

MINING THE OPPORTUNITIES IN “DIFFERENTIATED ACCOUNTABILITY”

LESSONS FROM THE NO CHILD LEFT BEHIND
PILOTS IN FOUR STATES



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CENTER ON
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Introduction

In March 2008, the U.S. Department of Education (ED) launched a competition for states to submit proposals to participate in a Differentiated Accountability Pilot program. The stated aim of the pilots was to allow participating states “to vary the intensity and type of interventions to match the academic reasons that led to a school’s identification” for improvement under the No Child Left Behind Act (NCLB) and to target “resources and interventions to those schools most in need of intensive interventions and significant reform” (U.S. Department of Education, 2008). In July 2008, ED approved six states to participate in the pilot program—Florida, Georgia, Illinois, Indiana, Maryland, and Ohio. In January 2009, ED approved three more states for pilots—Arkansas, Louisiana, and New York.

The Center on Education Policy (CEP) conducted in-depth interviews with a selection of state, district, and school officials in four of the nine states participating in the pilots—Georgia, Maryland, New York, and Ohio. This research was conducted as part of our broader ongoing studies of school restructuring under NCLB.¹ The district officials we interviewed all worked in districts that have had one or more schools in restructuring under NCLB during the past four years. School officials were located in schools that had undergone restructuring at some point during the same period. We also examined state documents related to the differentiated accountability pilots.

The four states studied have gone beyond the originally stated purpose of the pilot. Instead of focusing simply on varying the interventions based on school needs, the states mined the opportunities in the new pilots. All four took a close and critical look at their past statewide systems of school support and their resources and then revised their efforts in deeper ways intended to address the local context.

Key Findings

Based on CEP’s review of differentiated accountability documents and interviews with a selection of state, district, and school officials in Georgia, Maryland, New York, and Ohio, the following key findings emerged.

- ***All four states designed accountability frameworks that differed substantially from the past.*** Although the states did stay within some federal limits, their innovative approaches indicate that these states with large proportions of schools in restructuring did not find that their past NCLB accountability systems had worked well. Their approaches also show that these states were willing to change and to develop new policies and practices for school improvement.
- ***All four states have changed labels for struggling schools and considered reasons for some schools’ failure to make progress.*** In all four states, the new differentiated accountability systems have led to a change in the terminology applied to struggling schools and have also provided a way to consider the reasons why at least some schools failed to make adequate yearly progress (AYP). For example, states apply different consequences to schools based on whether they have missed AYP targets in just one subject or in both reading and mathematics, or for just one student subgroup or for more subgroups. Three of the four states have continued the original NCLB policy of ratcheting up consequences and supports based on how many years schools have failed to make progress. The fourth state, Ohio, instead applies different labels and consequences based on the percentage of state performance targets schools or districts have met.

¹ CEP has also released individual reports on these four states with findings about restructuring, differentiated accountability, and other issues (CEP, 2009a; 2009b; 2009c; 2009d). The reports are available at www.cep-dc.org.

- **All four states require local educators to use some form of needs assessment to identify a school’s needs.** In all four states, officials interviewed emphasized the need for school improvement decisions to be based on data. While state officials have long seen the importance of data-based decisions (CEP, 2008), differentiated accountability has made the requirement to use data more explicit and formal in all four states. All four states have developed school needs assessments and require at least some of the schools identified for improvement by their new accountability systems to use these assessments to plan their reform efforts.
- **Although none of the four states requires formal state monitoring of how well schools are implementing their improvement plans, all states have built into their accountability pilots the opportunity to monitor their most academically needy schools.** A 2007 report of the Government Accountability Office raised concerns about how effectively schools, especially those in the later stages of NCLB improvement, were actually implementing their improvement plans. Although the differentiated accountability pilots in the four states do not require state monitoring of all schools identified for improvement, they do require on-site visits by state officials or state representatives, which ensure that at least some schools will be subject to external oversight.
- **The four states were split on whether they kept or replaced the official federal restructuring options in NCLB.** A 2008 CEP study found that none of the five federal restructuring options—replacing staff, entering into a contract with an outside entity, becoming a charter school, turning over operation of the school to the state, or making any other major change in governance—was more likely than another to result in schools making AYP. In interviews, state officials confirmed that these federal options were not guaranteed to improve schools in their state. While none of the four states relies solely on the federal restructuring options as the main strategies required of schools in the last stage of improvement, some schools or districts in Ohio and Maryland may pick one of the federal options as a part of a broader set of reform requirements. Georgia and New York, on the other hand,

no longer require schools in the last stage of improvement to choose a federal option but instead direct them to implement a collection of state-designated strategies.

- **District and school officials had varying views on the impact of differentiated accountability.** In Maryland and New York, many district and school officials interviewed were unaware of or had not yet felt the impact of the changes brought on by differentiated accountability. Ohio initially experienced some local resistance to the changes stemming from differentiated accountability, but that appears to be dissipating. In Georgia, district and school officials were aware of the changes required by differentiated accountability and appreciated the increased state support for restructuring schools.

Common Themes Across States

Overall, the four states’ new differentiated accountability systems were quite diverse. Commonalities among the states, however, shed light on innovations that are likely to be in play as NCLB is reauthorized. All four states revised their school labeling systems, all increased requirements for schools and districts to use data to inform instructional decisions, and all included opportunities for on-site monitoring of schools. Two states replaced the federal restructuring options under NCLB with state-specific options. District and state officials interviewed had mixed reactions to the changes in their states arising from differentiated accountability.

NEW LABELS

The diversity of the four states’ differentiated accountability plans is illustrated in **table 1**. All four have created new labels for schools that fail to meet state AYP targets for at least two consecutive years. Three of the four—Georgia, Maryland, and New York—have developed new and fewer labels for a school’s failure to make progress over time. Within each labeled category, these three states also differentiate supports for at least some of their schools based on the severity of the schools’ needs, as shown in the parenthetical material in the cells of table 1.

Table 1. Comparison of Systems for Labeling Struggling Schools under NCLB and Differentiated Accountability Pilots in Four States

AYP Results	NCLB	State Pilots			
		GA	MD	NY	OH
Fails to make AYP for 2 consecutive years	Year 1 of improvement	Improvement status	Developing (<i>focused or comprehensive needs</i>)	Improvement (<i>basic, focused, comprehensive</i>)	Low support: Less than 20% of AYP indicators not met
Fails to make AYP for a 3 rd year without exiting improvement	Year 2 of improvement	Improvement status	Developing (<i>focused or comprehensive needs</i>)	Improvement (<i>basic, focused, comprehensive</i>)	Medium support: 20% to 29% not met
Fails to make AYP for a 4 th year without exiting improvement	Corrective action (year 3)	Corrective action (<i>tiers 1-3</i>)	Developing (<i>focused or comprehensive needs</i>)	Corrective action (<i>focused, comprehensive</i>)	High support: 30% or more not met
Fails to make AYP for a 5 th year without exiting improvement	Restructuring planning (year 4)	Corrective action (<i>tiers 1-3</i>)	Priority*	Corrective action (<i>focused, comprehensive</i>)	
Fails to make AYP for a 6 th year without exiting improvement	Restructuring implementation (year 5)	State directed	Priority*	Restructuring*	Medium support: 29% or less not met High support: 30% or more not met

Table reads: If a school fails to make AYP for two consecutive years, the school is considered to be in the first year (year 1) of school improvement under NCLB. Under Georgia's new state differentiated accountability pilot, the school would be labeled as being in "improvement status." Under Ohio's pilot, the school would be labeled as "low," "medium," or "high" support, depending on the percentage of AYP indicators (such as percentages proficient in reading or math by subgroup) that the school met.

Note: Shown in parenthesis are the secondary labels the state uses to differentiate between schools with more or less severe needs within the overall label.

*State has secondary labels for these schools but there is no difference in their supports and consequences.

Source: Center on Education Policy based on state documents.

Ohio is unique in that it has moved away altogether from the idea of labeling based on progress over time and instead assigns schools to various levels of state supports based on the reasons why the school did not make AYP. An exception to this policy pertains to schools identified for improvement for five or more years. In Ohio, these schools and their districts are automatically labeled as "medium" or "high support," which ensures they receive more support from the state.

FOCUS ON DATA

Educators have long been interested in using student assessment data and other types of school-level data, such as attendance and graduation rates, to inform instructional decisions and school policy. In fact, in CEP's 2007 survey of a stratified sample of nationally representative districts, 97% of district officials reported "increasing the use of student achievement data to inform instruction and other decisions" in order to assist

schools in improvement under NCLB (CEP, 2007). The law, however, fell short of requiring identified schools to use any particular needs assessments or specific methods of data analysis. The four states in this study have tightened these requirements to use data.

In Georgia and Ohio these requirements are tighter specifically for schools that have greater needs. For example, in Georgia all identified schools are required to analyze AYP data, but state evaluators complete a specific assessment, the Georgia Analysis of Performance on State Standards (GAPSS), for all “state directed” schools (the state’s label for schools that have been identified for improvement for five or more years). Ohio also encourages all schools to use student achievement data to make decisions but assigns a State Diagnostic Team to evaluate districts and schools identified by the state as needing high support.

The new differentiated accountability plans in New York and Maryland include more specific data requirements of all schools. New York requires needs assessments for all identified schools, done by School Quality Review Teams for schools in the earlier years of improvement and by Joint Intervention Teams for schools in later years. Similarly, Maryland requires a needs assessment for all identified schools and adds a school climate survey for schools with more intensive needs.

OPPORTUNITIES FOR MONITORING

While it has been relatively easy for states to gather the school improvement plans required of schools identified for NCLB improvement, it has been difficult to ensure that these plans have been well implemented. In a 2007 GAO survey, 40% of restructuring schools reported that they did not use one of the five required federal restructuring options. In addition, on the same survey 42% of the schools in corrective action or restructuring reported they did not receive all required types of assistance through their school districts (GAO, 2007). The four states we studied have taken advantage of the new differentiated accountability pilots to require on-site visits to at least some identified schools. None of the four states, however, requires formal monitoring of all identified schools.

In Georgia, all schools under “state direction” (those with the greatest needs) are visited by a state official every four to six weeks to ensure they are implement-

ing their improvement plans. Similarly, in Maryland state monitors visit the top priority schools three times a year to ensure implementation. Ohio has piloted on-site visits by State Diagnostic Teams to high-support schools and will require visits to all high-support schools in school year 2009-10. New York’s potential monitoring system is still in the works. In New York both the Joint Intervention Teams and Distinguished Educators, who will be assigned to the schools with the longest history of challenges, will take some responsibilities for monitoring the implementation of improvement plans.

REPLACING FEDERAL RESTRUCTURING OPTIONS

Secretary of Education Arne Duncan recently announced his intention to focus on 5,000 “failing” schools across the nation (Quaid, 2009). This is approximately the number of schools that CEP estimated were identified for restructuring under NCLB in 2008-09, based on U.S. Department of Education reports and our studies of restructuring in six states. How to best improve these schools, however, is unclear. Our recent study of school restructuring in five states found that none of the current federal restructuring options was associated with a greater chance of schools making AYP in either math or reading or both subjects (CEP, 2008). In their differentiated accountability plans, the four states we studied were divided in their approaches to their most academically needy schools.

During interviews, state officials in all four states said that turning around their most needy schools required much more than just choosing one of the five options under NCLB. These options include:

- Entering into a contract to have an outside organization with a record of effectiveness operate the school
- Reopening the school as a charter school
- Replacing all or most of the school staff who are relevant to the failure to make AYP
- Turning operation of the school over to the state, if the state agrees
- Undertaking any other major restructuring of the school’s governance that produces fundamental reform

Perhaps as a result of these beliefs, none of the four states relies solely on the federal restructuring options for schools in the final stage of improvement. But in two states, Ohio and Maryland, some schools or districts in the last stages of school improvement may pick one of three federal options—replacing staff, hiring an outside contractor, or becoming a charter—as a part of the states’ broader requirements for reforming these schools. Ohio also requires district and school leadership teams to oversee the improvement process in these schools and mandates on-site reviews by the State Diagnostic Team. Additional requirements of these schools in Maryland include state board approval of the schools’ alternative governance plans.

Georgia and New York, on the other hand, no longer include the federal restructuring options in their requirements for schools in the last stage of improvement. In Georgia these schools are instead assigned a “state director” and must sign a contract with the state in which they agree to follow specific improvement strategies in addition to those in their individual restructuring plans. The schools must also write short-term action plans, which must be revised every four to six weeks with guidance from the state. Finally, the schools undergo a state quality review, the GAPSS.

Similarly, in New York, which will implement differentiated accountability in 2009-10, restructuring schools will be assigned a Joint Intervention Team, which conducts an on-site evaluation of the school and makes recommendations for change. These schools may also be assigned a Distinguished Educator, positions typically filled by former superintendents and principals. The Distinguished Educator acts as an ex-officio, non-voting member of the school board and has veto power over the school improvement plan, unless the school or district receives a special waiver from the state Commissioner of Education.

DISTRICT AND SCHOOL REACTIONS

Georgia, Maryland, and Ohio implemented their differentiated accountability plans for the first time in the 2008-09 school year. New York will implement its plan in 2009-10. Therefore, it is too early to see the full effects of the plans or perhaps to expect all district and school officials to understand how the new plan could or should impact current local policies and practice.

Some policy theorists, however, have argued that a certain coherence and overlap among federal, state, and local policies is useful for governance (Wright, 2000).

Many of the district and school officials we interviewed in Maryland and New York in 2008-09 were unaware of or uninformed about their state’s new differentiated accountability system. For example, in Maryland the district officials we interviewed had not dramatically changed their improvement strategies in reaction to differentiated accountability and were continuing their own individual approaches to supporting schools.

Similarly, in New York regional officials expressed concerns about inadequate communication and confusion regarding new state and federal initiatives. We interviewed representatives from all seven of New York’s Regional School Support Centers (RSSCs) in May and June of 2009; these centers provide technical assistance and professional development to schools and districts that receive federal Title I funds for educating disadvantaged children and are identified for improvement. All the RSSC representatives expressed concerns about information flow. “School districts are just beginning to realize that differentiated accountability is coming. There appears to be confusion about what differentiated accountability will be,” said Ray Brodeur of the Long Island RSSC. “Developing a common understanding is the major problem at this point in time.” However, state officials said information about differentiated accountability would be distributed during the summer of 2009.

Ohio’s differentiated accountability plan got mixed reviews from the district officials we interviewed. An administrator from Cincinnati said the new plan seemed to mesh with the district’s existing process, but a Cleveland district administrator expressed initial concerns that the process might result in duplication of effort within the district. A May 2009 report by Policy Matters Ohio indicated that districts in the first cohort to receive state support for planning under the differentiated accountability pilot were more positive about the process than the state’s five largest urban districts, where many schools in restructuring are concentrated (van Lier, 2009). The Policy Matters Ohio report also noted that the state may need to develop flexibility in working with urban districts that already have data systems and decisionmaking processes in place.

It has come as no surprise to leaders in Ohio’s state department of education that such concerns have surfaced early on. “Training 400 to 500 people in a new way of thinking is not a two-to-four day experience,” said Associate Superintendent Stephen Barr, who directs Ohio’s Center for School Improvement. By May 2009, a number of superintendents who initially expressed skepticism about differentiated accountability presented positive early results at a mini-conference attended by representatives from the first cohort of districts to receive state support. “It was great to hear superintendents [say], ‘This is helping us have the conversations we need to have’” to move forward in district and school improvement, Barr observed.

Georgia was an exception to the lack of information or skepticism found in other states. School and district officials interviewed in Georgia unanimously praised the support they received from the Georgia Department of Education (GDOE) as part of the state’s differentiated accountability plan. In particular, state directors got high marks from principals and teachers for thoughtful, focused coaching and a collaborative rather than directive approach. “The state director that we’ve got now didn’t just come in and beat you over the head and say, ‘Y’all are bad; this is what you’re going to do and you’ve got to do it right now,’” said Lanny Ganious, a 6th grade teacher at Washington Middle School in Grady County. “She said we’re going to work together, we’re going to be a team. That was good for morale.”

Differentiated Accountability in Four States

Below we describe in more detail the differentiated accountability systems in Georgia, Maryland, New York, and Ohio. These descriptions are excerpted from the school restructuring reports on each state available on CEP’s Web site at www.cep-dc.org (CEP, 2009a; 2009b; 2009c; 2009d).

GEORGIA

Georgia used the flexibility within differentiated accountability to create different levels of intervention for schools in need of improvement starting in 2008-

09. Georgia now places schools in three different categories: improvement status (equivalent to years 1 and 2 of NCLB improvement), corrective action (years 3 and 4), and restructuring (years 5 and above).

The U.S. Department also allowed Georgia to switch the consequences for schools in years 1 and 2 of improvement, requiring schools to offer supplemental educational services (tutoring) beginning in year 1 and offer students school choice transfers to higher-performing schools beginning in year 2. The state views tutoring as a tool to help keep schools out of year 2 of improvement and sees the school choice requirement as largely ineffective because many districts lacked sufficient receiving schools for students.

Consequences and supports for schools in corrective action (years 3 and 4 of improvement) give schools that come closer to making AYP more autonomy in crafting their corrective action plans while requiring the lowest-performing schools to follow corrective actions selected by the state. Based on state test performance, corrective action schools are placed in quintiles. The top quintile schools do not have to consider implementing three of NCLB’s corrective actions: replacing staff, providing teacher professional development, or decreasing the school’s management authority. The quintiles in the middle (quintiles 2 through 4) select from all the options previously created under NCLB, including appointing an outside expert to advise the school, extending the school year or day, and restructuring the internal organization of the school as well as replacing staff, providing teacher professional development, or decreasing the school’s management authority.² As part of an initial loss of governance, the bottom quintile schools have their corrective action(s) chosen for them by the Georgia Department of Education from the NCLB corrective action list.

For schools in restructuring implementation (year 5 and beyond), Georgia’s differentiated accountability plan creates more intensive and uniform intervention. Previously schools had been subjected to progressively more intervention the longer they remained in improvement. Schools in year 5 submitted a restructuring plan and attended mandatory professional development. Schools in year 6 did likewise and also underwent a state review of their school leadership and

² Instituting a new curriculum is not an option, since all Georgia schools should be implementing the new Georgia Performance Standards.

teaching practices. Only in year 7 of improvement did schools enter the “contract monitoring” phase, which required them to follow certain improvement strategies such as completing short-term action plans. In contract-monitored schools, a part-time state leadership facilitator spent at least two full days a week at the school site to mentor the principal and leadership team. A state contract monitor also visited the school at least every four to six weeks to check the school’s progress in implementing its short-term action plans. Contract monitoring continued in year 8, at which point a school also underwent a second state quality review. As of 2007-08, no school had yet entered year 9 of school improvement, the point at which the GDOE had intended to send a contract manager to guide school improvement in partnership with the principal.

Now, under differentiated accountability, schools receive a similar level of support regardless of the number of years they have remained in school improvement. The contract monitoring stage that formerly began in year 7 now begins in year 5. That means that all restructuring schools are assigned a leadership facilitator—now called a state director—and must sign a contract with the state in which they agree to follow specific improvement strategies in addition to those in their individual restructuring plans. Every school implementing restructuring must create a short-term action plan that is reviewed and revised every four to six weeks under the guidance of a lead state director. In addition, state quality reviews, the aforementioned GAPSS, now occur a year earlier, in years 5 and 7 of improvement rather than years 6 and 8.

Two developments influenced the GDOE’s decision to intervene more quickly in restructuring schools. First, the extra intervention seemed to make a difference in state test results. Contract-monitored schools received the most intensive supports, including mandatory professional development and on-site coaching for teachers and administrators. In 2008, 12 of 19 contract monitored schools made AYP, 7 of them for the first time. Second, GDOE was able to use a portion of new federal school improvement grants authorized by Title I, section 1003(g), to cover the cost of a state director for each restructuring school.

MARYLAND

Maryland began implementing its differentiated accountability pilot during the 2008-09 school year.

The Maryland pilot has transformed the labeling of schools in improvement (those that have not made AYP for two years or more) from a continuum that began with year 1 of improvement and moved through the phases of year 2, corrective action, restructuring planning, and restructuring implementation, to a four-category model with two “stages” and two “pathways,” as explained below. In addition to changing the labeling, Maryland’s pilot restructures the interventions and support for schools in improvement. These changes include more focused state and local interventions for schools in years 1 and 2 of improvement or corrective action (year 3), in an effort to prevent them from ever entering the planning (year 4) and implementation (year 5) phases of restructuring.

Ron Peiffer, deputy superintendent for academic policy in the Maryland State Department of Education, explained why Maryland applied to participate in the differentiated accountability pilot. With more than half of the state’s schools missing only one or two AYP targets, the pilot “really frees us [and local systems] up to look at the resources,” he said. “I don’t think in the past we’ve had to bring out the big guns with all of these schools, and I think we have the opportunity now to allow the heavier resources to go into the comprehensive needs schools and then be more surgical about the others.”

Under Maryland’s differentiated accountability plan, schools are labeled based on two factors: 1) the number of years they have failed to make AYP (stages), and 2) the number of subgroups that contributed to their failure to make AYP (pathways).

Based upon the number of years that they have not made AYP, schools are placed in either the Developing or Priority stage. Developing schools correspond to the previous improvement categories of year 1, year 2, and corrective action. Priority schools are those that were previously identified for the planning or implementation phases of NCLB restructuring. Thus, schools that have not made AYP for two consecutive years enter improvement as a Developing school. If a school does not make AYP for three additional years, it becomes a Priority school. In the 2008-09 school year, 105 operating schools were identified as Developing schools, and 101 were identified as Priority schools.

Based on the number of subgroups that contributed to the school’s failure to make AYP, schools are also cate-

gorized in one of two pathways: Focused Needs or Comprehensive Needs. Focused Needs schools have met the annual AYP targets for the “all-students” group in both reading and mathematics but have either a) failed to meet the annual targets in reading and/or mathematics for no more than two subgroups, or b) failed to meet the targets for the “other” academic indicator, such as graduation rates. Focused Needs schools also include those that serve a 100% special services population, such as a school for special education students. Comprehensive Needs schools have either a) failed to meet the annual targets for the all-students group in reading or math, or b) failed to meet the targets for three or more subgroups in reading or math. A school’s pathway is reevaluated each year based on the

performance of its subgroups.

The Maryland differentiated accountability plan outlines specific interventions, shown in **box 1**, that the state will take for schools that fall into each of the four new categories of improvement.

In addition to assigning specific interventions to schools based on their category of improvement, the state now intervenes at a much earlier stage for Comprehensive schools. Many of the interventions and supports that were previously reserved for schools that reached the planning phase of restructuring are now required of Comprehensive schools from the time

Box 1. Interventions for Maryland Schools in Improvement	
Developing Focused Needs Schools	Developing Comprehensive Needs Schools
<ul style="list-style-type: none"> • Complete a needs assessment • District monitors School Improvement Plan (SIP) 	<ul style="list-style-type: none"> • Complete a needs assessment • District monitors SIP • Administer a nationally recognized school climate survey, develop 3-5 priorities based on the results to be included in the SIP • Consult with the state Breakthrough Center about analyzing data, determining the need for further assessments, prioritizing and funding action steps, developing recommendations for capacity building, and providing professional development in areas of struggle • Take one of five corrective action steps (adopt new curriculum, extend school day or year, replace school staff, decrease school-level management authority, appoint an outside expert to advise the school, restructure the school’s internal organization)
Priority Focused Needs Schools	Priority Comprehensive Needs Schools
<ul style="list-style-type: none"> • Needs assessment • District monitoring of SIP • Climate survey • Consultation with the Breakthrough Center • State Board approval of alternative governance plan • Restructuring (select one of the three approved alternative governance options) 	<ul style="list-style-type: none"> • Needs assessment • District monitoring of SIP • Climate survey • Consultation with the Breakthrough Center • State Board approval of alternative governance plan • Restructuring (select one of the three approved alternative governance options)

Source: Maryland State Department of Education documentation from November 2008.

they enter year 1 of improvement through year 2 and corrective action.

For example, the Teacher Capacity Needs Assessment, a tool that the state required all schools in restructuring planning to complete during the process of selecting their restructuring option, is now required for schools in year 3 of improvement. Additionally, the state now identifies schools the first year they do not make AYP and asks districts to do an Alert Schools Inventory, a diagnostic tool for assessing the causes of not making AYP.

Deputy Superintendent Ron Peiffer explained that providing intervention and supports earlier in the process allows the state to be more involved in districts' and schools' decisions about school improvement and gives the state the opportunity to reflect about its approaches.

As part of its differentiated accountability pilot, and in an effort to more closely monitor schools' restructuring implementation, Maryland has also introduced two new monitoring mechanisms: school staffing reports and action step reports.

- School staffing reports are designed to monitor the restructuring option of replacing school staff. These reports provide numerical and demographic information on staffing in restructuring schools.
- The 38 Comprehensive Priority schools that were already implementing restructuring plans in 2007-08 must submit an alternative governance action step report to the state three times a year. This reporting requires schools to select the three action steps in their restructuring plan that they anticipate will have the greatest impact on student achievement. Then, through site visits to schools and districts, the state monitors the implementation and outcomes of these steps and the lessons learned and next steps.

NEW YORK

In 2009-10, New York's new differentiated accountability system will change how schools are labeled and what supports they receive. The simplified system will no longer use different labels for Title I and non-Title I schools—an improvement according to several state and regional officials. “Before, if you weren't Title I, you were sort of off the radar,” said David Bryant, RSSCs

acting supervisor. “We didn't have the capacity to deal with these schools. Under the new system we will make no distinctions.” Funding to serve non-Title I schools will have to come out of state coffers, however, and several New York education officials expressed concern about whether funds would be sufficient.

Beginning in 2009-10, schools identified for improvement will be grouped into one of the following three phases, regardless of whether they receive Title I funds:

- Schools will be identified for **improvement** if they have failed to make AYP on an accountability measure for at least two consecutive years (formerly year 1 or 2 of improvement).
- Schools will be identified for **corrective action** if they have failed to make AYP for at least two additional years on an accountability measure for which the school was previously identified for improvement (formerly year 3 of improvement, also known as corrective action, or year 4 of improvement, also known as restructuring planning).
- Schools will be identified for **restructuring** if they have failed to make AYP for at least two additional years on an accountability measure for which the school was previously identified for corrective action (formerly year 5 or beyond of school improvement, also known as restructuring implementation).

All three phases in the new system involve common sanctions and supports. All schools at any of these phases must develop two-year school improvement plans, a departure from the NCLB requirement for yearly improvement plans. In addition, all identified schools must offer supplemental educational services. The requirement to offer students the choice of transferring to another public school does not take effect until the second year of school improvement, a switch from the NCLB requirement for schools to offer choice in year 1 of improvement and supplemental educational services in year 2. This change reflects the belief of New York education officials that supplemental services may be more effective than choice and should be offered earlier.

Within the preceding three phases, schools identified for improvement under NCLB will be further grouped into three categories of need:

- **Basic** schools are those that miss AYP targets in just one area (such as elementary-middle English language arts or high school math) and for just one student subgroup, but not for students as a whole (the all-students group). This category will be used only for schools in improvement (formerly year 1 or year 2 of improvement).
- **Focused** schools are those identified for improvement because more than one subgroup failed to meet a single accountability target or because the school failed to meet more than one accountability target even though the all-students group made AYP.
- **Comprehensive** schools are those that miss AYP targets for all subgroups or for the all-students group.

Schools at all three phases—improvement, corrective action, or restructuring—must conduct diagnostic assessments, create two-year improvement plans, and receive additional oversight and support. These activities vary primarily by phase of improvement and in a few instances by category of need (basic, focused, comprehensive):

- **Improvement** schools undergo a self-assessment using a state-created Quality Indicator document. In addition, “focused” or “comprehensive” schools are assigned a School Quality Review (SQR) team. These teams were created by the Commissioner in 2007-08 and consist of at least two people, one from the state education department and one from either the regional Board of Cooperative Educational Services (BOCES) or the school district. The team conducts an on-site review of the school and makes non-binding recommendations for improvement. Under differentiated accountability, the composition of SQR teams is expected to change so that district representation is mandatory.
- **Corrective action** schools are assigned an SQR team. They also participate in a more intensive curriculum audit, which is designed to improve instruction in the school. Finally, they must also chose one of the corrective action options in NCLB: replacing some school staff, implementing a new curriculum, providing teacher professional development, decreasing the school’s management authority, appointing an outside advisor, extending the school day or school year, or restructuring the school’s internal organization.
- **Restructuring** schools are assigned a Joint Intervention Team, which acts as a more intensive SQR team, conducting an on-site evaluation of the school and making recommendations for change. Joint Intervention Teams were created by a 2007 state law and are expected to begin work in school year 2009-10, although the details of how they will work with schools had not been finalized at the time of our study. Restructuring schools may also be assigned a Distinguished Educator.

While New York has simplified its accountability system by creating one system for both Title I and non-Title I schools, it has kept a special designation called “schools under registration review” (SURRs) for schools that the Commissioner determines are furthest from meeting state standards and most in need of improvement. SURR schools may be identified in any phase of the differentiated accountability system. As in the past, all SURR schools are assigned a state education department liaison, who provides on-site technical assistance at least one day per month. A 2007 state law and the differentiated accountability system have brought an important change to the treatment of SURR schools, however. If a SURR school does not make AYP, it moves directly to restructuring.

OHIO

The Ohio Improvement Process (OIP), as differentiated accountability is known within the state, differs from No Child Left Behind’s accountability system in some important respects. Significantly, the focus for state assistance in improvement is the district, not the school. “Buildings are not good or bad by themselves,” observed Associate Superintendent Stephen Barr in explaining the rationale behind Ohio’s plan. “Let’s assume the impact of building to building and district to building is a reality and build a system around it.”

Given this foundational principle, districts and their schools are generally expected to move through the OIP as a unit. Ohio districts in district improvement are categorized for low, medium, or high support based on the aggregate percentage of students not meeting AYP targets across the district. Generally, the OIP categories do not take into account the number of years a district and its schools spend in the improvement process. However, to ensure schools in restructuring receive adequate support, the OIP mandates that any

district with at least one school in NCLB restructuring must be categorized at least as medium-support. These new labels replace the school improvement categories under NCLB but do not change the state's school performance ratings, which are the ones to which district and school personnel pay the greatest attention.

While maintaining the interventions required by NCLB in the early stages of improvement for all districts in the OIP, Ohio has also developed new interventions to be used with districts at different levels of need. Districts labeled medium- or high-support, which include all districts with schools in restructuring, are required to establish district and building leadership teams charged with analyzing school and student performance data and using that data to build, implement, and evaluate improvement plans. As they begin gathering data, state-selected high-support districts are required to work with a state diagnostic team of part-time state employees. The diagnostic team conducts a comprehensive audit of district and school curriculum, assessment, instruction, and professional development practices. These data help inform the district and schools as their leadership teams work through the decision framework, a state-developed tool that helps districts analyze data and identify priorities for improvement.

In the OIP, the restructuring options under NCLB have been retained as part of a larger menu of options from which a school, district, or the state could select as needed to use with medium- or high-support districts. Because districts and schools move through the OIP as a unit, they share responsibility for making the choices, but the final word generally lies with the district. The menu also includes other options that are not among NCLB's restructuring choices, such as extending the school day or year. When a district is initially identified as medium- or high-support, it selects one option from this menu. If a district or school remains in the medium- or high-support category for three years without showing "significant progress" in raising student achievement, it must implement another option from the menu. To determine whether a school has made significant progress, the state takes a three-year average of changes in scaled scores on state tests rather than changes in proficiency of students taking the state tests. This method looks "under the hood" to better determine if progress toward the goal of proficiency is being made. If the average change in scaled

scores represents a rate of increase that, if sustained, would bring all students and subgroups to proficiency by 2014, the school is considered to have made significant progress. Districts and schools that remain in the same support category and have not made significant progress are required to add an additional intervention once every three years. The state does not impose additional interventions on schools in any category that are demonstrating significant progress.

Table 2 shows the interventions that can be used in the Ohio Improvement Process and specifies which are required and which are optional at each level of support.

In addition, the state could select one or more options from a set of other consequences for high-support districts that fail to demonstrate improvement or fail to provide consistent oversight of improvement efforts. These include the following:

- Defer programmatic funds or reduce administrative funds
- Replace district personnel who are related to the failure to make AYP
- Remove particular schools from district jurisdiction and establish alternative governance procedures
- Appoint a receiver or trustee for the district
- Initiate the Academic Distress Commission if the district missed AYP for four consecutive years and is labeled in academic emergency using state accountability measures

In the minds of some Ohio state and district officials, the Ohio Improvement Process places a much greater emphasis on working with existing staff in restructuring schools than does No Child Left Behind. Because replacing staff is one of just five federal restructuring options under NCLB, these officials feel restructuring forces schools and districts to consider replacing staff whether or not that is an effective option in practice. The difficulty of replacing teachers and the likelihood the same staff will simply reappear as new hires in another school in the same district are major reasons for their skepticism of this option.

"You have an ineffective teacher at School A, and you restructure so you shift that ineffective teacher from

Table 2. Interventions under Differentiated Accountability in Ohio

Interventions	District Level of Support					
	Low		Medium		High	
	Required	Optional	Required	Optional	Required	Optional
Implement public school choice	X		X		X	
Implement supplemental educational services	X		X		X	
Notify parents of district status	X		X		X	
Use the state’s decision framework to create district and building needs assessments	X		X		X	
Develop district and school improvement plans	X		X		X	
Direct 10% of Title I funds to professional development	X		X		X	
Apply annual measurable objectives for affected subgroups	X		X		X	
Establish district and school leadership teams		X	X		X	
Conduct on-site review and follow-up by state diagnostic team					X	
Conduct on-site review and follow-up by state-approved diagnostic team as selected by the state				X		X
Implement district and school plans with state oversight						X
Reopen the school as a public charter school				X		X
Replace all or most of the building staff				X		X
Institute and implement a new curriculum, including professional development				X		
Decrease management authority at the building level				X		
Appoint an outside expert to advise the building				X		
Extend the school day or school year for the building				X		
Restructure the internal organization of the building				X		
Contract with an outside entity to operate the school				X		X

Table reads: Districts categorized as low-support, medium-support, and high-support under the Ohio state accountability system are required to offer public school choice.

Note: “Optional” indicates additional items from which the district, school, or state would select one or more.

Source: Ohio Department of Education, *Ohio’s Differentiated Accountability Model: Promoting Flexibility, Innovation for District-Wide Improvement of Instructional Practice and Student Performance*, www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=590&ContentID=47348&Content=61263.

School A to School B, and now School B's also infected. So that wasn't working. Shifting people around isn't going to work," observed Shannah Kosek, executive director of elementary education for the Mansfield City Schools. "So now we have this Ohio Improvement Process where you support the people who you have, and you don't just infect the entire district by moving people around. You put supports in place."

Both Rethinking and Renaming Are Needed

In the four states in this study, differentiated accountability involved more than just providing state consequences and supports based on schools' differing needs, as outlined in the U.S. Department of Education guidelines for the differentiated accountability pilots. Instead, the pilots allowed these four states to take a close and critical look at their past statewide systems of school support and their resources and then revise their efforts more broadly in ways that addressed the local context. This interest in change indicates that, for these states, which have large proportions of schools in improvement, the NCLB accountability system was not working.

If these four states needed to rethink their statewide system of support, other states possibly do, too. Based on the data available, CEP has three recommendations for this type of revision. First, given the flexibility in the current NCLB law, all states may be able to garner ideas from these four pilot states' experiences. While

no state can change its labeling of schools under NCLB without permission from the U.S. Department of Education, states can make substantial revisions to their supports for schools and districts. More specifically, all states might do well to consider two of the changes implemented by all four of these states: 1) increasing requirements that schools and districts use data to assess needs and write improvement plans, and 2) beefing up monitoring of school and district implementation of improvement plans.

Second, when policymakers consider changes to NCLB, they should pay attention to these states' efforts, which show a commitment to a strong accountability system with some flexibility to address each state's unique history and circumstances. It may be difficult, however, to know which parts of the differentiated accountability pilots worked and which did not because states are not doing substantial monitoring of the implementation of school improvement plans (although these states have definitely increased or added on-site visits to the most needy schools).

The U.S. Department of Education (2008) has stated that it will "rigorously monitor and evaluate states that receive approval under this pilot." It will be important for ED to collect information on the pilots systematically, so that meaningful comparisons can be made between states as well as between the old and new accountability systems. It will also be important for ED to make publicly available the data used in its monitoring and evaluation. This information would be immensely valuable as NCLB is reauthorized and as states continually seek to improve their supports for struggling schools.

References

- Center on Education Policy. (2007). *Moving beyond identification: Assisting schools in improvement*. Washington, DC: Author.
- Center on Education Policy. (2008). *A call to restructure restructuring: Lessons from the No Child Left Behind Act in five states*. Washington, DC: Author.
- Center on Education Policy. (2009a). *Intensified support: Changes in school restructuring in Georgia under the No Child Left Behind Act*. Washington, DC: Author.
- Center on Education Policy. (2009b). *Looking for new ways to make progress: School restructuring in Maryland, 2008-09 follow-up report*. Washington, DC: Author.
- Center on Education Policy. (2009c). *Beyond restructuring: Ohio retools state support for high-need districts through differentiated accountability*. Washington, DC: Author.
- Center on Education Policy. (2009d). *Differentiating and simplifying: Transforming school restructuring under No Child Left Behind in New York*. Washington, DC: Author.
- Government Accountability Office. (2007). *No Child Left Behind: Education should clarify guidance and address potential compliance issues for schools in corrective action and restructuring status*. Washington, DC: Author.
- Quaid, L. (2009, May 11). Obama wants to turn around 5,000 failing schools. Associated Press. Retrieved on June 12, 2009, from Associated Press Archives, www.ap.org
- U.S. Department of Education. (2008). Differentiated accountability: Targeting resources to schools with the greatest need. Retrieved on April 24, 2009, from www.ed.gov/nclb/accountability/differentiated/factsheet02.pdf
- van Lier, P. (2009, May). *Leaders at many levels: Improving schools through collaboration in Ohio*. Cleveland, OH: Policy Matters Ohio. Retrieved on May 21, 2009, from www.policymattersohio.org/pdf/LeadersAtManyLevels2009.pdf
- Wright, D. S. (2000). Models of national, state, and local relationships. In L. J. O’Toole (ed.), *American intergovernmental relations* (pp. 74-88). Washington DC: Congressional Quarterly Press.

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