools

One idea under consideration is to set a minimum threshold of proficient performance for all schools in all states to be meeting AYP. One version of this suggests that at the point at which at least 50 percent of students in a school are reaching proficiency (including students from various subgroups), the school is making adequate progress. While setting such a threshold precludes continuous improvement such that ALL students reach proficiency, the idea makes some intuitive sense. At a minimum, in each school, at least half the students, or a simple majority should be meeting state expectations.

But what does that translate to – in terms of the number of schools identified for improvement -- in any given state? If we return to Connecticut, the highest performing state on NAEP, as an example, we can play the scenario out at least at a gross level.

Because the state's testing data is available and downloadable off the Internet, it is relatively straightforward to compute figures on the numbers of schools that would fail to make adequate progress if a minimum threshold were set by Congress.

Overall, the percentage of students meeting state goals on the state test in Connecticut is higher than the percentage of students from Connecticut meeting the proficient level on NAEP – in 1998 54 percent of 4th graders were at or above the state goal in reading and 61 percent were at or above the state goal in math. The point is worthy of note as a reminder that where states “set the bar” for student proficiency is yet another consideration in discussions of adequate yearly progress.

Without even looking at the achievement of significant minority groups within schools or across the state, if the state were to have set a threshold of 50 percent of students reaching state goals in reading and math as a minimum for adequate yearly progress in 1998, 271 schools – or 35 percent of the schools for which state achievement data were available for this analysis (the Web-based database contains 763 of the state's 971 elementary, middle, and high schools) – would have been identified for improvement.

If the threshold were set so that schools were only identified for improvement if they failed to reach the majority threshold in at least one core subject, reading OR math – approximately 24 percent of the schools would still be deemed not to be making adequate yearly progress.

In the highest performing state in the nation on NAEP about a quarter of schools could be identified as low-performing in any given year. This analysis does not even take into account the need for racial and economic groups to meet the same threshold. Nor does this analysis consider the volatility of scores from one year to the next that could, under current proposals, churn schools in and out of low-performing status each year. Almost any, and every, school in a state could be identified as in need of improvement. Holding states to such a requirement could sink a state accountability system.

Setting School Performance Expectations at the Federal Level Ignores State Capacity to Assist Low-Performing Schools

Again, we return to the question, is it realistic? The House and Senate bills require that any school not making adequate progress in any one year to be identified as in need of improvement. We need to look at what is required for schools identified for improvement and consider states' capacity to carry these activities out.

According to the legislation, when a state identifies a school as in need of improvement:

- The local educational agency, *within 45 days must establish a peer-review process* to assist with review of a school plan prepared by the identified school and promptly work with the school as necessary.
- For each school identified for school improvement the local educational agency serving the school *shall provide technical assistance* as the school develops and implements the school plan, *including assistance in analyzing data from the assessments, identification and assistance fixing instructional, parent involvement or professional development problems, assistance in identifying and implementing instructional strategies and methods that are tied to scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement.* The district also is required *to assist schools in analyzing and revising the school's budget* so that the school resources are more effectively allocated for the activities most likely to increase student performance and to remove the school from school improvement status.

After failure to make AYP at the end of one year or assistance the local educational agency is required to provide all students enrolled in the school with the option to transfer to another public school that has not been identified for school improvement, and take corrective action against the identified school.

These are important and sound steps for school improvement. But can states be expected to identify and effectively provide this level of assistance and intervention to a large proportion of

the schools in the state? What schools will students attend if they need to be transferred to schools not identified for improvement?

When we collected annual data from across the states on the numbers of schools they were identifying as in need of improvement, the figures were erratic. In 1997-1998, states identified more than 9,000 schools (20 percent of Title I schools) as in need of improvement. And this was likely an understatement of the real number of low-performing schools in the nation.

As the Department reported in its *First Annual Report on School Improvement*, some states have identified a very small number and proportion of their schools for improvement. Texas had more than 4,000 Title I schools but identified only 61 schools (1 percent) for improvement in 1998-1999. In contrast, states such as Arkansas, Georgia, Hawaii, Kentucky, and Michigan identified the majority of their Title I schools as in need of improvement.

These differences reflected different definitions of AYP across the states. One might come to the conclusion that Texas identified an unrealistically small number of schools as low performing. Are there no more than 61 failing schools in the whole state? But it is equally valid to ask – is it realistic for Michigan to identify 76 percent or more than 1500 schools as in need of improvement?

The answers depend a great deal on the tradeoffs between where schools start in a state, how challenging a standard of AYP states set, and whether a state sets its AYP definition with attention to the capacity it has to do the things required by law – such as provide technical assistance, extra professional development – to low-performing schools. The reality is that states are starting in different places when it comes to student achievement. In part this is because states have different histories, demographics, and economies. Some states have more diverse populations, more high-poverty schools, and unique challenges in improving schools.

The federal mandates related to assisting and intervening in low-performing schools must be conscious of the need for resources to be provided at the level of intensity needed to make a difference. The Bush administration's proposal should be applauded for requiring schools to adopt research-based strategies, for strengthening the role of parents, and for requiring that students have well-qualified teachers. Appropriate levels of investment in these kinds of strategies, I am convinced, will result in higher achievement in our nation's schools. Investment on the front end will mean fewer schools identified as in need of improvement in the long run. As Frederick Douglas put it, "It is easier to build strong children than to repair broken men."

Federal Mandates on Timelines Set Unrealistic And Unattainable Goals for States

If part of what Congress might mandate for AYP is that states need to make up the difference between where they are and getting all students to proficiency in a decade, how much improvement would that require each year? Several academics have tried to address this question using state achievement results. What is clear is that whatever improvement is needed, it needs to happen at a significantly higher rate for Black and Hispanic students. This is a

worthwhile goal – one I have worked my whole life to see realized. But is it realistic to attach an explicit and short timeline to closing the achievement gap?

In 1994, several states included explicit timelines in their AYP definitions. Vermont predicted 100 percent of students meeting standards by 2008. Colorado created a ten-year school improvement index, and Kentucky planned for all schools to close the performance gap by 2014. Ambitious as they were, none had serious likelihood of getting all students to proficiency within a decade.

Looking back at the NAEP data presented earlier as an example, states would have to make tremendous gains in a short period of time to bring all students up to proficiency.

A state such as Connecticut, even as a high-performer, would need to move 10 percent of total students up to the proficient level in each of the next five administrations of NAEP. A state such as Hawaii – where 17 percent of 4th grade students scored at the proficient level in reading in 1998 – would have to improve at a much more significant rate over a decade. Yet we know, even in states that have made major educational improvements, test scores just do not consistently move at those rates. Between 1992 and 1998, only six states showed statistically significant changes in 4th grade NAEP reading performance.

There are important reasons for states to set timelines. They serve as public goals and signs of public commitment. But for there to be buy-in around accountability efforts, states must also set realistic and attainable goals for schools and educators. If teachers, students, and schools are held to unrealistic and unattainable expectations, identifying schools as low performing will become meaningless and carry no weight or influence. AYP will be no motivation to improvement. Setting expectations that are not credible hold real potential for destabilizing state accountability systems.

Being Too Prescriptive Creates Incentives for States to Operate Dual Accountability System and Lower Standards

The proposed legislation is likely to do just what it aims to avoid – maintain incentives to operate a dual accountability system – one for Title I and one for the rest of the state. The House and Senate bills both state that "each State plan shall demonstrate that the State has developed and is implementing a single, statewide State accountability system that has been or will be effective in ensuring that all local educational agencies, elementary schools, and secondary schools make adequate yearly progress."

Yet the bills also say that the accountability systems "be used for all schools or all local educational agencies in the State, except that schools and local educational agencies not participating" under Title I. The door is still open for dual accountability.

Why will states keep two systems? One reason is that the states will not want to set unrealistic goals for its own accountability system. Another reason is that states will not have the capacity to intervene in all the schools they would identify for improvement if they tried to apply the assistance and sanctions associated with this legislation statewide. It is questionable whether

states will have the capacity to intervene in just the Title I schools under a prescriptive definition of AYP, much less all schools in the state under a single accountability system.

Evaluation data collected on Title I while I was at the Department of Education made it clear that many schools identified for improvement do not get help. The 1998-1999 National Longitudinal Survey of Schools revealed that just 47 percent of principals in Title I schools identified as in need of improvement under across the states reported receiving additional technical assistance or professional development as a result.

If states do not move towards operating two accountability systems, dictating the details of state definitions of adequate yearly progress is likely to create incentives for states to lower standards for all schools. If states are faced with identifying large proportions of their schools as in need of improvement – sinking the legitimacy of their accountability systems overwhelming their capacity to help identified schools – one way to solve the problem will be to make it easier for schools to reach performance thresholds and make adequate progress each year by lowering expectations and performance levels on state tests.

States Will Balk At Accountability Micromanaged at the Federal Level

An important sustaining factor in state accountability systems is buy-in of state, district, school, and public stakeholders. The 1994 ESEA and the current legislative proposals both include major provisions for public involvement and review of state accountability systems. The reasoning is clear. Such systems are strengthened by public support. And stakeholders feel more ownership over goals they have set for themselves than goals that have been handed down to them.

Some of the basic opposition to federal involvement in education has revolved around the argument that the states know better than the federal government how to improve their own schools. But another part of the rationale for more state and local control has been buy-in and ownership. The less flexibility, the less understanding for where states are, the less detail left to states in designing policy – the less acceptance from the states.

For these reasons, one of the biggest themes in federal education policy since 1994 has been flexibility and freedom from regulation, in exchange for accountability for results. Straight A's, the Ed-Flex demonstration program, and now the new expanded Ed-Flex program – all operate under the edict of freeing up states from federal regulation and making the U.S. Department of Education a partner rather than an obstacle to states.

Perhaps Congressman Hoekstra of the House Education and Workforce Committee said it best in his report, *Education at a Crossroads 2000*:

At each level of education, excellence is achieved by putting student performance first. Results for all children from all backgrounds are what really matter. *The way in which a given teacher, school, district or state*

decides to produce results will often vary. The key, however, is for everyone to be held to high standards. And it is not the government's role to micromanage how those standards are met.” (p. xii).

The reality is that states have made tremendous strides developing their own standards, tests, and accountability systems. There are still great improvements to be made. But the systems that exist are state-made and home-grown. They were not handed down like bad-tasting medicine from the federal government. There is a real danger to the legitimacy and support around state accountability systems if control is taken out of the hands of the states.

There Is No One-Size-Fits-All 50 State Formula

If there is one thing I learned during my tenure as Director of Title I, and one thing I know from helping to design legislation, write guidance for states, and review and monitor state education practices, it is the following – there is no one formula that will work for all the states. Perhaps one of the biggest shortfalls of the current legislative vision for AYP is the underlying belief that there is a formula that can be written in Congress by which every public school in the land will operate.

Efforts to set detailed formulas for school accountability that will apply in all situations in all states quickly become complicated and difficult to follow. We can see that in some of the proposals for AYP being tossed around of late. But unlike complicated Title I or other federal funding formulas, when it comes to accountability, the formula for responsibility must be clear and understandable to the teacher, the principal, the parent, and the student. It cannot possibly work any other way. Setting a complicated formula for school expectations defeats the purpose of accountability. For accountability to have meaning, there needs to be clarity and understanding among those who are to be held responsible for results.

Ultimately, not allowing states to create their own definitions of AYP that balance their own needs and capacity threatens the legitimacy of state accountability systems. Making accountability work requires states to engage in a balancing act that must be attuned to the state's own context, starting point, politics, and student needs. For accountability to be taken seriously, it must have real consequences. Therefore, states need to set the accountability bar in line with their capacity to assist, intervene, and enforce accountability regulations.

Recommendations

Recommendation #1: Congress should not set a single definition of AYP that would apply to every school in the nation. Instead, Congress should mandate key principles outlining state AYP definitions, but leave the details to the states.

Congress should require states to have a definition of AYP that:

- Sets out a reasonable timeline for having all students to meet the State's student academic achievement standards for proficiency

- Includes all students
- Explicitly addresses the performance of economically disadvantaged students, students with disabilities, students with limited English proficiency, migrant students, and students by racial and ethnic groups.

But where states set the targets, how long states set the timeline, and like questions should be issues of public discussion in the states, and should be considered on a state-by-state basis. Congress needs to allow enough flexibility so that states can meet federal requirements as well as their own needs without setting up dual systems or rendering their systems irrelevant.

Recommendation # 2: Congress should consider whether the same corrective actions apply to schools that are failing in general compared with schools that are failing certain subgroups of students.

The attention to the achievement gap and to the performance of different groups of students in the proposed legislation is a positive development. Yet, setting AYP definitions, whether at the state or federal level, that are concerned both with overall school performance and subgroup performance, suggests the need for attention to the issue of how to assist and intervene in schools that are failing different students for different reasons.

Should we deal with schools that are performing well overall but failing some students the same way we deal with schools that are failing all students? Both kinds of schools may fail to make adequate yearly progress. Yet, the same corrective actions may not make sense in both cases.

This recommendation is not a suggestion to add greater detail and complexity to the current legislative proposals. Rather, it is another reminder of the usefulness of keeping some good deal of flexibility in the federal law so that states can fashion approaches to assisting and intervening in schools that are based school needs and state capacity – not based on technicalities imposed by the federal legislation.

Recommendation #3: The U.S. Department of Education should be required to engage in peer reviews of state accountability systems, including adequate yearly progress definitions.

The Secretary of Education, who should have the discretion to object to any definitions that are inadequate and fail to meet the basic principles of the legislation, should carefully review state definitions of adequate yearly progress.

Over the last two years, the U.S. Department of Education engaged in an intensive and thorough review of all 50 state assessment systems under Title I. The effort, which brought together a cadre of nationally respected assessment experts and followed strong review guidance, gained widespread acceptance across the states – despite the fact that some states were asked to make significant changes to move into compliance with the ESEA. The negotiated process between the Department and the chief state school officers in the states serves as a model of how the federal government can play a strong guiding role in improving state assessment and accountability systems.

Recommendation #4: Rather than mandate the details of state accountability systems from Washington D.C., Congress should hold oversight reviews of state AYP definitions and accountability systems.

If part of why Congress is being so prescriptive in its legislative proposals is because members are concerned with the rigor of the Department's review of state AYP definitions and accountability systems, then Congress should hold the Department more accountable. Regular oversight would be an effective way for Congress to ensure the rigor and quality of state accountability systems without mandating the intricacies of each state's system. Public review and oversight would bring attention to both the federal and state efforts to hold schools responsible for results.

Recommendation #5: Congress should require the U.S. Department of Education to be proactive and help state develop models of strong AYP definitions.

One other way Congress and the federal government can act as better partners with the states, even as they regulate the states, is to provide guidance, models, and information on best practices to the states. Congress should require the Department to be proactive in helping the states design accountability systems. The Department could do a better job of sharing information between states and bringing states together to work through problems. During my tenure in Title I, we hired peer consultants to work with states that requested assistance with their efforts to set standards and design tests. These consultants were not in the states to check compliance or police the states for the federal government. They were sent to help so that when it came time for requirements to be in place, the state was ready. These are the kinds of activities that help states comply with the law and help the federal government design better laws and regulations.

Conclusion

Since the 1994 passage of the Improving America's Schools Act, states have made tremendous progress in setting standards, designing statewide testing systems, and implementing statewide school accountability systems. The goal then, as now, was to ensure that our nation's schools have high expectations of all students. What was once a plea is now an accepted premise – all children can learn to high standards.

We must stay the course.

We need to support and continue the progress of standards-based reform by providing adequate funds for Title I, by strengthening key provisions of the law, and by renewing the commitment to accountability for all students – especially those students who have so often been left behind in our society. But we must do so with careful attention to the tenuous nature of state accountability systems. Much progress has been made. But state efforts to hold schools accountable have not followed a straight, level road paved with widespread acceptance and lack of challenge. What we do not want to do is to push states off the road by forcing them to adopt a detailed and uniform definition of adequate yearly progress that prescribes a minimum threshold of performance for every school in the nation and an absolute timeline for all students to reach

proficiency in all schools. At the federal level, we need to help smooth the road and encourage states to keep down the right path.