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“Integrating ‘Helping Schools Improve’ With ‘Accountability’ Under ESEA: The Key Role For Qualitative, As Well As Quantitative, Evaluations And The Use Of ‘Inspectorates’ - Working Paper II

by

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Introduction

Context

The No Child Left Behind Act (NCLB) has spotlighted the existence of many public schools – disproportionately serving poor and minority students –whose students are not being adequately educated. Further, it has shown that, in some of these schools, the level of learning has been so low for so long that major assistance and interventions are required. However, NCLB has widely failed to help these schools significantly improve.

While the public has a legitimate “accountability” interest in assessing to what extent schools that it funds are increasing students’ learning, the nation’s deepest interest is in actually helping these schools improve. Now that the Elementary and Secondary Education Act (ESEA) is coming up for reauthorization, its emphasis needs to shift from sanctioning schools for inadequate test scores to helping them make the systemic changes that will enhance students’ learning, while continuing to hold the schools accountable. That is, ESEA must integrate “helping schools improve” with “accountability.”

Central to doing that is for ESEA to establish a system of qualitative and quantitative evaluation to assess how individual schools are doing and what help, or sometimes interventions, they need to improve. The critical question is how can a system of qualitative and quantitative evaluation be designed that would effectively integrate “helping schools improve” with “accountability.”

Fortunately, the United States does not need to invent a solution out of whole cloth: England and other nations have already developed, and extensively relied on, an institution well designed to meet this need: “ inspectorates.” School inspectorates provide a corps of skilled and experienced educators who evaluate and report on the academic achievement, demographics, resource and other conditions in each school, analyze school strengths and problems, recommend solutions and outside assistance, and, for schools in serious trouble, recommend major interventions. Inspectorates also hold the schools accountable through reporting to the public. Thus, designing an evaluation system for the United States might best be done by drawing on the extensive experience with school inspectorates.

Purpose

Fundamentally, this working paper will consider how the inspectorate model might best be adapted to the purposes of ESEA and the structure of American federalism. The paper is intended to show that it would be feasible to establish an inspectorate system that would well serve the purposes of “helping schools improve” and “accountability” under ESEA and illustrate how such a system could operate. However, the paper is not intended to suggest that its approach is the only way such a system could be structured nor that it would be appropriate to incorporate all the matters the paper discusses into federal law.

In essence, the inspectors would evaluate a school’s resources (what is available, how, and how well, they are being used, and what else, if anything, is needed); climate and culture; curriculum; teaching; professional development and staff evaluation; relations with, and support to, parents; student learning outcomes; the extent to which the school had implemented its improvement plan, especially any key improvement strategies, obstacles it had encountered, steps it had taken to overcome the obstacles in the improvement effort, and the results of those actions; any other major strengths and problems the team detected; and recommendations for improvement, including steps to overcome obstacles, provision of technical assistance and additional resources, and any interventions.

Assumptions

But first, it will be helpful to clarify two threshold questions: what is the scope of schools to which an inspectorate should apply and who would pay for it? Theoretically, under ESEA, an inspectorate could be applied as broadly as to all public schools in all States; this would be analogous to ESEA’s current testing requirements. Alternatively, an inspectorate might be applied only to all: Title I-funded public schools, as is the case with current ESEA accountability requirements; Title I-funded public schools with “schoolwide programs”; or to Title I-funded public schools with particularly low student achievement, etc.

Since the ESEA/NCLB accountability/sanctions scheme has for years been focused just on Title I-funded public schools, we assume, for purposes of this paper, that any federally required inspectorate would apply to all schools receiving Title I funds. Similarly, because having an effective evaluation system that would both “help schools improve” and hold them “accountable” to the public is so integrally related to implementing the policies of Title I, we assume that the federal government would pay the costs of any inspectorate that it would require.

Issues

We now turn to consider: 1) how an inspectorate system would work overall; 2) why a combined system of qualitative and quantitative evaluations is needed to integrate “improvement” with “accountability” under ESEA; 3) how could the evaluation system

be structured; 4) which key improvement strategies should be implemented, and evaluated, to most likely help schools improve; 5) what other federal government policies would need to be implemented to enable the evaluation system to succeed; and 6) what would be the appropriate federal, state and local roles in designing and implementing the system.

I. How an Inspectorate System Would Work Overall

A. Roles and Responsibilities of Inspectors

1. Roles

An inspectorate system would serve important “improvement” and “accountability” roles for all Title I-funded public schools. Through published evaluation reports and ratings, the inspectorate would provide an insightful and independent picture of the educational and resource needs of each school, how well each school was doing, how much progress it was making in implementing strategic changes, and what further improvement initiatives it should take. With evaluations of each Title I-funded school conducted at regular intervals, more frequently for schools making the least progress, the reports and ratings would make each school “accountable” to the public in a very meaningful, yet supportive, way.

Similarly, by providing well-informed, in-depth and independent analysis of Title I-funded schools, their strengths and any specific difficulties they may be facing, and recommendations for improvements, the inspectors’ reports would invaluablely help schools to effectively focus their own school improvement initiatives. In addition, these same reports and ratings would greatly help the district and State determine: what kind of technical assistance and financial and other resources, if any, they needed to provide to specific Title I-funded schools; in which schools such assistance was most needed; and where it would likely generate the most significant increases in student learning.

Moreover, the inspectorate would play an especially important role for schools that are in “trouble.” Focusing first on schools that quantitative information identifies as troubled, the inspectors would identify the nature and extent of their difficulties and evaluate how serious their problems are. Inspectors would place such schools in one of three categories: 1) schools deemed o.k., such that they could proceed with improvement efforts on their own, as schools presumptively can; 2) schools with significant difficulties for which a self-improvement process with additional external assistance is sufficient; or 3) schools requiring major district or state interventions. Interventions could include, for example, replacing principals, replacing teachers and other staff, state takeovers and closing schools. Schools in the second or third categories would be inspected annually until they reach at least the first category. Schools in the first category would be inspected three years in the future, unless other evidence in intervening years shows the need for more rapid inspection.

Further, an inspectorate would serve another important role: as a powerful inducement for schools and districts to concentrate on implementing the most valuable school improvements. As the administration has concluded, the most effective way for the Government to help very low-performing schools improve is to require, as a condition of the schools' receiving federal grants, that they implement specific reform strategies that are "most likely" to work. These strategies include such things as "more time for teachers to collaborate" and "mechanisms for family and community engagement." See Notice of Proposed Requirements, School Improvement Grants, ("S.I.G. Notice"), "Need for Federal Regulatory Action" and "Regulatory Alternatives Considered," 43 F.R. 43113, 1st column. together with S.I.G. Notice, "Proposed Requirements," Sec. I, A,2,d (iii)(A)(2)(4), 43 F.R. 43109, 2nd and 3rd cols. (Aug. 26, 2009). (Having the Government focus on requiring Title I-funded schools to implement key "systemic changes" is something that the Forum on Educational Accountability (FEA) has been advocating for years. See "Redefining Accountability: Improving Student Learning by Building Capacity," ("R.A.") Forum on Educational Accountability, esp. pp. 1-4 (February 2007), www.edaccountability.org; "FEA Proposed ESEA/NCLB Amendments," March 30, 2007, www.edaccountability.org. FEA has previously used the phrase "systemic changes" to mean essentially the same thing as "key improvement strategies" or "key strategic changes" mean in this paper.)

Since we know that individuals and organizations generally give higher priority to doing things on which they know they will be evaluated by others, evaluating the extent to which schools implement key strategic changes would significantly increase the likelihood that the schools would concentrate their limited staff, time and other resources on instituting those changes. If the changes chosen are those that most greatly improve teaching and learning, and they are not isolated changes but closely related to, and reinforcing of, each other, then implementation of the strategies can dramatically change the culture and practices of the school. Implemented consistently over time, these strategies can contribute greatly to "turning the school around," i.e., changing its trajectory from persistent low performance toward significant improvement.

Thus, an inspectorate would serve four essential roles in "helping schools improve" and three in holding them "accountable." To promote "improvement," the inspectorate's reports, ratings and recommendations would dramatically help schools to i) focus their own improvement initiatives and overcome obstacles, and districts and states to focus their ii) technical assistance, iii) resources and iv) interventions. To hold schools "accountable," these same reports, ratings and recommendations would i) induce schools to implement the most important systemic improvements, ii) generate interventions where needed and iii) provide key reporting to the public.

2. Responsibilities

In performing its roles, an inspectorate would have a range of responsibilities. When inspectors visited schools, they would already have gathered and analyzed: student outcome data (scores on state assessments, grade promotion, graduation, attendance and other such data); demographic and community context data; data on teachers and

resources; the school's own improvement plan and any reports based on it, including any key strategies the Government would have required be used in the improvement process. For any school already subject to intervention, they would know what interventions had been initiated and, to the extent information was available, what, if any, progress had been made.

In visiting schools, inspectors would look at: facilities, plant, library, technology, etc.; school climate and culture; curriculum; teaching; and student work samples/portfolios (randomly selected). They would talk with administrators, teachers, students, parents, pupil service personnel, and other community members whose work significantly impacts the school and its students.

After their visits, the inspectors would provide a report covering these categories: resources (what are available, how and how well are they being used, and what is needed); climate and culture; curriculum; teaching; professional development and staff evaluation; relations with, and support to, parents; student learning outcomes; and the status and success of implementing key improvement strategies. In the report, the inspectors would make recommendations for school improvements on any or all of these categories that they had collectively concluded were important, as well as for any needed technical assistance, additional resources or interventions.

B. Qualitative and Quantitative Evaluations

1. The need for qualitative, as well as quantitative, evaluations

In doing their work, inspectors would need to conduct qualitative evaluations and use quantitative data. The need for ESEA to have quantitative evaluations, of course, is already recognized and embodied in such requirements as reporting state assessment scores and graduation rates. However, for ESEA to effectively help schools improve and hold them accountable, qualitative evaluations would also be essential.

For example, qualitative evaluation would be necessary to effectively assess how well a school is implementing a particular key improvement strategy – such as “teacher collaboration” (a part of “professional development”) – and the nature of the obstacles it is encountering, as well as to be able to make recommendations as to how to best overcome particular obstacles. Answering such questions necessarily requires the evaluator to be able to make qualitative judgments. The evaluator must have knowledge not only about school reform or teaching in general, but about the specific reform strategy that s/he is evaluating, so that, based on on-site interviews, observation, meetings, etc., the evaluator can make informed judgments on critical questions. These include such things as: a) what is the school doing to implement the specific strategy and what problems is it encountering; b) what are the underlying sources of any obstacles; and c) how could the problems be rectified?

This kind of evaluation cannot be done adequately simply through quantitative or “check-off-the-box” means, such as asking how many hours a week schools spend on peer

collaboration or whether teachers collaborate within the same grade levels, across grade levels, or both. What it takes to implement an effective strategy of peer collaboration, or any other key strategy, is too complex, and the circumstances too varied, to be amenable to that kind of simple, superficial evaluation. Rather, to effectively analyze how well schools are implementing key systemic changes and to help them improve requires having knowledgeable professionals make informed judgments, i.e., to make “qualitative evaluations.”

2. Scope of qualitative and quantitative evaluations

Qualitative evaluations would include the adequacy of: inputs; the school’s climate and culture; curricular cohesion and quality; learning outcomes (especially via samples of student work or portfolios – as noted by the accountability statement of the Broader, Bolder Agenda;) professional development and staff evaluation; and improvement efforts, including successes and problems. Quantitative evaluations to be used by the inspectors would include: input data, such as the availability of experienced teachers and pupil services personnel, books, computers, libraries, equipment, classroom materials and supplies; results of surveys of climate; assessment results; and data on things like attendance, grade promotion, retention, graduation and college attendance rates.

II. How Could a Qualitative/Quantitative Evaluation System be Structured under ESEA

In thinking about how an ESEA evaluation system could be structured, a number of concrete questions have to be addressed. These include: a) who should be the evaluators; b) how could they be selected and trained; c) how could inspectors perform their roles and in what sequence; d) how frequently could evaluations be done and in what order should schools be evaluated; and e) approximately how much would an intensive evaluation system cost. Without attempting to answer these questions in depth, this paper will discuss some important issues that they raise and suggest possible basic approaches for answering them. In doing so, it will draw principally on England’s intensive inspectorate system of 1993-2005, which is similar to that of a number of other nations. As Richard Rothstein notes: “Other nations – Scotland, Wales, Northern Ireland, as well as the Netherlands, the Czech Republic, Belgium, Portugal, France and New Zealand – have [inspectorate] systems similar to England’s.” See Richard Rothstein, Grading Education: Getting Accountability Right, 138-39 (2008).

A. Who should be evaluators

As with designing all elements of the evaluation system, a critical starting place in determining who should be evaluators must be to identify what purpose(s) they are to serve. Here, as discussed in section I.A., above, the roles of evaluators would be essentially to: perform qualitative evaluations and use quantitative evaluations of schools’ instructional programs, resources, student performance, and implementation of key reform strategies, including strengths and weaknesses, to make recommendations for improvement; make recommendations for technical assistance, additional resources and interventions, where needed; and to publicly report on their findings and

recommendations. Only accomplished educators would have the knowledge, skills, experience and judgment to carry out these roles.

To provide high quality and insightful evaluations, it would be necessary that evaluators be expert in: making classroom observations; reviewing samples of student work; conducting interviews and meetings with key stakeholders; reaching well-founded, evidence-based judgments and ratings; and otherwise effectively performing the evaluators' functions. It would also be important for them to be able to assess any school in light of practices and solutions seen, and lessons learned, from having previously inspected many other Title I-funded schools. Similarly, it would be highly desirable to avoid having to take evaluators away from current classroom teaching or administrative responsibilities to conduct multiple weeks of inspection during the school year,

Thus, normally, it would be expected that evaluators would not be current teachers and administrators who would have to disrupt their regular jobs to perform evaluations and would do so on an infrequent and ad hoc basis. Rather, there would be advantages in having the persons given the serious responsibilities of being school evaluators devote their time and energies to becoming professional evaluators. This would allow building a corps of skilled and respected evaluators in every State.

Under this approach, evaluators would typically be retired teachers and principals. This is what is done in the English inspectorate. See Rothstein, *supra* at 131. Teams of such experienced educators could also be supplemented with a lay member from another field, as in England, "to give inspections greater credibility with the public[.]" Rothstein, *supra*, at 132, or potentially with more than one lay member if States should so decide. Alternatively, States might decide that the insights gained by having current teachers and administrators serve as temporary inspectors might outweigh the disadvantages of removing them from their classrooms and supervisory responsibilities and their lack of expertise as inspectors, and have some inspectors be regular district employees.

B. How could evaluators be selected and trained

Evaluators could be selected by a new, high-level inspectorate¹ office in each State, led by accomplished educators. Each State could decide whether it would hire the bulk of inspectors as State employees, as done in England before 1993, see *id.*, or whether they would be employed by State selected private contractors, as done in England earlier this decade. *Id.* at 131. In either case, all inspectors would have to meet State qualifications and their work would be monitored by the State office, as in the English model. Each inspectorate office could ensure that evaluators' judgments were reliable by having multiple evaluators observe the "same educational activity and then comparing their ratings," also as done in England. See *id.*

¹ It does not matter greatly what name is given to the kind of intensive school evaluation system recommended here and Americans might choose to use another term than "inspectorate." However, since that word already embodies the essential concept and has been used historically in a number of countries, for consistency and ease of understanding, we use "inspectorate" here to refer to the evaluation system and "inspectors" to refer to the evaluators.

All evaluators could be trained by the State inspectorate office, with added training provided to the leaders of the inspection teams, as done in England. See *id.* Inspectors could be hired on a full-time or part-time basis, with full-time inspectors conducting more inspections during the year, perhaps 15 to 30 for full-time inspectors compared to 7 or 8 for part-time ones. See *id.* at 132. (Alternatively, training might be done by several States together or conducted by groups, such as regional accrediting associations, provided that they had the necessary qualifications.)

C. How could inspectors perform their roles and in what sequence

Although States might choose to proceed differently, it could be anticipated that the process would generally proceed along the following general lines.

1. Pre-site visit

Before the site visits, the school (with assistance from the district) would need to complete whatever pre-visit, self-study forms were requested by the inspectors. The forms would have been prepared by each State's inspectorate office. The information requested would include each school's self-improvement plan, see R.A., Chapt. III, "Accountability," B.1., p. 18, what steps the school had taken to implement the plan, especially any key reform strategies, see generally Sect. III. B., below, the extent to which the school received, and was providing, relevant resources, and student performance results. Prior to the visit, the inspection team would review the self-study information that it had received from the school and gather any other appropriate information.

2. Site visit

During the visit to the school, the inspectors' central functions would be to: a) observe all the teachers teaching their classes, including the students' responses; b) review samples of student work/portfolios; c) interview the principal, including asking the principal his/her evaluation of the teaching in certain classes that both the inspector and the principal had observed; d) interview selected teachers and students; e) meet with various groupings of school staff; f) observe the school's conduct of other activities besides classes, including inter-class transitions, recess and lunch and its facilities other than classrooms; and g) provide informal feedback to those they have observed.

In addition, inspectors could accompany a small number of individual students to their classes during an entire school day to observe how a school's teachers, curriculum and other staff, together, impact on individual students and how the students react. This may be a particularly productive inspection technique for getting to many classes/teachers in large schools or subsequent inspections when it may not be possible or necessary to observe all teachers.

3. Ratings

As part of the inspection process, inspectors would be expected to make ratings of what they have seen. Ratings of the extent of implementation of any key improvement strategy could be based on a 4 point scale, e.g., “1”, “2”, “3” and “4”, representing “little or no implementation,” “some,” “substantial” and “full” implementation, respectively.²

The States’ ratings of student achievement should be based on whether there is “a positive trend in learning outcomes.” This should be determined first by comparing the rate of gain in the percentage of students in that school achieving “proficient” under the State’s standards to that of the rate of gain of the Title I-funded school at the 75th percentile above the bottom in the same State. See R.A., Chapt. III, “Accountability,” B.2.d. and footnote 1, p. 19. Then, the inspectors would examine local evidence of student performance at that school, including student work samples, promotion, graduation and college entry rates. To evaluate student performance, the inspectors would balance State assessments with student work. If there were more comprehensive local assessment systems, including the use of classroom evidence, as FEA calls for, the inspectors’ judgment as to the level of student performance would be based on State assessments, local assessments and examples of student work. In that process, local assessments should be given at least equal weight to State exams.

The school’s overall rating should then be a weighted evidentiary judgment across all key areas that are inspected. The English Inspectorate’s three point scale for overall school ratings, characterized as: “those that pass inspection, those in need of fairly modest improvements, and those requiring serious intervention to correct deficiencies[.]”

² This is similar to the four level accountability rating scheme used to evaluate school improvement indicators by the Boston Public Schools (BPS) in 1999-2001. See “Boston Public Schools Accountability System: In-Depth Review SY 2000-2001 Training Manual,” Office of Research, Assessment and Evaluation, Boston Public Schools, pp. 11-28 (September 2000).

The Boston Public Schools apparently used as evaluators BPS teachers and administrators temporarily removed from classrooms and administrative jobs, rather than retired educators who would become professional inspectors, as we are proposing. BPS supplemented these active-duty educators with regular BPS support services personnel, as well as parents and community members, evidently going beyond the single community representative required by the English inspectorate. Compare “BPS Training Manual,” *supra*, p. 7, with Rothstein, *supra*, p. 132. Further, the BPS Accountability System evaluated schools on 22 “outcome indicators,” see “BPS Training Manual,” *supra*, pp. 10-28, a framework we are not recommending, and apparently did not require schools to implement, nor evaluate them on the implementation of, specific improvement strategies, as we are proposing. See Sect. III.B., below.

In addition to the above very thoughtful and comprehensive Training Manual, BPS published a frank and insightful evaluation of its 2 year “In-Depth” qualitative and quantitative evaluation system. See “In-Depth Review Process SY 2000-2001: Presentation of Results and Evaluation of the Process,” Office of Research, Assessment and Evaluation, Boston Public Schools (May 2001).

Rothstein, *supra*, at 134, seems about right for ESEA accountability purposes as well. This roughly corresponds to the three level scale we suggested in section I.A.1., above of schools deemed self-sufficient for improvement purposes, those needing additional external assistance, and those requiring major district or State intervention.

4. End of visit - team discussion and consensus

Toward the end of the visit, the inspectors would meet together to discuss whatever preliminary judgments and ratings they have made individually and the evidence on which they were based, and to discuss any disagreements. Ultimately, as a result of such discussions, the inspection team would reach consensus on the most accurate evaluations and ratings and the most insightful recommendations for improvement. These team discussions, which the English call “moderation,” are essential to ensuring that the final inspection report reflects the most reliable collective judgment of the entire inspection team, rather than being dominated by the views of any single member. See generally, Thomas A. Wilson, Reaching for a Better Standard: English School Inspection and the Dilemma of Accountability for American Public Schools, 130-134 (1996).

5. Post-site visit – inspection report

After the site visit, the inspection team would draft and revise, as necessary, its inspection report. For each major component, the inspectors would provide a quantitative rating, a brief narrative summary and a detailed explanation.

The report would address: resources (what is available, how, and how well, they are being used, and what else, if anything, is needed); climate and culture; curriculum; teaching; professional development and staff evaluation; relations with and support to parents; student learning outcomes; the extent to which the school had implemented its improvement plan, especially any key improvement strategies, obstacles it had encountered, steps it had taken to overcome the obstacles in the improvement effort, and the results of those actions; any other major strengths and problems the team detected; and recommendations for improvement, including steps to overcome obstacles, provision of technical assistance and additional resources, and any interventions. The report would not mention the names of any school staff.

The team would then show its draft to the school and invite its comments, particularly as to whether factual matters had not been correctly described. After considering the comments, the team would finalize the report. Within a few weeks after completing the site visit (3 weeks in England, Rothstein, *supra* at 132), the final report would be provided to the school, the LEA, the SEA and the parents, and be made available to the public and the media, probably on the Internet.

D. Order, depth, frequency and advance notice of inspections

1. Order of inspections

While we have assumed that an ESEA inspectorate system would apply to all Title I-funded schools, not all such schools are equally in need of dramatic improvements. Although some Title I-funded schools have been very low-performing for high percentages of their students for many years, others have not. Thus, inspections should focus first on the persistently lowest-performing Title I-funded schools in each State and then extend to the other Title I-funded schools.

2. Depth

Initial inspections of all schools should be in depth. That is, team members should: observe all teachers in each school, as in the English inspectorate during the period of intense accountability, 1993-2005, see Rothstein, *supra*, at 132-34; conduct other observations, interviews, meetings and reviews of student work; assess the implementation of key strategies, the provision of resources, and other major strengths and weaknesses contributing to the quality of education the school provides; and prepare a final report, etc., as described in section II.C. above. After initial inspections, there should be flexibility to permit somewhat less intensive, but still probing, inspections in later years for schools that receive high ratings. See *id.* at 133.

3. Frequency

We believe that the question of how frequently schools should be inspected is multifaceted, potentially amenable to many different satisfactory solutions, and warrants further consideration. Although the English had been inspecting all public schools on a 6 year cycle, they decided, apparently after 2003, that a more frequent 3 year cycle was justified and instituted such a schedule. See *id.* at 133, 135. Since the ESEA inspections would not apply to all public schools, as in England, but disproportionately to schools with high concentrations of disadvantaged and low-performing students, it might be argued that the U.S. would have even more reason for relatively frequent inspections because more of our target schools would likely have more frequent needs for outside advice.

At the same time, however, the Boston Public Schools had determined that a 4 year inspection cycle was appropriate. See “BPS Training Manual,” *supra*, p. 8. Rothstein assumes a 5-6 year cycle, with “more frequent inspections for schools found to be inadequate.” Rothstein, *supra*, at 132. (Rothstein does not indicate what portion of schools he thinks might be inspected “more frequent[ly].” As a ballpark, we imagine that: about 10% of Title I-funded schools – those having the most serious difficulties – might be inspected annually; another 10% - those with substantial problems – might be inspected every 3 years; and the remaining 80%, could be inspected every 5-6 years.)

In addition, Massachusetts citizens are supporting a State bill for a mandatory 10 year public school accreditation cycle, with schools to be subject to major interventions if they did not get accredited within 4 years of the beginning of the accreditation process. Massachusetts House Bill No 3660, House Docket No. 2708, Filed 1/12/2009 by Carl M. Sciortino, Jr., lines 43-49, 151-167. However the inspection cycle issue might ultimately

be resolved, England’s principle that schools “with a history of very high ratings [would be] visited less frequently” and schools with “a history of poor ratings [would be] visited more often and more intensively[.]” Rothstein, *supra*, at 133, seems like a sensible and helpful guide.

4. Advance notice

As to whether schools should be given advance notice of inspections, tension may exist between prior notice being an incentive for schools to engage in self-reflection and improvement, on one hand, and its being “stressful and distracting” for schools and inducing them to replace normal teaching with “scripted lessons,” on the other. *Id.* During the vigorous evaluation period most relevant to ESEA, 1993-2005, England substantially alleviated this tension by continuing to expect schools to prepare self-evaluations, but reducing their burdensomeness and no longer giving schools advance notice of when the inspection teams would arrive. See *id.* “School faculties find this less stressful and distracting, and the inspectors have more confidence that they are seeing typical instruction.” *Id.* This seems like a wise resolution.

E. Cost of inspectorates

Richard Rothstein estimates that it would cost “about \$1.3 billion annually” for the United States to provide for all of its public schools an inspectorate system similar to the English system during its 1993-2005 intensive accountability period. This projection assumes that “we inspected each school every five to six years (but with more frequent inspections for schools found to be inadequate.” See Rothstein, *supra* at 132.

Assuming, for the sake of discussion, that this is a reasonable inspection cycle and a reasonable cost estimate for it, then the \$1.3 billion figure should be reduced by about 40%, i.e., \$520 million, because the ESEA inspectorate proposed here would not apply to all public schools, but would only apply to Title I-funded schools. (Title I-funded schools constitute only about 60% of American public schools, about 40% less than the total. See NCLB Act, Title I, Part A, Subpart 2, Sect. 1125AA(a)(3), 115 Stat. 1525, Jan 8, 2002.)

Thus, excluding non-Title I-funded public schools would reduce the estimated cost of an in-depth inspectorate system under ESEA to approximately \$780 million/yr. (\$1.3 billion – \$520 million = \$780 million). As FEA has recommended earlier, ESEA should “[d]ecrease the testing burden on states, schools and districts by allowing states to assess students annually in selected grades in elementary, middle and high schools.” “Joint Organizational Statement on No Child Left Behind Act,” Recommended Change #8, Forum on Educational Accountability, October 21, 2004 (with list of 151 signers as of June 1, 2009), www.edaccountability.org. Reducing the costs of mandated tests could help to pay for the cost of an inspectorate.

III. Improvement Strategies

In selecting which improvement strategies the Government should require schools to implement as a condition of receiving Title I grants under ESEA, the purpose is clear: to select those activities which, when implemented, would have the greatest impact on improving student learning. For the same reason, these are vital strategies whose implementation should be evaluated because they are the ones that the public would most want to induce schools to carry out.

But what are the criteria by which the Government should select these strategies from among the vast number of education “reforms” that have been tried at various times and places in the United States? And what specific strategies best fit those criteria?

A. Strategy selection criteria

In selecting which improvement strategies to require, the Government should select only specific strategies that: 1) have been shown by experience or research to have the greatest impact on improving student learning; 2) help to create at least one of the three conditions that are most important in enabling students to make strong academic achievement: a) an intellectually challenging curriculum, b) effective teaching, and c) family support for such learning; and 3) are closely enough related to other key strategies that, when implemented together, they will reinforce each other’s beneficial impact. The Government should select only a limited, defensible set of strategies.

B . Specific strategies recommended by FEA

While an inspectorate would properly evaluate all major components that bear on student learning, FEA concluded in its “Redefining Accountability” report, referred to above, that certain strategies that the Government could require Title I-funded schools to implement would have the greatest impact in helping students learn. Consistent with the “strategy selection criteria” in the prior paragraph, those strategies are ones that would enhance the knowledge and skills of: teachers to effectively teach an intellectually challenging curriculum to diverse students; principals and other school leaders to lead and assist school improvement efforts; and parents to support their children’s learning at home and be involved with their schools.

With that in mind, FEA advocates that ESEA should require all Title I-funded schools to implement the following three strategies:

- a. provide “professional development that addresses the student learning needs identified by school staffs, so that all teachers will have the subject matter knowledge and pedagogical skills to effectively teach a challenging curriculum to diverse learners and foster a supportive learning climate[;]”
- b. “[p]rovide time for staff discussion and collaboration during the school day ... about professional, instructional, curricular, and assessment-related issues.” R.A., Sect. I, # 1 and 2, p. 6, Sect. I.A.2., p. 8, and Sect. I.D.1., p. 10. See Gershon M. Ratner, “Why the No Child Left Behind Act Needs to

be Restructured to Accomplish Its Goals and How to do It,” 9 *Univ. Dist. Columbia Law Review* 1, 40-41 (2007), www.citizenseffectiveschools.org, (replacing heavy reliance on “workshops” with peer collaboration), and

- c. “engage parents and families in meaningful ways in school policy and reform, and promote attendance at other school related activities.” R.A. Sect. II, #1, p. 12.

In addition, FEA recommends that the relatively small subset of Title I-funded schools that are “high needs schools,” i.e., those “with the highest poverty and lowest achievement,” R.A., Sect. 1.A.3., p. 8, should also be required to:

3. “[p]rovide intensive induction and mentoring support for beginning teachers and provide mentoring for experienced teachers as well, to meet their individual professional development needs and promote their success[;]”
4. “[c]reate and fill positions as mentor teachers/coaches, professional development specialists, curriculum developers, subject matter coordinators, literacy coaches, and other positions requiring specialized skill sets[;]”
5. “[p]rovide intensive training for school staff on engaging and supporting families and communities so all can contribute to their children’s behavioral development and academic achievement. Involve parents in designing and providing this training[;]”
6. “[p]rovide training in instructional leadership skills for school administrators, teachers, and pupil services personnel so they can create supportive learning communities that will improve instruction, produce effective professional development activities, and engage families in their children’s education.” R.A. Sect. 1, #1-6, pp. 6-7. See Ratner, *Univ. Dist. Colum. L. Rev.*, *supra* at 41-42 (mentoring for teachers, principals and superintendents).
7. “[p]rovide literacy, family skills and other programs to families that will empower them to assist children’s learning at home[;]” and
8. “[p]rovide adult mentors to assist low-performing students if family members are not available.” R.A. Sect. 2, # 2 and #3, p. 12. See Ratner, *supra* at 46-47 (adult literacy, parenting skills and adult mentors).³

³ Further, FEA recognizes that “all students [need to be provided] with a coherent and intellectually challenging curriculum that includes critical thinking, problem-solving and high-level communications skills, and that ensures deep understanding of content.” R.A.,

Each Title I-funded school or “district on its behalf” should prepare a “brief plan” that includes all the key initiatives that it needs to improve, including strategies III.B.1-3 for all such schools, plus strategies III.B.3-8 for those which are “high needs”/troubled schools. See R.A. III.B.1.a., p. 18. These plans should then be reviewed and approved by a district committee responsible for reviewing “all school plans and reports.” R.A. III.B.2.a., p.19. How a school was implementing its plan would become part of what the inspectors would evaluate.

IV. Major Expansion of Technical Assistance, Support and Intervention Capacities Necessary for Evaluation System to Succeed

Creating a strong system of qualitative and quantitative evaluation would be invaluable in encouraging schools to focus on implementing the key systemic changes, identifying problems in their school improvement process, and recommending insightful solutions. But, for an evaluation system to successfully play a critical role in significantly improving low-performing Title I-funded schools, there must concurrently be a major expansion of technical assistance, support and intervention capacities so as to be able to carry out the inspectors’ recommendations.

Thus, as important and valuable as it would be to establish a high quality inspectorate system, that must not be done in isolation. External, professional qualitative and quantitative evaluation needs to be part of a package of vital initiatives to assist the universe of Title I-funded schools. Specifically, federal programs must be developed to greatly strengthen the knowledge and skills of: all educators; LEAs and SEAs to provide highly competent technical assistance and additional resources where needed; and states and localities to replace staff, close schools or otherwise seriously intervene where provision of technical assistance and resources is insufficient to enable low-performing schools to make significant improvements. Without such a major expansion of professional development, technical assistance, support and intervention capacities, the inspectorate’s effectiveness in helping schools improve would be severely impaired.

V. Federal, State and Local Roles in an ESEA Inspectorate System

A. Federal role

The federal role should be to establish, fund and monitor, as an integral part of ESEA, a qualitative and quantitative evaluation system along the lines suggested in this paper – what might be called an “American inspectorate.” Such an evaluation system is needed

Introduction, at 2. To make this a reality, Citizens for Effective Schools believes that the Government needs to require that, after a transition period, all Title I-funded schools end tracking for all but seriously cognitively impaired students and require provision of a curriculum that is age appropriate and intellectually challenging for all other students. See Ratner, *supra* at 37-39. (FEA has not taken any position on this recommendation.) All of these recommended strategies satisfy the selection criteria in section III.A. above.

to help Title I-funded schools significantly improve the level and quality of educations they provide to their students and to hold schools accountable to the public.

B. State role

The States would need to create state inspectorates to implement the ESEA evaluation system as a condition of receiving Title I funds. But each State would be given substantial discretion as to how to operate its evaluation program.

C. Local role

All LEAs which have one or more schools receiving Title I funds would have to cooperate with the State operated inspectorate system as to those schools. This would include: completing any requested self-assessments; making their facilities, staffs and students available to meet with the inspectors when requested; timely reviewing and commenting on draft inspection reports; and seeking to implement the recommendations of final inspection reports.

Conclusion

Establishing a system of qualitative, as well as quantitative, evaluation is essential to shift the emphasis of ESEA from sanctioning schools for inadequate test scores to helping them improve, while also holding them accountable to the public. An “American inspectorate” system, as outlined in this paper, would be a well-grounded and effective way to establish such a system. An inspectorate system would not only induce Title I-funded schools to implement key systemic improvements, but would greatly facilitate targeted technical assistance and support to them. Further, it would enable the public to review the schools’ progress and districts and States to intervene appropriately in the most seriously troubled schools.

In tandem with creating such an evaluation system, the Government needs to establish programs to greatly strengthen State and local capacity to provide effective technical assistance, support and intervention. Establishing such related programs is vital to maximize the possibility that the inspectors’ recommendations could be carried out and thereby maximize the effectiveness of the evaluation system in helping schools improve.

In essence, an inspectorate system would powerfully integrate “helping schools improve” with “accountability” under ESEA. Moreover, it would do so in a far more effective, helpful, and supportive manner than the current system of AYP/ sanctions-based accountability. As the ESEA is about to be reauthorized, *the time to create an inspectorate system is now.*

