



High-Stakes Accountability in Texas Reconsidered

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Context and Importance of the Problem

In the early years of Texas' school accountability system, Linda McNeil and colleagues (McNeil, 2000; McNeil & Valenzuela, 2001; Valencia et al., 2001) examined the harmful impact of a "high-stakes" system of testing and accountability. At the time, the single measure used to hold teachers, administrators, schools, and districts accountable was "the average scores of each school's children on the state's standardized test, the Texas Assessment of Academic Skills (TAAS)" (McNeil & Valenzuela, 2001, p. 2). Since 2001, the TAAS was replaced by the Texas Assessment of Knowledge and Skills (TAKS), and was subsequently replaced by the State of Texas Assessment of Academic Readiness (STAAR). While the acronyms have changed, the fundamental nature of the system has not. According to Valenzuela (2005), Texas-style accountability was "leaving children behind," particularly underprivileged, children of color:

[T]he Texas approach is deeply flawed, for three interrelated reasons: for attaching high-stakes consequences--in the areas of retention, promotion, and graduation--to a single measure of students' academic abilities; for attaching high-stakes consequences to schools and districts and thereby encouraging a reductionist, test-driven curriculum; and for promoting a uniform and objectivist way of knowing, to the detriment of other cultures, languages, and approaches to knowledge. (p. 2)

Just as significantly, McNeil & Valenzuela (2001) and Sloan (2007) documented the adverse impact of the system's rewards and punishments, which led to teaching to the test, testing to the test, system gaming, cheating, and marginalizing children and curriculum. Another critique documented by Valenzuela (2005) has been the linkage of test scores to the school privatization agenda. Some early progress was made to mitigate these harms. Through the consistent efforts of Texas' civil rights community dating back to the 77th Texas legislative session in 2001—including, most notably, the G.I. Forum, League of United Latin American Citizens (LULAC), and soon thereafter, the National Association for the Advancement of Colored People (NAACP)—Texas ended the practice of retaining students in the third grade *solely on the basis of poor test performance*, positively impacting 300,000 third-grade children that comprised the Fall 2010 cohort statewide (TEA, 2011).

However, despite shifting rhetoric, such as the emphasis on increased "rigor" with the transition to STAAR, the current testing and accountability framework continues to incorporate the fundamental flaws identified between 2001 and 2007. More recent research (Au, 2007; Moses & Nanna, 2007; McNeil et al., 2008; Palmer & Rangel, 2011; Rapoport, 2011; Plank & Condliffe, 2013) both confirms and expands the list of harms found by McNeil and colleagues. What has changed markedly since 2009 is the response to Texas' accountability system by the general public, as well as school and district administrators, and most visibly by our state's highest-ranking education official.

At a meeting of the Texas Association of School Administrators in January, 2012, Texas Education Agency (TEA) Commissioner of Education Robert Scott told a crowd of 4,000 that testing in Texas had become a "perversion of its original intent" (Smith, 2012). Within one year, school boards from more than 880 Texas districts, serving 4.4 million students, passed a resolution demanding a school accountability system that did not rely on high-stakes testing (TASA, n.d.). During this same time frame, grassroots movements,

joining the civil rights coalitions and efforts that preceded them (e.g., G.I. Forum, LULAC, and NAACP), including Save Texas Schools, Texans Advocating for Meaningful Student Assessment (TAMSA), and Texas Parents Opt Out of Testing, gained significant traction.

An opt-out letter written in March, 2014, by the parents of a Waco student that was downloaded 30,000 times within 48 hours illustrates the growing animus against the current system of testing (Weiss, 2014). State officials began to take notice. Commissioner Scott referred to angry TAMSA parents as “Mothers Against Drunk Testing” (Stanford, 2012), and Speaker of the Texas House Joe Straus declared at the start of the 83rd Regular Session that “every member of this House has heard from constituents at the grocery store or the Little League fields about the burdens of an increasingly cumbersome testing system in our schools” (Stutz, 2013).

Responding, in part, to the organized action by school administrators and grassroots activists, Texas lawmakers turned to legislative solutions. Texas passed House Bill 5 (HB5) into law in 2013 which reduced the total number of high school STAAR exams from a projected 15 to 5 high-stakes, end-of-course exams—a Pyrrhic victory that added one more test under STAAR than was administered under TAKS.

Leading up to HB5 in 2011, Senate Bill 1557 was passed into law, resulting in the creation of the Texas High Performance Schools Consortium (THPSC), a group of 23 public school districts selected through an application process. Member districts designated as “high performing” sought to “research, explore, develop and implement an assessment and accountability framework that is not over-reliant on high-stakes testing and is malleable enough to meet the needs of urban, suburban, and rural communities” (THPSC, n.d.). By 2013, this effort by the THPSC evolved into House Bill 2824. The bill passed the Texas House and Senate unanimously, but was vetoed by Governor Rick Perry who declared that “flexibility and innovation are important, but we will not compromise academic rigor or student outcomes” (Perry, 2013).

Despite the aforementioned legislative adjustments to Texas’ high-stakes system of accountability, the overall framework has not been fundamentally altered. As an example, the development of four “indexes” for Texas’ Accountability Rating System, introduced in 2013, may seem to create multiple measures of effectiveness for schools and districts. In fact, three of the four indexes are based on the exact same set of STAAR results, but rely upon different methods of data aggregation and disaggregation to determine whether campuses and districts have “met standard” (TEA, 2014). Standardized testing is still the single most significant factor in determining the performance of students, teachers, administrators, schools, and districts.

Recent developments at the federal level, however, may help facilitate change within Texas. Late last year, the Department of Education (DOE) asked states to submit new *educator equity plans* designed to eliminate “equity gaps” (Delisle, 2014). Reports are due by June 1, 2015. Some indicators that may be included in equity plans include the following: percent of teachers in their first year of teaching; percent of teachers without state licensure or certification; percent of classes taught by teachers who are not highly qualified teachers; percent of teachers with 10 or more absences; and teachers’ salaries adjusted by cost of living (Barton, 2003; Milner, 2013). Additionally, Sen. Lamar Alexander, current chairman of the Senate Health, Education, Labor, and Pensions Committee, has proposed a replacement for NCLB as part of the reauthorization of the Elementary and Secondary Education Act (ESEA). His nearly 400-page draft bill (Alexander, 2015), named

the “Every Child Ready for College or Career Act,” would eliminate many of the *mandatory*, high-stakes, federal requirements currently in place under No Child Left Behind (NCLB). A similar bill introduced by Sen. Alexander in 2013 did not make it out of committee, and already Secretary of Education Arne Duncan has expressed concern that the bill makes “optional far too much of what the law needs.” (Klein, 2015).

Despite some evidence of change, however, unless a new testing framework is implemented that differs substantially from Texas’ current high-stakes testing system, the harms addressed above will continue to adversely affect students statewide. The next section examines precisely what a new accountability framework must include.

An Informational Framework

Overall, we support the idea of limited state testing in literacy and numeracy and would continue to support the aggregation of student scores at the school, district and state levels, as well as disaggregation by subgroup. However, the focus of this memorandum is on moving our state accountability system toward an *informational* framework as a foundational principle.

We underscore that we have no intention of ending standardized testing. Assessing progress within schools, across a range of geographic and demographic profiles, is essential to ensuring equity in Texas. As Valenzuela states, “that schools should be held accountable is indisputable” (2005, p. 2). To “turn out the lights” completely by dismantling all testing would permit systemic inequities to persist unobserved, and therefore unobstructed. Rather, we seek a testing system that eliminates high-stakes consequences—all punishments and rewards—for test results for students, teachers, administrators, schools, and districts, while simultaneously providing useful information to key stakeholders about the outcomes experienced by students in Texas’ schools. Our framework emphasizes the power of *informing* stakeholders about student test performance according to reporting parameters that are either *non-discretionary* or *discretionary*.

At the statewide level, standardized test scores in some form—as explored further below—would be preserved as non-discretionary measures of performance, meaning that schools or districts would still be required to report on these, as they currently do. Other non-discretionary measures could also be considered. For example, students’ access to certified teachers, teaching in their highly-qualified content areas across all core subjects, could be formally incorporated by TEA as part of Texas’ accountability system.

Regarding *discretionary* measures, these would be reporting indicators that reflect the circumstances or values of the local context. Accordingly, a process could be devised whereby local education agencies (LEAs), working in collaboration with community partners, could develop discretionary measures. For example, a school district may place a high value on ensuring that all teachers are trained to support dual language education. School boards can work together with their superintendent to engage in discourse with communities, and thereby craft measures that provide meaningful information over time.

Transitioning from a high-stakes system to an informational framework does not translate into a lack of influence over educational outcomes. Decisions about tracking, promotion, and graduation must still be made by LEAs and education professionals within the context of an informational framework for accountability. New structures, such as

quality review boards, could be established to reassure the public that students are learning the designated curriculum (Valencia et al., 2001; Valenzuela, 2002). This structure could also decrease reliance on the current, overly-prescriptive, criterion-referenced tests.

A Balanced Critique of Alternative Policy Options

An essential component of the informational framework is a thoughtful balance of non-discretionary (state-mandated) and discretionary (district-designed) measures of accountability. Measures of student performance, assessments of teacher quality, and evaluating the extent to which students in a given school or district have an *opportunity to learn* the state curriculum are all examples of differing types of accountability measures that may be applied under this framework. Here we present a variety of such policy options and give consideration to both the benefits and limitations of each course of action. While we do not advocate explicitly for or against any particular policy option, all align with the core tenets of an informational framework.

A. Community-Based Accountability

A community-based accountability (CBA) system would not only invite local education agencies (LEAs) and community stakeholders to consider valuable discretionary accountability measures, but would also create a more democratic system that authentically invests local stakeholders in ensuring students' success.

This would be an opportunity to “move from a punitive model to a participatory model for engaging local communities in reform efforts” (Howe & Meens, 2012, p. 15). By contrast, the current accountability system consists of “top-down” standards and sanctions, and “signals that communities affected have neither the knowledge nor the right to debate and act together with educators to improve their child’s education” (Lipman, 2004, p. 178).

CBA involves strategic plans developed at the local level (Vasquez Heilig et al., 2014). CBA allows schools and districts to be evaluated on a combination of measures including, but not exclusive to: college and career readiness, access to technology, community engagement, effective curriculum, educator quality, fluency in Spanish (or a language other than English), school climate and safety, student discipline, economic disparity, as well as standardized testing. In this system, “the role of the state and federal government would be to calculate baselines, growth, and yearly ratings (Recognized, Low-Performing, etc.) for a set of goals that the community selected in a democratic process” (Vasquez Heilig et al., 2014, p. 877). This particular iteration of CBA is entirely discretionary, however, which means that school districts could be tempted to “cherry pick” those items that cast them in the best light.

Texas is already moving in the direction of CBA. HB 5 included a provision for the evaluation of performance in community and student engagement. The law calls for schools and districts, through a local committee, to evaluate performance on the following programs: fine arts, wellness and physical education, community and parental involvement, 21st century workforce development, second language acquisition program, the digital learning environment, dropout prevention strategies, and educational programs for gifted and talented students (39 TEC § 39.0545). As written, this accountability system is non-discretionary in determining *what* categories must be measured, but discretionary

in determining *how* districts choose to implement those measurements. The Texas High Performance Schools Consortium is also seeking to use a community-based model to develop their new assessment and accountability system (THPSC, 2012; HB 2824, 2013).

There are, however, limitations to CBA. One primary concern is whether TEA has the capacity to implement CBA for 1,247 school districts in Texas. Second, school boards and districts may not have sufficient capacity to devise research-based alternatives to our current high-stakes testing framework, which has become a *de facto* curriculum. This could result in an educational landscape where, if given the option, schools and districts may prefer to adhere to what they already know, and revert to the current testing system despite its many limitations and harmful effects. In CBA there is also no guarantee that equity will be a focus. Communities may still opt to exclude students designated as “difficult to teach,” thus reinscribing the very behaviors we seek to avoid (McNeil, et al., 2008). As expressed previously, a CBA model that balances non-discretionary and discretionary measures would be optimal.

B. Assessment Options: Sample vs. Census, Criterion- vs. Norm-Referenced

An informational framework for accountability lends itself well to a balance of census and sample testing. Additionally, each of these test types can be designed as criterion-referenced or norm-referenced. *Census* testing refers to the status quo testing environment. In Texas, census testing is currently administered for multiple subject areas every year in Grades 3-8, and 5 times during high school. Texas’ students sit for several hours per test, undergoing a lengthy examination. Specifically, these are *criterion-referenced* tests, designed to measure student performance against learning objectives, presently defined by the Texas Essential Knowledge and Skills (TEKS).¹ Despite claims that parents may opt out of testing, legal statutes require nearly every student to participate.

Sample testing, by contrast, uses statistical sampling (also referred to as random sampling) to determine generalized outcomes for a student population (Cortez, 2010). The sampling procedure used by the National Assessment of Educational Progress (NAEP) is the most notable model currently implemented at-scale throughout the country. The NAEP, a norm-referenced, standardized test, is an excellent example of an informational framework in action. Succinctly, *norm-referenced* tests are not tied to any particular learning objectives (e.g., TEKS), but designed instead to compare and rank performance results of a statistically selected group of test takers within a particular age group or grade. Through this model, the NAEP is able to collect sufficient information from sample participants to “check the temperature,” and determine how children in our states—and more recently a cohort of large urban districts—are faring nationally, while avoiding the enormous annual costs and related consequences of a very large, onerous, census testing system.

A major benefit of this approach is that a state can reduce overall unmanageable and reductive census testing, leaving room for teachers, schools, and districts to implement an authentic approach to curricula that utilize portfolio, or even project-based assessments. These *authentic assessments* resemble the type of real-world products we ultimately expect

¹ Space does not permit, but Texas’ criterion-referenced testing approach is also problematic to the degree that the actual standardized test items do not align fully to TEKS.

from college-educated professionals, yet they can be administered at any grade level (Darling-Hammond et al., 1995). Authentic assessments may be especially applicable at the secondary level in Texas, given our state's growing focus on promoting college readiness.

Texas has already contemplated making a shift away from census testing, albeit on a small scale. In 2012, Robert Scott stated that “maybe” the THPSC can focus on sample testing (Jones, 2012), as they innovate in the areas of assessment and accountability. Superintendents Grier (Houston ISD) and Rue (Northwest ISD) questioned the necessity of testing every student, every year, in at least two subjects (Stanford, 2012b). Sample testing also makes possible a more integrated system of accountability, by allowing school administrators to use testing results to make strategic adjustments throughout the year.

The major concern with the NAEP approach to sample testing is that it determines results only at a district, state, and national level, as opposed to a campus and student level. Parents under this model would forfeit individualized information specific to their child and campus. Additionally, some parents, and even students, might be concerned if any set of students are tested either significantly more, or less often than others. Greater transparency than currently exists in how NAEP selects its sample participants would help ensure that no one is able to “game” the system, while also promoting buy-in from stakeholders. A sample testing program implemented in Texas would need to capture with integrity the performance of children in each critical demographic sub-group (e.g., Hispanic, African American), and mirror the overall demographic makeup of our schools statewide. It is also essential to ensure an accurate representation across important program areas (and sub-populations) like special education, bilingual education, and gifted and talented.

In a report published by The National Center on Education and the Economy, Tucker (2014) outlines a system in which census testing would occur three times in a student's career. Tucker envisions that these tests would be of high quality, test more of the skills and knowledge required for high-paying jobs, and cover all parts of the curriculum, ensuring no subject is slighted. English and Math would be tested every other year, but only by assessing samples of students, with a primary purpose of informing teachers and students regarding progress related to students' mastery of the curriculum.

In contrast to a NAEP-like system of testing, Tucker assumes a criterion-referenced test because of its focus on a specific set of “skills and knowledge.” Another possible approach would be to eliminate criterion-referenced testing altogether and opt exclusively for norm-referenced testing. Either approach could be accomplished through census or sample testing—or a combination of the two in alternating years throughout the student's career—albeit not altogether in a manner deemed excessive by stakeholders. The key is to understand that each assessment tool has a unique purpose, but also real limitations. A “one size fits all” solution for assessments in Texas is unlikely to ever provide both (a) a criterion-referenced solution that measures the key competencies we expect students to attain at different developmental levels, and (b) an “apples-to-apples” comparison—such as that provided by norm-referenced tests—across all students in all contexts, that can be used to assess inequity in student outcomes.

C. Assessing Equity at the Campus and District Level

A critical aspect of state accountability systems is ensuring that all students are held to high expectations for academic achievement. However, as Benard (1995) makes clear, “high expectations must be accompanied by the supports necessary to achieve them” (p. 121). These “supports” are precisely what is meant by Schott’s (2009) use of the phrase, “opportunity to learn” (OTL). Decades of research highlight in abundance how those supports are not uniformly present, meaning that a chronic opportunity gap exists, particularly among underprivileged, children of color (Huguley, Kakli, & Rao, 2007; Milner, 2010; Boykin & Noguera, 2011; Reardon, 2010; Milner, 2012; Olszewski-Kubilus & Clarenbach, 2014).

Therefore, if Texas adopts an OTL model where items like test scores *and* access to certified teachers that are teaching in their qualified subject areas are non-discretionary, public pressure to address such inequities may become a reliable force that illustrates the transformative potential inherent within an informational framework for accountability. Texas may also be encouraged in the direction of OTL models by the equity plans now required by the U.S. Department of Education (Delisle, 2014).

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