

Appendix 1.a

KEY ELEMENTS IN THE NESTED STATE AND NATIONAL POLICY STRUCTURES

This Appendix describes key education policy frameworks at the state and federal level that contribute to the nested structure within which actors make their educational decisions for the Charlotte-Mecklenburg Schools.

State Policy Structure

ABCs of public instruction North Carolina was one of several state governments that instituted standards and accountability reforms for K-12 years before NCLB required all states receiving federal aid to do so. Under the leadership of former Governor Jim Hunt, North Carolina became one of the first of these early states.¹ The centerpiece of North Carolina's own public education restructuring efforts is its 1996 school-based management and accountability program known as the New ABCs of Public Education framework.² ABC stands for accountability and high standards, the basics, and local control. In fact, many of NCLB's standards-based reforms are foreshadowed in North Carolina's reforms. Following the passage of NCLB in 2002, several components of the ABC Plan were modified or added to conform to the federal law. The two assessments and standards programs remain complementary but not identical.³

Between 1995 and 1998 the state implemented the ABCs program in every public school from kindergarten to 12th grade. The program continues to evolve, but the use of standardized test results to evaluate, reward, and punish students, educators and schools has been a part of the ABCs from the mid-1990s. The ABC framework established growth and performance standards. Students in grades 3 through 8 are assessed by annual End-of-Grade (EOG) tests in reading, mathematics, and writing. High school students are tested in one English course, two social studies courses, three math courses, and four science courses. High school assessments are called End-of-Course (EOC) tests. EOG and EOC tests are aligned with the state's curricular standards in the tested subjects. On June 2, 2010, North Carolina adopted the Common Core State Standards in K-12 Mathematics and K-12 English Language Arts, becoming one of the first states to adopt the Common Core standards.⁴ In 2013 new Common Core-aligned exams to measure student progress replaced existing EOG and EOC standardized tests to reflect the state's adoption of the Common Core Standards. Students' scores dropped precipitously.⁵

Federal Policy Structure

NCLB Even though the 2001 version of NCLB is essentially moribund, its legacy lives on in current federal and state standards, accountability systems, curricular policies, and classroom practices.⁶ The 2001 No Child Left Behind Act required states to set absolute targets for student performance, and to hold schools, educators, and students accountable if students didn't meet them. As designed, its standards were impossible to meet: All students from all demographic and ability subgroups in 100 percent of schools were to be proficient — that is, make adequate yearly progress (AYP)—by 2013-14. About half the schools in the

country failed to make AYP in 2011 and roughly 100 percent of schools would have failed by 2014 if states had not obtained waivers.⁷

NCLB had several intended and unintended consequences. As intended, it focused a spotlight on inequalities among subgroups that had been masked by school average scores, and its accountability provisions motivated educators to focus on improving instruction, although there's scant evidence that they, in fact, changed many practices. And there has been a slight improvement in test scores and a narrowing of race gaps. However, it is worth noting that at the current rate of progress, the average white student would score proficient in 2021 and the average African American student would score proficient in 2043.⁸

NCLB failed for reasons. Its various provisions were unevenly implemented across states and within districts. Its unrealistic and unattainable goals ensured it would fail on its own terms. But most importantly, schools were held accountable for conditions not under their control; that is, the students who fail to perform at grade level are disadvantaged either by poverty or by race/ethnicity, or both. And while it is true that extraordinary resilient poor or disadvantaged minority youth succeed in hypersegregated low performing schools, the vast majority of their classmates do not.

Waivers With the nationwide frustration with NCLB among educators, parents, and students and the impending massive school failure rates likely as the 2014 100 percent AYP deadline approached, the Obama administration announced in 2011 the opportunity for states to obtain waivers under the No Child Left Behind Act so long as the states agreed to adopt certain practices. The U.S. Department of Education invited states to request flexibility regarding specific requirements of NCLB in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. For instance, if states enacted certain reforms, like lifting caps on charter schools, adopting the Common Core standards, developing accountability systems that include student test scores in some form, the states could be eligible to obtain waivers granting them flexibility from some of the core tenets of NCLB, such as the requirement that 100 percent of students be proficient in math and reading by 2014.⁹ NCLB always allowed the secretary to issue waivers, but it was not until the last few years that this option was exercised in the face of the dysfunctional Congress that had yet to reform NCLB. Forty-five states, the District of Columbia, a consortium of the largest school systems in California (although not the state itself), Puerto Rico and the Bureau of Indian Education have submitted requests for waivers. As of early 2014, 42 States, the District of Columbia and Puerto Rico have been approved for ESEA flexibility.¹⁰

The widespread use of waivers not only reflects the administrative death of No Child Left Behind, but it also means the Common Core standards are becoming the *de facto* national curriculum standards. Waivers also mean states can focus on achievement *growth* instead of achievement at one point in time, teachers and schools will still be assessed but there's flexibility in how student performance is factored into the mix. Accountability will be more flexible, complex, and diverse. Each state can develop a highly individualized state accountability plan

that still allows it to qualify for ESEA funding. Kill and drill and teaching to the test are less likely to be perceived as necessary because there will be much broader bases for proficiency assessments. When Congress eventually reauthorizes ESEA, it will likely codify what is an administrative *fait accompli*. ESEA no longer is primarily for poor youth only; it is now a *bona fide* federal structure of education and Secretary of Education Arne Duncan (as will be his successors) is in many respects the Superintendent of the USA.¹¹

Common Core Common Core State Standards were first released in 2010 by the bipartisan National Governors Association Center for Best Practices and the Council of Chief State School Officers.¹² The Common Core State Standards (CCSS) Initiative is an unprecedented state-led effort coordinated by the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO).¹³ The standards were developed in collaboration with teachers, school administrators, and experts, to provide a consistent framework across school districts. Intended to be evidence-based, CCSS built upon strengths and lessons of extant state standards. The English standards were based on the NAEP frameworks in reading and writing, and mathematics standards drew on conclusions from TIMSS and other studies of high-performing countries. The NGA Center and CCSSO solicited feedback on draft standards from national organizations representing teachers, postsecondary educators, civil rights groups, English language learners, and students with disabilities. Following the initial round of feedback, the draft standards were opened for public comment, and developers received nearly 10,000 responses.¹⁴

The long standing tradition of local control of education and resistance to national standards make the rapid, broad, and voluntary adoption CCSS rather striking.¹⁵ Given the CCSS's relationship to NCLB waivers, and the popularity of waivers, it is not surprising that forty-five states and the District of Columbia have already adopted them. On June 2, 2010, North Carolina adopted the Common Core State Standards in K-12 Mathematics and K-12 English Language Arts, one of the first states to do so.¹⁶

Advocates and supporters of CCSS include most associations of professional educators, school boards, state school boards, governors, state school officers, state teacher organizations, several large foundations across the political spectrum, and national organizations representing ethnic minority populations. While some right-leaning groups (Cato Institute, Pioneer Institute, Tea Party groups) reject the standards, calling them an example of government overreach, other traditionally conservative groups such as the Thomas B. Fordham Institute and the U.S. Chamber of Commerce support them.¹⁷

Contrary to claims of critics, the Common Core is not a federal mandate. In fact, the 1965 Elementary and Secondary Education Act prohibits the Federal government from intervening in school curriculum development. States independently adopted the Common Core, and then school districts design the curricula to attain CCSS benchmarks.¹⁸ Confusion about the role of the federal government in states' adoption of the Common Core Standards is likely rooted in the Obama Administration's Race to the Top initiative, which awarded more than \$4 billion in federal grants to 19 states that demonstrated a commitment to education reform and innovation.

Race to the Top applicants who agreed to adopt the Common Core standards had a small number of points (40 out of 500) added to their proposal's score because Common Core standards align with Race to the Top's goals.

Race to the Top The Race to the Top (RTTT) initiative is a Department of Education competition designed to encourage educational innovations and reforms at the state level and in K-12 school districts. RTTT is funded through the American Recovery and Reinvestment Act of 2009. Applicants' proposals are scored according to criteria that award points for reforms that aim to improve, identify, and create better teachers and school leaders, redesign the state's reform capacity, move toward both closing achievement gaps and improving outcomes overall. Points are awarded to proposals that indicate adoption of the Common Core State Standards, the implementation of appropriate assessments; foster conditions for high-performing charters and lift caps on their numbers, develop plans to intervene to 'turn around' lowest performing schools, fully implement statewide longitudinal data systems, and prioritize STEM education.¹⁹

In response to the opportunity to compete for some of \$5 billion in federal funds, many states responded by adopting the Common Core Standards, lifting caps on the number of charters, and generally aligning their educational system and reform agenda that also qualify them to compete for RttT funds. North Carolina's successful RttT proposal became one of the first 12 grants awarded in 2010. North Carolina's RttT plan included revision of the state's Standard Course of Study to align with the Common Core Standards, an assessment system keyed to the new curricula, and new accountability model.²⁰ At the time of its application, NC still had a cap on the number of charters even though Secretary Arne Duncan had said in 2009 that "states that do not have public charter laws or put artificial caps on the growth of charters will jeopardize their applications under the RttT Fund", North Carolina received its RttT grant.²¹ Notably, in 2011 the Republican-controlled legislature in North Carolina lifted the state's cap on the number of charter schools and relaxed laws controlling how the schools operate. The charter reforms now require certification for only one half of charter schools' staff and charters do not need to provide transportation and meals to their students.²²

The original Race to the Top initiative did not attend to equity issues. However, the Obama administration's proposed 2015 budget includes a new initiative called Race to the Top-Equity and Opportunity (RTT-Opportunity), which, if adopted and authorized by Congress, will create incentives for states and school districts to propose reforms that close the opportunity and achievement gaps.²³

¹ Heubert, Jay Philip, and Robert Mason Hauser. 1999. *High Stakes: Testing for Tracking, Promotion, and Graduation*. National Academies Press; Mintrop, Heinrich, and Tina Trujillo. 2005. "Corrective Action in Low Performing Schools: Lessons for NCLB Implementation from First-Generation Accountability Systems." *Education Policy Analysis Archives* 13 (48)

(December 1): 1–30; North Carolina Department of Public Instruction (NCDPI). Evolution of the ABCs. Available at <http://www.ncpublicschools.org/docs/accountability/reporting/abc/2009-10/abcevolution.pdf>. Accessed 4/30/2013.

² NCDPI, *ibid*.

³ Roslyn Arlin Mickelson, Stephen Samuel Smith, and Stephanie Southworth, “The Chimera of Choice. Post-unitary Charlotte’s Rapid Resegregation” in Claire Smrekar and Ellen Goldring (eds) *Court-Ended Desegregation: The Reconstitution of Schools and Communities*. Cambridge, MA: Harvard Education Press, 129-156; NCDPI, *ibid*.

⁴ North Carolina Department of Public Instruction, “*ACRE: Accountability and Curriculum Reform Effort. Common Core*,” <http://www.ncpublicschools.org/acre/standards/common-core/> accessed March 6, 2014.

⁵ Eric Frazier and Susanna Booth, “CMS Test Scores Decline Steeply—Officials Cite Budget Cuts, Bigger Classes for Reversal After 4 Years of Increases,” *Charlotte Observer*, July 22, 2011, 1B.

⁶ Adam Gamoran, “Federal Policy, Educational Inequality, and the Role of Research in the Wake of No Child Left Behind.” Keynote Address, Sociology of Education Association, Pacific Grove, CA, February 22, 2014.

⁷ *Ibid*

⁸ *ibid*.

⁹ Education Week, “NCLB Waivers: A State-by-State Breakdown.” February 25, 2014; Robert Garda and Derek Black, “The New Accountability? NCLB Waivers,” Paper presented at the No Child Left Behind Symposium, Thurgood Marshall School of Law Texas Southern University, Houston TX, February 8, 2013.

¹⁰ Elementary and Secondary Education, ESEA Flexibility, accessed March 6, 2014; <http://www2.ed.gov/print/policy/elsec/guid/esea-flexibility/index.html>

¹¹ Garda and Black, *ibid*.

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- ¹² Common Core State Standards Initiative, *About the Standards*, Author, 2012.
<http://www.corestandards.org/about-the-standards>
- ¹³ Lorraine M. McDonnell and M. Stephen Weatherford, “Organized Interests and the Common Core,” *Educational Researcher* 42 (9); 488-497, 2013.
- ¹⁴ Common Core State Standards Initiative, *About the Standards*, Author, 2012.
<http://www.corestandards.org/about-the-standards>
- ¹⁵ McDonnell and Weatherford, *ibid*
- ¹⁶ North Carolina Department of Public Instruction, “*ACRE: Accountability and Curriculum Reform Effort. Common Core*,” <http://www.ncpublicschools.org/acre/standards/common-core/> accessed March 6, 2014.
- ¹⁷ Amy Good, “Common Core: Myths and Facts.” *US News and World Report*, May 4, 2014.
<http://www.usnews.com/news/special-reports/a-guide-to-common-core/articles/2014/03/04/common-core-myths-and-facts;> McDonnell and Weatherford, *ibid*.
- ¹⁸ Good, *ibid*.
- ¹⁹ U.S. Department of Education. *Race to the Top Executive Summary*. Washington, DC. November, 2009 <http://www2.ed.gov/programs/racetothetop/executive-summary.pdf>.
- ²⁰ Public Schools of North Carolina, “NC Race to the Top” North Carolina Department of Public Instruction. <http://www.dpi.state.nc.us/rttt/>
- ²¹ U.S. Department of Education. “States Open to Charters Start Fast in ‘Race to the Top’” Press Releases. Archived Information. June 8, 2009
- ²² Katie Ash, “Surge in New Charter Schools Worries N.C. Educators.” *Education Week* 33 (19): 7, Feb. 3, 2014
- ²³ U.S. Department of Education, “Obama Administration 2015 Budget Prioritizes Education Investments to Provide Opportunities to All Americans.” Press Release. March 4, 2014.
<http://www.ed.gov/budget15>