

## **ABSTRACT**

FABRIZIO, LOUIS MICHAEL. The Creation and Evolution of North Carolina's ABCs Accountability Program and the Impact of No Child Left Behind – A Case Study. (Under the direction of Robert C. Serow.)

The purpose of this study is to investigate in depth, through a case study design, the creation and evolution of North Carolina's ABCs Accountability Program and how it has been impacted by the No Child Left Behind (NCLB) legislation. There were four research questions: (1) What political and educational factors influenced the creation of the ABCs Accountability Program? (2) How has the ABCs Accountability Program changed over time? (3) What impact has NCLB had on the ABCs? and (4) How have the interrelationships of federal, state and local policymakers in education changed from the inception of the ABCs Program?

Interviews (not anonymous) were conducted with numerous legislative and educational leaders ("policy elites") of the state of North Carolina including, among others: James B. Hunt, Jr., former Governor; Senator Leslie Winner and Representative Jean Preston, former co-chairs of the Joint Legislative Education Oversight Committee; Dr. Beverly Perdue, current Lieutenant Governor and former state senator; Congressman Bob Etheridge, former State Superintendent of Public Instruction; Mr. Phillip Kirk, former chair of the State Board of Education (SBE); Mr. Howard Lee, Chairman of the SBE; Dr. Jane Norwood, current member of the SBE; Ms. Jane Worsham, Executive Director of the SBE staff; Dr. Weaver Rogers, former Executive Director of the SBE staff; Mr. John Wilson, former president of the North Carolina Association of Educators,

Dr. James Causby, president of the North Carolina Association of School Administrators; and several high-ranking administrators of the North Carolina Department of Public Instruction including Dr. Richard Thompson, former Deputy State Superintendent of Public Instruction, and Dr. Henry Johnson, former Associate State Superintendent of Public Instruction.

Interview transcripts were analyzed for common themes and the findings of the study include descriptions of several aspects of the accountability program. These include: the inception of the ABCs Accountability Program during a period of high tension among the state-elected Superintendent of Public Instruction, the SBE, and the General Assembly; education governance issues in the state; examples of changes in the program resulting from attempts to game the system; examples of changes in the program resulting from SBE and legislative decisions regarding identification of low-performing schools, labels to classify schools, changes in financial incentive structures and who can receive the financial awards, and volatile issues related to teacher testing and automatic removal of certain principals based on schools being identified as low-performing schools. The findings also describe issues related to the negotiated rulemaking process used by the United States Department of Education (USED) for establishing proposed regulations for standards and accountability under NCLB; additional changes in the ABCs Accountability Program resulting from policy directives of USED; and potential effects of the *Leandro* court case.

This study contributes to the literature for education accountability based on the historical case study of North Carolina's accountability program, offers insights into

policy making and policy implementation differences between the ABCs and NCLB, describes one instance of the use of the negotiated rulemaking process in education and exposes intricacies of the interrelationships of the various levels of government related to education.

**THE CREATION AND EVOLUTION OF  
NORTH CAROLINA'S ABCs ACCOUNTABILITY PROGRAM AND  
THE IMPACT OF NO CHILD LEFT BEHIND – A CASE STUDY**

by

**LOUIS MICHAEL FABRIZIO**

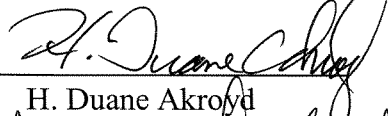
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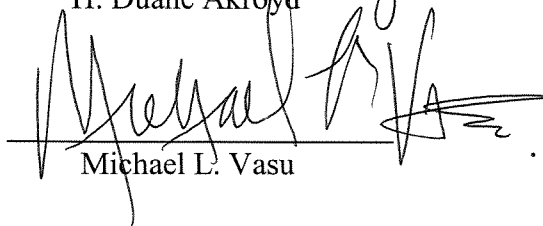
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## DEDICATION

This dissertation is dedicated in memory of my father, Florentino (Fiore) Fabrizio. He was born in Itri, a small town in Italy between Naples and Rome, in 1919. He emigrated to the United States at the age of 11 and remained in school through the ninth grade. He then dropped out of school, worked several different jobs and eventually entered the Army during World War II. In 1946, he married my mother, Concetta, and together they raised four children; three girls and a boy. After marriage, my father worked two jobs for 20 years, one as a motorman for the New York City Transit Authority, and the other as a jewelry maker and repairman for a jewelry company in New York City.

He then “retired” from both of these jobs and started working for the United States Postal Service until he really retired in 1985. He finally got to play golf several times a week and work in his garden more frequently – two things he thoroughly enjoyed doing. He and my mother also did some extensive traveling in the United States and abroad during his retirement.

On March 29, 2003, he died of acute myelogenous leukemia (AML), nine days after diagnosis. He taught me the values of hard work, doing one’s best, honesty, perseverance and always stressed the importance of a good education.

Thank you, Dad.

## BIOGRAPHY

I was born in the Manhattan Borough of New York City in 1952 and my parents and two older sisters and I moved up to the Bronx when I was two months old. I attended Blessed Sacrament School for first grade through eighth grade and then Cardinal Spellman High School. In 1974, I graduated with a Bachelor of Science degree in physics from Georgetown University in Washington, DC. During my last semester at Georgetown University, I taught mathematics and science full-time for children ages 8-12 years old at an experimental “free school” called the Kalorama Children’s Program in the Adams Morgan neighborhood of Washington, DC. In August 1974, I moved to Durham, North Carolina and was hired in October as the education director for the Head Start program in Wake County, supervising the thirty education staff in six centers serving 300 students throughout Wake County. In August 1975, I was promoted to the director's position and also accepted into the Master of Science program (part-time) in educational administration and supervision at North Carolina State University (NCSU) in Raleigh. During my tenure as Head Start director, I was elected president of the North Carolina Head Start Association for two terms. I also served on the legislative committee of the National Head Start Association and made several trips to Washington, DC to meet with members of the North Carolina Congressional delegation to keep them better informed of the Head Start programs in the state.

To fulfill the Master’s degree requirements at NCSU, I resigned from my position with the Head Start program in 1978 to enroll full-time for a semester and then completed a full-time internship. My internship was in the Division of Research with the North

Carolina Department of Public Instruction (NCDPI). Several weeks after completing my internship, I was hired in the Division of Research as an education consultant to monitor the development of two new editions of the North Carolina High School Competency Tests. Within the next ten months, I completed my Master's program and was promoted to a new position at NCDPI as the state's Title I Evaluation Consultant. In this position, I was responsible for training Title I school personnel across the state on the requirements for evaluating the ESEA Title I program as well as conducting the state's evaluation, writing the report, and submitting it to the U.S. Department of Education (USED).

In 1982, CTB/McGraw-Hill, the test publishing division of McGraw-Hill publishing company, hired me as their evaluation consultant for the State of North Carolina. Over the next 14½ years, I served in various positions within CTB with my last six years as a national assessment consultant, working directly with 13 states in the southern region. As a national consultant, I was responsible for understanding the testing and accountability programs of the states in the region and assisting the state staff in selecting CTB's tests and services as a means of meeting their assessment needs. While working for CTB, I also was elected the president of the North Carolina Association for Research in Education (NCARE) in 1988.

In 1996, I returned to the NCDPI as the director of the Division of Accountability Services where I oversee the statewide testing and accountability programs, including the assessment and reporting requirements of No Child Left Behind (NCLB). In my position, I interact on a monthly basis with members of the State Board of Education (SBE) on issues related to testing and accountability and have presented to North

Carolina's Joint Legislative Education Oversight Committee (JLEOC) on numerous occasions. I also served as one of 22 individuals on the USED Negotiated Rulemaking Committee for standards and assessments for NCLB and have served on other national committees including the Technical Advisory Committee for the Voluntary National Test and the 2004 National Assessment of Educational Progress (NAEP) Mathematics Steering Committee. I currently serve as the Chair of the national Standing Task Force on Assessment for the Education Information Management Advisory Consortium (EIMAC) that is supported by the National Center for Education Statistics (NCES) of the USED.

In summary, I have been involved in testing and accountability for a total of over 26 years, including experiences in public education as well as private industry at local, state, and national levels. Conducting this study is a natural extension of my life's major work.

Additionally, I am happily married to Katherine Kilburn Fabrizio, a psychotherapist in private practice in Raleigh, and have three daughters: Erin, 27; Clair, 15; and Maria, 12.



## ACKNOWLEDGEMENTS

This dissertation would not have been possible except for the support of many individuals. These include all of the professors whose classes I participated in and the members of my advisory committee: Dr. Bob Serow as Chair, and Drs. Duane Akroyd, Kevin Brady and Michael Vasu. Thank you all for working with me. I also thank the many individuals who were willing to take time out of their busy schedules to be interviewed by me for this study. Your insights and contributions to this study and to the efforts for school accountability are greatly appreciated. A big thanks goes to Henry Johnson and Brad Sneed for “convincing” me to enter the doctoral program! Thank you, guys. My appreciation also goes to the many staff members at NCDPI including Lois Rogers-Sims, Susan Auton, and Lucy Medlin for their assistance and kindly expressions of support when work and school were tough. My mother, Concetta; three sisters, Joanne, Frances, and Susanne; and oldest daughter, Erin, were always encouraging me, without a lot a pressure, as I worked on the dissertation. It was much appreciated.

My daughters, Clair and Maria, have seen first hand that one is never too old to have to study and do homework! My most special thanks, however, goes to my wife, Katherine, for having to listen to me complain about juggling work, school, church and family responsibilities for these last six years. Hopefully things will be a little easier now for all of us and I can finally get around to all of the tasks you have been holding back from me over the years! I love you for many things, including the sacrifices you endured during this process.

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## LIST OF ACRONYMS

<b>Acronym</b>	<b>Description</b>
ABCs	ABCs Accountability Program
AYP	Adequate Yearly Progress
CEP	Center on Education Policy
CRTs	Criterion Referenced Tests
CTB	formerly the California Testing Bureau
EIMAC	Education Information Management Advisory Consortium
ELL	English Language Learners
EOC	End-of-Course
EOG	End-of-Grade
ESEA	Elementary and Secondary Education Act
FERPA	Family Educational Rights Privacy Act
HLM	Hierarchical Linear Modeling
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
IRB	Institutional Research Board
JLEOC	Joint Legislative Education Oversight Committee
KERA	Kentucky Education Reform Act
KIRIS	Kentucky Instructional Record Information System
LEP	Limited English Proficient
MCT	Minimum Competency Test
MDI	Measurement Driven Instruction
MDR	Measurement Driven Reform
NCES	National Center for Education Statistics
NCSL	National Conference of State Legislators
NCAAAI	North Carolina Alternate Assessment Academic Inventory
NCAAP	North Carolina Alternate Assessment Portfolio
NCAE	North Carolina Association of Educators
NCARE	North Carolina Association for Research in Education
NCDPI	North Carolina Department of Public Instruction
NCGA	North Carolina General Assembly
NCLB	No Child Left Behind
NCSU	North Carolina State University
NRC	Negotiated Rulemaking Committee
NRTs	Norm referenced tests
OESE	Office of Elementary and Secondary Education, USED
OSEP	Office of Special Education Programs, USED
SBE	State Board of Education

**LIST OF ACRONYMS**  
**(Continued)**

S. L.	Session Law
SES	Socio-economic status of students
USED	United States Department of Education



## CHAPTER I. INTRODUCTION

Like it or not, school accountability is here to stay in public education. In fact, the mention of “school accountability” and its concomitant reliance on the use of standardized achievement tests causes different reactions from people. The general public and policymakers expect accountability from the schools due to the large amount of public money invested in K-12 education (Hartle & Battaglia, 1993; McDonnell, 2002; Phelps, 2003; Resnick, 1982). Yet, for many educators and parents of students in the schools, the words “school accountability” invoke feelings of unnecessary pressure and intrusion into what occurs in classrooms and schools (Kohn, 2000). Linn (2001) comments that there are differences of opinion in the “prevalence and severity of unintended negative consequences of high-stakes assessments...[but that] it is clear, however, that high-stakes accountability systems are a prominent part of the educational agendas in states and districts throughout the nation” (p. 4).

North Carolina’s accountability system, referred to as the ABCs of Public Education, or the ABCs, has been in existence since June 1996. The “A” stands for *Accountability*, the “B” refers to a focus on the *Basics* with high standards, and the “C” means *Control* at the local level. After almost six years of the State Board of Education refining North Carolina’s program, President George W. Bush signed the No Child Left Behind Act of 2001 (NCLB) into law on January 8, 2002, which added new federal requirements for all states regarding their respective accountability programs. NCLB’s accountability requirements created new challenges for states and their testing and

accountability programs. This particular study looks at various aspects of both the ABCs and NCLB, including insights into policy making and policy implementation differences between the ABCs and NCLB. [Please note a list of acronyms and their meanings used in this report is on page xii to provide a quick reference source.]

### **Purpose of the Study**

The purpose of this study is to investigate in depth, through a case study design, the creation and evolution of North Carolina's ABCs Accountability Program and how it has been impacted by the NCLB legislation. Included in this study is information on the federal-level negotiated rulemaking process and the political interrelationships of federal, state, and local education policymakers. In 2002, the United States Department of Education (USED), as mandated by the United States Congress through the NCLB legislation, used the negotiated rulemaking process as a means of developing regulations for standards and assessments ("Fleshing out the ESEA," 2002), and through this study one can see how these regulations impacted North Carolina's accountability program. Essentially, the overriding question of the study is what can be learned about the public policy process by investigating the creation and evolution of the ABCs Accountability Program and the impact of No Child Left Behind?

With the passage of NCLB, pressures have increased for both school personnel and students. A major component of most school accountability systems is the use of high-stakes standardized achievement tests. The combination of school accountability and high-stakes testing creates an environment for policymakers, schools, and the

public to grapple with issues of policy development, implementation and evaluation. Under NCLB, each state now is required to have an accountability system that must have certain mandated components (a specific example is testing all students in grades 3-8 in both reading and mathematics beginning with the 2005-06 school year) and its plan must be approved by the United States Department of Education (USED). Hanushek and Raymond (2005) make the observation that NCLB “codified a developing policy view that standards, testing, and accountability were the path to improved performance” (p. 297). This policy view was shared by policymakers in North Carolina several years prior to the passage of the NCLB legislation.

The creation of the ABCs Accountability Program occurred during a period of political tension among the North Carolina Department of Public Instruction (NCDPI), the State Superintendent of Public Instruction, the North Carolina State Board of Education (SBE) and the North Carolina General Assembly (NCGA). During the final years of North Carolina State Superintendent Bob Etheridge’s term of office, the SBE removed many of his duties and assigned them to a new Deputy Superintendent, Dr. Richard Thompson, who was to report directly to the SBE, not the State Superintendent.

The ABCs Accountability Program has changed over time and the document entitled “The Evolution of the ABCs” (see Appendix A) was created and placed on the NCDPI Web site:

<http://www.ncpublicschools.org/docs/accountability/reporting/abc/2004->

[05/abcevolution.pdf](#)) as a reminder to school personnel and the public of what changes have occurred. This document is updated at least annually.

Some of the changes to the ABCs Accountability Program have increased pressure on both schools and students. The passage of two pieces of federal legislation, the Individuals with Disabilities Education Act (IDEA) amendments in 1997, and the 2001 reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965, referred to as No Child Left Behind (NCLB), collectively have had a significant impact on schools and students. Wedged between these two major federal initiatives was the passage of the student accountability standards policy in April, 1999 by the North Carolina SBE. This policy established gateways for student promotion at grades 3, 5, and 8 and was intended to ensure that students who needed academic assistance would be identified and provided assistance before the principal made student promotion decisions.

IDEA states, among other things, that all students with disabilities must be included in statewide or districtwide assessments of students. IDEA also calls for the development of alternate assessments for students who cannot take the traditional paper and pencil tests. Historically, some students with disabilities would have been exempt from taking state assessments. The recent inclusion of test scores from these students has been increasingly a cause of concern for some principals and teachers, especially at schools that house special classrooms established by the central office of the school district for special needs students.

NCLB has caused additional concerns for schools with its focus on the disaggregation of test scores among various ethnic and racial groups as well as students with limited English proficiency, students with disabilities, and economically disadvantaged students. Under the NCLB mandate, school performance is determined by analyzing each student subgroup's performance against a standard established by the State based on federal guidelines. If any one subgroup does not meet the standard, the entire school is deemed to have not made adequate yearly progress (AYP). The NCLB requirements have been considered so severe that "lawmakers in Virginia, Utah and seven other states are taking steps to opt out or block using state funds for No Child Left Behind, calling the law an intrusion on local control" (Toppo, 2004). More recently, Utah legislators in April, 2005 "voted overwhelmingly in support of the legislation challenging NCLB's preeminence over the state's own accountability," whereas Connecticut on August 22, 2005, became the first state in the nation to file a lawsuit against NCLB (Ascione, 2005). Connecticut's Attorney General, Richard Blumenthal, claimed months earlier that the "federal government's approach with this law is illegal and unconstitutional" (National Center for Fair and Open Testing, 2005, pp. 1, 13). Connecticut Commissioner of Education, Betty J. Sternberg, stated, "A lawsuit is an avenue of last resort. It is a sad testimony that we have been pushed to this extreme" (Connecticut Department of Education, 2005). Ascione (2005) also quotes from a statement from Susan Aspey, a spokeswoman from the USED, that:

It's unfortunate that [Connecticut officials have] chosen to address their achievement gap with a lawsuit that takes attention away from their neediest

students. NCLB is designed to close these gaps and raise achievement for all students, regardless of race, income, or background. But unfortunately, today's action doesn't bring the state any closer to closing its achievement gap.

These myriad state and federal laws, policies, and regulations illustrate the interrelationships of the various levels of government and how they can affect schools and students. Looking at North Carolina's accountability program in more depth can help the public, school personnel, and other researchers better understand the circumstances, and why some education accountability decisions were made.

### **Research Questions**

With the backdrop of this focus on accountability, and the fact that the state's program had evolved over time, the introduction of NCLB added another set of dynamics to the evolution of the program. Based on these circumstances, the following research questions were investigated:

1. What political and educational factors influenced the creation of the ABCs Accountability Program?
2. How has the ABCs Accountability Program changed over time?
3. What impact has NCLB had on the ABCs?
4. How have the interrelationships of federal, state and local policymakers in education changed from the inception of the ABCs Program?

### **Sampling Procedure and Justification**

Methodology and sampling should logically follow from the research questions. Marshall and Rossman (1999) state, "the research questions and methods chosen to

explore the topic are congruent and have an organic relation to one another” (p.10). Because this study delves in great detail into the ABCs Accountability Program, it is appropriate that the research method be qualitative in nature using a case study design where individuals with explicit knowledge about the program, its beginning, and its evolution are interviewed. Merriam (1998) indicates that a case study design is “employed to gain an in-depth understanding of the situation and meaning for those involved” (p. 19).

This study meets Merriam’s (1998, p. 35) definition of a historical case study since it involves a “description and analysis of a school, *program*, intervention, or practice as it has evolved over time [emphasis added].” The fact that NCLB adds additional requirements to the ABCs Accountability Program complicates the telling of the history because there are instances where the two programs have been at odds with each other. More specifically, it is possible for a school in North Carolina to receive recognition for doing well under the ABCs but simultaneously be placed into “Title I School Improvement” status because of inadequate performance under NCLB.

Undertaking a study to address the aforementioned research questions involves having detailed information and understanding of student assessments, the ABCs Accountability Program, and NCLB, as well as knowledge of the policy making process at the local, state, and federal levels.

## CHAPTER II. LITERATURE REVIEW

Accountability has several definitions and can include many different features.

Reeves (2000) starts with two dictionary definitions of accountability and makes comments that are worth noting:

The *Oxford English Dictionary* defines “accountability” as follows: “liability to give account of, and answer for, discharge of duties or conduct; responsibility.” *Webster's Tenth Edition* hits the mark: “an obligation or willingness to accept responsibility or to account for one's actions.” With respect to schools, therefore, accountability must mean far more than a recitation of data. Accountability must also include the elements of “conduct” and “action.” Moreover, accountability must involve the acceptance of responsibility. Educational accountability systems that merely describe test scores are not worthy of the term. Instead, comprehensive accountability systems contain multiple measures of student achievement. Ultimately, only systems that include effects, causes, conduct, actions, and yes, responsibility, can earn the label of accountability. (p. 1)

This chapter explains why a study of North Carolina’s accountability program is valuable to the educational community at large and the public. The literature reviewed here includes the following sections: a brief history of how testing and accountability systems have changed during the last century; components of accountability systems and some selected state examples; opposition to large scale assessment and accountability programs; descriptions of previous research on the ABCs of Public Education; implications for state level accountability due to the federal NCLB legislation; the negotiated rulemaking process as a part of policy development; and theoretical frameworks for policy formation, implementation, and evaluation.



### **History of Student Testing and Accountability Systems**

While the main focus of this particular study is based on school accountability systems, it is appropriate to spend time discussing the history of student testing because the tests play a major role in the accountability systems. Student testing has a long history in America's schools. Over a century ago, Alfred Binet was working in France on the identification of mentally retarded children and he developed his Binet scale of thirty items, published in 1905. Henry Goddard published the first American revision of the Binet scale several years later but it was not until 1914 that Lewis Terman published the well known Stanford-Binet test specifically for use with American school children. Due to a markedly increasing immigrant population of school-aged children in the United States following the turn of the century, there was an interest in identifying students not able to function in the classroom (Resnick, 1982). Resnick also describes additional developments in the history of testing including the use of intelligence tests and achievement tests around the time of World War I.

Eventually, schools became increasingly interested in the actual achievement of students in terms of their relative academic performance compared to students from a national sample, often referred to as a national norm group. The tests themselves were referred to as norm-referenced tests (NRTs). In the late 1970s, the United States saw an increase in student testing during the Minimum Competency [Test] Movement (MCT), where the focus was on students being able to answer questions involving how to read utility bills, fill out employment applications, complete forms, and other tasks thought

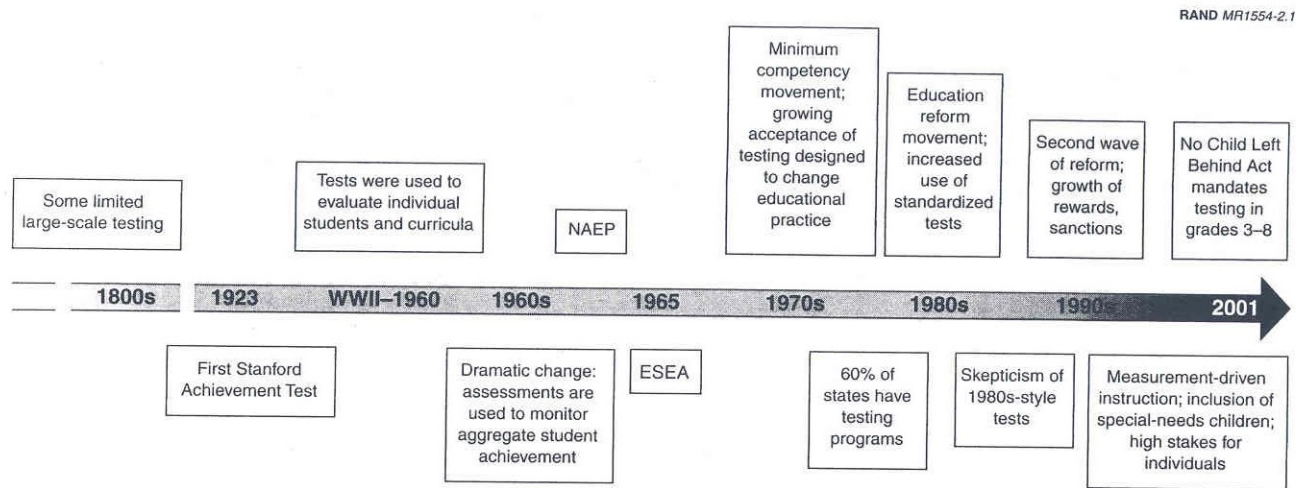
necessary to ensure students would be successful in society after graduation from high school. These tests primarily contained multiple-choice items. This trend in student testing continued throughout the 1980s with increased concerns about education largely due to the release of the National Commission on Excellence in Education (1983) report called *A Nation At Risk: The Imperatives for Education Reform*. Although this report claims that the nation's schools were getting worse and declining in comparison with other nations, education researchers Berliner and Biddle (1995) claim the report's concerns were not based on facts or valid research. Based on Berliner and Biddle's research of available data, they concluded that "today's students are at least as well informed as students were in previous generations, and that education in America compares favorably with education elsewhere" (p. 13).

During the late 1980s and throughout the early 1990s, there was a movement toward including performance-based items on tests in addition to multiple-choice items. Some states moved entirely away from multiple-choice items altogether. For example, Vermont moved to student portfolio assessments and Maryland moved to student performance-based assessments. These performance-based item types were deemed to foster the kind of instruction that would be beneficial for students and hence allow the test to drive instruction in a more constructivist direction. However, performance-based items are not without their own set of problems, including extra costs associated with developing and scoring them, as well as, issues of lower reliability due to human judgments for scoring the items based on scoring rubrics. Snow (1993) raises

“questions about the scaling, reliability, representativeness, economy, and potential biases of constructed-response tests, relative to multiple-choice tests of the same length” (p. 58), while Gitomer (1993) describes other concerns of generalizability, standard setting and equity issues related to performance tasks.

Noble and Smith (1994) report on Arizona’s implementation of a new performance-based testing program and discuss the phenomenon of “measurement driven reform” (MDR) and how the tests are used as a vehicle for reforming education. They distinguish between the old view and new view of MDR and claim that the old view is based on behaviorist psychology and pedagogy where “the student is a passive recipient of knowledge” (p. 2), while the new view is labeled cognitive-constructivism and “teaching that fits this ...view of learning is likely to be holistic, integrated, project-oriented, long-term, discovery-based and social” (p. 9). Their research of the Arizona program implementation involved a multiple case study design with interviews with key policymakers and stakeholders, analysis of documents, yearlong classroom observations, informant interviews and focus group interviews at four elementary schools (p. 14). Their conclusion was that the new program was unsuccessful in meeting the desires of its designers because the implementation eventually resulted in a more behaviorist system (high stakes, standardization, less focus on process) and that the school districts had differing levels of capacity or preparedness to implement the new system.

Hamilton and Koretz (2002) discuss trends in large scale assessments over the last century and trace major movements and legislative events. In the book, the authors include the Figure 2.1(from p. 15), reprinted on the following page, to display a timeline depicting these movements and events.



**Figure 2.1—Brief History of Testing and Test-Based Accountability**

SOURCE: Hamilton et al., “Making Sense of Test-Based Accountability in Education,” Santa Monica, Calif.: RAND Corporation, 2002. Reprinted with permission.

From Figure 2.1, one sees the evolution of changes that include the impact from the federal level starting in the 1960s with the National Assessment of Educational Progress (NAEP) and the ESEA legislation. Also included is the era of minimum skills competency testing that started in the 1970s with the increased use of statewide tests followed by the idea of including sanctions and rewards as a part of the systems. The timeline concludes with the box of the NCLB legislation, although it also should have referenced the federal IDEA and Title I legislation in the box where it notes inclusion of special needs children (students with disabilities [SWD] and limited English proficient [LEP] students).

Linn (2000) also presents a history of assessments and accountability from a historical perspective, although he confines his history to the past five decades as he reviews five “waves” (p. 4) of educational reform. He begins by first describing the reasons that assessments are viewed with such great favor by policymakers in reform efforts. These reasons include the relatively low costs of the assessments, the relative ease of mandating these assessments at the state and federal level compared to making changes occur in classrooms, the relatively quick implementation of tests and assessments, often achieved while policymakers are still in office, and the visibility of results. He then lists “salient” (p. 8) characteristics of current reform efforts that include the development and use of ambitious content standards, concurrent emphasis on demanding performance standards, inclusion of all students, and apparent high-stakes for schools, teachers, and sometimes students. However, in his description of

several types of accountability systems, he incorrectly states that North Carolina uses hierarchical linear modeling (HLM) and that the State's model includes adjustments for the SES (socioeconomic status) of students. Neither of these two assertions is correct; moreover, these assertions lead to misunderstandings within the educational community and the public at-large.

### **Components of Accountability Systems: Some Selected State Samples**

For purposes of this study, a detailed listing of each state's current accountability system will not be provided since the main focus of the study is North Carolina's accountability system. However, examples of some states' systems are reviewed to describe various approaches to accountability during the past decade and to place North Carolina's history of the ABCs within a historical and national context.

[For those interested in descriptions of the various state accountability plans approved by the USED, see <http://www.ed.gov/admins/lead/account/stateplans03/index.html>.]

Elmore et al. (Elmore, Abelmann, & Fuhrman, 1996) coined the phrase "the new educational accountability" and stated:

it has three major components: a primary emphasis on measured student performance as the basis for school accountability, sometimes accompanied by other indicators of success; the creation of relatively complex systems of standards by which data on student performance are compared by school and by locality; and the creation of systems of rewards and penalties and intervention strategies to introduce incentives for improvement. (p. 65)

Elmore, et al. compared Mississippi's and Kentucky's accountability systems. They detail some of the political, implementation and design problems of the two accountability systems. While Mississippi's program used norm-referenced tests,

Kentucky's program made use of portfolios and performance assessment tasks. Both programs, however, used an indexing system to classify schools (in Kentucky) and school districts (in Mississippi and Kentucky) based on student performance. In terms of the complexity of the two index systems, Elmore, et al. make the observation that "statisticians and psychometricians may be in the driver's seat with the policy makers and educators unable to understand or explain the rationale behind the formulas and assessment approaches" (p. 77). The political, implementation, and design issues in Mississippi and Kentucky mirror many of the issues described in this study of North Carolina's experiences. North Carolina State Senator Robert Rucho acknowledged the issue of complexity of accountability systems with the question, "Can you make this any more complicated?"<sup>1</sup>

Cohen (1996, p. 117) states "the idea of accountability for performance has broad appeal, but designing and implementing such schemes turns out to be a rich stew of politics, technical and ethical problems, and ideological conflict." Similar statements have been made by educational researchers Ladd (1996), McDonnell (1994; 1997), and Stecher (2002).

Kentucky was one of the first states to move away from norm-referenced tests when it comes to a statewide accountability system at the school-building level.

According to Whitford and Jones (2000), the Kentucky Supreme Court "struck down

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<sup>1</sup> Comment made on February 5, 2004, during a North Carolina Joint Legislative Education Oversight Committee meeting on North Carolina schools' compliance with NCLB and performance on the ABCs and AYP.



over 700 laws governing elementary and secondary education” in 1989 (p. 1); in 1990 the legislature passed “a massive reform package” (p. 1) known as KERA – the Kentucky Education Reform Act. KIRIS – the Kentucky Instructional Record Information System was the system developed because of KERA. A “hallmark of KERA was a new vision of teaching and learning: they were to be performance based” (p. 4). The same was true of the assessments as well. However, Whitford and Jones argue that the linking of performance assessments with high-stakes accountability has “undermined the value of performance assessments as a strategy for improving teaching and learning” (p. 2). They claim that the continued demand by teachers for more information concerning what is going to be on the test is prohibiting better student-teacher relationships because it is reducing the teachers’ professional status as they become increasingly interested in teaching what is on the test instead of what is best suited for individual students.

Ladd (1996) presents a collection of articles from several authors on the topics of performance-based incentive programs, school choice and vouchers, state allocation of education funds, and the costs of achieving high performance. The articles serve as a good source of information that lay the groundwork of school accountability nationally prior to the implementation of the ABCs Accountability Program in North Carolina.

Cohen (1996) makes several comments about the politics involved in accountability programs. He states that there are two major problems confronting efforts at systemic reforms. One is the lack of professional capacity to know what to do

with the schools identified as needing improvement, and the second is politics. He explains how, in terms of capacity, educators need “more incentives and opportunities to learn” (p. 124) and that as far as politics is concerned:

America displays few signs of the political patience, trust of professionals, and willingness to learn that standards based reform would require from politics, politicians, and the public... [and] it seems likely that no movement for fundamental change can make dramatic progress unless reformers find ways to depoliticize education while building a broader constituency for their ideas. That would take sustained and sophisticated work, which is unfortunately rare in public education. (p. 125)

McDonnell (1997) also discusses the political implications associated with testing and accountability systems. She reviews the politics of enacting and implementing new assessment systems in the three states of California, Kentucky and North Carolina during the early 1990s. In her qualitative study, 30 face-to-face interviews were conducted in 1992, and 29 face-to-face interviews in 1994, with state-level respondents that included legislators and their staff, governors’ education aides, state departments of education leaders and interest group representatives. During the 1994 interviews, eight interviews were follow-up interviews with “policy elites” while the remaining interviews were conducted with additional individuals in the assessment policy process. McDonnell, along with five other researchers, also reviewed six years of state assessment articles from a major newspaper in each of the three states, as well as reviewing relevant documentary data. McDonnell’s underlying assumption was that different policy designs would lead to variations in both implementation and outcomes among the three states. What McDonnell discovered was a common agreement that

these new assessments “should influence classroom instruction” (p. 66). However, the changes in the assessments, from earlier versions, were more dramatic in Kentucky and California compared to North Carolina. Kentucky and California went beyond multiple-choice test items and this introduced “the perception of greater scorer judgment, and hence variability” (p. 66). She also discovered that there was more opposition to the new assessment systems in Kentucky and California compared to North Carolina. McDonnell describes three lessons instrumental for other states interested in making changes to their assessment systems. These changes include: deciding whether the state is “ready for new forms of assessments,” acknowledging that “strong political leadership is needed,” and that “new standards and assessments cannot be solely a technical process limited to experts” (pp. 68-69). McDonnell concludes the study with the following closing statement:

Above all, those responsible for implementing new state assessments need to recognize that the process is inherently political in the best sense of that word because it involves public deliberation about what skills and knowledge are most important for a productive life and active citizenship. (p. 70)

McDonnell’s lessons will be reviewed later in conjunction with an introduction of North Carolina’s ABCs Accountability Program and the subsequent NCLB legislation.

Millman (1997) was the editor of *Grading Teachers, Grading Schools: Is Student Achievement a Valid Evaluation Measure?*, a book that contains articles on four examples of accountability systems with various authors writing about different aspects of the systems. The accountability systems highlighted were for the states of Oregon,

Tennessee, and Kentucky, and the Dallas, Texas school district. For each accountability system, there is an introductory article written from the perspective of a stakeholder (or “warrior”) who was involved in the “birth” of the system describing how it has been “refined over its history” (p. 5). This study on the creation and evolution of the state’s ABCs can serve as a similar reference document for North Carolina.

Linn (2001) discusses different purposes of testing and accountability systems and reviews some of the more difficult challenges associated with implementing such systems. Some of these challenges include having to answer, or address, the following questions: is the school-based system to focus on current performance, improvement or both?; should expectations for schools be adjusted for the effects of the socioeconomic background of students?; how should past school performance be used to measure growth – is it based on matching students from one year to the next, comparing the total group of students in one grade one year (say fourth graders) with the total group of the next higher grade level (fifth graders) the following year?, or comparing one grade level one year (say seventh graders) with the same grade level of students next year (seventh graders)?

More recently, there has been a great deal of attention to the use of growth models, or “value-added” accountability systems. One such example is Tennessee’s use of the TVAAS (Tennessee Value-Added Assessment System), commonly referred to as the Sanders Model (McCaffrey, Lockwood, Koretz, & Hamilton, 2003). While the Sanders Model has been used for many years in Tennessee, it has not been used widely

in other states at the state level. This may be due to several factors, including the need for yearly testing with a test series having vertically aligned test scales, ability to track students from one year to the next, and use of proprietary software, owned by the SAS Institute, Inc. located in Cary, North Carolina (Dr. William Sanders is currently employed at SAS Institute, Inc.). Bracey (2004) provides a short essay on issues related to the TVAAS system while McCaffrey et al. (2003) provide a more comprehensive review. Another reason occasionally mentioned as to why some states do not use the Sanders Model is due to the complexity of this model and its lack of transparency, meaning school staff and the public do not have access to the specific software calculations that are used in the model. TVAAS also has come under fire within the state of Tennessee with proposed legislation that would have eliminated the program (Olson, 2004b). However, this particular legislation did not pass (Olson, 2004a).

### **Opposition to Large Scale Assessments and Accountability Programs**

It would be naïve to assume that everyone endorses the large-scale assessments and high-stakes accountability systems that have been put in place across the nation. The literature is replete with the work of staunch opponents and critics as well as researchers that highlight the negative effects of these systems. Research articles by any of the following would give one a flavor of the issues. Kohn (2000) opposes the use of standardized tests and high-stakes assessments as well as the imposition of sanctions and rewards. Popham (2001b; 2003) also opposes the current types of tests used for accountability purposes and exhorts the use of tests that are more informative

to the instructional process. Popham chaired the Commission on Instructionally Supportive Assessments that reported, in October 2001, nine requirements for building tests that support instruction and accountability. These requirements include: (1) taking the state's content standards and setting priorities to support instruction and assessments; (2) ensuring that the high-priority standards are evident and easy to understand; (3) reporting student, school and district results from the assessments by standard; (4) providing optional classroom assessments so schools can assess content not contained on the state assessments; (5) ensuring that attention is given to all content areas; (6) providing students with needed accommodations and alternate assessments; (7) following professional standards for test development; (8) providing appropriate professional development to increase student achievement based on the new assessments; and (9) seeking evidence that the assessments are appropriate for use in accountability, appropriate for making decisions about students attaining proficiency on state standards, appropriate for improving instruction and finally, not the cause unintended negative consequences. (See Popham (2001a), and McColskey and McMunn (2002) for more details and explanations of the nine requirements.)

Fabrizio (2002) offered a rebuttal to the recommendations of the Commission and indicated that while the Commission's recommendations sound good in theory, they are idealistic and not compatible with assessments that are high-stakes and designed for statewide accountability purposes.

Atkinson (1998), Williams (2003), and Amrein and Berliner (2002) report on negative unintended consequences of high-stakes testing and accountability programs while Rhoades and Madaus (2003) report on the problems that result from errors on state assessments and the impacts they have on students and schools. Kane et al. (Kane, Staiger, & Geppert, 2002) describe some of the problems with the initial Congressional House and Senate bills that led to the final NCLB legislation. Although some of the problems were corrected in the final bill, the authors argue that the consequences of the high-stakes accountability systems “place too much weight on single-year changes in test scores at the local level” due to volatility in test scores from two sources, “variance due to differences in the groups of students being tested each year” and “one-time factors that lead to temporary fluctuations in test performance” (p. 58). This concern is compounded by the work of Rogosa (1999) who reports on the need for tests with very high reliability to be able to accurately measure true changes in performance from one year to the next.

Another major criticism of high-stakes testing and accountability programs is referred to as “narrowing the curriculum.” This typically means that teachers, and schools, are either eliminating instruction in subjects like social studies or science because the only assessed subjects for the accountability systems are reading and mathematics, and/or teachers, and schools, are simply focusing on the select objectives on the assessments and not the more comprehensive objectives of the curriculum (Corbett & Wilson, 1991; Jones et al., 1999; Pedulla et al., 1993; Tracey, 2005).

Vasu et al. (Vasu, Stewart, & Garson, 1998, p. 294) use the term “goal displacement” to describe what occurs when “employees in an organization seek to deliver output that is measured and ignore outputs that are not measured.” This is what some schools are doing with respect to the curriculum they teach, and is an apt concept for the narrowing of the curriculum behavior that occurs in some schools.

### **Research on the ABCs of Public Education**

Since the inception of the ABCs Accountability Program, research studies on different aspects of the program have been conducted. They include several doctoral dissertations from which a few samples are presented. Polk (1997) investigated teachers’ levels of concern using a questionnaire to discover whether the teachers were “ready” for the ABCs Accountability Program. She also put forth several recommendations for staff development that could be used for teachers exhibiting the various levels of concern. Howard (1998) conducted a qualitative study at a middle school in North Carolina of teachers’ perceptions of the ABCs Accountability Program. She concluded that the teachers were not motivated to change their instructional practices in the classrooms because of the accountability program but rather because of the influence exerted by the school principal as the instructional leader. Howard also concluded that the incentive awards were not enough to motivate the teachers to increase test scores of the students. Floyd (1999) used the results of the ABCs Accountability Program from its first year of implementation, identifying high performing schools, average performing schools and low-performing schools. From



each of these groups, she sampled 50 schools to study perceptions of the principals' leadership through questionnaires completed by the teachers and the principals of the schools. Among the more interesting findings, was an inverse and opposite relationship between the principals' perception of leadership behavior and that expressed by the teachers when viewed from the various school groupings. That is, principals in the low performing schools rated themselves the highest while the teachers rated them the lowest, and in the high performing schools the perceptions of the principals and teachers were opposite, principals rating themselves low and teachers rating them high. Boone (2000) took a different approach from looking at the ABCs Accountability Program, and conducted a case study of one school identified as one of the Top 25 Most Improved Schools. Her research, over a seven month period of observations in a high poverty school, confirmed the correlates of effective schools research (commonly noted as instructional leadership, clear and focused mission, high expectations for students, opportunity to learn and student time on task, frequent monitoring of student progress, home-school relations, and safe and orderly environment) and generated several areas for future research, including teacher flight from low-performing schools, principal assignment, block scheduling, and critical theory.

One of the dissertations reviewed warrants a more in-depth description and analysis since it serves as a precursor to this study. Atkinson (1998) researched the beginnings of the ABCs Accountability Program by interviewing several legislators, staff at NCDPI, as well as some principals, teachers and central office staff at a school

district in North Carolina. Atkinson claims that there was agreement across all groups of interviewees on only two issues: “the inadequacy of the end-of-grade test’s multiple-choice format to assess the problem-solving ability and higher order thinking, and the probable short longevity of the ABCs Plan” (p. 116). She also makes the statement that, “The long term nature of continued research could possibly reveal greater understandings of the reform process” (p. 130). Therefore, this study builds upon these statements from Atkinson’s work and offers additional insights into the process from an insider’s prospective.

Other studies of the ABCs have been conducted over the years. Jones, Jones, Hardin, Chapman, Yarbrough and Davis (1999) reported survey results from 236 teachers in 16 elementary schools (five school districts) in North Carolina. This represented a 50.2% response rate to their inquiry. In general, the responses were not supportive of the program. They indicated a narrowing of the curriculum, more time spent on preparing students for the tests, a negative impact on students “love of learning,” and lower morale of teachers (pp. 200-202).

Ladd and Zelli (2002) report on changes in principals’ perspectives from 1997 to 1999 on various aspects of the ABCs Accountability Program. Their specific research question was to determine the “power of an accountability system to change the behavior of school principals in both the short and the medium term” (p. 495). Ladd and Zelli conducted telephone surveys of 74 elementary school principals in 1997 and attempted to interview the same principals in 1999. However, only 64 out of the

original 74 schools participated in the later study and of the 64 schools only 49 had the same principals. It is unclear why they didn't attempt to find the 25 missing principals regardless of whether they were in the same school as in 1997. While the results of the survey did indicate "that the incentives within the ABCs program are sufficiently powerful to alter the behavior of all principals regardless of their general views toward the program" (p. 516), the authors did express concern that "only 50% of the North Carolina school principals viewed the EOG tests as a good measure of a child's mastery of the curriculum" (p. 523). According to the authors, this could be a problem for policymakers at the time since the state was in the process of developing a policy to use the EOG test results for student promotion decisions.

The Common Sense Foundation (McMillan, 1999) reports on its evaluation of the ABCs program and basically argues that while test scores may have risen due to the accountability program, there are negative consequences to the program. The Foundation's study was based on anonymous interviews with state officials, administrators, teachers and professors of education, along with reviews of education literature, documents from NCDPI and the SBE, and newspaper articles. The reported negative consequences of the program included lower teacher moral, increased job stress, teachers leaving low-performing schools, more time on test-taking skills and less on critical thinking, a narrowing of the curriculum and tracking of students (p. 2).

### **Implications of NCLB**

Much of the literature that involves testing and accountability makes references to “politics” and issues being “political” (Cohen, 1996; Hess, 2003; Heubert & Hauser, 1999; McDonnell, 1997, 2004). Very few of the articles though contain definitions of these words. However, Nakamura and Smallwood (1980) claim “Politics is normally thought of as a way of resolving conflicts that cannot be resolved by other means” (p. 38). It is with this description that the literature review on the implications of NCLB is presented.

Hamilton, Stecher and Klein (2002) present a comprehensive collection of articles on test-based accountability systems that includes mention of the impact of NCLB on states’ accountability systems. McDonnell’s (2002) chapter on “Accountability as Seen Through a Political Lens” describes how

not only has the impetus for the movement toward large-scale achievement testing and test-based accountability systems come from politicians, the business community, and others outside of the education establishment, but the definition of the problem to which they are the solution has a decidedly political cast to it. (p. 101)

McDonnell later describes some of the limitations of testing and argues that

just as it will be difficult for policymakers to accept the limits of testing, it will be difficult for many members of the testing and measurement community to move from the role of critic to the role of system builder. (p. 119)

Seeking a balance between the technical aspects of testing and the desire of policymakers to implement programs that use these tests is the challenge that faces both test designers and legislators.

The Brookings Institution conducted a “Brookings Briefing” on December 11, 2003, to allow the two editors, Peterson and West, to describe their book, *No Child Left Behind? The Politics and Practice of School Accountability*, and some of their findings on accountability systems. Hess, who wrote one of the chapters in the book, describes the distinction between what he calls “tough-minded or coercive accountability and nice, or soft, accountability” and “why tough-minded accountability almost always winds up being softened” (Brookings Institution, 2003, p. 11). This distinction is useful in describing some of the history of the ABCs Accountability Program as well as the NCLB legislation.

Numerous journal articles and books have been written recently concerning different aspects of NCLB. Not surprisingly, some of the authors that are expressing concerns about NCLB are the same ones raising concerns about student assessment programs and high-stakes accountability systems prior to the enactment of NCLB. A sample of these authors include: Bracey (2003; 2005); Kohn (2004); Neill (2004); and Neill et al. (2004). In addition, there are other journal articles and books written that are equally critical and some that are supportive but recommend improvements without dismantling the program. A sample of these critical essays can be found in the following citations: Goodman, Shannon, Goodman, & Rapoport (2004); Bejoian & Reid (2005); Jimerson, Poynor & Wolfe (2005); Sunderman, Kim, & Orfield (2005); Thomas (2005); Welner (2005); and Welner & Weitzman (2005). A sample of essays

that are supportive can be found in the following citations: Chubb (2005) and Rotherham (2005).

The Center on Education Policy [CEP] (2005) conducted a comprehensive national study on NCLB where 49 states and 314 nationally representative school districts completed surveys, and 36 school districts were included for in-depth case studies. While cautioning that it is too early to tell if student achievement gains over the last several years can be solely attributed to NCLB, the report indicates that there has been an increase in data-driven decision making. However, sanctions under NCLB, namely school choice and supplemental educational services, are experiencing mixed reviews as is the reallocation of more time for teaching reading and mathematics at the expense of other subjects.

With all of the negative pressures about the unfairness of NCLB mounting upon the USED, the United States Secretary of Education (Paige, 2004) issued a letter on February 20, 2004, addressed to Chief State School Officers informing them that there were new regulations allowing first year LEP students to be exempt from taking state achievement tests in reading during their first year in school in the United States. He also stated that these same first-year LEP students would have to be assessed in mathematics but that it was up to the respective state boards of education to decide if the mathematics results would count in the state's accountability program. North Carolina's SBE decided that the mathematics scores for these students would not count in the ABCs or for AYP [See SBE minutes, dated 3/4/04.] On May 10, 2005, the new

United States Secretary of Education, Margaret Spellings, announced additional flexibility for how students with disabilities could be included in the accountability results for determining AYP (Spellings, 2005). These are two prime examples of the softening of accountability systems that Hess (2003) describes.

### **Opinion Polls**

Many of the rules and regulations surrounding NCLB have been confusing to educators and the public. The changes in some of these rules and regulations have added to the confusion. Regardless, it is appropriate to have some perspective of the public's opinions regarding some of the aspects of NCLB through results of opinion polls. The recent Phi Delta Kappa/Gallup poll (Rose & Gallup, 2005) indicates that support for the public schools remains at a high level. However, the authors point out a consistent pattern of strong support for the schools in the community while simultaneously indicating a low opinion of the nation's schools. There is a six percent increase (from 30% in 2000 to 36% in 2005) in the percentage of respondents that indicate there is "too much emphasis on achievement testing in the public schools in your community" while there are 67% that favor increased testing in grades 9-11. These contradictory findings may be more a result of the inability of the public to fully understand the issues involved in testing and accountability. This is confirmed by the finding that 59% of the respondents indicated "very little" or "nothing at all" for their response to how much they know about NCLB. Yet, this is an improvement compared to 2003 when 76% of those surveyed indicated very little or nothing at all. Similarly,

the percentage of respondents indicating a very favorable, or somewhat favorable, opinion of NCLB has increased from 18% in 2003 to 28% in 2005. Unfortunately, respondents who “don’t know enough to say” comprise 45% of the respondents surveyed.

### **Negotiated Rulemaking**

Pritzker and Dalton (1995) authored a sourcebook for individuals interested in the negotiated rulemaking process, commonly referred to as “reg-neg” for “regulatory negotiation” (p.1). To fully understand this process, one must go back to the Administrative Procedure Act (APA) of 1946 [See 5 U.S.C. § 551 *et seq.*] which requires certain procedural requirements for federal agency decision making, one of which is rulemaking. Pritzker and Dalton define rulemaking as an “agency action that regulates the future conduct of persons, through formulation and issuance of an agency statement (a ‘rule’ or ‘regulation’) designed to implement, interpret, or prescribe law or policy” (p. 67). In 1990, the Congress passed the Negotiated Rulemaking Act [See 5 U.S.C. § 561 *et seq.*] which provided authority for federal agencies to use negotiated rulemaking. Pritzker and Dalton list the following four benefits of negotiated rulemaking: “reduced time, money and effort expended on developing and enforcing rules; earlier implementation; higher compliance rates; and more cooperative relationships between the [federal] agency and other parties” (p. 3).

The sourcebook also contains newspaper and journal articles that present differing opinions of the worth or value of “reg-neg” based on previous use of the process by the



Environmental Protection Agency in the 1980s. Subsequent Presidential Executive Orders have encouraged the use of “reg-neg” and Congress will sometimes mandate the use of the process, as was done with NCLB.

A 2005 review of *Dissertation Abstracts* revealed six studies including some aspect of the negotiated rulemaking process. As one might have expected, the studies revolved around issues of conflict resolution and public participation with only one study specifically related to education. The study involved First Amendment religious issues in public education (Doty, 1999). However, Furlong and Kerwin (2005) report in a follow-up survey from a previous survey conducted ten years earlier on the issue of interest group participation in the rulemaking process. They claim their research “contributes to an empirical literature on rule making that is far less developed or extensive than its subject warrants” (p. 355). In their survey, there were 149 survey respondents to a systematic random sample of 563 government affairs officials with a 25% response rate. The respondents rated their participation in different methods of influencing policy and the effectiveness of the methods. The results indicate four areas of statistical significance (at the .001 level) for the correlations between the participation means and the effectiveness means. These four areas include: (1) membership on agency boards; (2) informal contacts with agency staff before the notice of proposed rule makings; (3) filing petitions to initiate rule making; and (4) participating in regulatory negotiations. The significance of regulatory negotiations

supports the importance of including it in this study because of its role in establishing rules and regulations that have impacted the ABCs due to NCLB.

**Theoretical Framework:  
Policy Formation, Policy Implementation and Policy Evaluation**

Because this study investigates the creation and evolution of the ABCs Accountability Program, it is natural that issues related to policy formation, implementation, and evaluation are explored. This section on the review of the literature will trace briefly the history of research related to the policy process.

**Policy Process Environments**

Nakamura and Smallwood (1980) describe the policy process as a system with “three interrelated functional environments” (p. 22). These include Environment I (policy formation), Environment II (policy implementation) and Environment III (policy evaluation). Each environment has its own set of actors and they interact with each other during the various phases of the public policy process using communication and compliance linkages. Before they discuss the three environments, the authors review the classical model of administration, starting with the work of Max Weber and the ideal bureaucracy, then Woodrow Wilson and his clear distinction between politics and administration, and the eventual impact of Frederick W. Taylor and his emphasis on efficiency during the era of scientific management. These coalesced into a process that was “machine-like” (p. 8) assumed that once a policy was made it would be implemented and would meet the goals of the policymakers. This, however, is not always the case. Nakamura and Smallwood (1980) discuss three communication

“pitfalls” that include: “(1) garbled messages from the senders; (2) misinterpretations from the receivers; or (3) system failure in terms of transmission breakdowns, overloads, ‘noise,’ and inadequate follow-through or compliance mechanisms” (p. 24) that sometimes prevent policies from being implemented according to the desires of the policymakers.

Elmore (1980) introduces two conceptual frameworks for conducting implementation analysis since implementation is an important part of the policy process. These are “*forward mapping* and *backward mapping*” (p. 602). Elmore describes forward mapping as the more typical way that people think policymakers affect the implementation process: begins at the top, includes the intent of the policymakers, delineates the roles of the various levels of government, and states an outcome that is observable and in line with the purposes of the policymakers. However, Elmore states, “the most serious problem with forward mapping is its implicit and unquestioned assumption that *policymakers control the organization, political, and technological processes that affect implementation*” (p. 603). Backward mapping, on the other hand, assumes the opposite. Elmore claims

the closer one is to the source of the problem, the greater is one’s ability to influence it; and the problem-solving ability of complex systems depends not on hierarchical control but on maximizing discretion at the point where the problem is most immediate. (p. 605)

The notion of control, and how implementation can sometimes miss the mark of the policymakers’ intent, is reminiscent of a statement by Pressman and Wildavsky that “the separation of policy design from implementation is fatal [and] ... the possibility of

a mismatch between means and ends calls into question the adequacy of the original policy design” (Pressman & Wildavsky, 1984, p. xxv). Their case study research of the problems encountered in Oakland, California in implementing the employment program under the federal government’s Public Works and Economic Development Act of 1965 was based on interviews and a review of documents.

The mismatch between what policymakers intend, and what gets done in the field, is at the heart of Lipsky’s (1980) book on street-level bureaucrats, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. Lipsky contends that the street-level bureaucrats face a fundamental dilemma, namely, “how to provide individual responses or treatment on a mass basis” (p. 44). Using teachers as an example, he explains that they know that classroom instruction should be tailored to the needs of the individual students but that it is almost impossible for teachers to do it. He later notes that teachers also impart expectations of achievement on students and that “through informal tracking, teachers indicate to students who is expected to achieve and who is not” (p. 67).

One of the ways that implementation research has been categorized is through the labels of “top-down” and “bottom-up” approaches. Sabatier (1986) conducted an analysis of 15 years worth of research literature with the intent of providing a comparative analysis of strengths and weaknesses of the two approaches. In his final analysis, he advocates a synthesis of the two approaches.

O'Toole, Jr. (1986) conducted an extensive review of the research literature related to multi-actor implementation studies (numbering more than 300) as well as reviewing 40 research journals over a ten year period specifically looking for "policy recommendations and their utilization" (p. 183). His analyses indicated little detail about recommendations, little empirical support for the advice offered (probably due to the preponderance of case study methodology) and the advice offered was contradictory.

Fifteen years later, Schofield (2001) asks the question whether it is time for a revival in public policy implementation. She conducts a review of the research literature for the past 25 years and determines that there are three major themes: "analytic models of first-, second-, and third-generation implementation research, top-down and bottom-up models of policy implementation, and an identification of key implementation variables" (p. 248). Schofield describes how first generation models mistakenly assumed that policy formation and implementation was a "rational, linear process...which reflected the then concept of the politics/administration separation" (p. 249). Second generation research was more analytical and she references the work of Mazmanian and Sabatier (1983) where they developed a model of 16 variables to analyze case study data as a way to predict the congruence between the outcomes and the policies. However, she argues that this approach loses its capacity in periods of flux and that there is too much of a reliance on case studies. Third generation models were thought to resolve this problem. Based on the work of Goggin et al. (Goggin, Bowman,

Lester, & O'Toole Jr., 1990) she describes how the model incorporates interactions among legislative and administrative levels of government and utilizes concepts of inducements and constraints. It also goes beyond the simple one case study design, involves more longitudinal studies and involves multiple sites and observations.

Schofield's synthesis of the top-down and bottom-up approaches draw upon the work of some of the researchers already mentioned; namely, Sabatier, Lipsky and Elmore. The top-down approach is seen as more rational, focusing on the role of the central government and use of control and boundaries for the use of discretion. The bottom-up approach tends to focus on the actual problems being addressed by the policymakers by looking at the actions of the local implementers. Schofield states, however, that "bottom-uppers deal directly with complexity and confusion, and this in itself is antithetical to those researchers who are trying to establish analytical simplicity" (p. 251). Regardless of the differences between top-downers and bottom-uppers, the issue of researchers having access to elected officials is a problem with conducting the research according to Schofield.

Based on the literature review, it is clear that studying the public policy process is complicated. This is especially true when the initiative of interest is one that transcends or involves several different levels of government. Therefore, the ability to access individuals who can offer insights and observations about a program of interest is instrumental toward acquiring a better conceptual understanding of that program. This, however, must also be coupled with reviewing documents that contain additional

information to fill in gaps from what is obtained from the creators and implementers of the program. It is with this information in mind that the subsequent chapter describes the methodology used to study the creation and evolution of the ABCs Accountability Program.

## **CHAPTER III. METHODOLOGY**

This chapter of the dissertation describes the problem statement and purpose of the study, the research questions and the specific methodology used in the study to investigate the ABCs Accountability Program and the NCLB legislation.

### **Problem Statement and Purpose of the Study**

What can be learned about the public policy process by investigating in depth the creation and evolution of the ABCs Accountability Program and the impact of No Child Left Behind? North Carolina's ABCs Accountability Program began in the 1996-97 school year for all schools that had any of the grades K-8. The following year, high schools entered the program. This program was initiated during a period of high tension among different state-level policymakers in education. Additionally, the ABCs has put lots of pressure on students and school personnel to show evidence of increased student performance. The passage of two pieces of federal legislation, the Individuals with Disabilities Education Act (IDEA) amendments in 1997, and the reauthorization in 2001 of the Elementary and Secondary Education Act (ESEA) of 1965, called No Child Left Behind (NCLB), have had a significant impact on both schools and students as well. All these federally legislated programs have caused changes in the North Carolina Accountability Program. This study will investigate some of these changes.

### **Research Questions**

With the ABCs Accountability Program entering its tenth year of implementation, I was interested in how it began and how it has changed over time,



especially in light of the NCLB legislation. With these thoughts in mind, the following research questions were investigated:

1. What political and educational factors influenced the creation of the ABCs Accountability Program?
2. How has the ABCs Accountability Program changed over time?
3. What impact has NCLB had on the ABCs?
4. How have the interrelationships of federal, state and local policymakers in education changed from the inception of the ABCs Program?

### **Research Design**

Consistent with the numerous studies cited in the literature review, conducting a case study is one way to seek answers to the aforementioned research questions. I ruled out a mail or Internet-based survey as other means of answering the research questions because of concerns of a potentially low survey response rate that could potentially jeopardize the validity of the findings. I also believed there would be a greater probability of gathering an in-depth understanding of the beginning and evolution of the ABCs Accountability Program through direct interviews with some of the major contributors and participants of this program at the state level because that would allow additional follow-up questions to be asked based on the initial responses of the interviewees to the questions.

### **Data Collection**

The primary data collection method for this study was interviews. A tentative list of interviewees was generated based on my knowledge of the individuals playing a significant role in the creation of the ABCs Accountability Program. Bogdan and Biklen call this “purposeful sampling” (Bogdan & Biklen, 1998, p. 65). In addition, the interviewees were asked for names of other individuals that I should interview or contact. This technique for generating the additional names is called “snowball sampling” (Bogdan & Biklen, 1998, p. 64). Due to the status of many of the interviewees in this study (former governor, former or current state legislators, former and current chairs of the State Board of Education, former state superintendent, and presidents of different organizations), this type of interviewing is called “elite interviewing” (Marshall & Rossman, 1999, p. 113).

The interviews were semi-structured in that although a list of potential questions were generated for the various individuals (see Appendix B for the lists of interview questions), I used information gathered during the interviews to pose additional questions that could not have been anticipated ahead of time. Bogdan and Bicklen (1998, p. 96) mention “the need to listen carefully” and that “good interviewing involves deep listening.” Through this process of deep listening, I planned to be flexible and willing to let the interviewees reveal other thoughts they had that might be helpful in providing a greater understanding of the events that transpired at the beginning and subsequent stages of the ABCs Accountability Program. Although the

interviews were audio taped, notes were taken in the event that the tape recorder malfunctioned, a drawback of audio taping identified by Merriam (1998, p. 87).

Additionally, information was gathered from other sources by reviewing public documents (minutes of SBE meetings, newspaper articles and NCDPI publications). In many instances, the information from the public documents, newspaper articles and NCDPI publications verified and confirmed issues that were being discussed during the interviews and also served as sources of information on changes to the ABCs program.

### **Data Analysis**

All audio recordings from the interviews were transcribed by a professional transcriber and the 439 pages of transcripts were reviewed for themes and insights. The constant comparative method was used for data analysis purposes. This method is mostly used in grounded theory qualitative research although Merriam suggests that it is useful whether or not the researcher is building grounded theory. “The constant comparative method involves comparing one segment of data with another to determine similarities and differences...the overall object of this analysis is to seek patterns in the data” (Merriam, 1998, p. 18).

### **Validity**

Validity is typically thought of as answering the question, “Are you measuring what you think you are measuring?” Merriam (1998) poses six strategies for “enhancing” internal validity. These include (1) triangulation, (2) member checks, (3) long-term observation, (4) peer examination, (5) participatory or collaborative modes of

research, and (6) researcher's bias (pp. 204-205). This study used triangulation and researcher's bias to enhance validity. The triangulation of data was accomplished through the review of public documents and various interviews with individuals from different orientations and affiliations. Although Bogdan and Biklen (1998) advise against the use of the term "triangulation" because "it confuses more than it clarifies, intimidates more than enlightens" (p. 104), I side with Merriam and Yin (2003) and agree with their use of the term.

Based on prior knowledge of the ABCs Accountability Program, I identified individuals to interview whom I anticipated would add insights into this state's accountability program so that future researchers and policymakers could benefit from this study. The interviewees included, among others, a former governor, former state superintendent of public instruction, former and current state legislators, a member of the legislative research staff, former top level members of the Department of Public Instruction and former staff members of the SBE. In addition, the executive director of the North Carolina Public School Forum, the former president of the North Carolina Association of Educators (NCAE), and the president of the North Carolina Association of School Administrators were interviewed. Because the interviewees all agreed to the public disclosure condition on the Informed Consent Form for Research (see Appendix C for a copy of the Consent Form) which was approved by the Institutional Research Board (IRB) (see Appendix D for a copy of the IRB Approval Notification Letter), and knew that the interviews were being audio taped, I did not confirm quotes that are

attributed to them. By using the transcripts of the audio recordings, I did not need to use “member checking” which Stake (1995) describes as a way for the person being interviewed to have a chance to “examine rough drafts of writing...for accuracy and palatability” (p. 115). However, while using the transcripts can assure accuracy, it cannot assure palatability on the part of the interviewees. This was not viewed as a concern by me since the interviewees knew they were being audio taped and they had agreed that they could be quoted unless they specifically asked for a comment to be off the record.

### **Role of the Researcher**

This study presented a dilemma for me due to my direct involvement with the ABCs Accountability Program since its inception in 1996. My concern was whether my involvement as an “insider” would potentially bias my interpretations and opinions of the comments made by the interviewees. However, it is because of this “insider” involvement in the ABCs that I have detailed knowledge about the program and access to the numerous individuals whom were interviewed.

A situation that I anticipated that might occur is that some of the interviewees might indicate that part of the success (or failure) of the ABCs was due to my involvement with the accountability program. Yin (1994) uses the term “reflexivity” to describe one of the weaknesses of using interviews as a source of evidence. Reflexivity occurs when the “interviewee gives what the interviewer wants to hear” (p. 80). Therefore, I kept a journal during the study to monitor if this situation arose.

### Interviews

The original timetable for conducting interviews was extended due to the difficulty in scheduling the interviews. Because the individuals being interviewed were primarily high-level policymakers or administrators, it was not unusual for some appointments to be cancelled and rescheduled, some more than once. Because of some scheduling problems, some interviews were conducted by telephone, rather than in person. While initially concerned about conducting telephone interviews, I did find Goggin, Bowman, Lester and O' Toole's (1990) statement that "elite interviews can be either face-to-face or conducted by phone" (p. 192) which alleviated my concern. While their comment was made in reference to the high costs of conducting interviews with individuals from all 50 states, it is still appropriate since all of the telephone interviews that were conducted by me were with individuals who were out of state, out of their home county, or specifically preferred a telephone interview.

Table 1 below indicates the individuals who were interviewed, their current and/or former job titles, the dates and lengths of the interviews, and whether the interviews were in-person or by telephone.

**Table 1: Interview Information**

<b>DATE</b>	<b>NAME OF INTERVIEWEE</b>	<b>TITLE</b>	<b>METHOD USED</b>	<b>LENGTH (Minutes)</b>
November 24, 2004	Dr. Richard Thompson	Former Deputy State Superintendent, NCDPI	In-person	67
December 21, 2004	Mr. John Dornan	Executive Director of the NC Public School Forum	In-person	38

**Table 1: Interview Information, continued**

<b>DATE</b>	<b>NAME OF INTERVIEWEE</b>	<b>TITLE</b>	<b>METHOD USED</b>	<b>LENGTH (Minutes)</b>
December 23, 2004	Dr. Henry Johnson	Former Associate State Superintendent, NCDPI	In-person	24
December 30, 2004	Honorable James Hunt	Former Governor of NC	In-person	41
January 12, 2005	Ms. Jane Worsham	Executive Director of the SBE Staff	In-person	16
January 18, 2005	Mr. Howard Lee	Former State Senator, Current Chair of the SBE	In-person	30
January 19, 2005	Ms. Robin Johnson	Principal Legislative Analyst, NC General Assembly	In-person	33
January 26, 2005	Dr. Jane Norwood	Vice-Chair of the SBE	In-person	34
February 14, 2005	Dr. Chris Averett	Former Director of Accountability Services, NCDPI	Telephone	42
March 4, 2005	Mr. John Wilson	Former President of the NCAE; Current President of the NEA	Telephone	36
March 8, 2005	Dr. Helen Ladd	Professor at Duke University	Telephone	27
March 9, 2005	Mr. Phillip Kirk	Former Chair of the SBE; President of NC Citizens for Business and Industry	Telephone	37
March 9, 2005	Dr. Beverly Perdue	Former State Senator; Current Lieutenant Governor of NC	Telephone	34
March 14, 2005	Honorable Bob Etheridge	Former State Superintendent of NC; Current US Congressman	In-person (joint interview)	54

**Table 1: Interview Information, continued**

<b>DATE</b>	<b>NAME OF INTERVIEWEE</b>	<b>TITLE</b>	<b>METHOD USED</b>	<b>LENGTH (Minutes)</b>
March 14, 2005	Mr. Glenn Keever	Former Director of Communications and Information, NCDPI; Current Staff Member for Congressman Etheridge	In-person (joint interview)	54
March 29, 2005	Ms. Leslie Winner	Former State Senator	In-person	40
March 31, 2005	Ms. Jean Preston	Member, State House of Representatives	In-person	39
April 25, 2005	Dr. James Causby	President of the NC Association of School Administrators	In-person	29
April 28, 2005	Dr. Weaver Rogers	Former Executive Director of the SBE Staff	In-person	29

With the completion of the interviews, analysis of transcripts and other documents reviewed as part of the case study, the findings are presented in the following chapter.



## CHAPTER IV. FINDINGS

Due to the qualitative nature of the study, the Findings chapter is presented in a first person narrative format. The following research questions were investigated:

1. What political and educational factors influenced the creation of the ABCs Accountability Program?
2. How has the ABCs Accountability Program changed over time?
3. What impact has NCLB had on the ABCs?
4. How have the interrelationships of federal, state and local policymakers in education changed from the inception of the ABCs Program?

While the answer to question four is a subset of number two, it is treated as a separate section in the chapter for organizational reporting purposes. The findings from analyzing the interview transcripts, and the results from document reviews, are presented in a fashion that uses *emic* phrases as subheadings on occasion; that is, using “insider’s perspective” (Merriam, 1998, p. 6). This approach utilizes actual quotes from interviewees as a way of highlighting themes and capturing their statements in the telling of the research study findings. The findings also are presented in the order of the research questions.

### **1. Political and Educational Factors that Influenced the Creation of the ABCs Accountability Program**

Many of the interviewees spent most of the time during the interviews discussing the political factors that influenced the creation of the ABCs. This question,

among all others, seemed to touch a part of the memory of the individuals that triggered strong reactions and thoughts.

Dr. Weaver Rogers held his thumb and index fingers about ¼ inch apart and was demonstrating to me how and what Dr. Jay Robinson expressed to him back in 1995. “We were that close to losing the public schools!” Witnessing the same intensity that I imagine Dr. Robinson used with Dr. Rogers, it appears that the times were troubling for the public schools of North Carolina and Dr. Robinson had what he thought was the answer.

### **Continual Changing of State Education Initiatives: “Flavor of the Year”**

A nearly universal comment from interviewees was that one of the problems with public education in North Carolina prior to the adoption of the ABCs Accountability Program was the ever-changing education initiatives by the legislature, the Governor, the State Board of Education or the State Superintendent of Public Instruction. Every few years a new program was launched and the public couldn't help but be confused by what was happening in the schools. Policymakers and top administrators all wanted to place their mark on education. Dr. Richard Thompson referred to it as the “flavor of the year.” Coincidentally, former State Senator Leslie Winner (hereafter referred to as Senator Winner) stated that some people thought that the ABCs program was the new “flavor of the day.” Lt. Governor Beverly Perdue stated, “it was almost an educational flavor of the day when the General Assembly was in town.” Mr. John Dornan mentioned a study in 1989 that looked at almost a decade of

school reform in North Carolina that included the Basic Education Plan, which was originally proposed to the North Carolina General Assembly on October 15, 1984. This new study eventually led to the passage of Senate Bill 2 on August 12, 1989 [S. L. 1989-778; An Act to Appropriate Funds for the Implementation of the School Improvement and Accountability Act of 1989] where, according to Dornan, “the conclusion the study group reached was we were chasing every yellow brick road that came down the path.” Dornan said, “We literally tried every good and dumb idea that came down the pike in the ’80s.”

### **Leadership During a Time of High Tension**

Former Governor James B. Hunt Jr. (hereafter referred to as Governor Hunt) described the period of time prior to the enactment of the ABCs, that Dr. Robinson referred to as the time North Carolina almost lost the public schools, as a time when there was “tension” between the SBE and the State Superintendent Bob Etheridge. He also mentioned the “tension” between himself and State Superintendent Etheridge. To add more stress to the fragile state education system, the General Assembly, through legislation introduced by then Senator Beverly Perdue [Senate Bill 16; S.L. 1995-6; An Act Directing the State Board of Education to Recommend Changes in the Public School System], directed the SBE to cut the NCDPI staff approximately in half. This, according to Governor Hunt, “created a lot of concern for all of the state education leadership and that was all a part of the milieu in which things [the creation of the ABCs] took place.” Governor Hunt stated, “It was in this situation that an active leader,

like Jay Robinson...figured that somebody had to take the lead” and “Jay Robinson just took the bull by the horns.”

Senator Winner also mentioned “significant tension between the State Board and Bobby Etheridge.” She said, “The Governor had come in, in ’93, clearly with a very high priority of improving education in North Carolina and had made Jay the Chairman of the Board in ’94, I guess.” I commented that I did not think that he was appointed and immediately elected as the new Chair. She said, “It was very fast after Jay was put on the Board that he became Chair and it was very clear that Hunt put him on the Board to become the Chair.” However, the official records of the SBE [letter from Governor Hunt to Dr. Robinson, dated September 22, 1993] indicate that Dr. Robinson was appointed to the Board by Governor Hunt on September 22, 1993, and he was not elected Chairman until September 1, 1994. It is possible that Dr. Robinson’s leadership was immediately felt on the SBE and people expected him to eventually become the Chair. This also allowed Mr. Ken Harris, the then chair of the SBE to serve out his term as Chairman of the Board. Governor Hunt stated, “The situation was crying out for leadership, strong aggressive leadership and Jay had been appointed by me to give that kind of leadership.” Dr. Jane Norwood commented that “a lot of people realized when he [Governor Hunt] put Jay on the Board that he had other things in mind.”

Senator Winner also mentioned legislation she introduced that would have eliminated the state-elected position of State Superintendent. This was in reaction to the tensions mentioned earlier between Superintendent Etheridge and the SBE. However,

that legislation did not pass. She too mentioned the reduction of the state agency and how there “was talk about too much bureaucracy in state government, too much bureaucracy in the Department of Public Instruction.” She further stated, “I personally felt that DPI spent too much energy on being regulatory and not enough energy on problem-solving and being of assistance.” Dr. Henry Johnson worded it this way, “much of the legislative leadership was not pleased, in general, with what was happening in the Department.”

Several of the interviewees, however, did not want to talk immediately about the ABCs Accountability Program. One of those was Mr. John Dornan. He said:

you know, it is interesting to me, most people start our accountability clock running with the ABC program. I will always start it with the 1989 School Accountability Act that came out of the [Public School] Forum study group and, if you remember, that’s when the Department was instructed by the General Assembly to create the curriculum standards, align tests to the standards, and that is also what ushered in the statewide testing and public reporting of scores. So, I just, for the record, have to always add that the world did not begin with the ABC plan.

Congressman Bob Etheridge, similar to Mr. John Dornan, did not want to talk immediately about the ABCs without first giving some context. “You’ve really got to go back to the Basic Education Plan that was formulated in the early eighties.” He stated, “The state made a historic and substantial investment in the mid-eighties and into the late ’80s.” He also stated that North Carolina was:

one of the few states in the nation wise to invest in building a foundation across the state in the broad curriculum areas and enrich curriculum in a way that hadn’t been done, probably the biggest change in public education, in my view...since the Machinery Act of the thirties. Then in ’89, the General

Assembly, along with the Department [of Public Instruction] when I became Superintendent, put in Site-Based Decision Making [Senate Bill 2].

He then mentioned the “first Report Cards” that, in his view, were “more comprehensive than the ABCs” and how “it was the first real measurement of accountability that stayed in place until...when the ABCs came in.” He did acknowledge, however, that the ABCs Reports were at the individual school building level and not simply at the LEA level where results of low-performing schools could be “hidden.” However, it also was clear that Superintendent Etheridge was not involved in the creation of the ABCs. Senator Winner stated, “None of these ideas were coming from him.” Dr. Jim Causby stated, “My observation was at that time that Bobby had nothing to do with it.”

Congressman Etheridge was a member of the House of Representatives in the North Carolina General Assembly from 1979 to 1988 and he said the Basic Education Plan was “an initiative between the Department of Public Instruction and the General Assembly” and that “we were driving a lot of money” to it. He said, “There was a good political atmosphere for education.” Mr. Glenn Kever, formerly the Division Director for Information and Publications under Etheridge, commented that when Governor Hunt came into office in 1993, “the concept of accountability was pretty well established.”

Both Dornan and Etheridge clearly wanted to indicate the roles that they played in moving the state to the point in time when the ABCs was formulated and adopted.

### **Governance of Education**

One issue underlying the creation, the evolution and the future of the ABCs is governance of education in North Carolina. Litigation between State Superintendent Bob Etheridge and the Governor and the State Board of Education prompted the General Assembly eventually to resolve the issue by passing legislation that placed the authority for education, and operation of the NCDPI, in the hands of the State Board of Education [An Act to Clarify the Statutes so as to Streamline the Operations of the State Education Agency, Session Law 1995-72, House Bill 7, ratified May 9, 1995]. While one would think that this resolved the issue, 11 of the 13 members of the SBE are appointed by the Governor, with confirmation by the General Assembly, while the Lieutenant Governor and the State Treasurer serve as ex officio members. There are eight-year terms of office for appointed SBE members but it is not unusual for vacancies to occur during that period of time. With Governor Michael F. Easley, the current governor since January 6, 2001, elected to a second four-year term of office in November 2004, and with several SBE members' terms of offices expiring, nine of the current members were appointed by Governor Easley and two were appointed by former Governor Hunt. This clearly shows that the Governor can have a very strong influence on education, simply due to his appointment power. However, the SBE must rely on the General Assembly to appropriate funds for education. Therefore, the SBE's ability to implement needed services and programs is contingent on the General Assembly and the actions that that elected body takes.

Governor Hunt's influence on education goes back many years. He is often credited with influencing the North Carolina General Assembly in 1977 to pass legislation for the North Carolina Competency Testing Program and the North Carolina Annual Testing Program. Mr. John Wilson stated it this way, "He's the one that instituted the original testing program." The Competency Tests were administered in the tenth grade in reading and mathematics while the Annual Testing Program tests were the nationally norm-referenced California Achievement Tests (CAT) initially administered in grades 1, 2, 3, 6 & 9 in reading, mathematics, language arts and spelling. Both of these pieces of legislation were enacted as part of a nationwide minimum competency testing movement. Governor Hunt is unique in that he served a total of 16 years as Governor of North Carolina; eight years from 1977 through 1984, and eight more years from 1993 through 2000. During the interview, he made it very clear that he had to push legislators to pass the ABCs legislation. He said, "the reason we had to do all this is that we had to have a work force in North Carolina that was competitive with the rest of the world. We had to make it work." Lt. Governor Perdue corroborated Governor Hunt's comments about his working with the legislature. She said:

Governor Hunt was incredibly important. You can't say enough good things about his leadership during that time and the fact that he would pick up the phone and help walk through the process with anyone who was unsure in the legislature about it.

Congressman Etheridge echoed similar sentiment about the need for a strong public education system with the comment, "We no longer compete with Virginia and



South Carolina for jobs...we're in a world market today." Ms. Jane Worsham said, "It was the moral thing that we had to do. Jay [Robinson] was always big on that. The moral aspect, making sure that ALL students were treated equally and that we designed our programs to meet their needs."

Mr. John Wilson was very candid during his interview. He shared several stories about conversations, meetings and observations of the interactions among the various "players" during the formative stages of the ABCs. It was very clear to Mr. Wilson that the ABCs legislation was successful due primarily to the work of Governor Hunt and Dr. Robinson. He stated:

Generally, what I have found [is] the Governors pretty much, if they get the business community, and I put the [Public] School Forum kind of in that business community umbrella, if they get the business community and NCAE [behind them], everybody else gets pretty much rolled over!

While it is evident that most interviewees attributed the genesis of the ABCs to the leadership of Governor Hunt and Dr. Jay Robinson, Lt. Governor Perdue mentioned that they were "counseled by a gentleman named Walter Davis." She further explained how

Walter talked actually with Governor Hunt and others about this need to improve the public schools of North Carolina and to hold teachers accountable. Some of the things we're talking about today were talked about then, the fact that we really needed our best and brightest to teach and we all tried to figure out a way to do more for recruiting good teachers and you know, we were so supportive of the Teaching Fellows Program and the other types of scholarships for teachers we have in place. And the discussion then started on how we need to raise teachers' salaries and to reward teachers differently to keep quality teachers in the classroom and Jay was part of those discussions. He and Mr. Davis, as I recall, were quite close, good friends, as was I and were others and, if I had to say one person really truly influenced the direction of public schools

outside the state government confines, elected or appointed, I would say that Mr. Davis did that in terms of his staunch, relentless conversations about quality education, not just for public schools, but in community colleges and universities too.

**Some Skepticism and Concerns:  
“Smoke and Mirrors”**

Not everyone was initially supportive of the ABCs Accountability Program. Dr. Richard Thompson stated, “I spent a great deal of time in the legislature, meeting, because, again you’ve got to remember, not everybody was excited about this.” Ms. Robin Johnson, a principal legislative analyst on the General Assembly research staff, shared her concerns about the ABCs. With ten years of being a special education teacher before going to law school, she had the credentials of an educator and shared the following comment to Dr. James Watts, one of her co-workers during initial discussions of the ABCs. “I thought it was all smoke and mirrors!” She expressed concerns about how valid it would be to use test scores for the purposes of school accountability and for teachers receiving bonus awards and later stated, “I mean we were on the cutting edge. There was a lot of trust, I think, from everybody at the department or whoever was going to be implementing it.”

Senator Winner relayed that there was “a lot of tension between the House and the Senate” at the time of the inception of the ABCs. This was a period of time when Republicans took control of the House. She specifically described differences of opinion between the two parties on the issue of sanctions for principals of low-

performing schools but stated, “We might not have been reading out of the same page of the book, but we were reading out of the same chapter!”

Representative Jean Preston used a similar phrase to describe how she and Dr. Robinson met frequently to make sure that everybody “was on the same page.” Dr. Henry Johnson stated the various entities and individuals (Governor Hunt, Dr. Jay Robinson, the business community, and leadership in both the legislature and the education community) “just happened to be on the same page singing the same song.” The use of similar sayings to describe this effort is surprising in that there seems to be a consistent collective memory of the individuals involved in the creation of the ABCs. Dr. Jane Norwood used the phrase, “it’s almost like all of the planets were in place.” This is interesting since United States Secretary of Education Spellings used a similar opening sentence in an NCLB article she wrote in *The Forum* in the May 2, 2005, issue of *USA Today*. She writes, “Three years ago, the stars aligned: The American people decided that it was finally time to reform our public schools.” Dr. Henry Johnson, when recalling the beginning of the effort to create the ABCs talked about “several things converging in time and place,” while Governor Hunt mentioned “a confluence, kind of had the perfect storm in reverse,” and Dr. Richard Thompson used the same analogy with the statement, “it was kind of like the perfect storm with both sides [Democrats and Republicans] coming together.” It seems the creation of the ABCs, and the creation of NCLB, were considered very unusual events for their times.

In summary, the ever-changing education initiatives during this period of high tension among various entities in the policymaking arena provided the opportunity for Governor Hunt, Dr. Jay Robinson and other leaders to step forth and propose a new way to improve education in North Carolina even though there were numerous skeptics and concerns with the new program.

## **2. How the ABCs Changed Over Time**

It would be tedious, and not necessary to enhance this study, to describe *every* single change in the ABCs program since its inception. However, the document referenced earlier and included as Appendix A, “The Evolution of the ABCs,” does list each one. In this section of the findings, I probe some of the more interesting or important changes that occurred from a policy analysis perspective. These include: the introduction of the 10/20 Day Rule; the decision to include dropout rates in the growth calculations for high schools; the use of a confidence interval in determining if a school should be labeled “low-performing”; changes in classification labels applied to schools; how alternative schools are included; changes in the financial incentive structure; who is eligible for the financial incentives; removal of principals from low-performing schools; and teacher testing. Other changes occurred in the ABCs that were more in response to NCLB. Those are noted separately in section 3, “The Impact of NCLB.”

### **Gaming the System**

One of the unintended consequences of any accountability system is that schools attempt to “game the system.” This phrase is used as an indictment for those who

determine a way to get around the existing rules such that the school benefits (Popham, 2005). This can take several forms with some more innocuous than others.

### **10/20 Day Rule**

On August 13, 1998, Buchanan and Foster (1998) reported that some high schools in Cleveland County were transferring students out of English I into remediation courses during the course for which the English I EOC tests were administered because “there are safety nets in place” for students (p. 11A). Basically, the initial high school ABC accountability model compared the results of students taking the EOC tests in one school year with the average results from students in the previous two school years taking the same tests (Stecher, 2002). If the students deemed to have the most difficulty are removed from the current year’s results, one can improve the current year’s results artificially. This issue caught the attention of several legislators (Representatives Debbie Clary, Gene Arnold and John Weatherly) and this prompted the SBE on April 1, 1999, to approve the “10/20 Day Rule” recommendation of the Compliance Commission for Accountability to disallow students to transfer, or be transferred, out of courses with EOC assessments after 10 days of a block-scheduled course or after 20 days of a year-long course. The SBE also clarified that a student could transfer, or be transferred, from a higher-level course (honors course, for example) to a lower-level course beyond the 10/20 days with the understanding that the student still needs to take the EOC assessment [See SBE minutes, dated 4/1/99].

Analyses conducted by the Cleveland County central office, and validated through the

Regional Accountability Coordinator, later confirmed that if all of the students that had been transferred out of English I were all given a score of “not proficient” the schools involved still would have met their growth goals under the ABCs (Buchanan, 1998). Regardless, transferring students out of courses because they weren’t doing well was contentious enough to warrant an end to the practice.

### **Including Dropouts**

Including dropout rates in the accountability system was another major policy decision of the SBE that was the result of gaming the system. This issue was contentious because the methodology for reporting dropout data is such that the data are not available until the year after the school year for which the data are reported. In other words, a school’s dropout statistics for the school year 1997-98 are not available until the 1998-99 school year. This means that a school may have done well on the other components of the ABCs in a given school year, but their dropout data would be reflective of their dropout reduction efforts in the prior school year. The issue was compounded by the fact that Mr. Phil Kirk, the Chairman of the SBE during the initial discussions of this issue, was very much interested, in addition to other SBE members, in preventing high school staff from transferring students, or encouraging students to transfer, to programs at the North Carolina Community Colleges (General Education Diploma or Adult High School Diploma) and, therefore, not count as dropouts from high school. This in turn prompted the SBE on August 6, 1998, to include dropouts in the ABCs for implementation during the 2000-01 school year in the growth composite

so that there would be three years in a row of consistent data reporting (transfers to Community Colleges would start to count as high school dropouts, and there would be some adjustments to the dropout statistics for enforcing the Safe Schools Act and addressing chronic behavior problems of students) so that a school's most recent dropout data could be compared to the average for the previous two school years' of data. However, the ABCs reports for the 1998-99 and 1999-2000 school years would include the reporting of dropouts using the new guidelines approved by the SBE [See SBE minutes, dated 8/6/98]. Interestingly enough, the issue of high school student transfers to Community Colleges is still being debated today.

### **Alternative Schools**

Another game some schools play is transferring students to an alternative school prior to the end of the year testing. This causes the student to no longer count in the sending school's results and the student's scores will typically only count in the performance composite (percentage of test scores at or above the proficient level) of the alternative school and not in the growth calculations of the alternative school since the student would not have been in membership the prerequisite number of days (initially 91 days, but later changed due to NCLB to 140 days prior to testing). This particular issue has not resulted in any policy to prevent this practice but the SBE did have other issues to address with alternative schools, specifically, how best to include them in the ABCs. This was a problem since many students in alternative schools were not in membership long enough to be included in growth calculations. The NCDPI, under the

direction of Dr. Henry Johnson, convened a meeting of alternative school representatives in early 1998 to discuss other options for holding alternative schools accountable. On April 2, 1998, the SBE approved the recommendation of the Compliance Commission for Accountability to hold alternative schools accountable by not only measuring them against the growth standards of the ABCs (like all other schools), but to also tie the incentive awards to the alternative school meeting three local options that are included in the school's School Improvement Plan which is approved by their local board of education [See SBE minutes, dated 4/2/98].

Eventually, on September 11, 2003, the SBE tightened the choices of local options so that at least one had to be achievement based [See SBE minutes, dated 9/11/03].

Implementation of the revised policy was mandated for the 2004-05 school year and optional for the 2003-04 school year. The issue of ownership of students' scores in Alternative Schools is another continuing debate that has been discussed by both the SBE, and legislative committees.

#### **Other Significant Policy Changes in the ABCs**

In addition to the above mentioned policy changes, there were other changes that warrant mentioning. These include the use of confidence intervals, changes in the financial incentive structure for paying bonuses, who should be paid bonuses, removal of principals, and teacher testing. Each will be discussed within the context of the how they came to be decided.



### **Use of a Confidence Interval for Low-Performing Schools**

After the first year of ABCs implementation the SBE was asked to consider a provision to ensure that the schools identified as low-performing schools were indeed low-performing. The statutory definition of a low-performing school under the ABCs legislation is that a school not meet its growth expectation and have a majority of students scoring below the proficient level on the tests. Dr. Don Martin, the local school superintendent from the Winston-Salem Forsyth County Schools, had requested that the NCDPI consider some type of statistical safeguard before labeling a school low-performing. The Division of Accountability Services discussed this issue with the Compliance Commission for Accountability and it recommended that a confidence interval be applied to the percentage of test scores above the proficient level so that one could claim that there was significantly less than 50% of students scoring at or above the proficient level. For example, if the actual percentage of students' scores at or above the proficient level on the state tests at a school is 47%, but the confidence interval is between 43% and 51% (+/- 4%) this school would not be identified as low performing since the upper bound of the confidence interval (51%) is at or above 50%. The SBE approved this recommendation on June 4, 1998 [See SBE minutes, dated 6/4/98]. This change tends to reduce the number of low-performing schools by approximately one half although it does assist the SBE in determining which schools are most in need of assistance teams.

### **Importance of Labels or Terms Used to Classify Schools**

One of the lessons learned during the evolution of the ABCs is the importance of clear labels or terms used for classifying schools. Initially there were several SBE predefined classifications: School of Excellence, School of Distinction, Low-Performing School, Top 25 K-8 Schools in Academic Growth and Top 10 High Schools in Academic Growth (hereafter referred to as Top 25/10 Schools). If a school did not meet any of the definitions for these three categories it was labeled for accountability purposes as a school with “No Recognition.” In the second year of the ABCs, the label “No Recognition” was changed to “Adequate Performance” by the SBE based on a recommendation from the Compliance Commission for Accountability. However, that change was short lived and changed back to “No Recognition” the following year [See SBE minutes, dated 5/6/99] because it was confusing to the public that a school did not meet its growth expectation, and, therefore, was not eligible for financial incentives for the staff, but was being classified as making “Adequate Progress.”

The SBE did change the definitions of the Top 25/10 Schools in Academic Growth to the 25/10 Most Improved Schools in Academic Growth on May 6, 1999 because schools identified as Top 25/10 Schools in Academic Growth would drop the remainder of the label and refer to themselves as one of the “Top 25 K-8 Schools in the State” or “Top 10 High Schools in the State” [See SBE minutes, dated 5/6/99]. This was a problem since the designation is based on a growth composite score that reflects how far over the exemplary growth standard, based on the regression formulas, the

school performed. It has nothing to do with the percentage of test scores at or above the proficient level. Therefore, it was possible for a school to be publicizing that it was one of the “Top 10 High Schools,” while its performance composite (percentage of test scores at or above the proficient level) was below 50%.

Similarly, a school’s growth standard for staff being awarded the highest financial incentive award under the ABCs used to be called “Exemplary Growth.” However, schools would say they were an “exemplary school” when, again, they could have less than 50% of test scores at or above the proficient level on the tests. The SBE on April 5, 2001, changed the name from “Exemplary Growth” to “High Growth” starting with the 2001-02 school year report [See SBE minutes, dated 4/5/01].

### **Changes in Financial Incentive Structure**

In the first year of the ABCs program, a school had to meet the Exemplary Growth standard in order for staff to be eligible for financial incentive awards. The incentive awards were \$1,000 for each certified staff member and \$500 for each teacher assistant. However, the following year the incentive structure was changed by the General Assembly through passage of the Excellent Schools Act [Senate Bill 272; S. L. 1997-272] to provide certified staff members up to \$1,500 each and teacher assistants up to \$500 each for making Exemplary Growth, and up to \$750 for certified staff members and up to \$375 for teacher assistants for making Expected Growth. This change in structure was included in Edition 4 of the draft legislation but not discussed with the full SBE for input and, therefore, was something for which I sought

information from the interviewees during this study. Most interviewees were unable to answer the question and claimed not to know. However, some interviewees were able to provide some information.

Dr. Jane Norwood responded to the question about incentive awards (amount of money and change to include schools making expected growth) with the following thoughts:

I don't know that the [State] Board [of Education] was pushing that, but I think some of the legislators figured this was a way of getting teachers more money and, and pushing that so I think that, and I may be totally off base on that one, but it was my feeling that the legislators pushed that and Jay went along with it. Not that it was the original concept because I think Jay's original concept was just reward those that are really high fliers.

Governor Hunt was quick to claim ownership of the Excellent Schools Act – “that was my act, as you know” – that included the language for expanding the group who receive incentive awards. The Governor said:

It was clear to me that people that were doing a good job ought to be rewarded for that and those that were doing an excellent job ought to get even more of a reward. I can't remember exactly what the talk was, you know, about those schools that were doing pretty well, making, you know, average growth but not exceptional. I can't recall, but I do remember that it was my feeling that we should reward, of course, this was part of my push to reward teaching.

Although SBE Chair Phil Kirk acknowledged that he was not involved in the decision to provide incentive awards to school staff meeting the expected growth standards, he did have some opinions on the issue:

To be honest with you, if I'd been involved in that decision-making process, I would have urged that teachers not be paid extra for achieving their goals. For example, in my office at NCCBI [North Carolina Center for Business and Industry], I give incentives to some employees who sell memberships or sell ads

or something that you can measure. I don't give them a bonus if they meet their goal because that's what they're hired to do, that's what their job is. But I would not have given a bonus for meeting their goal. I would have probably given a higher bonus for passing the goal or had a two stage thing like 110% for a certain goal, a certain amount of money, 120% another certain amount but I wouldn't have given it and I think the public, well most of the public didn't know about all that but I think people outside education might be a little skeptical about giving a bonus for meeting your goal. That's what you're hired to do.

Dr. Jim Causby looked at the issue of providing bonuses to certified staff in schools that make expected growth very differently than Mr. Phil Kirk. He offered the following comments:

You know, I don't remember exactly how that happened. I remember we had a lot of discussions about it and there were a lot of folks who *only* wanted to give bonuses for Exemplary Growth. But we were able to convince them on that issue that if you could make the growth you are supposed to, that's a tremendous improvement over what we had been doing. And if we could do that, and people feel good about it, then we could continue it and that worked. And, of course, the thing that has been the most powerful that I really initially didn't know would be, is the stick piece of it. Schools that did not meet their Expected Growth were just singled out in newspapers, they were singled out in other schools in the system you know, it just really whacked them. And really made a difference after that.

It was just like a slap in the face! Because these were a lot of good schools, you know, people with great principals, teachers and kids were doing pretty well and as soon as they didn't make Expected Growth, I remember certain things like going to a funeral in some of those schools. Not in Johnston County, I didn't have many of those because most of ours initially made it but the ones who didn't really, really took it hard. And I remember that locally that some of the ones who didn't make it were trying to get the School Board to put in local funds to pay those because they were really bitter. And I told the Board, you know, I'm not going to recommend that to you. I just told the Board, you know, I said 'If you want them to change any better, you've got to let this sit and let them, let them work because of it.' They worked like crazy the next year to get out from under that.

Dr. Causby's comments, and those expressed by Chairman Phil Kirk, set the stage for one of the biggest dilemmas of accountability: what motivates school staff to work even harder than before, and possibly even change how they "do business" in the classrooms? The answer is undecided and depends on what one is willing to sacrifice in order to achieve the goal of increased test scores in reading and mathematics. This question also makes one wonder about another major shift in policy by the General Assembly related to the ABCs. Should the financial incentives be shared with other staff in the schools beyond the certified staff and teacher assistants?

### **Should The Bonus Awards Be Shared?**

In the first year of the ABCs (1996-97 school year), there was an effort on the part of the SBE and NCDPI leadership to stress the need for teamwork and sharing of ideas at the local school building level. The ABCs was the first accountability program in the state that focused on results school by school. Only through teamwork would the staff benefit by learning from each other in terms of better ways to teach students. Basically, the certified staff and teacher assistants either all received incentive awards for meeting the exemplary growth standard, or none received incentive awards for not meeting the growth standard. Because the "C" in the ABCs stands for *control* at the local level, a school's certified staff could conduct a secret ballot and vote to include a clause in their local School Improvement Plan (SIP) that the incentive awards, if earned by the school, would be shared with other staff members of the school with the details of how much each person would earn. This could include secretarial staff, data entry

staff, custodial staff, bus drivers and cafeteria workers. This would be a tangible manifestation of the ultimate in teamwork and sharing. At least that was the supposed logic of the system. However, if the certified staff voted to share the incentive awards, it would reduce the amount of the individual awards for each of the certified staff and teacher assistants since the NCDPI allocates funds to the schools based only on the number of certified staff and teachers assistants, irrespective of the number of other staff members in the school.

The following year the General Assembly decided that school staff would no longer be allowed to share incentive awards beyond the certified staff or teacher assistants. I pursued the reasons for this change in policy with the interviewees. Ms. Robin Johnson talked about how several legislators who had been in leadership positions during the state's period of site-based management had wanted the decision to be made locally. However, the school staff were to vote using a secret ballot and "that's the thing that teachers didn't like after it got implemented. And it ended up being taken away and that's because legislators heard from the teachers that they were being coerced [to share the bonus money]."

Mr. Phil Kirk expressed his concern about the change in policy. "I'm all for the "C" in local control and I thought taking that authority away from the school improvement team or the teachers or whoever voted on it was a step backwards." He went on to say:

It [the change in policy] seemed to be slipped into the budget's special provisions at the last minute. We never could find out [who did it]. Nobody

would take credit or blame for it. We always felt, or some of us always felt, that the NCAE had something to do with it but they said they didn't. It could have been just an individual teacher or legislator who did it.

Mr. John Wilson from the NCAE (at that time) confirmed Mr. Kirk's comment that the NCAE claimed it wasn't involved by talking about how "it was a very delicate thing for the NCAE" and how "we didn't want to get into it." He referred to the secret ballot component as the school having a "convoluted process" and how "some teachers complained that they thought the principals made them feel guilty or pushed it through themselves and I think that legislators got that side of the story, that this is really administrator-driven and not teacher-driven."

Senator Winner was clear that "it didn't seem fair to me to put the teachers in the position of voting against their co-workers or having to give them basically their money." Dr. Norwood said this wasn't an issue directly discussed among SBE members but:

I think most of that discussion was among those handling the money and I think it was again, probably, although I can't swear to it, that Jay [Robinson] truly believed that the teachers were the ones working with the kids and teaching them and the ones responsible and that that's where it needed to be.

Mr. Dornan's recollections confirm these findings. He stated how voting to share the bonus awards "causes dissention" and "we really wanted to establish the concept that teachers who were doing well with their students should be paid more money."



### **Removal of Principals – “It Was Pretty Dirty!”**

One of the sanctions of the initial legislation of the ABCs Accountability Program received a lot of attention. It related to principals being suspended with pay by the SBE if they were the principal of a school *for more than two years* before the SBE identified the school as low-performing and assigned an assistance team. The SBE also *may* suspend principals with pay if they were the principal of a school *for two years or less* before the SBE identified the school as low-performing and assigned an assistance team. The principals would be suspended pending the results of a panel of three members of the SBE that was to occur within 60 days of the suspension. The panel had to “make a public determination that the principal has established that the factors that led to the identification of the school as low-performing were not due to the inadequate performance of the principal” [Chapter 716, Senate Bill 1139, Sec. 8, (q) (1) b., 1995 Session of the General Assembly of North Carolina]. After the SBE identified the low-performing schools that were assigned an assistance team, there were seven principals automatically suspended in August 1997 (Silberman, 1997). All of them had been principals at their respective schools for more than two years before the SBE identified the schools as low-performing and assigned assistance teams. While there was no specific question posed about this sanction during my interviews, several interviewees brought it up and it, therefore, warrants a place in the findings.

Ms. Robin Johnson talked about there being “a lot more fear” on the part of principals because of this provision. Dr. Jane Norwood brought up what she called one of the “pitfalls” of the ABCs. She said:

What things did we do that we should not have done? And I go [way] back on that one; what we did with principals. And how we had the hearings where we brought principals in so they had to defend why they were not responsible for the schools’ being low-performing. There was some good that was done because of that, because I remember a school administrator saying to me, ‘we knew we had some bad principals, but we just hadn’t done anything about it. This forced us to do something about it.’ The other side of it was the way we did it was not real humane. The way we did it was not what we believe in in education about bringing in people and training people and helping them along. I mean it was pretty dirty.

This concern about suspension and SBE hearings for principals also was voiced by Senator Winner. She said:

There was also a lot of controversy about getting rid of the principal. And I was generally opposed to blaming this all on the principal camp. I thought that the fact that a principal inherited a very underprivileged school that was harder to succeed in didn’t necessarily mean that they were a worse principal than somebody who got assigned to a relatively easier school and maybe didn’t meet their goals but didn’t have a lot of kids below grade level. So, I was generally not in favor of punishing the principal. [She went on to say] ...it came from the Republicans in the House and if you go back and get all the different versions [of the bill], I think you will see how that piece of it evolved. And eventually, I believe there was a compromise. I don’t even know how it ended up, but it ended up kind of more accountability on the principal’s head than I had originally thought, but less than they originally thought.

Mr. Phil Kirk, a Republican who was the chairman of the Education:

Everybody’s Business Coalition (EEBC), a coalition of business leaders interested in public school education, sponsored by the North Carolina Public School Forum during the period leading up to the ABCs legislation, discussed during his interview how

the business community probably would have been tougher on sanctions and the more I got into it [later as chairman of the SBE], the more I realized that what sounded good to the business community might not really work in education and I'm talking about the State Board getting into the firing and the dismissal of principals. That is more appropriately handled on the local level.

As a matter of fact, the General Assembly eventually did decide to make some changes in these provisions. On July 15, 1998, Senate Bill 1129 was ratified [Session Law 1998-59]. This legislation was entitled "An Act To Amend The Statutes Governing The Consequences For Principals In Schools Identified As Low-Performing Under The ABC's Plan, And To Require Local School Administrative Units To Develop Plans To Address The Needs Of Low-Performing Schools." It removed the previous procedures for *immediately* suspending principals and having the SBE conduct the hearings but directed local school superintendents through the following language:

Within 30 days of the initial identification of a school as low-performing, whether by the local school administrative unit under G.S. 115C-105.37(a1) or by the State Board under G.S. 115C-105.37(a), the superintendent shall take one of the following actions concerning the school's principal: (i) recommend to the local board that the principal be retained in the same position, (ii) recommend to the local board that the principal be retained in the same position and a plan of remediation should be developed, (iii) recommend to the local board that the principal be transferred, or (iv) proceed under G.S. 115C-325 to dismiss or demote the principal. The principal may be retained in the same position without a plan for remediation only if the principal was in that position for no more than two years before the school is identified as low-performing. The principal shall not be transferred to another principal position unless (i) it is in a school classification in which the principal previously demonstrated at least 2 years of success, (ii) there is a plan to evaluate and provide remediation to the principal for at least one year following the transfer to assure the principal does not impede student performance at the school to which the principal is being transferred; and (iii) the parents of the students at the school to which the principal is being transferred are notified. The principal shall not be transferred to another low-performing school in the local school administrative unit. If the superintendent intends to recommend demotion or dismissal, the superintendent

shall notify the local board. Within 15 days of (i) receiving notification that the superintendent intends to proceed under G.S. 115C-325, or (ii) its decision concerning the superintendent's recommendation, but no later than September 30, the local board shall submit to the State Board a written notice of the action taken and the basis for that action. If the State Board does not assign an assistance team to that school or if the State Board assigns an assistance team to that school and the superintendent proceeds under G.S. 115C-325 to dismiss or demote the principal, then the State Board shall take no further action. If the State Board assigns an assistance team to the school and the superintendent is not proceeding under G.S. 115C-325 to dismiss or demote the principal, then the State Board shall vote to accept, reject, or modify the local board's recommendations. The State Board shall notify the local board of its action within five days. If the State Board rejects or modifies the local board's recommendations and does not recommend dismissal of the principal, the State Board's notification shall include recommended action concerning the principal's assignment or terms of employment. Upon receipt of the State Board's notification, the local board shall implement the State Board's recommended action concerning the principal's assignment or terms of employment unless the local board asks the State Board to reconsider that recommendation. The State Board shall provide an opportunity for the local board to be heard before the State Board acts on the local board's request for a reconsideration. The State Board shall vote to affirm or modify its original recommended action and shall notify the local board of its action within five days. Upon receipt of the State Board's notification, the local board shall implement the State Board's final recommended action concerning the principal's assignment or terms of employment. If the State Board rejects or modifies the local board's action and recommends dismissal of the principal, the State Board shall proceed under G.S. 115C-325(q)(1).

This new legislation was passed only weeks before the ABCs results for the 1997-98 school year were to be released. This was viewed as a major relief for principals and it put the initial decision making back into the hands of the local superintendent and his/her board of education.

### **The Excellent Schools Act and “Teacher Testing”**

Prior to the first report of statewide results under the new ABCs Accountability Program, the General Assembly on June 19, 1997, ratified the Excellent Schools Act

[Session Law 1997-221, Senate Bill 272]. It contained several provisions that affected the ABCs Accountability Program and others that went beyond the ABCs. One provision provides incentive awards to certified staff in schools that do not make exemplary growth, but do make expected growth using the SBE's accountability formulas. Another provision was usually described as the teacher testing provision. In it, the SBE requires all certified staff members in schools at the time the schools are identified as low-performing, and to which the SBE has assigned an assistance team, "to demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board." There were some exceptions to the "General Knowledge Test" along with provisions for remediation for staff who do not pass the test. In terms of timing, the first general knowledge test was to be administered at the end of the 1997-98 school year. This legislation caused concern on the part of the certified staff in the schools that had been designated as low-performing and assigned assistance teams during the 1997-98 school year. The concerns were so great that the General Assembly on June 8, 1998, ratified Senate Bill 1126 [SL 1998-5], "An Act To Amend The Teacher Competency Testing Provisions Of The Excellent Schools Act, To Provide For Annual Evaluations Of Certified Public School Employees In All Low-Performing Schools, And To Create Assessment Teams." This legislation stated that:

Each assistance team assigned to a low-performing school during the 1997-98 school year shall review the team's evaluations of certified staff members to determine which staff members have been designated by the team as Category 3 teachers. The assistance team shall then determine whether lack of general knowledge contributed to the Category 3 designation. If the assistance team determines that a certified staff member's lack of general knowledge contributed

to that staff member being designated as a Category 3 teacher, the assistance team shall submit the staff member's name to the State Board. Upon receipt of the notification, the State Board shall require that the certified staff members identified by the assistance teams demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board. The State Board shall administer the general knowledge test required under this subdivision at the end of the 1997-98 school year.

This change in legislation was approved only days before the teachers in the low-performing schools during the 1997-98 school year were scheduled to take the “General Knowledge Test.” Mr. John Wilson talked about it this way:

Obviously that [teacher testing] became problematic. But quite frankly, I was also in the back room on that, but basically where we had the knock-down, drag-out about how we would do that and of course, you know, we were very opposed to that and decided that in the end we decided that if all the schools got additional money that their site-based team could use to help improve student achievement, we would fight another day. And, we would get the billion dollars [for bringing teacher salaries up to the national average which was a major component of the Excellent Schools Act]. And as you know, we fought another day, took it to court, organized the teachers not to do it, and ended it when the legislature changed it. After some smooth language you know, which ended up that nobody got tested. [I asked if Governor Hunt was in those meetings.] Governor Hunt. Yeah. Basically NCAE, Governor Hunt, [Senator] Leslie Winner was the negotiator and [Representative] Gene Arnold was the bad guy. And of course you know that whole year we just raised hell. And made enough noise that the legislature, before the judge ever settled on the case, it was all done in Gaston County, before the judge ever decided the case, the legislature pulled back.

These remarks clearly show how some of the major policy issues in the state’s accountability program were engineered through negotiations between some of the more powerful individuals and groups in the state. With these issues specifically related to the state’s accountability program, the stakes changed again with the passage of

NCLB. In the next section of the findings, those changes in the ABCs program that were the direct result of the new federal NCLB legislation are presented.

### **3. The Impact of NCLB on the ABCs**

The introduction of NCLB in 2002 ushered in another round of confusion for educators and the public similar to the introduction of the ABCs in 1996 with the introduction of new regulations and requirements. While the concept of holding subgroups of students accountable was not new to North Carolina, it was not done using the growth concept of the ABCs where the same students are followed over time from one year to the next. In fact, the General Assembly on September 21, 2001, directed the SBE to determine a way to include a “closing the gap” component to the ABCs [Section 28.30(a) of Senate Bill 1005, The Appropriations Act, S. L. 2001-424]. The study conducted by the NCDPI looked at the issue of holding schools accountable for the growth of students from the different racial/ethnic groups using the growth formulas that were being used for the school as a whole. However, before the final report was completed and presented to the SBE, the NCLB legislation introduced another way to “close the gap.” It calls for holding different racial/ethnic groups to the same percentage of students having to score proficient on the state assessments from the respective groups. In addition, it calls for students with disabilities, economically disadvantaged students and LEP students to also meet those standards. The NCDPI leadership, therefore, recommended that the SBE adopt the NCLB standard as the closing the gap component rather than introducing a new subgroup growth component

in addition to the NCLB component to the ABCs. The SBE approved the recommendation on January 10, 2002 [See SBE minutes, dated 1/10/02].

The third research question of this study asks what impact has NCLB had on the ABCs. Governor Hunt responded to the question about the impact of NCLB in a way that many educators and politicians do...start with something nice to say about NCLB.

Governor Hunt said:

First, I think No Child Left Behind has had a generally positive impact in stressing the importance of student learning. It's kind of reinforced that focus that we already had going. I think it has had a good balancing effect in that it has put a greater emphasis on the students that were falling through the crack or the cracks and that our averages could cover up.

The nice comments usually are then followed with comments that either criticize or minimize NCLB. Governor Hunt said:

No Child Left Behind has made us look at all the subgroups as we should do. But I don't consider that No Child Left Behind has had a major impact on the ABCs. Had No Child Left Behind never come about, I think the ABCs would still be going strong. We were already beginning to look at those subgroups and consider giving extra incentives for schools where those subgroups made, you know, a year's progress or exceptional progress and certainly No Child Left Behind has not lessened our commitment to a process that shows growth and that measures progress and, in fact, our approach in that regard should be put us into the national efforts in my opinion.

Dr. Richard Thompson answered, "I don't think anybody can disagree with the concept of No Child Left Behind. We all, you know, really think it needs some tweaking to look at unintended consequences a little closer." In particular, Dr. Thompson expressed concerns about the state's capacity to turn-around local school districts that do not do well under NCLB.



Ms. Jane Worsham answered the question about the impact of NCLB with the following comments:

Well, I'm just thankful we have an ABCs program because if we didn't we would be so far behind like many other states are that don't already have a statewide testing program that's well established. I hate that they [USED] won't let us use our [growth] model instead of the one advocated by NCLB as that one snapshot in time because I think this [ABCs] is a much better way to chart the growth of students. But we tried to press that point on them and haven't yet made any impact.

She later stated that she is concerned that there isn't the same amount of support for education initiatives from the business community today that there had been previously. She said it was due to a number of factors including changes in leadership in the General Assembly and the fact that "few people are left that were there when the program started and the additional focus on NCLB has taken away some of the light of the ABCs program."

Senator Winner initially responded by saying that she was no longer in the General Assembly when NCLB passed but she then stated:

The thing that has happened that is the biggest disappointment, or the biggest problem [with NCLB], is the almost complete focus on the kids below grade level and the almost disappearance of the growth standard...[this will] drive middle and upper end kids out of the public schools which will end up hurting the public school system. So much energy gets put into getting kids to grade level that the kids that start out at grade level end up not getting challenged enough. ...I think it is very important to get these kids to grade level, and I continue to believe the ABCs was the right thing to do...we had a whole bunch of kids that were failing and were being cheated. And that there's nothing you can do with kids worse [than] to cheat them more, or doom them more, in life than to let them get out of elementary school without being able to do math and reading at grade level. At the same time, we have to do something to keep the public schools serving the broad expanse of people and that you have to keep on moving these kids in the middle and at the top along at the pace that they are

capable of moving. And I understand that...it's easier said than done. I now worry that the ABCs [with the AYP component of NCLB] is hurting that effort.

### **Gaming the System**

In section 2, How the ABCs Changed Over Time, there is the subsection “Gaming the System” that describes ways that some schools have attempted to circumvent some of the state’s rules for school accountability. In a similar fashion, the introduction of NCLB and its rules have prompted accusations of gaming the system being leveled against states too. These accusations involve, among others, the use of a confidence interval (many states use either a 95% or 99%) around the percentages of students scoring proficient on the state assessments as a means of establishing a margin of error around the actual percentage of students scoring proficient (although it actually is based on sampling error and not measurement error); setting a high number of students for the size of subgroups (referred to as the minimum n size) as a way to exclude some subgroups from the accountability measures of NCLB; establishing stair steps for meeting the proficiency goals for meeting the 100% proficiency target, required by the end of the 2013-14 school year, that have small steps in the initial years of NCLB implementation with much larger steps in the final years (back-loading the system).

### **Confusion**

One major impact of NCLB on the ABCs is the confusion caused by the continual changing of the rules by the SBE mostly in response to changing regulations from the USED. The confusion is not only with the general public understanding the

system but also with school personnel as well. The two programs are very different in their underlying philosophies; the ABCs' primary focus is on improvement or growth, while the NCLB program is focused primarily on absolute performance. Similarly, the ABCs model is compensatory in nature while the NCLB model is conjunctive. In other words, a school may do well under the ABCs model even if some grade(s) or subject(s) do not meet the individual grade or subject standards since it can be compensated by superior performance in other grade(s) or subject(s). However, with NCLB, it is an "all or nothing model" where missing one target will cause an entire school to miss AYP.

### **Examples of Some Substantive Changes**

Some of the more specific changes in the ABCs that occurred with the introduction of NCLB (See Appendix A, "Evolution of the ABCs," starting with the 2002-03 school year) include the following: defining a "full academic year" under NCLB as 140 days before testing for making AYP decisions and, therefore, changing the 91-day rule for including a student in the growth calculations of the ABCs to the same 140 days for AYP; adding the AYP subgroup standard as the closing the gap component of the ABCs; reintroducing the High School Comprehensive Tests in Reading and Mathematics, which the SBE had eliminated for all but 20 Title I high schools in the 2001-02 school year, as the assessments for AYP purposes at the high school level – the USED eventually allowed North Carolina, starting with the 2004-05 school year, to use the Algebra I end-of-course assessments as the high school mathematics component and the combination of English I end-of-course assessments

and the Grade 10 Writing Assessments as the Reading/Language Arts component for the vast majority of tenth graders; adding a new top recognition category under the ABCs called “Honor School of Excellence” to incorporate whether a school also met all of its AYP standards as well as having 90 percent or more of its students’ test scores at or above the proficient level on the state assessments while also attaining at least expected growth; and the increased attention given to certain subgroup of students from some of the more challenging categories: students with disabilities, limited English proficient students, and economically disadvantaged students. This increased attention also has caused these students to show marked improvements on the state assessments (NCDPI, 2005).

Some might argue that the biggest impact of NCLB is an increased focus on test scores alone as a measure of the quality of a school and a narrowing of the curriculum to reading and mathematics (and eventually science). While this may be true, the contention of narrowing the curriculum under the ABCs was an issue prior to NCLB (Jones et al., 1999; McMillan, 1999).

A useful reference for looking at changes in accountability in North Carolina is the North Carolina Consolidated State Application Accountability Workbook (hereafter referred to as the Accountability Workbook). The Accountability Workbook is a federal requirement and any changes to it are to be approved by the SBE. Since there were so many changes being made to the Accountability Workbook from year to year, an Appendix B was added to the Workbook to enable the public to know which changes

had been made over time. The latest version of the North Carolina Accountability Workbook can be found at the following URL:

<http://www.ncpublicschools.org/docs/nclb/federal/consolidated/20050630workbook.pdf>

An additional reference on changes can be found at:

<http://www.ncpublicschools.org/nclb/abcayp/overview/accountability>.

#### **4. The Interrelationships of Federal, State and Local Policymakers**

In North Carolina, many major education initiatives were established at the state level. These include, among others, the Competency Testing Program; the Annual Testing Program; the Performance-Based Accountability Program (PBAP); The School-Based Management and Accountability Program (the ABCs); and the Excellent Schools Act. However, it is at the local level that the state level education statutes and policy directives are carried out. Prior to NCLB, the federal government's role in education was specifically directed to issues of equity and equality (race/ethnicity, students with disabilities, and students with limited English proficiency as examples). While there were special required evaluations of federal programs like Title I of ESEA, the requirements were such that there was little disruption to a state's already existing accountability program. States were able to inform the USED as to how the Title I schools would be evaluated under the state-level system.

The ABCs Accountability Program is a good example of how a state could move more of the education decisions from the state level down to the local level. While the state still determines the standards for how local schools will be evaluated, it

is up to the local boards of education to determine the best way for the schools to meet those standards. In North Carolina, the State Board of Education and the State Superintendent, through their various advisory committees and commissions, involve constituents in development of state level policy decisions. The advent of NCLB has caused a rift in this process. To complicate this matter even further, there is the issue of the *Leandro* case which is described later in this study.

When talking with the various interviewees about NCLB, it was interesting to note that some of the comments mirrored the concerns or issues that were raised when the ABCs Accountability Program was being developed. Is it fair? Will supports be there for schools? Congressman Etheridge responded:

I think what has happened is the administration of the policy by the U. S. Department of Education has been overly rigid and woefully under funded in the commitment that was made to members of Congress. And, it's always difficult to change legislation when there's some real commitment in Congress for it to at least hold them [schools] accountable and I think the new Secretary [Spellings] hopefully will be more flexible, and by flexible I mean, acknowledging that school systems are different across the country and North Carolina is different than most others in that we pay our teachers at the state level. We have a state accountability model and it is working. So try to make them so they will blend without too much adverse effect. I think that is one of the real problems I've seen in No Child Left Behind. And the way that they're implementing the rigidity of it and the inability to fund the dollars that need to be funded for staff development or after school tutorial help for enriching the curriculum in areas that really make a difference in school, just because, you measure what a child has done, doesn't do any good if you're measuring the same thing and you aren't doing the work of building as strong a curriculum, making sure that curriculum is well taught. You need a rich curriculum, well taught, and then you can assess it. But if you teach the same thing, the same way you've been teaching, and you still assess it, you're going to get the same results too. They're not going to be what you want.

Mr. John Wilson echoed some of the same sentiments when he claimed there was a change in the how the administration (through the USED under former Secretary Paige) was going to conduct business with the states as contrasted with how the administration under former President Clinton conducted it. Mr. Wilson stated:

the whole compliance issue had been very loose with the [US] Department of Education. [Therefore,] I just think they decided they were going to be really tough on that and I think, it's almost disrespectful to states that have done a good job.

### **“[Locals] Still Blame the State”**

While there always has been some concern about the SBE forcing schools to follow state directives, the advent of NCLB is causing more tension between local, state and federal level policymakers. Although some members in the United States Congress, and some staff in the USED, would argue that many of the decisions related to NCLB are made at the state level (proficiency levels on state assessments, proficiency goals to get to 100% proficiency by the end of the 2013-14 school year, minimum n size for groups, use of confidence levels etc.) others would argue that it is the federal government that made the policy decisions that have most educators at the state and local levels concerned. These decisions include the “all or nothing” nature of the model, the difficulty of assessing students with disabilities, and assessing students with limited English proficiency, the focus is on students below the proficient levels on state assessments, and the expectation that *all* students can, and will, score proficient on state assessments by the end of the 2013-14 school year.

Mr. Wilson talked about how “I believe that a lot of states gave up good accountability models because of that pressure [from the USED] unfortunately.”

Dr. Causby had what I believe to be the best synopsis of the changing dynamics between the different levels of policymakers. He said:

I think they [local staff and policymakers] still look to the State and, unfortunately, I think still blame the State for any problems with No Child Left Behind. ‘If y’all could really, or wanted to hard enough, you could have got us around that.’ You know, that kind of [thing]...which wouldn’t be true.

### **Negotiated Rulemaking**

The USED was required to conduct negotiated rulemaking for standards and assessments under NCLB. The negotiators selected for the rulemaking committee included state and local administrators, school board members, teachers and parents (“The negotiators,” 2002). However, there was concern raised by some advocacy groups that there was not enough representation for parents and students (Robelen & Olson, 2002) and the groups filed a federal lawsuit to seek a temporary restraining order to prevent the committee from meeting. The federal judge rejected the request though.

The USED released a set of draft regulations for the committee to use as a starting point in the negotiations and the members were told that there would be no discussion of AYP provisions (Olson, 2002b). This statement from the USED about AYP received mixed reviews from outside observers. Some individuals expressed concerns that an important component of NCLB was not up for negotiation while others argued that AYP provisions would become more complicated if they were open for



discussion. Regardless, the committee's final product did not result in many substantive changes from what the USED provided prior to the committee meeting. However, there were some changes that were included. One would allow states to have a mix of state and local assessments as part of the system as long as the state could demonstrate that the assessments were aligned with state standards and were equivalent to one another. Another major issue related to the use of out-of-level testing. Dr. Susan B. Neuman, assistant secretary for elementary and secondary education for the USED, and a member of the committee, expressed concerns about states being able to use out-of-level assessments (Olson, 2002a). This issue is one that the USED is still struggling with and it has had a major impact on North Carolina's use of alternate assessments. In fact, the state had to discontinue some of its alternate assessments. (See [http://www.ncpublicschools.org/docs/accountability/alternate\\_assessment\\_changes\\_2005\\_06\\_080305.pdf](http://www.ncpublicschools.org/docs/accountability/alternate_assessment_changes_2005_06_080305.pdf) for details on the changes.)

### **Peer Review**

This section provides an insight into how information from the USED can sometimes cause major problems for a state which directly affects relationships among staff at the federal level, the state level and the local level. Part of the process implemented by the USED for initially approving the various states' Accountability Workbooks included what is called a "peer review." This process involved every state having to address questions related to various principles and elements established by the USED to develop its Accountability Workbook. In North Carolina, it took several

months to compile the answers for the Workbook to allow input from different stakeholders before getting final approval from the SBE. The USED collected all states' Accountability Workbooks, which were due January 31, 2003, and then scheduled meetings with representatives of the states with external representatives ("peers") that have been trained by the USED, along with some USED staff, to review the state's Workbook for compliance with the required elements. The peer review process was very time consuming for the USED and it was not until June 10, 2003, that all 50 states were given approval for their accountability plans (Webb & Aspey, 2003). What's interesting to note is that the approvals were for systems of accountability that were retroactive to the beginning of the 2002-03 school year and the approval did not necessarily mean that all was in order but that there was a plan for things to be in order (Olson, 2003).

One major surprise following the "approval" of all states' plans was that on June 27, 2003, Secretary Paige wrote a letter to all state superintendents indicating that only for the 2002-03 school year the states could count scores as proficient for students who took "out-of-level" tests and scored proficient on the below-grade-level tests (Paige, 2003). This was a letter that seemed out of character with other USED rulings until I later discovered in a conversation with an employee at the USED that some state(s) convinced the USED after the peer review process that it (they) were unable to fix the problems that had occurred during the 2002-03 school year related to "out-of-level" testing and how those scores would be factored into AYP decisions. Rather than

allowing an exception to the state(s) involved, the Secretary crafted this new policy directive to all states. Remember that this was a one-time offer and that scores for these groups of children (students with disabilities) would drop dramatically the next year when scores for students taking the below-grade-level tests would be counted automatically as not proficient.

The NCDPI leadership, of which I am a participant, decided to not take advantage of the offer since it was against state policies and would be perceived as lowering the state's expectations for students with disabilities. In addition, it would cause a major drop in performance for students with disabilities as a group the following year since North Carolina would not be allowed to continue the practice and it would adversely affect the use of a provision in the legislation called "safe harbor." Unfortunately, no one in NCDPI brought the issue before the SBE for confirmation of the DPI position. Less than two weeks later a staff member with one of the local school districts heard about Secretary Paige's letter and called to find out why North Carolina was not taking advantage of it. I explained the reasons, heard the comment "I am not worried about next year!" but still thought everything was fine by the end of the conversation. A couple of days later an attorney for the school system called the SBE office and wanted to know why the SBE did not take advantage of the USED offer. This then became a big political issue and it was just two days before local school systems were to release AYP results. Mr. Howard Lee, the newly appointed (two months earlier) Chairman of the SBE, discussed with me what happened and why it

happened. By the next day (the day before the AYP release) Chairman Lee talked with Superintendent Mike Ward and he agreed to stand by the NCDPI decision. An email was sent to all local school superintendents by Superintendent Ward informing them of Secretary Paige's letter and the reasons why North Carolina was not going to take advantage of the USED offer.

### *Leandro*

For over a decade, the State of North Carolina has been involved in a legal case, *Leandro, et al. v. State of North Carolina and State Board of Education*, commonly referred to as *Leandro*.<sup>2</sup> This litigation began in 1994 and has been one of the major topics of discussion among education policymakers in North Carolina since that date.

*Leandro* began when Robert Leandro, other students, their parents or guardians, and the local boards of education from Cumberland, Halifax, Hoke, Robeson, and Vance County School Systems (Plaintiffs) filed suit against the State of North Carolina and the State Board of Education (Defendants) on May 25, 1994. In their complaint and amended complaint, the plaintiffs raised several claims related to the alleged lack of educational opportunities in their local schools. Among others things, the plaintiffs alleged that children in their poorer school districts are not receiving a sufficient education to meet the minimal standard for a adequate education required by the North Carolina State Constitution. The plaintiffs further alleged that children in their districts

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<sup>2</sup> *Leandro* actually is comprised of three major court decisions: *Leandro v. State*, 346 N.C.336, 488 S.E.2d 249 (1997); *Hoke County Bd. of Educ. v. State*, 95 CVS 1158 (Wake Co. Sup. Ct. Memorandum Decision, Section One filed Oct. 12, 2000, Section Two filed Oct. 26, 2000, Section Three filed Mar. 26, 2001, and Section Four filed April 4, 2002 – hereafter referred to as the Manning Decision); and *Hoke County Bd. of Educ. v. State*, 358 N.C. 605, 599 S.E.2d 365 (2004).

are denied an equal education because there is a great disparity between the educational opportunities available to children in their districts and those offered in wealthier North Carolina school districts. The plaintiffs alleged that their poorer districts lacked the necessary resources to provide fundamental educational opportunities for their children due to the nature of the state's system of financing education and the burden it places on local governments. In essence, these are school finance and funding issues.

On October 18, 1994, Asheville City Schools and the Buncombe, Durham, Forsyth, Mecklenburg, and Wake County School systems, which are wealthier, more urban North Carolina school districts, filed a complaint as plaintiff-intervenors in the case. The plaintiff-intervenors argued, among other things, that the State's funding system failed to consider the burdens faced by urban school districts, which have many students with special educational needs including students with disabilities, students with limited English proficiency and academically gifted students. The plaintiff-intervenors claimed that serving these students takes resources away from the traditional education programs. Although the plaintiff-intervenors alleged that some components of the State funding system, such as the low wealth and small county funding supplements, were constitutionally irrational, their complaint focused on the alleged need for additional resources for the school systems beyond what is normally allocated through the State's school financing system.

The subsequent litigation of these claims has produced two significant decisions from the North Carolina Supreme Court and one significant memorandum decision and

judgment delivered in four sections by Judge Howard E. Manning of the Wake County Superior Court.

The first decision of the North Carolina Supreme Court established that all students in North Carolina have a constitutional right to the opportunity to obtain a “sound basic education” within the North Carolina public school system. The Supreme Court defined a “sound basic education” as one which provided all students with at least:

1. *sufficient ability to read, write, and speak the English language and a sufficient knowledge of fundamental mathematics and physical science to enable the student to function in a complex and rapidly changing society;*
2. *sufficient fundamental knowledge of geography, history, and basic economic and political systems to enable the student to make informed choices with regard to issues that affect the student personally or affect the student’s community, state, and nation;*
3. *sufficient academic and vocational skills to enable the student to successfully engage in post-secondary education or vocational training; and*
4. *sufficient academic and vocational skills to enable the student to compete on an equal basis with others in further formal education or gainful employment in contemporary society. (Leandro v. State, 346 N.C. 336, 347, 488 S.E.2d 249, 255.)*

While affirming the right of every child to the opportunity to obtain a sound basic education, the Supreme Court held that the North Carolina Constitution “does not guarantee a right to equal educational opportunities in each of the various school districts of the state (*Leandro v. State*, 346 N.C. at 354, 488 S.E.2d at 259).”

Recognizing that “the administration of the public schools of the state is best left to the legislative and executive branches of the government (*Leandro v. State*, 346 N.C.

at 357, 488 S.E.2d at 261),” the Supreme Court remanded the case to the Superior Court for further proceeding to determine whether the defendants were denying children the opportunity to obtain a sound basic education and, if so, what relief would be needed to correct the wrong “while minimizing the encroachment upon the other branches of government (*Leandro v. State*, 346 N.C. at 357, 488 S.E.2d at 261).”

On remand, Judge Manning split the case into two separate cases – one focusing on plaintiff rural schools and one focusing on plaintiff-intervenors urban schools (*Hoke Co. Bd. of Educ. v. State*, 358 N.C. 605, 613, 599 S.E.2d 365, 375). Further, because of the size of the case, Judge Manning limited the trial to claims of the plaintiffs as they pertained to and were supported by evidence related to Hoke County. The ensuing trial, which lasted approximately fourteen months and produced over fifty boxes of exhibits and transcripts, culminated in a four part memorandum of decision and judgment that exceeds 400 pages. In the end, Judge Manning made the following findings and conclusions regarding the present North Carolina public school system:

The State curriculum, known as the “Standard Course of Study” meets or exceeds the constitutional standard for a sound basic education (Manning Decision, Section One, pp. 59-60);

The State standards for initially licensing, continually certifying and employing teachers are valid and constitutionally sufficient to ensure that North Carolina licensed and certified teachers are qualified through education and training to provide their students with an equal opportunity to receive a sound basic education (Manning Decision, Section One, p. 79);

The State’s educational funding delivery system, including the “low wealth” and “small county” supplements which the plaintiff-intervenors had alleged were irrational, is valid, sound and flexible enough to provide for the delivery of adequate funding to all school systems in North Carolina and, therefore, the

State's funding delivery system meets the constitutional mandate (Manning Decision, Section One, p. 118);

The State's system for holding schools accountable for the performance of their students, known as the "New ABCs of Pubic Education" ("ABCs") is a valid, appropriate and necessary program with which to measure and improve the academic performance of the public school children of North Carolina (Manning Decision, Section One, p. 142);

The State's system for assigning professional assistance teams to schools which the ABCs identify as "low performing" schools is sound and valid and provides critical and valuable tools to assist low performing schools to their obligations to provide children with an equal opportunity to receive a sound basic education (Manning Decision, Section One, p. 151);

The State has in place laws and policies to assure that students who are promoted to the next grade are adequately prepared to succeed and to require local school districts to allocate educational funds for increased educational opportunities, focused interventions and accelerated learning opportunities for students who had not consistently demonstrated mastery of grade level subject matter and skills and were not well prepared for the next grade level (Manning Decision, Section Four, pp. 52-55);

The public school facilities are sufficiently adequate to provide students with the opportunity to obtain a sound basic education (Manning Decision, Section Three, p. 4); and

Plaintiffs and intervenors failed to carry their burden to convince the court, by clear and convincing evidence, that the State of North Carolina is not presently providing sufficient funding to school districts to meet the Constitutional mandate that each child have an equal opportunity to receive a sound basic education. (Manning Decision, Section Three, pp. 82-83).

Consistent with those findings, the trial court found that the State's present general and uniform system of free public schools was providing the vast majority of students with the equal opportunity to obtain a sound basic education (Manning Decision, Section Three, p. 104).

Despite these findings regarding the State system of public instruction, Judge Manning found that as measured by performance on the State's end-of-grade (EOG)



and end-of-course (EOC) tests “too many” children at-risk of academic failure due to their home environment were not obtaining a sound basic education, that those students’ failure to succeed was due to a lack of educational opportunities and the State was ultimately responsible for failing to provide constitutionally adequate educational opportunities for all its students (Manning Decision, Section Four, p. 96). Therefore, the Judge ordered the defendants to intervene in the administration of local public schools to: (1) assure that teachers were implementing educational methods effective to meeting the needs of at-risk students, (2) assure that principals were hiring and retaining teachers who could implement effective instructional programs, and (3) assure that educational resources are allocated to the needs of all students, especially at-risk students (Manning Decision, Section Four, pp. 107-112).

In addition, the trial court found that, the most logical, practical and common sense approach to the problem of providing at-risk children with an equal opportunity to obtain a sound basic education is for the State to provide at-risk four-year-olds with quality pre-kindergarten education programs (Manning Decision, Section Two, pp. 26-27). Therefore, Judge Manning ordered that four year old at-risk children should be provided the opportunity to attend a quality pre-kindergarten educational based program that has, as its goal, the preparation of at-risk children for kindergarten (Manning Decision, Section Two, pp. 40-43).

On appeal, the Supreme Court in its decision in *Hoke County Bd. of Educ. v. State*, 358 N.C. 605, 599 S.E.2d 365 (2004) affirmed many of the decisions of the trial

court. Among other decisions, the Supreme Court held that student test data from Hoke County and other indicators, such as drop-out rates, performance in postsecondary education and unemployment, provided sufficient evidence that many at-risk students had not received a sound basic education (*Hoke Co. Bd. of Educ. v. State*, 358 N.C. at 626-30, 599 S.E.2d at 383-86), that the State cannot absolve itself of its responsibilities by delegating many decisions regarding the operations of the public schools to local boards of education (*Hoke Co. Bd. of Educ. v. State*, 358 N.C. at 635-36, 599 S.E.2d at 389), and that the State must meet the needs of the at-risk students to enable them to take advantage of the opportunity to obtain a sound basic education (*Hoke Co. Bd. of Educ. v. State*, 358 N.C. at 637-38, 599 S.E.2d at 390-91).

Therefore, the Supreme Court affirmed Judge Manning's decision to order the State to reassess resources allocated to the public schools to ensure that "at-risk" children would be afforded the opportunity to obtain a sound basic education (*Hoke Co. Bd. of Educ. v. State*, 358 N.C. at 638, 599 S.E.2d at 391). In particular, the Supreme Court held that the State must ensure there are competent teachers in classrooms, competent principals in schoolhouses, and adequate resources to sustain instructional and support programs that will provide the opportunity to obtain a sound basic education (*Hoke Co. Bd. of Educ. v. State*, 358 N.C. at 637-38, 599 S.E.2d at 390).

However, in keeping with its original decision that the legislative and executive branches were better equipped than the judiciary to determine how best to meet their constitutional obligations, the Supreme Court concluded that the trial court's judgment

that pre-kindergarten is the sole or even an effective vehicle for addressing educational deficiencies in the public schools was, at best, premature (*Hoke Co. Bd. of Educ. v. State*, 358 N.C. at 644, 599 S.E.2d at 394). Therefore, the Supreme Court held that the trial court had erred in requiring that the State provide pre-kindergarten services to “all at-risk prospective enrollees in Hoke County (*Hoke Co. Bd. of Educ. v. State*, 358 N.C. at 644-45, 599 S.E.2d at 394-95).”

Issues surrounding the *Leandro* case are of such importance that numerous organizations including the North Carolina Public School Forum and The North Carolina Child Advocacy Institute have written articles or posted information on their respective Web sites. In addition, the William and Ida Friday Institute for Educational Innovation at North Carolina State University sponsored a two-day conference in Raleigh on April 7-8, 2005, through its Policy and Action Series, entitled “No Child Left Behind and Leandro: Mandate and Means.” The conference brought together policymakers and staff from all levels of government, university professors and even Judge Manning himself.

I asked Senator Winner during her interview what she thought about the emphasis on getting students that are below the proficient level under NCLB (without regard for students that are already proficient) and the effect that *Leandro* has on this issue. She said:

It makes it marginally worse although my biggest beef with *Leandro* is that it ignores that most of the poor family kids are in the urban school districts, not the rural school districts...nobody seems to think those school districts really need

resources to address the problem...you could write a whole different dissertation on that!

The governmental structure for education is such that because of the *Leandro* case, Judge Manning is saying that the State needs to “step in with an iron hand and get the mess straight (Manning Decision, Section Four, p. 108).” This is in conflict with the State’s philosophy of local control, the “C” in the ABCs. In addition, Judge Manning is confronted with the problem that the SBE does not control how much money will be appropriated for education and it is the General Assembly that must decide to fund education at a level that would enable more students to score proficient on the state assessments. So far the General Assembly has not made a significant change in the funding for schools. This is something that has not gone unnoticed by Judge Manning (News and Observer Editorial Staff, 2005).

The Findings chapter included information gleaned from the interviews and the review of pertinent documents related to the four research questions. Now it is time to discuss the findings in the next chapter and place them into perspective related to the literature review.

## **CHAPTER V: DISCUSSION**

In keeping with the chapter on Findings, this chapter also uses the first person narrative.

This study investigated four research questions:

1. What political and educational factors influenced the creation of the ABCs Accountability Program?
2. How has the ABCs Accountability Program changed over time?
3. What impact has NCLB had on the ABCs?
4. How have the interrelationships of federal, state and local policymakers in education changed from the inception of the ABCs Program?

This study provided me with an opportunity to investigate a major current education issue, school accountability, and investigate the various aspects surrounding it with the added benefit of being an insider. North Carolina's ABCs accountability program is often mentioned as a national model (Manzo & Cavanagh, 2005) and the introduction of NCLB provided a unique opportunity to look at the changes in the ABCs program as a result of the federal legislation as well. Conducting the study and interviewing individuals that had first-hand experience in the creation and evolution of the ABCs Accountability Program provided significant insights into the arena of policy creation and policy implementation. It is with this in mind that the Discussion chapter follows the sequence of the research questions.

### **1. Political and Educational Factors That Influenced the Creation of the ABCs Accountability Program**

While it is clear that the creation of the ABCs occurred during a period of time when there were many questions about the quality of the public schools, and especially poor statewide performance on the SAT, it also is clear that there was bipartisan support for the ABC Accountability Program in the General Assembly. The trade-off of stronger accountability with a system of sanctions and rewards apparently continues to meet the needs of state-level policymakers. Note that it is through the ABCs program that North Carolina's certified staff members in schools meeting their growth expectations have received over \$870 million in financial incentive awards since the first year of implementation (cost information provided by Ms. Becky McConkey, Assistant Director of Financial Services Division, NCDPI, October 17, 2005) and that the percentage of students achieving proficient on both the reading and mathematics multiple-choice tests in grades 3 through 8 has risen from 60.0 in the 1995-96 school year, the year prior to implementation of the ABCs, to 80.9 in the 2004-05 school year (NCDPI, 2005). The longevity of the ABCs, entering its tenth year of implementation in the 2005-06 school year, however, defies the usual expectation of education initiatives in North Carolina.

While part of its longevity could be attributed to the awarding of financial incentives, assistance for low-performing schools, and increasing test scores, it is very possible that the advent of the NCLB legislation strengthened the foothold of the ABCs since the two programs currently have different underlying philosophies; the ABCs with

its primary focus on growth, while NCLB's focus is on absolute performance compared with a standard that many argue is unrealistic (Goodman et al., 2004; Linn, 2003; Sunderman et al., 2005).

It also is clear that the passage of the ABCs was the result of strong leadership exhibited by Governor Hunt and Dr. Jay Robinson and that the North Carolina Association of Educators (NCAE) and the business community were important players as well (McMillan, 1999). The conclusion that the ABCs system was successfully created and implemented because of strong leadership and support of the business community confirms McDonnell's (1997) findings from her study of the implementation of new assessment programs in Kentucky, California and North Carolina. This also is evidence of the type of policy development that the research literature calls "top-down."

As a precursor to the ABCs, the Public School Forum of North Carolina released a report (Forum Study Group, 1988) that contained many recommendations that laid the groundwork for the end-of-grade testing program and other aspects of the current accountability program. Among the report's many recommendations, were: to expand the end-of-course testing program in high school, to replace norm-referenced tests with end-of-grade tests, and to publish school and district level report cards (pp. 9-10).

Eventually the State of North Carolina developed the end-of-grade tests in grades 3 through 8 with the 1992-93 school year as the first year of implementation. It was not until the 1995-96 school year that the pilot program for the ABCs was put in

place. Therefore, there were several years for North Carolina educators, students and the public to become familiar with the new statewide testing program. All of these factors influenced the creation of the ABCs program.

## **2. How the ABCs Changed Over Time**

Dr. Jay Robinson and later, Mr. Phil Kirk, as chairmen of the SBE, would state that the ABCs was a fluid program and that it would evolve over time. This was based on the understanding that as the SBE learned more about the accountability system there probably would be some changes. However, one of key decisions that the SBE was able to negotiate with the North Carolina General Assembly when the ABCs legislation was approved was that the first year of the ABCs would be for K-8 schools (any combination of these grades) and that the high school model would be developed during the 1996-97 school year and implemented during the 1997-98 school year. This allowed the SBE to establish the Steering Committee for Assessments and Accountability which was tasked with proposing a high school model to the SBE. This delayed implementation enabled the state to involve stakeholders in the development of the high school model and gave the schools an opportunity to see how the new accountability system would work at the elementary and middle school level.

Some of the changes to the ABCs that later developed, and are chronicled in this study, are the result of efforts to prevent schools from gaming the system. This included the issues of dropping students from courses that have end-of-course assessments, “allowing” students to drop out rather than have them remain in school



and possibly bring down the test scores, and referring students to alternative schools so they no longer impact the sending school. Other changes would be seen as “softening the coercive impact” of the accountability system (Hess, 2003, p. 66). These include the changes made in the automatic suspension of some principals in the low-performing schools that were assigned assistance teams and the issue of teacher (and other certified personnel) testing in these same schools. These examples also show that for some programs to survive, policymakers must sometimes make adjustments. This appears to be what we have seen more recently with NCLB as well.

### **3. The Impact of NCLB on the ABCs**

NCLB was implemented without the various safeguards that protected the ABCs. As noted earlier in the report, there was no pilot year, there was no consensus that what the federal government wanted was even feasible (requiring all states to test students in grades 3 through 8 plus one year in high school and expect all students to be proficient by the end of the 2013-14 school year), there was no entity like the Compliance Commission for Accountability and there were many accusations that NCLB was “not fair” with its all or nothing model or expectation that 100% of students can score proficient on state tests.

The amount of confusion for the public and educators is still mounting due to NCLB. Differences between the results on state-level accountability indicators versus AYP decisions continue to occur. North Carolina, along with all of the other states in the nation, were asked to divert their attention to implementing a model that had too

many decision rules to make and absorb with little chance for reflection on the impact. Also, as states hear what the USED approved in other states, it generates a continual process of revising the state's Accountability Workbook. McColl (2005) states, "the approval process has been characterized by confusion, the application of inconsistent standards, and even reversals in ED's positions" (p.607). Fast and Erpenbach (2004) also publish a yearly list of amendments that states have had approved by the USED as a means of facilitating understanding of the different possibilities that are available for states to pursue as possible ways to enhance the state's accountability program or possibly lessen the impact of sanctions on the state for the schools.

#### **4. The Interrelationships of Federal, State and Local Policymakers**

The changing dynamics due to the controversy of NCLB will continue to strain the relationships of the different levels of policymakers. Sunderman, Kim and Orfield (2005) make the observation that "The Bush administration's approach to federal-state relationships was to ignore the traditional protocol of federalism and the role of state and local governments in policy making and implementation" (p. 7). However, this change, they argue, has hindered the cooperation needed from the very groups that the federal government must rely on for the implementation of NCLB to be successful. The fact that the USED now is entertaining the possibility of allowing growth models as a part of NCLB is a major change in position (Olson, 2005a). The USED also announced that four school districts in Virginia will be allowed to reverse the order of sanctions under NCLB (Olson, 2005b). NCLB legislation currently mandates school choice for

parents in schools in the first year of school improvement and then supplemental educational services in year two. The reversal of the order of sanctions is something that has been requested and suggested by some states and organizations over the last few years (National Conference of State Legislatures, 2005).

The impact of the *Leandro* decisions also will affect relationships between the state and the local school districts. Judge Manning's "iron hand" (see page 99) statement will force the state to tighten some of the flexibility that is currently afforded local boards of education if the SBE determines that it is necessary to provide children the opportunity to receive a sound basic education. How dramatic the changes in relationships will be is undetermined at this time.

It is also informative to compare the policy development process of the ABCs to that of NCLB to gain insights into what has been successful, and what has not been successful, in the processes used with the two programs. There are several similarities between them but there also are major differences.

Many individuals, including President Bush and former United States Secretary of Education, Rod Paige, like to tout the fact that there was bipartisan support for the NCLB legislation (Kozberg, 2002; Sunderman et al., 2005). The same spirit of cooperation among state legislators in North Carolina was present at the inception of the ABCs. It is not unusual to hear politicians address the importance of education. In North Carolina, there were the ever-changing "flavor of the year" education reform initiatives that gave rise to the ABCs program. This coupled with North Carolina's

poor performance on the SAT and the NAEP exams caused many people to rethink what needed to be done. As mentioned earlier, the Public School Forum was instrumental in the creation of the end-of-grade testing program and the schools had time to learn about it before the ABCs program was put in place.

This is in marked contrast with NCLB. Unlike North Carolina, most states had a limited statewide testing program in terms of grades tested. Unlike North Carolina, there was no pilot year for NCLB, and unlike North Carolina, the focus of NCLB is on absolute student performance and not growth or progress. Finally, Congress adopted an “all or nothing” model of accountability that included attainment of specific levels of performance for groups of students by ethnicity, students with disabilities, students with limited English proficiency, and economically disadvantaged students. Even Texas’ accountability system, which conceptually was most similar to the NCLB design, did not include the subgroups of LEP or SWD in its “all or nothing” system. It only included White, Black, Hispanic and economically disadvantaged students as the four subgroups that had to meet the pre-specified percentages of students that had to score proficient on the state tests (Department of Accountability Reporting for the Texas Education Agency, 2002).

The ABCs program was based on a premise that the state set a standard and that it was up to the local school districts to determine the best way to meet that standard. With NCLB, Congress and the USED are operating under the premise that states can establish certain parameters and make certain determinations (assessments to use,

proficiency cut scores, n size for subgroups etc.) with USED approval required, but the final rules or evaluation goals are set at the federal level; all students proficient by the end of the 2013-14 school year and if any subgroup does not meet the standard then the school does not meet AYP. The interviewees consistently commented that North Carolina's system seems more "fair" than NCLB. The state's system also was based on pilot results that indicated that more than 50 percent of schools were expected to reach the standard. At no time did anyone state the goal that 100 percent of schools would be expected to meet the [growth] standard. NCLB does make that claim.

The ABCs, according to several of the interviewees, were successful partly because of the SBE's Compliance Commission for Accountability. Dr. Johnson and Dr. Thompson both mentioned the Commission during their respective interviews and stated the Commission did a great job of providing input for the SBE on numerous issues. Mr. John Wilson, formerly head of the North Carolina Association of Educators, validated these comments when he too voluntarily noted the utility of such a Commission and how it "has been a real key to confidence among teachers."

These differences in how the two programs were developed and implemented have had an impact on the relationships among the local, state, and federal levels of policymakers in education.

### **Limitations of the Study**

As with any research study, there are limitations. In this study, the following limitations are noted.

1. The interviewees were with individuals that the literature calls policy elites. There were no interviews with local classroom teachers, school principals or central office staff. However, interviews with executive directors or presidents of teacher and school administrator organizations should mitigate this concern.
2. The ABCs Pilot Program began in the 1995-96 school year. So it has been approximately ten years since the creation of the program. Some of the interviewees were not very sure or confident in recalling answers to some of the interview questions. Background information had to be provided to some of the interviewees to provide a context for their recalling the situations. Coggin, Bowman, Lester, and O' Toole (1990) discuss this issue and recommend a review of documents to avoid threats to validity that occur from "memory loss" (p. 193).
3. Dr. Jay Robinson, former chairman of the SBE and purported to be one of the main architects of the program, died several years ago. I had to rely on others for information on Dr. Robinson's intentions and beliefs about the state of education in North Carolina and the ABCs Accountability Program.
4. Dr. James Watts, a legislative staff member who is said to have worked very closely with Dr. Robinson in drafting some of the language in the ABCs legislation, also died. A few months before his death, he had agreed to be interviewed for this study.

5. The interviewees were not anonymous. This may have restricted what some of the individuals said but it is the only way to balance knowing the source of the information presented as an indicator of its authenticity and validity. Although the interviewees were instructed that they could designate certain responses as “off the record,” only three of them did so at any point during the interviews.
6. Several interviewees did comment that the success and longevity of the ABCs was partly due to my involvement in the program. However, these comments were not universal and I do not believe that they biased my findings or conclusions. Nonetheless, it must be acknowledged as a limitation of the study although my familiarity of the program as an “insider” should be viewed as a strength as well.

### **Further Research**

Monitoring future changes in the ABCs and NCLB should be researched from the perspective of federal-, state-, and local-level policymakers. While case studies and interviews are the usual methodologies deployed, I propose that there be more combined interviews (similar to focus groups), especially if the interviewees are expected to recall events that occurred in the distant past. This, I believe, would have enhanced my study since many of the individuals needed time to digest background information that I had to provide before they could respond. While responding to subsequent questions, some of the interviewees wanted to go back to earlier questions

as their memory was jogged and they felt better able to add to what they had previously said.

Studying the role of the Compliance Commission for Accountability should be another area for future research. This Commission met routinely on a monthly basis for almost the first eight years of the ABCs. More recently the Commission has been meeting every few months since SBE Chairman Lee directed that it only meet when the SBE specifically asks it to address a specific issue. This has changed the dynamics of the policy making process since the NCDPI used to rely on the Commission for guidance before going to the SBE with an issue, whereas now the NCDPI must approach the SBE on some of the issues without the insights of the Commission beforehand.

How the *Leandro* case (see page 92) impacts education in North Carolina is another research question that should be studied. Based on my study, it is clear that the *Leandro* case will have an impact on state assistance that schools receive and possibly on the education governance issue as well.

### **The Future of the ABCs and NCLB**

The ABCs Accountability Program will be changing during the current 2005-06 school year with the implementation of new growth formulas. These new formulas are the result of a legislative mandate [House Bill 1414, S.L. 2004-124, Section 7.12.(a)] that the previous formulas (standards) be evaluated by the SBE and that new standards, if established, be implemented in the 2005-06 school year. Simulations by the NCDPI



indicate that there will be fewer schools, especially at the high school level, meeting the standards for staff to receive financial incentive awards. How the schools and the public will react to the changes will not be known until October of 2006 when the statewide results will be published. The SBE on October 6, 2005, also eliminated the “most improved” recognition categories from the ABCs starting with the 2005-06 school year [See SBE minutes, dated 10/6/05]. Although this could be perceived as a shift away from recognizing growth of schools, it actually is the result of confusion that these categories have created in terms of people’s ability to understand what the categories really mean. However, there have been concerns raised about staff in schools receiving financial incentive awards for making growth under the ABCs program but the school could still have many students’ scores below the proficient level of the assessments.

Governor Easley has asked the SBE to send turnaround teams of educators in 44 high schools in the state that have a performance composite below 60. This is in response to Judge Manning’s mandate in the *Leandro* case that the State help schools that need assistance to ensure that students are receiving a sound basic education. Silberman (2005) reports that a total of \$3.2 million under the ABCs program was spent on rewarding staff in 37 of the 44 high schools that are on the list, while there are issues of how to fund the turnaround teams. Silberman questions whether it makes sense to reward staff on the one hand but to tell them that they need to have teams to come in and assist them. This is an issue that the SBE may need to address in the future.

The findings from this study also present conflicting findings with Atkinson's (1998) earlier study on the formation of the ABCs program where she claims there was agreement across all groups of interviewees on only two issues: "the inadequacy of the end-of-grade test's multiple-choice format to assess the problem-solving ability and higher order thinking, and the probable short longevity of the ABCs Plan" (p. 116). While there are some discussions still taking place about assessments that go beyond the multiple-choice structure of the current EOG assessments, the "short longevity of the ABCs" has been refuted.

Another concern for North Carolina is that the percentage of students scoring proficient on both the reading and mathematics multiple-choice EOG assessments in grades 3-8 seems to have hit a plateau for the last three school years (2002-03, 2003-04, and 2004-05). The percentages are 80.8, 81.3, and 80.9 respectively (NCDPI, 2005, p. 13). Is this a function of schools' inability to reach the remaining students because of uncertainty of what needs to be done instructionally, or is it a function of schools' lacking the financial resources they need to meet the needs of these remaining students? The answer is probably some of both and this should be researched. Also, should the proficient level on the state assessments all be tied to the NAEP assessments as has been proposed by Chubb (2005) and Hoxby (2005)? Can the SBE really inform teachers in North Carolina, from a political standpoint, that they need to have more students scoring proficient on the state assessments but that the proficiency levels are being raised as well? The issue of whether to raise standards on the assessments

themselves is an additional problem that states must face with the challenging goal of NCLB that ALL students must score proficient on the state assessments by the end of the 2013-14 school year. This issue is coupled with the issue of the assessments changing between now and 2014 as described below.

The future of NCLB is hard to predict. Many educators wonder what, if any, changes will be made to make it a more reasonable law during the reauthorization process in 2007. The USED has appeared more willing to entertain the possibilities of allowing states to have a growth model as part of the accountability system although most discussions to date have included growth models as a substitute for the safe harbor provision of NCLB and not like the one in North Carolina where the growth impacts even students that already are proficient. The public (85% of respondents) is in favor of growth models that look at improvement of students as opposed to simply looking at the percentages of students that pass a test (Rose & Gallup, 2005, p. 52). Linn (2005) also supports the use of growth models as one of three changes that should be made to NCLB. These include: (1) set realistic targets for AYP; (2) AYP should include a growth component; and (3) set comparable achievement targets for proficiency across states.

The changing federal role in education, coupled with the implications of the *Leandro* case, will put even more pressure on students and schools to perform well on state assessments. This will probably lead to more narrowing of the curriculum, and possibly more instances of test security breaches as teachers, and other educators, do

everything possible (including some things that may be unethical) to help their students meet the standards (Cizek, 2001; Uzzell, 2005). In addition, the federal government and the states will struggle with implementing new policies to address the myriad of problems in assessing some students with disabilities and some students with limited English proficiency. These two areas of assessment will be great challenges for us.

The public, unfortunately, is the group that will be most confused by what happens in the next few years as policymakers and educators in the field (including the street-level bureaucrats) struggle to explain why more and more schools are not able to meet the federal AYP requirements. State departments of education also will struggle in finding effective ways of working with the increasing numbers of schools and schools districts that are in “improvement status.” Currently, North Carolina has 194 schools and 43 local school districts needing assistance per NCLB requirements. (See [http://ayp.ncpublicschools.org/2005-2006\\_SI\\_Schools.xls](http://ayp.ncpublicschools.org/2005-2006_SI_Schools.xls).) If these numbers continue to increase, as is likely with the periodic increases in the percentages of students having to score proficient to meet the final requirement of 100 percent of students scoring proficient by the end of the 2013-14 school year, then issues of state level capacity to assist the schools and districts will be even greater. This is confirmed by the CEP’s study where 42 out of 49 states reported a serious challenge (33 states) or moderate challenge (9 states) to being able to provide assistance to all schools that have been identified for improvement (Center on Education Policy, 2005, p. 33). If one assumes that these schools will be assisted by specialists, trained to work with teachers of

students that are struggling, then it seems logical that teacher education programs will have to help in this effort. However, Serow, Castelli and Castelli (2000) argue that the future of teacher education in the United States is in a “power struggle among politicians, educationists, the public and teachers” (p. 450). The authors contend that there are many issues in teacher education and that teachers “allow others to make decisions regarding their craft” (p. 450). This was particularly striking when the discussion revolved around the plights of many families and children that teachers must address while politicians attempt to solve these problems with the assistance of teachers.

One issue that has not received much attention is that states may find themselves in very tenuous situations as they transition to newer editions of state assessments to align with the changing curricula that one would anticipate seeing in the intervening years between now and 2014. National and state initiatives like the New Schools Project (Public School Forum of NC, 2005), American Diploma Project (Achieve Inc., 2005), and the Partnership for 21<sup>st</sup> Century Skills (Partnership for 21st Century Skills, 2004) all involve issues of accountability which will impact new curricula and assessments. This will raise a number of issues including capacity to develop new assessments (there are a limited number of test publishing companies and trained psychometricians), standard setting (continue with the former standards or develop new ones?), timelines for reporting results before the beginning of the next school year (usually a state needs to collect and analyze the statewide data before releasing results

to ensure that the achievement level standards are correct – this may prevent the state from reporting results in a timely manner), and political and educational stability and patience (Cohen, 1996) at the different levels of government with the desire for immediate change and instant results.

Finally, the issue of education governance will continue in the future with tensions among the different levels of government over their respective roles in education. Sunderman et al. (2005) argue that the NCLB law “was implemented in a context of heightened intergovernmental conflict” (p. 122). State level policymakers will continue to have concerns about the increasing role of the federal government and whether NCLB is even constitutional (McColl, 2005; National Conference of State Legislatures, 2005), state and local policymakers will be frustrated with the ever increasing numbers of schools that do not make AYP, and the public will be totally confused about how schools are really doing. Accountability may be here to stay but it is highly likely that there will be changes ahead as these issues are resolved. Whether it is with the elimination of NCLB as proposed by some (Goodman et al., 2004; Neill, 2004), or modifications to some of the NCLB requirements, as proposed by others (AFT Editors, 2005; Chubb, 2005; Hoxby, 2005; Linn, 2005; Sunderman et al., 2005; Walberg, 2005), the ability of all levels of government being able to work together appears to be one very necessary ingredient for the future success of education in this country.

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**APPENDICES**



## Appendix A

### Evolution of the ABCs

#### 1995

1. General Assembly directed the State Board of Education (SBE) to develop a restructuring plan for public education. The State Board conducted an in-depth study involving public hearings, surveys and interviews; reviewed current mandates and operating procedures; and undertook a major organizational analysis to relate all education operations to the mission. In May 1995, the New ABCs of Public Education outlined the framework for a dramatic restructuring.

#### 1995-96

2. One hundred eight schools in ten school districts piloted The New ABCs of Public Education. The systems were Albemarle, Alleghany, Asheville City, Elizabeth City-Pasquotank, Duplin, Halifax, Lexington, McDowell, Bladen, and Lincoln.

#### 1996

3. General Assembly approved the State Board's plan and put into law the School-Based Management and Accountability Program (the ABCs).

#### 1996-97

4. ABCs implementation began for schools with grades K-8. The model included growth and performance composites and included EOG Reading and Mathematics and Writing at Grade 4. The new Grade 7 writing was used only in the performance composite.
5. DPI communicated ABCs Procedures to principals and teachers.
6. Assistance teams were formed and trained; assistance was offered to schools that asked for it.
7. Steering Committee for Assessment and Accountability was established by the SBE to develop the High School Model.
8. Compliance Commission for Accountability was established by the SBE to advise on testing and other issues related to school accountability and improvement. The commission was to be composed of two members from each of eight educational districts and four at-large members to represent parents, business, and the community.
9. The first ABCs Report submitted to the State Board of Education in August.
10. All schools achieving exemplary growth standards received incentive awards (\$1,000 for certified staff; \$500 for teacher assistants).

**1997-98**

11. Designated Low-Performing schools received assistance teams.
12. The next phase of statewide reform was implemented with the high school accountability model. It was considered a “work in progress” with re-examination, changes and adjustments to come.
13. The model included results on five mandated EOCs, a high school writing test (English II – time was extended to allow students 100 minutes); percentages completing College Prep/College Tech Prep (based on a year-to-year change); SAT scores and participation rates were reported.
14. The Comprehensive Test in Reading and Mathematics was administered to determine cohort growth from grade 8 to grade 10. This was to satisfy the Senate Bill 1139 legislation that called for measuring student growth (for high schools). Initially, results were to “count” for the accountability year, but it was decided to delay inclusion of these data in the growth composite for high schools until the following year.
15. Growth for K-8 schools was computed using both the “old” *unmatched* grade 3 parameters, and the “new” (1996-97) *matched* group grade 3 parameters. The higher of the two growth computations was used in the final computations for growth.
16. 7<sup>th</sup> Grade Writing was included in computing growth since this was the third year of data collection; it had previously been used only in the performance composite.
17. Algebra I scores from grades prior to the ninth grade were included in the computations for performance composites for high schools.
18. A confidence band for the performance composite was computed for identifying low-performing schools; this allowed schools a safety margin for sampling error. Schools could be slightly below 50% at or above grade level and not be penalized.
19. ABCs status label *No Recognition* was changed to *Adequate Performance*.
20. Charter Schools were included in the ABCs reporting for the first time.
21. A Comprehensive model was defined for schools that had grades included in both the K-8 and high school configurations. The school faculty voted on whether the Comprehensive model would be used to evaluate the school for the accountability year, and the vote was to be reflected in the School Improvement Plan.
22. Alternative schools were asked to submit proposals of better ways to be evaluated in subsequent accountability years.
23. Reporting guidelines were developed to accommodate feeder patterns for special education schools, alternative schools and K-2 feeder schools; high schools with major demographic shifts were accommodated under special conditions; reporting accommodations were implemented for schools with insufficient data, and guidelines were developed to handle senior high schools under the ABCs.
24. It was decided that during this accountability year, no alternative schools or special schools were to be identified as Low-Performing.
25. EOC test scores, e.g., Algebra I scores, of students in middle grades were used in the high school portion of the performance composite score but not the gain composite score.

**1997-98 (continued)**

26. K-8 and high school results under the ABCs were reported in A Report Card for the ABCs of Public Education, Volume I.
27. All schools making Expected or Exemplary Growth/Gain were awarded incentives per the Excellent Schools Act, enacted by the General Assembly (Up to \$1500 for certified staff, up to \$500 for teacher assistants in schools making Exemplary Growth/Gain; schools making Expected growth/gain received up to \$750 for certified staff; up to \$375 for teacher assistants).
28. A Report Card for the ABCs of Public Education was made available on the DPI web site.

**1998-99**

29. The SBE increased the membership of the Compliance Commission for Accountability from the original 20 members to 22 members to include an SBE member and an additional At-Large business member.
30. The Comprehensive model was applied to all schools.
31. Five additional EOC tests were added to the performance composite score.
32. The High School Comprehensive Test growth parameters were approved; the growth component was included in the high school growth/gain computations.
33. The change in the competency passing rate component was implemented in the high school growth/gain computations.
34. Changes in dropout rates were approved for implementation in the 2000-01 school year for growth calculations.
35. EOC scores in middle schools counted toward the schools' growth/gain and performance.
36. Data collection guidelines and procedures were documented in an Accountability Processing Checklist to incorporate roles of LEA, regional coordinators, and the agency staff.
37. Insufficient data rule was documented for high schools (less than 30 students in a given course for a given year of the three years of data).
38. Dual enrollment policies were documented and disseminated.
39. Membership rule for Comprehensive Tests was approved (160 days).
40. Revised grade 3 parameters were applied to the grade 3 growth computations.
41. A Report Card for the ABCs of Public Education, Volume 2 included ABCs dropout data.
42. Alternative schools with sufficient data were included in the ABCs on the basis of their data; schools with insufficient data were awarded prorated incentives based on the feeder schools.
43. The labels *Top 10/25 Schools* and *Adequate Performance* were changed to *Most Improved 10/25* and *No Recognition*, respectively.

**1999-00**

44. A rule for dropping courses in high school (10/20 Day Rule) was implemented.
45. Alternative Schools were included in the ABCs under HSP-C-013. Web interface was developed for data collection for alternative schools to enter local option data online.
46. Department of Health, Human Services (DHHS) and Office of Juvenile Justice (OJJ) Schools were included in the ABCs.
47. Schools were given test administration options for fall English II Tests due to catastrophic weather.
48. The SBE appointed a Writing Assessment Task Force.
49. Full ABCs documentation was made available on the Accountability web site.

**2000-01**

50. EOC prediction formulas for 10 multiple-choice EOCs were implemented; this fully addressed concerns related to comparing different cohorts over time at the high school level.
51. Dropout rate change was implemented as a component to the growth computations in high schools.
52. Computer Skills testing results at grade 8 were added to the performance composite.
53. EOC prediction formulas' exemplary growth standard was set at 3% more than the expected growth standard.
54. Weighting the ABCs growth composites was adopted by the SBE in part to eliminate concern over small groups of students having the same impact as large groups of students in the determination of whether the school met growth standards.
55. The North Carolina Alternate Assessment Portfolio (NCAAP) was added to the performance composite.
56. Writing at grades 4 and 7 was removed from the growth composites, but remained a part of the performance composite.
57. The North Carolina Alternate Assessment Academic Inventory (NCAAI) and the Computerized Adaptive Testing System were approved by SBE to be pilot tested and included in ABCs Volume II Report.

**2001-02**

58. The State Board of Education approved revisions to ABCs terminology for the 2001-02 school year.
59. The term *high* growth replaced *exemplary* growth, and the term *growth* replaced *growth/gain* in all designations of meeting or exceeding growth or gain standards.
60. Schools of Distinction were required to make expected growth.
61. Three tests were eliminated for the 2001-2002 school year: Iowa Tests of Basic Skills, Open-ended Assessments in grades 4 and 8, and the High School Comprehensive Tests in Reading and Mathematics at grade 10. (Only the latter had been included in the ABCs.)

**2001-02 Continued**

62. English II was suspended and will not be included in the ABCs until new tests for grade 10 Writing are developed. Writing results at grades 4 and 7 were removed from the ABCs performance composite.
63. Format for reporting data in ABCs Volume II was revised, and the name was changed to *Reports of Supplemental Disaggregated State, District and School Performance Data for 2000-2001*.
64. SBE approved the revised achievement levels in mathematics determined from the summer of 2001 equating study for student reporting, student accountability standards gateways, student competency standard, and ABCs reporting (performance composites).
65. Two ABCs reporting categories were added: Schools of Progress (schools that make at least expected growth and have a performance composite of at least 60%) and Priority Schools (schools that have less than 60% performance composite and are not low-performing.)

**2002-03**

66. ABCs 91-Day Rule for Growth Calculations changed to 140-Day Rule to align with No Child Left Behind (NCLB) full academic year (FAY) requirement.
67. The ABCs 98% participation rule for grades 3-8 under the ABCs was changed to 95% to conform to the NCLB 95% participation rule.
68. No exclusions were allowed.
69. Added Adequate Yearly Progress (AYP) as a “closing the gap component” of the ABCs to meet requirements of General Statute 115C-105.35.
70. North Carolina Alternate Assessment Portfolio (NCAAP) scoring revised to yield Reading and Mathematics scores.
71. The ABCs Report, The ABCs of Public Education 2002-2003 Growth and Performance of North Carolina Schools was made available in electronic format on DPI website. No hardcopy reports were published.

**2003-04**

72. No U.S. History tests were administered in 2003-04. Economic, Legal and Political Systems (ELP) tests was administered for transfer students, students who previously failed the course and students in 10th-12th grade who needed the course for graduation. U.S. History and ELP data will be excluded from the ABCs data analysis for 2003-04 and 2004-05 school years. New EOC tests in these subjects are under development for administration during the 2005-06 school year.
73. Alternative schools’ accountability policy was revised to prescribe 8 local options; these revisions were optional for the 2003-04 school year, and mandatory in 2004-05.
74. Certain charter schools became eligible to participate in the ABCs as alternative schools per SBE policy.

**2003-04**

75. The Occupational Course of Study (OCS) graduates were subtracted from the denominator of diploma recipients in computing the College University Prep/College Tech Prep component.
76. Writing results (grades 4, 7, and 10) were not included in the ABCs in 2003-04; results at grades 4, 7, and 10 will be included in performance composite in 2004-05.
77. SBE approved a change in weighting the dropout component of the ABCs to  $\frac{1}{4}$  membership, making it comparable to English I weight; this will be applied to the changes in dropout rates reported in the 2004-05 ABCs.
78. The SBE approved adding a recognition category for Schools of Excellence that meet AYP. The new category was named Honor Schools of Excellence.

**2004-05**

79. Writing results (grades 4, 7, and 10) were not included in the ABCs in 2003-04; results at grades 4, 7, and 10 will be included in performance composite in 2005-06.
80. Implementation of weighting the dropout component of the ABCs to  $\frac{1}{4}$  of the membership used for funding was included in growth calculations.
81. SBE approves new growth formulas and standards for the 2005-06 school year and beyond. Included is the calculation of student level growth and a variety of procedural changes precipitated by a provision in general statute from the summer of 2004.
82. SBE approves Report of 2004-05 ABCs with sixth grade reading excluded from the growth calculations.

## **Appendix B**

### **Interview Questions**

#### **DPI/SBE Staff Leadership**

**(Henry Johnson, Former Associate Superintendent for Instructional and Accountability Services; Chris Averett, Former Director of Accountability Service; Richard Thompson, Former Deputy State Superintendent; Congressman Bob Etheridge, Former State Superintendent; Weaver Rogers, Former Executive Director of the State Board of Education Staff; Jane Worsham, Executive Director of the State Board of Education Staff )**

1. Describe the role you played in North Carolina as it relates to the ABCs.
2. Describe the political context between the Governor, State Board of Education, NCDPI, and local LEAs under which the design of the ABCs first took root.
3. Who were the primary movers of the ABCs?
4. What concerns did you have about this effort?
5. How did you plan to know if the ABCs worked? What discussions occurred?
6. How long did you think the ABCs Program would last and why did you think that?
7. What other states were you familiar with that guided you in North Carolina?
8. What observations do you have about the NCLB impact on the ABCs Accountability Program?
9. What questions didn't I ask that you thought I would after I called to set up the interview?

## Interview Questions

### Elected Officials/SBE Members

**(James Hunt, Jr., Former Governor; Leslie Winner, Former Senator; Howard Lee, Former Senator and Current Chair of the SBE; Phil Kirk, Former Chair of the SBE; Representative Jean Preston; Jane Norwood, SBE Member)**

1. Please describe how you were involved in the creation of the ABCs.
2. Describe the political context between the Governor, State Board of Education, NCDPI, and local LEAs under which the design of the ABCs first took root.
3. What concerns, if any, did you have about the program?
4. How long did you think it would last?
5. What reaction(s) did you expect from schools or the public?
6. How did you arrive at the amount of money for the bonus awards to the certified staff for making exemplary growth?
7. What prompted the decision to give money for “Expected” as well as “Exemplary” growth?
8. What prompted the decision to **not** allow teachers to vote to share the bonus awards with the non-certified staff?
9. What observations do you have about the NCLB impact on the ABCs Accountability Program?
10. What questions didn't I ask that you thought I would after I called to set up the interview?



## Interview Questions

### Legislative Staff (Robin Johnson, Legislative Research Staff Member)

1. Please describe how you were involved in the creation of the ABCs.
2. Describe the political context between the Governor, State Board of Education, NCDPI, and local LEAs under which the design of the ABCs first took root.
3. What concerns, if any, did you have about the program?
4. How long did you think it would last?
5. What reaction(s) did you expect from schools or the public?
6. How did the General Assembly arrive at the amount of money for the bonus awards to the certified staff for making exemplary growth?
7. What prompted the General Assembly's decision to give money for "Expected" as well as "Exemplary" growth?
8. What prompted the General Assembly's decision to **not** allow teachers to vote to share the bonus awards with the non-certified staff?
9. What observations do you have about the NCLB impact on the ABCs Accountability Program?
10. What questions didn't I ask that you thought I would after I called to set up the interview?

## Interview Questions

### Organizational Leaders

**(John Dornan, President of NC Public School Forum,  
John Wilson, Former Executive Director of the NC Association of  
Educators, James Causby, President of the NC Association of School  
Administrators)**

1. Please describe how you were involved in the creation of the ABCs.
2. Describe the political context between the Governor, State Board of Education, NCDPI, and local LEAs under which the design of the ABCs first took root.
3. What concerns, if any, did you have about the program?
4. How long did you think it would last?
5. What reaction(s) did you expect from schools or the public?
6. How did the General Assembly arrive at the amount of money for the bonus awards to the certified staff for making exemplary growth?
7. What prompted the decision of the General Assembly to give money for “Expected” as well as “Exemplary” growth?
8. What prompted the decision of the General Assembly to **not** allow teachers to vote to share the bonus awards with the non-certified staff?
9. What observations do you have about the NCLB impact on the ABCs Accountability Program?
10. What questions didn’t I ask that you thought I would after I called to set up the interview?

## **Interview Questions**

### **University Researcher (Helen Ladd [Duke University])**

1. Your research reports and studies usually are complex in nature – how do you expect the general public and policy makers to understand them?
2. Some people complain about the “black box” nature of complex accountability systems—what are your thoughts about this concern?
3. If you could design a state’s or the nation’s accountability program, what would it involve?
4. What questions didn’t I ask that you thought I would after I called to set up the interview?

## Appendix C

### North Carolina State University INFORMED CONSENT FORM for RESEARCH

**Title of Study:** *The Creation and Evolution of North Carolina's ABCs Accountability Program and the Impact of No Child Left Behind (NCLB)*

**Principal Investigator:** Louis M. Fabrizio **Faculty Sponsor:** Robert C. Serow

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We are asking you to participate in a research study. The purpose of this study is to investigate in-depth the creation and evolution of North Carolina's accountability system, referred to as the ABCs of Public Education, and the impact that the federal legislation No Child Left Behind (NCLB) has had, and is having, on it. In addition, the study will explore political interactions of federal, state and local policymakers as it relates to North Carolina's system. The research method is qualitative in nature using a case study design where individuals with explicit knowledge about the program, its beginning and evolution, are interviewed. This research will contribute to the literature in that it will inform the readers of the contexts within which certain decisions were made related to the accountability system and describe the policy-making process in great detail. This will enable policy makers and policy analysts to learn from North Carolina's experiences in the event that others wish to implement similar programs.

#### **INFORMATION**

If you agree to participate in this study, you will be asked to be interviewed and answer questions that elicit information about your involvement in North Carolina's Accountability Program. The interviews will last approximately one hour and there may be follow-up phone calls in the event that additional information is gleaned from other interviews that warrant the follow-up phone calls.

#### **RISKS**

There are no anticipated risks involved in participating in this research study.

#### **BENEFITS**

This research will contribute to the literature in that it will inform the readers of the contexts within which certain decisions were made related to the accountability system and describe the policy-making process in great detail. This will enable policy makers and policy analysts to learn from North Carolina's experiences in the event that others wish to implement similar programs.

**CONFIDENTIALITY**

Due to the nature of this study any comments made during the interviews (unless otherwise indicated by you) may be used in the study and attributed to you. However, if you prefer to remain anonymous, the information in the study records will be kept strictly confidential and these records will be destroyed once the study is completed and accepted. In the meantime, data will be stored securely in a password protected laptop computer where a coded system will be used to protect your information. If you require anonymity to participate in the study then no reference will be made in oral or written reports which could link you to the study.

**CONTACT**

If you have questions at any time about the study or the procedures, you may contact the researcher, Louis M. Fabrizio, at 1719 Park Drive, Raleigh, NC 27605, or 919.833.9290. If you feel you have not been treated according to the descriptions in this form, or your rights as a participant in research have been violated during the course of this project, you may contact Dr. Matthew Zingraff, Chair of the NCSU IRB for the Use of Human Subjects in Research Committee, Box 7514, NCSU Campus (919/513-1834) or Mr. Matthew Ronning, Assistant Vice Chancellor, Research Administration, Box 7514, NCSU Campus (919/513-2148)

**PARTICIPATION**

Your participation in this study is voluntary; you may decline to participate without penalty. If you decide to participate, you may withdraw from the study at any time without penalty and without loss of benefits to which you are otherwise entitled. If you withdraw from the study before data collection is completed your data will be returned to you or destroyed at your request.

**CONSENT**

“I have read and understand the above information. I have received a copy of this form. I agree to participate in this study with the understanding that I may withdraw at any time.”

**Subject's signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Investigator's signature** \_\_\_\_\_ **Date** \_\_\_\_\_

## Appendix D

### IRB Approval Notification

North Carolina State University is a land-grant university and a constituent institution of The University of North Carolina

Office of Research and Graduate Studies

**NC STATE UNIVERSITY**

Sponsored Programs and  
Regulatory Compliance  
Campus Box 7514  
1 Leazar Hall  
Raleigh, NC 27695-7514

919.515.7200  
919.515.7721 (fax)

**From:** Debra A. Paxton, Regulatory Compliance Administrator  
North Carolina State University  
Institutional Review Board

**Date:** October 7, 2004

**Project Title:** The Creation and Evolution of North Carolina's ABCs Accountability Program and the Impact of No Child Left Behind

**IRB#:** 214-04-10

Dear Mr. Fabrizio:

The research proposal named above has received administrative review and has been approved as exempt from the policy as outlined in the Code of Federal Regulations (Exemption: 46.101.b.2). Provided that the only participation of the subjects is as described in the proposal narrative, this project is exempt from further review.

**NOTE:**

1. This committee complies with requirements found in Title 45 part 46 of The Code of Federal Regulations.  
For NCSU projects, the Assurance Number is: FWA00003429; the IRB Number is: IRB00000330
2. Review de novo of this proposal is necessary if any significant alterations/additions are made.

Please provide a copy of this letter to your faculty sponsor. Thank you.

Sincerely,

Debra Paxton  
NCSU IRB