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ABSTRACT

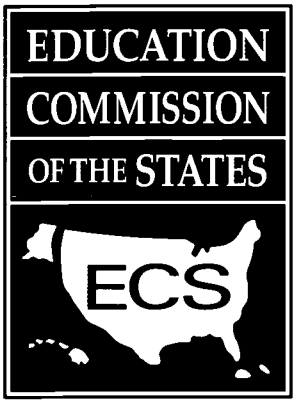
As a follow-up to an earlier ECS report on the extent to which states were prepared to implement President Bush's education plan, this report provides an in-depth examination of three major Bush plan initiatives: assessing student performance, motivating and assessing low-performing schools, and providing school-choice options. The report begins with a brief summary of the history of the federal role in education, federal funding of education, and issues surrounding the Bush proposal to tie federal funding to research evidence. The chapter on assessing student performance examines the pros and cons of annual testing, classroom time spent on testing, and the cost and types of tests. The chapter also includes sections on public attitudes about testing, adjustments in state assessment programs, and an examination of states providing disaggregated testing data (for example, race/ethnicity, gender). The chapter on motivating and assisting low-performing schools examines the pros and cons of the state use of sanctions, rewards, and support structure. The final chapter discusses Bush's proposal to allow parents to deduct up to $5,000 for education-related expenses, including expenses of sending their children to private or parochial schools. The report also reviews the provisions of and legal challenges to education tax-credit and tax-deduction programs in Arizona, Illinois, Iowa, Minnesota, and Puerto Rico. (PKP)

EDUCATION COMMISSION OF THE STATES

A Closer Look

State Policy Trends in Three Key Areas of the Bush Education Plan–Testing, Accountability and School Choice

Special Report



A Closer Look

State Policy Trends in Three Key Areas of the Bush Education Plan—Testing, Accountability and School Choice

April 2001

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INTRODUCTION

On January 23, 2001, President George W. Bush unveiled "No Child Left Behind," a comprehensive education plan that includes major initiatives in areas ranging from accountability to school safety. The Education Commission of the States (ECS) responded to the President's education plan with *Building on Progress: How Ready Are States To Implement President Bush's Education Plan?* The report provided a snapshot of where the states are in regard to the President's proposals as a tool to assist members of Congress, governors, legislators and others expected to be actively involved in work on President Bush's plan.

Now ECS is following up its initial report with a more detailed look at three major elements of the Bush proposal – testing, accountability and school choice. The report begins with a brief discussion of how President Bush's initiatives might alter the federal government's role in K-12 education, including the idea of tying funding for certain programs to research findings on "what works." The report then offers a closer look at state policy trends in three areas that are central to the President's proposal:

- **Assessing Student Performance.** Reviews the pros and cons of annual testing, the cost and types of tests being used by states, public attitudes about testing, how and why states have adjusted their "high-stakes" testing programs, and which states are disaggregating test data to develop a clearer picture of how all students are performing.
- **Motivating and Assisting Low-Performing Schools.** Examines the extent to which rewards, sanctions and support strategies have become an integral part of states' accountability systems, and reviews the pros, cons and potential impact of such policies.
- **Providing School Choice Options.** Reviews the provisions of tax credit and tax deduction programs that have been adopted in several states and the status of legal challenges to such programs.

In preparing this summary, ECS drew on a variety of sources ranging from our own 50-state surveys and analyses to government reports and other publications. *The data used in this summary represent the best information available at this time and may not reflect recent changes in state policy.* We invite states to contact ECS to share information about such changes. Please visit the ECS Web site (www.ecs.org) or contact the Information Clearinghouse (303-299-3675) for new and updated information about what's happening in the states.

ECS, a nationwide, nonprofit organization headquartered in Denver, is recognized for its ability to facilitate the exchange of information, experience, ideas and innovations for the improvement of education through public policy. ECS constituents include governors, state legislators, chief state school officers, state higher education executive officers, business leaders, school and university board members, and other education policy leaders. ECS' status as a nonpartisan organization, involving key leaders from all levels of the education system, creates unique opportunities to build partnerships, share information and promote the development of policy based on the best available research and strategies. For further information about ECS activities, visit the ECS Web site at www.ecs.org.

The Changing Role of the Federal Government in Education

Historical Perspective

Is the federal government's role in K-12 public education likely to change as a result of President Bush's education initiatives?

The U.S. Constitution is silent about public education and does not establish a formal role for the federal government in providing it. Therefore, the legal obligation for providing public education rests with the states. Of course, state action must be taken within the confines of the U.S. Constitution. States, for example, cannot segregate students without violating the U.S. Constitution's equal protection guarantee.

For much of the nation's history, then, states have had almost complete power over public education matters, as long as they respect the U.S. Constitution, as well as their own constitutions. Since the mid-1950s, though, the federal government has played an increasingly significant role in public education through a variety of judicial and legislative actions. Probably the most significant judicial action was the U.S. Supreme Court's 1954 ruling in *Brown vs. Board of Topeka* that intentionally segregated schools are inherently unequal and violate the equal-protection guarantee.

On the legislative side, the U.S. Congress passed such significant pieces of legislation as the National Defense Act of 1958 and the Elementary and Secondary Education Act of 1965, and created the U.S. Department of Education in 1979. More recently, federal leaders adopted goals, through *America 2000* in 1991 and *Goals 2000* in 1994, in a wide range of academic subjects. They also began experimenting with increasing decisionmaking flexibility within states, in return for increased accountability for student results, through the enactment of such policies as the Education Flexibility Bill in 1998. Even with these changes in the federal role, federal dollars remain primarily targeted to special populations, such as disadvantaged students.

As the nation enters a new century, Bush is calling for charting a different course for the federal government's role in the provision of public education. On the whole, it appears that the President's plan increases the spotlight at the federal level on the standards, assessments and accountability movement, while also bringing increased attention to the importance of flexibility in the implementation of the federal government's priorities.

Still, several of the details of Bush's plan have provoked questions about the degree to which the federal government's role in K-12 public education will increase if his plan is enacted. These questions include:

- In addition to requiring states to implement standards, assessments and accountability systems, will the federal government also evaluate the rigor of the standards, the validity and reliability of the assessments and the strength of the accountability systems? If so, what criteria will be used for such evaluations, and will they allow for flexibility among the states to deal with similar problems in different ways?

- Will changing the National Assessment of Educational Progress (NAEP) 4th- and 8th-grade assessments in reading and math from voluntary to mandatory tests, and from being given once every four years to once a year, force states to pay significantly more attention to these assessments, perhaps to the degree of creating a de facto national curriculum?
- What is the relationship between the federal government and classroom instruction? Is it appropriate for the federal government to encourage particular classroom instructional methods (through requiring the implementation of research-based reading strategies in its literacy improvement programs)?

These and other questions about Bush's education plan surely will be discussed and debated over the coming months. Political leaders' answers to them may give the federal government unprecedented influence over the provision of public education and significantly influence the teaching and learning experience for millions of children across the nation.

Source: *Governing America's Schools: Changing the Rules*, National Commission on Governing America's Schools; Education Commission of the States, 1999; *The Invisible Hand of Ideology: Perspectives from the History of School Governance*, Thomas Timar and David Tyack, Education Commission of the States, 1999.

FEDERAL SPENDING ON EDUCATION

How dependent are the states on federal funding for education?

In the 1999-2000 budget, the federal government spent almost $44 billion on elementary and secondary education programs. This funding was spread across 35 different education programs in 15 different federal departments. The overwhelming majority of this spending (89.4%) was accounted for by 10 major programs, with 64.6% spent on the four largest programs – Child Nutrition, Grants for the Disadvantaged (Title I), Special Education Grants and Head Start. Table 1 in the Appendix presents a more detailed breakdown of spending, including U.S. Department of Education spending on five of its largest grants – Title I, Special Education, Impact Aid, Vocational Rehabilitation and Adult Education.

Sources: *Federal Support for Education, Fiscal Years 1980-2000*, National Center for Education Statistics, September 2000; U.S. Department of Education, Budget Service, December 15, 2000.

State, local and federal spending on education

The percentage of dollars spent on education by the federal government has decreased slowly over the past 20 years, while state and local governments' shares have increased. During the 1979-80 school year, state spending accounted for 48.1%, local spending totaled 42.5% and the federal share was 9.3%. For the 1999-2000 school year, state spending accounted for 50% of all education spending, while local spending accounted for 43.2% and federal spending totaled approximately 6.9%.

Source: *Rankings of the States*, National Education Association, 1980, 1990 and 2000.

TYING FEDERAL FUNDING TO RESEARCH EVIDENCE

What issues arise from the federal government tying funding to research-based programs?

Bush's plan would offer federal funding to states and districts that adopt research-based reading and professional development programs. Education research, however, has limitations and problems that might raise concerns about tying funding to such programs.

One problem, for example, is the lack of consensus on what constitutes sound evaluation of education policies and practices. Some researchers support a more "scientific" model that uses control groups, large sample sizes and quantifiable data. Others favor a more descriptive approach that observes smaller numbers of classrooms. And some education researchers recommend a combination of the two approaches. While this is a somewhat simplistic picture, it illustrates the problem of defining high-quality education research and raises the question of who should set the criteria. Further, there are problems with the quality of education research and the ability to transfer evaluation results from one school to another.

Policymakers and educators often find that evaluations of education programs, practices and policies are difficult to understand, not timely, contradictory or inconclusive, irrelevant to those who need it or missing altogether. Quite often, even good research has little influence on what happens in the classroom or legislative halls. Some researchers counter that educators and policymakers are not trained to separate good research from bad, or that they resist findings that challenge their agendas or beliefs about learning. A criticism shared by many within and outside of the research community is that not enough is spent on research, or the wrong kind of research is supported.

A key issue underlying the debate and discussion is the fact that there is little agreement on what the purpose of education research is. Perhaps, however, the proposal to tie federal funding to research-based programs will give rise to consensus on the purpose of and criteria for high-quality education research. In addition, tying funding to evidence that programs work might help address other limitations of education evaluation and create a stronger connection between research, practice and policy.

Among some of the major issues related to the quality and limitations of education research:

- The quality of methodology and rigor vary widely from study to study, including: (a) size and diversity of sample population; (b) length of time the study was conducted; (c) use of control and/or comparison groups; and (d) incomplete, unclear or inconsistent data/information and/or details of methodology.
- Not all studies provide baseline data and many do not use sufficient multiyear data to show a consistent pattern of the program's impact. Also, many studies might be sound from a methodological standpoint, but the sample size or other factors limit the ability to generalize the results.
- In many cases, the evaluation of programs is done by program developers themselves, rather than by independent researchers.

Navigating education research issues is difficult and the terrain is complicated. Policymakers should understand this complexity as they consider the linkage of funding to research-based programs. What is needed is a thorough analysis of what research says and what it doesn't, whether one can expect results of particular studies to transfer across states and among schools, and whether there are sufficient resources and/or capacity to enable research-based programs to succeed.

Sources: "The Black Hole of Education Research, *Chronicle of Higher Education*, August 6, 1999; "The Importance of Evidence" by Anne C. Lewis, *Phi Delta Kappan*, May 1998; *Educational Evaluation & Research Related to Promising Practices*, Education Commission of the States, February 2000.

Assessing Student Performance

The President's plan would require states to administer annual reading and math assessments to students in grades 3-8. States would have three years to develop and implement the assessments. Federal funds would help cover the costs of development.

Pros and Cons of Annual Testing

What are the arguments for and against testing students on an annual basis?

Only 15 states currently test elementary and middle school students as extensively as Bush proposes – every year in grades 3-8, in both reading and math: Alabama, Arizona, California, Florida, Idaho, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Utah and West Virginia. Most states test at only two or three of those grade levels each year, and not always in both reading and math.

The primary argument for testing each child each year is that it facilitates tracking year-to-year growth. If states test in only a few grades, it's more difficult to pinpoint strengths and weaknesses and to localize problems to a particular classroom or grade level. More frequent testing information, as well as disaggregated data, is a tool to hold schools accountable for the progress of every student, every year.

Additional benefits of annual testing, proponents point out, include evaluating how well aligned the curriculum is to state standards; determining which students are lagging behind and identifying the necessary interventions to help students meet expectations; and reducing costs by placing students in effective prevention and intervention programs rather than unnecessary and higher-cost special education programs.

Critics argue, on the other hand, that annual testing costs too much and takes up too much time, that current testing is adequate to hold schools accountable, and that it should be up to individual school districts, rather than the state, to decide the scope and frequency of testing.

Moreover, the three major testing companies may not be able to handle the demands triggered by annual testing. Higher volumes of tests may increase the risk of scoring inaccuracies. And states may encounter logistical problems in having to administer, score and furnish the results of annual tests to educators on a timely enough basis for them to be useful in diagnosing student needs. Finally, the capacity of state departments of education to adequately manage annual assessments and provide timely results is a critical consideration, and this varies from state to state.

Those who oppose increasing the frequency of tests – and using them to make decisions with serious consequences for students – argue that such tests:

- Are not yet fully aligned with states' content standards, and thus may test students on material they haven't been taught
- Interfere with good teaching and learning by narrowing the curriculum and emphasizing rote memory
- Do not provide accurate measures of student performance and potential

- Are unfair to poor and minority students
- May increase the dropout rate
- Could be unfair to students who lack test-taking skills.

Classroom Time Spent on Testing

How much classroom time is spent on student testing?

In a 1993 report on standards and testing, the U.S. Government Accounting Office estimated that, nationwide, the average student spent seven hours per year on statewide testing.

As one example, in a report presented by Massachusetts Lieutenant Governor Jane Swift, the total number of sessions and anticipated length of time by grade for the 2001 Massachusetts Comprehensive Assessment System (MCAS) test were as follows:

Grade	Number of Sessions	Total Length of Test Time
3	3	2 hours, 10 minutes
4	7	6 hours, 30 minutes
5	4	4 hours
6	3	2 hours, 15 minutes
7	5	3 hours, 45 minutes
8	13	9 hours, 45 minutes
9	1	45 minutes
10	11	8 hours, 45 minutes

Sources: *Student Achievement Standards and Testing, U.S. Government Accounting Office, 1993; The MCAS: Expanding Opportunities for All Students,* Massachusetts Department of Education Web site, 2001, http://www.doe.mass.edu/mcas/

Cost of Testing

How much money is spent on student testing?

Clearly, the amount of resources devoted to testing students is on the rise. For one thing, students are being tested more frequently. For another, a growing number of states are developing tests tailored to their standards, and using them either to replace or augment the commercially developed tests on which they traditionally have relied.

Achieve Inc. is conducting a 50-state survey on the cost of state assessment programs, with a focus on math and reading (grades 3-8). According to preliminary survey results, state testing expenditures have nearly tripled in the past five years, from $141 million to $390 million. Another recent survey, conducted by the Pew Center on the States, reached similar results, finding that states will spend a total of $400 million on testing this year. California spends the most ($44 million a year), followed by Texas ($26 million), Florida ($22.4 million), Massachusetts ($20 million), Indiana ($19 million), Virginia ($17.9 million) and Maryland ($17.1 million). See Table 2 in the Appendix for a state-by-state breakdown of testing expenditures.

Estimating the amount states spend on student assessments is difficult because each state includes different categories (for example, development, piloting, revising, administering) in their estimates. In addition, each state incurs varying costs throughout the process, depending upon several factors, such as:

- Use of state agency staff versus outside consultants
- Extent to which a test is piloted with a group of students
- Amount of revisions and/or corrections necessary after piloting or administering the test
- Extent of training for teachers and administers to prepare for, administer and grade the tests
- Use of teachers to develop tests, compensation for these teachers and the cost of substitutes.

The primary factors, however, that affect student assessment costs are the types of tests used and the number of grades, subjects and students tested. The most expensive tests are those that are customized to state standards and can range in cost from $25 to $30 per student. Some testing companies provide standards-based tests that can be tailored to a specific state, but some states opt to develop their own exams to ensure a closer match to their standards. Standardized tests, also known as "off-the-shelf" or commercially available tests, are significantly less expensive – typically between $4 and $6 per student – but they provide less specific information about student performance and often are not aligned to state standards.

The more grades and subjects a state tests, the more expensive the assessment program. Consequently, if states want to test several grade levels and subjects, they might be able to afford only less expensive tests that measure more general skills and knowledge, rather than whether students are meeting state academic standards.

While states invest heavily in the entire assessment process, the most significant costs are for administration, scoring, reporting and ongoing support. Once again, these expenses range from state to state, and sometimes from year to year. Some researchers suggest that states form "buying cooperatives" that would allow them to pool their resources for the development and maintenance of tests tied to their standards.

Some education researchers predict that technology, particularly the Internet, will reconceptualize large-scale assessment. Computerized testing will increase efficiency and allow quicker turnaround in results.

Sources: Pew Center on the States' Study; "Estimating the Cost of Standardized Student Testing in the United States" by Richard P. Phelps in *Journal of Education Finance*, 24 (Winter 2000), 343-380; unpublished data from a 50-state survey, Achieve Inc., March 2001; "How the Internet Will Help Large-Scale Assessment Reinvent Itself" by Randy Elliot Bennett, *Education Policy Analysis Archives*, Volume 9, Number 5, Educational Testing Service, February 2001.

Types of Tests

In states with annual testing programs, what types of assessments are being used?

As previously noted, 15 states currently test students each year in grades 3-8 in reading and math. States use either criterion-referenced tests, norm-referenced tests or a combination of the two. Criterion-referenced tests are designed to measure student achievement of a specific performance criterion (for example, a state standard). Norm-referenced tests are designed primarily to compare the performance of students with that of their peers nationally, and are not necessarily aligned with a state's standards.

Of the 15 states, only two – Alabama and West Virginia – rely entirely on commercially developed, norm-referenced tests – namely, the Stanford 9. The other 13 states use a combination of norm- and criterion-referenced tests. The specific combination varies from state to state. For instance, North Carolina and South Carolina rely primarily on state-developed, criterion-referenced assessments closely aligned with their academic standards, and use norm-referenced tests (the Iowa Test of Basic Skills in North Carolina, and TerraNova in South Carolina) at only two or three grade levels each year.

At the other end of the spectrum, several states rely primarily on norm-referenced tests, supplemented with criterion-referenced tests only at certain grade levels and, in some cases, only in one subject. Idaho, for example, assesses reading and math achievement in grades 3-8 using the Iowa Test of Basic Skills and uses state-developed, criterion-referenced math tests for grades 4 and 8 only. As another example, California has augmented the Stanford 9 reading and math tests with 70 questions based on the state's standards. Still another example is Tennessee's TCAP Achievement Test, a customized version of TerraNova that incorporates criterion-referenced assessments based on the state standards.

Tennessee has led the way in developing a new assessment system with the "Sanders Model." This "value-added" system, adopted by the legislature in 1992, uses traditional achievement data (namely, standardized tests) as input and applies a statistical methodology not previously used in education assessment. William Sanders, a research fellow at the University of North Carolina and developer of the model, acknowledges that many factors outside of a school's control affect rates of student learning. Regardless of the level at which students enter the classroom, he says, appropriate student growth must occur each academic year. By assessing each student's academic performance every year (grades 3-8), one can determine the amount of student growth/progress – or the "value-added" effect of the school, teacher and system. Value-added assessment was instituted at the secondary level in the 1999-2000 school year.

Sanders, who is a leading proponent of annual testing, contends that it doesn't matter whether states use norm- or criterion-referenced tests, as long as the tests are highly correlated with a state's curriculum objectives, measure the progress of students at both the high end and the low end of the performance scale, and are reliable.

Some assessment experts believe, however, that the type of test becomes a key issue when used for high-stakes purposes (for example, student promotion or graduation, school rewards or sanctions). Tests used for accountability, they claim, should be technically sound and closely matched to state standards – what students are expected to know and do – and to what is being taught. Some experts argue that this is not only a fairer way to hold schools and students accountable, but that these tests are a more effective tool for teachers to pinpoint where students are falling behind and to provide additional help. Tests developed to match state standards and/or classroom curriculum tend to use various question formats, including multiple choice, short answer and essay, which allow students better to demonstrate their skills and knowledge. Further, such tests typically do not confine student scores to a bell curve, but allow all students to move toward high proficiency levels. Ultimately, it is important for policymakers and educators to clarify their expectations for performance and accountability and to select the appropriate tests for these goals.

Combination of Tests Used
Grades 3-8 Reading and Math Assessments

State	Norm-referenced Test	Criterion-referenced Test
Alabama	Stanford 9	None
Arizona	Stanford 9	State-developed tests at grades 3, 5 and 8
California	Stanford 9	70 questions based on standards
Florida	Items similar to Stanford 9	State-developed tests based on standards
Idaho	Iowa Test of Basic Skills	State-developed tests in math at grades 4 and 8
Louisiana	Iowa Test of Basic Skills	State-developed tests at grades 4 and 8
Maryland	CTBS-5 at grades 2, 4, and 6	State-developed tests at grades 3, 5 and 8
Mississippi	TerraNova	State-developed tests at all grade levels
New Mexico	CTBS-5/Terra Nova at grades 4, 6 and 8	State-developed tests at all grade levels
North Carolina	Iowa Test of Basic Skills	State-developed tests at all grade levels
South Carolina	TerraNova at varying grade levels each year	State-developed tests at all grade levels
Tennessee	State-developed tests, including both criterion- and norm-referenced items, at all grade levels	State-developed tests, including both criterion- and norm-referenced items, at all grade levels
Texas	Stanford 9	State-developed tests at all grade levels
Utah	Stanford 9 at grades 3, 5, and 8	State-developed tests at all grade levels
West Virginia	Stanford 9	None

Source: *Assessment and Accountability in the 50 States, 1999-2000,* Consortium for Policy Research in Education, April 2000.

Sources: Tennessee Code Ann. §§ 49-1-603, 49-1-608; "An Overview of the Tennessee Value-Added Assessment System (TVAAS)," William Sanders and Sandra Horn, 1995; Robert L. Linn, "Assessments and Accountability" ER Online, *Educational Researcher,* Vol. 29, No. 2; Achieve, Inc. "Setting the Record Straight," *Achieve Policy Brief,* Issue Number One, Summer 2000; Elliot Asp, "Assessment in Education: Where Have We Been? Where Are We Headed?" *Education in a New Era,* ASCD Yearbook 2000, Ronald S. Brandt, ed., Association for Supervision and Curriculum Development, Alexandria, Virginia 2000.

PUBLIC ATTITUDES ABOUT TESTING

How has the public reacted to increased emphasis on student testing?

Much has been made of the so-called "backlash" against high-stakes assessments – tests that are used to make decisions with important consequences for students. In several states, implementation of such tests has sparked organized opposition ranging from student boycotts to political lobbying to lawsuits.

Recent national opinion polls and surveys, however, have turned up scant evidence of a backlash. They suggest that high-stakes testing policies enjoy strong public support and increasingly are seen as a means of raising academic standards and holding students, educators and schools accountable for meeting those standards.

Following are some highlights from two surveys conducted by Public Agenda. The first survey, published in October 2000, involved students, parents, teachers and college instructors; the other, published in February 2001, surveyed a more general pool of respondents:

- Seventy-one percent of respondents said they support testing during the elementary school years as a way to identify struggling students early so they can get help, and 75% said they think that "students pay more attention and study harder if they know they must pass a test to get promoted or to graduate." (October 2000)
- Parents would stick with higher standards – and the consequences – even if their own children were held accountable. Eighty-one percent of parents surveyed approve of having a policy in their child's school that would require summer school for students who can't meet state standards. Asked how they would feel if their own child was advised to attend summer school, 85% say their approval would persist. Two out of three (68%) would approve even if it meant their own child would be held back a grade. (October 2000)
- Students voice very little resentment or anxiety over testing and promotion in their schools, and most say the tests they take seem fair. (February 2001)
- Teachers say standardized tests can motivate kids and diagnose problems, and most say that "real learning" is not suffering in their own classrooms. But large majorities also say districts are putting too much emphasis on tests and that schools themselves are not chiefly to blame when students do poorly. (February 2001)

Source: *Is There a Backlash Against Standards?* Public Agenda, October 2000; *Reality Check 2001*, Public Agenda, February 2001.

Adjustments in State Assessment Programs

What adjustments are states making in their high-stakes testing programs?

A number of states that have adopted high-stakes testing programs – primarily exit exams that students must pass to receive a diploma – have encountered logistical problems, public opposition and mounting concern over the possibility of high failure rates. In response, some states have made adjustments, including:

- Phasing in or delaying implementation (e.g., Michigan, Minnesota*, North Carolina, Oklahoma and Washington)
- Revising content (e.g., California, Massachusetts, Virginia and Wisconsin)
- Changing mode or type of assessment (e.g., Georgia and Tennessee changed from an exit exam to end-of-course tests for diploma; Virginia added options of Advanced Placement and International Baccalaureate as exit exams)
- Aligning exit exams to state standards (e.g., Alabama, Alaska, Florida, Georgia, Hawaii, Louisiana, Nevada, New Jersey, New Mexico, North Carolina, Ohio, South Carolina, Utah and Washington)
- Increasing the number of opportunities that students have to retake the exam if they fail on the first try (e.g., Massachusetts).

* Minnesota's state standards, "Profiles of Learning," are based on demonstration of proficiencies, a different type of standard from other states.

Sources: ECS data files as of February 2001; *Making Standards Matter 1999*, American Federation of Teachers, 2000.

Disaggregated Testing Data

Which states are disaggregating testing data based on race/ethnicity, gender, English-language proficiency, disability and socioeconomic status?

In the past, many schools received disaggregated data following their participation in state assessments or as part of the accreditation process, but the data frequently went no further than the district or the school. Today, an increasing number of states are disaggregating – and publicly reporting – district and/or school student achievement data to provide a clear picture of how well schools are doing with *all* students. Bush's plan would make it mandatory for states to report student assessment results publicly, disaggregated by race/ethnicity, gender, English-language proficiency, disability and socioeconomic status.

The following table shows which states currently do *all* of the following:

- Disaggregate achievement data (not just characteristics of students enrolled)
- Make the data available via the Internet
- Provide data for districts and/or schools (not just state level)
- Report on all schools, not just Title I (high poverty) schools.

Disaggregated Student Achievement Data

State	Ethnicity/ Race	Gender	Poverty	English Language Learners	Disability	Other
California	X		X			
Florida	X		X			In schools that have not attained A- or B-grade status, by the amount of progress made by low-performing students
Georgia						Reports on level of diploma received by ethnicity
Iowa	X	X		X	X	Gifted
Maryland	X	X			X	
Mississippi					X	
New York				X	X	
New Hampshire		X		X	X	
North Carolina	X	X		X	X	Gifted
North Dakota					X	
Oklahoma	X	X				
Texas	X		X			
Rhode Island	X	X		X	X	
South Carolina	X	X	X		X	Repeater/ Nonrepeater status
Wisconsin	X	X	X	X	X	

According to Dan Saltrick and Jeff Schiller in "Benchmarking: South Carolina's Approach to Student Achievement" *(American School Board Journal):*

> As data are generated that focus on the extent to which the objectives are being realized, the patterns of student achievement – particularly if the data are disaggregated by such factors as race, socioeconomic status, and gender – often paint pictures which drive change with an urgency not present before.

One example of fully utilizing disaggregated data is in Texas. The Just for the Kids' organization took all of the testing data from the Texas Education Agency and has worked to develop a data picture for all the state's public schools. This information is used to provide educators with the tools they need to investigate high performance and benchmark best practice.

Sources: *State Education Accountability Reports and Indicator Reports: Status of Reports Across the States–2000*, Results of a 50-state survey by the Council of Chief State School Officers State Education Assessment Center, 2000; "Benchmarking: South Carolina's Approach to Student Achievement," *American School Board Journal*; Just for the Kids Web site, http://www.just4kids.org, 2001; "Monitoring What Matters" by Kathy Christie in "Stateline," *Phi Delta Kappan*, September 2000; state departments of education Web sites, March 2001.

Motivating and Assisting Low-Performing Schools

The President's plan would require states to develop a system of sanctions and rewards to hold districts accountable for meeting performance objectives. In an attempt to improve student, school and district performance, several states have imposed sanctions for failure and rewards for success. Further, states are offering more support structures to schools and districts that continue to perform poorly. This section examines both of these policy trends.

Sanctions

What sanctions do states use as part of their accountability systems?

As federal policymakers debate the types of sanctions that the federal government may require the states to adopt, it is helpful to look across the states and examine the types of sanctions they are using as a consequence for chronically low-academic performance.

Heading into the 2001 state legislative sessions:

- Twenty-five states sanction school districts and schools.
- Five states sanction school districts only.
- Eight states sanction schools only.

These sanctions range from less severe measures, such as written warnings, to more severe measures, such as takeovers.

On the whole, states are implementing the following sanctions for ***school districts:***

- Providing a written warning to a low-performing school district (five states)
- Requiring a low-performing school district to create and implement an improvement plan (18 states)
- Requiring another entity, such as the state, to create an improvement plan for a low-performing district (13 states)
- Placing a low-performing school district on probation (nine states)
- Removing a low-performing school district's accreditation (12 states)
- Withholding funding from a low-performing school district (five states)
- Reorganizing a low-performing school district (10 states)
- Taking over a low-performing school district or allowing another entity, such as a mayor, to take over a low-performing school district (24 states).

States are implementing the following sanctions for ***schools:***

- Providing a written warning to a low-performing school (five states)
- Requiring a low-performing school to create and implement an improvement plan (27 states)
- Requiring another entity, such as the state or a school district, to create an improvement plan for a low-performing school (18 states)
- Placing a low-performing school on probation (11 states)
- Removing a low-performing school's accreditation (13 states)
- Withholding funding from a low-performing school (four states)
- Reconstituting a low-performing school (19 states)
- Closing a low-performing school (10 states)
- Taking over a low-performing school (15 states).

Some states have at their disposal a fuller range of options for implementing sanctions, which usually increase in severity as a school district's or school's performance worsens or fails to improve over time.

For ***school districts:***

- Two states have the most comprehensive systems of sanctions (seven to eight sanctions).
- Eleven states have moderately comprehensive systems of sanctions (four to six sanctions).
- Sixteen states have the least comprehensive systems of sanctions (one to three sanctions).

For ***schools:***

- Two states have the most comprehensive systems of sanctions (seven to nine sanctions).
- Fifteen states have moderately comprehensive systems of sanctions (four to six sanctions).
- Fifteen states have the least comprehensive systems of sanctions (one to three sanctions).

Source: "Rewards and Sanctions for School Districts and Schools," *ECS StateNotes*, August 2000.

Issues Around Sanctions

What issues are emerging as states impose sanctions?

As states impose sanctions, a number of issues are emerging, including:

- Establishing reasonable levels of performance that will trigger various sanctions
- Balancing the need to acknowledge improvements in performance with the need for students from all groups to achieve absolute levels of performance
- Balancing the need to give school districts and schools a realistic amount of time to improve performance before sanctions occur with the need to immediately improve opportunities and results for students in low-performing school districts and schools
- Clearly communicating the nature of the sanctions to school districts and schools throughout the state
- Ensuring that the system of sanctions is viewed as fair by teachers, administrators and school board members across the state.

Source: "Rewards and Sanctions for School Districts and Schools," *ECS StateNotes*, August 2000.

Rewards

What rewards do states use as part of their accountability systems?

At the beginning of the 2001 state legislative sessions:

- Five states reward school districts and schools.
- Four states reward school districts only.
- Sixteen states reward schools only.

Rewards can be based on absolute performance, improved performance or both. For ***school districts:***

- One state bases rewards on absolute performance.
- One state bases rewards on improved performance.
- Seven states base rewards on both absolute and improved performance.

For ***schools:***

- One state bases rewards on absolute performance.
- Four states base rewards on improved performance.
- Fifteen states base rewards on both absolute and improved performance.

Rewards can either be monetary or nonmonetary. For ***school districts:***

- Four states use only nonmonetary rewards, such as certificates of recognition from the chief state school officer.

- Four states use only monetary rewards.
- One state uses both monetary and nonmonetary rewards.

For ***schools:***

- Six states use monetary rewards.
- Four states use nonmonetary rewards, such as a banner that acknowledges outstanding performance.
- Ten states use both monetary and nonmonetary rewards.

Of the 16 states that use monetary rewards for schools, 15 send the rewards to schools and one sends the money to teachers within a school. Of these 16 states, 11 allow schools to use rewards for bonuses and five forbid this practice.

Source: "Rewards and Sanctions for School Districts and Schools," *ECS StateNotes*, August 2000.

Issues Around Rewards

What issues are emerging as states reward school districts and schools based on performance?

As states reward school districts and schools based on performance, a number of issues are emerging, including:

- Establishing challenging yet attainable levels of performance that will earn rewards
- Balancing the need to acknowledge improvements in performance with the need for students from all groups to achieve absolute levels of performance
- Implementing a set of rewards that motivate improvement in low-performing school districts and schools, as opposed to simply rewarding school districts and schools that are already high-performing
- Clearly communicating the nature of the rewards to school districts and schools throughout the state
- Ensuring that the system of rewards is viewed as fair by teachers, administrators and school board members across the state
- Budgeting enough money in the state budget to cover all of the rewards, at their promised amounts, earned by school districts and schools.

Source: "Rewards and Sanctions for School Districts and Schools," *ECS StateNotes*, August 2000.

Lessons Learned

What lessons are learned using rewards and sanctions to improve performance?

What little research has been done on the impact of rewards and sanctions suggests that they can serve as catalysts for improved performance, but are most likely to be effective when coupled with targeted capacity building.

A 1997 study of four states whose accountability systems include rewards and sanctions found that:

- Intrinsic desires to improve student learning have stronger effects than extrinsic rewards.
- Nonmonetary rewards (such as designation as a "blue-ribbon school" and other forms of public recognition) are valued more than monetary rewards.
- Avoidance of negative publicity and sanctions is a stronger motivator of change than promised rewards.
- Rewards and sanctions can have unintended, and potentially negative consequences, particularly when accountability systems rest on limited performance indicators. These include: a narrowing of the curriculum to emphasize subject areas to be assessed, at the expense of other important learning outcomes; the alteration of testing purposes from classroom uses to public uses; and the creation of morale problems and dissension among school staff.

According to the study, the effectiveness of rewards and sanctions is tied closely to schools' desire and capacity to change. When schools perform below expectations and lack the desire to change, the promise of monetary rewards does little to motivate improvement. Similarly, when educators have the desire to make improvements but lack necessary skills and resources, neither rewards nor mandates appear to have an incentive effect. The study concluded that a rewards-and-sanctions approach alone – without targeted capacity building to ensure adequate professional development, leadership and resources – may do little to advance reforms and foster achievement gains in low-performing schools.

Source: "Improving Schools Through Performance-Based Accountability and Financial Rewards" by Richard A. King and Judith K. Mathers, *Journal of Education Finance*, Fall 1997.

SUPPORT STRUCTURE

What kinds of support systems have states developed to assist low-performing schools?

Along with linking rewards and sanctions to performance, states are beginning to provide various types of support to assist low-performing school districts and schools. In these states, the provision of such assistance – through the state department of education or other designated entity – is required by law. (It should be noted that there are several other states in which such assistance is provided even though it isn't required by law.) Heading into the 2001 state legislative sessions:

- Twelve states are required to provide support to ***school districts and schools.***
- Three states are required to provide support to ***school districts only.***
- Thirteen states are required to provide support to ***schools only.***

State support typically comes in the form of technical assistance and/or additional funding. For ***school districts:***

- Five states are required to provide both technical assistance and additional funding.
- Ten states are required to provide technical assistance only.

For ***schools:***

- Six states are required to provide both technical assistance and additional funding.
- Eighteen states are required to provide technical assistance only.
- One state is required to provide additional funding only.

Following are examples of states that provide support structures to assist low-performing schools and districts:

- **Alabama** provides individualized assistance in the form of school support teams that help schools and districts meet their financial and academic goals, identify and prioritize their needs, and implement and achieve their comprehensive plans. Support-team members are recently retired educators hired by the State Department of Education on a part-time contract basis. Assistance also is provided through Special Services Teachers, outstanding teachers on loan from local districts for one year.
- In **Rhode Island,** the School Accountability for Learning and Teaching initiative includes peer-to-peer school visits, formal guidance about school improvement (documents and workshops), district and school annual improvement plans, and other targeted state assistance.
- In **Kentucky**, low-performing schools are assigned "distinguished educators" from other districts to assist in reform efforts. Schools that continue to fall far short of expectations are assigned state managers who evaluate all school personnel and make recommendations and changes to improve school performance. Of the 53 schools originally assigned distinguished educators in 1994, 36 have improved enough to leave the program.

Source: *State Education Accountability Systems*, Council of Chief State School Officers, 1999-2000; "Rewards and Sanctions for School Districts and Schools," *ECS StateNotes*, 2000.

Issues Around Supports

What issues have emerged as states implement support systems for low-performing schools and districts?

Over the years, states have offered programs aimed at bolstering the performance of struggling districts and schools, but the emphasis on greater accountability has prompted a need for such support on a much broader scale. As states attempt to expand and strengthen support systems for low-performing schools and districts, several questions and concerns are beginning to surface. A comprehensive program in North Carolina to assist low-performing schools provides a glimpse of these emerging issues.

Through North Carolina's State Assistance Program, teams of five to eight members provide services and support to "designated" schools on a daily basis for the length of the school year. The Department of Public Instruction has identified the following challenges since the program has been in place:

- Sustaining the progress made by a school with an assistance team once the team departs
- High turnover rates
- Assignment of principals to highly challenged schools
- Support systems for the lowest-performing schools
- Shortage of qualified teachers.

Among the questions that could arise as states provide support to low-performing districts and schools:

- Can states afford – and sustain – the support that they promise or is needed?
- Do states have the capacity to provide the necessary services, including identification of underlying problems and effective assistance for turning around performance?
- How can states identify and replicate effective support programs across schools and districts, and eliminate ineffective programs?

Source: North Carolina Department of Public Instruction, School Improvement Division, Web site, 2001, http://www.ncpublicschools.org/abcs/assistance.html

Federal Accountability Policies

Will tougher federal accountability policies help improve school performance?

Background

Bush's proposal would strengthen the federal government's role in holding schools and districts accountable for improved results. Since the federal government has only a limited track record in this area, it is unclear whether such a policy approach will be effective. Perhaps one way to gauge the potential impact of a stronger federal focus on accountability is to review state compliance with the 1994 Title I requirements, which shifted the emphasis from "inputs" to student results.

Title I provides federal assistance to eligible schools and districts to help students meet challenging standards, with particular emphasis on students who are at risk of not meeting such standards. As part of the 1994 reauthorization of the Elementary and Secondary Education Act (ESEA), Congress strengthened the Title I requirements through several measures aimed at improving student performance. These changes were triggered by studies indicating that services received by Title I students were not sufficient to close the achievement gap between high- and low-poverty schools, and that expectations for students were lower in high-poverty schools.

According to recent reports by the U.S. Department of Education, compliance with Title I varies across states and requirements. The reasons for the uneven response range from states not being able easily to wed their own policies to federal requirements, to a lack of funding and coordination at the state level, to miscommunication between state and federal officials. Moreover, progress reports on Title I compliance are hindered by state data that are sometimes out of date, inaccurate and not comparable across states. If tougher federal accountability policies are to have a greater impact, then some of these barriers must be addressed.

State compliance with current requirements for Title I schools

States are complying with current ESEA requirements for Title I schools to varying degrees. Following are excerpts from two U.S. Department of Education reports, published in January 2001, on the progress states are making in meeting the requirements.

Development of state content and performance standards

- ***Requirement:*** By the 1997-98 school year, each state will adopt challenging content standards in reading and math that specify what all children are expected to know and be able to do, and challenging performance standards for students' mastery of the content standards.
- ***Progress:*** As of January 2001, 49 states (plus the District of Columbia and Puerto Rico) had met the requirement for developing content standards in the core subjects of reading and math. The remaining state, Iowa, has submitted evidence of its content standards, which is currently being reviewed. In contrast, only 28 states had approved performance standards in place by January 2001. The remaining states' performance standards are being reviewed by the U.S. Department of Education.

Development of state assessment systems

- ***Requirement:*** By the 2000-01 school year, states are required to adopt or develop student assessments that measure student performance in relation to the state's content and performance standards and to use the assessments as the primary means of evaluating the performance of Title I schools and districts.
- ***Progress:*** As of mid-January 2001, the U.S. Department of Education had reviewed assessment systems for all of the states and had made decisions for 32 states; the remaining decisions are expected to be completed in spring 2001. Of these 32 states, eight received full approval, nine states received conditional approval, 12 states received a timeline waiver, and three states entered into a compliance agreement (see Table 3 in the Appendix).

Holding schools accountable for performance and supporting improvement efforts

- ***Requirement:*** States were called upon to establish a framework for rewarding successful schools and districts, identifying schools and districts in need of improvement, and taking corrective actions in those schools and districts that continuously fail to make adequate progress. The performance of districts and schools under Title I is to be publicly reported and widely shared.
- ***Progress:*** Full implementation of the Title I accountability provisions was required by the 2000-01 school year, when final assessments were to be in place. In the interim, schools were to be identified for improvement based on transitional measures of progress adopted by the state and approved by the U.S. Department of Education. As of December 2000, 11 states had submitted their accountability systems for peer review under the Education Flexibility Bill. The U.S. Department of Education expects to begin reviewing accountability systems for the remaining states in spring 2001.

Creating single accountability systems

- ***Requirement:*** Students in schools receiving Title I funds should be held to the same academic standards as other children.
- ***Progress:*** Although the intent of Title I was to create single accountability systems that would treat all schools in a state equally and hold all students and schools to the same standards for performance, many states have dual accountability systems. About half (28) of the states operate dual systems of accountability in which either: (1) Title I and non-Title I schools are held accountable using different sets of indicators and/or performance standards, or (2) only Title I schools are held accountable by the state or district outside of the performance reporting structure. In some cases, a dual accountability system exists because the Title I accountability requirements are more rigorous than those the state applies to other schools (see Table 4 in the Appendix).

Identification of low-performing schools

- ***Requirement:*** States are required to report annually on the number of schools identified for improvement under Title I.
- ***Progress:*** States vary tremendously in the percentage of Title I schools identified as needing improvement. These differences highlight the variation in state content and performance standards, tests and definitions of adequate yearly progress for each school, as well as the ongoing development of state systems. The total number of Title I schools across the country identified as "needing improvement" was 7,616 in 1996-97. The number had risen to over 8,800 in 1998-99 (see Table 5 in the Appendix).

Providing assistance to low-performing schools

- ***Requirement:*** States and districts are to provide assistance to schools that fail to make adequate progress in moving students toward standards for two consecutive years.
- ***Progress:*** States and districts often lack the capacity to provide additional support for all of their low-performing schools. Among schools that indicated that they had been identified as in need of improvement in 1999-2000, less than half (40%) reported that they had received additional professional development or other assistance as a result of being identified – a decline from 47% in 1998-99. This decline is perhaps unsurprising, given the large increases in many states in the numbers of schools identified, and the fact that there is likely to be some time lag between identification for improvement and the actual provision of support to help schools improve. The longer a school has been in "school improvement" status, the more likely it is to have received additional assistance; 50% of schools that had been identified for three years or more reported receiving assistance, compared with 30% of schools that had been identified for only one year.

Sources: *High Standards for All Students: A Report from the National Assessment of Title I on Progress and Challenges Since the 1994 Reauthorization*, January 2001; and *School Improvement Report, First Annual Report*, January 2001, U.S. Department of Education.

PROVIDING SCHOOL CHOICE OPTIONS

One of the proposals in Bush's plan expands an existing federal program that allows parents to establish education savings accounts for higher education expenses and grants them tax deductions for up to $500 in contributions to these accounts. The Bush proposal increases the types of expenses covered by these accounts to include K-12 education-related expenses, including expenses related to attending a private or parochial school, and raises the amount of the tax deduction to $5,000.

TAX CREDITS AND DEDUCTIONS

What is the difference between tax credits and tax deductions?

- A tax *credit* provides direct reductions to an individual's tax liability. For example, Jack owes $1,000 in income taxes. He is eligible, however, for a given state's $500 tax credit. He subtracts the $500 tax credit from the $1,000 tax liability, and now owes $500 in income taxes.
- A tax *deduction* is a reduction in taxable income made prior to the calculation of tax liability. For instance, Jill has a taxable income of $100,000. She, however, is eligible for a given state's $1,500 tax deduction. She subtracts the $1,500 from her income of $100,000, and now has $98,500 in taxable income.

At the present time, Arizona, Illinois, Iowa, Minnesota and Puerto Rico have established tax credit and/or deduction programs. Here is a brief look at each of these programs.

STATE PROVISIONS

What are the specific provisions of existing tax credit and tax deduction programs in the states?

Arizona (enacted in 1997): Arizona law provides for two nonrefundable individual income tax credits, which allow taxpayers to:

- Claim a tax credit of up to $500 for a cash contribution to a nonprofit organization that distributes scholarships or tuition grants to private and parochial schools that do not discriminate on the basis of several characteristics. This contribution cannot directly benefit the taxpayer's own child, and tuition organizations cannot designate the money to benefit students of only one private or parochial school.
- Claim a tax credit of up to $200 as reimbursement for fees paid to a public school for extracurricular activities (for example, school-sponsored activities that require enrolled students to pay a fee to participate, including fees for band uniforms or equipment, uniforms for varsity athletic activities and scientific laboratory materials).

If the amount of the tax credit exceeds the amount of tax liability, the taxpayer may carry the unused amount of the tax credit forward for up to five consecutive taxable years. For example, John makes a contribution of $500 to an eligible nonprofit organization and is thus eligible for a $500 tax credit. Because he owes only $300 in taxes in 2000, he may carry the remaining $200 forward until 2005 to offset his future tax liability.

Illinois (enacted in 1999): Lawmakers enacted legislation granting tax credits to parents of children in public, private or parochial schools. Under the law, parents may reduce their state income tax bill by 25% of whatever they spend for their children's tuition, books and lab fees. To be eligible for the tax credit, parents must spend at least $250, and the tax credit may not exceed $500 per family. Illinois' tax credit program is being challenged in court.

Iowa (enacted in 1987; last amended in 1998): In 1987, Iowa policymakers enacted a law that allowed parents to claim a tax deduction of up to $1,000 per dependent for "acceptable" education expenses, defined as tuition and textbooks and excluding the costs of religious materials and extracurricular activities. Taxpayers who did not itemize their deductions were able to take the benefit in the form of a tax credit equal to 5% of the first $1,000 paid for each dependent's acceptable education expenses. Neither the deduction nor the credit applied to taxpayers whose net income was more than $45,000.

Since that time, Iowa has eliminated the tax deduction and revised the tax credit provision, most recently in 1998. As a result of these revisions, parents are allowed to claim a tax credit of up to 25% of the first $1,000 for each dependent's acceptable education expenses, which now include public school extracurricular activities. In addition, the state removed the $45,000 income ceiling.

Minnesota (enacted in 1955; significant amendments enacted in 1976 and 1984; last amended in 1999): In 1955, Minnesota policymakers enacted a law that allowed parents to claim a tax deduction of up to $200 for tuition and other school expenses. Over the years, Minnesota lawmakers have enacted a variety of changes to this law. For example, in 1976, the maximum deduction was raised to $500 per child for elementary school expenses and $700 per child for secondary school expenses. In 1984, the maximum deduction again was raised, this time to $650 for elementary school expenses and $1,000 for secondary school expenses.

The most recent changes were enacted in 1997, during a special session held at the governor's insistence, and in 1999. Based on these changes, Minnesota law permits:

- A tax deduction of up to $1,625 for elementary school expenses and up to $2,500 for secondary school expenses. The types of expenses that the deduction covers include tuition, textbooks, transportation, academic summer camps, summer school and up to $200 of the cost of a personal computer and education software. The deduction is available to taxpayers who do not itemize deductions on their federal income tax form.
- A refundable tax credit worth up to $1,000 per student or $2,000 per family for families with incomes under $33,500. The maximum credit per child is reduced by $1 for each $4 of household income over $33,500, and the maximum credit per family is reduced by $2 for each $4 of household income over $33,500, but in no case is the credit less than zero. No credit is allowed for education-related expenses for claimants with income greater than $37,500. Eligible education expenses include textbooks, transportation, computer hardware and education software costs up to $200, summer camps and summer school. It does not cover the cost of tuition. If a family owes no taxes or owes less than the amount of the credit, they receive the difference as a refund. Expenses that exceed the credit amount may be used for the deduction.

Puerto Rico (enacted in 1993; last amended in 1995): In 1993, Puerto Rico policymakers enacted a pilot voucher program. The $10 million project enabled parents with annual incomes of less than $18,000 to receive vouchers for up to $1,500 toward tuition at the public, private or parochial school of their choice.

The pilot program was challenged in court, and in 1994 the Puerto Rico Supreme Court ruled it unconstitutional. Because the decision was based solely on Puerto Rico's constitution, the case was not appealed to the U.S. Supreme Court. The program continues to operate, but students can move only to other public schools, meaning the voucher program essentially has become the equivalent of a public school open-enrollment program.

In 1995, Puerto Rico policymakers established the Educational Foundation for the Free Selection of Schools Inc., a nonprofit corporation that provides financial aid for elementary and high school students in public, private or parochial schools. The program includes the following provisions:

- The annual income of a student's family cannot exceed $18,000.
- The amount of education financial aid cannot exceed $1,500 per student.
- The funds necessary to provide the aid must come from donations by individuals or private institutions.
- Individual and institutional donors are eligible for a tax credit for their donations to the Educational Foundation. The amount of the credit cannot exceed $250 for individual taxpayers or $500 for corporations and partnerships. The amount of donations in excess of the credit can be used as a tax deduction.
- Participating schools must be licensed by the General Council of Education and have an admission policy free of discrimination.

LEGAL CHALLENGES

What is the status of legal challenges to tax credit and tax deduction programs?

The legal status of each state's tax credit and tax deduction programs is as follows:

- Arizona's tax credit law was challenged in court. In January 1999, the Arizona Supreme Court ruled that the law does not violate state and federal constitutional prohibitions against government aid to religion. This decision was appealed to the U.S. Supreme Court. In October 1999, the U.S. Supreme Court declined to review the case, thus allowing the Arizona Supreme Court's ruling that the program is constitutional to stand.

- Illinois' tax credit program is being challenged in court.
- Iowa's initial program was challenged in court. In 1992, a U.S. District Court judge ruled the tax deductions and credits for parents who send their children to private and parochial schools do not violate the federal constitution's ban on government establishment of religion. The program, the court said, "does not create any kind of direct aid to parochial schools, nor does it create any kind of relationship between the state government and the parochial schools. The sole relationship is between the state and its taxpayers."
- Minnesota's original tax deduction program was challenged in court. In 1983, the U.S. Supreme Court ruled the program was constitutional. According to the court, the programs had the secular purposes of ensuring that Minnesota's citizenry is well-educated and that private and parochial schools' financial health remains sound; did not primarily advance sectarian aims of parochial schools; and did not excessively entangle the state in religion.
- Puerto Rico's revised program, Educational Foundation for the Free Selection of Schools Inc., has not been challenged in court.

EXPANDING CHOICE

How can tax credit and tax deduction policies be used to expand school choice for all families?

A critical question about Bush's tax deduction proposal concerns its intent: Is it meant to subsidize the education costs of low-, middle- and upper-income Americans or to expand school choice for low-income Americans?

In debating this question, federal policymakers need to consider the following questions:

- Who will be eligible for the tax deduction? Will every parent, regardless of income level and school setting (for example, public, private, parochial, home), receive the same benefit?
- How much will the program cost? How will the program costs be covered?
- Who will administer the program? Who will evaluate the program? Where will the funds for the administration and evaluation of the program come from?

More specifically, if the intent of the tax deduction proposal is to expand school choice for low-income Americans, federal policymakers may want to consider the following provisions from Minnesota's program:

- Minnesota made its tax credit refundable, meaning that if a family owes no taxes or owes less than the amount of the credit, it receives the difference as a refund.
- In Minnesota, a limited number of low-income families may apply for interest-free loans to pay for school expenses, using Minnesota's tax credits as collateral. Those families are expected to make small monthly payments and repay the loan in full when they receive their tax credits from the state the following year.

Source: "Vouchers, Tax Credits and Tax Deductions," *ECS StateNotes*, October 2000; "Déjà Vu All Over Again" by Kathy Christie, in "Stateline," *Phi Delta Kappan*, January 2001.

APPENDIX

TABLE 1

Federal Grant Spending on Education, by State and Territory

State	Title I Grants to Local Education Agencies	Special Education Grants to States	Impact Aid Basic Support Payments	Vocational Rehabilitation State Grants	Adult Education State Grants
Alabama	$135,562,832	$100,357,038	$2,964,280	$49,944,565	$9,461,502
Alaska	20,842,527	18,460,830	93,479,489	7,919,307	753,679
Arizona	130,293,947	92,343,757	127,516,942	40,922,762	5,950,133
Arkansas	85,371,724	59,190,210	540,867	30,096,102	5,660,506
California	1,080,025,862	650,017,799	57,733,471	233,156,748	52,665,929
Colorado	72,040,725	78,209,425	8,084,235	28,787,133	3,948,986
Connecticut	76,462,698	76,114,202	7,477,965	17,339,351	5,208,229
Delaware	22,358,567	16,919,300	37,462	7,919,307	1,307,077
District of Columbia	28,988,608	8,507,074	956,541	10,895,792	1,489,139
Florida	408,041,751	346,523,410	9,459,187	116,894,385	25,258,268
Georgia	236,513,417	162,338,988	16,094,304	68,699,947	13,335,195
Hawaii	22,035,521	21,338,561	35,652,850	8,883,719	1,753,520
Idaho	25,410,042	28,717,888	5,632,104	12,600,870	1,611,540
Illinois	333,219,839	280,870,750	14,660,586	86,724,611	19,313,948
Indiana	120,982,668	145,373,315	155,355	56,837,012	9,610,644
Iowa	55,092,752	70,383,938	151,289	27,466,718	3,990,564
Kansas	59,645,659	59,786,483	15,471,386	23,459,628	3,452,210
Kentucky	132,524,123	88,544,930	388,630	44,987,544	9,194,809
Louisiana	194,320,170	99,271,780	5,884,801	50,235,643	9,156,449
Maine	33,969,551	31,546,701	2,271,008	13,501,278	2,069,917
Maryland	109,060,192	111,498,169	6,382,684	35,149,563	7,675,347
Massachusetts	161,687,701	163,656,198	1,152,713	41,807,556	8,933,714
Michigan	349,433,447	216,776,390	2,842,622	83,718,698	15,159,503

State	Title I Grants to Local Education Agencies	Special Education Grants to States	Impact Aid Basic Support Payments	Vocational Rehabilitation State Grants	Adult Education State Grants
Minnesota	89,539,256	110,017,249	8,059,327	38,600,975	5,459,810
Mississippi	125,016,592	64,250,010	3,308,689	36,241,652	6,258,511
Missouri	145,616,479	130,500,619	14,757,250	52,356,986	9,546,349
Montana	28,359,264	19,591,702	35,838,709	9,684,263	1,289,909
Nebraska	33,471,182	43,048,888	17,807,298	15,328,911	2,179,764
Nevada	25,677,492	34,727,666	3,843,574	11,477,465	2,175,779
New Hampshire	20,711,071	27,412,975	8,227	9,101,885	1,669,046
New Jersey	187,742,025	208,388,355	15,962,830	46,907,450	13,284,133
New Mexico	73,518,675	51,789,461	72,097,075	19,230,951	2,808,908
New York	807,780,445	430,190,910	16,481,560	122,111,694	32,730,638
North Carolina	169,035,370	169,569,255	11,357,519	73,446,369	14,190,851
North Dakota	20,964,834	13,738,268	22,952,133	7,919,307	1,204,609
Ohio	304,641,914	239,885,523	3,022,858	104,609,639	18,467,796
Oklahoma	106,121,839	82,622,503	28,737,389	36,559,167	5,760,948
Oregon	71,825,487	72,277,847	2,539,366	28,481,529	4,124,840
Pennsylvania	349,828,471	235,818,540	1,389,304	106,136,260	21,509,189
Rhode Island	26,070,685	25,211,373	2,671,442	8,749,599	2,253,258
South Carolina	111,344,534	98,231,807	3,259,816	42,455,964	7,765,616
South Dakota	21,438,466	16,365,852	34,233,471	7,986,082	1,298,537
Tennessee	138,864,771	127,853,380	2,020,843	55,159,140	11,511,054
Texas	730,165,079	505,688,457	62,863,959	171,089,128	32,712,918
Utah	35,323,185	57,496,230	6,919,819	21,498,975	1,832,021
Vermont	18,570,601	13,246,313	5,571	7,919,307	1,001,079
Virginia	129,820,070	153,833,749	35,635,901	54,356,553	11,065,506
Washington	112,400,459	118,603,146	41,877,368	41,385,016	5,991,395
West Virginia	75,447,070	43,783,893	11,691	23,035,899	4,507,500
Wisconsin	129,019,130	117,499,079	9,774,019	48,640,145	7,347,252
Wyoming	18,775,535	13,896,695	7,920,248	7,919,307	761,550
American Samoa	5,572,191	5,112,690	0	888,668	208,468
Guam	5,022,895	12,352,181	0	2,363,359	313,376
Northern Marianas	2,963,598	3,152,868	0	866,163	375,103
Puerto Rico	262,415,735	56,447,698	1,297,422	63,439,564	11,274,053
Virgin Islands	9,486,789	9,364,776	354,551	1,896,389	218,832

Source: U.S. Department of Education, Budget Service, December 2000.

TABLE 2

State Spending On Tests/2001

State	State Spending On Tests FY 2001	Grades Tested In One or More Subjects	Pre-Kindergarten–12 Enrollment
Alabama	$4 million	3-11	730,000
Alaska	$3.5 million	3, 6, 8 (+ high school exit exam)	137,000
Arizona	$4.8 million	3, 5, 8, 10 (+ high school exit exam)	872,000
Arkansas	$3.2 million	4, 6, 8	427,000
California	$44 million	2-11	6.1 million
Colorado	$10.7 million	3-10	708,000
Connecticut	$2 million	4, 6, 8,10	554,000
Delaware	$3.8 million	3-6, 8, 10, 11	114,000
Florida	$22.4 million	3-10	2.4 million
Georgia	$14 million	4, 6, 8, 11	1.4 million
Hawaii	$1.4 million	3, 5, 8, 10	185,000
Idaho	$700,000	K-3	245,000
Illinois	$16.5 million	3, 4, 5, 7, 8, 11 (+ high school exit exam)	2 million
Indiana	$19 million	3, 6, 8, 10 (+ high school exit exam)	994,000
Iowa	0	No statewide assessment	499,000
Kansas	$1.1 million	4-8, 10, 11	469,000
Kentucky	$8.1 million	3-12	637,000
Louisiana	$9 million	3-11	710,000
Maine	$3.3 million	4, 8, 11	219,000
Maryland	$17.1 million	2-6, 8 (+ high school exit exam)	847,000
Massachusetts	$20 million	4, 8, 10 and pilot testing 3, 5, 6, 7 (+ high school exit exam)	976,000
Michigan	$16 million	4, 5, 7, 8, 11	1.7 million
Minnesota	$5.2 million	3, 5, 8, 10	857,000
Mississippi	$7.6 million	3-8	499,000
Missouri	$13.4 million	4, 8, 10	893,000
Montana	$282,000	4, 8, 11	157,000
Nebraska	$1.65 million	4, 8, 11	288,000
Nevada	$3.3 million	4, 8, 10 (+ high school exit exam)	327,000
New Hampshire	$2.5 million	3, 6, 10	209,000

State	State Spending On Tests FY 2001	Grades Tested InOne or More Subjects	Pre-Kindergarten–12 Enrollment
New Jersey	$17 million	4, 8 (+ high school exit exam)	1.3 million
New Mexico	$650,000	3-9 (+ high school exit exam)	324,000
New York	$13 million	4, 8, 5 (+ Regents exams in high school)	2.9 million
North Carolina	$11.3 million	3-12 (exit exam under development)	1.3 million
North Dakota	$207,750 (FY 2000)	4, 8 and either 10, 11 or 12	112, 000
Ohio	$12.3 million	4, 6, 9, 12	1.8 million
Oklahoma	$2.5 million	3, 5, 8	633,000
Oregon	$7 million	3, 5, 8, 10	545,000
Pennsylvania	$15 million	5, 6, 8, 9, 11	1.8 million
Rhode Island	$2.3 million	3-11	156,000
South Carolina	$7.8 million	3-8, 10 (+ high school exit exam)	647,000
South Dakota	$720,000	2, 4, 8,11	131,000
Tennessee	$15.6 million	3-9 (+ high school exit exam)	909,000
Texas	$26.6 million	3-8, 10 (+ high school exit exam)	4 million
Utah	$1.4 million	1-12	478,000
Vermont	$460,000 (FY 2000)	4, 8, 10	106,000
Virginia	$17.9 million	3, 5, 8, or end-of-course	1.1 million
Washington	$7.7 million	3, 4, 6, 7, 9, 10	1 million
West Virginia	$400,000	K-11	291,000
Wisconsin	$2 million	3, 4, 8, 10 (+ high school exit exam)	879,000
Wyoming	$1.7 million	4, 8, 11	92,000

Chart is based on data provided by stateline.org, which conducted a 50-state telephone survey from February 5-14, 2001. The figures are those reported by the state departments of education for fiscal year 2001 unless otherwise indicated in the table. The amount listed represents only the cost of developing, administering and correcting the state tests. Information on which grades each state tests and on pre-K-12 enrollment was provided by ECS and by *Education Week,* respectively.

TABLE 3

Status of State and Territory Final Assessment Systems

Status	Number of States	States
Full Approval	9 states	Delaware, Indiana, Kansas, Louisiana, Maryland, Pennsylvania, Vermont, Virginia, Wyoming
Conditional Approval	8 states	Kentucky, Massachusetts, Missouri, North Carolina, Oregon, Rhode Island, Texas, Washington
Timeline Waiver	12 states	Colorado, Connecticut, Georgia, Hawaii, Maine, Mississippi, Nebraska, Nevada, New Hampshire, North Dakota, South Carolina, South Dakota
Compliance Agreement	3 states	California, West Virginia, Wisconsin
Under Review	20 states	Alabama, Alaska, Arizona, Arkansas, District of Columbia, Florida, Idaho, Illinois, Iowa, Michigan, Minnesota, Montana, New Jersey, New Mexico, New York, Ohio, Oklahoma, Tennessee, Utah, Puerto Rico
Issues Underlying Timeline Waivers and Compliance Agreements		
Complete Assessment System (including reading and math at three grade levels, aligned with content and performance standards)	11 states	California, Colorado, Hawaii, Mississippi, Nebraska, Nevada, North Dakota, South Carolina, South Dakota, West Virginia, Wisconsin
Inclusion of Students with Limited-English Proficiency	12 states	California, Connecticut, Maine, Mississippi, Nebraska, Nevada, New Hampshire, North Dakota, South Carolina, South Dakota, West Virginia, Wisconsin
Inclusion of Students with Disabilities	8 states	California, Connecticut, Nevada, New Hampshire, South Carolina, South Dakota, West Virginia, Wisconsin
Disaggregated Reporting	14 states	California, Colorado, Connecticut, Hawaii, Maine, Mississippi, Nebraska, Nevada, New Hampshire, North Dakota, South Carolina, South Dakota, West Virginia, Wisconsin

Note: Information is as of January 18, 2001; the status of many states' and territories' assessment systems is likely to change shortly as U.S. Department of Education reviews are currently in progress.

Source: *High Standards for All Students: A Report from the National Assessment of Title 1 on Progress and Challenges Since the 1994 Reauthorization*, U.S. Department of Education, January 2001 http://www.ed.gov/offices/OUS/PES/finalNATIreport.doc

TABLE 4

Alignment of Title I and General State Accountability Systems, 1999-2000

State	Unitary Systems	Dual Systems
Alabama	X	
Alaska		x
Arizona *		x
Arkansas		x
California	X	
Colorado		x
Connecticut	X	
Delaware [1]	X	
Florida	X	
Georgia [3]		x
Hawaii		x
Idaho		x
Illinois *[3]	X	
Indiana		x
Iowa	X	
Kansas [3]		x
Kentucky	X	
Louisiana	X	
Maine [2]		x
Maryland	X	
Massachusetts *[1]	X	
Michigan		x
Minnesota		x
Mississippi *		x
Missouri		x
Montana		x
Nebraska		x
Nevada		x
New Hampshire *[2]		x
New Jersey		x
New Mexico [3]	X	
New York [3]	X	

State	Unitary Systems	Dual Systems
North Carolina	X	
North Dakota		x
Ohio	X	
Oklahoma		x
Oregon *[2]	X	
Pennsylvania		x
Rhode Island	X	
South Carolina *		x
South Dakota		x
Tennessee *		x
Texas	X	
Utah		x
Vermont[1]	X	
Virginia *	X	
Washington		x
West Virginia	X	
Wisconsin *	X	
Wyoming[1]		x

[1] To be implemented 2000-01.

[2] To be implemented 2000-01, pending federal approval.

[3] To be implemented 2000-01, pending state board approval.

*Profiles on these states have not been fully verified yet by the state departments of education.

Source: *School Improvement Report, First Annual Report*, U.S. Department of Education, January 2001 http://www.ed.gov/offices/OESE/LPS/sirptfinal.doc

TABLE 5

Schools Identified as in Need of Improvement Under Title I, by State and Territory, 1996-97 through 1998-99

State	Number of Schools Identified for Improvement			Total Number of Title I Schools	Percent of Title I Schools in Improvement
	1996-97	1997-98	1998-99	1998-99	1998-99
Alabama	248	26	60	812	7%
Alaska	24	11	8	361	2%
Arizona	42	107			
Arkansas	101	53	499	783	64%
California	330	1,307	1,307	3,865	34%
Colorado	15	13	91	597	15%
Connecticut	95	102	26	422	6%
Delaware	29	39	32	101	32%
District of Columbia	82	60	100	125	80%
Florida	29	3	73	977	7%
Georgia	236	537	603	1,020	59%
Hawaii	37	77	91	138	66%
Idaho	45	44	14	397	4%
Illinois	93	62	727	2,259	32%
Indiana	242	257	98	826	12%
Iowa	28	28	148	878	17%
Kansas	147	144	154	687	22%
Kentucky	356	634	615	872	71%
Louisiana	30	162	162	873	19%
Maine	127	307			
Maryland	59	31	18	300	6%
Massachusetts	97	422			
Michigan	641	1,048	1,523	2,011	76%
Minnesota	98	103			
Mississippi	129	108	100	680	15%
Missouri	551	551			
Montana	53	63	62	619	10%
Nebraska	102	80	204	496	41%
Nevada	64	62	35	98	36%
New Hampshire	1	2	4	185	2%
New Jersey	185				
New Mexico	394	182	149	450	33%
New York	410	410			

State	Number of Schools Identified for Improvement			Total Number of Title I Schools	Percent of Title I Schools in Improvement
	1996-97	1997-98	1998-99	1998-99	1998-99
North Carolina	74	76	46	1030	4%
North Dakota	16	16	20	285	7%
Ohio	680	450	508	2,020	25%
Oklahoma	37	81	31	1,146	3%
Oregon	29	9			
Pennsylvania	215	204	215	1,731	12%
Rhode Island	23	1	34	136	25%
South Carolina	88	97	75	499	15%
South Dakota	10	8	0	396	0%
Tennessee	118	118	17	770	2%
Texas	40	55	61	4,141	1%
Utah	7	20	20	232	9%
Vermont	14	10			
Virginia	152	152	150	741	20%
Washington	176	172	71	853	8%
West Virginia	60	146	130	456	29%
Wisconsin	139	211	166	1,086	15%
Wyoming	23	36	31	144	22%
Bureau of Indian Affairs	160	148	147	173	85%
Puerto Rico	435	150	200	1,406	14%

Source: U.S. Department of Education, 1996-97 and 1997-98 *Title I State Performance Reports* and unpublished preliminary tabulations of data reported under 1998-99 State Consolidated Performance Reports.

Source: *High Standards for All Students: A Report from the National Assessment of Title 1 on Progress and Challenges Since the 1994 Reauthorization*, U.S. Department of Education, January 2001 http://www.ed.gov/offices/OUS/PES/finalNATIreport.doc

Note: It is important to recognize that these data (shown in Table 5) do not provide a consistent measure of the number of low-performing schools that can be used to make meaningful comparisons across states or over time, for two reasons: (1) differences in how states define and measure "low-performing schools" lead to substantial differences across states in the numbers and percentages of schools identified for improvement; (2) state systems for identifying schools for improvement continue to be in transition, as illustrated by substantial changes in the numbers of these identified schools over time.

As of mid-January 2001, one-fifth of the states had not submitted data yet on the number of schools that were identified for improvement in 1998-99, more than 18 months after the end of that school year and over a year after the reports were due. Many states have not completed the design and implementation of their accountability systems yet and are still phasing in state testing programs, school reporting systems and standards for judging school progress. Consequently, a number of states show large year-to-year changes in the number of low-performing schools they identify, changes that reflect shifts in assessment procedures far more than shifts in student or school academic performance.

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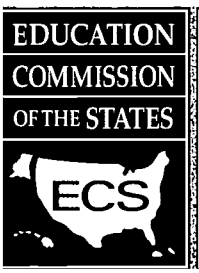

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