

REPORT OF THE

**COMMISSION ON
ACCOUNTABILITY FOR
EDUCATIONAL EXCELLENCE**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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EXECUTIVE SUMMARY

Adopted by the 1996 Session of the General Assembly, House Joint Resolution No. 168 established an 18-member commission on accountability for educational excellence in Virginia's public schools. Citing the "great progress in establishing accountability" resulting from the implementation of the revised Standards of Learning, the resolution states that other components of the Commonwealth's public education system, such as its teachers and schools, might also benefit from standards and accountability requirements that have been "strengthened to complement and support the revised Standards of Learning. . . ."

The commission was specifically charged to:

- (i) "Develop and recommend a comprehensive plan for statewide student and teacher assessments;
- (ii) Communicate and coordinate with other legislative study committees charged with studying and recommending revisions in requirements for remediation, summer school, high school graduation, and the causes of chronic absenteeism;
- (iii) Develop and recommend a comprehensive plan for the accreditation of public schools which incorporates the revised standards of learning, and statewide student and teacher assessment goals; and
- (iv) Determine appropriate alternatives to maximize 'time-on-task' and to facilitate the productive use of daily instructional time to ensure that each student's educational needs are served."

Education Reform and the Accountability Movement

Mirroring societal, economic, and political forces, education reform in America has assumed many forms in the past three decades. In the 1960s, efforts to improve public education reflected national concern over retaining America's technological superiority. The application of business principles to the administration of public schools characterized reform efforts in the 1970s; schools were to be held accountable for their operations. More recent reform efforts called for the restructuring of public education to meet the needs of students living in the "information age." Responding to this call for change, states pursued a variety of reform initiatives, such as school choice, school performance assessments, and finance reform. A natural outgrowth of the excellence movement of the 1980s is the recent renewal of interest in standards for public education. Frustration with a lack of significant improvements in education provided impetus for standards-based reform: initiatives linking learning and accountability by making clear what students must learn and what teachers must teach.

Educational Accountability: Standards and Assessments

Whether through the implementation of more rigorous academic standards, new assessment initiatives, or outcome-based accreditation, education reform has turned its focus once again to accountability. Accountability initiatives in public education are as

varied and diverse as the states and school systems implementing them, and may include various indicators of pupil and teacher performance, revised evaluation and accreditation initiatives, or post-graduation tracking of students.

Inextricably linked to educational accountability are standards (skills or competencies that are valued) and assessments (the measurement of progress toward the achievement of those standards). Although accountability seems to have become almost synonymous with standardized testing, education scholars are exploring--and school divisions implementing--other more subjective modes of assessing student achievement, such as pupil portfolios, research projects, oral presentations, exhibitions, and essays.

Although interest in alternative assessments has increased, testing remains a significant component of the accountability movement. While educators and policymakers have not roundly called for the elimination of standardized testing, they have expressed concerns about the misuse of tests; some tests designed for low-stakes decisions have been applied to high-stakes decisions, such as graduation or academic promotion.

Accountability initiatives need not be limited to pupil assessments and testing, but may also address teacher qualifications, tenure, and instructional performance; school accreditation; safety and student discipline; tracking of graduates in postsecondary pursuits; and administrative and fiscal issues. More "indirect" accountability initiatives include vouchers, school choice, and charter schools. Accountability initiatives may also authorize state intervention in school operations, financial incentives or penalties, and other "consequences."

Accountability for Virginia's Schools and School Divisions

The concept of educational accountability is not new to Virginia's public school system. Current constitutional and statutory provisions and regulations provide a plethora of mechanisms for the accountability of students, teachers, administrators, schools, and school divisions. The standards, assessments, and consequences integral to any accountability initiative are primarily found in the Standards of Quality (SOQ), the Standards of Learning (SOL), and the Standards of Accreditation (SOA).

Setting forth broad policies and minimum educational requirements for Virginia's public schools, the SOQ also provide for the establishment of the SOL and the SOA. The recently revised SOL, adopted by the Board of Education in June 1995, were crafted to "set reasonable targets and expectations for what teachers need to teach and students need to learn" and to provide "greater accountability on the part of the public schools. . . ." The 1996-98 biennial budget appropriated \$6,003,000 in each year for the development and administration of new assessment materials and tests for the new SOL.

The accountability of schools and school boards for quality education is highlighted in the SOA. These accreditation standards must include student outcome measures, requirements and guidelines for instructional programs, staffing levels,

auxiliary programs such as library and media services, and graduation requirements, as well as "the philosophy, goals, and objectives of public education in Virginia." The Board of Education undertook a review of the current SOA, developed in 1992, in 1996; proposed revisions are expected to be released in February or March of 1997.

The Commonwealth has revised its current accountability mechanisms to incorporate student outcomes, rather than input measures such as spending levels or class size. Reflecting this philosophy is the Outcome Accountability Project (OAP), which provides annual reports of student performance data as a tool for improving public education in Virginia.

Accountability for Virginia's Students

Consistent with accountability models in other states, the Commonwealth measures student academic progress through a battery of tests and assessments. The Board of Education is directed to prescribe measures, including nationally normed tests, for the Virginia State Assessment Program. Complementing the Board's testing responsibilities is the duty of local school boards to require the administration of appropriate assessments, including the Virginia State Assessment Program, the Virginia Literacy Testing Program, and the National Assessment of Educational Progress (NAEP) state-by-state assessment. In 1988, the General Assembly added a Literacy Passport requirement to the standards for graduation.

Also influencing the Commonwealth's assessment efforts are the new SOL. In April 1996, the Board of Education announced policy decisions directing the development of a new state testing program. Tests will measure skills and competencies in the four revised SOL subject areas at grades 3, 5, 8, and 11. Data generated from the initial administration of the new SOL tests in spring 1997 are to be used only to determine test validity and reliability; the data may not be used to impose consequences on schools, school divisions, teachers or students. The SOL tests are expected to be operational in spring 1998, with public reporting of test results following this second test administration.

Accountability for Professional Personnel

Alternative assessments for beginning teachers--performance-based tests that require the application rather than a demonstration of knowledge--have been explored, as has performance-based licensing. In the Commonwealth, accountability for professional personnel is primarily addressed through training, licensure, and employment laws and regulations.

Other Accountability Initiatives in Virginia

Fiscal accountability is addressed in statutory provisions governing the expenditure of school funds and the development of local school board budgets, which are approved by the local governing body. Affording further accountability for school

boards is a statute allowing aggrieved parents to petition the circuit court for review of a particular school board action. Parental accountability for pupil discipline is evidenced in various compulsory attendance and truancy laws, many of which were strengthened by the 1996 Session of the General Assembly. Other indirect accountability programs may include a collaborative school improvement planning initiative, a variety of open enrollment policies, and magnet and special emphasis schools.

Issues for Study

That educational excellence has been a continuing concern in the Commonwealth is evidenced by the plethora of legislative initiatives--both successful and failed--that address accountability for students, teachers, and schools. Although many of these measures were set aside by previous legislative action, it is nonetheless important to consider the specific objectives targeted in each bill, whether the measure effectively addressed that accountability objective, and ways in which the measure might be modified to enhance educational performance or accountability. The development of a comprehensive accountability initiative in Virginia--one that best addresses those educational goals and standards valued in the Commonwealth--is contingent upon a careful review of these previous legislative initiatives.

Also essential to the development of any accountability initiative--and to the creation of the comprehensive plan for student and teacher assessment cited in HJR 168--is consideration of current statewide student assessments, remediation, summer school, teacher evaluation, school facility review, and requirements for high school graduation. Similarly, consideration of the Board of Education's review and proposed revision of the Standards of Accreditation is necessary to create a comprehensive plan for the accreditation of public schools that incorporates the revised standards of learning, and statewide student and teacher assessment goals.

The work of other study committees, such as the Commission on the Future of Public Education, the Joint Subcommittee Studying Remedial Summer School Programs, the Standing Committee on School Dropout Prevention, the Joint Subcommittee Studying the Efficacy and Appropriateness of Establishing a School Incentive Reward Program in the Commonwealth, and the Commission on Educational Infrastructure, may also merit further consideration. Closer examination of educational accountability initiatives in other states and in the Commonwealth may also prove fruitful. Finally, in seeking to provide accountability for educational excellence in our public schools, it is necessary to consider not only the financial and policy implications of implementing a comprehensive evaluation plan, but also ways to ensure that school personnel and parents are active participants in the development of educational policies and that these persons are jointly responsible and accountable for achieving educational excellence in the Commonwealth's public schools.

**REPORT OF THE COMMISSION ON
ACCOUNTABILITY FOR EDUCATIONAL EXCELLENCE (HJR 168)**

I. AUTHORITY AND STUDY OBJECTIVES

Adopted by the 1996 Session of the General Assembly, House Joint Resolution No. 168 established an 18-member commission on accountability for educational excellence in Virginia's public schools (Appendix A). The commission consisted of the Chairmen of the House Committees on Appropriations and on Education, and three members of the House of Delegates, appointed by the Speaker of the House; the Chairmen of the Senate Committees on Finance and on Education and Health, and two members of the Senate, appointed by the Senate Committee on Privileges and Elections; five citizens, including a public school teacher, a school principal, and a local school division superintendent, appointed by the Speaker of the House, and one parent of a child who is enrolled in the public schools of the Commonwealth one citizen at-large, appointed by the Senate Committee on Privileges and Elections; and the Lieutenant Governor of Virginia, the Secretary of Education, the President of the Board of Education, and the Superintendent of Public Instruction, who served ex officio with full voting privileges.

Citing the "great progress in establishing accountability" resulting from the implementation of the revised Standards of Learning, the resolution states that other components of the Commonwealth's public education system, such as its teachers and schools, might also benefit from standards and accountability requirements that have been "strengthened to complement and support the revised Standards of Learning. . . ." A comprehensive evaluation plan, including, but not limited to, "statewide student assessments, remediation, summer school, teacher evaluation, school facility review, and requirements for high school graduation," is touted as providing "a cohesive approach to ensure accountability for educational excellence." The resolution also states that school personnel and parents should be "active participants in the development of educational policies" and that these persons should be jointly responsible and accountable for achieving educational excellence in the Commonwealth's public schools.

The commission was specifically charged to:

- (i) "Develop and recommend a comprehensive plan for statewide student and teacher assessments;
- (ii) Communicate and coordinate with other legislative study committees charged with studying and recommending revisions in requirements for remediation, summer school, high school graduation, and the causes of chronic absenteeism;
- (iii) Develop and recommend a comprehensive plan for the accreditation of public schools which incorporates the revised standards of learning, and statewide student and teacher assessment goals; and

(iv) Determine appropriate alternatives to maximize 'time-on-task' and to facilitate the productive use of daily instructional time to ensure that each student's educational needs are served."

The commission was to submit an interim report to the 1997 Session of the General Assembly and its findings and recommendations to the Governor and the 1998 Session of the General Assembly. To meet this directive, the commission convened three times in 1996, seeking the input and expertise of state agency staff and representatives of the business community and education organizations.

II. EDUCATION REFORM AND THE ACCOUNTABILITY MOVEMENT

Mirroring societal, economic, and political forces, education reform in America has assumed many forms in the past three decades. In the post-Sputnik, Cold War era of the 1960s, efforts to improve public education reflected national concern over retaining America's "technological superiority."¹ Prompted by increased demand for efficiency in fiscal and management practices, the application of business principles to the administration of public schools characterized reform efforts in the 1970s; schools were to be held "accountable" for their operations. By 1975, more than 31 states had enacted some form of "accountability" legislation--focusing on program evaluations and educational goals as well as management information systems, various planning, accounting, and budgeting systems, "management by objectives," and performance accreditation systems.²

More recent reform efforts were arguably spawned by the publication of *A Nation At Risk* in 1983. Citing alarming dropout rates and increasing numbers of ill-prepared graduates, this landmark report of the National Commission on Excellence in Education called for the restructuring of public education to meet the needs of students living in the "information age." Responding to this call for change, states pursued a variety of reform initiatives, such as school choice, school performance assessments, and finance reform, to achieve educational excellence.³

A natural outgrowth of the "excellence movement" of the 1980s is the recent renewal of interest in standards for public education. Despite the implementation by many states of tougher graduation requirements, improved salaries and professional testing for teachers, and other reform initiatives, student SAT scores showed little change; colleges and employers continued to cite the number of high school graduates poorly prepared for higher education or workforce entry. Frustration with a lack of

¹Elliot W. Eisner, "Standards for American Schools: Help or Hindrance?" *Phi Delta Kappan* 758 (June 1995)[hereinafter referred to as Eisner].

²Chris Pipho, "Accountability Comes Around Again" *Phi Delta Kappan* 662 (May 1989)[hereinafter referred to as Pipho I]. See also, Eisner, *supra* note 1, at 758.

³Kathleen G. Harris, Division of Legislative Services, *A Legislator's Guide To Public Education In Virginia*, "The Standards of Quality" at 1, 2 (1993)[hereinafter referred to as *Legislator's Guide*]; Report of the Joint Subcommittee Studying Charter Schools Pursuant to HJR 551 and SJR 334, *House Document No. 43* at 1-2 (1996)[hereinafter referred to as *House Document No. 43*].

significant improvement in the quality of public education provided impetus for standards-based reform: initiatives linking learning and accountability by making clear what students must learn and what teachers must teach.⁴

Nowhere is standards-based reform illustrated more vividly than in *America 2000*, released in 1991 as a national strategy outlining six educational goals for the year 2000, and its progeny, *Goals 2000: Educate America Act* (H.R. 1804). Signed into law on March 31, 1994, *Goals 2000* includes prefatory language describing itself as “an act to improve learning and teaching by providing a national framework for education reform. . . .” Comprised of 10 titles, the Act encompasses national reform standards, school safety, parental involvement, and grants for educational improvement at the state and local levels.⁵ Also indicative of a federal commitment to education reform was the creation of the National Council on Education Standards and Testing (NCEST) in 1991 to provide expertise in the development of educational standards, while “respecting state and local control of education.”⁶ In its 1992 report, NCEST recommended the establishment of “voluntary national standards in key subject areas. . . .”⁷

Consistent with the model of federalism contemplated by the framers of the U.S. Constitution, however, states and localities remain the entities traditionally responsible for the delivery of public education and are implicitly empowered to “develop educational programs that . . . [address] . . . the values and features of the populations in those states.”⁸ Several states have revisited educational standards in recent years; the Colorado state board of education recently approved statewide curriculum standards that had been mandated by the legislature in 1993. In Minnesota, high school graduates in the year 2002 will be required to demonstrate achievement, based on state standards, in areas such as writing, science, information gathering and use, mathematics, and the arts.⁹

Although education scholars and policymakers continue to debate the virtues of national, state, or local standards for public education, many agree that “American education is slowly evolving into . . . an outcomes-oriented enterprise, whose institutions, employees, and policy-makers will be held responsible for their results by the public they serve.”¹⁰ Whether through the implementation of more rigorous academic standards, new assessment initiatives, or outcome-based accreditation, education reform has turned its focus once again to accountability. Unlike the fiscal-based accountability initiatives

⁴John F. Jennings, “School Reform Based On What Is Taught And Learned,” *Phi Delta Kappan* 765, 766-768 (June 1995)[hereinafter referred to as Jennings]. See also, Chris Pipho, “The Search for a Standards-Driven Utopia,” *Phi Delta Kappan* 198 (November 1995)[hereinafter referred to as Pipho II].

⁵Eisner, *supra* note 1, at 759; *Legislator's Guide*, *supra* note 3, at 1-2. See also, Jennings, *supra* note 4, at 768-769.

⁶*Legislator's Guide*, *supra* note 3, at 2.

⁷Diane Ravitch, “Launching a Revolution in Standards and Assessments,” *Phi Delta Kappan* 767, 768 (June 1993)[hereinafter referred to as Ravitch].

⁸Eisner, *supra* note 1, at 762.

⁹Pipho II, *supra* note 4, at 198, 199.

¹⁰Chester E. Finn, Jr., “Accounting for Results,” *National Review* 38, 40 (May 27, 1991)[hereinafter referred to as Finn].

of the early 1970s, this current accountability movement focuses instead on “measuring student performance (or the lack of it) and assigning responsibility for improving the situation. . . .”¹¹ Reflecting this new accountability movement was the March 1996 Governors’ Education Summit, which focused on the need to “advance standards and assessment efforts in every state.”¹²

III. DEFINING ACCOUNTABILITY

Described as “a tripod--whose three legs are clearly stated goals, prompt and accurate information about progress toward them, and positive and negative consequences that follow from the information,” accountability initiatives in public education are as varied and diverse as the states and school systems implementing them.¹³ Accountability programs may include various “indicators” of pupil and teacher performance, revised evaluation and accreditation initiatives, or post-graduation tracking of students.¹⁴

Accountability for quality in public education would appear to be a consensus-building concept; educators, administrators, policymakers, and citizens agree that public schools should be accountable. In practice, however, this “second wave” of accountability has generated discord as well as harmony. The debate may appear at times to be simply a semantic one--focusing on distinctions between outcomes, outputs, consequences, results, or performance--or on the differences between tests, assessments, and evaluations. Other discussions explore who should be accountable, for what, and to whom. Even within the accountability “community,” there is some division. Some education scholars contend that accountability supporters can be clearly divided into two camps: those who “advocate an ever-larger battery of traditional tests to keep schools under a microscope, . . . [and] those who believe that there are better ways than traditional testing to hold education accountable.”¹⁵

Employability has been cited as the “ultimate” accountability measure for public education; one education expert testifying before the Commission noted that the business community should be involved in the development of educational standards to enhance the link between learning and practical, workplace application.¹⁶ Clearly, because “the

¹¹Pipho II, *supra* note 4, at 198; Pipho I, *supra* note 2, at 662.

¹²Education Commission of the States, *Standards & Education: A Roadmap for State Policymakers* 1 (March 1996).

¹³Finn, *supra* note 10, at 40.

¹⁴Pipho I, *supra* note 2, at 662-663.

¹⁵Paul Theobald & Ed Mills, “Accountability and the Struggle Over What Counts,” *Phi Delta Kappan* 462 (February 1995)[hereinafter referred to as Theobald & Mills].

¹⁶Various curriculum specialists have noted that American schools teach students effectively in analysis, synthesis, and evaluation in certain high-level instructional areas; however, Asian and European educational models focus more on practical application of knowledge. Although the United States has more content requirements in its educational system than any other industrialized nation, its students function much lower in the ability to apply that content outside the classroom. Testimony of Chris Pipho, *Division Director of State Relations and Information Clearinghouse, Education Commission of the States, Meeting summary, October 16, 1996, commission meeting.*

question of how we exhibit educational accountability hinges on beliefs about what constitutes knowledge and how it can be demonstrated, an issue that is noncontroversial in theory becomes extraordinarily divisive in practice.”¹⁷

IV. ASSESSMENT: DECIDING WHAT WILL BE MEASURED AND HOW

Inextricably linked to educational accountability are standards (skills or competencies that are valued) and assessments (the measurement of progress toward the achievement of those standards). Although accountability seems to have become almost synonymous with standardized testing, education scholars are exploring--and school divisions implementing--other modes of assessing student achievement.¹⁸ Some scholars have eschewed standardized testing in favor of more subjective measures of learning, contending that “tying the notion of accountability to the acquisition and production of facts . . . cheapens the very concept of educational accountability.”¹⁹

Contending that “testing is not and cannot be the main engine of school reform,”²⁰ some states and school divisions have pursued alternative assessments that focus on performance, such as pupil portfolios, research projects, oral presentations, exhibitions, and essays. “Graduation by exhibition” rather than as a result of “time served in class” has been employed in some high schools to reflect “performance, the application of knowledge, and the use of metacognitive strategies. . . .”²¹

While interest in alternative assessments has increased, testing remains a significant component of the accountability movement. Mandated, standardized national testing has been contemplated in recent years, based on the assumptions that “uniform tests will improve the education system as a whole, that instruction will necessarily improve as a result, and that teachers and students will benefit.”²² In 1991, *America 2000* proposed the development of a “voluntary nationwide examination system” linked to education standards and “designed to foster good teaching and learning as well to monitor student progress.”²³ The National Council on Education Standards and Testing (NCEST) also endorsed the development of national standards and assessments.²⁴

¹⁷Theobald & Mills, *supra* note 15.

¹⁸Ann Lieberman, “Accountability as a Reform Strategy,” *Phi Delta Kappan* 219, 220 (November 1991)[hereinafter referred to as Lieberman].

¹⁹Theobald, *supra* note 15, at 465.

²⁰Milbrey W. McLaughlin, “Test-Based Accountability as a Reform Strategy,” *Phi Delta Kappan* 248, 251 (November 1991)[hereinafter referred to as McLaughlin].

²¹Lieberman, *supra* note 18, at 220; Michael J. Feuer & Kathleen Fulton, “The Many Faces of Performance Assessment,” *Phi Delta Kappan* 478 (February 1993); Michael B. Kane & Nidhi Khattri, “Assessment Reform: A Work In Progress,” *Phi Delta Kappan* 30, 31 (September 1995); Joseph P. McDonald, “Three Pictures of an Exhibition: Warm, Cool, and Hard,” *Phi Delta Kappan* 480 (February 1993)[hereinafter referred to as McDonald].

²²Lieberman, *supra* note 18, at 219.

²³U.S. Department of Education, *America 2000: An Education Strategy* at 21(1991).

²⁴*Legislator’s Guide*, *supra* note 3, at 2; Ravitch, *supra* note 7, at 768.

Critics of national standardized testing contend that assessments--and the standards they measure--should not only reflect local needs but should also be "flexible, situational, and multicultural. . . ."25 Others caution that national examinations, even if "elegantly realized in regional variations and alternative formats," could drive schools toward "mindless accountability."26 Citing potential for corruption in grading and "teaching to the test" in national assessments, they urge the creation instead of an accountability system that is based largely on local efforts, supported and audited at the state level, and "fed by perspectives on achievement and equity developed and refined on the national level."27 In addition, the involvement of educators and localities in the development of assessments has been espoused as a way to more effectively link the particular assessment to instruction and curriculum.28

Despite criticisms that it may discourage those types of instruction that benefit low-achieving or nontraditional students and may promote instruction based on memorization and student passivity, test-based accountability remains an "important ingredient in a reform initiative."29 While educators and policymakers have not roundly called for the elimination of standardized testing, they have expressed concerns about the misuse of tests; some tests designed for low-stakes decisions have been applied to high-stakes decisions, such as graduation or academic promotion. Largely the product of commercial testing services and other agencies, the standardized, multiple choice tests widely used in America today were designed to rank or sort students "cheaply and effectively. They . . . are not intended to support or enhance instruction."30

It is generally agreed that any test-based assessment mechanism must be valid, reliable, and equitable. Experts define a test's "validity" as its capacity to measure that which is valued; "reliability" is described as "how well results from one form of the test match those from another form. . . ." "Equity" is generally defined as the elimination of bias in a particular test.31 Scholars contend that test-based accountability mechanisms should not only meet these three standards, but should ideally be designed to avoid eliminating from the classroom those higher-order-thinking and problem-solving skills necessary for success in a global marketplace.32

²⁵Lieberman, *supra* note 18, at 220.

²⁶Joseph P. McDonald, "Let's Root Accountability in Local Efforts to Take Stock," *The Education Digest* 67, 68 (November 1992)[hereinafter referred to as *Digest*].

²⁷*Id.*

²⁸Lieberman, *supra* note 18, at 220; Jennings, *supra* note 4, at 766.

²⁹McLaughlin, *supra* note 20, at 251.

³⁰Blaine R. Worthen, "Critical Issues That Will Determine the Future of Alternative Assessment," *Phi Delta Kappan* 444, 446 (February 1993); Linda Darling-Hammond, "The Implications of Testing Policy for Quality and Equality," *Phi Delta Kappan* 220 (November 1991).

³¹McDonald, *supra* note 21, at 484.

³²McLaughlin, *supra* note 20, at 248, 250-251.

V. ACCOUNTABILITY INITIATIVES IN SELECTED STATES

The states have not limited their various accountability initiatives to pupil assessments and testing. Some statutes address teacher qualifications, tenure, and instructional performance, as well as school accreditation; others may include provisions regarding safety and student discipline, tracking of graduates in postsecondary pursuits, and administrative and fiscal issues. Accountability initiatives may also authorize state intervention in school operations and provide for financial incentives or penalties and other consequences. More indirect accountability initiatives employed by some states include vouchers, school choice, and charter schools.³³

Recognizing an increasing gap between what students are learning in school and what is necessary to succeed in the current workplace, some states have explored accountability programs incorporating declarations of “academic bankruptcy,” “earned” charter schools, and the WorkKeys model, an initiative that matches required job skills with curriculum needs. In Colorado, new academic standards are being matched to the WorkKeys model to help ensure that the new curriculum will effectively prepare students for the workplace. A proposed state constitutional amendment in Washington would authorize a districtwide charter schools initiative in which teachers would control the curriculum.

Also explored as an accountability initiative are summer school voucher programs, which allow parents to choose 20 days of remediation in June, July, or August. Because the placement of students in lower-tracked classes may produce lower test scores, expectations of pupil performance are critical. In Missouri, schools may offer at least one section of a class as “motivated”; students must complete and sign a “motivated” contract to enroll. Other accountability initiatives include the Hope Scholarship program, providing free tuition for postsecondary education in Georgia; Golden State Achievement Awards, recognizing test scores in California; consideration of teacher as well as student attendance rates in Texas; and testing at every grade level, which was abandoned in Louisiana after two years due to fiscal reasons.³⁴

Alabama. In July 1995, the Alabama Legislature adopted its Education Accountability Plan, directing the State Board of Education to develop a program to monitor student achievement. The State Board is to require the implementation of nationally normed tests and other assessments to determine student achievement in grades 3 through 11. The Board is also to develop a curriculum that will prepare students for the workforce and postsecondary education; the curriculum is to include the content necessary for successful performance on the requisite nationally normed and other tests. The Education Accountability Plan also includes a strategy component to aid not only at-

³³Pipho I, *supra* note 2, at 662; Pipho II, *supra* note 4, at 198-199; Education Commission of the States, *Bending Without Breaking: Improving Education through Flexibility & Choice* at 21 (June 1996)[hereinafter referred to as *Bending Without Breaking*].

³⁴Testimony of Chris Pipho, Division Director of State Relations and Information Clearinghouse, Education Commission of the States, Meeting summary, October 16, 1996, commission meeting.

risk pupils but also those schools and school systems in need of assistance, as determined by a majority of students scoring one or more grade levels below the national norm on a state-adopted achievement test. The school and school system assistance programs include a self-study and improvement plan; the State Board of Education may subsequently intervene to appoint persons to operate a school or school system that has failed to show sufficient improvement. Also included in the statute is fiscal accountability, as the State Board is to assess the financial stability of each local school board; again, State Board intervention is authorized for those boards deemed in "unsound financial condition. To ensure accountability in the application of funds for instruction, the statute also expresses the legislative intent that teachers and administrators have the opportunity to provide direct input in the development of the school's budget for classroom instructional support and in the expenditure of these funds.

Accountability for school discipline and safety are addressed through the publication of school safety and discipline manuals and annual reports of compliance with discipline requirements; state intervention is authorized in extreme cases. Local school boards must prepare and release to the media, parent organizations, legislators, and the State Superintendent annual accountability reports for each school in their respective districts. Finally, the Education Accountability Plan also requires the State Superintendent to develop a plan to reduce teacher paperwork by 50 percent by the 1996-97 school year.³⁵

California. In the fall of 1988, California voters approved an "accountability report card" within Proposition 98. Included among the report card's performance indicators were student achievement, dropout rates, per pupil expenditures and funded services, reductions in class sizes and teaching loads, school safety and discipline, teacher training and professional development opportunities, assignment of teachers outside their areas of competence, textbook quality, curriculum improvement, and quality of school instruction and leadership. A 25-member state task force, comprised of teachers, administrators, school board members, and researchers, was to develop recommendations for a model report card for submission to the state board of education.³⁶

Georgia. In April 1995, the Georgia Legislature enacted House Bill 145, revising its school incentive awards program and providing for a comprehensive review of each school, school system, and regional educational service agency by the State Board of Education every five years. Incentive awards in the form of state grants may be made to recognize those schools and school systems demonstrating high levels of achievement or improvement and to improve the performance of lower-achieving schools or systems. The comprehensive evaluations are to address the implementation of strategic plans and sequenced core curriculum; compliance with state laws, regulations, and policies, including those addressing public information requirements; the effectiveness of educational programs, including comparisons with other entities sharing

³⁵Ala. Code § 16-6B-1 *et seq.* (1995); Education Commission of the States, Information Clearinghouse, *State Issues Report 1995-96* (DRAFT) at 1 (May 17, 1996)[hereinafter referred to as *State Issues Report*].

³⁶Pipho I, *supra* note 2, at 662.

common demographics; the effectiveness of professional evaluations and development initiatives, particularly in addressing any deficiencies; the accuracy of fiscal and student count procedures; and other functions deemed necessary by the State Board for a “full and comprehensive evaluation. . . .” The evaluations are conducted by certificated professional employees of other local units of administration, higher education faculty, and residents of the particular locality. Results of these evaluations, including any identified deficiencies and recommendations for improvement, are to be published in the “legal organ” of the county in which the school system is located. The State Superintendent is to report annually to the Governor and the General Assembly regarding the results of all statewide student achievement assessments; the status of each school, system, and regional agency; and the progress of any “nonstandard” entity in remedying deficiencies.³⁷

Assessment was the focus of Senate Bill 11, adopted in April 1996. In creating and implementing a student assessment program, the State Board is to review, revise, and upgrade the quality core curriculum and contract for the development of criterion-referenced tests to measure the core curriculum within two years. These tests are to be administered in three grade levels, not lower than the third grade. In addition, nationally norm-referenced tests in reading, mathematics, science, and social studies are to be administered for grades 3, 5, and 8. A curriculum-based assessment is to be administered in grade 11 for graduation purposes—a high-stakes assessment. Writing assessments are to be administered for grades 3, 5, 8, and 11. A school readiness assessment is required for children entering the first grade. Student achievement, as evidenced by these various assessments, may be included as a component of the comprehensive evaluation of schools, systems, and regional agencies, and may also be considered in awarding salary supplements or pay-for-performance. Participation in staff development, designed to instruct teachers in test use and in aligning curriculum with the tests, is required annually.³⁸

Louisiana. Tracking the success of Louisiana high school graduates was the aim of a 1985 statute that required the state superintendent to provide annual reports to the Louisiana legislature regarding the number of students required to take remedial classes. The statute was revised in 1993 to require Louisiana state colleges and universities to report student remediation data to the state board. The academic performance of first-time college freshmen is included in each high school’s annual progress profile report.³⁹

Michigan. As part of its School Code Reform Act of 1995, Michigan enacted legislation requiring each public school to submit an annual report on its accreditation status and its progress in implementing a model core academic curriculum based on state content standards. While use of the state content standards by the local divisions is voluntary, these content standards provide the basis for state testing. This accountability initiative includes sanctions for schools performing poorly; building administrators may

³⁷*State Issues Report, supra* note 35, at 2; 1995 Ga. Laws, Act 500 (§§ 2-2-253; 2-2-282).

³⁸*State Issues Report, supra* note 35, at 7; 1996 Ga. Laws, Act 1038 (§ 2-2-281).

³⁹La. Rev. Stat. Ann. §§ 17:3911, 17:3912 (1996); Piphon I, *supra* note 2, at 663.

be removed, parents may choose to send their children to another accredited school within the district, and schools may be “taken over” or closed.⁴⁰

North Carolina. In 1996, the North Carolina General Assembly adopted Senate Bill 1139, implementing the State Board of Education’s mandatory School-Based Management and Accountability Program. Comprised of an accountability, recognition, assistance, and intervention process, the Program provides school boards with increased budget flexibility and authorizes the grant of waivers from certain regulations that may inhibit reaching local accountability goals. State Board guidelines will assist local boards and schools in the implementation of school-based management, with the goal of improving student performance by increasing local control of schools. School improvement plans, incorporating annual performance goals set by the State Board, are to be developed by each school, with input from parents and teachers, and approved by administrators and educational personnel. Subject to acceptance by the local school board, the improvement plan remains in effect for no more than three years. Personnel in schools exceeding performance growth goals may receive financial rewards; these awards may be applied to other purposes upon a vote by school personnel and approval by the school board. Schools identified as low-performing must notify parents of this designation; an assistance team may be assigned to the school. The Accountability Program also provides for the dismissal and removal of administrators and teachers in low-performing schools and the appointment of interim superintendents.⁴¹

Pennsylvania. Education reform initiatives adopted in 1993 require Pennsylvania school districts to produce strategic school improvement plans consistent with state goals and student outcomes. Certain state mandates, such as those specifying the number of minutes required per subject, were eliminated. The 501 local school districts measure student performance independently, rather than through the state assessment system that only measures selected basic skills; the local districts also determine student readiness for graduation.⁴²

South Carolina. The South Carolina School Accountability Act of 1996, which failed to pass, would have revised the state’s public school funding mechanism and provided for school and school district accountability for student academic performance. Local school innovation funds would have been appropriated to school districts and individual schools as flexibility grants for school innovation. The proposed Act would have established specific benchmarks for student achievement, to be measured annually; report cards for each school and district would be issued on the basis of these benchmarks. School incentive awards would be made to those schools designated as “successful” (meeting all the benchmarks) or “improving” (not meeting all benchmarks, but shows a 33 percent improvement toward achieving the benchmarks). Professional development and other assistance would be provided to those schools designated as

⁴⁰*Bending Without Breaking*, *supra* note 33, at 21.

⁴¹Legislative Research Division, North Carolina General Assembly, *Summary: ABC’s Plan* (1996); N.C. Gen. Stat. § 115C-12(9) *et seq.* (1996 Session, c. 716).

⁴²*Bending Without Breaking*, *supra* note 33, at 22.

“advised”; “warned” schools would receive direct assistance and more intensive professional development. Consequences for schools found to be “substandard” are more severe; principals may be removed and teachers contracts deemed nonrenewed. School superintendents would be removed in districts deemed substandard.⁴³

Texas. The Texas accountability statutes establish performance-based statewide and secondary exit and end-of-course assessments. These assessments provide the basis for district accreditation and for the evaluation of the commissioner, administrators, and teachers. Schools are given report cards based on various academic excellence indicators, adopted by the State Board of Education; these indicators include dropout and attendance rates as well as a variety of test scores. Also factored into the report cards are pupil/teacher ratios and administrative and instructional costs. Supplementing this report card are annual performance reports detailing the educational performance of each school and school district. This performance report serves as a primary consideration in the evaluation of the state commissioner, division superintendents, and principals. Under the Texas Successful Schools Awards System, schools or districts attaining the highest sustained success or greatest improvement in achieving educational goals may receive financial awards for academic enhancement purposes. In addition, the State Board is to develop a plan for recognizing and rewarding schools and districts that share proven-successful educational practices; the awards may be used for summer stipends for teachers to develop curricula based on these successful strategies. Accreditation sanctions for those districts whose performance is substandard or “academically unacceptable” range from on-site investigations, preparation of improvement plans, appointment of a special board of managers, to program closure.⁴⁴

VI. EDUCATIONAL STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY IN VIRGINIA

The concept of educational accountability is not new to Virginia’s public school system. Current constitutional and statutory provisions and regulations provide a plethora of mechanisms for the accountability of students, teachers, administrators, schools, and school divisions. Meeting the multiple directives of HJR 168--the development of comprehensive plans for statewide student and teacher assessments and school accreditation incorporating the revised Standards of Learning as well as alternatives to facilitate the productive use of daily instructional time--necessitates the review of existing accountability initiatives addressing not only pupil performance but also instructional quality, school accreditation, safety and discipline, parental and community involvement, and administrative and fiscal issues.

A. SETTING STANDARDS FOR ACCOUNTABILITY: THE SOQ AND THE SOL

The standards, assessments, and consequences integral to any accountability initiative are primarily found in the Standards of Quality (SOQ), mandated by the

⁴³*State Issues Report, supra* note 35, at 3; House Bill 4597 (South Carolina 1996).

⁴⁴*Bending Without Breaking, supra* note 33, at 22; Tex. Educ. Code Ann. §§ 39.021 *et seq.* (1996).

Virginia Constitution and set forth in the Code of Virginia. Described as the foundation of educational policy for the Commonwealth's public schools, the SOQ set forth broad policies and goals rather than detailed procedures. The Standards establish minimum educational goals and requirements; localities may, and often do, surpass these Standards.⁴⁵

The lengthiest and most detailed of the SOQ, Standard 1 confirms that the "fundamental goal" of public schools must be to foster the development of skills "necessary for success in school and preparation for life." Standard 1 directs the Board of Education to establish educational objectives to implement the development of necessary skills. These objectives, known as the Standards of Learning (SOL), were designed to "identify what students are expected to accomplish, to provide a method of determining what has been learned, and encourage teachers to place emphasis on critical areas in the curriculum." Following the initial inclusion of this statutory directive in the SOQ in 1986, Standards of Learning were developed for language arts, mathematics, science, social studies, health (including driver education), physical education, music, art, foreign language, and family life education. Each set of standards includes learning objectives or goals, crafted for various grade levels. Listing identifiable skills and competencies, these objectives may range from a second grader's understanding of substances as solids, liquids, or gases, to the tenth grader's identification of themes in literary works.⁴⁶

B. REVISING THE SOL

Subsection B of § 22.1-253.13:1 directs the Board to "seek to ensure" that any revisions to the SOL are "consistent with the world's highest educational standards," but clearly prohibited the implementation of any such revisions before July 1, 1994. The revised objectives were to include basic skills of communication, computation, and critical reasoning as well as the development of various personal qualities and attitudes. Local school boards are required to implement educational objectives that meet or exceed these revised standards. The subsection includes expectations of student mastery of the educational objectives and provides for the assessment of the achievement of these objectives, subject to available funding.

Consistent with this statutory directive, the Board of Education developed and adopted in June 1995, revised Standards of Learning in the core subject areas of mathematics, science, English, and history and social science. The result of an "unprecedented partnership of educators and citizens," the new SOL were crafted to "set reasonable targets and expectations for what teachers need to teach and students need to learn" and to provide "greater accountability on the part of the public schools . . . [while giving] the local school boards the autonomy and flexibility they need to offer programs

⁴⁵*Legislator's Guide*, supra note 3, at 4, 6.

⁴⁶Va. Code § 22.1-253.13:1 A (1996 Supp.); Virginia Board of Education, *Standards of Learning for Virginia Public Schools* 38, 73 (June 1995)[hereinafter referred to as *Standards of Learning*]; 1986 Acts of Assembly, c. 555; see also, *Legislator's Guide*, supra note 3, at 9-10.

that best meet the educational needs of students."⁴⁷ The Department of Education has coordinated efforts of school divisions to realign curricula consistent with the new SOL through regional consortia, workshops, summer institutes and seminars for teachers at all levels in the four subject areas; in addition, videotapes and curriculum models have been distributed statewide.⁴⁸

C. ACCOUNTABILITY FOR SCHOOLS AND SCHOOL BOARDS: THE STANDARDS OF ACCREDITATION

The accountability of schools and school boards for quality education is highlighted in Standard 3 of the SOQ, which directs the Board of Education to promulgate regulations pursuant to the Administrative Process Act establishing standards for the accreditation of public schools. Accreditation standards for public schools must include student outcome measures; requirements and guidelines for instructional programs, staffing levels, auxiliary programs such as library and media services, and graduation requirements; and "the philosophy, goals, and objectives of public education in Virginia."⁴⁹

Cited in the initial Standards of Quality, the Standards of Accreditation (SOA) are "designed to provide a foundation for quality education." The Board of Education has designed these standards not only to ensure high quality educational programs, but also to promote public confidence, encourage continuous improvement in public schools, provide recognition by other learning institutions, and assist in assessing the effectiveness of schools.⁵⁰

The accreditation status of each public school is subject to annual review by the Board. The principal of each public school, through the division superintendent, must submit school accreditation reports to the Department of Education. Based on this report and data gathered by the Department through site visits, the Board makes determinations of accredited, accredited with advisement, or accredited with a warning for each school. School divisions must develop a written corrective action plan by July 1 of the next school year, acceptable to the Board, for any school receiving warning status. Failure to implement the corrective plan results in the loss of accreditation and in closure of the school; no school on warning status may retain its accreditation for more than one year.

Currently, there are eight accreditation standards, each supported by a number of criteria establishing specific requirements. These standards address broad areas, such as school/community relations, instructional programs and leadership, student achievement, staffing, building and grounds, and goals and objectives. Emphasizing educational excellence, student achievement, quality instruction and administration, and appropriate

⁴⁷Va. Code § 22.1-253.13:1 B (1996 Supp.); *Standards of Learning*, *supra* note 46, at iii.

⁴⁸Meeting Summary, July 25, 1996, commission meeting.

⁴⁹Va. Code §§ 22.1-253.13:3 A, B (1996 Supp.). Further clarifying the Board's authority to provide for the accreditation of public elementary, middle, and secondary schools is § 22.1-19 (1993).

⁵⁰Virginia Department of Education, *Standards and Regulations for Public Schools in Virginia* at 13 (1992) [hereinafter referred to as *SOA*]. See also, *Legislator's Guide*, *supra* note 3, at 14.

facilities, the standards of accreditation include mandates for student-teacher ratios, course offerings, and staff levels and responsibilities.⁵¹

Pursuant to legislation adopted in 1995, the Board is to identify those provisions of the SOA “providing flexible implementation alternatives to the several school divisions of the Commonwealth” and is to establish consistent criteria for granting school board applications for this flexibility. Currently, there are three forms of grants for flexibility under the SOA: (i) the State Board may grant school divisions flexibility to employ experimental and innovative programs if existing regulations impede innovation; (ii) the local board may approve certain initiatives; and (iii) existing regulations may simply require certain action without specifying how such action is to be taken.

The State Board may grant school divisions flexibility for experimental and innovative programs (which may deviate from the SOA, but not from the SOQ), for changes in the standard school year and school day, and for alternative staffing plans. Local boards may approve flexibility under the five Standards of Accreditation addressing standard units of credit, elective courses, standard school year and day, correspondence courses, and alternative programs for pupils failing the Literacy Passport Tests. Although there are presently no sanctions for decreased academic performance resulting from waivers, the biennial accreditation process and annual reports of compliance with accreditation requirements help ensure continued accountability for any increased flexibility.⁵²

The current SOA were last revised in 1992; however, this revision has been viewed as less than substantive as requirements for graduation, course units, and staffing were unchanged. The Board of Education undertook a review of these SOA in 1996; proposed revisions are expected to be released in February or March of 1997. Any changes in graduation and course requirements as reflected in any revised SOA would become effective for incoming ninth graders no sooner than 1997-98.⁵³

⁵¹Va. Code § 22.1-253.13:3 F (1993); *SOA*, *supra* note 50, at 13-14.

⁵²*House Document No. 43*, *supra* note 3, at 10-11.

⁵³Meeting Summaries, July 25, 1996, and December 9, 1996, commission meetings. As part of its ongoing review of the Standards of Accreditation, the Board of Education conducted seven public hearings across the Commonwealth in August 1996. The results of 320 surveys collected from these preliminary hearings identified first as among those things schools do “particularly well” was “educate a diverse student population, tailoring education to the individual child and providing necessary support services.” Also noted among those things school “do well” were offering a broad curriculum and providing a “sufficient academic foundation.” Receiving the fewest positive responses to this survey question was educating gifted and special education students.

When asked what things schools “do not do as well as they should,” respondents cited, in descending order, preparing students in core academics; effectively involving parents in school life; educating students in fine arts, art, and music; and adequately controlling discipline problems. Respondents generally agreed that schools and students should be measured by achievement against the Standards of Learning (SOL), but noted that assessments should closely correlate to the standards and that the standards be measurable, attainable, and not lowered. Respondents also noted that testing should not be the only method of assessing performance. In addition, respondents stated that accommodations should be made for students with disabilities, and that financial, socioeconomic, and educational disparities should be recognized and remedied.

The Standards of Accreditation (1992)

(excerpts)

Part I: Procedures for Accreditation. "Schools shall be accredited biennially. . . ."

Part II: School and Community Relations. "Each school shall promote interaction with the community and foster mutual understanding in providing a quality educational program. . . ."

Part III: Philosophy, Goals and Objectives. "Each school shall have current philosophy, goals and objectives that shall serve as the basis for all policies and practices. . . ."

Part IV: Instructional Program. "Each school shall provide a program of instruction that is in keeping with the abilities, interests, and educational needs of students and that promotes individual student achievement. . . ."

Part V: Instructional Leadership. "The principal shall be responsible for instructional leadership and effective school management that promotes positive student outcomes, including achievement of individual students. . . ."

Part VI: Delivery of Instruction. "The staff shall be responsible for providing instruction that is educationally sound in an atmosphere of mutual respect and courtesy, which is conducive to learning and in which students are expected to achieve. . . ."

Part VII: Student Achievement. "Each school shall provide learning goals to be achieved by students at successive levels of development and shall continually assess the progress of each student in relation to these objectives and the goals of education in Virginia as promulgated by the Board of Education. . . ."

Part VIII: Staffing. "Each school shall have the required staff with proper certification and endorsement. . . ."

Part IX: Buildings and Grounds. "The school building shall accommodate an educational program that will meet the needs of the students and ensure the health and safety of students and staff. . . ."

Source: Virginia Department of Education, *Standards and Regulations for Public Schools in Virginia* (1992).

D. THE OUTCOME ACCOUNTABILITY PROJECT: MEASURING SCHOOL PERFORMANCE

Central to the Standards of Accreditation is accountability for educational excellence. A critical component of this accountability is the assessment of the

Among those changes cited by respondents as needed in the public schools were creating a fine arts credit requirement for graduation; establishing student achievement in core academics as the basis of accountability; maintaining class sizes and pupil:teacher ratios; incorporating current special education program standards into the SOA; establishing higher expectations for all students, while recognizing that all students are not college-bound; making schools accountable for the same standards to eliminate disparities; and protecting and extending instructional time, especially in core subjects. Meeting Summary, October 16, 1996, commission meeting.

effectiveness of the public schools and student academic progress. Pursuant to Standard 3 of the SOQ, the Superintendent of Public Instruction is responsible for the development of "criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools." Subject to the approval of the Board, these criteria are to become "an integral part of the accreditation process" and must include student outcome measurements. Consistent with the recommendation of the 1986 Governor's Commission on Excellence in Education, the Commonwealth has revised its accountability mechanism to incorporate student outcomes, rather than input measures such as spending levels or class size.

Supplanting the Educational Performance Recognition (EPR) Program, the Outcome Accountability Project (OAP) provides annual reports of student performance data as a tool for improving public education in Virginia. The OAP uses outcome indicators, such as course enrollments, attendance, and dropout rates, that target seven educational objectives:

- I.. Preparing students for college;
- II.. Preparing students for work;
- III. Increasing the graduation rate;
- IV. Increasing special education students' living skills and opportunities;
- V. Educating elementary school students;
- VI. Educating middle school students; and
- VII. Educating secondary school students.

The first four objectives address division-level programs; data for the last three objectives is reported for individual schools. Data released in 1996, the fifth year of school reporting and the sixth year of state/division level reporting, includes data from about 1,700 schools on 46 performance indicators. Community and student "profiles" are compiled at the state and local levels; these profiles reflect the community educational and income levels, student socioeconomic status, local ability-to-pay, average daily membership, and percentages of students for whom English is a second language.

Statewide, performance has improved for 31 of the 46 indicators. A large gain--11 percent--was seen in the number of students taking Algebra I prior to the ninth grade, an indicator for Objective I. Indicators addressing Objective II, preparation for work, remained stable statewide. Keyboarding skills showed an eight percent improvement since 1990-91, while the number of students scoring a 3 or higher on at least one advanced placement test has increased seven percent. The number of high school students absent 10 days or fewer increased by four percent.

Accountability for performance as measured by the OAP is clearly authorized by Standard 3. The Superintendent of Public Instruction is to identify those school divisions not meeting performance criteria and assist these divisions in the implementation of action plans to improve their achievement levels. Because these performance criteria have not yet been established, OAP reports are presently used for informational purposes

only. Once the performance criteria are created, it is anticipated that the OAP will expand its function to incorporate determinations of accountability.⁵⁴

E. ACCOUNTABILITY FOR STUDENTS: MEASURING PUPIL PERFORMANCE

Consistent with accountability models in other states, the Commonwealth measures student academic progress through a battery of assessments. Measuring student performance assists not only in individual student evaluation, but also in the discovery of special skills and aptitudes and in determinations of the effectiveness of instructional programs. In the last two decades, assessing student progress has received repeated focus in Virginia. A 1973 legislative study committee was directed to develop "a set of criteria and reasonable tests and standards to measure a child's level of performance." Pupil performance testing and criteria received legislative scrutiny in 1974; a 1976 joint subcommittee reviewing the SOQ recommended the increased use of criterion-referenced tests to assess educational progress and needs. Minimum competency testing for graduation was reviewed in 1981.

Pursuant to Standard 3 of the Standards of Quality, the Board of Education is to develop appropriate assessments which may include criterion-referenced tests as well as alternative assessment instruments. In addition, the Board is directed to prescribe measures, including nationally normed tests, for the Virginia State Assessment Program, which incorporates the Iowa Tests of Basic Skills for grades 4 and 8 and Tests of Achievement and Proficiency for grade 11. Literacy tests in reading, writing, and mathematics are to be provided for sixth graders. Complementing the Board's testing responsibilities is the duty of local school boards to require the administration of appropriate assessments, including the Virginia State Assessment Program, the Virginia Literacy Testing Program, and the National Assessment of Educational Progress (NAEP) state-by-state assessment. Analysis and annual reporting of Virginia State Assessment and Virginia Literacy Testing Program results are also local school board responsibilities. Finally, local school boards must provide in-service training for teachers and principals in the preparation of test materials and methods of assessing student progress.

Today, student testing in Virginia combines a variety of assessment instruments. Standardized or "norm-referenced" tests attempt to measure general ability or achievement; these tests do not assess progress toward particular educational goals or objectives. Although considered effective in comparing achievement levels in a geographic area with those of national samples, these tests generally do not predict future academic success or indicate effective instruction. In contrast, criterion-referenced tests target the achievement of specific educational objectives and are not designed to provide comparative performance data. Teacher-made tests may provide guidance in improving

⁵⁴*Legislator's Guide*, *supra* note 3, at 15; Virginia Department of Education, *Outcome Accountability Project: 1996 Interpretive Guide to Reports*, at 1-3 (1996)[hereinafter referred to as *1996 Interpretive Guide*]; Virginia Department of Education, *Outcome Accountability Project: 1996 Virginia Summary Report* 1, 3-4, 9 (1996); Va. Code § 22.1-253.13:3 D (1993); Meeting Summary, July 25, 1996, commission meeting.

instruction and in motivating pupils. Informal evaluations, typically based upon observation of students, also offer a useful evaluation tool.⁵⁵

Also influencing the Commonwealth's assessment efforts are the new SOL. The 1996-98 biennial budget appropriated \$6,003,000 in each year for the development and administration of new assessment materials and tests that reflect these new Standards of Learning. In April 1996, the Board of Education announced policy decisions directing the development of the new state testing program. Tests will measure skills and competencies in the four revised SOL subject areas at grades 3, 5, 8, and 11. In May 1996, the Department, on behalf of the Board, issued a request for proposals seeking vendors for the development of the new SOL tests and nationally norm-referenced tests.

On October 10, 1996, the Board of Education named Harcourt Brace Educational Measurement as the vendor for a proposed contract for the creation of tests reflecting the new Standards of Learning (SOL) and for the norm-referenced part of the new testing program, which will compare the academic performance of Virginia students to national norms. One test will be developed for the four SOL areas of English, history, mathematics, and science in grade 3; two tests will be developed for grade 5--one for the SOL four areas and another knowledge-based test on technology. There will be no fifth grade writing assessment. Testing for grade 8 includes four separate SOL subject area tests as well as a separate knowledge-based technology test. At grade 11, two tests each will be created for the SOL areas of English, mathematics, and science, with separate scores reported for each, and a single test for the history and geography component of the SOL.

Data generated from the initial administration of the new SOL tests in spring 1997 are to be used only to determine test validity and reliability; the data may not be used to impose consequences on schools, school divisions, teachers or students. The SOL tests are expected to be operational in spring 1998, with public reporting of test results following this second test administration. The norm-referenced tests will also be administered in spring 1997. Content review committees will work with the contractor to ensure that testing items appropriately reflect the new SOL. In addition, a technical advisory panel, an assessment policy advisory committee, and standard-setting committees on cut-scores will also be involved in the test development process. The test are to be sufficiently valid and reliable to become part of any accountability subsequently adopted by the Board.

Contingent upon available funding, the testing contract may ultimately include separate tests for world history and geography; a direct writing assessment for grade 5; separate tests for U.S. history, Algebra II and chemistry at grade 11; norm-referenced

⁵⁵*Legislator's Guide*, *supra* note 3, at 17. See also, Study of Criteria and Tests for Measuring Pupil Performance in Virginia Schools, *House Document No. 10* (1974); Report of the Joint House-Senate Subcommittee to Review the Standards of Quality in Education, *House Document No. 19* (1976); Report of the Joint Subcommittee Studying Minimum Competency Testing, *House Document No. 25* (1981); Va. Code § 22.1-253.13:3 E, G, H (1993); Virginia Department of Education, *Superintendent's Report for Virginia 1993-94* at 10-17 (1995)[hereinafter referred to as *Superintendent's Report*].

tests in science and history at the four grade levels; and additional public information materials and other test security and technical options.⁵⁶

Testimony before the commission indicated that accountability for school and pupil performance might be visited before fifth grade testing occurs to more effectively address the need of students at risk for academic failure. While recognizing differences in student abilities, standards should nonetheless be high for all students, and additional help provided to particularly challenged students.⁵⁷

F. THE LITERACY PASSPORT TEST

In 1988, the General Assembly completely revised the Standards of Quality and added a Literacy Passport requirement to the standards for graduation. Recommended by the Governor's Commission on Excellence in Education, the Literacy Passport Test (LPT) is designed to "affirm that the student is prepared for success at the more demanding level of secondary education."⁵⁸ Alluded to in Standard 3 as the "literacy tests in reading, writing, and mathematics" administered to sixth graders and, in grades seven and eight, to students who have not already passed them, Literacy Passports are awarded to all students, including handicapped students, achieving passing scores on three-part tests created by the Board of Education. Some school divisions offer noncredit, preparatory versions of the Literacy Passport Test for pupils in the fourth grade.

The LPT is perhaps one of the best examples of "high-stakes testing" in Virginia. Promotion to the ninth grade is contingent upon passing the Literacy Passport Test; a statutory exception is made for disabled students who are progressing according to an individualized education program (IEP). Legislation adopted by the 1993 Session also exempted students for whom English is a second language and who have been enrolled in a Virginia Public School for less than one year from the Literacy Passport requirement. The statute requires these pupils to achieve passing scores on the first literacy test administered after three years of enrollment.

Students transferring from a school outside the Commonwealth prior to the ninth grade must also pass the literacy test for promotion to the ninth grade. Students failing to obtain a Literacy Passport must be enrolled in an alternative program leading to passage of the Literacy Passport Test, high school graduation, a GED certificate, a certificate of program completion, or job-entry skills. Each school division must create an alternative program or Literacy Development Plan for students not earning the Literacy Passport by the end of the eighth grade. Those students who are not promoted or classified as ninth

⁵⁶1996 Acts of Assembly, c. 912, § 1-51, Item 131 H; Meeting Summaries, July 25, 1996, and October 16, 1996, commission meetings.

⁵⁷Meeting summary, October 16, 1996, commission meeting.

⁵⁸The Report of the Governor's Commission on Excellence in Education, *Excellence in Education: A Plan for Virginia's Future* 7 (October 1986).

graders are reported as ungraded--a designation that not only affects academic placement but extracurricular activities as well.⁵⁹

In spring 1995, 140,118 public school students took the Literacy Passport Test. Slightly more than 65 percent of sixth graders passed the test on their first attempt. The passing rate for seventh graders was slightly over 17 percent, while about 31 percent of eighth graders achieved passing scores on the three tests. Nearly 51 percent of ninth graders passed all three tests.⁶⁰ In 1993-94, the statewide high school graduation rate stood at 74.1 percent. Nearly 30,000 students earned standard diplomas, while over 26,000 advanced studies diplomas were awarded. Special diplomas and certificates totaled 571 and 716, respectively.⁶¹

**Virginia Literacy Testing Program, Spring 1995
Number of All Students Tested and Percent Passing
for Each Grade Classification**

Tests	Reading		Writing		Mathematics		All Three	
	Number Tested	Percent Passing	Number Tested	Percent Passing	Number Tested	Percent Passing	Number Tested	Percent Passing
Six	79,792	80.1	78,793	77.6	79,855	83.6	78,137	65.6
Seven	11,404	37.3	8,374	42.2	8,709	31.7	3,644	17.3
Eight	5,568	41.7	4,200	44.9	4,446	36.8	1,881	31.6
Nine	2,442	49.5	2,115	56.1	2,200	50.4	1,283	50.9
Eleven	1,095	57.7	965	70.9	88.1	67.9	646	63.8
UGLTP9	1,274	34.3	909	37.6	1,020	24.4	234	12.0
UGLTP10	456	32.9	381	44.9	406	27.6	114	16.7
UGLTP11	206	39.8	204	50.5	170	41.2	54	25.9
UG/NLTP	67	10.4	60	26.7	56	12.5	36	0
TOTAL	103,847	71.1	97,389	71.8	99,111	74.7	86,923	62.2

Note: Ungraded LTP students are identified as UG LTP/9, UG LTP/10, or UG LTP/11 to signify the grade they would be in had they passed all three Literacy tests. Ungraded NLTP students are classified as ungraded for reasons other than the Literacy Testing Program.

Source: Virginia Department of Education, *Virginia Literacy Testing Program, Spring 1995* (1995).

⁵⁹*Legislator's Guide, supra* note 3, at 18-19; Va. Code § 22.1-253.13:4 A, B (1996 Supp.); *SOA, supra* note 50, at 24-25.

⁶⁰Virginia Department of Education, *Virginia Literacy Testing Program, Spring 1995* (1995).

⁶¹*Superintendent's Report, supra* note 56, at 21. Diplomas are awarded to secondary school students earning the required 21 credits prescribed by the Board, passing the literacy tests, and meeting any additional local division requirements approved by the Board. An advanced studies diploma is awarded to those students completing the elective 23-credit program. Special diplomas are awarded to students identified as handicapped who complete their individualized education programs. Students completing a course of study prescribed by the local school board receive certificates if they do not qualify for a diploma. Va. Code § 22.1-253.13:4 C, D, E (1996 Supp.).

The introduction of the LPT as a potential barrier to graduation in 1996 may have prompted improved test performance, as less than 100 of the 1,105 rising seniors who had previously failed to pass all three parts of the LPT were denied graduation. Testimony before the commission indicated that the imposition of similar barriers at the fifth and eighth grade levels--to coincide with proposed scheduled assessment--was noted as a way to eliminate social promotions.⁶²

G. ACCOUNTABILITY FOR PROFESSIONAL PERSONNEL: QUALIFICATIONS, TRAINING, AND LICENSURE

Accountability initiatives increasing professional accountability for teachers have also received renewed focus in recent years. Some scholars have explored alternative assessments for beginning teachers--performance-based tests that require the application rather than a demonstration of knowledge--as well as performance-based licensing. Other experts have looked beyond pupil achievement to evaluating the actual work of teachers to assess their performance.⁶³

In the Commonwealth, accountability for professional personnel is primarily addressed through training, licensure, and employment laws and regulations. Pursuant to Standard 3 of the SOQ, the Board of Education is to establish requirements for the licensure of teachers, principals, supervisors, and other professional staff. In addition, the Board is to determine eligibility requirements for the appointment of local division superintendents.

Employment as a public school teacher in the Commonwealth is contingent upon licensure. Current Board regulations address teacher preparation and training requirements; issuance, revocation, suspension, and reinstatement of licenses; and qualifications for administrative, supervisory, and instructional and noninstructional positions in the public schools. The purpose of the licensure regulations is to "maintain standards of professional competence." The Advisory Board on Teacher Education and Licensure (ABTEL) submits recommendations to the State Board on policies relating to licensure and other regulations. Statutory provisions also help ensure accountability for quality instruction by underscoring requirements for probationary and continuing contract employment as well as suspension and dismissal.⁶⁴

⁶²Meeting summary, October 16, 1996, commission meeting.

⁶³Linda Darling-Hammond, "Teacher Professionalism and Accountability," *The Education Digest* 15 (September 1989); Long & Stansbury, "Performance Assessments For Beginning Teachers: Options and Lessons," *Phi Delta Kappan* 318 (December 1994); Richard J. Murnane, "The Case for Performance-Based Licensing," *Phi Delta Kappan* 137 (October 1991); Francis Shrag, "Teacher Accountability: A Philosophical View," *Phi Delta Kappan* 642 (April 1995).

⁶⁴Kathleen G. Harris, *A Legislator's Guide to Public Education in Virginia*, "Teachers, Administrators, and Other School Personnel" at 4-13 (1993). See also, Va. Constitution, Art. VIII, § 4 (1987); Va. Code §§ 22.1-253.13:3; 22.1-289 *et seq.* (1993 and 1996 Supp.); Virginia Board of Education, *Licensure Regulations for School Personnel* 5-7, §§ 2.1, 3.1, 3.7 (1993).

According to testimony of Department of Education representatives, teacher licensure may be affected by the revised Standards of Learning, new state assessments, and the new Standards of Accreditation. The ABTEL has recommended reducing the number of teacher endorsement areas--now over 100--to about 50 by either combining or eliminating certain endorsement areas; superintendents will likely be involved in the development of any changes. It is anticipated that fewer endorsement areas may facilitate teacher hiring and also improve instruction by requiring broader expertise.⁶⁵

H. OTHER ACCOUNTABILITY INITIATIVES IN VIRGINIA

Accountability for educational excellence may incorporate initiatives beyond pupil testing, school accreditation, and personnel training and licensure. Fiscal accountability is addressed in statutory provisions governing the development of local school board budgets, which are approved by the local governing body, and the expenditure of school funds. School boards possess discretionary authority to establish a decentralized system for the management of cafeteria funds; these funds need not be included in the board's annual budget. All school board expenditures are detailed in an annual report to the governing body appropriating funds to the school board. No school board may expend or contract to expend in any fiscal year a sum exceeding the amount available for school purposes for that fiscal year without the consent of the local governing body. School boards must notify the Superintendent of Public Instruction prior to expending any funds for school construction. Affording further accountability for school boards is § 22.1-87, which allows aggrieved parents of pupils enrolled in a public school in the division to petition the circuit court for review of a particular school board action.⁶⁶

Parental accountability for pupil discipline is evidenced in various compulsory attendance and truancy laws, many of which were strengthened by the 1996 Session of the General Assembly. School boards must send parents a copy of student conduct standards; parents are to sign and return a statement acknowledging receipt of the standards; failure by the parent to participate in the school's steps to discipline his child could result in court action. Similarly, each school board must also send parents a copy of compulsory attendance requirements and enforcement procedures; parents are to acknowledge receipt of these materials. The penalties for inducing, or attempting to induce, a child to be absent from school; violating compulsory school attendance laws; and permitting a child to be habitually absent from school have been increased.⁶⁷

Testimony before the commission indicated that the present court docketing system may frustrate efforts to curb truancy. Increased collaboration between judges, division superintendents, principals, and intake officers may help reduce truancy. Seventy-eight percent of principals responding to a statewide survey cited lack of

⁶⁵Meeting summary, December 9, 1996, commission meeting.

⁶⁶Va. Code §§ 22.1-87; 22.1-88 *et seq.* (1993 and 1996 Supp.).

⁶⁷Va. Code §§ 22.1-254; 22.1-263; 22.1-265; 22.1-279.3 (1996 Supp.); 1996 Acts of Assembly, cc. 771, 916, 964.

parental supervision as the most significant factor affecting truancy. School-initiated conferences or home visits, the provision of wrap-around services to the truant and his family, juvenile court involvement, and alternative education programs were among those initiatives identified as successful truancy interventions. In addition, stronger laws focusing on parental responsibility, additional counseling services and after-school and -work programs, more truant officers and social service and court service unit workers, and increased alternative schooling options were recommended by principals as ways to improve truant identification and services.⁶⁸

Although not directly promoting accountability for educational excellence but simply increasing the range of educational opportunities available for students and parents, § 22.1-269.1 directs the Board of Education to promulgate regulations for the voluntary participation of school divisions in programs to allow students to receive educational services at another public school, either in the division in which the student resides or in another division. Other indirect accountability programs may include a collaborative school improvement planning initiative, a variety of open enrollment policies, and magnet and special emphasis schools.⁶⁹

One example of a locally developed educational accountability initiative can be found in Prince William County. The Quality Management Plan (QMP) is comprised of six elements: a vision statement for the school division, a mission statement describing how the school division plans to achieve its vision, standards of quality, goals, performance standards, and an implementation process. Each school and central department is to develop a long-range plan in conjunction with school staff, parents, students, and the community; the division's QMP serves as a basis for developing these individual plans. The school division identified standards of quality and re-wrote its curriculum to meet these standards. Benchmark examinations, directly correlated to this revised curriculum, will be re-tooled to meet the recently adopted state Standards of Learning.

Emphasizing school-based management, quality training, and curriculum revision, the Prince William model envisions that each school in the division will be an "effective school." An accountability component is also included in this model, featuring site assessments of each school and department focusing on established goals from the Quality Management Plan and goals assigned to individual schools and departments. Progress toward growth targets for individual schools will be assessed in the spring. Schools do not compete against each other; although the identified goals are the same, the growth targets are school-specific. Individual teacher evaluations should reflect performance trends in the school building. Also incorporated in this accountability component are three unannounced site visits to each school during the year by quality control managers. Annual reports on performance standards will include divisionwide and school-specific data. Annual surveys of staff, student, parent, and community

⁶⁸Meeting summary, December 9, 1996, commission meeting.

⁶⁹House Document No. 43, *supra* note 3, at 10.

satisfaction with individual schools and the school division, as well as of customer satisfaction with central services, provide additional accountability.

Although the superintendent may intervene to make personnel and program changes, the Prince William model does not yet include a rewards or consequences feature. It is anticipated, however, that any incentives would likely recognize achievement as a team or school effort, rather than through merit pay. Since implementation of the QMP, the school division has witnessed improved scores on norm-referenced tests, the SAT, and on AP tests. In addition, the number of students passing the Literacy Passport Test (LPT) has improved significantly.⁷⁰

Accountability efforts are also evidenced in some remediation programs in Virginia. Eighty-two school divisions now evaluate their remedial summer school programs; 74 of these do so annually. Several divisions have indicated that summer 1995 would be the first year in which individual student progress would be tracked for the purpose of evaluating the summer remediation program. Divisions conducting evaluations have noted pre-post test score gains, higher LPT pass rates, and earned grade promotion.⁷¹

VII. INCENTIVES AND RECENT LEGISLATION: ISSUES FOR STUDY

While standards and assessments are essential components of any accountability effort, the commission recognizes that consequences--the third leg of the tripod-- cannot be neglected in the development of an accountability initiative for Virginia. Indeed, one business executive testifying before the commission described incentives for improved educational performance as the missing ingredient in the Commonwealth's education reform efforts; rewards or consequences--incentives--may be necessary to "align the interests of the organization with the interests of the persons working there."⁷² Despite the imposition of standards and assessments, decreased class size, more stringent teacher qualifications and increased spending to address technology and disparities, student outcome scores in recent years are not indicative of the educational excellence we must expect from our public schools.

Among those incentives posed to the commission for consideration this past year were mandatory remediation for at-risk elementary and middle school children, alternative schools for pupils who have been held back, additional instruction for slower pupils or those who lack a strong supportive environment, "no pass, no play" initiatives, and driver's license revocation for poor academic performance. Positive incentives included scholarships for postsecondary education, early graduation, and recognition of high academic achievement through summer jobs or scholarships.

⁷⁰Meeting summary, December 9, 1996, commission meeting.

⁷¹Meeting summary, October 16, 1996, commission meeting.

⁷²Testimony of Alan Wurtzel, October 16, 1996, commission meeting.

Also considered were school incentive programs to reward teachers and administrators in high-performing schools with meaningful bonuses, to provide technical or financial assistance to low-performing schools, and, ultimately, to require re-accreditation for those schools that consistently fail to improve. Objective criteria, such as dropout rates and test scores, might be used to create individual benchmarks for each school; a school would compete only with itself, rather than with other schools in the division or in the state. Teacher bonuses would encourage cooperation among staff. Principals might receive larger bonuses, possibly scaled to reflect school size. While a designated portion of any cash award would fund staff bonuses, the balance would support improvements to the school. Over 20 states have some sort of incentive program for teachers.

Negative incentives or consequences for schools and staff might include state takeovers of poorly performing schools. Consequences for poor performance might incorporate an interim step of creating a school improvement plan, supplemented by state technical assistance. Continued failure to show improvement would result in removal of the principal and possible reassignment of teachers by a new principal. Currently licensed teachers might also be required to meet the standards set for new teachers.⁷³

That educational excellence has been a continuing concern in the Commonwealth is evidenced by the plethora of legislative initiatives--both successful and failed--that address educational accountability. Addressing accountability for schools and school divisions was **HB 227** (1996), which would have required local school boards awarding diplomas to students admitted to a Virginia college or university and who require remediation in certain core subjects to reimburse the institution for the remediation. Similarly, **HB 229** (1996) would have required institutions of higher education to report the number of students requiring remediation in core subjects to the chairman of each school board and the division superintendent.

Focusing on the accountability of schools and school divisions through incentives and flexibility were **HB 776** (1996) and **HB 1408** (1996), authorizing the establishment of charter schools and contract schools for enhanced site-based management, respectively; **HB 729** (1994), creating the Excellence in Education Fund, consisting of a portion of total lottery profits of the preceding fiscal year; and **SB 561** (1994), authorizing a local option voucher system to provide choice in education. Evaluation of performance was the focus of **HB 1036** (1994), which would have authorized the Department of Education to send personnel to a "school in crisis" to assist in the implementation of recommendations to improve the school's performance. None of these measures was passed by the General Assembly.

Accountability for students was targeted in 1996 by **SB 150**, which would have established new, strengthened academic requirements for high school graduation, and by the passage of **HB 890**, which authorized division superintendents to seek compliance with the compulsory school attendance law for any student required to attend a special

⁷³Meeting summary, October 16, 1996, commission meeting.

program of prevention, intervention, or remediation during the summer school session. The accountability of parents was addressed by a number of truancy and parental involvement and responsibility initiatives adopted in 1996, including **HB 173**; **HB 375**; **HB 1199**; **SB 89**; **SB 324**; and, in 1995, **HB 2542**, the Omnibus Educational Act.

Accountability for teachers was addressed in **HB 357** (1996) and **HB 2117** (1995), both of which would have eliminated continuing contract status and established term or annual contract status, respectively, for those school personnel who have completed the required three-year probationary period. **HB 358** (1996) would have increased the probationary term of service required for teachers to achieve continuing contract status to five years. Recently adopted measures addressing teacher accountability include **HB 327** (1996), directing school boards to adopt employment policies and practices designed to promote the employment and retention of the highest quality instructional personnel and to effectively serve the educational needs of students, and **HB 325** (1996), clarifying that, for purposes of the dismissal of teachers, the term "incompetency" is to be construed to include performance that is documented through evaluation to be consistently less than satisfactory or fails to meet standards set for the position.

HB 1056 (1994) and **HB 1097** (1996) addressed teacher qualifications and training. The former measure would have established a professional standards board responsible for the licensure of teachers and other professional staff--authority presently held by the Board of Education, while the latter, adopted in 1996, directed the State Council of Higher Education to establish institutes providing technology training for public school teachers and administrators.⁷⁴

Although many of these measures were set aside by previous legislative action, it is nonetheless important to consider the specific objective targeted in each bill, whether the measure effectively addressed that accountability objective, and ways in which the measure might be modified to enhance educational performance or accountability. The development of a comprehensive accountability initiative in Virginia--one that best addresses those educational goals and standards valued in the Commonwealth--is contingent upon a careful review of these previous legislative initiatives.

Also essential to the development of any accountability initiative--and to the creation of the comprehensive plan for student and teacher assessment cited in HJR 168--is consideration of current statewide student assessments, remediation, summer school, teacher evaluation, school facility review, and requirements for high school graduation. Similarly, consideration of the Board of Education's review and proposed revision of the Standards of Accreditation is necessary to create a comprehensive plan for the accreditation of public schools that incorporates the revised standards of learning, and statewide student and teacher assessment goals.

⁷⁴Meeting summary, December 9, 1996, commission meeting.

The work of other study committees, such as the Commission on the Future of Public Education (HJR 196), the Joint Subcommittee Studying Remedial Summer School Programs (HJR 84), the Commission on Educational Infrastructure (HJR 135), the Standing Committee on School Dropout Prevention (HJR 241), and the Joint Subcommittee Studying the Efficacy and Appropriateness of Establishing a School Incentive Reward Program in the Commonwealth (HJR 165) also merits further consideration. Finally, in seeking to provide accountability for educational excellence in our public schools, it is necessary to consider not only financial and policy issues, but also ways to ensure that school personnel and parents are “active participants in the development of educational policies” and that these persons are “jointly responsible and accountable for achieving educational excellence in the Commonwealth’s public schools.”

Respectfully submitted,
Donald S. Beyer, Jr., *Lieutenant Governor, Chairman*
Thomas M. Jackson, Jr., *Vice Chairman*
J. Paul Councill, Jr.
V. Earl Dickinson
Phillip A. Hamilton
James M. Scott
Warren E. Barry
John H. Chichester
Emmett W. Hanger, Jr.
Stanley C. Walker
Beverly H. Sgro, *Secretary of Education*
Michelle Easton, *President, Board of Education*
Richard LaPointe, *Superintendent of Public Instruction*
Michael J. Caprio
David W. Fuller
Cheri W. James
Stewart D. Roberson
Elliot S. Schewel

Appendix A

HOUSE JOINT RESOLUTION NO. 168

Establishing the Commission on Accountability for Educational Excellence.

Agreed to by the House of Delegates, March 7, 1996

Agreed to by the Senate, March 6, 1996

WHEREAS, Virginia has made great progress in establishing educational accountability with the implementation of the revised Standards of Learning; and

WHEREAS, revision of the Standards of Learning to provide a more rigorous academic curriculum in mathematics, science, English, Social Studies, and computer skills and technology was a critical first-step in building a system of accountability; and

WHEREAS, other components of Virginia's public education system may benefit from standards and accountability requirements which have been strengthened to complement and support the revised Standards of Learning, notably teachers and public schools; and

WHEREAS, school personnel, including teachers, school administrators, counselors, and instructional support staff, and parents should be active participants in the development of educational policies, and it is essential that such persons also share in the responsibility and accountability for achieving educational excellence; and

WHEREAS, implementation of a comprehensive evaluation plan, including, but not limited to, statewide student assessments, remediation, summer school, teacher evaluation, school facility review, and requirements for high school graduation, provide a cohesive approach to ensure accountability for educational excellence; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commission on Accountability for Educational Excellence be established. The Commission shall be composed of 18 members to be appointed as follows: the Chairmen of the House Committees on Appropriations and on Education, and 3 members of the House of Delegates to be appointed by the Speaker of the House; the Chairmen of the Senate Committees on Finance and on Education and Health, and 2 members of the Senate to be appointed by the Senate Committee on Privileges and Elections; 5 citizens, of whom 1 each shall be a public school teacher, a school principal, and a local school division superintendent to be appointed by the Speaker of the House and 1 parent of a child who is enrolled in the public schools of the Commonwealth and 1 citizen at-large to be appointed by the Senate Committee on Privileges and Elections; the Lieutenant Governor of Virginia; the Secretary of Education; the President of the Board of Education; and the Superintendent of Public Instruction who shall serve ex officio with full voting privileges.

The Commission shall:

(i) Develop and recommend a comprehensive plan for statewide student and teacher assessments;

(ii) Communicate and coordinate with other legislative study committees charged with studying and recommending revisions in requirements for remediation, summer school, high school graduation, and the causes of chronic absenteeism;

(iii) Develop and recommend a comprehensive plan for the accreditation of public schools which incorporates the revised standards of learning, and statewide student and teacher assessment goals; and

(iv) Determine appropriate alternatives to maximize "time-on-task" and to facilitate the productive use of daily instructional time to ensure that each student's educational needs are served.

The Division of Legislative Services shall provide staff support for the study. The staffs of the House Committee on Appropriations and the Senate Committee on Finance shall provide technical assistance for the study. All agencies of the Commonwealth shall provide assistance to the Commission as it may deem appropriate, upon request.

The direct costs of this study shall not exceed \$12,250.

The Commission shall submit an interim report to the 1997 Session of the General Assembly, and the Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

Appendix B

1996 MEETINGS OF THE HJR 168 COMMISSION STUDYING ACCOUNTABILITY FOR EDUCATIONAL EXCELLENCE

Initial Meeting--2 p.m. Thursday, July 25, 1996

House Room C, General Assembly Building, Richmond

Review of initial staff briefing report: Kathleen G. Harris, *senior attorney, Division of Legislative Services*; Implementation of the revised Standards of Learning, including development of tests and assessments, and current revision of Standards of Accreditation: Presentation by the Honorable Beverly H. Sgro, *Secretary of Education*; The Outcome Accountability Project: Cameron M. Harris, *Director of Assessment and Reporting, Department of Education*.

Second Meeting--10 a.m. Wednesday, October 16, 1996

House Room C, General Assembly Building, Richmond

Education Reform and the Adoption of Accountability Initiatives: Alan L. Wurtzel, *Vice Chairman, Circuit City; former member, State Board of Education; member, HJR 196 Commission on the Future of Public Education*; Chris Piphio, *Division Director of State Relations and Information Clearinghouse, Education Commission of the States*; Update development of new assessments and ongoing review of the Standards of Accreditation: Catherine L. Clark, *Division Chief, Policy and Public Affairs, Virginia Department of Education*; Accountability for remediation efforts: Lin Corbin-Howerton, *Director of Policy Analysis, Division of Policy and Public Affairs, Department of Education*.

Third Meeting--10 a.m. Monday, December 9, 1996

6th Floor Speaker's Conference Room, General Assembly Building, Richmond

Current school discipline, truancy, and safety initiatives; ways in which schools, communities, parents, and students can be more "accountable" for safety: Nancy Ross, *Director, Commission on Youth*; Accountability Initiatives in Prince William County: Edward L. Kelly, *Division Superintendent, Prince William County Public Schools*; Update on review of the Standards of Accreditation and Alternative education and accountability: Catherine L. Clark, *Division Chief, Policy and Public Affairs, Virginia Department of Education*.

Appendix C
ECS National Survey
State Efforts to Increase Flexibility in Public Education (excerpts)

State	Standards	Curriculum	Assessments	Accountability Reporting	Accountability Incentives	Accountability Sanctions	Site-Based Mgmt.	Charters	Open Enrollment
Alabama	S:M	S:M	S:M	S:M; L:M	-	Y	Y	-	-
Alaska	S:M; L:M	S:V; L:M	S:M; L:M	S:M; L:M	Y+	-	-	Y	-
Arizona**	S:M; L:M	S:M; L:M	S:M; L:M	S:M; L:M	-	-	Y	Y	A:M; W:M
Arkansas	S:M	S:M	S:M; L:M	S:M; L:M	-	Y	Y	Y	A:V
California	S:V;L:M	S:M;L:M	S:V; L:V	S:M;L:M	Y	Y	Y	Y	A:V;W:M
Colorado	S:M;L:M	L:M	S:M;L:M	L:M	Y	Y	Y	Y	A:W
Connecticut	S:M;L:M	S:M	S:M;L:M	S:M;L:M	Y	-	Y	Y	A:V;W:V
Delaware	S:M;L:M	L:M	S:M;L:V	S:M;L:M	-	-	Y	Y	A:W
D.C.	S:M	S:M	S:M	-	Y	Y*	Y	Y	W:M
Florida	S:M;L:M	S:M;L:M	S:M;L:M	S:M;L:M	-	Y	Y	Y	W:V
Georgia	S:M;L:M	S:M;L:V	S:M+;L:M	S:M	Y	Y	Y	Y	A:V;W:V
Hawaii	S:M	-	S:M	S:M	-	-	Y	Y	W:V
Idaho	S:M	S:M;L:V	S:M;L:V	S:V;L:V	Y	-	Y	-	A:V;W:V
Illinois	S:M;L:M	L:M	S:M;L:M	S:M;L:M		Y	Y	Y	W
Indiana	S:M;L:M	L:M	S:M;L:V	S:M;L:M	Y	Y (1 city)	Y	-	W:V
Iowa	-	S:V;L:M	L:M	S:M	-	Y	-	-	A:M;W:V
Kansas**	S:M	S:M;L:M	S:M;L:M	S:M;L:M	-	-	-	-	A:V
Kentucky	S:M;L:M	S:M;L:M	S:M;L:V	S:M	Y	Y	Y	-	-
Louisiana	S:M	S:M;L:V	S:M	S:M	Y	Y	Y	Y	-
Maine	S:M	S:M;L:V	S:M#;L:V	L:M	-	-	-	-	A
Maryland	S:M	L:M	S:M	S:M;L:M	Y*	Y	Y	-	A;W
Massachusetts	S:M;L:M	S:V;L:M	S:M*	S:M	-	Y	Y	Y	A;W
Michigan	S:M;L:V	S:V;L:M	S:M;L:V	S:M;L:V	Y	Y	Y	Y	-
Minnesota	S:M;L:M	S:V;L:M	S:M;L:M	-	-	-	L:V	Y	A;W
Mississippi	S:M;L:M	L:M;S:V	S:M;L:M	S:M;L:M	Y	Y	Y	-	-
Missouri	S:M;L:M	S:V;L:M	S:M;L:M	-	Y*	Y	Y	-	A:V

Key: Y=yes; L=local; S=state; V=voluntary; M=mandatory; A=across district enrollment choice allowed; W=within district choice allowed; -=not funded; *=being developed; #=being reassessed; **=no SDE responses

Appendix C
ECS National Survey

State Efforts to Increase Flexibility in Public Education (excerpts)

State	Standards	Curriculum	Assessments	Accountability Reporting	Accountability Incentives	Accountability Sanctions	Site-Based Mgmt.	Charters	Open Enrollment
Montana	S:M;L:M	S:V	S:M	-	-	-	-	-	A:V;W:V
Nebraska	S:M+*	S:M	S:M*+;L:M	-	-	-	L:V	-	A;W:V
Nevada	-	S:M	S:M;L:V	S:M	-	-	Y	-	A;W (limited)
New Hampshire	S:M	S:V	S:M;L:V	-	-	-	L:V	Y	A:W
New Jersey	S:M*;L:M*	L:M	S:M	S:M;L:M	S:M;L:M	Y	Y	Y	A:V
New Mexico	S:M	S:M	S:M	L:M	Y	Y	Y	Y	-
New York	S:M	L:M	S:M;L:M	L:M	-	Y	Y	-	A
North Carolina	S:M	S:M;L:M	S:M;L:V	S:M;L:M	-	Y	Y	-	-
North Dakota**	S:V	S:M	-	-	-	-	-	-	A;W
Ohio	S:M;L:M	S:V;L:M	S:M	L:M	-	-	L:V	-	A:V;W:M
Oklahoma	S:M;L:M	S:M;L:V	S:M;L:M	S:M;L:M	-	Y	Y	-	-
Oregon	S:M	S:V;L:M	S:M;L:M	S:M	-	Y	Y	-	A:V;W:V
Pennsylvania	S:V	L:M	S:M;L:M	S:M	-	-	L:V	-	A:V;W:V
Rhode Island	S:M;L:M	S:M;L:M	S:M;L:V	L:M	-	-	Y	Y	-
South Carolina	S:M;L:M	S:V;L:M	S:M;L:V	S:M;L:M	Y	Y	L:V	-	A:V;W:V
South Dakota	S:V	L:M	S:M;L:M	S:M;L:M	-	-	-	-	-
Tennessee	-	S:M;L:M	S:M	S:M	Y	Y	Y	-	A:V;W:V
Texas	S:M;L:V	S:M;L:V	S:M;L:V	S:M;L:M	Y	Y	Y	Y	A:V;W:V
Utah**	S:M	S:M;L:V	S:M	L:M	-	-	Y	-	A,W
Vermont	L:M	L:M;S:V	S:V;L:V	S:M	-	-	Y	-	A:V
Virginia	S:M;L:M	L:M	S:M;L:M	S:M;L:M	-	-	-	-	A:V
Washington	S:M	S:M	S:M;L:V	S:M;L:M	Y*	Y*	-	-	A;W
West Virginia	S:M;L:M	S:M;L:M	S:M;L:V	S:M;L:M	Y	Y	Y	-	A:V;W:V
Wisconsin	S:M;L:M	S:V;L:M	S:M	S:M	-	Y	Y	Y	A;W(Mil.)
Wyoming	S:M	-	-	-	-	-	-	Y	-

Key: Y=yes; L=local; S=state; V=voluntary; M=mandatory; A=across district enrollment choice allowed; W=within district choice allowed; -=not funded; *=being developed; #=being reassessed; **=no SDE responses

Source: Education Commission of the States, *Bending Without Breaking: Improving Education through Flexibility & Choice* at 24-25 (June 1996).

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